

# CONFLICT TRENDS

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## EDITORIAL

BY **VASU GOUNDEN**

One of Africa's major challenges is the ability to conduct regular elections that are peaceful, fair and reflect the will of the people. Kenya, once regarded as an example of a peaceful and stable country in Africa, erupted into violent conflict with over a thousand deaths, following national elections in December 2007. In March 2008, Zimbabwe held its national elections. The results being delayed for several weeks served as a catalyst for violent eruptions in a country that was already smouldering with many political and economic tensions. The country is still recovering from this situation. In the next two years, over 30 countries in Africa will hold national elections. Many of these countries have been steadily stabilising, and cannot afford a reversal of this progress through election violence.

South Africa held its fourth democratic election on 22 April 2009 and inaugurated its third democratically-elected president on 9 May 2009. On 21 April 2009, the United States (US) Consulate General in Durban, South Africa issued the following warning: "This warden message is being issued to inform American citizens traveling throughout the KwaZulu-Natal (KZN) Province of potential political violence during and immediately following the South African elections on 22 April. Specialised South African Government security units have been deployed throughout KZN to monitor the security situation. Election officials are confident that the early deployment of 23 000 police officials will ensure that the election proceeds without any major incidents."

As it turned out, the elections were free of violence and, at the conclusion of the elections, US spokesman Robert Wood issued the following statement: "The United States congratulates the people, political parties, government and the Independent Electoral Commission (IEC) of South Africa. We commend the voters who demonstrated patience and commitment to the democratic process and we acknowledge the professionalism of the IEC staff in carrying out their duties."

There were several factors that led to this desirable result in South Africa, following which President Jacob Zuma was sworn into office two weeks later. Functioning democratic institutions are vitally important. Several controversial matters on which the South African parties differed were referred to the courts. A final court decision was accepted by all the parties concerned, thereby validating the authority of the country's judicial mechanisms and institutions. In addition, the high state of preparedness, professionalism and impartiality that was displayed by the IEC left no doubt that the process and subsequent election result was free and fair. Finally, the impartial and professional conduct of the security services was evident in their ability to transcend narrow political interests and enforce national security as was expected.

The integrity and positive examples displayed by the political leadership in South Africa was another major factor that led to the positive election experience. This was the most contested election since South Africa's first democratic election in 1994, which was marred by high levels of pre-election violence. There was general consensus among all the parties that violence would reverse all the progress South Africa had made in recent years. While political canvassing for votes was robust – and at times emotional – continuous dialogue among the political leaders at the national and local level ensured that incidents were managed at their sources and, consequently, violence prevented.

The South African experience illustrates that robust and independent democratic institutions – combined with impartial policing, and strong political will and leadership directed at preventing violence – can lead to free and fair elections that genuinely reflect the will of the people. This is a good example for other countries to aspire to and emulate. ▲

**Vasu Gounden is the Founder and Executive Director of ACCORD.**

# THE PALESTINE-ISRAEL CONFLICT: LESSONS FROM SOUTH AFRICA'S DEMOCRATIC TRANSITION

WRITTEN BY JAIRAM REDDY



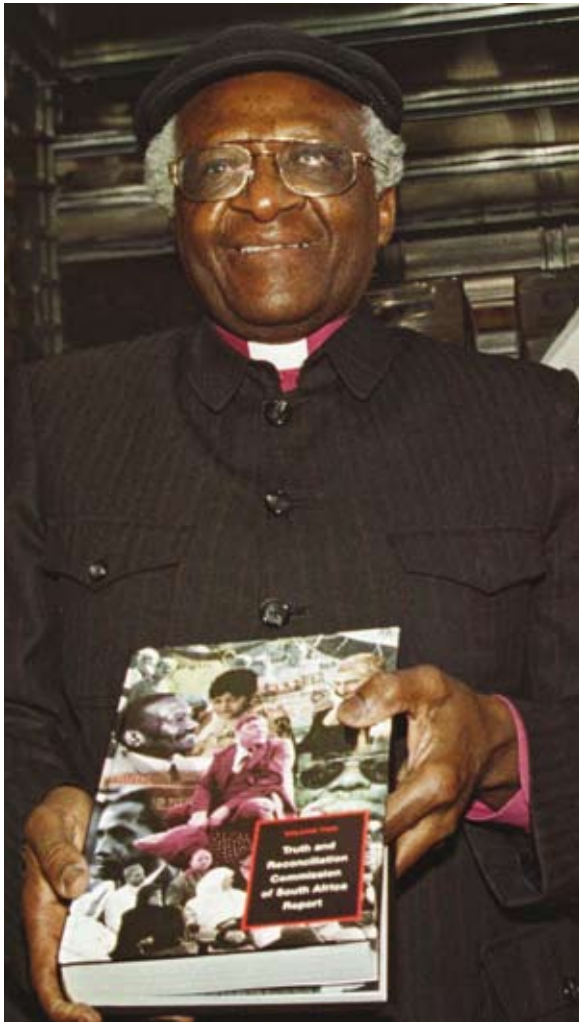
REUTERS / THE BIGGER PICTURE

Tragically, the Palestine-Israel conflict shows no sign of resolution – even some 60 years after its inception. As evidenced by the recent incursions of Israel into Lebanon and Gaza, the conflict seems to be descending into deeper complexity, with tragic loss of lives, injuries to thousands of innocent civilians and destruction of property, valued at hundreds of millions of dollars. The inauguration of Barack Obama as the 44<sup>th</sup> president of the United States (US) presents a window of opportunity to move this conflict along a different trajectory, and to offer peace a chance.

Some thoughts and reflections on South Africa's democratic transition – considered as one of the miraculous political events of our time – may have lessons for the endemic conflicts and evolving democracies in the Middle East, with particular

reference to the Israeli-Palestinian conflict. Following the victory of the National Party (NP) in South Africa's 1948 elections – which was confined entirely to the white population (20% of the total population) – over the next 50 years the country experienced a feat of geo-political social engineering unparalleled in modern history. From birth to death, the population was segregated along racial lines: blacks, whites, coloureds and Indians. The ostensible reason was that if people of different cultures, ethnic

**Above: A Palestinian landowner shows a map of Arab land that Israel intends to confiscate in the West Bank as he and hundreds of other Palestinians hold a peaceful demonstration near Hebron (May 1995).**



**Archbishop Desmond Tutu, the former Chairman of South Africa's Truth and Reconciliation Commission (TRC), with a copy of the TRC report.**

backgrounds, race groups and languages mixed and lived together, there would be conflict and turmoil. In practice, it was domination and harsh repression by a privileged white minority over a black majority, the white community comprising a potent mixture of Afrikaners – descendants of Dutch, French and German immigrants – as well as colonial British settlers and their descendants.

By the 1980s, most who were born and lived in South Africa, as well as experienced observers, came to the conclusion that the apartheid regime was so firmly in control that there would be no prospect of any significant change in the foreseeable future. Yet, the unthinkable happened. Between the 1900s and the 1960s, the African National Congress (ANC) – inspired by Gandhi's philosophy of "satyagraha", which took root in South Africa over 100 years ago – engaged in

a non-violent struggle against the South African NP regime.<sup>1</sup> ("Satyagraha", meaning firmness of truth, evolved into a philosophy of passive resistance and non-violence). For this action, the ANC's then leader, Albert Luthuli – who was banned by the South African government – was awarded the Nobel Peace Prize in 1960. After this period, as repression in South Africa intensified, the ANC took up arms and embarked on carefully planned and targeted attacks of military installations and government buildings. Loss of lives was minimised, in stark contrast to the random killings that are happening across the world today in Iraq, Afghanistan, Palestine-Israel and Darfur.

Internally in South Africa, the townships became increasingly violent and ungovernable; the economy, buoyant in the 1960s and 1970s with economic growth rates of 6–8%, was grinding to a halt with zero or even negative growth rates. Worldwide sanctions against South Africa – which included military equipment, disinvestments, sports and cultural events – intensified. Perhaps, most importantly, it was wise, visionary and courageous leadership that initiated and successfully concluded negotiations for a peaceful democratic transition at a strategic moment in the history of the nation. Frederik Willem (FW) de Klerk, president of South Africa at this time, came to the conclusion that the South African regime could perhaps hold out militarily for many years and win battles but, in the end, the struggle was unwinnable. It was patently clear that, from the days of the holocaust, the world would no longer tolerate the kind of institutionalised racism practiced in South Africa. Nelson Mandela was able to persuade the recalcitrant white community that negotiations and a solution to the apartheid question were in their interests as well.

### **The Truth and Reconciliation Commission**

In 1995, South Africa emerged from the ashes of apartheid as a deeply traumatised and polarised nation. How was reconciliation to be achieved, and how were nation-building and socio-economic development to occur when these required the input and cooperation of all South Africans? The high-level skills and the dominant sectors of the economy were almost entirely in the hands of the white population. The country had three choices:

- do nothing and let the exigencies of time take care of the past and the unfolding events of the present and future;
- hold (Nuremberg-type) criminal trials for the perpetrators of human rights abuses; or
- implement a Truth and Reconciliation Commission (TRC).

South Africa chose the TRC option. At the heart of a significant dilemma was the reconciliation between the perpetrators of human rights abuses and victims (many, of course, had died in the struggle, but their families were very much alive and wanting justice). The TRC's mandate was to grant amnesty to those who came forward and made a full confession of the deeds they had committed. At stake was the genuine unfolding of reconciliation: it was not simply about forgiveness or truth or overcoming the past, but also about solidarity between citizens, nation-building and socio-economic development.

For over two years, before a TRC panel of distinguished black and white South Africans chaired by Nobel laureate Archbishop Desmond Tutu, perpetrators described the atrocities they had committed, and the manner in which they had harassed, tortured and killed victims. The victims, relatives, friends and the world press witnessed these confessions. Many would argue that the TRC process was fundamentally flawed. Perpetrators who did not appear at the TRC have escaped prosecution, compensation to victims has been sporadic and minimal, and justice was not served. And yet most South Africans would probably agree

that through the “cathartic experience” of the TRC, the country had taken a step forward in reconciliation, though many perpetrators of human rights abuses still remain at large.

How will Palestinians and Israelis deal with the question of post-conflict reconciliation and nation-building? Will they be able to overcome 60 years of conflict, pain, suffering and hatred without some structured way of confronting it all?

**South Africa's Current Status**

South Africa today, despite many remaining problems, is perhaps the best example of a functioning democracy in transition, with a progressive and enlightened constitution. An elected parliament, an independent judiciary, a robust free press, a vibrant civil society and instruments to check corruption are in place. South Africa's economic recovery has not been spectacular, but is making steady progress. The country has held four elections, which have been declared free and fair by the international community. Most importantly, for the black population who had suffered so much humiliation during the long years of apartheid, their dignity and humanity has been restored. South



REUTERS / THE BIGGER PICTURE

**Palestinians throw stones at Jewish settlers during clashes near the West Bank city of Nablus on 1 June 2009.**

## VISIONARY AND CHARISMATIC LEADERSHIP, DRIVEN WITH INTEGRITY AND COURAGE, CAN NEGOTIATE THE SEEMINGLY NON-NEGOTIABLE AND UPLIFT AND INSPIRE PEOPLE TO ACCEPT COMPROMISES THAT WOULD HAVE BEEN OTHERWISE UNTHINKABLE

Africa is now a confident nation, playing a leading role in Africa and trying to restore peace to war-torn regions of the continent.

Despite the optimistic scenario, South Africa also faces a number of painful unresolved problems and challenges:

- Crime has reached unacceptable levels. Johannesburg is described as the rape capital of the world; burglaries, car hijackings, murders, attacks on tourists and major bank robberies are commonplace, and are threatening the socio-economic recovery of the country. A distinguishing feature of South Africa's crime is its deadly and brutal nature.
- The wealth gap between the poor and rich has not improved markedly. A new class of black bourgeoisie, accumulating wealth, has also emerged in business, government and various professions.
- The HIV/AIDS pandemic is devastating the country.
- South Africa's role (or lack thereof) in the deepening Zimbabwe crisis has affected the country's image in the international arena.

### Lessons for the Palestine-Israel Conflict

While there are similarities between the South African and Israeli-Palestinian conflicts, there are also profound differences, as pointed out by Adam and Moodley<sup>2</sup>:

- While practically the entire world supported the anti-apartheid struggle in South Africa, such support for the Palestinian cause is deeply divided. In particular, US policy is heavily tilted towards supporting Israel, providing it with billions of dollars of aid for both military purposes and development.
- There are deep religious divides between the Jewish and Palestinian people, and fundamentalists and ultra-orthodox believers on both sides polarise the debate. Although the NP government in South Africa referred to the Old Testament to justify its apartheid policy, religious beliefs were not a significant factor in the negotiations that led to a non-racial democracy in South Africa.
- The white population in South Africa was heavily dependent on the labour of the black population. In an economic sense, the country was integrated though the white population dominated its commanding heights. This is not the case in Israel;

although Palestinian labour does have its presence in Israel, the latter is not heavily dependent on it.

- A respected and credible leadership in the case of both main South African parties – the ANC and the NP – facilitated the South African negotiations. They were able to “sell” unpopular compromises and bring their respective constituencies “to the negotiating table”. In contrast, a lack of leaders with vision, integrity and wide support among their constituencies is a defining feature of the Israeli-Palestinian conflict.
- Violence in the South African struggle, though prevalent to varying degrees, never reached the levels witnessed in the Israeli-Palestinian conflict; for example, as with suicide bombers.

The ANC was victorious not because of its military strength, but because it captured the moral high ground; for many years, it pursued a non-violent struggle. When it engaged in military struggle, it was very carefully planned to hit military targets and minimise loss of life; suicide bombs and random killing were never part of its strategy, and the ANC knew when it was time to negotiate. In this way, the ANC was able to marshal an unprecedented world coalition of anti-apartheid activism.

### The Palestine-Israel Conflict

Whatever the arguments of who has the right to the holy land, the course of history has drawn Palestinians and Israelis irreversibly together in the same land. The central issue is how the various groupings of people – 6 million Israelis, of whom 1 million are Arab Israelis; 3 million Palestinians and 4 million refugees – can find a formula to coexist and allow justice to be served. Surveys have shown that a clear majority of both populations favour some kind of territorial compromise.

The two sides are trapped in a cycle of violence, characterised by a tit-for-tat response through suicide bombings, on the one hand, and extra-judicial killings, on the other. The confiscation of Palestinian land through the construction of the so-called apartheid wall – establishing Jewish settlements in East Jerusalem and expanding them in the West Bank – has escalated the conflict.

Given the billions of dollars of military aid that Israel receives from the US, and as compellingly



**Israeli troops blow up the house of a Palestinian suspected of being a Hamas suicide bomber.**

demonstrated by the sequence of wars following the division of the land between Palestine and Israel in 1948, it is clear that military means cannot defeat Israel. On the other hand, any degree of the use of military force by Israel will not break the will and determination of the Palestinians to seek justice through establishing a viable Palestinian state.

Based on the South African experience, four propositions are considered, to encourage movement of the Palestine-Israel conflict along an alternative trajectory that could create a climate where peaceful negotiations may succeed.

### **1. A Sustained Non-violent Struggle**

Non-violent resistance in Israel-Palestine is premised on a negotiated solution to the conflict, based on:

- the withdrawal of Israel to the 1967 borders, and the dismantling of settlements in the West Bank;
- the establishment of a sovereign Palestinian state;
- dealing with 4 million Palestinian refugees, who are seeking a return to their homes;

- the acceptance of East Jerusalem as the capital of a Palestinian state;
- the recognition of the State of Israel, within agreed defined borders, by the Palestinian and the Arab states;
- security for Israel from rocket attacks, suicide bombings and other hostile acts; and
- the acceptance of West Jerusalem as the Israeli capital.

United Nations (UN) resolutions, the Arab League Initiative of 2002, the Geneva Accord (2003) and other initiatives have all more or less embraced a similar formula for the resolution of this conflict.

