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Foreword

Jannie Malan and Shauna Mottiar

The articles in this issue deal with a diverse range of topics, including the effects of colonial conquests in Africa, the genocide debate, peacekeeping in relation to the profiles of civil-military coordination officers, 'bad' regional 'neighbourhoods' and self-determination.

In the first article, Emmanuel Mbah takes us to north-west Cameroon, where, as elsewhere, the causes of many disputes about land or boundaries can be traced back to the era of colonialism – although some date from pre-colonial times. This article proceeds from the premise that when certain countries in Europe tried to increase their economic and political power through colonialism, they were little concerned about the interests of the countries and peoples colonised. Regardless of demographical realities, geographical or even geometrical borders were inflicted on previously borderless stretches of land. When colonies were eventually granted the independence they claimed – in the case of Cameroon less than a century later – these contestable borders were left unchanged and proved to be a source of significant conflict. Boundary issues notwithstanding, the advent of colonialism also resulted in various uneven administrative arrangements. Village-groups or tribes who collaborated with the colonial authorities were rewarded with favouritism and preferential treatment. This was often informed by colonial perceptions that a particular group

was superior to another on the grounds of being more 'intelligent', 'talented' or 'friendly'. This resulted in administrative arrangements that benefited the favoured tribes or ethnic groups – causing conflict among and between those colonised. Mbah expands his analysis to include cases where colonial authorities introduced new administrative procedures to counter some of the above-mentioned dilemmas. These included processes of a less top-down nature which attempted to draw in participation by local leadership. Mbah also examines how potentially effective methods of dealing with boundary disputes failed to be upheld and consolidated by post-colonial authorities who instituted new bodies that were ineffective, did not favour consultation and often protracted the process. This article recommends 'meaningful dialogue, to examine the economic plight of the people', and 'peace initiatives that consider economic stimulus plans'.

In the second article, the focus is Darfur, where the death toll rises as the world debates whether the loss of innumerable lives amounts to 'genocide' or not. Ben Okolo frames his argument by referring to the massacre of Armenians in Turkey and the elimination of Jews in Nazi Germany, which both took place in the first half of the 20th century before the crime of genocide was recognised by the United Nations (1946) and the Genocide Convention was adopted (1948). He also discusses the role of the International Criminal Court, which includes punishing perpetrators of genocide. With reference to cases tried by the International Criminal Tribunals for Rwanda and the former Yugoslavia, Okolo discusses the situation in Darfur. He illustrates how the genocide debate does not stand alone, but is interrelated with various questions – for instance, the complicity of the Government of Sudan, the complicity of the rebel movements, the ability of the International Criminal Court to prosecute the architects of the atrocities, and the indifference of the international community. If the declaring of a situation as genocide is not followed up with assistance from the side of the international community, it makes little or no difference to the survivors of the victim population. Too often in cases of genocide, before the term was coined and thereafter, action by other states or global institutions was conspicuous by its absence. Okolo places strong emphasis on the fact that since the adoption of the

responsibility to protect principle, the obligation to intervene has to be taken seriously by other states and international institutions – especially if the state concerned is unwilling or unable to stop the genocide, or is itself the perpetrator. So, for the sake of the victims in Darfur and elsewhere, 'the international community should strive to prevent further killings even if it later turns out that it made a mistake in its labelling of the situation'.

The field research for the third article was also conducted in Sudan, but its findings could well apply to peace-support operations in most other situations. The contexts in which peace missions function are almost always complex and challenging. Cooperation between military and humanitarian components are therefore of crucial importance, and civil-military coordination (CIMIC) of the highest quality is necessary. This need has prompted Gary Lloyd, Gielie van Dyk and François de Kock to explore the psychological profiles of civil-military coordination officers in order to recommend a suitable selection profile. Before this project, Van Dyk had already developed a generic psychological profile for peacekeeping soldiers in general peacekeeping duties. During the fourteen-month research period in the setting of the African Mission in the Sudan (AMIS), a competency model for CIMIC officers was first developed. On account of end-of-mission reports, the sample of officers could be divided into a successful and an unsuccessful group. The performance ratings of the two groups and the sample as a whole were analysed with regard to each of the ten competencies in the model. It was found, for instance, that CIMIC officers should preferably be extrovert leaders who perform well in intuition, thinking and judging, but do not regard themselves as superior to others, are not self-centred, and are not inclined to blame others for failures. CIMIC officers who have been selected according to such a profile should be able to perform and cope better in the challenging environment of a peace support operation.

The fourth article deals with peacekeeping in West Africa. David Francis shows how the West African sub-region – comprising almost a third of the states of Africa and almost a third of the population of Africa – 'has emerged as the new theatre of violent intra-state conflicts and a "bad neighbourhood"

in Africa'. It is a region struggling with socio-cultural, ethnic and linguistic differences, and with economic, social and political under-development. It 'has the highest incidence of military coups and interventions in civilian politics in Africa'. Six West African countries (Liberia, Sierra Leone, Guinea Bissau, Mali, Niger and Côte d'Ivoire) have suffered under state collapse and civil wars, but the majority of these wars have also spilled over into neighbouring countries. Francis further describes how the Economic Community of West African States (ECOWAS), which was established in 1975 with the main objective of regional economic development, inevitably had to become involved in responding to all the threats to security that emerged in the region. Francis examines how ECOWAS had to intervene for the sake of stabilising conflict and restoring peace. The article focuses on peacekeeping and peace support operations of the ECOWAS Ceasefire Monitoring Group (ECOMOG) in Liberia, Sierra Leone, Guinea Bissau and Côte d'Ivoire. Francis argues that in the context of a 'bad environment' effectiveness in matters of regional peace and security prove to be a distinct challenge for ECOWAS – particularly if peace is understood to be 'not only the mere absence of war but also the elimination of all conditions that cause human suffering such as structural, cultural and physical violence'. He does mention several factors that have nonetheless enabled ECOWAS to play a fairly effective role in the region, and then concentrates on the four most important of these. Firstly, in spite of historic colonial divisions, and the current self-interests of states, a good deal of common foreign and security policy has been developed, and a common West African identity seems to be emerging. Secondly, Nigeria's political, military and financial leadership in ECOWAS and ECOMOG interventions has played a crucial role. Thirdly, external actors, such as former colonial and other foreign powers, the United Nations, European Union and African Union, have also played pivotal roles in negotiating peace agreements, and supporting political and diplomatic activities of ECOWAS and peacekeeping and peace enforcement operations of ECOMOG, as well as post-war peacebuilding and reconstruction in West Africa. Finally, the quality of leadership within ECOWAS and in leading states, particularly Nigeria, has to be acknowledged. The conclusion Francis

reaches, is that valuable lessons may indeed be learnt from what ECOWAS and ECOMOG have been doing, and especially from understanding the motivations behind the actions and the reasons for the various successes and failures.

The final article takes us to the conflict in Western Sahara. Andreu Solà-Martín gives us a clear insight into the background and context of the conflict, the attempts to contain it, and possibilities for resolving it satisfactorily. Before withdrawing from the then Spanish Sahara, Spain began preparing a referendum on self-determination. The United Nations decided to sponsor it, but the plan was thwarted by a Moroccan-Mauritanian invasion. Up to now, the referendum has not yet been held. A 'Sahrawi Arab Democratic Republic' (SADR) was declared in 1976 to turn 'Africa's last colony' into an independent state, but Morocco clung to its 'southern provinces'. Fighting between the liberation movement (POLISARIO) and the Moroccan regime escalated into a full-blown war, but eventually a 'cease-fire' was announced. A United Nations 'Mission for the Referendum' is still monitoring the cease-fire, but there is a deadlock – not only between the parties, but between the ideologies of democracy and authoritarianism. Solà-Martín shows how there are factors – such as historical, economical and anti-terrorist alliances – that can tone down the West's insistence on pro-democratic reforms. He then argues for 'shifting the diplomatic agenda beyond containment policies … towards a conflict resolution approach', and recommends 'a strategy of maximising efforts to implement a UN plan for the self-determination of the Western Saharan people, advocating international recognition of SADR'.

This issue also reviews two books, namely *Democratization and Islamic law: The Sharia conflict in Nigeria*, by Johannes Harnischfeger, and *Traditional justice and reconciliation after violent conflict: Learning from African experiences,* edited by Luc Huyse and Mark Salter. The book on the Sharia conflict in Nigeria is based on thorough research of the implementation of the Islamic Sharia law in the north of the country. According to the reviewer, 'This book is an unashamedly honest, remarkably well documented study, and a courageous exposure of the major threat to Nigeria's stability'. The book on post-conflict justice and reconciliation contains a comparative

analysis of tradition-based practices in five countries and 'highlights the strengths and weaknesses of both traditional and modern systems of justice'. It therefore shows how, where relevant and appropriate, traditional methods may be combined with modern legal methods. Two recent examples are given in which traditional ways played a prominent and constructive role.

We trust that our readers will find the contents of this issue relevant and thought provoking, and that this collection of articles will lead to further debate on the ways in which African conflict is articulated, and conflict resolution conceptualised.

Disruptive colonial boundaries and attempts to resolve land/boundary disputes in the Grasslands of Bamenda, Cameroon

Emmanuel M. Mbah*

Abstract

The 1990s ushered in an unprecedented wave of violent land/boundary disputes between village-groups in the Grasslands of Bamenda, North-West Province of Cameroon, on a scale that had never been witnessed before. Widespread hardship, introduced by the prevailing economic crisis was blamed for these disputes. But on closer examination it became clear that land/boundary disputes in the region have their roots in European colonialism, and derive largely from administrative policies that were disruptive on inter-village boundaries. Despite the efforts of British colonial authorities at resolving these disputes before the close of the colonial era, they have persisted because post-colonial administrations in Cameroon have failed to judiciously address them.

*   Dr Emmanuel Mbah is Assistant Professor of History at the City University of New York, Staten Island, New York.

Introduction

From the onset of European colonial rule in Cameroon in 1885 the Bamenda region has been the subject of recurrent land/boundary disputes between villages. When Germany annexed Cameroon in 1885 it proceeded to administer Bamenda with the assistance of a few favoured groups. This political dispensation, which aimed at facilitating German colonial rule, had devastating effects on village-groups. When Germany was defeated during the First World War, Cameroon was provisionally partitioned between Britain and France, following an unsuccessful Anglo-French condominium. That partition was confirmed in 1919 by the Milner-Simon Agreement (Niba 2007). Southern Cameroon was administered by the British as a League of Nations mandate, and after World War Two as a United Nations trust territory. When the British took over their share of Cameroon, which included the Grasslands of Bamenda, they were confounded with numerous land/boundary-related disturbances between village-groups. Their first impulse was to suppress these by maintaining the status quo inherited from the Germans. Before long, some British administrators began to realise the injustices embedded in some of the village boundaries bequeathed by their predecessor, but not before creating problems of their own.

This essay examines the administrative dynamics of German and later British colonial rule that conspired to create or heighten land/boundary disputes in the region, as well as attempts made by the British and post-colonial administrations at resolving them. My argument here is two-fold: First, I contend that unsound colonial administrative and economic policies were the result of boundary disputes in the region. Second, I argue that despite the disruptiveness of colonial policies on boundaries in the region, the British had a more practical approach in resolving them than current post-colonial administrations. This study is important in view of the negative effects of land/boundary disputes on development in Cameroon in particular, and in Africa in general.

Ethno-tribal favouritism

German administrative policy in the Grasslands of Bamenda was designed to bolster favoured village-groups that collaborated with German colonial exploitation, while those that did not were subjugated and placed under the suzerainty of friendlier ones as vassals (Chilver and Kaberry 1968). This policy hinged on an alliance with the village of Bali-Nyonga, and was cemented by a treaty of protection signed on 23 August 1891 between Dr. Eugen Zintgraff, representing the German Government, and chief Galega I, representing the people of Bali-Nyonga. The treaty offered an opportunity for German colonial authorities to combine forces with Bali-Nyonga in subjugating and exploiting village-groups in the region (Chilver 1966:30–31). In exchange for surrendering his powers, Galega had the advantage of control over all Grassland villages. Attempts by Bali-Nyonga to implement the provisions of the treaty would become the source of recurrent conflict with neighbouring villages because the former used the treaty to encroach on land that belonged to the latter.

From 1902 to 1915 the German colonial government in Cameroon recognised Bali-Nyonga suzerainty over a large area in the region (File No. 9570 Qf/b (1) 1943:11). For this recognition, Bali-Nyonga was to assist the Germans in subduing surrounding village-groups. Zintgraff had realised the impossibility of 6 000 Bali-Nyonga soldiers subjugating more than 15 000 soldiers of those neighbouring villages. For this reason, 1 000 rifles were provided to Galega, and Bali-Nyonga soldiers were drilled on the act of modern warfare (Chilver 1966:8). A German military station was set up at Bali-Nyonga, and on 15 June 1905 Galega was given a list of 33 villages under his control (Hunt 1925:23).

German colonial support for Bali-Nyonga and a small number of favoured village-groups resulted in the demarcation of arbitrary boundaries reflecting that dispensation. This was the case between Bali-Nyonga and surrounding Widikum ethnic villages. To be fair, however, hostilities between the two had commenced long before the establishment of German rule. Before this time, Bali-Nyonga had conquered part of its present territory from some Widikum villages, although the degree of conquest and the amount of land taken is

debatable. An uneasy peace and some degree of co-existence between Bali-Nyonga and these groups prevailed just before German rule (File No. 9570 Qf/b (1) 1943:11). With German support, Bali-Nyonga was able to maintain a strong hold over Widikum village-groups, depriving them of some of their ancestral land.

The colonial policy of propping up friendly ethno-tribal groups against less friendly ones was not unique to the Germans. In the Ivory Coast the French pursued an ethnic policy of assigning groups to distinct territorial confines, using 'ethnic maps to better identify them, better implicate them and if necessary thrust guilt upon them' (Gonnin 1998:153). But the French were unsuccessful because their colonial administration 'was never able to subjugate one ethnic group to the extent of being able to pitch it against the others' (Gonnin 1998:164). During the early years of British colonial rule in Nigeria, administrators also made use of the policy of divide and rule, as evidenced by their role in the land conflict between Aguleri and Umuleri, both Igbo ethnic communities of south-eastern Nigeria. Here, the British intensified the already heightened pre-colonial ethnic/land conflict between these groups by supporting one over the other. In the 1930s, for example, Captain O'Connor, the District Officer (DO) in the region, exacerbated the situation by encouraging subjects of Umuleri to lay claim over the entire contested territory of Otuocha. By supporting Umuleri against Aguleri, the fairness of the British legal system was questioned as subjects of Aguleri lost faith in it. As Ekeh contends, 'it is this lack of faith, partly carried over from the colonial state, that accounts for the inability of the post-colonial state to resolve the problem' (Eheh 1999:359–360).

In the Bamenda region, Widikum ethnic villages refused to acquiesce in German policies that placed them under Bali-Nyonga, and some rebelled by proclaiming autonomy. These villages were razed by a joint Bali-Nyonga-German force and their subjects were rounded up and taken to specific locations inside Bali-Nyonga. Many ended up as labourers in German plantations on the coast while their land was taken over by Bali-Nyonga subjects. The two village-groups most affected by this were Ngyen-Mbo and Ngyen-Muwa (File No. 4848 Qf/b (3) 1933:32). While these two persistently refused to accept the position of vassal to

Bali-Nyonga, the initial British response was to maintain the set-up established by German authorities (File No. 4848 Qf/b (3) 1933:115).

In an attempt to take advantage of the transition from German to British rule, five Widikum villages again rebelled by seceding from Bali-Nyonga. But when the villages of Ngyen-Mbo and Ngyen-Muwa who inhabited land adjourning Bali-Nyonga attempted to secede for the second time, their newly constructed huts were again destroyed by the British in 1921 and their subjects were rounded up again and herded to Bali-Nyonga. The British defended their action by arguing that 'the land they were building on was right on the Bali doorstep and within the limits set by the Germans to Bali land' (File No. 4848 Qf/b (3) 1933:115).[1] British position, as upheld by W.E. Hunt, DO for Bamenda Division, and confirmed by the Resident, Cameroons Province, was that Bali-Nyonga had suzerainty over the land inhabited by Ngyen-Mbo and Ngyen-Muwa (File No. 734 Qf/b (2) 1943:2).

The bone of contention between Bali-Nyonga and Ngyen-Mbo was the piece of land on which the town of Bali-Nyonga is located. The Ngyen-Mbo community claimed that it was unjustly seized from them and handed over to Bali-Nyonga by German authorities, and that they therefore wished to return to it. They argued that they could not be separated from their ancestral shrines and places of sacrifice/worship on the site. Their pleas could not be entertained by the British in view of the number of years that Bali-Nyonga had occupied the territory in question. Ngyen-Muwa, on the other hand, realised the futility of questioning British authorities over the issue of Bali-Nyonga suzerainty. Its subjects did not, however, abandon all claims to portions of territory recognised by the British as belonging to Bali-Nyonga (File No. 4848 Qf/b (3) 1933:58–61). These land/boundary disputes between Bali-Nyonga and Widikum ethnic groups have persisted to this day. Had the Germans not instituted their policy of ethnic favouritism, upheld to some degree by the British, there would have been less land disputes in the region.

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1   British colonial authorities were aware that Bali-Nyonga's claim to vast territory in the region could not have rested entirely on conquest, but was prompted by the Germans.

Disruptive boundary demarcations/delineations

Other land/boundary-related disputes arose when the British decided to demarcate boundaries to resolve the confusion created by the Germans. The demarcations of boundaries between Bali-Nyonga and Guzang, and Mankon and Nsongwa, are examples worth examining.

The conflict between Bali-Nyonga and Guzang stemmed from a 1928 boundary demarcation by British administrator, J.S. Smith, Assistant District Officer (ADO), to resolve a German-created boundary dispute between the two. The boundary demarcated by Smith was not satisfactory to the Guzang community who petitioned the administration for an adjustment, claiming that part of its land containing raffia groves, fruit trees, ancient places of sacrifices/worship, graves, and traditional monuments had been left on the Bali-Nyonga side of the boundary, and that Smith failed to inspect the entire stretch of territory, preferring to stand on the road-side and point to where he thought the boundary was supposed to be (File No. 9570 Qf/b (1) 1943:2).

In a series of petitions the village of Guzang requested British administrators to review Smith's decision (File No. 9570 Qf/b (1) 1943:15). This was eventually done by the Resident who observed that Guzang had good reasons for making its claim. He remarked that the decision reached by Smith was in some respects flawed, and that in so far as the decision regarding the conflict was an administrative one, Guzang had the right to pursue legal action (File No. 9570 Qf/b (1) 1943:5–8). In haste to demarcate that boundary, Smith failed to diligently survey the disputed territory and carved out a boundary that was in essence disruptive. Despite the Resident's reservations, the Smith boundary was maintained, and has remained a source of continuous bickering between both villages.

The conflict between Mankon and Nsongwa, another case of the disruptive colonial boundary, began in 1927 when British authorities demarcated a boundary between them to resolve another dispute that was created by the Germans (Fanso 1982:41).[2] Before German colonial rule, Mankon was the

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2   Both villages belong to the Ngemba clan of the Widikum ethnic group.

largest and most organised chiefdom around the Bamenda Station. Nsongwa, on the other hand, was a small Ngemba community that had sought protection from Mankon, settling on part of its territory during the Bali Chamba raids. The chief of Mankon subsequently granted Nsongwa permission to relocate to a much larger area of his territory to accommodate its farming and hunting needs (Fanso 1982:42).

During the process of carving out tax and 'corvee' units, German colonial authorities altered the Mankon-Nsongwa equation by recognising Nsongwa as an independent village and its leader as chief. This was done as part punishment of Mankon for its contempt of German rule and for fighting on the side of Bafut against a combined German/Bali-Nyonga contingent in 1891 (Niba 2007). Administrative recognition served as a boost to Nsongwa, who now claimed the existence of a boundary with Mankon (Fanso 1982:42). The dispute was intensified when British administrators unsatisfactorily demarcated this boundary in 1927.

The disagreement between Mankon and Nsongwa boiled down to a raffia grove, some farms, and a few isolated huts, which the latter claimed had been left on the former's side of the 1927 boundary. While both villages agreed that they had jointly exploited the contested land previously, they disagreed on the exact location of the boundary as established by the 1927 demarcation. Mankon argued that the contested land had always been part of its territory. Nsongwa, on the other hand, maintained that it would not accept any boundary that deprived its subjects of their raffia grove and houses, arguing that 'it was unfair and unjust for the District Officer's boundary to allocate such property to Mankon or to ask them to accept compensation for it' (File No. 2341 Qf/b (1) 1938:7; Fanso 1982:46). Both sides stuck tenaciously to their claims, rendering a compromise difficult.

Colonial tax policies

The taxation policies of the Germans, and later the British colonial administration, also introduced boundary disputes in the region. German authorities drew boundaries based on demographic figures as well as on the

amount of anticipated tax revenue. Villages unable to collect the required sums in taxes lost their suzerainty and were placed under friendlier or financially viable ones. In the case of villages placed under Bali-Nyonga, its chief received a 10% proceed from all taxes collected, as stipulated by Articles four and five of the Bali-Nyonga–German Treaty (Hunt 1925:13). The tax collectors, mostly Bali-Nyonga adult males, used tax drive opportunities to perpetuate abuses on subject villages. Individuals who could not meet tax obligations were sometimes herded to Bali-Nyonga, to be transferred to coastal plantations as labourers. In 1905 and 1907, for example, subjects of some Widikum villages were rounded up and taken to Bali-Nyonga because they were unable to pay taxes. Some of their villages were razed and part of their land was seized by Bali-Nyonga, and these incidents remained a source of conflict (File No. Ab 5 1925:13; Mbah 1994:37–40). Bali-Nyonga decided to settle immigrants from French Cameroon on part of the confiscated land, on the fringes of its borders. Some of these immigrant communities, such as the Bawock village-group are now contesting boundaries with Bali-Nyonga (Nkematabong 2007).

Colonial authorities were squeamish when proceeds from taxation were inaccurate and did not hesitate punishing whole villages for tax default. An attempt to punish the village head of Babadji for failing to account for tax money was in part responsible for a boundary conflict that ensued in 1930 between Babadji and Okoremanjang in the Wum area. When the DO for Bamenda Division came to delineate a boundary between both village-groups, an occasion that was also used to audit tax records, he was infuriated at the Babadjis for failing to account for all collected tax money. In the ensuing land delineation he purposefully left part of Babadji territory on the Okoremanjang side of the demarcated boundary, thereby creating a land/boundary dispute where none existed before (File No. 1130 Qf/f (1) 1950:10).

Colonialism and communal land

The notion that land could be communal property, jointly exploited by many villages was alien to European colonisers. In traditional Africa, all land was the property of some group or community; the concept of wasteland or no man's

land as applied in Europe was absent. Collective ownership over communal land ensured harmony between village-groups exploiting it. As communal property, such land was collectively protected from aggressors (Fanso 1982:12–13). With little understanding of the function of communal land colonial authorities destroyed its existence with unwarranted demarcations, instilling a sense of private ownership among village-groups who previously exploited land in common.

Of course, the German policy of propping up friendlier communities was largely responsible for destroying the concept of communal land in the region. As a result of the partnership between the Germans and Bali-Nyonga, whole communities either fled their original sites or were forced to move to different locations. In the wake of a resurgence of land/boundary conflict during the transitional period between German and British colonial rule, the British, due to ignorance, complicated the issue by either demarcating such land, or by assigning it exclusively to one party. Disagreements over ownership of previous communal land were to a greater extent, the source of conflicts between Akum, Nsongwa and Mbatu; Mbunjei and Guzang; and Bambili and Babanki-Tungo.

The dispute between Akum on the one hand, and Nsongwa and Mbatu on the other, began in 1917 when British administrators demarcated a boundary on land communally exploited by all three village-groups (File No. 2124 Qf/b (2) 1939:25). The conflict was given little attention until 1937 when administrators in Bamenda called for a hearing to re-examine the boundary. It was obvious from the hearings that took place on 3 March 1937 that the land in question had been jointly exploited in the past as farm and hunting grounds by all three, who had equal rights over it until British administrators demarcated a boundary between them. As the chief of Nkwen observed in 1917, the demarcation exercise marked the beginning of the dispute because it was only then that some of their subjects realised or were told that they were living on the wrong side of the boundary. Demarcation, therefore, ran parallel to their communal land use patterns (File No. 2124 Qf/b (2) 1939:10–13).

Similarly, the land/boundary dispute between the villages of Mbunjei and Guzang in the Moghamo clan area of present-day Momo Division began in

1920 after a boundary was demarcated between the two by British administrator G.S. Podevin. The boundary was unacceptable to either party because it was vague, unclear, and because it cut across their commonly exploitable land. Podevin's boundary introduced a dispute between these two villages over their exact territorial limits (File No. 1828 Qf/b (1) 1936:3).

Meanwhile, the boundary dispute between Bambili and Babanki-Tungo, which started in the 1930s, resulted from a British boundary demarcation that assigned territory previously exploited on a communal basis to one party (Tangwa 1993:1).[3] The disruptiveness of the 1930 boundary ensued in bickering between both villages until another British administrator, Westmacot, demarcated a second boundary in 1958 (Tangwa 1993:1–2). The conflict, however, resurfaced in the 1990s when economic considerations led to varying interpretations of both the boundary of 1930 and the Westmacot boundary of 1958 (Kwai 1997). Again, this boundary was disruptive and as with other colonial boundaries, became unclear with the passage of time.

Not unrelated to taxation were other disputes over communal land resulting from a colonial decision in the late 1930s to survey and delineate/demarcate grazing zones from farmlands. This was the outcome of a British policy designed to stimulate cattle grazing, and hence taxes paid by the Bororo-Fulani graziers. The entire procedure was ill-advised; even before the demarcations proceeded, some British officials had warned that the process would not succeed if the demarcated territories were jointly exploited and, therefore, subject to claims by two or more village-groups. For example, 'if C = Bororo and A and B = agricultural clans, and Z is a piece of pasture land, it is not possible to grant … rights of user over Z to C, until the claims of A and B are settled' (Senior District Officer, Bamenda, 1941:51). In the Nsungli area, where 10% of the proceeds from cattle taxes were supposed to be shared between the Bororo headman who collected the taxes (5%), and the village community that provided the grazing land (5%), it was difficult to decide which village-group should receive the latter 5% because of multiple disputes where a number of villages claimed ownership over a single pastureland. In the Wiya area, the demarcation exercise

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3   Joseph Fover Tangwa was the technical adviser to the Governor on boundary disputes.

proceeded speedily until it got to the boundary between Wiya and Mfumte, where a boundary dispute had arisen precipitously over ownership of the land in question (Senior District Officer, Bamenda, 1941:51–52). Similar disputes occurred between other villages and the process was eventually abandoned, but there was no telling how much damage such demarcations had caused. Many of these colonially-imposed boundaries with their inherent potential for conflict have persisted to this day.

The Anglo-French international boundary

Finally, some land/boundary disputes were introduced during the process of demarcating the international boundary between French and British spheres in Cameroon, from 1916 to 1922. During that exercise, village-groups inhabiting the frontier were asked to decide on what side of the boundary they preferred to belong. Many were unaware of that choice and some did not take the offer seriously, believing that the international boundary was a white man's boundary and would have no effect on them (Fanso 1982:31–33). They were wrong; the demarcation introduced disputes between villages on both sides of the boundary.

This was the source of a conflict between Bafanji and Bali-Gasho after the international boundary had split the latter into two. Bali-Gasho was given the option of relocating to Bagham territory on the French side, or to Bafanji on the British side. The DO for Bamenda advised Bali-Gasho to opt for the latter course because, as he assured them, he would use his position to negotiate sufficient land for them on the British side. The advice was taken and negotiations commenced between the chiefs of Bafanji and Bali-Gasho. The parties agreed that Bafanji would abandon its original site and relocate to territory east of River Mombe-Tangwa. Bali-Gasho was to occupy the land vacated by Bafanji from the west bank of that river to the Anglo-French international boundary. River Mombe-Tangwa was to serve as their temporal boundary and Bali-Gasho made a commitment to recognise the suzerainty of the chief of Bafanji who had made the generous offer to them (File No. 22411 Qf/b (1) 1948:13).

