CONFLICT TRENDS

ACCORD
THE AFRICAN CENTRE FOR THE CONSTRUCTIVE RESOLUTION OF DISPUTES

REINTEGRATION AND RECONCILIATION

CONTENTS

Cover: Liberians United for Reconciliation and Democracy (LURD) chief of staff, General Prince Siho (L) hands over his weapon to UNMIL force commander, General Daniel Opande.

PICTURE: GETTY IMAGES

BY **VASU GOUNDEN**

On 18 February 2010, the military in Niger, led by Major Salou Djibo and Colonel Adamou Harouna, overthrew the government of President Mamadou Tandja. The coup followed a year-long political crisis in Niger that arose from President Tandja's efforts to extend his mandate beyond December 2009, when his second term was originally scheduled to end. President Tandja dissolved the National Assembly in May 2009 and subsequently appointed a new Constitutional Court, enabling him to push forward with a constitutional referendum in August 2009 that extended his mandate for an additional three years. The new constitution also enhanced Tandja's power by scrapping the semi-presidential system of government in favour of a presidential system. Mr Tandja, a former army officer, was first voted into office in 1999, and was returned to power in an election in 2004. Niger has experienced long periods of military rule since independence from France in 1960.

The coup in Niger follows a series of coups and unconstitutional changes in government in Africa. On 6 August 2009, senior military officers in Mauritania, led by General Mohamed Ould Abdel Aziz, overthrew President Sidi Mohamed Ould Cheikh Abdallahi, who came to power in March 2007. General Aziz had led the August 2005 coup that ousted President Maaouya Sid'Ahmed Ould Taya's, who had been in power for 21 years. Mauritania has a long history of coups, with the military involved in nearly every government since its independence from France in 1960.

On 23 December 2008, junior military officers in Guinea, led by Captain Moussa Dadis Camara, overthrew President Lansana Conte, who had come to power in a military coup in April 1984, immediately after the death of the nation's first president, Ahmed Sekou Toure, the leader of the ruling Democratic Party of Guinea (PDG).

On 10 March 2009, the mayor of Antananarivo, Andry Rajoelina, led the unconstitutional change of the government of President Marc Ravalomanana. Ravalomanana was first elected as the mayor of Madagascar's capital, Antananarivo, and was then declared the winner of the first round of a 2001 presidential election. However, he only took up the presidency in 2002, after incumbent Didier Ratsiraka gave up a violent struggle to keep power and fled the country. President Ravalomanana was re-elected in 2006.

These coups and unconstitutional changes of government mark a disturbing trend in Africa. It takes Africa back to the post-independence days of the 1960s and 1970s when Africa, alongside Latin America, gained a reputation for coups and, consequently, the unwelcome and dangerous involvement of the military in politics.

The 1990s saw a decline in the number of coups in Africa, which also coincided with the dismantling of several one-party states and the resurgence of multiparty democracy. This positive trend in the 1990s culminated in the birth of the African Union in 2000, through the adoption of the Constitutive Act of the African Union. The African Union replaced the Organisation of Africa Unity, which was founded in 1963.

Given the history of coups and unconstitutional changes of governments in the 1960s and 1970s, the founding fathers of the African Union decided to address this issue by enshrining, as one of the principles of the African Union, the "condemnation and rejection of unconstitutional changes of governments". In addition, they set as one of the objectives of the African Union the need to "promote democratic principles and institutions, popular participation and good governance".

This principle and objective, among others set by the African Union, is commendable. However, as we have witnessed, after almost two decades of a decline in coups and almost eight years after the African Union made these declarations, we have not arrested this negative legacy. While we can and must condemn these unconstitutional changes of government, it is incumbent on us also to look at the causes of these unconstitutional changes.
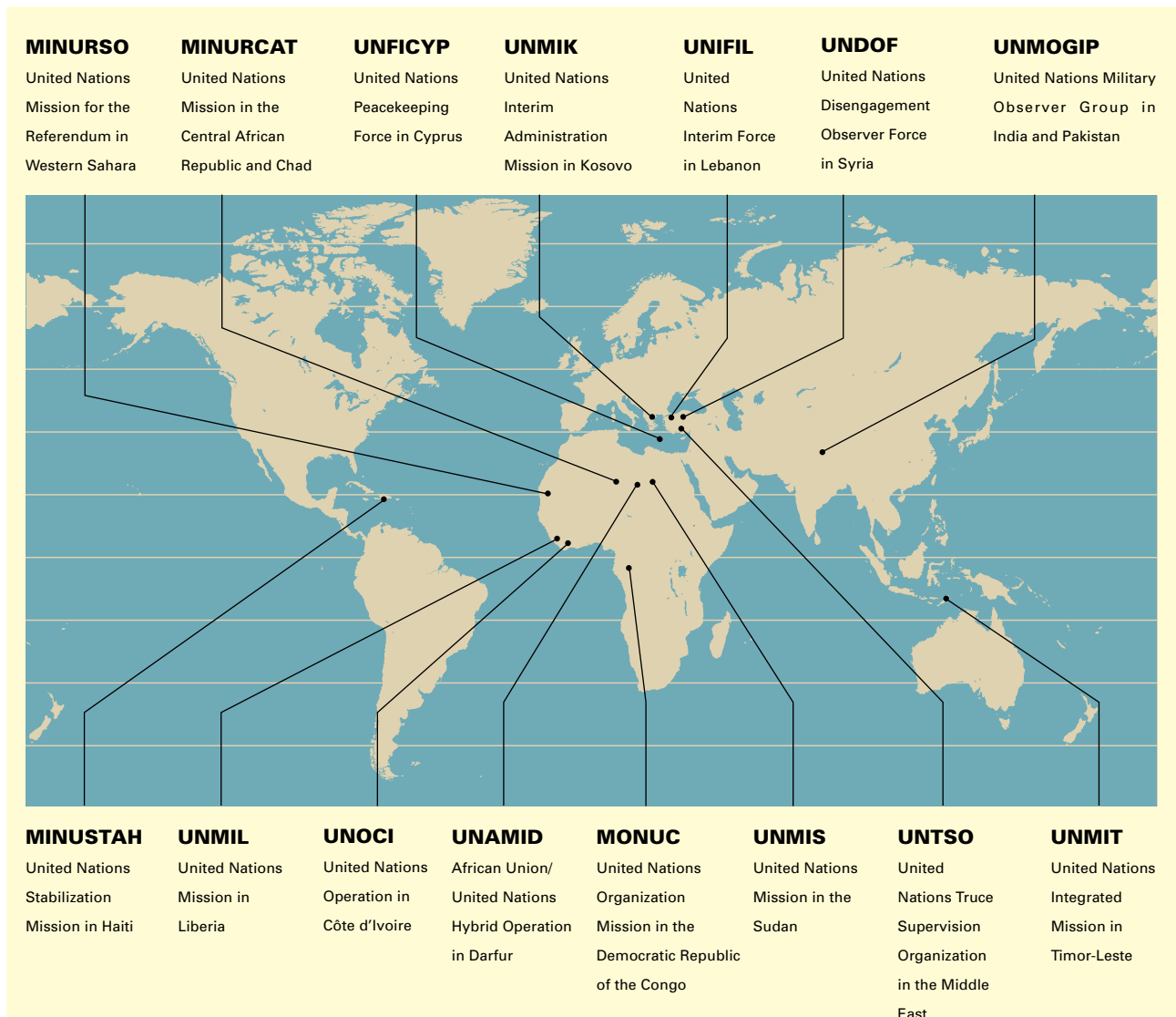
Each of the four countries cited above are among the poorest countries in the world, yet all are endowed with sufficient beneficial natural resources. If these resources are managed properly through good governance, and their benefits accrue equitably to the nation as a whole, this will assist in addressing the underlying causes of these unconstitutional changes of government.

Therefore, we have to strive to build a set of normative rules and values and generate the collective political will of the people of Africa to hold our public officials accountable for the negative consequences of these unconstitutional changes. We must address both the manifestation of the problem and the cause if we are to move Africa forward. 🜂

Vasu Gounden is the Founder and Executive Director of ACCORD.

THE EMERGING UN/AU PEACEKEEPING PARTNERSHIP

BY **CEDRIC DE CONING**

MINURSO

United Nations Mission for the Referendum in Western Sahara

MINURCAT

United Nations Mission in the Central African Republic and Chad

UNFICYP

United Nations Peacekeeping Force in Cyprus

UNMIK

United Nations Interim Administration Mission in Kosovo

UNIFIL

United Nations Interim Force in Lebanon

UNDOF

United Nations Disengagement Observer Force in Syria

UNMOGIP

United Nations Military Observer Group in India and Pakistan

MINUSTAH

United Nations Stabilization Mission in Haiti

UNMIL

United Nations Mission in Liberia

UNOCI

United Nations Operation in Côte d'Ivoire

UNAMID

African Union/ United Nations Hybrid Operation in Darfur

MONUC

United Nations Organization Mission in the Democratic Republic of the Congo

UNMIS

United Nations Mission in the Sudan

UNTSO

United Nations Truce Supervision Organization in the Middle East

UNMIT

United Nations Integrated Mission in Timor-Leste

In the last few years, cooperation between the United Nations (UN) and the African Union (AU) has developed into a meaningful, practical and pragmatic partnership. Many good intentions, especially ones about coordination and cooperation, fail to get off the ground because of bureaucratic wrangling, infighting and preoccupations with control. In this case, cooperation seems to work because it is motivated by necessity.

The UN and AU need each other. Eight of the UN's 15 peacekeeping operations are in Africa. This includes six of the UN's seven largest peace operations, and explains why 75% of the approximately 115 000 military, police

Above: Missions administered by the United Nations Department of Peacekeeping Operations.

Boubacar Gaoussou Diarra (C), Special Representative of the Chairperson of the African Union Commission for Somalia, Ramatane Lamamra (R), Commissioner for Peace and Security, African Union Commission and Ahmedou Ould Abdalla (L), Special Envoy for Somalia of the UN Secretary General, visit the base of the African Union Commission for Somalia.

and civilian UN peacekeepers currently deployed are in Africa. The emphasis on Africa is also reflected in the UN peacekeeping budget. Of the approximate US$8 billion budgeted for 2009, 77% was for operations in Africa.[1]

Peacekeeping is also a dominant concern for the AU. In the first decade since its founding, the AU has undertaken three major peace operations of its own – in Burundi (AMIB), Sudan (AMIS) and Somalia (AMISOM) – involving approximately 14 000 peacekeepers at a total cost of approximately US$900 million.[2] Africa is also a significant troop contributor to UN peace operations, with 34 African countries contributing approximately 28% of the UN's uniformed peacekeepers.

Comparative Advantages

The AU has a proven capability to undertake high-risk stabilisation-type missions – operations aimed at saving lives and stabilising the security situation in a country before a lasting ceasefire or peace agreement has been reached. These are precisely the 'no-peace-to-keep' type

missions at which the UN is particularly bad, and that the Brahimi Report warned the UN not to undertake.[3] It is thus a huge relief to the UN that the AU is willing to step into this gap. However, the AU is unable to sustain these operations, because it does not yet have predictable funding mechanisms, and it has not yet developed the in-house mission-support capacity to backstop these missions with the logistics, personnel and financial systems needed to manage them.

The UN, on the other hand, has a proven capability to sustain peacekeeping missions, because it has access to a predictable funding arrangement, the assessed-contribution system to which every of the 192 member states of the UN contribute, in proportion to their gross domestic product (GDP). This financing system has proven to be the UN's single largest comparative advantage. The UN has also developed a unique capacity to plan, sustain and drawdown large peacekeeping missions, often in some of the most remote parts of the world. In fact, this mission-support capacity is

now housed in its own dedicated department – the UN's Department of Field Support – and, apart from peacekeeping missions, it is also responsible for a further 15 special political or peacebuilding offices in places like Palestine, Nepal, Burundi, Sierra Leone and Iraq.

It is thus not surprising that a trend has developed where AU peace operations first stabilise a conflict, whereafter the UN deploys a peacekeeping mission that takes on the longer-term responsibility for overseeing post-conflict peacebuilding. This pattern was established in Burundi, where the AU deployed AMIB in 2003, followed by a UN operation (ONUB) in 2004; and was repeated in Liberia, where the Economic Community of West African States (ECOWAS) deployed ECOMIL in 2003, followed by a UN operation (UNMIL) later in the same year. This trend was again repeated in 2005 in Darfur, when the AU first deployed AMIS, which handed over to the UN/AU hybrid mission, UNAMID, on 1 January 2008.

What happens, however, when the situation remains too unstable for a UN operation to take over the AU operation? This was the predicament faced initially in Darfur, and it is a major challenge in Somalia. In Darfur, the UN stepped into the breach when it supported AMIS with first a light-support, and then later, a heavy-support package. In Somalia, the UN is supporting a dedicated trust fund and a specialised support mission, the UN Support Office for AMISOM (UNSOA).[4] Here we see the UN deploying a mission dedicated to supporting the AU, using its comparative advantages to fill the gaps in the AU's own capacity – namely access to the UN's peacekeeping budget, and specialised mission-support expertise, experience and systems. In both Darfur and Somalia, the UN has developed pragmatic and innovative ways with which to support the AU.

An Innovative United Nations

These innovations in the way that the UN supports AU peacekeeping reflect major shifts in global security partnerships, as well as significant developments in UN peacekeeping reform. UN peacekeeping has radically transformed itself since its dramatic failures in Somalia, Rwanda and Srebrenica.[5] At the end of the 1990s, the UN had only 20 000 peacekeepers and a peacekeeping budget of US$1 billion per year. A decade later, the UN

Ugandan soldiers from the African Union ride in a convoy of armoured personnel carriers, protecting UN officials during a tour of camps for internally displaced people on the outskirts of Mogadishu, the Somali capital.

UN peacekeepers patrol a road in Kibati, about 25 km north of the provincial capital of Goma in the DRC.

deployed approximately 11 times more peacekeepers than the AU, including approximately 84 000 military, 13 000 police and 18 000 civilian peacekeepers. In contrast, in 2009 the AU had approximately 10 000 peacekeepers and a budget of approximately US$500 million.

One of the most significant, but often overlooked, developments in UN peacekeeping is the transformation from military- to civilian-led multidimensional missions. The UN integrates the political, security, development, rule of law and governance dimensions under one overarching peace consolidation framework. In contrast, AU, European Union (EU) and NATO peace efforts are still primarily military operations, which also explains why they are focused on stability operations. Twenty percent of UN peacekeepers are now civilian, compared to approximately one percent in the AU operations in Darfur and Somalia. However, the AU now has a dedicated effort supported by ACCORD's Training for Peace programme, to develop the civilian dimension of AU peace operations further, especially through the African Standby Force.

As the scope of UN peacekeeping has expanded, so has its challenges. Some UN missions, like that in Kashmir, have been operational for some 60 years, and are small and relatively stable. Others, like the AU/UN hybrid mission in Darfur (UNAMID), southern Sudan (UNMIS) and the Congo (MONUC), are large and dangerous. In 2008, 136 UN peacekeepers died. As the UN noted in a recent assessment, UN peacekeeping is stretched like never before and is increasingly called upon to deploy to remote, uncertain operating environments and into volatile political contexts.[6] There has been criticism that the Security Council has been too quick to launch new missions, without adequately assessing the consequences.[7] The scale of the current and newly-emerging conflicts are such that the need for peacekeeping is unlikely to decrease. The UN, AU, EU and NATO will be under increasing pressure to further expand their peacekeeping capacities and deployments. All this comes at an increase in costs.

The Financing of Peace Operations

The single most important factor when considering the future of peace operations in Africa is cost, and how they are to be financed. If we consider the demand for

US President Obama looks on as South Korean President Lee speaks to the US Ambassador to the United Nations, Susan Rice, during a bilateral meeting in Seoul.

more and larger peace operations against the global financial crises, the obvious conclusion is that the UN and AU will be under increasing pressure to do more with less.

A positive development in this regard is that United States (US) President Barack Obama has pledged to transform the Bush administration's poor relationship with the UN, and to increase his administration's support for UN peacekeeping. The US, Europe and Japan together are responsible for approximately 88% of the UN's annual peacekeeping budget. In August 2009, Susan Rice, Washington's ambassador to the UN, announced that, despite the global financial crisis, the US is now in a position to clear all its peacekeeping arrears, and hand over US$2.2 billion in new and old contributions to the UN.

In an assessment system based on GDP, the US is responsible for 26% of the UN's peacekeeping budget, which implies an annual contribution under current commitments of approximately US$2 billion. Although that is a significant amount, it pales in comparison next to the cost of the US's own operations. In 2008, Iraq cost US tax payers US$12.5 billion a month and Afghanistan US$3.5 billion a month.[8] Ambassador Rice pointed

out that, for every dollar it costs the US to carry out a peacekeeping activity independently, it costs just 12 cents to carry out the same task as part of a UN mission. Another estimate indicates that the per capita cost of a NATO mission is five times that of a UN mission.[9] Whilst the cost of UN and AU peace operations is thus not insignificant, they are efficient and convenient investments for the major powers – and considerably

AMBASSADOR RICE POINTED OUT THAT, FOR EVERY DOLLAR IT COSTS THE US TO CARRY OUT A PEACEKEEPING ACTIVITY INDEPENDENTLY, IT COSTS JUST 12 CENTS TO CARRY OUT THE SAME TASK AS PART OF A UN MISSION. ANOTHER ESTIMATE INDICATES THAT THE PER CAPITA COST OF A NATO MISSION IS FIVE TIMES THAT OF A UN MISSION

A United Nations peacekeeper from South Africa on an armored vehicle in the North Kivu provinicial capital city of Goma.

cheaper than if they were drawn into these conflict-management tasks themselves. This also explains, in part, why China is now the largest contributor of peacekeepers among the permanent members of the UN Security Council.

