

CONFLICT TRENDS

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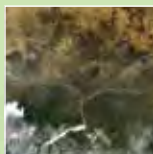
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EDITORIAL

BY **VASU GOUNDEN**

The year 2011 will certainly go down in history as a watershed year, dominated by political and economic upheavals and natural disasters. It will be remembered for the collapse of several regimes in North Africa that were once thought to be unshakeable. It was the year in which several developed nations in Europe faced bankruptcy. It was also the year in which Japan experienced a massive earthquake and a devastating tsunami, which dangerously compromised its nuclear facilities.

These watershed events highlighted useful lessons. We realised that although governments have an important role to play, if they do not represent the will of the people they will be removed – no matter how powerful they seem. It also highlighted that an unregulated free market can lead to gross inequity and the collapse of economies. The natural disasters in Japan revealed how challenging it is to respond in a timely and adequate manner, even for the third-largest economy in the world.

All the evidence presented on climate change and its impact indicates that we will continue to be subjected to unprecedented natural disasters. In addition, in October 2011, the United Nations announced that seven billion people now occupy our planet. Although the growth in the world's population is slowing down to about 1% per annum currently (from an annual 2%), the increase in actual people who occupy the planet is exponential. According to *The Economist*, while it took about 250 000 years to reach one billion people, it took only about 100 years to reach two billion people in 1927, and the increase from six billion to seven billion people happened in only 12 years!

It does not require much analysis to conclude that our challenges as humanity will also increase exponentially. The resources on our planet are finite, and our current use of these resources is unsustainable. At least one third of the world's population currently lives in poverty, with their

governments increasingly unable to provide for their basic needs. Our major challenge is to craft an economic and political system that will deliver potable water, food, fuel, housing, healthcare, education, transport, security and other basic needs equitably to all people.

All these challenges confront us at a time when trade, transport and telephony connect the world like at no other time in the history of mankind. While this phenomenon has created an enabling environment for cooperation in commerce and communication, it has also created an environment for competition. This has led to greater inequity between an increasingly smaller empowered elite and a growing community of marginalised groups and individuals who cannot access even basic services and opportunities. The growing divide between the empowered elite and the marginalised groups has resulted in increased tensions between them, throughout the world.

The popular uprisings in North Africa and the Middle East, together with the global protests under the 'Occupy Movement', have once again highlighted the power that ordinary citizens have to bring about change. These events have also shown us that, in the main, most of these uprisings are led by interest groups in civil society who are in direct opposition to the state and the private sector, which are perceived to represent elite interests significantly. More importantly, it highlights the urgent need to build cooperation among these three sectors of society. The recent slogan of the 'Occupy Movement' – that we should all "live simply so that people can simply live" – should be our guiding principle for forging a new social compact between the state, the private sector and civil society, to ensure some measure of equity and prosperity for all the peoples of the world. ♣

Vasu Gounden is the Founder and Executive Director of ACCORD.

IMPERATIVES FOR POST-CONFLICT RECONSTRUCTION IN LIBYA

BY IBRAHIM SHARQIEH



REUTERS / THE BIGGER PICTURE

Having endured for four decades, the political system of *Jamahiriya*¹ – or ‘state of the masses’ – created by Colonel Muammar al-Qaddafi, has resulted in Libya having a unique political dynamic. Its growth has been stunted in many ways, as it lacks political parties,² civil society organisations, trade unions, economic associations and even a unified army. When he led the coup that brought him to power in 1969, Qaddafi exploited the fact that the country had two capitals, Tripoli and Benghazi, claiming that he wanted to take power from King Idris al-Sanousi, who was accused of favouring the eastern part of Libya. Ironically, Qaddafi himself meant to marginalise that same region, particularly Benghazi,³ hoping to centralise his power and government in Tripoli. It is not surprising, therefore, that this year’s uprising began in the east, with its hub in Benghazi.

The confirmed killing of Qaddafi and his two sons Muatasim and Saif al-Arab, and the fleeing of the rest of

his family, represents an end of an era of autocracy for Libya. Libyans now face new challenges – in particular, the reconstruction of a war-torn country and the building of institutions that never existed under Qaddafi’s heavy-handed rule. While military force was necessary to oust Qaddafi, a successful reconstruction process requires a different set of methods, approaches and philosophies. Libyans are encouraged not to rush this process, as rebuilding the nation will be arduous and complicated, for two reasons. The first is the extent of reconstruction required, as the former regime left behind a society that requires rehabilitation in almost all areas of education, health, economics and infrastructure.

Above: Libyan people gather during celebrations for the liberation of Libya in Quiche, Benghazi on 23 October 2011.



The confirmed death of Muammar al-Qaddafi in October 2011 marked the end of an era of autocracy for Libyans and the start of reconstruction and rebuilding of the war-torn country.

operations end in Libya. UN Security Council Resolution 1973 authorised the imposition of a no-fly zone, as well as taking “all necessary measures to protect civilians”.⁴ Once military operations cease, decisions about post-conflict Libya should be fully Libyan. NATO’s assistance should not change the fact that the true owners of this uprising are the Libyans: they began the protests and fought for months to change their regime. Libyan ownership is necessary for successful reconstruction. Representative leadership of the Libyan people is indeed the first step in a sustainable reconstruction process. The UN Security Council authorised NATO intervention strictly on a humanitarian basis, and outside powers’ involvement in Libya should be permitted only for such causes. NATO needs to strike a balance between helping the Libyans manage their own affairs and intervening in their decisions. Certainly, the objective of the Libyan uprising was never to replace a dictatorship with foreign control of the country.

Closely related to the concept of ownership is the management of the contracts that will be issued to rebuild the country. Libyans should be aware of the potential for serious conflicts of interest for those countries participating in the military intervention, as many of them likely also hope to be the ones gaining contracts to rebuild the country.

To avoid this, decisions about contract management should be entirely Libyan, and the procurement process should be transparent, competitive and open to all parties, not only to those who contributed militarily to the removal of the Qaddafi regime.

Legitimacy

Libyans should be wary of becoming the victims of their own victory. In many post-revolutionary societies, there is a tendency to confuse victory with legitimacy, while these are in fact two very different things. Victorious individuals tend to see the values of their revolution as the basis for legitimising their rule. Qaddafi himself used this tactic during his reign, deeming revolution victory day (1 September) a national holiday for Libya, which the country celebrated

LIBYANS NOW FACE NEW CHALLENGES – IN PARTICULAR, THE RECONSTRUCTION OF A WAR-TORN COUNTRY AND THE BUILDING OF INSTITUTIONS THAT NEVER EXISTED UNDER QADDAFI’S HEAVY-HANDED RULE

yearly beginning in 1969. This same concept of ‘revolutionary legitimacy’ allowed Qaddafi to sustain his power and justify the silencing of his opponents. Even more dangerous, loyalty to his revolution and its values provided open access to those who were committed to the revolutionary cause, and they were granted almost unlimited access to the positions they desired.

NATO NEEDS TO STRIKE A BALANCE BETWEEN HELPING THE LIBYANS MANAGE THEIR OWN AFFAIRS AND INTERVENING IN THEIR DECISIONS

Libyans today are strongly encouraged to learn from the lessons of Qaddafi’s revolution, so they are not repeated. Though it carries special significance for them, 17 February (the uprising day) should not replace 1 September (Qaddafi’s revolutionary day). The mix of victory and legitimacy is both unproductive and dangerous. Noman Benotman explains: “I have already heard terms like revolutionary legitimacy being said by some Libyans, referring to the current uprising.”⁵ While those who participated in the uprising against Qaddafi are entitled to take part in the rebuilding process, the roles they play should align with their qualifications and skills, not their connections to those in power. Matching skills with roles will help create a long-lasting meritocracy and lead to a new phase of productive construction and development in Libya.

Inclusion

Almost all segments of Libyan society contributed in some way to the removal of Qaddafi from power – including tribal forces, technocrats, members of the diaspora and a variety of political parties. However, even during the uprising, many politicians and analysts raised concerns over the inclusion of some Islamist groups with possible links to Al-Qaeda.⁶ It could be dangerous for the new Libyan leaders to become tyrannical in questioning loyalties to the country. Anyone who participated in the liberation process and the removal of the regime should be given a fair chance to be part of the rebuilding process. As Benotman explained: “To manage the bumpy transition toward democracy, elements formerly close to the Qaddafi regime will also have to be included.”⁷ A monopoly over Libyan reconstruction should not only be rejected but also replaced by an inclusive grouping of all parties, regardless of their social and political background. An important criterion for participation, however, should be a firm commitment to non-violence in the rebuilding process. Once that sincere commitment is made, all Libyans should be allowed and encouraged to contribute to reconstruction efforts. In so doing, a broad cross-section of Libyan society will be allowed to contribute



NATO Secretary-General, Anders Fogh Rasmussen, held a news conference in Tripoli where he hailed the end of the alliance’s military intervention in Libya, which helped bring about the end of Muammar al-Qaddafi (31 October 2011).

to governance, which was a key goal of the revolution after over four decades of dictatorship by Qaddafi.

Reconciliation

Many crimes were committed under Qaddafi’s 42-year-old regime, as well as during the eight-month uprising that ousted it. The Abu Salim prison massacre⁸ and shelling of Misrata⁹ are only two examples of these crimes. Because Qaddafi’s repression was systematic and widespread, it affected most segments of Libyan society and, as a result, this has led to reprisals against segments of the former regime. Other social forces who allied with the regime have been targeted for retaliation as well. These groups include, but are not limited to, the Tuareg,¹⁰ Qaddafi’s own tribe (the Qadhafda) and other ‘dark-skinned’ individuals.¹¹ For example, in the city of Ghadames, which has a mixed population of Berber-Arabs and Tuareg, serious revenge attacks have already occurred against the Tuareg, who Qaddafi used as local enforcers of his power during the revolution.¹²



Libyans should be wary of becoming victims of their own victory. In many post-revolutionary societies, there is a tendency to confuse victory with legitimacy, when victorious individuals tend to see the values of their revolution as a basis for legitimising their rule.

As much as they may wish to avoid dealing with it, many Libyans, especially victims' relatives, may find themselves performing retributive acts against perpetrators of former regime abuses. While retributive justice may provide some psychological release to victims and is common in some tribal societies, Libyans must realise that this is not the type of justice that will help their country move into a new era of stability, reconstruction and development. Indeed, Libyans need to engage in a wide national reconciliation process that uses restorative, rather than retributive, tactics to repair broken relationships and heal deep wounds.¹³ Restorative justice will also grant regime figures the opportunity to acknowledge the suffering of their countrymen, apologise for their past wrongdoings, and seek forgiveness. Restitution requires that regime individuals relinquish all privileges they gained due to their positions in the old Qaddafi regime. While it is certainly true that forgiveness is not easy in a society that suffered for four decades under a brutal and capricious dictatorship, Libyans must recognise that vengeance will only prolong their suffering and jeopardise the transition to a new era of peace and stability. Libyans are well equipped to forgive, as their Arab and Muslim culture encourages such values as forgiveness and reconciliation.

Capitalising on Tribalism

There are more than 140 tribes and clans in Libya,¹⁴ though approximately 30 are believed to be more active than others. A promoter of socialist ideology, Qaddafi committed himself to eliminating tribalism in Libyan society when he first came to power. Later, when he became weaker, however, Qaddafi returned to relying on tribal support to sustain his

WHILE IT IS CERTAINLY TRUE THAT FORGIVENESS IS NOT EASY IN A SOCIETY THAT SUFFERED FOR FOUR DECADES UNDER A BRUTAL AND CAPRICIOUS DICTATORSHIP, LIBYANS MUST RECOGNISE THAT VENGEANCE WILL ONLY PROLONG THEIR SUFFERING AND JEOPARDISE THE TRANSITION TO A NEW ERA OF PEACE AND STABILITY



Survivors of the killings at the Khalida Ferjan grave site in Tripoli, Libya, and the family members of those who perished, share their testimonies, in November 2011. The site, an agricultural warehouse in Tripoli's Salahaddin area, is where over 100 detainees are reported to have been tortured, and many summarily executed, by a military brigade of the Qaddafi regime in August 2011.

regime, emphasising the importance of family and tribe in his *Green Book*.¹⁵

The tribe is an important social unit that serves multiple social and political functions within the larger nation. Many warned of a civil war when the uprising began, arguing that a 'tribal society' is intrinsically prone to conflict and violence. To be sure, Qaddafi tried to use the tribal structure to bolster his regime in the wake of the uprising. His son Saif al-Islam confirmed this approach, declaring in a state television address that "unlike Egypt and Tunisia, Libya is made up of tribes, clans and alliances".¹⁶ His father even warned that he would "arm the tribes and let Libya become red fire".¹⁷ Several times on television, Qaddafi was seen greeting tribal leaders who came to show their loyalty. Tribalism can indeed be easily manipulated by leaders to serve their political agendas.

However, Libyans should not assume that tribes can only be used to advance certain narrow political agendas. On the contrary, a tribal structure can play either a violent or a peaceful role. This depends on many factors, including social interaction within the tribe and with its external social environment. Indeed, tribes are not monolithic entities that engage in a civil war only because their leadership asks them

to do so. For example, the one million Warfalla¹⁸ members certainly do not move as one entity or speak with one voice. There are many variations within the tribe. While it is true that the majority of the Qadhadfa tribe supported Qaddafi, prominent tribal figures also sided with the uprising – including Qaddafi's cousin, Ahmed Qaddafi al-Dam, who was one of the first prominent figures to defect.

Libyans should capitalise on the structure of their tribal society to bring peace, as strong potential exists on this level. The Libyan tribes can be a stabilising force in the post-conflict reconstruction process. Due to their highly respected social standing, tribal leaders can use their moral power to exert influence on the members of their tribe to forgive and reconcile. Tribal leaders can also use political incentives like

DUE TO THEIR HIGHLY RESPECTED SOCIAL STANDING, TRIBAL LEADERS CAN USE THEIR MORAL POWER TO EXERT INFLUENCE ON THE MEMBERS OF THEIR TRIBE TO FORGIVE AND RECONCILE

recognition to entice their followers to join and support the national reconciliation process. In addition to reconciliation, tribes in Libya can contribute to improving the security situation and filling the power vacuum, particularly when society is in transition. Tribal leaders have the ability to mobilise significant tribal forces to secure peace and maintain order in the absence of a formal security apparatus. In a vast country like Libya that lacks a strong central government, the need for these informal forces becomes even more essential throughout the nation.

As long as Libyan society is in transition, the security situation will remain precarious and, in the absence of a strong central government, other social groups such as the tribes will be needed to preserve peace. Be it for national reconciliation or peace and security, Libyans may want to consider establishing tribal councils that involve prominent tribal figures to contribute to reconciliation, peace and security during the transitional period. Another important feature of such a council would be the opportunity it allows for the reintegration of tribal allies of the former regime. That is, to avoid deep divisions within the society in the future, Libyans should make every effort to treat tribes like the Qadhafda and the Tuareg equally, despite their past support of the Qaddafi regime. These groups should also be given the opportunity to contribute to the reconstruction of Libya.

Treating them as regime allies will only deepen national wounds and make societal transition complicated and possibly violent. Tribal councils can help create a framework for national collaboration and the integration of various social groups.

Conclusion

Ownership, legitimacy, inclusion, reconciliation and capitalising on tribalism are only some examples of the challenges that the post-Qaddafi reconstruction process will have to manage. Certainly, others will emerge as Libya enters new phases of the difficult reconstruction process. Rebuilding Libya will be a long-term project, and Libyans must be open to dealing with these challenges as they emerge.

Loyalty to the country is not enough to ensure success. Rather, an insightful, reflective and adaptive approach to reconstruction is the only guarantor of improvement in post-conflict Libya. Rebuilding the nation will require collaborative efforts by various social and political groups. Monopoly and exclusion are likely the most serious threats to a successful reconstruction process, and should thus be replaced with inclusion and openness. Libyans should remember that the Qaddafi regime inadvertently unified a number of disparate groups that participated in the revolution, mainly because



REUTERS / THE BIGGER PICTURE

Officials of the interim National Transitional Council (NTC) and Tuareg tribesmen attend a meeting aimed at patching up differences that have led to violence (September 2011).

of the threat the Qaddafi regime posed to all of them. Now that the regime has been removed, the rebels will have to learn how to work together to achieve national goals and objectives in the absence of the unifying force of Qaddafi's reviled regime.