Not long after the arrangement, Bali-Gasho stopped honouring the part of the agreement stipulating that they recognise the suzerainty of the Bafanji chief. The

dispute finally came into the open when after twenty years of the agreement, subjects from Bali-Gasho began crossing the river to farm, fish, hunt, and fetch firewood from the Bafanji side because of the inadequacy of the land they were resettled on. An attempt by Bafanji to repulse them in 1945 resulted in a skirmish. The chief of Bali-Gasho then took action against Bafanji in the Ndop Native Court (NC) (File No. 22411 Qf/b (1) 1948:1, 13). As the case dragged on, so did the dispute. Had it not been for the disruptive nature of the international boundary there might never have been a dispute between these villages.

British solutions

The Germans did not establish appropriate legal systems to address land/boundary disputes in the Bamenda region. Having placed vassal villages under propped-up communities, 'it was German policy to interfere as little as possible in tribal life or in the customs that determined native conduct … to show proper respect for native chieftains … [and to avoid] weakening their authority over tribesmen'.[4] At the beginning of their tenure in the region the British encountered many disturbances over land between villages. Before 1933 they believed that solutions to these lay in boundary demarcations using European ideals of cairns and pillars planted on demarcated boundaries. By 1933 the futility of such a policy was realised and the entire system was overhauled.

Changes as to how the British addressed boundary disputes had been under consideration as far back as 1917 when G.S. Podevin established an instructional court in Bamenda for the training of indigenous chiefs on a new NC ordinance. But by 1922 that ordinance had still not been fully implemented and it was only later that real innovations were combined with pre-existing ones in the resolution of land/boundary disputes (Chem-Langhee 1983:656). Specifically in 1933 the British introduced the Inter-Tribal Boundaries Settlement Ordinance (ITBSO), which combined NC and administrative procedures in the resolution of boundary disputes (File No. C 64 Qf/a (1) 1933:1). Under the ITBSO, NCs examined disputes at lower levels and were presided over by clan chiefs while other chiefs sat on the bench as judges. The court's president was elected each

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4   As quoted in Chem-Langhee 1983:656.

session, although once elected he could hold office for as long as his conduct and management of affairs of the court were good (Colonial Office 1956:64).

NCs were given a hand in the resolution of land/boundary disputes because British authorities presumed, rightly, that they knew more about the history and intricacies of disputes in their Native Authority (NA) areas. In situations where one NC had to adjudicate a dispute between two chiefdoms belonging to two NAs, an administrative officer was supposed to sit in as president of the court, and this was stipulated by NC Ordinance order-in-council No. 19 of 1934 (File No. 2341 Qf/b (1) 1938:29). The main function of NCs was adjudication, 'the process by which in African tribes with courts, judges take and assess the evidence, examine what they regard as the facts, and come to a decision in favour of one party rather than another' (Gluckman 1965:183).

The ITBSO had an advantage in determining a boundary between two or more communities where none could prove any justifiable title under NC proceedings to the land in dispute. It was particularly useful 'where claims and counter claims to title have been dismissed or non-suited by the [NCs] or where there [was] virgin bush between two communities' (Lawrence 1950:6). The ordinance was also useful in determining boundaries between administrative units including jurisdictional limits of NAs for tax collection purposes (Lawrence 1950:6). Where the ordinance was used to demarcate a boundary between two communities but unfairly assigned the property of one party on the wrong side of the boundary, a court order was required to effect the removal of any such property (Lawrence 1950:6).

Under ITBSO provisions, administrative officers were required by law to inquire into and settle disputes between chiefdoms in the region (File No. Qf/a (1) 1964:13). A resolution could only be proclaimed after the completion of a thorough process of fact finding and collection of evidence from opposing groups (File No. 4848 Qf/b 1933:36; File No. Qf/a 1964:13). A number of considerations were taken into account by the inquiring officer before deciding the case. These included the history of the dispute, effective occupation, relative population numbers, relative amount of land held by claimant villages, relative distances

from area of dispute, equity, as well as considerations regarding accessibility to roads and markets (File No. 2124 Qf/b 1939:20–22, 25–29).

Some of these considerations were not sound and resulted in wasteful competition. First, it was difficult for administrators to get reliable information on the history of disputes from neighbouring chiefs who, in the most part, had stakes in them and hence, were wont to support/corroborate versions provided by allies. Second, use of the principle of effective occupation was unreasonable; for example, it compelled the village of Mbatu and Nsongwa, who were in desperate need of land, to construct houses at night on contested territory, in order to claim rights to it (File No. 2124 Qf/b 1939:9–11). Third, there were serious problems with social justice considerations especially where officers used their discretion wrongly.

The resolution of boundary disputes under the ITBSO was onerous and labour-intensive. Under the ordinance, an administrator was supposed to ensure that agreement was reached between villages on either side of a boundary, 'step by step as he proceeds to settle it on the ground' (File C 64 Qf/a 1933:1). This aimed at facilitating future arbitration of disputes that had already been settled under the ITBSO, as it would be difficult to contradict such settlements (File C 64 Qf/a 1933:1). Administrative officers also reviewed cases where NCs deadlocked on judgments (Colonial Office 1956:64–65). In situations where an NC judgment was unsatisfactory to one party, that party had the right to request a review from a DO, the Resident, or the Governor, according to the level concerned. Applications for review had to be submitted not more than thirty days from the date of Judgment. A DO's decision had legal backing, but was not supposed to be affirmed by the Resident unless there were specific reasons why such affirmations should be done: 'If he [the Resident] does affirm, he loses the opportunity to vary the decision or order a further inquiry and it must be expected that a case will occur now and then that requires revision' (File C 64 Qf/a 1933:1).

To guard against injustice, administrative officers must state reasons for their judgment, once one was reached (File 22411 Qf/b (1) 1948:14). If after conducting the inquiries and reviews the respective officers were unable to reach a settlement, a Magistrate's Court assumed jurisdictional authority over

the dispute. This happened often where disputes resulted in claims and counter claims over titles to land; or where there was controversy about the history of the dispute; or where the facts of the case produced in evidence were unclear, inconclusive, or unbelievable (File No. 4848 Qf/b 1933:36).

Claims by villages over land title did not fall under the jurisdiction of the ITBSO because that ordinance could not award title to land and, therefore, could not be used in awarding land to any village-group. Issues regarding land title and award were subject to more rigid legal scrutiny because, in most cases, title awards were irreversible. Individual rights of title to parcels of land on contested territory were also not affected by an ITBSO decision, although 'the question of title to land and individual rights to portions of the land in question [could serve as] the evidence upon which an officer inquiring under the ordinance should base his decision where to draw the boundary' (File No. 4848 Qf/b 1933:36).

The ITBSO was a powerful tool in the reduction of boundary disputes in the region. In the following section I examine the use of specific attributes of that ordinance in the resolution of the Akum-Nsongwa-Mbatu dispute. The same procedure was applied in the resolution of all land/boundary disputes in the region after 1933.

Akum-Nsongwa-Mbatu land/boundary resolution

Authority for R. Newton to hold an inquiry and settle this dispute under the ITBSO was conveyed in telegram No. 384/2124 of March 2, 1937 from the Resident. In the ensuing findings, the chief of Akum (the plaintiff) declared that the contested territory belonged to his village by virtue of ancient traditional rights. In his deposition he argued that Akum had, since pre-colonial time, been in unquestionable occupation of the contested territory, and that prior to German occupation its Latenung quarter had been permanently settled on it (File No. 2124 Qf/b (2) 1939:26). Evidence adduced by Newton disproved this claim.

Newton established in his findings that the contested territory had been unoccupied before the establishment of a German protectorate in Cameroon,

during which period the territory served as communal hunting ground for five different village-groups, a fact supported by the chiefs of Mankon, Bamenda-Nkwe, Nkwen, and Mbatu, who equally claimed ancient rights of game over the territory. Newton also observed that none of these villages could have ventured into the contested territory during the period of the Bali-Nyonga raids just prior to German colonial rule. Newton also ascertained during his tour of the region that the contested territory was a considerable distance away from each of the village settlements claiming it, and that its occupation and settlement actually began only in 1916 with the establishment of British peace (File No. 2124 Qf/b (2) 1939:20, 26).

The claims of effective occupation advanced by the village of Akum were also discounted from evidence produced by the chiefs of Mankon, Nsongwa, Mbatu, and Bamenda-Nkwe who all claimed rights on portions of the same territory. The village of Akum, which had hitherto been pre-occupied in other land/boundary disputes with neighbouring Santa, had little visible property on the contested territory until its Latenung quarter began settling on the territory's fringes in 1921 (File No. 2124 Qf/b (2) 1939:20–26). Before 1916 the people of Akum resided on the hilly forest below the Bamenda military station, where their chief's palace remained until 1935. This information was corroborated by the chief of Nkwen who testified that the people of Akum had been constrained to those hills by a previous boundary demarcation by Dixon (ADO) in 1934 (File No. 2124 Qf/b (2) 1939:27).

During the 1934 hearing, Dixon had reached a settlement between Akum and Mankon on parts of the contested territory but did not grant sole rights of exploitation to Akum, as claimed by its chief. That arrangement was without prejudice to future claims emanating from any other village-group over the same territory. As Dixon noted at the time, 'I made no attempt to interest myself in any disputes between Akum, Mbatu, and Nsongwa' (File No. 2124 Qf/b (2) 1939:27). While the Dixon settlement, accepted by all at the time, forestalled disturbances that could have resulted from rivalries between Mankon and Akum, it could not have granted exclusive rights to the latter, because the territory was subject to another claim involving Akum, Mbatu, and Nsongwa. Evidence was collected to the effect that Mbatu and Nsongwa had tried but failed to press on Dixon

to settle their own claims during the arrangements made between Akum and Mankon (File No. 2124 Qf/b (2) 1939:27–28).

It was also established during Newton's hearing, as during Dixon's previous hearing, that none of the parties could prove exclusive rights over the contested territory. Based on these findings, Newton concluded that the best way to maintain peace was by invoking social considerations in demarcating boundaries on the contested land, observing that 'a litigant seeking to oust the occupants of land must have clearly proved claims to justify the resulting disturbances and inconvenience he causes' (File No. 2124 Qf/b (2) 1939:22–28). From the evidence collected, he was convinced that the claims of Akum did not justify such action in its favour (File No. 2124 Qf/b (2) 1939:22–28).

The fact that the merits of this particular dispute were common knowledge among subjects of Ngemba, Bafut, and Bali NAs, also inspired Newton's decision. In a tour of the region in 1933 British authorities were apprised of the rivalries between Akum and Mankon over territory and hegemony in the Ngemba area; the successful coup through which the whole of the Santa area had come under Akum; and the hatred and hostility between Akum and Mbatu, stemming partly from the uncompromising/aggressive nature of the chief of Mbatu as well as from the fact that subjects of Mbatu had always sided with Mankon, the traditional enemy of Akum, in all land/boundary cases (File No. 2124 Qf/b (2) 1939:28). The one strong argument brought forward by the chief of Akum, purporting that their Latenung quarter had settled on the territory in question long before the British arrived, was dismissed by Chinda and Chebi, from Nso and Kom respectively, who, as Government Messengers versed in the history of the area in view of their numerous tours with colonial administrators, were unprejudiced because they had nothing to gain from the outcome of the dispute (File No. 2124 Qf/b (2) 1939:28).

In the final settlement, two important principles were taken into consideration – effective occupation and the relative amount of land held by each party. On the first, Newton noted that houses belonging to Akum touched only the fringes of the contested territory, and were generally absent on the territory itself, whereas those of Mbatu and Nsongwa could easily be located all over the territory. In

his view, if ownership of the Latenung quarter by Akum was to be considered a good claim, then Mbatu and Nsongwa equally had as good a claim, since their houses linked those of Latenung quarter and had been on the territory for more than ten years prior to the 1937 inquiry (File No. 2124 Qf/b (2) 1939:28–29).

In considering the relative amount of land held by each village, Newton noted that whereas Akum had sufficient land right up to Santa, Mbatu and Nsongwa crowded together on a relatively small territory, and therefore, needed greater consideration. In retrospect, Newton realised that land shortage was largely responsible for the violent manner through which Mbatu and Nsongwa pursued land/boundary claims before the 1937 inquiry (File No. 2124 Qf/b (2) 1939:28–29).

Newton demarcated an acceptable boundary that divided the contested territory equitably between the three claimants. The chief of Akum who had initiated the claim declared after the resolution that 'for myself, no further dispute exists in this region' (File No. 2124 Qf/b (2) 1939:29). A solution to the dispute had been struck because the inquiring British administrator had exercised reason and foresight while invoking the ITBSO. But it could also be inferred that the settlement was satisfactory to all perhaps because the contested territory was communal land, or perhaps because these villages might have been compelled to compromise in order to put up a common front against Bali-Nyonga with whom they, as part of the Widikum ethnic group, had an even bigger land dispute. This, notwithstanding, many of the disputes resolved by the British ensued in peace, which lasted up until the end of British rule. This contrasts sharply to resolution modalities of independent Cameroon administrations that hinge essentially on the use of force and coercion.

Land/boundary dispute resolution in post-colonial Bamenda

Despite its successes, use of the ITBSO in resolving boundary disputes was gradually discontinued from 1952 to the end of British colonial rule in 1961 because of disagreements between administrators and lawyers over its interpretation (Secretary, Eastern Provinces 1951). Upon attainment of

independence the defunct West Cameroon Government established the Inter-Community Boundaries Settlement Law (ICBSL) in 1962 to resolve boundary disputes in Bamenda. Under the provisions of the ICBSL, disputes were referred to a boundary tribunal composed of a chairman and four members who conducted inquiries by 'hearing evidence' from members of villages contesting land (File No. Qf/a (1) 1964:13). Functioning essentially like the ITBSO, the ICBSL was effective and its judgments were rarely challenged (File No. Qf/a (1) 1964:13). Reunification of former British and French Cameroons in 1972 brought this approach to settling land/boundary disputes to an end. In its place was established Land Consultative Boards at various levels, national, provincial, divisional, and sub-divisional, to settle land disputes. The decisions of the different boards have to be ratified by the Ministry of Territorial Administration, a process that takes years (Diymba 1997).

The establishment of Land Consultative Boards was basically theoretical. In practice, the Boards do little and the little they do is poorly done. Administrators have frequently intervened in disputes without consulting board members; at other times, they have flouted decisions reached by boards (Mukong 1997b). Usually it takes days, sometimes weeks for administrators to intervene in land/boundary disputes, and only when the situation has gone out of control, necessitating the deployment of troops to restore order. These soldiers inflict added casualties during their deployment, as was the case during the Bali-Nyonga–Chomba land/boundary hostility of May 15, 1995 (Mukong 1997a:1). Even when there is evidence of an imminent confrontation, administrators do little to pre-empt it. Again, the example of Bali-Nyonga and Chomba is a case in point; although the chief of Bali-Nyonga had informed the DO for Mezam of an eminent confrontation, no remedial action was taken (Mukong 1997a:1).

Measures taken by administrators to resolve disputes are implemented 'piece-meal', occasioning their reoccurrence, and their decisions are 'not based on facts but … on the bargaining power of the belligerents. Even when a judicious decision is taken by one administrator, his successor may scrap it away …' (Mukong 1997a:1). Moreover, many a post-colonial administrator posted to the region is French-speaking. They lack the knowledge of the history of the numerous

disputes and make no attempt to acquaint themselves with these. This explains why they frequently resort to punitive methods of conflict management.

Finally, Government decrees that override colonial boundary settlements have inflamed already settled disputes in some areas. For example, post-1977 Bali-Nyonga/Widikum confrontations have been caused by the Ahidjo decrees of 1977 and 1982, which, in essence, abrogated settled colonial boundaries in favour of the Widikums, and without compensation to Bali-Nyonga. These confrontations would have been avoided had those decrees not been promulgated and enforced in the first place, or had government taken steps to dialogue with Bali-Nyonga to make sure they received compensation for lost land. Dialogue needs to be the Government's first option in any resolution attempt.

Conclusion

By re-defining pre-colonial notions of political and physical space, European colonialism established a new dispensation and interpretation of belonging in the Grasslands of Bamenda. It altered pre-colonial structures of economic opportunity by giving undue advantage to particular communities, the result of which was an unprecedented wave of identity consciousness among and between village-groups, as well as a redefinition of the limits of their hitherto geographical confines (Mustapha 1998:38–39). But while the British made a serious attempt to resolve these disputes through the ITBSO, the Government of Cameroon has failed to follow through. Because of this failure village-groups have decided to revisit previous boundary resolutions for political and economic reasons. Solutions to these disputes can only be reached if Government decides in good faith, and using meaningful dialogue, to examine the economic plight of the people. Peace initiatives that consider economic stimulus plans which include compensation for communities dispossessed of land would gradually sway groups in the region from a land-based subsistence, and would go a long way to reduce their reliance on it.

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Darfur and the genocide debate

Simon Ben Okolo*

Abstract

The atrocities committed by the Government of Sudan backed *Janjaweed* militia in the ongoing conflict in Darfur have been labelled differently by analysts and scholars. While some argue that the crimes fall under the so-called crime of crimes – genocide, others are of the opinion that the crimes do not qualify as genocide. While the international community is playing a 'labelling' game with the situation in Darfur, civilians continue to die. What should interest the civilians more is that the international community offers them the protection as articulated under the different international conventions.

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*   Simon Ben Okolo holds an LL.B., B.L. (Calabar, Nigeria), LL.M. and M.A. (University of Witwatersrand). He just submitted his Ph.D. thesis at the Department of International Relations, University of Witwatersrand. This article is culled from the thesis.

Introduction

The conflict in Darfur is in its 5th year with no signs of abating. This, despite much international attention received both from international law and international relations scholars. While the media are more interested in sensationalising the conflict, scholars are interested in determining the category of crimes if any, that the atrocities fit in. Although opinions seem to differ as to the correct categorisation of the crimes and those responsible, there seems to be a consensus that the atrocities constitute, at the minimum, serious violations of international human rights law and international humanitarian law.[1] This paper attempts to look at the Darfur situation through the lens of genocide. The legal framework on the crime of genocide sets the stage for the analysis; and the definitions provided by the Genocide Convention (Convention on the Prevention and Punishment of the Crime of Genocide 1948) and the International Criminal Court Statute (Rome Statute) (1998) are used as the standard. According to these definitions, the paper argues that the atrocities as witnessed in Darfur constitute genocide despite the international community's reluctance in acknowledging it. The responsibility of the international community to the civilian population of Darfur is discussed and the fact that states should prevent and punish acts of genocide is underscored. The paper conversely argues that even if the crimes do not amount to genocide, they are still of a nature that should trigger the responsibility to protect mechanism. In conclusion, the paper asserts that the legal gymnastics of labelling the crimes are of no use to the civilians caught up in violent conflicts. They are more interested in getting protection from the international community.

The legal and normative framework of the crime of genocide

The atrocities committed both by the government of Sudan and the *Janjaweed* militia in Darfur have led to many international law and international relations

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1   For a detailed and in-depth account of the atrocities committed by the *Janjaweed*, see Flint and De Waal 2005; Prunier 2005; United Nations High Commissioner for Human Rights 2006; and Lefkow 2004.

experts debating whether they fall under the category of the so-called crime of crimes – genocide. Notwithstanding the political nature of the debate, it must be observed that in order for the crime of genocide to be established, the international community needs to approach the evidence with open minds and without preconceived notions. However, whether the crimes are of the magnitude to qualify as genocide is a moot issue to the civilians who are constantly in fear for their lives.

The crime of genocide under international law is relatively modern. This is because it was only in 1948 that the world recognised such a crime. Of course, this is not to state that acts which could have been described as genocide never happened earlier than 1948. For instance, the massacre of the Armenians by the Turkish state in 1915 has been described as genocide (Chorbaijan 1999:xv). The institutionalised origin of the law on genocide can be traced to the atrocities of the Nazis during World War II and the subsequent Nuremberg trials. However, during the trials of the war criminals at Nuremberg, there was no charge of genocide against the Nazis due to the non-existence of the crime of genocide in international law then. They were instead charged for crimes against peace and crimes against humanity (Van der Vyver 1999:286).[2] However, there were references to genocide during the trial. It was only in 1946 that the General Assembly through a Resolution proclaimed the existence of the crime of genocide.[3] With the adoption of the Genocide Convention in 1948 and the recognition that the crime has the status of *jus cogens* (compelling law), the crime of genocide became a subject of universal jurisdiction (Van der Vyver 1999:287). While genocide is always organised, planned, promoted and executed by those in authority, it usually requires the support of the general public to succeed (Spangeburg and Moser 2000:39). However, when the government in question is an authoritarian regime as in the case of Darfur, Sudan, the support of the general public need not be necessary for genocide to succeed. Genocide normally occurs under the façade of war or colonial conquest and so long as the state or the perpetrators come out victorious, the question of domestic prosecution is never contemplated (Schabas 2000:1). The prohibition of genocide

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2   See also International Military Tribunal, Nuremberg 1946:27–92.

3   International Military Tribunal, Nuremberg 1946:27–92. See G.A. Res. 96(1) 1947.

is equal to the provision of the right to life in the international human rights instruments. While the instruments concern themselves with the individual's life, the Genocide Convention is concerned with the right to human existence of a group (Schabas 2000:6).[4] The Genocide Convention defines genocide as:

> any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such:
> a. Killing members of the group;
> b. Causing serious bodily or mental harm to members of the group;
> c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
> d. Imposing measures intended to prevent births within the group;
> e. Forcibly transferring children of the group to another group (Convention on the Prevention and Punishment of the Crime of Genocide 1948: art. II).[5]

The International Criminal Court (ICC) Statute (1998) gives the court the jurisdiction to punish perpetrators of genocide, crimes against humanity, and war crimes in situations where the domestic courts of a country with custody of the suspects are 'unwilling' or 'unable' to do so.[6] This is what is echoed by the principle of responsibility to protect. There is, therefore, a two-prong approach to the protection of civilians – political and legal. That means that in a situation where the international community fails to exercise its responsibility to protect the civilians and genocide occurs, the international judicial system would have to step in. It must be noted however that the ICC does not bring within its purview conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide, or complicity in genocide.

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4   See G.A. Res. 96(1) 1947 which declares that 'genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings'.

5   See also International Criminal Court Statute 1998: art. 6.

6   See International Criminal Court Statute 1998: art. 5 and 17.

The question this therefore raises, especially in the context of the conflict in Darfur, is to what extent the ICC would be able to prosecute those who were part of the planning of the atrocities in Darfur. This question is apposite, especially against the backdrop of the level of atrocities in Darfur. While the definition of genocide does not bring within its purview the policy elements articulated in the definition of crimes against humanity, it is reasonable to assume that the atrocities in Darfur that have been traced to the *Janjaweed* could not have been possible without the official support of Khartoum. It would, therefore, amount to double killing for the victims if those who were complicit in the crime are left to escape justice because of the above provision. In deciding if the large-scale killings in Darfur constitute genocide, the number of victims is definitely not a key factor. However, the number of victims plays its important role in determining the level of the targeted population that has suffered and also it acts as an appeal to world opinion (Prunier 2005:148). With the international media putting the deaths resulting from the conflict at about 300 000, it must be stated that even if the number of victims were relevant to prove a case of genocide, the number should qualify.

It has often been stated that the rebel groups might equally be complicit in the atrocities in the Darfur region, but even if this could be proved, it cannot constitute acts of genocide. Mass killings of the members of the perpetrator's own group should not be confused with genocide, as it is inconsistent with the purposes of the Convention which is aimed at protecting national minorities from ethnic hatred-based crimes. Such mass killings should instead be viewed as constituting crimes against humanity (Schabas 2000:119–20). The initial phrase of the definition of genocide in the Convention sets out the *mens rea* (guilty mind) or mental element of the crime that must be established alongside the *actus reus* (culpable act) before a conviction can be sustained in the court (Schabas 2000:151). The mental element is the 'intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such.' The *actus reus* of the offence of genocide is contained in the second leg of the definition. It specifies an exhaustive list of acts which constitute the crime (Schabas 2000:154).[7]

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7   See definition of genocide in Convention on the prevention and punishment of the crime of genocide 1948.

Intent is a critical element in determining whether a particular set of circumstances amounts to genocide. Unless this intent to destroy the group in whole or in part is expressed, it would be difficult, if not impossible, to prove such intent. In a situation where a large number of the group was killed, however, intent might be inferred (Bryant 1975:686). For instance, in *Prosecutor v Kayishema and Ruzindana,* the International Criminal Tribunal for the former Yugoslavia (ICTY) clarified that the intent to destroy a group 'in part' entails the destruction of a 'considerable number of individuals' (ICTY 1999a: para 97). However, in *Prosecutor v Jelisi,* the ICTY trial chamber interpreted it to be a destruction of 'a substantial part' (ICTY 1999b: para 82). While genocide is regarded as a very serious crime, crimes against humanity are equally as grave. The Appeal Chamber in *Prosecutor v Kayishema and Ruzindana* was of the view that genocide is not the crime of crimes (ICTY 2001b). It held that there was no hierarchy of crimes under the International Criminal Tribunal for Rwanda (ICTR) Statute and that all the crimes specified therein are 'serious violations of international humanitarian law', capable of attracting the same sentence. Despite the non-hierarchical nature of crimes under the ICTR Statute, it can be argued that since the nature of proof required for a conviction of genocide is more stringent than that required for crimes against humanity and other crimes under the statute, a higher value is placed on the crime of genocide. Moreover, the fact that genocide is an act intended to destroy a protected group makes it more serious.

It is instructive to note that the first time the United Nations (UN) Security Council referred to the word genocide was in its Resolution 925 of 8 June 1994 with respect to the atrocities in Rwanda – this coming 46 years after the entering into force of the Genocide Convention and after a lot of vacillation by the Security Council. Scholarly debate exists on whether the crime of genocide attracts universal jurisdiction. In customary international law, offences that attract universal jurisdiction for their prosecution are piracy, slave trade, and trafficking in women and children. This is based on the notion that these offences are committed in 'no man's land', where no state has jurisdiction. However, multilateral treaties have accorded universal jurisdiction to some other classes of crimes in international law, like: torture, attack on diplomats and others

(Schabas 2000:354).[8] Notwithstanding the nature of the crime of genocide, the question of it acquiring the un-envious status of universal jurisdiction is still very contentious as can be gleaned from the proceedings and argument at the conference on the Rome Statute before the conference compromised by recognising only territorial and active personal jurisdiction. Schabas is however of the view that the UN human rights instruments favour the existence of a universal jurisdiction in the case of genocide (Schabas 2000:362).[9] The practice of universal jurisdiction by states in cases of alleged genocide is not uniform. While some states accept it, others do not.[10] Notwithstanding the non-express provision for the imposition of the legal duty of *aut dedere aut judicare* – try or extradite – as is provided by the Geneva Conventions in respect to grave breaches, by implication, the Genocide Convention imposes such obligation especially when Articles I, IV, V, VI, and VII are read together (Schabas 2000:404). It is usually difficult for the state where the genocide took place to prosecute the perpetrators, especially where the regime is still in power or if they still exert influence over the political system in the state (Schabas 2000:354).

Contextualising the Darfur Situation

While the world is right in remembering the 800 000 that lost their lives during the 1994 Rwanda genocide, a befitting memorial for the victims would also be that the world does not allow such fate to befall others. However, barely ten years after the genocide, a fate as gruesome as what befell them is being visited

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8   See Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1987 and Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons Including Diplomatic Agents 1977.

9   See also ICTR 1999, the decision on the Prosecutor's Motion to Withdraw the Indictment, 18 March 1999, where the ICTR recognises the existence of universal jurisdiction for the crime of genocide. The trial of two Rwandan Nuns by the Belgian court for the 1994 Rwanda genocide was also hinged on the Universal Jurisdiction paradigm as it applies to the crime of genocide.

10   Germany, Denmark, Austria, Switzerland and Belgium, for instance, accept universal jurisdiction for genocide, while the United States of America does not. The trial of the two Rwandan Nuns for genocide by the Belgian court was premised on the existence of a universal jurisdiction for the crime of genocide.

on the Darfurians (Agbakwa 2005:531). As stated earlier, the Darfur conflict has attracted varied analysis as to whether the atrocities amount to genocide or not. While states are very reluctant to use the 'G' word due to its implied obligation on the international community to act, the United States of America was bold to state that the atrocities amounted to genocide. It is usually suggested that genocide is the ultimate crime against humanity.[11] This is mainly because the crime of genocide has the capability of destroying all or part of the targeted or protected group, unlike in crimes against humanity where the perpetrator need not have such intention (ICTY 2001a: para 182). The underlying genocidal offences must have the potential, even if remote, to contribute to the complete or partial destruction of the victims' group. Unlike crimes against humanity, the crime of genocide need not be widespread or a systematic attack against a civilian population. It could be planned or committed on a large scale or as an individual undertaking (ICTY 1999b: para 98). While crimes against humanity can be committed against any individual, genocide can only be committed against individuals who belong to the protected groups categorised by their national, ethnic, racial, or religious identity (ICTY 2001d: para 682).[12] In the case of Darfur for instance, the group can be identified by their belonging to the same ethnic and racial group of black Africans.

