

Understanding Africa's contemporary conflicts

Origins, challenges and peacebuilding



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Dr Richard Bowd and Dr Annie Barbara Chikwanha (eds)

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The African Human Security Initiative (AHSI) is a consortium of organisations that took the initiative to emphasise human security in Africa through influencing criminal justice policy reforms in select Africa Peer Review Mechanism (APRM) member countries and contributing to the peace and conflict dialogue in Africa through regional bodies (for example the African Union (AU) Peace and Security Council).

The AHSI partners are Southern Africa Human Rights Trust (SAHRIT), West African Network for Peace-building (WANEP), African Security Dialogue and Research (ASDR), African Peace Forum (APFO), University for Peace Africa Programme (UPEACE), South African Institute for International Affairs (SAIIA), Institute for Human Rights and Development in Africa (IHRDA) and the Institute for Security Studies (ISS).

Contents

About the authors	iii
Acronyms and initialisms	vi
Introduction	x

Dr Richard Bowd and Dr Annie Barbara Chikwanha

Part 1

Approaches of conflict analysis

Chapter 1

L'influence des analyses théoriques de la conflictualité d'après-guerre froide dans la « construction de la paix »

L'exemple des conflits de la région du fleuve Mano	3
--	---

Romain Malejaqc

Chapter 2

Beyond greed and grievance

Towards a comprehensive approach to African armed conflicts:

Sierra Leone as a case study	25
------------------------------------	----

Oscar Mateos

Part 2

Conflict resolution and peacebuilding

Challenges and obstacles

Chapter 3

Mediation and peacebuilding through regional arms control and disarmament diplomacy

A diplomatic continuum in the Somali peace process	63
--	----

Philip Mwanika

Chapter 4

Violent conflicts

Key obstacles for sub-Saharan Africa to achieving the Millennium
Development Goals – where is the evidence? 87
Derefe Wordofa

Chapter 5

'Guardians of the nation or unruly disciples?'

A critique of youth participation in post-colonial Zimbabwe's contested
political spaces 115
Terence Mashingaidze

Part 3

Reconstruction successes

Chapter 6

**The evolving role of the military in the peace and
security architecture of West Africa** 143
James Gadin

Chapter 7

When combatants become judges

The role of ex-combatants in Gacaca courts and its effect on the
reintegration and reconciliation processes in Rwanda 161
Dr Richard Bowd

Chapter 8

Human rights and conflict transformation processes in Africa 195
Lawrence Juma

Chapter 9

The role of women in conflict resolution and peacebuilding 233
Damilola Agbajobi

Chapter 10

Elections de la peur ou peur des élections?

Dilemmes et contretemps de la sortie de crise en Côte d'Ivoire 255
Lucien Toulou

Conclusion

A renewed understanding of conflict? 273
Dr Richard Bowd and Dr Annie Barbara Chikwanha

About the authors

Dr Annie Barbara Chikwanha is a senior research fellow with the Institute for Security Studies (ISS) in Nairobi. She currently heads the Africa Human Security Initiative (AHSI) project at the Institute. Annie previously worked as a key researcher with the Afrobarometer Network from 1999 until 2006. In that period, she was involved in administering opinion surveys that measured attitudes to democracy and governance in 18 African countries. Her professional background is university teaching, research in democracy, governance, poverty, public opinion surveying and outreach training on democracy and governance. She has published in these areas and is currently working on crime and criminal justice systems in select African Peer Review Mechanism (ARPM) member countries. She holds a PhD in political science from the University of Bergen in Norway.

Dr Richard Bowd works as a community outreach and peacebuilding project manager for CARE International in Timor-Leste. Richard has conducted extensive research and work commitments in Kosovo, Rwanda, DR Congo, Kenya, Uganda, Ethiopia and Timor-Leste and has written and presented research papers based on these experiences as well as co-editing a forthcoming book on participatory research methodologies in post-conflict/disaster environments. Richard has held various research positions at the University of Salford and the University of York and has taught on a number of politics modules at the University of York, including convening the Graduate Research Methods module. His work and research interests include post-conflict social and political reconstruction, the reintegration of former combatants, co-existence and reconciliation, social capital and social development, and peacebuilding. Richard holds a PhD in post-war recovery studies from the Post-conflict Reconstruction and Development Unit (PRDU) at the University of York, England.

Romain Malejaq is a political scientist and PhD candidate in international relations at the Institut d'Etudes Politiques de Paris (France) and Northwestern

University (USA). Romain is working on warlords' international relations, currently focusing on Afghanistan. He also spent two years working as the senior editor of the *Human Security Journal* at the Centre d'Etudes et de Recherches Internationales (CERI) in Paris, and worked on projects for the CERI Program for Peace and Human Security (CPHS).

Oscar Mateos is a political scientist and PhD candidate in international relations at Barcelona Autonomous University (Spain). Oscar spent five years as a lecturer and researcher on African conflicts at the School for a Culture of Peace, Barcelona Autonomous University. Since October 2006 he has been a lecturer at the Peace and Conflict Department, Fourah Bay College, University of Sierra Leone.

Philip Mwanika is a researcher with the Institute for Security Studies (ISS). He is currently working in the Environmental Security Programme of the ISS. He previously worked as a junior researcher in the Arms Management Programme, ISS, and has also worked with the Regional Centre on Small Arms and Light Weapons (RECSA) in the Great Lakes and Horn of Africa. Philip holds an MA in peace studies and international relations from the Jesuit Campus of the Catholic University of Eastern Africa, Nairobi. He also holds a BA in international studies and diplomacy and a diploma in armed conflict studies in Eastern Africa.

Dereje Wordofa is currently the regional director for Africa, based in Pretoria, at the American Friends Service Committee (AFSC), which is a Quaker organisation committed to peace and social justice. Prior to this, he worked as head of the regional policy team, and country director for Oxfam GB, based in Oxford and Kampala respectively. He also worked for Save the Children for 10 years in Ethiopia in various roles. He focuses on international policy issues, sustainable development and humanitarian assistance. He obtained an MSc (Econ) degree in social policy planning in developing countries from the London School of Economics.

Terence Mashingaidze is a historian and a PhD candidate in the Department of History at the University of Minnesota, Twin Cities, United States. Since 2001, he has been a lecturer in the Department of History and Development Studies at Midlands State University, Gweru, Zimbabwe. He has research and teaching interests in African social history, youth, governance and electoral politics.

Laurence Juma is a senior lecturer and head of the Department of Public Law at the Nelson R Mandela School of Law, University of Fort Hare. He has

published widely in the fields of customary law, human rights and conflict studies. His latest publication, *Dignified existence: Reflections on aspects of culture and cultural rights in Africa*, appeared in the second volume of the 2008 edition of *Speculum Juris*, Rhodes University.

James Gadin holds a master's degree in international affairs and diplomacy from Ahmadu Bello University, Zaria, Nigeria. James's working career has taken him through the military (Nigerian Army), private sector and civil society. He is currently a political officer with the African Union Mission for Somalia (AMISOM).

Damilola Amilola Taiye Agbajobi is a political scientist and MPhil/PhD candidate at the University of Lagos, Nigeria. Damilola spent three years as a lecturer in the Department of Political Science and Public Administration, College of Management Sciences, Redeemer's University (RUN). She is a lecturer and researcher at Redeemer's University and is continuing with her research work at the University of Lagos.

Lucien Toulou is currently a researcher with the Electoral Institute of Southern Africa (EISA) in Johannesburg, South Africa. Previously, he lectured at the Catholic University of Central Africa, Yaoundé, Cameroon, before being deployed to Bouake as electoral advisor for the United Nations Operation in Côte d'Ivoire. Lucien Toulou holds a PhD in political science from Sciences Po/University of Bordeaux IV, France. In 2007/2008, he observed and coordinated several election observer missions to Madagascar, Kenya, Zimbabwe, Angola, Mozambique, Zambia, and Ghana. Recently, he co-edited a volume on *The state, democracy and poverty eradication in Africa*, published by the Electoral Institute of South Africa in 2008.

Acronyms and initialisms

ACHPR	African Charter on Human and People's Rights
ACOTA	Africa Contingency Operations Training Assistance
AFDL	Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre
AFRC	Armed Forces Revolutionary Council
AG	Armed Groups
AHSG	Assembly of Heads of States and Government (AU)
AHSG	Authority of Heads of States and Government
AHSI	African Human Security Initiative
AMISOM	African Union Mission in Somalia
APC	All People's Congress
APFO	African Peace Forum
APRM	Africa Peer Review Mechanism
ASDR	African Security Dialogue and Research
ASF	Pan-African Stand-by Force
BPFA	Beijing Declaration and Platform for Action
CDF	Civil Defence Forces
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CGG	Campaign for Good Governance
CPA	Comprehensive Peace Agreement
CSM	Civil Society Movement
DAC	Development Assistance Committee
DDRR	Disarmament, Demobilisation, Rehabilitation and Reintegration
DOP	Declaration of Principles
EASBRIG	Eastern Africa Standby Brigade
ECCAS	Economic Community of Central African States

ECOMOG	ECOWAS Ceasefire Monitoring Group
ECOWARN	ECOWAS Early Warning System
ECOWAS	Economic Community of West African States
EO	Executive Outcomes
FAR	Forces Armées Rwandaises
FAS	Femmes Afrique Solidarité
FAWE	Forum of African Women Educationalists
GoR	Government of Rwanda
GoS	Government of Sudan
HDI	Human Development Index
HRC	Human Rights Committee
ICC	International Criminal Court
ICJ	International Court of Justice
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IDPs	Internally Displaced Persons
IGAD	Inter-Governmental Authority on Development
IGAD	Inter-Governmental Authority on Drought
IHRDA	Institute for Human Rights and Development in Africa
IRCSL	Inter-Religious Council of Sierra Leone
KA IPTC	Kofi Annan Peacekeeping Training Centre
MARWOPNET	Mano River Women's Peace Network
MDC	Movement for Democratic Change
MDGs	Millennium Development Goals
MRD	Movement for the Restoration of Democracy
NCA	National Constitutional Assembly (Zimbabwe)
NCC	National Constitutional Commission (Zimbabwe)
NEPAD	New Partnership for Africa's Development
NIF	National Islamic Front
NMJD	Network Movement for Justice and Development
NPFL	National Patriotic Front in Liberia
NPRC	National Provisional Ruling Council
NSS	National Strategic Studies (Zimbabwe)
NUSS	National Union of Sierra Leone Students
NYS	National Youth Service
ODA	Official Development Assistance

OECD	Organisation for Economic Cooperation and Development
OGA	Office of Gender Affairs
PCE	Post Conflict Environment
PISI	Police Internal Security Intelligence Unit (Zimbabwe)
PRA	Participatory Rural Appraisal
PRSP	Poverty Reduction Strategy Paper
PSC	Peace and Security Council
PSO	Peace Support Operation
RDF	Rwandan Defence Force
RDRC	Rwanda Demobilisation and Reintegration Commission
RECSA	Regional Centre on Small Arms and Light Weapons
RPF	Rwandan Patriotic Front
RUF	Revolutionary United Front
SAHRIT	Southern Africa Human Rights Trust
SAIIA	South African Institute for International Affairs
SALW	Small Arms and Light Weapons
SAP	Structural Adjustment Programmes
SLA	Sierra Leonean Army
SLAJ	Sierra Leone Association of Journalists
SLPP	Sierra Leone People's Party
SLTRC	Sierra Leone Truth and Reconciliation Commission
SLWF	Sierra Leone Women's Forum
SNM	Somali National Movement
SPLM	Sudan People's Liberation Movement
SUWEP	Sudanese Women's Empowerment for Peace
TFG	Transitional Federal Government
TRC	Truth and Reconciliation Commission
ULIMO	United Liberation Movement of Liberia
UNAMID	African Union/United Nations Hybrid operation in Darfur
UNAMSIL	United Nations Mission in Sierra Leone
UNCED	UN Conference on Environment and Development
UNDP	United Nations Development Programme
UNIFEM	United Nations Development Fund for Women
UNMIK	United Nations Interim Administration Mission in Kosovo
UNOCI	United Nations Mission in Côte d'Ivoire
UNOMIL	United Nations Observer Mission in Liberia

UNTAET	United Nations Transitional Administration in East Timor
UPEACE	University for Peace Africa Programme
USAID	United States Agency for International Development
USC	Somali Congress
WANEP	West African Network for Peacebuilding
WOMEN	Women Organised for a Morally Enlightened Nation
ZANLA	Zimbabwe African National Liberation Army
ZANU-PF	Zimbabwe African National Union Patriotic Front
ZAPU-FP	Zimbabwe African People's Union Federal Party
ZCTU	Zimbabwe Congress of Trade Unions
ZESA	Zimbabwe Electricity Supply Authority
ZINASU	Zimbabwe National Students Union
ZRP	Zimbabwe Republic Police
ZUM	Zimbabwe Unity Movement

Introduction

DR RICHARD BOWD AND DR ANNIE BARBARA CHIKWANHA

ANALYSING CAUSES OF CONFLICT, CONFLICT RESOLUTION AND PEACEMAKING IN AFRICA

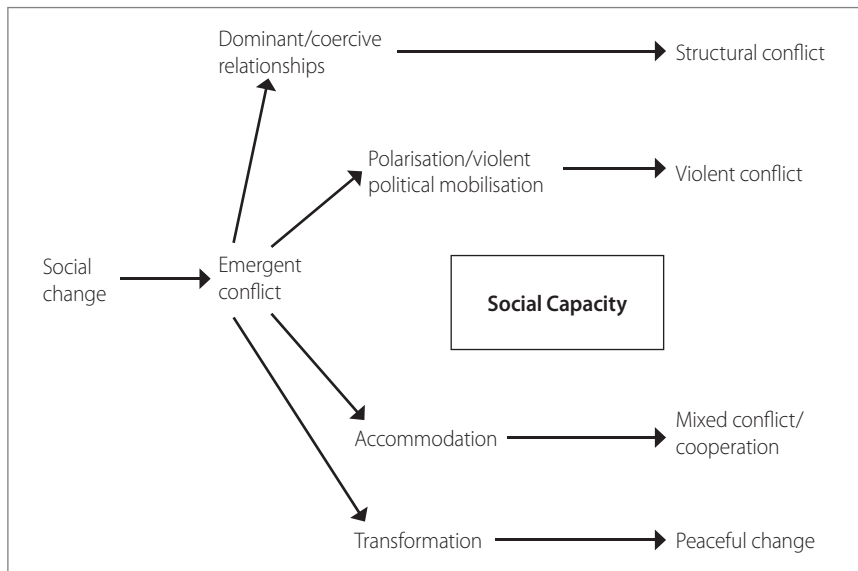
Violent conflict in sub-Saharan Africa has been responsible for the direct and indirect deaths of millions of civilians and has contributed significantly to the low levels of human security in the region. The countries of sub-Saharan Africa that have been embroiled in violent conflict are characterised by abject poverty, inadequate service provision, political instability, retarded economic growth and other challenges to overall development that deter the enhancement of human security. The successful and sustainable resolution of these conflicts represents an enormous barrier to future prosperity in the region. Moreover, the post-conflict reconstruction of these countries, and those around them, symbolises perhaps the greatest challenge for sub-Saharan Africa. To design and develop successful policy responses and to learn from previous initiatives, it is thus necessary to fully comprehend the concept of conflict and its context.

What is the cause of intrastate conflict? Intrastate conflicts emerge for a complex variety of reasons. At a theoretical level, social change of some sort occurs and leads to the emergence of conflict. Conflict, however, is not necessarily a negative phenomenon; what is important is the way in which the society responds to the emerging conflict. Should the society be defined by dominant or coercive relationships, the likelihood exists that structural conflict would emerge.² If polarisation and/or violent political mobilisation are evident, violent conflict would result. Where these emerging conflicts can be accommodated, society will be a mix of conflict and cooperation with underlying or latent tensions and if emerging conflicts can undergo transformation, peaceful change can ensue. This can be seen in Figure 1.

What will determine the result of the social change and emergent conflict is a combination of societal capacity and conflict triggers. If society has the capacity to manage the conflict, then a situation of cooperation amidst latent tension can arise and, if societal capacity is greater and conflict management can lead to conflict transformation³, then an environment of peace is possible. However, should societal capacity not be adequate to at least manage the conflict and various conflict triggers are discharged, then violent conflict will materialise. Conflict triggers are those characteristics of conflict that light the touch paper, resulting in the descent into violent conflict. Such triggers are highly context specific and an accurate understanding of any violent conflict must be preceded by a comprehensive conflict analysis of the given conflict. Nevertheless, there are several prominent characteristics contributing to the outbreak of intrastate conflict that are shared by most cases. These are:

- Internal battles to gain control of an existing state
- Ethnic groups seeking greater autonomy or striving to create an independent state for themselves

Figure 1 Four paths for conflict



Source Miall 2007: 13

- ‘Failed states’, where the authority of a national government has collapsed and armed struggle has broken out between the competing ethnic militias, warlords or criminal organisations seeking to obtain power and establish control of the state
- Impoverished states where there exists a situation of individual hardship or severe dissatisfaction with one’s situation and the absence of any non-violent means for change⁴

Understanding the specific causes behind a given intrastate conflict is crucial to the effective reconstruction of the post-conflict environment. So too is an appreciation of the environment, that is, the impacts of the conflict on the society in question. Indeed, it is only through an accurate comprehension of the challenges that face the reconstruction effort, and the threats to such efforts, that any durable restoration can take place. As with the causes of conflict, the impacts of conflict are context specific; however, comparisons can be drawn from a consideration of intrastate conflicts.

Violent conflict of any nature results in explicit material and human costs to a society and this is certainly true of intrastate conflicts. In terms of physical infrastructure, roads, bridges, schools, hospitals and administrative buildings are destroyed, and often mines are laid, making it difficult to engage in infrastructural reconstruction. Resources such as diamonds, gold, oil and other minerals, along with cash crops and land, are destroyed or appropriated by conflicting factions in order to enable the continuation of their war efforts, thus reducing the prospects for economic revival in the post-conflict period. Watercourses and wells may be poisoned or polluted, either deliberately or as a consequence of dead bodies, mass migrations of people or military discharge, resulting in mid- to long-term water shortage and associated developmental problems. The physical devastation of conflict has disastrous effects on economic development through reduced production, falling exports, increased debt and decreased social expenditure.⁵ In fact, the typical civil war puts development into reverse, reducing pre-war incomes in directly affected countries by 15 per cent on average, and reducing growth in neighbouring countries on average by 0,5 per cent per annum.⁶

Although the infrastructure and the economy are both shattered by conflict, it is the human and social costs of conflict that are so devastating, directly and indirectly.

As the nature of conflict has changed from interstate to intrastate, so too has its toll on human life. Throughout the twentieth century, the world has been witness to increasing proportions of civilian deaths in conflict with approximately 90 per cent of war victims being soldiers at the beginning of the century compared with 90 per cent of conflict casualties being civilians in the 1990s.⁷ In addition, ‘attacks and atrocities against non-combatants became widely employed as deliberate strategies of warfare – including such tactics as systematic rape, mass executions, ethnic cleansing, and even genocide’.⁸ The human and social cost of conflict does not end here. Mass migrations within and between countries reduce human security through environmental degradation, inadequate sanitation, increased health problems, lack of access to food and physical insecurity, thus giving rise to further humanitarian emergencies. The physical costs of war contribute to human and social costs through damage to hospitals, schools, roads and bridges, vital in the provision of necessary services and access to markets (if they are functioning), which make reconstruction efforts all the more complex. The destruction and mining of farmland and roads reduce the chances for economic revival, presenting further challenges to the survivors of the conflict who cannot resurrect a sustainable livelihood, and the lingering threat to physical security reduces the chances for those who can.

The direct and indirect results of intrastate conflict leave a complex lasting legacy that is difficult to erase. Economies need to be stabilised and developed, infrastructure needs to be rebuilt and institutional renewal or replacement needs to take place. However, the greatest challenge in the removal of the legacy of violent conflict and the reconstruction of the country is probably the re-establishment of society. Indeed,

Societies emerging from war face a range of urgent, interconnected problems on all fronts, not too dissimilar to situations of natural disasters. However, it is the destruction of relationships, including the loss of trust, dignity, confidence and faith in others that proves the most far reaching, potent and destructive problem and the most difficult to address. It has the potential to undermine possible solutions to a wide range of other issues.⁹

Education systems are adversely affected by the war; health systems are unable to cope with increasing demands; and social institutions become dilapidated or non-existent. However, the challenge of rebuilding institutions and systems

beset by extreme destruction becomes all the more daunting when one takes into account that ‘intimate exposure to brutality and subsequent displacement and civil disorder leave individuals psychologically scarred and the intricate network of social interaction deeply torn’.¹⁰ As trust is diminished, cooperation and communication reduce and fear increases resulting in the stagnation of societal activity and development. In the absence of communication, further fractionalisation of society first becomes possible and is then exacerbated as when such division is ‘linked with acute social uncertainty, a history of conflict and, indeed, fear of what the future may bring; it emerges as one of the major fault lines along which [society] fractures’.¹¹ It is dialogue that is necessary to stabilise and sustain societal relations as ‘dialogue is the first step in providing a sense of belonging, for by communication and listening we take the first step toward recognising our own commonality’.¹² However, constructive dialogue in such an environment is difficult to achieve.

The impact of intrastate conflict on social interactions and systems is evident, with community dislocation across many levels being the result. Individual suffering is significant and this has intrinsic implications for the survival of the family, which represents the nucleus of the community. Individuals struggle to rebuild their lives and communities, while faced with uncertainty about the future and fear of the past. With everything around them broken, and the causes of the conflict very often remaining, albeit in a latent form, the potential for societal renewal is depleted. Weak social capacity to manage social change and emergent conflict (as evident by the fact that violent conflict broke out) is further undermined and the society’s capacity to manage future conflicts in a peaceful way is lessened.¹³ The result of this is a reduced ability to recover from intrastate conflict and an increased probability of conflict renewal. This creates an altogether problematic paradox when one considers the words of Sultan Barakat, ‘post-war reconstruction begins in the hearts and minds of those who suffer the horrors of war and want to change societies so that there is no return to mass violence’.¹⁴ How then do war-torn communities with reduced capacity set about their reconstruction and arrive at a situation of peace?

In answering this question, this monograph is structured in three parts. The first part, consisting of two chapters, examines changing methodologies through which we can more accurately analyse and map violent conflict, its causes and effects. The second then consider conflict resolution and peacebuilding and the key challenges and obstacles, while the final part documents success

stories in the reconstruction of sub-Saharan Africa through looking at various theoretical and contextual examples.

Part 1, **Approaches of conflict analysis**, begins with a chapter by Romain Malejaq which examines Western understandings of conflict in sub-Saharan Africa. Malejaq argues that Western theoretical perspectives and explanations of conflict in Africa have been focused primarily on socio-political and economic causes of conflict and that this approach to understanding African conflicts has influenced Western policies and reactions to conflict in Africa. He suggests that historically, most conflicts in Africa were described as 'barbaric' and 'irrational' and the West did not generally seek to understand their underlying causes. However, by the end of the Cold War, there was a paradigmatic shift in explaining the causes of conflict in Africa. Arguments became increasingly based on the theory of democratic peace and the premise that African countries experienced violent conflicts because they were not democratic. Since then, according to Malejaq, there has been a much more holistic, multidisciplinary approach to understanding the causes of violent conflicts. For example, while anthropologists examine and explore the underlying cultural causes of conflicts, political economists offer structural explanations based on the ability of states to provide public goods to their citizens. He concludes that it is important that these varying explanations be interrogated to clarify explanations of violent conflicts on the continent. In addition, Africans must engage one another through research to produce their own credible explanations based on empirical evidence.

In the following chapter Oscar Mateos scrutinises the usefulness of current understanding of conflict, suggesting that a more comprehensive approach to African armed conflict is necessary. He argues that since the 1990s, African armed conflicts, especially their nature and root causes, have been the subject of intense debate. The result is the emergence of two dominant schools of thought as almost the only valid interpretations (greed and grievance). However, appealing alternative explanations have become apparent that have underlined the multiplicity of causes and actors (internal and external). Using the case of Sierra Leone, Mateos seeks to demonstrate this argument and develops an appropriate conflict analysis tool that enables the comprehensive study of conflict and the development of suitable responses.

Part 2, **Conflict resolution and peacebuilding: Challenges and obstacles**, examines the issues in contemporary conflict in sub-Saharan Africa with the

intention of identifying the key challenges and obstacles to successful and sustainable conflict resolution and peacebuilding. Such an understanding will permit the development of policies that best overcome these challenges and obstacles. Philip Njuguna Mwanika's chapter on the role of regional arms control and disarmament diplomacy on mediation and peacebuilding presents a valuable analysis of how, in situations of protracted conflict in which conventional understandings of conflict management and state formation do not offer practical solutions, new systems of conflict management are required. Using the example of small arms and light weapons proliferation in Somalia, Mwanika suggests there is a need for a revised method of approaching conflict that is more regional in its nature and that coordinates the actors and stakeholders in the process.

In the next chapter, Derefe Wordofa further emphasises the need for a change in the way conflict is approached by linking violent conflict to the achievement of the Millennium Development Goals (MDGs). Wordofa argues that violent conflicts pose a major obstacle to the achievement of MDGs and it is imperative to develop effective conflict prevention, conflict resolution and conflict management mechanisms that enable peacebuilding initiatives to effectively take root. However, as Wordofa states, the paradox is that pervasive poverty is both a cause and a consequence of crime. Therefore, the reciprocally damaging relationship of conflict and poverty make effective conflict resolution and peacebuilding increasingly difficult to achieve. Despite this, Wordofa notes the successes of some African countries in progressing towards the MDGs.

The final chapter in this part of the monograph addresses one of the biggest challenges to peacebuilding in sub-Saharan Africa today; that of the youth. While the youth play an important role in peacebuilding, they are directly and indirectly involved in the destabilisation of the region. Here Terence Mashingaidze examines the role of the youth in the political governance of Zimbabwe, highlighting the ways in which the youth are exploited by, and exploit, the ruling elites. Mashingaidze concludes by arguing that there is a distinct need for civic responsibilities and human rights education to overcome the negative role adult political entrepreneurs and social manipulators have on the youth in Africa.

Part 3 of this monograph, **Reconstruction successes**, charts some of the successes of post-conflict reconstruction in sub-Saharan Africa. This begins with James Gadin's examination of the evolving role of the military in the peace and

security architecture of West Africa. Specifically, this chapter proffers an examination of the way in which the Economic Community of West African States (ECOWAS) has developed from its original conception as a regional integration body to that of a body that involves itself in peacekeeping activities. This, Gadin argues, is because of the increasing recognition that peace and security are interdependent prerequisites for economic growth and regional integration in member states. Indeed, this recognition has led the member states of ECOWAS to review their protocols and adopt a sub-regional approach to conflict management and an institutionalised security mechanism. The institutions charged with the responsibility of implementing the Mechanism for Conflict Prevention, Management, Resolution Peacekeeping and Security include:

- The Authority of Heads of State and Government
- The Mediation and Security Council
- The Defence and Security Commission
- The Council of Elders
- The ECOWAS Ceasefire Monitoring Group (ECOMOG)
- The ECOWAS Commission, Observation and Monitoring Centre, experts, civil society

Gadin argues that this approach envisions the total disengagement of the military from political control of the state, and the submission of the armed forces in the sub-region to democratic control. This better positions the armed forces to safeguard the internal and external territorial integrity of states they serve in order to guarantee democratic stability by protecting and defending legitimate, democratic institutions.

In the following chapter, Richard Bowd complements the work of Gadin through his analysis of the role former combatants play in the reconciliation of Rwanda through their involvement in the Gacaca court process. Bowd argues that the position of former combatants as judges in the Gacaca court, as well as their presence at court proceedings, serves to ensure a level of acceptance of and trust for those individuals, elevating them to the position of role model, thus encouraging other ex-combatants in their reintegration. By being elected as Gacaca judges, ex-combatants effectively deliver a message to other ex-combatants of the possibilities, should they demonstrate a hardworking and honest character. By engaging in community activities and making efforts to fit back

into society, ex-combatants are able, in some degree, to influence their future. The election of ex-combatants to the Gacaca Courts because of such characteristics demonstrates the way in which ex-combatants may be able to reintegrate socially and this serves as an assistance and motivation to newly returned ex-combatants. Bowd notes that ex-combatants have become increasingly involved in the Gacaca system through their reintegration into the community and have been influential in the system and the reconciliation process. He emphasises that the Gacaca court system promotes restorative justice rather than retributive justice, because it involves a collaborative process between genocide victims, perpetrators and the community at large.

The next chapter introduces a theoretical element to the reconstruction process through examining the role of human rights in building peace in post-conflict societies. In this chapter Lawrence Juma emphasises the importance of conceptualising the spectrum of human rights issues that might emerge from new institutions, new dynamics, and new understandings of differences. Among the human rights issues to take into consideration are gender equality, female circumcision, polygamy, homosexual rights, religion, and language. In addition to conceptualising differences in our understanding of human rights, Juma argues, the issue of differences in hierarchy ought to be considered. He poses the question: Should certain human rights be more important than others? For example, is freedom of speech more important than food or school or medicine in a country where the poverty index is high?

He suggests that the issue of hierarchy is problematic, with regard not only to human rights, but also to laws, constitutions, and customary issues. In discussing human rights, he reiterates that issues of human dignity should not be taken for granted. The principle of human dignity is the basis for freedom, justice and peace.

The second-last chapter of this section builds on the previous chapter and introduces an issue that is increasingly receiving more attention, academically and practically, in the field of peace and conflict: the role of women in post-conflict reconstruction and peacebuilding. Damilola Agbajobi introduces her chapter by discussing the ways in which violence against women and children in conflict and transition countries has emerged as a major obstacle to building peace, with sexual assault and exploitation of women being frequently employed as tools of war. In addition, victimisation leads to isolation, alienation, prolonged emotional trauma, and unwanted pregnancies that can result

in abandoned children. This, Agbajobi argues, means it is imperative that conflict management and peacebuilding programmes take into consideration the unique experiences of women and men during conflict. Agbajobi then discusses the obstacles to women's increased participation, citing cultural standards that negate the value of their contributions and voices; restrictions on women's mobility; and the traditional exclusion of women from public arenas. Even when women want to participate, she states, they may not have the required education or training, and conflict may have disrupted their education. At present, the groups and organisations involved in trying to influence formal processes tend to be male-dominated. Women's organisations often lack resources, limiting their ability to effectively participate in post-conflict reconstruction and peacebuilding processes. To strengthen women's capacity to contribute to such processes, there is a need to increase women's access to employment opportunities and productive assets such as land, capital, health services, training and education. As a means of enhancing women's roles in conflict resolution, Agbajobi offers a number of important recommendations that centre on what national governments, NGOs and the United Nations must do to ensure the potential benefits of women's involvement in conflict resolution and peace building process are not lost.

In the last chapter, on **Elections de la peur ou peur des élections ? Dilemmes et contretemps de la sortie de crise en Côte d'Ivoire**, Lucien Toulou discusses elections, which he terms the crowning moment of a peace process. The continent has been witnessing an increase in election-related conflicts in recent years. Though many of the conflicts surrounding elections are of a technical nature and often have much to do with the manipulation of constitutions by incumbent presidents, a destructive culture of failing to honour and accept electoral outcomes by contesting parties has become a major threat to peace. Toulou's chapter questions the role of post-conflict elections as adequate mechanisms for ending the political crisis. While elections offer peaceful means for resolving conflict in stable societies, they are increasingly expected to shoulder the burden of ending civil wars in countries affected by violent conflict; hence they tend to be perceived as the ultimate tool for conflict resolution.

Through an analysis of the then forthcoming elections in Côte d'Ivoire (2007), Toulou argues that though many stakeholders felt that Côte d'Ivoire was ready for elections, the essential groundwork for credible and democratic elections was not in place. He points out the complexities woven in by political

alliances, local and international, that were very fluid and composed of a myriad of political actors, who had different local and international supporters, and alliances that were based on individual interests and agenda. The case of Cote d'Ivoire demonstrates how incumbent presidents can avoid elections if it is likely that they may lose and this raises questions of the commitment to lasting solutions to the violent conflicts and to the peace processes. If parties, which have been traditionally difficult to separate from the presidency in Africa, have shallow agenda, he argues, this may jeopardise the peace process. The paper emphasises the political contenders' wish in Côte d'Ivoire to cut the losses and increase the expected dividends from ending the political crisis.

The **Conclusion** then draws together the key issues discussed throughout the monograph and seeks to deliver lessons learned from each of the three parts.

NOTES

- 1 Alpaslan Özerdem, Richard Bowd and Alpaslan Ozerdem *Participatory research methodologies: Development and post disaster/ conflict reconstruction*, Ashgate, 2008.
- 2 Structural conflict arises owing to 'structural violence', a term Galtung utilised to refer to the violence caused by unregulated societal structures which effectively allow the strong to victimise the weak who are unable to protect themselves (J Galtung, Violence, peace and peace research, *Journal of Peace Research* (3) (1969), 167 – 191.
- 3 Conflict transformation refers to the 'deep transformation in the institutions and discourses that reproduce violence, as well as in the conflict parties themselves and their relationships' (Ramsbotham et al, *Contemporary conflict resolution*, 2nd edition, Cambridge: Polity Press, 2005: 29). It therefore represents 'a change in the goals, structure, parties, or context of the conflict, which removes or changes the contradiction or incompatibility at its heart' (H Miall, Conflict transformation: A multi-dimensional task, in Berghof handbook for conflict transformation, Section I: Concepts and cross-cutting challenges, 2001, 14). http://www.berghof-handbook.net/uploads/download/miall_handbook.pdf (accessed 12 August 2008). Conflict transformation goes further than conflict containment, management and resolution to include the structural and cultural elements of the peace building process. For further reading on conflict transformation see, among others, Galtung, Violence, peace and peace research; and J Galtung, *Peace by peaceful means: Peace and conflict, development and civilisation*, London: Sage, 1996; J P Lederach, Preparing for peace: *Conflict transformation across cultures*, Syracuse, NY: Syracuse University Press, 1995; and P Wallensteen, *Understanding conflict resolution*, 2nd edition, London: Sage, 2007.
- 4 B F Walter, Does conflict beget conflict? Explaining reoccurring civil wars, *Journal of Peace Research* 41(3) (2004), 371 – 388; C W Kegley and E R Wittkopf, *World politics: Trend and transformation*, 10th edition, Belmont, Calif: Thomson/Wadsworth, 2005, 420.

- 5 F Stewart and V Fitzgerald, *War and underdevelopment*, Oxford: Oxford University Press, 2001.
- 6 Ramsbotham et al, *Contemporary conflict resolution*, 2nd edition, Cambridge: Polity Press, 2005, 73, citing Collier et al, *Breaking the conflict trap: Civil war and development policy*, Oxford: World Bank/Oxford University Press.
- 7 E Cairns, *A safer future: Reducing the human costs of war*, Oxford: Oxfam, 1997.
- 8 R Paris, *At war's end: Building peace after civil conflict*, Cambridge: Cambridge University Press, 2004, 1.
- 9 S Barakat (ed), *After the conflict: Reconstruction and development in the aftermath of war*, London: IB Tauris, 2005, 10.
- 10 L McDonald, *The international operational response to the psychological wounds of war: Understanding and improving psycho-social interventions*, Feinstein International Famine Centre, Working Paper No 7, 2002, 4.
- 11 K Newland, Ethnic conflict and refugees, in M E Brown, *Ethnic conflict and international security*, Princeton: Princeton University Press 1993, 191.
- 12 Aboulmagd, *Crossing the divide*, 37.
- 13 H Miall, Conflict transformation: A multi-dimensional task, in Berghof handbook for conflict transformation, section I: Concepts and cross-cutting challenges, 2001. http://www.berghof-handbook.net/uploads/download/miall_handbook.pdf (accessed 12 August 2008).
- 14 Barakat, *After the conflict*, 1

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PART I

Approaches of conflict analysis

1 L'influence des analyses théoriques de la conflictualité d'après-guerre froide dans la «construction de la paix»

L'exemple des conflits de la région du fleuve Mano¹

ROMAIN MALEJACQ²

A PROPOS DE CE PAPIER

A la fin de la guerre froide, l'apparition de nouvelles formes de violence a engendré une rupture dans la pensée stratégique et l'étude de la conflictualité. Les guerres de la région du fleuve Mano, en particulier, sont apparues aux yeux des observateurs occidentaux comme des exemples paradigmatiques d'une violence barbare et irrationnelle, alors que se développait parallèlement un modèle libéral de 'construction de la paix', peu enclin à considérer les spécificités locales des sociétés post-conflit. A travers l'étude de la formation d'une lecture dominante des conflits libériens et sierra léonais, l'auteur tente de déterminer l'influence des analyses théoriques sur les processus de décision et les pratiques post-conflit. Il remet en cause ce modèle libéral de 'construction de la paix', afin de favoriser une meilleure prise en compte des contextes historiques et culturels des sociétés en reconstruction.

La fin de l'affrontement idéologique entre les deux blocs donna naissance à une nouvelle vague d'optimisme, présente à la fois dans les discours politiques et dans les écrits universitaires. Au début des années quatre-vingt dix, le Président des Etats-Unis annonçait l'avènement d'un 'Nouvel Ordre Mondial', plus juste,

plus libre et plus sûr (Bush, 1990), peu après que Francis Fukuyama (1989) ait évoqué la 'fin de l'histoire', la progression de l'histoire humaine étant censée toucher à sa fin avec le consensus sur la démocratie libérale.

Mais confrontée à la multiplication des 'guerres fauves' (Glucksman 1994), 'moléculaires' (Ezensberger 1995), et autres conflits 'barbares', cette idée de 'victoire de la «paix» sur la «guerre»' (Bigo 1998) ne pouvait perdurer. La fin de la guerre froide allait ainsi provoquer une rupture dans la pensée stratégique, ainsi qu'un regain d'intérêt pour les 'vraies guerres', qui, de 'périphériques', passèrent au centre de l'analyse. Conflictualité post-bipolaire, 'guerres de ressources' (*resource wars*), 'épuisement du modèle westphalien' (Bigo 1998), les effets de la fin de la guerre froide sur les conflits, entraînaient un 'renouveau théorique des études sur la guerre' et, dès lors, 'un nouveau paradigme de la violence' (Bigo 1998). Exemples paradigmatiques des 'nouveaux conflits', le Liberia et la Sierra Leone ont donné lieu à une littérature abondante et innovante, tant sur les 'nouveaux barbares' et les 'Etats faillis' que sur les 'guerres de ressources'.

La conjugaison de nouvelles menaces et de nouvelles opportunités allait également engendrer une multiplication des missions de maintien de la paix dans les années quatre-vingt-dix, et l'adoption d'un nouveau paradigme, basé sur une stratégie unique de consolidation de la paix, la libéralisation économique et politique des sociétés post-conflit (Paris 2004). Reprenant et développant l'idée kantienne de *Paix perpétuelle* selon laquelle les Etats à 'constitutions républicaines' ne se font pas la guerre, cet 'internationalisme libéral' (Paris 1997) devait ainsi permettre de mettre un terme à la conflictualité au niveau international comme le défendait Kant, mais aussi sur le plan interne, notamment grâce au développement d'une 'culture démocratique' se manifestant par le vote, la négociation et la médiation (Rummel 1995). La transformation des sociétés selon des principes libéraux soulève aujourd'hui des critiques de plus en plus nombreuses sur le plan théorique, notamment quant à l'incapacité des acteurs impliqués dans la 'construction de la paix' à comprendre les 'causes profondes' des différents conflits, et, partant, de leur incapacité à s'adapter aux spécificités locales des sociétés dans lesquelles ils interviennent. Ceci constitue l'une des raisons majeures de la multiplication des échecs de ces missions de rétablissement de la paix.

Pour autant, le lien entre les nouvelles productions théoriques et ces nouvelles pratiques nées de la fin de l'affrontement bipolaire n'a jamais été

réellement étudié. Or décideurs et praticiens ne peuvent développer de solutions viables à un problème sans en connaître les spécificités (Haas 1992). Avant de tenter de résoudre un conflit, il faut le comprendre. Il est donc nécessaire de s'intéresser à la façon dont ces acteurs façonnent leur compréhension du monde, et donc, au rôle joué par ces analyses théoriques dans leurs perceptions. On tentera ainsi, à travers l'étude des conflits libériens et sierra léonais, de répondre à la question plus large de l'influence des analyses théoriques sur les décisions et pratiques des organisations internationales et des grandes puissances occidentales.

Nous nous intéresserons tout d'abord à la sociologie du *framing*, c'est-à-dire à la façon dont certains acteurs participent à la définition de l'agenda international, afin de montrer le rôle de relais des analyses théoriques joué par ces mêmes acteurs. Nous étudierons pour cela le rôle des médias, des organisations de défense des droits de l'homme, de l'organisation International Crisis Group (ICG) ainsi que du réseau des femmes du fleuve Mano pour la paix (REFMAP) dans les conflits de la région du fleuve Mano. Nous verrons par la suite l'influence des analyses théoriques sur la prise de décision, ainsi que sur les pratiques de la reconstruction post-conflit au Libéria et en Sierra Leone.

Discours dominant et vecteurs de savoir: la définition de l'agenda dans la région du fleuve Mano

La conceptualisation d'une lecture spécifique d'un conflit provient d'un va-et-vient permanent entre théorie, expertise et terrain (Châtaigner 2007; Leboeuf 2007). Le discours dominant relatif aux conflits ouest-africains est ainsi né de la conjonction de plusieurs types de discours, tenus par des acteurs différents, et opérant donc selon des modalités différentes. La sociologie du *framing*, définie comme le rôle joué par certains acteurs spécifiques dans la définition de l'agenda international, est particulièrement éclairante dans les cas du Liberia et de la Sierra Leone dans la mesure où ces acteurs ont parfois servi de relais aux analyses théoriques auprès des décideurs politiques et des praticiens sur le terrain.

A ce titre, l'étude du discours des médias, des organisations de défense des droits de l'homme, de l'organisation d'expertise ICG mais aussi du REFMAP se révèle particulièrement intéressante en ce qui concerne le Liberia et la Sierra Leone, car elle permet de dévoiler les schémas de pensée de ces acteurs et les

influences théoriques qui guident leurs activités—que celles-ci soient explicites ou non— tout en mettant en lumière la singularité de leurs approches.

Médias et discours dominant

Les journalistes jouent généralement un rôle majeur dans la formation d'un discours dominant sur un conflit donné. Les médias influencent notamment le lieu, l'échelle et la durée de l'action humanitaire (Minear et al 1996). De par des contraintes de temps et de moyens, ils ont également tendance à schématiser les facteurs d'explication, de manière à les rendre plus intelligibles au grand public. Il est cependant très compliqué de mesurer l'impact de l'activité médiatique sur les actions de terrain, que celles-ci soient menées par des agences nationales, des organisations internationales ou des organisations non gouvernementales (ONG). Il est également très difficile de déterminer une relation de causalité entre couverture médiatique et intervention de la communauté internationale, et encore plus le sens de cette éventuelle causalité. Il est donc quasiment impossible de déterminer l'influence des théories sur les médias—ou l'inverse—en ce qui concerne l'analyse des conflits ouest-africains.

On ne peut néanmoins ignorer le rôle joué par les médias dans la large diffusion des 'théories de l'anarchie et du chaos' (Richards 1996), symbole des représentations occidentales de la violence en Afrique et plus spécifiquement dans la région du fleuve Mano. Comme l'affirme Didier Bigo:

Ces thèses ont en effet été largement popularisées au-delà de la sphère universitaire et constituent la manière dont le débat est présenté par les hommes politiques et les journalistes. Il est impossible de les ignorer. Elles prédominent non seulement en termes de publications mais aussi en termes d'influence sur les conduites politico diplomatiques (1998).

Les reportages consacrés à l'Afrique de l'Ouest ont ainsi participé à l'élaboration d'un discours extrêmement pessimiste sur la région, symbolisé par l'essai très controversé de Robert Kaplan (1994), *The Coming Anarchy*. Celui-ci a consacré l'idée d'une anarchie régnant en Afrique de l'Ouest, présente depuis les débuts de la guerre du Liberia. Kaplan assimile les 'nouvelles guerres' à un nouveau type de barbarisme, particulièrement prégnant en Afrique de l'Ouest, et plus spécialement en Sierra Leone. Il se situe en continuité de la mouvance

des auteurs néomédiévalistes tels que Van Creveld (1991), et considère ainsi que seules les guerres pre-westphaliennes–antérieures à l'émergence des Etats nations organisés–permettent de comprendre les conflits d'Afrique de l'Ouest, qu'il considère apolitiques.

A l'instar de la Sierra Leone, le 'monde sous-développé' connaîtrait un flétrissement des autorités centrales, la croissance des haines tribales, et la propagation incontrôlée de la maladie. Pour Kaplan, Thomas Malthus est donc le 'prophète' d'un continent africain marqué par la rareté environnementale, les chocs culturels et raciaux, et la transformation de la guerre. Peu au fait du terrain, Kaplan voit l'avenir de la planète comme 'une représentation du chaos en mutation permanente (1994).'

Si ce type d'auteur est régulièrement critiqué par les universitaires, en raison du sensationnalisme et de la superficialité de l'analyse, il n'en reste pas moins que ces thèses ont été particulièrement influentes, à la fois dans l'opinion et dans certains cercles décisionnels. La fascination des journalistes pour l'accoutrement des combattants au Liberia–le port de perruques tout particulièrement–a ainsi popularisé l'idée d'un conflit irrationnel, mené par des cinglés sanguinaires. Un exemple symptomatique est celui du Général Joshua Milton Blahyi, combattant nu sauf pour ses bottes et son arme, et rapidement surnommé «Général Cul Nu» («*General Butt Naked*»). Les médias occidentaux couvrant le conflit ont ainsi délivré le message implicite qu'il fallait laisser les populations locales se débrouiller toutes seules au Liberia et en Sierra Leone (Ellis 2007).

Les auteurs des reportages consacrés à cette région ne sont donc que très rarement allés au-delà de la dénonciation d'une violence dont la rationalité leur échappait. La recherche de 'mercenaires coupant des mains' à la suite de 'l'affaire Sandline'³ est d'ailleurs symptomatique de la démarche de journalistes avides d'images chocs arrivant dans les pays en conflit forts de leurs représentations mentales (Ellis 2007). Ferme et Hoffman montrent d'autre part que la diffusion d'un discours sur les droits de l'homme par les canaux d'information opérant dans la région–médias internationaux, représentants des Nations Unies et ONG–a eu une influence sur les comportements des combattants (en particulier les milices *kamajor*), et ainsi créé les conditions d'une application sélective de ce discours par certains belligérants, persuadés de tirer des bénéfices proportionnels aux atrocités commises lors des processus de paix (2002).

Faute de temps et de capacités, les 'causes profondes' de ces conflits, trop compliquées à présenter de manière intelligible dans un temps réduit (Minear et

al 1996), n'ont donc reçu qu'une attention très réduite. En l'absence de facteurs d'explication simples, la complexité des conflits de la région du fleuve Mano a ensuite été schématisée et résumée à l'avidité de combattants luttant pour le contrôle des diamants de la région.

Le rôle des ONG de défense des droits de l'homme

A partir de 1998, 'l'image d'un luxe obscène' dénonçant le commerce de diamants va être véhiculée par des ONG pour la plupart anglo-saxonnes—avec Global Witness et Partnership Africa Canada aux avant-postes—grâce à un 'lobbying habile, efficace et culpabilisant' (Rozès 2003). C'est cette image qui, conceptualisée et popularisée donnera naissance aux 'diamants du sang'—ou 'diamants du conflit'—, définis comme 'les diamants [provenant] de zones sous contrôle de forces qui s'opposent à des gouvernements élus ou reconnus internationalement' (Rozès 2003). Cette campagne, mobilisant à la fois des Etats, des ONG et les principaux représentants de l'industrie du diamant, a ainsi constitué une campagne 'globalisée' telle que définie par Philippe Ryfman, avec l'objectif 'd'influer sur la prise de décision comme sur les politiques publiques mises en œuvre par des Etats ; ou encore de créer un rapport de force nouveau vis-à-vis de grandes entreprises privées comme d'Organisations Internationales' (Ryfman 2004).

Le 'Système de certification du processus de Kimberley', plus communément appelé le processus de Kimberley, constitue l'élément le plus évident de l'influence de cette campagne. Né en réaction à l'impression largement partagée que ces conflits étaient interminables, celui-ci avait pour objectif 'd'assécher les fonds des seigneurs de la guerre,' (Kaldor 2003) et par là même de mettre un terme aux 'guerres de ressources' en Angola et en Sierra Leone.

Le concept de 'diamants de sang,' s'il est précisément défini, est cependant loin d'être neutre. Il vise en effet uniquement l'implication des mouvements rebelles dans l'exploitation du diamant, dans la mesure où il désigne 'les diamants [provenant] de zones sous contrôle de forces qui s'opposent à des gouvernements élus ou reconnus internationalement,' alors même que la quasi-totalité des protagonistes bénéficiaient de ce trafic. Le but de cette campagne n'était donc pas de boycotter l'industrie du diamant, mais bien de lutter contre les conditions de perdururation du conflit, l'exploitation du diamant permettant aux mouvements rebelles de financer l'achat d'armement (World Bank 2003). La stigmatisation du Revolutionary United Front (RUF) est d'ailleurs notable jusque dans les liens

de causalité établis entre diamants et destruction ou diamants et atrocités, typiques des auteurs pour lesquels l'appât du gain est la principale variable explicative de l'éclatement des conflits (*the resource curse*).

Constatant le succès de cette campagne, Reno explique d'autre part que les modifications d'attitudes internationales envers les conflits prédateurs-consécutives au lobbying des ONG de défense des droits de l'homme—ont rendu l'accession au pouvoir plus difficile pour les mouvements rebelles, alors que Charles Taylor avait pu y parvenir grâce à l'exploitation des diamants et des autres ressources commerciales de la région (2002).

Or la définition des ressources de conflit donnée par Global Witness est censée permettre à la communauté internationale de distinguer l'usage légitime des ressources dans le financement du conflit, de l'usage illégitime de ces mêmes ressources, c'est à dire par les mouvements rebelles. Si on retient cette définition, on peut donc considérer que Charles Taylor a acquis, en devenant chef de l'Etat, la légitimité qui lui faisait défaut en tant que chef du National Patriotic Front of Liberia (NPFL). De même en Sierra Leone, où certains dirigeants du RUF intégrèrent le gouvernement après l'accord de Lomé, signé le 7 juillet 1999 (Global Witness 2006).

On voit donc bien la partialité du lien de causalité établi entre mouvements rebelles et atrocités, et donc en creux, du lien entre usage légitime des ressources et absence de violations des droits de l'homme. Cette vision du conflit tend à stigmatiser les mouvements rebelles, et en particulier le Revolutionary United Front (RUF), alors même que la majorité des acteurs impliqués dans le conflit procédaient à l'extraction du diamant (Rozès 2003). Cette définition exprime donc une prise de position claire en faveur du gouvernement en place contre les mouvements rebelles.

Le rôle joué par cette campagne dans la définition de l'agenda international est d'autant plus intéressant à étudier que certaines analyses théoriques ont influencé les productions des ONG de défense des droits de l'homme, sans que celles-ci en aient nécessairement conscience.⁴ Le concept d'"Etat fantôme", développé par Reno pour décrire le développement de réseaux commerciaux informels en Sierra Leone est par exemple utilisé par l'ONG Global Witness, mais sans jamais être référencé.

L'influence de William Reno est également sensible à travers les mesures concrètes du processus de Kimberley, qui consiste tout d'abord en une certification des diamants bruts par les gouvernements des pays exportateurs (lieu

de production et de destination notamment), puis en un contrôle des diamants taillés par les firmes diamantifères. Celles-ci se sont ainsi engagées à empêcher la commercialisation des « diamants de la guerre » en vendant des diamants qui soient *conflict free*, et à former les employés sur la problématique des diamants de sang. La volonté de lutte contre la formation des réseaux commerciaux informels dénoncés par Reno est claire.

L'ONG Global Witness reprend également le langage des organisations internationales, en particulier celui de la Banque Mondiale, en faisant référence aux *conflict drivers* étudiés par Paul Collier. Si dans ce cas, la source n'est pas non plus référencée, la provenance est néanmoins relativement transparente, dans la mesure où le concept de *conflict drivers* a été largement développé par la Banque Mondiale (Global Witness 2006).

International Crisis Group: vecteur de savoir?

Le registre d'ICG est très différent de celui des ONG de défense des droits de l'homme. A cheval entre expertise et plaidoyer (*advocacy*), entre *think tank* et ONG, ICG cherche à adopter une démarche novatrice censée améliorer la prévention des conflits. Entre diplomatie traditionnelle et diplomatie parallèle, l'expertise est un moyen d'action non étatique dont le but est d'influencer les acteurs étatiques et trans-étatiques. Cependant, si ICG est reconnue sur la scène internationale et développe une activité originale, son poids limité dans la création de normes d'action collective ne lui permet pas d'être considéré comme un acteur à part entière de la diplomatie parallèle. Comme le rappelle Gareth Evans, le président d'ICG:

L'activité principale d'International Crisis Group est (...) de dire aux gouvernements ce qu'ils ne veulent pas entendre, et les obliger à faire ce qu'ils ne veulent pas faire. (...) Ce qui rend Crisis Group vraiment spécifique c'est le type de plaidoyer que nous faisons. C'est un style très direct de face à face avec des décideurs de haut niveau, et ceux qui les influencent. Nous sommes réellement capables de parler aux gens qui comptent *dans un langage qu'ils comprennent*.

Et Wesley Clark—commandant en chef des forces de l'Organisation du Traité de l'Atlantique Nord (OTAN) de 1997 à 2001—de poursuivre: 'Ils extraient l'information

de la situation locale, puis c'est «packagé», formaté et résumé de façon à être adaptable par les praticiens.' L'idée de *packaging*, également utilisée par Stephen Ellis est particulièrement intéressante (2007).

Il est difficile de démontrer ou de déterminer de façon exacte l'influence réelle d'ICG sur les pratiques de la communauté internationale, et cette relation de causalité mériterait de faire l'objet d'une étude spécifique. On doit néanmoins tenir compte des témoignages des chercheurs et des acteurs internationaux, qui considèrent généralement ICG comme une organisation particulièrement influente.⁵ Si on accepte cette idée, celle de *packaging* prend alors tout son intérêt, et on peut donc émettre l'hypothèse qu'ICG fonctionne alors comme un véritable vecteur de savoir.

Il est clair à la lecture des différents rapports d'ICG sur le Liberia et la Sierra Leone que les références théoriques sont nombreuses et assumées, à la différence des productions provenant des ONG de défense des droits de l'homme précédemment évoquées. L'idée est de rendre les approches théoriques intelligibles pour les décideurs. Il en est ainsi de la pensée de William Reno par exemple, dont le concept d' 'Etat fantôme' est utilisé avec récurrence par ICG (2004). Il existerait, selon les auteurs du rapport, un phénomène cyclique permettant aux Etats d'osciller entre 'fantômes' et 'faillis'. Au Liberia et en Sierra Leone, la guerre aurait ainsi dégradé les conditions de survie de l'Etat, qui de 'fantôme' serait devenu 'failli'. A contrario, les 'Etats faillis' pourraient, dans certaines circonstances recouvrir leur ancien statut, afin d'éventuellement le surmonter.

Aucune indication d'une éventuelle mutation de l' 'Etat fantôme' en 'Etat failli' n'existe cependant chez Reno. Il n'est aucunement fait état d'une telle éventualité, et l' 'Etat fantôme' n'est d'ailleurs pas considéré comme une étape vers la faillite de l'Etat. ICG utilise donc un concept très spécifique, développé par un chercheur spécialiste de la Sierra Leone, afin d'en tirer des conclusions opérationnelles, telles que la nécessité pour la communauté internationale de rester impliquée dans le pays sur le long terme. Les auteurs en concluent également qu'un processus de paix mené avec succès—c'est à dire conformément aux procédures habituelles—peut quand même échouer, compte tenu de la spécificité des défis posés par les 'Etats fantômes'.

Cet intérêt pour les 'causes profondes des conflits' (*root causes*) est également sensible à travers les références aux travaux de Paul Richards sur l'aliénation des jeunes sierra léonais, et en particulier sur leur accès à la propriété de la terre et au mariage. Les auteurs des différents rapports sur la Sierra Leone font

également référence au débat opposant Richard Fanthorpe et Paul Richards au sujet des chefferies rurales, et traitent, bien que succinctement, des différents travaux réalisés par ces auteurs en tant que consultants (ICG 2004).

Le réseau des femmes du fleuve Mano pour la paix: rôle des femmes, sécurité humaine et dimension régionale

Le REFMAP constitue un autre exemple intéressant d'acteur – ou regroupement d'acteurs – ayant participé à la définition de l'agenda international au Liberia et en Sierra Leone. Ce réseau, créé sous l'égide de la Communauté Economique des Etats de l'Afrique de l'Ouest (CEDEAO), a pour objectif de promouvoir le rôle des femmes dans la pacification de la région.

En ce sens, sa création même apparaît comme le reflet de l'influence des études de genre en relations internationales. Le fait que ses membres considèrent que le REFMAP devrait constituer l'élément moteur dans le processus de paix et de réconciliation semble en effet montrer l'influence d'approches féministes mettant l'accent sur la différence entre les sexes et qui en induisent «des comportements différenciés à l'égard du monde», et en particulier par rapport à la violence (Bigo 2002).

En considérant les femmes (et les enfants) comme les principales victimes de la guerre, le REFMAP semble particulièrement influencé par le féminisme radical, considérant la patriarchie comme «la structure dominante qui institutionnalise le contrôle des hommes sur les femmes, car il dépasse la famille pour s'imposer par le politique, les média..., et l'Etat» (Bigo 2002). Le REFMAP vise d'ailleurs à ce que les femmes «jouent un rôle effectif dans un processus de paix et de développement durable dans la sous région, en Afrique et dans le monde».⁶

Le REFMAP se réfère en outre de manière explicite au concept de la sécurité humaine. D'une part, le réseau s'intéresse à la sécurité de l'individu, en insistant sur les souffrances humaines, et non pas à celle de l'Etat. D'autre part, le réseau met l'accent sur l'interconnexion des menaces, considérant à la fois leurs effets interrégionaux et intersectoriels.⁷ Si les références aux aspects régionaux ne sont pas très nombreuses, la création même d'un réseau à l'échelle du bassin du fleuve Mano constitue une reconnaissance implicite de l'importance de cette dimension. Le caractère intersectoriel des menaces est plus explicite. Ainsi, le réseau cherche à attirer l'attention sur un certain nombre de questions «susceptibles de constituer des obstacles majeurs dans la réconciliation et la reconstruction

du bassin du fleuve Mano», telles que «la circulation des armes légères et de petit calibre, la propagation des maladies sexuellement transmissibles y compris le SIDA, [ou] la sécurité alimentaire (...)».⁸ L'accent est mis sur les femmes car celles-ci se trouvent généralement à la croisée de ces logiques de violence, et en sont très souvent les victimes.

Enfin, il faut noter que le REFMAP, influencé par ces deux approches théoriques que sont le féminisme radical et le concept de sécurité humaine, a contribué à la définition de l'agenda international dans la région du fleuve Mano. Le réseau a notamment permis aux gouvernements guinéen, sierra léonais et libérien d'engager un dialogue politique lors du sommet des chefs d'Etat de l'Union du Fleuve Mano en février 2002. Le REFMAP est en outre signataire des accords libériens de paix signés à Accra en juin 2003, et, surtout, a contribué à la prise en compte du genre comme spécificité locale de résolution du conflit lors de la signature de ces mêmes accords.

Influence des théories sur les pratiques au Liberia et en Sierra Leone

Les missions de maintien et de rétablissement de la paix ont pris une nouvelle dimension après la guerre froide, la fin de l'affrontement entre les deux superpuissances ayant permis, outre leur multiplication, l'adoption d'un modèle libéral ambitieux, caractérisé par de nouvelles méthodes de construction de la paix et de la démocratie. Près de vingt ans après l'adoption de ce modèle, l'incapacité de la communauté internationale à l'adapter aux spécificités locales est toujours criante, empêchant ainsi la résolution des 'causes profondes' des conflits. Or toute situation conflictuelle étant, par définition, ancrée dans l'histoire et la culture d'une société donnée—contrairement à ce qu'on peut lire dans certaines théories globalisantes—, l'application systématique d'une même ingénierie ne peut que se révéler insuffisante.

Dans cette optique, les analyses théoriques spécifiques sont susceptibles d'influencer la prise de décision et les pratiques de reconstruction, et donc de permettre une meilleure prise en compte de ces 'causes profondes'. L'influence des approches globalisantes risque au contraire de véhiculer des schémas de pensée simplifiés, et de masquer ainsi la complexité et l'imbrication des facteurs explicatifs d'un conflit donné. Or l'attention reçue par les différents types d'approches dépend des types d'acteurs, mais aussi des situations spécifiques.

La popularité des thèses 'néo-barbares' dans les milieux décisionnels américains peut ainsi permettre d'expliquer en partie une approche dogmatique de la reconstruction au Liberia, qui contraste avec la tentative britannique de prendre en compte les spécificités du conflit sierra léonais.

Prise de décision et 'barbarie' africaine

'La compréhension qu'ont les décideurs des comportements des autres est formée par leurs propres convictions, motifs et intentions, et les mènent parfois à mal interpréter les signaux venant des autres' (Haas 1992). Perçu au travers du prisme des représentations occidentales du continent, on ne s'étonnera donc pas que la 'violence spirituelle' (Ellis 1995) d'Afrique de l'Ouest ait été régulièrement interprétée comme un retour de la barbarie. Au début des années quatre-vingt dix, la perception américaine du conflit libérien 'se fonde sur les perceptions traditionnelles à l'égard de l'Afrique, opposant le chaos et la violence des sociétés locales aux interventions extérieures, pacificatrices et organisées' (Fromentin 1994). Fromentin montre en outre que les Américains perçoivent les crises africaines à travers leur propre culture et leurs propres préoccupations, nées du contexte social des Etats-Unis, avec 'une focalisation particulière sur les thèmes de la violence aveugle, du surarmement et de la drogue qui renvoient à la crise urbaine américaine' (1994). En l'absence d'un gouvernement fort, le Liberia a donc été considéré comme plongeant dans le 'chaos' ou 'l'anarchie.'

Dans ce contexte, on ne s'étonnera pas non plus du succès rencontré par Kaplan au sein de l'administration américaine du début des années quatre-vingt dix.⁹ Ceci ne peut néanmoins être retenu comme facteur explicatif de la non-intervention américaine au Liberia, vraisemblablement décidée avant même la publication du fameux article de Kaplan (*The Coming Anarchy*).¹⁰ Celui-ci constitue d'ailleurs une transcription théorique du discours dominant plutôt qu'une approche réellement innovante.