The diverse composition of the rebel groups should be considered a source of power rather than weakness. The reconstruction of Libya will benefit from the diversity of experiences the rebels have, as the process itself is multifaceted. While the revolution against Qaddafi lasted only eight months, the reconstruction process will take years. Critical to beginning a healthy reconstruction process will be the rebels' willingness to engage in a meaningful disarmament process, where they put aside their weapons and enter a fresh process of reintegration in the new Libyan nation. **A**

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Endnotes

- 1 According to its founder, Muammar al-Qaddafi, Jamahiriya is a form of a direct democracy with no political parties, governed by its populace through local popular councils and communes. The idea is meant to have all people participate in the decision-making process. In reality, however, power remained with Qaddafi, the system's founder.
- 2 Technically, Libya never had formal political parties under the monarchy of Idris Al-Sanousi (1951–1969), nor since Qaddafi came to power in 1969.
- 3 Benghazi rebelled against Qaddafi's policies even before the Arab Spring. In 2006, the people chased out security officers for one week, and the authorities responded with bullets and further marginalisation. See also Pelham, Nicholas (2011) 'The Battle for Libya'. *The New York Review of Books*, Available at: <<http://www.nybooks.com/articles/archives/2011/apr/07/battle-libya/>>.
- 4 For the full terms of UN Security Council Resolution 1973, see Security Council SC/10200, 6498th Meeting, 17 March 2011 press release, Available at: <<http://www.un.org/News/Press/docs/2011/sc10200.doc.htm>>.
- 5 Benotman, Noman (2011) Interview and discussion with the author in May 2011. Noman Benotman was a former leader of the Libyan Islamic Fighting Group (LIFG), a jihadist organisation that fought against Qaddafi's regime in the 1990s. He resigned from the LIFG in 2002 and is currently a senior analyst at the Quilliam Foundation.
- 6 See, for example: Boucek, Christopher (2011) Islamist Terrorists in Libya. *Christian Science Monitor*, 21 May 2011.
- 7 Benotman, Noman (2011) Libyans Saving Libya. *The New York Times*, 24 May 2011.
- 8 Approximately 1 200 prisoners were believed to have been massacred by Qaddafi's security forces in Tripoli's Abu Salim prison in 1996. In 2004, Qaddafi admitted publicly that killings happened in Abu Salim. For the full report, see Human Rights Watch (2003) 'Libya: June 1996 Killings at Abu Salim Prison', Available at: <<http://www.hrw.org/sites/default/files/reports/libya2003.pdf>>.

- 9 Often called Libya's Stalingrad, the city of Misrata, 178 km east of the capital Tripoli, witnessed probably the most intense fighting during the nine-month revolution against Qaddafi. Misrata was besieged by Qaddafi's forces for almost three months, and came under assault and was shelled on a daily basis.
- 10 The Tuareg are a tribe of Berber nomads living in Libya and other neighbouring countries.
- 11 To quell the uprising in Libya, Qaddafi was reported to use individuals from other African countries as mercenaries – something that led to a backlash against 'dark-skinned' people in Libya, who were believed to be linked in one way or another to the mercenaries.
- 12 See Marozzi, Justin (2011) 'Reprisals Against Libyan Tuareg who Supported Gaddafi', BBC, 18 September 2011, Available at: <<http://www.bbc.co.uk/news/magazine-14948319>>.
- 13 See Sharqieh, Ibrahim (2011) 'Vengeance has No Place in a Libya Free of Qaddafi', *The National*, 6 October 2011, Available at: <<http://www.thenational.ae/thenationalconversation/comment/vengeance-has-no-place-in-a-libya-free-of-qaddafi>>.
- 14 Kurczy, Stephen and Hinshaw, Drew (2011) 'Libya Tribes: Who's Who?' *Christian Science Monitor*, 24 February 2011, Available at: <<http://www.csmonitor.com/World/Backchannels/2011/0224/Libya-tribes-Who-s-who>>.
- 15 Chapter Three of the *Green Book* treats the tribe as a big family. Qaddafi writes: "A tribe is a family which has grown as a result of procreation."
- 16 Kurczy, Stephen and Hinshaw, Drew (2011), op. cit.
- 17 Qaddafi's words in a speech that he delivered publicly in March 2011.
- 18 The Warfalla make up Libya's largest tribe, with one million members, which represents one-sixth of the nation. See Kurczy, Stephen and Hinshaw, Drew (2011), op. cit. Antony Njuguna

'MEDIATION WITH MUSCLES OR MINDS?'¹ LESSONS FROM A CONFLICT-SENSITIVE MEDIATION STYLE IN DARFUR

BY ALLARD DUURSMA



UN PHOTO/FRED NOV

Introduction

On 22 June 2011, the United Nations (UN) General Assembly unanimously adopted a resolution that reaffirmed the central role mediation plays in modern-day conflict resolution.² Evidence supports the underlying idea of this resolution. Mediation has occurred in 70% of all conflicts since 1945, and the probability of a peace agreement being concluded is six times more likely when third-party intermediaries are present.³

However, mediation is no guarantee of a successful resolution; it can also reinforce, exacerbate and prolong conflicts. The Darfur Abuja mediation process between 2004 and 2006 – aimed at ending the war between the Darfurian rebels and the Government of Sudan (GoS), which started

in 2003 – highlights the point that mediation can sometimes do more harm than good. This will be explained later in the article. By contrast, the Darfur Doha mediation process, which started in 2009 and which was still ongoing in late 2011, has been more conflict-sensitive and more successful. While it has not yet secured a durable and sustainable peace, the mediation team at Doha has been aware of the interaction of their efforts with the conflict context. This has increased rather than decreased the prospects for peace.

Above: While mediation is voluntary it can occur along a spectrum of intervention methods where forceful and fostering mediation methods are located at opposite ends.



In his capacity as the United States Deputy Secretary of State, Ambassador Robert Zoellick attempted to force a breakthrough in the Darfur negotiations by employing a strategy of threats, rewards and hard deadlines.

wealth-sharing.¹¹ This sped up the negotiations and, in April 2006, Salim Ahmed Salim, the AU Special Envoy on Darfur, informed the UN Security Council that the conflict seemed “at last to be ripe for resolution”.¹²

As a result of Salim’s assessment that a major breakthrough in the negotiations was near, the rebel parties’ request of three more weeks to review the document was rejected on 30 April 2006. Instead, a number of high-profile diplomats – most notably, United States (US) Deputy Secretary of State, Ambassador Robert Zoellick – arrived to force a breakthrough in the negotiations. In contrast to the AU mediators, who had mainly employed a fostering meditation method, the US mediation team attempted to force a breakthrough in negotiations by employing a strategy based on threats and rewards, and allowed only two 48-hour extensions to the deadline.

The US mediation team promised the rebel leaders that if they signed the Darfur Peace Agreement (DPA), the

US would guarantee its implementation. Many previous agreements had been violated, so the rebel parties attached great value to this promise. To back up this promise, Zoellick carried personal letters with him from President George W. Bush, assuring the rebel leaders of the US’s commitment to the DPA.¹³

Besides providing incentives to sign the DPA, the US made the option of not signing more costly. Zoellick threatened Minni Minawi, leader of one of the Sudan Liberation Movement factions, with possible UN sanctions or an International Criminal Court (ICC) indictment if he did not sign the agreement. It was also threatened that an attack on Minawi’s forces in South Darfur by Sudanese troops would be carried out if he failed to sign the DPA.¹⁴ Despite these threats, Minawi still had reservations. On 4 May 2006, Zoellick allegedly told Minawi privately, “Have no doubt where I stand. I am a good friend and I am a fearsome enemy.”¹⁵ Minawi signed the DPA the next day, on 5 May 2006.

While the Darfurian rebel parties were put under pressure mainly in the last phase of the Abuja peace talks, international pressure on the GoS had increased steadily from 2004 onwards.¹⁶ For example, UN Security Council resolutions 1556 and 1564 in 2004 threatened Omar al-Bashir’s regime



Minni Minawi was rewarded with a meeting with U.S. President George W. Bush in July 2006, for signing the Darfur Peace Agreement.



UN Special Envoy for Darfur, Jan Eliasson, (second from right) and his African Union counterpart, Salim Ahmed Salim, (first from left), exchange views during a preparatory meeting for the Darfur Peace Agreement non-signatories conference (August 2007).

with sanctions. Wishing to normalise relations with the international community and being satisfied with the provisions in the draft DPA, the GoS signed the DPA on 5 May 2006. In short, although it seemed as if negotiations had reached a deadlock by early 2006, Zoellick's use of a forceful method of mediation resulted in the conclusion of the DPA.

However, mediation is not only about the cessation of hostilities – it is also about resolving underlying issues. While a forceful method of mediation can be effective in persuading conflict parties to sign an agreement, it does not always allow the conflict parties to make the compromises that could result in a more durable agreement.¹⁷ The conflict parties involved in the Abuja negotiations were only given five days to approve the DPA; the agreement was thus de facto imposed. Unsurprisingly, the Justice and Equality Movement (JEM) and Abdel Wahid's faction of the Sudan Liberation Movement (SLM/AW) were dissatisfied with the content of the DPA, and refused to sign it. What is more, almost all of Minawi's fighters abandoned him after he signed the document.

With regard to the GoS, it could be argued that the pressure put on Omar al-Bashir's regime resulted in the GoS signing the DPA, but not because they genuinely wished to

resolve the conflict. As Flint and De Waal put it, the prize of peace for the GoS was "not tranquillity and development in rural Sudan, but normalised relations with Europe, and especially the United States".¹⁸ Indeed, as early as mid-September 2006, the GoS undertook a major offensive aimed at crushing the rebellion in Darfur, thereby rendering the DPA useless.

TACKLING THE SEEMINGLY INCOMPATIBLE GOALS OF THE CONFLICT PARTIES CAN BE A TIME-CONSUMING PROCESS – BUT IF A NEGOTIATED SETTLEMENT IS THE DESIRED OUTCOME, A FOSTERING METHOD OF MEDIATION IS OFTEN THE ONLY VIABLE WAY FORWARD. THE ABUJA NEGOTIATIONS SHOWED THAT AN IMPOSED AGREEMENT IN DARFUR DOES NOT WORK

In sum, the forceful method of mediation employed at the Abuja negotiations aimed at ceasing the hostilities, ironically resulted in renewed fighting almost instantly.

The Scope of Mediation in Abuja

Just as the method of mediation used in Abuja helps to explain the unsustainability of the DPA, so too does the scope. With the SLM becoming increasingly fractionalised in 2005, the AU mediators initially pursued an inclusive scope of mediation to keep the rebel factions unified. Yet, this inclusive scope became exclusive when Zoellick arrived in Abuja for the last phase of the negotiations.

Instead of dividing their attention equally among the JEM, SLM/AW and Minawi's faction of the Sudan Liberation Movement (SLM/MM), the US mediation team focused their efforts almost solely on the SLM/MM. They assumed that of the three major factions, Minawi possessed the most effective rebel force. His support of a negotiated settlement was, therefore, seen as essential. In addition, the US mediators hoped that the other rebel parties would follow suit if the SLM/MM signed an agreement. Significant in this regard was the rivalry between Minawi and Wahid, leader of another SLM faction. First Vice President of Sudan,

Ali Osman Taha, had promised Wahid that he would get a top Darfuri position in the Sudanese government if he were to sign the DPA. It was therefore anticipated that, for fear of Minawi obtaining this post, Wahid would sign the DPA if his rival signed.¹⁹

However, the SLM/AW did not sign the agreement, and neither did the JEM leadership. Since the JEM and the SLM/AW were not included as much as the SLM/MM in the negotiations, they did not feel that they owned the peace process. Although the DPA reflected some compromises on important issues, these were crafted by mediators rather than by the conflict parties. Wahid commented on this lack of peace ownership, by stating: "The legitimate question is on what basis the Movement have (*sic*) to sign an agreement, when it did not participate in its discussion?"²⁰ It could be argued, therefore, that the exclusive scope of mediation increased the JEM and the SLM/AW's fear of negotiations, which made them more likely to undermine the peace process.

Furthermore, the DPA not only lacked ownership among the warring parties, but also did not resonate with the majority of Darfurians – many of whom felt that the agreement reflected the wishes of the Zaghawa-dominated SLM/MM



UNPHOTO/FRED NOV

Jan Pronk (left), UN Special Representative of the Secretary-General for Sudan, at a meeting with traditional leaders representing the Sudanese internally displaced persons in North Darfur, who conveyed their dissatisfaction and resistance to the Darfur Peace Agreement for its lack of representation and inclusion (October 2006).



Djibril Yipènè Bassolé (right), former Joint African Union-UN Chief Mediator for Darfur and Ahmed bin Abdullah Al Mahmoud, Minister of State for Foreign Affairs of Qatar (centre) hand over a copy of the Doha Peace Document on Darfur to the UN Secretary-General Ban Ki-moon (20 June 2011).

rather than the wider population. By mid-September 2006, Jan Pronk, the UN Secretary-General's Special Representative in Sudan, noted that due to growing resistance against the DPA – particularly from internally displaced persons (IDPs) – the agreement was “severely paralyzed”.²¹ In short, like the forceful mediation method, the exclusive scope employed was at the expense of the sustainability of the DPA. It resulted in a lack of ownership that, in turn, resulted in a short and partial peace in which the JEM, SLM/AW and even fighters from Minawi's own faction acted as spoilers.

The Method of Mediation in Doha

After it became apparent that the DPA had failed, a lengthy period of negotiation inactivity followed. It was not until July 2009 that negotiations between the JEM and the GoS at Doha, Qatar, were held. Mediated by an AU/UN Joint

Mediation Support Team (JMST), led by the former foreign minister of Burkina Faso, Djibril Bassolé, these negotiations resulted in the conclusion of several trust-building agreements – but none of these agreements lasted.²²

Throughout 2010, large-scale bombing and fighting took place in the rebel-controlled Jebel Marra region of Darfur, resulting in approximately 100 000 IDPs.²³ In December 2010, fighting also broke out in the Khor Abeche region, resulting in more than 32 000 IDPs in one month.²⁴ The intense fighting reflected the bleak prospects for a breakthrough in negotiations.

Parallel to the fighting, a fresh round of negotiations started in December 2010. The worsening humanitarian situation may have explained the initiation of talks, but observers have also pointed out that the national elections – set for July 2011 – may have played a role in this. The

peace talks gained momentum in early 2011. In January 2011, the newly formed Liberation and Justice Movement (LJM), an umbrella organisation for several rebel parties, accepted a draft agreement put forward by the JMST. This was followed by a joint statement, in which JEM and LJM together affirmed their commitment to the Doha peace process.

During the following months, negotiations revolved mainly around political power-sharing, but in June 2011 progress was made on this issue, when the JMST put forward what has been called the DPA 2011. This agreement stipulated that the movements which signed the new DPA would be entitled to two ministerial posts, four ministers of state, two governors of Darfur, and about 20 representatives in the Sudanese National Parliament.²⁵ The LJM and the GoS signed the agreement on 14 July 2011 in Doha, but the JEM did not.

THE PROSPECTS FOR PEACE IN DARFUR STILL SEEM BLEAK, BUT THE RELIANCE ON 'MEDIATION WITH MINDS' RATHER THAN 'MUSCLES' BY THE JMST IN DOHA HAS, AT LEAST, NOT MADE THE SITUATION WORSE – AND HAS ARGUABLY EVEN INCREASED THE PROSPECTS FOR AN EVENTUAL DURABLE PEACE IN DARFUR

Various actors worked to convince the rebel movements to make concessions during the Doha peace process. For example, the Government of Qatar promised to make available considerable funds for development if an agreement was signed. The pressure put on the conflict parties in Doha was not comparable to the extent of pressure put on the rebel parties during the last phase of the 2006 Abuja negotiations. Instead of coercing the different parties, Doha functioned as a secure environment in which the conflict parties could build trust in the peace process.

Furthermore, the JMST refrained from imposing an agreement on the parties. Instead, an approach of proximity negotiations²⁶ between the Darfurian rebel parties and GoS was used. Hoping to create a consensus document, the mediators drafted initial documents throughout early 2011. These were sent back and forth to all the parties, ultimately resulting in a draft peace agreement in June 2011.

Although the pressure on the GoS may have increased due to the International Criminal Court's (ICC) indictment handed down on 14 July 2008 against President Omar al-Bashir, no costs were leveraged and no benefits were provided by the mediation team at Doha. In fact, in response to this indictment, Bassolé expressed the fear that it would dissuade GoS officials from engaging in peace talks.²⁷

The fact that minimal to no pressure was put on the parties explains why the mediation process at Doha was initiated as early as July 2009 and is still ongoing. Tackling

the seemingly incompatible goals of the conflict parties can be a time-consuming process – but if a negotiated settlement is the desired outcome, a fostering method of mediation is often the only viable way forward. The Abuja negotiations showed that an imposed agreement in Darfur does not work. The search for a consensus document at Doha, in which all the conflict parties were involved, was a stark contrast to the Abuja 'take it or leave it' approach.