In order to sustain a conviction for genocide, it must be proved that the underlying acts were directed with the intention of destroying, in whole or in part, one of the protected groups. With the evidence available, it could be argued that the acts by the government of Sudan and its *Janjaweed* militia were directed at the destruction of the black African group in Darfur, although the destruction so far achieved has been partial. It is therefore a matter of conjecture what the level of destruction would have been if the international community did not raise alarm over the atrocities in Darfur. However, if we were to infer from the continued attack of the group by the government and its allied *Janjaweed* militia, it would become obvious that the government wants to wholly destroy the group. Ali Nafi Ali, a presidential assistant to President Omar Hassan al Bashir,

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11   See G.A. Res.2391 1968.

12   The tribunal held that the protected 'group' under the genocide definition differs essentially from a 'population' for the purpose of crimes against humanity.

is reported as saying: '[W]e have no problem fighting those who fight us. The UN Security Council will not stop us even if the whole world screams' (*Sudan Tribune* 2008). Granted that proving intention is very difficult, it can be inferred 'by showing a pattern of purposeful action' (Fein 1994:97).

The issue that should occupy our minds as to the atrocities in Darfur is not the question under which label of atrocious crime we should group it, but the need for a total condemnation of the acts, followed by the international community's efforts at putting a stop to such atrocities, both at Darfur and elsewhere in the world. Prunier (2005:156) captures the cynicism of the international community's love for labelling when he stated: '[I]t is in fact a measure of the jaded cynicism of our times that we seem to think that the killing of 250,000 people in a genocide is more serious a greater tragedy than that of 250,000 people in non-genocidal massacres.' While this might be true, one should not lose sight of the implication of genocidal attacks. This is an attack targeted at our hypothetical 250 000 who have something in common intended to destroy it in whole or in part. The other 250 000 could have been randomly assembled. A case in point is the people that died in the 9/11 (2001) attack on the World Trade Centre. Of course, international criminal law provides that for such a situation where the attack is widespread and systematic and leads to many deaths, the perpetrators can be charged for crimes against humanity. Crimes against humanity by itself are heinous crimes. However, it does not attract the same moral opprobrium and legal obligation as genocide does. The Appeal Chamber in *Prosecutor v Krsti* captured succinctly the grievous nature of the crime of genocide when it stated:

> [A]mong the grievous crimes this Tribunal has the duty to punish, the crime of genocide is singled out for special condemnation and opprobrium. The crime is horrific in its scope; its perpetrators identify entire human groups for extinction. Those who devise and implement genocide seek to deprive humanity of the manifold richness its nationalities, races, ethnicities and religions provide. This is a crime against all humankind, its harm felt not only by the group targeted for destruction, but by all of humanity (ICTY 2003: para 36).

However, Fein cautions that the term 'genocide' should not be used loosely so as not to lose its meaning. According to her, people use it to 'vent outrage and to describe a perceived threat to themselves' (Fein 1994:95). The use of the word 'genocide' by victims of perceived massive violations of human rights and other atrocities to call world attention to their situation shows the level of opprobrium attached to the crime of genocide, not just in international law, but also in the court of public opinion. It must be acknowledged, however, that genocide never occurs as a result of accident. It is always a premeditated action by the architects of the crime calculated to achieve the ends of the perpetrators (Smith 1994:4). That notwithstanding, sometimes the genocidal consequences of an act might precede the decision to destroy in whole or in part the targeted group. It is, therefore, the continued persistence of the attempt to destroy the group that forms the intention to destroy the group (Smith 1994:4). In the case of Darfur, one may argue that while the state could not have set out initially with the intention of destroying, in whole or in part, the black African group of Darfur, this intention could have developed as the conflict continued. This argument is given credence by the nature of the continued attacks directed against the black African group over a sustained period of five years. Smith (1994:10) argues that the crime of genocide which is only acknowledged in the 20th century has been an ancient phenomenon, and that the perpetrators of genocide in ancient times were never ashamed of it. However, since the 20th century, no country has acknowledged its involvement in the crime.

An argument by Irving Horowitz, that the survival of a people from total annihilation does not qualify such an act as genocide, notwithstanding the means and number of deaths, seems to obscure the understanding of the definition ascribed to genocide. His argument was within the context of the survival of the Igbo of south-eastern Nigeria despite the estimated loss of about 3 million during the Nigerian civil war (Horowitz 1994:25). A cursory look at the definition of genocide as contained in the different international legal instruments reveals that the 'annihilation' need not be total. It is enough if it intends to 'destroy in whole or in part…'. If that were not so, why then do we refer to the Jewish holocaust and the Rwanda genocide as genocide, despite the fact that some of them survived?

In considering whether the crimes in Darfur amount to genocide, the following issues need to be considered. First, do the acts themselves fall within the acts as articulated by the Genocide Convention and the ICC Statute? From the preponderance of evidence available, one can argue that the acts as outlined by the two international conventions mentioned above are in existence, especially the acts of killing members of the group, causing serious bodily or mental harm to the members of the group and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.[13] It could also be argued that the act of rape by the *Janjaweed* is aimed at imposing measures intended to prevent births within the black African group.[14] This is especially the case when viewed against the backdrop of the Arab culture of ascending miscegenation.[15] Moreover, all the underlying acts need not be committed by the perpetrator for it to amount to genocide. One of the enumerated acts would be enough to sustain a conviction for genocide if the other aspects of the definition are proved.

The second consideration in the determination of genocide in Darfur would be whether the targeted groups are part of the protected groups under the relevant international conventions. Recourse to Article II of the Genocide Convention and Article VI of the Rome Statute reveals that the black Africans of Darfur qualify as an 'ethnical or racial' group. Evidence suggests that the black Africans in Darfur see themselves as ethnically and racially different from the Arabs. Their culture and language are also different from those of the Arabs. They would, therefore, qualify as an ethnic or racial group. There is evidence to suggest that the people targeted by the government of Sudan and its *Janjaweed* militia are easily identified as either belonging to the Masaalit, Zaghawa, and Fur ethnic groups or are identified as black Africans (Yusuf 2007). Their black 'Africanness' is what identifies them and sets them aside for such attacks.

13 Some of the surviving victims interviewed by this author recounted how the Sudanese Armed Forces deliberately targeted their villages through aerial bombardment and the *Janjaweed* looted, pillaged and burnt the villages.

14   Some of the female victims of the Darfur conflict interviewed by this author alleged that they were raped either by the *Janjaweed* or by members of the Sudan Armed Forces.

15 The Arab lineage system of ascending miscegenation entails that any child born to a non-Arab mother and Arab father becomes Arab.

The third consideration will be to determine if there was a genocidal intent in the commission of the enumerated crimes. The determination of human intent is not easily discernible, more so, the determination of the intent of a state.[16] However, in determining intent, inferences can be made from utterances of government officials, especially those who occupy sensitive positions. For instance, Musa Hilal's statement to the intelligence and security chiefs in 2004 to 'change the demography of Darfur and empty it of African tribes' (Flint and De Waal 2005:39) is an indication of what the *Janjaweed* plans were. Since Musa Hilal has been known not to deny his *Janjaweed* connection, and since its link with the government has been established, one can, therefore, safely attribute that intention to the government of Sudan. Furthermore, President Al Bashir's statement that 'our priority from now on is to eliminate the rebellion, and any outlaw element is our target... We will use the army, the police, the Mujahedeen, the horsemen to get rid of the rebellion' (Associated Press 2003), is indicative of the government's intention to employ all extra-judicial means in the elimination of the rebellion. The actions of the government during the conflict would also be able to point to what its intentions are. For instance, it could be argued that the indiscriminate bombing of African villages by the government army and the raiding, raping and burning of the villages by the government backed *Janjaweed* is an indication of the government's intention to destroy in whole or in part the African people of Darfur. The encouragement by the government to the Arab people of Darfur to take over the villages abandoned by the Africans during their flight for safety seems to suggest the overall intention of the government – forceful displacement of the black African race (Yusuf 2007). The government's intention could also be inferred from its failure to act to curb the atrocities committed by the *Janjaweed* and the Sudanese military.

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16 See ICTY 2001c, where the Appeals Chamber noted that 'as to proof of specific intent, it may, in the absence of direct explicit evidence, be inferred from a number of facts and circumstances, such as the general context, the perpetration of other culpable acts systematically directed against the same group, the scale of atrocities committed, the systematic targeting of victims on account of their membership of a particular group, or the repetition of destructive and discriminatory acts.' Also, as Lord Denning, an English Lord Justice, stated: Even the devil does not know man's intention.

The report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General in 2004 is instructive in this paper. The commission, which was chaired by Antonio Cassese visited and consulted extensively in Sudan and Darfur in particular. The commission's view is that genocide did not occur in Darfur, though it argues that two elements of genocide might be deduced from the gross violations of human rights and violations of international humanitarian law perpetrated by the government of Sudan and its *Janjaweed* militia. These elements are, the *actus reus*, i.e. 'the killing or causing serious bodily harm or mental harm, or deliberately inflicting conditions of life likely to bring about physical destruction; and second, on the basis of subjective standard, the existence of a protected group being targeted by the authors of criminal conduct' (Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General 2004). Notwithstanding the presence of the above elements, the very crucial element of genocidal intent appears not to have been present according to the Commission. While the findings of the Commission were relevant to the available evidence in 2004, it must be stated that if the then existing circumstances are re-examined presently, it might be possible to infer the existence of genocidal intent. Be that as it may, it is a matter for the courts to decide – that is if the matter ever gets to be adjudicated upon by the International Criminal Court (ICC).

If however the government of Sudan denies its culpability in genocide, that is, having had a direct hand in the attacks that could be interpreted as genocide; they could still be held liable for failure to act in putting a stop to the atrocities. The principle of responsibility to protect civilians places on the government the onus of showing that it did try to the best of its ability to protect the civilians from coming to harm during the conflict. This principle was given a legal interpretation in *Prosecutor v Rutaganda* when the Trial Chamber held that a person can also be held liable for an international crime where there is a duty to act and the person omits to act (ICTR 1999: para 41).

Responsibility of the international community

President Bill Clinton in reacting to the United States' failure to act in Rwanda stated that 'we did not act quickly enough after the killing began. We should not have allowed the refugee camps to become safe haven for the killers. We did not immediately call these crimes by their rightful name: genocide' (Corey 1998). The question this statement raises, therefore, is whose responsibility is it to declare a situation as genocide? Is it that of the UN Security Council or that of individual powerful states? The Genocide Convention does not create within it a supervisory or monitoring/implementation mechanism with the responsibility of ensuring the prevention and punishment of genocide. However, Article VII of the Convention provides for the parties to the Convention to call upon the competent organs of the UN to take action for the suppression and prevention of such crimes (Convention on the Prevention and Punishment of the Crime of Genocide 1948: art. VIII). From the wordings of Article VIII, it is obvious that the duty of declaring a given situation as genocide is vested in state parties, since their duty is to inform the UN organs to take action in the 'suppression and prevention of acts of genocide…'. The reasoning is that the particular state must have reached a conclusion given the set of facts available to it that genocide has occurred. The reference to 'competent organs' of the UN is anticipatory of the fact that the UN Security Council is not the only competent authority to deal with the issue of genocide.

The determination and eventual declaration that acts of genocide have occurred in such a situation is a process of both legal and political decision-making. Meanwhile, while this process of labelling or branding is going on, thousands of lives continue to be lost. It is apposite to mention that while the United States and the world were debating as to the correct labelling of the Darfur situation in 2004, thousands of Darfurians were being killed or forcefully removed from their homes by the Government of Sudan backed *Janjaweed* militia. The United States was bold enough in 2004 to label the atrocities in Darfur as genocide.[17] However welcome the labelling was, the expected outcome of such labelling was never seen. The argument about the correct labelling of the atrocities in Darfur

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17   See Powell 2004.

as genocide or crimes against humanity will be of no use to the victims if the international community does not assist them. The victims, most of whom are not literate enough to read and understand the daily news, and even if they can, are far removed from such privileges, cannot definitely understand the legal definitions of genocide and crimes against humanity. What they do know is that civilians are being killed and raped, and that they need help from whichever quarter such help can come from.

The international community's inaction in cases of genocide across the world could be responsible for the modern day genocide that has been witnessed. For instance, in an address to his generals prior to the invasion of Poland, Adolf Hitler asked a rhetorical question, '[W]ho, after all, speaks today of the annihilation of the Armenians?' (Graber 1996:128) Similarly, the inaction by the United Nations and the world at large to stop the Igbo genocide of 1966–1970 and punish the perpetrators has been advocated as the foundational genocide in post-conquest Africa (Ekwe-Ekwe 2007:5).[18] Ekwe-Ekwe argues that this inaction shows that the world did not learn much from the genocide of the 1940s and that '[i]t is precisely because the perpetrators of the Igbo genocide appeared to have been let off the hook for their crimes by the rest of Africa and the wider world, that Africa did not have to wait for long before the politics of the Nigerian genocide-state metamorphosed violently beyond the Nigerian frontiers' (Ekwe-Ekwe 2007:9).

The question of whether the Genocide Convention places a duty upon states to intervene militarily to stop the killings is still elusive and largely unanswered. Raphael Lemkin (1947:150) is of the view that '[b]y declaring genocide as a crime under international law and by making it a problem of international concern, the right of intervention on behalf of minorities slated for destruction has been established'. The matter of intervention can however be inferred from Article VIII of the Convention especially with regard to the debate over its adoption (Schabas 2000:491). However, with the adoption of the responsibility to protect principle, the obligations are clearly spelt out now. The principle embedded in the responsibility to protect is that 'intervention for human protection purposes,

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18 See also Dadrian 1989:221, where the author asserted: 'Indeed, that ignored genocide begets another genocide appears to be a historical fact', and Dadrian 1998:503.

including military intervention in extreme cases, is supportable when major harm to civilians is occurring or imminently apprehended, and the state in question is unable or unwilling to end the harm, or is itself the perpetrator' (International Commission on Intervention and State Sovereignty 2001: para 2.25). If the spirit of the concept is implemented by the United Nations, the question of whether to intervene in a genocidal situation would have been taken care of. At the judicial level, it is also expected that if states were to implement the provisions of the ICC in their domestic legislations, then genocidaires can always be hunted and prosecuted either domestically or at the ICC.

The language of Article I of the Genocide Convention suggests that a certain kind of action is required on the part of the parties to the convention to prevent and punish crimes of genocide. The use of the word 'undertake' translates to a promise to do something. Observing the principle of *pacta sunt servanda* (agreements must be kept),[19] one expects action in a situation of genocide. You do not put into effect the words of the Convention by sitting idle in the face of genocide. The enabling article in the Genocide Convention that allows states to call a situation genocide is Article VIII. This does not however mean that the state is the one responsible for declaring the situation as genocide. The Convention does not stipulate the action that needs to be taken in order to stop the genocide from continuing. It does not also require the UN to mount a Chapter VII[20] action in order to stop it. While this might be true, literally, the implication of such genocidal actions constituting a threat to international peace and security exists and hence, requires a Chapter VII action. With the introduction of the responsibility to protect into the debate on civilian protection, it becomes obligatory for the international community to act in preventing and punishing those involved in perpetrating the act of genocide.

Conclusion

Invariably, what the victims of the atrocities in Darfur and elsewhere want is protection from the killings. No reasonable person would prefer that the

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19   See Vienna Convention on the Law of Treaties 1969: art. 26.

20   Of the UN Charter.

authorities punish the perpetrator of a grave injustice rather than prevent such a person from inflicting such harm on the victim in the first place. The logic, therefore, suggests that instead of the international community engaging in academic gymnastics of determining whether the killing fields of Darfur qualify as genocide, crimes against humanity, war crimes or domestic crimes, the international community should strive to prevent further killings even if it later turns out that it made a mistake in its labelling of the situation. As Abbas Bundu, a one time Executive Secretary of ECOWAS[21] had argued in favour of ECOWAS' intervention in Liberia that he would rather make a mistake trying to solve a problem than to remain completely indifferent (Adisa 1992:211). The question, therefore, is what effect do threats of intervention have on a genocidal state? Does it deter or embolden such a regime set on a genocidal path? The UN Report of the independent inquiry into actions of the UN during the 1994 genocide in Rwanda, while blaming the UN for its failure to act in Rwanda, noted that 'acknowledgment of responsibility must also be accompanied by a will for change: a commitment to ensure that catastrophes such as genocide in Rwanda never occur anywhere in the future' (United Nations 1999:3). Four years from the charge to the UN to be more committed in preventing atrocities of such scale, Darfur caught the international community's attention. Five years after making international headlines, the international community is still at a loss on the best approach to preventing and putting a stop to the continued loss of lives in Darfur (Agbakwa 2005:518). The question that international lawyers and international relations scholars need to address is whether the need to respect Article 2 (4) of the Charter automatically trumps the global duty to prevent genocide (Koh 2002:28). Put blandly, should the international community respect the letters of the law, that is, the so-called rule of non-intervention and use of force, while the spirit of the law – protection of civilians – is consigned to the dustbin?

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The psychological selection profile for civil-military coordination officers in peace-support operations: The results of field research in the Sudan

Gary Lloyd, Gielie A.J. van Dyk and François de Kock*

Abstract

The introduction of a multidimensional approach towards peace missions in complex emergencies emphasises the importance of coordination between the military and humanitarian components at all levels of interaction. Cooperation and coordination between the military and humanitarian components are critical in achieving a common goal for these operations: to alleviate suffering and prevent loss of life. The challenge of finding suitable personnel who can develop, enhance and sustain effective working relationships and overcome the potential for conflict in civil-military coordination, has not been addressed in practice and research. The military needs to identify personnel who, firstly, conform to the generic psychological peacekeeping profile and secondly, portray the knowledge, skills, and abilities to perform the coordination function satisfactorily. Due to the absence of a psychological selection profile for civil-military coordination officers, the selection and screening of competent military personnel members remain a challenge. Through this

*   Gary Lloyd and Dr Gielie van Dyk are in the Department of Industrial Psychology at the Faculty of Military Science, Stellenbosch University. François de Kock is in the Department of Industrial Psychology, Stellenbosch University

descriptive field research (conducted in the Sudan), a psychological selection profile for civil-military coordination officers is developed and defined. The theoretical foundation and primary data from field research are integrated into a job competency model for civil-military coordination officers, useful for future selection purposes. The results of this research are presented as a model of provisional selection criteria for civil-military coordination officers. Preliminary predictor and criterion data were collected to describe the relationship between selection measures and performance ratings of job incumbents. Areas for further research are discussed. Are these events indicative of a militarised SADC strategic culture as opposed to the declared pacifist preferences to resolve conflicts?

Background

Cooperation and coordination between the military and humanitarian components are critical in multidimensional peacekeeping operations (Jackson 2005). Harris and Dombrowski (2002) stated humanitarians need collaborative working relationships with military forces to perform their life-saving functions. The challenge remains to develop, enhance and sustain this working relationship effectively.

There are conflicting views concerning the tasks that the military perform in civil-military coordination (Jenny 2001). The United Nations (UN) remains wary of the duplication of effort, i.e. the military should not perform humanitarian tasks, or *vice versa*. Although the regular duties of the military include security-related tasks, it might be required to perform tasks in conjunction with other humanitarian organisations and international agencies (Pugh 2001). The nature of such cooperation must be coordinated to ensure the achievement of common goals (Abiew 2003). Poor coordination potentially has severe consequences, such as loss of life caused by delays in response caused by role clarification and deliberation about respective responsibilities (Lindenberg and Bryant 2001). Support to the affected population will be significantly more effective if cooperation with humanitarians is enhanced (Siegel 2001). De Coning 2005 emphasised that coordination is the most important mechanism to create synergy and achieve common goals, which makes civil-military coordination

(CIMIC) officers a critical coordination interface between the humanitarian and the military components in peace-support operations.

De Coning (2005) emphasised the importance of a universally accepted definition for CIMIC as a central theme in UN operations, since it will reduce the diverse interpretations of the term in the international peacekeeping community. He indicated that CIMIC in the UN peacebuilding environment relates to optimal coordination between the military component and three other role players, namely (a) the humanitarian component within an integrated mission, (b) agencies within the UN system and (c) external and internal civilian role players. The definition for civil-military coordination, as defined by the UN Department of Peacekeeping Operations (DPKO), is accepted for the purposes of this study:

> The system of interaction, involving exchange of information, negotiation, de-conflict, mutual support, and planning at all levels, between military elements, humanitarian organisations and civilian population to achieve respective objectives (United Nations Department of Peacekeeping Operations [UN DPKO] 2002).

The role of CIMIC staff is determined by the mission type and mission stage. Lloyd (2008) summarised their roles and functions as being advisors to military commanders (Abiew 2003; Harris and Dombrowski 2002; Pugh 1998; Spence 2002) and humanitarian coordinators (Abiew 2003; Jackson 2005; Jeong 2005; Newland and Meyers 1999), acting as coordination officers (Cockell 2002; De Coning 2005; Pugh 2001; Weinberger 2002) and project officers for community support initiatives (Jenny 2001; Newland and Meyers 1999), and lastly, taking charge of training management (George 2002; Harris and Dombrowski 2002; Pollick 2000; Pugh 1998). Other authors (e.g. Abiew 2003; De Coning 2005) have suggested that effective CIMIC officers appreciate the complexities of functioning in a cooperative versus coexistence framework. Clearly, the demands associated with these tasks are wide and varied, which highlights the need for flexibility and adaptability to function in a participative management environment.

The selection of CIMIC officers is a national responsibility. It implies that the Troop Contributing Country (TCC) must ensure that competent officers are deployed to perform this critical task in peace missions. Van Dyk (1998) developed a generic psychological profile for peacekeeping soldiers that focused on general peacekeeping duties, but this profile does not provide for the selection of specialists. Amongst others, it reflected the dimensions of physical health, depression, dominance, ego strength, state of anxiety, self-esteem, carefreeness, communication, peer group relationships and environmental happiness. Selecting CIMIC officers in the absence of a customised and comprehensive competency profile inclusive of relevant knowledge, skills, attitudes and behaviours is a daunting task and therefore requires urgent research attention.

Despite this need, Pollick (2000) stated that competent staff that suit the required psychological and competency profile are not adequately selected and trained. CIMIC is a specialist field in peace missions; any soldier cannot perform this task effectively (George 2002; Pollick 2000). Reasons for this state of affairs have been suggested. For one, the military often have no option but to deploy personnel with insufficient CIMIC training due to a lack of capacity or ineffective selection criteria (Pollick 2000). Moreover, George (2002) emphasised the fundamental importance of the military in identification of personnel to be trained as CIMIC mission specialists. Various studies (e.g. Abiew 2003; Brooks 2006; De Coning 2005) have concluded that specialist coordination skills, over and above generic peacekeeping soldier skills, are critical for the job performance of CIMIC officers.

Research objectives

Considering the above, two research objectives were formulated for this research.

Objective 1: To compile a psychological and competency profile for the selection of CIMIC officers, using job analysis and competency-modelling.

Objective 2: To clinically describe trait differences of current job incumbents based on job performance, thereby gathering evidence of content and criterion-related validity.

Method

This descriptive research used both qualitative and quantitative methods and spanned a period of fourteen months. A qualitative field research design (Babbie and Mouton 2004) was applied in the first phase to develop the competency profile, based on a job analysis (Lucia and Lepsinger 1999) and subject matter expert ratings (Babbie and Mouton 2004). In this phase, primary and secondary data were gathered using interviews, naturalistic observation and thematic analysis of policy documentation. These data were integrated into a competency model describing the roles, functions, environmental challenges and behaviours of CIMIC officers. Later, in the second phase, cross-sectional data were collected from job incumbents to assess the relationship between performance and profile traits. Thus, a content-based strategy (Society of Industrial and Organisational Psychology [SIOP] 2003) for the validation of the selection instruments was taken, using a concurrent validity design, which is usually more appropriate during the early exploratory phases of selection research and where small sample sizes prohibit correlational approaches to validation. The unit of analysis (Babbie and Mouton 2004) for this phase was individual job incumbents who participated in the study. The study was conducted within a theatre, the African Mission in the Sudan (AMIS), which represented a high-fidelity setting that provided a rich description of the work environment, stressors and challenges associated with the CIMIC task.

Procedure

Research objective 1: To compile a competency profile for CIMIC officers.

The job analysis framework of Gatewood and Feild (2001) was used to develop the job description and job specification (see Figure 1).

Figure 1: Job analysis framework
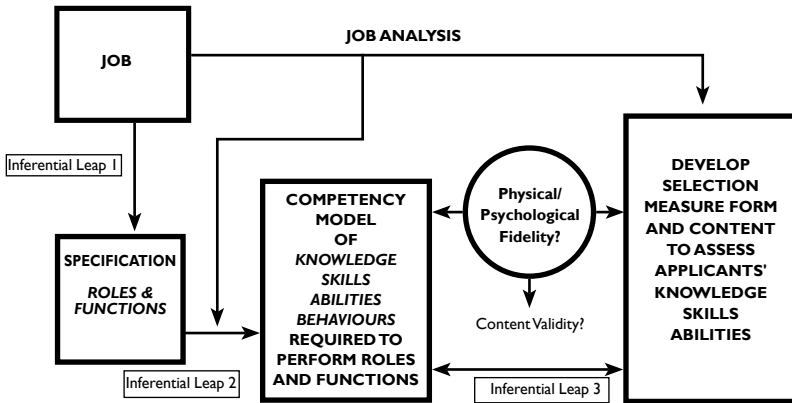
(Adapted from Gatewood and Feild 2001:182)

The theoretical foundation encompassing the roles, functions and environmental challenges of CIMIC (inferential leap 1) was developed into a competency model comprising positive indicators that enhance coordination and negative indicators that impede coordination. In inferential leap 1 primary data were obtained through five in-depth individual interviews, conducted with humanitarian job incumbents and Subject Matter Experts (SMEs) during the field research in phase one of the study. These interviews were conducted according to the competency model questionnaire of Lucia and Lepsinger (1999). A focus group interview was conducted with 10 appointed officers in a military base. CIMIC officers, operational planning officers and military observers were represented in this group. These officers had frequent interaction with the humanitarian community in the mission and served a minimum of six months in the mission on the day of the interview. These interviews were conducted according to the same competency model questionnaire of Lucia and Lepsinger (1999) as had been applied during individual interviewing (Lloyd 2008). The roles and functions of the CIMIC officer (Lloyd 2008) were integrated into the framework of Bartram (2005) and Kutz and Bartram (2002). Ten broad competencies, founded on the theoretical foundation and interviews with job incumbents and SMEs, were defined. The critical incident technique was used

to develop a list of 100 behaviours that enhance or impede performance (Lloyd 2008). These behaviours are indicated as positive and negative indicators for each competency (Arnold et al. 2005; Brown 2006).

The integrated competency model was rated by six SMEs on a five-point scale of 1=not important, 2=somewhat important, 3=important, 4=very important and 5=critical (Gatewood and Feild 2001). The six judges (SMEs), three experts from the CIMIC institutional environment and three psychologists with peace-support operations (PSO) experience, rated the competency model independently. The critical competencies to enhance coordination as determined by the SMEs were identified. To enhance the reliability of these ratings, intraclass correlation (ICC) of the individual judges and the group of judges (Gatewood and Feild 2001) was measured.

Research objective 2: To gather evidence of the criterion-related validity of the selection instruments by clinically describing trait differences based on job performance levels.

The procedure for studying this objective involved administering a number of measuring instruments to a sample of job incumbents, in order to descriptively assess the relationship between trait levels and job performance.

The sample of military officers was divided by the researcher into a successful and an unsuccessful group. This division was based on end of mission reports comprising the three performance indicators of command and control, operational planning and performance of the CIMIC function. The participants were assessed on the following scale: 1=poor performance, 2=below average performance, 3=average, 4=above average and 5=exceptional. The average performance on the three performance indicators was calculated for each subject whereafter the group was categorised in an above average group (successful) and a below average group (unsuccessful). The results of the psychometric measurement of the sample, successful and unsuccessful groups were reported and compared with the integrated competency model. The meaningful results were summarised in a model indicating the relationship between the apparent criteria and performance variables.