Non-violence is a set of attitudes, actions or behaviours intended to persuade the other side to change their opinions, perceptions and actions. Non-violent methods use peaceful means to achieve peaceful outcomes.<sup>3</sup> Mahatma Gandhi, Martin Luther King and Nelson Mandela mobilised masses of people to use non-violent resistance successfully to effect profound transformative change in their respective countries. Yet the contemporary world seems to have lost this way, and the barrel of the gun often appears as the first option to settle disputes.

There is a long and rich history of non-violent resistance among the Palestinian people – non-violent demonstrations, sit-ins and joint prayers in the streets, periods of silence in public, boycotting Israeli products, joint non-violent protest with Israeli peace forces and holding national and international conferences.<sup>4</sup> Until 1987, the intifada was widely regarded as the most successful example of organised non-violent campaigns by Palestinians.<sup>5</sup> However, the subsequent development of violence may well have undermined its credibility.

There are numerous non-governmental organisations in Israeli society working on Arab-Jewish relations – on issues of coexistence, peace and dialogue and a two-state solution. Recent defections in the Israeli Defence Force are of particular importance. Three officers and 10 soldiers of the Israeli army's special forces unit, the Sayeret Matkal – specialising in counter-terrorism, assassinations and rescue missions – stated in a letter to former Israeli prime minister, Ariel Sharon: "We have long crossed the line between fighting for a just cause and oppressing another people." The group's reason for refusing to continue was "deep fear for the future of Israel as a democratic, Zionist and Jewish country, and out of concern for its moral and ethical image."<sup>6</sup>

Mubarak Awad and Jonathan Khuttab<sup>7</sup>, two veteran Palestinian non-violent activists, suggest that:

"... for this (non-violent direct action) strategy to succeed, it must be adopted on a massive scale by



large segments of the Palestinian population and by the Palestinian National Authority itself. It must involve a strategic, long-term commitment and not simply be symbolic or episodic in character. To achieve this commitment, there is need for broad public discussions involving unions, students, civil society institutions, and the local Palestinian media. Political discussion with the community must be revived so that participation is universal and everyone has a voice instead of a gun. There is no lack of Islamic values for non-violent resistance or historical examples of such practices in Islamic history and tradition. There is a need to widen a campaign of systematic efforts to theologially continue conceptualising and articulating the Islamic non-violent resistance philosophy, and to support the emerging efforts of establishing global and local Muslim non-violent resistance movements to confront the current “Islamophobia” sweeping the world and to engage the masses in supporting the liberation of Palestine.”

The religious fervour of messianic ultra-orthodox Jewish settlers should not be overestimated, because the Zionist movement originally had secular origins as it wished to establish a homeland for Jewish people in response to the anti-Semitism prevalent in many Western countries. A shift to a more religious perception of the Zionist ideology only began after the Six Day War of 1967. The recent disengagement from Gaza – as insufficient as it is – is an indication that the paradigm of “Greater Israel”, as espoused by religious messianic beliefs, is being replaced by pragmatic secular politics, which should not escape Palestinian negotiators.<sup>8</sup>

A sustained campaign of non-violent resistance in Palestine-Israel could lead to the following:

- it would disarm the many critics, especially in the US and Europe, and undermine the belief that Palestinians are just terrorists;
- it is well known that there are deep cleavages in Israeli society, and the important “middle ground” could be won over to accept a negotiated solution and a viable state for the Palestinians; Mandela’s insistence on a common humanity for blacks and whites in South Africa achieved a unifying vision;
- it will constructively empower Palestinian communities;
- humanitarian and socio-economic aid would be forthcoming from the international community; and
- it could deter would-be suicide bombers, and would be a powerful moral challenge to the occupier.



REUTERS / THE BIGGER PICTURE

**Twin suicide bombings at an Israeli market area.**

## **2. The Importance of Good Leadership**

Visionary and committed leadership, ready to engage in formal negotiations when the strategic moment arises, must complement non-violent campaigns. Such leadership requires wisdom and experience, if one has to carry one’s constituency as well as convince the opposing side of the righteousness of the cause. Non-violent campaigns alone cannot end the Palestinian occupation, but they will set the two states on a trajectory to a negotiated solution.

Nelson Mandela and his colleagues were incarcerated for 27 years on Robben Island, just off Cape Town’s shores. Many of these leaders were from the ANC hierarchy – grassroots leaders, seasoned trade union leaders, professionals and intellectuals. Closeted together, they turned the place into the “University of Robben Island”; many obtained degrees and other higher education qualifications through distance education; most importantly, the prison became a place of intellectual debate, vibrant discourse and new and innovative ideas. It is in this milieu that some of the seeds of Mandela’s greatness took root.

There are many reasons why negotiations in South Africa succeeded – not least of all the exemplary leadership of Mandela, Archbishop Tutu and even

De Klerk. Visionary and charismatic leadership, driven with integrity and courage, can negotiate the seemingly non-negotiable and uplift and inspire people to accept compromises that would have been otherwise unthinkable. Such was the stature of the leadership in South Africa. In contrast, Israeli leadership is discredited and weak, while Palestinian leadership is divided into the Fatah and Hamas factions, and is even weaker. Better leadership is needed on both sides.

### 3. A Progressive Constitution

South Africa negotiated a progressive, enlightened and comprehensive constitution by studying and borrowing from many countries and adapting it to its particular context and circumstances. Some contend that the constitution has been so well crafted that it is an instrument of reconciliation itself; for example, its recognition of 11 official languages. The present conjuncture of a discredited US foreign policy, the winds of democracy that are sweeping across the Middle East and the necessity to entrench democratic governance as a cornerstone of stability and socio-economic development, provides the Palestinians with a strategic opportunity to begin preparing for a new constitution. Such a constitution should entrench the values of human rights, freedom of the press and an independent judiciary within the ambit of a secular democracy. It will not only bolster the Palestinians' non-violent struggle, but it would also help to deflect the critics, who claim that, in establishing a Palestinian state, another corrupt dictatorship would be created.

### 4. Winning the Palestinian Struggle in the US

The pro-Israel lobby has been successful, in part, because of the failure of the Palestinians to articulate their cause in the US. The stigma of terrorism and deep cleavages in Palestinian society along religious and political lines has provided Israeli lobbyists with ammunition to outwit any attempted Palestinian portrayal of its just cause for liberation and self determination.

Strategies for non-violent struggle, developing a new leadership with vision, integrity and courage and crafting a progressive constitution could be powerful instruments in disarming the Christian neo-fundamentalists, the American Jewish Committee and the US-based American Israel Public Affairs Committee (AIPEC), whose lobbies are a major determinant of the pro-Israel based US foreign policy.<sup>9</sup> Any progressive Jewish thought or criticism of Israeli policy is considered anti-Semitic. Eric Alterman, professor of English at City University of New York, has persuasively argued that not only is the lobby bad for America and Israel, it is bad for Jews.<sup>10</sup>

The best hope for Israel is not a fence or more deadly weapons, which may only bring respite in the short term. Ultimately, it is only a peace agreement with Palestinians that will bring security to Israel. In trying to reach an agreement of a contiguous two-state solution, Palestinians and Israelis should heed the words of Nobel laureate Amartya Sen<sup>11</sup>:

“The prospects of peace in the contemporary world may well lie in the recognition of the plurality of our affiliations and in the use of reasoning as common inhabitants of a wide world, rather than making us into inmates rigidly incarcerated in little containers.” ▲

**Dr Jairam Reddy was the former Vice Chancellor of the University of Durban-Westville, South Africa; former Chair of the National Higher Education Commission, South Africa; former Chair of the Council of the United Nations University; and Director of the United Nations University, International Leadership Institute in Amman, Jordan.**

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# EVALUATING WOMEN’S PARTICIPATION IN TRANSITIONAL JUSTICE AND GOVERNANCE: A COMMUNITY DIALOGUE PROCESS IN LIBERIA

WRITTEN BY **ANU PILLAY** AND **LIZZIE GOODFRIEND**

## Introduction

One of post-conflict Liberia’s first major tasks in its struggle to rise from a debilitating conflict that in essence spanned more than 20 years, was to implement a transitional justice process. The Truth and Reconciliation Commission (TRC) formed a significant part of this process, and is one of the major mechanisms meant to help Liberia reconstruct and transform itself from an unequal, conflict ridden society into a full-fledged democracy with the participation of all its diverse inhabitants. The TRC was mandated by the Comprehensive Peace Accord (CPA), which came about through a hard-won battle with most major warlords at the Accra Peace Conference in 2003.

As part of its mandate to promote national peace, security, unity and reconciliation, the TRC was tasked to investigate and elicit the root causes of the war from 1979 to 2003, to identify the main perpetrators and, most importantly, to produce an extensive report that includes

strong recommendations for the future well-being of the nation, paying special attention to the experiences and needs of the women and children of Liberia. Although the TRC made many efforts to reach communities throughout Liberia, civil society organisations working on the ground reported that some members of the general public – even those based in Monrovia (the capital city of Liberia) – indicated that they were not only unaware of the mandate or value of the TRC process but also did not fully understand the concept of transitional justice and how they could participate in the process.

It is widely understood that the brutal and inhumane conflict impacted on the entire population of Liberia, but

**Above: Liberian women, from different counties, pose with some team members following the Bong County dialogue held at the Phebe Hospital compound near Gbarnga.**

impacted differently on women, men, boys and girls. It adversely affected the progress of women and girls in Liberia, mainly because sexual violence was widely and indiscriminately used as an instrument of war. Women were repeatedly subjected to rape and gang rapes, including violations perpetrated with various foreign objects. Those who were not brutally murdered experienced and/or witnessed unimaginable acts of sexual brutality, mutilation, cannibalism and torture. This was meted out by all the many warring factions, including fellow civilians and Economic Community of West African States (ECOWAS) peacekeepers. Issues of protection, security, tradition and culture silenced many of these women, and limited their participation in the TRC process as well as in accessing healthcare and other services. Additionally, the opportunity the transitional justice process offered to highlight gender issues had not been exploited to its full capacity. Women were still largely underrepresented in most of the peace processes, and

## Planning

The original concept for the project was developed by three Liberian NGO leaders, including the director of the coordinating group (WONGOSOL) and the UNIFEM gender and transitional justice specialist. Conscious that this had not been done before as part of the transitional justice process in any other country, the group was determined not to miss the opportunity to incorporate women's needs and demands more fully into the TRC process. Given some of the criticisms of Liberia's TRC operations, and the fact that it was beginning to draw down and enter the report-writing phase, the time seemed appropriate and critical to offer a civil society-led, independent assessment of the types of recommendations that Liberian women wanted. An initial concept paper, which was shared with donor agencies, quickly garnered support. Financial support was committed by the International Center for Transitional Justice (ICTJ), the Open Society Initiative for West Africa (OSIWA), UNIFEM and Urgent Action Aid, with the ICTJ and UNIFEM offering

## WOMEN WERE STILL LARGELY UNDERREPRESENTED IN MOST OF THE PEACE PROCESSES, AND HAD NOT FULLY GRASPED THE FULL EXTENT OF THE CONTRIBUTION THAT THEY COULD BE MAKING

had not fully grasped the full extent of the contribution that they could be making.

Against this background, a consortium of women's organisations under the umbrella of the Women Non-government Organisations (NGO) Secretariat of Liberia (WONGOSOL) – with advice and encouragement from the United Nations Development Fund for Women (UNIFEM) and the TRC gender unit – came together in September 2008 to organise a series of nationwide community dialogue meetings with women. The idea was to evaluate the TRC process from a gender perspective, to discuss seven of the key pillars of transitional justice and to take an in-depth look at community and individual responsibility for healing and transforming Liberian society. The dialogue meetings also aimed to elicit concrete recommendations from Liberian women on the seven transitional justice pillars to inform the TRC final report, and to form a monitoring group on the implementation of these recommendations at the conclusion of the TRC. The term "dialogue", as used here, describes a "frank exchange of ideas for the purpose of meeting in harmony"<sup>1</sup> to encourage women to have open conversations. The meetings were run as a facilitated conversation among the participants, rather than as a series of panel presentations or question-and-answer sessions.

additional technical support throughout the project.

The project document consisted of a series of four community dialogues, one in each of Liberia's four regions – north-western Liberia (Bomi, Gbarpolu and Grand Cape Mount counties), central Liberia (Bong, Lofa and Nimba counties), eastern Liberia (Maryland, Rivergee, Grand Kru and Grand Gedeh counties) and southern Liberia (Montserrado, Grand Bassa, Margibi, Sinoe and Rivercess counties). Approximately 100 women would be convened, representing a diversity of women across all counties in each region, in an easily accessible regional city. WONGOSOL member organisations and TRC coordinators in each of the counties would be called upon to mobilise the women to attend the meetings.

Each dialogue was planned to begin with an opening ceremony at which relevant government, the United Nations (UN) and international non-governmental organisations (INGO) representatives, including the county superintendents, the United Nations Mission in Liberia (UNMIL) gender advisors and TRC commissioners would be asked to speak.<sup>2</sup> Participants would then be divided into four groups of 25 women each, with a mechanism to ensure that the women were separated from their friends and families or community groupings. The goal was not only to create space for women from different counties to get to know each other, but also to allow women to feel free



**During the workshop the women practised listening skills by telling stories whilst sitting back-to-back, thus learning to listen without the help of non-verbal cues.**

to speak without being inhibited in the presence of family members. The dialogues also aimed to heal divides, and to begin to foster and strengthen reconciliation amongst some of the estranged ethnic groups.

Conversations within each of the break-out groups would be facilitated by a team of three individuals – one facilitator, one documenter and one counsellor for each group. The agenda would open with a discussion of the TRC itself, offering women the opportunity to share personal stories as well as eliciting feedback on the TRC process. The rest of the first and second days would be spent explaining and initiating conversations on the seven key transitional justice issues: truth-telling, reparations, memorialisation, institutional reform, prosecutions, amnesty and reconciliation. At the end of the first day, the project planned to offer more space for women to share their stories and, at the end of the second day, an evening activity would be hosted for the women. The third morning would be spent soliciting recommendations on each of the issues discussed in the previous days, before a closing ceremony. After lunch, the women would depart with enough daylight to travel back to their homes safely. The two technical

advisors to the project, from UNIFEM and ICTJ – and the only non-Liberians on the team – would act as process monitors, observing each group and providing feedback during debriefing sessions that would be held at each meal break and/or as needed.

At the end of the four dialogues, a comprehensive report of the project's main findings and recommendations would be prepared, and a validation meeting would be organised in Monrovia, drawing on many of the mobilisers and participants from each of the dialogues. After the validation meeting, the report would be ceremoniously handed over to the TRC, and the organisations involved in implementing the project would conduct a media and advocacy campaign to publicise the project's findings.

### **Preparing**

In preparing for these dialogues, the coordinating team was conscious about the need to avoid duplication of efforts that would result in wasted resources and fatigue among female participants of these types of events in the counties. Therefore, the first step was to conduct a mini survey of civil society organisations, UN agencies and government ministries to learn what else was being done with regard to community events in these regions and/or on the topics that were on the agenda for discussion. The intent was both to alert partners to the project as well as to ascertain what activities were already being planned in the same areas, so as to avoid overlaps and identify ways to complement existing initiatives where possible. WONGOSOL partnered with member organisations Liberian Women in Media Action Committee (LIWOMAC) and Voice of the Voiceless (VOV) to conduct this survey, in collaboration with the UNIFEM advisor, for a period of one week. The survey team did not find that there would be any overlap at this time, and went ahead with planning.

The coordinating team then brought together a facilitation team made up of four facilitators, four counsellors and four documenters, to implement the dialogues. Three alternate members were added to the team to allow for clashes in scheduling. A skilled and dedicated 15-member team was thus put together from member organisations<sup>3</sup> and taken through an intensive preparation workshop facilitated by the UNIFEM advisor, which was designed to accomplish four interconnected goals:

1. build team cohesiveness;
2. acquaint the team with the dialogue agenda and plans;
3. create a guide for the fieldwork to be undertaken in a consistent way; and
4. teach the facilitation team some techniques to build stronger relationships amongst themselves and with the women, and to deal with the trauma they were likely to encounter.