The Scope of Mediation in Doha

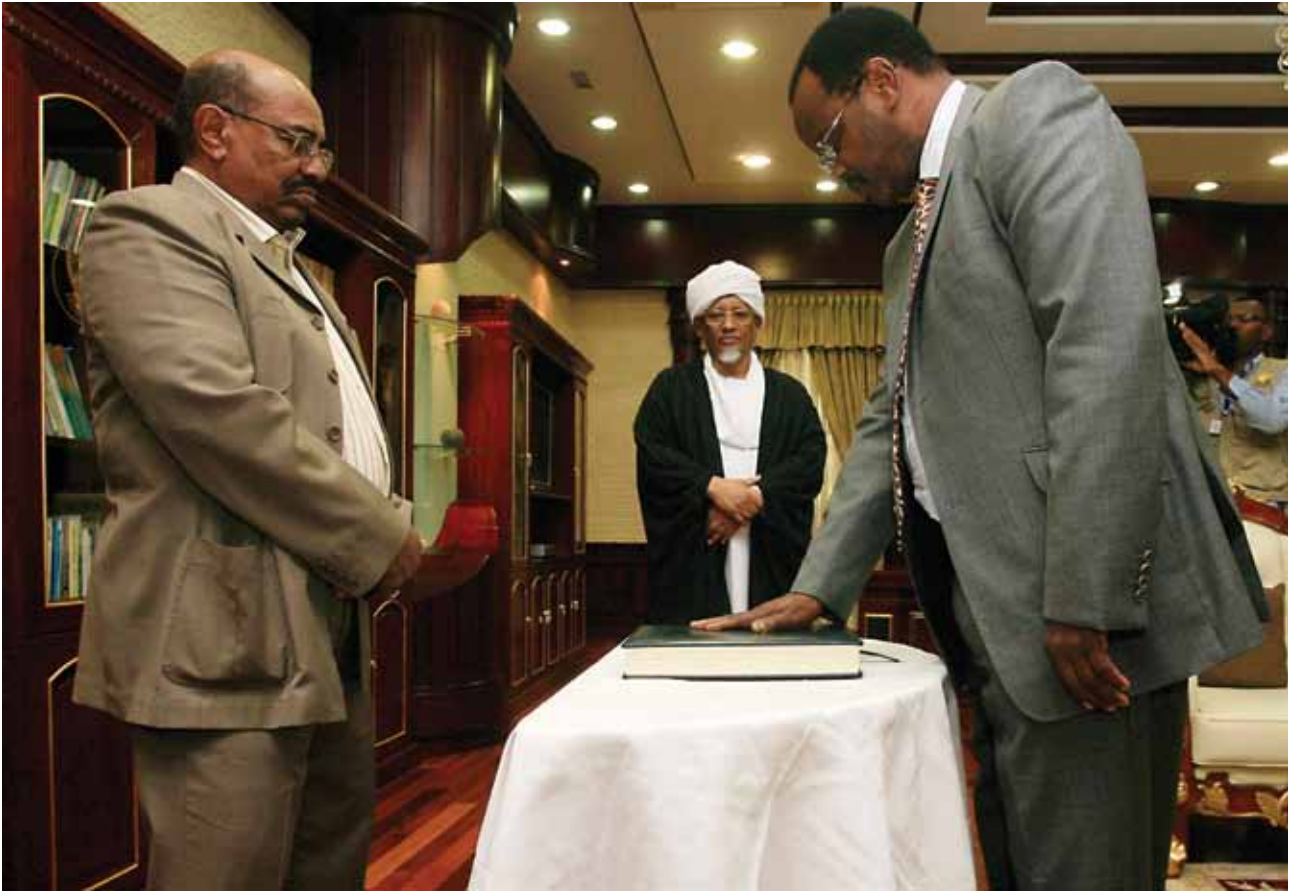
After the DPA failed, the situation on the ground in Darfur worsened due to the fragmentation of the different rebel parties. This suggested that the mediation process resulting in the DPA had done more harm than good. At some point, there were up to 27 rebel parties in Darfur.²⁸ Since alliances shifted almost daily in certain periods throughout 2006, tensions between different rebel parties were so high that

inviting only some of them to peace talks would result in others declining to participate in these negotiations. Pursuing an inclusive scope in this context was problematic, as the joint AU/UN mediation team led by Salim Ahmed Salim and Jan Eliasson experienced between 2006 and 2008. Unable to organise negotiations, they resigned as chief mediators in July 2008.

Their successor, Bassolé, who resigned in April 2011, also struggled with the number of rebel parties and their different wishes. When the Doha talks were initiated in July 2009, Bassolé focused his efforts on the JEM, allowing other rebel parties to join in only later. However, some of these rebel parties initially refused to take part in the Doha negotiations, since they opposed the choice of an Arab state as a venue for talks. Over time, however, most of the more secular rebel parties joined the more Islamic JEM in the negotiations.

The rebel parties also became increasingly unified during the Doha negotiations. This unification of the rebel groups was widely perceived as a precondition for effective peace talks; hence, many different actors worked to achieve this goal. For example, Libya hosted a meeting in Kufra, as did the US in Addis Ababa. These both resulted in the unification of rebel movements previously affiliated with the SLM.²⁹

Besides including all the conflict parties in the negotiations, the JMST also included civil society in the peace process. A first step in this regard was a civil society conference, hosted by the JMST at Doha, which produced a statement of principles agreed to by the civil society representatives present. However, some observers criticised



Tijani el-Sissi, the leader of Sudan's Liberation and Justice Movement, is sworn in as the president of the Transitional Darfur Regional Authority in front of President Omar al-Bashir (left) and Justice Head Jalal Mohamed Osman (centre) in Khartoum (23 October 2011).

the conference for not representing true Darfurian civil society. The JMST, therefore, travelled throughout Darfur to consult with traditional civil society representatives.³⁰ Since civil society in Darfur had suffered greatly in the war, including such representatives increased the legitimacy of the peace process. The Abuja negotiations had shown that forcing leaders to sign a peace deal does not automatically result in acceptance of the imposed peace by the broader community.

Despite the inclusive scope of the Doha negotiations, the JEM refused to sign the DPA 2011. Accordingly, the conclusion of the DPA 2011 between the LJM and the GoS in July 2011 has only resulted in a partial peace. Still, the JMST has, thus far, put much effort in including the JEM in negotiations, which has resulted in the JEM's continued participation.

The fact that the DPA 2011 does not include one of the largest movements is a concern. However, even if the DPA 2011 fails due to the JEM not signing the agreement, there will still be a basis to build on in future peace talks.

Conclusion

This discussion suggests that the forceful method and exclusive scope of mediation employed in the last phase of the Abuja negotiations produced a partial and unsustainable peace. In contrast to the 'mediation with muscles' at Abuja, the Doha negotiations have, thus far, been aimed at creating an inclusive and secure environment in which mutually satisfactory agreements can be reached. While this 'mediation with minds' approach is time-consuming, it has contributed to the unification of several rebel parties. Negotiations in which all the key parties in the Darfur conflict participate were unthinkable in 2008, due to the number of rebel parties. If it had not been for the inclusive scope of mediation in Doha, this would still be the case.

The prospects for peace in Darfur still seem bleak, but the reliance on 'mediation with minds' rather than 'muscles' by the JMST in Doha has, at least, not made the situation worse – and has arguably even increased the prospects for an eventual durable peace in Darfur. Future mediation efforts in the Darfur conflict should, therefore, continue to be conflict-sensitive and based on 'mediation with minds'.

This will allow the conflict parties to engage and work on establishing peaceful relationships aimed at finding mutually agreeable outcomes, rather than accepting an imposed peace. ▲

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Endnotes

- 1 The author would like to thank Professor John Daniel, Dr Martha Mutisi and Nienke Dekens for their useful feedback. With permission, the title of this article is drawn from Svensson, Isak (2002) Mediation with Muscles or Minds? Exploring Power Mediators and Pure Mediators in Civil Wars. *International Negotiation*, 12 (2), pp. 229–248.
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- 4 The dimensions discussed in this paper are drawn from a framework put forward by Isak Svensson and Peter Wallensteen. Due to the scope of this paper, the mode and focus of mediation are not included in the analysis. Svensson, Isak and Wallensteen, Peter (2010) *The Go-between: Jan Eliasson and the Styles of Mediation*. Washington: United States Institute of Peace.
- 5 Bercovitch, Jacob and Sigmund Gartner, Scott (eds) op. cit., p. 5.
- 6 Svensson, Isak and Wallensteen, Peter (2010) op. cit., p. 17.
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- 8 BBC News (14 March 2005) 'UN's Darfur Death Estimate Soars', Available at: <<http://news.bbc.co.uk/2/hi/africa/4349063.stm>> Accessed on: 8 September 2011.
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- 10 The main conflict parties at the time of the Abuja negotiations were the Government of Sudan (GoS) on the one side, and Abdel Wahid's faction of the Sudan Liberation Movement (SLM/AW), Minni Minawi's faction of the Sudan Liberation Movement (SLM/MM), and the Justice and Equality Movement on the other side.
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- 12 Nathan, Lauri (2007) The Making and the Unmaking of the Darfur Peace Agreement. In De Waal, Alex (ed.) *War in Darfur and the Search for Peace*. Boston: Global Equity Initiative, p. 254.
- 13 Brooks, Sean P. (2008) op. cit., p. 429.
- 14 *Ibid.*
- 15 De Waal, Alex (2007) Darfur's Deadline: The Final Days of the Abuja Peace Process. In De Waal, Alex (ed.) op. cit., p. 273.
- 16 Significant in this regard was the speech of UN humanitarian coordinator in Sudan, Mukesh Kapila, on the eve of the 10th commemoration of the Rwanda genocide in April 2004, in which he stated that genocide was taking place in Darfur. Flint, Julie and De Waal, Alex (2008) *Darfur: A New History of a Long War*. Zed Books: London, p. 210.
- 17 Carment *et al.* find evidence that "manipulation has the greatest impact on the likelihood of reaching a formal agreement, whereas facilitation has the greatest effect on increasing the prospects for lasting tension reduction". Carment, David, Samy, Yiagadeesen and El Achkar, Souleima (2009) Protracted Conflict and Crisis Mediation: a Contingency Approach. In Bercovitch, Jacob and Sigmund Gartner, Scott (eds) op. cit., p. 233.
- 18 *Ibid.*, p. 204.
- 19 Brooks, Sean P. (2008) op. cit., pp. 414 and 428.
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- 21 *Ibid.*, p. 2.
- 22 A trust-building agreement between the JEM and the GoS was signed in July 2009. However, JEM positions were bombed by GoS forces one day after the agreement was signed. A framework agreement between the JEM and GoS, brokered by the Chadian government and signed on 23 February 2010 at Doha, lasted a little longer – but, in April 2010, intense fighting broke out again, after which the JEM left the negotiations. In the same period, the GoS signed a framework agreement with the newly formed Liberation and Justice Movement (LJM) – an umbrella organisation for several rebel parties – but this agreement did not hold either.
- 23 African Centre for Justice and Peace Studies (February 2011) 'Rendered Invisible: Darfur Deteriorates as International Pressure Shifts to the Referendum Process', Available at: <http://www.acjps.org/Publications/Reports/2011/Rendered%20Invisible_DarfurDeterioratesasInternationalPressureShiftstoReferendum%20Process.pdf> Accessed on: 20 September 2011.
- 24 *Ibid.*
- 25 ReliefWeb (2011) 'Doha Document for Peace in Darfur (DDPHD)', Available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_2259.pdf> Accessed on: 20 September 2011.
- 26 Proximity negotiations are indirect peace talks in which a 'go-between' shuttles between conflict parties, since they are unwilling or unable to meet face to face.
- 27 Another telling example of the fostering method employed towards GoS was that delegations could come and go at will. One could even argue that it was the GoS which decided when the talks were held, rather than the JMST.
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- 30 *Ibid.*, p. 43.



THE NECESSARY CONDITIONS FOR POST-CONFLICT RECONCILIATION

BY **KARANJA MBUGUA**

Introduction

The year 2011 has witnessed several developments in Africa. These include the military defeat of Laurent Gbagbo by the United Nations (UN)-led forces in Côte d'Ivoire; the Arab Spring, which toppled hitherto powerful regimes in Tunisia, Egypt and Libya; and the secession of South Sudan and the escalation of conflict in the frontier regions between the emergent two Sudans. Other important developments include famine in the Horn of Africa, which has forced mass migration across the Somali border, and the defeat of the Al-Shaabab militia by the African Union Mission for Somalia (AMISOM) peacekeepers in Mogadishu. These developments have ignited debates among peace and conflict theorists and practitioners on key themes such as post-conflict forgiveness and reconciliation, the nexus between peace and justice, the

prevalence of violence cultures, nation-building and ethnic diversity management in weak states, and the limitations of the African Union (AU) in peacemaking.

This article aims to contribute to the discourse on the first theme – forgiveness and reconciliation – which is a key phase in post-conflict peacebuilding. In particular, the article is an

Above: Cote d'Ivoire's President, Alassane Ouattara, observes a moment of silence with members of the new national Commission on Dialogue, Truth and Reconciliation. The country launched the Commission with a mandate to help the country heal following a post-election crisis that left some 3 000 people dead (September 2011).

overview of the necessary conditions that foster forgiveness and reconciliation in a post-conflict environment.

Interest in the notions of forgiveness and reconciliation initially focused on interpersonal relations. In recent decades, however, forgiveness and reconciliation have become central concepts in transitional discourses in societies emerging from conflicts or oppressive governments. As Hamber writes: "The concepts were previously the domain of philosophers and theologians but have become integrally linked to questions of political transition."¹ Thus, forgiveness and reconciliation are important in post-conflict transitions, as they fill the void created by the "rationalised, politicised and militarised approaches of track-one diplomacy".² But how do forgiveness and reconciliation relate to each other? Under what conditions do forgiveness and reconciliation take place? Can forgiveness and reconciliation occur in the absence of specific conditions?

Forgiveness and Reconciliation

Forgiveness and reconciliation are closely related, but they are not the same. Forgiveness is often associated with religion, but it is also practised by societies when communities or nations forgive others. Thus, forgiveness is

the culmination of the healing process, which starts when people confront their past. Other important steps in the healing process include acceptance of the past, letting the past go and the rehumanisation of the villains. In principle, forgiveness has three essential elements: "Memory, empathy and imagination."³ Memory is critical in forgiveness, as it is only through remembering the past that people can "call up courage to forgive".⁴ Empathy entails recognition of the common humanity between the victim and the villain to stop revenge. The evidence of forgiveness is freedom from vengeful actions. This means it is possible for the victim to forgive the villain without offering reconciliation. Additionally, forgiveness is unconditional; that is, it is possible for the victim to forgive the villain without the latter showing any remorse.

Reconciliation, on the other hand, is necessarily a two-way process, with the ultimate aim of rebuilding a

RECONCILIATION IS NECESSARILY A TWO-WAY PROCESS, WITH THE ULTIMATE AIM OF REBUILDING A RELATIONSHIP BROKEN BY CONFLICT



Truth is a necessary condition for forgiveness and reconciliation. This key idea was the basis of the South African truth and reconciliation model.

REUTERS / THE BIGGER PICTURE



The Gisozi memorial in Kigali, Rwanda acknowledges people who were killed in the 1994 genocide through the display of their pictures.

relationship broken by conflict. According to John Paul Lederach, reconciliation views a “conflict as a system and focuses its attention on relationships within that system”.⁵ Thus, reconciliation entails “reintegration of the relationship between former victims and aggressors in a new, safe surrounding designed and built by both sides”.⁶ A critical pillar of reconciliation is acknowledgement of the injuries by the villains. Reconciliation is, therefore, conditioned on the attitude and actions of the villains. In essence, reconciliation entails restoring relationships that are free of yesterday’s hate and bitterness. Reconciliation is, therefore, not only about healing the past and forgiving the villain, but also about developing a new relationship and new attitudes, with the hallmarks of inclusion, empathy, respect and a shared

future. As Lederach asserts, reconciliation is the meeting point between the painful past and the future.⁷

Necessary Conditions for Forgiveness and Reconciliation

Certain conditions and policy options are thus necessary in a post-conflict environment, in order for forgiveness and reconciliation to occur.