Cette décision s'explique en partie par l'incapacité des dirigeants américains à prévoir les conséquences pratiques d'une éventuelle intervention, qui confirme l'idée de Peter Haas que la complexité permet de tester les limites de la compréhension humaine. Le cas libérien reflète clairement une situation d'incertitude où, conformément à la définition donnée par Alexander George, les décideurs font leurs choix sans disposer de l'information nécessaire à la

détermination des différents résultats de leur spectre d'actions possibles. Or c'est justement dans ces situations d'incertitude que le recours aux communautés épistémiques peut s'avérer utile, car celles-ci sont susceptibles de proposer des possibilités d'action, ainsi que les résultats escomptés de ces mêmes actions (Haas 1992).

Dans ce cas précis, rien ne semble pourtant montrer qu'il y ait eu recours à une source de connaissance extérieure avant la prise de décision. Par contre, l'article de Kaplan a semble-t-il joué l'un des rôles d'une communauté épistémique tels que définis par Peter Haas (1992), en servant de justification à la politique de *wait and see* de l'administration américaine, tout en permettant à celle-ci de se décharger sur l'Economic Monitoring Group (ECOMOG) de la responsabilité d'une intervention armée.

La dénonciation du régime de Taylor par les responsables américains confirme également l'influence des théories relatives aux guerres de ressources, et l'assimilation des conflits de la région du fleuve Mano à des luttes pour le contrôle du commerce des diamants et du bois tropical. Bellamy, du Département d'Etat américain, affirmait ainsi en 2000 que le gouvernement libérien ressemblait à un 'gang criminel' dont Taylor serait le leader (Corey 2002). Ce type de discours se retrouvait également dans les prises de position de responsables britanniques adoptant la vision d'un pays livré au banditisme. Tony Blair, alors Premier ministre, qualifiait également le RUF de 'gang criminel', tandis que Clare Short, ministre du développement et de la coopération, décrivait les membres du RUF comme des 'criminels qui coupent les mains et éventrent les femmes' (Alao 1999). A posteriori, Robin Cook se félicitait que les troupes britanniques aient 'repoussé les rebelles du RUF, qui menaçaient de replonger le pays dans la terreur et l'anarchie' (2001).

L'idée de chaos et de barbarie, qui a confirmé l'administration américaine dans son immobilisme vis-à-vis de l'Afrique de l'Ouest, a par contre eu une résonance tout à fait différente au Royaume-Uni, où les coûts d'une position attentiste ont pu apparaître plus clairement aux tenants de l'interventionnisme libéral de Tony Blair. La crise sierra léonaise allait en effet constituer un premier test de la nouvelle politique étrangère britannique, supposée rompre avec la '*realpolitik* étroite' menée par le gouvernement précédent et apporter un contenu plus éthique (Kargbo 2006). Cette nouvelle volonté allait être symbolisée par l'intervention en Sierra Leone, mené par les britanniques au nom de la lutte contre la 'barbarie'.

Le discours dominant, s'il contribue à la définition de la politique, ne peut néanmoins être tenu pour déterminant principal de la prise de décision au Liberia et en Sierra Leone. Reste à savoir si les analyses théoriques jouent un rôle sur le terrain, dans la définition des politiques à mener et sur les méthodes employées.

L'action de la communauté internationale au Liberia: la 'checklist opérationnelle'

Les théories géopolitiques catastrophistes 'à la Kaplan' ont vraisemblablement eu une portée nettement moins importante sur les praticiens présents sur le terrain que sur les décideurs politiques. Pour autant, ceux-ci n'ont pas porté beaucoup plus d'attention aux 'causes profondes' du conflit libérien. L'action de la communauté internationale au Libéria a plutôt consisté en l'application de ce que Béatrice Pouligny définit comme 'l'ingénierie' que 'les membres d'une mission de paix ou d'une agence onusienne apportent dans leurs bagages' (2003). Cette 'checklist opérationnelle' (ICG 2004) comprend notamment 'grammaire démocratique formelle, règles visant le rétablissement d'un Etat de droit, procédures de désarmement et de réintégration des anciens combattants, réformes économiques et administratives', et varie assez peu d'une situation à l'autre (Pouligny 2003).

Cette approche n'est pourtant pas dénuée de présupposés théoriques et repose en grande partie sur l'idée d'une reconstruction nécessaire des 'Etats faillis'. Elle prend donc largement en compte la question de la nature de l'Etat, régulièrement mise en avant par les chercheurs comme l'une des 'causes profondes des conflits', sans pour autant être étudiée de manière différenciée en fonction du contexte. Holsti plaide dès 1991 pour des Etats forts comme 'ingrédient[s] essentiel[s] à la paix au sein et entre les sociétés humaines'. On ne peut d'ailleurs s'empêcher de voir une allusion au conflit libérien quand il décrit l'alternative à l'Etat comme une 'fragmentation en féodalités, un gouvernement de gangs, des massacres communautaires et le nettoyage ethnique' (1991). Comme l'a écrit Manning:

La construction de la paix n'est rien de moins qu'une tentative de construction ou de reconstruction d'institutions politiques stables et de relations qui puissent former la base d'une administration politique d'après-

guerre stable. Il s'agit, en d'autres termes, d'un processus de construction de l'Etat (2003).

Ainsi, au Liberia et en Sierra Leone, 'toute une expertise commanditée par les institutions internationales sur les Etats «faillis» justifie l'idée que la guerre aurait fait table rase de l'histoire et des structures préexistantes, et que la reconstruction de l'Etat par la communauté internationale se ferait dans un vide' (Marshall 2005). Le *package* ayant guidé les activités de 'construction de la paix' au Liberia repose donc sur l'idée illusoire qu'il est possible de reconstruire une société nouvelle après une guerre civile. L'imposition de la paix et de la démocratie ne peut en aucun suffire au rétablissement des 'Etats faillis'. Cette approche souffre donc d'une réflexion conceptuelle insuffisante, et repose sur une vision décontextualisée de l'Etat.

Dans sa critique du modèle libéral de rétablissement de la paix, Roland Paris souligne ainsi que la non-prise en compte des spécificités historiques et des causes profondes du conflit lors du processus de démocratisation du Liberia a conduit les différentes factions à reprendre les armes après les élections de 1997—les troupes gouvernementales de Charles Taylor étant confrontées à celles du Liberians United for Rehabilitation and Democracy (LURD) à partir de 1999 (2004). Les faits ont ainsi confirmé ce que Terence Lyons avait annoncé, à savoir les limites des accords d'Abuja d'août 1995 et de la Mission d'Observation des Nations Unies au Liberia (MONUL), trop peu d'attention ayant été accordée au problème plus profond de réconciliation et de reconstruction de relations sociales nécessaires à une sortie de conflit définitive (1999).

On peut d'ailleurs s'interroger sur les raisons de cette non-prise en compte des réalités locales au Liberia. Les agences impliquées dans la reconstruction au Liberia n'ont vraisemblablement pas encouragé l'opérationnalisation de réflexions théoriques existantes, comme cela a pu être fait en Sierra Leone. A la suite de Reno, on peut surtout reprocher à l'approche américaine de résolution des conflits de privilégier l'identification de principes généraux de comportement détachés des spécificités locales, censés permettre de dégager des solutions généralisables sur une base scientifique, allant jusqu'à la création de modèles informatiques de prédiction des conflits (2001). Au contraire, l'approche britannique en Sierra Leone est beaucoup plus attachée aux spécificités culturelles locales.

L'action de la communauté internationale en Sierra Leone: 'le traitement des causes profondes?'

Les britanniques ont en effet entamé des consultations avec des chercheurs dès le début de leur intervention en Sierra Leone, avec la volonté de déterminer la meilleure manière de reconstruire le pays. Les travaux de l'anthropologue Richard Fanthorpe ont par exemple eu une grande influence au sein du DfID, pour lequel il a travaillé, tandis que la Banque Mondiale s'attachait les services de l'anthropologue Paul Richards. Les autorités britanniques ont d'autre part recruté d'anciens administrateurs coloniaux, afin de bénéficier de leur connaissance de la Sierra Leone. L'expérience britannique de l'administration coloniale a donc certainement contribué à une meilleure compréhension des réalités du terrain, comme l'écrit Reno:

Héritier du legs institutionnel de l'administration britannique (*British rule*) de l'intérieur de la Sierra Leone de 1898 à 1961, l'administration du Premier ministre britannique Tony Blair semble avoir des idées plus claires que l'ONU et les Etats-Unis sur la stratégie politique et militaire à adopter dans ce qui est devenu une société apatride. D'anciens administrateurs ont en effet participé aux discussions gouvernementales concernant la stratégie britannique en Sierra Leone. Et un ancien administrateur colonial est retourné en Sierra Leone pour engager des consultations sur les chefferies, pour tenter de comprendre les multiples revendications qui ont mené les chefs des communautés à prendre les armes (2001).

A ce sujet, le modèle durkheimien développé par Richards pour expliquer la guerre en Sierra Leone a clairement influencé les agences d'aide impliquées dans la reconstruction post-conflit, en particulier en ce qui concerne les programmes de décentralisation. Dans leur analyse de la guerre en Sierra Leone, Richards et Vlassenroot font ainsi appel au concept durkheimien de solidarité pour montrer que la guerre en Sierra Leone est une guerre anomique, qui s'explique par la faible densité d'interaction sociale de la société, c'est-à-dire par l'effondrement de la solidarité (2002).

Au risque de se voir reprocher une trop grande clémence à l'égard du RUF, Paul Richards rejette ainsi l'idée de guerre de ressources et considère cette rébellion comme un mouvement social de classes délaissées, en particulier de jeunes mineurs de diamants, exclus, et issus des zones rurales. Richards en conclue que le système de chefferie a été l'une des causes de l'éclatement du conflit, et qu'un nouveau conflit ne peut être évité qu'en cas de réforme institutionnelle

en profondeur (2001). En accord avec les conclusions de Richards, la majorité des agences d'aide ont ainsi considéré que ce système coutumier était oppressif et anti-libéral, et ont donc adopté un programme de décentralisation rapide supposé y mettre fin (Fanthorpe 2005). La réforme des institutions locales constitue en effet un élément essentiel de l'agenda du modèle libéral de 'construction de la paix' en Sierra Leone, où l'héritage de l'*indirect rule* britannique est particulièrement fort, et où les chefs locaux restent donc très impliqués dans tous les aspects de la politique locale.

Fanthorpe, très influent au sein du Department for International Development britannique (DfID), considère au contraire que les chefferies restent au centre d'une lutte intense pour le contrôle politique des régions rurales en Sierra Leone, et constitue à ce titre un élément important de la stabilisation de la Sierra Leone, qu'aucune autre institution n'est aujourd'hui en mesure de remplacer. Et Fanthorpe de conclure que, si les bailleurs demandent aux chercheurs des recommandations claires et simples à appliquer plutôt que reflétant la complexité locale, l'exemple de la décentralisation en Sierra Leone peut donner une leçon à l'approche libérale: le 'zèle réformiste' et les approches de 'prêt-à-porter' (*one size fits all*) peuvent aveugler les praticiens, les détourner des impératifs politiques qui lient les populations locales à des modes de gouvernance non libérale, et rendre ainsi les institutions 'démocratiques' en proie à la capture par les forces mêmes que ce projet était censé détourner (2005).

CONCLUSION

Ainsi, il est difficile de donner une réponse à la fois claire et définitive à la question de l'influence des analyses théoriques sur les comportements et les pratiques des acteurs. Nous l'avons vu, l'exercice est long et complexe. Une telle recherche devrait en outre s'inscrire dans une réflexion plus large, en sus d'une analyse sociologique des organisations internationales et d'une étude du système cognitif des acteurs impliqués dans le processus de décision. Robert Jervis a par exemple montré que les théories avaient un impact direct sur les perceptions, dans la mesure où elles influencent la classification (*labelling*) de l'information dans les mémoires individuelles et collectives. Les classifications encouragent ainsi la découverte de ressemblances entre les objets étudiés et ceux qui appartiennent à la même catégorie, ainsi que la création de barrières contre les informations non conformes à cette représentation (1976). Dans la

région du fleuve Mano, les classifications constituent donc un obstacle à la prise en compte des spécificités historiques et culturelles locales.

A la question posée par Jervis: 'Do perceptions matter?', l'étude de l'influence des analyses théoriques sur les pratiques de reconstruction dans la région du fleuve Mano permet de répondre de manière positive. A la question centrale: 'Les analyses théoriques ont-elles un impact sur les décisions et pratiques des organisations internationales et des grandes puissances occidentales?', il est également possible de répondre par l'affirmative, et tenter de dégager des tendances.

Les études de terrain, pointues et détaillées, relatives au Liberia et à la Sierra Leone, sont généralement ignorées des décideurs politiques. Au mieux, leur connaissance de ces travaux se limite à des versions vulgarisées, relayées par des réseaux d'expertise tels qu'ICG. Les théories plus générales, globalisantes, reçoivent par contre plus d'attention chez les décideurs. L'influence conjointe de ces théories sur un certain nombre d'acteurs permet alors l'émergence d'un discours dominant, plus à même d'influencer les perceptions des responsables politiques. En ce sens, le discours sur les 'nouveaux barbares' a certainement incité l'administration américaine à ne pas intervenir de manière conséquente au Liberia, tout en favorisant l'implication de la Grande Bretagne en Sierra Leone.

Inversement, il semblerait que les discours généraux sur les 'nouvelles guerres' et les 'nouveaux barbares' ne rencontrent que peu de succès chez les praticiens impliqués dans la reconstruction sur le terrain, tandis que ces derniers ont plus facilement recours à des études plus précises de chercheurs spécialistes des pays considérés. Ceci s'explique notamment par la différence de nature des acteurs, qui agissent par définition dans une temporalité différente. Les acteurs impliqués dans les opérations de 'construction de la paix' ne prennent néanmoins pas suffisamment en compte les spécificités locales des conflits, comme le montre l'exemple libérien. Les méthodes des agences présentes sur le terrain semblent en effet largement dépendantes de cultures bureaucratiques et nationales, plus que d'analyses spécifiques. Certaines études anthropologiques réalisées en Sierra Leone ont néanmoins une influence très nette sur les principaux bailleurs, les incitant ainsi à tenir compte des 'causes profondes' du conflit.

Les méthodes actuelles de 'construction de la paix' n'intègrent pas suffisamment les spécificités locales des conflits qu'elles sont censées résoudre. Dès lors que nous reconnaissons la complexité et la multiplicité des logiques de violence de l'après-guerre froide, il est important pour la résolution des conflits de prendre en compte les causes historiques et culturelles de cette violence, non

seulement au niveau régional et national, mais aussi et surtout au niveau local.¹¹ La résolution de ces conflits doit donc être abordée comme un processus de long terme, et non comme une formalité militaire destinée à vaincre les ‘vestiges de la guerre’ (Mueller 2004).

NOTES

- 1 Cette contribution est très largement inspirée du mémoire de master de l’auteur, portant sur le même sujet. Sont présentées ici de manière succincte les principales idées développées dans ce mémoire.
- 2 Romain Malejacq est titulaire d’un Master en Conflits et Sécurité, ainsi que d’un Master de Recherche en Sciences Politique des Relations Internationales de l’Institut d’Etudes Politiques (IEP) de Paris. Il suit actuellement un programme de double doctorat entre l’IEP de Paris et Northwestern University. Ses recherches portent sur les interactions entre les seigneurs de guerre et l’environnement international, en particulier en Afghanistan, où il a effectué plusieurs séjours de recherche.
- 3 Au début de 1998, ‘l’affaire Sandline’ révéla l’implication de hauts fonctionnaires dans la livraison d’armes aux partisans du président de la Sierra Leone, Ahmad Tejan Kabbah, en contradiction avec la résolution 1132 du Conseil de sécurité des Nations Unies, votée par le Royaume-Uni, suscitant l’intérêt de nombreux journalistes britanniques pour la situation en Sierra Leone.
- 4 Conclusions tirées d’entretiens menés dans le cadre du mémoire de recherche de l’auteur.
- 5 Conclusions tirées d’entretiens menés dans le cadre du mémoire de recherche de l’auteur.
- 6 Source: <http://www.marwopnet.org/historique.htm>. [accessed 27 October 2008].
- 7 Sur le caractère intersectoriel et interrégional des menaces dans la région du fleuve Mano, se référer à l’article du même auteur : « Looking at the Individual in Liberia and Sierra Leone : From a Regional Conflict to a ‘Human Insecurity Complex’ ». *Human Security Journal* n°3, February 2007: 43-54. (http://www.peacecenter.sciences-po.fr/journal/issue3pdf/issue3_FP3_Romain-Malejacq.pdf).
- 8 Source : <http://www.marwopnet.org/historique.htm>. [accessed 27 October 2008].
- 9 Ellis rapporte par exemple que Tim Wirth, *Under-Secretary for Global Affairs* au Département d’Etat, a faxé une copie du fameux article de Kaplan à toutes les ambassades américaines dans le monde (1995).
- 10 Une entrevue de l’été 1990 entre Herman Cohen, à l’époque *Assistant Secretary of State*, et James Baker, alors *US Secretary of State*, a vraisemblablement décidé du sort du Liberia. Ne pouvant parvenir, lors de cette entrevue, à déterminer ce qu’il adviendrait en cas d’intervention américaine au Liberia, Baker se serait complètement désintéressé de la question libérienne. A

partir de ce moment, il semblerait que les rapports relatifs au dossier libérien ne soient jamais remontés jusqu'au plus haut niveau de responsabilités (Ellis 1995).

- 11 Stathis Kalyvas montre par exemple à quel point la violence a des racines locales, poussant même son analyse au niveau du vi

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2 Beyond greed and grievance

Towards a comprehensive approach to African armed conflicts: Sierra Leone as a case study

OSCAR MATEOS

ABSTRACT

Since the 1990s, African armed conflicts, especially their nature and root causes, have been the subject of an intense debate. Two dominant views have arisen as almost the only valid interpretations ('tribalistic', and on the opposite extreme, natural resource exploitation), but appealing alternative explanations have emerged that have underlined the multiplicity of causes and actors (both internal and external). Sierra Leone's war is an example that can be used to analyse the influence of historical, social, political and economic aspects in the origins of the conflict, as well as the amazing mixture of actors that took part in the development and perpetuation of this African war.

INTRODUCTION

Primordialist views have often emerged to try to explain armed conflict in sub-Saharan Africa. These analyses considered violence a mere internal issue, based on atavistic confrontations or old tribal suspicions and, all in all, on actors who are unable to deal with differences by using dialogue. Opposite

views have also emerged in favour of interpreting violence as simply a matter of resources (diamonds, oil or coltan), where international actors consciously plan interventions according to their interests. This last thesis has been widely accepted by mass media and even some sectors of the civil society and the academia.

An interpretation of war in sub-Saharan Africa, especially after the end of the Cold War, must take into account the various spheres and dimensions, including local, regional, international and transnational levels. These levels are deeply rooted in the historical, social, economic and political context of each conflict. Thus, since the 1990s, many contributions have emerged in reaction to one view or the other. These theories and arguments usually fall somewhere between the two extremes, carving out a space for a more complex debate. Sierra Leone provides us with a case study in which all levels can be observed. It is not by chance that the main academic contributors to the debate on armed violence in Africa¹ have persistently used this former British colony as a case study. This is surprising in at least one sense, since by comparison, other African countries such as the DR Congo, Angola and Sudan have endured violence for much longer or have suffered worse human consequences. A brief but deep analysis of Sierra Leonean history, as well as of the main actors and conflict dynamics, can help to discern some of the main questions around the issue of war in Africa. With that aim, this paper is divided into three sections: the first is an analysis of the main debates surrounding African armed conflict; the second looks at how Sierra Leone fits into these debates; and finally the paper offers some conclusions.

CHARACTERISTICS AND DEBATES ON ARMED VIOLENCE IN SUB-SAHARAN AFRICA

The end of the Cold War involved an almost instant transformation. Prompted by its newly appointed secretary-general, Salim Ahmed Salim, the Organisation for African Unity (OAU) approved a declaration in July 1990 which recognised the need to promote popular participation in government and to guarantee human rights. By 1991, the great majority of African regimes had declared their commitment to the principle of multiparty electoral democracy². Postcolonial states in other African countries collapsed in the context of new or old armed conflicts³. These took place mainly in Angola, Burundi, Chad, Eritrea, Ethiopia,

Liberia, the DRC (previously Zaire), Rwanda, Sierra Leone, Somalia, Sudan and Uganda.⁴

The well-known human and socioeconomic effects of those wars were devastating. According to the UNDP, in the 1990s more than one and a half million people died as a consequence of the wars in Africa, while thousands of millions were displaced.⁵ Moreover, a report published by IANSA, Oxfam International and Saferworld stated that violence during this period led to the withdrawal of at least US\$300 000 millions from Africa.⁶

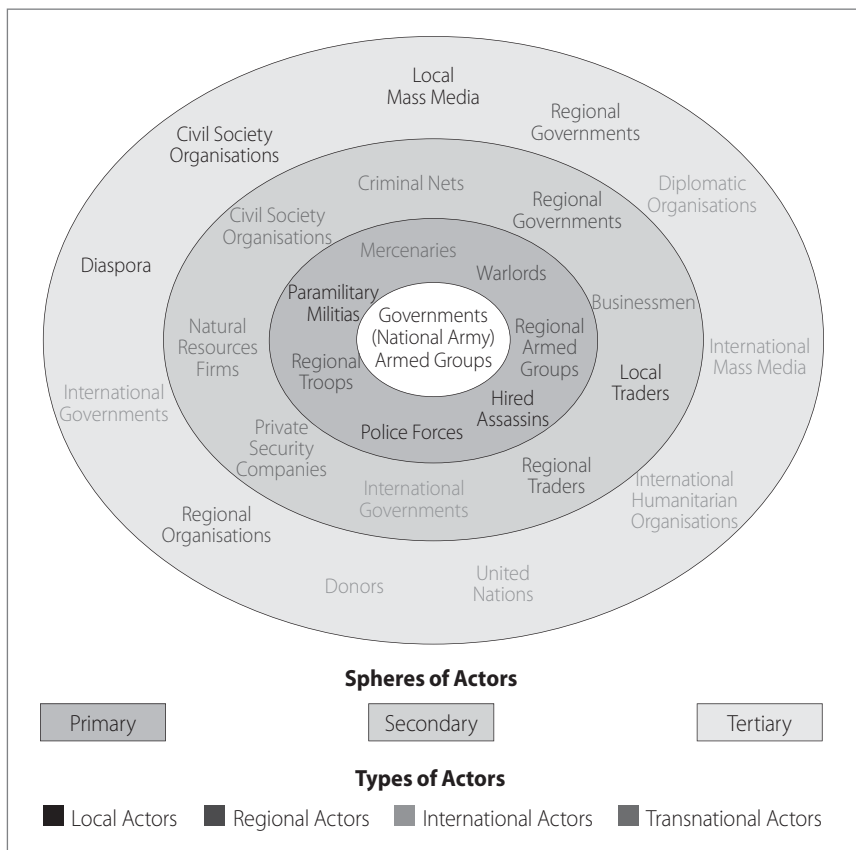
‘NETWORK WARS’ AND KNOTTED ACTORS

Some common characteristics emerge in an analysis of most African armed conflicts. First of all, they are mainly internal or intrastate (they take place within internationally recognised borders); localised (violence does not affect the whole country); regionalised;⁷ and internationalised (causes as well as consequences must be duly understood within the greater regional and international context).

Second, all kinds of actors, each with a different agenda and purpose, participate in the dynamics of war. This ‘net of actors’ is made up of:

- Primary actors: those who are directly engaged in armed violence (governments, armed groups or guerrillas, militias, paramilitary forces, warlords, organised criminal gangs, police forces, mercenaries, violent fundamentalist groups, regional armed groups, regional troops, etc)
- Secondary actors: those who although not directly participating in the confrontation are widely interested in its continuation (criminal networks, regional governments, businessmen, local and regional traders, international governments, private security companies, business with interest in natural resources, arms industry, etc)
- Tertiary actors: those who try to intervene, with or without a mandate to do so, in order to manage the confrontation (the diaspora, civil society organisations, local and international mass media, regional and international governments, regional and international organisations, diplomatic organisations, international humanitarian organisations, multilateral organisations such as United Nations, donor agencies, etc)

Figure 1 Actors and armed violence in sub-Saharan Africa



Finally, the economy of war is seen as strongly globalised and decentralised. Violence depends on external resources because units of combat are financed with the proceeds of looting and even humanitarian aid. Illegal arms deals and natural resources exploitation are critical in the mobilisation of resources. This is made possible by maintaining violence so that the dynamics of war are incorporated into the formal economy.⁸ In a suggestive way, Duffield has pointed out that these ‘new wars’ must be understood as ‘network wars’ that work through and around states.⁹ Conventional actors have been replaced by other kinds of actors who do not operate in an isolated way, but set up alliances or networks according to their interests.

A SIMPLE MATTER OF TRIBES AND DIAMONDS?

Even if the contributions to the debate on the root causes of African armed conflicts have been varied and numerous, most can be divided into one of three ‘narratives’: the new barbarism; underdevelopment as a cause of war; and the political economy of war.

New barbarism

The first narrative and in fact the starting point in the debate, is what Paul Richards labelled the ‘new barbarism’, with regard to Robert Kaplan’s thesis.¹⁰ In this essay, Kaplan explained African armed conflicts as chaotic and irrational confrontations, where demographic pressure, environmental collapse, and societal stress are critical:

West Africa is becoming the symbol of worldwide demographic, environmental, and societal stress, in which criminal anarchy emerges as the real ‘strategic’ danger. Disease, overpopulation, unprovoked crime, scarcity of resources, refugee migrations, the increasing erosion of nation-states and international borders, and the empowerment of private armies, security firms, and international drug cartels are now most tellingly demonstrated through a West African prism.¹¹

Of the numerous critiques raised in reaction to Kaplan, most underscore the point that basing conflict on ethnicity is an extremely dubious argument since it stems from racial discourse and cultural determinism: cultural differences are considered causes of conflict, antagonism and violence.¹² All in all, this controversial approach reinforced the cliché of a wild and violent Africa. According to Duffield, Kaplan created an external version of the ‘new racist’ doctrine.¹³ Moreover, Kaplan’s enormous influence – at that time he was the personal advisor to President Clinton – has since then conditioned many mass media, political and military agendas.¹⁴ While Kaplan’s thesis must be considered decisive in the debate on African armed conflicts, its racial undertones have otherwise had a negative effect.

Underdevelopment and violence

A second narrative regards underdevelopment as the main cause of Africa's 'new wars'. While one stream emphasises internal factors, such as the increase of poverty, environmental degradation, the rise of social exclusion and marginality, elite corruption and the militarisation of societies, a second stream focuses on external factors, such as the legacy of colonialism, external dependence, the impact of structural adjustment programmes (SAP) and the external debt, or the growing marginalisation of Africa in the global economy. Both approaches, however, uphold the idea that enhanced modernisation, improved literacy, and increased investment in basic services are all elements that diminish the occurrence of violence.

Nevertheless, this point of view, adopted primarily by those working in the realm of international cooperation, ignores a number of factors that contribute to violence. Yet the increased popularity of this approach has set up the promotion of development both as a right in itself and as a necessary ingredient for international stability. This merger of development and security is what Duffield has called 'the emergence of the liberal peace'.¹⁵ This approach has culminated in the promotion of 'conflict prevention' by international NGOs and donors as one of the main priorities in addressing conflict.

Political economy of war

A third and last narrative, called 'the political economy of war', supports the idea that African armed conflicts are the direct response of certain elites to its unequal integration into the world's economy.¹⁶ According to this view, the neopatrimonial state built up since independence started (after the end of the Cold War) to suffer a crisis of accumulation and governance that prompted a crisis of legitimacy.¹⁷ In this sense, elites started looking for new sources of authority, privileges and material benefits, whether through processes of democratisation or consolidating economies of war (control of natural resources, arms dealing, manipulation of humanitarian aid, etc).

The axis of this issue is located in the 'greed and grievance' debate, advertised mainly by World Bank theorists Collier and Hoeffler.¹⁸ This discussion tries to ascertain whether personal will of enrichment (greed) or historical, political and socioeconomic injustices (grievances) has more importance in the

origin of those contexts of violence in Africa.¹⁹ Although both approaches offer relevant contributions to understanding violence, Collier and Hoeffler, as well as Keen (at least in the 1990s) and Renner, among others, sacralised economic agendas as the main (and sometimes unique) cause of war in Africa. According to them, and quoting Clausewitz, ‘these civil wars could be better understood as the continuation of “economics” by other means’.^{20,21}

Sierra Leone as a case study

Sierra Leone’s war is central to understanding African armed conflicts. This is partially because of the intense debate over the root causes of the conflict that has taken place since the mid 1990s. Using the three narratives (above), this section will explore the specific characteristics, actors and underlying dynamics of Sierra Leone’s decade-long conflict.

Background to the conflict

During the war in Sierra Leone an estimated 50 000 to 75 000 people were killed, and half of the country’s 4.5 million people were forced to flee their homes.²² Conflict began immediately after independence in 1961 when the two main political parties, the Sierra Leone People’s Party (SLPP) and the All People’s Congress (APC), started fighting for power. In 1967, Siaka Stevens (APC) was elected prime minister, gradually institutionalising a strong patron-client system. Stevens had to face several attempted coups and a growing opposition. In 1985 he handed control of the government to his handpicked successor, the commander Joseph Momoh, who tried to launch some progressive measures, although that did not have any effect.²³

In March 1991, rebels from the Revolutionary United Front (RUF) crossed the border into Sierra Leone from Liberia, allegedly with support from the leader of the National Patriotic Front in Liberia (NPFL), Charles Taylor, and a small number of troops sent from Burkina Faso. The RUF leader, Foday Sankoh, announced the beginning of a ‘war of liberation’ to ‘liberate the suffering masses of Sierra Leone from the yoke of decades of crushing misery, deprivation and suppression’.²⁴ While facing this rebellion, President Momoh had to flee the country after believing a coup was in the making when a 26-year-old, Captain Valentine Strasser, and other junior officers of the Sierra Leonean Army (SLA)

went to State House to complain about the poor conditions for soldiers at the front. The presidency landed in the lap of Strasser, who then established the National Provisional Ruling Council (NPRC).

One of the most controversial aspects of the war was Strasser's invitation to the South African private security company Executive Outcomes (EO) to help the government fight the RUF, which was closing in on the capital and controlling much of the country's diamond mining areas. EO expanded its operations into the countryside, retaking a number of key diamond areas from the RUF and also began to collaborate with a rural pro-government militia, the Kamajors.²⁵ In January 1996, Brig-Gen Julius Maada-Bio deposed Strasser in a palace coup just one month short of general elections. A few months later, Ahmad Tejan Kabbah, who had been working for the United Nations Development Programme (UNDP) for 20 years, won the country's first relatively free and fair election.²⁶ In September, a peace agreement was signed in Abidjan, Côte d'Ivoire, between the Kabbah government and the RUF, stipulating that EO had to leave Sierra Leone by January 1997.²⁷

In May 1997, Major Johnny Paul Koroma ousted Kabbah in a military coup. Kabbah fled to Guinea. Koroma, who had been over-promoted by the army expansion under Strasser, suspended the constitution, abolished political parties and established the Armed Forces Revolutionary Council (AFRC), which included members of the Sierra Leonean Army (SLA) as well as the RUF. Nine months later, Nigerian-led West African troops (ECOMOG), backed by logistical and intelligence support from the British private security company Sandline International, and the Kamajors stormed Freetown, toppling the AFRC/RUF junta, which retreated to the countryside. At the beginning of 1999, a mixture of RUF rebels and former SLA troops launched an assault on Freetown,²⁸ known as 'Operation No Living Thing', seizing parts of the city from ECOMOG. The peacekeepers retook control of the capital, but not before at least 6 000 people had been killed and many neighbourhoods ruined.²⁹

Surprisingly, this situation led to the Lomé Peace Accord, signed between the government and the RUF. A clause provided a blanket amnesty following years of atrocities that included rape, mutilation and the killing of civilians. The accord also provided for the establishment of a unity government that included members of the RUF and former AFRC junta. Sankoh became the country's vice-president and the minister for mineral resources, including diamonds.³⁰

The United Nations Security Council decided to expand the size of the United Nations Mission in Sierra Leone, UNAMSIL, from 6 000 to 11 100 and revised its mandate to provide security at key locations, including government buildings and sites used in the country's disarmament, demobilisation and reintegration programme.

Lomé, however, did not mean the end of the war. In May 2000, more than 500 UN peacekeepers were abducted by the RUF. Sankoh was accused of obstructing the peace process and imprisoned. British troops also arrived in Freetown to provide support for the UN forces. Finally, in January 2002, President Kabbah officially announced the end of the war.

CHARACTERISTICS (AND PECULIARITIES) OF THE ARMED CONFLICT IN SIERRA LEONE

An internal but 'globalised' war

As with almost all African wars since the Cold War, Sierra Leone's armed conflict had an internal or intrastate character. Nonetheless, this label hides its greater regional and international context. In fact, most of its causes, dynamics, actors and consequences can be explained only by taking its regional and international characteristics into consideration.

Regionally, the parts played by countries such as Guinea, Côte d'Ivoire, Burkina Faso, and Liberia in particular were absolutely decisive, both in the origins of the conflict and in its perpetuation. These governments, motivated by their political and economic interests, decided to support the actors and even to promote the emergence of new ones during the conflict. The interlocking nature of and spill over from the war led to the view that political communities were locked into a regional security complex, so the response and the interventions in domestic civil wars developed a regional approach to the containment, management and resolution of all these conflicts. The so-called fire-next-door phenomenon, where states and peoples are bound together into military, political and ethno-religious security threats,³¹ is perfectly represented in the wars that took place in the Mano river sub-region from the late 1980s.³² Likewise, some authors, assessing Sierra Leone and Liberia's relationship, have stated that 'the interlinkages between these two wars are so substantial that the fates of Liberia and Sierra Leone are locked together like

a pair of dead ringers. Neither country is likely to achieve sustainable peace if warlike conditions still exist in the other.³³

With regard to the international sphere, participation by international and transnational actors was decisive in the evolution of the conflict. However, it was important not only in the diplomatic or humanitarian management of the conflict, but also in the perpetuation of the conflict dynamics. Either the economic and political interests of certain countries or the great influence of the Sierra Leonean diaspora gave the conflict a huge decentralised and globalised nature.

Actors within networks

Sierra Leone's war exemplifies what Duffield labelled 'network wars' or what Reno branded a 'global coalition of warlord politics in Africa'.³⁴ The government and the RUF, the two primary actors in the war, were both linked to nets composed of actors with similar interests and objectives. To understand the relationships among the actors it is useful to analyse them using the above scheme: primary, secondary and tertiary actors.

As far as the primary actors are concerned, there were two important 'alliances'. The first was built by those actors interested in defending the 'status quo': the governments of Momoh, Strasser, Maada Bio and Tejan Kabbah, supported by the Civil Defence Forces (CDF),³⁵ Guinean troops, Liberian ULIMO (United Liberation Movement of Liberia) forces,³⁶ regional ECOMOG troops, and mercenaries from southern Africa and eastern Europe. The second alliance, working to counter the state forces, was led mainly by the RUF and from 1997 onwards by the AFRC and its replacement, the West Side Boys. These actors were helped by regional governmental forces from Côte d'Ivoire and Burkina Faso, but especially by the Taylor's NPFL (Taylor became president of Liberia in 1997).

This alleged 'clash between coalitions' cannot hide a critical aspect of the war: all the armed actors shared the same interests, and soldiers were increasingly referred to as 'sobels' or 'soldiers by day, rebels by night'. As Gberie points out, the 'sobel phenomenon' became perhaps the most important element in the war.³⁷ Indiscriminate attacks on civilians and even negotiated lootings between the army and the RUF characterised the dynamics of the conflict. According to Keen:

[T]his did not happen by chance: soldiers and rebels increasingly came from the same social base; and both the insurgency and the counter-insurgency were shaped by a weak, unrepresentative and corrupt state and an underdeveloped economy that starved its youth of opportunity.³⁸

Violence adopted an extraordinary functionality for all the actors, and they even developed ‘a strangely co-operative conflict’.³⁹

Rather than consolidating the advance against the rebels that had been achieved, many governments’ troops often seemed strangely anxious to reverse it. Some Sierra Leoneans began to talk of the war as a ‘sell-game’, a reference to football matches where bribery fixes the result in advance.⁴⁰

With regard to the secondary actors, the role of certain governments was crucial to sustaining the dynamics of both alliances. While Guinea had important historical links with various Sierra Leonean governments, Nigeria became involved in Sierra Leone for three main reasons: first, the ECOMOG mission helped Nigerian leader General Sani Abacha ward off the threat of severe international sanctions against his regime; second, some of Nigeria’s generals benefited personally from revenues; and third, the mission represented Nigeria’s historic quest for hegemony in its own sub-region.⁴¹ On the other hand, the involvement of Liberia, Libya and Burkina Faso had largely to do with their leaders’ personal ambitions. Although benefits extracted from diamond mines were an important incentive for all three of them, greed and hegemonic aspirations, rather than exclusively greed, explain their involvement.⁴² While Taylor had publicly announced his desire to fight Momoh’s regime because of his participation in the ECOMOG mission in Liberia,⁴³ Gaddafi pretended to spread his ‘Green book’,⁴⁴ as well as to punish Liberian and Sierra Leonean governments for their refusal to participate in the 1982 OAU summit in Tripoli.⁴⁵ This is why Gaddafi offered training in Libya in the 1980s to Taylor, Sankoh and the Compaoré armed movements.^{46, 47}

The rest of the secondary actors are related to the ‘arms-diamonds-violence’ triangle. At local level it is important to highlight the Lebanese and local traders (mainly Temne and Mende) who enriched themselves during the war.⁴⁸ In the international and transnational sphere, important countries such as Egypt,

Israel, Bulgaria, Belgium and China stand out as having purposefully violated the stipulated arms embargo.⁴⁹ Other actors include the diamond company De Beers, which was also very active in the conflict in Angola;^{50,51} foreign firms linked to the main private security companies that received favoured commercial arrangements in the exploitation and marketing of diamonds, such as the British business, J&S Franklin (related to GSG) and Branch Energy (EO);⁵² many personal names, mostly related to Charles Taylor;⁵³ and even al-Qaeda networks, which negotiated arms for diamond contracts directly with the RUF field commander Sam Bockarie, alias 'Mosquita'.^{54, 55} This was the most powerful and influential network in Sierra Leone's war, and the most economically interested in perpetuating the war.

Finally, tertiary actors are represented mainly by those countries and organisations that intervened – not without controversy – in the conflict. Tony Blair's UK government is probably the most relevant participant. The UK's ambassador to Sierra Leone at the time, Peter Penfold, had been a very important diplomatic figure since the beginning of the conflict. Besides, the British military intervention at the end of the war was critical to putting an end to the RUF's existence. In fact, Gberie considers that 'it was the robust presence of the British troops that prevented the total collapse of the UN mission and a relapse into violence'.⁵⁶ This active role was due to the UK's economic interests,⁵⁷ as well as its historical responsibility to the former colony. Moreover, British public opinion was supportive of an intervention.

The Clinton administration also played an important role. With Somalia and Rwanda's failures on their shoulders, policy makers in Washington thought that achieving a peace accord was the most effective option. Jesse Jackson, at that time US African envoy and Charles Taylor's personal friend, pushed for the start of negotiations in Lomé between the Sierra Leone government and the RUF:

He had President Clinton telephone Sankoh for an encouraging chat, and hailed the agreement as a personal diplomatic triumph. Jackson went on to compare Sankoh to Nelson Mandela, averring that both were freedom fighters.⁵⁸

As far as Germany and France are concerned, both had a secondary yet significant role. The German ambassador in Sierra Leone, Karl Prinz, had an

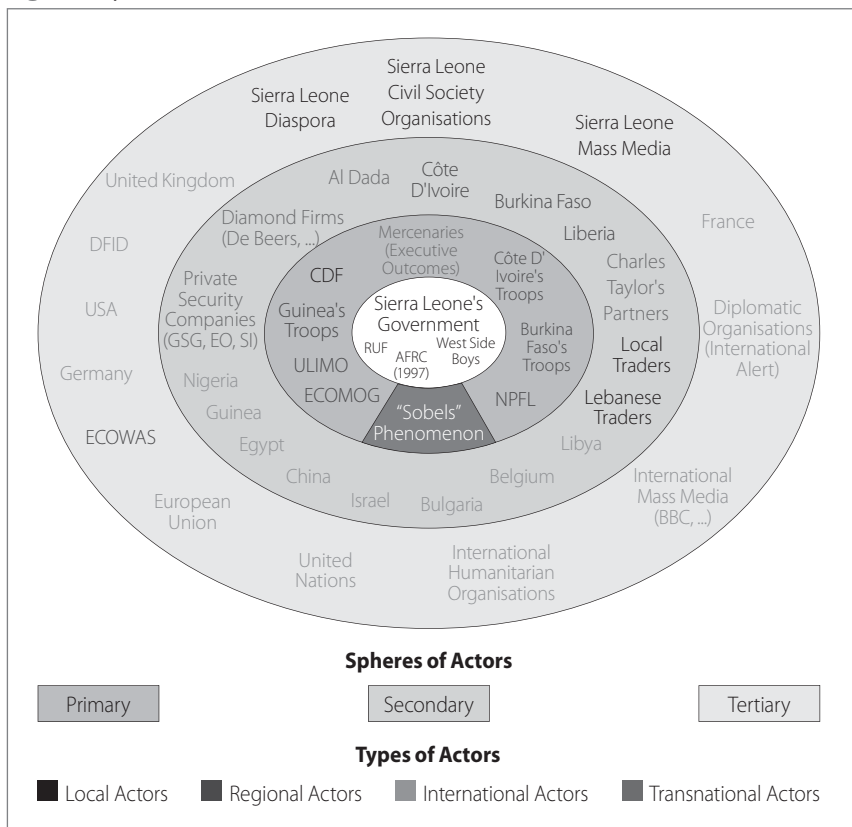
uncomfortable role amid the military juntas. Prinz overtly criticised the juntas for their human rights violations and was expelled from the country.⁵⁹ Meanwhile, France, which had close links with Taylor, avoided any condemnation because of the arms trade in some of its former colonies: ‘Côte d’Ivoire and Burkina Faso have been supplying mercenaries and acting as channels for arms. I’m sure those governments are not acting alone. The French are aware, and they have the ability to stop the war because of their influence over those nations.’⁶⁰

With regard to inter-governmental organisations, neither ECOWAS nor the UN played a decisive role in the resolution and mediation of the conflict. Apart from the military intervention, both organisations were subject to their members’ interests. This led to a constant redefinition of their approach to the conflict as well as to middling participation in the peace processes. Humanitarian organisations (mainly UN agencies and international NGOs) tried to face the dreadful humanitarian consequences of the violence, despite the lack of resources.⁶¹ Nevertheless, some authors have highlighted that ‘patterns of aid, apart from falling short of needs, could also feed into violence’.⁶² In this sense, it has also been underlined that:

... humanitarian aid helped significantly to shape incentives in relation to the war – both for the ‘insiders’ (meaning those who received significant aid) and for the ‘outsiders’ (those who did not). Aid produces important distortions in both the economy and the ‘information environment’. In many ways, these compounded the selective silences of international aid organisations, silences whose damaging effects have been noted. Whilst stopping humanitarian aid altogether conflicts with the right to relief, a greater awareness of the relationship between relief and violence would have been helpful.⁶³

It is also important to mention the intervention of the London-based non-governmental organisation International Alert. This organisation played the part of facilitator by acting as the conduit between the RUF and other actors, namely the UN, OAU and ECOWAS. It drew attention to the continued existence of the RUF and to its grievances, but was accused of obstructing UN overtures to the RUF delegation in Abidjan, and of misguidedly opposing the holding of elections before a peace agreement.⁶⁴

Figure 2 Spheres and actors in Sierra Leone’s war



Source Oscar Mateos

International mass media participation, especially by the BBC, was also very important. Gberie, however, considers that ‘throughout much of the conflict, the BBC World Service for Africa... was a willing dupe, unprofessionally broadcasting highly inflammatory statements issued by the rebels’.⁶⁵ Finally, the role played by the Sierra Leonean diaspora is also remarkable since it largely contributed to feeding the resistance groups during the war (civil society organisations, local newspapers, etc).

In this complex framework, the people worst affected were the civilians. As Kandeh has pointed out, ‘politicians, businessmen (local and foreign), uniformed officers, rebels, *sobel*s, armed robbers, thugs, and even peacekeepers

all benefited' from the violence, while the civilian population suffered all the consequences.⁶⁶ It was a war of 'winners' and 'losers', although not in the traditional sense. However, it is worthwhile analysing the multiple local strategies that civilians developed in order to face these dynamics.

The invisible actor: from Civilian resistance to peacebuilding

The civilian population has been considered a mere victim of Sierra Leone's war. This has emphasised civilians' incapacity to react to violence or develop mechanisms of conflict resolution. The international mass media have firmly contributed to this perception of victimisation. Nonetheless, the origin of Sierra Leone's conflict should be understood as a protracted history of social resistance⁶⁷. Despite the various attempts of Siaka Stevens' regime to neutralise any signs of social organisation, the roles of students, local newspapers and the diaspora were crucial in setting up the opposition to the APC regime.

At the beginning of the war in 1991, the main opposition initiatives came about as direct reactions to the military juntas, especially the AFRC/RUF. As a matter of fact, the emergence of the CDF militias (later co-opted by Kabbah's regime as paramilitary forces) had to do with the civil resistance to the RUF and other groups' strategies. If resistance to sobels upcountry had an ethnic component, resistance in the city was organised by independent mass media in what has been termed 'guerrilla journalism'.⁶⁸

During the NPRC regime, failed talks led some 60 groups from the religious, civil society and other non-governmental sectors – including the Council of Churches in Sierra Leone, the Sierra Leone Labour Congress, and the Sierra Leone Teachers' Union – to band together in early 1995 to form the National Co-ordinating Committee for Peace (NCCP). During its brief existence, the NCCP successfully organised a number of workshops and other educational forums with the goal of creating a groundswell of public opinion that would force the warring parties to the negotiating table.⁶⁹

After the AFRC coup, this nationwide resistance resulted in the creation of the Movement for the Restoration of Democracy (MRD), which incorporated almost all the pressure groups and civil organisations, plus the Kamajors and the northern-based Kapras, a strongly anti-RUF group.⁷⁰ Sierra Leoneans abroad also condemned and agitated against the coup. One week after the takeover,

1 500 people demonstrated in Washington against the AFRC and called for US military intervention to overturn it. Through the Sierra Leone e-mail discussion group Leonenet, the group Citizens for the Restoration of Democracy was formed and sent a letter to the United Nations Secretary General supporting the Nigerian-led intervention force in its determination to overturn the coup.⁷¹

The opposition to the AFRC/RUF regime had a tragic outcome in August 1997. The National Union of Sierra Leone Students (NUSS) announced a massive nationwide demonstration (against the junta) that received the support of the Labour Congress, the Sierra Leone Association of Journalists (SLAJ), the Women's Movement for Peace (led by Zainab Bangura) and other civil society organisations. The junta's army attacked the peaceful demonstrators killing some students.⁷² Something similar happened on 8 May 2000 when the Civil Society Movement (CSM) announced new massive demonstrations against the RUF, which had taken 500 peacekeepers hostage. When the peaceful demonstrators arrived to address the then vice-president of the country and RUF leader, Foday Sankoh, his personal guards opened fire, killing 22 people.⁷³

All non-violent initiatives witnessed during the war, whether spontaneous or organised, can be credited to the many civilian organisations such as trade unions, journalists associations, academics or local NGOs. Similarly, organisations such as Campaign for Good Governance (CGG), Network Movement for Justice and Development (NMJD) and Human Rights Committee (HRC) played an important part in both the Abidjan (1996) and Lomé (1999) peace agreements. This participation, however, was more controversial than influential, since these groups ended up as secondary players, accepting everything suggested by the international actors.⁷⁴ With regard to the diplomatic efforts, it is necessary to highlight the role of two groups: inter-religious groups and women organisations.

Inspired by the example of the Interfaith Mediation Committee (later the Inter-Religious Council) of Liberia, the country's religious leaders formed the Inter-Religious Council of Sierra Leone (IRCSL) in early 1997.⁷⁵ The leaders of many of these religious groups had been active in the Abidjan peace talks in 1996 and saw the formation of the new umbrella group as the natural institutional continuation of their cooperation to use religious influence to facilitate a peaceful resolution of the conflict. During the AFRC/RUF junta, the IRCSL worked to carry out a campaign of protest and civil disobedience against the regime. Not surprisingly, given its role in mounting non-violent civil resistance to the AFRC/RUF regime, religious individuals and institutions were

targeted for attack during the bloody January 1999 offensive.⁷⁶ Immediately after the offensive, Ugandan diplomat Francis Okelo, then serving in Sierra Leone as the special envoy of the UN Secretary General, invited the IRC SL to try to open a dialogue between President Kabbah and RUF leader Foday Sankoh. The new IRC SL co-chair Moses Kanu who, like his predecessor was secretary general of the Council of Churches in Sierra Leone, took up the challenge and, after several meetings with Kabbah, led a delegation that was allowed to meet with Sankoh in a military installation near Freetown in March 1999. During nearly two months of difficult talks, the IRC SL played a significant behind-the-scenes role, facilitating communications between the parties during impasses. Its role was recognised by the parties, which gave the IRC SL the leading role in the soon-to-be-created Council of Elders and Religious Leaders that was supposed to be set up to mediate eventual disputes arising from the peace agreement. The council was never established, owing to the collapse of the accord.⁷⁷

As for women's organisations, the Sierra Leone Truth and Reconciliation Commission states:

Women played a major role in the peace process that led to the end of the conflict. After enduring years of destruction and chaos, women began to play constructive roles as peacemakers and mediators (TRC 2004:702).

From 1994, women from both rural and urban areas, and from all classes and ethnic affiliations, came together to organise massive protests all over the country. At that time, the Sierra Leone Association of University Women (SLAUW) proposed that the country's women's groups should meet regularly to exchange information and, where appropriate, collaborate on common objectives, leading to the establishment of the Sierra Leone Women's Forum (SLWF).^{78, 79}

Women's groups took an active part, alongside other civil society organisations, at the national consultative conference in August 1995 at the Bintumani Conference Centre on Freetown's Aberdeen peninsula. Known as Bintumani I and II, these meetings were critical to ending Strasser's regime and calling for elections in 1996. In the period leading up to the election, the components of the forum worked to educate voters, especially women, about democracy and governance.⁸⁰ A particularly strong voice was that of a body called Women

Organised for a Morally Enlightened Nation (WOMEN).⁸¹ Other important women's organisations were the Mano River Women's Peace Network (MARWOPNET), Women's Movement for Peace, Forum of African Women Educationalists (FAWE) and The Women's Forum.

After Ahmad Tejan Kabbah's election in March 1996, the role of the women's groups decreased. The chaos following the May 1997 AFRC/RUF coup effectively ended the independent role of the women's movement; thereafter the activities of the surviving groups were indistinguishable from those of other civil society organisations.⁸² After the 6 January invasion, women participated in the national consultative conference that was convened by the National Commission for Democracy and Human Rights (headed by Dr Kadi Sesay), which was charged with collating civil society's views on the peace talks in Lomé. The interventions by the women tipped the balance toward restoring peace in Sierra Leone. In 2000, a group of elderly women belonging to various churches and mosques in Freetown, were granted an audience with Foday Sankoh. He treated them badly and with disdain on arriving at his residence. The women, angered by Foday Sankoh's attitude, showed him their displeasure. This meeting contributed to mobilising the entire population for the civil society's march on 8 May 2000, which culminated in the arrest of Foday Sankoh, who fled after his men opened fire on the protesters. While women played a major role in the cessation of hostilities, they have usually been ignored and under-represented at peace negotiations and in the attendant peacebuilding institutions that came into existence afterwards.⁸³ Nevertheless, as Kandeh has pointed out, 'the role of civil society in ending the NPRC dictatorship and resisting its AFRC sequel is unprecedented in the annals of military rule in independent Africa'.⁸⁴

Narratives and debates on the causes of war: the 'need-creed-greed' approach

Kaplan's primordialist thesis is ruled out as inherently racist, but criticism of the other two narratives also exists. Although the underdevelopment theory focuses mainly on economic causes, its important contribution to understanding the causes of violence cannot be ignored. In contrast, the political economy of war thesis has defended premises that have sometimes been as simplistic as the one supported by the 'new barbarism'. Furthermore, the political economy

of war has been widely accepted and advertised by the media as well as some institutional and academic sectors. For example, Collier and Hoeffler,⁸⁵ two of the leading conflict theorists, have obstinately insisted on understanding that diamonds are the unique cause of Sierra Leone's war. While diamonds played a crucial role in fuelling the war, one cannot ignore the multiple causes that led to the beginning of the violence in 1991.

Aranson and Zartman⁸⁶ have developed an interesting and comprehensive approach to understanding Sierra Leone's conflict. According to them, the causes of the conflict can be understood as being a point on a 'need, creed, and greed' continuum. The interesting question is how all these factors (need: historical grievances, political claims; creed: identity feelings; and greed: natural resources) relate to one another in causing and sustaining conflict:

[G]rievances occur over deprivation of basic needs of some sort, claims of rights based on identity react to discrimination, and greed over resources relates to opportunity.⁸⁷

To understand the intersection between 'need, creed, and greed', each cause must be examined independently. Grievances or need result from different internal and external factors. The exclusionary system consolidated by the various Sierra Leonean governments, specifically the one headed by Siaka Stevens, intentionally excluded others and resulted in grievances. Reno has labelled this system a 'shadow state'⁸⁸ where a coalition between the political elite and some Lebanese businessmen used state powers (including the army)⁸⁹ to enrich themselves gradually and deprive others.⁹⁰ For these regimes, the country's diamond reserves became the basis of the patrimonial order, criminalising the industry and establishing a 'shadow state' that was both minimalist and highly autocratic.⁹¹

However, even though this widely accepted factor was one of the main root causes of war, not just in Sierra Leone, but in most of the African wars, we cannot avoid three other important elements of social division:

- Centre-periphery cleavage: shaped by the British colonisation, this cleavage led to underdevelopment in the rural areas while Freetown benefited. It resulted in youth deprivation during the massive migration from and socio-economic deterioration of the rural sector⁹²

- Inter-generational cleavage: the traditional ruling system reinforced by the British colonialists as a means of ‘indirect rule’ gave full power to traditional leaders, customarily older men (known as ‘paramount chiefs’). Youth and women were effectively excluded from government, resulting in a situation of constant abuse^{93,94}
- Ethnic-regional cleavage: while frequently underestimated, ethnic and regional divisions are primary in understanding current and past political dynamics in the country. Although it seems clear that ‘ethnic and religious hatred are the least relevant to understanding the RUF invasion’,⁹⁵ historical rivalry between the main ethnic groups, Temne and Limba from the north (related to the APC) against the Mende in the south (mainly SLPP supporters), should also be taken into consideration, since they turned into exclusion policies for those who were not holding political power. This had ‘important consequences for national unity’⁹⁶

As far as the external causes are concerned, the impact of colonisation could be considered one of the main factors. Rather than construct a unified Sierra Leonean state, the colonial government effectively created two nations in the same territory. The colonial capital, Freetown, known as the Colony, and the much larger area of provincial territory, known as the Protectorate, were developed separately and unequally:

The colonial government formalised the common law practised in the Colony yet neglected the development of customary law in the Protectorate, thus producing two separate legal systems that persist to the present day. The impact of colonial policies and practices, including those relating to citizenship, ownership of land, land tenure rights and conflict of laws, was far-reaching. People in the Colony enjoyed vastly superior social, political and economic development and access to vital resources such as education. The divide between the two entities bred deep ethnic and regional resentment and destabilised the traditional system of Chieftaincy.⁹⁷

In addition, British rule contributed to the heightening of economic differences between southern and northern populations; it advanced the educational development in the southern districts with the objective of consolidating

complicities with the elites of these areas;⁹⁸ it promoted a new system of traditional rule, awarding the local chiefs heritable power and allowing for slave practices;⁹⁹ moreover, it nourished corruption among elites as an instrument of control.¹⁰⁰

On the other hand, the imposition of structural adjustment programmes (SAP) and its negative effects sparked off and in some cases fuelled conflict, and hastened the collapse of the state in countries such as Sierra Leone.¹⁰¹ Thus, under pressure from the IMF and the World Bank, the Stevens and Momoh regimes 'pursued a set of measures that tended to exacerbate the economic and social crisis'.^{102, 103}

All these internally and externally created grievances were critical to the emergence of the RUF in the mid 1970s (creed). The 1977 countrywide student demonstrations 'marked the political coming of age for a generation of young Sierra Leoneans who were becoming increasingly radicalised by social injustice, localised deprivation, and political disenfranchisement'.^{104, 105} This growing political consciousness culminated in a gradual demand for political openness and the end of corruption: 'Youths, particularly university students, came to see themselves as agents of political change and as the last bastion of societal opposition to a corrupt and oppressive APC government'.¹⁰⁶

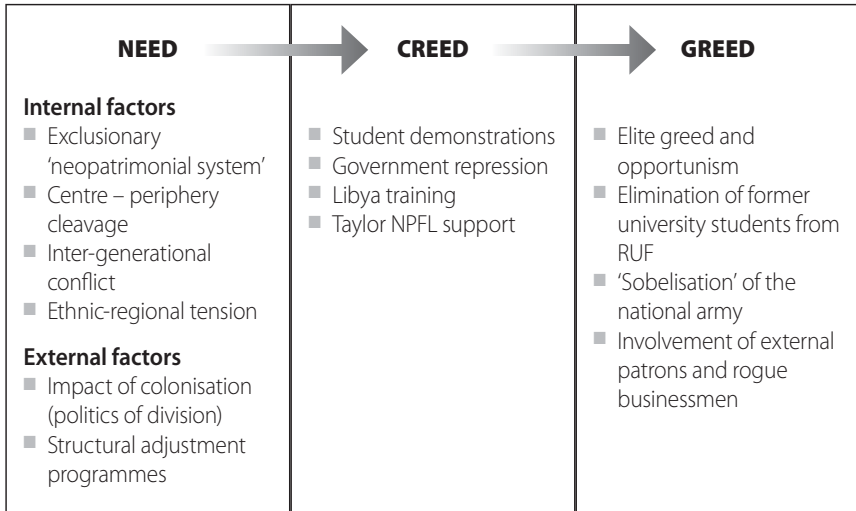
Nevertheless, the government's response to student political activism and social unrest was to impose a one-party system of government and outlaw student union governments. APC informants infiltrated college campuses and there were mass expulsions and suspension of students. Some of these students, under the leadership of the activist named Alie Kabba, flew to Ghana and then to Libya under the patronage of Gaddafi to receive 'military and ideological' training at the so-called al-Mahthab al-Thauriya al-Alamiya World Revolutionary Headquarters somewhere in the Libyan desert. The students recruited were mostly urban drifters and secondary school students. Foday Sankoh, whose entrenched grudge against the APC was well known, was among the recruits trained by Gaddafi.¹⁰⁷ Yet the student leaders soon realised that they were confusing their 'irritation' with 'ideology', and that they had no serious organisational base, so that they decided to give up the idea.¹⁰⁸ However, Foday Sankoh did not back down and after some difficulties he met Charles Taylor in Ghana in 1987 and then in 1988 in Libya. Taylor already had the NPFL and was helped by Sankoh and others in his attempt to overthrow Samuel Doe, then President of Liberia, in exchange for support to launch the

war in Sierra Leone.¹⁰⁹ In its inaugural document, 'Footpaths to democracy', the RUF stated:

We are fighting for a new Sierra Leone. A new Sierra Leone of freedom, justice and equal opportunity for all. We are fighting for democracy and by democracy we mean equal opportunity and access to power to create wealth through free trade, commerce, agriculture, industry, science and technology. Wealth cannot be created without power. Power cannot be achieved without struggle. And by struggle, we mean the determination, the humanistic urge to remove the shame of poverty, hunger, disease, squalor, illiteracy, loafing and hopelessness from this African land of Sierra Leone blessed with minerals, forests, rivers, and all that is required to restore the dignity, prestige and power of the African as an equal competitor on the world stage. This is what we are fighting for and this is why we are fighting to save Sierra Leone. For, a society has already collapsed when majority of its youth can wake up in the morning with nothing to look up for.¹¹⁰

However, according to David Pratt,¹¹¹ 'the radical intellectual roots of the RUF were extinguished in its first year of operation'. Most of the educated radicals who criticised RUF strategies were executed early in the war. As Kandeh has pointed out, greed-fuelled factors led to the gradual criminalisation of the RUF insurgency, most notably elite greed and opportunism; the elimination of former university students from the organisation; the sobelisation (the transformation of armed regulars into brigands) of the national army; and the involvement of external patrons and rogue businessman.¹¹² As Alie noted, what was labelled a 'war of liberation' in 1991 degraded in content and ambition to a 'battle of annihilation', culminating in the disastrous 'Operation No Living Thing' in January 1999.¹¹³

In this context, diamonds became indispensable to the RUF, as well as the rest of the armed groups. The UN Panel of Experts – appointed after the abduction of UN peacekeepers by the RUF in 2000 to investigate 'the link between trade in diamonds and trade in arms and related material' that helped sustain the RUF – found that diamonds constituted 'a major and primary source of income for the RUF' in 'sustaining and advancing its military ambitions'.¹¹⁴ This income strategy was sustained by all kinds of actors that helped to bring the diamonds out of the country where they could be sold.¹¹⁵

Figure 3 The ‘need-creed-greed’ comprehensive approach

Source Oscar Mateos

CONCLUSION

There is no single (or simplistic) verdict when determining what or who caused armed violence in sub-Saharan Africa after the end of the Cold War. Together with all the intertwined actors, interests and agendas in the history of the conflict, it is essential to take into account the historical processes, psychological aspects of power, and even anthropological elements underlying the complex local networks and traditional powers. Therefore, it is possible to conclude that simplified narratives to explain conflict in Sierra Leone and Africa do not exist.

Likewise, when assessing the role of internal and external actors, we can accept neither Kaplan’s primordialist (and harmful) views, nor those demagogic approaches that regard natural resources or international historical intervention as the unique cause of conflict. Furthermore, most analyses of violence in Africa demote civilians to ‘victims of war’, ignoring their capacity to develop any kind of strategy or initiative (organised or spontaneous) to deal with the violence. As outlined above, the participation of women’s organisations has been vital in leading these processes.

With the advent of the ‘liberal peace’, Africa has become a central cause of concern for the international community. Inter-governmental organisations,

donors and international NGOs have developed a new way of intervening based on development strategies in order to exile violence from Africa. Despite this positive attitude, most of these actors have forgotten the deep-rooted dynamics that exist in the continent. Thanks to the huge international investment as part of the so-called post-war reconstruction process, six years after the official end of the war, Sierra Leone has achieved some important improvements. Despite these, disparity and inequality within the country have increased. Two major groups are systematically disadvantaged because of discrimination: women and girls, and youth. The health system is extremely weak and the education sector also faces serious challenges. As a recent DFID report underlines, the country is currently unlikely to meet any Millennium Development Goals (MDG) and is seriously off track on several other goals, particularly those related to child and maternal health. According to the latest UNDP Human Development Report, Sierra Leone's maternal and child mortality rates are the worst in the world.¹¹⁶

This does not mean that reconstruction measures are absolutely inefficient, but it highlights the need to consider local approaches to peace and conflict resolution. In addition to all the 'reconstruction', 'rehabilitation' or 'reintegration' processes developed in Africa, Western societies should develop strategies that will allow them to understand properly the voice and the options of African societies.