The US and Europe are also major financial contributors to AU peace operations. The AU's first such operation, AMIB in Burundi, had an approved strength of just over 3 000 troops and an operational budget of approximately US$130 million per year. In comparison, the annual budget of the AU Commission for 2003 was approximately US$32 million. South Africa was the lead nation in this mission and it covered its own costs, while also contributing moderately to the cost of the other two participant states, Ethiopia and Mozambique. The total

cost to the South African tax payer was approximately US$110 million. The EU contributed approximately €45 million to the AU, whilst the United Kingdom and the US contributed another approximately US$20 million directly to Ethiopia and Mozambique, to enable them to participate in AMIB. South Africa was willing to take on the lead-nation role – including its financial cost – in Burundi because it led the mediation effort that resulted in the peace process, and it was thus a matter of national interest to ensure that the peace process was supported with an African peace operation. However, it is unlikely that this will often be the case.

The AU's second peace operation, AMIS in Darfur, was even larger, with approximately 6 500 military, police and civilian personnel and an annual budget of approximately US$500 million. AMIS was almost entirely funded from

SOUTH AFRICA WAS WILLING TO TAKE ON THE LEAD-NATION ROLE – INCLUDING ITS FINANCIAL COST – IN BURUNDI BECAUSE IT LED THE MEDIATION EFFORT THAT RESULTED IN THE PEACE PROCESS, AND IT WAS THUS A MATTER OF NATIONAL INTEREST TO ENSURE THAT THE PEACE PROCESS WAS SUPPORTED WITH AN AFRICAN PEACE OPERATION

voluntary contributions, mostly from the EU and the US. The EU contributed approximately €435 million to AMIS[10], and bilateral contributions by individual EU member states amounted to an additional approximately €115 million. The US contributed approximately US$450 million towards the operation.[11] Because of the size of the funding required and the AU's lack of capacity to manage its own mission support, financial contributors like the US had to enter into direct arrangements with private contractors to provide AMIS with mission enablers like vehicles, camps, fuel and water. Each contribution had to be individually negotiated, and the funding was thus unpredictable and came in dribs and drabs. This made it extremely difficult to plan properly and sustain the mission. The UN's support packages, mentioned earlier, were thus a welcome relief and a highly meaningful contribution.

AMISOM in Somalia, the AU's third large-scale peace operation, with approximately 8 000 military, police and civilian peacekeepers, was first deployed in 2007. AMISOM's cost has increased proportionally with the number of soldiers, from an initial approximately US$250 million per year to now close to US$500 million. The US and Europe have again contributed the bulk of the costs for AMISOM and, as mentioned earlier, the UN has now deployed a dedicated support mission to AMISOM – UNSOA – which provides it with the same kind of mission-support skill set that a similar-sized UN mission would need to sustain itself.

As can be seen from these three mission experiences, AU peace operations are resourced from a combination of African military and police contributions, AU and voluntary contributions to the AU Peace Fund and support from the UN. This is problematic, but unavoidable, because the AU's dependency on external resources denies it the independent freedom to make decisions on some of the strategic, operational and even tactical aspects of the peace operations it may wish to undertake. The availability of funding determines the number of peacekeepers, the nature of their equipment and support, the duration of the mission and the level and intensity of their operations.

A joint UN and AU panel was established to consider the modalities for supporting and financing AU peacekeeping operations. The panel was chaired by the former Italian prime minister, Romano Prodi, and it submitted its report to the AU and UN on 31

December 2008. The panel recommended a number of concrete steps that could be taken to strengthen the relationship between the UN and the AU, but the central recommendation of the panel was the use of UN assessed-contribution funding for AU-led and UN-authorised peacekeeping operations on a case-by-case basis for up to six months, to be provided mainly in kind, and only when there is an intention to transition the mission to a UN peacekeeping operation.[12]

The report of the panel is a positive development in that the question of using the UN's assessed-contribution system to support UN-authorised AU peacekeeping missions is now openly discussed as one option on the table. However, in reality, the panel's suggestion goes no further than what the UN has already done in Darfur and Somalia with the support packages and the support office. In fact, the UN has already gone further in practise, because the panel refers to support for six months only, and then only if it is sure that the UN will take over the mission, whilst the support in Darfur and Somalia has lasted longer than six months and the UN is unlikely to take over the AU mission in Somalia as long as the fighting there continues. In that sense, the report's recommendations were disappointingly conservative.

Political, Planning and Other Forms of Cooperation

However, financial considerations are not the only aspects of AU/UN cooperation. There is room for enhanced cooperation on the political front between the AU's Peace and Security Council and the UN Security Council, and scope for further cooperation between the UN Secretariat and the AU Commission – not just on mission support, but also on integrated planning, mission management, leadership, training and the monitoring and evaluation of peacekeeping operations.

Insights from the AU and UN experiences in Darfur and Somalia, and the experiences of the United States and NATO in Iraq and Afghanistan, have resulted in the widely recognised understanding that the UN failures in the 1990s were not because the UN system was inherently flawed. They failed because they were faced with impossibly complex odds. To succeed, they would have needed a much more multidimensional and comprehensive approach than was available at the time. However, the popular notion was that the UN was weak and that the world needed more robust peacekeeping. Ten years later, the US and NATO, and the world with

them, have rediscovered in Iraq and Afghanistan that complex conflicts are not resolved by force alone, no matter how technically superior and advanced, but primarily through politically-driven peace processes. As the figures cited earlier have demonstrated, the latter can often be achieved at a fraction of the cost of the former.

The most important prerequisites for peace brokers are credibility and legitimacy. This is the critical ingredient that the US and NATO lack in Iraq and Afghanistan, and the reason why the UN has proved indispensable in Kosovo, Lebanon and Darfur. The enduring lesson is that, in peacemaking, credibility trumps overwhelming force. In this sphere, the UN Security Council and the AU Peace and Security Council have much to gain from closer cooperation, and much to lose from lack of coherence between the two bodies, in those many cases where there are joint or coordinated mediation and peacekeeping efforts underway.

A 2008 study by the Human Security Report Project at Canada's Simon Fraser University found that there has been a decline in every form of violence, except terrorism, since 1992. Armed conflicts fell by more than 40% in the past 13 years, and the number of "very deadly wars" had fallen by 80%. Although large-scale conflicts and deaths have declined, the scale, frequency and nature of today's conflicts – now more often directed at civilians, especially women and children – are still alarming. However, the study credits "interventions by the United Nations, plus the end of colonialism and the Cold War, as the main reasons for the decline in conflict".[13] The UN and AU have thus already had a significant impact on international peace and security, and an even closer and more professional partnership between the AU and the UN has the potential of further enhancing coherence among these organisations, with the potential benefit of more efficient and effective peacekeeping operations, and eventually more sustainable peace processes. ⚐

Cedric de Coning is a Research Fellow at ACCORD and the Norwegian Institute of International Affairs (NUPI), and acts as an advisor to the peacekeeping and peacebuilding units at ACCORD.

Endnotes

1   All the United Nations Peacekeeping Operations statistics in this article are based on the DPKO Background Note of 31 August 2009, Available at: <http://www.un.org/Depts/dpko/dpko/bnote.htm> Accessed on: 10 October 2009.

2   All AU statistics, unless otherwise referenced, are based on information on the AU website, Available at: <http://www.africa-union.org/root/au/AUC/Departments/PSC/PSC.htm> Accessed on: 10 October 2009.

3   See 'Report of the Panel on United Nations Peace Operations', 21 August 2000, Available at: <http://www.un.org/ga/search/view_doc.asp?symbol=S/2000/809> Accessed on: 22 February 2010.

4   UNSOA and the trust fund are authorised under UN Security Council Resolution 1863 of 2009.

5   For more information, see 'Report of the Secretary-General on the Fall of Srebrenica' (A/54/549), 15 November 1999, Available at: <http://www.un.org/ga/search/view_doc.asp?symbol=A/54/549> Accessed on: 22 February 2010; and 'The Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda' (S/1999/1257), 16 December 1999, Available at: <http://www.un.org/ga/search/view_doc.asp?symbol=S/1999/1257> Accessed on: 22 February 2010.

6   (2009) 'A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping', New York: Department of Peacekeeping Operations and Department of Field Support, United Nations, p. 6.

7   Gowan, Richard (2008) The Strategic Context: Peacekeeping in Crisis: 2006–08. *International Peacekeeping*, Vol. 15, No. 4, pp. 453–469.

8   Rashid, Ahmed (2008) *Descent into Chaos*. New York: Penguin, p. 414.

9   Gowan, Richard (2009) 'The Future of Peacekeeping Operations: Fighting Political Fatigue and Overstretch', Friedrich Ebert Stiftung Briefing Paper 3, March 2009, p. 3.

10 EU Delegation to Washington D.C. Fact Sheet, December 2007, Available at: <http://www.eurunion.org/newsweb/HotTopics/DarfurEUFactsheetDec2007.doc> Accessed on: 10 February 2008.

11 US State Department Fact Sheet on U.S. Aid to the People of Sudan, 25 August 2006, Available at: <http://www.america.gov/st/texttrans-english/2006/August/20060825154635EAifaS0.5918085.html> Accessed on: 10 February 2008.

12 (2009) 'Support to African Union Peacekeeping Operations Authorized by the United Nations', Report of the Secretary-General, S/2009/470, 18 September 2009, New York: United Nations.

13 'The Human Security Report 2008', the Human Security Report Project, Vancouver: Simon Fraser University, Available at: <http://www.hsrgroup.org/>.

COMMUNITY REINTEGRATION MODELS FOR EX-MILITIAS: LESSONS FOR THE NIGER DELTA AND OTHER DIVIDED SOCIETIES

BY **DON JOHN OMALE**

Above: A fighter of the Movement for the Emancipation of the Niger Delta (MEND), holds his heavy machine-gun at the militia's creek camp in the Niger Delta. MEND says it is fighting for local people to get a greater share of the huge oil revenues. Since MEND took up arms in early 2006, Nigeria's oil output has been cut by at least one quarter due to kidnappings and sabotage in the Delta.

Background

In a bid to actualise the Niger Delta Peace Plan, in April 2009 the Nigerian President offered amnesty to militants of the Niger Delta. Whereas this announcement was seen by some as a route to peace, it is suggested in this article that an effective solution to a protracted problem is about tackling the problem with evidence-based models, and not about making it easier to live with. The Niger Delta problem, like many other conflicts in developing countries, has its roots in protracted and intergenerational

NIGERIA

Niger Delta

dispute. It is about *fundamentum omnius cultus animae* ("the soul of all improvement is the improvement of the soul"). One best-practice model to deal with this kind of problem is the application of the psychology of cognitive behaviour reversal training (CBRT), aimed at providing fundamental trainings on alternative dispute resolution, active citizenship, behaviour modification and victim empathy to both the militants and the traditional leaders of the respective communities to which the militants must eventually return.

This article argues for a constructive community mentoring and peace education model for ex-militants in divided communities, in addition to any reintegration programme. The objective is to help peace practitioners and advocates transform ex-militants into agents of change in divided societies. The argument is that any constructive peace project needs to hold peace and community reintegration action workshops, in the process training, organising and mobilising both community leaders and

militants to bring them together, based on Braithwaite's theory of "re-integrative shaming" and Collins's notion of "interactive ritual".[1]

An effective and constructive peace project in developing countries should attempt to promote local reconciliation and community participation by developing human capacities in peace education among ex-militants and traditional leaders, through training in conflict management and alternative dispute resolution. Such training should include the development of negotiating and communications skills, and community activities concerned with local peacebuilding. It should enable both sets of leaders to gain skills, knowledge and confidence, so as to develop their potential and overcome barriers to community peace and reintegration.

One effective way of doing this is through what this author calls a "peace mentoring project" or PMP. Its goal is to expand networking opportunities with relevant NGOs involved in peacebuilding and human capacity development for social transformation, developing and sponsoring peace

games, and youth clubs in schools for community cohesion. An effective post-conflict PMP should develop new and real actions based on the principles of ecumenism, victimology and restorative justice. This is imperative, because much conflict in developing countries evolves out of ethno-religious fundamentalism, lack of victim empathy, and in reaction to abuse of the rights of the poor by those in power. This mentoring and reorientation can make a difference to the efforts of other organisations and individuals interested in peace projects in divided communities. It should aim at developing a national mentoring profile, and become an example of evidence-based practice of community reintegration, peace education and conflict resolution mechanisms.

The author's basis for this argument is that, while the Federal Government of Nigeria – in liaison with security agencies and the Ministry of Interior – currently provides transitional economic reintegration by giving employment to qualified militants in the paramilitary services, this should not, however, undermine the long-term benefits of developmental reintegration. In recent years, literature[2] on the reintegration of ex-combatants has warned that absorbing ex-combatants into the national armed forces might contribute to fuelling vicious circles of the "conflict

GETTY IMAGES

The "Peace mentoring project", or PMP, expands networking opportunities with relevant NGOs involved in peacebuilding and human capacity development for social transformation, developing and sponsoring peace games and youth clubs in schools for community cohesion.

EVEN WHEN THE DEMOBILISED COMBATANTS ARE NOT FAKE, THE AFGHAN CASE SHOWS THAT EX-COMBATANTS WHO HAD OPENED SMALL-SCALE BUSINESSES WITH THE SUPPORT RECEIVED FROM AN ARMS-FOR-CASH PROJECT HAD THEN SENT THEIR YOUNGER BROTHERS OFF TO JOIN COMBAT FORCES, THEREBY CREATING THE IMPRESSION THAT VIOLENCE AND MILITANCY CAN BE REWARDING

trap" – that is, new forms of conflict that are violent, exploitative and illiberal, and will not necessarily culminate in revived democratic institutions. Somalia is a good example of this "evolution of the conflict trap"[3] because, with about 60 000 ex-Somali combatants working as private security guards in Mogadishu, reintegration looks more like a façade than real conversion. In other words, the ex-combatants' reintegration into proper community and civic life is doomed to fail, unless it is accompanied by the conversion of the entire "war mode of production"[4] through the psychology of CBRT, and mentoring programmes.

With this understanding, this author argues for the adoption or adaptation of a remarkable Afghanistan project model, managed by the Cooperation for Peace and Unity (CPAU), which involves local ex-combatant commanders in community reintegration training and activities. They later went on to organise local *shura* (councils) of women concerned with local peacebuilding and community cohesion (Rossi and Giustazzi, 2006). The success of this Afghan model suggests that consensus-building mechanisms and community participation, as well as the promotion of the human capital of ex-combatants in post-conflict communities, can be more effective in achieving sustainable reintegration and peacebuilding than security-oriented practices.[5]

Another background need for this article is that, in the Niger Delta (for instance), evidence has shown that some traditional and community leaders who seek political attention and wish to become relevant in the eyes of the national government, often incite youths to initiate ethnic or violent conflict in their communities, and then afterwards present themselves as the only group with the influence to stop the violence. With the level of poverty among youths in the country, it is usually not difficult for unscrupulous ethnic, community, religious and political leaders to mobilise and manipulate the youth to commit violent acts

in pursuit of the personal interests of such leaders. Hence, this article argues for the involvement of traditional leaders in alternative dispute resolution workshops, aimed at building a culture of non-violence and at changing negative ambitions for sustainable peace. The author is assuming that, when traditional leaders become involved as peace educators, mentors and advocates for peace, it will have a significant impact on others who might wish to incite violence in their communities in future.

Objectives of a Good Peace Mentoring Project
- To identify and provide knowledge to participating ex-militants on how to access local resources (medical, psychological and economic) and alternative pathways to violence (jobs, vocations, entrepreneurship), to facilitate their self-reliance and reintegration.
- To promote a culture of non-violence, victim empathy, conflict resolution and peacebuilding in post-conflict communities.
- To transform participating ex-militants and traditional leaders into entrepreneurs of community peace initiatives and strong advocates of alternative dispute resolution methods, rather than being entrepreneurs of violence.
- To convince ex-militants and participating traditional leaders to reject small arms and light weapons proliferation (SALWP) in their communities.
- To persuade ex-militants in the PMP to feature on television, as transformed and productive members of the community.
- To identify successful ex-militants for deployment as inspirational guest speakers on the principles of ecumenism, victim empathy and non-violence at youth clubs, schools, colleges, churches and community organisations.

What this author is arguing is that the PMP, in addition to other community reintegration methods, could be more effective and transformational than an "arms for cash" project, for example. While the latter project aims to achieve its disarmament, demobilisation and reintegration (DDR) objectives, project administrators in developing countries need to be careful that those demobilised are not pretenders or fake combatants, and that non-serviceable arms are not returned for cash. Even when the demobilised combatants are not fake, the Afghan case shows that ex-combatants who had opened small-scale businesses with the support received from an arms-for-cash project, had then sent their younger brothers off to join combat forces, thereby creating the impression that violence and militancy can be rewarding.

Project Activities and Work Plan
Since the rehabilitation and reintegration of ex-militias requires a strong commitment from government

institutions and the active participation of NGOs, the private sector and receiving communities, a reintegration project should aim at both short- and long-term working relationships with industrial training funds, directorates of employment and talent-hunt organisations, among others. Project implementation activities could be of two types: quick impact and stopgap. The former should aim at achieving reintegration objectives that will give participating ex-militants tangible trainings for a better life after and outside of conflict.

These activities could include:

Economic and Vocational Training:

This could be in the form of intensive workshops dedicated to identifying and assessing viable economic opportunities, vocational training resources and pathways to self-reliance. There is evidence in literature that ex-combatants often opt for the vocational training option in reintegration projects. A successful vocational reintegration project requires baseline information, based on an objective labour-market assessment of the skills, aptitudes, intentions and expectations of the beneficiaries. For example, Rossi and Giustazzi[6] show that World Vision (an international charity organisation) was successful in its vocational

training objectives for ex-combatants in the western region of Afghanistan, because it used the International Rescue Committee's labour-market assessment model to establish the offer of vocational training.

Thus, World Vision offered training mainly in skills related to the construction sector, as it is one of the growing sectors of the economy in Afghanistan. Whereas, for another implementing partner, during the monitoring and evaluation of its activities in the Afghan reintegration project; assessors found that ex-combatants in the project had been trained as car mechanics on obsolete and disused car engines from Soviet times. In other cases, several ex-combatants who came from the same villages (and same families and tribes) were said to be enrolled in tailoring courses, so that a concentration of about 15 new tailors per village was created. Evaluation reports from this project showed that ex-combatants complained that their training was useless because, at the end of it, they had to compete with established tailors and other job seekers in a crowded market, in an economy with few opportunities.