Truth

Truth is one of the necessary conditions for forgiveness and reconciliation. According to Chapman, knowing the truth about the perpetrators and the causes of the conflict is a key requirement for reconciliation.⁸ It is actually this idea that informed the South African truth and reconciliation

RECONCILIATION IS, THEREFORE, NOT ONLY ABOUT HEALING THE PAST AND FORGIVING THE VILLAIN, BUT ALSO ABOUT DEVELOPING A NEW RELATIONSHIP AND NEW ATTITUDES, WITH THE HALLMARKS OF INCLUSION, EMPATHY, RESPECT AND A SHARED FUTURE



Archbishop Desmond Tutu clasps the hand of former South African President FW de Klerk at a Reconciliation Day unveiling ceremony in Cape Town, South Africa (December 2005).

model – which is credited with popularising the principles that revealing the truth leads to healing, and that encounters between forgiving victims and remorseful perpetrators lead to reconciliation. Truth-seeking is a victim-centred approach that aims to probe what happened, why it happened, and who did what. The process seeks truth through the victims' testimonies and stories of suffering. Hence, the power of the victims' words is not legal, but emphatic. Truth-seeking, as Lederach writes, is "an opportunity for people to express to and with one another the trauma of loss and their grief at that loss, and the anger that accompanies the pain and the memory of injustices experienced".⁹ The truth helps to prevent further conflict and to break cycles of violence and revenge. The other aim of truth-seeking is to reconcile the various "truths" and "memories", with a view to building a common memory and a collective narrative, which are larger than any party's narrative. Common memory and narrative are the cornerstone of a shared future. Thus, truth provides the foundation for healing, accountability, forgiveness and reconciliation.

Acknowledgement

Acknowledgement builds on the truth dimension of reconciliation. Dawson argues that people find it difficult to forgive and reconcile, unless there has been an open acknowledgement of the injuries and losses.¹⁰ "Acknowledgment is decisive in the reconciliation dynamic," asserts Lederach.¹¹ That is, an open and shared acknowledgement of the injuries and losses is a critical condition for reconciliation. This is particularly relevant in cases like Darfur, Sudan and Côte d'Ivoire, where mutually destructive collective violence involved a very large number of people. Acknowledgement in these cases serves several purposes. First, it is an acceptance by the villains of the moral responsibility of the injuries and losses incurred by the victims. Second, it allows the perpetrators to request forgiveness formally, and for the victims to grant it. Third, acknowledgement forms the basis of "symbolic reparations".¹² Fourth, it provides an opportunity for the concerned parties to share a common understanding of the past, which forms the foundation of the commitment to a shared future.



Peace processes must recognise the importance of reparations in disrupting cycles of violence, increasing collective security and engendering healing and reconciliation.

Thus, acknowledgement is the glue that holds together the space of encounter between the past and the future.

Empathy

Another crucial factor is empathy. According to Chapman, a key element of reconciliation is the willingness by the victim “to let go of the past and forbear from seeking vengeance”.¹³ The decision to let go of the past is based upon recognition of the villains’ humanity. The rehumanisation process has several steps. First, the victims realise that the “basic needs” that drive the injury are “very human”.¹⁴ Second, the victims view the conflict as a shared problem. Third, the victims recognise the common humanity between them and the villains. Fourth, the victims undergo an inner transformation, acknowledge the humanity of the villains and accept them in their moral community. The highest point for empathy is recognition of the villains’ humanity, even in the commission of dehumanising acts. Empathy is, therefore, about overcoming the hatred that pervades the relationship, and restoring the villains’ humanity. However, restoring the humanity of the villains does not mean exonerating them

THE DECISION TO LET GO OF THE PAST IS BASED UPON RECOGNITION OF THE VILLAINS’ HUMANITY

from the injury. On the contrary, it is an expression of the humanness of all. This is the logic of the *ubuntu* philosophy in the South African truth and reconciliation model.

Restorative Justice

Truth, acknowledgement and empathy are necessary but not sufficient conditions for reconciliation. Truth and acknowledgment “lack credibility in the long run if unaccompanied by other acts of concrete restorative justice”.¹⁵ Restorative justice has several dimensions, which include acceptance of justice as social justice, forbearance, refrain from mutual dehumanisation, and repair of past injuries. Unlike retributive justice, which focuses on the punishment of the villains, restorative justice focuses on the repair of the injuries, compensation for the losses, and restoration of relations between the victims and the villains. Thus, restorative justice aims “to reintegrate both victims and perpetrators into some approximate civic relationship”.¹⁶ Indeed, one of the criticisms of international human rights organisations’ interventions in civil conflicts in Africa – such as Darfur and Côte d’Ivoire – has been that they emphasise punitive justice, which seeks to prosecute a few individuals, rather than restorative justice. In short, restorative justice responds to the reparation needs of the victims and the rehabilitation needs of the villains.



Reconciliation entails healing the past and developing new relationships, new attitudes and new symbolic gestures that underpin a commitment to a shared future.

Reparation

Restorative justice requires providing some measure of redress for the injustices and pain endured. Thus, reparation is a central component of restorative justice. Indeed, victims hardly forgive and reconcile with their villains unless some form of reparation has been provided. Reparation is a “general term that encompasses a variety of types of redress that include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition”.¹⁷ Whereas restitution seeks to restore as much as possible the relations that existed before the injury, compensation entails payments for the incurred economic damages. Rehabilitation entails the provision of medical, legal and welfare support, whilst satisfaction and guarantees of non-repetition relate to acknowledgement of the violations and commitments to prevent their recurrence in the future. Though financial compensation cannot replace lost lives, it breaks major psychological barriers. Other forms of reparation include truth about violations, official apologies and provision of healing environments, respecting the victims’ memories through memorials and monuments, and other official

acknowledgements. Many peace processes in Africa have recognised the importance of reparation in disrupting cycles of violence, increasing collective security and engendering healing and reconciliation. In Sudan, for example, the 2006 Darfur Peace Agreement (DPA) sought to address reparation needs by creating a regional authority, whose responsibilities included, among other things, the dispensation of collective compensation.

A Shared Future

Reconciliation entails coming to terms with the past in a manner that promotes “a new political culture and commitment to a shared future”.¹⁸ This means that reconciliation entails healing the past and developing new relationships, new attitudes and new symbolic gestures that underpin a commitment to a shared future. Reconciliation provides space with multiple levels “to address, integrate and embrace the painful past and the necessary shared future as a means of dealing with the past”.¹⁹ In essence, reconciliation forms the foundation of a common future, with social memory being the key link



The reality of a shared future for South Africans was symbolised in the famous event of former President Nelson Mandela, dressed in a Springbok rugby jersey, congratulating the Springbok captain, Francois Pienaar, after the South African team won the 1995 Rugby World Cup.

between the past and the future. As Kelman states, violent conflicts are “characterised by dehumanisation of the other, withdrawal of empathy and exclusion of the other from one’s own moral community”.²⁰ Consequently, charting a common future necessarily requires rewriting the historic narrative, as it is the cornerstone of social memory. This is critical in countries such as Sudan, Côte d’Ivoire and Burundi, where history and identity are contested. In Sudan, for example, the conventional history is Nilocentric – that is, it derives its analytical terms from the history of the central Nile Valley. The dominance of Nilocentrism in Sudan’s historiography – as well as in official definitions, rituals and laws of the state, memorials and national holidays, museums, official pronouncements and public institutions – has hampered the formation of a common identity and social memory.²¹ To build a collective identity and memory, Sudan needs to

rewrite its historical narrative, and create new memorials and monuments that emphasise the common values which unify all ethnic and cultural groups. The new narrative, which has to be enacted at the group and individual level, has to be free from the prejudices of the previous sectarian narratives. In the new narrative, while the past should be acknowledged, the focus must be on the shared and common future.

Leadership

A “contrite leadership” is a necessary condition for the successful implementation of restorative justice and visioning of a common future.²² Citing the example of Nelson Mandela of South Africa, Slabbert argues that an example of personal reconciliation needs to be made at the leadership level for social reconciliation to be successful.²³ In addition, addressing physical, economic and psychological

damages caused by violent conflict requires substantial public and private resources. Therefore, the two processes of addressing the past and mapping a new future, and raising the required resources necessarily, require “courageous leaders on all levels of society”.²⁴

Absence of Some Conditions

Forgiveness and reconciliation aim to heal and restore relations – or build new relationships where none existed – among people who have been ravaged by conflict. The final outcome of the reconciliation process must, therefore, leave people better off than they were before the conflict. This means that long-term reconciliation depends on the resolution of structural violence, which includes the transformation of economic systems²⁵. Thus, reconciliation cannot be experienced as genuine if the villains refuse to restore whatever they have taken. In essence, forgiveness and reconciliation mean moving beyond truth, acknowledgement and restorative justice to addressing all the necessary conditions. It is important to note that reconciliation takes a very long time, and is often subject to reprocessing. As Hayner states: “Truth commissions, reparations or trials begin the process of healing, but the memory of the pain and injury continues to haunt future generations and demand attention for years to come.” Nonetheless, icons of forgiveness such as Nelson Mandela and Desmond Tutu of South Africa have taught humanity to never lose hope.

Conclusion

Recent conflict trends in Africa have highlighted reconciliation as a popular discussion topic. Some arguments have sought to juxtapose peace and reconciliation on one side, and justice on the other. These arguments are, therefore, critical of international human rights agencies and other interveners – such as the International Criminal Court (ICC) – for jeopardising peace and reconciliation by pursuing justice. Other arguments have treated amnesties as synonymous with forgiveness and reconciliation. The assumption in these arguments has been that once victims of conflicts forgive their villains, or negotiators grant amnesties during peace processes, reconciliation will naturally follow. Contrasting these arguments, this article has asserted that forgiveness is not the same as reconciliation. This distinction is important for all actors that are engaged in post-conflict peacebuilding in Africa. This article has also argued that there are necessary conditions which foster post-conflict reconciliation. Unless these conditions are met, conflicting parties in African countries that are emerging from protracted conflicts will neither reconcile nor experience durable peace. ▲

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CÔTE D'IVOIRE'S POST-CONFLICT CHALLENGES

BY DAVID ZOUNMENO



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The post-electoral crisis in Côte d'Ivoire reached a turning point in early April 2011 with a brief, yet devastating, armed confrontation between the National Security and Defense Forces (NSDF) loyal to Laurent Gbagbo and the pro-Alassane Ouattara Republican Forces of Côte d'Ivoire (FRCI). This culminated in the dramatic capture of Gbagbo on 11 April 2011 by FRCI forces with the strong backing of French troops, acting under the aegis of the United Nations (UN). The recourse to military force to resolve the Ivorian crisis was a policy of last resort, informed largely by the Gbagbo camp's intransigence that saw it systematically reject and frustrate all diplomatic efforts to resolve the

stalemate peacefully – including the African Union's (AU) binding resolution issued on 10 March 2011. The outgoing president's intransigence was partly predicated on notions of resistance to imperialist designs in Côte d'Ivoire. The international recognition of Ouattara as the winner of the country's contested presidential elections was seen as the

Above: The post-electoral crisis in Côte d'Ivoire resulted in devastating armed confrontations between pro-Alassane Ouattara forces and forces loyal to Laurent Gbagbo.



epitome of this imperialist design that therefore needed to be defeated at all costs.

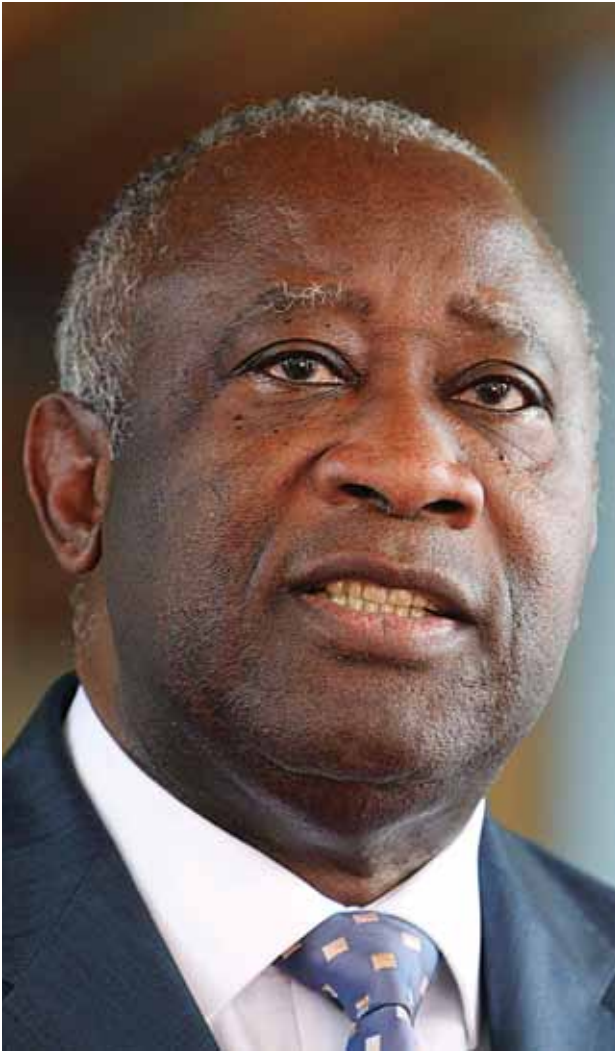
With the forced exit of Gbagbo through military intervention, the question lingers as to whether Côte d'Ivoire can redraft a new socio-political order anchored on democratic norms. This is essential for a country whose institutions emerged weakened by a decade of conflict. With the country virtually divided into two, the administrative capacity of Côte d'Ivoire – as well as the ability of security forces – to maintain law and order appeared severely undermined. In addition, the country's social cohesion was almost completely eroded by the manipulation of national identity. Ultimately, this affected citizens' confidence in state institutions.

A key question, therefore, given the controversial UN intervention, is related to the ability of the new president to govern the country effectively and address the main problems that have caused the descent of the former beacon of stability into political violence. This article contends that post-conflict reconstruction is generally fraught with difficulties. But with real political will and efforts to promote social justice, Côte d'Ivoire could overcome these difficulties to regain its stability – indispensable for socio-economic



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President Alassane Ouattara's troops patrol through Abidjan (April 2011).



Laurent Gbagbo was captured in April 2011 by the Republican Forces of Côte d'Ivoire (FRCI) with the strong support of French troops, acting under the aegis of the United Nations.

recovery. Achieving this requires a clear identification of the main priorities and a coherent strategy to address them.

UN Intervention and Ouattara's Legitimacy

There are concerns that the UN peacekeeping forces' intervention in Côte d'Ivoire's post-electoral crisis went beyond its mandate to protect civilians, mainly because of the active and aggressive role played by the French troops in arresting former president Gbagbo. This argument is based on the notion that France had, for almost a decade, struggled to engineer a regime change in Côte d'Ivoire as a means of re-establishing its stranglehold on the country, which it appeared to have lost under the Gbagbo presidency. Some commentators have also argued that Ouattara's government runs the risk of defending French interests.

There might be some justifications to these concerns, for two reasons. First, Franco-African relations in the post-independence era have been complex and subject to controversy. Indeed, the cultivation of a close relationship with France has, at times, allowed certain African leaders to gain rewards in the form of military, political and economic support, regardless of their democratic credentials. Cooperation agreements were, at times, signed by African leaders to the detriment of their country's interests, when they were assured of regime backing by external powers. It has also allowed France to act as an advocate for these countries in the international arena. In spite of this, the relations between France and Africa have often been hailed as controversial, due to France being accused of exploiting Africa by some, whilst others simply consider it to be a privileged trading partner or strategic ally.¹

THE NARROW INTERPRETATION OF THIS MANDATE LEFT THE UN UNDECIDED ABOUT WHETHER TO USE FORCE WHILE THE REGIME UNLEASHED ITS REPRESSIVE MACHINERY AGAINST UNARMED CIVILIANS

Though there have been many calls for change in the Franco-African relations, based mostly on a clientelist network known as 'Francafrique', the reality is that the process of change has been painfully slow and even stagnant – so much so that any French action or inaction on the continent has been viewed through neo-colonial lenses. Second, it is believed that the UN interpretation of the Responsibility to Protect (R2P) has been biased in favour of Ouattara, given that the world organisation took sides to allegedly protect the electoral process and its outcomes, and also to protect those civilians who might have been targeted by pro-government forces.