This workshop laid the foundation and set the tone for the dialogues. A transformational learning approach<sup>4</sup> was used to practice the dialogue process with the team, and for the team members themselves to share and work with their own experiences of the war. They were taught activities to deepen active listening skills, breathing techniques to centre the self in the midst of heightened emotions and teambuilding exercises to bond the group. A field guide was then developed, which outlined in detail the form the dialogues would follow. The team also worked to develop simple language in Liberian English, with which to define the different transitional justice concepts that the project would speak to and seek input on. This language was included in the guide, to help the facilitators explain each concept during the breakout groups.

This workshop proved to be an important milestone in the implementation of this project in that it not only bonded the team very successfully, but it awakened them to their role as facilitators. It helped them to remain cognisant of their state of being, and to take full responsibility for themselves during the dialogue process. Additionally, it helped them to understand that transformation is a process that begins with the self, and this then impacts on others and the context – and that these three processes overlap at all times. It laid the foundation for the way that all interactions occurred in the group: with compassion and understanding, focused on relationship-building and the process of engagement.

### **Implementing**

Once the preparations were complete and funding from ICTJ, OSISA and UNIFEM committed, the mobilisers were set in motion and letters were sent out inviting people to the first dialogue, held in Bomi County.

### **Day One**

The first day was far more intense and traumatic than had been anticipated. Many more women had arrived to participate than were expected, and this put quite a strain on the accommodation, the catering and the venue facilities. As the process began, Group D had to be split into two groups, because it was just too large to facilitate a genuine conversation between the participants. The groups began with getting to know each other and finding partners and pairs, but it soon became evident that the women really wanted to use the space to tell their stories. The field team met during the lunch break and had a quick debrief. They had not anticipated that this would happen and had in fact, on the contrary, thought that the women would be reluctant to tell their stories of the wars. The team decided then to allow the process to evolve, and to hold the space open for the women to tell their stories in whichever way they wanted, even privately with the counsellors outside the rooms. The team also decided to swap roles when necessary, since the burden of listening and feedback was too much for one person to manage all day.



**Dancing allowed the women the opportunity and space to celebrate each other.**

The success of this method was noted in the feedback from the women, who “felt” the genuine concern and support from the team. They said they had felt cared for and listened to, and that the team had modelled the behaviour that they were wanting from the participants. The entire day was spent with the team focused on active listening, and the women poured out their hurt, shame, guilt, terror and sorrow that the events of the war had triggered. The stories were very hard to hear, and team members found themselves becoming quite emotional, sometimes sobbing with the women and even needing to leave the room to sob quietly outside. The stories were graphic and gruesome, but the women needed to voice them in order to participate fully. There were horrific stories about being raped with blades, being gang raped, being forced to witness children and other family members being beheaded and killed, and being forced to participate in various sickening acts. The stories went on late into the night.

### **Day Two**

After the stories of the first day, the mood on the second day was surprising. The sombre women of the

previous day had transformed into an energetic group that was ready to discuss transitional justice and ways forward towards recreating their communities and healing the nation. The women willingly came forward in the focus groups with suggestions, ideas and comments about the pillars of transitional justice, about how they wanted their communities to be and what they thought they could do about it. This went on the entire day, and a rich set of recommendations were collected for the TRC report, including suggestions for reparations, memorialisation and reconciliation.

### **Day Three**

This day ended on a high note with the midday meal, and with the women singing and dancing, expressing their joy at the chance to participate in a way that was honouring and which valued their contributions. An unexpected outcome of the process was that women spontaneously started making individual commitments for what they would do when they went back to their communities as peacebuilders. Group evaluations confirmed that the women had benefited a great deal from the process, and the only dissatisfaction they expressed involved some of the logistical arrangements.

### **Learning**

There was much learning, both substantive and process related, that occurred from and through the dialogues.

### **Process**

The first dialogue in Bomi County set the tone for the next three dialogues, and a number of lessons from the first process were incorporated into a revised agenda. The group discussions at the next and all subsequent meetings began with an open space for storytelling, which lasted the entire first day. Time was allocated on the third day for the women to develop group action plans and to make individual commitments. A more flexible agenda was created to allow and encourage the women to intersperse recommendations and storytelling into the middle of the transitional justice conversations, whenever they felt moved to share. A final social event in the form of a dance was also included, at the end of the second day, to help lift the mood and provide the women with the space to celebrate each other. Logistical changes were made to improve the flow of the dialogues: a dedicated logistics person was identified to travel with the team in order to free the facilitators to focus on the discussions; a childminder was hired in each location to free the participants with babies and young children from needing to focus on childcare; and the documenters were asked to record the stories and biographical data of the women telling them more rigorously. For the last two dialogues, a pre- and post-dialogue questionnaire was handed out to monitor and evaluate what knowledge women had gained from the process.

Though the dialogues were all run in more or less the same style and format, each meeting had its own character. In Bong County, the women were all lodged in the same

compound: nursing school dormitories that were vacant during a school break. This allowed for more group cohesion and a wonderful continuation of sharing and bonding into the evenings, though it kept the women isolated from the community to which they had travelled. In the rest of the dialogues, women were hosted by families in the area, and they reported that they were pleased to have made new contacts and friends from a different part of Liberia. In Grand Bassa County, the meeting rooms were spread across a large public space, and so the women within each break-out group seemed to bond more with each other because they were separated from their friends with whom they had travelled. In Rivergeee County, the dialogue agenda was condensed into two days, with the logistics shifted to the morning of the third day. This created an atmosphere of focus and efficiency, and was a natural evolution for the team because it was the last of the dialogues and, by that point, they were very comfortable with the material and process.

### **Content**

Some broad determinations about the experiences of Liberian women during the conflict, based on the anecdotal evidence and stories shared by the women, can be made. Their recommendations and suggestions for the transitional justice mechanisms were recorded and summarised.

### **Violations Suffered by Liberian Women**

The most common violation recounted by the women was the killing of innocent family or community members. The killings were often witnessed by the women directly and, in many cases, happened in very gruesome ways. There seemed to be a gendered pattern to the killings, with male children and adults being more frequently murdered than their female counterparts. There are likely many reasons for this, but several women who indicated that they had come close to being killed, also said that they had been spared because of some recognition of their role and value as women. For example, one woman from the dialogue in Buchanan revealed that, as a soldier was about to kill her, another soldier intervened, saying: "You see all the children the woman got? Who will take care of them?" Another woman said she was spared because one of the rebels said: "Leave the woman; we are all born from women."

Rape or gang rape was reported by women in every break-out group in all four dialogues. Statistics from other sources suggest that nearly 80% of Liberian women have experienced some form of sexual violation<sup>5</sup>, and these findings are corroborated by the stories the women shared with the project team. Several women told of other women and girls who had died as a result of rape. The rape or gang rape survivors revealed that they are living with the long-term side effects of these rapes, including health problems and economic difficulties.

Additionally, the women shared many stories about their homes being destroyed – often through fire – during the course of the conflict. The other most frequent violation that the women experienced was being captured or conscripted

and subsequently forced to act as porters, sex slaves and/or bush wives for different fighting factions. This seemed to be a systematic practice of all the fighting factions.

It is also worth mentioning that, in the immediate wake of killings, there seemed to be a frequent – though not regular – pattern of cannibalism and forced cannibalism. There were several stories of hearts being cut out and eaten by fighters, but also of women being forced to cook and/or eat parts of their dead loved ones.

Women and men were, of course, victims of a wide variety of other abuses. These included wounds inflicted by bullets, cutlasses, razor blades and other implements. Pregnant women who were killed, then had their babies cut out following “bets” made by the fighters about the sex of the baby. A few women in each dialogue had been handicapped as a result of the war – either made blind or having lost the use of their legs, arms or hands. They additionally talked about the humiliations that they suffered at the hands of different fighters. Many of the women had been separated from family members, including children, and still did not know the fate or whereabouts of some of their loved ones.

#### **Comments and Recommendations from the Women**

**TRC.** Many of the women reported that they had not heard of or did not fully understand what the TRC was all about. These comments were from the women who had not participated in the statement taking. Those who knew about it, but who did not participate, said they did not want to speak for fear of all their hurt coming out in public. Others were scared of being victimised by the ex-combatants who lived in their villages and towns. Some of the women felt that participating in the TRC was a waste of time, since it would not return their lost family members to them and because they believed that many of the warlords were lying to the TRC about their participation in the war. Those who did participate said they felt that the TRC would help to bring peace.

**Truth-telling.** There was general support for truth-telling, with many women saying that it would lead to community healing, bring unity and help them to forgive one another and rebuild their lives and a new Liberia. They also felt that it would bring individual healing, release frustration and worry and clear consciences if done in the way the dialogues were being held. This was important, because they felt safe and free to speak in this forum. They indicated that holding onto “bad feelings” and memories was not good, and they talked of how they could teach this to their churches, family members and children. They raised many concerns that truth-telling did not seem to be happening consistently at the public level and through the TRC.

**Memorialisation.** The women in all the counties wanted some sort of monument to be built to remember the dead, with some wanting the names of the affected people recorded on it. Some suggested that it be done at county borders or at the sites of major massacres. There was a strong request for a day of mourning from all the groups, with some suggestions that it take the form of rituals, festivals or feasts.

**Prosecutions and Amnesty.** There was some support for the establishment of a war crimes court, but broader consensus on the need to hold the warlords or heads of fighting factions accountable for their part in the wars. There were some who said that punishing anyone was of no use, because it could not bring back the dead or that it may cause more conflict, but the voices for some sort of accountability were louder and many. Many felt that there should be jail time, hard labour or community reparations like rebuilding the homes they were responsible for destroying. They also suggested that the properties and bank accounts of these warlords should be seized and used for development in the communities they violated. The women felt strongly that the government of Liberia should only consider conditional amnesty for those who told the whole truth, who showed authentic remorse and who asked for forgiveness. There was universal support for total amnesty for child soldiers, and pardons for those who could prove that they had been forced into fighting against their will.

**Development.** The women asked for connecting roads between the towns and the counties to be built, especially from the farms to the markets. All the women asked for building materials to be subsidised, so that they could rebuild their homes themselves. They also asked for better access to microcredit, especially agrocredit, to support agricultural businesses. They pleaded for the decentralisation of facilities from Monrovia to the counties in the form of schools, hospitals, vocational training, clinics and universities or branches of the University of Liberia.

**Reparations.** The women also requested free healthcare for all women who had been violated sexually and otherwise. Widows, the disabled and other victims needed to be recognised and empowered to take care of themselves. All Liberians who were in the war were in need of psychosocial support, and they felt that this could be done at the community level using different methods, including traditional methods of support such as women traditional healers for counselling or reconciliation, and cleansing rituals.

**Institutional Reform.** The participants called for more women to be included in the security sector (army and police), and that just the presence of women would help in



the reform of these institutions. The practice of bribing officials must be stopped, and strong measures taken against anyone caught accepting bribes. The women felt that this could happen if there was protection for the “whistle blowers”. They also indicated that no warlords or anyone with a record of corruption or abuse should be allowed into a government or official position.

**Reconciliation.** Community-level reconciliation, through the use of various traditional forums to encourage communities to discuss reconciliation and resolve old disputes, was recommended. The women suggested the use of “palava huts” (round tables or indabas) and other regular community meetings to do this, under the leadership of county officials or local leaders. A national suggestion was that the government should establish a national programme to promote community reconciliation, and that peacebuilding skills should be taught in schools.

Throughout the process, the project team also heard some very uplifting and encouraging reports. Women not only shared what they had suffered, but also the ways in which they had tried to overcome some of their problems. They told of courageous acts to rescue their and others’ children, and of survival. Leadership, cooperation and community were emphasised. In many of the groups, women also pledged to support those among them who wanted to run for community and county political positions. In one of the dialogues, two sisters who had not seen each other for nearly 20 years were also unexpectedly reunited.

### Concluding

Though each dialogue did suffer from its own particular challenges – usually relating to disbursal of transportation allowances or other logistical issues – the women were overwhelmingly positive in evaluating the dialogues. Across the country, women consistently communicated the same things to the facilitation team:

- they welcomed the opportunity to share their stories in a compassionate environment – after which they felt “lighter”;
- they appreciated that the team had taken the concepts “to their level”, and that conversations had been in Liberian English, with interpreters identified for those women who felt more comfortable in their indigenous language;
- they were grateful to have built new and lasting friendships with women from other parts of the country – particularly through the practice of pairing women early in the breakout groups, in a way that they might not have from a more traditional workshop format; and
- they felt confident that this was the beginning of a longer-term healing and reconciliation process.

However, they also emphasised that, though the experience had been a good one for them, they hoped that

this was not a once-off event or process. They stressed the need for follow-up to take place, and their desire to see the final product of the entire process in the form of some kind of accessible report. They also asked for help in meeting some of their immediate needs. The dialogues concluded with a commitment from the team to ensure that some follow-up would indeed take place in the near future.

The team has recognised this dialogue process as being a replicable model for community mobilisation and transformation that can be adapted as a framework for almost any type of content. Its focus on relationship-building, using transformational tools rather than an emphasis on content dissemination or extraction, made this a unique process for the Liberian context. The intentional flexibility and continuous feedback system allowed an organic flow that reached out to people at their level of comfort and understanding. There is great interest and motivation to increase capacity for this transformational community peacebuilding approach, and to continue to use it for the follow-up process and for other initiatives. **A**

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### Endnotes

- 1 The Free Dictionary (online), Available at: <[www.thefreedictionary.com/dialogue](http://www.thefreedictionary.com/dialogue)> Accessed in May 2009.
- 2 Opening ceremonies are a common feature of Liberian events and, while they are often time-consuming, they are an important ritual, especially at the community level, for credibility and symbolic support. They complement traditional rituals, which allow space for leaders and dignitaries to express that whatever is about to take place is occurring with their knowledge and encouragement.
- 3 Liberian Women in Media Action Group, Voice of the Voiceless, Aiding Disadvantaged Women and Girls, Society for Women Against Aids in Africa, Security Sector Working Group, Muslim Women for Peace and Development, Women Care Initiative, Women in Peacebuilding Network, the TRC and Wongosol staff.
- 4 This approach was developed by the Kairos Foundation’s More to Life Programme (<[www.moretolife.org](http://www.moretolife.org)>). Anu Pillay is a student of this programme and a licenced More to Life coach.
- 5 This is a generalisation from the monthly statistics presented by Medicin Sans Frontiers and other service providers that are partners to the Joint Programme on Sexual and Gender-based Violence (SGBV) in the Ministry of Gender in Liberia, and which are currently coordinating and collecting data on SGBV in Liberia.

# AN EVALUATION OF THE CENTRE FOR THE STUDY OF VIOLENCE AND RECONCILIATION'S EX-COMBATANT POLICY DIALOGUE PROJECT

WRITTEN BY **CYRIL ADONIS**

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## Introduction

The Centre for the Study of Violence and Reconciliation's (CSVR) Transitional Justice Programme was established in 1994 to engage with various issues related to the establishment of a Truth and Reconciliation Commission (TRC) in South Africa. Since then, the programme has evolved to include ex-combatants. Ex-combatants here are defined as the non-statutory fighters of South Africa's past violent conflict, who are not currently part of the statutory safety and security agencies.<sup>1</sup> In the post-apartheid era, the disarmament, demobilisation and reintegration (DDR) programme that was instituted in the aftermath of apartheid has had limited success, resulting in a concern that this could lead to political instability and violence. Motivated

by this concern, the CSVR initiated an Ex-combatants Policy Dialogue Project, aimed at informing policy alternatives that would address and meet the needs of ex-combatants better.