The study population for the research was defined as military personnel who interacted through CIMIC within AMIS. A snowball sampling technique (Babbie and Mouton 2004) was applied due to the remote setting of the study. The sample was restricted to military personnel (*N*=20) due to location and security considerations, and consisted of CIMIC officers, military observers and headquarters staff actively engaged in CIMIC activities. The participants were all males at middle and lower management level in the mission, mostly from African countries (Cameroon, South Africa, Egypt, Gabon, Malawi, Mali, Mauritania, Nigeria, Rwanda, Senegal, Zambia and Kenya). Participants' ages had a range of 25 years with a mean age of 38 years. First language preference was varied and included English (35%), French (25%), Arabic (15%), Chichewa (10%), Swahili (10%) and Kinyarwanda (5%). Most participants (50%) had tertiary qualifications obtained from military institutions. Most participants had limited pre-deployment training, which ranged from national level peacekeeping (45%), international peacekeeping (25%) and CIMIC training (5%) to no peacekeeping training (25%).

Measuring instruments

The following psychometric measurements were administered on available participants to identify possible criterion variables to be validated in inferential leap 3 (see Figure 1).

- *Fifteen Factor Questionnaire (15FQ+).* This questionnaire was developed as an alternative instrument to the 16 Personality Factor (16PF) Questionnaire. The second edition of the 15FQ+ with satisfied validity and reliability coefficients, which was administered in this research, measures fifteen of the core personality factors identified by Cattell (Psychometrics Ltd [Psytech] 2002). The only factor definition that has been altered from the original definitions proposed by Cattell is the intellectance scale (Scale β: intelligence in Cattell's version [Cattell, Eber and Tatsuoka 1970]).

- *Myers Briggs Type Indicator (MBTI).* This indicator (MBTI), with high levels of validity and reliability, was administered in this study to define

the leadership preferences profiles (Kirby and Myers 1997) of available subjects in AMIS. These results enabled the researcher to compare the sample profile with the theoretical foundation of Jung's theory.

• *Millon Clinical Multiaxial Inventory Third Edition (MCMI-III).* This instrument (MCMI-III) was developed to operationalise Millon's model of psychopathology (Craig 1999a). It measures personality traits and psychopathology (Choca 2004). The MCMI-III with satisfied validity and reliability was administered in this study to identify behaviours that will impede enhanced coordination of CIMIC officers.

Results and discussion on research objective 1

The competency model is the result of the comprehensive job analysis. The roles and functions of the CIMIC officer (Lloyd 2008) were integrated in the framework of Bartram (2005) and Kutz and Bartram (2005). Ten broad competencies, founded on the theoretical foundation and interviews with job incumbents and SMEs, were defined. Electives identified in the theoretical discussion were linked to the competencies. These electives are indicated as positive and negative indicators for each competency (Arnold et al. 2005; Brown 2006). Positive indicators represent behaviour that enhances the CIMIC officers' performance. Negative indicators indicate behaviour that impedes performance (Lloyd 2008). The inclusion of negative indicators is imperative for selection in demanding work environments (Crowne 2007; Flin 2001). Individuals reporting significant results on criteria associated with negative indicators should not be considered for selection (Flin 2001). These indicators are inclusive of characteristics and behaviour of the CIMIC officer associated with: (a) the dynamic PSO environment, (b) the concept of civil-military coordination, (c) PSO environmental challenges that manifest as stressors, (d) personality theories, and (e) culture. The validity of the indicators from the theoretical foundation was enhanced through triangulation by comparing and integrating the primary data from field research in the positive and negative indicators (Babbie and Mouton 2004; Neuman 2006).

Table 1. Competency model for a CIMIC officer

COMPETENCY 1*: SHOWING MILITARY LEADERSHIP

Definition: Determines the CIMIC course of action necessary to reach CIMIC objectives in line with mission requirements.

COMPETENCY 2*: BUILDING AND PROMOTING PARTNERSHIPS ACROSS THE MILITARY, HUMANITARIAN AND CIVILIAN COMPONENT

Definition: Develops and strengthens internal and external partnerships that can provide information, assistance and support.

COMPETENCY 3*: BEING ADVISOR TO THE MILITARY AND HUMANITARIAN COMPONENTS

Definition: Communicates and networks effectively between the military and humanitarian components.

COMPETENCY 4*: ANALYSING AND INTERPRETING THE DYNAMIC CIVIL-MILITARY COORDINATION ENVIRONMENT

Definition: Shows evidence of clear analytic thinking and experience in analysing complex problems.

COMPETENCY 5*: PROMOTING A WORKING ENVIRONMENT WHERE CREATIVITY AND CONCEPTUALISATION IS ENCOURAGED

Definition: Promotes a working environment where learning, innovation and creativity are encouraged.

COMPETENCY 6*: COORDINATING EFFORTS OF RELEVANT ORGANISATIONS TO BE COMPLEMENTARY

Definition: Performs the CIMIC function to enhance coordination and avoid duplication of effort.

COMPETENCY 7*: BEING EMOTIONALLY STABLE TO ADJUST AND COPE WITH THE MULTIPLE DIMENSIONS OF THE CIVIL-MILITARY COORDINATION ENVIRONMENT.

Definition: Adjusts and responds well to change, challenging and ambiguous peace support environment. Manages pressure effectively and copes well with setbacks.

COMPETENCY 8*: PROMOTING A WORKING ENVIRONMENT WHERE PERSONAL AND ORGANISATIONAL OBJECTIVES ARE ALIGNED WITH MISSION OBJECTIVES.
Definition: Promotes mutual understanding and organisational learning to facilitate self-development and career development.

COMPETENCY 9*: RESPECTING AND PROMOTING INDIVIDUAL, CULTURAL AND ORGANISATIONAL DIFFERENCES
Definition: Demonstrates the ability to work constructively with individuals from all backgrounds and orientations. Respects differences and values all contributions.

COMPETENCY 10*: ENSURING EFFECTIVE USE OF RESOURCES
Definition: Identifies priorities in accordance with mission objectives. Develops and implements coordinated plans, allocates resources and monitors outcomes.

*See Lloyd 2008:154 for positive and negative indicators.

(Adapted from Lloyd 2008:154)

Competency model SME ratings

The SME ratings in Table 2 indicate competencies 2, 3, 6 and 7 as very important to critically important. The importance of competency 2 is confirmed by the research of Cockell (2002). He suggested that effective partnerships could be established through participative processes in joint planning committees and joint operations centres. Abiew (2003) and Newland and Meyers (1999) confirmed the importance of competency 3, indicating coordination and communication are critical functions in CIMIC. Pugh (1998) highlighted the importance of coordination at all execution levels as captured in competency 6. Lindenberg and Bryant (2001) confirmed Pugh's statement and said that support to the affected population is significantly more effective through enhanced coordination. The research of Furnham (1997) and Kets de Vries and Miller (1986) reflected that individuals who are emotionally unstable (competency 7) would manifest in counter-productivity at work. Möller (1993) confirmed the importance of emotional stability that manifests in a strong persona. Individuals with a strong persona tend to be successful at work and maintain exceptional interpersonal relations.

Table 2. Descriptive statistics on competency model ratings by SMEs

Competencies	Minimum	Maximum	Mean	Std. Deviation
Competency 1	2.00	4.00	2.8333	0.75277
Competency 2	3.00	4.00	3.5000	0.54772
Competency 3	2.00	4.00	3.0000	1.09545
Competency 4	3.00	3.00	3.0000	0.00000
Competency 5	2.00	3.00	2.5000	0.54772
Competency 6	3.00	3.00	3.0000	0.00000
Competency 7	2.00	4.00	3.0000	1.09545
Competency 8	2.00	3.00	2.1667	0.40825
Competency 9	2.00	4.00	2.8333	0.98319
Competency 10	2.00	3.00	2.6667	0.51640

(Adapted from Lloyd 2008:164)

The results from Table 2 indicate an intraclass correlation coefficient (ICC) of 0.334 for reliability of the ratings. Garson (2007) indicated that an ICC between 0.4 and 0.59 reflects moderate reliability. The results from Table 2 indicate an ICC below the moderate norm. The low coefficient can be attributed to the diversity of the two clearly defined groups of judges. The results from Table 2 show that the ICC (0.924) for the three institutional CIMIC SMEs reflects outstanding norms of reliability (Garson 2007; Gatewood and Feild 2001). Outstanding reliability was reported on the ICC (0.891) for the SME psychologists (Garson 2007; Gatewood and Feild 2001). It appears from the results that the one group of CIMIC SMEs rated the model from a humanitarian institutional background with the primary focus on the coordination function. It seems that the second group of psychologists rated the model from a behavioural perspective. Although acceptable results were reported on the separate ICCs for the institutional CIMIC and psychologist SMEs, the overall reliability is below the acceptable norm (Garson 2007; Gatewood and Feild 2001).

Results and discussion on research objective 2

Sample performance rating

The frequency tables of Statistical Package for Social Sciences (SPSS) reported 10 participants' performance as above average (successful group) and 8 participants' performance as below average (unsuccessful group). Figure 2 shows the successful group (n=10) measured above average ratings on the three performance indicators. Command and control ratings are the lowest (3.4) followed by CIMIC (3.8) and operational planning (4.6). The average performance of the successful group is 3.89. Figure 2 indicates the unsuccessful group (n=8) performed below average on the three performance indicators. Performance on the CIMIC function are the lowest (2.1), followed by operational planning (2.2) and command and control (2.3). The average performance rating for the unsuccessful group is 2.2.

Figure 2: Average performance ratings of the sample, the successful and the unsuccessful group
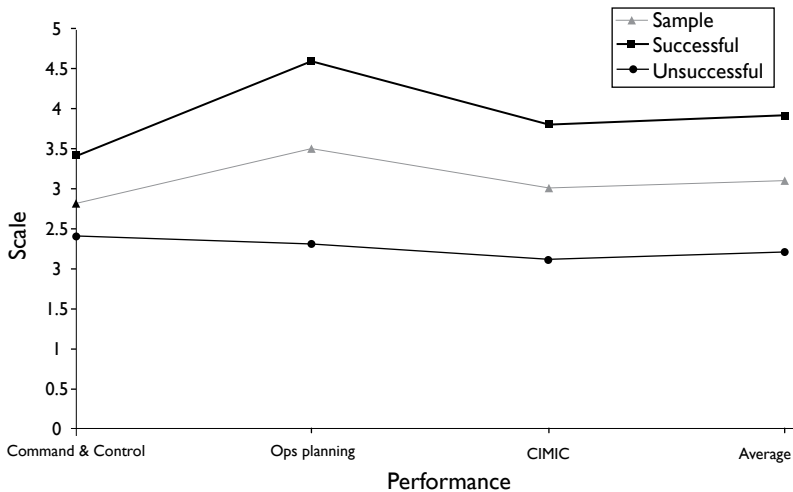
(From Lloyd 2008:167)

Personality profile

Knuth (1999) and Natsios (1995) characterised complex emergencies as a dynamic and ever-changing environment. Within the dynamic PSO environment CIMIC officers need to cope with physical, cognitive, emotional and social stressors (Orsillo et al. 1998; Vogelaar, Soeters and Born 1997). Van Dyk (1998) highlighted the importance of emotional stability for peacekeepers to be able to adjust and cope with the dynamic and challenging PSO environment. The sten scores of the 15FQ+ profile of the successful, unsuccessful and sample groups are compared in Figure 3. The scales of the 15FQ+ profile on the x-axis are: distant aloof/empathic (fA), low/high intellectance (β), feelings/emotionally stable (fC), accommodating/dominant (fE), sober serious/enthusiastic (fF), expedient/conscientious (fG), retiring/socially bold (fH), hard-headed/tender minded (fI), trusting/suspicious (fL), concrete/abstract (fM), direct/restraint (fN), self-assured/apprehensive (fO), conventional/radical (fQ1), group oriented/self-sufficient (fQ2), informal/self-disciplined (fQ3), composed/tense driven (fQ4), introvert/extrovert (E), low/high anxiety (N), pragmatic/openness (O), independence/agreeable (A), low/high self-control (C). Figure 3 indicates significant differences in sten scores between the successful and unsuccessful groups on the following scales: low/high intellectance (β), feelings/emotionally stability (fC), accommodating/dominant (fE), retiring/ socially bold (fH), hard-headed/tender minded (fI), trusting/Suspicious (fL), concrete/abstract (fM), self-assured/apprehensive (fO), conventional/radical (fQ1), composed/tense driven (fQ4), introvert/extrovert (E) and low/high anxiety (N) (Lloyd 2008).

Figure 3: Sten scores for the source and secondary traits for the 15FQ+ of the sample, successful and unsuccessful groups
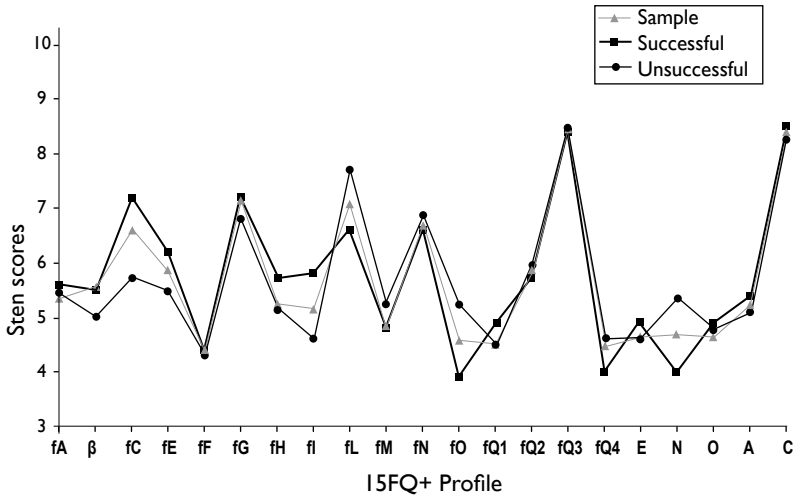
(From Lloyd 2008:174)

The results derived from Figure 3 indicate 35% of the sample reported significant sten scores on the feeling/emotional stability (fC) scale. Craig (1999b) and Van Dyk (1998) confirmed the importance of high ego-strength to enable the CIMIC officer to cope with emotional mission stressors (competency 7). Individuals with low scores tend to be emotionally unstable and experience difficulty to adjust to society (Cattell, Eber and Tatsuoka 1970; Craig 1999b). These results are supported by the research of Van Dyk (1998). He confirmed the importance of high ego strength, low state anxiety and adequate self-confidence to be able to adjust to the PSO environment. Consequently low scores are associated with unsuccessful CIMIC officers. Differences were reported on the sten scores (scale fC) between the successful (7.2) and the unsuccessful group (5.7). These results indicate the successful group reported more significant high scores and less significant low scores than the unsuccessful group. These results are supported by the research of Furnham (1997) who reported that individuals with high self-esteem, compared with those with low self-esteem, are likely to report higher

performance levels. From inspection of the descriptive statistics, it seems that the low scores on scale ƒC are an apparent predictor for negative indicators and high scores an apparent predictor on competency 7.

Interacting and communicating with people is central to the coordination function of the CIMIC officer as advisor (Abiew 2003; Jackson 2005; Harris and Dombrowski 2002; Jeong 2005; Newland and Meyers 1999; Pugh 1998; Office of Internal Oversight Services [OIOS] 2005; Spence 2002), coordinating officer (Cockell 2002; Joint Publication [JP] 2003; Pugh 2001; Weinberger 2002), project officer (Jenny 2001; Newland and Meyers 1999; OIOS 2005) and training coordinator (George 2002; Harris and Dombrowski 2002; Inter Agency Standing Committee [IASC] 2005; Pollick 2000; Pugh 1998). The results derived from Figure 3 indicate 30% of the sample reported significant sten scores on the retiring/socially bold (ƒH) scale. Individuals who are self-conscious and inclined to withdraw in social situations (Psytech 2002) and unable to keep in contact with surroundings (Cattell, Eber and Tatsuoka 1970), would experience difficulty in building and promoting partnerships (competency 2) across the various PSO CIMIC role-players (P. Aboa, personal communication, 9 February 2007). Consequently the CIMIC officer should report high scores on the ƒH scale to be effective in the execution of the above-mentioned functions. The results derived from Figure 3 indicate a positive correlation between the ƒH scale and the negative indicators of the competency model. The results on the negative indicator correlate with the research of Van Dyk (1998). The results indicate that the retiring/socially bold (ƒH) scale is an apparent predictor for negative indicators on competency 2.

The CIMIC officer facilitates participative and collaborative processes to enhance the coordination function (Cockell 2002; OIOS 2005; Pugh 1998). Consequently the CIMIC officer should report high scores on the trusting/ suspicious scale to be effective in enhancing coordination. From the results in Figure 3, 45% of the sample reported significant sten scores on the trusting/ suspicious scale (ƒL). Individuals who are suspicious of other individuals have a de-inclination to trust others (Psytech 2002). This will have a negative impact for the CIMIC officer in building and promoting partnerships (P. Aboa, personal communication, 9 February 2007). These individuals tend to blame others

for failure and are easily offended (Craig 1999b). The CIMIC officer who has difficulty in accepting criticism would experience difficulty in managing pressure and coping with setbacks (competency 7) (B. Casey, personal communication, 17 April 2006). The results derived from Figure 3 indicate that high scores on the fL scale correlate positively with negative indicators of the unsuccessful group. From inspection of the descriptive statistics, it seems the fL scale is an apparent predictor for the negative indicators on competency 7. Kets de Vries and Miller's (1986) research confirmed the results on the negative indicator. They reported that individuals who are suspicious of others' motives would be ineffective to enhance the coordination function.

The importance of an emotionally stable CIMIC officer is critical to enable the individual to adjust and cope with the challenging PSO environment (Kets de Vries and Miller 1986; Van Dyk 1998). From the results in Figure 3, 25% of the sample reported significant sten scores on the self-assured/apprehensive (fO) scale. Kets de Vries and Miller (1986) confirmed that individual pathology and poor performance are related. High scores on apprehensiveness are associated with individuals who lack self-confidence, doubt own abilities, are indecisive, insecure (Psytech 2002) and depressed (Craig 1999b; Psytech 2002). Consequently CIMIC officers who are dominant on apprehensiveness would experience difficulty to adjust and cope in the challenging and ambiguous PSO environment. This is supported by the research of Van Dyk (1998) who indicated that peacekeepers with low self-confidence would experience difficulty in adjusting to the challenging PSO environment. Individuals with low scores have high self-esteem, are self-sufficient, dependent, objective, practical (Craig 1999b), confident, self-assured (Craig 1999b; Psytech 2002) and secure (Psytech 2002). To be able to adjust to the challenging PSO environment and cope with the various stressors, the CIMIC officer should report low scores on the fO scale to be able perform optimally. Differences were reported for the fO scale on the sten scores between the successful (3.9) and the unsuccessful group (5.25). These results indicate that low scores do correlate positively with the results of the successful group. From inspection of the descriptive statistics, it seems the self-assured/apprehensive (fO) scale is an apparent predictor for positive indicators on competency 7. The importance of a balanced personality, associated with low

scores on scale *f*O, is confirmed in the research of Hall, Lindzey and Campbell (1998) and Möller (1993).

Ewen (1988) confirmed the importance of high ego-power for the CIMIC officer to deal with the challenging PSO environment. Möller (1993) said individuals with high ego-power and a balanced personality would be successful at work. These individuals experience low anxiety, can deal with setbacks and are able to adjust to the PSO environment (Crowne 2007; Ewen 1998; Hall, Lindzey and Campbell 1998). From the results in Figure 3, 30% of the sample reported significant sten scores on the composed/tense driven (*f*Q4) scale. High-scoring individuals are emotionally volatile (Craig 1999b). CIMIC officers with these characteristics of emotional volatility would experience difficulty to adjust and cope with the ever-changing PSO environment (competency 7) (Furnham and Taylor 2004). These results indicate a positive correlation between the *f*Q4 scale and the positive indicators of the competency model. From inspection of the descriptive statistics, it seems the compose/tense driven (*f*Q4) scale is an apparent predictor for positive indicators on competencies 2 and 7. These results are supported by Furnham (1997) who indicated the importance of high ego-power to enable peacekeepers to cope with setbacks in PSO.

Coordination is one of the roles of the CIMIC officer in PSO (Cockell 2002; De Coning 2005; JP 2003; Pugh 2001; Weinberger 2002). Social interaction is a primary function in the coordination of the military and humanitarian components (Horey et al. 2004). The fundamental dimension of extrovert behaviour is more suited to enhance social interaction (Cloninger 1996; Crowne 2007; Ewen 1988). From the results in Figure 3, 25% of the sample reported significant sten scores on the introvert/extrovert (E) scale. Individuals with high scores are reserved (Craig 1999b), and have low need for social contact (Psytech 2002). Low-scoring individuals need social contact and outside stimulation (Psytech 2002). They are good at making interpersonal contacts, and are enthusiastic and achievement oriented (Craig 1999b). Consequently, the successful CIMIC officer should report low scores on the E scale. From inspection of the descriptive statistics, it seems the introvert/extrovert (E) scale is an apparent predictor for positive indicators on competency 2. Ewen (1988) and Cloninger (1996) confirmed the importance of an external world approach

(extrovert) to be effective in social interaction. This relates to the essential role of coordination of the CIMIC officer (Cockell 2002; De Coning 2005; JP 2003; Pugh 2001; Weinberger 2002).

The CIMIC officer should have low anxiety to adjust and cope with the challenging PSO environment (Hall, Lindzey and Campbell 1998; Rosebush 1998; Stanley 2003; Van Dyk 1998). From the results in Figure 3, 20% of the sample reported significant sten scores on the low/high anxiety scale (scale N). High-scoring individuals are anxious, overwhelmed by problems (Craig 1999b), vulnerable to and challenged by emotional situations (Psytech 2002). CIMIC officers with high levels of anxiety would experience difficulty to adjust (Sue, Sue and Sue 2000) to the ever-changing PSO environment (competency 7). Consequently CIMIC officers should report low scores on the low/high anxiety (N) second order personality scale to be successful in PSO. These results from Figure 3 indicate that the successful group reported lower levels of anxiety. The results indicate a positive correlation between low scores on the E scale and the positive indicators of the competency model. From inspection of the descriptive statistics, it seems the low/high anxiety scale (N) is an apparent predictor for positive and negative indicators on competency 7. These results are confirmed by Van Dyk (1998) who indicated the importance of low levels of anxiety to adjust and cope effectively to the PSO environment.

Leadership preference profile

Cloninger (1996) and Ewen (1988) indicated that the CIMIC officer's fundamental dimension should be extrovert. This will enable the CIMIC officer to perform the key function of social interaction in coordination (Cockell 2002; De Coning 2005; JP 2003; Pugh 2001; Weinberger 2002) between the military and humanitarian components. Introverted behaviour corresponds with the negative indicators of the competency model for CIMIC officers on competency 2 (Lloyd 2008). Extroverted behaviour corresponds with positive indicators of the competency model (on competency 2) where Horey et al. (2004) highlighted the importance of extending influence beyond the military component in building relationships.

Figure 4: Leadership dimensions and functions, measured by the MBTI on the sample, successful and unsuccessful groups
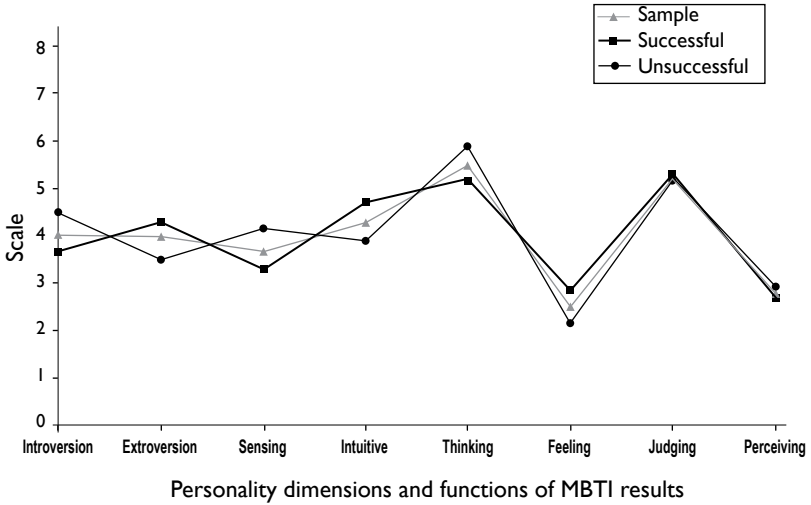
(From Lloyd 2008:178)

The results in Figure 4 reported a mean score of 3.7 on introversion and 4.3 on extroversion for the successful group. These results indicate a positive correlation between high scores on extroversion and positive indicators in the successful group. The importance of high scores on the extroversion scale are supported by the Military focus group (personal communication, 15 January 2007). The results in Figure 4 reflect a mean score of 4.5 on introversion and 3.5 on extroversion for the unsuccessful group. These results indicate a positive correlation between high scores on introversion and negative indicators in the unsuccessful group. From inspection of the descriptive statistics, it seems that the personality dimension of extroversion/introversion is an apparent predictor for positive and negative indicators of competency 2.

Individuals who are dominant in sensing on the paired function of sensing/ intuition observe through their senses (Myers 1993). These individuals focus on real aspects, are present-oriented, require information systematically (Myers

1993), dislike new problems, are impatient on complex issues, seldom make errors of fact (Myers and McCaully 1985) and are practical (Bayne 1995). Sensing corresponds with the negative indicators of the competency model for CIMIC officers on competency 2 (Lloyd 2008). CIMIC officers who are dominant in sensing might experience difficulty in analysing the complex PSO environment (Myers and McCaully 1985). The results from Figure 4 indicate a mean score of 4.1 on sensing and 3.8 on intuition for the unsuccessful group. These results indicate a positive correlation between high scores on sensing and negative indicators in the unsuccessful group. From inspection of the descriptive statistics, it seems that the paired function of sensing/intuition is an apparent predictor for negative indicators of competency 2.

Individuals who are dominant in thinking on the paired function of thinking/feeling are analytical, good problem solvers (Myers 1993), have clear principles (Bayne 1995), make impersonal decisions and are tough-minded (Myers and McCaully 1985). The theoretical foundation indicated that the CIMIC officer should have a presence of both thinking and feeling with feeling dominating the paired function (Cloninger 1996; Crowne 2007). Feeling is imperative in facilitating participative and collaborative processes (Abiew 2003; Cockell 2002; OIOS 2005; Pugh 1998) as highlighted in the coordination role of the CIMIC officer (Cockell 2002; De Coning 2005; JP 2003; Pugh 2001; Weinberger 2002). The thinking dimension corresponds with the negative indicators of the competency model for CIMIC officers in competency 6 (Lloyd 2008). The CIMIC officer who is dominant in thinking might not be compassionate and conscious of the impact of decisions on people (Myers 1993). The results in Figure 4 indicate a mean score of 5.8 on thinking and 2.1 on feeling for the unsuccessful group. These results indicate a positive correlation between high scores on thinking and negative indicators in the unsuccessful group. From inspection of the descriptive statistics, it seems from the results from Figure 4 that the paired function of thinking/feeling is an apparent predictor of negative indicators of competencies 3 and 6.

Perceiving individuals are curious, tolerant, pull things together well at the last minute (Bayne 1995), are flexible (Bayne 1995; Myers 1993) and adjust well to changing situations (Myers and McCaully 1985). The theoretical foundation

indicated that the CIMIC officer should be dominant in perceiving since it encompasses flexibility (Bayne 1995). The importance of a flexible CIMIC officer is central to the roles and functions of the CIMIC officer (De Coning 2005). The judging dimension corresponds with the negative indicators of the competency model for CIMIC officers in competency 6. Individuals dominant in judging tend to ignore new things to be done (Myers and McCaully 1985). Consequently CIMIC officers who are dominant on the judging dimension, would be ineffective in performing the coordination function. Perceiving corresponds with the positive indicators of the competency model for CIMIC officers in competency 2. The results from Figure 4 indicate that mean scores of 5.1 on judging and 2.8 on perceiving are reported for the unsuccessful group. These results indicate a positive correlation between high scores on thinking and negative indicators in the unsuccessful group. Inspection of the results from Figure 4 indicates that the paired function of judging/perceiving is an apparent predictor of negative indicators on competency 6. The results reported above on the negative indicators are supported by the research of Roush and Atwater (1992). They confirmed that individuals who are dominant on judging strictly comply with schedules and are often inflexible.