R2P is a broad notion without strong consensus among scholars and practitioners. While protecting civilians in peril during armed conflicts has become an imperative, operationalising it has become equally challenging, and subject to disagreements. R2P is based on the responsibility of states to protect their own citizens. In fact, R2P outlines the possible actions by the international community in terms of providing assistance and strengthening the capacity of states, and lays the framework for a resolute response by the international community to serious crises.² According to the International Commission on Intervention and State Sovereignty (ICISS), R2P is generally premised not only on the importance of prevention, but also on the readiness of the international community's responsibility to protect civilians, with the possibility to undertake coercive military intervention in serious cases of crimes against humanity and threats to international peace and security, based on



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Soldiers from the Republican Forces of Côte d'Ivoire (FRCI) prepare for a patrol with French forces in Abidjan (April 2011).

a decision by the Security Council under Chapter VII of the UN Charter.³

It is important to note that while France's role was controversial, it took place within the framework of the UN's mandated peace mission. In this sense, the UN Security Council Resolution 1528 adopted in 2004 provided for the involvement of UN forces supported by French troops to help Côte d'Ivoire achieve peace. In terms of the resolution, the UN mission in Côte d'Ivoire (UNOCI) is:

To protect United Nations personnel, installations and equipment, provide the security and freedom of movement of United Nations personnel and, without prejudice to the responsibility of the Government of National Reconciliation, to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment.⁴

The narrow interpretation of this mandate left the UN undecided about whether to use force while the regime unleashed its repressive machinery against unarmed civilians. Indeed, as the humanitarian crisis worsened, the incumbent government through media propaganda called for its supporters to attack UN peacekeepers, creating a serious dilemma for UNOCI on how to respond to such provocation. The UN was reluctant to implement its mandate, provided for in UN Security Council Resolution 1528, which clearly permitted the use of force to protect civilians if government

forces found themselves unable to do so. Not reacting could have led to a Rwanda-like genocide scenario.

The adoption of UN Resolution 1975⁵, on 30 March 2011, was partly in response to the request by the Economic Community of West African States (ECOWAS) to the UN Security Council to take responsibility in Côte d'Ivoire, especially in light of the fact that diplomatic efforts had only yielded limited results and the intransigence of authorities in Abidjan provided almost no room for a peaceful resolution of the conflict. Former rebels converted into the FRCI with the support of some defected regular army officers opened many military fronts that overstretched the capacity of what remained of the NSDF, loyal to Gbagbo. At the same time, Abidjan became a battleground between the so-called 'Invisible Commando', led by a disgruntled army officer, Ibrahim Coulibaly⁶, and Gbagbo's Special Forces. The risk of generalised violence with the potential use of heavy weapons was imminent.

Regardless of the debate it generated, the UN's use of military force to neutralise the NSDF, protect the civilian population and provide Ouattara's forces with logistics to capture Gbagbo, was an important step toward averting a generalised armed conflict with serious security and human rights implications for the country and the broader West African region. Indeed, large-scale massacre and destruction was avoided. Yet, Côte d'Ivoire now emerges wounded and divided, with a weak state authority and capacity.



Ibrahim Coulibaly was the head of the “Invisible Commando”, a rebel group made up of members recruited from both national security forces and other rebel groups.

The security environment has deteriorated, with armed groups still active in the country.

One could also argue that the coming to power of Ouattara on the heels of the military raids into the presidential bunker to dislodge the election loser does not substantially affect Ouattara’s legitimacy. His electoral victory was confirmed by the AU, reinforcing the continental consensus on the electoral process and its outcomes. In fact, the Constitutional Court had already indicated its willingness to implement the AU’s resolution, and proceeded to swear in Ouattara as the duly elected president of Côte d’Ivoire. At this juncture, it is essential to explore some of the main challenges that need attention as the new authorities engage in the process of rebuilding the country.

Security and Humanitarian Environment

It would be a huge mistake to believe that the downfall of Gbagbo would immediately usher in a peaceful Côte d’Ivoire. Post-Gbagbo Côte d’Ivoire is still characterised by a dire humanitarian situation and violence, animated by armed groups both in Abidjan and at some of Côte d’Ivoire’s borders (Liberia and Ghana). On the one hand, a number of soldiers loyal to Gbagbo continue to wage violence in certain areas in Abidjan. This was the situation in Abobo and Yopougon – residential areas in the north of Abidjan that became theatres of armed battle between the FRCI and the remaining pro-Gbagbo militias.

On the other hand, the FRCI also had to confront soldiers loyal to Coulibaly, a former Forces Nouvelles rebel leader who led a group of combatants called the Invisible Commando. The clandestine operations of this ‘commando’ undermined the resistance capacity of the NSDF, and provided important support to the final assault that led to the capturing of Gbagbo on 11 April 2011. As Coulibaly refused to disarm without obtaining a formal recognition for his role in the downfall of Gbagbo, and some guarantees on his future and that of his alleged 5 000 men, fresh fighting resumed in Abidjan, this time between former allies – the Invisible Commando and the FRCI – during which Coulibaly was killed. The Republican forces are still battling to disarm

A KEY REFORM THAT IS URGENTLY NEEDED IS CONSTITUTIONAL REFORM, WHILE CONCRETE STEPS NEED TO BE TAKEN TO FOSTER NATIONAL HEALING

the remaining combatants, most of whom are believed to be among the 4 500 mercenaries recruited by the Gbagbo administration to maintain power.

These dynamics highlight the precarious security environment in Côte d’Ivoire. According to UNOCI, almost 462 people have been killed, and thousands abducted.⁷ Most of the killing was described as extra-judiciary and committed by supporters of both parties. It is also reported that more than a million people fled, seeking asylum in neighbouring countries.⁸ Worse still is the situation of the internally displaced, who do not even have the minimum to survive. The security environment makes it difficult for humanitarian agencies to reach out to displaced people, while financial constraints limit their ability to address their needs effectively. UN agencies claim that there is need for US\$160 million to address the humanitarian challenges in the country. This could help to provide food security, nutrition, education, protection, water, healthcare and sanitation to as many as two million people throughout Côte d’Ivoire. It will also allow UN agencies and non-governmental organisations



Allassane Ouattara casts his vote in Côte d'Ivoire's second round of presidential elections in which he competed with incumbent president, Laurent Gbagbo (28 November 2010).

to scale up relief programmes significantly, notably in the commercial capital of Abidjan and in the west.⁹

There is recently a sense that the government is developing a clear methodology to address some of the immediate post-conflict challenges. This is evident in the presidential emergency plan of 45 billion FCFA (US\$1 billion) towards assistance for war-affected people. In addition, the government concluded a three-day seminar on a national road map for the remaining six months of the year, which identified key priorities (water, electricity, health, education and environment) and allocated significant resources to the regions most affected.¹⁰

WITH THE FORCED EXIT OF GBAGBO THROUGH MILITARY INTERVENTION, THE QUESTION LINGERS AS TO WHETHER CÔTE D'IVOIRE CAN REDRAFT A NEW SOCIO-POLITICAL ORDER ANCHORED ON DEMOCRATIC NORMS

Key Post-conflict Challenges

In addition to the need to respond to the immediate humanitarian situation, Côte d'Ivoire's new leaders also need to identify key issues to be incorporated in the post-conflict reconstruction process. These include national reconciliation, securitisation of the country, reform of the security sector and economic recovery.

Pacification Process

This is certainly one of the most difficult tasks for the new regime. Although the new president has given himself two months to restore peace and stability in the country, the process is more complex than imagined, and is most likely to take much longer to finalise. Restoring security in Côte d'Ivoire implies neutralising the remaining armed groups and militias. The fact that most of them are amongst citizens and without uniforms means that the task will be even more complicated. Mass graves continue to be discovered across the country. It is alleged that Liberian mercenaries recruited by the former regime continue to wreck havoc in Abidjan and along the Liberia and Côte d'Ivoire border, and military officers in exile in Ghana and elsewhere in the region continue to pose security challenges to the country.



Displaced people sit with their belongings inside a temporary camp set up at a Catholic church in Duekoue, Côte d'Ivoire. About 27 000 people are still taking refuge in a Catholic mission and most are still too terrified to return home (May 2011).

A recent communiqué from the government highlights some concerns around criminality and banditry, and promises to take strong actions to address the pillaging and other atrocities committed against the population.¹¹

Dialogue and Reconciliation

The debate on citizenship and a decade of political violence has left Côte d'Ivoire divided. While the northern part of the country was controlled by the Forces Nouvelles, the south was in the hands of Gbagbo's government. The post-electoral crisis worsened that divide, with citizens losing trust and confidence in state institutions and among themselves. A national dialogue and reconciliation process could achieve two broad objectives. First, it could provide the opportunity to address the contentious issues that fuelled the conflict in Côte d'Ivoire. Such issues include the problem of national identity, rule of law, and lack of transparency in the existing mechanisms for power alternation. A key reform that is urgently needed is constitutional reform, while concrete steps need to be taken to foster national healing. Second, it could also provide a new framework for social cohesion, with the elaboration of a new social contract or socio-political consensus based

on a genuine democratisation process. It was the failure to plan an orderly transition to democracy in the early 1990s that provided the military the excuse to stage the very first military coup (in 1999) in the post-colonial history of Côte d'Ivoire.

The visit of three prominent personalities and members of the Global Elders – former UN Secretary General Kofi Annan, South African Archbishop Emeritus Desmond Tutu and former Irish president Mary Robinson – to help define the contours of the forum on truth and reconciliation, was an important first step. This visit provided much-needed moral support to the reconciliation process, and helped ease the reluctance of Gbagbo's supporters to participate. The three Elders met with various stakeholders, including Gbagbo, Ouattara and members of religious groups and civil society organisations. They made clear their support for some form of transitional justice, but warned it should take place with full participation. Tutu, in particular, is best placed to assist in defining a reconciliation agenda, given his prior role and experience with the South African Truth and Reconciliation Commission (TRC). It is important to note, however, that the South African conflict and the country's realities were fundamentally different from those of Côte

d'Ivoire. An Ivorian TRC must not attempt simply to replicate the South African experience. Rather, it must be relevant to the Ivorian reality and context. Given the country's history, those involved in the reconciliation process must prioritise the establishment and consolidation of trust as the key value and precursor to broader justice.

Another significant area of contention remains the ongoing discussions about the possible trial of former president Gbagbo. One could argue that his trial in the current political context is likely to polarise the country even further. It may not be the step to take at this current time, without knowing how the reconciliation process will proceed. Ivorians, thus, face the dilemma of hosting simultaneous retributive and restorative justice processes. A prosecution of Gbagbo and his aides that occurs alongside a reconciliatory programme increases the chances of clashes between those who might be dissatisfied with the outcomes of the two processes. This is potentially explosive in a context where justice administration and rule of law have been undermined by a decade of political crisis. If the trial takes place in such an environment, the risk of abuse might be high, and the new government will likely have difficulties with maintaining its credentials for promoting democratic norms and processes.

AN IVORIAN TRUTH AND RECONCILIATION COMMISSION MUST NOT ATTEMPT SIMPLY TO REPLICATE THE SOUTH AFRICAN EXPERIENCE

Restoring State Authority

It is clear that Côte d'Ivoire emerges from conflict with weak state apparatus and limited state authority across the country. The redeployment of the administration stipulated in the Ouagadougou Peace Agreement (OPA)¹² was not completed, because of the absence of trust between the former rebels and Gbagbo's government. The 2010 elections were expected to usher in a new political dispensation in Côte d'Ivoire by restoring the legitimacy of leadership and the authority of the state. For this to be effective, it is essential to focus on reforming the security sector as an entry point. This implies the need for three major undertakings – including the demilitarisation, demobilisation and reintegration (DDR) of former soldiers, the depoliticisation of law enforcement agencies (administrative reforms), and the restoration of civilian control over the new armed forces.

The DDR process is likely to be the most challenging. In particular, there is a concern regarding the identification of



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The French Prime Minister, Francois Fillon (2nd left), and his delegation attend a meeting with the Côte d'Ivoire government in Abidjan, to finalise the details of French financial aid to the African country (July 2011).



Sacks of cocoa are loaded onto a ship at the Abidjan port. Côte d'Ivoire resumed cocoa bean exports in May 2011, more than three months after exportation was halted by the country's violent political crisis.

soldiers, given that former rebels have now been renamed as republican forces while the former national and security forces were recently heavily involved with militia groups. Perhaps, the provisions of the OPA could still be relevant. The current political dispensation might help to complete the DDR process, which was initiated but became undermined by the lack of trust. The integrated command centres that were established for former combatants could still be reactivated.

In addition, a new configuration of the national army must be determined. Currently, there are numerous actors who possess the means to wage war. They consist of Côte d'Ivoire's army, the armed young patriots, numerous militia groups and rebel groups. In late July 2011, the government decided to reduce the army from 50 000 to 24 000 troops – consisting of 13 000 former members of the NSDF, 8 700 former rebels from Forces Nouvelles, and 2 300 volunteers drawn from various militias. This means that close to 20 000 combatants are to be disarmed and reintegrated into society. The government anticipates that the process will cost almost €232 million¹³, part of which is to be contributed by development partners. A key difficulty with previous attempts at integration was the ranking of former combatants. Most are ranked according to dissimilar criteria, and the willingness of all parties to agree to amalgamate is currently unclear. Such a complex process is unlikely to be completed in the short term, as numerous other affiliated

institutions – such as those involved in law enforcement – must be included.

For the time being, Côte d'Ivoire lacks a clear and coherent post-conflict strategy. Various lessons exist where former adversaries successfully amalgamated into one unit, especially in Liberia, Sierra Leone and South Africa – which managed to integrate elements of *Umkhonto we Sizwe* and the South African Defence Force (SADF)¹⁴ to form the South African National Defence Force (SANDF). A critical question that has been raised is who will be leading, supervising and coordinating the integration process. The UN mission has been coordinating such processes so far, but it operates in a changing context.

Economic Recovery

Even though most of Côte d'Ivoire's economic infrastructure was spared by the conflict, there is no denying that economic activity was put on hold. The various financial and economic sanctions imposed on the regime have had a serious impact on the economic environment. The banking sector was closed while all export activities came to a standstill. In addition, the economic impact of the crisis is felt strongly by the members of the West African Economic and Monetary Union (WAEMU), given the importance of Côte d'Ivoire in the regional economic framework. Côte d'Ivoire is the largest economy in

West Africa after Nigeria, and is critical to the overall development of the sub-region.¹⁵

The most urgent task for Ouattara's administration is to revive economic activities and restore investors' confidence. Measures to reopen the financial administration have seen banks resuming their activities, while important ports such as Abidjan and San Pedro began exporting cocoa. It is crucial for the country to have a coherent post-conflict economic management strategy that identifies the challenges affecting the vital economic and financial system in Côte d'Ivoire – including the cocoa, coffee and oil sectors, which have been crippled by corruption and mismanagement.

There are currently many pledges to assist Côte d'Ivoire in its post-conflict reconstruction process. For example, France has already approved €400 million towards emergency assistance in the country to pay for people's emergency needs in the aftermath of the political crisis, while the World Bank and International Monetary Fund pledged €70 million. Two major problems generally arise from such external support. First, many donors make pledges without following through, leaving the government unable to meet the high expectations of the people. Second, financial assistance without a critical needs assessment might not have much impact on the country's recovery.

Conclusion

At its 270th meeting held on 5 April 2011, the AU Peace and Security Council issued a communiqué, in which it said that "a new page has been opened in the history of Côte d'Ivoire, which should be turned to good account in order to consolidate the newly found peace, promote and deepen reconciliation and facilitate the socio-economic development of Côte d'Ivoire".¹⁶ This feeling expressed by the AU came as a call to the new authorities to take necessary measures to consolidate peace in the country.

Côte d'Ivoire now has the opportunity to chart a new course in its post-independence history. The new government has a unique opportunity to develop a coherent response to some of the structural causes of conflict – mainly the national identity issue and socio-economic difficulties. The resumption of economic activities depends largely on the return of security and efforts to promote good governance. None of this is possible without a well-defined post-conflict reconstruction strategy and real political will to eradicate the suffering of the Ivorian people. **A**

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- 3 ICISS (2001) Report of the International Commission on Intervention and State Sovereignty.
- 4 United Nations Security Council (UNSC) (2004) 2004 Resolution S/RES/1528 (adopted by the UNSC at its 4 918th Meeting on 27 February 2004).
- 5 UNSC (2011) 2011 Resolution S/RES/1975 (adopted by the UNSC at its 6 508th Meeting on 30 March 2011).
- 6 Coulibaly was a staff sergeant, and made a name for himself with his basketball skills and his military endeavours. He was one of the key instigators of the 1999 coup that brought General Robert Guei, the then-head of the army, into power as president. He attempted a second coup in 2002 against Gbagbo, but was unsuccessful – thus paving the way for the descent of Côte d'Ivoire into a civil war that left the country virtually divided. Coulibaly then retreated northwards from Abidjan and helped establish the Forces Nouvelles, which soon gained control over the northern half of the country, until his relationship with Guillaume Soro – who was then Forces Nouvelles Secretary General – soured, owing to a fierce power struggle within the ranks of Forces Nouvelles. With the post-2010 electoral conflict, he sought to reestablish himself as a powerful actor in the country in his own right. Coulibaly was the key initiator of the 'Invisible Commandos', a rebel grouping that assisted in undercutting Gbagbo's security forces at the heart of Abidjan. This group was put in place by Coulibaly, and was recruited from both national security forces and rebels.
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- 9 OCHA (2011) US\$160 Million Needed for Aid in Côte d'Ivoire. New York.
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- 12 One of the main provisions of the 2007 OPA was to reappoint civilian officials to take over from the rebels controlling the administration (tribunals, prefects, finances) in the north. This is a progressive move toward the restoration of state authority. Yet, the reluctance of the rebels made it ineffective.
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COMPARING APPROACHES TO RECONCILIATION IN SOUTH AFRICA AND RWANDA

BY CORI WIELENGA

UN PHOTO/C SATTLBERGER



Introduction

Between 1948 and 1994, South Africa lived under the shadow of apartheid,¹ a system that infiltrated every aspect of society with its divisions, inequality and injustices. In April 1994, after years of negotiations, the African National Congress (ANC), which had been the official party of the struggle movement, came into power as a result of South Africa's first democratic election. During that same month, Rwanda, after decades of dictatorial rule, was swept by a

genocide² that left almost a million dead and almost twice as many displaced. By July 1994, the Rwandan Patriotic Front (RPF) had brought the genocide to an end and implemented

Above: After years of negotiations, the African National Congress came into power following South Africa's first democratic election. Nelson Mandela (seated) is signing the oath of office, as he assumes the Presidency of South Africa (10 May 1994).