Deriving from the lessons learned from the evaluations of the Afghan projects, it should be clear that adequate guidance, awareness and counselling must be given to ex-militants in choosing vocational training programmes.

GETTY IMAGES

Men construct petrol tankers at the side of the road on the outskirts of Lagos, Nigeria. The workers have as many as ten tankers on the go at any one time, taking about one month to contruct each one.

Multimillion-dollar contracts for the dredging of the inland water ways of the lower Niger for road constructions in the Niger Delta, and for the Brass-Nembe Liquidified Natural Gas project, present potential economic and employment opportunities for the rehabilitation and reintegration of ex-combatants.

In the Niger Delta Reintegration Project, for instance, it is imperative for project designers and facilitators to note that the multimillion-dollar contracts for the dredging of the inland water ways of the lower Niger, for road constructions in the Niger Delta, and for the Brass-Nembe Liquidified Natural Gas (LNG) project, present potential economic and employment opportunities for the rehabilitation and reintegration of ex-combatants. The Niger Delta Reintegration Project Committee should guide ex-militants to position themselves strategically for these opportunities, because if Niger Delta indigenes are not trained in the necessary skills required for servicing these industries, they will lose out in terms of occupational representations. To prevent any future reoccurrence of agitation for resource control and occupational representation – as it was in the oil industries – combatants need guidance and counselling on skills training that will position them strategically to benefit from the dividends of those industries and services.

Health and Psychological Screening:

Another quick-impact activity that should be provided is health and psychological screening. In the Niger Delta Reintegration Project, for instance, there should be collaboration with the National Agency for the Control of AIDS (NACA) and the respective state health ministries. Quick-impact confidential and voluntary drug, sexually transmitted infections and HIV screening services should be provided for participating ex-militias. To facilitate their developing of strong social roots and a stable and sustainable reintegration, they must then be cleared of these ailments so as to live normal lives.

Tenancy and Housing Supports:

Although most reintegration projects do not provide housing and resettlement opportunities to ex-militias, it is nonetheless important for reintegration programmes to build in guidance and counselling services to returning

ex-combatants, on how to deal with such issues as housing tenancy agreements and unlawful removal notices, and how and where to access funds for rent arrears and deposits. This is imperative because, if ex-combatants are stigmatised and not allowed to live among their people, it could create a culture of "back to the trenches".

Reintegrative Ceremony:

In collaboration with the religious leaders of host communities, participating ex-combatants should be encouraged to attend ecumenical services to seek forgiveness for such deeds as hostage-taking, kidnapping, pipeline vandalism, rape, etc. This spiritual healing for ex-combatants is necessary to reduce the possibilities of rejection by the communities to which they are returning. It will also create a sense of intrapersonal reconciliation for the militants. This spiritual healing ceremony is important because, in Nigeria – as in other developing countries – many people who fail in their careers and endeavours often attribute their failure to one tele-aetiological factor or the other. For instance, if an ex-militia fails in his vocational endeavour in the future, he might say that he is cursed or that God has not forgiven him of his past deeds. Moreover,

in Nigeria, like in other developing countries, religion plays into and reinforces self-identity and thus should be taken into consideration in the design, use and application of any reconciliation and reintegration processes.

The Stop-gap and Long-term Project Activities

Reintegration is a process. It is, therefore, important that there be ongoing activities to support militants from backsliding during the reintegration process. These activities should aim at preventing the fragile post-conflict communities from further deterioration by the long-term building of indigenous capacity for continued public and civic peace education. Proposed activities would include:

A Standing Peace Mentoring Project:

At the completion of quick-impact workshops, machineries for the formation of a sustainable "Standing Peace Mentoring Project" (SPMP) should be put in place. The SPMP should comprise volunteer participants (militants and traditional leaders), who will constitute standing peace corps and mentors in post-conflict communities. Volunteer mentors should work with project directors in collaboration with schools, communities and relevant organisations to

REUTERS / THE BIGGER PICTURE

Ex-combatants should be encouraged to attend ecumenical services to seek forgiveness for such deeds as hostage-taking, kidnapping, pipeline vandalism, rape, etc. This spiritual healing for ex-combatants is necessary to reduce the possibilities of rejection by the communities to which they are returning.

entrench the principles of ecumenism, victimology and restorative justice in the communities. This should aim at inculcating the sense of prudentialism, victim empathy and active citizenship in the volunteer militants, youths and traditional leaders. Volunteer militants should give talks on peace education and community reconciliation at schools, youth clubs and religious conferences. The SPMP should also create an avenue for assertiveness, which will enable the public to understand the needs, fears and interests that inform the position and behaviour of the militants, as well as their feelings and fears after demobilisation. These fears include social isolation, stigma or rejection, and how they would be able to deal with them.

An Annual Peace Walk:

For sustainability of the SPMP, there should be an annual peace walk – preferably at Christmas or any religious season acceptable to the communities – where volunteers could dress up in fancy costumes (like Santa Claus, for instance) to encourage peace and community cohesion in post-conflict communities. The walk could be capped by an ecumenical or religious service to seek God's intervention in the peace process.

A Drop-in or Call Centre:

Often, at the end of projects, participants lose contact with project facilitators. This could be traumatising to some ex-participants who might need further queries. For this reason, there should be a drop-in or call centre to attend to enquiries from project participants after the projects have ended. The centre could do referral services, telephone follow-ups and ongoing guidance and counselling arising from tenancy issues, community relations, CV preparation, job applications, etc. These post-project activities could also encourage project participants to join clubs, charity organisations and volunteer groups to build self-confidence, develop their communication skills, meet new people, have fun and "move on" in life.

Project Evaluation

A good reintegration project should conduct both internal and external reviews. Interim mechanisms for internal review could include:
- Confirmation of attendance of selected project participants. If the attendance confirmation rate is low, project facilitators should try to ascertain the reasons.
- Pre-workshop assessments of learning objectives, where participants could be asked to identify three or more learning objectives – what is it they want to gain from the workshops? This will enable project facilitators to ascertain whether the training materials will deliver the learning objectives, or need amendments.
- Post-workshop assessments to determine learning outcomes. where participants could be asked to list three or more learning outcomes at the conclusion of

an event, with consideration to the learning objectives identified earlier. They could also be asked to state how they will apply the outcomes to actualise their objectives, including such questions as: what actions will they now take? By when (timeframe)? With or without support? This will enable project facilitators to know how enthusiastic they are about the project and about self-reliance. ⚑

Dr Don John Omale is the Head of Criminology and Penology in the College of Peace and Social Sciences at Salem University, Lokoja, Nigeria.

Endnotes
1   Braithwaite, John (1989) *Crime, Shame and Reintegration*. New York: Cambridge University Press; and Collins, R. (2004) *Interaction Ritual Chains*. Princeton, New Jersey: Princeton University Press.
2   See Collier, P. (2003) *Breaking the Conflict Trap: Civil War and Development Policy*. Washington: The International Bank for Reconstruction and Development/World Bank; and Menkhaus, K. (2004) Vicious Circle and the Security Development Nexus in Somalia. *Conflict, Security and Development* (4) 2, pp. 149-165.
3   Kingma, K. (2000) Demobilization and Reintegration Experiences in Africa. In Pauwels, N. (ed.) *War Force to Work Force: Global Perspectives on Demobilization and Reintegration*. Baden-Baden: Nomos Verlagsgesellschaft.
4   Specht, I. (2003) Jobs for Rebels and Soldiers. In Date-Bah, E. (ed.) *Jobs After War: a Critical Challenge in the Peace and Reconstruction Puzzle*. Geneva: INFOCUS-ILO, p. 25.
5   See Rossi, S. and Giustazzi, A. (2006) Disarmament, Demobilisation and Reintegration of Ex-combatants in Afghanistan: Constraints and Limited Capabilities. Crisis States Research Centre, Working Paper (2) 2. London: London School of Economics.
6   *Ibid.*

ZIMBABWE'S ILLUSIVE NATIONAL HEALING AND RECONCILIATION PROCESSES: FROM INDEPENDENCE TO THE INCLUSIVE GOVERNMENT 1980 – 2009

BY **TERENCE M MASHINGAIDZE**

Many Zimbabweans considered the formation, in February 2008, of the Organ on National Healing, Reconciliation and Integration by the Inclusive Government – formed by elements of the ruling Zimbabwe African National Union (ZANU) and the Movement for Democratic Change (MDC) – to be a watershed opportunity for stemming the nation's

Above: President Robert Mugabe of Zimbabwe, addressing suppporters at ZANU-PF party's annual conference in the northwestern mining town Bindura on December 19, 2008.

The ongoing consultation about national healing is viewed by some as flawed by being conceptualised in selective racial terms, which may exclude the white community from the healing exercise.

historically entrenched culture of state-sanctioned violence and impunity. Zimbabwe had never before comprehensively attempted to prosecute or compel perpetrators of politically motivated violence to acknowledge their transgressions, because the national leadership regularly exploited constitutional prerogatives to pardon perpetrators. Political expedience has always outweighed the imperatives of victim-sensitive national healing after all the major political crises of the post-independence years. These included the liberation war of the 1970s, the *Gukurahundi* inferno of the

1980s, recurring election-related violence in the post-colonial era, the land reclamation exercise, and anti-MDC violence after 2000.

In this article, I argue that the major deficiency in the contemporary conciliatory political milieu is the lack of clear and binding instruments for achieving national healing and reconciliation. There is also no symmetry in the power relations among the constituent political players in the Inclusive Government. Individuals and interests that fomented violence in the past remain powerful and

still arbitrarily control some levers of the state, and this forecloses meaningful national healing. Another shortcoming is that national healing is also conceptualised in selective racial terms, with the white community not factored into the ongoing healing exercise. In short, the current national healing process does not promise a new future without impunity for Zimbabweans.

The ensuing narrative explores the intersecting politics of post-colonial violence, retribution and impunity in three parts. The first part analyses the key determinants for national healing and reconciliation. In the second, I contextualise violence in Zimbabwe by exploring the inadequacies of the country's post-colonial attempts at national healing. The third section is my critique of attempts at stemming the culture of impunity, and of establishing sustainable peace by the new government and its National Organ on Healing, Reconciliation and Integration.

Striving for National Healing and Reconciliation: Key Considerations

Truth, justice, restitution and the rights of communities to express and memorialise past communal injuries are the *sine qua non* of far-reaching national healing and reconciliation projects. Evenson identifies four key determinants critical to a society's transition from a violent past to a peaceful future: "providing criminal accountability, deterrence, and punishment, and establishing a common truth about the past which can carry the society forward in a process of healing and reconciliation."[1] However, a simple fixation with "truth" is problematic because "the idea of an ascertainable past has to negotiate with the notion that the full truth of the past can not be grasped. Memories and histories will always conflict; may be neither of them has the capacity to know everything in the first place".[2] Platforms for post-conflict truth-telling, such as truth and reconciliation commissions (TRCs), have inherent limitations for providing historical truth. At most, they unearth particular views that do not devalue the possibility of knowing the past, even as they open up "the category of historical truth to its partiality".[3]

Truth-telling, however partial, is an imperative in any national healing matrix because "part of the process of psychological healing for any victim of abuse, is being given the opportunity to recount that suffering to a supportive, non-judgmental audience".[4] In many instances, victims' renditions of their experiences to sympathetic statutory bodies such as the South African TRC – which acknowledged

their pain – has proved to be cathartic. A common thread that ran through their testimonies was an extraordinary capacity to forgive, if they could only know the truth. Zimbabweans have failed to heal and reconcile after major crises, because their national leadership has accorded premium to the state-sanctioned ideal of forgiveness without truth, and reconciliation without justice.

This reluctance to punish violators of human rights at election times or other moments of political crisis has created a culture of impunity in Zimbabwe, and a notion that violence and intimidation of opponents are the appropriate modalities for transacting political business. President Mugabe's Clemency Order of October 2000 granted amnesty to individuals who kidnapped, tortured and assaulted people, and destroyed houses and other possessions in the run-up to the June 2000 legislative elections.[5] Reeler argues that this has had disastrous effects upon Zimbabwean society because, 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 only foments further cycles of violence. Indeed, torturers have bluntly told many of their victims that this is the case.[6] Some of the people implicated in the violence of 2000 went on to commit more violence during the 2001 by-elections and the March 2002 presidential poll.[7] The state pardoned those culprits.

Zimbabwe's Inadequate Post-colonial National Healing and Reconciliation Processes, 1980-1990s

A culture of impunity seems to run deep in Zimbabwe's political firmament. The colonial Rhodesian state set the precedent for blanket amnesties in 1975 when it implemented the Indemnity and Compensation Act, granting amnesty both retroactively and in advance to members of the army, the police, the Central Intelligence Organisation and the civil service for offences committed in "good faith". The Rhodesian state adopted these measures to give its 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 Ordinances of 1979 and 1980. These pardoned all excesses perpetrated by Rhodesian state functionaries – its soldiers, intelligence operatives and militias – as well as by nationalist forces affiliated to ZANU (PF), ZAPU (PF) and the auxiliaries aligned to the so-called Internal Settlement

As part of the Lancaster House Agreement, the transitional government passed the Amnesty Ordinances of 1979 and 1980. These pardoned all excesses perpetrated by Rhodesian state functionaries – its soldiers, intelligence operatives and militias – as well as by nationalist forces affiliated to ZANU (PF), ZAPU (PF) and the auxiliaries aligned to the so-called Internal Settlement arrangement, led by Ndabaningi Sithole and Bishop Abel Muzorewa.

arrangement, led by Ndabaningi Sithole and Bishop Abel Muzorewa.

At independence in 1980, Premier Robert Mugabe further declared a policy of national reconciliation in which he urged his fellow citizens across the political, ethnic and racial divides to "let bygones be bygones". This policy involved the granting of state-sanctioned forgiveness to the excesses perpetrated by the colonial Rhodesian state's functionaries and soldiers. Though internationally acclaimed, the reconciliation policy of the 1980s was narrowly conceived. It selectively accorded premium attention to peaceful interracial relations between blacks and whites, because of fears in international capital and in the white community that Mugabe – a strong-willed Marxist-Leninist guerilla leader of the nationalist movement – harboured a "night-of-the-long-knives" agenda against the white community that had incarcerated and persecuted him.

Intra-black reconciliation was peripheral in this socio-political framework. As the ZANU (PF) government was busy assuaging white anxieties, mainly over land ownership and other socio-economic privileges, scorched-earth measures against its purported opponents and their supporters took place in the Midlands and Matabeleland provinces. This campaign, known as *Gukurahundi*, was spearheaded by the North Korean-trained Fifth Brigade. This outfit did not operate under the normal army chain of command. Instead, its officers reported directly to the prime minister. The *Gukurahundi* inferno resulted in the death of more than 20 000 individuals. The Unity Accord of December 1987 between ZANU and ZAPU resulted in the cessation of hostilities, but it was accompanied, yet again, by a government-granted amnesty to the dissidents, those who had aided them, ZAPU (PF) "political fugitives from justice" and all members of the security forces who may have committed human rights violations.[8] It did not avail "reconciliation" and socio-economic development to the people of Matabeleland and the Midlands. Individuals and institutions that perpetrated the violence were never tried, nor did any ever seek the forgiveness of their victims, at least through acknowledging their roles in the crisis.

Political expedience has, at times, since compelled the ZANU government to clamour for silence over potentially

divisive past conflicts. In the late 1990s, when human rights organisations such as the Amani Trust, the Catholic Commission for Justice and Peace (CCJP), lawyers and some media elements, called for thorough investigations into the *Gukurahundi* massacres, President Robert Mugabe questioned the logic of these attempts at registering memories of tyranny for future accountability, by noting:

> "If we dig up history, then we wreck the nation, we tear our people apart into factions, into tribes, and villagism will prevail over our nationalism and over the spirit of our sacrifices. If we go by the past, would Ian Smith be alive today? What cause would there be to impel us to keep him alive? Perhaps I will be the first man to go and cut his throat and open up his belly, but no, we shall never do that. We have sworn not to go by the past except as a record or a register. The record or register will remind us what never to do. If that was wrong, if that went against

the sacred tenets of humanity, we must never repeat, we must never oppress man." [9]

When juxtaposed against post-2000 events in Zimbabwe, this statement has a dual irony. First, President Mugabe has never officially acknowledged the *Gukurahundi* massacres, other than a terse 1999 observation that "it was a moment of madness". He has kept reports of the state-instituted Dumbutshena Enquiry on the Entumbane skirmishes of 1980/81 and the Chihambakwe Commission of Enquiry into the *Gukurahundi* in state vaults. Second, in the post-2000 period, President Mugabe and his ruling ZANU (PF) party have "dug up history" by appropriating and instrumentalising memories of colonial suffering and violence to harass, exclude and violate ethnic and racial minorities and MDC members. They have accused whites that ventured into opposition politics of being 'unreconstructed Rhodesians', while opposition-supporting

Zimbabwean opposition Movement for Democratic Change leader and Prime Minister, Morgan Tsvangirai, greets supporters at a rally in Harare

Tendai Biti, the Minister of Finance of Zimbabwe and Secretary General of the Movement for Democratic Change.

Africans have been portrayed as sell-outs and 'fronts for neo-colonial imperial forces'. Then, since 2000, President Mugabe and his allies have begun to repossess land through exclusionary means. The apogee of this cathartic violence came during the June 2008 presidential election run-off. Tensions and controversies emanating from the June 2008 presidential election run-off eventually led to a regionally brokered Global Political Agreement (GPA) between ZANU (PF) and the two MDC formations, in September 2008. The GPA resulted in the formation of the Inclusive Government, with Mugabe as president and head of Cabinet and Tsvangirai as prime minister and deputy chair of Cabinet. It was the Inclusive Government that established the Organ on National Healing, Reconciliation and Integration – which has three co-ministers from each of the three signatories to the GPA – at Cabinet level. The formation of the Organ, coupled with the condemnation of violence and retribution by leading politicians across the political divide, initially seemed to create an auspicious milieu for national healing. It was also in this newfound spirit of political inclusivity and bipartisanship at executive level that the government declared 24 and 25 July 2009 as national peace days, for promoting the ideals of national healing and reconciliation. One of the co-ministers for National Healing, Sekai Holland, stated that the days were meant for prayer, and a time of giving the nation up to God.