NOTES

- 1 R D Kaplan, *The coming anarchy*, February 1994, <http://www.theatlantic.com/doc/199402/anarchy> (accessed February 2009); P Richards, *Fighting for the rainforest: War, youth and resources in Sierra Leone*, Oxford: James Currey and IAI, 1996; P Collier and A Hoeffler, *Greed and grievance in civil war*, Oxford: Oxford Economic Papers 56(2004), 563 – 595; and D Keen, *Aid and violence, with special reference to Sierra Leone*, *Disasters* 22(4) (1998), 318 – 327; and *Conflict and collusion in Sierra Leone*. Oxford: James Currey, 2005 (among others).
- 2 C Clapham, *Africa and the international system: The politics of state survival*, Cambridge: Cambridge University Press, 1996, 192.
- 3 Although some of these countries (such as Mozambique and South Africa) were able at first to put an end to armed conflict situations and even to start democratic processes, others relapsed into violence (Central Africa Republic, DR Congo and Guinea-Bissau).
- 4 M Meredith, *The state of Africa: A history of fifty years of independence*, London/New York: Freepress, 2005.

- 5 UNDP, *Sierra Leone Human Development Report 2007*. New York: UNDP, 2007.
- 6 IANSA, Oxfam International and Saferworld (2007)
- 7 This approach makes sense while observing conflict in the different African regions, such as the Great Lakes, the Mano River sub-region, the Horn of Africa and Central Africa.
- 8 M Kaldor, *New wars and old wars: Organized violence in a global era*, Cambridge: Polity, 1999, 9.
- 9 M Duffield, *Global governance and the new wars: The merging of development and security*, London: Zed, 2001, 190 – 193.
- 10 Richards, *Fighting for the rainforest*.
- 11 Kaplan, *The coming anarchy*.
- 12 This postulate was previously defended by Samuel Huntington in *The clash of civilizations*, New York: Simon & Schuster, 1998.
- 13 Duffield, *Global governance and the new wars*, 109.
- 14 Some analysts seem sure that this view has had an important impact on international politics as well as certain policies such as closing borders to immigration.
- 15 Duffield, *Global governance and the new wars*.
- 16 This thesis is also helpful to understanding other cases outside the African continent, such as Afghanistan and Colombia.
- 17 See Clapham, *African and the international system*, and A Thompson, *An introduction to African politics*, second edition, London/New York: Routledge, 2004.
- 18 Collier and Hoeffler, *Greed and grievance in civil war*, 563 – 595.
- 19 See M Berdal and D Malone, *Greed and grievance: Economic agendas in civil wars*. Boulder: Lynne Rienner, 2000.
- 20 D J Francis, *Uniting Africa: Building regional peace and security systems*, Hampshire: Ashgate, 2006, 82.
- 21 The ‘political economy of war’ narrative has greatly contributed to discovering African countries’ place in the ‘other side’ of the world economy, which refers to international criminal networks or bears witness to international and transnational actors such as the diamond industry or private security companies.
- 22 According to some UN agencies, there were as many as two million internally displaced people in Sierra Leone at the end of 2000, as well as several hundred thousand refugees in neighbouring countries.
- 23 J D Alie, *The Kamajor militia in Sierra Leone: Liberators or nihilists?* in D J Francis, (ed), *Civil militia: Africa’s intractable security menace?* Hampshire: Ashgate, 2006, 51 – 70; L Gberie, *A dirty war in West Africa. The RUF and the destruction of Sierra Leone*, Indiana: Indiana University Press, 2005; Keen, *Conflict and collusion in Sierra Leone*.

- 24 See RUF/SL, *Footpaths to democracy: Toward a new Sierra Leone*, The Revolutionary United Front of Sierra Leone, n p, 1995.
- 25 Alie, The Kamajor militia in Sierra Leone; A-F Musah, A country under siege: State decay and corporate military intervention in Sierra Leone, in A-F Musah and K Fayemi (eds), *Mercenaries: An African security dilemma*, London: Pluto, 2000, 76 – 116; D J Francis, Mercenary intervention in Sierra Leone: Providing national security or international exploitation? *Third World Quarterly* 20(2) (1999), 319 – 338.
- 26 Kabbah obtained 59,4 per cent of the votes in the second round. The SLPP won 51 seats in the 80-seat legislature. Kabbah appointed Hinga Norman deputy minister of defence and agreed to keep on the foreign security companies. His close relationship with the Kamajors angered the army.
- 27 Public opinion had turned against EO because of the high fees it charged (US\$1.8 million per month) and its activities in the country's diamond areas. However, EO's affiliate company, Lifeguard, has stayed on in Sierra Leone through security contracts with several mining companies.
- 28 According to Keen, *Conflict and collusion in Sierra Leone*, 222, despite continuing world media emphasis on 'the RUF rebels', these troops formed the majority of those attacking Freetown in January 1999, with SAJ Musa in a leadership role.
- 29 Thousands of other people were abducted by rebel forces. Many were used for forced labour, as sex slaves or terrorised into joining the rebel army.
- 30 Gberie *A dirty war in West Africa*; A K Koroma, *Crisis and intervention in Sierra Leone 1997 – 2003*, Freetown: Andromeda, 2004.
- 31 D J Francis, *The politics of economic regionalism: Sierra Leone in ECOWAS*. Hampshire: Ashgate, 2001, 103.
- 32 Some organisations have pointed out the DDR failure as one of the main elements of instability in the sub-region. See Save The Children 2005, *Fighting back: Child and community-led strategies to avoid children's recruitment into armed forces and groups in West Africa*, London: Save the Children; *Girls formerly associated with armed groups and armed forces who did not go through formal demobilisation: Save the Children UK's experience in West Africa*, London: Save the children, 2005a; and Human Rights Watch, *Youth, poverty and blood: The lethal legacy of West Africa's regional warriors*, London: Human Rights Watch, 2005.
- 33 M Boas, Liberia and Sierra Leone – dead ringers? The logic of neopatrimonial rule, *Third World Quarterly* 22(5) (2001), 697 – 723.
- 34 W Reno, *Warlord politics and African states*, Boulder: Lynne Rienner, 1998.
- 35 The CDF was a platform on which the traditional militias were organised (such as the Kamajors in the south-eastern region or the Gbethis in the north).

- 36 ULIMO was an anti-Taylor militia formed in Freetown in early 1991 and consisting of Krahn and Mandingo, the ethnic groups that President Samuel Doe had relied on and that later suffered massacre at the hands of Taylor's NPFL (Keen, *Conflict and collusion in Sierra Leone*, 37).
- 37 Gberie, *A dirty war in West Africa*, 82.
- 38 Keen, *Conflict and collusion in Sierra Leone*, 107.
- 39 RUF and governmental troops agreed on the looting of certain areas. Sankoh even declared: 'Don't worry about the Sierra Leone military. They are my colleagues. I will talk to them' (Keen, *Conflict and collusion in Sierra Leone*, 114).
- 40 Ibid, 119.
- 41 A Adebayo, *Building peace in West Africa: Liberia, Sierra Leone and Guinea-Bissau*, London: International Peace Academy Occasional Paper Series, Lynne Rienner, 2002.
- 42 J D Kandeh, The criminalization of the RUF insurgency in Sierra Leone, in C Arnson and I W Zartman (eds), *Rethinking the economics of war: The intersection of need, creed and greed*, Washington and Baltimore: Woodrow Wilson Center Press and The Johns Hopkins University Press, 2005, 85 – 106.
- 43 Adebayo, *Building peace in West Africa*, 82.
- 44 The *Green Book* is a document which extols an assortment of ideas of naïve humanism, anti-capitalist rhetoric and charismatic rule (Gberie, *A dirty war in West Africa*, 49).
- 45 The US, which regarded Gaddafi as a terrorist, lobbied to have as many leaders boycott the Tripoli summit as possible.
- 46 Gberie, *A dirty war in West Africa*.
- 47 To a lesser extent, Côte d'Ivoire's president, Houphouët-Boigny, was part of this group. Reno (Reno, *Warlord politics and African states*, 81)stated: 'Daisy Delafosse, the adopted daughter of Côte d'Ivoire's President Felix Houphouët-Boigny, had married President Tolbert's son Adolphus. [Samuel] Doe discovered too late the true power and reach of this elite family network after he had executed Tolbert's son at his 1980 Liberian Beach Party. Happy to avenge the death of their relative, Houphouët-Boigny and his son-in-law, President Blaise Compaoré of Burkina Faso, gave Charles Taylor material aid for his 1989 invasion of Liberia.'
- 48 Keen, *Conflict and collusion in Sierra Leone*, 129.
- 49 Gberie, *A dirty war in West Africa*, 115; A K Koroma, *The agony of a nation*, London: Andromeda, 1996.
- 50 Reno, *Warlord politics and African states*, 132.
- 51 See *Global Witness*, All the president's men, March 2002, and A rough trade, December 1998, www.globalwitness.org (accessed February 2009).
- 52 *Global Witness*, All the president's men, March 2002.

- 53 Among Taylor's closest business partners who made a fortune out of the RUF insurgency were Talal El-Ndine (a Lebanese businessman and Taylor's clandestine paymaster), Fred Rindle (a retired South African army officer), Leonid Minin (a Ukrainian with many aliases), Victor Bout (a native of Tajikistan and former KGB operative who also uses many aliases), Gus Van Kouwenhoven (a Dutch national with hotel, logging, and diamond interests in Liberia), and Ibrahim Baldeh Bah (a Senegalese national with close ties with Taylor, Blaise Compaoré and the RUF) (Kandeh, *The criminalization of the RUF insurgency in Sierra Leone*, 101). According to Musah (*A country under siege*, 106), Fred Rindle and Nico Shafer (who worked for the former Colombian cocaine baron Pablo Escobar) are also reported to have set up an international consortium with Taylor.
- 54 Bockarie became the acting RUF leader when Sankoh was detained in Nigeria. It appeared that there was a serious rift between Bockarie and Sankoh owing to his different view of the RUF leadership. In December 1999, the dispute erupted in a gun battle between Sankoh's supporters and Bockarie's supporters (Gberie, *A dirty war in West Africa*, 162 – 163).
- 55 Global Witness, *For a few dollars more, how al Qaeda moved into the diamond trade 2003*, www.globalwitness.org (accessed February 2009).
- 56 Gberie, *A dirty war in West Africa*, 176.
- 57 London maintained historical economic links with British companies such as Branch Energy, Golden Prospects, West African Fisheries, Marine Protection Services, J&S Franklin and Barclays and Standard Chartered banks.
- 58 Gberie, *A dirty war in West Africa*, 158.
- 59 Ibid, 162.
- 60 Keen, *Conflict and collusion in Sierra Leone*, 168.
- 61 D Hoffman, The civilian target in Sierra Leone and Liberia: Political power, military strategy, and humanitarian intervention, *African Affairs* 103(2004), 211 – 226.
- 62 Keen, *Conflict and collusion in Sierra Leone*, 160.
- 63 Keen, *Conflict and collusion in Sierra Leone*, 170.
- 64 Gberie, *A dirty war in West Africa*; Keen, *Conflict and collusion in Sierra Leone*; Musah, *A country under siege*.
- 65 Gberie, *A dirty war in West Africa*, 120 n.
- 66 Kandeh, *The criminalization of the RUF insurgency in Sierra Leone*, 99.
- 67 I Rashid, Student radicals, lumpen youth, and the origins of revolutionary groups in Sierra Leone, 1977 – 1996, in I Abdullah (ed), *Between democracy and terror: The Sierra Leone civil war*, Dakar: CODESRIA, 2004, 78.
- 68 O Gordon, Society against the state: The independent press and the AFRC-RUF Junta, in I Abdullah, (ed), *Between democracy and terror*.

- 69 P Pham, Lazarus rising: Civil society and Sierra Leone's return from the grave. *International Journal of Not-for-Profit Law* 7(1) (2004).
- 70 This nationwide resistance at first appeared to be undermined by the apparent fragmentation of the country along political party/ethnic lines (Gberie, *A dirty war in West Africa*, 108 – 109).
- 71 Gberie, *A dirty war in West Africa*, 110 – 111. Many of these agitations were launched in North America, and were largely inspired by John Leigh, Sierra Leone's outspoken ambassador in the US and high commissioner in Canada, and James Jonah, the country's urbane permanent representative at the UN.
- 72 Gberie, *A dirty war in West Africa*.
- 73 Truth and Reconciliation Commission (TRC), *Witness to truth: Report of the Sierra Leone TRC*, Sierra Leone, 2004, 260.
- 74 Most of the civil society organisations supported the amnesty for RUF members.
- 75 Muslim groups that joined the IRCSL included the Supreme Islamic Council, the Sierra Leone Muslim Congress, Federation of Muslim Women Associations in Sierra Leone, Council of Imams, and the Sierra Leone Islamic Missionary Union. Constituent Christian members of the IRCSL included the three Roman Catholic dioceses in Sierra Leone (the Archdiocese of Freetown and Bo, and the Dioceses of Kenema and Makeni), the Pentecostal Churches Council, and the Council of Churches in Sierra Leone, which represented 18 Protestant denominations.
- 76 The RUF abducted a number of religious figures who were unfortunate enough to find themselves behind rebel lines. Among those taken hostage was Freetown's Roman Catholic archbishop, Joseph Henry Ganda, an ethnic Mende with close personal ties to his fellow tribesman, President Kabbah. According to his own subsequent account, Ganda somehow managed to escape his captors after a week and found refuge with an ECOMOG unit. Some of Ganda's fellow hostages were less fortunate: when the ECOMOG counteroffensive forced the rebels to abandon their provisional headquarters, the fighters decided to get rid of some of their prisoners. An Indian nun of Mother Teresa's Missionaries of Charity, Sister Aloysius Maria, and an Italian priest, Father Girolamo Pistoni, were shot by the rebels; Pistoni miraculously survived with a chest wound by twisting quickly when he was fired upon. Two other Missionaries of Charity, Kenyan Sister Carmeline and Bangladeshi Sister Sweva, were killed, although the circumstances of their deaths left unclear whether the rebels had executed them or they had died as a result of ECOMOG fire (Pham, Lazarus rising).
- 77 Adebayo, *Building peace in West Africa*; P Hayner, *Negotiating peace in Sierra Leone: Confronting the justice challenge*, Geneva: Center for Humanitarian Dialogue and International Center for Transitional Justice, 2007; Pham, Lazarus rising.
- 78 Pham, Lazarus rising.
- 79 The SLWF began with representatives of groups such as the Young Women's Christian Association (YWCA), the Women's Association for National Development (WAND), the National Organization for Women (NOW), and the Women's Wing of the Sierra Leone Labour

- Congress, and gradually expanded to include members of Freetown's women traders' associations and religiously based women's groups as well as newly minted groups such as the National Displaced Women's Organization.
- 80 Pham, Lazarus rising.
- 81 TRC, *Witness to truth*, 386.
- 82 Pham, Lazarus rising.
- 83 TRC *Witness to truth*, 703.
- 84 Kandeh, The criminalization of the RUF insurgency in Sierra Leone, 179.
- 85 Collier and Hoeffler, *Greed and grievance in civil war*.
- 86 C J Arnson, C J and I W Zartman (eds), *Rethinking the economics of war: The intersection of need, creed and greed*, Washington and Baltimore: Woodrow Wilson Center Press and The Johns Hopkins University Press, 2005.
- 87 Arnson and Zartman, *Rethinking the economics of war*, 262
- 88 Reno, Corruption and state politics in Sierra Leone.
- 89 Stevens created extra-legal institutions and channels which came to supersede the formal state institutions. Distrusting the army, Stevens starved it of much-needed resources and created a shadow army, the Internal Security Unit (ISU) (later renamed the Special Security Division, SSD), with Cuban assistance in 1973 (Gberie *A dirty war in West Africa*, 29).
- 90 D Alie, Background to the conflict (1961 – 1991): What went wrong and why? in A Ayisi, and R-E Poulton (eds), *Bound to cooperate: Conflict, peace and people in Sierra Leone*, Geneva: UNIDIR, 2000; C Clapham, *Sierra Leone: The global-local politics of state collapse and attempted reconstruction*, Failed States Conference Paper, Florence, 10-14 April 2001; Gberie *A dirty war in West Africa*; Keen, *Conflict and collusion in Sierra Leone*; Richards, *Fighting for the rainforest*; TRC, *Witness to truth*.
- 91 Gberie, *A dirty war in West Africa*, 29; S J Kpundeh, *Politics and corruption in Africa: A case study of Sierra Leone*. Lanham: University Press of America, 1995.
- 92 Alie, in Ayisi and Poulton, *Bound to cooperate*; Gberie, *A dirty war in West Africa*.
- 93 Alie, in Ayisi and Poulton, *Bound to cooperate*; Fanthorpe, 2001; Keen, *Conflict and collusion in Sierra Leone*.
- 94 In much of Sierra Leone, de facto citizenship remains a privilege for those domiciled in old villages registered for tax collection. Youths, itinerant workers, and other low-status individuals inevitably find themselves in attenuating orders of precedence in access to basic rights and properties. The loss of identity implicit in this process no longer finds a compensating movement in modern education and employment (Fanthorpe 2001, 363).
- 95 Kandeh, The criminalization of the RUF insurgency in Sierra Leone. Nevertheless, Keen (*Conflict and collusion in Sierra Leone*, 99) exposes that many Mende began to complain that there was a

conspiracy to weaken or even destroy them, making a connection between the army's continuing northern bias, Sankoh's northern origins (he was born in Tonkolili District), and the devastation of the south and east. According to Keen's personal testimony: 'There was a hidden agenda in the APC to reduce the population of the Mende tribe.' On the other hand, King's survey shows 'tribalism/nepotism' as the second most pointed response to the causes of the war (N King, *Conflict as integration: Youth aspiration to personhood in the teleology of Sierra Leone's 'senseless war'*, *Current African Issues* 36, Uppsala: Nordiska Afrikainstitutet, 2007). Finally, the TRC report states that the link between the conflict and ethnicity lies in the way in which certain factions turned ethnicity into an instrument of prejudice and violence against perceived opponents or those who did not 'belong' (*Witness to truth*, 957). People of northern origin were found to have been targeted in the southern and eastern regions during the latter part of the war. The Kamajors committed disproportionate amounts of violations against such ethnic groups as the Temne, Koranko, Loko, Limba and Yalunka. Other reported instances of 'targeting' included RUF violations against, variously, the Lebanese, Fullahs, Mandingos, Nigerians and Marakas.

- 96 Alie, in Ayisi and Poulton, *Bound to cooperate*, 26.
- 97 TRC, *Witness to truth*, 957.
- 98 Alie, in Ayisi and Poulton (eds), *Background to the conflict*, 15 – 35.
- 99 Alie, *Background to the conflict (1961–1991)*, 28; Fanthorpe 2001; Keen, *Conflict and collusion in Sierra Leone*, 10.
- 100 Koroma, *The agony of a nation*, 234; S J Kpundeh, *Politics and corruption in Africa: A case study of Sierra Leone*, Lanham: University Press of America, 1995.
- 101 Francis, *Uniting Africa*, 85.
- 102 Keen, *Conflict and collusion in Sierra Leone*, 26.
- 103 As in much of Africa and elsewhere in the developing world, these measures included devaluations and cuts in state spending (Keen *Conflict and collusion in Sierra Leone*, 26).
- 104 Kandeh, *The criminalization of the RUF insurgency in Sierra Leone*, 88.
- 105 Ismail Rashid thinks that the culture of resistance emerged in a context of nonconformity, student radicalism, reggae music, and drugs (Rashid, *Student radicals, lumpen youth*)
- 106 *Ibid.*, 89.
- 107 Gberie, *A dirty war in West Africa*, 50.
- 108 Some of the student leaders were awarded funding to finish their university education in Ghana, and the rest of the revolutionary enthusiasts returned to Sierra Leone and settled back to whatever they were doing before (Gberie, *A dirty war in West Africa*, 50).
- 109 *Ibid.*, 50 – 52.
- 110 See RUF/SL, *Footpaths to democracy: Towards a new Sierra Leone*, The Revolutionary United Front of Sierra Leone, 2004.

- 111 Keen, *Conflict and collusion in Sierra Leone*, 47.
- 112 Kandeh, The criminalization of the RUF insurgency in Sierra Leone, 86.
- 113 Alie, Background to the conflict (1961 – 1991), 53.
- 114 Gberie, *A dirty war in West Africa*, 190.
- 115 The United Nations estimated the RUF's diamond exports being 'from as little as 25 million USD per annum to as much as 125 million USD per annum' (ibid).
- 116 See UNDP 2007, *Sierra Leone Human Development Report 2007*, New York: UNDP.

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PART 2

Conflict resolution and peacebuilding

Challenges and obstacles

3 Mediation and peacebuilding through regional arms control and disarmament diplomacy

A diplomatic continuum in the Somali peace process

PHILIP ARTHUR NJUGUNA MWANIKA

INTRODUCTION

This paper seeks to explore the role of the diplomacy of human rights and justice as a mode of mediation in protracted conflicts. It attempts to investigate the concept in the peacebuilding stage in particular, and through the overall utilisation of regional arms control legal regimes and disarmament diplomacy. The specific case study is Somalia, which has defied peacekeeping and conflict management norms, and has challenged the Westphalian conception of the state and its legitimacy. The paper argues that an overall understanding of international justice and its rule of law images could bring order to the procedural and substantive nature of mediation and also the transitional order element of the post-mediation/conflict period in Somalia. Rule of law images that are representative of norms of international justice are the arms control instruments that could be used as a diplomatic ‘kite’ in mediation processes. Recent developments in Somalia, despite past events, have motivated the research interest for this paper.

Laws of arms control have been violated across the board by virtually all actors in the Somali conflict. This is attributed to the resurgence of high-intensity conflict. Current political-diplomatic events may have restated the role

of regional laws on arms control in conflict management. The relevance of the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons is brought to light, not only in arms control, but also as a possible tool for realising a sustainable peace in Somalia. The protocol is not only part of the arms control legal regime that seeks to control the trade and movement of arms in the intermittent conflicts in the region, but is a political and diplomatic tool that could be used for transitional ordering.

Somalia is the latest signatory to the protocol and is thus a member state of the Regional Centre on Small Arms and Light Weapons (RECSA), which is mandated with implementing it. To connect this to the Somali peace process, a question is posed: How does the overall peace process become complete and move from an inchoate state of diplomacy? The answer may lie in the potentials of regional laws of arms control and particularly the Nairobi Protocol, which addresses the main 'fuelling indicators' of the conflict; that is, the presence, proliferation and lack of transparent control of small arms and light weapons.

This paper will therefore analyse these potentials and provide a case for arms control and disarmament diplomacy as necessary ingredients in successful mediation.

A SHORT DEMOGRAPHIC OVERVIEW OF SOMALIA

Despite the existence of minority groups, Somalia as a society is more or less homogeneous. The language is Somali and the religion is entirely Islam. Underpinning Somali society is lineage, with divisions defined along clan and sub-clan lines. The main clan families of Darod, Dir, Isaaq, Hawiye and Rahanweyn traditionally constitute Somali society, along with other minority clans. However, in the peace processes carried out in Arta (located in Djibouti), Eldoret and Mbagathi (the latter two in Kenya), the four major clan families of Darood, Digil-rahamweyn, Dir (within which Issaq is recognised as the largest clan) and Hawiye (along with the minority clans, namely Barawans, Bajuni and Bantu) were still considered to represent Somalia.¹

In 2003, the United Nations Development Programme (UNDP) estimated the population of Somalia at approximately 6,8 million (of whom 350 000 are considered internally displaced persons). After the collapse of the Somali government in 1991, the country was balkanised into Somaliland (the northwest), Puntland (the northeast), the Bay/Bakool regions (the southwest) and South-

Central Somalia. The Somali population consists largely of pastoral or nomadic groups and agricultural communities, with a significant number being engaged in trade, businesses, and fisheries (coastal areas). The rate of urbanisation is increasing rapidly with groups migrating to the more developed areas in search of employment.²

Demographically, to some extent the protracted war has changed the clan settlement patterns. Valuable urban and agricultural land has been occupied by strong clans. In the urban and arable areas, such as Shabele, Mogadishu and Juba Valley, the patterns of clan settlements have changed, owing to heavy infusions of non-resident clans, supported by their militias. Many clan groups, particularly those originally from Puntland, migrated voluntarily to their traditional clan territories to escape conflict. From Puntland, a good number of clan members transited through Yemen to settle in Australia, America and Scandinavia, but an equally large number became increasingly involved in local businesses or trade in Puntland.³

In South-Central Somalia, valuable agricultural land, urban land and seaports have been taken over by armed clans for economic gain. These stronger marauding clans have grabbed rich plantations and property owned by agricultural clans and indigenous groups, often leading to their displacement and, worse still, their enslavement. The displaced are forced to move out of traditional lands into new areas, further changing the demographic constitutions.⁴ Thus competition for control of power and resources has significantly changed clan boundaries in many parts of Somalia, with new clans consolidating their position on occupied lands.⁵

BACKGROUND OF POLITICS AND CONFLICT IN SOMALIA

The Somali Republic (1960–1991) constituted the former Italian colonies of South-Central Somalia and Puntland and the former British protectorate of Somaliland. After the collapse of the state in 1991, Somaliland unilaterally declared independence. However, it was not given recognition by the UN.

Somalia's situation and history of conflict reveal an intriguing paradox. For instance, clanism and clan cleavages are a source of conflict that is used to divide Somalis; to fuel endemic clashes over resources and power; to mobilise militia; and to make broad-based reconciliation very difficult to achieve. The country's embroilment in a civil war started in early 1991 after the former

president, Mohammed Siad Barre, was ousted by armed Somali rebel groups. The sources of the overall conflict are defined largely as structural, and pre-date the current civil war. There has been a cumulative series of armed conflicts in the country.⁶

These armed conflicts represent the 'third wave' of hostilities; these are skirmishes of the third kind, as Kaldor (2006) defines them, because modes of guerrilla tactics are applied.⁷ The preferred mode of violence is through the use of small arms and light weapons (SALWs) and these have been a major determinant of the cyclical violence in Somalia.

A number of peace and reconciliation efforts have been undertaken, largely within track-one initiatives (official diplomatic channels), including interventions by the Ethiopian government, the Djibouti government and international diplomatic initiatives by the UN, European Commission and major powers that have consequently adopted a disengagement policy as a result of failure in such African conflicts.⁸ It is evident that by 2001 the conflict had escalated into a regional one, with belligerent or warring groups receiving support from different countries, including Eritrea, Ethiopia, Djibouti, Egypt and even Kenya. Each had its own interests and concerns.

Ethiopia's interests in Somalia are traceable to the history of the two countries. Haile Selassie and Menelik II both annexed portions of Somalia. Ethiopia shares a 2 000 km border with Somalia, which exacerbates its security concerns. Ethiopia's interests lie in the strategic concern for security. In addition, Ethiopia fought the last war with Somalia over the Ogaden⁹ and is careful to create a friendly government that will not revive hostilities over this region. Another consideration is that Prime Minister Meles Zenawi of Ethiopia had took refuge in Somalia for a long time. During this period he made friends with some of the current faction leaders in Somalia, whom he would have liked to ensure also became leaders, like he did.¹⁰

Kenya's interests are understood initially from the position that it shares a 700–1 000 km border with Somalia. Huge numbers of refugees have streamed into Kenya, financially constraining the capacity of the state and posing a threat to the environment. The war in Somalia has led to an increase in insecurity through small arms infiltration into the country. Kenya's interest is explained by its concern, especially during the Moi administration, to remain a leading peacemaker in the region.¹¹

Djibouti's interests became clear at the Somali National Reconciliation Conference where it sought to keep the former transitional national government

president, Abdikassim, in office. A friendly Somali government was useful to Djibouti economically. Djibouti lacks resources and has a population of 300 000, and so cannot sustain a viable market for a business-oriented economy.¹² Eritrea saw the peace process as a perfect opportunity to settle scores with Ethiopia, with whom it has a long-standing border dispute. While struggling to settle scores, it found allies in Djibouti, which harbours a personal grudge against Ethiopia, and Uganda, whose president, Yoweri Museveni, aims to scuttle Kenya's ambitions to regain regional supremacy.¹³

These developments have exacerbated the efforts of sub-regional and regional organisations to carry out effective conflict management initiatives within their track-one mandate. Owing to their political debacles of a legal and strategic nature, sub-regional efforts within the Inter-Governmental Authority on Development (IGAD) process need complementary assistance. In this context, member states, and in this case facilitators such as Kenya (as observed in the 2002–2004 peace process), have been recognised as having soft-power capability that appeals to a good number of actors and parties in the Somali conflict. The bedrock of soft power, that is, small-state diplomatic initiatives, rests on the ability to achieve desired outcomes through attraction and acceptance of its legitimacy.

Other soft-power capabilities could lie in the utilisation of international law in peace processes. This is specifically true of the political and diplomatic potentials of arms control legal instruments such as the Nairobi Protocol, which could provide buffer support to otherwise fragile and complex peace processes such as the Somali scenario.

At the outset of the civil war in Somalia, the world had to deal with the phenomenon of a collapsed state.¹⁴ Any conflict management attempt had to give cognisance to the socio-cultural mapping of Somalia, to potential human resources for the peacebuilding efforts, and to their role in reaching the long-term goal of a sustainable positive peace.¹⁵

MEDIATION PROCESSES: ELUSIVE QUEST OR POLITICAL HICCUPS?

With this kind of conceptualisation of Somali mediation efforts and conflict dynamics, scholars, statesmen and jurists argue that in substantive form, the Kenya-led mediation of the Somali conflict was not successful. Another school

of thought uses other indicators, legitimising the mediation and its outcomes, such as the Transitional Federal Government (TFG).

But common denominators abound, given the politicisation of diplomacy on the Somali crisis. Surprisingly, an agreement was signed unequivocally in the midst of different interests. The transitional government, weak as it was, failed to gain political momentum, and the inception of the Islamic courts is only an indicator that the diplomatic process led by Kenya was inchoate.¹⁶ The question therefore is how does the overall peace process on Somalia become complete and move from the incomplete state of diplomacy? The answer may lie in the potential of regional laws of arms control that address the main fuelling indicators of the conflict; that is, the presence, proliferation and lack of transparent control of SALWs.

As such then, the opportunity provided for further post-conflict negotiations could be effected through the diplomacy of human rights, and through the utilisation of existing legally binding regional arms control instruments, and thus a cumulative case for arms control and disarmament diplomacy as images of this diplomacy of human rights. This is a link that was missing in all aspects of mediation of the Somali debacle.

The diplomacy of human rights is also legitimised by the unsynchronised activities of the TFG (that is, its cabinet, members of parliament and their proxies) in furthering illegitimate activities towards disaggregating human security. This was a situation it was hoped would not happen, the reasons being that in peace processes, amnesty extricates non-participation of all actors on the negotiation table. Apparently, this has proven otherwise.¹⁷ Another point is that the diplomacy of human rights is the only means of placing Somalia on the visible black-letter writings of considerations by the international community.

Third, the Islamic Courts have equally been forwarding their share of impunity. To assert their point and agenda in Somalia, they have resorted to the use of hard-power imperatives which by principle have contravened rules under general public international law and specifically international humanitarian law. This has provided its share of challenges for transitional order in post-settlement Somalia.¹⁸

The principal regional arms control instrument is the Nairobi Protocol and its unexplored political and diplomatic potentials. The Nairobi Protocol is no doubt a legal and diplomatic kite to think about, considering the outright arms embargo violations by a myriad of actors in the Somali conflict. This has no

doubt de-escalated efforts towards positive peace in Somalia. A restatement of the protocol, the human rights picture of the instrument, and the situation of the high-intensity war in Somalia at the moment would explain this clearly.

The continued arms embargo violations in Somalia are breaches of the Nairobi Protocol. This statement is justified by the following analogy that sheds some light on the validity of the Nairobi Protocol in the diplomacy of conflict management of the Somali debacle. This is a regional exemplification of disarmament diplomacy and its mediatory role.

Current political-diplomatic events unfolding in Somalia may have reaffirmed the relevance of the Nairobi Protocol,¹⁹ not only in matters of arms control, but also as a possible tool for realising a sustainable peace. As understood, the protocol is an arms control legal regime that seeks to control the trade and movement of arms in the intermittent conflicts in the region, but it is also a political and diplomatic tool that could provide for transitional ordering in Somalia. Somali is the latest signatory to the protocol and is thus a member state of the Regional Centre on Small Arms and Light Weapons (RECSA) which is mandated with implementing it.

In stemming arms flows into Somalia, what role do regional arms control and disarmament diplomacy play? This question sheds more light on the extent to which the arms embargo has been violated by a myriad of entities concerned with the Somali debacle. UN Security Council Resolution 733(1992) in paragraph 5 unequivocally requires a general and complete embargo on all deliveries of weapons and military equipment to Somalia.

To connect the Security Conflict Resolution to the Nairobi Protocol, it is apparent that the protocol incorporates international legal provisions that particularly affect the armament regimes in the region. These make up a concise set of provisions feeding into the international humanitarian laws reflecting geopolitical perspectives. In short, the Nairobi Protocol brings closer to home a reflection of international norms seeking to control the proliferation of SALWs.

This elicits great interest in the role of the Nairobi Protocol in the conflict management of Somalia. And it spells out RECSA's possible part in pushing for the diplomacy of human rights in Somalia. A classic account of transfer and conduit utilisation of arms has been evident in Somalia, particularly in the focus period from January 2007 to 2010. As a result of the violation of the Security Council arms embargo and juridical contravention of the Nairobi Protocol, Somalia is awash with arms. The sheer quantities, numbers and diversity of

Table 1 Arms purchases and sales at the Bakaraaha Arms Market: findings of the UN Monitoring Group on arms embargo violations in Somalia²⁰

Identity of individual conducting transaction at the Irtogte Market	Type and quantity of arms and date of transaction	Role (supplier/purchaser/seller)
Qanyare Afrah Mohamed Warlord, member of Parliament and former minister in the Transitional Federal Government	92 AK-47, 18 PKM, 22 RPG-2/7, a variety of ammunition 20 December 2006–15 January 2007	Purchased the arms
	55 AK-47, 7 PKM, 17 RPG-2/7 February 2007	Purchased the arms
	135 AK-47, 17 PKM, 25 RPG-2/7 March 2007	Purchased the arms
	48 AK-47, 11 RPG-2/7, a variety of ammunition, magazines and belts 20 March–20 April 2007	Purchased the arms
	320 AK-47, 8 PKM, 24 RPG-2/7, 8 M-79 grenade launchers, 3 DShK, 1 Sekawe,* 40 boxes of ammunition for Zu-23, DShK, AK-47 and PKM 20 March–20 May 2007	Purchased the arms
Mohamed Omar Habeeb 'Dheere', governor of Banadir region and mayor of Mogadishu	80 AK-47, 12 PKM, 19 RPG-2/7, 2 DSKK, a variety of anti-tank mines, anti-personnel mines and hand grenades 20 November–20 December 2006	Purchased the arms
	105 AK-47, 21 PKM, 28 RPG-2/7, a variety of ammunition 20 December 2006–15 January 2007	Purchased the arms
	21 RPG-2/7, 74 Mortars, a variety of ammunition February 2007	Purchased the arms
Col Abdi Hassan Awale Qeybdiid, police chief, Banadir Region	65 AK-47, 25 PKM, 30 RPG-2/7, 1 Dhuunshilke, 3 B-10 and a variety of ammunition 20 November–20 December 2006	Purchased the arms
	287 AK-47, 22 PKM, 3 B-10, Magazines for assault rifles, a variety of ammunition 20.04–20.05.2007	Purchased the arms

Identity of individual conducting transaction at the Irtogte Market	Type and quantity of arms and date of transaction	Role (supplier/purchaser/seller)
Barre Aden Shire 'Hirale', former minister in the Transitional Federal Government	22 PKM, 40 RPG-2/7, 2 B-10, 4 DShK, 2 dhuunshilke* 20 November–20 December 2006	Purchased the arms
Bakaraaha Arms Market traders	2000 AK-47, 5 B-10, 11 DShK February 2007	Shipment arrived at the Bakaraaha Arms Market from Hargeisa (Somaliland)
Shabaab	9 B-10, 5 Waqle, 2 ZU-23 and a variety of mines and hand grenades 20 November–20 December 2006	Purchased the arms
	74 AK-47, 17 PKM, 48 RPG-2/7, a variety of ammunition 20 March–20 April 2007	Purchased the arms
	420 AK-47, 17 PKM, 48 RPG-2/7, 27 M-79 grenade launchers, 60 pistols, a variety of mines 20 April–20 May 2007	Purchased the arms
Clans (various)	295 AK-47, 95 PKM, 130 RPG-2/7, 11 DShK, 5 dhuunshilke,* 14 B-10, 5 Waqle, a variety of mines and ammunition 20 November–20 December 2006	Purchased the arms
	187 AK-47, 16 PKM, 48 RPG-2/7, a variety of ammunition and mines, 53 pistols 20 December 2006–15 January 2007	Purchased the arms
	375 AK-47, 87 PKM, 47 RPG-2/7, 170 mines and hand grenades, a variety of ammunition especially for AK-47 and RPG-2/7 March 2007	Purchased the arms

arms, especially in Central and Southern Somalia, are greater than at any time since the early 1990s. Generally, the sources of the arms are varied. Arms have been brought into Somalia largely via clandestine routes and have found their way to a variety of key Somali actors.

However, the Somali armament could be understood from the context of state practice, clan activity, and the principal one-stop arms market in Somalia and warlord activity. State practice involves the introduction of arms by Ethiopia, and the Ugandan military (under a Security Council exemption for the AU). Eritrea is a principal source and conduit for arms supplies to the All Shabaab group, and America's military action in Somalia has left arms in irresponsible hands. Then there is the intensity with which strong clans have been buying and purchasing arms. The 'grand mall' for a variety of SALWs is the Bakaraaha arms market. This open market brings in all parties in the conflict to the extent that Somali actors – from the Shaabab clans to TFG officials – have been conducting arms transactions there. In addition, the warlords have been reconstituting their militias, and are therefore a prominent feature at the market.

This chronology of events simply shows how soft-law views of the resolutions and protocols have been exceptionally violated. The result of such treaty exceptionalism is being observed now in the increase in deaths and the rise in numbers of wounded civilians. In political risk analysis, the increase of instruments of violence, particularly in Mogadishu, is directly related to the observed rise in human rights violations and contraventions of humanitarian legal provisions.

In a conflict where a large proportion of the population is concentrated in a metropolis such as Mogadishu, it is strategically expected that urban warfare would be the preferred mode of operation by all parties. In short, violations are observed in Somalia with the deployment of insurgent forces in densely populated areas and widespread indiscriminate bombardment of these areas by the sitting government and its allies. As a result of the un-checked arms transfers into Somalia, all parties have resorted to using weapons that could be defined as 'unqualified' for use under the laws of war in humanitarian law. It is with these events that a case is being made for the Nairobi Protocol's role in regional restatement of humanitarian law provisions and practice in Somalia, the epicentre of the Horn of Africa conflict.

The protocol could 'beef up' national reconciliation decisions and resolutions as it would be used as a diplomatic tool to the extent that it becomes a major focal point in mediation efforts by intermediary actors, ranging from IGAD and the International Somali Contact Group to other actors who in the past have exemplified legitimacy as mediators in the region, for example Kenya.

The next task in diplomatic engagement of the Somali conflict management should be recognition across the board that for there to be a positive peace, arms control diplomacy has to be understood in this context and operationalised through the inclusion of a human rights discourse in the diplomatic or reconciliation processes. RECSA should engage with actors in its diplomatic capacity and spell out the essence and connection of arms control diplomacy and human security. In any case, the activities in Somalia directly affect signatories to the protocol and member states, since SALWs easily infiltrate across borders.

Kenya may also seek to vigorously re-engage Somalia through its diplomacy of conflict management, and thereby utilise the diplomacy of human rights by referring to the Nairobi Protocol and the hosting of the RECSA secretariat in Nairobi. Historical and moral obligations are in order, since Nairobi was the midwife to RECSA. It therefore has legitimacy to use the diplomacy of human rights through restating obligations pursuant to the Nairobi Protocol.

REALISTIC AND GENUINE DIPLOMATIC ENGAGEMENT

The diplomacy of human rights as a mode of mediation consolidates the concept of human security. It extricates impunity on both municipal and international legal concerns. It solidifies the soft-power nature of a well-coordinated mediation. It is from these considerations that systemic power dynamics have brought unrealistic and non-genuine diplomatic manoeuvrings. The mediation efforts of the Somali conflict by Kenya went a long way towards providing the first building blocks necessary for bringing together regional actors towards the attainment of some kind of legitimacy in Somalia. As weak as the outcomes may be perceived to be, a lesser effort would have meant an unfettered anarchic escalation of the collapsed state. Systematically, these efforts have not been commended or strengthened by the international community, especially the powerful states. They should recognise effective diplomatic efforts such as those offered by the political and diplomatic potentials of the Nairobi Protocol.

An indicator of this was the unstrategic non-inclusion of Kenya in the International Somali Contact Group. The group's mandate is to address the way forward for enhanced multilateral engagement with the Somalia Transitional Federal Institutions and other actors inside Somalia.²¹ From this the question therefore is whether the group's legitimacy would be consolidated with the inclusion of Kenya? Efforts in Eldoret and Nairobi have proved that legitimacy

was forwarded to this actor²² and currently, the Islamic Courts have signalled diplomatically that Kenya would be their preferred third party convener.²³ In the same dialectical sense, this would consolidate the systemic understanding of the Somali diplomatic politics on which Kenya has proven to be an authority.

To further consolidate the position of the diplomacy of human rights, it is apparent that the International Contact Group's unstrategic position may be construed by the actors as hard-power chest thumping through other means. The argument is that transitional order and order in Somalia can be realised only through championing human security via the mode of soft power as an all-inclusive diplomatic mediation effort. The essence of human security in Somalia is to be realised through remedying acts whose *problématique* is addressed by human rights diplomacy as a mediation mode.

This could be remedied through the restatement of arms embargoes and indictment on an international scale, and this should therefore be a major diplomatic offensive. This has been initiated by the systematic work and findings of the Bruno Scheinsky reports to the Security Council regarding the Monitoring Group on Arms Embargo Violations in Somalia. International humanitarian law regimes, and specifically UN Security Council Resolution 733 (1992), paragraph 5, require a general and complete embargo on all deliveries of weapons and military equipment to Somalia. This is in the black-letter writings of international law and has been adopted in regional norms and standards through such instruments as the Nairobi Protocol. Therefore, disarmament diplomacy has legitimacy from international justice mechanisms that have a kind of an established *opinio juris* perspective.

THE DIPLOMACY OF HUMAN RIGHTS AS AN INTERMEDIARY ROLE

With a case for the diplomacy of human rights already having been made, it is important to match this mode to conflict progression in Somalia. Following the logic put forward by Christopher Mitchell, different levels of conflict need matching intermediary or mediatory efforts towards a matching state of order or sustainable peace.²⁴ This is reflective of the Somalia situation.

Conflict as progression was recognised in the Kenyan-led mediation process, between 2002 and 2004. Intermediary roles applied in the conflict manifestations included, first, good-offices modulation in the level of overt violence in

Somalia, which prompted a mutual stalemate by actors in the Somali conflict. Second, the structural conflict manifestation of the same was the main *raison d'être* of the Kenyan mediation, which sought to lessen the gap between the actual and potential realisation of equity in Somali political-economic and social relations.²⁵ But these are all mechanisms to remedy the first stage of the Somali disordered state of affairs. The conflict progression stage of post-conflict elicits mechanisms that are better viewed as peace management.

The conflict progression stage would therefore require a systematic strategy which starts with the selling of agreements back to the main actors in Somalia. The main idea of this first task would be to gain public acceptance of the principles and ideals of the agreement by the people directly affected by the conflict (social cultural resources). It should however be noted that just like any other war disrupted society, some form of violence, somatic in nature, may still abound with shaky remnants of a heavily conflict ridden zone. A case in point would be the presence and continued use of small arms and light weapons therefore challenging positive peace and security as we know it. This is the stage where disarmament diplomacy comes in. It becomes part of the peace management strategy to be applied as the peace agreement is sold to the public and implemented.

The need for disarmament diplomacy in Somalia is therefore legitimised by the activities observed in the Bakaraaha weapons market and their proliferation in Somalia. The market is a major escalator of high-intensity conflict and lack of stability since it is a major point of supply of arms in Somalia's war economy.

The major buyers are the major players and have sustained the market's life. A diplomacy that could target this major arms source, albeit not isolated, could go a long way towards providing an enabling environment for complete reconciliation in Mogadishu. The cyclical economy of the gun (see table 1) is a chilling reality that explains why arms control and disarmament diplomacy should be major tools in mediation and an ingredient in what is cumulatively called the diplomacy of human rights.

There is no generic format of mediation tactics to suit all situations. Although post-conflict strategies may be stressed in consolidating transitional order in Somalia, the peace management mechanism of human rights diplomacy – through such ingredients as arms control regimes and disarmament diplomacy – ought to be used hand in hand with normal third-party mediation strategies as exemplified by IGAD and facilitative third parties. Mediators need legitimacy for their ideas to be well received by or sold to the target resources.

Legitimacy is further needed while utilising the mediatory mode of the diplomacy of human rights, whose attainment signifies a consolidation of positive order, the ultimate goal of peace processes.

SIEGE IN MOGADISHU

Two consolidated actors that are concerned in the Somali situation are the TFG and the Islamic Courts. The Islamic Courts have proved a formidable force with their easy military incursions into Mogadishu and its eventual fortification. The TFG, sitting in Baidoa, is threatened at this point, since all its modes of statecraft, including its military wing, have been challenged. Another consideration that lends formidability to the two actors is that they have their own sponsors and ideological godfathers.

This only acknowledges conflict progression in that mediatory efforts are needed even in peace management cycles of conflict and its management. Post-conflict situations legitimise the position that interests elicited by endogenous and exogenous actors have a limit, a ceiling, whose challenging of the sacrosanct nature of human rights elicits international justice mechanisms for settling disputes. In Crocker and Bercovitch's words, this is a ripe moment for engagement through the diplomacy of human rights to consolidate the last deployment of resources towards a positive peace.²⁶ At this point, disarmament diplomacy should be applied in the mediation processes and the diplomatic kites to be flown are arms control laws and their violations.

OPERATIONALISATION OF HUMAN RIGHTS DIPLOMACY

In Somalia justice has to be realised first for there to be solid peace. A recapping of the essentials of public law is important to the extent that impunity in the essence of human security should be addressed, not collectively but on a one-on-one basis. This is the victim-offender interface.²⁷ As captured by Kissinger, sometimes for a mediation effort to gain some impetus, it is important to 'paint pictures' through international publication of acts against human rights; this is a mode of gaining diplomatic momentum.²⁸ Articulating international condemnations, and restating human rights ideals while negotiating, 'flies the kite' of the important nature of the outcomes of the mediation effort. These are the

conditions under which the Islamic courts and the TFG both have to realise that the game demands equitable or near equitable positions when conducting mediation.

This perspective of the diplomacy of human rights, based on the distributive element of the rule of municipal and international law, is important to the extent that it remedies the conflict progression level of overt violence during peace management. This is imperative, because the easing of hostilities would give way to a return to the negotiation table to hammer out contentious issues.

DIPLOMACY OF HUMAN RIGHTS AS 'ARMS CONTROL DIPLOMACY'

Therefore, this analogy of events asserts the position that the diplomacy of human rights or justice includes different elements. One is a diplomacy based on distributive justice (as above), and another is oriented towards restorative justice. The first diplomacy of human rights conception has to be fully understood. A representative or indicator of this mode of mediation concerns impunity and remedies towards contravening sanctions, especially UN Security Council-directed sanctions, as stipulated.

Somalia had a sanction regime slapped on it concerning the delivery of weapons and military equipment. This is under Security Council Resolutions 733 (1992) and 751 (1992). In Resolution 733 of 23 January 1992, the Security Council, acting under chapter VII of the Charter of the United Nations, imposed a general and complete embargo on all deliveries of weapons and military equipment to Somalia. In paragraph II of Resolution 751 of 24 April 1992, the Security Council decided to establish a committee consisting of all members of the council to undertake certain tasks: to seek from all states information regarding the action taken by them concerning the effective implementation of the embargo imposed by paragraph 5 of Resolution 733; to consider any information brought to its attention by states concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo; and to recommend appropriate measures in response to violations of the embargo and to provide information regularly to the secretary general for distribution to member states.

These are the 'pictures to be painted' to contraveners of these soft laws that also have serious international public opinion ramifications. The current reports

of the Monitoring Group on Somalia are building blocks for pushing mediation forward and giving a case for disarmament diplomacy as an ingredient towards positive order. This is a function of the diplomacy of human rights' distributive element that should be utilised in mediation efforts.

The other wing of the diplomacy of human rights relates to the restorative justice inception into the post-conflict transitional order goals. Restorative justice seeks to restore relationships, an element that has been elusive in the Somali context. A restatement of diplomacy should incept into post-conflict third party solidification process the element of the socio-cultural resource of the Somali people and cultural matrix. Under this premise, the main concern, is to legitimise a mediatory process by incorporating the culturally accepted practice of conflict management mechanisms,²⁹ including *Xia* (traditional Somali conflict management mechanisms).

This restorative kind of diplomacy would fill the void created by an all-out amnesty, as was seen in the most recent Somali Peace Process (spearheaded by Kenya from 2002 to 2004). It is within the imperatives of social justice that the actual realisation and potential realisation have to be brought closer towards each other, and not placed at opposite ends of the continuum. The point here is that international political dynamics should acknowledge that there is need to appeal to the frustration-aggression phenomenon that characterises Somali class and clan relations. Clan dynamics, relations and a shift to the individual from a collective indictment should be the *modus operandi*.

It is imperative to show the nexus between these two types of justice and their source of legitimacy in perpetuating order in transitional societies such as Somalia. If the diplomacy of human rights is treated as a construct of transitional justice, then its source of legitimacy derives from international humanitarian law and international human rights. Transitional justice relies on international law to make the case that states undergoing transition and their actors are faced with certain legal obligations, including those of halting ongoing human rights abuses, investigating past crimes, identifying those responsible for human rights violations, imposing sanctions on those responsible, providing reparations to victims, preventing future abuses, preserving and enhancing peace, and fostering individual and national reconciliation.³⁰

As a mediation mode then, the field depends on international legal principles that require the prosecution of perpetrators; this context includes broader forms of justice, such as reparations programmes and truth seeking

mechanisms.³¹ Therefore, the diplomacy of human rights framework recognises that transitions, such as Somalia, are complex and often characterised by both impediments and opportunities for new and creative democratic strategies. In this context then, transitional justice, and thus the aim of the diplomacy of human rights, requires an awareness of multiple imperatives during a political transition, suggesting that comprehensive justice must be sought in a context in which other values are equally important, including democracy, stability, equity, and fairness to victims and their families.

COUNTERVAILING INTERNATIONAL FORCES

The diplomacy of human rights falls right in the thick of soft-power imperatives of statecraft. Its resources, being non-assertive and non-military oriented, need to be strategic enough to achieve the desired outcomes. An immediate threat to the utilisation of this mode of diplomacy is the current decision by the UN Security Council to lift the 1992 embargo on arms. In early December 2006, the Security Council voted 13 to 0 to lift UN sanctions on Somalia. This means that the deployment of a regional peace support operation is under way. As noble and as expedited as this process is, the timing is not feasible to accomplish the desired goals for sustainable peace. A construct of the diplomacy of human rights in connection to such a move is that despite near universal disregards for the embargo, UN monitoring has had an impact. The naming of the individuals engaged in small arms imports and sales worries many Somali leaders, who fear that the data could eventually be used in legal proceedings. Governments named as suppliers of weapons to Somali clients have generally found the charges unwelcome and disputed them. Most importantly, the embargo has prevented the TFG from legally securing external assistance to arm and support its security sector and created a legal impediment to the deployment of regional peacekeeping or stabilisation forces.³²

The concept of the diplomacy of human rights is further solidified by events unfolding in Somalia, especially in December 2006 and early January of 2007. It is apparent that Ethiopia and the Somali TGF forces killed hundreds of Islamist fighters and scattered the rest in a lightning offensive. In addition to these military campaigns, America 're-engaged' itself in Somali politics through hard-power imperatives by inflicting the populace with air raids purportedly targeting all-Qaeda operatives and their proxies within the Islamic courts' militants and radicals.

The few weeks that ensued saw a replay of the anarchic state of Somalia that had enjoyed relative order prior to these skirmishes. Strategic war considerations meant that male members of the polity concerned had to revert to arming themselves for ideological reasons, to consolidate the immediate security of close family members, and for self-defence and offence in the event of a military encounter.

As a result, Somalia has seen an inundation of usable arms and SALWs within this short span.³³ The converse of this situation would be a long-term remedying concern. An arms control and management re-visiting would mean that part of the tasks of mediation and further diplomatic engagement would include a re-visiting of laws against the illegal and uncontrolled illegal sale and sponsorship of weapons³⁴ especially in societies where mechanisms of transitional order are being pursued.

As part of the indictment mechanisms of a diplomacy of human rights, it would only be legitimate if international jurisprudential and legal instruments were restated to all actors in the Somali conflict, as reinforcements to rules regulating warfare and the sale and use of arms essentially so in an un-proportional manner. This would further legitimise future disarmament and demobilisation efforts under the well-planned Eastern Africa Standby Brigade (EASBRIG), the African Union Mission in Somalia (AMISOM) and other international peace support or enforcement operations.

The existence and upsurge of SALWs in Somali society challenges mediatory and post-conflict peace-building efforts, because it re-conceptualises social constructs of the legitimisation of violence. This is an Achilles heel in general conflict management efforts. Using the diplomacy of human rights would reverse this situation towards a positive oriented and pragmatic peace process and ordering of Somali society and consequent politics.

CONCLUSION

Initiatives are needed to jump-start again direct talks between the TFG, the Islamic Courts and other important Mogadishu-based groups, with the aim of producing a government of national unity. This version of the diplomacy of human rights through espousing arms control and disarmament diplomacy means that diplomatic leadership in search of a settlement must be augmented in response to the growing internationalisation of the crisis and its international

legal repercussions. A way of operationalising this principle may be through this mode of mediatory efforts even with an inception of peacekeeping operations. The best that the disarmament diplomacy (a strong ingredient in the overall diplomacy of human rights) can do is to complement the peacekeeping efforts.

This territory has been subjected to violent internal conflict for more than a decade, as well as a failed UN peace enforcement operation and, most recently, invasion by Ethiopia. The proliferation of SALWs is rife, despite the embargo that has been in place since 1992. Attempted solutions to Somalia's woes by outsiders have tended to be militaristic in nature, and appear not to have had a positive impact on the conflict. Is it not perhaps time to seriously consider non-military options such as arms control and disarmament diplomacy?

As a result of the destructive impact of SALWs in the Great Lakes region and the Horn of Africa, in 2004 states in this region concluded a legally binding arms control and disarmament agreement, the Nairobi Protocol. RECSA, the inter-governmental agency that is responsible for coordinating the implementation of the Nairobi Protocol, was subsequently established. Somalia and its neighbours are signatories to the Nairobi Protocol, which means that governments in the region are obligated to execute the arms control and disarmament provisions of this instrument. However, given the current intra-state conflict, such measures are not being actively pursued by certain state authorities in relation to Somalia.

An unexplored aspect of the Nairobi Protocol is its diplomatic and conflict management potential. The protocol is based on international humanitarian law, and therefore has a normative focus rather than a political one. This agreement could be used as an effective conflict management and threat reduction instrument for the current conflict in and around Somalia. For example, it could be employed as a diplomatic kite by groups such as IGAD and the International Somali Contact Group to bolster legitimate mediation and reconciliation processes in Somalia.

The protocol makes provision for RECSA to play an active diplomatic role in promoting arms control and disarmament in the region. However, to date, RECSA has maintained a relatively low profile, owing mainly to numerous priorities and a lack of resources and capacity. Recently there have been a number of encouraging developments. RECSA has been professionally restructured; further funds have been secured; and additional personnel have been appointed. Consequently, RECSA appears to be becoming a more assertive diplomatic

player in promoting the implementation of the Nairobi Protocol. For example, in 2009 RECSA began to provide affected states with practical support for marking and tracing SALWs.

For sustainable peace to be achieved in Somalia conflict management and peace building approaches by the relevant parties must be vigorously pursued. This should be combined with efforts (especially by RECSA) to encourage the implementation of the Nairobi Protocol by those states that are signatories to this agreement.

NOTES

- 1 World Bank, *Conflict in Somalia: Drivers and dynamics*, Nairobi, World Bank Department Of Public Information, January 2005, 8.
- 2 UNDP/World Bank, *Socio-Economic Survey 2002 Somalia Report 1*, Somalia Watching Brief, UNDP/WB, 2003.
- 3 See draft report on socioeconomic assessment in Puntland, UNDP/ World Bank, PDRC, Garowe, April 2004. See ICG Africa Report 59, *Negotiating a blue print for peace in Somalia*, 6 March 2003.
- 4 ICG Africa Report 59, *Negotiating a blueprint for peace in Somalia*.
- 5 Ibid.
- 6 Ahmed Samatar, *Socialist Somalia: Rhetoric and reality*, London: Zed, 1998, 137.
- 7 Mary Kaldor, *New and Old Wars: Organised Violence in a Global Era*. 2nd edition (first edition: 1999), Cambridge: Polity Press, 2006.
- 8 Hussein Adam, The international humanitarian intervention in Somalia, 1992–1995, in Ricardo Rene Laremont (ed), *The causes of war and the consequences of peacemaking in Africa*, Portsmouth, NH: Heinemann, 2002, 179–84.
- 9 The Ogaden region covers about 400 000 square kilometres, and borders Djibouti, Kenya and Somalia. The region had defined much of the Horn of Africa's contentious political-conflict issues and has been an area of contestation of territorial claim by these bordering states.
- 10 Ochieng Kamudhayi, The Somali peace process, in Makumi Mwangiru, *African regional security in the age of globalization*, Nairobi: Heinrich Boll Foundation, 2004, 117–18.
- 11 Ibid, 118.
- 12 Ibid, 117.
- 13 Ibid, 119.

- 14 Adam, *The international humanitarian intervention in Somalia*, 172. Adam asserts that around January 1991 and during the ensuing months, Somalia experienced a cataclysmic event, virtually unforeseen since World War II. Somalia witnessed complete state collapse: it was not simply a military coup or a revolution; Somalia's collapsed state represented the literal implosion of state structures and of residual forms of authority and legitimacy.
- 15 *Ibid.*
- 16 See Philip Njuguna Mwanika, *A critical analysis of the role of track-one diplomacy in conflict management: A case study of the Kenyan mediation of the Somali conflict, 2002– 2004* (unpublished thesis), Institute For Peace Studies and International Relations, Catholic University of Eastern Africa, Nairobi, 2006.
- 17 Amnesty International. *Somalia: Urgent need for effective human rights protection under the new transitional government*, in *AI Index: AFR 52/001/2005*.
- 18 ICG, *Can Somali crisis be contained?*, 9– 10.
- 19 See a full edit of the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes region and the Horn of Africa 2004, in *SaferAfrica, Compendium of Small Arms and Light Weapons Initiatives Applicable to Africa*, Pretoria: SaferAfrica, 2007, 437–455.
- 20 See the Report of the Monitoring Group on Somalia, in letter dated 17 July 2007 from the chairman, Dumisani Shadrack Kumalo, and Security Council Committee established pursuant to Resolution 751 (1992) concerning Somalia.
- 21 The organisation and goals of the International Somali Contact Group can be accessed through the official website of the Norwegian Permanent Mission to the United Nations, New York. Norway spearheaded this process; the contact group was a brainchild of Norway.
- 22 Mwanika, *A critical analysis of the role of track-one diplomacy in conflict management*.
- 23 This is reiterated in the *Africa Research Bulletin: The Islamic Courts ready to accept Kenyan mediation of the Somali debacle between the courts, TFG and other actors*; see *Kenya-Somali: Troop alert, Africa Research Bulletin: Political, Social and Cultural Series* 43(9) (October 2006), 1677A – 16778B (2).
- 24 See John Paul Lederach, *Process: The dynamics and progression of conflict*, in *Building peace: Sustainable reconciliation in divided societies*, Washington DC: USIP, 1998, 63– 73.
- 25 'Actual realisation' and 'potential realisation': These two terms define a social justice situation of a conflict and post-conflict zone. In these terms, violence is defined as the cause of the difference between the potential and the actual, between what could have been and what is. Social injustice – which is a form of violence is what increases the distance between the potential and the actual, and what impedes the decrease of this distance. This is captured by Johan Galtung, *Violence, peace and peace research, Journal of Peace Research* 6(3) (1969), 163– 171.

- 26 The concept of the 'ripe moment' in conflict management efforts is well expounded in Jacob Bercovitch and Jeffrey Rubin (eds), *Mediation in international relations: Multiple approaches to conflict management*, London, Palgrave Macmillan, 1994.
- 27 Amnesty International. Somalia: Urgent need for effective human rights protection under the new transitional government.
- 28 Henry Kissinger, *Diplomacy*, Washington DC: USIP, 2001.
- 29 John Paul Lederach, *Process: The dynamics and progression of conflict*.
- 30 *Encyclopedia of genocide and crimes against humanity*, Macmillan Reference USA 3(2004), 1045–1047.
- 31 *Encyclopedia of genocide and crimes against humanity*.
- 32 ICG, Can the Somali Crisis be contained?
- 33 A cyclical convergence of arms in Somali hot spots is well captured by events immediately on and after 27 December 2006. This is the span and initial period when Ethiopian forces converged on Mogadishu and the Islamic Courts leadership announced it was abandoning the capital and leaving political leadership to sub-clan leaders. At the same time, it returned many of the weapons it had confiscated from sub-clan militias and private enterprises since June 2006. It is apparent then that the clans simply withdrew their support from the courts. The clans were given their weapons back to 'protect themselves'. The courts had no choice, but to defer to clan authority; see ICG, *Africa Briefing* 45. Nairobi/Brussels, 26 January 2007, 8.
- 34 A sample of source portals of weapons into Somalia, into the hands of targeted recipients, is well captured by the United Nations Monitoring Group on Somalia. According to UN arms embargo monitors, for example, Eritrea steadily increased arms shipments to the courts, as well as their Ogaden National Liberation Front (ONLF) and Oromo Liberation Front (OLF) allies; see Report of the Monitoring Group on Somalia pursuant to Security Council Resolution 1676, November 2006.