This article reports on a formative evaluation of the project that was conducted. On the basis of this evaluation, policy dialogues are advanced as a useful tool for engaging with ex-combatants on policy issues. It is further suggested that these dialogues can be used for

**Above: Veterans of Umkhonto We Sizwe (MK), the former military arm of South Africa's ruling African National Congress (ANC) party, sing and dance during a march in Cape Town, South Africa (May 2009).**

successful policy engagement with other marginalised and vulnerable populations in post-conflict societies.

### **Background and Description of the Policy Dialogue Project**

In the face of violent repression by successive apartheid governments, South African liberation movements felt compelled to form armed military wings in the early 1960s, and engaged in armed conflict against government security forces for the next approximately 30 years. Furthermore, during the late 1980s and early 1990s, tensions between the Inkatha Freedom Party (IFP) and the African National Congress (ANC) had escalated into open warfare in the black townships. This conflict produced armed actors in the form of the ANC-aligned self-defence units (SDUs) and the IFP-aligned self-protection units (SPUs).<sup>2</sup> After the demise of apartheid, a DDR programme was instituted for non-statutory combatants. However, results from three comprehensive studies<sup>3</sup> indicate that the success of the DDR process in South Africa has been limited. This has largely been attributed to poor planning, coordination and implementation of effective programmes.<sup>4</sup> In addition to this, the government appeared to lack clear ex-combatant policies, and adopted an ad hoc approach in dealing with ex-combatant issues. Furthermore, despite the availability of state funding, spending had been sporadic, difficult to access and politically selective. Ex-combatant communities, on the other hand, had up to now been poorly organised, which resulted in disjointed engagement with government – when this took place at all. This led to a concern that the government's failure to address and meet the needs of ex-combatants could plunge that sector into desperate straits – antithetical not only to political stability, but also to inclusiveness, non-violence and protection and access to rights and justice.<sup>5</sup>

Many ex-combatants sacrificed their education, their youth and life with their families to fight for freedom. Yet, in the 15 years since the attainment of that freedom, few of them have reaped the rewards for the sacrifices that they made. Many of their expectations were not met, and have remained unmet. This has fuelled feelings of anger and frustration, which is compounded by the fact that not only they, but also their families, had expectations. In addition to experiencing continuing economic marginalisation like many of those previously disadvantaged, numerous ex-combatants have been unable to integrate successfully back into civil life. Combat experience left many ex-combatants emotionally distressed, which has led to a sense of frustration and of not being understood by their families, their communities and society at large. They are saddled with the stigmatisation of having fought for



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**The Disarmament, Demobilisation and Reintegration (DDR) programme for non-statutory combatants, implemented following the demise of Apartheid in South Africa, has had limited success.**

the struggle, but not having anything to show for it; and of being troublemakers, who are involved in criminal and other illegal activities.

Thus, in 2007, the CSVR initiated the Ex-combatants/Military Veterans Policy Dialogue Project. Policy dialogues seek to build consensus recommendations between the public, private and civic sectors through leaders who are in a position to forge alliances, make decisions or strongly influence the trajectory of a possible solution to a challenging issue.<sup>6</sup> They are based on the assumption that ordinary people have the capacity, means and will to participate in shaping key decisions that affect their own welfare.<sup>7</sup> The expected short-term outcomes for the first three years of the project are:

- greater levels of networking and collaboration between the different stakeholders in the ex-combatant sector – including ex-combatant formations, non-profit organisations (NPOs) and relevant government agencies, among others;
- better understanding on the part of NPOs of the needs of ex-combatants, of deficits in services available to them, and of the strategic role that NPOs could play in addressing these needs – which include but are not limited to education, skills development, social and economic reintegration and mental health; and

- greater awareness of the problems facing ex-combatants, and informed policy debates on these issues.

In order to achieve these outcomes, a number of activities were planned. These activities centred on a series of six workshops with NPOs and relevant government departments dealing with ex-combatant reintegration and social service delivery, to examine existing policies and projects for ex-combatants and to identify policy and service gaps. The project started in early 2007, when the CSVr engaged a variety of stakeholders working in the ex-combatant sector, with the purpose of getting buy-in for their participation in the project. The stakeholders identified key areas on which the policy dialogues were to focus. These were:

- skills development and job creation;
- involvement of ex-combatants in crime and crime prevention;
- memorialisation;
- psycho-social interventions;
- exhumations and reburials; and
- restorative justice and prosecutions.

The policy dialogue workshops were preceded by background research, aimed at examining the current available services and key policy challenges in each key focus area. At the time of the evaluation, four workshops had been held:

- skills development and job creation;
- ex-combatant involvement in crime and crime prevention;
- the role of ex-combatants in memorialisation processes in South Africa; and
- psycho-social interventions.

#### **Purpose of and Justification for the Evaluation**

The purpose of the evaluation was to ascertain the impact (if any) that the ex-combatant policy dialogue workshops had on stakeholders, particularly ex-combatants. This would give an indication of whether policy dialogue workshops are a good way of advancing the development of ex-combatant reintegration policies. The evaluation exercise can essentially be classified as a formative evaluation. Formative evaluations provide feedback and insight into the impact that a programme or project has had on its target population.<sup>8</sup> This allows for improved accountability and can be used as a dynamic learning tool, allowing for the improvement of ongoing

programmes, better allocation of funds, and informed decisions as to whether a project should be expanded, modified or eliminated.<sup>9</sup> Thus, information generated by the evaluation exercise could be used as a basis for:

- assessing the effectiveness of the CSVr's approach in general, and the workshop methodology in particular, in advancing the development of effective DDR policies in South Africa;
- determining whether and how the project is carried forward into the next phase; and
- deciding whether this approach could be applied to other countries in transition to address ex-combatant reintegration challenges.

The generic goal of most project or programme evaluations is to provide useful feedback to a variety of audiences including donors, client groups, administrators, staff and other relevant constituencies.<sup>10</sup> This feedback relates to:

- the efficiency of running the project;
- the effectiveness of individual workshops;
- the appropriateness of the CSVr strategy; and
- the impact of the CSVr project.

#### **Evaluation Design, Procedure and Limitations**

In order to achieve the evaluation objectives, both qualitative and quantitative methodologies were used. The sample was drawn from workshop participants, which included the CSVr staff who participated in the workshops. The final qualitative sample consisted of 14 people, and the quantitative sample of 25 people. For the qualitative component, individual semi-structured interviews were conducted with participants. Interview participants were drawn from those who attended one or more of the first three workshops, because these were the workshops that had been completed when interviews were conducted. For the questionnaire, however, it was decided to include the attendees of the fourth workshop, since this workshop was conducted while the questionnaire was being administered. Interview questions were open-ended, thus giving interviewees sufficient latitude in their responses, and also allowing for the gathering of rich discursive information. For the quantitative component, a structured questionnaire was designed. The majority of items on the questionnaire required Likert-type responses, while there were also three items requiring categorical responses. In addition to this, it was decided to include a few items requiring qualitative responses, in order to broaden the range of qualitative

## **THE EVALUATION RESULTS PROVIDED USEFUL FEEDBACK ON THE EXTENT TO WHICH THE GOALS AND OBJECTIVES OF THE POLICY DIALOGUE PROJECT HAD BEEN ACHIEVED**



**Many ex-combatants' expectations remain unmet and this has fuelled ongoing anger and frustration.**

data generated for the evaluation. Qualitative data were subjected to thematic analysis, while descriptive statistics in the form of frequency tables and cross-tabulations were generated from the quantitative data.

Participants were contacted using contact details given during the workshop registrations. Interviews were conducted in both Johannesburg and Cape Town, South Africa, either at the CSVr offices or at the interviewee's place of work or home. Interviews lasted approximately 40 minutes each. Requests for transportation cost refunds were honoured for those interviewees who came to the CSVr offices to be interviewed. Interviews were digitally recorded in cases where permission to do so was granted, and notes taken in cases where this permission was not granted. Some of the recorded interviews were transcribed verbatim to allow for microanalysis. These were chosen on the basis of the richness of data, the range of thematic responses and the range of stakeholders represented. For the quantitative component, the questionnaire was uploaded onto the CSVr website to allow for electronic completion and submission. Respondents who did not have Internet access were supplied with copies of the questionnaire. While it was possible to maintain both anonymity and confidentiality with the electronic submission, only confidentiality was possible with the hard-copy submissions.

There were a number of limitations inherent in the evaluation. One of these was the non-probability sampling strategy that was used for the administration of the questionnaire. This limited the range of statistical procedures that could be conducted on the questionnaire data to basic descriptive statistics. In addition to this, many of those who participated in the evaluation exercise spoke English as a second language. The extent to which this affected the data was especially apparent during interviews, when some participants struggled to express themselves. In order to deal with this limitation, the interviewer attempted to give as much assistance to participants without influencing their views and beliefs. Another limitation was the fact that not all interview data could be recorded. This ultimately affected the quality of some of the interview data, since it was impossible to take verbatim notes of interviews that were not recorded. To limit this shortcoming, all attempts were made to write down what interviewees were saying as accurately as possible.

### **Findings**

The evaluation results provided useful feedback on the extent to which the goals and objectives of the policy dialogue project had been achieved. Much of this has been positive, particularly the feedback in terms of the



**Some ex-combatants who once fought for South Africa's freedoms are now involved in criminal activities or are behind bars.**

efficient and effective manner in which the project was conducted. While there were challenges related to the planning of the first workshop, these were adequately addressed in subsequent workshops. This laid the foundation for active and constructive engagement on the issues facing ex-combatants. The CSVr Ex-combatant Policy Dialogue Project has had a positive impact on those who participated in the project, and evidence points to the fact that the outcomes envisioned at the start of the project have been met, to a large extent. There appears to be greater levels of networking and collaboration between NPOs and others in the ex-combatant sector. Furthermore, stakeholders who participated in the project seem to have an improved understanding of the needs of ex-combatants, of deficits in services, and of the strategic role that they could play in addressing these issues. Most importantly, though, is the fact that there is a greater awareness of the problems facing ex-combatants. This has led to informed policy debates on the issues facing ex-combatants, including education, skills development, social and economic reintegration and mental health, among others.

The workshops also appear to have given ex-combatants insight into how their combat experiences have affected their lives. It led to a realisation among ex-combatant groupings that, in spite of their

heterogeneity, they have more commonalities than differences. This appeared to have led to closer cooperation between them. Another important benefit was the fact that the workshops – particularly the one dealing with memorialisation – represented an acknowledgement and validation of the important contribution that ex-combatants have made to South Africa's liberation. The workshops were also regarded as informative, in that ex-combatants now have a better understanding of services that are available to them. Furthermore, it brought some attention to the plight of ex-combatants and their potential for making a positive contribution to society – but also their potential for engaging in destructive practices, should their needs go unaddressed. Generally, ex-combatants valued the workshops because, for the first time, they felt people were genuinely interested in their well-being. The workshops also provided opportunities for networking and, most importantly, they highlighted the importance of sector-wide engagement to address the needs and concerns of ex-combatants.

In addition to the desired outcomes, the workshops also had unintended and surprising positive outcomes not envisioned at the start of the project – which could enhance the project's value and impact.<sup>11</sup> One of these unintended outcomes was that the workshops provided



**The policy dialogue workshops have been successful in engaging ex-combatants on policy issues relevant to them.**

ex-combatants with a platform to express their needs and concerns, and vent their anger and frustrations. Although the workshops were intended to be inclusive, participatory and empowering, the value that ex-combatants attached to this was not envisaged.

### **Recommendations**

While the results of the evaluation suggest that policy dialogue workshops could be an effective means of engaging marginalised groups such as ex-combatants in post-conflict societies, it also points to issues that need to be addressed if the effectiveness, efficiency and impact of the workshops are to be enhanced. These include:

- Sufficient time and effort should be devoted to the planning of policy dialogue workshops in order to deal with logistical challenges and improve stakeholder representation, especially from government and ex-combatant formations.
- Attention needs to be given to issues that may hamper progress, particularly the involvement of ex-combatants. These include clarifying the general

objectives of the project and the specific objectives of particular workshops. This could be done by holding pre-workshop meetings and information sessions with ex-combatants.

- Cognisance should be taken of the fact that many ex-combatants have limited formal education and English language competencies, and efforts should be made to ensure that these limitations do not impact adversely on their participation.
- Ex-combatants need to be involved in the planning of the workshops – even in the seemingly mundane issues such as decisions around workshop venues, content and process – so as not to offend or insult potential role players or perpetuate power imbalances.
- Efforts at engaging ex-combatants should be intensified, to counter the despondency and unwillingness to engage that results from marginalisation. This type of engagement could be facilitated by focusing resources on developing such capacity in ex-combatant organisations.

**THE PURPOSE OF THE EVALUATION WAS TO ASCERTAIN THE IMPACT (IF ANY) THAT THE EX-COMBATANT POLICY DIALOGUE WORKSHOPS HAD ON STAKEHOLDERS, PARTICULARLY EX-COMBATANTS**

- Lobbying and advocacy on ex-combatants' issues needs to increase further if government is to become more sympathetic to the needs of ex-combatants and engage with other stakeholders on ex-combatant-related issues.

These recommendations will likely strengthen the policy dialogue workshops and enhance their impact. They could contribute towards mitigating against the exclusionary and often conflictual relations that are often produced and reproduced when civil society and government attempts to engage marginalised groups, such as ex-combatants, on issues relevant to them. More importantly, they will instil in ex-combatants the belief that they have an important role in determining what their needs are, what the most appropriate ways would be to address such needs, and the active, empowered role that they can play in achieving this.

### Conclusion

There appears to be a deep sense of betrayal on the part of ex-combatants by those who propelled them into the armed struggle. Gear sums up this sense of betrayal: "We are spanners to fasten bolts, after the bolts have been fastened, we are sidelined..."<sup>12</sup> The precarious socio-economic situation that many ex-combatants are confronted with underlies this sense of betrayal. While some ex-combatants have met success in the new South Africa, it has eluded the majority of them.

The problems and issues facing ex-combatants in post-apartheid South Africa have attracted significant interest. Scholars and researchers have engaged in ex-combatant research, while civil society has claimed to lobby and advocate on their behalf. This has resulted in ex-combatants harbouring expectations that their circumstances will improve, much of which have remained unmet. Thus, despite the implementation of initiatives aimed at improving their plight, ex-combatants feel that they have received little substantial benefit from these. This has left them with a deep suspicion and reluctance to engage in policy issues that concern them. The pervasiveness of distrust and suspicion amongst ex-combatants is, therefore, further exacerbated by the sense of exploitation they perceive at the hands of those purporting to have their interests at heart. This has caused ordinary ex-combatants to be apprehensive at least, and unwilling at most, to participate in sector policy-related enterprises.

The CSVR policy dialogue workshops have been successful in engaging ex-combatants on the policy issues that are relevant to them. The inclusive and participatory nature of the project seems to have been effective in convincing ex-combatants that, not only do their interests matter, but that their voices also

matter, and that they have a role to play in influencing policies that concern them. While they are a unique constituency in post-apartheid South Africa, the situation ex-combatants face – particularly from a socio-economic perspective – is not unlike the situation faced by the majority of those labelled as previously disadvantaged. On the basis of this similarity, and given the success of the policy dialogue workshops, it is thus argued that the use of policy dialogues could be extended to other marginalised groups to engage them successfully in policy debates that are of concern to them. This type of engagement could provide them with a much-needed sense of empowerment, derived from the realisation that through active participation, they can shape and influence policy agendas, and significantly contribute to advancing their own interests. **A**

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# PEACEMAKING IN THE ECOWAS REGION: CHALLENGES AND PROSPECTS

WRITTEN BY **BABATUNDE TOLU AFOLABI**

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## Introduction

This article attempts to assess the impact of the peacemaking organs of the Economic Community of West African States (ECOWAS), with emphasis on the Council of the Wise and the special representatives of the ECOWAS president. Particular attention is paid to challenges hindering the work of the organs in the prevention and management of conflicts in the subregion, and opportunities for more effective interventions. This is imperative for two main reasons: first, 2009 marks 20 years of civil war in West Africa, starting in Liberia. Second, in the past six months, there have been serious threats to the peace being experienced in West Africa, as evident in recent happenings in Guinea-Bissau, Guinea-Conakry and Togo. Although there are no active violent conflicts in the subregion today, the fragility of states and the realisation that the fight against the era of coups d'état

and unconstitutional takeover of power is yet to be fully over, is troubling. Despite the fact that ECOWAS is quite advanced in peace and security matters, there is the ever-constant need to reflect on what has been achieved and what challenges need to be surmounted to attain economic integration, development and prosperity – the main purpose for ECOWAS's founding in 1975.