Organ on National Healing, Reconciliation and Integration: A Viable Instrument for Stemming the National Culture of Impunity?

A political milieu of inclusivity and bipartisan politics at executive level, together with the accommodative rhetoric of leading politicians and the setting up of the Organ on National Healing, initially seemed to augur well for a victim-sensitive truth and reconciliation process. But this has not turned out to be the case. The current process has within it some inherent weaknesses, and it confronts intractable challenges. For truth and justice to take place, there should be strong moral rejection of the former regime, and a clear consensus that its system was bad and its agents guilty of moral wrongs. There should also be a clear definition of what was wrong with the past. The Inclusive Government is in reality, however, a case of transition without transformation. ZANU (PF)-aligned functionaries still control the police and army, the Attorney General's office, the Reserve Bank and provincial governance. There is also no clear definition or understanding of what went wrong in the past.

At government level, there is also no symmetry in power relations among the political players in the Inclusive Government. In 2008, Tsvangirai ordered the cessation of farm invasions, but to no avail.[10] MDC supporters and

members of civil society continue to be harassed by the police, and youth militia bases have been surfacing in rural areas. These threats and intimidations are not confined to the MDC grassroots. On 27 July 2009, Tendai Biti, the Minister of Finance and MDC Secretary General, received a package containing a live bullet and a letter with the message "*raira nhaka*" ("prepare your will"). Although the culprits were not apprehended, it is possible that these were the acts of what Tsvangirai termed "residual elements of resistance" among ZANU (PF) hardliners.

President Mugabe monopolises executive powers. ZANU (PF)-aligned government functionaries have mandated the state-owned media to prefix references to Mugabe as "The President, the Head of State and Government and Commander-in-chief of the Defence Forces". This Orwellian form of address may dispel any notion that the prime minister and the president's offices share executive power. The monopolistic state print and electronic media also continue to cast aspersions on the MDC's bona fides as a patriotic political formation. This toxic discourse is compounded by ZANU (PF)'s claims that the MDC instigated the targeted Western sanctions imposed against its leadership and selected state-owned companies. As a result, at its December 2009 congress, ZANU (PF) concluded that it was no longer going to implement fully the GPA, such as the equitable distribution of provincial governorships and ambassadorships, as long as sanctions remained. The MDC had first to call for their removal by their "Western allies".

These institutional deficiencies are compounded by the fact that the Organ on National Healing does not have binding and well laid-out instruments for achieving national healing and reconciliation. Although the GPA's Article 7 recognises the need for "equality, national healing, cohesion and unity", it is nebulous about the proper procedures for achieving this. It just states that the Inclusive Government "shall give consideration to the setting up of a mechanism to properly advise on what measures might be necessary and practicable to achieve national healing". From February 2009 to February 2010, the National Organ gathered diverse Zimbabwean perspectives and concerns about national healing modalities, without any substantive measures being put in place to "heal the nation". This has resulted in many regarding it as a political gimmick to hoodwink a traumatised people - a national political placebo.

Although the Organ was constituted for consultative purposes, it should probably have been instituted along the lines of TRCs. As defined by Hayner[11], TRCs should:

Operate impartially, free of political interference, have adequate resources and access to the information they deem necessary, be implemented as quickly as possible after the period they are expected to investigate, work for a limited specified period, and be empowered to investigate and be empowered to make widely and expeditiously distributed recommendations for further action to governments with the expectation that those recommendations will be considered seriously.

Some African TRCs of the recent past have enjoyed a degree of impartiality by being detached from party political supervision. They were independent bodies under the tutelage of either respected judges or priests. This was the case in Sierra Leone, Liberia and South Africa. The South African TRC sought to investigate gross human rights violations that occurred between 1960 and 1994, to create as complete an account as possible of the atrocities of the period. Perpetrators were offered amnesty in exchange for full disclosures about their past crimes. This was part of a political compromise to a democratic multiracial dispensation between the African National Congress (ANC) and the outgoing apartheid government, led by the National Party (NP). South Africa's version of restorative justice emphasised reconciliation between perpetrators and victims, and centred on a perpetrator's repentance and a victim's forgiveness.

A replication of this process in Zimbabwe is impossible, however, because the major players in the Inclusive Government are beholden to political convenience and survival, in view of elections anticipated in 2011. The Organ on National Healing's members are representatives and patrons of both victims and victimisers. The two members from the MDC formations might want restitution for the victims, or retribution against the members of the security forces, war veterans and militias that terrorised the people over the past decade, but the ZANU (PF) member will obviously checkmate such retributive moves. ZANU (PF) may seek reconciliation without a whole national healing process. For example, during a consultative meeting, Minister Nkomo, the ZANU (PF) member in the Organ on National Healing, fumed when asked how people could be open to reconcile and heal when war veterans who were perpetrators were still roaming free. He retorted, "What are you saying? The war veterans liberated this country. They liberated you from the hands of colonial rule, so why should we not think of them today..."[12] By constructing the war veterans as "untouchables", the broad possibilities for national healing,

An armed youth mans the gates of a farm which was seized from the white owner in Chegutu, 120km south west of Harare, on April 17, 2009.

justice and even truth-telling are foreclosed. These views are not isolated outbursts of an individual, but are reflective of ZANU (PF) thinking. By February 2010 – more than a year after the formation of the Inclusive Government and the Organ on National Healing – not a single prosecution has taken place in Zimbabwe against any perpetrator of human rights violations.

The MDC's Security Department had compiled and handed to the Attorney General and the police, a detailed dossier for possible prosecutions of the killers of 200 hundred of their members prior to June 2008. Nothing had been done despite the overwhelming evidence availed by the

MDC against certain individuals.[13] This inertia in the justice system is symptomatic of how the state has rendered the judicial system impotent as far as the prosecution of ZANU (PF)'s politically motivated offences are concerned.

Some of the MDC's demands that have a bearing on national healing are untenable in the ZANU (PF) power matrix. The military has not only been partisan and political, but has also been implicated in coordinating human rights violations against members of the MDC in the run-up to the June 2008 elections. As a result, the MDC wants an overhaul of the nation's military structure. Under its proposal, the Defence Forces Commission – which oversees appointments to senior positions – would be restructured so that a new board with independent and qualified members could be appointed, in consultation with commanders of the Zimbabwe National Army and the Air Force of Zimbabwe. The Commission would review and oversee senior appointments and promotions, as well as the general working conditions and salaries of all personnel.[14] Some radicals in the MDC also want known perpetrators of violence to be prosecuted, as a precondition for any significant national healing processes. However, the powerful military generals or the "securocrats" may not tolerate such a move. ZANU (PF) may also block any move that will subordinate military officers to humiliation in any civilian justice process. ZANU (PF) and the top brass's political and economic interests may be mutually intertwined. The army's upper echelons may not be depoliticised, because they have openly pledged partisanship to ZANU (PF).

Besides the foregoing structural impediments, defective perceptions about the national healing parameters also militate against a comprehensive process. There is a partisan perception in civil society and in the MDC that violence was perpetrated by the state, and it is state-affiliated institutions such as the military, police and militias that should be investigated, and possibly have some of their members prosecuted. This view is pervasive, because violence in Zimbabwe has been instigated by the state. However, the instigation of youth to intimidate citizens and perceived opponents to ensure political compliance has not been confined to the ruling party. Politically motivated violence

on the part of youth has also been a significant feature of intraparty contestations for domination in the MDC. This violence needs exorcism as well. Before the split of the party in October 2005, youth had beaten up leading officials, such as the party's director of security in September 2004.[15] After the split, youth aligned to the mainstream faction of the MDC attempted to assassinate the Hatfield constituency's member of Parliament in Mabvuku in July 2006.[16] 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 reemployed, them.

David Coltart, a leading MDC official and prominent human rights lawyer, argued that, just 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. [17]

The ongoing consultation about national healing is also flawed by being conceptualised in selective racial terms, because it excludes the white community. During the land-reclamation exercise, individuals spearheading the process killed and maimed some white farmers, and dispossessed some of their property which has also had an impact on black farm workers. However, ZANU (PF) will not acknowledge culpability for these unsavory dimensions of the land reform, because it would downplay the moral imperative of their claims for racial empowerment through land repossession. To date, public officials have not expressed regret about the deaths that occurred during the land-reclamation exercise popularly identified as the *Chimurenga* (Liberation War). Perhaps the comments of the leader of the war veterans, Dr Chenjerai Hunzvi, in early 2000, best approximate the essence of the silence and the lack of empathy for white farmers as well as black farm workers. He argued that, "like in any revolution, the path is always bloody, and that is to be expected, and hence no one should raise eyebrows over the deaths of four white farmers... God told us to get the farms: from them we shall get something to eat."[18] In this context of racial and political polarisation, the suffering of whites and poor black Zimbabwean citizens matter little in official circles.

In conclusion, Zimbabwe's ongoing national healing efforts are a futile quest, because there is no convergence of opinion among the political protagonists about defining and repudiating the ideas and individuals that fomented the violent politics of the past, such as youth militias and war veterans, who deliberately and violently trampled upon the rights of what they arbitrarily defined as "unpatriotic" citizens. These militias remain a strategic reserve force, to be deployed at any time to checkmate political opponents through violent tactics. Added to this is the current politically induced incapacity of state institutions, such as the police and the Attorney General's office, to investigate and prosecute human rights violators. All these factors confirm that possibilities for a comprehensive and historically sensitive national healing process are a mirage. ⚑

Terence M Mashingaidze is a lecturer in the Department of History and Development Studies at the Midlands State University in Zimbabwe. He is also an African History PhD candidate at the University of Minnesota.

Endnotes

1   Evenson, Elizabeth (2004) Truth and Justice in Sierra Leone: Coordination Between the Commission and the Court. *Columbia Law Review*, 104, 3, p. 761.

2   Datta, Pradip (2004) Historic Trauma and the Politics of the Present in India. *The WISER Review*, No 1, p. 10.

3   *Ibid*. This thinking guided the operations of South Africa's highly celebrated Truth and Reconciliation Commission of the 1990s.

4   Catholic Commission for Justice and Peace (1997) *Breaking the Silence, Building True Peace. A Report on the Disturbances in Matabeleland and the Midlands 1980–1989*, p. 5.

5   Feltoe, Geoffrey (2004) The Onslaught Against Democracy and Rule of Law in Zimbabwe in 2000. In Harold-Barry, David (ed.) *Zimbabwe: The Past is the Future*. Harare: Weaver Press, pp. 213-14. The Amani Trust also reported that ZANU (PF) supporters committed more than 90% of these crimes.

6   Reeler, A.P. (2004) Sticks and Stones, Skeletons and Ghosts. In Harold-Barry, David (ed.) *Zimbabwe: The Past is the Future*, op. cit., p. 236.

7   *Ibid*.

8   *Zimbabwean Government Gazette Extraordinary*, 3 May 1988.

9   President Robert Mugabe, *The Sunday Mail*, 11 May 1994, pp. 1, 4.

10 Tsvangirai Orders Arrest of Farm Invaders. *The Zimbabwean* , 29 March 2009.

11 Hayner, Priscilla (1994) Truth Commissions, 1974–1994: A Comparative Study. *Human Rights Quarterly*, 16 (4), pp. 629–39.

12 Chamunorwa, Sunsleey (2009) Truth No Intimidation, Shall Set Us Free. *Financial Gazette*, 26 November–2 December.

13 See Tomana Ignore dossier on 2008 Murders-MDC, *Zimbabwe Times*, 11 January 2010.

14 Tsvangirai Walks a Tight Rope. *Mail & Guardian*, 14–20 August 2009.

15 *Ibid*.

16 See 'Trudy! You Have Gone Against Tsvangirai!', Available at: <www.newzimbabwe.com> Accessed on: 5 February 2010.

17 Coltart, David 'Why I Cannot Join Tsvangirai's Faction', Available at: <www.newzimbabwe.com> Accessed on: 5 February 2010.

18 *Zimbabwe Independent*, 19 May 2000.

A DELTA OF A MINEFIELD:
OIL RESOURCE CONFLICT AND THE
POLITICS OF AMNESTY IN NIGERIA

BY **AGAPTUS NWOZOR**

Above: An oil platform owned by the Texas company Noble Energy is positioned along a creak near Port Harcourt, Nigeria. A member of OPEC, Nigeria is the world's seventh largest crude oil exporter, and the fifth largest supplier to the US. The Niger Delta, where the bulk of Nigeria's oil comes from, is plagued by violence between rival warlords, ethnic groups and the government, frequently leading to the kidnapping of oil workers and interfering with oil production.

An intriguing factor in regard to the crisis in the Niger Delta lies in the fact that there seem to be as many small arms as there are militant groups. Although uncertainty surrounds the actual number of such groups that unleash terror in the region, as a result of a constant mutation in their ranks, what is certain is the negative effect of their collective terror on the Nigerian economy. These groups, individually and collectively, sustained attacks on oil installations that

Militant youths display arms and ammunition surrendered by the most notorious leader of the militant groups in the Niger Delta, Ateke Tom, in Port Harcourt on October 3, 2009. Ateke Tom surrendered arms and ammunition to beat the government deadline of October 4 for amnesty proclaimed for militant groups in the Niger Delta.

adversely affected oil production outputs, and Nigeria's earnings. Often erroneously popularised in the local and international media as one umbrella group, the Movement for the Emancipation of the Niger Delta (MEND) has never been a cohesive entity; in fact, it derives its essence from the shifting alliances of other groups and its legendary access to the world's media.[1]

What is not in doubt, is that these militant groups have been in a prolonged war with the Nigerian state, operating under the auspices of the Joint Military Task Force (JTF), with casualties on all sides. The militants employ a guerrilla strategy in most of their attacks, targeting oil installations and foreign oil workers. Their tactics consist of kidnapping, hostage-taking of both local and foreign employees of oil companies, and arson against vital oil installations and pipelines. Their activities have made oil production dangerous and, as such, have affected Nigeria's output to the point where Nigeria is increasingly unable to meet its OPEC production quota.

The amnesty package of the Nigerian government is a sleight of hand. Although the injustice in the revenue-sharing formula and the environmental degradation that has eroded the traditional means of livelihood in the Niger Delta had

spawned unrest across the region, some analysts suggest that the upsurge in the activities of militants in the last five years is traceable to two factors: inter-ethnic wars and the massive build-up of arms by politicians during the 2003 re-election bid of the Niger Delta governors.[2] It was after these "empowerments" that the militants became emboldened to take on the state.

The amnesty programme has three components: the first is disarmament, with the militants being expected to turn in their arsenals of weaponry and complete the requisite form of renunciation of violence. The second is the rehabilitation and reintegration of demobilised militants, including the payment of stipends. The federal government has projected that the amnesty programme would cost the state some ₦10.14 billion.[3] Third is the post-amnesty package of massive infrastructural development.

Even though the amnesty programme has been judged successful, there are still grey areas requiring attention. Can it sustain the fragile peace it has enthroned, and consolidate this into an enduring peace? This article critically examines the amnesty programme, and argues that it is not yet "*uhuru*" until the conditions that generated the militancy – and later, criminality – in the Niger Delta are addressed. What

also needs to be addressed is the illegal access to crude oil through bunkering, which not only provides the needed resources for rearmament and which sustains the aggression, but also whets the economic and accumulative appetite of the elites.

Situating the Oil Resource War: Horizontal Disparity, Class and Majoritarian Conspiracies

Nigeria's politico-economic history is characterised by double standards. With regard to its natural resources like oil, there has been a constant contraction of the space of economic justice and equity available to the oil resource-bearing ethnic groups. Between 1960 and 1970, when cash crops and selected solid minerals were the dominant foreign exchange earners, the Nigerian state had a sharing formula that accorded 50% of foreign earnings to the regions of origin. This retrogressively oscillated between zero and three percent until 1999, when it became 13%. This negative mutation in the revenue-sharing formula is a product of two interrelated conspiracies: that of the majority ethnic groups to protect their entrenched interests, and that of the ruling class, which transcends the ethnic divide.

The implosion of the oil resource war is locatable in the erosion of the fiscal aspect of Nigeria's federalist principles, as enshrined in both the 1960 Independence and 1963 Republican Constitutions by the military. The military dismantled the federal structure and erected a unitary one. Unitarism enabled the military regimes to graft the military commandist structure on the polity. Three major conditions paved the way for the distortion of the fiscal federalist principle: first was the Nigerian civil war of the late 1960s, which created a perfect excuse for the abandonment of fiscal autonomy; second was the Balkanisation of the regions into states; and third was the militarisation of the polity, which reduced the states to mere appendages of the federal government.

Even though the interest of the major ethnic groups might be residually served by evolving state policies, it was the interest of the elites (military and civilians) that dictated the trajectory of state policies and had overriding influence. The predominance of oil in the Nigerian economy – with the attendant fabulous money it netted – set the parameters for the extension of rent-seeking, which was only achievable through the expansion of public-sector budgets.[4] The solidarity between the military and civilian elites was underpinned by their shared concern for the consolidation of their accumulative base and the enhancement of their access to public wealth.[5]

The process and actual exploitation of oil degraded the Niger Delta environment, and thus alienated the people from their traditional means of livelihood – farming, fishing and hunting.

The massive disruption in oil production by the Niger Delta militants has been attributed to feelings of relative deprivation arising from environmental degradation, socio-economic deprivation and poverty.