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4 Violent conflicts

Key obstacles for sub-Saharan Africa to achieving the Millennium Development Goals – Where is the evidence?¹

DEREJE WORDOFA

ABOUT THIS PAPER

This paper aims to stimulate debate on how, for countries in sub-Saharan Africa, violent conflict (ranging from communal violence to civil war to war among states) is a key obstacle to achieving the Millennium Development Goals (MDGs). It briefly examines progress with the MDGs in Africa, using officially published UN reports and global MDG monitoring information. It also provides readers with a preliminary exposition on how violent conflicts pose the greatest challenges to progress in achieving the MDGs. It argues that violent conflict makes chronic poverty even worse – from household to national level – and can create a downward spiral. Some examples of this are given. The paper warns that many countries in sub-Saharan Africa will fall far behind in attaining the MDGs by the targeted date of 2015 unless African states and regional institutions such as the African Union (AU) can put a decisive end to the current conflicts and address the threat of new ones. Having presented comparative evidence from various countries (those on track to meet the MDGs and those lagging behind), the significance of conflict prevention, conflict resolution and peacebuilding in increasing the likelihood of Africa's achieving the MDGs within the timeframe

are underlined. Highlighting the critical importance of strengthening the link between durable peace and sustainable development, it is concluded that the MDGs, as a framework for policy, programmes and international partnerships to reduce poverty, must explicitly articulate how to end violent conflict and support war-torn countries (and those emerging from conflict) as a matter of priority and that they must receive special consideration.

THE UN MILLENNIUM DEVELOPMENT GOALS

The MDGs are an international commitment to the reduction of poverty and to promoting human development across the planet. The goals are measurable targets attached to a timeframe for making a difference in the lives of billions of people. In September 2000, over 189 member states at the United Nations General Assembly endorsed the MDGs.² The goals are also recognition that 60 years after the end of World War II, the world remains far from achieving the ideals of peace and prosperity inspired by the end of that global conflict.³ The MDGs provide a strategic framework for developing, implementing and monitoring poverty-eradication programmes at national and international level.

The MDGs (contained in the 8 goals, 18 targets and 48 indicators) embody several national and international development initiatives. These include the 1995 Copenhagen UN World Summit for Social Development; the 1995 Beijing Fourth UN Conference on Women; the 1994 Cairo UN International Conference on Population and Development; the 1979 Convention on All Forms of Discrimination against Women (CEDAW); and the 1992 Rio UN Conference on Environment and Development (UNCED). In 2002, the UN member states reaffirmed their commitment to meeting the MDGs at the World Summit on Sustainable Development in Johannesburg, South Africa:

MDGs are now the driving force behind a new era of international development. There is explicit recognition, at the highest political level, that poverty in the poorest countries can be reduced if well-designed and well-implemented plans are put in place by developing countries and if rich countries simultaneously match their efforts with substantial increases in support.⁴

Many African countries have launched programmes to implement the MDGs through a network of partnerships between government, the UN, civil society

and the private sector. This has generated a new momentum to focus on poverty reduction programmes. African governments have therefore adopted the MDGs as a tool in their wider national development planning frameworks and are using them to ensure that their citizens are provided with basic human rights, such as health, education, shelter, food and water. By making the goals work as tools for coordinating development policy within broader national priorities, African states are aiming to tackle the conditions of extreme poverty. For example, as many as 49 countries have adopted the MDGs in the context of a poverty reduction strategy paper (PRSP), and they monitor progress towards meeting the goals.⁵ There is no one-size-fits-all strategy paper: it depends on the political, social and economic situation of a particular country. However, national ownership of the process of designing a PRSP – by governments and communities – and inclusive participation are key to success.

Kemal Dervis, administrator of the United Nations Development Program (UNDP), said at the 2006 General Assembly:

The goals have made an unprecedented contribution to focusing attention and galvanizing global action around one of the greatest challenges of our time: the fight against poverty. One of the commitments is that the international community established a framework of global partnership between rich and poor countries to combat widespread and chronic poverty around the world at the International Conference on Financing for Development in 2002, Monterrey, Mexico. Governments in developing and developed countries have jointly committed themselves to provide the resources and the appropriate policies to implement these goals.

Continued political will and increased support from international partners will be crucial to keep the momentum and attain the MDGs across the African continent.

THE LINK BETWEEN VIOLENT CONFLICT AND THE MILLENNIUM DEVELOPMENT GOALS

This paper focuses on violent conflicts (and insecurity) in Africa, with particular emphasis on full-scale armed conflict between state and non-state armed groups within a country (civil war), which can include insurrections against a state (legitimate or illegitimate) such as in Darfur, Somalia and Côte d'Ivoire.

Violent conflict also entails short periods of communal violence within the boundaries of a stable government, such as among pastoral communities in East Africa. In addition, wars between African states, irrespective of their complex origins, and major terrorist attacks (or threats of attack) with significant political and economic impact can fall into the category of violent conflict and insecurity. This paper, however, acknowledges that the number of conflicts between sovereign states in Africa has declined recently, although conflicts between different groups in the same country are on the rise because of tensions rooted in inequalities of power aligned with divides along ethnic, religious or racial lines. These conflicts, in many cases, are exacerbated by the historical enmity of tribes towards one another.

How then do violent conflicts affect the efforts at achieving the MDGs? Is there a link between lack of progress in achieving the MDGs and violent conflict? What are the nature and characteristics of the relationship, if any? There has been very little research on the correlation between violent conflict and achieving the MDGs, whereas plenty of literature explains the causes of violent conflicts in various socio-economic, historical and political contexts. Chapter 5 of the Human Development Report 2005⁶ focuses on violent conflict – bringing the real threat to MDGs into focus. This report argues that insecurity linked to armed conflict remains one of the greatest obstacles to human development and the achievement of the MDGs, highlighting that violent conflict is both a cause and a consequence of mass poverty.

While there is no automatic link between poverty and violent conflict, the human development index (HDI) is a useful tool for looking at the long-term costs of conflict. Although many factors affect the HDI ranking, there is a strong association between low human development and violent conflict. According to research findings,

‘violent conflict is one of the surest and fastest routes to the bottom of the HDI table – and one of the strongest indicators for a protracted stay there. Of the 32 countries in the low human development section of the table, 22 have experienced conflict at some point since 1990 and five of these experienced human development reversals over the decade.’⁷

As a result of these development reversals, countries suffering violent conflict are among the group that is furthest off track for achieving the MDGs. In

support of this statement, evidence from some countries is provided in the next section of this paper.

In more general terms, certain obvious and immediate outcomes of violent conflict affect progress with achieving the MDGs directly and indirectly, such as loss of life, sexual violence, and the forced displacement of people or refugees. Violent conflict can lead to the spread of infectious disease, chronic hunger and malnutrition, lack of water, the destruction of private and public property, and the disruption of basic social services such as education and health. All these outcomes directly or indirectly spoil the efforts to achieve every target in the MDGs. This happens partly because protracted violent conflict not only takes the focus and resources away from the MDGs, but diminishes the human resources capacity of a state for planning policy, making decisions and designing programmes.

As of 2007, there has been a downward trend in the violent conflicts in sub-Saharan Africa,⁸ which is very encouraging for those committed to halving poverty across the continent. Democratic elections in Africa have a long way to go, but a fair number of governments on the continent have witnessed a peaceful transition of state power. This is an unprecedented contrast to the 1960s and 1970s, when voting African leaders out of office was taboo. In spite of poorly managed elections and post-election chaos recently in Kenya and Ethiopia, the current 'big picture' reveals that Africa has an optimistic future for peace. However, since 1990 more than 3,6 million people have died in armed conflicts and many millions more have been injured. It is particularly tragic that civilians (including children), not soldiers, are increasingly the victims. The conflict in the Democratic Republic of Congo (DRC) for instance is estimated to have caused nearly 4 million deaths – the vast majority not from bullets, but from malnutrition and disease.⁹ The UN official statistical report¹⁰ indicates that

'in Sudan conflict has created conditions under which human development reversals are transmitted across generations. Only in Southern Sudan, 1 in 5 children attend school, less than one third of the population has adequate sanitation, and the material mortality ratio (763 deaths per 100,000 live births) is one of the highest in the world.'

More recently, because of the ongoing tragedy in the Darfur region, an estimated 2,3 million people have been displaced, and another 200 000 or more

people have fled into neighbouring Chad. Consequently, an estimated 40 to 60 per cent of people have no access to potable water. The child mortality rate in northern Darfur is three times the sub-Saharan African average and in western Darfur it is six times the average.¹¹ As Darfur shows, violent conflict claims lives not just through bullet wounds, but also through the broader erosion of human security and by breeding more poverty. It demonstrates how efforts and gains relating to the MDGs can easily be wrecked; that is, instead of halving Africa's poverty, violent conflict can effectively multiply the number of people living in poverty.

Other human costs that are less immediately visible are psychological stress and trauma, for example the impact of the disintegration of families and communities, life as a child soldier and the rape of women and girls. In the long term, violent conflict can wipe out the useful and essential 'social fabrics' and 'social cohesion' nurtured over many years. This can be more costly to a society than destabilised governments, undermined economies and damaged major infrastructure. According to the 2005 Human Development Report,¹² the immediate human costs, such as those outlined in the previous paragraph, though enormous, represent a small fraction of the price countries pay for conflict.

According to research by Oxfam International, IANSA and Saferworld,¹³ 15 years of conflicts have cost Africa approximately US\$300 billion.¹⁴ This equals the amount of money received in international aid in the same period, and is really an underestimate because it does not include the economic impact on neighbouring countries, which could suffer from political insecurity or a sudden influx of refugees as the result of conflicts. The Oxfam study covers only periods of actual combat, but some costs of war, such as increased military spending and a struggling economy, continue long after the fighting has stopped.¹⁵ Nevertheless, the underestimated cost of US\$300 billion remains shocking. How, then, can the African continent invest in programmes to attain the MDGs while being drained by the cycle of violent conflict?

TRACKING PROGRESS ON THE MILLENNIUM DEVELOPMENT GOALS AND VIOLENT CONFLICT IN AFRICA

Africa, like the rest of the world, is now halfway to the critical milestone of 2015, when all countries are expected to meet the targets set out in the eight

MDGs. The most recent UN report, entitled 'Africa and the Millennium Development, 2007 Update', which contains the most up-to-date and comprehensive statistical evidence on progress towards achieving the MDGs in sub-Saharan Africa, states that the African continent remains 'off track' on meeting the goals for fighting poverty.¹⁶ The Africa MDGs Progress Report¹⁷ also reveals that

'while the proportion of people living on one dollar a day or less has declined from 45,9 per cent to 41,1 per cent since 1999, reaching the MDG target of halving the extent of extreme poverty by 2015 requires that the current pace is nearly doubled'.

These statements illustrate that current trends on the continent could obliterate the dreams of achieving the MDGs by 2015.

Why does Africa remain off track on meeting the MDGs? What are the main impediments to their implementation? Which African countries are falling behind? Is violent conflict an important obstacle to achieving the MDGs? How can sub-Saharan Africa accelerate the pace of achievement while it is experiencing violent conflict which produces more poor people? These are some of the difficult questions that come to mind in the face of the gloomy pictures.

Africa faces multiple challenges and obstacles to meeting the MDGs within the timeframe. These include lack of progress in international trade, failed promises to increase development assistance and lack of clear strategies in some countries. Simply put, trade, debt relief and aid for development are essential because if the 'international partnership for development', which is Goal 8, does not materialise, then most of the goals will not be achieved. At a recent press conference,¹⁸ Asha-Rose Migiro, UN deputy secretary-general, summarised the obstacles: '[F]or a typical country in sub-Saharan Africa, even with excellent governance, achieving the goals had been impossible. The fact that not a single country in sub-Saharan Africa was on track is clearly the result of lack of adequate financing.' Aid projection is completely flat and the required scale-up has not happened. It is very important to conclude a genuine development package agreement in the Doha round of trade talks and to provide adequate international financial and technical support, for example operationalising the Aid for Trade initiative and arranging for debt relief. Net official development

assistance to sub-Saharan Africa has actually increased by only 2 per cent in real terms since 2005.¹⁹

Moreover, the World Bank's Global Monitoring Report strongly supports the UN reports, stating that 'nearly seven years after the Millennium Summit and five years after the Monterrey Summit, there is yet to be a country case where aid has been significantly scaled up to support a program to reach the MDGs'.²⁰ Donors need to accelerate their plans to scale up assistance to maintain the credibility of their pledges at the G8 Summit 2005 in Gleneagles to double aid to Africa by 2010. Progress at the Doha round of talks to create a development-friendly world of trade systems must be accelerated so that the poor can trade out of poverty.

In addition to external financing, achievement of the MDGs requires conducive and appropriate policies and programmes, and the institutional capacity to implement them. A government in power must promote transparency and accountability, and demonstrate competence and commitment to reducing poverty. A government must also empower both men and women, particularly the marginalised and vulnerable, in order for them to participate in the decisions and matters that affect their lives. The causes of African conflicts are rooted in these aspirations, and any transgression of them leads to tensions and violence. In other words, when governments are characterised by lack of accountability and lack of transparency, and tend to ignore the 'voice' of marginalised people in favour of the ruling elite, as witnessed in many African countries, peace and stability become fragile, leading to violent conflicts. However, the multiple impacts and consequences of violent conflict on the MDGs remain. Even with additional development financing, therefore, countries could find it extremely difficult to make progress.

The prevalence of violent conflict poses the greatest obstacle to achieving the MDGs. Irrespective of the causes, violent conflict has negative impacts on all eight goals, that is, it simply hinders progress and even reverses achievements. According to the MDG Progress Reports,²¹ Africa has already shown the slowest progress overall and has suffered reversals in certain crucial areas. Sub-Saharan Africa, in particular, is not on target to meet the MDGs by 2015 as conflict in the region stands as a huge obstacle. In short, the region lags behind the rate of progress required to achieve the MDGs. It has become apparent that violent conflict is the key obstacle to planning, mobilising and implementing programmes to achieve the MDGs by 2015.

VIOLENT CONFLICT IS THE KEY OBSTACLE TO ACHIEVING THE MDGS

Are there differences in progress between the countries ‘without violent conflict’ and those that have been involved in major conflict in the last decade? Yes. Impressive results and stories are emerging from countries that have not been entangled in a major violent conflict. For example, there is clear progress in Malawi where there has been rising agricultural productivity. Countries such as Ghana, Kenya, the United Republic of Tanzania, and Uganda have improved the extent of primary school education, with enrolment increasing from 57 per cent in 1999 to 70 per cent in 2005. Besides, recent data²² also reveal that several countries that have expanded their primary completion rates (all by over 10 per cent per year between 2000 and 2005) were in sub-Saharan Africa (Benin, Guinea, Madagascar, Mozambique, Niger and Rwanda). These countries have not been involved in major internal violent conflicts in the last ten years. Moreover, the MDG update adds, ‘in Niger, Togo, Zambia and Zanzibar, malaria control had been achieved. Access to basic rural health services has increased in Zambia. There was also large-scale reforestation in Niger and increasing access to water and sanitation in Senegal and Uganda.’²³

On the other hand, there are striking differences between sub-Saharan Africa (the majority of the countries were involved in violent conflicts in the last two decades) and most of North Africa – the latter is likely to attain nearly all of the MDGs within the timeframe. In contrast, with a few exceptions, sub-Saharan Africa lags behind. Table 1 gives a good summary of the situation.

As table 1 illustrates, the regions with a relatively good prospect of meeting the MDGs include North Africa, which, on current trends, is likely to achieve most of the goals, except Goal 3 on promoting gender equality and empowering women, and Goal 5 on improving maternal health. These countries are neither in conflict nor in the ‘fragile states’ category. The biggest problems on the road to the MDGS are experienced in sub-Saharan Africa where, on current trends, none of the goals are likely to be met.²⁴

Among the top- and high-priority countries for achieving the MDGs, 13 experienced serious violent conflict in the 1990s.²⁵ The DRC, Sudan, Somalia, Angola, Burundi, Liberia and Chad, to mention a few, are off track for attaining the MDGs, partly because of protracted violent conflicts, which have claimed

Table 1 Progress with the MDGs in Africa (Goal 1 to Goal 7)

Goals	Targets	Countries likely to achieve the targets
<p>Goal 1 Eradicate extreme poverty and hunger</p>	<ul style="list-style-type: none"> ▪ Halve, between 1990 and 2015, the proportion of people whose income is less than a dollar a day ▪ Halve, between 1990 and 2015, the proportion of people who suffer from hunger 	<ul style="list-style-type: none"> ▪ Poverty: Algeria, Botswana, Burkina Faso, Cameroon, Egypt, Ghana, Lesotho, Libya, Mauritius, Morocco, South Africa, Tunisia and Uganda ▪ Child malnutrition: Botswana, Chad, Egypt, Gambia, Mauritania, Sudan and Tunisia ▪ Overall undernourishment: Algeria, Angola, Egypt, Ghana, Libya, Malawi, Morocco and Tunisia
<p>Goal 2 Achieve universal primary education</p>	<p>Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling</p>	<ul style="list-style-type: none"> ▪ Both net enrolment and completion rate: Algeria, Botswana, Cape Verde, Egypt, Gabon, Mauritius, Namibia, Rwanda, São Tomé & Príncipe, Seychelles, South Africa, Togo, Tunisia and Zimbabwe
<p>Goal 3 Promote gender equality and empower women</p>	<p>Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015</p>	<ul style="list-style-type: none"> ▪ Primary level education: Botswana, Lesotho, Mauritius, Namibia, Rwanda, Swaziland and Zimbabwe ▪ Secondary level: Algeria, Botswana, Lesotho, Libya, Namibia, Tunisia and Rwanda
<p>Goal 4 Reduce child mortality</p>	<ul style="list-style-type: none"> ▪ Reduce by two thirds, between 1990 and 2015, the under-five mortality rate 	<p>Algeria, Cape Verde, Egypt, Libya, Mauritius, Morocco, Seychelles and Tunisia</p>
<p>Goal 5 Improve maternal health</p>	<ul style="list-style-type: none"> ▪ Reduce by three-quarters, between 1990 and 2015, the maternal mortality rate 	<p>Algeria, Botswana, Cape Verde, Egypt, Gambia, Libya, Mauritius, Morocco and Tunisia</p>
<p>Goal 6 Combat HIV/AIDS, malaria and other diseases</p>	<ul style="list-style-type: none"> ▪ To have halted by 2015 and begun to reverse the spread of HIV/AIDS ▪ To have halted by 2015 and begun to reverse the incidence of malaria and other major diseases 	<ul style="list-style-type: none"> ▪ HIV/AIDS: Algeria, Botswana, Egypt, Libya, Morocco, Tunisia, Uganda and Zimbabwe ▪ Malaria: Algeria, Benin, Cameroon, Central Africa, Comoros, Egypt, Gambia, Guinea-Bissau, Kenya, Libya, Morocco, Tunisia and Rwanda ▪ Tuberculosis (TB): Algeria, Angola, Egypt, Gabon, Gambia, Libya, Madagascar, Morocco, South Africa, Swaziland, Tunisia and Zambia

Goals	Targets	Countries likely to achieve the targets
<p>Goal 7 Ensure environmental sustainability</p>	<ul style="list-style-type: none"> ▪ Integrate the principles of sustainable development into country policies and programs and reverse loss of environmental resources ▪ Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation ▪ By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers. 	<ul style="list-style-type: none"> ▪ Sustainable development (forest area): Algeria, Cape Verde, Egypt, Gambia, Libya, Morocco, Swaziland and Tunisia ▪ Access to safe drinking water (rural): Algeria, Botswana, Burundi, Egypt, Gambia, Ghana, Malawi, Mauritius, Namibia, South Africa and Tanzania ▪ Access to sanitation (urban): Algeria, Egypt, Ghana, Libya, Mauritius, Morocco and Tunisia

Source UN (ECA 2005)

the lives of many people; led to gross human rights violations; disintegrated the fabric of society; and squandered economic resources. These countries will inevitably not achieve the MDGs by 2015 because they have already redirected their meagre resources and national focus away from implementing programmes to achieve them. Besides, the ongoing conflicts will continue to disrupt livelihoods, destroy infrastructure, reverse gains and damage the climate for development and poverty reduction.

Oxfam, IANSA and Saferworld²⁶ calculated what the GDPs of countries in conflict would have been if there had been no conflict by comparing them with peaceful countries of a similar economic status. According to Oxfam, for example, during 'Guinea-Bissau's conflict in 1998/99, the projected growth rate without conflict would have been 5,24%, whereas the actual growth rate was minus 10,15%²⁷. It is true that countries without conflict could have performed better in achieving the MDGs as some sub-Saharan Africa countries and all the countries in North Africa illustrate. To put it simply, the fact that increased numbers of people will be thrown into absolute poverty because of protracted violent conflicts means that achieving the MDGs has become an illusion for many countries in sub-Saharan Africa.

HOW VIOLENT CONFLICTS ARE THE KEY OBSTACLE TO ACHIEVING THE MDGs IN AFRICA

Violent conflicts multiply poverty and suffering

Violent conflict is shaking the African continent. Africa's poor, particularly women and children, remain the most affected by violent conflicts and these are the primary target population of the MDGs, that is, poor and marginalised people who are often the main victims.

If violent conflict leads to hunger, spreads disease, increases poverty and makes communities vulnerable, it is an obstacle to achieving the MDGs. If it results in the destruction of economies and local administrative norms, and drains resources for essential services, then it grinds down and reverses the gains of the MDGs, as well as discouraging international partners from providing adequate assistance. If it has the consequences of destroying productive human capacity and the infrastructure necessary for development, it damages the necessary conditions for implementing the MDGs. This in turn disrupts and weakens social, economic and political structures and, ultimately, contributes to more poverty and suffering. Conflict has deepened inequality: many suffer, while few benefit. Therefore, violent conflicts are the major reason that countries slide into fragility and even become 'failed states'. Because they extract high costs in terms of lives and physical damage, they reduce economic growth.

People in conflict-affected areas are particularly vulnerable to severe malnutrition as food production declines and conflict disrupts normal relief efforts. The poor communities and countries that are the prime target of the MDGs become poorer and more vulnerable because of violent conflict. For instance, the UN report notes that the number of people living in extreme poverty (on US\$1 or less a day) in sub-Saharan Africa increased by 140 million between 2002 and 2003.²⁸ Furthermore, 34 per cent of the sub-Saharan African population suffer from chronic hunger. The number of Africans going without enough food is increasing, and has become the highest in the world. There is much evidence of this, but it would be useful to examine briefly a couple of examples to illustrate the impact on national economies. According to the UN Human Development Report 2003, 'on average, the countries hardest hit by conflict between 1960 and 1995 experienced significant declines in economic growth, reduction of export

production, falling consumption levels, and diminishing government revenues (as a percentage of GDP) compared with non-war countries'.²⁹ The World Bank gives a picture of the decline, 'with enormous negative impact on GDP growth averaging 12 per cent decline per year of violent conflict'.³⁰ Moreover, the study *Africa's missing billions*³¹ represents the first time that analysts have calculated the overall effects of conflict on GDP. This report shows that, on average, a war, civil war or insurgency shrinks an African economy by 15 per cent. The continent loses an average of US\$18 billion a year because of armed conflict.

The immediate and long-term consequences of conflicts are enormous. Immediate ones include increases in the numbers of internally displaced persons (IDPs) and refugees, and the destruction of property and the environment. Statistics from the UN High Commission for Refugees, for instance, show that at the end of 2005 there were almost 8,4 million refugees worldwide, of whom about 2,75 million, or some 33 per cent, were in Africa. This figure does not include IDPs. Kenya, Tanzania and Zambia, for example, host large conflict-related refugee populations and have suffered the impact of conflict, although they were not directly involved.

Finally, violent conflict has had a role in the spread of the HIV/AIDS pandemic. It fuels the spread of HIV through population movements and the use of rape as a tool of war. This was evident in Rwanda, where migration and rape resulting from the genocide led to a sixfold increase in HIV infection. In 2003, of the 17 countries that had more than 100 000 children orphaned by AIDS, 13 were in conflict or in the midst of emergencies. Several factors can contribute to the spread of HIV during a violent conflict situation: population displacement; breakdown of relationships; use of rape as a weapon; increased sexual coercion in exchange for money, food or protection; and collapse of the health system.³² All of these factors are damaging the slim chances of making progress towards achieving all the MDGs, which means that they are in effect doubling poverty.

Violent conflict triggers states of instability and insecurity

Countries experiencing violent conflict have no stability and security for implementing programmes to achieve the MDGs. Those affected by violent conflict live with the constant threat of insecurity and do not dare to engage in productive and economic activities such as farming, commuting for business and trading. Rather, unstable and insecure environments generate refugees and the

internal displacement of people, and illegal trafficking across borders of arms and other merchandise that fuels the wars and the AIDS pandemic.

Moreover, unstable and insecure environments represent powerful disincentives for domestic and foreign investment, and are simultaneously powerful incentives for capital flight. Alongside falling investment, there is the loss of years of development through the destruction of physical capital – destroyed roads, bridges and power systems. The economic costs associated with insecurity and instability are not neatly contained within national borders. The most immediate spill-over effect of such a situation on a neighbouring country is the exodus of refugees, such as Congolese and Burundians in Tanzania, Somalis in Kenya, and Sudanese or Darfurians in Chad. Violent conflicts can also spill over into neighbouring states, undermining security and stability, and creating a cross-border cycle of violence. For example, the West African regional war that began in Liberia in 1989 migrated to Sierra Leone, returned to Liberia (where it undermined a disarmament process in 1997) and then moved into Guinea. In September 2002 combatants from Liberia and Sierra Leone were involved in the fighting that erupted in Côte d'Ivoire.³³ This kind of spill-over effect blocks trade routes and creates unfavourable conditions for implementing programmes focused on achieving the MDGs.

The recent violent conflict in Kenya, after a poorly managed election and electoral disputes, disrupted economic activities not only in that country, but also in the neighbouring countries, primarily Uganda, Somalia, Rwanda and the DRC (land-locked countries), resulting in a shortage of fuel, disruption of the flow of industrial commodities, and cancellation of flights and land transport services. Humanitarian service flights to Somalia were cancelled; Uganda received refugee populations; food shortages in Rwanda were reported; MONUC staff in the DRC could not obtain provisions for some services, and petrol prices in Uganda soared. The true economic cost has not been calculated yet, but rough estimates indicate over a billion dollars in less than two weeks.

Insecurity and instability can prompt 'travel warnings', which can be very damaging to fragile economies,³⁴ whether fairly or unfairly applied. For example, a study conducted by the Kenyan Ministry of Foreign Affairs in 2004 on the impact of travel bans on tourism in the country estimated that the direct impact of the travel ban imposed by the UK government alone amounted to UK £3,5 million – an amount equivalent to 1,6 per cent of the country's national wealth. Besides the tourism industry, which experienced massive layoffs, the

country's horticultural industry lost UK £3,5 million owing to flight cancellations and the expenses associated with premium freight costs. Another victim was Kenya Wildlife Services (KWS), which lost revenue estimated at UK £7 million; this impacted on the wildlife and ecology of the country.³⁵ Therefore, people who are employed in these sectors and communities that are dependent on these economies become insecure in terms of their livelihoods as the direct result of insecurity and security alerts.

Beyond the macro level, the cost of insecurity and instability falls, disproportionately, on poor and marginalised people. Fears of violent conflict can disrupt local trading systems and cut people off from the markets on which their livelihoods – and sometimes their survival – depend. In Sierra Leone, for example, where some 500 000 farming families were displaced, 'production of rice [the main staple crop] during the 1991–2000 civil war fell to 20% of pre-war levels'.³⁶ This is a useful illustration of how it would be difficult to implement MDG 1 (the goal of reducing hunger and malnutrition) in the context of violence, insecurity and instability.

Another example demonstrates the impact of insecurity and violent conflict on MDG 2, that is, achieving universal primary education. Violent conflict destroys education infrastructure, reduces spending on schools and teachers, and prevents children from attending classes. Schools are often targets for groups hostile to government because of their association with state authority. During the Mozambique civil war (1976–1992), almost half of all primary schools had been closed or destroyed by 1989. Because of insecurity and instability, parents are reluctant to send their children to schools when there are security risks.³⁷ Therefore, it becomes obvious that security and stability are fundamental to reducing poverty, protecting human rights and achieving the MDGs.

Post-conflict countries require huge resources and longer time for reconstruction and recovery

The challenge of post-conflict reconstruction and development is enormous. While cessation of hostilities provides an opportunity to rebuild economies and rehabilitate affected communities (often difficult during times of violent conflict), the process must involve fundamental examination of aspects of issues and the participation of all stakeholders in a country. The key purpose

of post-conflict reconstruction should not be merely to reconstruct and rebuild what has been destroyed, but to reorganise and rehabilitate the structures and institutions that caused conflict in the first place. This may mean rebuilding social networks from scratch, forming communities and civil institutions, introducing reforms and restructuring government, implementing well-designed disarmament, demobilisation and reintegration programmes, introducing political reforms acceptable to all parties and implementing macro-economic policies and programmes that tackle poverty and inequality.

Although much depends on the nature, scale and magnitude of the devastation, post-conflict countries need significant support and longer time not only to avoid recurrence of strife, but also for rehabilitation and reconstruction. During a conflict and at the very end of a violent conflict, scarce resources are committed to essential life-saving programmes. Violent conflict significantly derails the development process because huge sums of money – which might otherwise have gone into improving human conditions – have to be redirected for relief assistance and post-conflict reconstruction. Moreover, social spending cutbacks are often compounded by depletions of human resources, such as teachers and doctors who flee conflict-affected areas. And the cutbacks are worsened by unpredictable breakdowns in delivery mechanisms.³⁸

During conflict, African leaders often shift scarce resources away from basic social services, such as fighting HIV/AIDS; improving water and sanitation; education and medical services; and developing infrastructure; to bolster their armed forces. Most countries have faced rising budget deficits and spiralling debts as significant increases in military expenditure are met with substantial declines in government revenues. It is obvious that military spending will increase during violent conflicts and civil wars. On average, a violent conflict results in additional military spending of 1,8 per cent of GDP. In 2002, countries with low HDIs spent an average of 3,7 per cent of GDP on military expenditure and 2,4 per cent on health. In some cases – for example Burundi and Eritrea – countries allocate a much higher share to military expenditure than to education and health combined.³⁹ If peace and security were in place, these resources could have been more productively deployed in implementing the MDGs.

The costs of violent conflict can be incurred in a huge variety of ways. There are the obvious direct costs of armed violence – medical costs, military expenditure, the destruction of infrastructure, and the care of displaced people – which

divert money away from more productive uses. However, the indirect costs from lost opportunities are even higher. Economic activity falters or grinds to a halt. Income from valuable natural resources ultimately lines the pockets of individuals rather than benefiting the country. The country suffers from inflation, debt and reduced investment, while people suffer from unemployment, lack of public services and trauma. More people, especially women and children, die from the fall-out of conflict than in the conflict itself.⁴⁰

In some cases, countries allied to the war on terror are given carte blanche to subvert the process of democratisation and opt for military solutions instead of peaceful resolutions of social conflicts. As a result, they have abandoned the war on poverty reduction as outlined by the UN MDGs. Consequently, the MDG of reducing poverty by half in Africa by 2015 is apparently becoming untenable.⁴¹

THE MDGS MUST EMBRACE CONFLICT RESOLUTION AND PEACEBUILDING

The framework of the MDGs, at both the conceptual and the practical level, illustrates that poverty reduction is an interdisciplinary subject. The programmes for achieving the MDGs will have to embrace several dynamic variables in the spheres of economics, social issues, politics, gender, culture and environment, to mention a few. Noticeably, these variables are not only interlinked, but are also at the root of violent conflicts within a given state or between states in Africa, for example the conflicts in the DRC and between Ethiopia and Eritrea. Thus, conflict-resolution theory and instruments must be taken into consideration when planning and implementing programmes for achieving the MDGs.

Nevertheless, the Millennium Declaration does not specifically and adequately elaborate on peace, security and disarmament, and the protection of civilians as a foundation for achieving the MDGs. It should not be surprising that halfway between 2000 and 2015, many sub-Saharan African countries remain off track in achieving the MDGs. To make important progress in these countries, it should therefore be mandatory to consider conflict prevention, conflict resolution and peacebuilding in all public policies and programmes aimed at implementing the MDGs. This means that African states, civil society organisations and UN institutions working towards achieving the MDGs must at least place 'ending violent conflict' at the centre of their policy analysis and programming. Moreover, the

debate regarding the implementation of the MDGs in countries experiencing violent conflict should make the connection between peacebuilding and sustainable development at policy and practical level.

It would be unwise even to imagine halving the number of people living in extreme poverty in Africa by 2015 without doing more to understand and address violent conflict on the continent. The question is, what can the UN and international partners do to prevent violent conflict, as opposed to managing the crisis once a conflict has exploded? Undoubtedly, the causes of conflict in Africa are complex and diverse. It is no longer accurate to draw distinctions between inter-state and intra-state conflict, or between local, national and international conflicts. As a result, there is no 'silver bullet' for preventing or resolving conflict. Policy and decision makers should develop strategies based on a comprehensive 'conflict analysis' that examines the current and historical realities of a particular violence. Without significant effort to address violent conflict, African states cannot hope to achieve the MDGs. Thus, it is imperative to factor in the approaches to conflict resolution in the programmes for achieving the MDGs. Some of the approaches and considerations are discussed below.

Putting in place conflict prevention and early warning systems

Reacting effectively to an outbreak of violence is not an adequate response. More importantly, prevention of violent conflict and peacebuilding must be at the heart of policy and programme planning to achieve the MDGs in Africa. 'Early warning systems' to identify the key elements of violent conflict and measures to address the root causes of conflict will diminish the tendency to wait until violence breaks out and insecurity prevails. Effective use of the information from an early warning system and a concerted effort to prevent violent conflicts will certainly minimise the heavy costs of violent conflicts.

In the absence of accountable governance, people turn to violence in their search for alternative livelihoods, or are induced to fight for 'justice' with impunity, thus igniting a new cycle of violence. Respect for human rights and the rule of law, essential to durable peace and long-term development, is absent in many parts of Africa. Justice is often elusive or non-existent. The UNDP administrator has rightly said that:

given that conflict is such a critical factor in hindering or reversing development in too many places, it is clear that we must also strengthen efforts to prevent conflict and help countries recover from violent conflict when it does occur. If we were to exclude countries in conflict or in immediate post-conflict situations from our calculations of progress, we would find much more impressive achievements towards the MDGs. We also know that economic and social factors are at the root of most conflicts. The UN cannot, therefore, be successful if our actions are confined to mediation. We must work on these root causes of conflict.⁴²

Prevention of conflict may directly and indirectly include tackling poverty through a massive scaling-up of public investment, capacity building, and domestic resource mobilisation. At national level, there is a need to create the conditions that allow African countries to function as legitimate states. This means states that are accountable to their citizens and capable of providing them with security and the rule of law, conditions for safe and secure livelihoods, as well as public services such as health and education. This will require much greater engagement with social movements and civil society on the part of African leaders.

Proper sharing of power and creating conditions for ‘democratic rule’ by separating the branches of government (executive, legislative and judicial), and conducting free, fair and transparent elections are key. The absence of these factors has created havoc in many countries in the past. The politics need to possess an adequate level of the culture of tolerance for opposing views and opposition parties. Transparency and accountability through promoting independent media as a source of credible information for the citizens will diminish the chances of violent conflict.

Paying attention to post-conflict reconstruction and peacebuilding

Peacebuilding is defined here as ‘those actions undertaken by international and national actors to institutionalise peace, understood as the absence of armed conflict (‘negative peace’) and a modicum of participatory politics (as a component of ‘positive peace’) that can be sustained in the absence of an international peace operation’.⁴³ However,

whether external actors have knowledge, tools and techniques, resources or legitimacy to contribute to what is frequently referred to as ‘state-building’ is central to the question of the efficacy of peace-building.⁴⁴

Many structural changes and measures are required to support countries that have just emerged from protracted violent conflict. These may include political democratisation, reconstruction of the economy and the judicial system, and reform of the security sector. On the other hand, there are measures that are not necessarily structural, for example reconciliation, trauma healing and supporting community cohesion. These kinds of intervention, if well designed and implemented, enable a country to expedite post-conflict reconstruction and peacebuilding that will have a positive impact on attaining the MDGs.

In 2005, the UN called for state institutions to be placed at the centre of post-conflict efforts. In the past, unfortunately, peacebuilding policies and programmes have generally tended to neglect or omit ‘state-building’ because of emphasis on social relations among conflicting groups or on economic determinants of peace. They tended to take state capacity as a given, and did not recognise the disputation over state design or function.

Nevertheless, successful state-building supports the consolidation of peace in a number of ways. First, it enhances the mechanisms for security and conflict resolution at national level, which should carry legitimacy in the eyes of the populace and the outside world. Such mechanisms – be they justice systems, policing systems or service-delivery systems – provide a credible arena and framework (or at least a foundation for a framework) for social groups to express their preferences and to resolve their conflicts non-violently.⁴⁵ Having said this, the challenges have never been easy. It is vital to appreciate the complexity of post-conflict transitions, the mismatch between expectations for rapid recovery and the processes that historically have taken considerably longer, and the crucial issues of state-society relations, as well as the type of state institutions needed to sustain peace, especially in fragile states, weak and failed states in Africa where most armed conflicts occur.⁴⁶

Increasing the effort to pull countries out of violent conflict

International partners must commit more financing and exhibit more policy coherence to assist conflict-prone, fragile and post-conflict states in Africa.

They should also be generous enough to support efforts at peacebuilding or governance reform in these countries. This will help not only to speed up rehabilitation, reconstruction and recovery, but also to increase the pace of progress towards achieving the MDGs in countries that are off track. The UN, donors, NGOs, states and other regional institutions should design and implement post-conflict strategies with the focus on the disarmament, demobilisation, rehabilitation and reintegration (DDRR) of ex-combatants.

[T]he costs of failing to build peace are stark and manifold. By most accounts, a significant number of violent conflicts relapse to war and many 'new' wars occur in countries that have failed to consolidate peace. When peacebuilding fails, parties to conflict unleash greater violence than the prior war, as was grimly attested to by the nearly 2 million dead after the peace unravelled in Angola in 1991 and Rwanda 1993–1994.⁴⁷

Accelerating progress towards the MDGs in fragile or conflict-prone states requires attention to several issues and to the lessons of recent experiences.

First, since many fragile states are emerging from conflict, the sequencing and coherence of support for security, electoral efforts and aid financing to boost growth and employment are critical for minimizing the risk of reversion to conflict. Donors need to consider whether the current instruments provide adequate continuity of support to minimize risks of renewed conflict.⁴⁸

Strengthening initiatives and efforts by regional and sub-regional institutions

At regional level, there is a need to re-invigorate forms of political and economic cooperation, especially with regard to peacebuilding and peacekeeping measures. It is perhaps at this level that the best chance lies for finding new approaches to deal with those accused of committing crimes against humanity, war crimes and profiteering from war economies, as well as to combat corruption. While it is important to tackle issues such as impunity and corruption, it is equally critical to find ways of healing the socio-cultural fabric of countries

that have been exposed to conflict. African regional and sub-regional institutions can play useful roles in all these efforts.

It is very important to enhance the capacity of the regional and sub-regional institutions to design and implement a principled approach to regional conflict resolution and to preventing violent conflicts from occurring using early warning systems. The AU, through the establishment of the Peace and Security Council (PSC) in 2004, for example, is forging ahead with preventing conflict and building peace as has never been done before. The AU's 15-member PSC has been mandated to carry out peacemaking and peacebuilding operations and therefore has a collective security arrangement to facilitate effective response to conflicts and crises in Africa timeously. It also expects to be able to anticipate and prevent conflicts, and to promote and support peacebuilding and post-conflict reconstruction, among other aims.⁴⁹

The AU's engagement with and involvement in the conflict situations in Sudan/Darfur, Burundi and Somalia, and Togo has demonstrated its interventionist measures. On the other hand, in the 1990s the Economic Community of West African States (ECOWAS), for example, intervened to stop violent conflicts in Liberia and Sierra Leone. Based on these experiences, ECOWAS adopted a protocol for conflict prevention and resolution, peacekeeping and security.⁵⁰ Other sub-regional bodies are the Southern African Development Community (SADC), the Inter-Governmental Authority on Development (IGAD), and the Economic Community of Central African States (ECCAS), which have adopted similar conventions and mechanisms. The capacity of all these bodies and their mechanisms to respond to new and old violent conflicts must be strengthened in order to prevent violence and restore sustainable peace. However, the AU's PSC and these sub-regional organisations are apparently under-resourced. International donors should not be the only sources of grants for this purpose. Primarily, African governments must be committed to, and take responsibility for, generating adequate resources for collective peacekeeping and security.

A key initiative by African leaders, approved by the AU, is the New Partnership for Africa's Development (NEPAD), which argues that Africa's future is in its own hands. NEPAD calls for a genuine relationship between Africa and the international community based on a commitment to good governance, democracy and human rights. The NEPAD analysis recognises that Africa cannot be understood without a comprehension of the legacy of the continent's history, and its interaction with the rest of the world. The international

partnership, as articulated in MDG 8, must be strengthened to enhance the capacity of regional and sub-regional organisations in Africa.

Finally, the African Peer Review Mechanisms (APRM), supported by the Panel of Eminent Persons, has been created to improve governance, promote respect for regional and international standards, such as the African Charter of Human and People's Rights (ACHPR), and promote development, which includes preventing violent conflict and a mechanism or process for this purpose. These are not the only mechanisms for preventing and resolving conflict. However, it is self-evident that this rhetorical commitment to peace, security and stability must assist the efforts towards achieving the MDGs.

CONCLUSION

The world leaders committed to the MDGs, which are time-bound and quantified targets, in the UN Millennium Declaration of 2000, at the 55th session of the UN General Assembly. Their commitment is to eradicating poverty and hunger, ensuring universal primary education; promoting gender equality; combating the HIV/AIDS pandemic and malaria; reducing child mortality; improving maternal health; and promoting environmental sustainability. If all countries in the world work together as promised, these MDGs are attainable, even in post-conflict countries.

MDGs are too important to fail. For the international political system, they are fulcrums on which development policy is based. For the billions-plus people living in extreme poverty, they represent the means for productive life. For everyone on Earth, they are the linchpin to the quest for a more secure and peaceful world.⁵¹

However, many of the sub-Saharan African countries in violent conflict are in danger of failing to meet most of the goals by 2015. Violent conflicts have caused great suffering and the loss of numerous human lives. They have destabilised governments, destroyed the livelihood of poor people, undermined national economies, damaged infrastructure, led to the exodus of people, and disrupted the delivery of education and health services. Based on the current evidence and trends, countries with violent conflict, such as Somalia, the DRC, Côte d'Ivoire and Sudan/Darfur, have more poor people now than they had at the time of the Declaration of 2000.

It is apparent that the UN continues to deliver assistance within its core functions by sending 'peacekeeping' forces or missions to troubled regions, providing humanitarian aid for victims of violent conflict, and attempting to improve human conditions. However, the progress that has been made is inadequate given the realities of Africa today and its prospect of attaining the MDGs. Not only the UN, but also the AU as a continent-wide body established to foster peace and development, and African leaders (as being accountable for development or as precipitators of conflicts) are challenged by the complex nature and consequences of violent conflicts across the continent. In the face of Africa's continuing struggle to achieve the MDGs, it is plain that there is an inherent chronic weakness with regard to ending conflict and restoring stability and security. This is not to deny the progress made thus far, but it needs to be highlighted how far Africa is from sustainable peace.

It is naïve, however, to believe that violent conflict is the only obstacle to progress. There are, of course, equally important impediments, including inadequate international support and failed promises from international partners. If Goal 8 on the global partnership for development, involving enhanced official development assistance (ODA), greater market access in the global trading regime and debt relief, is not met, it will be difficult for African countries to achieve Goals 1 to 7. Apparently, despite the scale of needs and challenges, at present there is less external assistance than ever – the international trade rules are still rigged against the poor in Africa, and debt relief has not been sufficient to allow African countries to invest in measures for poverty reduction. The international partners should keep their promises and deliver on the pledges.

The people of Africa demonstrate hope and resilience. The continent is rich in human and natural resources and the diversity of its people and cultures, combined with its natural environment, give Africa unprecedented potential for growth and development. Women, men and young people on the continent have shown their commitment to good governance, peace and development. More wars have ended than started since the mid 1980s. Long-standing leaders have yielded power peacefully in democratic elections in Ghana, South Africa and Senegal. It is the courage and resourcefulness of the African people that needs to be harnessed to attain the MDGs.

Few countries in Africa will meet the goals within the timeframe and those involved in violent conflict will meet none of them at all. The MDGs

cannot be achieved in the midst of insecurity and violent conflicts, because each violent conflict (small-scale or large) has direct implications for stability, security and development. The social, political, economic and environmental costs of conflict are also huge. Prosperity and peace in Africa can only be achieved when the local, national, regional and international dimensions of the current crisis are addressed. Now is the time when words might actually be turned into deeds, when Africa might be helped to end violent conflict across the continent.

Finally, peace, stability and security must be the foundations for achieving the MDGs as 2015 draws nearer. Therefore, preventing conflict, resolving conflict and supporting post-conflict reconstruction are vital prerequisites for the attainment of the MDGs. The challenge for Africa is not wondering which approaches and institutions to use for ending violent conflicts because they are the greatest threats to achieving the MDGs, but to generate the 'will' to end them across the continent.

NOTES

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5 ‘Guardians of the nation or unruly disciples?’

A critique of youth participation in post-colonial Zimbabwe’s contested political spaces

TERENCE M MASHINGAIDZE

ABSTRACT

Unbridled desire to monopolise political space compels some ruling African parties to resort to violence, retributive justice and exclusionary discourses in order to neutralise other contenders for state power. Lacking benefits of state-controlled propaganda machinery and ‘arms of coercion’ such as the police, the military and the intelligence services, opposition parties respond to some of the ruling parties’ excesses with violence as well. Under such circumstances, the youth are ‘caught in the middle’. Most ruling and opposition political parties have reduced the youth to convenient ‘social instruments’ for repression and indoctrination of citizens. Using Zimbabwe as a case study, this paper explores the roles and terms of youth participation in post-colonial politics. To varying degrees, youth on both sides of Zimbabwe’s political divide have destroyed property, and violated freedoms of assembly, expression and association. They have been the most visible perpetrators of inter- and intra-party violence. Although youth involvement in Zimbabwean politics has been at the instigation of adult political entrepreneurs and social manipulators, other youth have charted an ‘independent political course’ aimed at promoting good governance and fair political practices.

INTRODUCTION

Incapability to withstand competition and manage diversity in Zimbabwe's political spaces has resulted in some leaders embracing violence as an instrument of electoral mobilisation and political control. Many of the post-colonial era leaders across the political divide have instigated the youth¹ to intimidate citizens and opponents to ensure compliance with their cause.² On the other hand, some individuals who committed politically motivated violence, especially on behalf of the ruling party, have been shielded from justice through police inaction and blanket amnesties by the government.³ This has not only created a culture of impunity, but also significantly undermined Zimbabwe's democratic development. In a democratic dispensation, citizens and the rank and file membership of political parties should have their options open and retain the possibility to affirm, limit or extend the tenure of office-bearers through competitive political processes such as elections. The political elite's inclination towards strong-arm tactics has compromised citizens' liberal and popular participation in the political sphere, and this reflects the failure to strike a healthy balance between multi-party democratic practice and political control.

This article explores the nature, terms and consequences of youth participation in post-colonial Zimbabwean politics and governance. The youth have participated in political processes⁴ in three main ways: as victims of manipulative elders; as violent political players;⁵ and as an energetic civil society component⁶ that is articulate and eager to critique state mismanagement. Ruling-party-aligned politicians generally regard schoolchildren as 'hostage crowds' at their political meetings and campaign rallies, especially in the rural areas.⁷ When they call for rallies in rural areas both primary and secondary school pupils and their teachers in the vicinity are obliged to attend such meetings and to provide music and other forms of entertainment at the gatherings. Most of these pupils do not vote because they are underage.⁸ Their presence at such political rallies is for their symbolic power as captive spectators that conveniently inflate audience numbers.

At election times, political entrepreneurs⁹ condition youth into their 'unruly disciples,' whom they instigate through hate speeches¹⁰ and promises of beer, T-shirts, cash and jobs to intimidate perceived opponents and violate citizens' rights to freedoms of assembly and choice. This was apparent during the 1985¹¹ and 1990 general elections when the Zimbabwe African National Union-

Patriotic Front (ZANU-PF) aligned youth attacked and destroyed the property of purported Zimbabwe African People's Union-Patriotic Front (PF ZAPU) sympathisers in many parts of the country's urban centres.¹² The violence of ZANU-PF's youth militias reached unprecedented levels during the highly contested March 2000 parliamentary elections, the June 2002 presidential elections, and the June 2008 presidential election run-off when they set up road blocks, carried out party card checks, and declared certain parts of the country out of bounds for opposition politicians and civic society activists. Youth activists aligned to the political opposition tried to resist these restrictions imposed by the ruling party's vigilantes without much success because the latter acted as auxiliaries to the state's security apparatus, especially the police and the army.¹³

The youth's politically motivated violence has not been restricted to inter-party struggles per se. It has been a significant feature of intra-party contestations for domination for a long time. The manipulation of youth to intimidate opponents by some leaders in the country's premier opposition party, the Movement for Democratic Change (MDC), is one of the main factors alleged to have led to the splintering of the party on 12 October 2005. Prior to the split, some youths had beaten up leading officials, such as the party's director of security in September 2004.¹⁴ After the split, youth allied to the mainstream faction of the MDC attempted to assassinate Hatfield constituency's member of parliament in Mabvuku in July 2006.¹⁵ The youth perpetrated some of these acts of violence at the party's Harvest House headquarters in central Harare. Although the MDC dismissed those implicated in these acts, some high-ranking members of the party controversially reinstated and even re-employed them. David Coltart, a leading MDC official and prominent human rights lawyer, argued that, like the ruling ZANU-PF party, the opposition had failed to formulate an alternative political system without coercive tendencies:

We have become so accustomed to violence being used as an acceptable political weapon that we have lost sight of the fact that the democratic world has moved on and that such methods are anathema. By a silent and insidious process of osmosis, we have absorbed this disease and tragically we do not understand the extent of the problem.¹⁶

We need not overemphasise the manipulation of youth by adult politicians. At times the youth made deliberate efforts to align themselves to resource rich and

influential adult politicians for their own benefit. The young men and women who participated in the government's controversial National Youth Service¹⁷ (NYS) training programme between 2001 and 2005 were largely poverty-stricken rural and ghetto-based youth. These desperate youth enrolled in the NYS to get preferential treatment for the few job openings in the army, police, urban municipalities, and parastatals, such as the Grain Marketing Board and the national power utility, the Zimbabwe Electricity Supply Authority (ZESA).¹⁸ The urge to align with the ruling party became stronger in June 2002 when the government ordered tertiary education institutions to offer preference to NYS graduates.¹⁹

Other youth have acted as 'guardians of the nation', who resist the violent mode of Zimbabwean politics by engaging with broader social democratic actors such as labour unions, the church, and women's rights movements to critique state excesses, intolerance on the political space, corruption and general societal lethargy. Students have struggled to entrench the country's democratic culture by agitating for the opening up and enlargement of political space to multiple players. Their demonstrations in the late 1980s undermined ZANU-PF's one-party-state agenda by opening up the floodgates of general criticism against state inefficiency, repression and corruption.²⁰ College students continue to play this sentinel role.²¹

Finally, in the analysis of the diverse roles and terms of youth participation in post-colonial Zimbabwean politics, the paper focuses on three periods that synchronise with the ideological phases that the country has gone through. These phases have been identified arbitrarily as the socialist/commandist phase (1980s); the neo-liberal phase (1990s); and the radical/neo-nationalist phase (post-2000).²² The ensuing part of the paper is divided into three sections. It highlights the author's conceptualisation of youth and then explores the diverse roles of youth in Zimbabwean politics and governance in line with the 'ideological phases' that are indicated. It concludes by suggesting possible ways of positive youth participation in Zimbabwean politics.

YOUTH IN AFRICAN POLITICS: A CONCEPTUAL FRAMEWORK

The category of 'youth' is problematic and multifaceted because definitions of youth range from those that are purely of a legal nature to those that are of a functional one.²³ Youth can embrace people as young as 10 and as old as 25. At

the same time, for purposes of defining child labour, the legal age of majority, which is 18 years in Zimbabwe, may be used. Thus, the term 'youth' in the latter case might refer to the population below 18, while in the former it might refer to those below the age of 25.²⁴ These categorisations are somewhat arbitrary and legalistic definitions of youth. In some parts of the world, all those who are single and uninitiated are youth, irrespective of age.²⁵ Therefore, it is possible to find a married girl in her teens being considered an adult, while an unmarried man in his thirties will be a youth. In the same vein, a circumcised teenager could be considered an adult while an uncircumcised man in his thirties could be assumed to be a youth. In addition, in some African countries, youth is not a gender-neutral category. It refers primarily to men because women are less politically visible.²⁶ In this paper, the Zimbabwean National Youth Policy definition of youth is used to refer to anyone between the ages of 10 and 30.

In many African countries the involvement of youth in mainstream politics has been achieved at the expense of good governance and plural political participation. In some cases their co-option as party activists has promoted political banditry. This was quite evident in Kenya soon after the disputed December 2007 general elections when hordes of agitated youth who were affiliated with competing political formations attacked people, set up barricades, destroyed property, engaged in acts of arson, and even raped women in acts of collective punishment. These cases of youth violence were not always spontaneous and uncoordinated. In the 1980s and 1990s some African political parties had paramilitary youth wings, sometimes referred to by the euphemism of 'party militants.' In Zaire (now the DR Congo), the youth branch of President Mobutu's party had a specialised section called the 'Disciplinary Brigade.' In Malawi, President Kamuzu Banda had the Malawi Young Pioneers. In these two cases, the youth worked in collaboration with state security agencies in law enforcement and intelligence gathering.²⁷ These ruling parties, and by proxy the youth militias, were all-permeating and intrusive. They did not have clearly defined boundaries beyond which they were reluctant to exercise their authority or interference.²⁸ Such parties became coercive instruments of social control after failing to maintain their hegemony in national political and social spheres. Primarily they helped the government to hold the people down.²⁹ Frantz Fanon was quite precise when he pointed out that:

The party is given the task of supervising the masses. The party plays understudy to the administration and the police and controls the masses,

not in order to make sure that they really participate in the business of governing the nation, but in order to remind them constantly that the government expects from them obedience and discipline.³⁰

Most of these parties had a patronising attitude toward the youth. They co-opted them into their structures to control rather than empower and groom them for higher office. That the youth wing leadership was dominated by elderly party cadres affirms this point. In 2002 the secretary for youth in the ZANU-PF Politburo was the late Air Marshal Josiah Tungamirai, a liberation struggle supremo who was well in his fifties then. Successive secretaries and their deputies have been elderly men who do not qualify as youth in any way.

Although the dominant image of youth in African politics is that of *enfants terribles*, it would be unmerited to regard them as antithetical to positive political developments. Tertiary-level students have been one of the main driving forces for social and political change in many African countries where student unions and similar associations have been at the forefront of radical change.³¹ In the late 1980s and early 1990s, students in countries such as Zimbabwe, Zambia and Kenya demonstrated against one-party-state systems and corruption in the management of national economies.

From these events, it is apparent that youth have contradictory positions in African politics and this emanates from the fact that they are a contested social category. Youth is a fleeting period in life. Mafeje aptly observes that their constituency is volatile, and 'not only is youth a passing phase, but the youth represent no particular historical class. As such, they can only play a supplementary role to either of the contending classes, with the intention of being assimilated into it, eventually.'³² Where there are competing classes, ideologies and interests, often youth are not a group for themselves, but an appendage to some group of powerful elderly men and women.

Overall, it is vital for nations and societies to invest in their youth by inculcating good values in them because young people who are socialised into democratic and tolerant behaviour are the foundation of an orderly and peaceable society.³³ Healthy, well-educated and optimistic youth will bring up the next generation to be better world citizens. Realising the rights of youth is therefore an inter-generational public good.³⁴ The achievement of youth rights is embedded also in the realisation of a range of other rights, including democratic rights and the rule of law. This requires good governance: a multifaceted improvement

of political representation and institutional capacity, alongside economic development and poverty reduction.³⁵ Good governance assumes a government's ability to maintain social peace, guarantee law and order, promote or create conditions necessary for economic growth, and ensure a minimum level of social security.

ZIMBABWEAN YOUTH AND THE VANGUARD PARTY IN THE 1980s

Although Zimbabwe had been a multi-party democracy from the attainment of its independence, it did not have an enabling environment for competitive democratic politics.³⁶ ZANU-PF, as the party in power, acted and postured as the only legitimate political organisation for Zimbabweans. This made it difficult to separate ruling party concerns from national interests.³⁷ The case of the Youth Brigades³⁸ exemplifies this phenomenon. The government set up the brigades as part of the country's national youth service programme. They became the main forums through which the youth could channel their political energies and promote 'national development', along the lines of the Chinese Red Guards.³⁹ Some of the youth went for military-style drilling at service centres in the country in the 1980s and were ultimately co-opted into the army, police, and the rural special constabulary forces. In spite of these noble intentions, the brigades later transformed into some kind of ruling-party militia that operated with financial and strategic back-up from the ministry responsible for youth affairs, whose offices at one point were at the ruling-party headquarters in the capital. The brigades, easily identifiable in their green/red shirts and khaki trousers, force-marched civilians to ZANU-PF rallies and coerced people into buying its party membership cards.⁴⁰ They harassed civilians in the townships and rural areas under the guise of maintaining law and order.⁴¹

During the Gukurahundi Crisis in the 1980s, when the government sent the Fifth Brigade to quell purported dissident insurgency in the Matabeleland and Midlands provinces the Youth Brigades, together with other state sponsored militias, acted as auxiliaries to the army, the police and the Police Internal Security Intelligence Unit (PISI) of the Home Affairs Ministry.⁴² These youth participated in the indiscriminate mob beatings, property burnings, murders and tortures of civilians that happened in these areas during the crisis.⁴³

In the 1985 elections ruling-party-aligned youth were implicated in pre- and post-election violence against opposition supporters. Although ZANU-PF won the election with a very comfortable margin of 64 parliamentary seats in its favour against the opposition PF ZAPU's paltry 15, its supporters went on the rampage against the opposition. The vengeful mobs seem to have been incited by Prime Minister Robert Mugabe's post-election broadcast in which he told his supporters to 'go and uproot the weeds from your garden.'⁴⁴ ZANU-PF supporters, mainly women and youth in the urban areas attacked and evicted members of minority parties from their homes. Families and their belongings were thrown out on the streets during the cold July weather.⁴⁵ In Harare, the mobs hacked a ZAPU candidate to death with axes and killed many others, including two pregnant women.⁴⁶ In this orgy of violence, the police stood aside and watched. It appears they were under strict instructions not to intervene. This 'watch and do nothing' approach has become the Zimbabwe Republic Police's (ZRP) trademark reaction to political violence instigated by the ruling party.⁴⁷ It was not until the fourth day, and after government ministers had intervened, that the police started to disperse the violent crowds of ruling-party youth and women.⁴⁸

In the spirit of promoting national development and uplifting living standards, the government at times encouraged the youth to engage in projects such as tree planting, fishing, and poultry-rearing cooperatives. The post-colonial state's policy on cooperatives sought to provide institutions through which democratic participation by the rural population in production, consumption and the decision making process could be realised.⁴⁹ To obtain specialised training, some youth attended vocational training centres such as Kushinga/Pikhelela, Magamba and Ponesai Vanhu. When growth points were established, as part of the independent government's service decentralisation programme in the mid 1980s, youth brigades in the districts were rounded up to mould bricks for the constructions at the growth points. They were nominally paid since they were 'doing a service to the nation'. As ZANU-PF consolidated its hold on power in an environment of dwindling national resources, during the de facto one-party-state era, the relevance of these vigilantes fizzled out. Some members of society also began to question and rebuff the brigades' high-handedness.

The government's desire to control youth also permeated the school curriculum. It resorted to ideological pedagogy as a primary tool for political indoctrination. Most of the school history texts of the 1980s expunged or downplayed

ZAPU-PF's role in the struggles for independence. The texts glorified the ruling ZANU-PF party and ZANLA's exploits during the war. One of the texts that purveyed this type of history was *The struggle for Zimbabwe*,⁵⁰ which was widely circulated in schools. These texts tended to ignore and sidestep intra- and inter-ethnic struggles among Africans in pre-colonial Zimbabwe, partly by projecting the pre-colonial era as a peaceful classless utopia, devoid of clashes and destabilising wars.⁵¹ In this case, the state manipulated history to support the notion that violence, accumulation, and social inequalities emerged under colonial rule and its capitalist mode of production.

Certain categories of youth were not pliable to the demands and policies of the ruling party and the government. Tertiary-level students, mostly at the University of Zimbabwe, regularly expressed displeasure against state excesses and lack of transparency through demonstrations.⁵² In 1982 the university students demonstrated in downtown Harare in support of the then prime minister Robert Mugabe's first public denunciation of corruption. Students held similar demonstrations in the mid 1980s. In many of these earlier demonstrations and activities, university students supported the ruling party as Sachikonye noted succinctly:

... the student movement conceded the ideological high ground to the major ruling party (ZANU-PF) in the state. Amidst the euphoria of independence, the student movement was generally uncritical towards the new regime. Domestic issues regarding living and working conditions, within the University, and national politics, occupied most students.⁵³

This somewhat cosy relationship between the state and the students was irreparably severed toward the penultimate stages of the 1980s. In 1988, University of Zimbabwe students staged a series of anti-corruption demonstrations. These demonstrations coincided with the 'Willowgate Motor' scandal of 1988, which resulted in the expulsion of high-ranking officials from government. These officials, including cabinet ministers, allegedly bought cars cheaply at government-owned Willovale Motor Industries and sold them at inflated prices to members of the public. The government appointed the Sandura Commission that unearthed these scandals. According to Cheater, the students' sharpest weapon was their symbolic rejection of the politicians' claim to legitimacy on the basis of having participated in the liberation war.⁵⁴ The students asked:

What good was the struggle ... when Zimbabweans were starving? When inflation had eroded wage increases? When the economy was mismanaged? When only those in power were enjoying the material things of a decent lifestyle-and were corrupt?⁵⁵

On 29 September 1989, students decided to hold a gala to mark the first anniversary of their 'Anti-Corruption Demo'. The police forcefully stopped this gala and occupied the University of Zimbabwe for the whole night of 29 September. Four days later, on 2 October, the Student Representative Council (SRC) issued a radical and uncompromising statement castigating state repression. The state's response was swift and harsh. The SRC president, Arthur Mutambara, and secretary general, Enoch Chikweche (now Munyaradzi Gwisai and the former MDC MP for Hatfield), were arrested for subversion. The next day the students boycotted classes in solidarity with their incarcerated colleagues. The situation became tense and volatile and on 4 October students stoned and attempted to set the vice chancellor's government-supplied Mercedes Benz on fire. The police brutally suppressed the demonstration by beating and tear-gassing the students. As a result, the vice chancellor, Professor Walter Kamba, after consultation with the state president, closed the university indefinitely. Many sections of society condemned the closure, and the Zimbabwe Congress of Trade Unions (ZCTU) was the most vocal in these criticisms. On 6 October, the ZCTU secretary-general, Morgan Tsvangirai, published a document in solidarity with the students and the police arrested him as well. The High Court ruled the arrest unjust, but the state ignored this and kept Tsvangirai in detention up to 11 November.