## Background

West Africa has recently witnessed an outbreak of violent conflicts – Liberia (1989), Sierra Leone (1991), Guinea-Bissau (1998) and Côte d'Ivoire (2002.)

**Above: Heads of States of West African countries during the opening session of the ECOWAS summit in Ouagadougou (January 2008).**

The consequences of these conflicts have included the destruction of lives and property, the internal displacement of people, a region-wide refugee crisis, poverty and disease, the proliferation of small arms and light weapons, human and drug trafficking, illegal exploitation of natural resources and banditry. They also resulted in the escalation of violent conflicts that spread across borders to neighbouring states, with the attendant worsening of economic conditions for an already-impooverished West African citizenry. The intensity of the civil wars in the 1990s took the subregion by surprise, leaving ECOWAS with little or no structures in place to address the human tragedies that followed. West African heads of state felt the need to act, and hurriedly put together interventions by the ECOWAS Ceasefire Monitoring Group (ECOMOG), which undertook military operations designed to keep and enforce peace and monitor ceasefires in the conflict areas – first in Liberia, beginning in August 1990, and later in Sierra Leone and Guinea-Bissau in 1997. The ECOWAS interventions served as the foundation upon which subsequent deployment of larger United Nations (UN) peacekeeping and international humanitarian missions were built upon in Liberia, Sierra Leone, Guinea-Bissau and Côte d'Ivoire.

resolution efforts; and address the root causes of conflicts in West Africa. In 1999, the ECOWAS heads of state met and adopted the 1999 Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (the Mechanism). This has been a significantly comprehensive framework in terms of guiding action in the area of peace and security. It boosts the conflict prevention capabilities of ECOWAS to pre-empt the potential outbreak of violence, resolve conflicts when they occur and engage more effectively in post-conflict reconstruction in areas where peace has been restored.

Other ECOWAS normative frameworks include the Supplementary Protocol on Democracy and Good Governance of 2001, adopted to reinforce the Declaration of Political Principles and the Mechanism; the Convention on Small Arms and Light Weapons, their Munitions and Other Related Materials; and the ECOWAS Conflict Prevention Framework (ECPF), adopted by the ECOWAS Mediation and Security Council to help strengthen human security in West Africa and further operationalise the Mechanism. The ECPF has 14 components that span the chain of initiatives, designed to strengthen human security and incorporate conflict prevention activities. It also seeks

## THE PRIMARY ORGANS FOR MEDIATING CONFLICTS IN THE ECOWAS MEMBER STATES ARE THE COUNCIL OF THE WISE (COW), AND THE SPECIAL REPRESENTATIVES AND SPECIAL ENVOYS OF THE PRESIDENT

ECOWAS was founded on 28 May 1975 to promote and enhance economic development through close cooperation among its member states in all fields of economic activity. The ECOWAS founding fathers hoped that the organisation would have the potential to meet the interlocking development challenges of West Africa, particularly in four key areas<sup>1</sup>:

1. the expansion of intra-community trade;
2. improving physical infrastructure;
3. strengthening the weak production structures in the subregion to reduce its excessive external dependence and critical lack of productive capacity; and
4. enhancing monetary and financial cooperation to create a single ECOWAS currency.

ECOWAS has a membership of 15 West African states<sup>2</sup>, which are varied in terms of socio-economic and political development.

### **The ECOWAS Peace and Security Architecture**

A major ECOWAS peace and security strategy has been the adoption and operationalisation of normative frameworks to elucidate intervention strategies; identify organs to be used in conflict prevention, management and

to further operationalise the 1999 Mechanism.<sup>3</sup>

The ECOWAS peace and security architecture has not been developed in isolation. At the continental level, ECOWAS is one of the five building blocks of the African Union (AU), and has been tasked with providing one of the five brigades for the Pan-African Union Standby Force (ASF). The ECOWAS Standby Force (ESF) is leading the process of developing the Standard Operating Principles for the creation of harmony and inter-operability within the ASF. In terms of UN-ECOWAS relations, the UN Regional Office for West Africa (UNOWA) was established in 2002 to coordinate input from the UN resources in the region to complement ECOWAS efforts in promoting regional security. Since 2004, ECOWAS-UN cooperation has been guided by a Memorandum of Understanding, covering issues such as youth unemployment; governance; conflict prevention; human rights and humanitarian affairs; migration; security sector reform; disarmament, demobilisation and reintegration (DDR); and policy issues and advocacy on peace and security. However, not much has been achieved with this cooperation. This is due to the constant change in personnel at the UNOWA, the lack of a clear strategy on the division of labour, and the ECOWAS human resource deficit.



**A military junta seized power in Guinea-Conakry in December 2008.**

**Threats to Peace and Security in West Africa**

Threats to security in West Africa – some of which predate the civil war era of the 1990s – include drug and human trafficking, heavy deforestation and irresponsible mining of diamonds and gold<sup>4</sup>, the proliferation of small arms and light weapons, the dumping of toxic waste and illegal trade in cigarettes. Key conflict challenges include the Touareg autonomy claims in northern Niger and Mali, insurgencies in the Niger Delta and Casamance regions of Nigeria and Senegal respectively, the chieftaincy issue in northern Ghana, and the unresolved Yenga border dispute between Sierra Leone and Guinea. In recent times, however, one of the most serious threats has been the trade in illicit drugs, and the use of West African states as transit points for the shipment of drugs. In the past 12 months, three aircraft laden with cocaine have been impounded in the subregion. Guinea-Bissau, in particular, is fast gaining the unenviable reputation of being a narco-state, where Colombian and Mexican cartels have found succour. If the drug problem is not curtailed early enough, West Africa may move from being a trafficking route to being a narco-consumer, with dire consequences.<sup>5</sup> In addition, Lansana Conte – Guinea-Conakry’s president since 1984 – died in December 2008 after a protracted illness, leaving a leadership vacuum that was immediately filled by the military in a bloodless coup d’état. In Togo, President Faure Gnassingbe’s half brother was arrested

for allegedly planning to stage a coup d’état to upstage the incumbent.

Other emerging threats include the effect of the inevitable decrease in aid and assistance to Africa in general – a fallout of the global economic crisis; the increasingly lucrative kidnapping business – especially in the Niger Delta region of Nigeria, where it was reported that kidnapers pocketed ransom money amounting to over US\$100 million between 2006 and 2008<sup>6</sup>; threats to food security resulting from West Africa’s severe climate change; and the recent army worm invasion that ravaged and devastated the livelihoods of several communities in Liberia, Côte d’Ivoire, Guinea, Guinea-Bissau and Senegal.

**Peacemaking in West Africa: Opportunities, Prospects and Challenges**

The primary organs for mediating conflicts in the ECOWAS member states are the Council of the Wise (CoW), and the special representatives and special envoys of the president. Legitimised by Article 20 of the Mechanism, CoW members are expected to be eminent personalities from various segments of society – including women and political, traditional and religious leaders – who can use their good office and experience to assume the role of mediators, conciliators and facilitators and shall, upon the request of the ECOWAS president or the



**Togolese police burn marijuana seized in the capital city, Lome. West Africa has become a growing trafficking corridor.**

Mediation and Security Council, deal with a given conflict situation within the subregion. Presently, 13 member states are represented in the council.

The CoW has been quite successful in the ECOWAS election fact-finding missions, which they are usually called upon to lead, but are yet to be involved in any high-level mediations. Realising the conflict-inducing nature of elections in emerging democracies in Africa, ECOWAS deploys pre-election fact-finding missions in member states to ascertain the level of preparedness, identify potential conflict causes and seek areas of possible assistance. Such missions have been able to identify and address issues that might have led to the outbreak of pre- and post-election violence. Financial and technical assistance have also been given to member states where elections are to be conducted, based on the recommendations of such fact-finding missions.

Deriving their mandate from Article 32 of the Mechanism, the appointment of the special representatives of the president differs a bit. Unlike the CoW, the ECOWAS president recommends a candidate for the position, to be approved by the Mediation and Security Council. This council is a group of nine member states charged with dealing with all matters relating to peace and security; implementing all policies for conflict prevention, management and resolution, peacekeeping and security; authorising all forms of intervention,

including the deployment of political and military missions; and approving mandates and terms of reference for such missions. The special representative is the chief of the peacekeeping mission, wherever deployed, and is responsible for the political orientation of the mission; directing peacekeeping activities and initiating political and diplomatic negotiations with the parties, neighbouring states and other governments involved in conflict resolution; briefing troop-contributing states and other states on the situation and operation of the mission as and when required; coordinating constant activities of the subregion and international organisations, including non-governmental organisations (NGOs) involved in humanitarian and peacebuilding activities; and maintaining regular contact with and submitting regular reports to the president.<sup>7</sup> Currently, the offices of the special representatives are in Côte d'Ivoire, Guinea-Bissau, Guinea-Conakry and Liberia.

It is also noteworthy briefly to mention the ECOWAS special envoys, who have been successful in peacemaking because, as ex-heads of state, their influence and status impacts their assignments and work. Generals Ibrahim Babangida and Abdusalami Abubakar – both former heads of state of Nigeria – are the ECOWAS special envoys in Guinea and Liberia respectively. General Babangida had a long-standing friendship with the late Guinean president, Lansana Conte, and was helpful in reducing tensions



**Hostages from the Philippines are guarded by militants of the Movement for the Emancipation of the Niger Delta (MEND) - January 2007.**

in the country by brokering agreements between the government, organised labour and the army.

### **Challenges and Constraints**

Four main constraints hinder the effectiveness of the CoW and special representatives of the president in carrying out their duties: the lack of adequate mediation and dialogue facilitation skills; the low level of collaboration between the ECOWAS organs; problems with the selection process for CoW members; and the lack of resources for the CoW.

#### **1. Skills and Expertise in Mediation**

To be able to carry out the task of peacemaking effectively, mediation and dialogue facilitation skills are required. It is often wrongly assumed that being a former ambassador or head of state, or assuming a statesman status, automatically qualifies one as a mediator. While experience in diplomacy or governance could prove useful and serve as a good foundation for peacemaking, the complex and wide-ranging issues in mediation require expertise. Even when the mediator has the necessary skills, expert support in the broad range of issues that usually

crop up in peace processes is needed. To carry out the tasks assigned to them effectively, it is important to enhance the capacities of the CoW members and special representatives, especially in the areas of mediation and dialogue facilitation techniques.

#### **2. Low-level Effective Collaboration Among the ECOWAS Organs**

The ECOWAS organs involved in peacemaking efforts do not meet as often as they should to exchange information and ideas, and to develop strategies jointly that would help their work. Ideally, regular meetings between the CoW, special representatives, member states' representatives and civil society would ensure that the perspectives of all sections of society are reflected, and would inform the strategies to be implemented. The absence of this collaboration, however, could lead to duplication of efforts and the lack of a common understanding of issues. For the offices of the special representatives, the coordination of information flow between them and the headquarters in Abuja, Nigeria is problematic – mainly because there is no clear supervisory directorate within ECOWAS that handles issues from the special representatives.

### **3. Lack of Resources for the CoW**

Another major constraint for CoW members is the lack of resource support. Most CoW members are retired and rely on pensions. Peacemaking requires significant resources. Although CoW members are expected to make their experience and goodwill available for the sake of peace and stability in the subregion, they are not financially remunerated, except for sitting allowances when they meet. Resources in terms of staffing and equipment would go a long way in advancing their work.

### **4. Membership Selection Process for the CoW**

Each member state nominates citizens for membership to the CoW. The list of nominees – who would then constitute the membership of the council – is sent to the authority of heads of state and government for approval. Nomination of council member states could, however, have a negative implication, as some heads of state can nominate their allies as CoW members, ignoring the requisite qualifications and expectations of neutrality, impartiality and objectivity.

### **Recommendations**

While some of the challenges faced by the CoW and the special representatives have been identified, there are measures which, if undertaken, will impact positively on their performance.

### **Establishing an ECOWAS Mediation Support Division**

Organisations such as the UN, the European Union and the AU either have – or are in the process of – setting up mediation support divisions in their respective organisations, to provide much-needed expertise support for mediators. Establishing a Mediation Support Division within the Political Affairs Directorate would support the ECOWAS mediation organs.

### **A Multi-track and Multi-mediator Approach to Mediation**

A multi-track approach to mediation requires increasing the number of those involved in mediation processes in West Africa. Apart from the official Track 1 actors, actively engaging leading civil society representatives in mediation efforts will help to reassure non-state armed groups. Leaving the mediation process to Track 1 actors alone could reinforce asymmetric power relations. While recent studies<sup>8</sup> on peace processes have identified the important role that economic actors (donor agencies, multinational companies and governments) have to play in peace processes, this is yet to transform into reality in most of Africa. Given the fact that almost all the past and ongoing low-level conflicts in West Africa (Liberia, Sierra Leone, Nigeria and Senegal) have a natural resource



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**Mohamed Ibn Chambas is the executive secretary of ECOWAS.**

dimension to them, economic actors can help to fund the usually expensive mediation processes and enlighten warring parties of the potential benefits of peace, which would lead to economic growth and development, should they decide to end the conflicts.

### **Resource Support for the CoW**

At the annual CoW Retreat, held in November 2007, ECOWAS presented laptop computers to CoW members to ease communication challenges. Further steps – such as the provision of office space, equipment and minimum staffing – will go a long way in alleviating some of the communication challenges that they encounter.

### **Increasing the Number of CoW Members**

Ideally, the CoW is supposed to be composed of at least 15 members, representing member states. However, for some time now, a few member states are either yet to nominate members into the CoW, or yet to replace deceased and former members whose tenures have expired. The ECOWAS president has the power to nominate members into the CoW, and this could have

two benefits: first, it could balance the quality of CoW members, as the president would have the opportunity to select competent persons and maintain objectivity; and second, it could afford ECOWAS the opportunity to increase the number of female CoW members, which currently stands at three.

### **Ensuring Effective Collaboration Among Peacemaking Organs**


To undertake intervention efforts effectively, it is necessary for the ECOWAS organs with similar mandates to partner to exchange ideas and information, and avoid the duplication of efforts. The ECOWAS Commission initiated joint strategic planning meetings between CoW heads, special representatives, Zonal Bureaux heads and civil society in 2008 – but it should be ensured that such meetings are held on a more regular basis. More importantly, the joint strategies arrived at during such meetings should be implemented.

To deal with the communication and coordination problems between the offices of the special representatives and the ECOWAS headquarters, the Political Affairs Directorate would be most suited to coordinate such work and ensure the smooth flow of information between the field and headquarters.

### **Conclusion**

The harsh reality that the era of coups d'état is yet to be over in West Africa, and the possibility that existing turmoils could erupt into more serious and violent conflicts, reinforces the need for ECOWAS to enhance its efforts in the areas of conflict prevention and resolution. Much has been achieved in this regard by ECOWAS, but it is important to ensure that its intervention mechanisms are also capable of addressing newly emerging threats. One of the major landmarks has been the adoption of the ECPF. In terms of peacemaking, the primary objective of the Preventive Diplomacy component of the ECPF is to “defuse tensions and ensure the peaceful resolution of disputes within and between member states by means of good offices, mediation, conciliation, facilitation based on dialogue, negotiation and arbitration”.<sup>9</sup> This framework also clearly identifies specific activities, stakeholders, outputs and benchmarks to be used in assessing progress made in the implementation of the preventive diplomacy component.