From the analyses in the theoretical foundation of this study, the type indicator for the CIMIC Officer is verified as E (extrovert), S (sensation), F (feeling) and P (perceiving) (ESFP). The characteristics associated with this indicator (ESFP) are warm-hearted, conscientious, good at creating harmony, interested in things that visibly effect people's lives (Myers 1993). The last characteristic typifies the PSO environment of alleviating the suffering of victims of war (Durch et al. 2003).

The results indicate the type indicator of the successful group as 40% E (extrovert), N (intuition), T (thinking), and J (judging) (ENTJ), 20% I (introvert), N (intuition), T (thinking) and J (judging) (INTJ), 20% E (extrovert), S (sensing), T (thinking) and J (judging) (ESTJ), 10% I (introvert), S (sensing), F (feeling) and J (judging) (ISFJ) and 10% I (introvert), N (intuition), T (thinking) and P (perceiving) (INTP). The group reported high on extroversion. The characteristics associated with the ENTJ (40% of successful group) indicator are natural leaders who translate possibilities into action. They define their own

high standards and are forceful in achieving it (Myers and McCaully 1985). This result on extroversion is supported by Roush and Atwater (1992) who cited the study of McCaulley who indicated that extroversion is an essential quality in military leadership. They also reported high scores on the intuition and thinking scales for military leaders. These results differ from the ideal leadership preference of ESFP defined in the theoretical foundation of this study. These results confirm the notion that it is not any soldier who can perform the CIMIC function (Abiew 2003; Brooks 2006; De Coning 2005). It is clear that CIMIC officers need skills over and above the normal skills associated with military leadership.

Personality disorders and other clinical syndromes

The scales of the clinical patterns in Figure 5 on the x-axis are: schizoid scale (1), avoidant scale (2A), depressive scale (2B), dependent scale (3), histrionic scale (4), narcissistic scale (5), antisocial scale (6A), aggressive scale (6B), compulsive scale (7), negativistic scale (8A) and self-defeating scale (8B). From the results in Figure 5, participants reported elevated scores on the schizoid (23.5% of sample), avoidant (23.5% of sample), depressive (5.9% of sample), dependent (23.5% of sample), narcissistic (29.4% of sample), antisocial (5.9% of sample), compulsive (5.9% of sample) and negativistic (5.9% of sample) scales. These elevated scores indicate the presence of traits that meet the criteria for the personality disorder (Craig 1999b). No meaningful results were reported from Figure 5 on the histrionic, aggressive and self-defeating scales.

Furnham (1997) indicated that individuals with a narcissistic personality style would manifest themselves in counter-productive behaviour at work. This behaviour is reflected in the negative indicators in competency 6 (Lloyd 2008). B. Casey (personal communication, 17 April 2006) and the military focus group (personal communication, 15 January 2007) confirmed that individuals with a narcissistic personality style, which manifests under difficult and stressful circumstances in PSO, would manifest in counter-productive behaviour. Jeong (2005) indicated that CIMIC officers with elevated scores would disregard mission codes of conduct and rules of engagement. Kets de Vries and Miller (1986) confirmed that self-centred behaviour (competency 6) prevents effective

coordination. The elevated scales of the successful group (29.4%), reported in Figure 5, is in line with the research reported by Craig (1999b).

Figure 5: Clinical patterns for sample, successful and unsuccessful groups
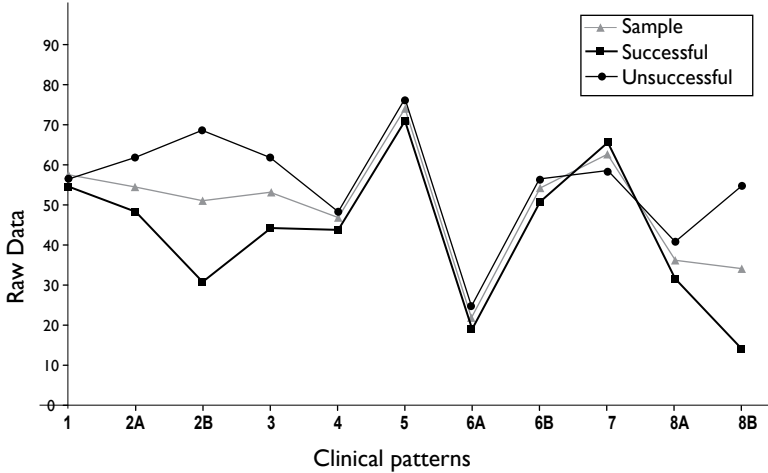
(From Lloyd 2008:196)

The results from Figure 5 indicate 57% of the unsuccessful group reported elevated scores on the narcissistic scale. The unsuccessful individuals seemed to perceive themselves as superior to others, tend to inflate their own worth and exaggerate their abilities (Choca 2004; Craig 2005). They were self-centred, selfish, blamed others for failures (Craig 2005) and depreciated those who oppose their self-image (Choca 2004). This type of behaviour results in counter-productive behaviour that impedes the coordination function (Furnham and Taylor 2004). From inspection of results from the descriptive statistics, differences were reported in frequencies of elevated individual scores between the successful (29.4%) and unsuccessful (57%) groups. It seems from these differences that the narcissistic scale does discriminate between the successful and unsuccessful groups. From inspection of the results on the descriptive statistics, it seems that the narcissistic scale is an apparent predictor of negative indicators for competency 6. These results are confirmed by the research of

Furnham and Taylor (2004) who reported that individuals with elevated scores would manifest in counter-productive work behaviour.

Individuals with elevated scores on the dependent personality disorder scale are unable to take care of themselves and have to depend on others to support them (Craig 1999b). The research of Vollrath, Alnaes and Torgensen, cited in Choca (2004), reported that these individuals have low self-esteem and show a lack of active intervention as a coping style when in a stressful environment. Craig (1999b) reported that they are prone to develop anxiety, depressive disorders and substance abuse when stressed. CIMIC officers with dependent personality disorder would experience difficulty in adjusting to the dynamic PSO environment (Kets de Vries and Miller 1986). These adjustment problems are reflected in the negative indicators in competency 7 (Lloyd 2008). Consequently individuals with a dependent personality disorder should not be considered for selection as a CIMIC officer. Substantial differences in frequencies of elevated individual scores between the successful (0%) and unsuccessful (43%) groups are reported from the descriptive statistics. This substantial difference between the successful and unsuccessful groups indicates that the dependent scale discriminates between the groups. From inspection of the descriptive statistics, it seems that the dependent scale is an apparent predictor of negative indicators for competency 7. Kets de Vries and Miller (1986) reported that individuals with a dependent personality often portray symptoms of depression. As reported above, individuals with a dependent personality would experience difficulty to adjust to the PSO environment.

Peacekeepers must have low state anxiety to adjust and cope with the challenging PSO environment (Hall, Lindzey and Campbell 1998; Stanley 2003; Van Dyk 1998). Individuals with an elevated score on the anxiety disorder scale (scale A) on the clinical syndrome cluster are restless, anxious and apprehensive. Van Dyk (1998) confirmed the importance of low state anxiety to enable peacekeepers to adjust and cope with the dynamic PSO environment. Consequently, CIMIC officers with elevated scores on the anxiety scale are not suited to deployment since they will experience difficulty in adjusting. Elevated scores on the anxiety disorder are reflected in the negative indicators in competency 7 (Lloyd 2008). The research of Orsillo et al. (1998) and Vogelaar, Soeters and Born

(1997) indicated that the CIMIC officer had to deal with a multitude of PSO stressors (competency 7). The results from Figure 5 indicate that 12% of the sample reported elevated scores on the anxiety disorder scale (scale A). This measurement was reported in 28% of the unsuccessful group. No elevated scores were reported for the successful group. These results indicate that the anxiety disorder scale discriminates between the successful and unsuccessful groups. From inspection of the descriptive statistics, it seems that elevated scores on the anxiety disorder scale are an apparent predictor of negative indicators on competency 7. These results are confirmed by the research of Rosebush (1998). He reported that the individuals with high levels of anxiety would experience difficulty in adjusting to the dynamic PSO environment.

Conclusion

This research contributed to the concept of CIMIC in a unique way since it was the first research project that addressed the challenges synonymous with CIMIC in a holistic way. In the theoretical discussion, the concept of civil-military coordination was analysed from a humanitarian and military component perspective. The challenges identified by these components were addressed by integrating possible solutions suggested by both the military and humanitarian components. The roles and functions of the CIMIC officer were defined by integrating the CIMIC concept, definitions, military and humanitarian perspectives and possible solutions that could enhance coordination.

The uniqueness of this study is based on the results of the competency model. The results of the theoretical discussion were integrated with primary data from field research in a competency model for a CIMIC officer. The model encompasses positive indicators that enhance coordination and negative indicators that impede coordination. The inclusion of negative indicators is of critical importance to this study. The results from this research indicated that the successful group reported some characteristics that correlated with the positive indicators in the CIMIC officer's competency model. Some negative indicators were found to correlate positively with characteristics of the unsuccessful group. The link between the negative indicators of the competency model and

the unsuccessful group is of critical importance in selecting CIMIC officers. Individuals reporting abnormal behaviour associated with negative indicators should not be selected as CIMIC officers. If applied during selection, it could prevent the manifestation of psychopathology in individuals.

Psychological profile of CIMIC officers

The results of the psychometric tests that were administered on the successful and unsuccessful groups indicated the following apparent predictors for the positive and negative indicators of the competency model:

- 15FQ+ scales for positive indicators: scale fC (feelings/emotionally stability), scale fO (self-assured/ apprehensive), scale fQ4 (composed/ tense driven) and scale E (introvert/extrovert).

- 15FQ+ scales for negative indicators: scale fH (retiring/socially bold), scale fL (trusting/suspicious), scale fQ1 (conventional/radical) and scale N (low/high anxiety).

- MBTI scales for positive indicators: scale SN (sensing/intuition), scale TF (thinking/feeling) and scale JP (judging/perceiving).

- MBTI scales for negative indicators: scale EI (extroversion/introversion) and scale TF (thinking/feeling).

- MCMI-III scale for negative indicators: scale 3 (dependent scale), scale 5 (narcissistic scale) and scale A (anxiety disorder scale).

The relationship between the meaningful scales reported from the results and the apparent indicators are presented as a model in Figure 6.

Figure 6: Model for CIMIC officers indicating apparent relationship between possible predictors and performance
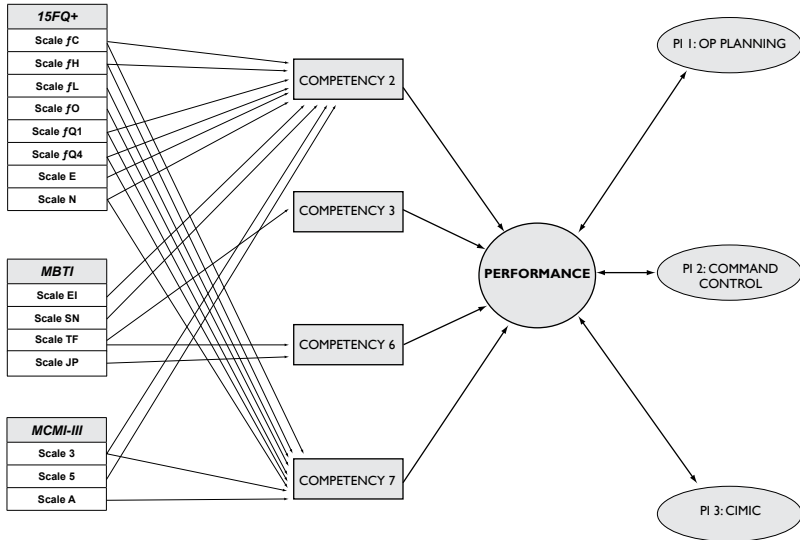
From the results in this research, Figure 6 indicates the apparent relationship between criteria that seem to be provisional criteria, and competencies (variables) in the selection of CIMIC officers. The competencies represent the four very important to critical competencies as rated by the SMEs. The scales of the 15FQ+, MBTI and MCMI-III instruments represent the meaningful scales of these tests. It seems that these scales correlate with the positive and negative indicators of the competencies identified by the SMEs. It seems that if CIMIC officers are selected according to these provisional criteria, they should be able to perform more successfully on the three performance indicators of command and control, operational planning and the CIMIC function.

Limitations

The apparent criterion for performance reported in the results of this study could not be statistically validated owing to restriction of the sample size. Gatewood and Feild (2001) reported that a sample of several hundreds is required to report meaningful correlations in a validity strategy. This implied that inferential leap 3,

indicated in Figure 1, could not be investigated fully in this study. Consequently the criterion was reported as a provisional criterion.

The biographical name list did not request information about previous experience in PSO. Previous experiences in PSO could have impacted specifically on the performance of the successful group. Such details should be included in the biographical questionnaire in future research.

The limitation involved in the division of the successful and unsuccessful group was the completion of the performance indicators by the researcher in his official appointment in the mission. Although the researcher was aware of possible bias and therefore applied triangulation in this study, the absence of objective criteria implied that the bias might not have been eliminated.

Choca (2004) emphasised the importance of interpreting the results of the MCMI with information from other sources in determining the level of functioning of assessed individuals. No historical data on the participants were available. Consequently elevated scores on the MCMI-III were interpreted on a one-point scale only.

Recommendations

Although the research focused on the Sudan, the findings should apply to missions conducted in other countries. There may however be significant differences owing to the multidimensional approach to complex emergencies. The different perspectives resulting from the various missions can be used to verify the AMIS experience in future studies. The strict religious and ethnic foundation of the Sudanese implied that alcohol was banned and sexual misconduct was not tolerated. It has been reported in other missions outside the Sudan that peacekeepers frequently misbehave sexually and misuse alcohol. It is suggested that electives measuring social misconduct be included in future research in order to generalise the results for the larger population. This research should be followed up with a larger scale empirical investigation to investigate the model fit and predictive validity of the instruments. It is suggested to follow

up with larger-scale empirical investigation to investigate the model fit, and the predictive validity of instruments.

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Peacekeeping in a bad neighbourhood: The Economic Community of West African States (ECOWAS) in peace and security in West Africa

David J. Francis*

Abstract

Is there any role for regional organisations in the maintenance of international peace and security and if so, how effective are they? This question has polarised the debate on the role and potential contribution of regional intergovernmental collective security organisations in the maintenance of international peace and security in the post-Cold War period. Some scholars argue that regional organisations play only a limited role and that even when they do so, it is often in pursuit of their political or strategic self-interests. On the other hand, some academics and policy practitioners are of the view that regional organisations not only have a role to play but have emerged as a viable framework for the maintenance of regional peace and security. In the process, they have 'rescued' the global institution, the United Nations, in its mandate to maintain international peace and security. The case of the West African peacekeeping and conflict stabilisation interventions and regional deployments have been cited as a reflection of this development, despite its many problems and challenges. If this is the case, what has been the role and contribution of ECOWAS (the Economic Community of

West African States) integration in regional peace, security, conflict prevention, management and resolution?

Introduction

This article critically outlines the role and contribution of ECOWAS (the Economic Community of West African States) regionalism to peace and security and examines the core factors that determine its effectiveness. It will do so by exploring how the West African sub-region has emerged as the new theatre of violent intra-state conflicts and a 'bad neighbourhood' in Africa. To understand the imperatives for the expansion of the sub-regional economic co-operation entity into security regionalism, concomitant with the evolution of a regional peacekeeping and conflict management capability, it is important to start with a political economy analysis of West Africa. Building on this, the article examines the experience of ECOWAS regional peacekeeping, peace support operators and conflict stabilisation interventions in Liberia, Sierra Leone, Guinea Bissau and Côte d'Ivoire. The primary focus is to provide an understanding of the emergence of a regional peace, security and conflict management architecture in West Africa and how this has developed from ad hoc improvisation in response to the challenges of violent conflicts in the sub-region and to the evolution of a nascent regional co-operative ethos underpinned by the 'Try Africa First' approach.

The core argument of this article is that the West African sub-region is a violent and 'bad neighbourhood' with weak and collapsed states that 'habitually' intervene (by both military and non-military means) in member states. Therefore, one cannot expect too much from ECOWAS in terms of effectiveness in peace and security,[1] in particular, if we define 'peace' as not only the mere absence of war but also the elimination of all conditions that cause human suffering such as structural, cultural and physical violence. In addition, if we define 'security' in military and non-military terms, it becomes obvious that any pretence of

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1   From a neo-realist perspective, John Mearsheimer (1994:33) argues that 'institutions have minimal influence on state behaviour and thus hold little promise of promoting stability and inter-state co-operation in the post-Cold War world'. Robert Keohane (1994) outlines two important approaches to understanding the role of international institutions and the potential contribution of multilateral organisations to the maintenance of international peace and security.

ECOWAS to effectiveness in peace and security is far above and beyond the capacity of the regional organisation.[2] In simple terms, are we not demanding too much of a regional organisation to deliver the multi-faceted and multi-level dimensions of peace and security? If this is the case, this article therefore focuses only on one aspect of ECOWAS' peace and security, i.e. ECOWAS Ceasefire Monitoring Group (ECOMOG) military operations and in particular the ECOWAS-ECOMOG ad hoc peacekeeping and peace support operations in the sub-region. This focus is important because it is in this area that ECOWAS has registered some positive impact on regional peace and security. Furthermore, the specific focus on ECOMOG's military and peacekeeping activities provides the basis to evaluate the wider effectiveness of ECOWAS in peace and security.

'Bad neighbourhood' and the regionalisation of civil wars: Political economy of West Africa

The popular, if not, iconic image of West Africa, as presented by the international media, is that of a region plagued by bloody civil wars and state collapse with drug-crazed, gun-totting child soldiers on the rampage – all in the midst of humanitarian disaster. In fact, the West African sub-region was portrayed in 1994 by Robert Kaplan (1994) as having the potential to become the 'real strategic danger' threatening international peace and security. The question is: why West Africa? The 'geographical expression' that is described as West Africa is a diverse and complex geo-political and social construction, with an estimated population of 235 million (2003), accounting for approximately 32 per cent of Africa's total population. The region comprises sixteen geographically proximate and contiguous states that have emerged as a distinct political and socio-economic entity and a territorial sub-system. The diversity of West Africa is reflected in its political history with an Anglophone, Francophone and Lusophone colonial

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2   See Ernst Haas (1994), David J. Francis (2006a and 2006b). In general, traditional co-operation theories such as neo-liberal institutionalism (including the functional integration theories of the 1940s and 50s, the neo-functional regional integration theory of the 1950s and 60s, and the interdependence/complex interdependence theory of the 1970s) have argued in several ways that international institutions and organisations can facilitate inter-state (security) co-operation or limit the constraining effects of the 'anarchic international system' (Keohane 1982).

divide,[3] and with socio-cultural, ethnic and linguistic differences. The colonial legacies and their accompanying diverse political and administrative orientations of West African states have often led to political disputes and tensions, to the extent that political leaders are suspicious of the intentions of their counterparts if they are not from the same 'colonial bloc'. The colonial divide and diversity have often played themselves out in the arena of West African intra-regional co-operation and international affairs. The similarity shared by the majority of West African countries is that they are generally described as least developed or underdeveloped states in terms of their level of economic development and social progress (United Nations Development Programme 2006).

In addition, European imperialism and colonialism in West Africa have left a legacy of external dependence with largely cash crop, agrarian and extractive-based economies relying heavily on Multinational Corporations (MNCs) for the exploitation of these strategic resources. Agricultural products are the primary foreign exchange earners for the majority of the countries, whilst others depend on strategic mineral resources such as diamonds, gold, bauxite, iron ore, tin, zinc, copper, uranium, liquefied natural gas and oil (Nigeria is a leading oil producer). Despite the vast mineral resource endowment, the sub-region has not been able to convert its strategic resources into sustainable economic growth, development and social progress.

The West African sub-region, since political independence in the late 1950s and early 1960s, has experimented with a variety of political systems of governance ranging from multi-party democratic politics to single-party civilian authoritarian governments and military dictatorships. In fact, the sub-region has the highest incidence of military coups and interventions in civilian politics in Africa (Francis 2001:11). The combined effects of the end of the Cold War and the negative effects of globalisation, coupled with the nature of domestic politics based on neo-patrimonialism, have led to state collapse and civil wars as in Liberia, Sierra Leone, Guinea Bissau, Mali, Niger and Côte d'Ivoire, hence

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3   The Anglophone countries include: Sierra Leone, Ghana, The Gambia, Liberia and Nigeria. The Francophone States include: Guinea, Senegal, Mali, Niger, Côte d'Ivoire, Burkina Faso, Mauritania, Benin and Togo; whilst the Lusophone countries comprise Guinea Bissau and Cape Verde.

Kaplan's warning that the sub-region was emerging as the new threat and 'strategic danger' to international peace and security.

An important dimension of the nature of wars and armed conflicts in West Africa is the regionalisation of domestic civil wars. The majority of the wars have spilled over into neighbouring countries and the armed conflicts are not just localised within state borders. The regional dimensions and dynamics of violence often fuel and sustain these wars through the activities of the shadow economy and 'peace spoilers', i.e. those diverse interests that benefit from the exploitation of the war economies and would do anything to ensure the prolongation of the war. The involvement in the regionalised war economy of all the warring factions, who exploit the dysfunctional formal economy, the shifting alliances during armed conflict, and the long-standing regional political affiliations and informal commercial networks, all create the firm impression of a 'bad neighbourhood'. Moreover the military and security threats in West Africa are not only limited to wars and armed conflicts, but also include criminal violence, intra-communal violence, mercenaries or 'guns for hire' – including Private Military Companies (PMCs) and Private Security Companies (PSCs) – plying their military expertise in the sub-region's conflict zones, and the proliferation of small arms and light weapons.

Evolution of ECOWAS integration and security regionalism

The Economic Community of West African States (ECOWAS) has emerged as the most developed and complex sub-regional organisation in Africa. It was originally chartered as a regional integration and co-operation grouping on 28 May 1975 with customs union and common market objectives. ECOWAS comprises fifteen countries at different levels of development and at diverse stages of state formation and nation building.[4] A number of reasons were

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4   ECOWAS initially comprised 16 member states including Sierra Leone, Liberia, Nigeria, The Gambia, Senegal, Ghana, Togo, Benin, Côte d'Ivoire, Cape Verde, Guinea, Niger, Guinea Bissau, Burkina Faso, and Mali. Mauritania withdrew its membership of the Organisation in 2000 for a variety of political and strategic reasons.

responsible for the formation of ECOWAS. From an economic perspective, formation of ECOWAS integration was perceived as a national and regional development strategy. Politically, ECOWAS regionalism was assumed to serve as an instrument of foreign policy and a collective political bargaining bloc. Since its creation, the focus of ECOWAS integration and co-operation has been driven by developmental regionalism underpinned by market integration based on the liberal economic development strategy.

Though the primary objective for the creation of ECOWAS was the attainment of regional economic development, the challenges of regional security threats have been a constant concern of ECOWAS countries. The domestic and external threats to state security and regime survival led to the signing of the 1978 Protocol on Non-Aggression and the 1981 Protocol on Mutual Assistance in Defence. Political leaders such as Leopold Sedar Senghor of Senegal had argued that 'development cannot be secured in a climate of insecurity' and that hence there was the imperative that 'we must among ourselves, establish a genuine West African solidarity pact to guard against external aggression' (Adebi 2002:115). It was recognition of the link between regional peace, security and development that led to the establishment of the Francophone mutual defence pact, the *Accord de Non-Aggression et d'Assistance en Matières de Defence* (ANAD).

An additional problem is that security was perceived by ECOWAS leaders in the traditional framework of military, national level-oriented, external security threats. This traditional conception of security perceived in external terms only focused on armed activities and the use, or threat of the use, of military force engineered and actively supported from outside the region, and with the potential to endanger regional peace and security. Domestic security threats from ethno-religious conflicts, bad governance, political repression and insecurity created by the states' military and security apparatus, were never considered as part of the threats to national and regional security. In effect, both the 1978 and 1981 defence and military protocols were merely 'regime protection' strategies to serve the interests of ECOWAS leaders and to 'insure' them against both external and internal security threats. These defence protocols, therefore, provided a window of opportunity to clamp down, with military assistance from Community members, on internal opposition and coup attempts and to deal with political

instability or support for political dissidents in neighbouring countries. Though the case could be made that the defence protocols created the basis for ECOWAS to take on regional collective security and peacekeeping capability, it was in reality a mechanism for regime security and survival.

Institutionally, ECOWAS is governed by seven key structures including: the Authority of Heads of State and Government; the Council of Ministers; the Community Parliament; the Economic and Social Council; the Community Court of Justice; the Commission, and the ECOWAS Bank for Investment and Development (EBID). In addition, eight specialised agencies have been established to facilitate the work of ECOWAS integration, including the West African Gender Development Centre (EGDC), West African Health Organisation (WAHO), West African Monetary Agency (WAMA), Water Resource Co-ordination Unit (WRCU), West African Power Pool (WAPP) and the ECOWAS Brown Card. In fact, the new ECOWAS Commission has created the office of the Commissioner for Political Affairs, Peace and Security (PAPS), with three operational departments including: Political Affairs, Early Warning/Observation Monitoring Centre (ECOWARN), and Peacekeeping and Security. However it is important to recognise that some of these key governance institutions and specialised agencies are merely normative intentions because they are yet to be fully operational. In January 2007 the ECOWAS Secretariat was transformed into a Commission as part of a wider institutional reform of the Community. It is obvious that this transformation into a Commission is a mere African imitation of the European Union (EU) model. Given the track record of the ECOWAS Secretariat, it is doubtful whether this name change and institutional tinkering will have any meaningful impact on the peace, security and development lives of the people in the ECOWAS region. Notwithstanding the challenges of ECOWAS economic integration, the 1990s saw the development of a formal peace and security architecture to facilitate regional peacekeeping, peace support operations, and conflict management interventions. The ECOWAS *Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of 1999* is the first formal attempt to outline the institutional provision and legal mandate for ECOWAS response to peace and security. A notable feature of the mechanism is that it attempts to shift

the ECOWAS emphasis from conflict management (reactive and fire-brigade type interventions) to conflict prevention.

ECOWAS peacekeeping and conflict stabilisation interventions in a 'bad neighbourhood'

It was the bloody civil war in Liberia in 1989 that forced ECOWAS leaders to face the fact that they could no longer run away from the reality of developing a regional mechanism for peace, security and conflict management. The civil war in Liberia resulted in devastating regional consequences in terms of massive influx of refugees into neighbouring countries, large scale displacement of the internal population, gross violations of human rights, mass killings and widespread destruction of property. The bloody and violent civil war created a humanitarian disaster that directly threatened regional peace and security.

The civil war was led by Charles Taylor, leader of the National Patriotic Front of Liberia (NPFL), against the brutal dictatorship of President Samuel Doe. Charles Taylor's insurgency was supported by other West African states such as Côte d'Ivoire and Burkina Faso, and by Colonel Gaddaffi of Libya. But the outbreak of the Liberian civil war did not attract immediate intervention by the international community, despite the unfolding humanitarian catastrophe. The United States (US), which had a special relationship with Liberia, was, during this period, preoccupied with the United Nations-backed international coalition in the Gulf war against Saddam Hussein's Iraq. The United Nations (UN) was also over-burdened with its new post-Cold War responsibilities for the maintenance of international peace and security. It was this perception of international neglect of Africa that created the opportunity for the sub-regional hegemon, Nigeria, to assume political and military leadership in the management and resolution of the Liberian conflict.