The skulls and bones of Rwandan victims rest on shelves at a genocide memorial inside the church at Ntarama, outside Kigali. Approximately 5 000 people, mostly women and children, sought refuge near the church in April 1994, but were massacred by Hutu extremists who used grenades, clubs and machetes to kill their victims.

a transitional government. For both countries, 1994 signified the beginnings of the arduous task of post-conflict reconstruction. The approaches each country has taken to reconcile broken and divided societies forms the focus of this article.

Comparing two countries with distinctly different tragedies and unique approaches to reconciliation is a risky endeavour. However, this article will not attempt to recommend the approach of one country to be adopted by another. Rather, it will argue that in each unique context and time period, different approaches to reconciliation may be relevant and justified. Using John Lederach's³ model of reconciliation, the approaches to reconciliation adopted by South Africa and Rwanda will be described and compared.

Reconciliation

A minimalist definition offered by Louis Kriesberg states that "reconciliation refers to the process by which parties that have experienced an oppressive relationship or a destructive conflict with each other move to attain or to restore a relationship that they believe to be minimally acceptable".⁴ Kriesberg is writing in the context of preventing further violence, but a devastated society that is founded

on interdependent networks of relationships may require more than "minimally acceptable" relationships to function effectively and avoid a reoccurrence of violence.

A wider conception of reconciliation is offered by Lederach, who suggests that reconciliation is the rebuilding of relationships. He rightly states that people may be living as neighbours and yet are locked into long-standing cycles of hostile interaction, animosity, fear and stereotyping. "Reconciliation is not pursued by seeking innovative ways to disengage or minimize the conflicting groups' affiliations, but instead is built on mechanisms that engage the sides of a conflict with each other as humans-in-relationship."⁵

Lederach has a four-part model of reconciliation, which includes peace, truth, justice and mercy. He argues that these elements, although seemingly contradictory, cannot operate independently from one another. Truth without justice would be an offence to the victims. Justice without truth might result in historical revisionism, which would open the way for new conflicts. Mercy, which is sometimes translated as forgiveness, would be meaningless without acknowledging truth and justice, resulting in impunity for perpetrators. And peace is an essential ingredient for the other elements to become a reality. In the Rwandan context,



South Africa's apartheid policies and laws led to the systematic dehumanising of millions of people on the basis of their race.

there has been a great emphasis on justice due to the fear that perpetrators would be released with impunity, as has often been the case in Rwanda's history. However, opponents of the government would say that although there is justice, truth has been compromised, and this is indeed resulting in revisionism and a less than complete justice, with only one group of perpetrators being targeted. In South Africa, it has perhaps been the opposite. There has been an emphasis on truth, through the Truth and Reconciliation Commission (TRC), with amnesty – which perhaps falls under mercy in Lederach's model – but some would argue there has been very little justice.

South Africa's TRC

During South Africa's apartheid era, 18 000 people were killed and 80 000 opponents of apartheid detained, with 6 000 of these being tortured.⁶ Structural violence was present in every area of society, with policies and laws that led to the systematic dehumanising of millions of people on the basis of their race. The TRC was established to investigate human rights abuses committed between 1960 and 1994, and to offer amnesty to individuals in exchange for their full disclosure about their past acts. According to Lynn

Graybill, "its mandate was to give as complete a picture as possible of the violations that took place during the period, focusing on gross human rights violations defined as 'killing, abduction, torture, or severe ill treatment'.⁷ Some 7 000 people applied for amnesty, and it was granted to about 16% of applicants. Only around 10% of the 20 000 people wanting to testify at the TRC were heard.⁸ But the TRC hearings were not intended as a means of trying everyone involved in apartheid, but rather as an opportunity for all South Africans to hear the complexity of the stories of what happened. Preference was given to those whose stories included particular trauma or those whose stories had never been heard.

The TRC proceedings culminated in a five-hundred page volume that describes thousands of stories. In the introduction of the report, the slippery issue of truth and history is discussed at some length. The TRC's approach was to adopt four understandings of truth: factual or forensic truth, personal or narrative truth, social or 'dialogue' truth, and healing or restorative truth. But the report has been criticised for not being able to resolve the discrepancies between the forensic data and the many contradicting narratives of people. In response to



South Africa's TRC was established to investigate human rights abuses committed between 1960 and 1994, and to offer amnesty to individuals in exchange for their full disclosure about their past acts.

this, Charles Villa-Vicencio suggests that stories which emerge in testimony are incomplete, in the same way that one's memory is. He poetically calls for a listening to the incompleteness, the silences, the body language and the complexity of emotions that accompany telling narratives of the past. The important issue is not that one complete, coherent truth is told, but that new insight is gained into what happened, along with "an empathetic understanding of how a particular event is viewed by ones adversaries".⁹ The crux is not getting to the truth, but having people on opposing sides beginning to see each others' truths with empathy and understanding, which will allow for healing to begin to take place. This does not mean that what happened does not matter. Villa-Vicencio stresses that violations of human rights on all sides must be investigated and acknowledged to create a culture of human rights in the present.

Creating a culture of human rights was a driving force behind choosing amnesty as the route to transitional justice. Another reason was the fact that those who might have been regarded as perpetrators also held essential positions in maintaining the country's economy. Further, as Desmond Tutu describes in his book, *No Future without Forgiveness*, a retributive response may have resulted in renewed

violence¹⁰. But more than this, Tutu describes how the desire to live out the precepts of the Constitution and have the reconciliation process be a shared one between all South Africans was fundamental in deciding on a truth-telling with amnesty route.

Leaders such as Nelson Mandela and Desmond Tutu wanted to build a country on the principles of forgiveness and reconciliation, among others. Forgiveness played a central role in the TRC proceedings, drawing its meaning both from Christianity – which is practised by the majority of South Africans – as well as from the African concept of *ubuntu*. Graybill writes that in South Africa's Interim Constitution was written: "There is a need for understanding but not for revenge, a need for reparation but not for retaliation, a need for *ubuntu* but not for victimization'. *Ubuntu* derives from the Zulu expression 'umuntu ngumuntu ngabantu' (people are people through other people)." She quotes an example of a testimony at a TRC hearing that embodies this concept:

One of those supporting amnesty was Cynthia Ngeweu, mother of Christopher Piet (one of the Gugulethu 7 who was assassinated¹¹), who explained her understanding of *ubuntu*: 'This thing called reconciliation... if I am understanding it correctly... if it means the perpetrator,



Winnie Madikizela-Mandela (right) kisses Joyce Seipei, mother of murdered African National Congress activist Stompie Seipei, in a gesture of reconciliation at the special public hearing of South Africa's TRC. Witnesses accused Winnie Mandela of the murder of Stompie Seipei, a 14 year old activist who died in 1989.

the man who has killed Christopher Piet, if it means he becomes human again, this man. So that I, so that all of us, get our humanity back... then I agree, then I support it all'.¹²

This was at the heart of the TRC: a rehumanisation of both perpetrators and victims, so that South Africans could begin to engage each other as human beings in relationships, in the way that Lederach described.

This kind of philosophy led to very moving encounters during the TRC procedures but, since then, there have been some very critical voices about the amnesty process. Hamber et al undertook a study with 20 women who survived political violence during apartheid and testified at the TRC.¹³ Their study reveals that these women had thought they were testifying for the perpetrators to receive punishment, and they were very angry that their perpetrators went away unpunished. Hamber et al write that although the TRC may have had a role to play in the national process of healing, and that telling their stories may have been cathartic for some, others felt like pawns in the national healing process, where their suffering was used to help the nation but they themselves benefited from it very little. In South Africa today,

there is a growing frustration and anger among young South Africans that their leaders conceded too much and that whites continue to benefit from the apartheid system, while blacks continue to suffer in poverty and unemployment.

This makes it very difficult to assess whether the TRC was successful in contributing to reconciliation, and whether the reconciliation process in South Africa is unfolding in a positive direction. Its strong emphasis on mercy and forgiveness was very moving and beautiful – but does it satisfy young, poor, powerless and angry people in terms of justice? The following section will compare this to the route Rwanda has taken.

Rwanda

In 1994, almost a million Tutsi and moderate Hutu were killed in Rwanda during the three-month government-led genocide. Prior to this, there had been repeated events in Rwandan history where thousands of Rwandans were killed in violence between the Hutu and Tutsi ethnic groups. After 1994, some two million mostly Hutu refugees died in the Democratic Republic of the Congo (DRC).¹⁴ Because of the extent of the violence and horror that occurred in Rwanda,

it is a difficult context to compare with any other, and one could argue that the Rwandan response to transitional justice should be unique.

The genocide in 1994 ended when a military group (the RPF) of mostly Tutsi exiles overthrew the Rwandan government and took power in the country. But by this time, the country had been stripped of all resources, the government coffers were empty and almost every Rwandan was either internally displaced or had fled the country. There was no judicial system left in place and the RPF had to rebuild the country from scratch, while hundreds of thousands of people accused of genocide crowded inadequate jails. In response to this, the government turned to its traditional justice system of *gacaca*, which involved holding court cases within local communities, outside on the grass, with respected community leaders acting as judges. Through this process, thousands of court cases could be held across the country simultaneously, and members of the community were directly involved in resolving the cases.

Although it has been described as a restorative approach to justice, closer scrutiny shows that it leans more towards the retributive. The traditional form of *gacaca* was restorative, but the modern form had to fulfil so many legal pressures from the international community, as well as pressures for justice from survivors of the genocide, that it differs substantially from its original form. In the *gacaca* process adopted in Rwanda today, the whole community is involved, as in a restorative approach, but offenders stand alone before their accusers. If the community decides they are guilty, they have no lawyer (as in a Western model) or family members (as in a traditional model) to stand up in their defence. Further, their guilt and punishment are decided on by the judges, rather than the community collectively. So, rather than it being a negotiated process between an offender and their family and a victim and their family, in this case it is a legal process where an individual takes individual responsibility, with the input of the community in terms of clarifying what actually happened.

A fully restorative justice process may be argued to have taken too long, and would be difficult to monitor. How would one ensure that victims and their families did not mete out revenge on offenders, who often had no family to stand with them, their families being either dead or refugees in the DRC? Thus, the current *gacaca* system – where communities are involved but certain standard Western legal system practices are incorporated – seems to be the best alternative.

Punishment for perpetrators has been a combination of jail time – which most have completed by the time they get to a *gacaca* trial, having often been in jail without trial for 10 or more years – and community service, such as fixing roads or repairing victims' homes and property. Unlike in South Africa, Rwanda did not focus symbolically on a sample of cases, and it is historically unique for having tried every individual perpetrator – which totalled over a million people.¹⁵ A significant reason why Rwanda chose



A Rwandan genocide suspect testifies in front of a traditional *gacaca* court in Kigali, Rwanda (July 2005).

this strong emphasis on justice and accountability is that, historically, the country has been known for having a 'culture of impunity'. In previous incidences of violence, there had never been individual accountability for what was done, and thus perpetrators began to believe that if they were involved in political violence, they could get away with anything. With a collective restorative justice model, individual perpetrators would not need to take personal responsibility for their actions.¹⁶ Graybill describes how the Rwandan government was sceptical of South Africa's TRC with its system of amnesty, because of this history of impunity. Further, it was feared that survivors would take justice into their own hands. There needed to be an immediate and tangible sense that justice had taken place and that perpetrators were punished, so that Rwandan society could move on.

Although many people interviewed¹⁷ felt strongly that *gacaca* had contributed to justice, they were less certain as to whether it had contributed to reconciliation.



Some of the over 3 000 genocide suspects detained at Myove prison are invited to confess their role in the 1994 killings to receive reduced sentences, in Byumba village, Rwanda (February 2005).

Many Rwandans had hoped that the truth-telling of *gacaca* would lead to an expression of remorse on the part of perpetrators, and responses of forgiveness on the part of victims. In fact, perpetrators received reduced punishment if they admitted their offences and expressed remorse for them. But this led many victims to feel that the remorse was not genuine. *Gacaca* trials would also, in some instances, revive memories of what happened, retraumatise victims and bring about renewed anger. There are a few isolated instances of healing encounters between victims and perpetrators at *gacaca* trials, but mostly they functioned to satisfy the needs of victims that perpetrators were punished, and allowed the truth of what happened in specific communities to be revealed. Most meaningfully, many victims expressed great relief in knowing where family members had been killed, so that they could bury them in a dignified way.

Gacaca does seem to have contributed to the elements of justice and truth in a reconciliation process, and some healing and perhaps a degree of closure has been possible. However, the major critique in the Rwandan context is that justice and truth processes have focused on only one side of the conflict. Only crimes of genocide were taken into

consideration. The RPF, in its military war with the previous Rwandan army, has been accused of war crimes and crimes against humanity in Rwanda between 1990 and 1996. Further, it has been accused of crimes against humanity against Rwandan refugees in the DRC. These crimes have not been addressed by *gacaca* or publically at all. Graybill argues that “whereas the South African TRC required all perpetrators of human rights abuses on both sides – the government and the resistance movements – to apply for amnesty, the *gacaca* system only judges the perpetrators of the genocide”.¹⁸ The Rwandan government has said that cases which involve RPF soldiers who committed crimes need to be taken to the military jurisdiction, a legal process separate from genocide crimes. Yet the military judicial system can be viewed as being intimidating or inaccessible to most Rwandans. This means that although the *gacaca* trials are coming to an end and have addressed the crimes of genocide, some Rwandans continue to feel that their wounds have not been acknowledged, and that they do not have justice.

In this context, the themes of mercy and peace are difficult ones. Where the TRC in South Africa embraced moving and beautiful themes of forgiveness and *ubuntu*, Rwandans have been far more pragmatic. The danger is that

a process of justice and truth-telling that is only one-sided has the possibility of leading to renewed violence. Mahmood Mamdani has traced the line of victim–perpetrator dynamics through Rwandan history and shows how, in every period of history, either Hutu or Tutsi has been in the position of victim or perpetrator. He writes: “Every round of perpetrators has justified the use of violence as the only effective guarantee against being victimised yet again. For the unreconciled victim of yesterday’s violence, the struggle continues. The continuing tragedy of Rwanda is that each round of violence gives yet another set of victims-turned-perpetrators.”¹⁹ And yet the truth is that both sides have been both victims and perpetrators. Until this is acknowledged, those who are now seen as perpetrators will begin to see themselves as the victims, and the cycle could begin all over again.

Conclusion

This article has considered reconciliation processes in South Africa and Rwanda. Using Lederach’s four-part model of reconciliation, it has argued that South Africa emphasised truth and mercy at the expense of justice, whereas Rwanda emphasised justice at the expense of mercy. Although Lederach suggests that all four elements of the model need to be in balance to ensure a successful reconciliation process, particular contexts may require an emphasis on one aspect over the others. Further, different elements of the model may come into effect at different times in the reconciliation process.

In the case of South Africa, politically and for the sake of avoiding direct violence, an emphasis on justice and the individual accountability of all perpetrators was not possible. In Rwanda, individual justice was difficult to avoid when victims were hungry for revenge and impunity was such a pervasive element of Rwandan society. But both societies may have to pay the cost of their sacrifices later on in the reconciliation process. In South Africa, signs are increasingly evident that those who were disadvantaged by apartheid and continue to suffer in poverty want white South Africans who benefited from apartheid to take responsibility for what happened and pay reparations. In Rwanda, some have argued that *gacaca* has felt like victors’ justice, and that perpetrators who have been punished but have been shown little mercy may seek vengeance.