Although the government quelled the 1989 demonstrations, student activism undermined its one-party-state agenda in particular by opening the floodgates of general criticism against government inefficiency, repression and corruption. In April 1989, Edgar Tekere, ZANU-PF's former secretary-general and luminary of the liberation struggle, formed the Zimbabwe Unity Movement (ZUM). Tekere had been expelled from ZANU-PF and government for criticising the one-party-state agenda, corruption and the large size of the cabinet. ZUM's agenda resonated well with that of the students, as evidenced by the enthusiasm generated by his addresses at the University of Zimbabwe. In response to increasing student militancy and pressure, the government enacted legislative instruments that sought to curtail student autonomy and assertiveness. These laws included the University Amendment Act of 1990. The act limited the

autonomy of the University of Zimbabwe and increased the disciplinary powers of the university administration over staff and students. The minister of higher education was to be involved in the selection of the majority of the governing board, the university council, and since then, most of the council's members have been government sympathisers.

YOUTH AND THE LIBERAL PHASE IN THE 1990s

In spite of the government's problems with university students in the 1990s, state interference with the activities of the youth was limited, compared with the preceding decade. This was partly because the ruling party now enjoyed dominance and limited competition in the political space after having ended the Gukurahundi Crisis through the December 1987 National Unity Accord. The adoption of market-driven economic reforms, spearheaded by the International Monetary Fund and the World Bank, also required the government to liberalise the political space. However, the government's failure to properly manage the economy caused widespread disenchantment in society, and the youth, together with other sectors, increased their calls for better national administration. Underperformance of the economy, caused by mismanagement and corruption, unfair terms of trade and indiscriminate servicing of foreign debt, soon began to show the contraction of the manufacturing industry. This increased the levels of unemployment and, combined with reduced government expenditure on social services, public disenchantment increased, with the government creating an environment for the emergence of a formidable opposition to the state.⁵⁶

This failure, coupled with the social costs of economic reforms, initiated a wave of non-governmental organisations (NGO) start-ups, the majority of them pursuing an apolitical agenda.⁵⁷ Civic organisations increased in number and critically shaped societal views on broader social, economic and political issues. Tertiary-level students formed organisations to safeguard their own interests in matters such as institutional management and escalating tuition costs, the most notable being the Zimbabwe National Students Union (ZINASU), formed in 1995.

Students became an integral component of the civil rights movement of the 1990s. These civic organisations were preoccupied with fair electoral conduct, corruption and a new democratic constitution to replace the anachronistic Lancaster House Constitution of 1979. At the forefront of these calls was the National Constitutional Assembly (NCA), which was formed in 1997 by diverse

activists that included labour, students, the church, and lawyers. The government responded by establishing the National Constitutional Commission (NCC). The NCC was mandated to seek people's views and consequently formulate a home-grown constitution. However, the NCC's draft constitution was rejected by the people in the February 2000 Referendum. This outcome was because of the de-campaigning of the commission's constitution through both the electronic and print media by the NCA. Students, and youth in general, were also a significant force in the build up towards the formation of the labour-backed opposition party, the Movement for Democratic Change (MDC) in September 1999. Student leaders such as Job Sikhala, Tafadzwa Musekiwa, Nelson Chamisa and Learnmore Jongwe became members of the MDC's inaugural national executive committee. They went on to be elected as MDC members of parliament (MPs) in the June 2000 parliamentary elections.

YOUTH, 'NEO-NATIONALISM' AND THE THIRD CHIMURENGA: 2000, AND JUNE 2008 PRESIDENTIAL ELECTION RUN-OFF

Economic meltdown, declining political legitimacy, the February 2000 referendum defeat and the emergence of a popular and broad-based opposition party, the MDC, compelled the ruling party to revive its political fortunes through aggressive and violent means. The government used veterans of the 1970s liberation war and unemployed youth to aggressively mobilise and co-opt the disenchanted masses back to the ruling-party fold. These two groups spearheaded the seizure of white-owned farms, notably between 2000 and 2002. President Mugabe also invoked the nationalistic era's anti-colonial rhetoric to condemn the West, whites and the 'misguided opposition' for being responsible for the country's increasingly poor state. Raftopoulos argues that Mugabe capitalised on the peasantry's land hunger by attempting to generalise the struggle for land to continental level. The struggle for land became the 'sole signifier of authentic, liberated nationhood'.⁵⁸

The co-option of youth into the ruling-party fold in the post-2000 era has been analogous to the 1980s scenario when ZANU-PF was still a hegemonic, commandist-cum-para-militaristic party, which had no regard for dissenting ideas on the economy and politics. The government revived the national youth training programme of the 1980s in the form of the National Youth Service (NYS). Government officials cited a number of reasons for the introduction

of the NYS. Some claimed it was to teach youth about entrepreneurship, self-reliance and the nation's political history (read patriotism). Others claimed the programme aimed to motivate young men and women not to leave the country in the face of a declining economy. In July 2002 the minister of higher education and technology observed that the programme was a multi-pronged one as it was meant not only to instil a spirit of nationalism and national consciousness, but also to arrest the brain drain:

We cannot continue to be a training ground for people who are not committed to the development of the nation ... The national youth service is one such initiative by the government that is meant to persuade our youths to appreciate the problems in Zimbabwe and evoke a sense of nationhood.⁵⁹

Despite all these claims, the government instituted NYS to regain the lost support base of the ruling party. In December 1999, the ZANU-PF Third National People's Congress noted that one of the biggest challenges facing the party at the turn of the new millennium was how to woo the 2,7 million registered young voters that were not yet their members. The congress underlined this as a top priority, second only to the land reform and resettlement programme. The delegates agreed that the forthcoming June 2000 elections presented a big challenge in the face of unemployment, poverty and discontent gripping most people of voting age.⁶⁰ These were mostly unemployed school leavers, disgruntled university or polytechnic graduates, and a host of other 'impressionable youngsters', born after independence in 1980.⁶¹ The challenge for the ruling party was to find a way to woo at least 50 per cent of this electorate to become its bona fide party members.⁶²

Beginning in 2001, the government established NYS training centres in many parts of the country. The first of these was the Border Gezi Training Institute in Mt Darwin. Other infamous training centres were Guyu and Mshagashe in the Midlands and Matabeleland South provinces respectively. NYS graduates wreaked havoc in the country in the run-up to the presidential election in March 2002. Ranger notes that ZANU-PF recruited the youth as warriors into the 'Third Chimurenga,' the First Chimurenga being the 1896–1897 uprisings and the second the guerrilla war of the 1970s. 'The youth became a militia available to discipline their own parents, to attack MDC supporters and to intimidate teachers and other educated civil servants in the rural areas.'⁶³ ZANU-PF

used NYS graduates as electoral campaign tools by granting them impunity and implicit powers to assault, torture, and rape suspected opposition political party sympathisers.⁶⁴ These violations were coupled with threats of withdrawal of food aid and seed if people voted for the MDC.⁶⁵

The youth, in alliance with the war veterans, established torture camps in many parts of the country between 2000 and the March 2002 presidential elections.⁶⁶ In the rural areas, the youth revived liberation wartime politics through the re-enactment of *pungwes* (night rallies). During the liberation war, *pungwes* enabled liberation fighters to explain to the people the causes, ideologies and aspirations of the struggle. They were a powerful educational forum for the freedom fighters and the civilians,⁶⁷ but in the post-2000 era, ZANU-PF youth and elderly politicians forcibly gathered young men and women and gave them doses of ZANU-PF indoctrination. At these meetings, the ruling-party activists berated the political opposition as a front for neo-colonial forces. In the run up to the June 2008 presidential election run-off, ruling-party youths forced villagers to attend daytime ruling-party meetings. The youth also seized grain and livestock from suspected MDC sympathisers. At times, such people were beaten up after 'confessing their betrayals of the ZANU-PF defined revolutionary path'.

Besides cancelling and disrupting MDC political activities such as campaign rallies,⁶⁸ ZANU-PF youth cordoned off certain areas against the political opposition and civil society organisations. They set up roadblocks and conducted regular party card checks, especially in rural areas. During the Christmas and New Year (2001–2) holidays, these youth forced travellers off buses and confiscated copies of papers from privately owned media houses such as the *Daily News*. These papers were deemed 'opposition' parties' mouthpieces. Passengers intending to visit rural areas, notably in Gokwe in the run up to the 2002 presidential poll, were required to produce ZANU-PF membership cards. Those who failed were barred from entering rural areas and forced to return to the cities. This was obviously a violation of citizens' rights to freedoms of movement and assembly, as enshrined in the country's constitution.

Youth affiliated to the opposition adopted various strategies to avoid conceding all political space to the ruling party. In 2002, youth activists of the MDC

demonstrated at the high commissions of South Africa, Australia and Nigeria for the imposition of sanctions against President Robert Mugabe and his associates. The youth accused Mugabe of rigging the June 2002 presidential election and of refusing the MDC and other interested Zimbabweans opposed to his leadership the opportunity to import food when people were starving.⁶⁹ Other MDC-aligned youth engaged in acts of ‘collateral violence’ that entailed arson, destruction of property, and beatings of ZANU-PF supporters. A ZANU-PF spokesperson once noted that politically violence in Manicaland was ‘a seesaw affair’ between MDC and ZANU-PF supporters.⁷⁰ Much of the time, the MDC youth were ‘overpowered’ by ZANU-PF, because the latter acted as auxiliaries to the police. This happened when the opposition called for a mass stayaway between 2 and 6 June in 2003. ZANU-PF supporters, most of them youths brought into the capital city from rural and peri-urban areas close to Harare, marched through the city clad in white T-shirts inscribed with the slogan: ‘No to mass action’. The youth, who had the full backing of heavily armed police and soldiers, descended on several news-stands and harassed vendors, tearing up copies of the *Daily News*, which they accused of supporting the opposition-organised protests. In most of Harare’s high-density suburbs, ZANU-PF youth militia members patrolled the street, singing songs in praise of the ruling party and intimidating most residents into staying indoors.⁷¹

The youth’s violent activities contributed to the international condemnation of Zimbabwe’s electoral conduct, especially between 2000 and 2002. Soon after the June 2000 parliamentary elections, the Commonwealth Election Observer Team strongly refused to endorse the election owing to its unfair conduct. Besides the abuse of state resources such as state-controlled media, the team was particularly concerned about the activities of the ZANU-PF paramilitary youth group organised under the National Youth Training service. They were responsible for a systematic campaign of intimidation against known or suspected MDC supporters.⁷² The observer team argued that the police seemed to deal high-handedly with the MDC, while being lenient with ZANU-PF and ‘this failure to impartially enforce the law seriously called into question the application of the rule of law in Zimbabwe’.⁷³

Violence was not the only instrument devised by the ruling party to control citizens; they tried to ‘control the minds’ of the young by introducing national strategic studies (NSS) as a compulsory subject in teacher training colleges, polytechnics, and vocational training institutions. NSS was designed

to promote the centrality of the ruling party in the nation's history and its indispensability in the future. 'Patriotic history',⁷⁴ whose writers and articulators are largely ruling-party ideologues and politicians, is one of the core NSS curriculum components. A monograph of President Mugabe's speeches, *Inside the Third Chimurenga*, is the main text. The NSS curriculum is informed by a narrowly defined and partisan premise designed to give ZANU-PF a hegemonic position in the anti-colonial struggle narrative by according it all the praise for post-colonial developments and at the same time stamping out its political and administrative shortcomings. According to Terence Ranger (2001), this selective and politicised reading of the past resulted in the Ministry of Education's refusal to distribute secondary school textbooks that discussed human rights and democracy issues. These books, on *Education for human rights and democracy in Zimbabwe*, had been written under the auspices of UNESCO and Danida when the government itself was being accused of violating those same issues.⁷⁵

The country's sole and state-controlled television network complemented these measures by introducing programmes such as *Nhaka Yedu* (Our Heritage) and *National Ethos*, whose regular panellists were pro-government academics, apparently to revive national consciousness and indirectly teach the 'lost' youth about the country's past. They clearly advanced ZANU-PF political positions. The central theme for the debates was the contested political issue of land. Topical issues normally associated with political opposition and civil society movements such as the economy, human rights, and the brain drain were avoided. The political opposition were not given similar platforms to advance their agenda and the panellists rarely critiqued and synthesised contesting national perspectives on politics, the economy or even land itself.

To control university students who had become vocal in their opposition to the government, police brutality towards demonstrators and disciplinary measures against those who tried to express disenchantment with national issues and even university matters intensified. In 2000, the University of Zimbabwe banned political (read 'opposition') activities on campus⁷⁶ and for the past few years, force has been used to keep students from protesting. On 2 June 2003 – the day of the commencing of the opposition MDC's mass stayaway, code-named the Final Push – well-armed police and army invaded Midlands State University in Gweru in a convoy of tanks, apparently in a show of force to scare off students from participating in the Final Push. Consequently, students in Gweru and in

many parts of the country could not join the demonstrations. (Police posts are now a permanent feature at Zimbabwean universities.) Besides these restrictive policies, the government tried to undermine student activism by establishing parallel civic structures to neutralise those opposed to its agenda. For example, the ruling party sponsored the Zimbabwe Progressive Student's Union (ZPSU) as a counter to the influence of the oppositional Zimbabwe National Students' Union (ZINASU).

CONCLUSION

Youth involvement in politics at the instigation of adult political entrepreneurs and social manipulators has compromised good governance in post-colonial Zimbabwe. Youth on both sides of the country's political divide have destroyed property, violated freedoms of assembly, expression and association. According to the Zimbabwean Electoral Act, it is an offence to threaten or use force in order to induce a person to vote or refrain from voting. Youth have violated this cardinal rule of electoral conduct and this has been a drawback to citizens' security. The co-option of youth into national party politics has not been out of a desire to share 'space' with the young, but to make them expedient political tools. The involvement of NYS graduates in politically motivated violence against opposition party supporters clearly shows that the programme was designed to expand the ruling party's power base among the youth. Early Kufakunesu aptly questioned the motives behind NYS:

This is not a national programme, but a ZANU-PF call up scheme. The partisan programme should be abandoned with immediate effect. We cannot continue to train people who beat up innocent civilians ... The money must be channelled towards serious and meaningful programmes such as drought relief and poverty alleviation.⁷⁷

Cathy Buckle noted that the NYS graduates were compromising citizens' security as they strutted 'around our villages, towns and cities in their green uniforms, exuding arrogance, spitting out venom weaving a mosaic of hatred'.⁷⁸

The government has been unable to stem this culture of impunity because of its tendency to grant amnesties to perpetrators of political violence. The Rhodesian state set the precedent for blanket amnesties in 1975 when it

implemented the Indemnity and Compensation Act, which granted amnesty retroactively and in advance to members of the army, the police, central intelligence, the government and the civil service who had committed crimes in 'good faith'. The Rhodesians adopted these measures to give their security forces extrajudicial powers to control nationalist-inspired 'insurgency' in the 1970s. As part of the Lancaster House Agreement, the transitional government passed the Amnesty Ordinance of 1980 which pardoned Rhodesians, nationalist forces and auxiliaries. After the Matabeleland and Midlands Disturbances of the 1980s, the new independent government granted amnesty to the dissidents, those who had aided them, ZAPU 'political fugitives from justice, and all members of the security forces who had committed human rights violations'.⁷⁹ The 1995 Presidential Amnesty similarly pardoned those who had perpetrated politically motivated beatings and arson. President Mugabe's Clemency Order of October 2000 granted amnesty to those who kidnapped, tortured and assaulted people, and destroyed houses and other possessions in the run-up to the June 2000 legislative elections.⁸⁰ Reeler argues that:

[T]his has disastrous effects upon society, for apart from the terrible consequences of the victims knowing that their assailants will always walk free, the perpetrators learn that extreme violence is never punished. This is an encouragement to more violence. Indeed, many victims have been bluntly informed by their torturers that this is, indeed, the case.⁸¹

Some of the people implicated in the 2000 violence went on to commit more violence during the 2001 by-elections and the March 2002 presidential poll.⁸² As usual, the state pardoned the culprits.

When one considers the violence, manipulation and indoctrination of youth discussed in this paper, it becomes clear that some Zimbabweans need some form of education in human rights and civic responsibilities. It is also important for the government to disengage from abusing the young, and leaders on both sides of the political divide should stop viewing some citizens as social instruments to fight real and purported opponents. Command and control are antithetical to democratic existence. It is vital for Zimbabwean political leaders to invest in the youth by inculcating good values in them because young people who are socialised into democratic and tolerant behaviour are the foundation of

an orderly and peaceable society.⁸³ National youth service and strategic studies should be redesigned to forge a sense of national belonging rather than to shore up partisan political interests.

NOTES

- 1 For the purpose of this paper I use the Zimbabwean National Youth Policy definition of youth as anyone between the ages of 10 and 30.
- 2 For detailed analyses of Zimbabwean post-colonial politics and intolerance, see Sabelo Gatsheni-Ndlovu, The dynamics of the Zimbabwean crisis in the 21st century, *Africa Journal on Conflict Resolution*, 1(2003); Jonathan N Moyo, The dialectics of national unity and democracy in Zimbabwe, in L M Sachikonye and I Mandaza (eds), *The one party state and democracy: The Zimbabwe debates*, Harare: Sapes, 1991; *Voting for democracy: Electoral politics in Zimbabwe*, Harare: University of Zimbabwe Publications, 1992; and David Harold-Barry (ed), *Zimbabwe: The past is the future*, Harare: Weaver, 2004.
- 3 Zimbabwe: The toll of impunity, Amnesty International, 2002. The report can be downloaded from the Amnesty International website at <http://www.amnesty.org> (accessed 10 March 2009).
- 4 By political processes I am referring to political mobilisation, campaigns, and election participation.
- 5 See Jeremy Seekings, The lost generation: South Africa's 'youth problem' in the early-1990s, *Transformation* 29(1996).
- 6 See John A Nkinyangi, Student protests in sub-Saharan Africa, *Higher Education* 22 (1991), 2.
- 7 This is particularly the case if the rallies are addressed by 'big men and women' such as the state president, his deputies, cabinet ministers, and ruling-party-aligned members of parliament.
- 8 The Zimbabwean voting age is 18. Thus in general terms, a tiny minority of Zimbabwean school-children, the Upper Sixths (Grade 13), can vote.
- 9 I use this phrase to mean manipulative politicians.
- 10 Ruling party politicians generally refer to members of the opposition as *vavengi* ('enemies' of the state) or stooges of neo-colonial forces.
- 11 See The Catholic Commission for Justice and Peace in Zimbabwe, *Breaking the silence: Building true peace, A report on the disturbances in Matabeleland and the Midlands 1980 to 1988*, February 1997, 62–63
- 12 See Moyo, *Voting for democracy*, 81–83, and appendix 4 for detailed reports on cases of violence.
- 13 The Open Society Initiative for Southern Africa (OSISA) et al, 'We have degrees in violence': A report on torture and human rights abuses in Zimbabwe, *OSISA* 11 (December 2007), 21–22.

- 14 David Coltart, Why I cannot join Tsvangirai's faction, www.newzimbabwe.com (accessed 13 March 2007).
- 15 See 'Trudy!' You have gone against Tsvangirai!, www.newzimbabwe.com (accessed 16 March 2007).
- 16 Coltart, Why I cannot join Tsvangirai's faction.
- 17 The government initiated the National Youth Training Service in 2001 to teach youth about entrepreneurship, self-reliance and the nation's political history (read 'patriotism'). As a result the government set up youth training centres in most of the country's provinces. Border Gezi Training Centre in Bindura was the first to be established and the best known.
- 18 *The Herald*, 11 March 2004.
- 19 See *Daily News* 24 June 2002.
- 20 See also Nkinyangi, Student protests in sub-Saharan Africa, 2.
- 21 At Zimbabwe University students have always identified themselves as 'The voice of the voiceless'.
- 22 For more details on this period read Geoff Hill, *What happens after Mugabe?: Can Zimbabwe rise from the ashes?*, Cape Town: Zebra, 2005.
- 23 For a detailed discussion of youth as a social category and their roles in African politics, see Alex de Waal, Realizing child rights in Africa: Children, young people and leadership, in A de Waal and N Argenti (eds), *Young Africa: Realizing the rights of children and youths*, Asmara: Africa World Press, 2002.
- 24 Masipula Sithole, Charles Mangongera and Tulani Sithole (eds), *A report on survey findings on the perceptions and aspirations of Zimbabwean youths in primary, secondary and tertiary institutions*, Occasional Paper, Harare: Konrad Adenauer Foundation, 2003, 3.
- 25 de Waal, Realizing child rights in Africa, 2.
- 26 *Ibid*, 13.
- 27 Georges Nzongola-Ntalaja, *The African crisis: The way out*, Harare: Sapes, 1992, 10.
- 28 See also H Galborne, The state of development and the need for participatory democracy in Africa in P Anyang Nyo'ngo, *Popular struggles for democracy in Africa*, London: Zed, 1987, 27.
- 29 Nzongola-Ntalaja, *The African crisis*, 10.
- 30 Frantz Fanon, quoted in Nzongola-Ntalaja, 10.
- 31 Nzongola-Ntalaja, *The African crisis*, 13; see also Nkinyangi, Student protests in sub-Saharan Africa.
- 32 Archie Mafeje, *In search of an alternative: A collection of essays on revolutionary theory*, Harare: Sapes, 1992, 56.

- 33 de Waal, Realizing child rights in Africa, 7.
- 34 Ibid. A (global) public good is something that is not owned by any individual or institution but brings benefit to all people across the world. Thus a clean environment, the eradication of disease, and increases in scientific knowledge – or for that matter the development of a new style of music – are all public goods with a global appeal.
- 35 Ibid, 6.
- 36 See Ngwabi Bhebe and Terence Ranger (eds), *The historical dimensions of democracy and human rights in Zimbabwe, Volume 1: Pre-colonial and colonial legacies*, Harare: University of Zimbabwe Publications, 2001, xxi–xlii; and Gatsheni-Ndlovu, *The dynamics of the Zimbabwean crisis in the 21st century*.
- 37 See Moyo, *The dialectics of national unity and democracy in Zimbabwe*, 85.
- 38 Many people who joined the brigades in the early 1980s had been gatekeepers and aides to the liberation fighters during the war of independence. Such young men and women were called *mujibhas* and *chimbwidos* respectively.
- 39 The Catholic Commission for Justice and Peace in Zimbabwe, *Breaking the silence*, 62.
- 40 *Daily News*, 3 March 2001.
- 41 Ibid.
- 42 Ibid, 63. See also Gatsheni-Ndlovu, *Dynamics of the Zimbabwean crisis in the 21st century*, 116.
- 43 The Catholic Commission for Justice and Peace in Zimbabwe, *Breaking the silence*, 62–63. Estimates indicate that close to 20 000 died during the Gukurahundi Crisis.
- 44 Ibid.
- 45 Masipula Sithole, *The general elections: 1979–1985*, in I Mandaza (ed), *Zimbabwe: The political economy of transition*, Dakar: Codesria, 1986, 92.
- 46 The Catholic Commission for Justice and Peace in Zimbabwe, *Breaking the silence*, 63.
- 47 Eldred Masunungure, *The travails of opposition politics in Zimbabwe since independence*, in David Harold-Barry (ed), *Zimbabwe: The past is the future*, Harare: Weaver Press, 2004, 159.
- 48 Masunungure, *The travails of opposition politics in Zimbabwe*.
- 49 Zimbabwe Government Development Blueprint 1983, part1, 1.
- 50 David Martin and Phyllis Johnson, *The struggle for Zimbabwe*, London: Faber & Faber, 1981.
- 51 See I R Phimister, *Pasi ne (down with) class struggle? The new history for schools in Zimbabwe*, *History in Africa* 1(11) (1984), 369.
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- 54 Cheater, The University of Zimbabwe.
- 55 Ibid, 196.
- 56 Zimbabwe Election Support Network, 2002, 23.
- 57 S Mair and M Sithole, *Blocked democracies in Africa: Case study of Zimbabwe*, Harare: Konrad Adeneur Stiftung, June 2002, 12.
- 58 Brian Raftopoulos, The labour movement and the emergence of opposition politics in Zimbabwe, in B Raftopoulos and L M Sachikonye (eds), *Striking back: The Labour Movement and the post-colonial state in Zimbabwe, 1890–2000*, Harare: Weaver Press, 2001, 3.
- 59 *Zimbabwe Herald*, 2 July 2002.
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- 63 See Terence Ranger, Nationalist historiography, patriotic history and the history of the nation: The struggle over the past in Zimbabwe, *Journal of Southern African Studies*, 30(2) (2004), 219.
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- 66 Geoffrey Feltoe, The onslaught against democracy and rule of law in Zimbabwe in 2000, in David Harold-Barry (ed), *Zimbabwe: The past is the future*, Harare: Weaver Press, 2004, 213.
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- 69 *Daily News*, 25 September 2002.
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- 72 *Daily News*, 15 March 2002.
- 73 Ibid.
- 74 For more details, see Ranger, *Nationalist historiography*, 215–234.
- 75 Ibid, 225.
- 76 See Masunungure, The travails of opposition politics, 161.

- 77 *Daily News*, 6 June 2002.
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- 81 Reeler, Sticks and stones, skeletons and ghosts, 236.
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PART 3

Reconstruction successes

6 The evolving role of the military in the peace and security architecture of West Africa

JAMES GADIN

INTRODUCTION

At the end of the Cold War in 1989, other regions of the world were beginning to experience a reduction in armed and violent conflict, yet West Africa was engulfed in conflagrations of violent conflicts which made the region one of the most volatile in the world. Most of the 15 countries that constitute the regional economic bloc, the Economic Community of West African States (ECOWAS), were engulfed in a succession of political instability. Notable examples were Liberia, Sierra Leone, Guinea Bissau, Casamance in Senegal, Guinea (Conakry) and Côte d'Ivoire. These conflicts were not merely localised, but were intertwined through a number of factors that triggered instability across the region.¹

Adding to the problem of violent conflict unleashed by the culture of warlordism, the situation in the region was compounded by endemic poverty, the massive proliferation of small arms and light weapons (SALW), cross-border crimes and banditry, youth unemployment, an increase in HIV/AIDS infection and the destruction and collapse of social and economic infrastructures. Entrenched corruption, lack of accountability and poor governance also provided structural factors for near state collapse/failure in a number of countries in

the region. In the last two decades, the United Nations Development Programme (UNDP) Human Index Report consistently listed most of the West African countries as the poorest in the world although many of them are well endowed with human, mineral, marine and agricultural resources.²

ECOWAS was created in 1975, principally to facilitate a regional economic integration programme through intra-community trade, the free movement of people, goods and services, rights to residence and establishment by community citizens, the creation of a single monetary union and a single currency, and a unified customs and tariff regime. From the beginning, it was apparent that the lofty ideals envisaged by its founding fathers could not be attained in the climate of violent conflict, socio-economic and political problems that was bedevilling the sub-region. A shift in priorities was thus undertaken and this saw the organisation focusing more attention and resources on the promotion and restoration of peace in the sub-region.

Coinciding with the end of the Cold War and declining strategic interest of the West, the conflicts in the region did not receive the necessary attention from the international community. When the UN and the only remaining world power, the US, along with its Western allies or former colonialists failed to intervene to stop the carnage, ECOWAS interceded by establishing the ECOWAS Cease-fire Monitoring Group (ECOMOG). ECOMOG was deployed in Liberia, Sierra Leone, Guinea Bissau and Côte d'Ivoire between 1990 and 2003. The intervention by ECOWAS in deploying ECOMOG for peace enforcement (Liberia) and restoration of a democratically elected government in (Sierra Leone) was unprecedented. It was the first of its kind by any sub regional organization and it relied mostly on its own human and material resources. The UN only stepped in to take over peace keeping duties from ECOMOG in all instances with the establishment of United Nations Mission in Liberia (UNMIL), the United Nations Assistance Mission in Sierra Leone (UNAMSIL) and the United Nations Mission in Côte d'Ivoire (UNOCI).

DEFINING SECURITY

While protecting the state and its citizens from external aggression remains a consideration, the most serious threats facing countries on the African continent at the beginning of the 21st century tend to be those that originate from internal causes or are transnational and collective in nature. Since the end of

the Cold War, the desirability of shifting from a state- and elite-focused view of security to one that places individuals at the centre of the security equation has gained increasing acceptance in many parts of the world. The concept of human security which combines elements of national security, economic development, and basic human rights with the objective of protecting people from the fear of violence is particularly relevant in Africa. Security in Africa would undeniably be served by placing people at the centre of the security equation and by finding non-violent solutions to disputes at the sub-national, national, regional and international levels. A safe and secure environment is a necessary condition for sustainable, poverty alleviation development. In the African context, it is most constructive to speak of a peacebuilding approach to human security.³

THE ECOWAS PEACE AND SECURITY MECHANISM/ARCHITECTURE

Although ECOWAS had adopted two security-related protocols in 1978 (Protocol on Non Aggression) and 1981 (Protocol on Mutual Assistance in Defence), none had been implemented at the time of the outbreak of the Liberian civil war. In fact, both protocols were designed primarily to address external threats and aggression. The conflict served as a wake-up call for the community to fashion its own security agenda.⁴ Realigning the community's priorities in favour of peacebuilding as a foundation for economic growth and regional integration, and recognising also the interdependence of peace and security among its member states, ECOWAS agreed to adopt a sub-regional approach to conflict management in West Africa.

The need for an institutionalised and effective security mechanism was thus born. In 1999, the Authority of Heads of State and Government, which is the highest organ of ECOWAS, signed the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security.

The mechanism (as it is popularly referred to) relies heavily upon two International Instruments. The first is Article 58 of the Revised ECOWAS Treaty⁵ which calls for strengthened cooperation between member states in the areas of early warning, conflict prevention, peacekeeping, cross-border crime control and the proliferation of small arms, among others. The second is chapter VIII of the UN Charter,⁶ which allows for regional organisations to intervene in

cases of regional instability and unconstitutional changes of government, with the flexibility of informing the Security Council after troops have already been deployed.

The 1999 Protocol on the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, supplemented by the Protocol on Democracy and Good Governance, therefore constitutes a comprehensive framework for addressing threats to peace and human security.

THE PROTOCOL ON THE MECHANISM FOR CONFLICT PREVENTION, MANAGEMENT, RESOLUTION, PEACEKEEPING AND SECURITY

The institutions of ECOWAS charged with the responsibility of implementing the mechanism include the Authority of Heads of State and Government, the Mediation and Security Council, the Defence and Security Commission, and the ECOWAS Commission. The Authority of Heads of State and Government no longer has the sole responsibility for taking decisions on key actions in the sub-region. Some decision-making power has been given to the Mediation and Security Council. This council consists of nine members: seven are elected by the Authority of Heads of State and the other two represent the present and immediate past chairs of the Authority.

The Mediation and Security Council deliberates at the levels of Heads of States and Government, ministerial and ambassadorial. The council is charged with a range of tasks, which include taking decisions on peace and security matters; implementing policies designed to achieve conflict prevention, resolution and peacekeeping; authorising all forms of intervention; and taking decisions on the deployment of political and military missions and their mandates.

The Mediation and Security Council is supported in its work by the Defence and Security Commission, the Council of Elders, and ECOMOG.

ECOMOG, which has now been formally established, comprises stand-by multi-purpose units (civilian and military) ready for immediate deployment in the countries of origin. As stipulated in the protocol, ECOMOG's tasks entail:

- Observation and monitoring
- Peacekeeping and restoration of peace
- Humanitarian intervention in support of humanitarian disaster

- Enforcement of sanctions including embargoes
- Preventive deployment
- Peace-building, disarmament and demobilisation
- Policing activities

The protocol has also established a Peace and Security Observation System, for early warning, consisting of an Observation and Monitoring Centre in the commission's headquarters in Abuja, Nigeria, and four observation and monitoring zones in Cotonou (Benin), Monrovia (Liberia), Ouagadougou (Burkina Faso) and Banjul (The Gambia). The mechanism may be applied in a number of situations:

- Aggression against a member state or the threat of it
- Conflict between several member states
- Internal conflict that threatens to result in humanitarian disaster, or poses threat to peace and security in the sub-region
- Serious violation of human rights and the rule of law
- Overthrow or attempted overthrow of a democratically elected government

THE SUPPLEMENTARY PROTOCOL ON DEMOCRACY AND GOOD GOVERNANCE

On 21 December 2001 in Dakar, Senegal, the Heads of States signed an addendum to the Peace and Security Mechanism, titled the 'Supplementary Protocol on Democracy and Good Governance'.

Many have questioned the necessity of having an additional protocol to supplement the Mechanism on Peace and Security just three years into its operationalisation. What were the compelling factors that necessitated this additional protocol dealing specifically with the issue of democracy and good governance? At this point it should be helpful to provide some background information on the ECOWAS efforts at ensuring peace and security in the sub-region.

After the end of the Cold War and the ideological divide, the West African sub-region, like other regions of the world, was compelled to 'democratise'. There was a wave of transitions from military rule to civilian democratic governments. While some of these transitions were genuine and brought about

participatory governments, others were carried out in questionable fashion. Some saw the transformation of military rulers to civilian rulers in what appeared to have been mostly a change of garb from military fatigues to West African traditional long flowing gowns (*agbada*).

Because these transitions were not well managed, disputes arising from elections that were tagged fraudulent became additional fuel in the already potent political climate in a number of states in the sub-region. Election disputes gradually but steadily have become not merely catalytic factors, but increasingly causative factors of violent conflict across the sub-region in the last two decades.

Once again, ECOWAS realised very quickly that rather than bring about peace and stability for economic development and regional integration as was envisaged, the issue of democratisation and the conduct of elections in particular had created a number of new challenges. Unfortunately, these challenges were not adequately and specifically addressed in the 1999 Peace and Security Protocol as a conflict management mechanism. The need to therefore specifically address these issues called for a review of the protocol. The gaps identified in that protocol in tackling the problem of democratic transitions through credible elections gave birth to the supplementary Protocol on Democracy and Good Governance, signed by the Heads of State and Government in 2001.

THE PRINCIPLES IN THE SUPPLEMENTARY PROTOCOL

The protocol has two sets of principles, which are aimed at promoting democracy and good governance, the rule of law and human rights in member states. It is thus hoped that potential causes of violent conflicts arising from real or perceived political marginalisation or exclusion, and elections disputes in member states will be minimised and better managed. These are:

- The constitutional convergence principles, which make up section I of the protocol. These consist of a number of principles which all member states are expected to incorporate into their legal systems, especially their constitutions
- The principles of democratic elections. They are outlined in section II, article 2-0

The constitutional convergence principles

Eventually, all ECOWAS member states are expected to incorporate the constitutional convergence principles into their legal systems. They relate to the armed forces in ECOWAS member states:

- Free, fair and transparent elections as the only legitimate means of accession to political power
- Zero tolerance of power obtained or maintained by unconstitutional means
- Respect for human dignity and fundamental rights
- Prohibition of the formation or operation of a political party on the basis of ethnicity, race, religion or region
- Politically neutral armed forces (including the police) that operate under the command of a legally constituted political authority
- Prohibition of serving members of the armed forces from seeking elective political office
- Prohibition of all political activities and propaganda in barracks and within the armed forces

THE PRINCIPLES OF DEMOCRATIC ELECTIONS

These principles include:

- The election management body (EMB) should be independent and neutral and should have the confidence of all the political actors
- No substantial modification should be made to the electoral laws during the last six (6) months before the holding of an election, except with the consent of a majority of the political actors
- Elections must be organised on the dates or at the periods fixed by the law
- The preparation and conduct of elections and the announcement of results should be done in a transparent manner
- All holders of power at all levels should refrain from acts of intimidation or harassment against defeated candidates or their supporters

The mandate of ECOWAS in elections

Based on these principles, the protocol gives ECOWAS a number of roles in elections in member states including:

- The provision of any form of assistance for the purposes of conducting an election
- The despatching of missions to the country for the purpose of monitoring the election

The protocol stipulates that the president of the ECOWAS Commission can despatch one or all of the following types of missions to any member state conducting an election: fact-finding mission, exploratory mission and an observer mission.

While the task of the fact-finding mission is not defined in the protocol, the description of the exploratory mission indicates that it is a pre-election assessment mission. Its tasks include:

- Collecting the texts governing the elections
- Gathering information on the conditions under which the election will be conducted
- Collecting pertinent information relating to the contesting candidates or political parties
- Meeting candidates, party leaders, government authorities and other relevant bodies
- Assessing the status of preparations for the elections
- Gathering any other useful information that may provide a clear picture of the situation in the country
- Preparing a report

In addition to the exploratory mission, an observer mission may be deployed. The protocol contains guidelines on the composition, duration, role and procedure of the observer mission. The report of the exploratory mission is made available to the observer mission. The observer mission, which should include women, is composed of independent persons and nationals of member states other than the one conducting the elections. As independent persons, they are

expected to serve in their individual capacities and not to represent ECOWAS, their own countries, or the institutions they work for.

However, in the October 2007 Parliamentary elections in Togo, the ECOWAS Commission deployed military personnel from the member states as election observers⁷. It is not yet clear under which arrangement this deployment was carried out because the supplementary protocol does not provide for such a deployment. This is not only novel, but brings to the fore the paradox of having the military that once derailed democracy now serving as watchdogs of the process.

THE MILITARY ROLE IN OPERATIONALISING THE MECHANISM

The military has played a considerable role in the politics and governance of the sub-region right from independence. Except for Senegal, all the countries in West Africa have experienced military coup d'états and have come under long periods of military rule. Beginning in Togo with the late Eyadema's overthrow of President Olympio's government in 1964, nearly all of West Africa was under military rule in 1990. As such, when ECOWAS was created in 1975, it had as its founding fathers military officers, led principally by Nigeria's General Yakubu Gowon and Togo's General Gnassingbe Eyadema.

When the Cold War ended and the wind of democratisation began to blow over the sub-region, rather than experiencing a move away from military dictatorship (as happened in Asia and South America), West Africa was different as a number of military dictators simply exchanged their military fatigues for suits or the popular West African kaftans. This change of garb by the leadership – rather than the transmutation of creed or a transformation in governance – further entrenched the culture of the might of the gun over that of the vote.

Electoral democracy, which should have opened up the political space across the sub-region, now became a source of conflict as one election after the other was either fraudulently conducted or even annulled, as in Nigeria in 1999. With the electoral door closed and without other viable options, opposition elements turned largely into rebel forces fighting for regime overthrow or exiles working for regime change in their home countries.⁸ It was under such circumstances that the National Patriotic Front of Liberia (NPFL) and the Revolutionary

United Front (RUF) were born, thrived and brought about the conflicts that affected the entire region.

Almost all of the West African states were under the rule of military officers or ex-military officers. The highest organ of ECOWAS, the Authority of the Heads of State and Government, was largely a club or a very senior 'officers mess'. Given the universal culture of esprit d'corps that governs the military, many have argued that the intervention of ECOWAS was largely a selfish face-saving endeavour rather than action intended for the overall peace and security of the sub region.

The deployment of ECOMOG, whatever their motive was, is not the point of discussion in this paper. But even as an interventionist force, ECOMOG forces were largely involved in a host of peace-support operations (PSOs) programmes, notably disarmament, demobilisation and reintegration (DDR), support for the electoral process, quick impact projects and humanitarian activities which contributed to the peace and security of the sub-region. The involvement of the military in these peacekeeping roles outside their shores and the training they received for these broadened the perspectives and worldview of the West African military, especially of their role in support of democracy and good governance⁹.

It also opened the way for direct military engagement in trans-national politics in the sub-region. This military engagement in trans-national politics was effected within the military at two strategic levels: policy making; and policy implementation.

At the level of policy making, the Authority of Heads of States and Governments was composed largely of either military or ex-military officers. At the level of implementation, ECOMOG operations in Liberia, Sierra Leone, Guinea Bissau and Côte d'Ivoire were classic military operations designed to stop wars or monitor ceasefires. It has been difficult to gauge the exact impact that these (the direct involvement of soldiers in both shaping and implementing policy) may have had on the concept and application of coercive diplomacy in the sub region.

Whatever the shortcomings of ECOMOG as an interventionist force, and acknowledging that ECOWAS had to 'think and learn on its feet', so to speak, it has developed a comparative advantage in the area of peacebuilding (particularly peacekeeping) over the other regional economic communities on the continent. ECOMOG could therefore be considered a model for the Pan-African Stand-by Force (ASF) being put together for rapid deployment in peacekeeping (each of the RECs contributing one brigade). All fifteen member states of

ECOWAS have pledged one battalion each as contribution to the establishment of the ECOWAS force of specially trained and equipped units of national armies ready to be deployed at short notice.

The ECOMOG force is to be used in four cases: first, aggression or conflict within a member state; second, a conflict between two or more member states; third, internal conflicts that threaten to trigger a humanitarian disaster, pose a serious threat to sub-regional peace and security, result in serious and massive violation of human rights, and/or follow the overthrow or attempted overthrow of a democratically elected government; and fourth, any other situation that the Mediation and Security Council deems appropriate.

In building this force, periodic training exercises have been taking place to enhance the cohesion of its troops and compatibility of its equipment. Under the US government military assistance programme Africa Contingency Operations Training Assistance (ACOTA), soldiers and civilians have been undergoing a 'phased peace support' operations training in West Africa, the latest having taken place between November and December 2006. Soldiers from the ECOWAS member states have also been undergoing training exchange programmes in West African military training institutions, as well as external training that involves the UN and the AU. The Kofi Annan Peacekeeping Training Centre (KA IPTC) in Accra is providing operational level training; Nigeria's National Defence College in Abuja is providing training at strategic level while a centre in Mali is providing tactical training.

In operationalising the ECOWAS peace and security framework, the military has been involved in both policy formulation and implementation. These efforts have been overt and subject to public discourse. However, at a less overt level, the military has been involved in other measures that include the secondment of military officers to the commission as staff of the mission planning cell in the Observation and Monitoring Centre (OMC) and the deployment of military personnel as election observers in Togo.

ECOWAS has established the ECOWAS early warning mechanism (ECOWARN) which comprises an observation and monitoring centre (OMC) housed at the commission and fed by four zonal bureaus for conflict prevention where data based on early warning indicators are collated. The mission planning cell in the OMC is manned by military officers seconded to the ECOWAS Commission from member states armed forces to give professional military advice to its staff.

The deployment of military election observers by ECOWAS in the October 2007 parliamentary elections in Togo was a pace setter. As ironic as it appears, a contextual analysis of the reasons for such a deployment and its significance may provide for better understanding and appreciation of the dynamics of the evolution of military engagement in securing a more peaceful and democratic West Africa under the operationalisation of the ECOWAS peace and security mechanism.

Following the sudden death of President Gnassingbe Eyadema, Prime Minister Koffi Sama called upon the security agencies to maintain law and order. He also announced that all the land borders and air space had been closed, along with the international airport in the capital, Lomé. The security agencies, consisting of the army, navy, air force, police and the gendarmerie led by the chief of defence staff, General Zakari Nandja swore an oath of allegiance to Faure Gnassingbe as the new head of state, subverting the Togolese constitution.¹⁰

ECOWAS qualified the constitutional machinations as nothing short of a military coup and a flagrant violation of the ECOWAS protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (signed in 1999 in Lomé, Togo) and the additional protocol A/SP1/12/01 on Democracy and Good Governance.¹¹ Bowing to pressure, Faure Eyadema stepped down and elections were conducted on 24 April 2005. The elections were characterised by vote rigging and other irregularities, some perpetuated by the military.¹²

It is against this background – the Inter-Togolese Dialogue facilitated by President Blaise Compaore of Burkina Faso and the need to ensure a more credible electoral process as enshrined in the Supplementary Protocol on Democracy and Good Governance – that ECOWAS decided in its engagement to field military personnel as election observers during the parliamentary elections of October 2007.

As part of its preventive diplomacy and mediation activities, ECOWAS utilises the services of former military leaders as part of what is known as the Council of the Wise, an organ under the mechanism made up of eminent political, traditional and religious men and women. In recent times, Nigeria's former head of state, General Abdusalami Abubakar, has been instrumental under this organ in facilitating the implementation of the Comprehensive Peace Agreement (CPA) in Liberia and the retired Ghanaian General Obeng was instrumental in keeping post-election peace and stability after both

rounds of the presidential elections in Sierra Leone in 2008. Indeed, General Obeng was head of the ECOWAS Election Observation Missions for the elections.¹³

IMPLICATIONS FOR WEST AFRICA'S PEACE AND SECURITY

Over the last decade, a positive trend has been observed, signalled by the total disengagement of the military from political control of the state at national level in all ECOWAS member states under the democratically elected leaders. At the sub-regional level, a drastic reduction in the number of armed conflicts has been witnessed so that at the moment no ECOWAS forces are deployed in any member state for peacekeeping. What then are the implications of these deployments on the present and the future of the peace and security landscape of the sub-region?

Obviously, ascension to power via any undemocratic means is no longer acceptable or tolerable across the sub-region. With every country in West Africa under democratic governance, the armed forces are seen to be submitting to democratic control. In a number of countries in the sub-region, the security sector continues to undergo reform or transformation in order to reposition itself for less involvement in partisan politics.

With the security-sector reform/transformation, there is an ongoing re-professionalisation of the armed forces and paramilitary services across the sub-region, thereby positioning them better to safeguard the internal and external territorial integrity of the state. With professionalism and their return to the barracks, the military are now better able to guarantee democratic stability by protecting and defending legitimate and democratic institutions.

Their training and participation in peacekeeping beyond the sub-region has also exposed members of the armed forces and police to international human rights standards, norms and the respect for rule of law. As it was with the so-called bush-fire effect during the immediate post-independence era – where the military usurped political power by coup d'états from one country to another – there is a considerable level of peer influence at national and sub-regional level, with members of national armed forces striving to excel in professionalism, respect for the rule of law and obedience to constitutionally constituted authority.

CHALLENGES FOR SUSTAINABILITY

To keep the sub-region on the right path towards sustainable peace for regional economic development, a number of issues have to be addressed. These include:

- Given inherent differences among the military services in the ECOWAS member states, it will be necessary to seek means of harmonising these differences in order to have a common and acceptable doctrine for the ECOWAS Stand-by Force. Unified training and doctrine will be essential to the concept of operations envisaged under the protocol. This might require separate planning for preventive deployment, peacekeeping, enforcement and multi-functional operations
- Putting together the Stand-by Force with a brigade size is a gigantic task that requires considerable and reliable logistic capability. This may pose a huge challenge, considering that ordinarily member states have similar internal challenges. The establishment of the logistics depot with the support of donors at Hastings Airport in Freetown, Sierra Leone, is a welcome development. ECOWAS should ensure that the infrastructure and equipment so far available at the depot is secured, well maintained and put to appropriate use in support of the ECOWAS force
- The issue of command and control has to be clearly articulated such that any future mission has to be under the control and coordination of the ECOWAS Commission. The ECOWAS Secretariat should be the nerve-centre for initiation and implementation of peace operations, and political control must rest with ECOWAS, and not with any single member state. This occurred with ECOMOG forces in Liberia and Sierra Leone, giving credence to criticisms that the forces were dominated by Nigeria, resulting in a lack of sub-regional unity and depriving the force of important legitimacy in fulfilling its tasks. The ECOMOG force must be under the operational control of the ECOWAS Commission in Abuja and not field commanders, as with ECOMOG
- Troop contribution and build up for the ECOWAS Force should be stepped up. This can be achieved with the necessary political will on the part of member states. ECOWAS has set the pace and is well ahead in establishing its own brigade towards the formation of the Pan-African Stand-by Force (ASF) and the momentum needs to be kept

- Even though the issue of HIV/AIDS was not mentioned in the mechanism, sufficient attention must be devoted to it because HIV/AIDS has major implications for conflict management efforts in West Africa. Illness and deaths of soldiers from the viral infection could result in operational inefficiency. The risk of these troops spreading the virus among civilian populations at home is also high. ECOWAS has to develop an HIV/AIDS policy for the West African Stand-by Force

CONCLUSION

ECOMOG operations in Liberia and Sierra Leone continue to receive praise as a worthy effort in sub-regional intervention. However, a review would reveal that these deployments were largely dictated and determined by the 'nature of actors, more than the situation on the ground in these countries'¹⁴ and as such, many have argued that these deployments, especially in Liberia and Sierra Leone, were strictly peacekeeping or peace enforcement missions rather than peace support operations because they were lacking or deficient in two major ways.

First, these operations did not have a well-established civilian component which would have taken care of the civilian dimensions of a peace-support operation. These operations were predominantly planned and led by the military.¹⁵ For an example, the ECOMOG Liberia Mission had two civilian posts (a political affairs officer and a legal officer) on the organogram. Even then, for the first five years, no civilians occupied these posts on the ground in Liberia. Nor was there a senior political office holder such as a special representative of the ECOWAS Executive Secretary on the ground in Liberia until 1995, leaving the ECOMOG Force commanders with the responsibilities of juggling command of the military operations with daily political issues.

Second, when these missions were being planned by ECOWAS, not much concern was given to post-conflict Peacebuilding issues such as good governance, rule of law and justice sector reforms.

To maximise the gains of this evolution of the military's engagement in the political sphere in the sub-region, especially in deepening democracy, sustainable peace and security, it is important to develop civilian stand-by capabilities for deployment alongside the military component, as is the case with the UN. This would ensure visible civilian oversight of peace support

operations, prevent the recurrence of disturbing human rights violations that took place under ECOMOG, and ensure sustainability of future ECOWAS interventions.

NOTES

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7 When combatants become judges

The role of ex-combatants in Gacaca courts and its effect on the reintegration and reconciliation processes in Rwanda

DR RICHARD BOWD¹

ABSTRACT

When the Rwandan Patriotic Front (RPF) took power in Rwanda in July 2004 a country in ruins faced them. The genocide culminated in an estimated 800 000 people dead, 130 000 detainees in the national prison system, 2 000 000 Rwandan refugees, 700 000 returning Rwandan expatriates and 650 000 alleged participants in the genocide². Government structures had been destroyed, property looted, the economy bankrupt and infrastructure including bridges, roads, schools and hospitals decimated³. The justice system, significant in post-conflict reconstruction efforts, in particular suffered enormous damage. Most of the physical infrastructure; police stations, prisons and courts were destroyed but more importantly, a large number of lawyers, judges and prosecutors were killed or exiled due to the genocide policy of targeting the Tutsi and moderate Hutu elites⁴. In November 1994 there were 244 judges, 12 prosecutors and 137 other supporting staff (registrars/secretaries) compared to the 758 70 and 631 respectively, before 1994⁵, thus presenting a significant challenge to the reconstruction of Rwanda insofar as the rule of law, and its subsequent implication for rehabilitation, was concerned.

In November 1994, the UN Security Council Resolution 955 established the International Criminal Tribunal for Rwanda (ICTR) in order to prosecute those 'responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring states between 1 January 1994 and 31 December 1994'⁶. Additional to the ICTR, the Government of Rwanda (GoR), in 1996 promulgated Organic Law No. 08/96 establishing: specialised chambers for genocide crimes in the civil and military courts; confession procedure and guilty plea for genocide suspects; and categorisation of genocide defendants. However, with the ICTR concentrating on Category (1) defendants, those engaged in planning, organising, instigating and supervising the genocide, and the diminished ability of classical courts to deal with the caseload of defendants it was recognised that it would require over 200 years to try the cases of those in detention⁷. In order to overcome this problem, and to address the demands of the Rwandan population for justice and encourage unity and reconciliation, the GoR established the Gacaca court system in 2002. The Gacaca system has four main aims: revealing the truth; speeding up genocide trials; ending the culture of impunity; and reconciling Rwandans. Ex-combatants increasingly became involved in the Gacaca system through their reintegration into the community and have therefore been influential in the system.

This paper examines the effects of the Gacaca courts on the reconciliation process in Rwanda, specifically focusing on the role of ex-combatants in the Gacaca system and any subsequent effects it has had on the reconciliation process.

CONTEXT, RECONCILIATION AND TRANSITIONAL JUSTICE

Context

With a change in the nature of conflict from an international focus to that of civil conflict over recent decades⁸ the world has been witness to a changing nature in the way conflicts are fought. Increasingly civil conflicts have resulted in a dramatic escalation in civilian deaths from 10 per cent in the early 20th Century to 90 per cent in the 1990s⁹. Moreover, civil conflict in today's world is characterised by a distinct lack of respect for human life or dignity with mass

rape, mutilation and murders widespread, which has the effect of ‘undermining interpersonal and communal group trust, destroying the norms and values that underlie cooperation and collective action for the common good, and increasing the likelihood of communal strife’ thus impeding ‘communal and state ability to recover after hostilities cease’¹⁰. Against this backdrop States emerge from civil conflict and begin the post-conflict reconstruction process, attempting to repair the decimated social fabric of society and reconcile previously conflicting parties, including victims and perpetrators. It is within this environment that ‘transitional justice’ is situated.

Reconciliation

When considering reconciliation within a post-conflict environment (PCE) many questions arise as to the benefits of certain aspects of the reconciliation process. For instance, is there a trade off between making peace and pursuing justice? Does the truth heal? Is a reconciled society possible or desirable after divisive conflict? In exploring these questions it becomes apparent that there are a number of reasons why reconciliation should be pursued. At the very least, it engenders a deeper understanding of the complexities and challenges posed by the reconciliation process.

A recurring problem faced by scholars and practitioners of reconciliation is the potential for a perceived trade off between peace and justice. This occurs due to the apparent need to forego some degree of justice in order to achieve peace. As Baker states:

Should peace be sought at any price to end the bloodshed, even if power-sharing arrangements fail to uphold basic human rights and democratic principles? Or should the objective be a democratic peace that respects human rights, a goal that might prolong the fighting and risk more atrocities in the time that it takes to reach a negotiated solution?¹¹

The dilemma here lies not so much in the moral or ethical questions that may arise out of the situation but in the pragmatic veracity that, if a political settlement is considered unjust it will not be supported. If the pursuit of justice is considered by the perpetrators to be too dogmatic there may be little incentive for them to enter or remain in negotiations or the peacemaking process.

Conversely, if the victims deem the degree of justice sought insufficient, their ability to accept the settlement will diminish. Is it possible for individuals and communities to engage in collective amnesia? Is it a realistic assumption that individuals and communities can forgo the natural desire for vengeance? Addressing the later question, Shriver Jr. places emphasis on the need for the restoration of civil society in order to break the cycle of revenge:

When murder is massive, as in state-sponsored violence, the case against revenge hinges on strategies for the rescue of civil society. Nothing eats away at the 'glue' of civic order so surely as cycles of escalating revenge and counter revenge. The question often is: Which side will take a first step to interrupt the cycle?"¹²

Whilst the strengthening of civil society is indeed important in order to break the cycle of revenge and counter revenge, it is arguable that this is not a sufficient condition. Individuals and communities may be able to quell their desire for vengeance but can they be expected not to seek justice? Smith argues that retributive justice, that is, justice that is based on retaliation for crime, is in effect another form of vengeance and that there is a distinct need for restorative justice which, 'in contrast to conventional forms of retaliation or retributive justice, seeks to rectify not only violations of law perpetrated by offenders against their victims, but also the larger social relations that are impaired by such violations'¹³. The importance of restorative justice is also accentuated by Shriver Jr. who argues that a balance must be struck between the punishment of perpetrators and 'a justice that promises a new measure of peace'¹⁴.

Restorative justice offers a balance between seeking a dogmatic, retributive justice and allowing perpetrators to 'get away with' their crimes that will be more likely to lead to a mutually acceptable political settlement engaging both sides of the conflict. A vital component of this settlement is the process of truth telling and as such the issue of amnesia becomes redundant. Although it is apparent that the truth is instrumental to the establishment of justice, it is not as apparent that that truth actually heals. In fact, 'in the process of national reconciliation it is the victims who are usually asked to make the greatest efforts to reconcile. It is their forgiveness that puts the past to rest. Victims are asked to exchange the recognition of their pain and its origins for their rights to justice'¹⁵. While some claim that 'revealing is healing' and that

the process of truth telling throughout the judicial procedure does as much for the victims in terms of their individual healing process as it does for the establishment of justice¹⁶ the contrary argument highlights the fact that the process of truth telling is inherently painful and problematic. As Hayes states: ‘just revealing is not just healing. It depends on how we reveal, the context of the revealing, and what it is we are revealing’¹⁷. There is therefore, a need to contextualise the process of truth telling within the social, political and cultural environments in which the conflict took place but also in which the reconciliation process is situated¹⁸.

Transitional justice

Transitional justice brings together retributive and restorative justice in an attempt to heal social divisions, mitigate the justice/peace dilemma and create a justice system capable of steering a State through the transition from political violence or civil war to peace and stability. More specifically,

.... transitional justice refers to the short term and often temporary judicial and non-judicial mechanisms and processes that address the legacy of human rights abuses and violence during society’s transition away from conflict or authoritarian rule¹⁹.

As such a Transitional Justice system can be seen as a vital component of the reconciliation process. Due to the highly context-specific nature of a State emerging from political violence or civil war, it is paramount that the Transitional Justice system developed is responsive to the needs of that State and its citizens. It is then crucial that such a system is flexible yet clear in its approach; it must be flexible enough to respond to existing and emerging needs of its beneficiaries whilst maintaining focus on its aims and objectives. The architects of a Transitional Justice system need to take advantage of the many mechanisms available to them²⁰ and develop a tailor-made system that best meets the identified and predicted needs of the State. This may include the strengthening of the national court system or the introduction of ‘a variety of different practices, including apologies, restitution, and acknowledgments of harm and injury, as well as to other efforts to provide healing and reintegration of offenders into their communities, with or without additional punishment’²¹.

Critical to the design of such a system is a context specific approach that takes into account the pre-conflict society; the underlying structural, political, economic/social, and cultural causes and triggers of the conflict²²; the dynamics of the conflict²³; and the Post-Conflict Environment (PCE). These factors are important in the design of a Transitional Justice system for a number of reasons.

First, a consideration of the pre-conflict society enables an understanding of the pre-existing legal system grounded in its cultural and historical relevancy, which can be important for identifying possible factors contributing to structural and political causes of the conflict, and may provide a deeper knowledge of desirable directions a transitional and post-transitional justice system may take. Second, an analysis of the causes of the conflict endows an understanding as to how the pre-existing legal system may have either contributed to the outbreak of conflict or failed to prevent it, and how the transitional justice system may ameliorate such divisions and contribute to the post-conflict reconstruction effort. Third, by investigating the dynamics of the conflict we have a better comprehension of the way in which the conflict was pursued and are able to design a system that as best as possible addresses psychosocial issues arising from the conflict through restoring and protecting human rights, and safeguards itself from potential threats to its effectiveness and scope. Fourth, taking into account that PCE provides a clearer picture of the climate in which a transitional justice system will operate and thus develops our understanding of not only the initial structures that are required for such a climate but also enables us to identify potential problems or possibilities and to subsequently incorporate flexibility into the system.

By taking a context specific approach it is possible to ground the fundamental principles of a legal system within the transitional environment in which it operates, thus constructing the necessary foundation to be able to effectively endure the transitional period and emerge as a stable legal system that is capable of functioning in the PCE. In order to do this it can be argued that a Transitional Justice system should be based upon key tenets regardless of its context.

Essentially Transitional Justice should encompass a set of tools or approaches that coalesce to achieve eight distinct goals:

- Addressing and attempting to heal divisions in society that arise as a result of human rights violations
- Bringing closure and healing the wounds of individuals and society, particularly through truth-telling

- Providing justice to victims and accountability for perpetrators
- Creating accurate historical records for the society
- Restoring the rule of law; reforming institutions to promote democratisation and human rights
- Ensuring that human rights violations are not repeated
- Promoting co-existence and sustainable peace²⁴

Therefore, although there may be extremely strong claims for a retributive element, a transitional justice system in which the restorative is emphasised is arguably the most effective in terms of achieving these goals and providing the flexibility required when taking the context specific approach. Indeed, it could be argued that only a transitional justice system that prioritises restorative justice can achieve these goals.

TRANSITIONAL JUSTICE IN RWANDA: THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA NATIONAL COURTS AND GACACA

Transitional Justice Challenges

At the end of the genocide, Rwanda faced enormous challenges to come to terms with the events of those 100 days, the preceding four-year Civil War and decades of intermittent political oppression and to rebuild trust. Indeed, the government of national unity inherited a deeply scarred nation where trust within and between communities had been replaced by fear and betrayal, whose economy had ground to a complete halt, where social services were not functioning, and public confidence in the state had been shattered. It was with these enormous challenges that the Government of National Unity set about rebuilding the social, political and economic fabric of Rwanda²⁵. As previously stated, in a PCE the legal system plays a pivotal role not only in the establishing of security but also the provision and protection of human rights and the engendering of reconciliation. However, the Rwandan legal system had been decimated throughout the course of the war and the genocide. In terms of physical infrastructure, the legal system had been devastated with police stations, prisons and courts having been completely or partially destroyed and no

equipment or resources available²⁶. However, the most significant problem faced by the Rwandan government in terms of pursuing justice was the decimation of legal personnel through the genocide policy of targeting Tutsi and moderate Hutu elites²⁷ which resulted in the mass slaughter or exodus of lawyers, judges and prosecutors to the extent that in November 1994 there were 244 judges, 12 prosecutors and 137 other supporting staff (registrars/secretaries) compared to 758, 70 and 631 respectively, prior to the genocide of 1994²⁸. In order to help rebuild the devastated legal system deal with the 130 000 detainees suspected of genocide involvement²⁹ and build unity and reconciliation through justice; the Transitional Justice system developed in Rwanda has three key elements: the International Criminal Tribunal for Rwanda (ICTR), the National Court system, and the Gacaca Court system.

The International Criminal Tribunal for Rwanda (ICTR)

The ICTR was established in November 1994 through the UN Security Council Resolution (955) with the mandate of prosecuting those ‘responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other violations committed in the territory of neighbouring states, between 1 January 1994 and 31 December 1994’³⁰. Additionally, the ICTR was tasked with aiding the spread of peace and reconciliation in Rwanda³¹. Specifically, the ICTR was to deal with category one criminals³². In November 1996 the Prosecutor General of the Supreme Court published an initial list of provisional category one suspects numbering 1 946³³. The ICTR has been heavily criticised for various reasons³⁴ however those of particular reoccurrence are: its inefficiency – to date, the ICTR has sentenced 27, acquitted 5, has 2 cases on appeal, 28 in progress and 6 awaiting trial³⁵ at a cost of over \$1 billion with its 2006-7 budget standing at just under a quarter of a billion dollars³⁶; the relative distance between the ICTR and the Rwandan population; and its failure to try any RPF members who may have committed war crimes which, under its mandate, it is able to do. Essentially, despite some notable successes, the ICTR has been seen as a failure to deliver justice to Rwanda by academics, government officials and the Rwandan population itself; indeed, only 31,8% of Rwandans hold a positive attitude to the ICTR³⁷. This is primarily due to its limited impact in achieving the eight goals of a Transitional Justice system.