Liberia: ECOMOG I

In an attempt to resolve the Liberian civil war, the ECOWAS summit in Banjul, The Gambia, established the ECOWAS Standing Mediation Committee (SMC) on the recommendation of the Nigerian military Head of State, General Ibrahim

Babangida, as a regional mechanism to 'settle disputes and conflict situations within the Community … and to look into inter-state dispute and conflicts which have a disruptive effect on normal life within the member states and on the smooth functioning of the Community' (Nwachukwu 1991:104). This ad hoc committee[5] was mandated with the responsibility to mediate the resolution of the Liberian conflict. The beleaguered Liberian president, Samuel Doe, requested ECOWAS to send an intervention peacekeeping force into Liberia to forestall the increasing violence and tension and to ensure peaceful transitional environment (Francis 2001:43[6]). It was the decision of the ECOWAS Authority at an extra-session of the Community in August 1990 to accept the request of the embattled Liberian president that led to the formal establishment of ECOMOG. It is important to note that the mandate of ECOMOG was framed in the spirit of traditional peacekeeping or First Generation peacekeeping, whereby a peacekeeping force is deployed as a neutral inter-positionary force between two opposing national armies or warring factions, acting as a confidence building mechanism to prevent relapse into further conflict. But the Liberian conflict was a complex political emergency with different warring factions fighting to control the collapsed state, in which the very basic functions of the state and its governing institutions could not be performed. Therefore, when the ECOMOG peacekeeping and intervention force landed in August 1990, there was no peace to keep, no cease-fire to monitor nor the consent from the main warring faction, the NPFL, because there was no viable constituted government to grant consent. In such a complex conflict situation, traditional peacekeeping was of limited relevance, and ECOMOG could not serve as a neutral inter-positionary force. ECOMOG inevitably became embroiled in the conflict. What was needed in Liberia was something akin to a UN Charter Chapter VII peace enforcement mandate because of the multi-dimensional nature of the peacekeeping and peace support operation challenges.[7]

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5   SMC comprised Gambia, Ghana, Mali, Nigeria, Togo, and later included Sierra Leone and Guinea.

6   With reference to ECOWAS Standing Mediation Committee 1990.

7   Multi-dimensional post-Cold War peacekeeping include delivery of humanitarian assistance, protection of safe havens, monitoring and protection of human rights, organising and supervising elections, repatriation of refugees. It has been described as Second Generation peacekeeping or complex peacekeeping.

Between 1991 and 1997, the ECOWAS Peace Plan for Liberia led to the deployment of the UN Observer Mission in Liberia (UNOMIL) with a Chapter VI peacekeeping mandate based on co-deployment with ECOMOG, the signing of several peace agreements such as Yamoussoukro (1991), Cotonuo (1993) and the Abuja Peace Accords (1995, 1996). These developments, under the auspices of ECOWAS, UN and OAU (Organisation of African Unity) led to the holding of general and presidential elections in 1997, which were won by Charles Taylor's political party. The new Nigerian military head of state, General Sanni Abacha, was quick to recognise that without Taylor in the presidency of Liberia, there would be no peace. Though the elections were certified as free and fair by international observers, the reality was that it was an enforced peace that sacrificed issues of justice, reconciliation and fundamental grievances for the sake of a 'quick-fix' stability and fragile peace.

By 1999 the fragile peace in Liberia unravelled and the situation was further aggravated by the violent and bloody civil war in neighbouring Sierra Leone. The military attacks by anti-Taylor forces such as LURD (Liberian United for Reconstruction and Development) and MODEL (Movement for Democracy in Liberia) and mounting international pressures on Taylor by the US, ECOWAS, AU (African Union) and other key players led to a negotiated political settlement whereby President Taylor was forced to leave office on 11 August 2003. The Accra Comprehensive Peace Agreement provided for the formation of a transitional government and the exile of Taylor to Nigeria, whilst an international arrest warrant was issued by the UN-backed Special Court for war crimes charges in Sierra Leone. Taylor is currently facing trial at The Hague for war crimes.

To stabilise the security situation on the ground, US Marines and a contingent of ECOMIL (ECOWAS Mission in Liberia) troops were deployed after the exit of President Taylor. With an improved security situation on the ground, the UN Security Council adopted resolution 1509 which established a 15 000 strong United Nations Mission in Liberia (UNMIL) with a Chapter VII peace enforcement mandate. The robust peacekeeping mandate was created in recognition of the complex political emergency situation in Liberia and the multi-dimensional nature of the peacekeeping challenges in post-war Liberia.

Sierra Leone: ECOMOG II

It did not take long for the spill over effect of the Liberian Civil War to be manifest in neighbouring Sierra Leone, when the Corporal Foday Sankoh-led Revolutionary United Front led a war against the All Peoples Congress (APC) party government under the leadership of President Joseph Momoh. For a variety of reasons, the RUF rebellion was directly supported by Charles Taylor's NPFL, and covertly by other West Africa states such as Burkina Faso and Côte d'Ivoire, and Gaddaffi's Libya. The Sankoh-Taylor axis was based on the understanding that the success of the Liberian civil war would be used as a staging post for the overthrow of the APC regime in Sierra Leone through rebel insurgence and that strategic mineral resources such as diamonds would be used to finance the war. Therefore in 1990 Charles Taylor opposed the use of the territory of Sierra Leone to facilitate the military operations of ECOMOG in Liberia. Taylor perceived this as a major obstacle in his bid to secure the presidency in Liberia, and therefore threatened to attack Sierra Leone.[8]

It was the Armed Forces Revolutionary Council (AFRC) military coup led by Major Johnny Paul Koroma in May 1997 which overthrew the democratic government of President Kabbah that led to the ECOWAS and ECOMOG intervention in Sierra Leone.

The ECOWAS Peace Plan for Sierra Leone facilitated the signing of peace agreements such as Abidjan (1996), Conakry (1997) and Lomé (1999) and the deployment of UN peacekeeping missions including UN Observer Mission in Sierra Leone (UNOMSIL, 1998) and UN Mission in Sierra Leone (UNAMSIL, 1999). It was the involvement of the Nigerian-led ECOMOG II peace enforcement intervention that led to the overthrow of the AFRC military junta and the reinstatement of the government of President Kabbah in March 1998.

The Nigerian-led pro-democracy intervention in Sierra Leone was not only an important development in the political history of West Africa, but also had important implications for the international relations of ECOWAS and Africa in

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8   See Francis 2001:110–112 for Taylor's media interview with the *BBC Focus on Africa Programme* on 1 November 1990, in which he was threatening to attack Sierra Leone for allowing its territory to be used for ECOMOG military operations.

general, because this was the first time that a military junta was overthrown in the name of democracy and constitutional order. The 'defence of democracy' in Sierra Leone or the attempt to do an American-style reinstatement of Haitian President Aristide in 1994, was nothing more than an attempt to enhance the damaged domestic and international image of Nigeria and in particular its military head of state General Abacha. The Nigerian military leadership under Generals Babangida and Abacha had subverted the democratic wishes of the Nigerian populace in annulling the results of 12 June 1993 general elections, clamped down on all democratic forces in the country, and caused the suspension of Nigeria from the Commonwealth in 1995. Without democratic credentials and legitimacy, why would General Abacha defend democracy denied in his own country? The Sierra Leone civil war provided the opportunity for the Nigerian military leader to burnish his battered international image and to establish his domestic democratic credentials. The Sierra Leone pro-democracy adventure by General Abacha was a ploy to further strengthen his international credibility and silence his critics, in particular after the political settlement of the Liberian civil war in 1997. The co-deployment of ECOMOG and UNAMSIL, supported by the British military intervention (Operation Palliser), created the enabling environment for the end of the civil war in 2001 with a power-sharing government.

Guinea Bissau: ECOMOG III

The outbreak of the civil war in Guinea Bissau in 1998 dragged ECOMOG into another regional peacekeeping and conflict management adventure. This civil war threatened the national security of the immediate neighbouring states, i.e. Senegal and Guinea, as well as regional peace and security, further reinforcing the impression of a bad neighbourhood. Both Guinea and Senegal were already hosting thousands of refugees from the conflicts in Liberia and Sierra Leone, and could not contemplate the consequences of yet another massive influx of refugees from Bissau.

President Vieira asked Nigeria, the then chair of the ECOWAS Authority, for military intervention to help resolve the conflict. In response to Vieira's request, ECOWAS Foreign and Defence ministers meeting in Abidjan in July 1998

recommended the following: 'affirmed support of the democratically elected government of President Vieira and the need to restore his authority, employing a combination of dialogue, sanctions and use of force' (Olawunmi 1998:17), and the establishment of an ECOWAS Committee of Seven to implement the decisions. By the time the committee could meet in August in Accra, Ghana, the Community of Portuguese Speaking Countries (CPLP) had already brokered a truce between the warring factions. Subsequently, a joint ECOWAS-CPLP meeting in August in Praia, Cape Verde, led to the signing of a ceasefire agreement between the parties and provided for the deployment of an international observer force to monitor the agreement. The Praia agreement was, however, shattered by continuous fighting for control of the capital city. The ECOWAS peace mediation led to the signing of a ceasefire agreement and the deployment of the Togolese-led ECOMOG III peacekeeping force in December 1998, with a Chapter VI mandate.

The continued fighting between Vieira and the army commander virtually ended the mission of ECOMOG III, as the peacekeeping force refused to intervene in the fight for the control of the capital city or to assist Vieira's forces. In addition, logistical and financial difficulties prevented the continued deployment of ECOMOG in Guinea Bissau. This therefore paved the way for the intervention of the UN by authorising the deployment of an assistance mission, the UN Peacebuilding Support Office in Guinea Bissau (UNOGBIS), which became operational in June 1999. The mandate of UNOGBIS was to promote national reconciliation, and assist in organising and supervising parliamentary and presidential elections (UN Security Council 1999). In Guinea Bissau, the UN only intervened after a rather messy and problematic ECOMOG intervention. The UN appointed a Special Representative of the Secretary-General (SRSG) to work with ECOWAS and, in collaboration with external partners, organised and supervised general and presidential elections.

Côte d'Ivoire: ECOMOG IV

The bad neighbourhood dynamics and the spill over of civil conflicts in West Africa became evident in Côte d'Ivoire, long described as the 'oasis of peace and prosperity' in a region troubled by armed conflicts and political instability.

In December 1999, a military coup was led by the army chief, General Robert Guei, against President Bedie. General Guei, after a period of rule, organised democratic elections and his attempt to rig the result of the elections in his favour led to a people's revolution that forced him out of power. Laurent Gbagbo of the Front Populaire Ivorien (FPI) was declared winner of the October 2000 general elections. There were recurrent political clashes and instability between Guei and Gbagbo's supporters, which eventually led to a military mutiny in September 2002 and the outbreak of a civil war. The country became divided in two, the pro-government south controlled by government forces and supporters, and the North-West controlled by three rebel factions including the main group, Movement Patriotique de Côte d'Ivoire (MPCI), Ivorian Popular Movement for the Far West (MPIGO, comprising largely the Western Yacouba ethnic group) and the so-called New Forces – Movement for Justice and Peace (MJP).

The French-brokered peace talks led to the signing of the Linas-Marcoussis Accord in January 2003 providing for a ceasefire which was largely favoured by the rebels, but not by government supporters. The peace agreement provided for the formation of a transitional power-sharing government that would be inclusive of both opposition political parties and rebel factions. The ceasefire paved the way for UN-authorised deployment of French troops and ECOWAS peacekeepers and the establishment of the UN Mission in Côte d'Ivoire (MINUCI). The ECOWAS Peace Plan for Côte d'Ivoire facilitated the deployment of ECOMICI (ECOMOG IV) – a largely Francophone dominated peacekeeping mission – and the formation of a power-sharing government between the New Forces rebels and the government.

What factors determine ECOWAS effectiveness in peace and security?

A range of factors determine ECOWAS effectiveness in peace and security. These factors include: the regionalisation of domestic civil wars and how this serves as the impetus for action by regional leaders; political viability of the states and the willingness to lend themselves to the difficult and expensive activities of maintaining regional peace and security; organisational mandate and in

particular, clarifying the appropriateness of the mandate for peacekeeping interventions; the destructive role of peace 'spoilers' including the exploitation of war economies and how these constrain the effectiveness of the regional organisation. For the purposes of this article we have decided to focus on four key factors that may provide a better appreciation of the effectiveness of ECOWAS.

1. Geo-politics and the challenges of common foreign and security policies

A major determinant for effectiveness of any regional organisation is the nature of geo-politics and the extent to which West African states have developed common foreign and security policies, and in particular 'dependable expectation of peaceful change' (Deutsch, Burrell and Kann 1957:6). Historically, ECOWAS integration has been plagued by the geo-politics of Anglophone, Francophone and Lusophone divides. In addition, the internal, external and conflict/ co-operation (amity-enmity) logics of regional integration have constantly played themselves out in the ECOWAS peace and security responses in the sub-region. These historic colonial divisions coupled with the pursuit of strategic self-interests have often prevented the development and implementation of common values. In some cases, however, ECOWAS has co-operated on the basis of common values. The conflict management interventions in Liberia, Sierra Leone, Guinea Bissau and Cote d'Ivoire are a demonstrable track record of the development of common foreign and security policy. The main problem is the fact that the record of ECOWAS common foreign and security policies is based on ad hoc crisis management intervention responses dictated by the politics of 'do something now'.

However, there is the acknowledged view that the norm of mutual interdependence and peaceful co-existence is emerging and that these are inextricably linked to peace and democratic consolidation with the potential to create democratic zones of peace over time in the sub-region. In addition, there is the emerging norm of common identity, the identity of West African unity as the mechanism or instrument for the resolution of regional problems. The norm of sub-regional unity and co-operative ethos, despite the perennial problem of the colonial divide, provided the opportunity for ECOWAS countries

to 'do something' about the peace and security problems within the region, and to develop viable mechanisms for the pacific settlement of disputes and conflict management. There is the explicit realisation that the containment and management of armed conflicts and violence potentially create disincentives for violence amongst member states, thereby positively contributing to the reduction of potential conflicts in the sub-region. There seems to be a positive correlation between building regional structures and the opportunities for reduction and prevention of violent conflict.

ECOWAS has been challenged by a fundamental problem relating to differences in perception amongst member states on economic and security regionalism. This has presented considerable difficulties to ECOMOG operations. The majority of the Francophone and Lusophone states perceived ECOWAS as primarily an economic integration and development grouping and therefore had serious reservations about expansion into the regional peace, security and military domain. The Anglophone states however perceived ECOMOG as the security and military arm of ECOWAS' economic and political integration, arguing that collective regional resources should be allocated for the maintenance of regional peace and security. This has led to the perception of 'Two ECOWAS'. To ameliorate the negative effects of the divisive geo-politics on regional peacekeeping and conflict management activities, valuable lessons were learnt from the Liberian peacekeeping and intervention. Based on this and in mediating the resolution of the Sierra Leone conflict, ECOWAS made a sustained effort to engage with the Francophone countries. For example, Côte d'Ivoire played a vital role in negotiating and hosting the first peace agreement for Sierra Leone. Togo had a critical involvement in negotiating and hosting the Lomé Peace Agreement of 1999 that formally ended the civil war in Sierra Leone. Burkina Faso was also instrumental in facilitating the involvement of the RUF in the Lomé peace process and in the mediation of the civil war in Côte d'Ivoire. The engagement with the Francophone group considerably reduced the tensions and divisions in terms of a common approach to regional peace and security and also the concerns about the dominance of Nigeria.

In discussing the politics of ECOMOG operations in relation to its effectiveness in regional peacekeeping and conflict management, Maxwell Khobe argues

that the governments of the troop-contributing countries often exercised considerable political control over their contingents, with deleterious operational implications. He explained that the ECOMOG Force Commander had no absolute operational command and control of the contingents, who were often deployed not according to the military appreciation of the Force Commander, but by their home governments. Therefore commanders of each contingent were answerable to both ECOMOG's Force Commander and their own Chief of Defence Staff and Defence Ministers – who were often more powerful voices. Drawing from his practical experience in ECOMOG operations, General Khobe posited that the divisive geo-politics meant that troop-contributing countries could not agree on the regional approach to peacekeeping and conflict management, for instance, the use of force, or when such force could be used and for what purpose.[9] This led to a situation whereby some ECOWAS countries actively supported rebel factions and even made available their territories for military operations. As a military intervention force, ECOMOG had difficulties in operating a unified command and control structure due to its ad hoc nature and political elements that created the peacekeeping force. The considerable autonomy of the contingent commanders over the ECOMOG Force Commander, according to Khobe, led to situations whereby 'contingent units were pulled out of their areas of deployment without the approval or even the knowledge of the force commander, thus endangering the deployment of flanking contingents. Some contingents have also at times refused to come to the aid of other contingents without the clearance of their home governments' (Francis 2004:116). By all indications, this is a recipe for failure of regional peacekeeping and conflict management. In addition, ECOMOG operations have been plagued by all the usual problems faced by multinational peacekeeping and peace support operations, though the problems are far worse in the case of West Africa. These problems include language difficulties, lack of standardisation of equipment, different training standards, doctrines and staff procedures, poor sea and airlift capabilities, absence of vital air-to-ground support assets (in particular, ground attack helicopters more suited to the terrain), guerrilla warfare operations in West Africa, inadequate resources to deal with humanitarian problems, poor

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9   Quoted in Adebi 2002.

liaison with international relief agencies, and inadequate logistical support for some contingents (Khobe 2000:4). General Khobe's seminal conclusion is a valuable outline explaining the problems and challenges that hinder the effectiveness of ECOWAS in peace and security.

2. Nigeria's hegemonic leadership in ECOWAS peace and security

Nigeria's leadership of ECOWAS and ECOMOG is crucial to the effectiveness of the regional organisation in peace and security. As the sub-regional hegemon, it was instrumental in the formation of ECOWAS and in the 1990s provided the politico-financial and military leadership to develop a regional collective peace and security system in the form of ECOMOG. Nigeria's preponderance in the sub-region in terms of size, population, military, economic and political resources has inextricably linked the country's national security to regional security. Three important developments have been the driving force for Nigeria's leadership role in West Africa.

Firstly, the Biafran civil war of 1967–70 and the role played by neighbouring countries, in particular, how they were used by extra-regional actors and powers as a staging post for support to the secessionist group. This was viewed by the government as an attempt to 'balkanise' the country, and it led to the realisation that the national security of Nigeria cannot be divorced from regional security and stability. It marked an important turning point in the political history of the country as it led to a paradigm shift in its post-independence foreign and security policy from 'isolationism' to 'intervention' in regional affairs. The post-civil war foreign policy therefore focused on three inter-related levels, i.e. promotion of regional security and stability through regional co-operation and integration, and leadership roles in African and international affairs. An important consideration was the intrusive role of France and the power politics with Nigeria for the dominance and control of West Africa. The motivation for the creation of ECOWAS was therefore to provide an instrument to promote Nigeria's foreign and security policy in West Africa as well as to limit the role of France in the sub-region, a region considered by Nigeria as its political, strategic and economic sphere of influence.

Secondly, the discovery of oil and the OPEC (Organisation of Petroleum Exporting Countries) oil crisis of 1973, converted Nigeria into an indispensable oil producer for the West. Oil wealth provided the financial and economic resources to promote ambitious foreign and security policies, and the opportunity to flex its political and diplomatic muscles in regional, African and international affairs. With the end of the Cold War, Nigeria's political, military and economic influence and dominance have increased in West Africa, supported by unprecedented oil revenues and windfalls from the demands for energy during and after the Gulf Wars of 1990 and 2003. Nigeria is among the World top 10 oil producers and oil-rich countries, but Nigeria is vulnerable to global economic trends and fluctuations in oil prices. Moreover, domestic political instability and insurgent military activities targeting oil workers, installations and production facilitates have affected Nigeria's oil production and the revenue resources available for regional peace and security operations.

Thirdly, the civil war experience and oil wealth have led to the evolution of a strategic culture in Nigeria's foreign and security policy predisposed to interventionism in regional affairs. I have argued that the dominant interpretations of Nigeria's foreign and security policy have been based on neo-realist approaches, and have to a very large extent neglected particular domestic motivations and imperatives such as traditions, history, geographical location, values, attitudes, national achievements, and patterns of behaviour, and I have shown how all these impact on foreign and security policy-making (Francis 2004:116). I further posit that a variety of Nigeria's interventions in West Africa, whether military or non-military, sometimes conflicts with its economic and strategic interests, which therefore raises the question of the continued validity of the dominant power-political interpretations of the country's foreign and security policy. In the analysis of Nigeria's hegemonic role in West Africa and its leadership in building regional peace and security systems, it is important to consider the impact of strategic culture as an explanatory variable in providing an understanding of how Nigeria has linked its national security to regional security and why it has developed the attitude and behavioural patterns that assume that it is its 'manifest destiny' to police and intervene in West Africa. The dominance of the military establishment in the post-independence history of

Nigeria and the particular military culture and its predisposition to the threat and the use of force in regional peace and security matters seem to suggest the prevalence of the strategic culture of pro-interventionism in the sub-region.

Nigeria's political, military and financial leadership of ECOWAS and ECOMOG's peacekeeping and conflict management interventions have been critical to the success, failure or effectiveness of the regional organisation's forays into peace and security issues. From Liberia to Sierra Leone and Guinea Bissau to Côte d'Ivoire, Nigeria's pivotal role has been crucial to the containment of these civil wars and the subsequent peace agreements. However, Nigeria has not been the only player. Other West African states and, in particular, the Francophone countries and external actors have played vital roles. The Bissau conflict was the first attempt by the Francophone states in West Africa to organise regional peacekeeping and conflict management deployment without the involvement of the dominant sub-regional player, Nigeria. But without Nigeria's leadership and other internal and external factors, ECOMOG IV's ceasefire monitoring and conflict stabilisation ended in failure.

The ECOMOG experience in regional peacekeeping and conflict management demonstrates the relevance of the role and contribution of sub-regional hegemons in the maintenance of regional peace and security. Despite reservations about Nigeria's preponderance, its dominant role continues in West Africa. Its presence and enforcement operations contributed to the management of the conflicts and the restoration of fragile stability. In general, the majority of West African states tend to accept Nigeria's leadership in regional peacekeeping, but equally resent its unilateral military intervention and 'gun boat' diplomacy. This illustrates that a regional collective security mechanism, led by a sub-regional hegemon, has to be sensitive to reservations about threats to sovereignty by member states. Concerns about Nigeria's preponderance and 'pax Nigeriana' by smaller states have been persistent. In fact, some states perceived ECOMOG as an instrument of Nigerian foreign and security policy. This provided opportunities for extra-regional actors, with strategic interests in West Africa, to discourage some ECOWAS states from participation in the Nigerian-led regional peacekeeping force, hence undermining the effectiveness of ECOWAS in peace and security.

In the post-Cold war era the security vacuum created in West Africa has given Nigeria increasing opportunities to play a dominant role in the maintenance of regional peace and security. But Nigeria's military capability is stretched in foreign and domestic deployments to contain ethno-religious instigated conflicts. In addition, the decades of poor socio-economic conditions and bad management of the economy have also weakened the resource base of Nigeria and in effect its ability to play an increasing role in regional peace and security. Furthermore, democratic governance in the post-military era of 1999 has introduced constitutional and democratic accountability constraints. For instance, troop deployment in regional conflicts now has to be approved by the Nigerian House of Representatives. Additionally, the casualties suffered by the Nigeria-led ECOMOG in regional peacekeeping and conflict management operations have become acrimonious domestic political issues. Increasingly domestic public opinion not only raises concerns about Nigerian casualties in foreign military adventures, but also questions the rationale of diverting millions of dollars from domestic socio-economic development to regional peace and security activities. This raises the issue of sustainability of regional peacekeeping and conflict management operations by largely underdeveloped and cash-strapped economies in West Africa. Based on the analysis of Nigeria's leadership role in both ECOWAS and ECOMOG, it is reasonable to conclude that without the involvement and commitment of the sub-regional hegemon, ECOWAS participation and effectiveness in regional peace and security activities will be considerably limited, bearing in mind that ECOWAS has no standing army nor any military logistical facilities and as such has to rely on member states, in particular, Nigeria, for troop contribution.

3. External pivotal states / foreign powers and the UN in ECOWAS peace and security

External actors, and in particular, external pivotal states and the UN are of vital importance in understanding the effectiveness of ECOWAS in peace and security. External support is central to the effectiveness of the ECOWAS-led peace and security initiatives. The US support in Liberia, Britain in Sierra Leone, CPLP in Guinea Bissau and France in Côte d'Ivoire, the UN and other key donor

agencies and intergovernmental institutions such as the EU, African Union, and Commonwealth were crucial in negotiating the civil war peace settlements, supporting ECOWAS political and diplomatic activities, ECOMOG's peacekeeping and peace enforcement operations, and post-war peacebuilding and reconstruction in West Africa. However, the conflict of interest of extra-regional actors and Western governments involved in the management of civil wars in the region has created obstacles for troop deployment, reinforcement and logistical support for ECOMOG peacekeeping operations. Despite this, the general consensus at the level of the international community is that there is a need to support and capacitate the Africa-led approaches to managing and resolving conflicts on the continent. The prevailing view is that the challenges posed by contemporary globalisation, the war on terrorism and the regionalisation of domestic civil wars mean that wars and armed conflicts in Africa inevitably affect other parts of the world in diverse ways, hence it is in the interest of the West or the international community to support African approaches to African problems in peace and security.

The majority of the external powers intervening in peace and security in West Africa do so because of historic and colonial reasons. All the ECOWAS states have traditional bilateral military and defence arrangements with their former colonial masters. In crisis situations, the strategic response of the majority of ECOWAS states is to turn to their former colonial masters for help. This traditional response 'mentality' of ECOWAS states therefore creates a conflict of interest between ECOWAS regional response to peace and security and that of external pivotal states' unilateral interventions. For its part, the EU has long-standing historic links with West Africa through colonialism, bilateral political, socio-economic and commercial partnerships through the Accra Comprehensive Peace and the Cotonou agreements. Since 1996, the EU has contributed □1.9 million to support the peace and security activities of ECOWAS. The justification is that this is part of its conflict prevention and peacebuilding strategic policy framed as structural stability (European Commission 1996). But external interventions in West Africa have also been criticised because they have, in some ways, constrained or undermined the effectiveness of ECOWAS in regional peace and security. Though the EU's financial, political and diplomatic

support has been welcomed, its peace, security and conflict related interventions have been rather disjointed and contradictory.[10] In addition, external conflict and development interventions in West Africa have been generally criticised because they are often based on a short-term, quick fix and exit strategy orientation. They do not address the fundamental problems at the root of the conflicts, nor do they develop strategies with a long-term focus on durable peace and sustainable development. Furthermore, the majority of the conflict and development interventions are designed for the attention of international media and largely based on the notions of a liberal peace project, so that there is hardly any opportunity for domestic and local input into the external peace and security response activities. External actors therefore play a dual role, on one hand they contribute to and strengthen the effectiveness of ECOWAS peace and security and on the other hand, they potentially undermine the effectiveness of the regional organisation in peace and security.

The UN has been a critical and major player in West Africa and, as such its role is crucial to the understanding of the effectiveness of ECOWAS in peace and security. In the West African complex political emergencies, the UN has deployed a range of peacekeeping and peace support operations in Liberia, Sierra Leone, Guinea Bissau, and Côte d'Ivoire. It has done so in collaboration with external pivotal states and ECOMOG within a co-deployment framework. Despite the relative success of the UN peacekeeping and peace support to ECOWAS and ECOMOG in West Africa, the nature of some of the peacekeeping mandates considerably undermined any form of effectiveness. For example, the traditional peacekeeping mandate assigned to UNOMIL was not only unsuitable to the conflict situation in Liberia but also reflected a lack of appreciation of the challenges faced by peacekeepers deployed in a complex political emergency.

However, the co-deployment between UN and ECOMOG created a division of labour based on comparative advantages. UNOMIL and the SRSG mobilised political and diplomatic activities in support of the ECOWAS Peace Plan and conflict management in Liberia. In addition, the UN framework provided access

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10   For detailed criticisms of the EU response to conflict, security and peacebuilding in Africa, see Gilbert 2007:41–49.

to financial and logistical resources, and also provided political legitimacy for ECOMOG's peace enforcement activities. Furthermore, UNOMIL provided peace support operations in organising and supervising, together with ECOWAS, OAU, EU and key western governments, parliamentary and presidential elections. The US provided the sum of US$25 million for the Liberian electoral and post-war reconstruction. And on the other hand, ECOMOG undertook enforcement operations, disarmament of warring factions, monitoring of borders to police the arms embargo, and provision of security during general elections. The result of this co-deployment experiment, despite its limitations, according to Adebi (2002:83), was a 'string of success in every important aspect of the Liberian peace process: diplomacy, disarmament and elections'. The co-deployment strategy provided a new framework for burden sharing and sharing of responsibilities between the UN and regional organisations in the maintenance of international peace and security. Co-deployment peacekeeping in Liberia largely succeeded in stopping the killings, provided access for the delivery of humanitarian assistance and the disarmament, rehabilitation and re-integration of warring factions. Despite the limitations and dangers inherent in co-deployment, it has been lauded as a model for the future of peacekeeping in Africa (Adebi 2002:83). Kofi Annan, in support of the Liberian co-deployment, stated that 'we developed a new form of co-operation for the resolution of other conflicts whether in Africa or elsewhere' (Francis 2000:189). However, the co-deployment experiment could not function effectively as planned because of the existence of parallel command structures, and though UNOMIL was supposed to act in a supervisory role over ECOMOG, the military exigencies on the ground often dictated the nature of the supervisory role. As long as UNOMIL restricted itself to traditional peacekeeping in a complex conflict situation, ECOMOG as the primary peace enforcement agency often held the upper hand and invariably reduced UNOMIL to a secondary position. There was, in effect, no verifiable body to monitor the activities of ECOMOG, thus Adebi laments that 'the subordination of regional command structures to global authority was neither attempted nor achieved by UNOMIL' (Adebi 2000:83).