The distortion of the fiscal component of the federalist principle benefited other parts of the country at the expense of the Niger Delta. The current revenue-sharing formula was built on such indices as equality of states, population, land mass and social development. These indices helped to narrow developmental differences amongst states but created a development crisis in the Niger Delta as exemplified by destruction of the Niger Delta ecosystem and environmental degradation from oil production activities. The process and actual exploitation of oil degraded the Niger Delta environment, and thus alienated the people from their traditional means of livelihood – farming, fishing and hunting.[6] The effects of the destruction of the Niger Delta's biodiversity as a result of oil exploitation are to be seen in the deteriorating quality of life (reducing life expectancy) and mass unemployment and poverty in the region. The neglect of the region by both the federal government and multinational oil companies (MNOCs) spawned feelings of neglect, bitterness, anger, frustration and alienation, which ultimately exploded in violence.[7]

Creek Manoeuvres: Between Criminality and Freedom Fighting

The Niger Delta is a theatre of war – even though, officially, war has not been declared. But, unofficially, war rages on between the untrained, rustic groups of young men whose knowledge of the creeks and their arteries makes them invincible, and the elitist JTF. The frequent skirmishing

THE IMPLOSION OF THE OIL RESOURCE WAR IS LOCATABLE IN THE EROSION OF THE FISCAL ASPECT OF NIGERIA'S FEDERALIST PRINCIPLES, AS ENSHRINED IN BOTH THE 1960 INDEPENDENCE AND 1963 REPUBLICAN CONSTITUTIONS BY THE MILITARY. THE MILITARY DISMANTLED THE FEDERAL STRUCTURE AND ERECTED A UNITARY ONE

an overall loss of not less than US$21.5 billion by the MNOCs as a whole since 2003.[8]

The massive disruption in oil production by the Niger Delta militants has been attributed to feelings of relative deprivation arising from environmental degradation, socio-economic deprivation and poverty.[9] Therefore, the criminalisation of the Niger Delta crisis is part of the federal government's oppressive strategies that have reinforced and entrenched the current violence in that region.[10] In other words, violence in the Niger Delta is a response to the violence of the Nigerian state. While it is true that, over the years, the pockets of violence that originated from the Niger Delta were given impetus by the perceived injustice against the people of the region, it is doubtful if the present violence is powered by such considerations. Indeed, the reference to the development crisis in the Niger Delta as the basis for the creek war is only a decoy – a smokescreen to the economic interests of the militants. The high-profile kidnappings and ransoms that affected even Niger Delta politicians and statesmen – including Nigeria's vice president

> THE MNOCS HAVE LOST BILLIONS OF DOLLARS. SHELL PETROLEUM DEVELOPMENT COMPANY (SPDC) ALONE ESTIMATES THAT IT HAS LOST US$10.6 BILLION BETWEEN 2003 AND 2007, WITH AN OVERALL LOSS OF NOT LESS THAN US$21.5 BILLION BY THE MNOCS AS A WHOLE SINCE 2003

Goodluck Jonathan – led Emma Okah, a former Rivers State Commissioner for Information, to argue that "you cannot call these people [Niger Delta militant groups] freedom fighters because the same people they are supposed to be protecting are the victims of their criminality".[11]

The intensification of criminality in the Niger Delta masquerading as freedom fighting is traceable to the 2003 elections. Politicians armed the youths and some "cult boys"[12] for the purpose of rigging the 2003 elections on their behalf.[13] Both the intra- and intergroup conflicts in the Niger Delta are not as a result of ideological differences concerning how to confront and surmount the "tripodal conspiracy"[14] of the Nigerian state, but the struggle for spheres of influence for the purpose of illegal oil bunkering. In other words, there is a basic disjuncture between the claims by militants and their underlying motives, which flies in the face of mainstream optimism that the erection of the necessary infrastructure to address the development crisis in the Niger Delta would stop the violence in that region. For one, the violence in the Niger Delta is not ideologically driven, but powered by

A team of workers from Shell are reflected in an oil spillage near Port Harcourt. Oil spillage is a major environmental problem in Nigeria. Shell Nigeria is one of the largest oil producers in the Royal Dutch/Shell Group.

manoeuvres amongst the militants (for supremacy and for spheres of influence), and between the militants and the JTF, have had far-reaching negative economic effects on the country. Not only has Nigeria's OPEC quota been largely unmet, the MNOCs have lost billions of dollars. Shell Petroleum Development Company (SPDC) alone estimates that it has lost US$10.6 billion between 2003 and 2007, with

A sister of an abducted Filipina in Nigeria shows photographs of the victim and her family. The Filipina mother of two was abducted in Nigeria's oil-rich Delta region near the centre of Port Harcourt in Rivers State. Nigerian rebels campaigning for an equitable share of Nigeria's vast oil earnings have been blamed for most of the kidnappings of foreigners.

selfish economic considerations; two, there is a proliferation of gangs, with each gang being independent and desirous of carving out its own sphere of criminal influence; third, the gangs depend on criminal activities for self-maintenance, necessitating a comparison of oil bunkering with blood diamonds.[15] Finally, there is no coherent single command structure – each gang defines its own rules of engagement, its operational modalities and objectives without reference to any other gang; indeed, each gang sees the next as its opponent. The criminality in the Niger Delta has turned into a cankerworm that does not seem likely to respond to the stimulus of economic justice.

Enter the Amnesty Programme: Decriminalising the Niger Delta Militancy

Crisis has been a metaphorical component of existence in the Niger Delta. Since the 1960s, agitations in the Niger Delta have been interlaced with dialogue, advocacy and violence. Although it is difficult to place a definite time tag on when contemporary militancy actually started in the Niger Delta, the 1999 killing of soldiers by militant gangs in Odi (a village in the Niger Delta) and state-sponsored reprisal attacks

redefined and intensified hostilities between the Niger Delta militants and the Nigerian state. Both the Nigerian economy and the global capitalist system have been adversely affected by the unrest in the Niger Delta: Nigeria by low oil production output and less than projected revenue, and the global capitalist system by high oil prices.[16]

The amnesty programme represents a policy attempt to seek an alternative route to peace and is anchored on the triad of anti-violence, pro-dialogue and welfarism. The programme seeks to decriminalise the activities of the militants and unconditionally exonerate them of culpability in the myriad felonies with which they have been associated – namely illegal oil bunkering, arson, hostage-taking, kidnapping and ransom receipts, killing and maiming, pipeline and oil installation destruction and high treason. The amnesty programme of the Nigerian government, unveiled on 25 June 2009 by President Umaru Musa Yar'Adua, was scheduled to run from 6 August to 4 October 2009, a period of 60 days. The president hinged the amnesty on several conditions: the willingness of the militants to give up all illegal arms in their possession, a complete renunciation of militancy in all

THE AMNESTY PROGRAMME SEEKS TO DECRIMINALISE THE ACTIVITIES OF THE MILITANTS AND UNCONDITIONALLY EXONERATE THEM OF CULPABILITY IN THE MYRIAD FELONIES WITH WHICH THEY HAVE BEEN ASSOCIATED – NAMELY ILLEGAL OIL BUNKERING, ARSON, HOSTAGE-TAKING, KIDNAPPING AND RANSOM RECEIPTS, KILLING AND MAIMING, PIPELINE AND OIL INSTALLATION DESTRUCTION AND HIGH TREASON

its ramifications, and deposition to an undertaking to this effect.[17]

By the specified deadline, many militants had surrendered their weapons at the government-designated collection centres for that purpose. According the chief coordinator of the amnesty committee, Air Vice Marshal (AVM) Lucky Ararile, 8 299 ex-militants had been disarmed and documented as at October 2009, when the arms-surrender window was shut. A statistical breakdown of the response to the amnesty call showed that Bayelsa State topped the list of disarmed militants with 4 869, Delta State had 1 061, Rivers 1 047, Ondo 750, Edo 250, Akwa Ibom 162 and Cross River 160. An analysis of the surrendered arms showed that 2 760 of the arms were of different classes and calibre, with 287 445 various types of ammunition. Also surrendered were 3 155 magazines, 1 090 dynamite caps, 763 explosives and dynamites, and 18 gunboats. The highest cache of ammunitions (130 877) was recovered from Bayelsa, followed by Rivers with 82 406 and Delta with 52 958.[18]

In spite of the success recorded by the amnesty programme, there is widespread divergence in the opinions of analysts: while some are sceptical that the wide disparity between the caches of weapons surrendered and the enormous fire power of the militants bespeaks of insincerity and a distinct possibility of reneging on ceasefire agreements, others are optimistic that, by accepting the amnesty offer, the key militant leaders have effectively been co-opted into government and will now work for its success. This view is anchored on the target of the amnesty plan to rehabilitate and pay allowances to the ex-militants: each militant that agrees to disarm is likely to receive a monthly stipend of between US$300 and US$450 for his upkeep.[19]

Post-amnesty and Future of Peace in the Niger Delta

There is no doubt that the amnesty programme has bought Nigeria a needed respite: for the first time since 2006,

Nigeria has recorded oil production within the precinct of its daily production quota. Essentially, the logic behind the amnesty programme is to decelerate the increasing boldness of the militants, as exemplified by the invasion of Atlas Cove Jetty on 12 July 2009. Besides being a veritable mechanism to checkmate the expansionary pressures of militancy, the amnesty programme provides the leeway for the government to infiltrate and weaken the militant groups while buying time to restrategise for a peaceful Niger Delta.

There is a sharp division amongst analysts about the utilitarian value and motive of the amnesty programme and its potential for enthroning peace. At the core of this division is the argument about whose end this programme serves. Some pessimistic analysts write off the programme as an elite strategy to hamstring the struggle to ensure an unhindered flow of oil. They argue that the amnesty programme is another conduit means to elite enrichment, and is therefore a sham fated to fail, like similar exercises in 2004 and 2007. In 2004, the federal government struck a cash-for-arms deal with the major militant leaders, notably Ateke Tom and Asari Dokubo. The exercise failed, despite the fact that the government paid US$2 000 for each of the AK47 rifles surrendered by the militants. Its failure stemmed from the fact that the militants surrendered an infinitesimal fraction of their arms.[20] In 2007, Dr Peter Odili, the then governor of Rivers State – one of the core theatres of unrest – attempted to disarm the militants through his cash-for-renunciation-of-violence deal. Although the exact capital outlay of this programme was shrouded in secrecy, it was estimated that thousands of dollars were spent on each of the militants, without any appreciable improvement in the security situation of the state and environs.

Pacifist analysts contend that the amnesty programme is a welcome development as it favours both the militants and the government. Through the instrumentality of the amnesty programme, the militants can now afford to live a normal life and be integrated into society to be optimally useful. For the government, the amnesty programme creates a gateway for vital repairs of destroyed oil installations, as well as an opportunity to boost oil production for the betterment of the country.

Although the stipendiary aspect of the amnesty programme is a powerful motivator, it is not strong enough on its own to ensure the permanence of renunciation by the militants. A similar strategy of a monthly stipend had worked in Iraq under the auspices of the United States, to enlist and co-opt the Awakening (*Sahwah*) movement in Anbar Province against al-Qaeda.[21] But the Nigerian scenario is different. Here, the militants have combined militancy with criminality to harvest millions of dollars. They are used to unfettered access to money through illegal oil bunkering and hostage-taking. Since 2006, over 300 foreigners – most of them oil workers – have been kidnapped and released after the payment of ransoms.[22] One of the factors that might have drawn out the militants to embrace the amnesty programme

could be "war weariness" – the relative ennui arising from years of war and the desire to end it.

There are several challenges to a post-amnesty Niger Delta. The first is the challenge of elite accumulation. The Niger Delta crisis has been good business to several elites, and its resolution will be bad business for them: the munitions that the militants use are imported by individuals or by a consortium; the illegally-obtained oil from bunkering is also marketed by someone; and there are also elites that gain relevance by acting as go-betweens or "mediators". The second challenge is that of sustainability. How the government is able to sustain the tempo of peace, especially by adhering to and discharging its own core tasks, will determine the course of the peace process in the Niger Delta. The third is the challenge of inclusiveness. As has already been noted, there are motley groups in the Niger Delta. All of them must be carried along for widespread and enduring peace. For instance, a group of 400 ex-militants recently protested in Benin over their exclusion from the amnesty programme.[23] The fourth challenge is that of infrastructural development. While part of the underlying rationalisation of the upsurge in militancy is the neglect of the region in terms of provision of basic infrastructure, the government must fulfil its infrastructural obligation to consolidate peace in the post-amnesty Niger Delta.

Conclusion

The amnesty programme is a welcome development. Its ultimate aim is the stopping of the carnage that goes on in the Niger Delta, as well as of the insecurity that characterises existence there. The workability of the amnesty programme is dependent on the conferment of sanctity on, and strict adherence to, the conditions stipulated in it by all the parties. ⌂

Agaptus Nwozor is a PhD candidate in political science at the University of Nigeria's Nsukka campus.

Endnotes

1   Strouse, T. (2009) 'Will Nigeria's Amnesty Campaign Have a Lasting Impact on the Delta Insurgency'. *Jamestown Terrorism Monitor*, 30 October, Available at: <http://elendureports.com/index.php?option=com_content&task=view&id=944&Itemid=1> Accessed on: 25 January 2010.

2   Naanen, B (2004) 'The Political Economy of Oil and Violence in the Niger Delta'. *ACAS Bulletin,* No. 68, Fall, pp. 4-9, Available at: <http://concernedafricascholars.org/docs/acasbulletin68.pdf> Accessed on: 1 February 2010; Ibeanu, O. (2004) 'The Rhetoric of Rights: Understanding the Changing Discourses of Rights in the Niger Delta'. *ACAS Bulletin,* No. 68, Fall, pp. 15–20, Available at: <http://concernedafricascholars.org/docs/acasbulletin68.pdf> Accessed on: 1 February 2010.

3   Awolusi, B. (2009) 'Amnesty to Cost N10 Billion', Available at: <http://nigerianbulletin.com/summary-plus-news/amnesty-to-cost-n10b-the nation/09102009/10344/ >Accessed on: 24 January 2010.

4   Ikpeze, N.I., Soludo, C.C. and Elekwa, U.N. (2004) 'Nigeria: The Political Economy of the Policy Process, Policy Choice and Implementation', Available at: <www.ldrc.ca/en/ev.71263-201-1-DO_TOPIC.html> Accessed on: 20 July 2009.

5   Omoweh, D.A. (2004) 'Is it the Warri Crisis or the Crisis of the Nigerian State?' *ACAS Bulletin,* No. 68, Fall, pp. 10-15. Available at: <http://concernedafricascholars.org/docs/acasbulletin68.pdf> Accessed on: 1 February 2010.

6   Ikelegbe, A. (2008) Interrogating a Crisis of Corporate Governance and the Interface with Conflict: The Case of Multinational Oil Companies and the Conflicts in the Niger Delta. Conference Proceedings from the International Conference on the Nigerian State, Oil Industry and the Niger Delta, held at the Department of Political Science, Niger Delta University, Wilberforce Island, Bayelsa State, 11-13 March 2008. Port Harcourt: Harey Publications Company, p. 109.

7   *Ibid.*, p. 107.

8   How Illegal Oil Bunkering Fuel Niger Delta Crisis. *Tell Magazine* (Nigeria), 27 August 2007, p. 27.

9   Nwachukwu, O. (2004) The Politics of Resources in Nigeria: Lessons from the United States Experience. *African Journal of American Studies*, 1(1), pp. 13–29.

10 Akpan, F. (2006) Ethnic Militancy and the Nigerian State. *Journal of International Politics and Development Studies*, 2(1), pp. 171–179; Director, O. (2007) Killing Port Harcourt. *Insider Weekly*, 27 August, p. 3.

11 Tell Magazine (Nigeria), op.cit., p. 26.

12 "Cult boys" denotes a group of hoodlums and deviants who have aggregated themselves under an umbrella to pursue their interests which are, in the main, anti-social. Often these young men operate under a name, but remain basically "faceless".

13 Ibeanu, O. (2008) Two Rights Make a Wrong: Bringing Human Rights Back into the Niger Delta Discourse. Conference Proceedings from the International Conference on the Nigerian State, Oil Industry and the Niger Delta, held at the Department of Political Science, Niger Delta University, Wilberforce Island, Bayelsa State, 11–13 March 2008. Port Harcourt: Harey Publications Company, p. 100; Resource Control is a Revolutionary Idea. *The Week Magazine* (Nigeria), Vol. 22, No. 8, 8 August 2005, p. 17.

14 Natufe, O.I. (1999) 'Midwest State and the Future of Nigerian Federalism: An Essay in Honour of Midwest History Month 1999', Available at: <www.dawodu.net-edo/deltaissues> Accessed on: 21 March 2008.

15 Agbai, K. (2008) A Costly Gamble. *Insider Weekly Magazine* (Nigeria), 28 July, p. 21.

16 Connors, W. and Swartz, S. (2009) 'Nigeria's Amnesty Program Draws Criticism'. *The Wall Street Journal*. 5 August. Available at: <http://online.wsj.com/article/SB124942256930505875.html#articleTabs%3Darticle> Accessed on: 25 January 2010.

17 Onuorah, M. and Ebiri, K. (2009) A Call to Disarm: Government Grants Amnesty to Militants. *The Guardian* (Nigeria), 26 June, p. 1.

18 Awolusi, B. (2009) op. cit.

19 Connors, W. and Swartz, S. (2009) op. cit.

20 *Ibid.*

21 Strouse, T. (2009) op. cit.

22 Awoniyi, O. (2009) 'Amnesty to Militants Offers Nigeria Huge Success in Niger Delta'. Xinhua News Agency. Available at: <http://www.reliefweb.int/rw/rwb.nsf/db900SID/RMOI-7Y9TZ6?OpenDocument >Accessed on: 1 February 2010.

23 Fabiyi, O. and Olokor, F. (2010) 'Niger Delta Elders Behind Militants, Clark Insists', Available at: <http://www.punchng.com/Articl.aspx?theartic=Art201002030405750> Accessed on: 3 February 2010.

FEDERALISM AND CONFLICTS IN ETHIOPIA

BY **MEHARI TADDELE MARU**

Above: Ethiopian People Revolutionary Democratic Front (EPRDF) supporters reach for a party flag during a demonstration in downtown Addis Ababa. EPRDF is the ruling party in Ethiopia since 1991 and the architect of the Federal Constitution.