Rwanda National Courts

The Rwandan Transitional Justice system also includes National Courts, however, due to the devastation befalling the Rwandan legal system throughout the genocide, it is perhaps unrealistic to expect the National Courts to have been particularly effective in the thirteen years since its end. This is especially the case when taking into account the fact that it was the responsibility of the National Courts, with the appreciably diminished capacity that they now had, to try a 130 000 strong caseload. The National Court system thus faced enormous challenges and has (over the past thirteen years) made what can be defined as significant advancements given the baseline from which it began. In 1994 everything was needed at once, the justice system was in tatters, the number of prisoners was growing, the genocide survivors were crying for justice, and the former government had destroyed what it could not carry away³⁸. In order to overcome the challenges facing it the National Courts, from 1995 engaged in an intensive recruitment and training exercise which, between 1995 and 1996 led to approximately 700 people being trained as prosecutors, judges, court clerks and secretaries³⁹. Whilst the ad hoc training of such legal professionals has been criticised⁴⁰ the National Courts were able to try 7 211 cases between 1997 and June 2002⁴¹. The National Court system has been criticised on a number of grounds.⁴² However, given its capacity at the end of the genocide, it has arguably contributed a great deal to the establishing of justice in post-genocide Rwanda. Whilst the National Courts have had relative successes it was acknowledged by the GoR that this effort alone was insufficient to overcome the diminished ability of the National Courts to try the 130 000 caseload of genocide suspects and to address the demands of the Rwandan population for justice and encourage unity and reconciliation. This acknowledgement led to the piloting of the Gacaca Court system in 2002 and its expansion across all 9 001 cells, 1 545 sectors and 106 districts in January 2005⁴³.

Gacaca Courts

The Gacaca system was the result of a series of meetings known as the ‘*Village Urugwiro*’ consultations⁴⁴ in 1998-99 at the behest of the then President Pasteur Bizimungu⁴⁵ which brought together leaders from government, business, civil society and religious bodies to deliberate on the future of Rwanda’s political

transition. One of the outcomes was the decision to develop the traditional Rwandan conflict management institution of Gacaca into a compromise between traditional Gacaca and western legal practices that best fit the needs of Rwanda⁴⁶. Gacaca is an informal legal system based on traditional conflict management approaches and operates at the grassroots level at the cell, sector and district level. Each level sits 19 Gacaca judges known as '*Inyangamugayo*'⁴⁷ who pass judgements on those accused of genocide related crimes. *Inyangamugayos* are civilians elected by the community and are then trained to a minimum legal level before sitting as a judge. The proceedings of Gacaca are then monitored by the *Comite de Coordination*, a governmental body which is charged with providing guidance to the Gacaca judges during the court proceedings. The mandate of Gacaca is to judge those accused of committing acts between 1 October 1990 and 31 December 1994 as sanctioned by the Rwandan Organic Law 20/2000, Article 1. However, Gacaca only tries those accused of Category 2 to 4 crimes⁴⁸, leaving Category 1 crimes to the ICTR and the National Courts. Once identification of those suspects to face trial has been made, the procedure for the Gacaca Court would then be an open trial dependant on popular participation and witness testimony.

The Gacaca Court system has been claimed to seek restorative justice due to the fact that it involves a collaborative process between genocide victims, perpetrators and the community at large. Gacaca encourages confession by offering reduced sentences and the ability to serve half the sentence as community service. This is particularly useful in the seeking of justice and reconciliation as it achieves many of the eight goals of restorative justice, potentially lessens the trauma experienced by the victims, speeds up judicial process and enables perpetrators to reintegrate into the community through community service. In terms of reconciliation, the confession process serves to negate denial of the genocide and builds the foundation for victim and perpetrator to reconcile.

Due to the localised nature of the Gacaca process the population is engaged in the process and therefore have ownership of it through participation. This can be problematic when such participation is not forthcoming which has been a major criticism of Gacaca. It should, however, be noted that a quorum of 100 for each cell needs to be reached before Gacaca can proceed. When participation is forthcoming, the benefits of Gacaca can potentially be enormous. First, Gacaca can reveal the truth and enable an accurate historical account of the genocide. Second, the confession process can contribute to justice and reconciliation

through disclosing the truth, providing information as to the whereabouts of bodies thus enabling a dignified reburial, and providing an arena for the seeking of forgiveness by perpetrators. Third, Gacaca makes significant contributions to eradicating the culture of impunity⁴⁹ and ensuring the punishment of the guilty. Fourth, Gacaca dramatically speeds up the trials of genocide suspects, which fights impunity and restores the population's trust in the justice system and reduces the pressure on the National Courts and prison services. Fifth, the decentralised nature of Gacaca ensures participatory justice rooted in Rwandan culture thus ensuring transparency and proximity to the population and, to a degree, a return to a period in which Hutu and Tutsi lived side-by-side in relative harmony sharing the same land, language, religion and culture; a poignant reminder to the fact that co-existence is possible. Sixth, Gacaca adds a further dimension to the justice provided by the ICTR and the National Courts through its restorative nature. Rather than pursuing purely retributive justice, Gacaca seeks to punish those responsible for the genocide whilst restoring 'harmony and social order in society, and to re-include the persons who were the source of the disorder'⁵⁰.

Gacaca is however not without its critics⁵¹. The main criticisms of Gacaca are in regard to the 'competence of the trial judges, the impartiality and independence of Gacaca courts, the susceptibility of the courts to government influence, and the lack of sufficient right to appeal in the original proposal'⁵². In addition, Gacaca is heavily criticised due to the fact that war crimes committed by the RPF are not tried by Gacaca, thus delivering a 'victor's justice' in which Hutu will remain killer and the Tutsi victim with no process at the official level which might allow for an explanation other than the Hutu perpetration of violence against Tutsi victims⁵³. Many of these criticisms are based on valid arguments and it would be folly to attempt to argue that the Gacaca system is perfect. However, whilst it is important to raise such concerns it is also of paramount importance to listen to the voices of the Rwandan population, something the International Community has been altogether reticent in doing. In the four years in which civil war and genocide was waged, the International Community, led by the West, essentially stood by and allowed the mass slaughter of approximately 800 000 people. In response to their guilt they have established the ICTR, which has effectively failed to deliver, and criticised the Gacaca system whilst offering no viable alternative. Indeed, one can see by the funding patterns of the United States Agency for International

Development (USAID), in which under \$1 million annually was pledged to the Gacaca system, whilst \$5 million had been offered by the US as a reward for information leading to the arrest of a genocide suspect indicted by the ICTR⁵⁴, that commitment to the ICTR has been prioritised at the expense of rebuilding the national legal system; an endeavour that would not only significantly aid the pursuit of justice and reconciliation in Rwanda, but also furnish the country with a functioning legal system in the PCE. Whilst the Gacaca system is not perfect it has a role to play; without it many prisoners would remain languishing in poor conditions often without charge, impunity could in no way be eradicated nor justice established due to the diminished capacity of the National Courts. Inaccurate and overly critical analyses of Gacaca⁵⁵ are not helpful and while it can be argued that reform is required, it is necessary to listen to the voices of Rwandans. In an empirical study conducted by Longman et al in 2002 they found that 82,9% of Rwandans had confidence in the Gacaca process. What is even more interesting is the fact that 87% of Hutus had confidence in the Gacaca process compared to 74,6 per cent of Tutsis. This would indicate that whilst 46,6 per cent of Hutus believe crimes committed by the RPA/F should be included in Gacaca, the anticipated deepening of ethnic cleavages due to Gacaca would not be forthcoming. Additionally, 84,2 per cent of Rwandans believed Gacaca would make significant contributions to reconciliation as compared to 69,2 per cent and 21,2 per cent for National Courts and the ICTR respectively^{56,57}. Gacaca clearly has the support of the Rwandan people and whilst it can be argued that the Gacaca system has flaws and is in need of reform, in the context of genocide ravaged Rwanda it is perhaps more important that Rwandans themselves decide their destiny. The International Community, while correctly raising concerns, should not only do more to support indigenous approaches to post-conflict reconstruction but should also recognise the fact that the policies of the International Community are not the only and/or best policies.

Transitional Justice takes place in significantly different contexts than established justice systems in the West and is confronted by contrary challenges and therefore cannot be measured by the same criteria. Whilst human rights should not be ignored, it cannot be expected that a Transitional Justice system operate in the same way as an established justice system as it has a different genesis, different objectives, different resources, and different intended outcomes. As Sooka accurately explains that:

At the outset, we need to accept that we are dealing with deeply flawed processes and trade-offs. Given the particular circumstances that exist at the time of the negotiated settlement, it may represent the best possible deal for civil society. The point is that any process should be adapted to the local conditions and context. One size cannot fit all⁵⁸.

STUDY METHODOLOGY OUTLINE

The data for this paper was collected during two fieldwork research trips in Rwanda between October 2006 and August 2007. During this period life history interviews were taken with 50 ex-combatants⁵⁹ and 22 civilians, elite interviews with 26 policy personnel including government officials, members of the International Community and representatives of NGOs, and Participatory Rural Appraisal (PRA) exercises in three villages⁶⁰. In terms of location, four villages — one in each province, and Kigali served as research sites with the following composition of respondents.

Table 1 Interview composition, Rwanda 2006-7 d

	Ex-RDF ⁶¹	Ex-FAR ⁶²	Ex-AG ⁶³	Civilians	Total
Northern	1	3	2	5	11
Eastern	11	1	2	5	19
Southern	8	2	1	3	14
Western	4	1	6	3	14
Kigali	8	0	0	6	14
Total	32	7	11	22	72

Source Richard Bow

When considering official demobilisation and reintegration figures for Rwanda it is apparent that 66 per cent were ex-RDF, 22 per cent ex-FAR and 12 per cent ex-AG⁶⁴. In terms of the composition of interviews conducted 64 per cent were ex-RDF, 14 per cent ex-FAR and 22 per cent ex-AGs. Although the figures do not entirely match it is possible to claim a reasonably high level of representativeness.

The data collected during the two fieldwork phases was for a PhD thesis examining the reintegration of ex-combatants and its impact on reconciliation in Rwanda. Although the research was not focused on Gacaca and ex-combatant involvement this emerged as a reoccurring theme and will form part of the analysis within the thesis.

EX-COMBATANT INVOLVEMENT IN GACACA

Ex-combatants are involved in the Gacaca Court in two primary ways: firstly, as participants, and secondly, as *Inyangamugayos*. Although it was not the purpose of this research to determine the participation levels of ex-combatants in Gacaca, of the 50 ex-combatants interviewed 20 (40 per cent) of them made explicit reference to the importance of Gacaca in either assisting their reintegration or its contribution to reconciliation. As part of their demobilisation, ex-combatants are required to undergo training at solidarity camps, or *Ingando*, where they are given lessons on many issues including Unity and Reconciliation and Gacaca courts. Specifically, ex-combatants were encouraged to participate in community activities that promote unity and reconciliation and Gacaca. A number of the ex-combatants, from all groups, indicated such teachings were important to their ability to reintegrate into the community and for community acceptance.

Of the 50 ex-combatants interviewed 9 (18 per cent) of them had been elected to the Gacaca court in some capacity. Table 2 specifies the composition of ex-combatant involvement.

Ex-combatant involvement in Gacaca is disproportionately high when considering their size within the population as a whole. Ex-combatants in Rwanda account for 57 931 out of a population of 9 907 09⁶⁷, however these figures need to factor in the minimum age limit of 21⁶⁸ to gain a truer understanding of ex-combatants involvement in Gacaca. When we subtract the 4 864 child soldiers demobilised⁶⁹ and adjust the population size to those of 18 and over we are left with 53 067 and 4 260 229⁷⁰ respectively, thus ex-combatants constitute 1,25 per cent of the entire population⁷¹. Based on the findings of this research, ex-combatant involvement in Gacaca is over 15 times greater than their proportion of the population; what this indicates will be discussed in the next section.

Table 2 also indicates that ex – RDF combatant's account for a disproportionately high number among ex-combatants with 8 of the 9 from this study coming from the RDF, 1 from FAR and none from the AGs. There are a number of reasons

Table 2 Ex-Combatant Involvement in Gacaca

Respondent	Affiliation	Role in Gacaca	Ethnicity ⁶⁵
XCRDF1	RDF	Inyangamugayo (200066-Present)	Tutsi
XCRDF2	RDF	Inyangamugayo and second Vice President (Sector, 2005-Present)	Tutsi
XCRDF11	RDF	Inyangamugayo (Cell, 2006/7) and President (Sector, 2007-Present)	Tutsi
XCRDF14	RDF	Inyangamugayo (2006-Present)	Hutu
XCRDF17	RDF	Inyangamugayo (2006-Present)	Tutsi
XCRDF19	RDF	Inyangamugayo (Cell, 2005-Present)	Tutsi
XCRDF21	RDF	Inyangamugayo (2003-Present)	Tutsi
XCRDF31	RDF	Inyangamugayo and Vice President (2005-Present)	Tutsi
XCFAR7	FAR	Inyangamugayo and President (Cell, 2006-Present)	Hutu

Source Richard Bowd

as to why this may be the case: First, the relative low numbers of ex-FAR and ex-AG combatants in this study may not enable a comprehensive understanding of their involvement. However, when we consider that all seven ex-FAR members and five of the 11 ex-AG members interviewed have held (or still do) at least one elected position of responsibility within their community it would indicate that there is not necessarily an evident bias in favour of ex-RDF members in the Gacaca system. This is particularly relevant when we take into account the fact that only 11 of the 32 ex-RDF members interviewed have held, or still do, at least one elected position of responsibility within their community, a disproportionately smaller amount when compared to those from FAR or AGs.

Second, the average time between demobilisation and election to Gacaca from those interviewed is five years⁷² compared to an average time between demobilisation and possible election to Gacaca⁷³ of four years and nine months⁷⁴, eleven years⁷⁵, and one year, five months⁷⁶ for RDF, FAR and AGs respectively. This may indicate that a time element exists to achieve status as a person of integrity within the community. Indeed one might expect it to take longer for ex-AGs to achieve this status than ex-RDF and ex-FAR because although they

were not responsible for the genocide⁷⁷ they did engage in infiltrations into Rwanda and contributed to insecurity during the late 1990's. Although ex-FAR may have on average unofficially demobilised long before ex-RDF many did not return to Rwanda until '96, '97 and '98 after seeking refuge in the Democratic Republic of Congo (DRC). With that said, one would expect a greater level of ex-FAR involvement in Gacaca than indicated by this research. Nevertheless, even though the number of ex-RDF seemingly dominates ex-combatant involvement in Gacaca it does not necessarily follow that there is bias in their favour or that Gacaca has been politicised, although that may certainly be the case. It would be very difficult to determine if this was the case and would certainly require advanced research into the election of Gacaca judges. It should, however, be noted that 90,8 per cent of Rwandans agreed that they felt the election of Gacaca judges was conducted fairly in their community with the distinction between Hutu and Tutsi being 93,3 per cent and 85,3 per cent respectively⁷⁸.

Ex-combatants clearly play a disproportionate role in Gacaca courts, however, what is particularly interesting to look at is firstly, what this indicates to as their reintegration, and secondly, what benefits this may have on the reconciliation process in Rwanda. The following two sections of this paper shall analyse these two issues with respect to the data generated during the two field trips in Rwanda.

GACACA AND EX-COMBATANT REINTEGRATION

Ex-Combatant Reintegration

Evident from this research is the fact that not only does ex-combatant involvement in Gacaca indicate success in their reintegration but it also aids the reintegration process. Utilising the data generated during fieldwork this section examines the nexus between ex-combatant reintegration and their participation in the Gacaca courts. In order to do this it is first necessary to understand ex-combatant reintegration. Ozerdem defines reintegration as 'the process whereby former combatants and their families and other displaced persons are assimilated into the social and economic life of (civilian) communities'⁷⁹. This process consists of: economic reintegration – the equipping of ex-combatants with the necessary skills, training and employment opportunities to enable their return to civilian life; political reintegration – the process through which the ex-combatant and his or her family become a full part of the decision-making processes⁸⁰; and social reintegration

– the acceptance and gaining of trust of the community which facilitates a transformation of identity from combatant to civilian.

Gacaca and social reintegration

Ex-combatant involvement in Gacaca has most relevance for social reintegration. When ex-combatants return to their communities, those in the community often experience an initial period of fear and suspicion due to the conflict and the perception that ex-combatants may still be dangerous. Similarly, particularly for ex-AGs who have spent long periods outside of Rwanda, ex-combatants themselves may also experience an initial period of fear of the community. Results indicate that this period lasts for at least six months and is dependant on the efforts made by the ex-combatants. Of the five District Reintegration Officers (DRO)⁸¹ interviewed, four of them made explicit reference to the difficulties ex-combatants face when returning and how they are able to overcome this.

As DRO (1) states, '[T]he first thing is that whenever they come back they have a problem living with people. The population does not feel like getting close to them, they have a different view of them'⁸². Throughout their training in Ingando ex-combatants are encouraged to participate in community activities in order to help their reintegration, 'we advise them to participate in the programmes of the government like Gacaca. We think this is something they can do'⁸³. Ex-combatant attendance of Gacaca trials aids their reintegration into society by enabling the community to, over time, adjust to the presence of ex-combatants. It also provides an arena in which ex-combatants can make concerted efforts to be accepted through demonstrating that they are trustworthy. This issue is particularly succinctly put in the following:

[w]hen I first arrived here there was a fear, people used to be scared of me. It was not easy for them to get close to me but I was showing them although I used to be a soldier I didn't have any intentions of behaving badly. Through Gacaca people got close together and talk again because before they had no ways of talking together. In a way people now have got close together and there is no more fear now⁸⁴.

Gacaca, like many other community activities, enables ex-combatants to demonstrate their ability to live in the community and over time they come to be

accepted by the community. Indeed, as this research suggests, a significant number of them are trusted to be more than mere spectators of Gacaca and are elected by the population to sit as Gacaca judges, or *Inyangamugayo*.

The very nature of the position of *Inyangamugayo* is based on trustworthiness, integrity and honesty and therefore, for an ex-combatant to be elected to such a position by his or her peers is arguably the strongest indication that they have successfully reintegrated. In order to achieve such a position ex-combatants must not only have been accepted by the community but must also have gained its trust. It cannot be stressed enough that the establishment of this trust comes from the actions of the ex-combatants themselves as many ex-combatants and civilian testify to. One particular ex-combatant emphasised this point stating, 'I tried to be honest to the population and they saw how I behaved, I was responsible and my kids were studying so they trusted me. When Gacaca started I became the Vice President and I was judging well, people trusted me'⁸⁵. This view is also held by civilians who argue the role played by ex-combatants in the community engenders their acceptance, 'when they come in the population they live like other civilians, they do some patrols, they go to Gacaca, meetings and to Umuganda. They are [treated] like other people. That trust is rebuilt because of Gacaca which works on the principle of unity and reconciliation'⁸⁶.

Evidently, ex-combatants' involvement in Gacaca indicate a level of acceptance and of trust for those individuals involved and this involvement elevates such individuals to a position of role model thus encouraging other ex-combatants in their reintegration. By being elected as a Gacaca judge ex-combatants effectively deliver a message to other ex-combatants of the possibilities should they demonstrate a hardworking and honest character. By engaging in community activities and making efforts to fit back into society, ex-combatants are able to, in some degree, influence their future. The election of ex-combatants to the Gacaca Courts due to such character demonstrates the way in which ex-combatants may be able to reintegrate socially and this serves as an assistance and motivation to newly returned ex-combatants.

Gacaca and Political Reintegration

In terms of political reintegration the involvement of ex-combatants in Gacaca Courts also serves as an indicator for their reintegration. Violent conflict very

often brings with it a violation of human rights and for societies emerging from conflict it is necessary to address this issue by safeguarding human rights and effectively confronting past violations. This can be achieved in part through the police force and the newly emerging democratic institutions but must involve the participation of civil society⁸⁷. Human rights violations have been extreme in Rwanda and Gacaca has been designed to confront these violations and engage the community in this process. By situating justice within the view of the community and focusing on its needs, the Government of Rwanda (GoR) is actively attempting to reconnect with civil society. It should be remembered that present day Gacaca was born out of discussions with leaders from government, business, civil society and religious bodies, whom together instituted a decentralised, democratic system that represents a political reconciliation between government and the population. The involvement of ex-combatants in Gacaca further demonstrates government commitment to this political reconciliation due to the fact that not only are they permitted to sit on Gacaca but are also actively encouraged to engage in it. Whilst the results of this study show a disproportionate number of ex-RDF combatants being represented on Gacaca, in none of the 44 (50 per cent) interviews that directly made reference to Gacaca did any make explicit or implicit suggestions that ex-RDF had been favoured by the government at the expense of ex-FAR or ex-AG⁸⁸. Furthermore, the election of ex-FAR and AG to positions of local level leadership ranging from being in charge of security at cell or sector level, to being Sector Councillor or Abunzi⁸⁹ signifies a lack of exclusion of any combatant group. A lack of government interference in the election of ex-combatants to Gacaca is particularly important in Rwanda as government commitment to ex-combatant reintegration is likely to be followed by community commitment due to the obedient nature of ex-combatants:

What is important especially in Rwanda is Rwandese are obedient people, very obedient, that's why you can tell him to kill his wife, so they follow the leadership, now if you have a good leadership over time it [division and sectarianism] will phase out and become history⁹⁰.

The political reintegration of ex-combatants therefore serves to facilitate and reinforce their reintegration more generally. Ex-combatant involvement in Gacaca can therefore have beneficial effects on their reintegration as a whole.

GACACA AND ECONOMIC REINTEGRATION

The involvement of ex-combatants in Gacaca does not have a significant influence on economic reintegration nor does it provide any real indication of economic reintegration, as Gacaca does not have an economic dimension. However, what is important to note is that the effective social reintegration of ex-combatants can aid or reinforce economic reintegration through four main channels. First, previous networks, when re-established, may offer economic opportunities otherwise not forthcoming. Second, social acceptance may increase economic opportunities through demonstrated trust. Third, social reintegration provides a security net in times of economic difficulty through increased and strengthened networks. Fourth, social reintegration does more to normalise ex-combatants as civilians thus making them more productive in a civilian environment. Therefore, although ex-combatant involvement in Gacaca has no direct impacts on economic reintegration the social reintegration benefits of such involvement can have derivative impacts on economic reintegration.

It is thus clear that the involvement of ex-combatants in Gacaca advances their social, political and economic reintegration, and serves as an indicator to such reintegration. It is therefore advisable that such involvement continues to be encouraged both at the individual ex-combatant and community level. Whilst it would be favourable that the numbers of ex-FAR and AG combatant involvement in Gacaca increase, for the GoR to actively pursue such an agenda there would be a danger of politicising the Gacaca system, a criticism already made by some. In time, as members from these groups, particularly ex-AG, become more ingratiated into the community and trust in them grows, one can expect their numbers in Gacaca to increase. Whilst it has been established that ex-combatant involvement in Gacaca is beneficial to their reintegration, what this paper now turns its attention to is the reconciliatory benefits of ex-combatant involvement.

THE RECONCILIATORY BENEFITS OF EX-COMBATANT INVOLVEMENT IN GACACA

The Importance of Gacaca to Reconciliation

As previously stated it is the intention of Gacaca to augment the reconciliation process in Rwanda and from the results generated in this research it would

seem that Gacaca has the desired affects. In two of the three villages in which PRA exercises were conducted, Gacaca was identified as a key mechanism for engendering trust, forgiveness, collective responsibility, social cohesion and unity and reconciliation within the community. Two exercises utilised during the Participatory Rural Appraisal (PRA) were institutional diagramming⁹¹ and social capital indicators⁹². In one village institutional diagramming indicated that Gacaca was a central and crucially important institution in that community. The criteria for this, as defined by the community, was that it had a large range in terms of affecting many people, it was vital for community survival, it had long-term sustainability, and it was a high employer within the community. It was also indicated that Gacaca had strong linkages with local schools, through the education of unity and reconciliation, and the police force, through the establishing of security. Within this same village, in the social capital indicator exercise, Gacaca was identified as a community event that: enables communication through the sharing of information regarding the past; encourages forgiveness; and promotes unity and reconciliation. Additionally, Gacaca helps with the development of intercommunity trust and social cohesion through collective responsibility as it had an 80 per cent attendance rate at that site. This was also apparent in the second village.

Interviews with ex-combatants, civilians and policy personnel alike stress the importance of Gacaca in the reconciliation process. Specifically, reconciliation is progressing because ‘since Gacaca started, now we are going on another step of unity and reconciliation because these people know who killed their family, they know the truth and I think it is another step on unity and reconciliation’⁹³ and this is particularly the case because ‘it [Gacaca] breaks the walls that were built during the genocide, people get closer to each other, they are no longer scared of one another’⁹⁴. One member of the International Community drew attention to the role Gacaca plays in the reconstruction of Rwanda stating,

I do think there is a Rwandan culture, it’s not like these two groups have never lived with each other competing over land, they have lived with each other for hundreds of years; there’s shared history, language and tradition. In a sense, it is what they go back to and try to work through it and Gacaca is trying to pull an element of that, to try and deal with the trauma and come up with some kind of local justice. Some of the things they do around community development are similarly inspired by this

tradition. I do think that there is a sense of society that exists between the groups, even if they don't completely trust each other they will try and look forward to it and there are remarkable stories of people trying to move on and doing remarkable things⁹⁵.

There are many more examples of these kinds of beliefs coming from ex-combatants, civilians and policy personnel. This indicates the importance that Gacaca has in reconciliation in Rwanda. Ex-combatants, purely by engaging with Gacaca like other civilians therefore bring benefits to reconciliation in Rwanda. They also make more specific contributions, an argument that rests on the notion that ex-combatant involvement in Gacaca is an indication of their successful social reintegration.

Skills

Involvement in Gacaca indicates a successful transformation from combatant to civilian and throughout the process of this transformation, ex-combatants develop skills that enable them to operate in civilian life and to eliminate the mental perception of affiliation to a specific combatant group both within their own psyche and that of the community. The skills and capabilities that ex-combatants and community members acquire throughout the reintegration process (of which Gacaca is a part of) – for example, negotiation skills, the development of tools to aid forgiveness and healing and skills of cooperation – are skills that will be necessary for successful reconciliation. In light of this it can be strongly argued that the social reintegration of ex-combatants constitutes an essential element of reconciliation, and because involvement in Gacaca provides a further arena in which such skills can be developed and disseminated within the community, it follows that the involvement of ex-combatants in Gacaca has reconciliatory benefits.

Engendering Trust

If trust can be established and expanded in a PCE it builds strong foundations for a reconciliation process. Although this may occur at a micro scale, if social reintegration is effective countrywide this also implies that the development of trust, albeit within small communities, is also occurring countrywide. The key to a successful reconciliation process is linking these micro successes to generate trust

throughout the country at a more macro level. Implicit within social reintegration are the ideas of communication, cooperation, coordination and commitment. If these are forthcoming, the environment they produce is one in which the foundations of reconciliation can be established. Ex-combatant involvement in Gacaca clearly indicates a trust in them as individuals and this means three things: First, it is, dependant on the behaviour of an ex-combatant, possible to gain the community's trust. Second, being elected as *Inyangamugayo* demonstrates a clear trust by the community in that individual and a successful reintegration. Third, the involvement of ex-combatants in Gacaca signals to newly returning ex-combatants that their reintegration is possible and provides them with 'roadmap' as to how they can achieve it. The trust that is demonstrated by electing an ex-combatant to a position of *Inyangamugayo* thus indicates that a certain level of reconciliation between ex-combatants and their community has been achieved.

Synergy and Bridging Social Capital

As previously noted, ex-combatant involvement in Gacaca demonstrates a commitment by the GoR to ex-combatant reintegration by virtue of the fact they are not blocked from taking up these positions and are encouraged to engage in Gacaca. This represents synergy or vertical social capital⁹⁶ and renews community trust in the government that had been decimated through the conflict and genocide, an important aspect of political reconciliation. Similarly, the involvement of ex-combatants in Gacaca facilitates the restoration of bridging social capital⁹⁷ between ex-combatants and the community, ex-combatants from different groups, and the Hutus and Tutsis. During violent conflicts, the 'us and them' mentality is often developed. In Rwanda this was primarily the case between the Hutus and Tutsis but also between combatants and civilians and combatants of different groups. In order to overcome this mentality in the PCE it is necessary to build bridges between such groups and enable them to cooperate together, bridging social capital. As bridging social capital is restored and strengthened, antagonisms between previously conflicting groups are reduced thus building the foundations for reconciliation to take root and develop. When ex-combatants (regardless of military affiliation or ethnicity) are elected to positions of *Inyangamugayo*⁹⁸, it presents an avenue through which ex-combatants and civilians, ex-combatants from different groups, and the Hutu and Tutsi, can reconcile through the restoration of bridges between these groups.

CONCLUSION

Gacaca has been demonstrated to be an important institution not only in the Transitional Justice system in Rwanda but also for the reconciliation of Rwandese. In terms of ex-combatant involvement in Gacaca this both facilitates and demonstrates their successful reintegration into the community and ensures that those who are elected act as role models for newly returning ex-combatants and, indeed, the community at large. Successful ex-combatant reintegration constitutes building blocks of reconciliation and as such their involvement in Gacaca goes some way in promoting the reconciliation process. The trust in ex-combatants that is demonstrated by their election to *Inyangamugayos* delivers a clear message that although there may be much to do in terms of reconciliation in Rwanda, there is progress being made.

Ex-combatant involvement in Gacaca clearly has reconciliatory benefits however it is important to draw attention to two issues. First, it is again necessary to reiterate the disproportionate number of ex-RDF in Gacaca, which may give rise to claims of politicisation of Gacaca and bias in favour of ex-RDF. However, should the government rectify this by imposing ex-FAR and AG members as *Inyangamugayo* it not only overtly politicises the process but also destroys the idea of trust and integrity being the fundamental principles of election to the post and ignores the wishes of the community; actions that will surely damage vertical social capital and bridges between groups. Until demonstrated otherwise it is necessary to assume that Gacaca elections are free and fair. It would however, be beneficial to conduct further research on this issue. Second, there is a legitimate concern that ex-combatants may dominate Gacaca due to their overrepresentation as judges. This is linked to the previous point regarding ex-RDF involvement, however the points made earlier still apply. This indicates a clear need to research this issue further in order to ascertain the election procedures in Gacaca and determine whether or not they are representative of the community.

NOTES

- 1 Richard Bowd is a PhD Candidate affiliated to the Post-war Reconstruction and Development Unit (PRDU), Department of Politics, University of York, England. His contact emails are: rb521@york.ac.uk & richardbowd@hotmail.com

- 2 Marks, 2001.
- 3 Uvin, 1996.
- 4 Prunier, 1995.
- 5 www.inkiko-gacaca.gov.rw/En/Generaties.html.
- 6 United Nations Security Council, 'Resolution 955', S/RES/955 (1994): 2.
- 7 Corey & Joireman, 2004.
- 8 Keen, 1998; Kaldor, 1999; Gleditsch et al, 2002; and Sisk, 2004.
- 9 Cairns, 1997.
- 10 Colletta & Cullen, 2000: 1.
- 11 Baker, 1996: 564
- 12 Shiver Jr, 1999: 212
- 13 Smith, 2005: 35
- 14 Shriver Jr, 2001: 31
- 15 Humphrey, 2002: 107/8 paraphrasing Jacobs (1997) and Minow (1990).
- 16 Rigby, 2001 & Ramsbotham et al, 2005.
- 17 Hayes, 1998: 43.
- 18 Hamber, 2001.
- 19 Anderlini et al, 2004.
- 20 It is not within the scope or requirement of this paper to examine such available mechanisms. However, for further reading see Anderlini et al (2004), Bloomfield et al (2003) and Olson (2002).
- 21 Menkel-Meadow, 2007: 10.2.
- 22 For a detailed reading on this see Brown, 2001.
- 23 For an interesting discussion on the stages of conflict see Brahm and Kriesberg (2003) essays on www.beyondintractability.org and Alker et al (Eds) (2001).
- 24 Anderlini et al, 2004: 1.
- 25 Rwanda Government – www.gov.rw.
- 26 Corey & Joireman, 2004.
- 27 Prunier, 1995.
- 28 www.inkiko-gacaca.gov.rw/En/Generaties.html.
- 29 Marks, 2001.

- 30 United Nations Security Council, 'Resolution 955', S/RES/955 (1994): 2.
- 31 Within the preamble to the resolution on page 1 the resolution states, "convinced that in the particular circumstances of Rwanda, the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the process of national reconciliation and to the restoration and maintenance of peace".
- 32 Organic Law No. 08/96, Article 2. Category One criminals comprised the organizers and planners of the genocide and crimes against humanity, persons who abused positions of authority within the administration, the army, political parties, religious groupings or militias to commit or encourage crimes, notorious killers who distinguished themselves by their ferocity or excessive cruelty and, lastly, perpetrators of sexual torture.
- 33 Dubois, 1997.
- 34 For a detailed analysis of the ICTR see Cobban (2003), Des Forges & Longman (2004) and Vokes (2002).
- 35 ICTR — <http://69.94.11.53/default.html>.
- 36 Boyle, 2006.
- 37 Longman et al, 2004.
- 38 Human Rights First, 1997.
- 39 Ibid.
- 40 Ibid.
- 41 Des Forges & Longman, 2004.
- 42 See Des Forges & Longman, 2004 for an analysis of the judicial process in Rwanda.
- 43 Longman, 2006.
- 44 Named after the presidential residence that served as a location for the discussions.
- 45 President Bizimungu was the first president in the Government of National Unity.
- 46 It is not within the scope or requirements of this paper to provide a detailed analysis of the emergence and workings of Gacaca or its criticisms. For an excellent article on the Gacaca system see Longman, 2001. See also Fullerton (2003), Corey & Joireman (2004) and Karakezi et al (2004).
- 47 Inyangamugayo is a Kinyarwanda word meaning one who is trustworthy or persons of integrity.
- 48 Category 1 crimes – planners and organiser of the genocide, killings of particular fervour and sexual crimes – are tried by the ICTR and National Courts; Category 2 crimes – Killing or intending to kill under direction of others – are tried by the District-level Gacaca; Category 3 crimes – those involving bodily injury – are tried by the Sector-level Gacaca; and Category 4 crimes – property crimes – are tried by the Cell-level Gacaca.
- 49 There are legitimate claims to the contrary that shall be discussed.

- 50 Fullerton, 2003: 4.
- 51 For a full and in-depth analysis of these criticisms again refer to Longman, 2006.
- 52 Longman, 2006: 213.
- 53 Balint, 2001: 36.
- 54 Des Forges & Longman, 2004: 59.
- 55 For example, Corey & Joireman (2004) who incorrectly make reference to the issue of trauma rape victims face when testifying at Gacaca. Those suspected of rape are classified as Category One and subsequently tried either in the National Courts or the ICTR and not Gacaca. Related to this point is the fact that rape victims would be required to testify in National Courts, as they are in legal systems throughout the world, or the ICTR and as such would still face the trauma of their rape. Additionally, by trying rape cases in the National Courts and the ICTR they are distanced from the population thus reducing the possibility to remove the stigma attached to rape, conversely Gacaca may actually go some way in reducing or eradicating such stigma. The article written by Corey & Joireman was published in *African Affairs* in January 2004, one year before Gacaca became a countrywide institution. Being so critical before a policy has even been implemented is not helpful particularly when no alternative is offered other than the inclusion of RPF war crimes in Gacaca. Whilst the inclusion of such crimes would be advisable, and I am in no way defending the exclusion of such crimes, it must be noted war crimes committed by the RPF after brought before the National Courts.
- 56 Longman et al, 2004.
- 57 It should be noted that this research was conducted in 2002 in the period between the piloting of Gacaca and its nationwide expansion.
- 58 Sooka, 2006.
- 59 This included 32 ex-Rwanda Defence Force (RDF), 7 ex- Forces Armees Rwandaises (FAR), and 11 ex-armed groups (AG's).
- 60 PRA exercises were conducted in villages in the Northern, Eastern and Southern Provinces. Despite attempts to do the same in the Western Province no one volunteered.
- 61 Rwanda Democratic Forces.
- 62 Forces Armees Rwandaises.
- 63 Armed Groups.
- 64 Based on figures given to me by the Rwanda Demobilisation and Reintegration Commission (RDRC) Coordinator in October 2006 of 38,731 ex-RDF, 13,000 ex-FAR and 6,200 ex-AG's with a total of 57,931.
- 65 Based in explicitly being told by the respondent their ethnic group or implicitly based on the information given throughout the interview regarding family and social life prior to and during the conflict.

- 66 Although Gacaca was not countrywide at this point it was in the planning stage and the position of Inyangamugayo existed becoming a Gacaca judge in the elections in 2005.
- 67 According to the CIA World Factbook as of 13th December 2007 — <https://www.cia.gov/library/publications/the-world-factbook/geos/rw.html>.
- 68 21 is the minimum age before one can be elected to the position of Inyangamugayo.
- 69 Based on figures given to me by the RDRC Child Protection and Liaison Officer in October 2006.
- 70 Based on the assertion by Rutagengwa (2006) that 43% of the population are aged 18 and over.
- 71 It must be noted that these figures are not fully accurate on account of the fact that the minimum age to be an Inyangamugayo is 21 but the age that define a child soldier is below 18. Therefore I have calculated the proportions using the age of 18 which will actually serve to reduce the proportion of ex-combatants involved in Gacaca thus emphasising my point further, that taking number of ex-combatants who are involved in Gacaca and comparing it to the number of people who potentially could be involved as defined by age ex-combatants are over represented.
- 72 The demobilisation date for XCRDF31 was not obtained and therefore this respondent was not included in the calculation.
- 73 Taking 2005 as the year Gacaca was implemented nationwide.
- 74 Discounting XCRDF23 who demobilised in 2006 and XCRDF31 whose demobilisation date was not obtained.
- 75 Based on an unofficial demobilisation year of 1994 as those who demobilised as ex-FAR did so in 1994 and did not continue fighting, however this date is not their official demobilisation date as the First Phase of the Rwanda Demobilisation and Reintegration Programme (RDRP) did not begin until 1997.
- 76 Discounting XCAG9 who demobilised in 2006.
- 77 Ex-AGs are screened when they return from the DRC and if they had been involved in the genocide would be identified at this point.
- 78 Longman et al, 2004.
- 79 Ozerdem, 2002: 962.
- 80 Kingma, 2000: 28.
- 81 Each district in Rwanda has a DRO, an employee of the RDRC who is responsible for assisting in the reintegration of ex-combatants in that district.
- 82 Interview with DRO1, June 2007.
- 83 Interview with DRO3, May 2007.
- 84 Interview with XCRDF17, June 2007
- 85 Interview with XCRDF31, November 2006.

- 86 Interview with CIV7, June 2007.
- 87 Last et al, 1997 & Kingma, 2002.
- 88 A notion supported by Longman et al, 2004.
- 89 Abunzi are mediation committee members who are responsible for mediating conflicts between parties within their jurisdiction.
- 90 Interview with RDRC Coordinator, November 2006.
- 91 Institutional Diagramming is used to generate an understanding of local institutions and the importance attached to them by the community.
- 92 Social Capital Indicators is an exercise that allows community members to identify and explain indicators of social capital in their community.
- 93 Interview with XCRDF11, June 2007.
- 94 Interview with CIV4, June 2007.
- 95 Interview with World Bank official, July 2007.
- 96 Vertical social capital refers the way in which leaders and government institutions engage and interact with civil society.
- 97 Bridging social capital refers to the bridge between networks, associations and communities.
- 98 As previously noted, ex-RDF in this study do constitute a disproportionate number of those in Gacaca, as do Tutsi who number 7 of the 9 Inyangamugayo's. The presence of ex-FAR and Hutu members indicates it is not necessarily the case that ex-FAR and AG members or Hutu's are discriminated against. This is supported by the fact that 90.8% of Rwandans are happy with the election of Gacaca judges in their areas and by the following, "*when they are back to their community they may be elected or they may be in the Gacaca and you will not see people who are elected because they are an ex-combatant of this type, you will not find this and this is an indication of reconciliation when you see them participating in these activities together without exclusion*", Interview with DRO4, June 2007.

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8 Human rights and conflict transformation processes in Africa

LAURENCE JUMA
NELSON R MANDELA SCHOOL OF LAW
UNIVERSITY OF FORT HARE

ABSTRACT

This chapter attempts to map out the influence of human rights on conflict transformation. It seeks to illustrate that while conflict transformation may be a composite of many processes, its mainstay is transcended by human rights ideas articulated at various levels by the actors in the conflict continuum. The main argument being advanced is that by analysing how actors in a theatre of conflict interact with human rights principles, from escalation to peace agreement, a deeper appreciation of the role that human rights play in conflict de-escalation and post-conflict reconstruction and peace building is engendered.

INTRODUCTION

Human rights and peace have an ineluctable connection that is discernible by reference to the interactions that occur in a conflict continuum. Although the main thrust of the human rights discourse has tended to emphasise the nature of the abuses that occur during conflict escalation, its principles have a living presence in all interventions and processes that eventually lead to peace. This is

not because the parties are unaware of their obligations, but rather because of the blind endeavour to maximise gains that war or conflict often engenders. But even then, awareness of human rights is manifested through the rhetoric of the parties and the blame game that goes on. When a ceasefire is finally negotiated, the language of human rights is usually infused into the peace accords and the rhetoric of the new leaders often claims to embrace its principles. This shows that the connection between peace and human rights is acknowledged, albeit reservedly, by political players in any conflict situation. But after the settlement, parties are then forced to reckon with their past deeds. At this stage, the bitterness of war comes back to haunt the settlement, unless the grievances of those who suffered abuse during the conflict are redressed. In this endeavour, human rights may provide the necessary infrastructure and tools for prosecution and punishment of those bearing responsibility for such abuses. In other cases, a gentler approach that fosters reconciliation and amnesty may be preferred, but within a framework that ensures that the gains of peace are not scuttled.

For these reasons, it may be logical to presume that just as human rights are significant to the resolution of conflicts, their principles could provide the necessary normative infrastructure for peacebuilding and reconstruction. Indeed, when conflict transformation and peacebuilding mechanisms are founded on the deepest respect for individual rights and freedoms, the chances for sustaining peace and accelerating economic development are more than doubled. Understanding this paradigmatic influence that human rights could impact both on conflict reduction strategies and post-conflict societal development defines the task of this paper.

INCIDENCE OF HUMAN RIGHTS IN A CONFLICT CONTINUUM

A conflict is a dynamic phenomenon whose progression is often influenced by factors that include the change in actors and their interests, pressures from third parties, and a shift in the resource base. But even as factors and actors interact to influence conflict progression, human rights still maintain visibility. However, their influence on the conflict continuum is far from linear as the changes and conflict dynamics very much influence the priorities and choices of the actors. In the initial stages, human rights stakeholders may put a higher premium on the cessation of hostilities than on the demand for strict compliance with human

rights standards. At this stage, the processes of negotiations or mediation which characterise the third-party influence towards conflict de-escalation are seen to be so fragile as to demand more accommodation rather than being subjected to the rigid standards of human rights law. For example, at the height of the Liberian civil war, United Nations Observer Mission in Liberia (UNOMIL) officials were instructed not to raise the issue of human rights in their meetings with the warring groups in order to maintain the momentum for peace.¹ At other points on the conflict continuum, human rights become a factor in the race for legitimacy among the conflict players. Indeed, in Sierra Leone human rights were acknowledged to be a factor in the negotiations, irrespective of the outcomes. And even when the parties finally agreed on blanket amnesty for past violations, they set up an institution to ensure future protection of human rights. The lessons of Sierra Leone vividly affirm that the manner in which human rights are handled throughout the conflict very much influences the nature of political institutions that come to be in the post-conflict era. Also, it may affect the construction of peace structures necessary for eliminating the roots of conflict.

Undoubtedly, human rights constitute a thread that runs through a conflict continuum and, depending on how the actors behave, it may have a positive influence in the crafting of peace and ensuring stability afterwards. Be that as it may, this paper suggests that this positive attribute of the human rights paradigm can be mapped out through an analysis of how the actors interact with human rights on a conflict continuum. And because a conflict continuum may span a long period, the best way to analyse the impact of human rights is to demarcate points on the continuum where conflict transformation processes are forced to adapt to changed circumstances. In most conflicts, the continuum – as reflected in the movement from ‘conflict to peace’ – is an identifiable progression that occurs in three phases, namely pre-conflict, escalation and post-conflict. In all three phases, the behaviour of parties in pursuit of their objectives and their interaction with the principles of human rights offer insights into the correlation between peace and human rights.

THE PRE-CONFLICT PHASE

There is ample evidence that outright abuse of human rights can result in civil strife. After all, conflicts are a product of nothing but the ‘fear of the future lived through the past’.² Africa has seen a number of conflicts arise out of frustrations

occasioned by widespread social injustices, outright abuse of human rights and conspicuous absence of fair play in major spheres of life. Most civil wars in Africa, as Adedeji observes,

‘are but violent reactions to the pervasive lack of democracy, the denial of human rights, the complete disregard of the sovereignty of the people, the lack of empowerment and accountability and generally bad governance’.³

Examples of these can be seen in Siad Barre’s Somali and Mobutu’s Zaire (Democratic Republic of Congo). In Somalia, a successive wave of brutal reprisals against civilians by government forces in the late 1980s fermented a great deal of discord and could have been the reason that two rebel movements, the Somali Congress (USC) and Somalia National Movement (SNM), sprang up and began fighting against the government.⁴ In Mobutu’s Zaire, the story was almost similar. After coming to power through a military coup on 24 November 1965, with the help of the Western nations, Mobutu presided tenaciously over one of the most corrupt and dictatorial regimes in the history of sub-Saharan Africa.⁵ Up to his overthrow in 1996, his regime had perpetrated egregious violations of human rights, such as public execution, torture, cruel inhuman or degrading treatment, denials of the right to a fair trial, and violence against women.

In most cases, an increase in human rights abuse by state institutions is an indication that a nation is sliding towards anarchy. And even when a new political establishment comes to power and fails to check the increase in atrocities, the trend can never be obviated. The signing of the Abuja Accords, 1995–1997, and the holding of elections soon after could have brought peace to Liberia if the Charles Taylor regime that came to power afterwards had been any better.⁶ Instead, it instituted a reign of terror where opposition politicians and their families were brutally murdered, and ethnic tensions and reprisals found support within the highest echelons of the political establishment.⁷ No wonder he was later deposed and is now facing an international criminal trial at The Hague. Unfortunately what happened in Somalia, DR Congo and Liberia are the characteristics of authoritarianism, which manifests itself all too frequently in Africa. Authoritarian regimes employ human rights abuse to forestall challenge to their political power. When they do so, the prospects for anarchy and violence are more than doubled. Human rights may thus be the pre-conflict indicator, as well as the first casualty.

ESCALATION PHASE

Warfare has always been regarded as a pretext for the suspension of human rights. Indeed, the law has long acknowledged the legality of pursuits associated with winning a war. The limitations that the law places on the conduct of warfare and the protection of certain groups of people and property do not extend to the bombing of legitimate targets or killing of enemy combatants engaged in war. Internal conflicts in Africa have become even more devastating, and belligerents have often shown little respect for the international rules of the conduct of war. But that may be because of the context in which political, social and economic divergence between groups matures into open violence and armed confrontation. At the escalation phase therefore, all the parties believe that conflict is the only means through which they can achieve their goals. Therefore, they maximise on hurting or inflicting harm on their opponents through whichever means are available to them. These could be through the use of farm implements such as machetés, rape, and amputation of limbs and the general killing and detention of civilians thought to be sympathetic to the enemy. These manifestations reflect the emerging trends in modern warfare – what have been termed the ‘wars of the third kind’.⁸ Looked at in this context, African conflicts are more than just the flagrant disobedience of legal norms, but a product of an acculturation process that has defined the means through which the belligerents seek to assert their needs.

The complexity which African conflicts engender evokes certain considerations as far as human rights are concerned. First, it can never be doubted that modern rebel groups in Africa are aware of their responsibility for human rights. And when they trump those rights, it is not because they are unaware of them, but because other considerations become more important at that moment. Second, the face of human rights in a conflict situation is carried by the images of egregious violations and not the subtle forms of abuse that characterise less publicised guerrilla campaigns in remote parts, such as northern Uganda. This has the effect of shaping international responses and limiting efforts towards the resolution of conflicts that may have very devastating and long-lasting consequences for communities. These factors indicate that if the human rights agenda is heightened during escalation, and proper attention is paid to the protection of the rights of civilians, then the parties could be forced to revise their strategy and perhaps provide opportunities for the resolution of the dispute altogether.

HUMAN RIGHTS ABUSES

The escalation of an internal conflict in Africa is most often reflected in the level of human rights violations committed by all sides. In the Sierra Leone civil war for example human rights abuse was so rampant and widespread that estimates have placed the number of those killed at over 20 000, and those displaced at about two million.⁹ A Human Rights Watch report summarised it:

Civilians were gunned down within their houses, rounded up and massacred on the streets, thrown from upper floors of buildings, used as human shields, and burned alive in cars and houses. They had their limbs hacked off with machetes, eyes gouged out with knives, hands smashed with hammers, and bodies burned with boiling water. Women and girls were systematically sexually abused and children and young people abducted by hundreds.¹⁰

Although most of the blame could be put on the Revolutionary United Front (RUF), the rebel outfit of Foday Sankoh, other players such as foreign mercenary forces, the Nigerian-led Economic Community for West African States (ECOWAS) Military Observer Group (ECOMOG) forces, the Kamajors, and the government forces were equally guilty of violations.¹¹ For example, in October 1998, ECOWAS/ECOMOG soldiers executed 24 army officers, including former chief-of-staff Conteh and Colonel SFY Koroma, who had been convicted by a military tribunal, but denied the right to appeal.¹² Apart from this, Human Rights Watch criticised the shelling of civilian areas by ECOMOG in 1996 and castigated the Kamajors for extra-judicial killings, torture, and the obstruction of humanitarian assistance.¹³ Further, the UN released a report in February 1999 in which it blamed ECOWAS/ECOMOG for summarily executing rebels and their sympathisers.¹⁴ The report mentioned another occasion when about 40 people were executed and their bodies disposed off by ECOWAS/ECOMOG.

The patterns of human rights violation in the Sierra Leonean civil war were no different from those witnessed in the DR Congo, except that in DR Congo, atrocities followed the path of ethnic schism and identity cleavages evoked by political competition and claims of territorial dominion over natural resources.¹⁵ The soldiers of the *Alliance des Forces Démocratiques pour la Libération*

du Congo-Zaïre (AFDL), most of whom were drawn from the Tutsi units, led a savage campaign to wipe out the over 300 000 Hutu refugees in Congo.¹⁶ A UN investigative team to eastern Congo in 1997 identified about 40 massacres sites where 100 000 Hutu refugees were believed to have been buried.¹⁷ The massacre was probably committed by the AFDL during the fight to remove Mobutu. However, when the AFDL took over power, the tide turned against the Tutsis, and many of them suffered torture and even death at the hands of the Kabila regime.¹⁸ Currently, the low-scale internal conflict in the Kivu and Goma areas has revealed the excessive use of child soldiers, and rampant killings and abuse of civilians by groups opposed to the Kabila regime.

Unfortunately, society can come to terms with the magnitude of human rights violations occurring at the escalation phase only when hostilities end. This is because mechanisms for addressing the wrongs committed during the war can be instituted only in peace time. Yet to achieve outcomes that correlate with the goals of peace, such violations should be addressed when they occur, by promptly removing the perpetrators from the theatre of war and possibly punishing them. Undoubtedly, international visibility of the conduct of belligerents may often affect their approach to conflict. For example, with the announcement recently that the ICC prosecutor Luis Moreno-Ocampo has sought warrants to indict Sudanese President Omar Al-Bashir for war crimes, the dynamics of the Darfur conflict are bound to change.¹⁹ Although South Africa and some sections of the AU have been campaigning against such an approach, the possibility of such an indictment has already enabled the UN Security Council to vote for the extension of the UN peace mission in Sudan (UNAMID) for another year.²⁰ More importantly, however, the announcement by Moreno-Ocampo has put the activities of the Sudanese government under the international spotlight. It could be argued as well that international visibility of human rights abuse during escalation could be a catalyst to other processes that are likely to negatively affect a belligerent party's ability to wage war. For example, it may attract sanctions and thus undermine that party's ability to source finance. Therefore, dealing with human rights abuse at the time of war may bring about a 'hurting stalemate', a condition acknowledged by conflict scholars to be the starting point for negotiations towards a ceasefire and the eventual cessation of hostilities. Also, it could lead to humanitarian intervention, a process less likely to be determined by human rights factors alone, but from which human rights will often be a major beneficiary.

The Rhetoric

War is a grisly affair and the rhetoric often associated with it has all-too-familiar words dehumanising the enemy, or equating them with evil and therefore justifying their annihilation. Sometimes, in fact often, the rhetoric goes beyond the call to patriotism and may constitute 'illegal' propaganda.²¹ In recent times, however, media coverage and expansive communication strategies employed by belligerent parties have become an integral part of the war. African conflicts have not been spared the drama of media coverage and the heightened propaganda and misinformation that come with it. In the ongoing conflict in Darfur for example a group of media houses and human rights groups have associated the activities of the deadly Janjaweed militias with the aspirations of the Sudanese government. Yet this claim has persistently been denied by the Sudanese authorities in Khartoum. According to the government, much of the information is war propaganda orchestrated by the Western media and meant to portray it in a bad light by exaggerating the events in Darfur.²² One could also characterise as confusing, or maybe blatant lies, the rhetoric that came out of Washington and London justifying the war in Iraq on the basis of 'weapons of mass destruction'.²³ All these illustrate how vulnerable consumers of information can be to war propagandists, especially in this era of globalisation. The situation is worse where one party enjoys media monopoly.

Within this conundrum, the position of human rights, as a casualty to the propaganda and as a tool for the vilification of the other side, remains very much a feature of almost all conflicts. But, does the human rights rhetoric emerging during escalation limit its violations? While almost all scholars agree that human rights rhetoric have become widespread in both war and peace, especially in the post-cold war era, some find no evidence to attach to any particular change of behaviour on the part of those who control the instruments of power.²⁴ In Africa, however, the wave of revolts that swept across the continent in 1990s had a powerful human rights message for oligarchs and dictators. The wars of 'second liberation', as they were called, could have carried a political agenda, but they were couched in human rights language and articulated within the framework of international human rights norms. For example, the clamour for political space in Kenya in the early 1990s was ensconced in the demands for human rights freedoms of expression and speech.²⁵

The sensitivity of the parties in a conflict to human rights norms can therefore possibly be measured by the nature of their rhetoric. This sensitivity can translate into tangible and proactive measures only if the threat to prosecution or some kind of international sanctions is omnipresent. Parties actively involved in armed fighting would then rethink their strategy, and maybe find other means of achieving their goals without necessarily hacking off the limbs of innocent children or raping civilian women indiscriminately.

HUMAN RIGHTS IN A POST-CONFLICT SITUATION

The end of an internal armed conflict signals the beginning of an era of political and economic reconstruction, reconciliation and peacebuilding. The framework for peace, which is usually outlined in the peace agreement, envisages the immediate cessation of hostilities and the establishment afterwards of a transitional political structure that accommodates all the parties involved in the conflict. But the success of this transitional arrangement often depends on the goodwill of the parties themselves, support from external entities, and the acceptability of institutions of government set up in the aftermath of the war. Otherwise, the momentum for peace and the 'meeting of minds' that produced the resolution of the conflict in the first place are lost and the belligerent groups who would have been key players in the reconciliation and reconstruction phase are scuttled. The peace agreement exchanged for the cessation of hostilities, and the establishment of some sort of transitional government, is usually just the first step. Those who take over the reins of power have serious challenges to deal with in the reconstruction and peacebuilding phase. These challenges are more than just the creation of a unifying government and establishment of authority; they include the formation of a unified army and police, reform of the justice system, rehabilitation of infrastructure, disarmament and resettlement of the refugees and the internally displaced persons (IDPs). Moreover, ample research has demonstrated that transition to peace in societies coming out of war correlates with greater violence and life integrity violation just as much as it creates opportunities for breaking with the past.²⁶ Because of the fragility of government occasioned by these challenges, a post-conflict society faces the risk of sliding back into war. The choices that the new government makes in confronting these problems are thus very important. Nonetheless, the policy framework to be developed in

response to transition challenges must be imbued with the human rights principles of equality, tolerance and justice, in addition to being inclusive. Human rights then become a stabilising factor: a shield against abuse of power, as well as a mechanism for ensuring that the benefits of democracy and peace are enjoyed by all.

In contemporary transition discourse, this function of human rights is seen to envelop two rather complementary paradigms. The first relates to structural reorganisation aimed at securing human rights in the future, and the second to the imperatives of dealing with past human rights violations. These two paradigms encapsulate the main thrust of the human rights discourse on post-conflict societies. Invariably, the process of reform and peacebuilding should begin when a ceasefire is negotiated and peace returns. Thus, structural reorganisation and the promise of stability must be seen to reside in the normative instrument of peace crafted to end hostilities, which in most cases is the peace agreement. The human rights agenda takes root at this time and grows through the conflict transformation process. It is on this foundation that a transitional framework for remedying or punishing past violations can be built, and human rights norms ingrained in nascent structures of government. Peace agreements thus form a formidable beginning for human rights architecture in any post-conflict situation. What are peace agreements and how do they affect the human rights development in post-conflict societies?

HUMAN RIGHTS IN PEACE AGREEMENTS

‘Peace agreement’ is the term that is used to refer to the documented agreement between parties to a violent conflict that establishes a ceasefire and some form of political and legal framework for post-conflict governance. However, peace agreements do not guarantee the implementation of the peace deal, and neither do they affirm a complete cessation of hostilities. Many agreements collapse even before the ink has dried.²⁷ Nevertheless, scholars have argued that peace agreements have acquired common use in peace processes and contain characteristics and features that are almost similar. Equally, the signing of a peace agreement is accepted as a common legal practice and the outcome (peace agreement) is recognised as *lex pacificatoria* (the law of peacemakers).²⁸ Peace agreements often emerge from a protracted process of negotiations and agreements that is frequently characterised as a peace process. Most peace processes

are spearheaded by third-party interveners, who may be persons or entities that are not directly involved in the conflict. During the process of negotiations, many documents may be generated that qualify as peace agreements. Recent studies have alluded to the variety of outcomes following the signing of such agreements and as a result a rather broad categorisation of peace agreements has been developed, based on their nature and purpose. According to Bell, peace agreements fall into three categories, namely the pre-negotiation agreements; substantive framework agreements; and the implementation/renegotiation agreements. Given the array of interests that pop up at different levels of negotiations and the uneven progression of processes leading to conflict de-escalation, peace agreements are generally documents in flux. But although this classification may have its limitations, it captures a generalisation that makes the subject amenable to the analysis in this paper.

The pre-negotiation agreements set the context for negotiation. By their nature, these agreements are pragmatic and deal with the situation on the ground. They rarely contain grand aspirations expressed in lofty and sometimes general language such as preambles to most constitutions. Neither do they claim to comprehensively cover the entire political landscape and the future of political and legal administration. An example is the Harare Declaration prepared by the OAU to facilitate the negotiations between the apartheid government of South Africa and African liberation groups. This agreement also formed the basis for a face-to-face meeting between Nelson Mandela and F W de Klerk. Substantive/framework agreements are designed to sustain the ceasefire. Often these agreements create mandates for the crafting of a suitable constitution and establishment of a legal framework for holding elections. When aimed solely at ending violence, they have much clearer provisions and create precise obligations. Sometimes they contain the precise numbers of armed forces, specifications of weaponry, timetables for force withdrawals, and even maps. This is often crucial to third-party monitoring, interpretation and enforcement. For example, Sierra Leone's Lomé Agreement of 1999 and Angola's Lusaka Protocol of 1994 had full details of mandate, roles and verification procedures.²⁹ Usually, they are all-inclusive and endorse a fully fledged effort to restore peace and jump-start the process of reform and peacebuilding. The South African interim constitution, the Burundi peace agreement and the Southern Sudan's 2005 comprehensive peace agreement (CPA) may fall in this category.³⁰ Implementation agreements develop aspects of the substantive/framework agreements towards

the realisation of the goals of peace. At domestic level, they may take the form of constitutions.

All peace agreements have a human rights component, either expressly embedded in their provisions, or impliedly articulated within the overall purpose of bringing the conflict to an end. Obviously, since peace agreements are aimed at reducing conflicts, they satisfy a major human rights need by curtailing violence that takes human life or impairs it. But these apart, African conflicts manifest different characteristics that speak to the differentiated approach to human rights. For example, in conflicts where the main claim is for self-determination, or where minority rights are at stake, peace agreements that establish power-sharing arrangements will be seen to satisfy primary human rights goals as well.³¹ Despite this, no peace agreement sets out to satisfy human rights goals exclusively. Aspirations to peace are often linked to political goals rather than human rights. However, in a conflict where claims to self-determination and rights of indigenous groups are the main contention, there is usually no distinction in the agreement between the human rights components and the political goals. Moreover, in self-determination conflicts, parties may jostle for territory and geographical allocations rather than the sharing of the social space, as in other conflicts. In the latter, matters of equal access to resources and power may be of utmost importance, and therefore project a much more rigorous role for human rights. For example, in South Africa, negotiation on the bill of rights was important for the black and the white communities for different reasons.