Yet, in both cases, one might argue that the best route possible was taken under the circumstances, and that both countries have managed to avoid a return to violence since 1994. Although neither country can boast a completely successful reconciliation process, both have moved significantly in a more positive direction than that from which they came. Neither country has chosen to forget the past, but both, through very different approaches, have managed to engage meaningful processes of reconciliation. Although both have and will continue to pay for the elements of Lederach’s model that they have neglected, they are also committed to the continued processes of reconciliation necessary to heal the wounds of their divided nations. ♣

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Endnotes

- 1 Apartheid was a system of racial segregation enforced by the National Party government of South Africa between 1948 and 1994, under which the rights of the majority ‘non-white’ inhabitants of South Africa were curtailed, and white supremacy and minority rule was maintained.
- 2 The Rwandan genocide was the 1994 mass murder of approximately 800 000 Tutsi and moderate Hutu in a period of three months, at the hands of the extremist Hutu government, military and youth militia.
- 3 Lederach, John (1997) *Building Peace: Sustainable Reconciliation in Divided Societies*. Washington DC: United States Institute of Peace.
- 4 Kriesberg, Louis (2001) Changing Forms of Coexistence. In Abu-Nimer, Mohammed (ed.) *Reconciliation, Justice, and Coexistence: Theory and Practice*. Lanham, Md: Lexington Books.
- 5 Lederach, John (1997), op. cit.
- 6 Graybill, Lynn (2004) Pardon, Punishment, and Amnesia: Three African Post-conflict Methods. *Third World Quarterly*, 25 (6), p. 1116.
- 7 Ibid.
- 8 Wilmot, James and Van der Vijver, Linda (eds) (2001) *After the TRC: Reflections on Truth and Reconciliation in South Africa*. Cape Town: David Philip Publishers.
- 9 Villa-Vicencio, Charles (1997) Telling One Another Stories: Toward a Theology of Reconciliation. In Wells, Harold and Baum, Gregory (eds) *The Reconciliation of Peoples: Challenge to the Churches*. New York: Orbis Books.
- 10 Tutu, Desmond (2000) *No Future without Forgiveness*. New York: Random House, p. 23.
- 11 The Gugulethu Seven is the name of the group of seven young anti-apartheid activists who were killed in an ambush in 1986 by the South African apartheid security forces in Gugulethu, a township outside of Cape Town.
- 12 Graybill, Lynn (2004), op. cit., p. 1116.
- 13 Hamber, Brandon, Nageng, Dineo and O’Malley, Gabriel (2000) Telling it Like it is...: Understanding the Truth and Reconciliation Commission from the Perspective of Survivors. *Psychology in Society*, 26, pp. 18–42.
- 14 Prunier, Gerard (1995) *The Rwanda Crisis: History of a Genocide*. London: C. Hurst and Co..
- 15 Karugarama, Tharcisse (2011) *Ensuring Accountability of Suspects in Southern Africa – a Perspective from Rwanda*. Address of the Rwandan Minister of Justice at the conference on Closing the Impunity Gap: Southern Africa’s Role in Ensuring Justice for the 1994 Genocide in Rwanda, hosted by REDRESS, the South African Litigation Centre and African Rights, held in Johannesburg on 30 June 2011.
- 16 Drumbl, Mark (2002) Restorative Justice and Collective Responsibility: Lessons for and from the Rwandan Genocide. *Contemporary Justice Review*, 5 (1), pp. 5–22.
- 17 Interviews were conducted by the author as part of her doctoral research in Kigali, Rwanda, between 2005 and 2010.
- 18 Graybill, Lynn (2004), op. cit., p. 1119.
- 19 Mamdani, Mahmood (2001) *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*. Princeton: Princeton University Press, p. 268.

POST-AMNESTY PROGRAMME IN THE NIGER DELTA: CHALLENGES AND PROSPECTS

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Introduction

The most current issue that resonates in the Niger Delta discourse is the amnesty programme. This was introduced by the late President Yar'Adua in 2009, against a groundswell of violent conflicts in the region and threats the violence portended for the Nigerian state, including reduction in revenues accruing from oil sales. Amnesty in the Niger Delta region can be traced back to 1967, when the Yakubu Gowon regime pardoned the Niger Delta Volunteer Force

(NDVF) – including its leader, Isaac Adaka Boro – for the insurgency fomented by the group in 1966. However, the unconditional amnesty granted in 2009 embraced not just a

Above: This Envisat image highlights the lower Niger River system in the West African country of Nigeria, where the Niger River (left) and the Benue River merge.



Nigeria's President Yar'Adua signs the Niger Delta amnesty package at the presidential villa in Abuja on 25 June 2009. President Yar'Adua stated that amnesty would be granted to militants in the Niger Delta if they lay down their weapons by 4 October 2009 and cease fighting.

group, but all militant groups in the Niger Delta region that participated in militancy. This amnesty encouraged militants to take advantage of a 60-day window (6 August–4 October 2009) to disarm and assent on the amnesty register as evidence of their unconditional acceptance of the amnesty, in a bid to build peace in the region. As an outcome of the amnesty programme, the disarmament, demobilisation and reintegration (DDR) programme – which is extremely pertinent to peacebuilding and serves as a basis for short-, medium- and long-term development – was put in place. But to what extent has the post-amnesty programme achieved its objectives since its inception in 2009? In answering this question, there is the need to outline briefly the origin of militancy in the Niger Delta region, which resulted in the post-amnesty deal.

Niger Delta Conflict: A Brief Overview

The Niger Delta violent conflict can be explained as a microcosm of the larger Nigerian state within the context of equity, access to oil resources and power by oil-rich communities, self-determination, ethnic autonomy, lack of political participation and democratic accountability, underdevelopment and widespread poverty.¹ Traced to the

colonial era, the struggle over the sale and regulation of the prices of palm oil pitted British traders and Niger Delta indigenous traders against each other. The struggle, which led to the death of many natives and almost wiped out an entire community, created the milieu for the Niger Delta subjugation that has lasted till now.

The discovery of oil in commercial quantities at Oloibiri (now in Bayelsa State) in 1956, and subsequent expansion into other areas in the Niger Delta, changed the mode of conflict from palm oil to fossil oil and put the region in a strategic position, both nationally and internationally. The discovery transformed the Niger Delta region, with well over 400 oil production and storage facilities and 600 oil fields scattered within its swamps and creeks, operated by transnational oil companies (TOCs) such as Shell, ExxonMobil, Total, Chevron, Elf, Agip (Eni) and Texaco, in joint ventures with the Nigerian National Petroleum Company.² This makes the region both a site of global oil production and international relations, and serves as a background to understanding the problems in the Niger Delta.

With the discovery of fossil oil, the Niger Delta region rose in significance in Nigeria's oil political economy, with



An American hostage is held captive by ethnic Ijaw militants in the volatile creeks of the Niger Delta (February 2006).

export earnings increasing from 1% in 1958 to almost 98% in the state's total revenue in the 1990s. In spite of the benefits of the oil and gas economy to the Nigerian state, oil-rich Niger Delta communities wallow in abject poverty, reinforced by the progressive downward revision of the derivation principle of revenue allocation with each regime, and reduction in the 'share' of federal allocations to oil-producing ethnic minority states from 50% in 1966 to 3% in the mid-1990s. It was only in 1999 that it was again reviewed upward, to 13% derivation.³ With agriculture forming the dominant activity in the Niger Delta and engaging the most active labour force, extant extraction and exploitation of oil by various TOCs since the 1960s has caused an adverse environmental impact on the soil, forest and waterways of the Niger Delta communities, through oil spills and gas flares perpetrated by the TOCs.⁴

It was against the backdrop of dilemmas faced by the oil-rich communities that the Movement for the Survival of Ogoni People (MOSOP) was formed and led by Ken Saro-Wiwa⁵ to contest environmental degradation in Ogoniland. Though MOSOP waged effective local non-violent protests, it was followed by a wave of state terror against Ogoniland in what the commander of the Rivers State Internal Security Task Force, Major Paul Okutimo, referred to as "wasting

operations" directed at crushing the MOSOP protest. A jungle trial led to the hanging of Saro-Wiwa and eight others. Lessons from the MOSOP struggle and Boro's⁶ heroic exploits in the 1960s informed the emergence of a new ethnic minority resistance movement in the Niger Delta, led by the Ijaw. The Ijaw youth met in Kaiama,⁷ where they formed themselves into the Ijaw Youth Council (IYC) and issued the Kaiama Declaration on 11 December 1998. Among other things, this declaration was an ultimatum to oil companies in the region to leave the Niger Delta by 30 December 1998. The federal military government responded by flooding the region with troops, shooting, killing and raping. This action by the state ignited violence by the region's youth as legitimate weapons of protests. The return to democracy also had wider ramifications for the human rights and pro-democracy movements, even as politicians in the Niger Delta tapped into the groundswell of popular anger among the large number of unemployed and frustrated youth in the region. Some of the youth became ready tools for politicians, feeding into a spiral of local violence in the 1999 and 2003 elections, which connected with communal conflicts, politics of local resistance and the struggle for resource control, and evolved into full insurgency by 2006. The complex conflict involved broad militant alliances such as the Movement for

the Emancipation of the Niger Delta (MEND), Niger Delta People Volunteer Force (NDPVF), NDVF, Icelanders, Coalition for Militant Actions (COMA), Martyrs Brigade (MB), the Tombolo Boys and the Joint Revolutionary Council (JRC), to mention but a few. These groups combined lethal attacks and the sabotage of oil installations with the effective use of global media to publicise their campaign of “fighting for the control of oil revenues by indigenes of the Niger Delta”.

THE NIGER DELTA VIOLENT CONFLICT CAN BE EXPLAINED AS A MICROCOSM OF THE LARGER NIGERIAN STATE WITHIN THE CONTEXT OF EQUITY, ACCESS TO OIL RESOURCES AND POWER BY OIL-RICH COMMUNITIES, SELF-DETERMINATION, ETHNIC AUTONOMY, LACK OF POLITICAL PARTICIPATION AND DEMOCRATIC ACCOUNTABILITY, UNDERDEVELOPMENT AND WIDESPREAD POVERTY

It is instructive to note that non-violent efforts were pursued by the state to address the economic deficit and engender development in the region. The mix of strategies included the establishment of various commissions, such as the Niger Delta Development Board (NNDB) in 1960; the Presidential Task Force to manage the reduced derivation allocation of 1.5% of the federation account for tackling the special needs of the region; the Oil Mineral Producing Areas Development Commission (OMPADEC) in 1992; and the Petroleum (Special) Trust Fund (PTF) in 1995 (which ended up benefiting the northerners). By the end of the past political leaders’ tenure, the Niger Delta was worse off in terms of positive development impact on the oil-rich communities.⁹ Even with the establishment of the Niger Delta Development Commission (NDDC) in 2000, violent agitation increased, pitting the militants and criminals against the Joint Task Military Force (JTF) set up by the state to protect oil facilities and companies in the region.

Ending Insurgency in the Niger Delta

By the end of 2008, it was an accepted fact that military actions alone were not enough to combat youth insurgency in the region. Hence, the Niger Delta Summit was proposed and the United Nation’s (UN) Undersecretary General, Ibrahim Gambari, was nominated by the government to act as a mediator in the conflict between the Niger Delta and the federal government. However, his candidature was rejected by the Niger Deltans.⁹ This rejection led to the cancellation of the summit. Based on the alternative suggestion of the



The various militant alliances and groups operating in the Niger Delta combined lethal attacks and the sabotage of oil installations with the effective use of global media to publicise their campaign of “fighting for the control of oil revenues by indigenes of the Niger Delta”.

Niger Delta group to the president, the Niger Delta Technical Committee was inaugurated on 8 September 2008. Its terms of reference were to collate, review and distil various reports, suggestions and recommendations from the Willink Commission (1958) report to the present, and give a summary of the recommendations necessary for government action and present suggestions for dealing with challenges in the Niger Delta.¹⁰ Some of the recommendations of the committee included the establishment of a DDR commission to address the Niger Delta militants; negotiation of amnesty for those Niger Delta militants willing to participate in the DDR programme; strengthened independent regulation of oil pollution; an effective environmental impact assessment (EIA) process; and the ending of gas flares by December 2008.

After much delay, related to the plethora of political, economic and social issues, the government decided to yield to the committee’s report, partly by instituting the Presidential Panel on Amnesty and Disarmament of Militants in the Niger Delta to implement the presidential pardon. Unlike the recommendations for open negotiations between the government and militias, consultations were at the highest levels of government, and involved members of the Niger Delta elite and top command officials of the



Former Nigerian militants queue to register at an arms collection centre in Ogoloma-Okrika district (August 2009).

Niger Delta region negotiating with militia commanders. On 25 June 2009, President Yar'Adua granted presidential amnesty to militants who had directly or indirectly participated in the commission of offences associated with militant activities in the Niger Delta, and who were willing to surrender their weapons and renounce armed struggle within a 60-day ultimatum (6 August–4 October 2009).

Post-amnesty Programme: A Source of Hope or Hopelessness?

By the end of the amnesty period in October 2009, 20 192 ex-militants (and non-militants) had surrendered their weapons – consisting of 2 760 arms of different classes and calibre, 287 445 ammunitions, 3 155 magazines, 1 090 dynamite caps, 763 explosives and sticks of dynamite, and 18 gun boats – to the Presidential Amnesty Committee.¹¹ With the closure of the amnesty window, other ex-militants – who were reluctant to participate in the amnesty programme but later realised the benefits accruing to those who disarmed – joined, increasing the total number by 6 166.¹² The disarmed militants were moved to designated collection points and camps in six Niger Delta states. Each ex-militant was promised a payment of N65 000 monthly, the payment of rent¹³ and vocational training. The Presidential Amnesty

Programme coincided with the 2008 Amaechi-led initiative in Rivers State meant to rehabilitate ex-militants of Rivers State origin.¹⁴

There was no road map prior to the amnesty programme, with the government hoping that the greatest threats to petro-business were the armed militias and the proliferation of weapons in the region – and that once militias were taken out of the equation, stability would return.¹⁵ As a result, militants were stranded at the various camps without any direction about the next line of action. To worsen the dilemma, the allowances promised to ex-militants were delayed, and sometimes not paid to them by their commanders – and, when paid, the amounts were much less than designated. The commanders benefited from the largesse and state patronage while their foot soldiers were short-changed. Moreover, infrastructural facilities were lacking, resulting in most ex-militants leaving their camps in Benin, Yenagoa and Aluu in Port Harcourt. Others went on a rampage at the University of Port Harcourt, raping girls and women, stealing wares and killing innocent civilians.¹⁶

With the demise of President Yar'Adua, the full rehabilitation of ex-militants began in June 2010 at the Obubra camp in Cross River State. Rehabilitation involves training ex-militants on non-violence and career



Nigerian militant youth display weapons surrendered by former militants at an arms collection centre at Tourist Beach in the oil hub of Port Harcourt (October 2009).

classification with their meals, accommodation and clothing needs taken care of, within the N1.273 billion budget for the programme out of the total N10 billion approved by the Senate for the whole DDR process.¹⁷ After the rehabilitation programme, they are reintegrated into their various communities through vocational skills training, formal education or entrepreneurship skills acquisition either in Nigeria or abroad, depending on ex-militants' interests. The reintegration programme ranges from six months to five years of training.

From a cursory look, the post-amnesty programme has yielded considerable outcomes, but also poses challenges that may worsen the crisis in the region in the near future rather than abate it. In terms of favourable outcomes, the spate of violence – including kidnappings and killings – has been reduced, while the production of oil has increased from 700 000 barrels to 2.4 million barrels per day. In spite

of the positive outcomes, low-level kidnapping,¹⁸ killings¹⁹ and protests from disgruntled ex-militants who were not included in the DDR process²⁰ continue to undermine the success of the process.

Deeper analysis indicates that there are challenges ingrained in the programme itself. First, there was no proper planning for the DDR programme. Moreover, the tenets of the technical committee were not adhered to by the federal government for a bottom-up approach to the programme. Rather, the government collaborated with ex-militants' commanders, who were only interested in their personal aggrandisement and did not consult with the militants on the ground.