Federalism in Ethiopia

At just over 77 million, Ethiopia is the third-most populous country in Africa. Since 1991, Ethiopia has been implementing an ethno-linguistic federal politico-legal arrangement. As per Articles 1 and 47 of the Constitution of the Federal Democratic Republic of Ethiopia, the country is a federation of nine ethno-linguistically divided regional states. These can be classified into three groups, based on (i) their population numbers, as minority or majority in the federation; (ii) ethno-linguistic diversity, as multi-ethnic or homogeneous; and (iii) way of life, as settled or pastoralist.[1] The Tigray, Afar, Amhara, Oromia and Somali regional states (taking the name of their majority

inhabitants) are more or less ethnically homogeneous, with a dominant ethno-linguistic community at regional level. Percentages of the population that are from their respective dominant ethno-linguistic communities in these states are as follows: Tigray 94.98%, Afar 91.8%, Amhara 91.2%, Oromia 85%, and Somali 95.6%.[2] The remaining four regional states (Southern Nations, Nationalities and People's Region or SNNP; Gambella; Benshangul/Gumuz and Harari) are multi-ethnic, without a *de jure* dominant ethno-linguistic community. This does not mean there is no

ethno-cultural dominant community in power, even if that community could be a minority in number.[3] In an ethnic federal arrangement, a minority ethno-cultural community could have dominant power as a result of economic or/and political domination it exercises.

The Constitutional Rights of Ethno-cultural Communities in Ethiopia

Article 39 (3 and 5) of the Federal Constitution assumes that every ethno-cultural community has its own territory,

and confers the right to "a full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits". It also defines ethno-cultural communities as "Nation, Nationality or People... as a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory". The Federal Constitution not only recognises ethno-linguistic identity, but it also establishes regional states based on such identity. The Federal Constitution has many striking features, one of which is the right of ethno-cultural communities to self-determination, including the right to establish a regional state or independent state. This makes the Ethiopian Constitution unique. Pursuant to the Preamble and Articles 1, 8, 39 and 40 (4) of the Constitution, Ethiopia's ethno-linguistic federalism is such that the ethno-cultural communities as a group – not Ethiopian nationals – are sovereign, and are the building blocks of the federation. Constitutionally speaking, the constituent units of the Ethiopian federation are neither Ethiopian nationals nor the regional states, but rather the ethno-cultural communities. A combined meaning of Articles 9, 39 and 47 (2) of the Federal Constitution makes this point very clear. Moreover, the preamble to the Federal Constitution, which reflects the object and purpose of the Federal Constitution and the legislative intention of the framers, begins by saying:

> We, the Nations, Nationalities and Peoples of Ethiopia: strongly committed, on full and free exercise of our right to self-determination, to building a political community founded on the rule of law and capable of ensuring a lasting peace, bringing a democratic order and advancing our economic and social development can be fulfilled if only... individual and people's fundamental freedoms and rights, to live together on the basis of equality and without any sexual, religious or cultural discrimination.[4]

Taking the purposive interpretation approach (the spirit and legislative intention) of the Federal Constitution, group/collective rights of ethno-cultural communities are given

An important power of ethno-cultural communities is their collective ownership of land and its resources. The special right of pastoralist peoples to land for grazing and protection from displacement is also granted under Article 40 of the Federal Constitution.

an equal constitutional footing. Moreover, as stipulated in Articles 5, 8, 39 and 47, "all sovereign power resides in" the ethno-cultural communities, and they are entitled to self-determination and self-rule, and their right to establish regional or independent states of their own. The Constitution also confers on all ethno-cultural communities an internal authority in their affairs and empowers them to exercise and promote their culture, language and historical heritage through self-government. A conjoined reading of Articles 51 and 52 of the Constitution reveals that the regional states enjoy wide-ranging executive and judicial, but limited legislative, powers.[5] The Federal Constitution, though mostly *de jure*, has reduced the federal executive branch of the government to a weaker status than ever before in the history of Ethiopia. However, there are serious disparities between *de jure* constitutional power granted to regional states, and the *de facto* power exercised by regional states.[6]

Under Article 39(4), the Federal Constitution has conferred to ethno-cultural communities not only the right of self-determination but also the right to secede and establish an independent state of their own. Of course, secession could only be exercised through long and stringent procedural requirements, such as: (i) the demand is supported by a two-thirds majority vote of the regional state legislature in which the ethno-cultural community is found; (ii) the federal government organises a referendum for the ethno-community requesting such referendum within three years of that vote by the regional legislature; and (iii) the referendum is supported by a majority vote of the same ethno-cultural community. Similarly, the respective regional states are expected – as some already have – to grant special administrative status to ethno-cultural communities within a regional state with a dominant ethno-linguistic community. These administrative units are carved-out territories constituted as special zones (*Leyu Zone*) or special districts (*Leyu Woreda*). This indigenisation of political power and self-administration at the lowest administrative levels – i.e., the *Woreda* has empowered indigenous people to take their destiny in their hands, as well as to reinstate their culture, language, historical symbols and other traditional institutions, including conflict-resolving mechanisms.[7]

Another important power of ethno-cultural communities is their collective ownership of land and its resources. The special right of pastoralist peoples to land for grazing and protection from displacement is also granted under Article 40 of the Federal Constitution. Such a priority to the collective rights of ethno-cultural communities is not without reason, but a response to the past historical legacy of ethno-linguistic domination that prevailed for so long in Ethiopia.[8] These constitutional provisions are the product of compromises by the ethno-linguistic based liberation forces that toppled the former military regime in Ethiopia.

The Federal Constitution is one under which ethno-cultural communities are: first, the ultimate sovereign

entities, where constitutional power of both the federal and regional states rests. Second, they are constitutionally entitled to establish regional states, or their own states, independent from Ethiopia. In short, under the Ethiopian federal system, ethno-linguistic communities constitute the federation.[9] Federalism, in general, is a system of governance of great variance, depending on the problem(s) it is supposed to solve. It is better understood as a system with diverse features of state power-sharing.[10] However, all federalist systems share some common broad characteristics – albeit with some varieties.[11] The most important characteristic is that, in federalism, power is

THE FEDERAL CONSTITUTION HAS MANY STRIKING FEATURES, ONE OF WHICH IS THE RIGHT OF ETHNO-CULTURAL COMMUNITIES TO SELF-DETERMINATION, INCLUDING THE RIGHT TO ESTABLISH A REGIONAL STATE OR INDEPENDENT STATE. THIS MAKES THE ETHIOPIAN CONSTITUTION UNIQUE

not delegated to regional states from the centre, as in the case of a unitary system. Rather, the central government is delegated by, and obtains its power from, the regions. In federalism, the central (federal) government is not the author of its own power, for the ultimate power rests in the constituent unities – in the Ethiopian case, the ethno-cultural communities. However, no single federal system is universally superior. Any constitution, as a political and legal institution, has to reflect the political history and principal social structure of the society it serves. In the drafting of the Ethiopian Constitution, Samuel Huntington pointed out:

A Constitution has to reflect the history, culture of the society, its level of economic development and social structure, ethno-linguistic composition, and most importantly the goals of its leaders. Political parties reflect the principal social identities and cleavages within society. In Ethiopia the principal cleavage appears to be ethno-linguistic…and regional [cleavages].[12]

Huntington goes on to argue that the Constitution, as a political and legal institution, reflects the political history and principal social structures of Ethiopian society. Most importantly, he suggests it has attempted a consociational accommodation of the principal forces of political mobilisation – ethnic-based parties. Taking these historical facts and the nature of the political parties into consideration in the Ethiopia of the 1990s, majoritarian democracy would have furthered ethno-linguistic

Supporters of pro-communist Ethiopian Workers' Party wave in front of a huge portraits of the founders of 'scientific socialism' as they celebrate the 13th anniversary of the Ethiopian revolution led by Haile Mariam Mengistu. Mengistu set out to create a socialist state in Ethiopia aligned with the communist block, but was overthrown in 1991 by the Ethiopian People's Democratic Front.

domination and disintegration[13], while a simple unitary system would have allowed the majority ethno-cultural group (in number or in power) to remain permanently in power, leaving other principal forces of political mobilisation and minorities in opposition or at the benign concessions of power.[14] What is more, since most of the political forces that toppled the former Ethiopian military regime were mobilised along ethno-linguistic lines, suppressing political mobilisation based on ethnicity would have been a recipe for the further disintegration of Ethiopia. Huntington made a similar point, noting that a "straight plurality system would lead to some ethno-linguistic groups

being a permanent minority in their district and having no [meaningful] representation".[15]

Constitutionally speaking, Ethiopian ethno-linguistic federalism can be taken as consociational in nature for two reasons. One, the Federal Constitution lays down the institutional arrangement for ethno-cultural communities to be meaningfully represented in all government institutions. Second, it has granted a sort of veto power through the right to unilateral secession against ethno-linguistic domination or tyranny from the centre. Consequently, the Ethiopian federal system is designed to serve as a consociational institution where ethno-cultural communities "negotiate and compromise" for unified political and economic space.

SINCE MOST OF THE POLITICAL FORCES THAT TOPPLED THE FORMER ETHIOPIAN MILITARY REGIME WERE MOBILISED ALONG ETHNO-LINGUISTIC LINES, SUPPRESSING POLITICAL MOBILISATION BASED ON ETHNICITY WOULD HAVE BEEN A RECIPE FOR THE FURTHER DISINTEGRATION OF ETHIOPIA

Public Reaction to Ethno-linguistic Federalism

The Ethiopian People's Revolutionary Democratic Front (EPRDF) – the ruling party in Ethiopia since 1991 and the architect of the Federal Constitution – is criticised from two opposing political positions. Some characterise the EPRDF government as pro-secession, relentlessly working to disintegrate the country. Others portray it as opposed to the self-determination aspirations of ethno-linguistic communities and intent of continuing the hegemonic domination of the central state that has prevailed for so long in Ethiopia. Those who favour the former position argue that EPRDF is implementing the constitutional right of ethno-linguistic communities, with an ultimate aim of disintegrating Ethiopia.[16] They believe they have to fight to abolish or/and amend the federal nature of the Federal Constitution. These are avowed opponents of the federal system. They believe that EPRDF is sincere in implementing the Federal Constitution by respecting the ethno-linguistic federal arrangement, including the right to self-determination up to secession. They argue that, by legitimising ethnicity as the only valid marker for membership of a homeland regional state, it has, however, impacted negatively on the economic and socio-political development of the country.

Conversely, those in support of the latter position argue that the EPRDF commitment to ethno-linguistic communities' rights to self-determination is a sham, and a method of perpetuating the previous regimes of Ethiopia.[17] They are of the opinion that the Federal Constitution is not being implemented fully. They demand – some groupings to the point of waging armed struggle – genuine implementation of the Federal Constitution. Some Ethiopian scholars, such as Ali Said, even argue that a more aggressive fiscal federalism corresponding to the devolution of political power is necessary, if Ethiopia is to remain peaceful.[18]

In sum, even if both positions are in opposition to the ruling party they, however, have two diametrically opposed positions on the federal system: the first opposes ethno-linguistic federalism and the Federal Constitution; the latter demands a full implementation of the same constitution. Some scholars, for example Gamest, have commented that the adoption of Ethiopian federalism was a "fundamental error" because it is based on ethnicity, and will "deeply imprint" ethno-linguistic identity.[19] In Ethiopia, ethno-linguistic identities were already deeply imprinted before the adoption of ethno-linguistic federalism in 1994, as a result of the ethno-linguistic domination that had existed for so long. Ethiopia is an ethnically diverse country with a past political history of ethno-linguistic domination.[20] Moreover, Ethiopian ethno-linguistic federalism is designed to address the "national question" (a popular name for the 1960s struggle against ethno-linguistic domination in Ethiopia).[21] Politicised ethno-cultural communities are not new products of Ethiopian ethno-linguistic federalism. Rather, ethno-linguistic federalism is an outcome of the

old mobilisation and struggles of politicised ethno-cultural communities. This politicisation of ethno-linguistic groups, or the ethnicisation of Ethiopian politics, is not a one-day event due to promulgation of the Federal Constitution; it is, instead, a product of Ethiopia's long political history.

Nonetheless, what is new is that now ethnically-based political mobilisation and power-sharing is constitutionally

> SOME SCHOLARS, FOR EXAMPLE GAMEST, HAVE COMMENTED THAT THE ADOPTION OF ETHIOPIAN FEDERALISM WAS A "FUNDAMENTAL ERROR" BECAUSE IT IS BASED ON ETHNICITY, AND WILL "DEEPLY IMPRINT" ETHNO-LINGUISTIC IDENTITY

legitimised. Under ethno-linguistic federalism, communities are not only politicised cultural and linguistic communities, but also are entities bearing sovereignty with constitutional standing. In a nutshell, Ethiopian ethno-linguistic federalism is a response to the "unfavourable conditions" that prevailed in a unitary system. Ethno-linguistic communities are more "responsive to ethnic than to social or democratic slogan".[22] Politically speaking, it seems that mobilisation along ethno-linguistic lines has been, and perhaps presently is, easier in Ethiopia than mobilisation around overarching countrywide ideals and principles. But, it is wrong to assume that responsiveness to an ethnic slogan is necessarily anti-social or undemocratic. Ethno-linguistic liberation fronts were the forces that toppled the former military rule. They were also the main forces behind the drafting of the Federal Constitution. Logically, they would not commit suicide by promulgating a law that disbands them.

At a public level, the political reaction to the ethno-linguistic federalist arrangement in Ethiopia can be summarised in three views: first, those who support ethno-linguistic federalism as a matter of the human rights of ethno-linguistic communities to self-determination, including the right to secession. These are *forces of diversity and freedom*. They support federalism even at the cost of unity, and they believe that federalism is the only means to promote freedom and check tyranny. This strand of thinking is similar to the theory of multiculturalism, which recognises distinct groups within a society and allows them some space of public expression.[23] Second, there are those who believe that ethno-linguistic federalism, while regrettable, is the only way to keep the country unified and prevent its disintegration. This is a calculated

the absorption of minorities into the dominant culture. It is contrary to the principle of multiculturalism.[25]

Each of these positions has legitimate concerns that demand serious consideration – but not equally. The third position wrongly believes that only a unitary system will ensure the unity of the country. But this position could lead to policy of forced assimilation – and worse, blind nationalism.[26] It could cause a total disregard to democratic rights, group injustice and probably massive human rights violation, including ethnic cleansing and genocide. If such a view was to be implemented by force again, it could

> THE UNITARIST APPROACH LOOKS AT THE FEDERAL SYSTEM AS AN INSTRUMENT TO UNDO THE ASSIMILATION EFFORTS OF PREVIOUS REGIMES, PARTICULARLY THAT OF EMPERORS MENELIK AND HAILE SELASSIE

return the country to bloody civil war and gross violations of human rights. Moreover, it could lead, ultimately, to the disintegration of Ethiopia – the very situation the holders of this view abhor.

To put it in a historical perspective, the framers of the Federal Constitution had five choices. The first was a blanket denial of the existence of diversity and its political expression. The second was to promote Ethiopian nationality as an overarching ideology, thereby denying the existence of ethno-linguistic communities. The third was to promote Ethiopian nationality as an overarching ideology while recognising ethno-linguistic communities, but disallowing any political expression and space for them. The fourth was to promote the right to self-determination as overarching, regardless of the implications for Ethiopian unity. Finally, there was the option to promote Ethiopian nationalism while also recognising and allowing political expression and territorial self rule for ethno-linguistic communities. This last option is perhaps the best of all the options for unity with peace and equality. It looks at federalism as an instrument for conflict management – a political solution to a political concern – and as a tool to contain disintegrative forces and to create a balance between the forces of unity and of diversity. It also addresses the concerns of the forces of diversity, and averts the secession inclinations. For this reason, it is predictable that there will always be strong resistance to any hasty change of the existing arrangement.

Haile Selassie I (1892 – 1975), Emperor of Ethiopia, voluntarily granted his people a constitution.

version of unity. They view ethno-linguistic federalism as a means to strengthening unity, and they support diversity for the sake of unity. We may call them *calculative federalists*: inherently, they are opposed to secession. A third view is totally opposed to ethno-linguistic federalism. It seeks to do away with it and seeks another form of federalism, or a unitary system. *Unitarist in approach*, they look at the federal system as an instrument to undo the assimilation efforts of previous regimes, particularly that of Emperors Menelik and Haile Selassie.[24] This line of thought is similar to the theory of cultural assimilation, which encourages

Sudanese refugees belonging to the Uduk ethnic group at the Bonga refugee camp on the border of Sudan and Ethiopia. The Uduk tribe was threatened by extinction, with about 7000 refugees fleeing the civil war in their native Sudan. The group has thrived in the camp, the population skyrocketing to more than 17,000 with an average of 100 births a month.

Ethno-linguistic Federalism and Localisation of Conflicts

Another perhaps inherent problem of ethno-linguistic federalism is its tendency to localise and or create new conflicts. A good example is the case of Gambella, which is one of the ethnically-heterogeneous regional states without a dominant ethno-cultural community. In Ethiopia, regional states with a dominant ethno-cultural community (such as Amhara, Tigray, Oromia, Somali and Afar) seem less prone to inter-ethnic conflict than those without a dominant ethno-linguistic community. Gambella also exhibits the phenomenon of spontaneous and pastoralist migration (of the Nuer). The national identity of the inhabitants of its border areas is very fluid and, hence, cross-border migration – of the pastoral Nuer, the Anywaa refugees fleeing the conflict in Gambella to the Sudan, and Sudanese refugees fleeing to Ethiopia due to the civil war in Sudan – changes the ethno-linguistic population balance. It thus has a dynamic demographic composition. In ethno-linguistic federalism, demographic changes have huge effects on the power and resource-sharing system in ethno-linguistic arrangements. The politics of numbers has a significant role in power-sharing. This has created arguments and disagreement about the outcome of the

THE NATIONAL IDENTITY OF THE INHABITANTS OF ITS BORDER AREAS IS VERY FLUID AND, HENCE, CROSS-BORDER MIGRATION – OF THE PASTORAL NUER, THE ANYWAA REFUGEES FLEEING THE CONFLICT IN GAMBELLA TO THE SUDAN, AND SUDANESE REFUGEES FLEEING TO ETHIOPIA DUE TO THE CIVIL WAR IN SUDAN – CHANGES THE ETHNO-LINGUISTIC POPULATION BALANCE

1994 population census; because of the implications of the census, results for power-sharing between ethno-linguistic communities are profound. In Ethiopia, regional states with pastoralist populations seem more vulnerable than those with sedentary populations. Gambella is such a case. It has many pockets of 1980s resettlement villages and many old and newly constructed refugee camps, run by the United Nations High Commissioner for Refugees (UNHCR). These settlement villages and refugee camps have often been at the centre of conflict, and have been attacked repeatedly. The effect of *large-scale migration* (about 110 000 forced migrants) on a regional state such as Gambella, with a core population of only about 160 000, can be huge.[27]

Hence, one could argue that, at a local level, Ethiopian ethno-linguistic federalism has sometimes created the very problem it was intended to address – namely, further ethno-linguistic domination and conflict. But the point needs to be made that ethno-linguistic federalism *per se* does not necessarily cause ethnic conflict. Switzerland, Belgium and Canada are good examples of this point.