The challenges being experienced in West Africa today have proved a litmus test for the ECOWAS peace and security mandate. Coupled with social and political tensions, the global economic meltdown has not helped matters for West Africa, where many member states are at the bottom tier of the UN's Development Programme's (UNDP) Human Development Index. Ethnic and political tensions, bad governance of natural resources, a security sector that is characterised largely by lack of discipline and professionalism, the effects of the global

economic crisis, and the drug trafficking problem could all prove catastrophic for a subregion that is only beginning to find its way, following the many early years of civil wars. The efforts of ECOWAS at consolidating democracy where it already exists, supporting democracy where it is only just emerging, encouraging proper governance of the security and natural resource sectors, ensuring that an effective early warning and early response system is put in place, providing technical and financial assistance to post-conflict states, leading a sustained fight against corruption and a simultaneous effort towards attaining stable economies in the subregion – alongside effective peacemaking organs that could defuse crises – can possibly positively impact and engender peace and prosperity for the people of West Africa. 

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# WOMEN BUILDING PEACE: SOMALI WOMEN IN PUNTLAND AND SOMALILAND

WRITTEN BY **SHUKRIA DINI**

## Introduction

Since the collapse of Somalia in the early 1990s following a protracted civil war, all Somali people have been profoundly affected. They have lost loved ones, their limbs, livelihoods, access to essential services, their properties and state protection, and have been forcibly displaced. In addition, women and girls have experienced gender-based violence, usually rape. Despite the negative ramifications of state collapse and the armed violence, women in Puntland<sup>1</sup> and Somaliland<sup>2</sup> have responded creatively to the violence, and have taken actions to stabilise the lives of their war-affected people and build peace in their respective communities. Anderson describes the importance of women's contributions in resolving conflicts, pointing out that "they are frequently the first to take the risks necessary to promote dialogue across divided communities and move towards reconciliation"<sup>3</sup>. This has certainly been the case for women in both Puntland and Somaliland, who have made important contributions to peacebuilding.

While women in conflict zones make important contributions to peacebuilding and recovery, they remain marginalised from the formal peace processes where important decisions are often made.<sup>4</sup> In the case of Somalia, Bryden and Steiner note that: "Somali women have been constructive forces in peacebuilding efforts in Somalia. At the regional and national levels, [Somali] women played major roles in diffusing major confrontations between armed groups."<sup>5</sup> According to one of the female peace activists interviewed in Somaliland, "if it were not for women in Somaliland, peace would not have come to our community. It has been women who have built bridges among various clan groups locked into deadly conflicts in the early and mid 1990s."<sup>6</sup>

Similarly, El Bushra argues that local peace agreements (in both Somalia and Somaliland) have, in some cases, been reached as a result of pressure from women activists, who have organised in spontaneous and informal ways to mobilise traditional peace promotion activities, such as holding prayer meetings and singing anti-war songs and poems on battlefields.<sup>7</sup>

This article is based on field research conducted by the author from 2005 to 2006 in Puntland and Somaliland. In-depth interviews were conducted with 30 women activists from both these identified regions.



In these interviews, the women peace activists were asked how they contribute to peacebuilding in their own communities, including what strategies and approaches they use to avert conflicts. The real names of these women peace activists have been altered for security reasons.

The article examines Somali women's contributions to peace in Puntland and Somaliland – regions that have functioning administrations and are relatively peaceful, compared to the south and central regions of Somalia. The first section examines the ways in which Somali women in Puntland and Somaliland conceptualise peace, and how they perceive it should be both maintained and built. In the second section, how women understand their own agency in building peace is examined. Such recognition has not only motivated these women to counter their marginalisation from formal conflict resolution decision-making, but also to step into the frontline of peacebuilding initiatives. The third part of



this article assesses the extent to which women peace activists are averting conflict and building peace in their communities.

### **Women in Puntland and Somaliland Define Peace**

The words peace and peacebuilding exist in the Somali language as *nabad* and *nabad dhisid* respectively. Women in Puntland and Somaliland aspire to genuine and sustainable peace in their war-torn communities. Haweya describes peace as “when there is no killing, discrimination, displacement and every member of a community feels secure socially, economically and politically”.<sup>8</sup> Women in Puntland and Somaliland want peace that is not only the absence of armed violence, but also the absence of deprivation and violence against women. Women in Puntland and Somaliland describe peace and its importance for women:

“Peace is holistic and covers many things. For example, peace is when women have access to state protection (legal) and access to opportunities such as education. A peaceful society is one where women are not restricted by patriarchy and oppression. Women’s insecurity such as illiteracy, poor health, poverty affects the security of the nation as well. Promoting gender equality is prerequisite for peace in Somalia and Somaliland.”<sup>9</sup>

Women consider their participation as central in building peace, which will lead to new relations and opportunities to achieve gender equality in post-conflict stages. Women in both areas note that building a lasting peace in their respective communities requires comprehensive and inclusive approaches, which address the root causes of the conflict:

“The vulnerabilities caused by the war and the absence of a central state must be addressed. As long as the people of Somalia remain insecure, it will be difficult to build a genuine and lasting peace. Peace cannot be built by giving a specific clan the presidency or other high positions in the transitional government. Such a [power-sharing] approach has led to more rivalry among clans and further marginalisation for Somali women.”<sup>10</sup>

As illustrated by this quote, the top-down approaches to building peace – where power-sharing is often emphasised as a solution – will never succeed unless the root causes of the conflict are addressed.

### **Recognising Women’s Agency in Building Peace**

According to Stamp, “...women’s agency resides in their communal endeavours and is constantly reinvented in the context of political and social change.”<sup>11</sup> Following state collapse and militarised violence, women in

Somalia have been using their agency to respond to the devastating outcomes of political disintegration and violence. A peace activist in Puntland asserts that:

“Women in my community do have their agency in everything that goes in their families and communities. They exercise their agency on a daily basis inside and outside their homes. Due to their tenacity and resilience, women have been making their families and members of their communities cope with loss and deprivation, caused by state collapse followed by the civil war.”<sup>12</sup>

Another peace activist describes women’s agency as “necessary actions which women take in times of hardships to simply protect the lives of their families. Women’s actions are also intended to re-stabilise the hardships that may threaten the well-being of their families and communities. These actions include women’s involvement in resolving conflicts.”<sup>13</sup> Women in Puntland and Somaliland recognise that they have agency in building and maintaining peace in their communities.

Women’s recognition of their agency in building peace is essential in gaining “space” to shape the decision-making of peacebuilding activities in their communities. However, the existing social structures and values affect women’s agency and participation in peacebuilding. Puntland and Somaliland are both traditional and patriarchal societies, and most decision-making for resolving conflicts and peacebuilding are believed to be the responsibility of men, restricting women’s direct roles in peace. As a result, Somali women’s agency – their ability to use and direct their authority within their realm of influence to contribute to the peacebuilding process – is manifested primarily at the community level, rather than at the regional or national levels. But the women peace activists interviewed in Puntland and Somaliland do want to influence the decision-making of peacebuilding at the regional and national levels.

Somali men are placed in a privileged position in the decision-making arena, including in the clan system and customary law. Somali women are not allowed to participate equally in communal meetings intended to resolve communal violence. Menkhaus highlights Somali male dominance with regard to traditional conflict management in Somalia:

“The central actors in traditional conflict management in Somalia are clan elders – prominent adult males representing the lineage groups involved in talks. They [men] can include notable religious leaders – sheikhs or wadads – as well. Their rise to a position of influence and eminence is based on hereditary status and a lifetime of earned reputation as effective negotiators, trusted mediators, moving orators, or wise and pious men.”<sup>14</sup>



GETTY IMAGES

**Women in Puntland and Somaliland are creatively affecting peacebuilding despite their marginalised positions.**

While resolving and managing conflicts in Puntland and Somaliland are considered a man's domain, women could potentially play significant roles as well. The exclusion of women is justified by the belief that women lack the necessary skills and experience needed to participate in conflict resolution decision-making processes, and women are then expected to support the decisions made by men without providing their input. As long as such perceptions persist, Somali women will continue to be marginalised from conflict-solving decision-making.

Women in both areas are critical of the male-dominated approach to resolving conflicts in their communities. The domination of Somali men in resolving communal conflicts not only affects women's participation in the efforts to resolve conflicts in their communities, but also their security. For example, one method used by male peacemakers to broker agreements is where young women (who are virgins) are exchanged as objects (known as peace brides) to resolve a conflict between warring groups. This practice is known in Somalia as *godob-reeb*. It has a profound effect on the women who are involved with such exchanges, as they are forced into marriages against their will. Young women

who had nothing to do with the crimes committed by their own clan men are used to compensate for the loss of lives experienced by one of the conflict groups, and forge new relations between the warring groups. A majority of the women interviewed in both regions were critical of this practice, and wanted it to stop. On the other hand, some women in Puntland and Somaliland support the practice of *godob-reeb*, provided that the young women who are to be exchanged as peace brides are not coerced into the marriages. If the peace brides volunteer to enter into these marriages, the female supporters of this practice see it as an effective way both to avert further bloodshed and form new relations through marriages between former warring groups.

Women in Puntland and Somaliland continue to be resilient and resourceful actors for insuring the survival of their families and for peace in their communities. For example, due to loss of livelihoods and spouses (who were the primary income-providers prior to the war), women have become the main providers and protectors for their families. As such, they have adopted coping mechanisms and income-generating activities to fulfil their new roles and responsibilities. They see the new roles and responsibilities that they are shouldering as



**Women’s insecurity such as illiteracy, poor health and poverty affects the security of the nation.**

essential to the survival of their families and communities, and central to building the foundations of new relations and sustained peace in their communities. These women recognise their agency and resourcefulness towards peace, and they note that peace cannot be achieved in their communities without them:

“Considering the large scale of the conflict and the destruction the conflict has caused on our people and community, the time has come for Somali women to be the peacemakers and peacebuilders, and should not be restricted by any groups or institutions from fulfilling such important roles. To find solutions to the tremendous suffering, hatred and social divisions, we have recognised that we have roles to play in overcoming these problems.”<sup>15</sup>

Somali women do recognise that they possess the skills and capacities – including knowledge of customary law, clan politics, poetry, religion, and experiences and knowledge of the psyche of their people – that can enable them to resolve and avert conflicts in their communities. In addition, Somali women’s marginalised position allows them the ability to build relations across divides with women and men from other clans. One of the peace

activists interviewed in Somaliland underlines that:

“In our community, it is often men who are given the title of *nabad-doon*, the “peacemakers”, and not women – even when they [women] contribute to resolving conflicts in their community. The various ways in which women contribute to resolving and averting conflicts hardly receives the same recognition and appreciation given to men.”<sup>16</sup>

Traditional conflict management in Somalia is neither democratic nor promotes gender equality when addressing communal conflicts at the village and national levels. Women in Puntland and Somaliland have been challenging this male-dominated approach to resolving conflicts, and want to expand the roles of women in it. An activist in Somaliland notes:

“The violence in our society has opened our [women’s] eyes that we [women] have crucial roles to play in building and maintaining peace.”<sup>17</sup>

Another activist in Somaliland adds:

“When your house is on fire, can you afford sitting down doing nothing and wait for someone else to come to your rescue to put the fire out, or you do it by yourself? Well, Somali women recognise that they have important roles to play in putting the fire ravaging their homes out.”<sup>18</sup>

Women in both areas see that their involvement in building peace as more urgent than ever before; that they cannot afford doing nothing. In fact, they see that their survival really depends on their agency in peacebuilding. If given the space to participate as equal partners in the peacebuilding processes, women will be able to make even more significant contributions. Another activist in Puntland states:

“Somali women should not and are not allowing Somali men to decide our future. Why should we let Somali men who ruined the country be the only suitable and designated peacemakers and peacebuilders. I am not saying that men are unable to make and build peace. But Somali women also have important contributions to make to peacebuilding and the rebuilding of their war-torn country.”<sup>19</sup>

### **Averting Conflicts and Building Peace from the Bottom Up**

Despite their marginalisation from the national decision-making for peace, women in Puntland and Somaliland have been playing important roles in diffusing and averting conflicts in their communities. Responding to a number of conflicts among various clans within Puntland and Somaliland, women in these communities carried out activities such as organising

peace rallies, collecting resources to support conflict-affected individuals and groups, and appealing to conflict groups to end violence. The women peace activists who were interviewed in both Puntland and Somaliland describe the particular ways in which they affect peace and resolve conflicts in their communities:

“Whenever there is a conflict, we organise ourselves to appeal to both the conflict groups to end such violence between them. We also educate the public about the importance of peace. In our peace rallies and appeals, we use slogans such as ‘women want peace and not war’ and ‘women are united for peace’. We also speak on local radios to transmit peace messages, which are intended to educate the warring groups and the public about their roles in peace as members of their communities.”<sup>20</sup>

Women in both locations utilise creative strategies in both opposing and averting violence in their communities. The women peace activists also mobilise other women from the opposing conflict groups to place pressure on their warring leaders to come together and reach a peace settlement. Women are able to reach out to each other across conflict divides and make a difference.

In times of violence, women also contribute to conflict resolution by providing logistical and fundraising support to avert further bloodshed. According to a peace activist in Puntland:

“... moved and laid down their weapons and ended the hostility.”<sup>22</sup>

Through their poetry, women place pressure on their clan leaders and warring groups to halt their conflicts and reach peace settlements. In past conflicts, women in Puntland and Somaliland held peace rallies, where they called for an end to vengeance killings and demanded the full inclusion of women in conflict resolution processes. In 1996, women activists in Puntland organised a peace rally to oppose the violence that erupted between two groups. In the words of one of the rally participants:

“It was one of the largest peace marches [that] women activists in Puntland organised. Many women from different walks of life attended. Even women who were heading that morning to the market to do grocery shopping joined our march. The women who attended the march chanted that they want peace and not war. We sent strong statements to all the individuals and groups involved in that conflict, and we women made it clear that we oppose such unnecessary violence and would not support it.”<sup>23</sup>

Women in Somaliland have also used peace rallies as a platform to demonstrate that they want peace in their community. Such rallies, according to women in both Puntland and Somaliland, have weakened the intentions of the conflict groups to wage war against each other, and

## WOMEN IN PUNTLAND AND SOMALILAND HAVE BEEN CHALLENGING THIS MALE-DOMINATED APPROACH TO RESOLVING CONFLICTS, AND WANT TO EXPAND THE ROLES OF WOMEN IN IT

“Women’s ability in quickly mobilising and collecting funds from the community for peace has not only contributed to the efforts of solving conflicts, but also has gained the admiration and attracted the attention of traditional leaders, who often approach them to gain their financial support for conflict resolution events in their communities. Mind you, women are not passively handing such resources over to traditional leaders without having a role to play in the decision-making processes for peace.”<sup>21</sup>

Somali women also use their poetry to promote peace and unity in their communities. In their peace poetry, they describe the horrors of violence, how they are profoundly affected and the importance of peace for all. One of the activists interviewed in Hargeisa, Somaliland notes the effectiveness of women’s poetry:

“On many occasions where women recited their anti-war poems, the fighting men got emotionally

have played a role in averting conflicts.

Women in both communities have served as peace envoys – known in Somali as *ergo nabaded*. These peace envoys consult with warring groups and promote reconciliation, thus serving as communication channels between warring groups for the exchange of information pertinent to reconciliation. A peace activist in Somaliland notes:

“Without women serving as peace envoys, warring groups would not have found ways to receive information from each side and reach a settlement. It is these women who usually collect important information from each community to assess the destruction and devastation caused by the violence, and provide the information to each group and pressure them to end the violence.”<sup>24</sup>

Women in Puntland and Somaliland indicated that they both monitor and provide early warnings



**Somali women often participate in peace rallies and marches.**

of problems and disputes, known in Somali as *baaq*. For example, women in cross-clan marriages are often the ones who, in times of conflict between their clans, contribute to monitoring events and the transfer of information needed to avert conflicts. Due to women's multiple relations (with various clans) and their interests in protecting and maintaining such relations, women are able to warn communities that there may be an imminent attack, and who the attackers might be. Some of these women have been able to travel long distances to warn of possible "attacks". The loyalty of women in cross-clan relations is often questioned during times of conflict. However, women in Puntland and Somaliland state that the portrayal of women as disloyal sometimes provides them more room and leverage to manoeuvre in their roles, and allows them easier access to information from various other groups and clans.