Second, the indirect money-for-weapons approach implemented undermined the quality and success of the programme. Interviews with training consultants have shown that apart from the N65 000 paid to ex-militants by

MUCH MONEY GOES TOWARDS PAYING EX-MILITANTS' COMMANDERS, MANAGERS OF THE PROGRAMME AND THE SURGING NUMBER OF CONSULTANTS AND CONTRACTORS – TO THE EXTENT THAT THE PROGRAMME ITSELF IS NOW PERCEIVED AS BEING A VERY LUCRATIVE BUSINESS, RATHER THAN A TRANSFORMATIONAL STRATEGY



Former Nigerian rebel commander, Ateke Tom, recently stated in an interview that he would abandon the amnesty programme with hundreds of his followers if the government did not quickly provide jobs and development in the Niger Delta oil region (June 2011).

the government, they are also paid N3 000 daily during the integration period. Most ex-militants are therefore only interested in the financial benefits that accrue to them, rather than the impact of training programmes on their lives and society. The excess flow of money portends danger for the security and development of the region. Monies realised can be used to purchase more arms to fund insurrections. The consequence will be more appreciated when the reintegration programme ends, money no longer flows

MAJOR CRITICAL ISSUES SUCH AS THE ROOTS OF ALIENATION, MARGINALISATION, EXPLOITATION, CORRUPTION, UNEMPLOYMENT, POVERTY, YOUTH AND WOMEN'S ISSUES ARE STILL NOT DEALT WITH, AND THEY JEOPARDISE THE POSSIBILITY OF FUTURE PEACE, SECURITY AND DEVELOPMENT IN THE NIGER DELTA REGION

and there are no employment opportunities for trained ex-militants. There is the likelihood that they may return to violence to ask for more free money.

Third, much money goes towards paying ex-militants' commanders, managers of the programme and the surging number of consultants and contractors – to the extent that the programme itself is now perceived as being a very lucrative business, rather than a transformational strategy. Many people now form organisations to benefit from the largesse. According to a panel set up in January 2010 to review the rehabilitation aspect of the DDR, about 80% of the budget had gone on payments to consultants and contractors, leaving just 20% for the rehabilitation of ex-militants. It has also been observed that vast constituencies of people alienated by petro-business interests, but lacking the means of violent action, have been excluded from the post-amnesty deal. This includes, to a large extent, the Ogoni people, especially the youth who never participated in the armed struggle. The probability remains that these alienated youth can mobilise themselves into militant groups to terrorise the state.

Last, in spite of the fact that there is an Environmental Remediation Committee, expected to study the root causes of environmental problems and proffer solutions on how

the region can be reintegrated, the committee has not come up with any report. Moreover, no practical development has taken place, apart from the few developments handled by the NDDC and the Ministry of the Niger Delta – basically the construction and reconstruction of roads. Major critical issues such as the roots of alienation, marginalisation, exploitation, corruption, unemployment, poverty, youth and women’s issues are still not dealt with, and they jeopardise the possibility of future peace, security and development in the Niger Delta region. These problems are daunting, and if they are not promptly tackled, the post-amnesty period will become another vicious cycle, aimed at benefiting the political elite without any modicum of development for those that actually need it in the oil-rich region.

Conclusion

This article critically analyses the post-amnesty programme in the Niger Delta against the backdrop of the root and precipitating factors that triggered the amnesty window and the implementation of the post-amnesty programme itself. From the foregoing discussion, it is

clear that conflict in the Niger Delta predates the era of crude oil. However, the discovery and exploitation of crude oil in commercial quantities and its negative impact on oil-producing communities, changed as well as accentuated the dimension of the struggle. The inability of the TOCs in collaboration with the Nigerian state to mitigate the negative impact pitted the Niger Delta oil-producing communities against the state, ignited peaceful protests. These transformed into more violent actions by militant groups formed for the purpose of destabilising the Nigerian state and its access to crude oil revenues. Recognising the dangers of protracted militancy on the oil revenues, President Yar’Adua declared amnesty in 2009 for militants willing to surrender their weapons in exchange for financial and other benefits that would follow. Though the programme has been appraised as a laudable project that might finally bring the complex crises in the Niger Delta to an end, the post-amnesty programme is flawed both in its planning and implementation. Therefore, it poses many challenges to the security and development of the region.



SOSIALISTIK UNGDOM

Two years after the emergence of the amnesty programme, environmental degradation and destruction still remains a significant problem in the Niger Delta.

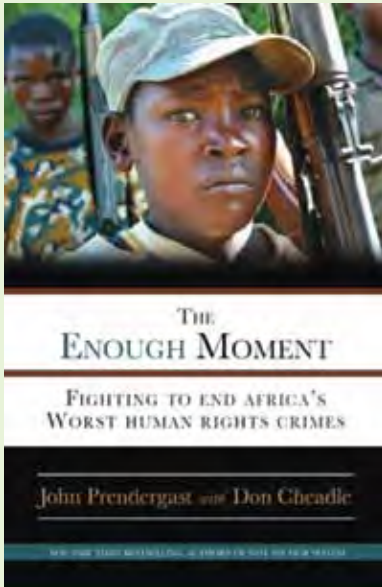
Apart from the flawed implementation of the programme, several issues that affect community reintegration are yet to be addressed. Oil-producing communities still suffer from extreme poverty and underdevelopment, two years after the emergence of the amnesty programme. They lack basic infrastructural facilities such as roads, pipe-borne water and electricity, while land and water pollution and gas flares continue unabated, depriving inhabitants of known sources of livelihoods. The 2011 United Nations Environment Programme (UNEP) report on Ogoniland²¹ attests to the challenges of environmental degradation and decay in the region, engendered by years of insensitive and greedy exploitation of crude oil. The DDR process is a means to achieving peace and development but, unfortunately, the failure of the Nigerian state to address highlighted problems – especially those dealing with community reintegration – leaves much to be desired. The impact of failing to address these fundamental challenges may not be appreciated until the rehabilitated and reintegrated ex-militants return to their communities and realise that no real form of development has occurred in their communities to show for their voluntary disarmament. Therefore, urgently tackling the DDR challenges holistically is the first step towards addressing a future of peace, security and development in the Niger Delta region. **A**

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Endnotes

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- 2 Nigerian National Petroleum Company (2000) *Nigeria: Great Expectations, Abundant Opportunities*. CD-ROM copy; Okoh, Rosemary (2005) Conflict Management in the Niger Delta of Nigeria: A Participatory Approach. *African Journal of Conflict Resolution*, 5 (1), pp. 91–110.
- 3 Obi, Cyril and Rustad, Siri Aas (2011) Introduction: Petro-violence in the Niger Delta – The Complex Politics of an Insurgency. In Obi, Cyril and Rustad, Siri Aas (eds.) *Oil and Insurgency in the Niger Delta: Managing the Complex Politics of Petro-violence*. London: Zed Books, p. 7.
- 4 United Nations Development Programme (2006) *Niger Delta Human Development Report*. Abuja: UNDP; Oluwaniyi, Oluwatoyin (2010) Oil and Youth Militancy in Nigeria's Niger Delta Region. *Journal of African and Asian Studies*, 45 (3), pp. 309–325.
- 5 Ken Saro-Wiwa was an Ogoni (a minority group in Rivers State) minority rights leader and an environmental activist. He was sentenced to death by the Abacha-led military government for campaigning against Shell Petroleum Development Company's (SPDC) undue exploitation and degradation of Ogoniland. He was denied the right of appeal, and on 10 November 1995 was summarily executed by hanging, with eight other Ogoni activists.
- 6 Isaac Adaka Boro, of Kaiama origin in the present Bayelsa State, formed the Niger Delta Volunteer Force (NDVF) – an armed militia group comprising of his fellow Ijaw ethnic group – to protest against the exploitation of oil and gas resources in the Niger Delta communities while alienating the Ijaw group from gaining a fair share of proceeds from the oil wealth. The NDVF declared the Niger Delta Republic on 23 February 1966, and embarked on a civil war with the federal forces for 12 days before Boro was routed out by the federal government.
- 7 The birth place of Isaac Adaka Boro.
- 8 Oluwaniyi, Oluwatoyin (2007) Oil and Conflict in the Niger Delta Region: The Nigerian State Responses and Security Challenges. Presented at the Nigerian Political Science Association (NPSA) International Conference on the Nigerian State, the Oil Industry and Niger Delta.
- 9 He made negative comments during the Ogoni Nine trials, and referred to the Ogoni Nine as a gang of common criminals.
- 10 Technical Committee on the Niger Delta (2008) 'Report of the Technical Committee on the Niger Delta', Available at: <www.stakeholderdemocracy.org/uploads/Other%20publications/Nigeriareport.pdf> Accessed on: 8 September 2011.
- 11 Abiodun, A., Adekunle, A. and Sylvester, R. (2009) Nigeria: Amnesty – 8,299 Ex-militants Registered. *The Sun*, 9 October.
- 12 Ajunwa, Charles (2010) Government Approves 6 166 Ex-militants for Amnesty. *This Day*, 28 November, p. 17.
- 13 To date, the promise of rent payment has not been fulfilled.
- 14 Governor Amaechi, who led Rivers State government, took the lead in rehabilitating ex-militants by training them for six months. The need to establish the rehabilitation centre in Rivers State became important against the level of criminality and state of anarchy prevalent in the state, which resulted in tensions and insecurity of people's lives and property.
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- 18 The ruler of Amassoma Kingdom, King Oweipa Joans Ere, kidnapped at his business site in Port Harcourt, Rivers State; Ebeni Ibe of Attisa Kingdom, Bayelsa State, Godwin Igodo was kidnapped on 3 September 2011.
- 19 Albert, Ebi (an ex-militant commander) and his driver were shot dead on the outskirts of Yenagoa, Bayelsa State on 12 June 2011; rival cult clash led to the death of three men on 22 August 2011.
- 20 Ex-militants blocked East-West Road, protesting their non-inclusion in the amnesty programme, on 6 September 2011.
- 21 UNEP (2011) *Environmental Assessment of Ogoniland*. Kenya: UNEP.

REVIEWED BY **LINDA M. JOHNSTON**



THE ENOUGH MOMENT: FIGHTING TO END AFRICA'S WORST HUMAN RIGHTS CRIMES

Authors	John Prendergast with Don Cheadle
Year	2010
Publisher	Three Rivers Press
ISBN	978-0-307-46482-8
Pages	304

This is the second book in which John Prendergast has collaborated with Don Cheadle. The first book, *Not on Our Watch*, was published in 2007 and was a *New York Times* bestseller. Prendergast is the primary author of eight other books, mostly dealing with conflict and post-conflict situations on the African continent. These books have included information on Sudan, Eritrea and Tigray, Somalia, Zimbabwe and South Africa. Prendergast, a human rights advocate, and Cheadle, an Oscar-nominated actor, pair up in this book to have a dialogue about how ordinary people can do extraordinary things to combat genocide, mass rape as a weapon of war, and child-soldier conscription in Africa. The authors talk about what it means to have an 'Enough Moment', which they describe as when the "perfect storm is gathering for real action in response to some of the worst atrocities in world history" (page 4). The authors give examples of the work of people they refer to as Upstanders – those citizens who choose to do something about a problem – as opposed to Bystanders, who may bemoan an issue but choose not to get involved. The book is rich with real stories of people who have worked at all levels to make changes in these three catastrophes (genocide, rape and child soldiers) of our time.

In the book, the authors also highlight the work of their organisation, called Enough. The organisational mission statement includes a reflection on the concept of the Enough Moment: "Genocide and war crimes are not inevitable, and we at Enough want to create noise and action both to stop ongoing atrocities and to prevent their recurrence. Our mission is to help people from every walk of life understand the practical actions they can take to make a difference."¹

Prendergast and Cheadle make the distinction between Country Upstanders – those who are on the ground in the conflict area; Frontline Upstanders – those who were themselves victims of some of these crimes, and yet choose to take an active role to end the crimes; Citizen Upstanders – those

who may live in other countries but devote their energies and talents to fighting against these crimes; and Famous Upstanders – those people who have national or international fame and use that fame as a platform to bring attention to these three issues of genocide, rape and child soldiers.

In this book, the authors focus on the conflicts of three countries: Sudan, Uganda and Congo – although they certainly point out the regional effects of and on all of these conflicts. They also discuss some of the background of each of the conflicts. For example, they discuss the impact of blood diamonds and conflict minerals on the perpetuation of violence and conflicts. For each of the focus countries, the authors provide a framework for resolution of the three main issues. The framework consists of three parts: Peace, Protection and Punishment. In the case of Sudan, for example, the three-part framework involves: for Peace, an effective peace process accompanied by a real international investment in peacemaking; for Protection, a plan in which the Sudanese government protects its own people with the assistance of peacekeeping missions sponsored by the United Nations; and Punishment, in which the perpetrators of genocide and rape are prosecuted and the victims granted some sort of redress, as well as a greater involvement of the International Criminal Court and, if needed, changes in debt relief schedules, arms embargos and direct military action, as a last resort. In other words, the Peace, Protection and Punishment plan for each country would involve actions at the legal, financial, social and political level. They also touch on the need for activists in the United States (US) to press their political officials to make these concerns a top priority.

Some of the more famous people highlighted in the book are such individuals as Betty Bigombe (Uganda), Wangari Maathai (Kenya), Kofi Annan (Ghana), Desmond Tutu (South Africa), Graça Machel (Mozambique), Sorious Samura (Sierra Leone), Ellen Johnson Sirleaf (Liberia) and Lazaro Sumbeiywo

(Kenya). But the authors also focus on everyday people, who were often once victims themselves, creating lasting and effective programmes in their own communities through which they help others in various capacities, often with only their own resources. Some of these very grassroots programmes involve teaching students in spite of incredibly low or non-existent pay, providing human rights education, publishing local newspapers in local languages, the documentation of army attacks, starting a local farming project, helping child soldiers reintegrate into society, establishing vocational training, delivering healthcare, promoting tolerance and reconciliation, hiding and protecting refugees, making and selling puppets, speaking out for women silenced by crimes against them, and giving small credit microloans to women.

The book concludes with a 'Menu for Change'. Prendergast and Cheadle offer a 14-step plan,² mostly aimed at a US audience. Again, the plan reflects initiatives at the legal, financial, social and political level. The authors stress the idea that the best policy ideas developed cannot possibly be effective if there are not committed people behind the effort, as well as people in influential and elected positions who know about the efforts and are in a position to take action on them. They further stress that the crimes discussed in the book – genocide, mass rape and the conscription of child soldiers – can be ended in the location where they are occurring, as well as be prevented from occurring again. These efforts can be aided, however, by the continuing support of peoples' movements elsewhere in the world. Such efforts can involve the direct support of intervention and assistance programmes, making the media and elected officials more aware of the successful programmes, and applying consistent pressure on the involved parties to create positive change.

Some examples of successful programmes mentioned are the story of Abdel Aziz Adam, a genocide survivor who ended up in a camp of approximately 19 000 Darfuri refugees on the Chad–Sudan border. He answered his Koranic call to duty by becoming a teacher and then the headmaster of the Djabal refugee camp school. When he arrived at the camp there were few qualified teachers, and the wages for teachers were very low. Now he oversees over 900 students in grades 1–8 at the Obama School, one of six primary schools in the refugee camp. Another success story dealing with former child soldiers is Victor Ochen, who was born in northern Uganda and saw the Lord's Resistance Army abduct his brother and cousin. Now he is the director of the African Youth Initiative Network (AYINET), which works with victims of war, promotes tolerance and works for justice for victims to prevent future atrocities. The story of a journalist, Chouchou Namegabe, is one that addresses rape as a weapon of war. When war broke out in eastern Congo, Namegabe was just a journalist-in-training. She learned to use her skills as a journalist to speak out for women formerly silenced by the horrible crimes committed against them. She worked to lift the forced silence on rapes and the cultural norms that surrounded and enforced that silence. She now works at increasing the representation of women in the media and mentors female journalists, bringing issues important to women out into the open. Each of these programmes and people are unique in the sense that they followed a call to duty, even though that was not the path they may have originally seen for themselves. Because of tragedy in their lives, they accepted the call to do something for others, often at great expense to themselves. For example, there are many forces who have tried to silence Namegabe's work; at the time of the writing of the book, two journalists had recently been shot and all journalists who try to expose sexual crimes are subject to harassment. Namegabe frequently receives threats, but she continues with her work.

Prendergast and Cheadle close with the point that we can bend the arc toward justice by getting people together to try to make a difference. But they also caution that we need to invest in those people who have survived these crises, and invest in their ideas on how the frameworks for Peace, Protection and Punishment should be implemented in their local communities. They will be the ones living with the 'solutions', and should also be the ones making sure these solutions are implemented. ▀

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Endnotes

- 1 Available at: <<http://www.enoughproject.org/about>> Accessed on 22 October 2011
- 2 The proposed actions are as follows: 1) First, Join the Movement!, 2) Contact Your Senator or Representative, 3) Call the White House, 4) Get Local Media, 5) Get Involved in Corporate Campaigning, 6) Join the Darfur Dream Team's Sister Schools Program, 7) Get on the Bus and Attend an Event!, 8) Use your Social Media for Social Good, 9) Make a Video!, 10) Get off your (***) and RUN!, 11) Host a Movie Screening, 12) Organize a Teach-in at Your School, 13) Involve Your Local Faith Community, and 14) Make a Difference on the Ground.

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