Conclusions and Implications

In comparison to previous regimes in Ethiopia, the federal system has empowered ethno-cultural communities in many areas of cultural, linguistic, social and political life, and has thereby, to some degree, offset the historical legacy of ethno-linguistic domination. It has also concretised the rights of minority and indigenous communities. However, even if the *de jure* equality of ethno-linguistic communities has been constitutionally ensured, much remains to be done to ensure *de facto* equality in many areas where marginalised ethno-cultural communities have had a limited capacity to make use of these constitutional rights. What is particular to Ethiopian federalism is that the right to self-determination, including that of secession, acts as a brake on any desire of a central government towards the tyrannical and discriminatory treatment of ethno-cultural communities. A reversal of the constitutional rights of ethno-linguistic communities, by either the central or a state government, would be politically costly. Any attempt at discrimination among ethno-cultural communities, or the domination of one ethno-linguistic community by another, or the unconstitutional seizure of political power at the centre, would put the unity of the country at risk – as then ethno-linguistic communities could attempt their constitutional right to secession.

Other constraints, discussed above, are attributable to the immaturity of the federal system. The major problems can best be described as ones of implementation, interpretation, legal lacunae and shortcomings. A democratising of the culture of all parties – especially that of the ruling EPRDF – is vital if the federal arrangement is to function well. Since EPRDF is an umbrella organisation of four ethnic-based parties that control almost all the regional states, it exercises effective control over the

federation through its member and affiliated political parties in the regions. This party chain of command has effectively replaced state control. Almost all decisions of the party are made and implemented using party structures, instead of the state structure. Procedurally, this system violates no laws; substantively, this party control does not encourage discourse and deliberative democracy. It's byproduct is also a weakened state institution and strong parties. While the Federal Constitution provides excellent formal institutional ground for a peaceful Ethiopia, and ownership of decision-making powers – including economic ones by local people – EPRDF's party culture and structure inhibits the implementation of the constitution effectively. The father of the constitution – EPRDF itself – has, through its organisational culture of democratic centralism and

> BUT THE POINT NEEDS TO BE MADE THAT ETHNO-LINGUISTIC FEDERALISM *PER SE* DOES NOT NECESSARILY CAUSE ETHNIC CONFLICT. SWITZERLAND, BELGIUM AND CANADA ARE GOOD EXAMPLES OF THIS POINT

centralised party structure, weakened the federal system and regional state structures. The political constitution of EPRDF effectively antagonises the federal system it has built. In short, democratic centralism is an antithesis of federalism. For instance, regional state presidents are more accountable to the party than to their election constituents or parliaments. In addition centralising attitudes are also widely shared among technocrats and civil servants who prioritise economic efficiency or nationalism before administration of justice and protection of human rights. Thus another key binding constraint to an effective federalism in Ethiopia is the ruling party's excessive control of regional party leaders and the central government resource-backed centralising drifts and attitudes. The gradual effect, however, can be devastating for the unity of the country when such strong party control weakens or vanishes, for the regional states may fall into the hands of extreme nationalist officials.

Other implementation problems, such as violations of the human rights of internal migrants, are often the result of a lack of understanding or lack of political will of regional state officials to implement the Federal Constitution properly. One way in which the leading difficulties in federalism and the relationship between the centre and regions could be tackled would be to conduct training on the relevant laws, to increase their knowledge among the concerned organs of the federal and regional state. This

would facilitate the building of a human rights-protective federalism. Striking a balance between the forces of unity and diversity, between regional state power and federal power requires the educating and training of officials, academics and public servants at both the centre and in the regional states.

A more important recommendation in this regard is the need for the promotion of a democratic pan-Ethiopian national unity based on equality, the rule of law, respect for human rights and commonly shared values in regard to the historic past, economic development and political commitments. In this regard, a deliberate policy of promoting consensus and unity in diversity around positive historic legacies has to be designed and implemented. The victory of Adwa, Ethiopia's tolerance and long acceptance of all major religions, etc. could serve as unifying historical symbols for Ethiopia. While addressing historical grievances due to previous exclusionist regimes and rejecting any new political tendencies to bring back the old regimes of discrimination and exclusion, much has to be done in championing commonly appreciated and accepted legacies. The historic legacy of Axsum in culture, religion and language, the meaning of the victory at Adwa for all black and freedom-loving peoples, as well as the role of iconic Ethiopia leaders like Ras Alula, are not necessarily incompatible with democratisation and the new constitutional federal experiment. The idea of national unity through the promotion of an historical legacy of an inclusive kind, as discussed by Donald Levine, is an important area of improvement.[28] The introduction of civic education, democratic patriotism, the celebration of the Day of the Flag and the acknowledgement of the iconic leaders and emperors of Ethiopia would contribute much to a unifying project. ⚑

Mehari Taddele Maru is Programme Coordinator at the African Union Commission and Executive Director of the African Rally for Peace and Development.

Endnotes

1   Eshete, Andreas (2003) Ethnic Federalism: New Frontiers in Ethiopian Politics. Paper delivered at 1st National Conference on Federalism, Conflict and Peace Building, UNCC, Addis Ababa, 5-7 May 2003.

2   Central Statistical Authority (1995) 'The 1994 Population and Housing Census of Ethiopia: Ethiopian Regional Population Distribution and Ethnic Composition', Statistical Report 1, Addis Ababa: Central Statistical Authority. Available from: <http://www.telecom.net.et/ethfacts.htm> .

3   Maru, Mehari Taddele (2004) Migration, Ethnic Diversity and Federalism in Ethiopia. Unpublished dissertation, University of Oxford, Refugee Studies Centre, Queen Elizabeth House.

4   *The Constitution of the Federal Democratic Republic of Ethiopia,* Proclamation No. 1/1995, Federal Nagarit Gazeta No. 1, Addis Ababa

5   Eshete, Andreas (2003), op. cit., p. 25.

6   Maru, Mehari Taddele (2007) Ethiopian Constitution Protects Diversity. *Federations Magazine*, October/November 2007, Ottawa: Forum of Federations, pp. 16-36, Available at: http://www.forumfed.org/en/products/magazine/vol7_num1/ethiopia.php.

7   Watson, Elizabeth (2002) Capturing a Local Elite: The Konso Honeymoon, 198-218. In James, Wendy et al (eds) *Remapping Ethiopia: Socialism and After,* Addis Ababa: Addis Ababa University Press, pp. 202–204.

8   Young, Crawford (1996) Ethnicity and Power in Ethiopia. *Review of African Political Economy,* Vol. 23, no. 70; Eshete, Andreas (2003), op. cit.

9   Maru, Mehari Taddele (2006) Federalism in Ethiopia: After Fifteen Years. *Journal of The Horn of Africa*, Vol. XXXVII, No 134, July.

10 Eshete, Andreas (2003), pp. 4–5.

11 Huntington, Samuel (1993) Political Development in Ethiopia: A Peasant-based Dominated-party Democracy? Paper presented to the Ethiopian Constitutional Commission, Addis Ababa, 28 March 1993, p. 263.

12 *Ibid.*, p. 267.

13   Kymlicka, Will (2004) Emerging Western Models of Multination Federalism: Are They Relevant to Africa? Paper delivered at the conference on Ethnic Federalism: The Challenges for Ethiopia, Addis Ababa, 14–16 April 2004, p. 13; Eshete, Andreas (2003), pp. 1-5.

14 Horowitz, Donald (2001) *Ethnic Groups in Conflicts,* Berkeley: University of California Press, pp. 611–619.

15 Huntington, Samuel (1993), pp. 272–274.

16 Alem, Habtu (2004) Ethnic Pluralism as an Organizing Principle of the Ethiopian Federation. *Dialectical Anthropology*, Vol. 28, No. 2, pp. 2–3.

17 *Ibid*.

18 Said, Ali (1998) Afar Ethnicity in Ethiopian Politics, 107-115. In Salih, Mohammed and Markakis, John (eds.) *Ethnicity and the State in Eastern Africa*, Stockholm: Elanders Gotab, p.114.

19 Turton, David (1997) War and Ethnicity: Global Connections and Local Violence in North East Africa and Former Yugoslavia. *Oxford Development Studies*, 25: p. 81.

20 Zewde, Bahiru (2004) What Did We Dream? What Did We Achieve? And Where Are We Heading? Paper delivered at conference of the Ethiopian Economic Association, Addis Ababa, 11 January 2004; Young, Crawford (1996) op. cit.

21 Markakis, John (2003) Ethnic Conflict in Pre-Federal Ethiopia. Paper delivered at 1st National Conference on Federalism, Conflict and Peace Building, UNCC, Addis Ababa, 2003, p. 5.

22 Krylow, Alexander (1994) Ethnic Factor in Post Mengistu Ethiopia, 208-243.In Zegeye, Abebe and Pausewang, Siegfried (eds.) *Ethiopia In Change Peasantry, Nationalism and Democracy*, London: British Academy Press, p. 240.

23 Kymlicka, Will (2002) *Contemporary Political Philosophy: An Introduction to Multiculturalism*, Oxford: Oxford University Press, pp. 327–376.

24 Alem, Habtu (2004) op. cit., pp. 10–11.

25 Alba, Richard (2003) *Remaking the American Mainstream, Assimilation and Contemporary Immigration*. Cambridge: Harvard University Press.

26 Maru, Mehari Taddele (2004) op. cit.

27 *Ibid.*

28   Levine, Donald (2009) Aksum as a 'Seedbed' Society. Unpublished article.

POST-WAR SECURITY SECTOR REFORM IN LIBERIA: DEVELOPMENT AND CHALLENGES

BY **IBRAHIM AL-BAKRI NYEI**

The end of the civil war in Liberia in 2003, and the subsequent free and fair democratic elections of 2005, signalled the emergence of peace, stability and sustainable development to the country. Reaping benefits from the cessation of hostilities and the ensuing democratic environment, Liberians needed to make necessary adjustments to accommodate decisions stemming

Above: A child soldier surrendering his AK47 assault gun to an UNMIL soldier at Camp Scheffling in Monrovia.

SSR is a concept that was introduced in international development discourses in 1998 in a speech delivered by the ministerial head of the British Department for International Development (DfID), Clare Short.

the challenges faced by the stakeholders in ensuring that Liberia gets trained security institutions that are responsive to the people and are not agents of abuse and blind state loyalists, as was seen in the past.

The Context of Post-war Security Sector Reform

SSR is a concept that was introduced in international development discourses in 1998, in a speech delivered by the ministerial head of the British Department for International Development (DfID), Clare Short. Issues concerning the building of democratic security institutions and the need for a viable and comprehensive security sector had featured earlier in development discourses, but it was Short's speech and the policies promulgated by the DfID that made the concept of SSR a relevant concept in international peace, security and development.[2] Since then, it has been applied to countries emerging from wars, and nations that are either failing or weak and fragile. Specifically, development donors have argued that assistance must flow into secured environments and, as such, the necessary security architecture must be in place to ensure successful and peaceful implementation of such development aid. Security reform has mainly been applied to help countries that are transitioning to peace and rebuilding state institutions.

The concept of SSR is now widely accepted and popularly used, even though there were proposals of

from the 2003 Peace Accord. The National Transitional Government of Liberia (NTGL) and the United Nations Mission in Liberia (UNMIL) worked together to ensure that the Peace Accord was decisively pursued and scrupulously implemented. Subsequently, the first post-war democratic regime assumed power in 2006, and continued the collaboration with the UN Mission to ensure that the country's reform peace agenda was implemented.

Paramount among the reform recommendations was security sector reform (SSR). This issue sparked major debate amongst the country's actors. Warring factions wanted to feature their generals in the reformed (new) army, while civil society activists and political parties argued against the recruitment of "rebels" into the military. The outcome was an agreement that the new army would accommodate members of all warring factions in its ranks, including the moribund Armed Forces of Liberia (AFL) and forces loyal to the government of Charles Taylor[1] at the time of the signing of the peace agreement. The reform programme was ongoing until 31 December 2009, when the United States turned over the Armed Forces of Liberia's SSR programme to the democratic government of Liberia.

This article is an assessment of the SSR programme in Liberia since the end of the civil war. It also looks into

THE OUTCOME WAS AN AGREEMENT THAT THE NEW ARMY WOULD ACCOMMODATE MEMBERS OF ALL WARRING FACTIONS IN ITS RANKS, INCLUDING THE MORIBUND ARMED FORCES OF LIBERIA (AFL) AND FORCES LOYAL TO THE GOVERNMENT OF CHARLES TAYLOR

different phrases to represent the concept when it was introduced to the development debate. These proposals included that of the Bureau of Crisis Prevention and Recovery (BCPR) of the United Nations Development Program which, in 2003, began to promote similar ideas but with different terms, like "justice and security sector reform" (JSSR).[3]

SSR is now understood to refer to a programme of reform of a country's security system, which involves the transformation and restructuring of the military and police forces, and any paramilitary organisations controlled by

Secretary of State Hillary Clinton with President Ellen Johnson-Sirleaf of Liberia after visiting the Liberian police training camp near Monrovia.

the state. This process has to do with the restructuring and empowering of security-related institutions for effectiveness, discipline and capacity-building for community development initiatives. In some instances, judicial or judiciary reform initiatives are considered under SSR programmes.

When a country goes to war or becomes embroiled in internal civil strife, and its legitimate security institutions (the military and police) divide into factions with belligerent motives, peacekeeping activities become difficult, civilians are abused, more warring parties emerge, and the entire nation degenerates into disorder. In such a scenario, when the violence subsides and peacebuilding programmes are being implemented, reform of the security sector is essential to restore the state's credibility and to reassure the citizenry of their security.

Liberia's security sector has been no exception to the above. During the country's 14-year-long civil war, all of the security forces and institutions joined warring factions, and the institutions became factionalised. As a result, the citizenry lost faith in these security institutions. Reforming

the sector in the post-war era was thus critical to ensure the security of the people of Liberia, and not merely the protection of short-term regimes.

Political and Legal Background of Security Sector Reform in Liberia

Even before the plunder and devastation of the civil war (1989–2003), Liberia's security institutions were heavily politicised by officials of government, and survived on patronage. Its personnel were poorly trained and had no special civic education programmes. Security personnel saw themselves and their political patrons as masters of the people rather than protectors and servants of the people. They became unpopular for their lack of professionalism, corruption, frequent human rights violations and their exploitation by their political patrons to intimidate – and, at times, terrorise – the people. In 1980, the military seized power in Liberia and, in 1985, transformed itself into a civilian government. From 1980 onwards, Liberia's security forces were part of the political process and thereby lost their neutrality and relevance

Private security contractor Bir Bahadur Tamang, a veteran of the Nepalese Army, rides in a SUV while providing security for a convoy. Bahadur has been contracted to provide protection for high level officials of the publicly traded, multi-million dollar private military company Dyncorp International. The US contracted the services of private companies – including DynCorp and Pacific Architects & Engineers, or PAE – to take charge of the training process of the Armed Forces of Liberia.

as enforcers of the law and protectors of the people. The ruthlessness of these forces was seen during the civil war, when most of them joined factions and led campaigns of terror against the civilians. After the civil war – and with virtually no reliable security institutions left in the country – it became politically necessary to reorganise, train and rebuild an effective and well-trained pro-people security regime for the country, as part of the post-war governance reform process.

Liberia's SSR programme was conceived to address the above historical faults, and "to create a secure and peaceful environment, both domestically and in the sub-region, that is conducive to sustainable, inclusive, and equitable growth and development".[4] In the Poverty Reduction Strategy of Liberia (PRS) of 2008-2011, the government articulated issues of peace and security as a first priority, without which there could be no real development in the country. The first pillar of the PRS was therefore "consolidating peace and security".

Liberia's SSR programme is legally empowered by three enabling, but complicated, instruments. These are the Comprehensive Peace Accord of 2003, the Constitution of Liberia, and the United Nations Security Council Resolution 1509 of 2003.

The Comprehensive Peace Accord (CPA)

The CPA was signed in 2003 in Accra, and set the platform for the end of the war. It provided for several institutional reforms – including those in the security sector – to guide the peace process and lead the transition to a new democratic dispensation. It was operational for two years, and was the foremost legal instrument for the NTGL of 2003-05, since certain provisions of the 1986 Constitution of Liberia were suspended to accommodate the compromises and reforms needed for the country's stability and recovery. Part four of the CPA – security sector reform – first called for the disbandment of all irregular forces in the Republic of Liberia, to set the stage for total reform in the security sector. The real process of reform is outlined in Articles VII and VIII of part four of the CPA.

Map No. 3775 Rev. 6   UNITED NATIONS
January 2004

Department of Peacekeeping Operatons
Cartographic Section

In Article VII, the CPA called for the disbandment of all irregular forces, and the reforming and restructuring of the Armed Forces of Liberia. It also requested substantial support in material, capacity-building and other technical support from the United Nations (UN), the Economic Community of West African States (ECOWAS), the African Union (AU), and the International Contact Group on Liberia (ICGL), with a call to the United States (US) to play a lead role in reforming the Armed Forces of Liberia. To that end, the US contracted the services of private companies – including DynCorp and Pacific Architects & Engineers, or PAE – to take charge of the training process.