**Conclusion**

Somali women's contributions to curbing violence and building peace contradicts the belief that peacebuilding is a man's affair only. Rather, it demonstrates that peacebuilding is the collective responsibility of all members of the war-affected

community. Somali women's contributions demonstrate their agency in shaping and affecting their war-affected communities. Their efforts have been saving lives and complementing the top-down approach to peacebuilding in their communities. But, despite these important contributions, their peacebuilding efforts continue to be marginalised, under-valued and under-resourced. They have been operating within rigid social structures and traditional restrictions that make it challenging to make a difference in their own communities. Women in Puntland and Somaliland want recognition as important agents for peace. One of the women peace activists argues: "We want to be given our rights to shape the decision-making for peace that will pave the way for the future of our country."<sup>25</sup>

Despite their contributions to resolving conflicts in their communities, women peace activists in Puntland and Somaliland continue to struggle for recognition and inclusion. **A**

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**Somali women chant prayers and recite peace poetry to promote peace and unity in their communities.**

**women’s agency and activism and their particular contributions to peace and recovery.**

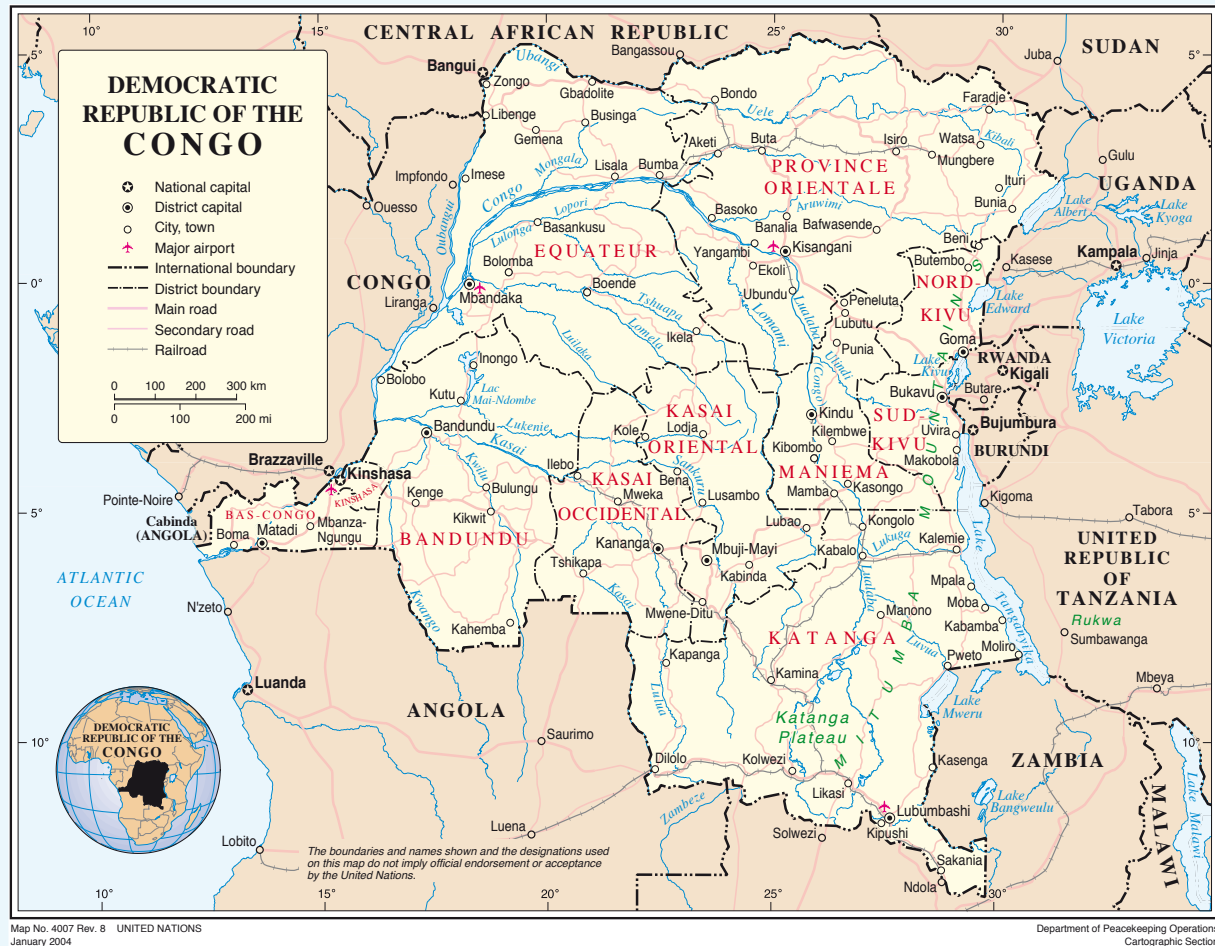
**Endnotes**

- 1 Puntland was previously known as the north-eastern region of Somalia. In 1998, it adopted the name Puntland and established its own regional administration. Puntland supports a unified Somalia.
- 2 Somaliland is located in the north-west region of Somalia. It declared its independence in 1991 but has not received international recognition. Somaliland has its own government.
- 3 Anderson, S. (2000) Crossing the Lines: Women’s Organizations in Conflict Resolutions. *The Society for International Development*, 43(3), pp. 34-39.
- 4 See Anderlini, S.N. (2000) *Women at the Peace Table: Making a Difference*. New York: The United Nations Development Fund for Women (UNIFEM); Anderson, S. (2000) Crossing the Lines: Women’s Organizations in Conflict Resolutions. *The Society for International Development*, 43(3), pp. 34-39.; Cockburn, C. (1998) *The Space Between Us: Negotiating Gender and National Identities in Conflict*. London: Zed Books; Fung, L. (2005) *Engendering the Peace Process: Women’s Role in Peace-building and*

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- 5 Bryden, Matt and Steiner, Martina I. (1998) *Somalia Between Peace and War: Somali Women on the Eve of the 21st Century*. Nairobi: United Nations Development Fund for Women (UNIFEM).
- 6 Haweya (2005) interview with the author on 26 October. Bosaso, Puntland.
- 7 El-Bushra, J. (2000) Transforming Conflict: Some Thoughts on a Gendered Understanding of Conflict Processes. In Jacobs, Susie, Jacobson, Ruth and Marchbank, Jennifer (eds.) *States of Conflict: Gender Violence and Resistance*. London: Zed Books, p7.
- 8 Haweya (2005) interview with the author on 26 October. Bosaso, Puntland.
- 9 Khadija (2005) interview with the author on 15 November. Bosaso, Puntland.
- 10 Halima (2005) interview with the author on 16 November. Garowe, Puntland.
- 11 Stamp, Patricia (1995) Mothers of Invention: Women’s Agency in Kenyan State. In Gardiner, Judith Kegan (ed) *Provoking Agents: Gender and Agency in Theory and Practice*. Chicago: University of Illinois Press, p69.
- 12 Saida (2005) interview with the author on 9 December. Bosaso, Puntland.
- 13 Zeinab (2006) interview with the author on 15 February. Hargeisa, Somaliland.
- 14 Menkhaus, K. (2000) Traditional Conflict Management in Contemporary Somalia. In Zartman, I.W. (ed) *Traditional Cures for Modern Conflicts: African Conflict “Medicine”*. Lynne Rienner Publishers, pp. 185-6.
- 15 Anab (2006) interview with the author on 10 January. Hargeisa, Somaliland.
- 16 Amran (2006) interview with the author on 16 January. Hargeisa, Somaliland.
- 17 Khadra (2006) interview with the author on 20 January. Hargeisa, Somaliland.
- 18 Nima (2006) interview with the author on 22 January. Hargeisa, Somaliland.
- 19 Saida (2005) interview with the author on 9 December. Bosaso, Puntland.
- 20 Hawa (2005) interview with the author on 12 December. Galkacyo, Puntland.
- 21 Sadia (2005) interview with the author on 16 December. Garowe, Puntland.
- 22 Safia (2006) interview with the author on 25 January. Hargeisa, Somaliland.
- 23 Asha (2005) interview with the author on 27 December. Hargeisa, Somaliland.
- 24 Qamar (2006) interview with the author on 12 February. Hargeisa, Somaliland.
- 25 Zeinab (2006) interview with the author on 15 February. Hargeisa, Somaliland.

# CONFLICT IN THE DEMOCRATIC REPUBLIC OF THE CONGO: POLITICAL AND PROFIT INTERESTS

WRITTEN BY **EMMANUEL KISIANGANI**



## Introduction

Since its independence from Belgium in 1960, the Democratic Republic of the Congo (DRC) has known little peace. Known as “the richest patch of earth on the planet”, the inhabitants of this central African country have gained little from its natural wealth. Instead, they have endured the corrosive effects of political instability, protracted conflict and resource exploitation, the net effect of which has been the deaths of millions of innocent victims, destruction of the social fabric and the undermining of the country’s prospects of prosperity.

While violent conflict has lessened nationally, it continues regionally – primarily in the eastern part of the

country. It is, however, important to place the sources of instability and violence within proper conceptual lenses, rather than simply concluding that they are tribal or ethnic in nature. The DRC possesses the infamous tag of having experienced the “world’s deadliest war” since World War II, but the international community remains largely indifferent to dealing with the root causes of the country’s drawn-out conflicts – partly because they are informed by political and profit interests. This article revisits the story by encompassing a historical overview of the complex interactions involving internal, regional, transnational and international factors and actors.



**Some of the thousands of children waiting for a biscuit handout at the Kibati camp for internally displaced people outside the city of Goma, in the eastern DRC (December 2008).**

### Colonial Rule

Since Belgium's imposition of colonial rule in the then Congo in 1885, the intervening years saw the country's wealth support the expanding industrial economy in Belgium. The struggle to control the Congo's wealth then extended to other European and North American countries, and the contest for resource exploitation overtook any need to construct a viable political unit. Belgium rule of the Congo lasted until 30 June 1960, when the country attained its independence and changed its name to the République du Congo (Republic of the Congo).

The failure of the colonial government to construct citizenship in a way that promoted national interests, compounded by the continued struggle to advance political and profit interests, became a significant challenge for the first post-colonial government. The first prime minister, Patrice Lumumba of the Mouvement National Congolais (MNC) party, entered into a political arrangement with Joseph Kasavubu of the Alliance des Bakongo (ABAKO) party in order to secure his government's political stability. The arrangement made Kasavubu a ceremonial president. Lumumba's government was, however, deposed in a coup only

10 weeks later, and he was subsequently imprisoned and murdered under controversial circumstances. The events reflected the fragile context in which Congolese politics operated at the time. Internally, Lumumba found himself pitted against secessionist struggles in the provinces of Katanga and South Kasai. Believing that the secessionist movements were out to serve Western imperialistic interests, Lumumba turned to the former Soviet Union for support – a move that placed him at odds with Kasavubu, who preferred to align with the West. The aversion of Western powers towards communism and leftist ideology led to subsequent efforts to replace Lumumba.<sup>1</sup> After his overthrow and assassination, a United Nations (UN) investigating commission found that Kasavubu and his army chief, Colonel Joseph Mobutu, had a hand in the assassination, with the support of the United States (US) and Belgium. Lumumba was allegedly killed by a Belgian mercenary in the presence of Tshombe, who was then the president of Katanga.<sup>2</sup>

Following Lumumba's assassination, Kasavubu took over and brought the breakaway provinces under control, with US and UN help.<sup>3</sup> However, the government itself remained unstable, and political contestations returned to hound Kasavubu. In 1965 he dismissed his then prime





**Former President Mobutu lost his strategic value to the West following the end of the Cold War in the early 1990's.**

minister, Tshombe, and was himself ousted a year later by General Joseph-Desiré Mobutu, with the help of the US's Central Intelligence Agency.<sup>4</sup> Although the justification for support of Mobutu by Western countries is often found in the Cold War argument – that the Soviet influence in Africa needed to be checked – it had much to do with competition for access to the Congo's mineral wealth. It is argued that Western support for Mobutu was related to his willingness to allow the US and other Western multinational corporations access to the Congo's resources.<sup>5</sup>

Mobutu consolidated power by eliminating the opposition and institutionalising kleptocracy and dictatorship. In the early 1970s, he nationalised much of the economy and changed the name of the country to Zaire – and his own to Mobutu Sese Seko Nkuku Ngbendu Wa Za Banga.<sup>6</sup> Relative peace and stability prevailed until 1977 and 1978 when Katangan rebels, based in Angola, launched a series of invasions into the Shaba province (Katanga region). They were driven out with the aid of Belgian and French paratroopers. Despite Mobutu maintaining a rigid system of dictatorship, he still remained on good terms with most Western countries. During Mobutu's long presidency, Zaire became notorious for cronyism and sustained periods of institutionalised corruption and misappropriation of state resources.

Large proportions of the revenues from state-owned companies were diverted to Mobutu and his closest allies.

### **The Protracted Conflict**

With the end of the Cold War in the early 1990s Mobutu – like many other African leaders at the time – lost their “strategic value” to the West. The US's policy rhetoric changed to an emphasis on issues of democratic reform and human rights (although, in practice, it continued to be informed by economic interests). Mobutu's opponents within the then Zaire stepped up demands for reform and, on 24 April 1990, Mobutu made a surprise move by announcing “major reforms”, including the adoption of multiparty politics and other emotive – but superficial – measures, such as ushering in the Third Republic.<sup>7</sup> The reforms turned out to be largely cosmetic, and Mobutu was eventually ousted from power by Laurent Kabila's Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) in May 1997, after a seven-month campaign with the support of Burundi, Uganda and Rwanda. However, by 1998, Kabila's former allies in Uganda and Rwanda had turned against him and backed a new rebellion, the Rally for Congolese Democracy (RCD). Kabila himself found new allies in Zimbabwe, Namibia and Angola. This stand-off resulted in one of the bloodiest and deadliest conflicts in Africa, and has been referred to by some as Africa's World War.

### **The Regional Dimension to the Conflict**

Kabila's military drive from eastern Zaire in October 1996 to depose Mobutu exemplified the contradictory nature of the forces at work in the making and sustaining of conflict in the DRC. At the time, Rwanda had accused the Hutu militia forces (Interahamwe) – who had fled the country following the 1994 genocide – of using their refugee camps in eastern DRC as a base for cross-border incursions. The Rwandan government then began to arm the ethnically Tutsi Banyamulenge of eastern Zaire to counter these militias. The Mobutu government denounced this intervention, and when it ordered the Banyamulenge to leave Zaire, they opted to intensify their rebellion. The anti-Mobutu forces combined to form the AFDL, led by Kabila, who pushed his forces into a full-scale campaign against Mobutu with the support of the leaders of the Great Lakes region – particularly Paul Kagame of Rwanda and Yoweri Museveni of Uganda. For Uganda, there had been tensions with Zaire over sanctuaries harbouring rebels who fuelled instability, especially in northern Uganda. Kabila also received support from other countries such as Angola, which had viewed Mobutu suspiciously. Zaire was seen as a safe route for The National Union for the Total Independence of Angola (UNITA) party's lucrative diamond trade, which

was used to finance its war agenda against the Angolan government.

Lacking foreign military assistance, many members of the Zaire army joined Kabila. He encountered little resistance as his forces marched toward Kinshasa and captured it in May 1997. Kabila renamed the country the Democratic Republic of the Congo, which had been its name before Mobutu changed it to Zaire in 1971. While some hailed Kabila as representing a “new breed” of African leadership, critics charged that Kabila’s policies differed little from those of his predecessor, as he engaged in transgressions including eliminating rivals, corruption and an autocratic style of rule while, at the same time, appearing devoid of a clear plan for reconstructing the country.