4. Quality of leadership of regional organisation

Leadership of the regional organisation and lead nations, in particular, the dominant state, Nigeria, is key to the effectiveness of ECOWAS in peace and security. General Yakubo Gowan's leadership of Nigeria in the 1970s was crucial to the establishment of ECOWAS. Similarly, General Babangida's instrumental leadership led to the creation of ECOMOG. In the 1990s, it was the political leadership of key West African leaders, in particular, the then Nigerian military leader, General Babangida, that made it possible for ECOWAS to intervene in regional peace, conflict and security issues. As a military dictator, with preponderant military resources and might, financial capacity and political influence, General Babangida effectively directed the creation of ECOMOG, citing the imperative of Nigeria's foreign and security policy, as the justification for the establishment of the regional peacekeeping and intervention force. The rest of the ECOWAS member states were simply requested to support the 'regional initiative' and those reluctant to do so, mainly Francophone states, were cajoled and 'bribed' with preferential oil shipments to convince them to join the regional military adventure.

How does leadership of ECOWAS in peace and security translate on the ground in practical terms? Between 1990 and 2003, ECOWAS had two proactive Executive Secretaries in the persons of Dr. Abass Bundu and Dr. Mohamed Ibn Chambers. The quality of their leadership made it possible to translate the political commitments of the heads of state and government of ECOWAS into practical military and operational peacekeeping and peace support operations deployment, including the effort to mediate political settlement of the civil wars in West Africa. Both Executive Secretaries have been involved in the civil war peace settlements that led to the management and political settlement of the wars in Liberia, Sierra Leone and Côte d'Ivoire. It is perhaps at the military level of ECOMOG peacekeeping and conflict management that the quality of leadership is more important. Between 1990 and 1998, ECOWAS appointed nine ECOWAS Field Commanders, all with varying degrees of effectiveness in the implementation of the ECOWAS peace and security mandate in each of the war-torn countries. After the debacle of September 1990 whereby the *de facto*

president of Liberia, Samuel Doe, was captured under the watchful eyes of ECOMOG and killed by the INPFL (Independent National Patriotic Front of Liberia), Lt. Gen. Quainoo (Ghanaian) was replaced by Maj. Gen. Dongoyaro (Nigerian), who rapidly developed a reputation as a no-nonsense military peace enforcer in Liberia. Despite the fact that ECOMOG's initial peacekeeping deployment was given a Chapter VI mandate, Gen. Dongoyaro was often prepared, based on the military imperatives on the ground, and without the approval of his political masters, to expand the mandate of ECOMOG to peace enforcement, in a desperate bid to bring some level of stability and order to the war-ravaged country. Similarly, and at the height of the bloody civil war in Sierra Leone, Maj. Gen. Victor Malu was deployed between December 1996 and January 1998 to lead the peace enforcement operations of ECOMOG in Sierra Leone. It is generally acknowledged in Sierra Leone that the quality of his military leadership of ECOMOG during this period forced the RUF to the negotiating table and the reinstatement of the government of President Kabbah. However, academics are divided as to whether the agency is more important than structure in the effectiveness of not only foreign policy but also regional organisations in responding to peace and security issues.[11]

Conclusion

In this article, I have critically outlined the evolution of ECOWAS and its expansion into the peace and security domain in the form of ECOMOG peacekeeping and peace support operations. But if ECOMOG is to serve as a permanent regional peacekeeping and conflict management mechanism and become part of the proposed African Union African Standby Force (ASF), there are valuable lessons to learn from its West African operations. For instance, the ad hoc nature of its deployment did not provide time enough for proper logistical planning and resourcing of the operations. The improvisatory nature of its creations also has implications for the lack of clarity of its mandate, especially relating to peacekeeping and peace enforcement. The 1999 Protocol on Regional

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11 For further analysis of the agency-structure debate in international relations, see Brown 1997:73–84.

Peacekeeping, Conflict Management and Security Mechanism was therefore an attempt to respond to the problems, challenges and opportunities arising from the ECOMOG experience since 1990. But the adoption of the protocol did not have any conceivable impact on the management of the conflicts after 1999.

A question raised by many political analysts and media commentators focuses on the real reasons that motivated the ECOWAS leadership to venture into the difficult arena of regional peacekeeping and conflict management. This question is at the centre of 'why' and 'how' ECOWAS can be effective in regional peace and security issues, in particular, if it is driven by the whims and preferences of the dominant state – Nigeria. A more persuasive reason for the ECOWAS unusual regional 'collective' peacekeeping or 'coalition of willing states', was the threat posed by rebel insurgency to the security and survival of the regimes in the sub-region. Insurgency or guerrilla warfare was a relatively new phenomenon in post-Cold War West Africa. It presented an alternative to military coups and access to state power and its patrimonial resources. Since the majority of the regimes were of questionable legitimacy and democratic credentials, the rally of ECOWAS leaders under the umbrella of 'regional collective security' and peacekeeping in Liberia was an attempt to discourage the 'power of the Liberian example' and, by the same token, protect and secure the survival of their regimes. The official view was that ECOMOG was acting within its constituted mandate as provided for in the 1981 defence protocol, by responding to a request from a member state invaded by 'foreign-backed' forces. A more credible reason was the perceived threat to the national security of Nigeria and the implications for its foreign and security policy. The Nigerian president, General Babangida, captured the strategic culture of pro-interventionism in a statement on the Liberian crisis in 1990 when he stated that 'When certain events occur in the sub-region depending on their intensity and magnitude, which are bound to affect Nigeria's politico-military and socio-economic environment, we should not stand by as helpless and hopeless spectators' (Francis 2001:42). Nigeria's leadership was also motivated by the need to limit, contain and discourage some Francophone countries that were supporting the NPFL rebel insurgency in Liberia. Always looking for an opportunity to demonstrate its benevolent hegemonic leadership in West Africa, the perceived international neglect of Africa also provided the

international environment for Nigeria to develop and put into practice the much-touted 'Try Africa First' approach to conflict management and resolution.

Therefore in evaluating ECOWAS effectiveness in regional peace and security issues, there are key issues worthy of consideration and they are: the geo-politics of West Africa and its constraints on the development and practice of common foreign and security policies; the leadership role of Nigeria; the role and contribution of extra-regional actors such as the former colonial powers and the UN, and the quality of leadership of both ECOWAS and ECOMOG.

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Conflict resolution in Western Sahara

Andreu Solà-Martín*

Abstract

This paper examines the democratisation agenda laid out by Western governments for the North African region vis-à-vis their Realpolitik conflict containment approach towards the Western Sahara conflict. Western policymakers conceive the United Nations Mission for the Referendum in Western Sahara as a safety net that contains tension in the region and enables geo-strategic and economic partnerships with Algeria and Morocco. This paper underlines that the international community could play a greater role in promoting the long-term stability of the North African region by pursuing innovative policies geared towards addressing the root causes of the Western Sahara conflict.

*   Dr. Andreu Solà-Martín is Consultant Lecturer at the Open University of Catalonia (Spain) and Honorary Research Fellow at Peace Studies, University of Bradford (United Kingdom).

Introduction

Firstly, this paper attempts to problematise the current strategy of Western States towards democratisation in North Africa by looking at the role played by the Bush administration and the European Union (EU) through the Mediterranean Partnership in the Western Sahara case study. The conflict in Western Sahara dates back to 1975, when the United Nations (UN) decided to sponsor a referendum for the self-determination of the inhabitants of the Spanish Sahara, but Morocco and Mauritania invaded the colony before this was organised (Hodges 1983; Pazzanita and Hodges 1994; Diego Aguirre 1991). In 1988, Morocco and the POLISARIO Front[1] signed the Settlement Proposals under the auspices of the UN Secretary-General Pérez de Cuéllar and a peacekeeping mission was deployed to supervise the ceasefire between both parties and to facilitate the organisation of the referendum. However, firstly disagreements in relation to the voters list and secondly Moroccan unwillingness to go ahead with any revised version of the UN peace plan involving a referendum with an option for independence have led to the current deadlock. Despite the UN settlement proposals have not been implemented, the United Nations Mission for the Referendum in Western Sahara (MINURSO) effectively monitors the ceasefire and the region remains relatively stable. It can be argued that although the conflict is contained, the political future of the territory remains on hold, and the grievances of Saharawi people are unattended (Shelley 2004; Solà-Martín 2006).

Western Sahara has an estimated population of 273 000 inhabitants and several thousand refugees living in Tindouf, Algeria.[2] The territory has lucrative natural resources including phosphates, iron ore, sand and extensive fishing along the Atlantic Coast. Since 2001, after oil/gas reserves were discovered off-shore Mauritania, Morocco granted reconnaissance licenses to Total and Kerr McGee to explore possible oil/gas reserves off-shore Western Sahara (Olsson 2006).

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1   Popular Front for the Liberation of Saguía el-Hamra and Río de Oro.

2   The POLISARIO estimates there are 165 000 Saharawis living in camps in Tindouf, although the total population of concern assumed by The Office of the United Nations High Commissioner for Refugees (UNHCR) as at January 2009 is 116 561. See: <http://www.unhcr.org>. UNHCR recently requested Algeria to authorise a survey of Saharawi refugees in its territory.

This territory has also a geo-strategic value as a crossroads of traditional trading routes between the Sahel and the Maghreb regions and the Western Saharan harbours along the Atlantic coast can play a prominent role in transoceanic exports and imports. When Spanish colonisation brought urbanisation and an incipient industrialisation through the development of the Saharan phosphor mines, the Spanish Sahara became one of the African colonies with a highest Gross Domestic Product (GDP) per capita (Diego Aguirre 1988). Hence, the exploitation of Western Sahara's natural resources for the benefit of the relatively small number of inhabitants would make an independent Saharan State economically viable.

On democratic discourse and *Realpolitik*

The efforts to resolve the Western Sahara conflict have been jeopardised by the difficulties involved in trying to promote a democratic solution for a territory that is militarily controlled by an autocratic regime, the Moroccan government. In this sense, the promotion of a free and fair solution for the Western Sahara conflict should be examined in the context of the ongoing debate on the relationship between democratisation, development and security in the North African region (Zoubir and Benabdallah-Gambier 2004). In recent years, several western initiatives have focused on democracy promotion in the so-called Arab world or broader Middle East, including North Africa. However, this one size fits all approach neglects the extent to which autocracy is deeply ingrained in the political culture and idiosyncrasy of Arab regimes. In Morocco, Tozy has underlined the extent to which the monarch is the religious and political father of the nation and its citizens (Tozy 1999). Moreover, Western efforts at democratisation are tainted by a long history of collaboration between Western powers and the Arab elites dating back to the colonial period. The Arab Human Development Report (2005:12) acknowledged the prominent role played by key foreign powers in the political life of the region:

> Arab countries cannot ignore the fact that the world, especially the powerful players in the global arena, will continue to safeguard their interests in the region. Their call for reform in Arab countries falls within this context.

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Upon completion, the Arab Human Development Report (2005) was strongly criticised by the United States (US) and Egyptian administrations and its publication was postponed. This report was written by a group of well-known intellectuals and independent experts from Arab countries. They bluntly criticised their regimes and asked: 'Why, among all the regions of the world, do Arabs enjoy the least freedom?' The document was only released in April 2005 – after elections took place in Palestine, Iraq and Saudi Arabia and Hosni Mubàrak announced political reforms in Egypt. At a conference in Brussels, all these changes were applauded by the Bush administration as steps towards democratisation (United States Government 2005a). In remarks at the 20th anniversary of the National Endowment for Democracy, President Bush announced that the United States would pursue a 'forward strategy of freedom' to promote democracy throughout the Middle East (United States Government 2003). In the State of the Union (United States Government 2005b), President Bush emphasised its administration's commitment to support political, social and economic reforms in the region:

> America's actions will result in the spread of democracy in the broader Middle East – an important step that will provide an alternative to terror and violence.

Nevertheless, the US president also pointed out that the US role in the Arab world was not to impose democratic reforms, except when it comes to confronting those who harbour terrorists (United States Government 2005b):

> ….successful reform in the broader Middle East will not be imposed from the outside; it must be chosen from within. Governments must choose to fight corruption, abandon old habits of control, protect the rights of conscience and the rights of minorities. Governments must invest in the health and education of their people, and take responsibility for solving problems instead of simply blaming others. Citizens must choose to hold their governments accountable.

The Western Sahara conflict in the context of the War on Terror

In 2003, the United Nations Secretary-General (UNSG) Special Envoy for Western Sahara, James Baker, resigned after seven years of trying to persuade the parties to move along his diplomatic efforts. In August 2003, Álvaro de Soto replaced William Swing as a Special Representative for Western Sahara. The Peruvian diplomat held a 24-year long career at the UN system. Since 1999, he had been the Secretary-General's Special Adviser on Cyprus.[3] Nevertheless, Álvaro de Soto was not perceived by the parties as a relevant peacemaker. He certainly lacked Baker's diplomatic weight to move the peace plan forward. In May 2005, Special Representative de Soto left MINURSO and in July 2005, Dutch Diplomat Peter van Walsum was appointed as a UN Special Envoy. After resigning, Baker expressed his views on the matter of Morocco's lack of consent with the operation. He clarified his understanding of MINURSO's role in the context of the US war on terror (1994):

> This is a really low intensity, low level dispute. Look, there's no action forcing event in the Western Sahara conflict. Morocco has won the war. She's in possession. Why should she agree to anything? And so she is disinclined to do so. Well, there's one very good reason why she should, because she will never receive the imprimatur of international legitimacy for her occupation of the territory unless she works out some arrangement that is blessed by the international community, blessed by the Security Council, or acceptable to the other party. That's why we work so very hard on the idea of an initial autonomy arrangement with self-government and then a referendum at the end to meet the test, the requirement of the Security Council for Self-Determination.

Baker's point of view illustrates the extent to which the US diplomatic position in relation to the Western Sahara question is linked to strategic priorities. Morocco prides itself to be the oldest ally of the US. On 20 December 1777, Morocco was the first country to recognise the independence of the United

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3 Álvaro de Soto's full Curriculum Vitae is available at United Nations Information Service 2003.

States of America and in 1786 the Moroccan-American Treaty of Friendship was signed between the two countries. The US military alliance with Morocco was forged during the Cold War period. During the 1950s, bomber bases were built at Nouasseur and Sidi Slimane and they were part of the Strategic Air Command's network of strategic bomber bases pointed at the Soviet Union. Baker sees the history of world order as a dialectic continuum, i.e. the struggle for power between antagonist blocs throughout time. East-West dichotomy has been now bypassed by the war on terror.[4] Morocco's monarchy played a key role in Africa by supporting the US war against Communism. Now, the US and its security agencies are engaged in supporting Morocco's regime policies against terrorist groups linked to radical salafism. The resolution of the Western Sahara conflict can be, once again, put on hold.

The Western Sahara case is an illustrative example of the extent to which the politics of democratisation promoted by the US administration are constrained by the War on Terror. The policy of 'either you are with us or you are with the terrorists' has led the US to support regimes in the region which rely on the use of coercion to maintain power. Nonetheless, these regimes are geo-strategic allies and economic partners of the West. Due to the security imperatives dictated by the War on Terror, the US administration has strengthened its military cooperation with the states of the Maghreb region. The US has preferential cooperation ties with Morocco (Grupo de Estudios Estratégicos 2004) and recently, there has been an improvement of relations between Algeria and the US government and other NATO members. Algeria and NATO made their first joint naval manoeuvres in the framework of their cooperation on the War on Terror and the Euro-Mediterranean partnership, the so-called Barcelona process (Martín 2002). At the UN level, American policy in relation to the Saharan question seeks equidistance between both major North African economic partners and allies in the War on Terror, Morocco and Algeria. In this sense,

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4   Baker on National Programming Service (2004): '[So, Morocco and Algeria to the United States, or perhaps to the international community, are more important why? Because of radical Islam?] - Well, they're joining in the fight against terror. They're helping the United States significantly, both of those countries. And of course they're on different sides of this issue.'

US policy in relation to the Saharan conflict is subordinated to its security and economic interests in the region.

The War on Terror led by the US at the global scale has raised geo-strategic stakes in the region. In 2002, fears that the Sahara would become a hiding place for Salafist cells brought the US State Department to promote the so-called Pan-Sahel initiative which was budgeted with more than $120 million (International Crisis Group 2005), aiming at giving training and providing anti-terrorist equipment to countries in the region bordering with the Sahara (Mali, Niger, Chad and Mauritania). The Pan-Sahel Initiative (PSI) trained and equipped one rapid-reaction company, about 150 soldiers, in each of the four Sahel states. This initiative was renamed and expanded in 2005 to include as new partners Algeria, Morocco, Tunisia, Senegal and Nigeria. The new Trans-Sahara Counterterrorism Initiative (TSCTI) is conceived as a long-term interagency plan to combat terrorism in Trans-Saharan Africa by helping the participating countries 'to stop the flow of illicit arms, goods, and people through the region' (United States Senate Foreign Relations Committee 2005). The US Special Forces train their African counterparts in military tactics, marksmanship, planning, communications, land navigation and patrolling. The new TSCTI also attempts to foster informational sharing and operational planning between the states of the region.

Without a doubt, the US-led War on Terror is shaping security dynamics in North Africa, by enlarging states' capabilities to clamp down on anti-terrorist groups and political dissenters. Some experts have warned about the extent to which the militarisation of the Saharan desert may endanger nomadic tribes' livelihood and particularly their means of subsistence. Moreover, this initiative strengthens the capabilities of security forces that have an extensive record of human rights violations (Mcelroy 2004; Keenan 2004). In Atar, Mauritania, near the southern border of the Western Sahara territory, the US army has carried out military training exercises with the Mauritanian army in a period of political turmoil in the country. On 3 August 2005, a *coup d'état* took place; the long-serving dictator Maaouya Ould Sid'Ahmed Taya was ousted by the military of Mauritania and replaced by the Military Council for Justice and Democracy. Since the pan-Sahel initiative was put in place, the Moroccan press has denounced the presence

in Tindouf[5] of members of radical Islamic organisations in an unsuccessful attempt orchestrated by Moroccan power holders to persuade US to target POLISARIO as an enemy in the War on Terror (Anon 2004; Anon 2007).

Meanwhile, in October 2004, the African Union (AU) members met in Argel in a summit on terrorism which set up an African Centre for the Study and Research on Terrorism. This new centre will provide information exchange on terrorist cells operating in AU member states (Africa Union 2004). This was preceded by an agreement between the Algerian government and the US government to establish formal dialogue on military issues in June 2004. While the influence of Western security policies grows in the Sahara, terrorist activities have not ceased. In Algeria, clashes between the army and unidentified armed groups left several thousand victims throughout the 2000's decade, with a situation of protracted violence in the provinces nearby Algiers and other northern provinces. Likewise, clashes have continued up to date and the efforts of Bouteflika's government towards national reconciliation are unable to satisfy Algerian citizenship, largely sceptical on promises such as those expressed by the mighty General Mohamed Lamari. He resigned in June 2004 and it was ascertained that the army was no longer willing to being involved in the country's political life (Cherfaoui 2004).

In Morocco, terrorists hit Casablanca on 16 May 2003 and Moroccan citizens were also involved in Madrid's train bombings on 11 March 2004. Since 2003, thousands of suspect terrorists have been jailed by Moroccan security forces. Moroccan and International Human Rights organisations have denounced arbitrary arrest, long pre-trial detention, ill-treatment and torture (Cembrero 2004; Amnesty International 2004–2008). In the 2007 Presidential and Legislative elections, the moderate Islamist Justice and Development Party (PDJ) has consolidated its 2003 gains, becoming the second political force in the country, and for the first time the Moroccan monarchy permitted PDJ to have candidates in all circumscriptions. Nonetheless, the turnout in the 2007 election was only 37% and Islamist activists remain very influential political agents. In particular, Sheik d'Abdeslam Yassine's civic movement Justice and Charity

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5   Tindouf is an Algerian town where both the Saharawi refugee camps and the POLISARIO headquarters are based.

(*al-Adl wa al-Ihssan*) has succeeded in galvanising support for a non-capitalist, so-called humanitarian, socio-economic project based on the Islamic Message and the instauration of an Islamic Republic (Yassine 2005).

The European Union democratisation agenda in North Africa

The European Union (EU) policy towards North Africa has been articulated around the so-called Euro-Mediterranean partnership and the Barcelona declaration adopted at the Euro-Mediterranean Conference at the end of November 1995. In particular, in the framework of the so-called political and security partnership and the efforts to establishing a common area of peace and stability, the Euro-Mediterranean partners agreed that:

> The peace, stability and security of the Mediterranean region are a common asset which they pledge to promote and strengthen by all means at their disposal (The Euro-Mediterranean Partnership 1995).

Concerning conflict resolution in the region such as Western Sahara, the Euro-Mediterranean partners undertook to:

> Settle their disputes by peaceful means, call upon all participants to renounce recourse to the threat or use of force against the territorial integrity of another participant, including the acquisition of territory by force, and reaffirm the right to fully exercise sovereignty by legitimate means in accordance with the UN Charter and international law (The Euro-Mediterranean Partnership 1995).

France and Spain, alongside the US are the main economic partners of Morocco and Algeria. The EU is the main donor of humanitarian aid towards Saharawi refugees. However, the EU does not pool resources directly towards conflict resolution efforts in Western Sahara. These resources are mostly to support humanitarian programs in the camps of Tindouf (Algeria). Since 2000, the European Parliament (EP) has maintained an active stance through its group 'Intergroup Peace for the Saharawi People', under the presidency of the German socialist member of the European Parliament, Margot Kessler. This group

has been active in lobbying the UN and EU governments to promote conflict resolution in Western Sahara (Intergroup Peace for the Saharawi People 2004). However, the European Commission (EC) has not promoted diplomatic initiatives such as the Road Map for Peace in the Middle East towards North Africa. According to Álvaro Iranzo (European Institute of the Mediterranean 2005), General Director of the Spanish Ministry of Foreign Affairs, in charge of policy implementation towards the Mediterranean, Middle East and Africa, the Spanish Foreign Ministry is not in a position to become directly involved in top down diplomacy initiatives in the Western Sahara conflict as its main policy in relation to the North African area is the promotion of stability and equally good neighbourhood with the Algerian and Moroccan authorities. The Spanish administration is fearful that an active policy towards the Saharan question may jeopardise these efforts.

Differences among EU members in relation to common foreign and security policy in the Saharan case were brought to public in 2003, when most countries supported the new Baker plan II,[6] but France remained sized to its stance to support the Moroccan administration which was unwilling to go along Baker's new initiative. Despite France's reluctance to support the American plan, the French delegation did not finally veto the Security Council Resolution on the Baker plan II (United Nations Security Council Resolution 1495 2003). It can be argued that there is a gap between the Saharan policy supported by the group of European parliamentarians and those policies promoted by EU State members. In the Saharan case, the French government has traditionally supported the Moroccan position and this hinders consensus building. In this sense, the extent to which EU common foreign policies can be successful in the second pillar framework is debatable because in many cases EU states' *Realpolitik* is at odds with the promotion of international law and human rights. The lobbying role played by the EU Parliament and the institutional development of a common foreign and security policy, as specified in the Treaty of Lisbon (Assembly of Western European Union 2008), could eventually shorten the gap between

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6   The new Baker Plan was based on international law and the promotion of a democratic process through which all citizens from Western Sahara would freely choose their government and state affiliation.

European member states' agendas and the efforts to institutionalise a common European policy towards international conflict.

Since March 2004, the socialist government of Spain has worked on improving diplomatic relations between Spain and Morocco. These relations had gone bitter since the Parsley Island crisis in July 2002. In August 2004, there was a joint military operation in Haiti with forces from both countries. The first visit of Spanish President José Luis Rodriguez Zapatero to Morocco was in April 2004 and he mentioned Spanish willingness to promote negotiations between both parties in the framework of a regional agreement between all states involved in the Western Sahara conflict. Zapatero's views raised concerns amongst members of the Spanish associations of solidarity with the Saharawi people – as Zapatero has not been clear on the UN role in resolving the Western Saharan conflict (Cruz 2004).

On the other hand, Kessler (2004) has criticised Spanish diplomatic acquiescence to French policy and has pointed out that 'this kind of apparent diplomatic behaviour of the new Spanish government is difficult to understand and to contribute for a serious European solution for the conflict, it seems more to respond to the French wish to hide the decolonisation file of the Sahara under a false and apparent normal military occupation of this Non Self-Governing Territory'. The Spanish government did not support a non-binding resolution of the UN General Assembly (UNGA) Fourth Committee, the Special Political and Decolonisation Committee to support the Baker plan proposed by Algeria in October 2004 (United Nations General Assembly 2006).[7] This move was unprecedented: for the first time since 1988, Spain did not support a UN peace initiative to resolve the Saharan conflict. Thus, Spanish diplomacy is working towards a rapprochement between Algeria and Morocco as a means to facilitate a regional solution to the conflict based on providing autonomy for Western Sahara within Morocco (Segovia 2004). While Western foreign policy discourses emphasise democratisation as key to conflict resolution in the Arab world, their

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7   On 13 October 2006, Spain and France abstained in the UNGA resolution on Western Sahara. This resolution was passed with 77 votes in favour and 72 abstentions. 14 EU members voted in favour, namely Austria, Belgium, Denmark, Estonia, Finland, Germany, Holland, Hungary, Ireland, Poland, Slovakia, Slovenia, Sweden and United Kingdom.

Realpolitik is guided by national security concerns which contribute to some extent to protract the Western Sahara conflict.

A war on hold

On 4 July 2004, a group of ex-combatants from POLISARIO and youngsters from the refugee camps released a manifesto calling for a collective resignation of the POLISARIO leadership and urging them to organise democratic elections to elect new representatives. In this communiqué, the group expressed disappointment with the leadership of POLISARIO and their management of the peace process. Among other things, the communiqué criticised the progressive dismantling of the Saharawi Popular Army of Liberation (SPLA) and a lack of internal democracy and freedom of expression within the movement. The upheaval of critical voices within POLISARIO can be explained by the Western Saharan perception of progressive marginalisation of their claims in the international arena. This communiqué criticised the leadership of POLISARIO for neglecting war martyrs and questioned the efforts made by the international community to achieve a final solution for this conflict. This opposition group may not be followed by a substantial number of Western Saharan people in the refugee camps of Tindouf in Algeria. Nevertheless, its claims illustrate the frustration felt by a large sector of Saharawi society with the way the peace process unfolded since its inception in 1988.

On the other hand, this frustration has been also echoed within the POLISARIO leadership. Some top officials talk again about resuming the hostilities and they criticise UN peacemaking efforts (Lmrabet 2004). Western Saharan people's perception is that time is running in favour of Morocco, which is investing in the so-called Southern Provinces to harbour the so-called Moroccan settlers, as well as exploiting the Western Saharan natural resources such as phosphor mining and fisheries. Some sectors of Western Saharan society are critical about decisions made by the POLISARIO leadership during the negotiations on the organisation of the Referendum. As some studies on MINURSO point out, POLISARIO policy in relation to the identification of voters and other peace plan provisions was to accept progressively the introduction of new variations to the settlement plan

which were demanded by the Moroccan counterpart since 1988 (Solà-Martín, 2006). It can be argued that POLISARIO's flexibility has helped the Moroccan party to believe in its chances to maintain its control over the Western Sahara. On the other hand, it can also be argued that POLISARIO's cooperation with MINURSO was its only defence against Moroccan obstructionist tactics to the implementation of the peace process. POLISARIO adopted a flexible approach to the implementation of the peace agreements by acquiescing to Moroccan demands on the identification of voters for the Referendum in order to reach a political solution to the conflict by peaceful means – a solution that would be supported by the international community. Nevertheless, to date POLISARIO's expectations remain unfulfilled.