Article VII also set out the criteria by which personnel should be recruited into the new armed forces, and it laid emphasis on education, medical fitness, professionalism and one's human rights record. Article VII (c) clearly outlined the mission of the new Armed Forces of Liberia as "to defend the national sovereignty and in extremis, respond to natural disasters".[5]

In Article VIII, the CPA called for the restructuring of the Liberia National Police and all other security forces in the country, including the Special Security Services, as well as the "ruthless" Anti-Terrorist Unit and the Special Operation Division of the Liberia National Police – both of which were

LIBERIA'S SECURITY FORCES WERE PART OF THE POLITICAL PROCESS AND THEREBY LOSING THEIR NEUTRALITY AND RELEVANCE AS ENFORCERS OF THE LAW AND PROTECTORS OF THE PEOPLE. THE RUTHLESSNESS OF THESE FORCES WAS SEEN DURING THE CIVIL WAR, WHEN MOST OF THEM JOINED FACTIONS AND LED CAMPAIGNS OF TERROR AGAINST THE CIVILIANS

Liberians fear the military due to its brutal role in the civil war and its general violence, indiscipline and human rights abuses.

created by the regime of Charles Taylor and had developed fearsome reputations for human rights violations. The two were disbanded in 2003 and their members demobilised. In restructuring the police and other security services, the CPA laid special emphasis on democratic controls and values, and the respect of human rights by these forces, stating:

> There shall be an immediate restructuring of the National Police Force, the Immigration Force, Special Security Service (SSS), custom security guards and such other statutory security units. These restructured security forces shall adopt a professional orientation that emphasizes democratic values and respect for human rights, a non-partisan approach to duty and the avoidance of corrupt practices.[6]

The Constitution of Liberia (1986)

The Constitution of Liberia gave the executive and the legislative branches of government a broad mandate on security issues in the country. Under the Constitution, the president as commander-in-chief "appoints members of

the military from the rank of lieutenant or its equivalence and above; and field marshals, deputy field marshals, and sheriff".[7] In addition, issues of defence and security management are implemented by agencies in the executive branch, headed by the president.

The Constitution empowered the legislature to "provide for the security of the republic, defend, declare war and to order the Executive to declare peace, and to make rules for the governance of the Armed Forces of Liberia".[8] At the inception of the SSR programme, all the provisions of the Constitution concerning the powers of the executive and the legislature were suspended, and the only legal national instrument was the CPA of 2003.

Upon the election and subsequent inauguration of President Ellen Johnson-Sirleaf in 2006, all suspended provisions of the 1986 Constitution were reinstated, and the Constitution regained its position as the supreme law of Liberia. This Constitution has been very relevant to the post-war security reform process over the last years.

United Nations Security Council Resolution 1509

UN Security Council Resolution 1509 of September 2003 provided a legal framework for the SSR programme in Liberia. It mandated UNMIL to assist the transitional government in monitoring and restructuring the police and military forces, with an emphasis on democratic values. The Security Council also mandated UNMIL to monitor and facilitate reforms in other areas, including the security sector, where it required that UNMIL "…assist the transitional government of Liberia in monitoring and restructuring the police force of Liberia, consistent with democratic policing, to develop a civilian police training program, and to otherwise assist in the training of civilian police, in cooperation with ECOWAS, international organizations, and interested State".

For the AFL, it mandated UNMIL "to assist the transitional government in the formation of a new and restructured Liberian military in cooperation with ECOWAS, international organizations and interested States".[9]

What Progress?

Since 2004, stakeholders in the Liberian peace process have been engaged in a public campaign to recruit young Liberians into the police and military forces, as well as such paramilitary groups as immigration and correctional services. Restructuring of the Liberian National Police (LNP) began in 2004, with the help of the UNMIL. This reform has gone beyond a mere recruitment of officers to a process of institutional capacity-building, with reforms in the rank and file of the police service. Monthly salaries for the lowest rankings in the police have been increased over 100% during the last four years. In the areas of infrastructure and institutional reform, the LNP has undergone considerable restructuring. The position of police director has now been changed to inspector general, and the Criminal Investigation Department (CID) is now called the Crime Service Department. These changes in names are intended to reflect the modified missions and purposes of the positions and departments within the police. For example, a Women and Children Protection Section has been created within the LNP as a first line of response regarding women's and children's issues.

Other institutional rebuilding initiatives that have taken place include the development of a LNP duty manual and the establishment of a Police Promotion Board, and new police stations (depots) are being built around the country. Currently, the police have trained and deployed over 3 500 personnel. In the area of emergency response to armed robberies and riots, the LNP has established an Emergency Response Unit (ERU). This unit is intended to be a specialised, armed anti-crime unit in the police, and it now has 287 personnel toward a target of 500. There is also a Police Support Unit, which has trained 148 officers toward a target of 600.[10]

With regard to the military, the AFL is currently the main spotlight of the country's SSR programme. Liberians fear the military, due to its brutal roles in the civil war and its general violence, indiscipline and human rights abuses. Reforming the AFL is popular with the people of Liberia, and the process has involved individual citizens and civil society organisations – citizens have the right to challenge and vet new applicants to the army. During the recruitment process, photographs of applicants are

> DURING THE RECRUITMENT PROCESS, PHOTOGRAPHS OF APPLICANTS ARE DISPLAYED IN COMMUNITY CENTRES FOR CITIZENS TO REVIEW AND TO OBJECT, SHOULD CANDIDATES HAVE A RECORD OF INDISCIPLINE, CRIME AND HUMAN RIGHTS ABUSES. BESIDES THIS PROCESS, BACKGROUND INVESTIGATIONS ARE CONDUCTED ON INDIVIDUAL APPLICANTS IN THEIR COMMUNITIES AND SCHOOLS

displayed in community centres for citizens to review and to object, should candidates have a record of indiscipline, crime and human rights abuses. Besides this process, background investigations are conducted on individual applicants in their communities and schools. The target for the reformed AFL in the PRS is 2 000 soldiers. Successfully, through the support of the US government and other development partners of Liberia, the AFL has trained over 2 000 personnel, who have been deployed to various barracks.

The AFL is also undergoing institutional and human capacity-building. The reform process is serious about having a literate army. This new AFL is now comprised of personnel with at least a junior high school education, and it also has in it many high school and college graduates. The "new AFL", as it is called, has over time been involved in community services, including the construction of roads and bridges, medical assistance to hospitals, and community clean-up efforts.

The US and other partners have aided the government of Liberia in rebuilding barracks and providing logistical support to the new army, and four barracks have been refurbished and made fully operational.[11] The Liberian Coast Guard Unit of the AFL has also trained about

UN soldiers and Liberian security forces keep hundreds of former combatants at bay at the largest government-owned rubber plantation in Guthrie, west of Monrovia. Ex-combatants have been occupying the plantation since 2003. The government on several occasions has given them an ultimatum to evacuate, but they have persistantly refused. With the support of UNMIL, the Liberian government restored state authority in Guthrie.

40 officers, and this unit has a mandate of improving coastline management, controlling smuggling and illegal fishing. There is also a new bureau for the welfare of retired AFL servicemen, called the Bureau of Veteran Affairs.

Other security institutions have also been reformed and reactivated, including the Bureau of Immigration, Bureau of Correction and the National Fire Service. A general review process of all of the security institutions has taken place, and the government has adopted a National Security Strategy as the working tool for peace and security in the country.

Factors Impeding the SSR Programme

Liberia's security reform programme, like most post-conflict governance reform initiatives, is faced with the perennial challenges of inadequate resources and limited human resource capacity to improve and sustain the integrity of the programme and the effectiveness of the

security institutions. All of these are faced with logistical challenges in the discharge of their duties, and these are further exacerbated by the level of underdevelopment in the country.

The ineffectiveness of the LNP to respond to emergencies in the country has been attributed to a lack of equipment – including radios, vehicles, handcuffs and raincoats (for the rainy season). These shortages are also common to the Bureaux of Immigration and Correction, and the National Fire Service. The integrity of the police system is highly criticised in the country, resulting in some citizens describing the police force as "a new wine in an old bottle". The police have been seen engaging in violations, including brutality against civilians and bribery. These attitudes of indiscipline, while publicly condemned, discourage a populace already weary of insecurity and corruption.

THE COUNTRY IS ALSO STILL
STRUGGLING TO DEAL WITH THE
EX-SERVICEMEN OF THE AFL, WHO
HAVE STAGED NUMEROUS STRIKES
FOR BENEFITS AND RE-ENLISTMENT
INTO THE NEW MILITARY. SOME OF
THE DEMOBILISED SOLDIERS STILL
ALLEGE THAT THEY ARE IN THE ARMY,
CLAIMING THAT THE CPA CALLED FOR
THE RESTRUCTURING OF THE AFL, AND
NOT ITS DISBANDMENT

The country is also still struggling to deal with the ex-servicemen of the AFL, who have staged numerous strikes for benefits and re-enlistment into the new military. Some of the demobilised soldiers still allege that they are in the army, claiming that the CPA called for the restructuring of the AFL, and not its disbandment. The new army has retained some staff from the old army and re-enlisted them into the force. The government has tried to respond to the concerns of the disbanded soldiers by paying arrears of US$4.1 million – including US$228 000 to AFL widows – and has promised that any further assistance to the disbanded soldiers will be directed at jobs and training opportunities as a means of ensuring sustainability in benefits.[12]

Conclusion

Liberia's current security system is a considerable improvement over the pre-war untrained and highly politicised security institutions that were used to intimidate citizens and maximise the power of the security forces. Significant gains have been made through the training and/or retraining of officers for the AFL, LNP, Immigration, Correction and other security institutions. As the training of security institution personnel – particularly in the armed forces and the police – grows in terms of numbers, donors are gradually leaving the process to the Liberian government.

As for the AFL, the US government has already turned it over to the Liberian government. It is now time for the country to protect its citizens by maintaining trained and equipped security institutions. The need to train and deploy more police officers around the country is critical to sustaining the integrity of the SSR programme and promoting internal security. The need to open educational and training opportunities for personnel of the security institutions to advance themselves cannot be

overemphasised, since there is a yearning for a literate security regime with civic and democratic values. Equally important to the process is the need to improve the salaries and benefits of servicemen and women in security institutions, and to maintain the standards of training introduced by the development partners at the inception of the SSR programme. ♟

Ibrahim Al-Bakri Nyei is a young Liberia democracy, development and social justice campaigner who is currently enrolled for a Post Graduate Certificate in Peace Studies and Conflict Transformation at the Kofi Annan Institute of Conflict Transformation at the University of Liberia.

Endnotes
1   Forces loyal to the government of Charles Taylor included the Anti-terrorist Unit, Special Operation Division, the militia, and other paramilitary forces.
2   Brzoska, Michael (2003) *Development Donors and the Concept of Security Sector Reform*. Geneva Centre for the Democratic Control of Armed Force (DCAF), Occasional Paper No. 4, p. 3.
3   Malan, Mark (2008) *Security Sector Reform in Liberia: Mixed Results from Humble Beginnings.*, Strategic Studies Institute, US Army War College. Carlisle, Pennsylvania.
4   Republic of Liberia (2008) Consolidating Peace and Security, Chapter 6:
5   Comprehensive Peace Accord of Liberia, Part Four, Article VII (c).
6   Comprehensive Peace Accord of Liberia , Part Four, Article VIII, Section 1.
7   Constitution of the Republic of Liberia, Article 54, January 1986.
8   Constitution of the Republic of Liberia, Article 34 (b) and (c), January 1986.
9   United Nations Security Council Resolution 1509, September 2003.
10 Annual Message to the 5th Session of the National Legislature by Ellen Johnson Sirleaf, 25 January 2010.
11 Griffith, Cecil (2010) Initial Report on Liberia's SSR Program. Civil Society SSR Working Group.
12 Annual Message to the 5th Session of the National Legislature by Ellen Johnson Sirleaf, 25 January 2010.
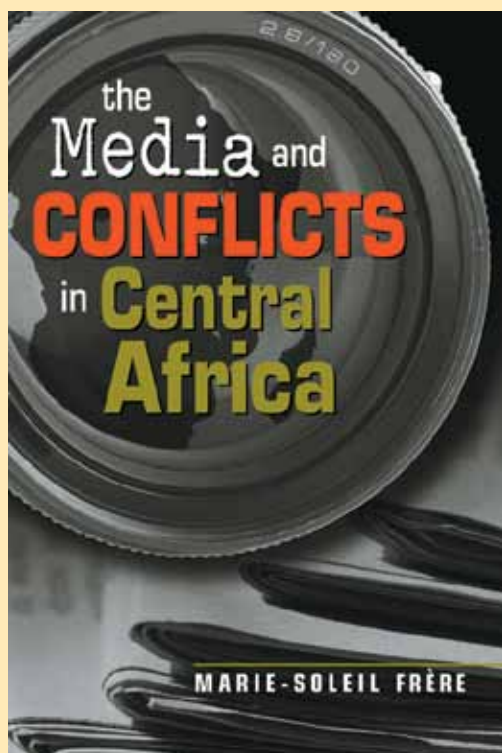
REVIEWED BY **PAULO NUNO VICENTE**

THE MEDIA AND CONFLICTS IN CENTRAL AFRICA

Author	**Marie-Soleil Frère, with a contribution from Jean-Paul Marthoz**
Year	**2007**
Publisher	**Lynne Rienner Publishers**
ISBN	**978-1-58826-489-3 (hbk) and 978-1-58826-465-7 (pbk)**
Pages	**287**

In these times of Internet communication and mass media overflow, do we really know anything about the Other? What can we summarise from media reports about Africa, except prejudgments and superficialities? How truly informed are we about conflicts in Central Africa?

In this book, Marie-Soleil Frère synthesises the interaction between the mass media and conflict in Burundi, the Democratic Republic of Congo (DRC), Rwanda, Congo-Brazzaville, the Central African Republic, Chad, Cameroon, Gabon and Equatorial Guinea. A professor of journalism specialising in Francophone Africa, Frère starts in the 1990s and explains, case by case, the media boom that has taken place since then in these nine central African countries. Her clarification of these events leads to a well-informed discussion about media influence during conflicts, and its social role in post-conflict scenarios and peace processes.

The book's objective is to improve our understanding of the dynamics of the media in those states, and to identify strategies that can contribute to strengthening or weakening them since, she argues, the aim of documentation and reflection is to prepare us for action (p. 2).

Frère does not just supply theoretical analyses, or isolated and unproven empirical considerations. Instead, she allows the reader to understand what could be claimed to be some basics – that Africa is not a country, but a continent, and that central Africa has no historical or political institutional unity, but distinct histories, populations, political and economic situations. We could

even ask: why central Africa? The overwhelming and urgent need to have realistic, mature and pedagogical bibliographical resources on this complex part of the world would be the first answer. The second and third answers are provided by the author: because central Africa "is an area where these media dynamics can best be observed" (p. 1), and "it is also one of the principal focus points, practically a laboratory, for regional and international nongovernmental organizations" (p. 2).

The book's analysis is based mainly on the years 1993–2004. From state monopoly policies to privately-owned newspapers, radio and television, factors such as the "internal organization of the media companies, the relationship among journalists and political players, and the structure of the media environment, including professional solidarity" (p. 5) are stressed, in an attempt to understand how the media positions itself in times of conflict. Each of the nine national case studies is introduced by a geographical and chronological résumé. The role of new digital media - such as weblogs, micro-blogs, podcasts, videocasts and online social networks -, powered from exile and the diaspora, should also be considered in a future edition .

The Media and Conflicts in Central Africa is a reference suitable as a first reading for new students. However, the richness of its synthesis also makes it useful for advanced researchers seeking more information on central Africa, its institutional and regulatory frameworks, the opening-up function of public and private media, the international media's role in conflicts, and the characteristics of the

professional environment. In each of these cases, this means reflecting on balanced coverage in conflict areas, and on standard regulations that should be followed to enhance journalism's best qualities. If Frère's book has the ability to inform us clearly about the central African media landscape, it also has the value of keeping us aware of the coverage of African conflicts in the global media.

Jean-Paul Marthoz, former international director of information at Human Rights Watch, is responsible for that additional enlightenment, reminding editors-in-chief and reporters that "victimology often reflects a refusal to think seriously about conflicts, a refusal to seek and to analyze their causes and their dynamics" (p. 231).

Looking to the future, this educational effort marks a clear invitation for new media and cultural studies. If we were asked what the most important feature is that is being deeply and permanently altered by the impact of digital media – an action, a process, an achievement – the answer would be knowledge. This unparalleled transmutation is based on a constant redrawing of our personal and social frameworks of perception, so that we are compelled to sharpen our traditional referential values, even – or mostly for that reason – if the paths of development are uncertain. Mass media and established newsrooms have always considered themselves to be the enunciating subject, the absolute narrative referee. Now, the people formally known as the audience are not just demanding a new public sphere, but are building their own identity fora and agoras. There is no doubt that the media have previously assisted people to come together and organise themselves – that is the way most of us fit into the social universe – but never with today's speed, fragmentation, skill and overwhelming need of metamorphosis.

So, how are new digital media developing and delivering messages about war and conflict? Are their narratives really new and different from previous journalism traditions? What role are grassroots communities and citizen journalists taking in the process? Is the Internet becoming a new media for information exclusion? The answers to these questions belong to the years to come, but a determination to search for the answers has already been demonstrated. As an introduction to this research, Frère's book is invaluable for giving us structural clues to understanding conflicts in central Africa. ◭

Paulo Nuno Vicente is a PhD Fellow in Online Journalism at the New University of Lisbon.

Guest Editor John Daniel is a former Professor of Political Science, University of Durban-Westville, South Africa. In 2001, he joined the Human Sciences Research Council (HSRC) – South Africa's national social science council – as a researcher in governance and democracy and as the head of its publishing arm, the HSRC Press. His most recent book which he co-edited with Dr Roger Southall – and to which he contributed two chapters – was a study of the South African national and provincial elections entitled *Zunami! The 2009 South African Election.*