DEALING WITH PAST VIOLATIONS

The issue of accountability for past violations cannot be separated from the attempts to establish a lasting peace and forge a complete break from the past. As affirmed by Kritz, the assumption that victims of past atrocities will simply forget what happened without some form of accountability may help sow the seeds for future conflict.³² Therefore, stakeholders to the peace programme must find ways of dealing with past atrocities in a manner that provides some form of satisfaction to those who feel aggrieved. Studies have shown that confronting past atrocities, and not sweeping them under the carpet, is the best guarantee of sustainable peace.³³ But how can this be done? For most societies recovering from war, the questions revolve around three main concerns: whether those who perpetrated the conflict and its worst abuses should be prosecuted and

punished; whether the truth about the conflict should be sought and how; and whether there should be any form of reparation or compensation for victims of such abuses. The legal regimes that attempt to deal with these questions are numerous and complex, and they go beyond the province of international human rights law. Notably, relevant principles can be found in humanitarian law, especially the Geneva Conventions and their 1977 protocols which, together with emerging soft-law principles, constitute international customary law; and the ‘crimes against humanity’ jurisprudence emanating from the ad hoc tribunals (Nuremberg, Tokyo, Yugoslavia, Rwanda and Sierra Leone) and the International Criminal Court (ICC).³⁴ These principles do not prescribe what would be suitable in any post-conflict situation, but offer a wide array of choices for communities seeking to build peace. Moreover, their universality may be tempered by immediate needs of reconciliation and justice.³⁵

PROSECUTION AND PUNISHMENT

The demand for prosecution is often based on the need to fulfil the state’s international obligation of upholding human rights principles, furthering national healing and reconciliation, providing justice to the victims and deterring future violations.³⁶ Prosecutions of past crimes have been undertaken by the international tribunals, namely the ad hoc criminal tribunals and the ICC, and by the domestic courts. The emerging principles of individual criminal responsibility and universal jurisdiction have informed the advancement of international criminal law that has found application in this area. However, the basis of a criminal process tied to the essence of bringing society back from the brink and establishing democracy lies in full accountability and justice. Both must be sought through the rule of law, a principle which demands that everyone be subject to law. Orentlicher has argued that the rule of law should stand above political decisions because criminal punishment is ‘the most effective insurance against future repression’.³⁷ In her view, accountability, reconciliation, peace and democracy are all interrelated.³⁸

Sometimes it may seem that the damage done by the trials far outweighs any possible benefit and that the process obviates the immediate needs of facilitating national healing after the conflict.³⁹ That is why some societies opt for other methods and seek to create mechanisms for healing that are not penal in nature. However, it has proved pertinent that upholding justice and fostering some kind

of recognition of, and taking action on past violations, however painful, may ultimately help a nation heal the wounds of atrocity and help move society away from social and political strife. Moreover, the ultimate aspiration of a post-conflict society is that it establishes a democracy. But democracy implies an assurance that the rule of law will be observed and that it will inform the overall process of establishing governmental structures. Within the framework of the rule of law, accountability and justice are paramount, not just to appease the victims and their families, but also to ensure that the government is purged of repressive elements. For an outsider, this aspiration may seem like an easy goal to achieve.

The Ad Hoc International Criminal Tribunals

The ad hoc war crimes tribunals began with the Nuremberg and Tokyo tribunals that were set up after World War II to try war criminals. Since then, the UN Security Council has established two other tribunals of the same kind – the International Criminal Tribunal for the former Yugoslavia (ICTY), and the International Criminal Tribunal for Rwanda (ICTR) – and a number of new ones, commonly referred to as the internationalised criminal tribunals. In the initial stages, the revulsion against the atrocities committed by the Nazis during the war and the desire to rid the world of any such calamity in the future inspired a major political campaign for the establishment of some form of judicial institution to try and punish war offenders.⁴⁰ The promulgation of the Nuremberg Charter and the establishment of the tribunal were the culmination of an ages-long quest for international action against violations of the rules of war. The unsuccessful attempt to prosecute German military personnel pursuant to the Treaty of Versailles and the very mediocre trials at Leipzig by the German Supreme Court after World War I evaporated hopes of establishing an international justice system free from political subjugation. The defeat of Germany by the Allied Powers provided an opportunity in which Germany's military aggression and the heinous conduct of some of its military officers could be put to trial. Indeed, when the four Allied Powers met on 8 August 1945, an agreement for the prosecution and punishment of the major war criminals of the European Axis was made.⁴¹ A charter was also drawn up, creating an international tribunal with jurisdiction to try crimes against the peace, war crimes, and crimes against humanity.

The dual process of applying international law to non-state actors (established by the Nuremberg process), while seeking individual accountability for

crimes of war, has become the benchmark for the enforcement of international human rights law. The process, however, has generated a fair share of criticism. To some observers, the symbolism of Nuremberg remains an affirmation of the complete defeat of Germany by the Allied Powers, rather than the triumph of international law over abhorrent conduct of war. Chief Justice Harlan Fiske Stone of the US Supreme Court observed:

So far as the Nuremberg trial is an attempt to justify the application of the power of the victor to the vanquished because the vanquished made aggressive war ... I dislike extremely to see it dressed up with false façade of legality. The best that can be said for it is that it is a political act of the victorious states which may be morally right.⁴²

Recently, the tribunal has been described as ‘a patchwork of political convenience, the arrogance of military victory over defeat, and the ascendancy of American, Anglo-Saxon hegemony over the globe’.⁴³ Viewed against the opposition to the establishment of a permanent court by the United States and others, such criticisms are not misplaced. Moreover, time and again, the idiosyncrasies of moral superiority professed by powerful nations have not been translated into an articulate programme of rescue, especially when calamity strikes in poor nations of the south. The tribunals have thus been seen as a mere apology for the international community’s inaction in situations of flagrant human rights abuses.

No matter the perception, the Nuremberg process established a legacy that was followed in Tokyo and most recently in Yugoslavia and Rwanda. Lessons from these tribunals reveal a litany of conceptual and structural difficulties, thus relegating their significance to mere acknowledgement of the necessity for a more robust system of legal intervention. Second, they have been bedevilled by lack of finances, impacting negatively in their pursuit of witnesses and staffing. Third, pure logistical problems of apprehending culprits have not been resolved. For example, while the arraignment of Milosevic before The Hague tribunal is commendable, some of the known perpetrators of the massacre at Suva Reka in southern Kosovo are still at large.⁴⁴ From a more ideological standpoint, some nations have opposed the creation of these tribunals because the permanent members of the Security Council can use them to insulate themselves and their allies from investigation.⁴⁵ Others, like China, expressed fears that the ICTY and ICTR may set precedents for the creation of yet another tribunal.^{46,47} Although

such predictions came true with the establishment of the hybrid human rights court in Sierra Leone and Timor, the question that lingers in many people's minds is why tribunals should be created in certain cases and not in others. Added to the clamour against 'tribunal fatigue', these concerns impacted rather positively on the movement towards the creation of the permanent international criminal court.

Since the Rwanda and Yugoslavia tribunals, the international community has seemingly drifted to a newer model which integrates the domestic and the international systems of justice. The hybridisation of the national and the international systems has seen the creation of some unique court systems in countries such as Sierra Leone, East Timor, Cambodia, Kosovo and Iraq.⁴⁸ The indications are that this approach is likely to continue. For example, an assessment team to Burundi in 2006 made recommendations to the UN Security Council for the establishment of some form of judicial accountability mechanism that would function within the Burundi court system.⁴⁹ Similarly, there is a growing call for the establishment of a tribunal in Sudan, to deal with the Darfur atrocities in particular.⁵⁰ The newer models are not exactly similar, except that they are not fully funded and run by the UN, as were the ICTY and ICTR. Within the spectrum, some have more international support than others, while some may be fully integrated within the domestic legal system. For example, while the United Nations Interim Administration Mission in Kosovo (UNMIK) court system established in Kosovo had no fixed chamber or panels, and international judges permeated the court system on a case by case basis, the human rights court in Sierra Leone was a special edifice established under statute and complementing the national courts and the Truth and Reconciliation Commission. The East Timor court established by the United Nations Transitional Administration in East Timor (UNTAET) Regulation 2001/15 was almost similar to the Sierra Leone court. The regulation created panels with jurisdictions over serious criminal offences, defined in part 1 of the regulation to include genocide, crimes against humanity, war crimes, torture, murder and sexual offences.⁵¹ The Timor case represents an example of how the UN is likely to respond in the future to the demands of a post-conflict society because, unlike Sierra Leone or Cambodia, the territory of East Timor was placed under the exclusive jurisdiction of the UN. Undoubtedly, the international legal framework for dealing with international crimes perpetrated during conflict seems to have moved away from placing a heavy burden on the UN Security Council to allowing for significant participation of national justice systems.

The Role of the International Criminal Court

The role of the International Criminal Court (ICC) in conflict resolution has become crucial in recent times. So far the indictment of two sitting heads of state and the arraignment of active leaders of a rebel outfit have bolstered its image as a proactive instrument in the quest for international peace. Coming into existence only in 2002, and despite suffering lack of support from the only world super power, the United States, its accomplishments so far have indicated that the movement from impunity to accountability may indeed be possible through an imposing international system. From the African perspective, its success can be seen at three levels. First, it has received overwhelming support from African states, given that over half of them have now ratified the treaty, with some, such as South Africa, going even further to domesticate its provision through municipal law.⁵² Second, African leaders have always lived under the smokescreen of impunity, brandishing sovereignty and non-interference principles of international law as a shield against scrutiny of their human rights performance. The ICC exercises jurisdiction against individuals, irrespective of whether they would ordinarily enjoy diplomatic immunity, provided that the mechanism that triggers its jurisdiction as set out in article 12 is satisfied. Recent events, including the attempts by the prosecutor, Luis Moreno-Ocampo, to secure the indictment of the Sudanese president, Omar al-Bashir, have demonstrated that cynical political motives can no longer shield disgraceful conduct of powerful personalities during times of war. This is likely to influence the relationship between the court and Africa in the future. Indeed, the statute in article 27 proclaims that ‘official capacity as head of state or government, a member of a government or parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility under the statute’.⁵³ Third, with the establishment of the ICC, perpetrators of human rights abuses now stand accused by the international community, not just their neighbours or fellow nationals, with whom they may have fought a bitter war. Thus, the court serves a legitimate purpose of international criminal process, which is to deter private retributions by individuals or even states.

Apart from this, the court’s jurisdictional architecture has particular relevance to conflict reduction and peace sustenance in Africa. For example, under article 5(1), the court can exercise jurisdiction over the crime of aggression.⁵⁴ Since Nuremberg, aggression has been perceived in the realm of international

law as the greatest threat to peace.⁵⁵ But despite the opprobrium, aggression has never been comprehensively defined, nor have its ingredients as a crime been normatively enumerated. The international community, after going back and forth, ultimately came up with some kind of definition which was encapsulated in UN General Assembly resolution 3314, but which was subsequently denied the status of international customary law by the International Court of Justice (ICJ) in the Nicaraguan and DR Congo cases. During the discussions on the ICC Statute, the same cleavages and mistrusts made it impossible for negotiators to come up with a resolute definition. Thus it was agreed that the jurisdiction of the court remains suspended until such time as a provision is adopted in accordance with articles 121 and 123 defining the crime. This, it has been argued, was to facilitate rapid acceptance of the statute and establishment of the court. Subsequent events have seen a more proactive attempt to deal with the issue. For example, in 2002, a special group on the crime of aggression was established by the Assembly of State Parties to facilitate discussions around the definitional and jurisdictional issues.⁵⁶ It might be instructive to note that the UN Security Council and other UN bodies have shown reluctance to use the word 'aggression' and have preferred 'breach of peace', even in deserving cases such as Kuwait in 1990. This points to the likelihood that nations who fear that their activities abroad may come under this definition are unlikely to support a broader definition of the term. But in view of the emerging threats to international peace, such as terrorism, biological weapons and even cyber wars, the pressure towards adopting a more encompassing definition that captures these threats, as well those that may emerge in the future, is likely to be more appealing. One angle that is now being discussed is whether the UN Security Council could be given the mandate to first determine what amounts to aggression before the court exercises its jurisdiction. The involvement of the Security Council is likely to be contentious because the original intention was to steer the court away from political influence. Even the jurisdictional allowance for the Security Council to refer matters to the court was attained after considerable debate.

Apart from aggression, the court has jurisdiction over offences of genocide, war crimes and crimes against humanity. The genocide that occurred in Rwanda in 1994 was the main subject in the international criminal processes of the ICTR. The current events in Darfur have the potential to trigger the ICC jurisdiction and thus become a matter for the international criminal process. These developments indicate a new wave of international involvement

in Africa's conflicts. And given that the list of crimes in articles 6, 7 and 8 of the statute are not cast on stone, newer additions may be included. Already, the crime of rape has now been included in the list of war crimes. Article 7 (g) of the statute provides that:

... crime against humanity means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack ... Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity.

The role of the ICC in Africa is not all rosy; there are bottlenecks to be overcome. For instance, the ICC has 'no enforcement agencies, cannot execute arrest warrants, cannot seize evidentiary materials, cannot compel witnesses to give testimony and search scenes where crimes have been allegedly been committed'.⁵⁷ But this limitation could be ameliorated by the subordination of the international criminal process to the national judicial systems through the principle of complementarity.⁵⁸ The hope would then be that states shall be 'willing' to investigate and prosecute international crimes and, if inhibited by one reason or another, will facilitate the transfer of the individual to the ICC. Some commentators have argued that this is very unlikely to happen in Africa because of the nature of the political leadership that obtains in many of its countries.⁵⁹ Other impediments could include the reluctance of countries such as Zimbabwe and Sudan to ratify the Rome treaty. Considering the nature of the regimes in these countries, they are unlikely to alter their positions for the moment.

Domestic courts

Presumably, individuals who suffer violations of rights can enforce such rights through the national courts. In a transitional situation however, this might be difficult to do because the judicial systems may have broken down. Human Rights Watch made the following observation with regard to Sierra Leone:

[I]n the case of Sierra Leone ... the justice system has been so destroyed by a decade of war that we do not believe that trials would be able to meet fundamental guarantees of justice and fairness without substantial

international assistance and involvement. Even with international assistance, the Sierra Leonean judiciary may not be capable of offering the fairness and transparency necessary to conduct trials of this sensitivity and complexity. The system is characterized by poorly trained and low-paid judicial staff and lack of resources, as well as the effects of the continuing instability and lack of security in the country.⁶⁰

This means that there has to be some form of intervention, at least at the initial stages, to give a boost to domestic institutions. In the past, such intervention has come from the UN. However, the limited involvement of the UN Security Council in the prosecution and punishment of war crimes and grave breaches of international law portends a greater role for domestic judicial systems. Moreover, the numbers involved could never be dealt with by an international tribunal. The responsibility would then fall on the new governments established in the aftermath of war, which could then forge their own credibility by prosecuting the high-profile human rights cases of the past regime. Considering too that the domestic process can better take care of the nuances of culture and social cleavages that endure in society, the role of domestic courts will remain crucial to any viable transitional process.

Despite this, experience has shown that dealing with cases of extreme human rights abuses of the past has been very challenging as the bitterness and rivalry, especially from ethnic differences, always survive the war. In Rwanda, for example, where the majority of the perpetrators of the genocide were Hutus, and the in-coming government consisted mainly of Tutsis, the question of maintaining ethnic balance was indeed crucial. In addition, the society had to confront a myriad of structural problems. Since the genocide was widespread, the number of suspects was just too high for a judicial system that was small and had been devastated by the conflict. Thus, a judicial system sensitive to the delicate needs of the people had to be devised to deal with the great number of suspects and keep the momentum that the ICTR process had created. Towards these efforts, the government established a National Unity and Reconciliation Commission to 'contemplate alternatives to the ICTR in dealing with the huge numbers of detainees, the slow pace of trials, and lack of national reconciliation'.⁶¹ As a result of the commission's recommendation, a traditional court known as the Gacaca was established through Organic Law No /96. The courts operate on the basis of a local culture and have been

justified on the grounds of ‘greater sense of familiarity, respect, trust and commitment to the process than an outside imposed process’.⁶² The Gacaca system has its undersides, and have been roundly criticised for not meeting the due process requirements, being insensitive to the rights of the accused, and being too informal.⁶³ Some commentators have also argued that the Gacaca’s role in fostering reconciliation and national unity has been generally minimal, given its susceptibility to manipulation and abuse.⁶⁴ Despite this, the Gacaca has demonstrated that enforcement of human rights could benefit from local customs and cultural systems, alongside international law.

Some scholars have argued that in a transitional situation, the state takes on the shoes of an individual, and must therefore assume the responsibility of investigating, punishing violators and providing reparation to the victims.⁶⁵ From a purely human rights perspective, states have a duty to ensure their protection. Under the African Charter for example this duty is emboldened by the requirement that they recognise such rights and also ‘adopt legislative and other measures to give effect to them’.⁶⁶ Moreover, commentators have alluded to the emerging principle in international law that imposes responsibility on states to not only investigate, prosecute and punish perpetrators of international crimes, but also to disclose to the victims of such crimes and the society at large the truth of what happened and the circumstances surrounding the commission of such egregious offences.^{67,68} A minute reference to the victim’s right to information – in principle 11 of the ‘Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights and serious violations of humanitarian law’ – bolsters this position.⁶⁹ This obligation is consistent with the duty to preserve memory that is contained in the updated principles (principle 3), and by and large, finds expression in the evolving jurisprudence of international tribunals. It is also consistent with the overall purpose of truth commissions generally and, as shall be discussed here, may or may not be an alternative to criminal prosecution.

The obligation of states to prosecute or extradite violators (*aut dedere aut judicare*) under the four Geneva conventions of 1949 and the additional Protocol 1 of 1977 are limited to grave breaches. These are specified in articles 50, 51 130 and 147 of the four Geneva conventions. These breaches constitute war crimes if committed during international armed conflict and against persons or property protected by the four conventions. Grave breaches under Additional Protocol 1 are defined in articles 11(4), 85(3) and 85(4). States are required to

‘exercise criminal jurisdiction which their national legislation confers on their courts, be it limited to territorial and personal jurisdiction, or include universal jurisdiction, which is obligatory for grave breaches’.⁷⁰ Other international instruments that create similar obligations on states include the International Convention on the Prevention and Punishment of the crime of Genocide (1948), Convention against Torture (1984), International Convention for the Prevention and Suppression of the Crime of Apartheid (1979).

TRUTH AND RECONCILIATION

Truth and Reconciliation Commissions (TRCs) have become a feature of most post-conflict societies.⁷¹ TRCs first emerged as a substitute for prosecution whenever there were logistical and other technical barriers to prosecution. In South America in particular TRCs provided a soft landing for former dictators and their henchmen, arguably to support national reconciliation and healing. Thus, for over the 30 years that TRCs have existed, their missions have become compatible with the need to reconcile the horrendous past with the present needs of truth, restoration and national healing. However, there is little that can be said of their commonality, except that they serve a wide range of post-conflict needs: they provide a therapeutic atmosphere for victims and their relatives; they provide reparation mostly in the form of symbolic services; they provide information of what happened so that relatives may know what happened to their loved ones; they restore dignity; they sustain the historical narrative of what happened – one generation to another; and they help transform society. The context in which most truth commissions in Africa have been established points to the need to justify the non-prosecution of guilty people in order to allow the society to reconcile with its past. Moreover, as Rosenberg cautions, truth commissions have difficulties because ‘the line between whitewash and witch-hunt, amnesty and amnesia, justice and vengeance is not always clear’.⁷²

Recently, however, we have seen commissions being instituted in addition to the prosecution and not simply an alternative to the same. Two examples come to mind: the Sierra Leonean and the South African commissions. The Sierra Leone Truth and Reconciliation Commission (SLTRC), which operated concurrently with a human rights court, was a creation of the Lomé Accord. It was established

‘to address impunity, break the cycle of violence, provide forum for both the victims and perpetrators of human rights violations to tell their story ... get a clear picture of the past in order to facilitate genuine healing and reconciliation’ (article XXVI (1)).

The accord mandated the establishment of the SLTRC within 90 days, with a projection of one year for it to complete its work and to ‘take stock of the violations and recommend measures to be taken for the rehabilitation of the victims of human rights violations’ (article XXVI (2)). However, fighting broke out soon afterwards, and scuttled the plans for its establishment. In the interim, the upsurge of violence had marshalled a renewed commitment by the international community towards finding a lasting peace in Sierra Leone. The issue of accountability for past violations became central to the efforts that even saw the personal involvement of Mary Robinson, the UN Commissioner for Human Rights.⁷³ The establishment of the TRC became urgent and a new draft on the TRC Act was prepared and later passed by parliament in February 2000.⁷⁴ The act echoed the earlier intendment of the Lomé Accord, thus mandating the commission ‘to establish historical record of violations and human rights abuses from 7 July 1991 to 1999; to address impunity; to respond to the needs of victims; to promote healing and reconciliation; and to prevent a repetition of such events in Sierra Leone’ (article 6). The commission was launched two years later in 2002, with the commitment to perform its mandate in three phases: the deployment stage, including statement taking and investigations; the hearings phase; and the report writing phase. These tasks were to be accomplished within one year, with a possible extension for six months.

The SLTRC commenced its work on 4 December 2002 with statement-taking in Bomaru. Its first public hearing was held in Freetown on 14 April 2003. The commission’s work targeted the main episodes that had occurred during the nine-year war and collated statements in relation to this in order to save time and resources. In total, the commission took 8 000 statements, and conducted 90 public hearings, in which about 350 individual witnesses, including President Kabba, gave testimony. There was commendable participation from the major stakeholders – women, children, and amputees. The ex-combatants, however, were slow to come because of lack of incentive, since a general amnesty had been given, and for fear that their testimony might be used against them or their former leaders by the courts. Eventually, the commission realised that it

might not accomplish its work within one year and sought an extension to April 2004. However, its final report was submitted on 4 December 2004.

In South Africa, where the majority had suffered a long period of racist segregation under apartheid, the process of national healing could never begin unless some form of accountability was made of the past atrocities. However, as argued by Ntsebeza, criminal prosecution could not have been feasible or practically possible given the delicate political situation.⁷⁵ Compromise rather than confrontation portended a more viable method of moving the transition forward. That is why the enactment of the Promotion of National Unity and Reconciliation Act (No 34) of 1995 (the TRC Act) was preceded by a lengthy process of negotiations until compromise was struck between those who wanted blanket amnesty and those that preferred prosecution. The act's mandate reflected this compromise in its provision of amnesty on condition of full and accurate and complete confessions of crimes committed during apartheid.⁷⁶ The amnesty jurisdiction of the TRC had two purposes: to establish the truth; and to deter further violence. Thus, it was part of the process of ensuring a peaceful transition to democracy.⁷⁷ Unlike earlier truth commissions in other parts of Africa, such as the Commission of Enquiry into the Disappearances of People in Uganda (1971) and Obasanjo's Commission on Human Rights Violations (1999) – which had not delivered its report at the time of writing – the South African TRC exhibited a lot more sophistication in the manner in which it handled evidence and conducted investigations.⁷⁸ Moreover, its conduct of proceedings and outcome were subject to judicial review by the Cape Provincial Courts and the Constitutional Court.⁷⁹ By the time the TRC concluded its work in 1998, it had considered over 7 000 applications for amnesty and heard over 1 800 testimonies of victims.

One criticism that has been labelled against the truth and reconciliation process is that it subverts the rule of law and diminishes the force of international instruments to which the country may be a party. In all cases, however, truth commissions take the character of the political atmosphere under which they are instituted, the mandate they are accorded, and the personality of their members, especially the chairperson. But for them to acquire legitimacy, they must be established with broad consultation of those mostly affected by the events of the past, and with the consensus of the majority of the citizens. Some truth commissions, such as the one in Peru, were criticised for lacking legitimacy.⁸⁰ On the whole, it may be useful to acknowledge that the contribution of truth commissions to transitional justice is still contestable. An accurate summation may be too early to

make. Certain quarters have already raised the probability that they may indeed be a hindrance to national reconciliation and healing. Geoffrey Robertson, commenting on the South American experience, wrote:

[W]hat the history of transitional justice or lack of it in Latin America demonstrates in the long term is that the emergence of any measure of truth is not a basis for reconciliation. Quite the contrary, since revelation of the details of official depravity only makes the demands for retribution by victims and their sympathizers more compelling.⁸¹

Others argue that the whole truth was not uncovered as most of those who committed heinous crimes did not appear before the commission. This is not peculiar to the South African Commission. The South American experience is replete with cases of deliberate reluctance to tell the truth. Buergethal, a member of the UN truth commission in El Salvador, lamented:

[I]t was obvious to us that the military had built a defensive wall to protect itself. As we interviewed more officers, this wall appeared to be becoming more formidable ... All of them, moreover, seemed to have great faith in the ability of the system to cover up, to protect them, and punish those who talked.⁸²

There is, as well, a persistent problem of impartiality, or maybe a perception of it. In a poll conducted by market research, only about half of those interviewed felt that the South African TRC was impartial.⁸³ In Nigeria, the Obasanjo Commission was even taken to court by a former leader on precisely the same grounds.⁸⁴

BALANCING IMPUNITY AND PRAGMATISM

The international community has seen what some commentators have called a paradigm shift from impartial peacekeeping engagement or neutrality to seeking more proactive peace. This can be seen in the multiplicity of international institutions, norms and laws that address transitional problems of society. According to Newman, the UN has now become a 'conduit for the application of international norms and standards for accountability in many post conflict societies'.⁸⁵ But challenges remain: those of balancing ethical imperatives and political constraints, and of settling past accounts without upsetting the current transition.

There are also arguments that combatants do follow orders and thus should not be prosecuted. These, together with the general question of amnesties negotiated on or before the signing of the peace deal, impinge on the viability of prosecution. Other challenges relate to the capacity to prosecute every suspect. Not everybody could possibly be prosecuted, given the limited capacity of most of these tribunals. This was one of the grave problems that the Rwanda society faced after the genocide. It therefore becomes a matter of high priority to decide the nature of persons who are going to be tried in the different court systems. As far as international tribunals are concerned, their processes will target only those who bear the greatest criminal responsibility. Domestic courts, on the other hand, have severe limitations, even in peacetime. The situation becomes worse during and after an armed conflict.

In view of this, arguments have been made that the transition dynamics should determine what is feasible. Thus in any transition, the distribution of political power often conditions the practice of justice. That is why compromise and trade-off become part of peace negotiation and the establishment of the interim governmental authority. But justice and morality are normative issues which ideally should not be subject to political power. But despite this, the paradigm shift that has seen a rapid generation of international norms in conflict transformation indicates that the modalities of dealing with the past 'and the balance between justice and pragmatism are no longer solely a condition of the dynamics of transition in society'. Undoubtedly therefore, justice in a post-conflict society will remain as much a political process as a legal and moral one. That said, it is useful to note that the role of the UN Security Council is likely to become more crucial in ameliorating the tension between the international demands for justice and the local need for pragmatism. When the Rome Statute was being debated, there was a clear desire to lessen the control of the UN Security Council in the court's functions. Although this was not fully achieved – the Security Council can still refer matters for investigation or halt investigations – its mandate on maintaining international peace, given under chapter VII of the UN Charter, is still unfettered.

CONCLUSION

This paper has attempted to map entry points for human rights on a conflict continuum. It has demonstrated that whereas African internal conflicts are complex,

they could still be amenable to human rights interventions. And because they have no frontlines, and because their progression is punctuated with innumerable breaks, such intervention could occur at various levels, including at the height of escalation. It has also posited a major role for human rights at the post-conflict stages and summarised the approaches that have been adopted in dealing with past atrocities. Undoubtedly, human rights have become a key component in the society's quest to regain stability and deal with its past.

NOTES

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- 3 Ibid.
- 4 G Ayittey, *Africa in chaos*, New York: St Martin's Press, 1998, 53.
- 5 L Juma, The war in Congo: Transnational conflict networks and the failure of internationalism, *Gonzaga Journal of International Law* 10(2) (2007), 97 – 163.
- 6 Cain, The rape of Dinah.
- 7 L Juma, Regional initiatives for peace: Lessons from IGAD and ECOWAS/ECOMOG. *Africa Quarterly* 40(3) (2000), 85 –107.
- 8 According to Holsti, 'Wars of the third kind' involve non-combatants in far larger proportions than has previously been witnessed; engender the politicisation of the masses; have fluid battle lines; and magnify identity as a key factor of differentiation. These characteristics are a manifestation of how cultural and social linkages underpin the evolution of the phenomenon of war and violence. The linkages are profound because they define, characterise, and provide windows through which the phenomenon of war and violence can be understood and studied. Human rights discourse, and particularly international human rights law, can benefit from this analysis because it presents a powerful paradigmatic shift from the conception of law as an extant, immutable, phenomenon, incapable of bending to the demands of societal interrelation and cultural evolution. (K Holsti, *The state, war, and the state of war*, New York: Cambridge University Press, 1996.)
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- 11 The Kamajors were groups of youth mobilised by the government to support civilians. The units were organised in such a way that combatants were posted only to their chiefdoms. The esoteric Mende cult of 'invincibility and heroism' was revived to imbue the units with a sense of responsibility and courage, necessary for ensuring the safety of their locality from the intrusion of the rebels. The role played by the South African mercenary company Executive Outcomes (EO), hired by the government to secure mining areas by driving away the rebels, is discussed in David Francis, *Mercenary intervention in Sierra Leone: Providing national security or international exploitation*. *Third World Quarterly* 20(2) (1999), 319–338.
- 12 Andrew McGregor, *Quagmire in West Africa: Nigerian peacekeeping in Sierra Leone 1997–8*. *International Journal* 54(3) (1999), 482–501.
- 13 Human Rights Watch, 1998, *Sierra Leone: Sowing terror: Atrocities against civilians in Sierra Leone*, <http://www.globalpolicy.org/security/issues/sierra5.htm>, accessed February 2009.
- 14 United Nations Report, 1999, *Fifth Report of the Secretary-General on the United Nations Observer Mission in Sierra Leone*, UN Doc S/1999/237, <http://www.un.org/Docs/sc/reports/1999/s1999237.htm> (accessed 5 July 2008).
- 15 Mahmood Mamdani, *When victims become killers: Colonialism, nativism, and the genocide in Rwanda*. Princeton NJ: Princeton University Press, 2001.
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- 18 Robert Edgerton, *The troubled heart of Africa: A history of the Congo*, New York: St Martin's Press, 2002.
- 19 Omar Sinan, *Indictment of Sudan's president would be disastrous*, *Mail & Guardian*, 13 July 2008, <http://www.mg.co.za/article/2008-07-13-indictment-of-sudans-president-would-be-disastrous> (accessed 1 August 2008).
- 20 The hybrid UN/AU peacekeeping mission was established in 2007 (UN Security Council Resolution 1769/2007) and its term was set to expire in August 2008 (James Sturcke, *UN extends Darfur peacekeeping mandate in last minute vote*, *Guardian*, UK, 1 August 2008, <http://www.guardian.co.uk/world/2008/aug/01/unitednations.sudan?gusrc=rss&feed=networkfront>) (accessed 1 August 2008); Simon Tisdall, *Technicians in the workshop of double standards*, *Guardian* UK, 29 July 2008, 17.
- 21 Propaganda has been defined by Jowett and O'Donnell (1999) as 'material disseminated by advocates or opponents of a doctrine or cause. Illegal propaganda would be material associated with "deliberate attempt to alter or maintain a balance of power that is advantageous" and in a manner prohibited by law.' Propaganda is prohibited under international law. Article 20 of ICCPR, which prohibits war propaganda, particularly if it advocates for 'national, racial or religious hatred' and leads to discrimination and/or violence, remains largely ineffective because of the reservations that states have raised. Eleven states, namely Australia, Belgium, Denmark, Finland, Iceland,

- Ireland, Luxembourg, Netherlands, New Zealand, United Kingdom, and the United States, see this provision as a contradiction to the right to free speech set forth in article 19.
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 - 23 Stephen Hartnett and Laura Stengrim, The whole operation of deception: Reconstructing President Bush's rhetoric of weapons of mass destruction, *Cultural Studies* 4(2004), 152–197; Glenn Phelps and Timothy Boylan, Discourses of war: The landscape of congressional rhetoric, *Armed Forces & Society* 28(2002), 641–667.
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 - 29 See Lomé Agreement, <http://www.c-r.org/our-work/accord/sierra-leone/lome-agreement.php> (accessed 2 August 2008); and Lusaka Protocol, <http://www.c-r.org/our-work/accord/angola/lusaka-protocol.php> (accessed 2 August 2008).
 - 30 See Sudan's Comprehensive Peace Agreement 2005 (CMP), <http://www.c-r.org/our-work/accord/sudan/key-texts-cpa-contents.php> (accessed 2 August 2008); and The Pretoria Protocol on Political Defence and Security, Power Sharing in Burundi, October 2003, http://www.usip.org/library/pa/burundi/burundi_10082003.html (accessed 2 August 2008).
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 - 33 Simon Chesterman, Rough justice: Establishing the rule of law in post-conflict territories, *Ohio State Journal on Dispute Resolution* 20(1) (2005), 69–98; Méndez, Juan, Latin American experience of accountability, in I Amadiume and Abdullahi An-Na'im (eds), *The politics of memory, healing and social justice*. New York: Zed, 2000.

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- 40 C Bassiouni, From Versailles to Rwanda in seventy-five years: The need to establish a permanent International Criminal Court. *Harvard Human Rights Journal* 10(1999), 11–62.
- 41 See the Treaty of Peace Between the Allied and Associated Powers and Germany, concluded at Versailles, 28 June 1919, in article 6 provided as follows: The Tribunal established by the agreement referred to in article 1 hereof, for the trial and punishment of the major war criminals of the European axis countries shall have the power to try and punish persons who, acting in the interests of the European axis countries, whether as individuals or as members of organizations, committed any of the following crimes:
- The following acts, or any of them, are crimes coming within the jurisdiction of the tribunal for which there shall be individual responsibility.
- Crimes against peace: namely, planning, preparation, initiation or waging of war of aggression or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing; war crimes: namely violations of custom of war.
- Crimes against humanity: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population before or during the war, or persecution on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the tribunal, whether or not in violation of the domestic law of a country where perpetrated.
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- 50 Ibid.
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- 53 See also article 27(2), which expressly removes protection on the basis of any immunity that government or political leaders may enjoy under national laws or arrangements. It provides that ‘immunities or special procedural rules which may attach to the official capacity of a person, whether under national or international law, shall not bar the court from exercising its jurisdiction over such person’.
- 54 See Rome Statute of the International Criminal Court (17 July 1998, 2187 UNTS 90), article 5(1).
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- 63 Jeremy Sarkin, The tension between justice and reconciliation in Rwanda: Politics, human rights, due process and the role of the Gacaca Courts in dealing with the genocide, *Journal of African Law* 45(2) (2001), 143–172.
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- 67 Yasmin Naqvi, The right to the truth in international law: Fact or fiction? *International Review of the Red Cross* 88(2006), 245.
- 68 See also the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity. A report of the independent expert to update the set of principles to combat impunity, Diane Ornetlicher, E/CN.4/2005/102/Add1, 8 February 2005. Principle 2 states that, 'Every people has the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes.'
- 69 CHR Res. 2005/35, 19 April 2005; ECOSOC Res. 2005/35, 25 July 2005. It states as follows: [Remedies for] [g]ross violations of international law and serious violations of international humanitarian law include the victim's right to access ... relevant information concerning violations'. Principle 22 includes with the reparation the requirement for verification of facts and the full disclosure of the truth. Similarly, principle 24 gives victims and their representatives the right to 'seek and obtain information on the causes leading to their victimization and on the causes and conditions pertaining to the gross violations of ... international humanitarian law and to learn the truth in regard to these violations'.

- 70 Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, volume 1, Cambridge: Cambridge University Press, 2005, 607.
- 71 The first truth commission in the form that we know today was the National Commission on the Disappeared in Argentina, established in 1983. Since then, there have been over 20 truth commissions worldwide. In Africa commissions have been established in South Africa, Nigeria, Uganda, Zimbabwe, Chad (Presidential Decree No 014/P.CE/CJ/90 of 1990), Rwanda (International Commission of Investigation on Human Rights Violations in Rwanda, 1990), Ethiopia (Special Prosecutors Office, 1992), and Côte d'Ivoire (Mediation Committee of National Reconciliation, 2000); Priscilla Hayner, *Unspeakable truths: Confronting state terror and atrocity*, New York: Routledge, 2001.
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- 74 The Sierra Leone Truth and Reconciliation Act 2000, <http://www.sierra-leone.org/trcact2000.html> (accessed 28 August 2008).
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- 76 Amnesty was refused when the commission found that the applicants had acted outside orders, broken ranks or failed to inform their superiors about their clandestine operations. See for example Amnesty Decision No. 97/0048 (1997) (SA) http://www.doj.gov.za/trc/decisions/1999/990307walusderby_lewis.html (accessed 5 January 2008).
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9 The role of women in conflict resolution and peacebuilding

DAMILOLA TAIYE AGBALAJOBI

ABSTRACT

This paper argues for the involvement of women in post-conflict resolution and peacebuilding. Women have long been tagged as victims of conflict. While this is true, they have been known to play prominent roles in post-conflict resolution and peacebuilding. They mobilise for peace and have played active roles as peacemakers in conflict situations, yet remain the pivotal points in holding together their families and communities in times of crisis. The paper argues that for women to overcome the hurdles they face in participating in post-conflict resolution and peacebuilding, governments and the UN must have consistent and high-level commitment to gender equality and women's equal representation in peacebuilding activities.

INTRODUCTION

Though civil strife and conflict affect many countries in the world,¹ violence against women and children in countries involved in conflict and transition has emerged as a major concern. Paying special attention to the different experiences

of women and men is particularly critical in designing successful conflict management and peacebuilding programmes.

While conflict inflicts suffering on everyone, women are particularly affected by its short- and long-term effects. Sexual assault and exploitation are frequently employed as tools of war. Victimization leads to isolation, alienation, prolonged emotional trauma, and unwanted pregnancies that often result in abandoned children. As culturally designated caregivers, women must struggle to support their families and keep their homes together, while the traditional breadwinners, the husbands, are caught up in the fighting and are thus unable to provide for their families.

The new role as primary provider exposes women to further abuse. Conflict shatters the comfort of predictable daily routines and expectations. Women and girls are equally affected in fragile environments where social services on which they once depended become degraded or disappear altogether.² Although in some cases conflict may improve gender relations as a result of shifts in gender roles, its impact on women is generally devastating.

Given that women suffer as victims first of conflict and then of sexual exploitation and abuse by peacekeepers, it has become necessary to recognise the role played by women in conflict resolution and peacebuilding, otherwise they will continue to be victims of conflict. It is therefore important to make this vulnerable population the focus of international peace operations. Women need to be at the forefront of decision-making structures and processes that ensure that perpetrators are held responsible for actions committed against women and children.

In line with this consideration, the Security Council of the United Nations unanimously passed Resolution 1325 in October 2000 on Women, Peace and Security.³ Resolution 1325 recognises the importance of women's participation in the prevention and resolution of conflicts, and provides a series of specific measures aimed at women's full participation in decision making in the area of peace and security.

While much of the work of conflict resolution and peacebuilding focuses on the government (or public level), the resolution of contemporary conflict is very much a holistic process that is simultaneously conducted at private grassroots level. That is why this paper will examine the role women play in post-conflict resolution and peacebuilding, in order to identify the extent to which the resolution has been effective in changing the peacemaking paradigm for women. (The terms 'conflict' and 'war' will be used interchangeably in this chapter.)

CONCEPTUALISING CONFLICT RESOLUTION AND PEACEBUILDING

Conflict exists in all countries and at every level of society. Conflict per se is by no means a negative force; it is a natural expression of social differences and of humanity's perpetual struggle for justice and self. Conflict resolution is directed at understanding conflict processes and alternative non-violent methods to help disputing parties reach mutually acceptable positions that resolve their differences.⁴ It is the process of attempting to resolve a dispute or a conflict.

Peacebuilding is a relatively new field⁵ and there has been widespread adoption of the term since it was introduced by the United Nations Secretary-General in *An Agenda for Peace*.⁶ Peacebuilding is generally associated with the promotion of positive peace, though the precise definition remains unclear. It is therefore not surprising that there are numerous and sometimes contradicting definitions of the concept. Thus the concept must be understood in each context in which it is used.

The way in which gender is integral to peace and violent conflict makes it clear that a gendered analysis of peacebuilding is essential in preventing and mitigating new violent eruptions in post-conflict societies while helping them recover from current conflicts. This paper adopts the definition of peacebuilding from the Canadian Peacebuilding Initiative Strategic Framework:

Peace building is the effort to strengthen the prospects for internal peace and decrease the likelihood of violent conflict. The overarching goal of peace building is to enhance the indigenous capacity of a society to manage conflict without violence. Ultimately, peace building aims at building human security, a concept which includes democratic governance, human rights, rule of law, sustainable development, equitable access to resources, and environmental security ... Peace building may involve conflict prevention, conflict resolution, as well as various kinds of post-conflict activities. It focuses on the political and socio-economic context or humanitarian aspects. It seeks to ... institutionalise the peaceful resolution of conflicts.⁷

Peacebuilding and resolution are thus regarded as constituting simultaneous and reinforcing sets of activities with an intricate and organic relationship, much as human rights principles relate to broad development goals. One cannot be successful without the other. All sectors of society that are present

in one way or another in all aspects of an ongoing conflict must be represented in negotiations and actions that seek to lay the foundation for peace and post-conflict resolution.

WOMEN AND POST-CONFLICT PEACEBUILDING: A THEORETICAL PERSPECTIVE

In the last few years, governments, international organisations and civil society have increasingly recognised the importance of gender equality and the empowerment of women in the continuing struggle for equality, democracy and human rights and for poverty eradication and development.

In nearly every country and region of the world, there has been progress in achieving gender equality and women's empowerment, although this progress has been uneven and the gains remain fragile.⁸ Socialisation processes have gone a long way towards affecting gender roles ascribed to men and women in our society. There is therefore a need to go through the same process of socialisation to sensitise society at large to the great role women can play in conflict resolution.

A major challenge facing the world today is the growing violence against women and girls in armed conflict. In today's conflict, they are not only the victims of hardship, displacement and warfare, they are directly targeted with rape, forced pregnancies and assault as deliberate instruments of war. Women are deeply affected by conflicts that they usually have no role in triggering.

Armed conflict and its aftermath affect women's lives in ways that differ from the impact on men. In most conflicts, the traditional division of civilian space into women's space as private and men's space as public collapses. Men in communities under attack tend to abandon public space to avoid being conscripted, attacked, or taken hostage.⁹ This therefore increases the burden placed on women in the absence of men who are involved in conflict. On the other hand, women as symbols of community and/or ethnic identity may become the targets of extensive sexual violence.

Recent conflicts have highlighted the use of rape as a tool of warfare. In Rwanda, women were raped as a means of ethnic cleansing, serving not only to terrorise individual victims, but also to inflict collective terror on an ethnic group.¹⁰ In some countries, such as Angola and Mozambique, combatants kidnapped women to use as sex slaves – a tactic for terrorising and dehumanising young women from particular ethnic groups. The social and psychological

impact of conflict has transformed gender relations throughout and after conflict. In the face of extreme hardship, traditional roles are adapted to meet the new realities imposed by conflict. Women assume greater economic responsibilities as heads of households.

An intensive literature explores the interconnections between the roles of women and men in conflict situations and the politics of identity and agency. Studies on Rwanda, Mozambique, Palestine, and Sri Lanka show that women may be victims, but they are also often active participants as soldiers, informants, couriers, sympathisers, and supporters.¹¹

With the introduction of small arms and lightweight weapons – easy to use weapons – the encroachment on civilian space has been facilitated. This means that women and children are more vulnerable to attack, but, more importantly, they are being drawn into the conflict in new ways. With such weapons, they become skilled members of militarised groups and participate actively in the conflicts or wars. When these groups of people become involved as soldiers and fighters, the reactions are shock and horror.

Conflict brings with it terrible human rights consequences for all involved – children, women and men. But conflict impacts on the civil, political, economic, social and cultural rights of women in particular ways, often with devastating effects. Although conflict has a high level of impact on the lives of women, it is disheartening to note that they are not fully involved in the peacebuilding process because they do not have the same opportunities to participate. Women's interest has been neglected by the peace process, which has resulted in male-centred approaches to peace and security. The intrinsic role of women in global peace and security has remained unrecognised since the creation of the UN.

In the past decade many countries have embarked on the difficult transition from armed conflict to resolution and peacebuilding. The role of the international community in this transition has shifted from narrow humanitarian and relief activities to more comprehensive efforts to foster sustainable peace. At the same time, the community has shifted from a stepped approach from relief to development to one that combines a broader package of concurrent steps.¹² Development organisations have become increasingly engaged in activities during post-conflict resolution processes, devoting time and resources to supporting this transition.

Building a lasting peace that sustains post-war economic, political, and social development requires the full participation of all citizens. Yet it is increasingly

recognised that the role of women in post-conflict settings has received inadequate policy attention. According to Theo-Ban Gurirab, attempts to address the human rights consequences of conflict, including the particular impact on women, can only be comprehensive and long-lasting if women play an active part in all the processes and mechanisms, given the gender-differentiated impact of war on women.¹³

A crucial fact is that preventing a war is entirely different from resolving one after it has begun. To prevent conditions that give rise to violent conflict from coalescing, capable societies must be created. These societies are characterised by three components: security, wellbeing and justice for all of their citizens.¹⁴ According to Lute, women's roles in promoting these three causes provide examples of their activities in preventing the emergence, spread or renewal of mass violence.¹⁵ Women often play unacknowledged but vital roles in sustaining security and, despite their common image as victims, they are very active on their own in terms of self-preservation:

Women are often the stabilizing force in the societies in which they exist. This is certainly true in post-conflict settings where women represent essentially the backbone of reconstruction and rehabilitation and the re-integration of former combatants and the re-emergence of basic economic activity in a society, in a war-torn society, once a peace has been achieved.¹⁶

It is important therefore for the international community to take seriously the role of women in establishing security, wellbeing and justice in developing societies worldwide.

The belief that women should be at the centre of the peacebuilding and resolution processes is not based on essentialist definitions of gender.¹⁷ The field of sociology makes a distinction between sex and gender.¹⁸ Human beings are not born 'men' or 'women'. Masculinity and femininity must be learned, rehearsed and performed daily.

It would be naïve to assert that all women respond in a similar manner in a given situation or that women are 'natural peace builders'.¹⁹ Gender identity is performed differently in different cultural contexts. Sex and gender identity must always be viewed in relationship with an individual's other identities such as race, class, age, nation, region, education, and religion. There are different expectations

for men and women in various sectors of society, and gender roles shift with social upheavals. In conflict situations, men and women face new roles and changing gender expectations. Their biological and sociological differences affect conflicts and peacebuilding. All in all, most societies value men and masculinity more than women and femininity.²⁰

Despite the existence of ‘sexism’ or ‘patriarchy’, there are some widely accepted reasons that women are important to all peacebuilding processes. Their inclusion helps to break down traditional stereotypes in patriarchal societies. Women are important because they constitute half of every community, and the task of peacebuilding – which is so great – must be done by women and men in partnership. Second, women are the central caretakers of families in many cultures, and everyone is affected when women are oppressed and excluded from peacebuilding. Therefore, it is essential that women be included in the peacebuilding processes.

Women play important roles in the process of peacebuilding. First, as activists and advocates for peace, women ‘wage conflict non-violently’ by pursuing democracy and human rights. Second, as peacekeepers and relief aid workers, women contribute to ‘reducing direct violence’. Third, as mediators, trauma healing counsellors, and policy makers, women work to ‘transform relationships’ and address the root of violence. Lastly, as educators and participants in the development process, women contribute to ‘building the capacity’ of their communities and nations to prevent violent conflict. This is made possible as a result of socialisation processes and the historical experience of unequal relations and values that women bring to the process of peacebuilding.²¹

WOMEN IN POST-CONFLICT PEACEBUILDING: A COMPARATIVE PERSPECTIVE

The international community acknowledges that peace is a precondition for sustainable development and post-conflict resolution. Peacebuilding is seen as multi-dimensional goals that necessitate a multifaceted response from many actors, including old, young, men and women. Women have a right to have their views and concerns heard regarding the resolution of conflict and peacebuilding. Excluding them from peace talks therefore is a serious omission because it denies the right of the majority to be heard. The following section of the paper is a comparative study of the role of women in some peace processes in the Horn of Africa.

Women's participation and the Sudan Peace Process

The peace process for the conflict in Sudan started as early as the 1980s. The Sudan Peoples Liberation Movement (SPLM) and the government of Sudan (GOS) have always been seen as the only parties to the conflict. The first phase of the peace process was from 1985 to 1988 and resulted in the endorsement of the Kokadam Declaration, an initiative of SPLM and the Democratic Unionist Party. The second phase started in 1989 after the fall of Nimeiri, after the National Islamic Front (NIF) took over power. Initially, the talks between SPLM and NIF proceeded without mediation, but in 1992 at the Organisation of Africa Unity (OAU) meeting in Abuja, Nigeria was asked to mediate.²²

The third phase saw the introduction of the Intergovernmental Authority on Development (IGAD) as mediator, and in 1997 the Declaration of Principles (DOP) was accepted and signed by GOS and SPLM as the main agenda talks. The final phase started in 2001. The Machakos Protocol was signed in June 2002 and resolved the right for self-determination for the south; geographic treatment on the issue of state and religion; and the establishment of three levels of government.²³

Despite all this, women are still placed as an insignificant party to the conflict. But in 1997, the Royal Netherlands Embassies in Nairobi and Khartoum launched 'the initiative to facilitate the participation of Sudanese women in peace processes'.²⁴ It was observed that men generally dominated both politics and conflicts in Sudan, while women's contribution extended only to inter-clan disputes.

The initiative assumed that women's participation was limited owing to such constraints as lack of recognition of their roles; low levels of formal education; poor access to information; and lack of space for debate. The initiative sought to address the imbalance by offering women the opportunity to attend skill-building workshops and regional and international conferences. This helps not only to develop their skills, but also to instil confidence in them to articulate issues that affect them. The initiative also sought to establish working groups representing different communities and parties from the north and south. The committee that was set up made it possible for women to voice their concerns and established links between conflicting communities.²⁵

In January 2000, the women produced the 10-item Sudanese Women's Minimum Agenda for Peace, and in April 2000 they produced the Maastricht Declaration of the Sudanese Women's Peace Initiative. They continued to lobby for their inclusion at the negotiation table, and after persistent and

consistent efforts, four women allied to SPLM were invited to the second round of Machakos talks as observers.

This gave women the opportunity to make contributions during the break, and exposed them to issues first hand. Though women appreciated the recognition given them thus far, they felt they were not adequately represented at the talks for three reasons: their numerical strength was small; they were only observers; and the women who were selected were chosen by the party, which consisted of men. Women therefore continued to press to be allowed as Sudanese Women's Empowerment for Peace (SUWEP) to select their own representatives to avoid giving allegiance to the sponsoring party (when the party does the selection), and not to the cause of women.

Women in Southern Sudan appreciate and are grateful to the UN Security Council for adopting Resolution 1325, which takes cognisance of the impact of armed conflict on women and girls and calls for affirmative action to address their protection as well as the increased participation of the women at all levels. While Sudanese women have continued to date to support the peace process, they have also kept on mobilising support through statements and position papers.²⁶

Women's participation and the Burundi Peace Process

Burundi has been in a crisis that has shaken the country since its independence in 1962, especially since 1993 with the assassination of the first democratically elected president and his close collaborators, as well as the widespread mass killings in an ethnic matter.²⁷ Consequently, Burundi has been thrown into an institutional crisis, characterised by armed groups, war and insecurity. With this situation of war, political and social instability, several solutions were attempted, from a convention of government in 1994, a government of partnership in 1998, and finally the transitional government in 2000. Still, there are no significant results which could restore lasting peace and security.

Women's participation in the peace process was enhanced when the Mwalimu Nyerere Foundation (under whose auspices the peace talks took place) invited the United Nations Development Fund for Women (UNIFEM) to brief the negotiating parties and the facilitation team on gender issues relating to the peace accord. With experts from Guatemala, Uganda and Zambia, UNIFEM provided advice on post-war and reconstruction issues such as land

rights, repatriation, women's access to public office, the resettlement and re-integration of refugees, judicial and electoral systems, and the constitution and land reform.²⁸ The successful integration of gender equality into the Arusha process by Burundi women was pivotal in demonstrating to the world that women's participation can make a tangible and substantive difference to peace processes. This played an important role in bringing the Security Council to convene its first open debate on women, peace and security in October 2000, during Namibia's presidency.

UNIFEM continued to provide support to the government in the development of a national gender policy. In collaboration with AFRICARE, in 2002 Burundi supported a four-month reconciliation programme for internally displaced persons/women and returnees in Gitega and Kausi, focusing on concepts of conflict resolution and peacebuilding with an emphasis on communication, networking and both gender sensitive and culturally appropriate values that promote reconciliation and peace.²⁹

Women's participation and the Somali Peace Process

Somali is an example of a collapsed state, following decades of civil war that started in the early 1980s and ended in 1991 with the fall of Siad Barre's rule.³⁰ Fourteen peace initiatives have attempted to bring lasting peace and stability to the war-torn country and the IGAD-led fifteenth peace process took place in Nairobi in 2007–2008.

The fourteenth peace initiative, however, presents a unique case with regard to the participation of women. It started at a symposium to collect the views of Somali people in the diaspora in preparation for this initiative. It was suggested at the symposium that negotiation should be on a clan basis and women would participate by rallying behind their clans. Four major clans were identified as parties to the negotiations, the fifth being a coalition of all the other minor clans.

The fifth clan played a unique role in these Arta peace talks. The women, though from different clans, worked together as if from one clan, to effectively act as a unifying force in bringing together delegates from the other clans. They were seen as a neutral force in the talks. The fifth clan formed a much-needed critical mass in advocating for the participation of women in national issues. Their presence at the negotiations led to the Federal Charter, which required that a minimum of 12 per cent of National Assembly seats should go to women.

During negotiations in Somalia's peace process in the mid-2000, women played a crucial role, working among clans and militias to advocate for peace and non-violence so that Mogadishu would remain a safe place for the talks to continue. Women's networks, with their extensive local, and increasingly regional reach, are key allies in building and sustaining vital public support for ongoing peace processes. Advocacy efforts by women's civil society groups can be instrumental in initiating formal peace negotiations, maintaining public support for their continuation until a peace accord is signed, and assisting in its implementation.

From 2005, UNIFEM³¹ has supported and documented the critical role that women play in promoting peacebuilding and conflict prevention worldwide. UNIFEM has provided assistance to women as they conduct advocacy, awareness-raising and peace education; support efforts to dispose of small arms; secure justice and psychosocial assistance for survivors of gender-based violence; and develop gender-based early warning indicators at ground level, with the explicit goal of preventing the re-emergence or recurrence of violent conflict. The fund has also supported national and regional women's networks to build a 'culture of peace' in areas where there are no active or formal peace processes, such as the Southern Caucasus. In that region, women's organisations in Armenia, Georgia and Azerbaijan have mobilised to create a regional coalition – 'Women for Peace' – to back women's efforts to build a 'culture of peace' in their communities in the absence of a formal peace process.

Women's participation in peacemaking in the Democratic Republic of Congo

The Office of Gender Affairs (OGA) in the United Nations Mission in the Democratic Republic of Congo (MONUC) started to operate in March 2002. As part of its core functions, OGA's major objective is to ensure that gender is mainstreamed with design, implementation, promotion and monitoring of the mission's policies and programmes and to advise the mission on strategies to facilitate the involvement of local women, groups and networks in the peace process, including reconstruction, reconciliation and rehabilitation and other processes leading to sustainable peace.³²

OGA has worked within the framework of its mandate to integrate a gender perspective into the peacekeeping mission, based on a twofold strategy. Drawing on Security Council Resolution 1325 (2000) and MONUC Resolution 1445

(2002),³³ OGA adopted an internal strategy to monitor gender mainstreaming in MONUC's programmes and activities, as well as an external strategy to act as an interface with civil society, including women's groups, as well as UN agencies, international NGOs and the government.³⁴

Congolese women and girls have been sexually abused by armed groups throughout the country. Several reports have emphasised the gravity of the situation. The Olame Centre in Bukavu, a local NGO and member of the coalition on Violence against Women, is one place where rape victims can find help and support. The centre provides counselling services, trauma healing and health and humanitarian assistance.

Women are not only victims, they are also agents of change in the post-conflict phase leading to the rehabilitation of the country. Congolese women have been involved in the steps of the peace and political process, receiving support from UNIFEM, UNDP and international women's groups such as Femmes Afrique Solidarité (FAS). Following the signature of the Global and Inclusive Peace Agreement in Pretoria on 16 December 2002, women's networks active at local levels decided to join forces and advocate for the implementation of the agreement and the full participation of women in the political institutions.

In January 2003, Congolese women from all political parties and affiliations organised a peaceful demonstration in Kinshasa to advocate for the peace process in the context of the International Congolese Dialogue. Around 10 000 demonstrators took to the streets, chanting slogans such as 'Women request 30% of seats in all transitional institutions in line with Resolution 1325'. As part of its outreach activities, OGA provided support to these women's groups to build their capacity and foster leadership that goes beyond their political affiliations.

Congolese women are continuing their uphill battle to gain access to decision-making positions in the transitional government and to be part of the country's reconstruction and preparations for future elections. OGA has continued to assist the various groups of Congolese women to find mechanisms to channel their concerns and press for the implementation of the provisions agreed to in the peace negotiations.

In all these case studies, women have played prominent roles in peace processes in the Horn of Africa. In the Sudan peace process, although the views of women were not sought, they were granted observer status and they continued

to play a peripheral role. For the Burundi peace process, although women were able to lobby for inclusion in the peace process, this was done along party lines and they were granted observer status only. The Somali peace process represents a situation in which women were able to lobby for inclusion. Congolese women have continued to make their voices heard and have not relented in demanding greater involvement.

THE LIMITING DIMENSIONS

Women and men all over the world have been energised by Resolution 1325 and political support for its implementation by UN members, international organisations and, most importantly, by civil society. The potential of this resolution, its implications and its impact in real terms are enormous.

An analysis of gender-disaggregated data on armed conflict reveals that efforts to foreground the perspectives of women in peace processes and to prevent gender-based violence have met with limited success. For instance, during the genocide in Rwanda from April 1994 to April 1995, about 500 000 women were raped. During the Bosnian conflict from 1992 to 1995, about 50 000 girls and women were sexually assaulted as part of the campaign of 'ethnic cleansing'. In the Kashmir conflict in India, between 7 000 and 16 000 women were sexually assaulted by militant groups and the security forces in the region.³⁵ This form of abuse generates fear and helps to silence campaigns for social, economic and political rights.

Women's participation is hindered because they are most likely to have fled conflict. They are particularly likely to have shouldered economic and social responsibilities as primary carers and providers for dependants. These women often take on additional work as resources become increasingly scarce. This in turn affects the health of women and girls, as preference is given to other members of the family in sharing the minimal food that is available. All of these make participation in post-conflict resolution and peacebuilding more difficult for women. They also constitute the majority of refugees and internally displaced persons (IDP). This has great consequences, such as making them vulnerable to unprotected commercial sex and even rape.

Women are more likely to be subjected to cultural pressures against putting themselves forward, to refrain from travel, and not to engage in important public arenas. Where women do want to participate, they may not have the required

education or training, since their education may have been disrupted by the conflict. Political groups that take formal processes therefore tend to be male dominated.

Access to social networks affects women's participation in post-conflict resolution and peacebuilding. Many social networks involving women may have broken down during the conflict. Others have been neglected by many of the women as a result of the sexual violence they have experienced. Many women's lives are changed fundamentally by conflict, which also affects how they engage in post-conflict activities and institutions.³⁶ While some return to traditional roles, others may seek expanded roles, becoming organised and actively participating in national debates and in post-conflict resolution and peacebuilding.

Women's organisations cite lack of resources as a limiting dimension that needs to be overcome in participation in post-conflict resolution and peacebuilding. These include lack of access to employment opportunities and to productive assets such as land, capital, health services, training and education.

Women's efforts to represent themselves and their concerns in official post-conflict resolution and peacebuilding continue to pose significant challenges. For instance, at the Arusha peace talks to end the civil war in Burundi, only two of the 126 delegates were women, although they had the leading voice in their communities in the region. Only two women served on the 15-member National Council of Timorese Resistance in East Timor, although women had played a valuable role in sparking the resistance. Only five women were in leadership positions in the UN mission to Kosovo, although women had forged the way for groups to cross ethnic barriers and rebuild fractured relationships. There were no Bosnian women at the Dayton peace negotiations to end the war in the former Yugoslavia, even though this conflict had affected women in a most devastating manner. In Côte d'Ivoire, Liberia, Somalia, Sudan, Afghanistan and Iraq, in the past few years women have held only a small proportion of seats during peace negotiations.³⁷

Another limiting factor is that women's movements do not have established mechanisms to monitor and evaluate the implementation of the gender agenda in post-conflict settings. For example, in Somalia male-dominated structures have not facilitated the implementation of agreed affirmative action.

The AU's efforts in mainstreaming gender in peacebuilding also had their limitations. The OAU Charter (1963) did not provide for gender equality and the

protection of women. Its main concern was preserving African independence and combating colonialism and interference in the domestic affairs of sovereign African states. Though the AU has since established the Declaration on Gender Equality in Africa, whereby at least 505 of all the members of the commission of the AU had to be women, concrete respect, promotion and protection of human rights need to follow for this effort to yield a positive result.

The African Charter, adopted in Nairobi, Kenya, in June 1981 by the former OAU Assembly of Heads of States and Government (AHSG) (now known as the AU Assembly), served as a unique instrument of human rights. It was the first international instrument that provided for all categories of human rights (civil, political, socioeconomic and group) in a single document. But this charter is still discredited because of what are called claw-back clauses. (These claw-back clauses create limits on several given rights.) Nor did the charter make provisions on some areas crucial to women in situations of conflict such as violence against women, rape and war crimes.

All these factors limit women's participation in post-conflict resolution and peacebuilding. Unless efforts are made to overcome such obstacles, women will remain absent, their voices will not be heard, and issues of particular importance to women are likely to be ignored.

THE WAY FORWARD

A great deal of progress has been made in recent times by the US government, NGOs, and the UN system, especially with the adoption of Resolution 1325 (2000). There has been a proliferation of women's organisations, local, national, and international organisations that are well organised and inclusive of a wide range of women's interest and needs. They have been able to make progress in linking issues of development, the environment, and human rights with standards of participation, transparency, and accountability in decision making. However, little progress has been made in its role in conflict resolution and peacebuilding.

But there are a number of suggestions that can help to improve, and enhance women's effort in peacebuilding and conflict resolution. The UN, all governments and NGOs have a lot to do to encourage and assist women's movements and organisations in developing their role in post-conflict resolution and peacebuilding activities.

Government actions

To promote women's rights in post-conflict context, governments should:

- Implement UN Security Council Resolution 1325 in full
- Include women in peace negotiations at all levels, especially in decision making
- Ensure that women play a key role in the design and implementation of post-conflict resolution and peacebuilding activities
- Support and strengthen women's organisations in their peacebuilding efforts by providing adequate and sustained financial and technical support
- Strengthen the protection and representation of refugee and displaced women by paying special attention to their health, rehabilitation and training needs
- End impunity and ensure redress of crimes committed against women in war and violent conflict
- Enforce and bring to justice culprits involved in rape as a war crime

Nongovernmental organisation action

NGOs must:

- Integrate gender perspective into their projects
- Build partnerships and collaborate with other NGOs
- Be involved in trauma counselling during and after the conflict, which could help with recognising the different ways in which men and women deal with trauma
- Provide safe space for non-war action and create alternative economic sources to the military
- Increase women's participation through training, awareness-raising campaigns and quota implementation.
- Ensure that advocacy for women to be at the peace table follows a rights-based perspective

African Union action

The AU should ensure that:

- There is an express framework for the involvement of women in peacemaking and conflict resolution in their Peace and Security Council
- Women are included in the Panel of the Wise, and a minimum number of women are included during any term of office

- Provisions are made for specific instruments that cater for the rights of women in Africa, and also make provisions that are crucial to women in situation of conflict, and violence against women such as rape and war crimes

United Nations action

The UN should act as an example to other nations by fully integrating gender perspective into the terms of reference of the Security Council Resolution, and also engage women fully in its own peacebuilding efforts. The UN must:

- Call upon member states to establish measures to address non compliance
- Call for the inclusion of peacebuilding elements in the consolidation of peace agreements and in the mandates of peacebuilding and post- conflict resolution
- Urge peacebuilders to focus on gender-based violence and women's human rights
- Encourage states to provide gender-sensitive training to the peacebuilders before they arrive in zones of conflict
- Establish mechanisms for enforcing and monitoring international instruments for the protection of women's rights in post-conflict context
- Encourage peace education, which is the most important ingredient; call for the establishment of reporting systems for sexual abuses; and provide resources for monitoring and enforcing these mechanisms

CONCLUSION

Conflict situations often force women to organise themselves in order to safeguard their basic necessities and carry out activities related to education, healthcare, food distribution and care for family, internally displaced persons and refugees. Women also assume political responsibilities because of the temporary absence of men in the conflict and post-conflict period. All these activities have an emancipating function, despite difficulties encountered in the process. They should therefore be continued in the post-conflict phase.