In this context, disagreements between the Algerian and the Moroccan government have resulted in an increase of tension between both countries, each of whom accuses the other of unwillingness to negotiate a resolution for the Saharan conflict. Tensions between the governments of Argel and Rabat reached a peak in October 2004 when Algeria deployed its army along the border with Morocco, in a move which the Moroccan press described as belligerent towards Morocco. At last, Argel decided not to organise the manoeuvres which had been planned to celebrate Independence War 50th anniversary in order to reduce mounting tension with Morocco (Borowiec 2004).

In the current context, the Moroccan monarchy uses the Saharan conflict as a scapegoat to divert attention from Morocco's internal problems linked to poverty and unequal access to political participation. In turn, the Saharan conflict brings cohesion around the king's mighty power as a uniting force against perceived hostile external forces, e.g. Algeria or the UN, who are willing to claim the so-called kingdom's Southern Provinces. In the last decade, some progress has been made in democratisation efforts in Morocco – such as a relative enhancement of media freedom and a sizeable flourishing of civil society organisations. The Equity and Reconciliation Instance (IER) promoted by the king has organised summary processes to clarify and compensate victims of political repression. Nevertheless, Amnesty International has warned that this openness and enhancement of civil liberties has not affected to the same extent the Western Sahara territory (Amnesty International 2004). For example in 2003,

the Saharan Section of the Moroccan Forum for Truth and Justice was banned and its members were accused of displaying pro-independence slogans and of supporting international organisations cooperating with the Saharawi people such as The European Conference of Coordination Support to the Saharawian People (EUCOCO) coordinated by the Belgian Pierre Galand (Kingdom of Morocco, Department of Justice 2003).

Meanwhile, MINURSO does not investigate human rights violations which take place in the territory of Western Sahara. The mission's strength was reduced to a minimum expression since the negotiations on the Settlement Proposals were suspended at the end of 2000. Subsequently the mission focused on coordinating confidence-building measures agreed to by both parties: the promotion of peacebuilding through family visits between Saharawi families divided by the sand berm and the opening of new phone lines between the refugee camps and the cities located west of the sand berm.

The United Nations diplomatic efforts to resolve the Western Sahara conflict

In 2000, the UN Secretariat decided to give up the efforts towards the completion of the identification process, arguing that the parties were not ready to compromise, and suggested that the parties 'explore ways and means to achieve an early, durable and agreed resolution of their dispute' (United Nations Security Council Resolution 1292 2000).[8] On 20 June 2001, Baker presented the so-called Framework agreement on the status of Western Sahara (Baker Plan I) that contained provisions for a 'confirmatory' referendum within the five-year period following the implementation of this agreement. However, the new plan did not specify what alternatives were to be voted on, in case the plan was not approved. Furthermore, those options envisaged in the Settlement Proposals, for independence or integration, were not even contemplated. The Baker Plan I was rejected by the POLISARIO Front who was still advocating the implementation of the UN Settlement Proposals. In 2003, after consultations with the parties, Baker reformulated his proposal by putting forward the so-called Peace plan

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8   This expression was first used in United Nations Secretary General Report S/2000/131 2000.

for self-determination of the people of Western Sahara (Baker Plan II). The referendum would take place 5 years after the effective date of the plan that would also include the ballot options previously agreed to in the Settlement Proposals, i.e. independence or integration of Western Sahara into Morocco. The plan provided that all Moroccan nationals living in the area of the Western Sahara territory controlled by Morocco since 1999 – who presently outnumber native Western Saharans – would vote in the referendum. For the first time, POLISARIO approved this alternative to the implementation of the Settlement Proposals. However, the plan was not approved by the UN Security Council because Morocco reacted negatively to POLISARIO's unexpected eagerness by opposing the Baker Plan II. As a result of this deadlock, in June 2004, Baker resigned as the UN Secretary-General's Personal Envoy for Western Sahara and there was a long impasse in the UN mediated negotiations. Out of frustration, the so-called Saharawi Intifada, a popular uprising, was unleashed in the Western Sahara controlled by Morocco since May 2005. Protesters demanded political and socio-economic rights for Western Saharan people.

On 11 April 2007, Morocco submitted to UN Secretary-General Ban Ki-Moon a new initiative along the lines of the Baker Plan I. Morocco's new proposal, called 'Moroccan Initiative For Negotiating An Autonomy Statute For The Sahara Region', would grant autonomy for the Sahara within the framework of the Kingdom's sovereignty and national unity. The Government of the Sahara autonomous Region would exercise similar powers over local administration to those enumerated in the Baker plans I and II. The Region's autonomy statute would be submitted to the regions' populations in a free referendum. However, the proposal did not clarify whether this alleged self-determination exercise would enable the Western Saharan people to choose either independence from, or integration into Morocco. On the other hand, POLISARIO presented an alternative plan stressing its traditional views regarding the implementation of the self-determination principle through a referendum monitored by the UN. Since June 2007, the UN Secretary-General's Personal Envoy for Western Sahara, Peter van Walsum of the Netherlands, embarked on four rounds of negotiations with the parties to discuss both initiatives in Manhasset, Long Island (United States). In April 2008, the Security Council met in a closed

session to discuss the lack of progress in the negotiations and Peter van Walsum presented a document in which he claimed that an independent Western Sahara was not a realistic option. Van Walsum's pro-Moroccan stance was strongly criticised by the POLISARIO leadership and on 4 August 2008 Saharawi Arab Democratic Republic (SADR) President Mohamed Abdelaziz sent a letter to the Secretary-General of the United Nations, Ban Ki-Moon, in which he stated that Van Walsum had disqualified himself from mediating between the parties. In September Ban Ki-Moon appointed US diplomat Christopher Ross as his new special envoy in Western Sahara. Ross has a long experience in the Arab world and his appointment was welcomed by the POLISARIO leadership who supports a greater US involvement in brokering a lasting solution for the conflict in Western Sahara.

The new Obama administration: A window of opportunity

In 2009, the new Special Envoy for the UN Secretary-General, Christopher Ross, was deployed to the region to make some progress towards a peaceful solution to the conflict, but prospects are grim since any diplomatic solution pursued so far would entail the parties making concessions on the core issue of sovereignty. The status quo is a blessing for the occupying power and a curse for the liberation movement. In July 2009, US President Barack Obama wrote a letter to the King of Morocco, Mohammed VI, mainly on the Middle East peace process. Obama also requested his cooperation towards a diplomatic solution on the matter of Western Sahara under UN auspices (United States Government 2009):

> I share your commitment to the talks under the auspices of the United Nations as the appropriate framework to reach a mutually acceptable solution, and I hope that Christopher Ross, a seasoned diplomat with wide experience in the region, will promote a constructive dialogue between the parties...My government will work with yours and others in the region to achieve an outcome that meets the people's need for transparent governance, confidence in the rule of law, and equal administration of justice...

In this letter, Obama omitted to mention the autonomy proposal laid out by Mohammed VI in 2007. The latter proposal had been praised by the Bush

administration in its correspondence with the King of Morocco on the Western Sahara question. After the UN Security Council adopted resolution 1871 on Western Sahara, on 30 April 2009, US Ambassador to the UN Susan Rice did not refer to Morocco's autonomy proposal either. Hence, it is apparent that the new US administration is intending to reverse the former US administration policy of endorsing Morocco's proposal to settle the conflict. It has been actually pointed out unofficially by a Spanish diplomat that Obama's administration is now working on a new proposal which would draw on the Baker Plan (Cembrero 2009). The Saharawi Arab Democratic Republic (SADR) is a full member of the African Union whilst Morocco has been long ostracised in the African continent because of its refusal to allow the free will of the people of Western Sahara. Obama has become a flag-bearer of policy change because of his endorsement of principles of democratic accountability and transparency. Perhaps, this is the last opportunity to decolonise the last colony of Africa before Moroccan occupation becomes a *fait accompli*. However, previous experience from influential US policy makers such as James Baker demonstrates that Morocco is simply not interested in organising a referendum in Western Sahara. Paradoxically, only a solution that is consistent with UN doctrine and international law can break the current deadlock.

Moving towards conflict resolution in Western Sahara

Shifting the diplomatic agenda beyond containment policies pursued by the US and EU members towards a conflict resolution approach can be the stepping stone towards sustainable peace in the region. MINURSO and Western policies of conflict containment linked to the US-led War on Terror have not promoted democratisation in Western Sahara. Wishful thinking perhaps, but this section lays out a strategy to bridge the gap between the democratisation rhetoric of American and European policymakers and the reality of western diplomatic efforts in the region.

The international community needs to engage in an active diplomatic strategy to enhance support for the recognition of the Saharawi Arab Democratic Republic (SADR) as a sovereign independent state and new member of the United

Nations – pending a final solution for the territory based on the implementation of UN Resolution 1514 and the UN doctrine on Non-Self governing territories i.e. a self-determination referendum. The Organisation of African Unity (OAU) accepted the SADR as a full member in 1982. Most OAU members recognised the former Spanish Sahara, SADR, as a sovereign state – applying the OAU doctrine on the sacrality of state borders inherited from colonialism. From the time of the OAU inception, state sovereignty and territorial inviolability were bedrock principles of the organisation. Respect for territorial integrity of member states led them to accept the principle of *uti possidetis* with regard to state boundaries. *Uti possidetis* provides that borders that were determined by colonial powers prior to independence were not to be altered and would form the permanent frontiers of the independent African states.[9] Since 2001, the OAU was dissolved in favour of a new organization, the African Union (AU), and some reconceptualisation of the role of the organisation was undertaken, mainly regarding its role in humanitarian crises. Nevertheless, *uti possidetis* remains a bedrock principle as envisaged in Article 4 of the AU Constitutive Act. According to article 4, the Union shall function in accordance with sovereign equality and interdependence among member states of the AU and respect of borders existing on achievement of independence (Gardner 2000).

Since the peace process became deadlocked, some states that had recognised the SADR during the Cold War period have withdrawn their recognition or put it on hold until the referendum process comes to an end. Some among the poorest African nations have withdrawn recognition after reaching political and economic cooperation agreements with the Moroccan government.[10] On the other hand, on 15 November 2004, the Republic of South Africa announced its official recognition of the Saharawi Arab Democratic Republic (SADR), according to a joint communiqué signed by the Saharawi Minister for Foreign Affairs, Mr. Mohamed Salem Ould Salek and Mrs. Nkosazana Dlamini-Zuma,

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9   This principle of *uti possidetis* was implicitly recognised in Article 3, Paragraph 3 of the OAU Charter.

10 Former President of Liberia Charles Taylor withdrew SADR recognition in 1997. Equatorial Guinea withdrew SADR recognition in 1980. In 2002 the US-supported post-Taliban government of Afghanistan withdrew SADR recognition.

South African Minister for Foreign Affairs. This communiqué stated that this South African initiative 'will bring a highly valued contribution to the return of peace and stability in the northern part of our continent through a fair and balanced approach towards all peoples of the region' (Sahara Press Service 2004). Therefore, South African policy intended to galvanise international support towards recognition of the SADR and the promotion of conflict resolution in the region.

Western European states have never recognised SADR, but there are some indications that some of these countries are reconsidering their policies on this issue. In Norway, there is a growing consensus among the ruling coalition parties that SADR recognition is the way forward to break the current diplomatic stalemate. In January 2007 the Norwegian Liberal Party adopted a resolution demanding official Norwegian recognition of SADR. On 22 April 2007, the National Council of Socialist Left Part (SV) issued a declaration urging Norway to recognise the SADR. The declaration also pointed out that Norwegian business operating in the Western Sahara controlled by Morocco contributed to sustain the occupying power and advised the government to discourage Norwegian companies to invest or commercialise goods in Western Sahara till the conflict is resolved. Elsewhere in Europe, the recognition of Western Sahara is currently being discussed as a policy option. In April 2007, at its annual congress, the EU association of liberal youth parties, European Liberal Youth (LYMEC),[11] issued a resolution calling on European governments to formally recognise the SADR as an independent state. The liberal parties agreed to put pressure on the mother parties to pursue this goal.

A workable and lasting peace strategy for Western Sahara will only succeed if the international community assumes a more robust role in clarifying human rights violations and promoting confidence-building measures so that the refugees can return to the Western Sahara territory. Since Emmanuel Rocounas resigned in 1999 as MINURSO's International Jurist to clarify Saharan disappearances, this post remains vacant (United Nations Secretary General Report S/1999/954 1999).

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11 LYMEC has member organisations in 37 European countries and almost 250 000 individual members throughout Europe.

An unpublished report produced by the UN Office of the High Commissioner for Human Rights (OHCHR) on Western Sahara in 2006 stressed the extent to which human rights in Western Sahara can only be effectively protected by promoting the organisation of a referendum for the self-determination of the Western Saharan people (OHCHR 2006). This report was kept secret, once more, due to diplomatic fears that the report's findings would upset the Moroccan regime. Nevertheless, its conclusions certainly support the argument laid out in this paper that UN policy in relation the Sahara needs to move towards Western Saharan statehood. Only this option provides the basis for protecting Western Saharan people from political repression, while ways are devised to work on the parties' consent for a referendum to take place across the territory to define whether the territory of Western Sahara becomes an independent state or is integrated into Morocco. Time is ripe for the Obama administration to work in partnership with other members of the Security Council, African States, the EU and Spain in order to endorse a new mandate for MINURSO based on Chapter VII of the UN Charter. MINURSO should play a new role to protect the people of Western Sahara from human rights abusers and only then a peaceful and lasting solution based on decolonisation doctrine can be pursued: the long overdue self-determination referendum should be monitored by UN military and civilian observers across the Western Sahara territory.

Concluding remarks

This paper argues for a strategy of maximising efforts to implement a UN plan for the self-determination of the Western Saharan people, advocating international recognition of SADR. Renewed efforts by the international community to achieve this end will only be fruitful if Western countries in cooperation with the AU show political eagerness to move the process forward. There is a wide range of literature on post-Cold War peacekeeping and humanitarian intervention that stresses the extent to which these practices involve exporting Western liberal democratic practices to war-torn societies as a means of conflict resolution (Duffield 2001; Bellamy et al. 2004). However, the Western Sahara case illustrates the extent to which power politics have overshadowed conflict resolution efforts in North Africa. Morocco bases its strategy on blocking any

solution that challenges its control over the Western Sahara. On the other hand, from the onset of the peace process, POLISARIO has supported all UN-sponsored peace proposals to resolve the Western Sahara conflict. To date, the prospects for a broader involvement of the West in the promotion of Western Saharan people's rights in the current international framework dominated by the US-led War on Terror are rather grim. This is a dangerous situation and conflicts in Israel/Palestine or Cyprus provide strong evidence that protracted military occupations of disputed territories lead to deeply divided and polarised societies. The Western Sahara conflict has been contained but not resolved and this dispute will remain a roadblock for the promotion of economic and political cooperation in the Maghreb region unless courageous diplomatic initiatives such as greater international backing for Western Saharan statehood are put on the peace table.

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Book reviews

Democratization and Islamic law: The Sharia conflict in Nigeria

Harnischfeger, Johannes 2008
Frankfurt/New York, Campus Verlag, 244 pp.

Reviewed by Françoise Ugochukwu

Prof Françoise Parent-Ugochukwu is currently attached to the Open University in the United Kingdom (UK). She has her Ph.D. in French Literature (Grenoble, 1974) and has been lecturing in Higher Education in Nigeria, France and the UK for more than thirty-five years. A former Professor from the University of Nigeria, she qualified as a French University Professor in Comparative Literature in 2004.

This book is the fruit of a three-year research mission in Nigeria (1993–1996) followed by three research trips in 2001, 2002 and 2006, during which the twelve States of the Federation which adopted Sharia in various degrees were covered: Zamfara, Kaduna, Sokoto, Kano, Bauchi, Katsina, Kebbi, Jigawa, Borno, Yobe, Niger and Gombe. It is a precious first-hand account of the implementation of Sharia in the north of the country, prompted by the fact that 'observers in Europe and North America paid little attention to the political implications of Sharia' (p. 17). It is based on interviews with local informants, personal observations, and the scrutiny of archive documents, media articles, religious tracts, the Quran, the Bible and academic publications. Central to the book

are the effects of Sharia both on the Muslim community and on Muslim-Christian relations. The author first attempts to 'reconstruct some of the reasons that led to the Sharia campaign' (p. 28), going back into history up to Usman Dan Fodio's jihad in 1804 (p. 42), which presented Islam as the only unifying factor between Fulani, Hausa, Nupe and Yoruba. For Harnischfeger, the colonial period which followed was 'a blessing for the spreading of Islam' (p. 54), as the British closed the region to Christian missionaries, a move which, while facilitating the rapid Christianisation of the south, led to positive discrimination in favour of northerners and to the present educational imbalance between North and South. Sharia remained in force in all Emirates until the Independence, with non-Muslim settlers – mainly Igbo and Yoruba – discriminated against.

For the author, 'Nigeria's transition to democracy upset the balance of power and aggravated ethnic-religious tensions' (p. 25). The book focuses on the campaign which followed Nigeria's return to democracy in 1999 and led to the rapid adoption of the Sharia by northern States in the midst of the ills of democracy 'Nigeria's style': 'rigged elections, falsified census figures, crushed opposition' (p. 24). The push to implement the Sharia, often supported by northern intellectuals, and coinciding with the election of a Yoruba Head of State that signalled a power shift from north to south, is seen as an attempt to assert the northerners' right to self-determination. This development has been used to exert power over politicians from the south, with the expressed Muslim aim now being the introduction of the Sharia throughout the federation. The author highlights the fact that the Sharia campaign, launched for political reasons, yet often inspired by genuine religious motives, rapidly gathered momentum, fast becoming the expression of the masses' growing distrust of the government. It was then embraced by activists whose zeal saw it as a tool to subject the lukewarm elite to public control. Religion, which, in Nigeria, 'permeates all aspects of life' (p. 221), has traditionally been seen as a way out of economic and moral decline, and several chapters expand on the way Sharia was initially taken as a panacea, a restorer of morality and sanity, an alternative to the perceived failure of democracy and Western models of government, the State's weakness and lack of control of lawlessness. The

author suggests that it was also seen as a positive alternative to the perceived abuse of freedom manifested in the south in the summary mob executions occasionally targeting armed robbers.

Yet the study reveals the gulf between the claims of regional State governments and religious clerics on one hand, and the effects of the application of Sharia on the other, and goes through a catalogue of ills: violations of human rights, gender inequalities (pp. 211–213), the restriction of freedoms, and legal insecurity affecting schools, media, law courts and daily life. Added to that list are the decline of Central Government authority, the disregard for the federal Constitution and the growing restrictions to non-Muslim forms of worship. The author highlights the fact that Sharia implementation, seen by its advocates as a dividend from democracy, a unifying force transcending ethnic antagonisms and a means of quelling inner Muslim rivalries by pointing to a common enemy, has led to the exclusion of non-Muslims from important aspects of public legislation and to the marginalisation of Christian minorities. This has, in turn, brought about bouts of documented, widespread and growing unrest and violence throughout the whole north, in particular in the States of Kaduna, Kano and Plateau. It may be true that 'in most cases, religious antagonisms are interwoven with ethnic conflicts, with disputes over scarce land resources, and with rivalries in local markets' (p. 16); but the net result, revealed by this study, is the staggering number of killings, usually prompted by minor incidents and affecting major northern cities on a regular basis, coupled with growing waves of retaliations battering Lagos, Ibadan and Igboland – leaving since 1999, 'at least 50,000 people killed in ethnic, religious and communal violence' (p. 24).

Christian minorities have termed the introduction of full Sharia 'irresponsible madness' and accused 'Sharia politicians [of breaking the] religious compromise which has held the multi-faith country together since Independence' (p .221). Harnischfeger's study confirms the political role of religion as a tradition in Nigeria, which colonisers did not eradicate. It shows that ethnic and religious groups which were lumped together in the Nigerian federation failed to develop common values and convictions and drifted more and more apart, with the northern attempt to implement Sharia throughout the federation and

make Nigeria an Islamic State alienating it in the eyes of the south. The unity of the federation is being questioned: the country, after a near collapse in 2000, is now experiencing a fragile peace, with different States in different situations. The personal difficulties encountered by the author – his being arrested and questioned on several occasions by the security services in the course of his research, and the lack of open debate about Sharia, even in academic circles – confirmed his views that Sharia 'flies in the face of Nigeria's moderately secular tradition' (p. 13). Yet he managed to reveal a 'creeping islamisation' (p. 76) which tends to now spread to European countries with the Muslim diasporas. For him (p. 239), although 'the Sharia movement has lost political momentum […], yet the religious revival has entrenched the Islamic identity of most Sharia States' and religion is likely to play a prominent role in future conflicts in Nigeria. This book is an unashamedly honest, remarkably well documented study, and a courageous exposure of the major threat to Nigeria's stability.

Traditional justice and reconciliation after violent conflict:
Learning from African experiences

Huyse, Luc and Mark Salter eds. 2008

Stockholm, International IDEA (Institute for Democracy and Electoral Assistance), 203 pp.

ISBN 078-91-85724-28-4 pb.

Reviewed by John W. Forje

John W. Forje is Archie Mafeje Fellow at the African Institute of South Africa (AISA). He is Professor in the Department of Political Science, University of Yaoundé II-Soa, and visiting lecturer at the University of Buea. He is also involved in the Centre for Action-Oriented Research on African Development (CARAD), Yaoundé, Cameroon.

There is no part of Africa that is not afflicted by civil wars, violent upheavals, abject poverty, institutionalised corruption or mismanagement of resources. There have, however, been few systematic attempts to analyse and assess the role and impact of traditional mechanisms in situations of conflict resolution and in post-conflict settings. The question may indeed be asked: Where has the approach of the 'Baobab Tree' gone, which used to be a consensual instrument for conflict resolution and a peace-building mechanism after conflict? The possibility remains, however, that even with the given pollution of traditional values and customs by the forces of corruption, traditional justice mechanisms may still offer a way of

restoring a sense of accountability and transparency, and of linking justice to democratic development.

Traditional justice and reconciliation after violent conflict attempts to show how fundamental drawbacks and weaknesses may be avoided when using African traditional approaches in conflict-torn Africa. This is a publication serving both as a general knowledge resource and as a practitioner's guide for all those involved and interested in seeking to employ traditional justice mechanisms to establish a state of peaceful coexistence in conflict areas. It brings into the limelight an effective, but often disregarded or ignored, African traditional judiciary system of justice.

The 203-pages publication, divided into seven chapters, and containing useful boxes and tables, is a well-researched analytical treatise that delves into the annals of conflict and post-conflict situations in Rwanda, Mozambique, Uganda, Sierra Leone, and Burundi. It was produced by a team of seasoned university dons, academics, experts in law and members of civil society. From their different vantage points they present a cross-cutting analysis on how traditional mechanisms can efficiently and effectively complement conventional judicial systems, and can provide a real potential for promoting justice, reconciliation and a culture of democracy – all of which are currently lacking in most countries.

It goes without saying that traditional mechanisms for justice and reconciliation had elements of democratic culture, but these were destroyed by the invading forces of western colonial rule which were geared towards civilising the uncivilised within the parameters of western values. As indicated by its title, this book propagates a return to crucial values that formed the essence of approaches to getting the parties concerned to deliberate amicably over issues separating their various viewpoints, to settling disagreements, and to co-habiting peacefully afterwards. Confidence-building mechanisms indeed remain vital for maintaining stability, peace and trust in post-conflict situations.

The book is divided into three main parts. The first part undertakes a thorough examination of the emergence of traditional techniques in

peacekeeping, transitional justice and reconciliation policies. Arguments concerning traditional justice, as debated by political leaders, members of civil society and the academics, are discussed. By far the most decisive question is how to balance the demands of justice made by the many political contestants. A second crucial question is how to establish and uphold peace and political stability. Essentially, what is vital is that prosecutions should avoid unbridled private spirals of revenge, as when victims take justice into their hands or vigilantes perform summary executions.

The second part establishes the difficulties of terminology and methodology in investigating the actual performance of tradition-based instruments when the approach of choosing between prosecuting and forgiving and forgetting has been abandoned. The South African Truth and Reconciliation Commission was a creative mix of formal and informal procedures and of international norms and domestically designed techniques. The Gacaca initiative in Rwanda ran into a multitude of operational problems with regard to conflicts of interest and forms of procedure.

The third part presents a comparative analysis of such practices in five African countries:

- The Gacaca courts in Rwanda
- The Magamba spirit of restorative justice in Mozambique
- The tradition-based practices in the Acholi region of Northern Uganda
- The tradition-based practices of the Kpaa Mende in Sierra Leone
- The institution of Bashingantahe in Burundi

The five countries have a legacy of extremely violent conflict and represent a diversity of types of conflict. These countries were chosen in consultation with the main sponsor of the project – the Belgian Ministry of Foreign Affairs.

The ambition of the book, as pointed out by the editors, is to develop insights, based on case studies by local authors, to enlighten the debate and heighten awareness among the various parties, local and international, of

the range of policy instruments and contextual resources available in the pursuit of sustainable peace in post-conflict societies. With the results of empirical studies of traditional justice mechanisms, the most important shift in perception and evaluation is the now commonly accepted insight that traditional techniques have been altered in form and substance by the impact of colonisation, modernisation and civil war.

Analysis of the case studies exhibits the commitment to instrumental objectives such as reconciliation, accountability, truth-telling, legitimacy and reparation, and emphasises the role of civil society in restoring and rebuilding hope and confidence in conflict-ridden communities. Most of the countries studied combined traditional justice and reconciliation instruments with other strategies for dealing with the legacy of civil war or genocide. Questions as the following are discussed. How can interpersonal and community-based practices of truth-telling live side by side with state-organised and/or internationally sponsored forms of retributive justice? Why can African traditional justice and reconciliation processes and methods not be given wider recognition in the international community justice system?

Conclusions as the following were drawn:

- The surfacing of the truth is the basis of the entire transitional justice framework in post-genocide Burundi.
- The Gacaca courts are Rwanda's main traditional justice instrument.
- The Magamba spirit initially causes suffering, but then the suffering is transformed into a healing power.
- The institution of Bashingantahe has three essential missions – mediation, arbitration and reconciliation.
- Truth-telling in Sierra Leone is an integral part of the justice system in indigenous societies.
- The Truth and Reconciliation Commission fulfilled an important role in South Africa's post-apartheid recovery process.

African traditional institutions, whether political, economic or social, have never been inert. They respond to changes resulting from several factors and forces. The word 'traditional' implies a dynamic process and should be put to work for the common good. The ultimate goal of a traditional justice system in most African communities is reconciliation – to forget and forgive and move on. Unfortunately, colonial rule had an adverse effect on the traditional mechanisms of justice and reconciliation. All criminal offences were henceforth decided by new courts and emphasis was placed on litigation. The appointment of court members/chairpersons seems to have been politically influenced, and therefore thwarted the confidence of the people in the traditional system they believed in.

The importance of *Traditional justice and reconciliation after violent conflict*, apart from the five case studies, can also be seen in two recent conflict resolutions on the continent: the Bakassi Peninsula conflict between Nigeria and Cameroon and the post-elections conflict in Kenya, where the African traditional system of brotherly dialogue, consensus and understanding has prevailed. The African traditional culture and value system has much to offer to the world – a sense of direction in conflict resolution and in peace-building mechanisms – even though Africa remains a region where conflicts are caused by external factors, issues over natural resources and the wrong use of power in the development process. This publication definitely addresses pertinent issues in the ongoing democratic transformation and nation-building processes in Africa.

It appears to be a ground breaking book that provides a penetrating commentary on the pathways for traditional justice in combination with modern legal instruments in situations of conflict resolution and post-conflict confidence building. By emphasising the cardinal values of reconciliation, accountability, truth-telling, reparation, legitimacy and the role of civil society, it gives scientific support to the practice and value of the Baobab Tree method as a significant instrument for post-conflict communities to sustain peace, trust and reconciliation and to rebuild their tragic past in a positive, progressive and humane manner.

Traditional justice and reconciliation after violent conflict highlights the strengths and weaknesses of both traditional and modern systems of justice and advances policy recommendations on a wide variety of areas, particularly on indigenous justice, consensus and reconciliation practices. The strength of the book lies in the recommendations of implementing latent opportunities embedded in the features of traditional mechanisms of justice for settling differences and building trust and confidence in post-war situations. It is a well researched and well written book for academics, students, policy-makers, as well as for people in all walks of life.