The examples of women's role in peacebuilding in Rwanda, Burundi, Somali and other places in the last decade highlight the importance of moving women beyond the humanitarian phase. Women continue to influence post-conflict

resolution and peacebuilding processes so that they go beyond defining peace as the absence of violent conflict and focus on the principles of inclusion. Women need to be present to discuss issues such as genocide, impunity and security, if a just and enduring peace is to be built.

Resolution 1325 iterates the importance of bringing gender perspectives, the issues of concern to women as well as men, to the centre of attention in all UN peacemaking, peacebuilding, peacekeeping, and humanitarian activities, and rehabilitation and reconstruction efforts. This accounts for the progress made so far with regard to women's participation in post-conflict resolution and peacebuilding.

NOTES

- 1 Report of the UN Secretary General on the Causes of Conflict and the Promotion of a Desirable Peace and Sustainable Development in Africa, UN Doc A/51/871-5/1998/318, paragraph 4. According to the World Press Report of September 2003, at least 35 countries were in some state of major armed conflict.
- 2 USAID Conflict Management, DCHA/CMM releases women and conflict: An introductory guide for programming (last updated 21 December 2006), http://www.usaid.gov/our_work/crosscutting_programs/conflict/in_the_spotlight.html (accessed 12 December 2007).
- 3 UN Doc S/Res/1325 (31 October 2000), hereafter Security Council Resolution 1325, for full text of the resolution visit http://www.un.org/events/res_1325e.pdf (accessed February 2009).
- 4 See What is conflict resolution?, <http://www.gdrc.org/u-gov/whatis-conflict-resolution.html> (accessed February 2009).
- 5 E Bertram, Reinventing government: The promise of and perils of United Nations peace building, *Journal of Conflict Resolution* 39(3) (1995), 387–418.
- 6 United Nations, *An Agenda for Peace Preventive Diplomacy, Peacemaking and Peacekeeping*, Report of the Secretary General, United Nations GA and SC, 1992, A/47/277,S/24111, New York.
- 7 CIDA, *Gender Equality and Peacebuilding: An Operational Framework*, Ottawa: CIDA, 2002.
- 8 Karim Chowdhury Anwarul, The role of women in world peace and the role of men and boys in gender equity, *Women's Studies Review* (Fall 2005), 30–33.
- 9 Codou Bop, Women in conflicts, the gains and their losses, in Sheila Meintjes, Anu Pillay and Meredith Tinshen (eds), *The aftermath: women in post-conflict transformation*, London: Zed, 2002; Judy El-Bushra, Transformation conflict: some thoughts on a gendered understanding of conflict processes, in Susie Jacobs, Ruth Jacobson and Jennifer Marchbank (eds), *States of conflicts: Gender violence and resistance*, London: Zed, 2000.

- 10 USAID, Office of Women in Development, Intra-state conflict and gender, Information Bulletin 9 (2000), <http://www.action.web.ca/home/cpcc/attach/USAID%20WID%20Publication%20%20Intrastate%20Conflict%20and%20Gender.htm> (accessed 12 December 2007).
- 11 Richard Strickland and Nata Duvvury (eds), Gender equity and peacebuilding from rhetoric to reality: Finding the way, discussion paper prepared for the Gene-Equity and Peace Building Workshop, http://www.org/docs/gender_peace_report_0303.pdf5/12/07 (accessed 5 December 2007).
- 12 Such steps include immediate humanitarian relief activities plus longer-term development strategies to build infrastructure, political institutions and the social fabric of civil society.
- 13 Speech by Dr Theo-Ben Gurirab, and UN Security Council president, on 31 October 2000, when UN Resolution 1325 was passed, <http://www.peacewomen.org/un/sc/countrystatement/namibia.pdf> (accessed 10 December 2007).
- 14 Jane Hall Lute, Conflict Prevention Project, opening comments, Woodrow Wilson International Centre for Scholars, September 2002, <http://www.wilsoncenter.org/topics/pubs/ACF19D.pdf> (accessed 10 December 2007).
- 15 Ibid.
- 16 Ibid.
- 17 The idea that the term 'gender' refers only to women is cited in Lisa Schirch and Manjrika Sewak, The role of women in peace building, 2005, <http://www.gppac.net/uploads/File/Resources/GPPAC%20Issue%20papers/The%20Role%20of%20Women%20in%20Peacebuilding.pdf> (accessed 24 January 2009).
- 18 Sex talks about the biological differences between men and women based on genes and physical characteristics. Gender relates to the socially learned behaviour and expectations that distinguish masculine and feminine social roles.
- 19 Schirch and Sewak, The role of women in peace building, 6.
- 20 Ibid.
- 21 Ibid, 7.
- 22 The talks broke off without any major agreement in 1993 after the parties failed to agree on power sharing.
- 23 Elizabeth Mutunga, Gender and peace processes in Africa, in Shedrack Gaya Best (ed), Introduction to peace and conflict studies in West Africa, University for Peace, Ibadan: Spectrum, 1995, 378.
- 24 Amna Abdel Rahman Hassan, Overview of women's participation in peacebuilding process in Sudan, <http://www.snctp.org/peace.pdf> (accessed 12 December 2007).
- 25 Eventually, the women were asked to work harder, despite their different political affiliation toward a common goal, which is peace.

- 26 NGO Working Group on Women, Peace and Security, Letter to Ambassadors on Open Debate on Women, Peace and Security, 15 October 2006, http://www.womenpeacesecurity.org/media/pdf-Letter_to_Ambassadors_on_Open_Debate_on_WPS_October_2006.pdf (accessed 24 January 2009).
- 27 Emmanuel Nshimirimana, Contribution of civil society in peace process in Burundi, http://www.gppac.net/documents/GPPAC/process/UN_Peacebuilding_Commission/report_Burundi_cso.doc (accessed 5 December 2007).
- 28 Peace Negotiations, Women, war, peace and peace negotiations. <http://www.womenwarpeace.org/node/11> (accessed 12 December 2007).
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- 30 Mutunga, Gender and peace processes in Africa.
- 31 UNIFEM, UNIFEM calls for stronger international support for women's participation in peace, 18 July 2005, http://www.unifem.org/news_events/story_detail.php?StoryID=258 (accessed February 2009).
- 32 MONUC, OGA, Activities Report, Kinshasa, 10 January 2003.
- 33 In Resolution 1445 (2002) point 12, the Security Council calls on MONUC to 'pay special attention in carrying out its mandate to all aspects relating to gender perspective, in accordance with resolution 1325'.
- 34 OGA, Activities Report.
- 35 Report of the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and Surrounding Events May 2000, Women's E-news, United States Department of Education, http://www.africa-union.org/official_documents/reports/Report_rowanda_genocide.pdf (accessed 6 December 2007).
- 36 Inger Agger, *The blue room: Trauma and testimony among refugee women*, Zed Books. 1992.
- 37 Lisa Schirch and Manjrika Sewak, *The role of women in peace building*. Global Partnership in the prevention of Armed Conflict, January 2005, http://www.gppac.org/document/GPPAC/Research/Role_of_cs_in_cp/Issue_paper_on_the_Role_of_women_in_peacebuilding_Jan2005.doc (accessed 12 December).

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10 Elections de la peur ou peur des élections?

Dilemmes et contretemps de la
sortie de crise en Côte d'Ivoire

LUCIEN TOULOU

CHERCHEUR, EISA

RÉSUMÉ

Cette contribution analyse la mise en œuvre du programme de sortie de crise en Côte d'Ivoire à partir du double enjeu de la démocratisation et du rétablissement de la paix à la fois pour l'évolution du pays et pour la survie politique des principaux acteurs du conflit. D'une part, elle montre que l'échéance électorale est dramatisée en raison des peurs que suscite un échec éventuel des élections à solder les comptes de la crise politique ne laissant aux protagonistes d'autre choix que la reprise des armes. D'autre part, le papier met en lumière les intérêts divergents des principaux acteurs du conflit vis-à-vis du processus électoral. Il souligne leur volonté de minimiser les coûts et d'accroître les bénéfices escomptés de la sortie de crise, et la manière dont elle pèse lourdement sur la mise en application des différents accords de paix et contribue à repousser à chaque fois la date des élections.

Il est généralement admis que les élections font partie du problème et représentent une partie de la solution à la crise qui sévit en Côte d'Ivoire depuis le 19 septembre 2002. De fait, les Forces Nouvelles (FN) ont toujours cherché à légitimer leur coup d'Etat manqué contre Laurent Gbagbo par le sentiment

d'exclusion de nombreux citoyens ivoiriens avec comme implication la perte de leurs droits civiques et l'illégitimité des dirigeants élus dans ces conditions. De la même manière, les Nations Unies, qui accompagnent le pays dans son programme de sortie de crise, et les divers accords signés entre les parties au conflit indiquent clairement que le chapitre de la guerre ne sera clos qu'avec l'organisation des élections transparentes et crédibles¹. L'omniprésence du thème des élections post-crise souligne ainsi leur caractère exceptionnel ajoutant à l'incertitude sur l'identité du vainqueur l'immensité de l'enjeu: la démocratisation et la démilitarisation du pays. D'un côté, elles doivent assurer la légitimité nécessaire à l'autorité des nouveaux dirigeants en leur garantissant l'obéissance de l'ensemble des dirigés; elles sont une condition sine qua non de l'acceptation de l'ordre politique. De l'autre, elles doivent permettre une re-sectorialisation du conflit entre les anciens belligérants à travers un dépassement des affrontements violents antérieurs et une institutionnalisation du conflit politique c'est-à-dire son passage d'une forme violente à une forme pacifique. Pourtant, au-delà de toutes les représentations iréniques des sorties de crise, le rôle des élections dans la résolution des conflits violents reste problématique.

PROBLÈME ET MODÈLE D'INTERPRÉTATION

Les conflits ont changé de nature depuis la fin de la guerre froide. La diminution des guerres interétatiques a laissé place à une multiplication de conflits à l'intérieur même des Etats rendant plus complexe le défi du rétablissement de la paix. Si les élections peuvent être présentées comme un préalable à tout passage solide vers la paix, elles ne constituent pas en elles-mêmes un mécanisme de résolution des conflits armés, tout au plus peuvent-elles jouer un rôle dans la prévention des conflits ultérieurs et constituer une solution de compromis entre des ex-belligérants ayant préalablement décidé de faire la paix. Certes, des élections post-crise peuvent avoir des vertus pacificatrices notamment lorsque la fonction d'arbitrage des électeurs permet de rassembler les belligérants autour du suffrage universel (Wantchekon & Nieman 2002). De plus, la littérature sur les démocratisations est riche de théories qui rappellent la diversité des conditions d'émergence démocratique y compris par les troubles sociaux. Mais si la transition de la guerre vers la paix peut déboucher sur une démocratisation, la transition des régimes autoritaires vers des régimes plus démocratiques peut inversement s'achever dans l'anarchie et le chaos. Entre les deux situations, le

double fardeau de la démocratisation et de la pacification peut se trouver bien lourd pour un pays en sortie de crise. La réussite de l'un n'implique pas automatiquement celle de l'autre (Lyons 2002).

De la même manière, les expériences de plusieurs pays ayant connu la guerre montrent que, loin de pacifier, des élections post-crise peuvent aggraver les conflits violents voire en créer de nouveaux (Bermudez & Guerrero 2000; Reilly 2002). D'autres composantes essentielles de la sortie de crise peuvent également se retrouver négligées à cause des attentes démesurées qu'inspirent les premières élections qui suivent la fin de la guerre. De fait, l'immensité des défis à relever expose les élections post-crise à affronter de nombreux dilemmes. Ceux-ci sont relatifs à l'intensité des conflits, aux limites intrinsèques des élections comme outil pacificateur, à la sécurité et au timing du processus électoral, etc. Finalement, l'analyse de la corrélation entre les élections et la sortie de crise s'attache souvent à la dimension normative des élections à la fois comme facteur de pacification et instrument de légitimation des autorités élues. Mais, dans un pays comme la Côte d'Ivoire, elle n'épuise pas le débat sur les retards, les décalages de calendrier et les contretemps.

Cette contribution analyse la mise en œuvre du programme de sortie de crise en Côte d'Ivoire à partir du double enjeu de la démocratisation et du rétablissement de la paix à la fois pour l'évolution du pays et pour la survie politique des principaux acteurs du conflit. Elle offre une interprétation basée sur les attentes contradictoires et les calculs qu'inspirent les retombées et les résultats des élections post-crise pour mieux expliquer les lenteurs et les ajournements du processus électoral. Elle souligne ainsi que les stratégies d'acteurs dans la définition et la mise en œuvre du programme de sortie de crise valent autant que les pressions de leur environnement et les contraintes juridiques et formelles des accords de paix. Les protagonistes agissent selon les aléas de la dynamique de sortie de crise et cherchent à en engranger le maximum de bénéfices tout en en réduisant les coûts.

Une telle orientation théorique permet d'intégrer des variables stratégiques à l'analyse des dynamiques institutionnelles des opérations de sortie de crise et suggère que l'attitude des acteurs à l'égard des accords de paix peut varier selon les positions qu'ils occupent ainsi qu'avec les ressources à leur disposition. On trouve une telle interprétation déjà esquissée dans la théorie de la structuration d'Anthony Giddens (1987) lorsqu'il insiste sur l'importance de la dimension contraignante du structurel. Pour lui, le structurel est toujours à la fois habilitant et contraignant ; les contraintes participent à la génération de l'action. Ainsi, on

peut très bien accepter de démocratiser ou de faire la paix sous la pression. Mais la pression ne garantit aucunement l'obtention de résultats satisfaisants, tout comme la soumission à une injonction ne condamne pas l'acteur à se cantonner à une posture de perdant ou simplement à faire profil bas. Les contraintes ne servent pas qu'à imposer; elles servent aussi à délimiter un champ d'action. Si les contraintes constituent des ressources coercitives, elles n'enferment nullement dans une camisole de force.

Les travaux sur le néo-institutionnalisme conduits par March et Olson (1984) ont enrichi cette approche de manière significative. Ils montrent surtout que l'architecture institutionnelle d'une organisation ou la mise en œuvre d'un processus politique n'enferme pas les acteurs dans des routines mais leur offre des occasions de choix multiples et contradictoires. Une des variantes du néo-institutionnalisme identifiée par Hall et Taylor (1997) établit même le lien entre cette approche et la théorie des choix rationnels soulignant que les acteurs disposent d'un ensemble de préférences qui leur permettent de réduire le coût des transactions, ils s'inscrivent dans une démarche stratégique.

La tenue d'élections ouvertes à tous comporte des coûts pour les acteurs principaux du conflit ivoirien. Aux anciens rebelles des FN, elle enlève l'argument prédominant ayant justifié le coup de force contre le régime Gbagbo sans oublier la rente de situation que constitue leur monopole politico-militaire et économique sur les zones centre, nord et ouest du pays depuis 2002. Les élections peuvent aussi mettre un terme au contrôle continu des «refondateurs»² sur la rente de l'Etat que la présidence par tacite reconduction de Laurent Gbagbo a accentué. De plus, la clarification du paysage politique par de nouvelles élections fait courir au président sortant le risque de perdre le pouvoir face à des adversaires politiques qu'il n'a jamais vraiment affronté auparavant. Quant à l'opposition, les élections permettent de déterminer son poids politique réel et, surtout, de rendre définitivement inopérante la posture victimaire qu'elle a adoptée depuis l'enchaînement des crises en Côte d'Ivoire. Ceci vaut autant pour Alassane Ouattara, frappé d'inéligibilité à cause des doutes sur sa nationalité, que pour Henri Konan Bédié, l'inspirateur de la «rhétorique anti-Ouattara» (Bouquet 2003), lui-même victime du coup d'Etat de décembre 1999.

Dès lors, l'échéance électorale est dramatisée en raison des peurs que suscite un échec éventuel des élections à solder les comptes de la crise politique ne laissant aux protagonistes d'autre choix que la reprise des armes. Une telle situation oblige à prendre toutes les précautions nécessaires pour organiser des élections

de qualité, «assistées»³ et acceptées par toutes les parties. Ici, les dilemmes de la transition portent sur l'allocation du temps nécessaire à la réussite des diverses étapes du processus électoral, la mise à contribution des divers partenaires du processus et la composition du fichier électoral. Ensuite, les principaux acteurs du conflit ont des intérêts divergents. Leur volonté de minimiser les coûts et d'accroître les bénéfices escomptés de la sortie de crise pèse lourdement sur la mise en application des différents accords de paix et contribue à repousser à chaque fois la date des élections. En dehors des pressions de la communauté internationale pour la tenue des élections, il apparaît que la capacité des acteurs politiques à parvenir à une sortie négociée de la crise dépend largement des bénéfices qu'ils pourraient tirer à s'engager dans le processus électoral plutôt que de laisser perdurer le conflit. Dans le long terme, leur propre survie par le maintien du statu quo devient contre-productive au moins parce qu'ils risquent d'apparaître comme des obstacles à la paix.

Le papier est divisé en quatre sections. La première établit le lien entre la politique d'exclusion et l'éclatement de la crise consécutive au coup d'Etat de septembre 2002. Elle revient essentiellement sur les origines du conflit et son rapport avec le processus électoral. La deuxième section discute des problèmes liés à l'identification des populations. L'impact de l'identification sur la constitution de la liste électorale suscite des conflits entre les parties prenantes de la crise, ainsi que les modalités d'enrôlement des électeurs. La troisième section s'intéresse à la mise en oeuvre du processus de sortie de crise en montrant comment l'option de la concomitance des étapes s'est imposée comme une solution de compromis pour sortir de l'impasse créée par des interprétations contradictoires des accords politiques. Elle relève également les difficultés auxquelles s'est heurtée ce *modus operandi*. Enfin, la dernière section examine les conséquences de la multiplication des conflits relatifs aux élections post-crise sur le timing de l'échéance électorale.

ELECTIONS, EXCLUSION ET ÉCLATEMENT DE LA CRISE POLITIQUE

C'est un enchaînement d'événements, de nature politique, qui a conduit à la rébellion armée du 19 septembre 2002 et qui commence avec la crise de succession consécutive au décès de l'ancien président ivoirien. Jusque-là, l'évolution de la Côte d'Ivoire est marquée par la longévité politique du président Houphouët

(1960-1993) doublée d'une absence de tradition et de culture d'alternance au pouvoir. L'impréparation de la succession à la tête de l'Etat va donner lieu à une profonde rivalité entre le président de l'Assemblée nationale d'alors Henri Konan Bédié, successeur constitutionnel, et le premier ministre Alassane Ouattara qui semblait exercer le pouvoir de fait depuis l'indisponibilité du président Houphouët pour cause de maladie. Bien que Henri Konan Bédié hérite finalement du fauteuil présidentiel, le spectre de l'exclusion commence à planer sur la vie politique ivoirienne à travers diverses initiatives qui visent à clarifier la citoyenneté ivoirienne sous la menace réelle ou supposée des étrangers. Il est vrai que ceux-ci représentent 26% de la population ivoirienne selon le recensement de 1998⁴, qu'ils avaient toujours bénéficié d'un régime de faveur sous Houphouët y compris la jouissance des mêmes droits d'accès à la terre que les Ivoiriens et l'échange de l'hospitalité contre des bulletins de vote et que certains d'entre eux étaient suspectés de fraude fréquente à la nationalité.

Il n'y a rien de plus légitime que le besoin d'affirmation d'une identité nationale en Côte d'Ivoire. Dans un contexte de crise multiforme, le concept d'«ivoirité» devait apporter une réponse à la «question de savoir qui est véritablement ivoirien ou qui l'est insuffisamment ou pas du tout» (Dozon 2007: 594) mais, à cause de son exploitation politique, il remettra dramatiquement en cause le caractère composite de la population ivoirienne et mettra en faillite le «modèle ivoirien» (Contamin, Memel-Fote et. al. 1997). De fait, l'instrumentalisation de la problématique identitaire aura pour objectif principal l'élimination d'Alassane Ouattara de la course à l'élection présidentielle au motif que sa nationalité ivoirienne était douteuse. En 1995, une modification du code électoral permet de l'écarter. Celui-ci ne peut justifier qu'il est «né de père et de mère ivoiriens de naissance». Par la suite, une disposition de la nouvelle Constitution de 2000 impose à chaque candidat à la fois d'être «ivoirien de naissance, né de père et de mère eux-mêmes ivoiriens d'origine» et de «ne s'être jamais prévalu d'une autre nationalité». Cette disposition complémentaire écarte définitivement l'ancien premier ministre qui s'était autrefois prévalu de la nationalité voltaïque (actuel Burkina Faso) vraisemblablement pour des raisons de carrière et, semble-t-il, sur les conseils d'Houphouët (Bouquet 2003).

Ceux qui croyaient qu'un changement de régime suffisait à régler pour de bon les débordements de la politique d'exclusion vont déchanter. Loin de lâcher du lest, les gouvernements Guei, au pouvoir après le coup d'Etat de décembre 1999, et Gbagbo, depuis 2000, vont aggraver les fractures au sein de la société ivoirienne.

En effet, chacun cherchera à tirer des bénéfices politiques immédiats du débat sur la nationalité de l'ancien premier ministre. Parallèlement aux mesures vexatoires dont sont victimes les Ivoiriens originaires du Nord s'opère un double phénomène d'assimilation. D'une part, ceux-ci, facilement identifiables par leur patronyme, sont confondus aux étrangers. Ils deviennent à leur corps défendant les souffredouleur d'un pays déshérité à la fois par le marasme socio-économique et les affres d'une compétition politique féroce. D'autre part, la stature personnelle d'Alassane Ouattara, figure politique majeure du Nord, et les épreuves qu'il subit vont faire de lui le symbole de l'humiliation de cette partie du pays qui voit en lui la personification de ses espoirs pour une meilleure représentation dans les instances de l'Etat⁵. Sur la base de ces attentes ou simplement par réalisme, nombre d'habitants du Nord de la Côte d'Ivoire ont le sentiment que si Ouattara n'était pas ivoirien aucun d'entre eux ne pouvait l'être véritablement.

C'est donc en rapport à la fois avec les rancoeurs vis-à-vis des vrais étrangers, de ceux qui étaient désignés comme tels parce que «nordistes» et les ambitions présidentielles d'Alassane Ouattara qu'il faut comprendre diverses tentatives de marginalisation civique des populations du Nord: la victoire du Rassemblement des Republications (RDR) aux élections municipales de mars 2001 donnera l'occasion aux partisans de Laurent Gbagbo, qui venaient ainsi de perdre le scrutin, de dénoncer le «vote étranger» sous-entendant par-là que les électeurs du parti de Ouattara, majoritairement du Nord, étaient potentiellement non-ivoiriens. Il s'en suivra une délivrance sélective des cartes d'électeurs dites «sécurisées» privant 20% du corps électoral de son droit de vote (Bouquet 2003). Concomitamment, les infortunés suspectés d'être nordistes se voient délestés de leurs pièces d'identité ou se heurtent au refus des autorités chargées de les renouveler. Une partie du corps électoral se trouve mise de côté manifestement pour délit de faciès et c'est sans surprise que la première revendication des rebelles du 19 septembre 2002 repliés à Bouaké a été l'échange des pièces d'identité contre le dépôt des armes.

IDENTIFICATION DE LA POPULATION ET CONSTITUTION DU FICHER ÉLECTORAL

Que les rebelles aient pris les armes pour assurer ou non la prise de pouvoir par Alassane Ouattara, comme cela a été soutenu par les partisans de Laurent Gbagbo, fera l'objet de débats pour longtemps encore. Tout le monde s'accorde

néanmoins à reconnaître que la transition du « père fondateur » aux « refondateurs » a connu de nombreux soubresauts et que la crise ivoirienne a des origines beaucoup plus lointaines que l'éclatement de la rébellion armée. Pour preuve, le sentiment d'exclusion mis en avant par les Forces Nouvelles trouve son origine dans le repli identitaire qui commence dès la mort de Félix Houphouët-Boigny en 1993 et non pas avec l'accès au pouvoir de Laurent Gbagbo en 2000. Cependant, la disqualification de la candidature de Ouattara fut un effet d'aubaine pour Gbagbo tandis que le conflit politico-militaire ayant résulté du coup de force de 2002 a permis d'inscrire la question des conditions d'éligibilité à la présidence et celle de l'identification des populations parmi les priorités de la sortie de crise.

D'un côté, les accords de Pretoria et la médiation du Président sud-africain ont fait évoluer la question de l'éligibilité du paradigme de l'exclusion à celui de l'inclusion. L'article 35 de la Constitution alinéa 3 exigeant aux candidats d'être de père et de mère ivoiriens posait en fait deux problèmes d'inégale importance certes mais qui rendaient impérative la recherche d'un compromis: le premier tenait au fait qu'il constituait une restriction du droit de nationalité. Selon la loi ivoirienne, un seul parent suffisait à conférer la nationalité. Si la suprématie de la Constitution sur la loi ne faisait l'objet d'aucun doute, le maintien de cette disposition constitutionnelle en l'état renforçait immanquablement la conviction de ceux qui croyaient qu'elle n'avait pour but que de disqualifier la candidature d'Alassane Ouattara. Le deuxième problème était lié à la persistance de la crise politique que le règlement du cas Ouattara était pourtant censé contribuer à résoudre. Le régime politique ivoirien aura ainsi beau jouer d'alléguer pendant plusieurs mois l'impossibilité d'une révision constitutionnelle destinée à réécrire l'article incriminé en raison de l'atteinte à l'intégrité du territoire. Finalement, la solution proposée par le médiateur Thabo Mbeki permettra de sortir du cercle vicieux en 2005. Le Président ivoirien autorisera, à titre exceptionnel, tous les partis signataires des accords de Marcoussis à présenter des candidats à l'élection présidentielle.

De l'autre côté, l'identification, qui est une simple routine dans d'autres contextes, va continuer d'alimenter la polémique à la fois en raison de la contestation de son bien-fondé et des désaccords sur ses modalités. En principe, nul ne peut contester la vertu pacificatrice de l'identification et son caractère habilitant pour les citoyens. Elle devrait définitivement certifier toutes les prétentions à la nationalité ivoirienne en délivrant, une fois pour toutes et uniquement à ceux qui en ont le droit, des documents d'identité sécurisés. Ensuite, cette opération

devrait permettre la reconstruction du lien civique en Côte d'Ivoire. Elle devra réhabiliter dans leur dignité ceux des Ivoiriens qui ont été injustement privés de leurs pièces d'identité, que ceux-ci soient plus de trois millions ou pas plus de 300.000 comme l'estime le camp présidentiel⁶. Enfin, l'identification de la population est censée harmoniser les titres d'identité en Côte d'Ivoire en mettant fin à la circulation des pièces multiples. Celles-ci vont de la carte d'identité orange héritée des années Houphouët à l'attestation d'identité, une pièce qui a remplacé la carte nationalité d'identité verte dont la production a été arrêtée en 1999.

Longtemps considérée par les partisans du camp présidentiel comme une capitulation, l'identification reste politiquement connotée; elle met face-à-face deux conceptions de la crise et de la sortie de crise. Accepter l'identification des populations c'est une manière de légitimer l'idée selon laquelle la crise ivoirienne est une crise identitaire, un problème d'exclusion, alors que le camp présidentiel considère qu'il ne s'agit que d'un coup d'Etat manqué dont la solution simple consiste à rétablir l'autorité de Laurent Gbagbo sur l'ensemble du pays en désarmant les rebelles immédiatement et sans condition. Aux considérations civiques liées aux craintes de «bradage de la nationalité» s'ajoutent des inquiétudes purement politiques en raison des implications de l'identification pour l'enrôlement des électeurs. Le camp présidentiel entend manifestement éviter le syndrome des élections du 25 mars 2001 marquées par une plus grande participation des électeurs et une première défaite qui serait, éventuellement, le prélude de la perte du pouvoir suprême⁷. Une identification massive sous-entend en effet que soit le pouvoir en place accepte finalement que sa légitimité est en cause en raison de la politique d'exclusion soit décide de laisser l'opposition préparer ce qu'il considère comme un fraude identitaire prélude à une fraude électorale.

Dans tous les cas, les désaccords sur la nécessité de l'identification des populations ont entraîné d'autres blocages en rapport avec les modalités de l'opération. Le camp présidentiel s'accroche à une vision minimaliste voire résiduelle de l'identification : il s'agit seulement d'accorder des jugements supplétifs d'acte de naissance à ceux qui n'ont jamais été déclarés à l'état civil et de mettre à jour les listes électorales de 2000, avec lesquelles Laurent Gbagbo a remporté les élections, la conduite des opérations étant sous le contrôle de l'Institut national de la statistique (INS) suspecté d'être aux ordres. Quant à l'opposition politique et armée, avec le soutien de la France notamment, elle défend le principe d'une identification générale de la population qui, outre la délivrance des attestations de naissance, distribue des certificats de nationalité ivoirienne. Pour ce qui est de l'enrôlement

des électeurs, les opposants au régime ivoirien demandent rien de moins qu'une nouvelle liste électorale confectionnée par la Commission électorale indépendante (CEI), elle-même composée dans ses organes dirigeants élus de commissaires issus majoritairement de l'opposition. Ce méta-conflit sur le caractère mis à jour ou renouvelé de la liste électorale résulte des calculs et des anticipations des acteurs de la crise. Les uns et les autres sont conscients de l'impact de la modification du fichier électorale sur l'issue éventuel des élections. Une inscription automatique de tous les Ivoiriens recensés en 1998 qui atteindront la majorité électorale de 18 ans le jour de l'élection est inacceptable pour l'opposition. Celle-ci conteste la fiabilité du listing existant et dénonce les résultats du recensement de 1998 pour cause d'exclusion d'une partie de la population.

Outre la contestation de la relation circulaire entre la crise politique et la question de l'identification, le débat préjudiciel sur la temporalité de l'identification par rapport au désarmement est une autre source de blocage de la sortie de crise. Une fois de plus, les préférences contradictoires des deux camps sont censées consacrer la victoire symbolique de l'un sur l'autre en légitimant ses revendications et son interprétation des origines de la crise. Elles dénotent aussi la structuration de leur conflit en un jeu à somme nulle au sein duquel les gains et les pertes s'excluent mutuellement. Heureusement, l'évolution du programme de sortie d'un jeu à somme nulle à un jeu à somme variable, avec des pertes et des gains partagés, a permis par la suite de chercher à faire coïncider l'identification et le désarmement.

CONFLIT DES PRÉALABLES ET DILEMME DE LA SIMULTANÉITÉ

Tout au long du mois d'avril 2006 les protagonistes de la crise politique ivoirienne s'opposent au sujet de la cadence des horloges de la sortie de crise. Le camp présidentiel exige le désarmement avant l'identification. Il allègue la régularité, la transparence et la crédibilité de l'identification en soulignant le danger d'organiser lesdites opérations alors qu'une partie importante du territoire ivoirien est occupée par des groupes armés. Le désarmement et le contrôle de l'ensemble du pays par le pouvoir sont des conditions sine qua non de toute délivrance des pièces d'identité⁸. A l'appui de cette prétention, Laurent Gbagbo et ses partisans invoquent la résolution 1633 du Conseil de sécurité des Nations Unies qui, pour eux, ne prévoit aucun préalable au désarmement⁹. Ils font aussi

observer les difficultés techniques d'une identification sans redéploiement préalable de l'administration et le retour des déplacés de guerre dans des zones dites ex-assiégées. En contrepoint, les rebelles des Forces Nouvelles demandent la simultanéité des deux opérations conditionnant le dépôt des armes à la délivrance des papiers d'identité.

L'option de la concomitance des opérations d'identification et de désarmement, sous la responsabilité du premier ministre du gouvernement de transition, ne bénéficie pas des suffrages du camp présidentiel soit parce qu'elle ne correspond à son propre schéma de sortie de crise soit parce qu'elle lui donne l'impression que les choses lui échappent. Elle illustre bien la tension entre la démocratisation et la pacification en mettant en évidence les choix difficiles qui s'offrent aux protagonistes de la crise: reconnaître la légitimité des revendications de l'autre en évitant de perdre la main quant aux perspectives de sortie de crise; opérer des choix dictés par le réalisme dans la négociation d'une étape, pour ne pas passer pour un obstacle à la paix, mais néanmoins se laisser la marge d'imposer des contretemps quant il s'agit de la mise en application des accords. C'est ce que Laurent Gbagbo et ses partisans feront à la perfection. Il en résultera des appels d'air pour les Forces Nouvelles qui suspendront leur participation au dialogue militaire protestant ainsi contre le "changement des règles du jeu" sur l'identification des populations lorsque le président contestera la délivrance des certificats de nationalité par les audiences foraines. Il en découlera aussi une bipolarisation inéluctable des négociations de sortie de crise entre les deux ex-belligérants et la marginalisation progressive d'autres acteurs clés de la résolution du conflit ivoirien, y compris les Nations unies.

Quelque soit leur articulation avec la question du désarmement, l'identification et l'inscription sur les listes électorales s'imposeront finalement comme des préalables à l'organisation des élections. De plus, personne ne contestera le bien-fondé des audiences foraines qui doivent établir l'état civil des personnes physiques: ces opérations sont considérées comme la porte d'entrée de l'identification. Les désaccords porteront plutôt sur leur mode opératoire. Les points d'achoppement seront divers et variés: délivrance simultanée ou séparée des jugements supplétifs d'acte de naissance et des certificats de nationalité, traitement indiscriminé ou non des nationaux et des étrangers quant à la délivrance des jugements supplétifs (guichet unique ou jours séparés pour les uns et les autres); désignation des magistrats par le ministre de la justice, issu de la rébellion, ou par le président de la République; «non respect du consensus» sur la concomitance entre identification

et désarmement; non redéploiement de l'administration au Nord. Tout ceci aura pour conséquence des interruptions, y compris par la violence, des retards et renvois de l'échéancier électoral en attendant la signature de nouveaux accords politiques et l'adoption d'un guide consensuel des audiences foraines.

LE TEMPS DES ÉLECTIONS

Que les principales formations politiques ivoiriennes aient pu signer un code de bonne conduite le 24 avril 2008 en acceptant de renoncer au recours à la violence est un pas certain vers une civilisation des mœurs politiques en vigueur à Abidjan. Il n'échappe pourtant à personne qu'en Côte d'Ivoire, comme ailleurs, les promesses des hommes politiques ne les engagent qu'à condition qu'ils y trouvent des marges de manœuvres supplémentaires contre leurs adversaires. En l'occurrence, le cycle du report successif des élections n'a peut-être pas pu inaugurer le recours à la politique du pire comme formule ultime de survie, mais il a quand même commencé à alimenter de nombreux débats sur ce que pourrait être le vote de sortie de crise de début 2009: des élections à retardement¹⁰, une notion qui traduit à la fois un découragement compréhensible des diverses parties prenantes compte tenu des retards du processus électoral et une inquiétude réelle quant aux lendemains des élections post-crise en Côte d'Ivoire.

La prolongation du mandat présidentiel de Laurent Gbagbo successivement en octobre 2005, 2006, 2007 et 2008 est devenue l'anomalie organique d'une présidence impériale perpétuée à coup de résolutions et d'accords politiques, les retards de calendrier aggravant de fait son déficit de légitimité. Or, les régimes démocratiques se distinguent des régimes autoritaires par l'organisation d'élections à intervalle régulier et partant la limitation dans le temps de l'espérance de vie des gouvernements. La sortie de crise ne pouvait dès lors s'accommoder de la multiplication des ruses du retard. "Bien qu'elles institutionnalisent une structure politique fragile et précaire, les élections post-crise permettent au moins la désignation d'interlocuteurs et d'acteurs politiques à légitimité complète" (Bermudez & Guerrero 2000: 151). C'est en partie à cause de l'usure du répertoire d'action retardataire de la classe politique, de l'épuisement de la société ivoirienne et de l'agacement de la communauté internationale que l'annonce de la date du 1^{er} tour de l'élection présidentielle pour le 30 novembre 2008 a été rendue possible. Nul n'a pu être surpris que les élections

soient encore renvoyées à plus tard en raison notamment des difficultés logistiques de l'identification des populations.

Les retards et contretemps du processus électoral peuvent être d'un bienfait déguisé quand ils permettent finalement de franchir, une à une, les étapes qui conduisent vers des élections de qualité. L'empressement à aller aux élections peut également se comprendre en raison de la fatigue générale de la crise politique. Tous les acteurs clés de la crise ivoiriennes sont conscients que la situation de ni guerre ni paix n'a que trop duré, qu'il faut sortir de cette crise militaro-politique pour reconstruire le pays et relancer son développement, qu'il est impératif de sortir du cercle vicieux d'une transition interminable avec l'élection d'un gouvernement élu sur un programme politique et sur la base duquel son action sera jugée en fin de mandat, etc. Mais la demande d'élections rapides a pu avoir quelque chose de suspect pour certains observateurs. Le Président ivoirien, désormais partisan d'un processus électoral expéditif, avait préalablement bloqué la mise en application des résolutions 1633 et 1721 des Nations unies octroyant notamment des pouvoirs étendus au Premier ministre dans le but d'accélérer l'application de la feuille de route de la sortie de crise. A moins que le revirement de la position présidentielle ne découlât simplement d'un changement de conjoncture.

Laurent Gbagbo est redevenu maître du jeu avec l'accord politique de Ouagadougou qui prend en compte ses conditions de la sortie de crise. Son horizon politique personnel semble relativement plus éclairci: étouffement institutionnel de la rébellion grâce à la désignation de Guillaume Soro comme Premier ministre; démantèlement de la zone de confiance qui séparait les deux parties du territoire, réunification progressive du territoire et redéploiement de l'administration publique dans les zones occupées par les rebelles; divisions au sein de l'opposition minée par la démission de quelques-uns de ses cadres et des rivalités factionnelles interminables malgré des tentatives hardies de réhabilitation des alliances au sein du Rassemblement des Houphouëtistes pour la Démocratie et la Paix (RHDP); suppression, à la demande du Président ivoirien, du poste de Haut Représentant des Nations Unies pour les élections qui devait assurer l'arbitrage et la certification des étapes du processus électoral, etc. Dès lors, Il pouvait sereinement appeler à l'organisation des élections dans les plus brefs délais¹¹. Il a pu alors donner l'impression sinon d'avoir abandonné l'exigence d'un désarmement immédiat des rebelles du moins de chercher à renverser le schéma des priorités en décalant les préalables du désarmement et de l'identification par rapport aux élections au

risque de banaliser ce qui est considéré comme étant à l'origine du conflit ivoirien à savoir la question identitaire¹².

En fait, derrière la date des élections se trouvent posée la question de la volonté des acteurs politiques ivoiriens à aller à la paix, leur disposition à affronter le verdict des urnes et des considérations d'opportunité, les acteurs n'acceptant d'aller aux élections que lorsqu'ils sont apparemment sûrs de les gagner. Laurent Gbagbo n'acceptera donc jamais que s'organise une élection qu'il sait qu'il ne pourra pas gagner alors que Alassane Ouattara n'acceptera jamais de prendre part à une élection qu'il sait qu'il va perdre. Qu'il suffise d'enlever la réserve de mythe tapie dans cette boutade pour prendre la mesure des dilemmes des élections post-crise en Côte d'Ivoire. Certes, il n'est pas pertinent de limiter ces élections à un numéro de duettiste entre les deux candidats précités qui exclut de fait Henri Konan Bédié, mais au moins l'évocation des calculs allégués de quelques protagonistes du conflit ivoirien rappelle combien leur capacité à parvenir à une sortie négociée de la crise dépend largement des bénéfices qu'ils pourraient tirer de s'engager dans le processus électoral plutôt qu'à laisser perdurer le conflit. Dans le long terme, leur propre survie par le maintien du statu quo devient contre-productive au moins parce qu'ils risquent d'apparaître comme des obstacles à la paix.

CONCLUSION

Les retards et contretemps de la sortie de crise en Côte d'Ivoire illustrent la difficulté d'organiser des élections dans des pays qui se relèvent de conflits tant les défis sont nombreux. A elles seules les élections doivent à la fois servir de témoins de la démocratisation et porter le fardeau de la résolution du conflit. Il apparaît clairement que si les élections post-crise sont un facteur de décripation politique, le processus qui y conduit peut soit reproduire les différends existants soit créer de nouvelles sources de tensions entre les belligérants. Le processus électoral censé contribuer à la paix peut retarder voire rendre complexe la sortie de crise. D'où l'incertitude et l'indétermination de l'effet des élections post-crise sur la résolution des conflits.

De fait, trois inconnues pèsent sur les élections post-crise en Côte d'Ivoire: leur caractère libre et ouvert aura d'abord pour conséquence l'incertitude sur l'identité du vainqueur. Ce seront sans doute les élections les plus compétitives jamais organisées en Côte d'Ivoire depuis l'indépendance, avec en prime un consensus des acteurs de premier plan sur les règles du jeu. Contrairement aux élections de 2000

qui avaient exclu de nombreux poids lourds de la politique ivoirienne, les élections post-crise de la première moitié de 2009 seront particulièrement courues. Les candidats issus des partis ou groupements politiques signataires de l'accord de Linas-Marcoussis sont même dispensés de la production des pièces exigées pour la déclaration de candidature, y compris le fameux et polémique certificat de nationalité. Une simple déclaration de candidature signée du candidat accompagnée d'une lettre d'investiture de son parti ou groupement politique suffit. Il est fort probable que la participation des électeurs atteigne aussi un taux jusque-là inconnu dans l'histoire du pays à cause de l'enjeu de ces élections et parce que nombreux parmi eux voteront pour la première fois.

Que dire de la popularité des trois principaux candidats, autre source d'incertitude? Ce sera la première fois que Laurent Gbagbo, Henri Konan Bédié et Alassane Ouattara, vraisemblablement les principaux candidats, s'affronteront au cours d'une élection présidentielle. Le premier peut se prévaloir de la rente de situation que lui procure sa position de président sortant et du contrôle continu sur les multiples ressources de l'Etat. Les ruses de l'intelligence et les tours de mains qui jalonnent son parcours en font une bête politique au dessus de la moyenne ivoirienne, voire au-delà, et une énigme pour les observateurs. Le deuxième bénéficie de la machine de l'ancien parti unique et peut se targuer du soutien éventuel du grand groupe akan, le plus important du pays. Mais n'a-t-il pas progressivement dilapidé une partie de cet héritage? Le troisième pourra-t-il maintenir, au plan national, l'élan des municipales de 2001 qui ont vu le RDR émerger comme la principale force politique locale en Côte d'Ivoire? Par la force de l'exclusion dont il a été victime, il est devenu le symbole de la Côte d'Ivoire souffrante et combattante. Principal bénéficiaire de la réconciliation de la Côte d'Ivoire avec tous ses fils, pourra-t-il gouverner ce pays qu'il avait promis de rendre ingouvernable à cause des doutes sur ses origines? La victoire écrasante de l'opposition lors du suffrage indirect qui a permis la désignation des organes dirigeants de la CEI n'est-il que le prélude d'un cyclone électoral qui emportera le régime dit des Refondateurs? Ne se trompe-t-on pas déjà en considérant les élections post-crise en Côte d'Ivoire comme des plébiscites au terme desquelles les majorités politiques se constitueront sur la base des majorités ethniques? Quid du vote de raison, des majorités d'idées et de ces alliances issues de reconstitutions de crise et post-crise dont on sait qu'elles pourraient déboucher sur des scénarios aujourd'hui considérés improbables?

La troisième inconnue est celle des lendemains d'élections. Il n'est pas impossible que ces élections soient une nouvelle situation de mise à l'épreuve pour la

Côte d'Ivoire. Dans les trois jours qui suivent le scrutin, la CEI devra communiquer au Conseil Constitutionnel, au Représentant Spécial du Secrétaire Général des Nations Unies en Côte d'Ivoire et au Représentant Spécial du Facilitateur un exemplaire des procès-verbaux des résultats provisoires du vote accompagnés de pièces justificatives. Ce désir de transparence peut épargner à la Côte d'Ivoire de connaître des violences postélectorales de l'ampleur de ce qu'ont connus tout récemment le Kenya et le Zimbabwe en raison de retards injustifiés dans la transmission et la proclamation des résultats du vote. Néanmoins, la capacité du pays à affronter de nouvelles situations de crise pourrait être facilement mise à mal si des précautions auxiliaires ne sont pas prises dans le sens de la crédibilité de toutes les étapes du processus électoral afin d'éviter ces éventuelles contestations postélectorales.

NOTES

- 1 Les accords de paix et résolution des Nations Unies sur la Côte d'Ivoire sont multiples et variés. En plus des pourparlers de paix de Lomé (novembre 2002), on peut citer les accords de Linas Marcoussis (janvier 2003); d'Accra I, II et III (septembre 2002, mars 2003, juillet 2004); l'accord de Pretoria (avril 2005); les résolutions 1528 (février 2004), 1633 (octobre 2005), 1721 (novembre 2006) du Conseil de sécurité des Nations Unies; l'accord de Ouagadougou (mars 2007).
- 2 Les «refondateurs» désignent les élites du Front Patriotique Ivoirien (FPI) qui accèdent au pouvoir en 2000 suite à l'élection à la présidence de Laurent Gbagbo. La refondation s'identifie alors à une politique de rupture vis-à-vis des pratiques de l'ancien parti unique, le Parti Démocratique de Côte d'Ivoire (PDCI). Son projet de société, dont la mise en œuvre a été partiellement entravée par l'éclatement de la crise de 2002, prévoyait notamment l'adoption d'une assurance maladie universelle, la gratuité de l'école et la libéralisation de la filière cacao-café.
- 3 L'expression «élections assistées» recouvre diverses modalités d'appui des Nations Unies aux élections post-crise. Cf Huu Dong & Recondo (2004).
- 4 Il est intéressant de noter qu'à la suite de ce recensement un rapport du Conseil économique et social conclut que le «seuil du tolérable est dépassé» en matière d'immigration en Côte d'Ivoire. Voir extrait du Rapport du Conseil économique et social in Politique Africaine (1998).
- 5 La publication en 1992, alors qu'Alassane Ouattara est premier ministre, d'un manifeste baptisé «La Charte Nordique» appelant à soutenir la candidature de celui-ci à l'élection présidentielle de 1995 a peut-être contribué à alimenter un climat de défiance à l'égard des capacités de mobilisation des originaires du Nord autour d'Alassane Ouattara. Pour une discussion des rivalités entre le Nord et le Sud à partir du débat sur la nationalité d'Alassane Ouattara voir Dozon (2000).

- 6 Selon Pascal Affi Nguessan, président du Front populaire ivoirien, *«le nombre des sans-papiers ne peut pas excéder 300 000 personnes. Cela est loin de 3 500 000 avancées par certains acteurs politiques ivoiriens»*. Interview sur Radio France Internationale le 19/09/07.
- 7 On se souvient qu'après avoir été écarté des élections précédentes ou pour les avoir boycottées le RDR remporte les élections municipales de 2001 d'une courte tête avec 27,2% des voix contre 26,9% pour le PDCI et 25,2% pour le FPI notamment.
- 8 Dans un communiqué de mai 2006, le Congrès national pour la résistance et la démocratie (CNRD), proche du camp présidentiel, s'élève contre *«le coup d'Etat électoral permanent, le bradage pernicieux de [la] nationalité»* et s'oppose *«à toute opération d'identification avant le désarmement et la réunification du pays»*. Pour sa part, Laurent Gbagbo rappelle qu'*«on ne peut pas recenser sereinement les électeurs en ayant une baïonnette sur la tempe»*, *Jeune Afrique*, 15 mai 2006.
- 9 Cette résolution *«exige des Forces nouvelles qu'elles appliquent sans délai le programme de désarmement, démobilisation et réintégration afin de faciliter le rétablissement de l'autorité de l'Etat sur l'ensemble du territoire national, la réunification du pays et l'organisation d'élections dès que possible»* et *«affirme que l'opération d'identification doit également commencer sans retard»*.
- 10 Cette expression a émergé dans quelques analyses de la presse internationale.
- 11 Le Président ivoirien étonnera plusieurs fois par sa promptitude à aller aux élections. Lors de la cérémonie dite de la flamme de la paix le 30 juin 2007 à Bouaké consistant à brûler symboliquement quelques armes, il ne cessera de marteler : *«Il nous faut aller aux élections vite, vite, vite, vite, vite...»*. De même, son message aux Ivoiriens à l'occasion de la fête de l'indépendance en août 2007 est on ne peut plus clair : *«Si nous sommes tous de bonne foi, si chacun est déterminé, comme je le suis, à ce que les élections aient lieu, nous pouvons organiser l'élection présidentielle dès la fin de cette année, dès le mois de décembre 2007»*.
- 12 Son discours lors de sa visite fin novembre 2007 à Korhogo, dans le Nord, avait quelque chose d'intrigant : *«Si nous continuons à mettre en rapport uniquement les audiences foraines et l'identification avec les élections, nous risquons de mal travailler»*, une manière d'insinuer que les élections pouvaient se tenir avant la fin de l'identification. De son côté, l'opposition estimait qu'*«il ne faut pas aller à n'importe quelles élections, sinon, on peut faire des élections demain»*.

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Conclusion

A renewed understanding of conflict?

DR RICHARD BOWD AND DR ANNIE BARBARA CHIKWANHA

To provide an adequate conclusion to the nine chapters that comprise this monograph, it is necessary to return to the question posed in the introduction: how then do war-torn communities with reduced capacity set about their reconstruction and arrive at a situation of peace?

To answer this question, considerations of the nature of conflict and the nature of peace must be made. In the first section of this monograph, Malejaqc and Mateos both posit arguments that call for a renewed understanding of conflict. Conflict analysis – much of which is conducted on African conflicts because of their relevant frequency compared with other areas of the world – has evolved in some degree from what Mateos refers to as ‘primordialist’ and ‘inherently racist’ to a more holistic and multidisciplinary approach, as suggested by Malejaqc. However, what are interesting in our understanding of this paradigm shift are the more normative and nuanced understandings that emerge. Conflict has long been studied through various lenses, from the general planning military strike to the diplomat exploring opportunities for resolution and reconciliation and the scholar attempting to piece together disparate notions of conflict and peace. It is through an appreciation of all these lenses, and others, that we can understand the waging of conflict and the winning of peace and how they interrelate.

The outbreak of violent conflict is often the first point at which societal cleavages are fully acknowledged, certainly by the international community, if not the society in question itself, and this represents a severe weakness in the way we, as a global community, treat the issue of violent conflict. As Gadin and Agbalajobi both argue in this volume, there is an explicit need for the development of effective conflict early warning and response systems ‘with the explicit goal of preventing the emergence or recurrence of violent conflict’ (see chapter 9, Agbalajobi: 243). By focusing more of our attention on the prevention of conflict, we not only experience fewer outbreaks of violent conflict, but also develop mechanisms that can better manage those conflicts that do eventuate, because we have a more elaborate understanding of the root causes of a given conflict through a more comprehensive conflict analysis.

Conflict is not inherently a negative feature of society; ‘rather it is a natural expression of social difference and of humanity’s perpetual struggle for justice and self’.¹ Conflict arises for a multitude of reasons and invariably, in all cultures, is effectively controlled by the conflict management systems in place. The democratic process represents perhaps the best known of these management systems to deal with conflict in a heterogeneous and pluralist society. However, as has been experienced in many African states, the rooting of effective democracy has not yet taken place. Neither could it be expected to do so in the same way as in the Western states, owing to the differences in points of origin and the length of time these have had to institutionalise in society. This then represents a challenge for conflict management in Africa as alternative mechanisms need to be identified, developed and institutionalised, whether they be based on indigenous systems or adaptations of effective structures from other states. It is through the continued and advanced analysis of conflict – and, for that matter, peace – that it is possible to develop these systems and implement them in such ways as to effectively manage conflicts and prevent them from becoming deadly. Within such analysis should be incorporated a deeper understanding of the instruments that can influence the outbreak and containment of violent conflict. For instance, if, as Mashingaidze suggests, political entrepreneurs and social manipulators are able to operate in a vacuity of education to mobilise disaffected youth and incite them to violent conduct, then education surely represents a key mechanism through which the youth can be enfranchised and the incorporation of notions of peace, tolerance,

responsibility, community and others into formal and non-formal education may have positive impacts in conflict prevention and management. Similarly, congruent with the inclusion of former combatants and women into the peacebuilding process, as espoused by Bowd and Agbalajobi, or the incorporation of disarmament diplomacy into conflict resolution and management initiatives, as promoted by Mwanika, is the idea that in the same way in which conflicts emerge, are fought, and end, so must our analysis of and response to such conflicts evolve if we are to efficaciously predict, prevent and manage these conflicts and rebuild or restore those communities in which conflicts are not efficiently managed.

Despite our increasingly sophisticated understanding of conflict and all its guises, significant challenges and obstacles to the sustainable resolution of such conflicts and the peacebuilding effort still exist. Conflict resolution is an intrinsically difficult activity to engage in: not only are the root causes of conflict a complex amalgamation of structural and proximate factors,² but they are solidified and institutionalised through the ongoing conflict. As conflict becomes protracted, its original causes often become secondary, and indeed may be unknown to new belligerents who are born and raised in the cauldron of conflict. This makes the resolution of these conflicts all the more problematic, yet for peace to ensue it is necessary that advanced conflict resolution mechanisms should be constructed.

Mwanika's detailed exposition of the proliferation of small arms and light weapons (SALW) in Somalia describes the significant challenge faced by many regions on the continent such as the Great Lakes, East Africa and West Africa, in terms of territorial security, ensuring state monopoly of coercion, and meeting the MDGs as premised by Wordofa. The proliferation of SALWs throughout Africa undermines efforts to resolve conflict, and severely damages initiatives to ensure human security across the continent through challenging 'mediatory and post-conflict peacebuilding efforts' and 're-conceptualis[ing] social constructs of the legitimisation of violence. This is an Achilles heel in general conflict management efforts' (see chapter 3, Mwanika: 104), in conjunction with the threat posed by the increasing and widespread proliferation of SALWs is the negative role played by youth in African conflicts. The youth constitute a significant proportion of the African population with the UN (2006) reporting that 0–24-year-olds constituted 63,8% of the population in 2005.³ The potential for this group – or elements in it – to be radicalised into violence as a consequence of their poverty and marginalisation is evident.

Mashingaidze utilises the example of Zimbabwe to demonstrate the way in which ‘political entrepreneurs’ and ‘social manipulators’ ‘have instigated the youth to intimidate citizens and opponents to ensure compliance with their cause’ (chapter 5, Mashinaidze: 116). In this case, the youth have engaged in violence at the behest of leaders to guarantee political survival. However, youth are exploited in other African conflicts such as Uganda, Sudan, and DR Congo. While the youth can be agents of peace, too often their position in society is manipulated, resulting in their exclusion and dislocation from their community, which carries with it manifest problems for society: general security is reduced or non-existent; cultures of violence take root and are difficult to eradicate; human security at all levels is diminished; household and societal poverty increases; and conflict becomes protracted in nature.

The effects of SALW proliferation and youth involvement in conflict, along with the myriad other consequences of conflict, coalesce to represent an enormous challenge to sub-Saharan Africa. These challenges are implicitly and explicitly examined throughout this monograph, but are comprehensively explored in Wordofa’s analysis of the effects of violent conflict on the achievement of the MDGs. Wordofa’s investigation of the effects of violent conflict and what this means for Africa’s ability to meet the MDGs paints a very bleak picture for Africa’s development and its prospects for peace. As he states,

A few countries in Africa will meet the goals within the timeframe and those involved in conflict will meet none of them at all. The MDGs cannot be achieved in the midst of insecurity and violent conflict because violent conflict (small-scale or large) has direct implications for stability, security and development ... Prosperity and peace in Africa can only be achieved when the local, national, regional and international dimensions of the current crises are addressed (chapter 4, Wordofa: 110).

While it is apparent that Africa faces serious challenges to its future owing to violent conflict, as noted by Wordofa, among others, in this monograph, there is evidence of peacebuilding successes throughout the continent. In his chapter, Gadin highlights what Mwanika argues is necessary for peace in his appreciation of the evolving role of the military in West Africa’s pursuit of peace. Accepting the essence of Mwanika’s thesis, Gadin examines the role of ECOWAS, perhaps the only regional bloc effective in the resolution, management and prevention of

violent conflict. While ECOWAS's activities have not been without their problems, its military role in West African conflict management and peacebuilding has been vital for the 'disengagement of the military from political control of the state at the national level [while] at the sub-regional level, a drastic reduction in the number of armed conflicts' (see chapter 6, Gadin: 155). Successful security sector reform and a deepening of democratic principles, including civilian control of the military and not vice versa, has, according to Gadin, led to the evolution of a military that 'is now better able to guarantee democratic stability by protecting and defending legitimate and democratic institutions'.

Furthermore, as demonstrated by Bowd, demobilised combatants can make positive contributions to reconciliation and peacebuilding through their social reintegration. Specifically, the involvement of former combatants in the Rwandan Gacaca process 'both facilitates and demonstrates their successful reintegration into the community and ensures that those who are elected act as role models for newly returning ex-combatants and, indeed, the community at large' (chapter 7, Boyd: 170). This has the effect of promoting the reconciliation process through the development and distribution of trust that is vital for communities to recover from violent conflict; socially, politically and economically. What these two chapters draw attention to are the ways in which the key protagonists of violent conflict, combatants, can, in the right conditions, act as conduits of peace, thus giving strength to that argument that those who are part of the problem are also part of the solution.

Moving on from practical examples of successful peacebuilding endeavours in Africa, the final two chapters examine conceptual considerations of conflict transformation and peace. Juma's chapter on human rights offers an elaborate mapping of the influence of human rights on conflict transformation processes. Drawing on the complexity of violent conflict in Africa, Juma highlights how human rights interventions could take place at various points in the conflict, including the escalation stage, to create environments such that,

... when conflict transformation and peacebuilding mechanisms are founded on the deepest respect for individual rights and freedoms, the chances for sustaining peace and accelerating economic development are more than doubled.

While Juma's analysis is important in its own right, the rooting of human rights rhetoric in the conflict transformation process gives emphasis to the role played

by human rights principles in the normalisation procedures that conflict-affected communities pass through in their reconstruction.

Heavily linked to the discussion of human rights and conflict is the role taken by women in the peacebuilding effort. Gender-sensitive programming is a common feature of post-conflict reconstruction initiatives as policy makers and implementers capitalise on the opportunity to utilise the development agenda to mainstream gender equalisation. However, women's engagement in peacebuilding processes has long been neglected, with only a recent recognition of their potential, much of which has come from human rights discourse. Agbalajobi's chapter on the role of women in conflict resolution and peacebuilding seeks to redress this. Through charting the functions women have conducted throughout peacebuilding initiatives, Agbalajobi highlights the successes they can have and addresses the nuanced differences that enable them to operate in alternative forms to their male counterparts. This enables the presentation of recommendations to stakeholders in the peacebuilding process as to how women's involvement in conflict transformation can be maximised for more positive ends. Simply put, 'women have and continue to influence conflict resolution and peacebuilding processes that go beyond defining peace as the absence of violent conflict and focus on the principles of inclusion'. This, then, accentuates the need for policy processes that comprehensively acknowledge the potential role women can play in securing peace (chapter 9, Agbalajobi: 250).

The chapters that complete this monograph coalesce to offer distinct yet complementary contributions to the way in which peace is, and can be, achieved in sub-Saharan Africa. By embracing new methods of understanding conflict, the foundations from which a clear understanding of the challenges of conflict mitigation can be ascertained.

NOTES

- 1 Sanam Naraghi Anderlin and Victoria Stanski, 2008 Conflict Prevention, http://www.huntalternatives.org/download/28_conflict_prevention.pdf (pg1) (accessed July 2009).
- 2 Structural factors refer to those pervasive factors that have become built into the policies, structures and fabric of a society, creating the necessary pre-conditions for violent conflict, while proximate factors are those that contribute to a climate conducive to violent conflict or its further escalation, and are generally symptomatic of a deeper problem, in particular structural issues.
- 3 United Nations Population Division, <http://www.un.org/esa/population/> (accessed February 2009).



A propos de la monographie Il s'agit d'une collection d'articles présentés lors de la conférence sur l'Initiative de Sécurité Humaine en Afrique qui s'est tenue à Addis-Abeba en février 2008. Y est abordée la question des changements survenus dans les méthodologies utilisées pour l'analyse et la projection détaillée des conflits violents, de la résolution de ces conflits, des approches visant à la consolidation de la paix en Afrique, dès lors que l'on s'est détaché de cette focalisation socio-politique proprement occidentale à travers laquelle avaient jusqu'alors été déterminées les différentes politiques de réaction aux conflits dans la région. Cette monographie présente donc la volonté d'appliquer une approche plus holistique et multidisciplinaire permettant de comprendre les causes des conflits violents, et peut-être, par-dessus tout, la façon de les atténuer de manière à permettre un désengagement total de l'armée du contrôle politique du gouvernement en lui donnant une position lui permettant de sauvegarder l'intégrité territoriale des Etats au service desquels elle se trouve, car c'est cela qui garantit la stabilité démocratique, en protégeant et en défendant les institutions démocratiques légitimes. Tout en ayant leurs propres caractéristiques, les différents chapitres de la monographie fusionnent et présentent une approche harmonisée de la façon dont la paix est et peut être établie en Afrique sub-saharienne.

This monograph is a collection of papers that were presented at the African Human Security Initiative conference that was held in Addis Ababa in February 2008. It discusses the changing methodologies used to analyse and map violent conflicts, conflict resolution and peace building approaches in Africa by moving away from western-focused socio-political lenses that have defined the different policy reactions to conflict in the region. It is thus an attempt to apply a more holistic, multi-disciplinary approach to understanding causes of violent conflict and, perhaps more importantly, how to diffuse them in a way that allows for the total disengagement of the military from the political control of the state by positioning the former in a manner that allows them to safeguard the territorial integrity of the states they serve, as this guarantees democratic stability by protecting and defending legitimate democratic institutions. The monograph's chapters offer distinctive and harmonising approaches to the way in which peace is, and can be, achieved in sub-Saharan Africa.

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