The conspicuous presence of the Rwandans in the capital city rankled many Congolese, who were beginning to see Kabila as a pawn of foreign powers. Tensions reached new heights in 1998, when Kabila decided to ask the Rwandan and Ugandan forces to leave the country. This prompted army mutinies in the capital city Kinshasa and the Kivu provinces in the east. Although the Kinshasa mutiny was quelled, the mutiny in the Kivus continued and mushroomed into a drive to topple the government. This especially alarmed the Banyamulenge of eastern Congo, who had formed the RCD. This group quickly dominated the resource-rich eastern provinces, and based its operations in the city of Goma. The RCD took control of the towns of Bukavu and Uvira in the Kivus. The Tutsi-led Rwandan government allied with Uganda, and Burundi also retaliated against Kabila’s order by occupying sections of the eastern and north-eastern parts of the DRC. Uganda, while retaining joint support of the RCD with Rwanda, also created another rebel group – the Movement for the Liberation of Congo (MLC) – which it supported exclusively.

Fighting continued in the country as rebel forces attempted to advance into Kinshasa. Kabila, on his part, sought support from various African nations and Cuba. The first African countries to respond to Kabila’s request for help were Zimbabwe, Angola and Namibia. The justification by these countries to send troops to the DRC was premised on “distress calls” from the DRC regime over “hostile action by foreign states” to the Southern African Development Community (SADC), whose Organ for Politics, Defence and Security (OPDS) was then chaired by the president of Zimbabwe, Robert Mugabe. But there are arguments that their involvement was also motivated by the desire to protect their political and economic interests in the embattled country.<sup>8</sup> For Zimbabwe, it is argued that Mugabe was not only motivated by the desire to increase his own influence and prestige in Africa, but also to tap into the DRC’s rich mining industry. As the head of the SADC’s OPDS, he believed he could reclaim his



REUTERS / THE BIGGER PICTURE

**United Nations peacekeepers sit on an armoured personnel carrier in Goma city, eastern DRC.**

position as southern Africa’s premiere statesman by aiding Kabila. For Angola, as observed earlier, the government of Dos Santos had helped Kabila to root out pro-Mobutu elements in the Katanga region. His motivation then was the deep-seated desire to destroy Savimbi’s UNITA operations in southern Congo, which exchanged diamonds extracted from rebel-held Angola for foreign weapons.<sup>9</sup> Angola therefore supported Kabila, against Rwanda and Uganda, fearing that continued fighting in the DRC would be exploited to the advantage of UNITA. Namibia’s interests in the DRC were similar to those of Mugabe. Although strongly opposed inside Namibia, it has been argued that Sam Nujoma’s intervention in the DRC also related to the Congolese mining industry<sup>10</sup> and his desire for personal prestige. With time, more nations – including Chad, Libya and Sudan – joined the conflict on Kabila’s side, with Chad allegedly encouraged to join as a way of regaining influence in the region.<sup>11</sup>

Libya, under Muammar al-Qaddafi, provided arms and logistical support to Kabila, but no troops. It is plausible that Qaddafi may have intended eventually to profit financially, or was perhaps influenced by a desire to break out of the international isolation imposed on him by the US following the 1988 bombing<sup>12</sup> in Lockerbie,



**Supporters of President Joseph Kabila cheer at a campaign rally in the capital city of Kinshasa, in July 2006.**

Scotland. There were also unconfirmed reports that Sudanese government forces were fighting rebels in Orientale province, close to the Sudanese and Ugandan borders. However, Sudan did not establish a significant military presence inside the DRC, though it is alleged that it continued to offer extensive support to three Ugandan rebel groups – the Lord’s Resistance Army, the Uganda National Rescue Front II and the Allied Democratic Forces – in retaliation for Ugandan support for the Sudan People’s Liberation Army.<sup>13</sup> The war thus assumed a multidimensional and very complex character. While non-African states did not send troops to the region, a number of Western and Eastern mining and diamond companies – most notably from the US, Canada, Australia, Japan and Israel – supported the Kabila government in exchange for business deals.<sup>14</sup> On the other hand, within the RCD rebel group supported by Rwanda and Uganda, tensions developed about the dominance of the Banyamulenge. The rebel group broke into two, with one faction moving from Goma to the Uganda-controlled Kisangani. The RCD factions later clashed over the control of Kisangani. Despite efforts to create a unified front against Kabila, conflict between the factions continued,

sparking off clashes in Ituri and creating “conflicts within a conflict”.

#### **The Peace Processes**

Diplomatic efforts to broker peace in the DRC included efforts by the then Organisation of African Unity (OAU) and a team of African leaders, which culminated in meetings in Addis Ababa, Ethiopia in 1998 and Sirte, Libya in April 1999. Both meetings called for ceasefires and the deployment of African peacekeeping troops, but neither measure was implemented. President Fredrick Chiluba of Zambia and his SADC counterparts made strong diplomatic efforts that secured the attendance of the belligerent groups to a Lusaka conference in July 1999. Eventually, the Lusaka Peace Accord was signed by the governments of Zimbabwe, Rwanda, the DRC and Uganda on 10 July 1999, and by the rebel groups RCD and MLC two months later. This was regarded by the international community as a significant step towards finding lasting peace in the DRC. The agreement called for an all-inclusive political process that would pave the way for the establishment of a new political order and provide for a unified army and a Joint Military Commission, made up of African countries, to help in tracking, disarming and

documenting all armed groups in the DRC. The accord called for the withdrawal of all foreign forces from the DRC, and invited the deployment of the UN's peacekeeping forces to oversee the implementation of the agreement.

However, in the following months, the commitments made by the parties during the signing of the agreement were not respected, as parties accused each other of breaking the ceasefire. Despite the UN Security Council passing a resolution on 6 August 1999, authorising the deployment of military liaison personnel and other necessary officials to the DRC to assist in the development of modalities for the implementation of a ceasefire, incidents of hostility and armed conflict continued.<sup>15</sup> Kabila was accused of indifference towards the accord – whose implementation, he thought, would undermine his own powers.

In February 2000, the UN authorised a force of 5 537 troops – referred to as the UN Mission in the DRC or MONUC – to monitor the ceasefire. Fighting, however, continued between the rebels and government forces, and between the Rwandan and Ugandan forces. Military operations failed, and diplomatic efforts that were made bilaterally or through the UN, African Union (AU) and SADC, also failed to make any headway. In June 2000, the UN Security Council authorised the establishment of a panel of experts to probe the illegal exportation of

the DRC's parliament. It is worth noting that most of the parliamentarians who voted had been handpicked by the elder Kabila.

Diplomatic efforts to end the violence in the DRC continued with the signing of the Sun City Agreement on 19 April 2002, the peace deal between Rwanda and the DRC in South Africa on 30 July 2002 (these talks centred both on the withdrawal of Rwandan soldiers from the DRC and the dismantling of ex-Rwandan soldiers and Hutu militia in the DRC) and the Luanda Peace Agreement between the DRC and Uganda, signed on 6 September 2002 (this treaty sought to get Uganda to withdraw its troops from Bunia and to improve the relationship between the two countries). These agreements led to the withdrawal of troops – especially the Rwandan forces – from the DRC. On 17 December 2002, the Congolese parties to the Inter Congolese Dialogue – namely the DRC national government, the MLC, the RCD, the breakaway groups of the Congolese Rally for Democracy - Liberation Movement (RCD-ML) and the Congolese Rally for Democracy - National (RCD-N)<sup>18</sup>, the domestic political opposition, representatives of civil society and the Mai Mai<sup>19</sup>, signed the Global and All-Inclusive Agreement. This agreement described a plan for transitional governance, which was to result in legislative and presidential elections within two years of its signing.

## MOBUTU CONSOLIDATED POWER BY ELIMINATING THE OPPOSITION AND INSTITUTIONALISING KLEPTOCRACY AND DICTATORSHIP

the DRC's natural resources. The panel's report accused Rwanda, Uganda and Zimbabwe of systematically exploiting the DRC's resources, and recommended that the Security Council impose sanctions.<sup>16</sup> It underscored the fusion of security and resource accessibility as factors motivating increased military activity in the DRC. The pillage was, however, not limited to the three countries. In 2002, over 85 multinational companies based in Europe, the US and South Africa were accused by a UN independent panel of experts of violating ethical guidelines in dealing with criminal networks in the war-torn central African country.<sup>17</sup>

Due to vested interests of predatory networks, Laurent Kabila suffered an assassination attack by a bodyguard on 16 January 2001. He died in Zimbabwe two days later. The person or group behind the assassination attempt remains unknown, although it is rumoured that some of Kabila's allies were involved – due to their impatience with his failure to put a timetable in place for the introduction of a new democratic constitution, leading to free and fair elections. Kabila's son, Joseph Kabila, was chosen to take over power by unanimous vote of


The agreement obliged the parties to carry out a plan to reunify the country, disarm and integrate the warring parties and hold elections. A Transitional Government, as specified in the agreement, was put in place on 18 July 2003, in which Kabila appointed four vice presidents, two of whom had been fighting to oust him. However, it remained weak, largely because of the refusal by the former warring parties to give up power to a centralised and neutral national administration. Some belligerents maintained administrative and military command-and-control structures separate from that of the Transitional Government. Despite the instability, a number of political developments continued, including the adoption of a new constitution in May 2005 by the national assembly – which was overwhelmingly ratified in January 2006. On 30 July 2006, the first democratic election in the country took place. President Kabila received 55% of the vote, and his opponent Jean-Pierre Bemba took 20%. A run-off election was held on 29 October 2006, which Kabila won with 58% of the vote.

Nonetheless, the fragility of the DRC as a state has allowed continued violence, human rights abuses and

high levels of corruption – especially in the mineral-rich eastern region. There remain three significant centres of conflict: the Kivus (North and South), the Ituri region and the Katanga region, where rebel groups continue to engage in armed activities.

### Conclusion

Much of the conflict in the DRC has centred on gaining control of natural resources rather than other factors such as identity and ethnicity. Rebel groups as well as regional actors and multinational corporations have been profiting from the war by developing political, military and business elite networks. The net effect of the conflict within and outside the DRC has been disastrous, with millions of deaths and displacements, as well as the impoverishment of hundreds of thousands of people. The conflict has had a debilitating effect on the country due to economic pillage, egregious human rights abuses and sexual exploitation, and environmental exploitation; yet the sheer enormity of this conflict continues to draw scant international interest.

MONUC may have contributed to curtailing some of the offensive operations by armed groups in parts of the eastern DRC, but it lacks the mandate and operational capacity to deal with the multidimensional and very complex nature of the conflicts. Sustainable peace in the DRC calls for more genuine commitment at local, regional and international levels to eliminate external political agendas and war-profiteering, in order to promote structural and institutional processes that allow for a viable political unit to emerge and flourish. 

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# THE POLITICISATION OF THE MIRIGU-KANDIGA CONFLICT IN GHANA'S 2008 ELECTIONS: QUESTIONING THE ELECTORAL PEACE PARADIGM

WRITTEN BY **JASPER AYELAZUNO**



REUTERS / THE BIGGER PICTURE

Ghana is touted as a model of electoral peace, having held five presidential and parliamentary elections since its “founding elections” in 1992. Two of these elections – the 2000 and the most recent 2008 presidential elections – have led to a turnover of power from the incumbent party to the opposition party: from the National Democratic Congress Party (NDC) to the New Patriotic Party (NPP) in 2000, and vice versa in 2008. While the state is applauded for managing its conflicts well – making Ghana a so-called haven of peace – various individual communities are engaged in violent communal conflicts, some of which have been escalated by electoral politics. This article<sup>1</sup> examines the politicisation or the recharging of latent and relatively unknown conflicts during Ghana’s 2008 elections, to challenge the electoral peace theory in general, and the Ghana case in particular.

The conflict between two villages, Mirigu and Kandiga, in the Upper East Region of Ghana, is examined.

The central purpose of this article is to contest the orthodox view in the extant literature on the relationship between elections and conflict management and transformation in Africa; namely, that through institutional design, elections can be an opportunity for conflict management.<sup>2</sup> This claim – henceforth, the electoral peace paradigm – is widely accepted, not just as the panacea for conflict transformation and peacebuilding in post-conflict situations, but also as the test of

**Above: A supporter attends a rally for Ghana's opposition party, the National Democratic Congress (NDC) in Tema (December 2008).**



**Inter-communal conflicts, which are sometimes escalated by electoral politics, appear to be peripheral to the electoral peace paradigm.**

democracy and conflict management in multi-ethnic societies. Unsurprisingly, one of the first things on the agenda of international peace missions in post-conflict situations is to organise elections – for example, the international community hurriedly organised elections in post-conflict situations in Bosnia, Kosovo, Liberia, Sierra Leone, Afghanistan and even Iraq. Similarly, in “peaceful” multi-ethnic contexts, states like India, Ghana and post-apartheid South Africa are presented as models of electoral peace, because they hold periodic elections and rotate power between and within parties peacefully.

The credibility of the electoral peace paradigm rests on the conventional wisdom in political studies that the nation-state is the most important unit of analysis in the study of politics. Though the state is supposed to be a concept, it seems to be assuming a life of its own, separate from the disparate societies – made of real living people – that constitute it. Hence, violent inter-communal conflicts, which are sometimes escalated by electoral politics, appear to be peripheral to the electoral peace paradigm. When an election is held in a country without violent conflicts at the scale and scope that threaten the existence of the state as a unit – like the type that threatened Kenya in the immediate aftermath of the 2007 presidential elections – the elections are still

labelled peaceful. Even if an election causes conflicts between some communities or recharges an existing latent conflict, it is still termed “peaceful”. Against this background, it seems that the electoral peace paradigm needs to broaden its compass from the narrow focus on the nation-state to cover individual societies where real people endure conflicts at different moments of the election circle: before, during and after elections.

Oftentimes, when elections are declared to be peaceful in a country, peace is defined narrowly as the absence of the sort of violent conflict that could lead to the implosion of the state. In this sense, the state is viewed as the macrocosm of peace and stability in the international system: it does not matter that the state in question is challenged by endemic internal interethnic and intra-ethnic violent conflicts. For example, the fact that India continues to struggle with bloody religious, ethnic and caste conflicts does not affect its international recognition as the biggest “consociational democracy in the world”.<sup>3</sup> This means that India has been able to design its constitution, laws and other political institutions – like federalism and the electoral system – to promote equality and the peaceful coexistence of the many social groups and societies within its territorial boundaries. In this regard, the primary concern of the electoral peace

paradigm is focused on how a country can hold free, fair and peaceful periodic elections to determine the party that will govern it. This involves issues such as the formation of political parties and party cleavages, voter participation and alignment, election administration, security and the design of constitutions and electoral systems in a country.<sup>4</sup>

The electoral peace paradigm certainly has merits. Its goals are legitimate and laudable. However, the narrow focus on the political stability of the state as the touchstone of the success or failure of its “consociational” measures and doctrines is problematic and misleading, if subjected to a “reality check”. A case in point is India, as already mentioned, and Ghana, as will be demonstrated. Besides, the Western notion of the state does not seem to suffice in non-Western societies like Africa, where “local states” exist alongside the national state because of specific historical and sociological factors. For example, chiefdoms and kingdoms coexist with the Republic (the national state) in Ghana. Therefore, The Republic of Ghana may be seen through the lens of the electoral peace paradigm as democratic and peaceful – but at the “local state” level, this may not be true. People

Of course, such “future conflicts” would be non-issues to election observers, who are mostly concerned about what happens on the election day or a few days after.

The preceding discussion begs a fundamental question: why and how do elections cause conflicts or escalate existing ones? The answers to these questions will also highlight the one-sided notion of electoral politics as a conflict management and transformation tool, while minimising (if not ignoring) its challenging side: the tendency of electoral politics to become divisive, acrimonious and vicious because of the instrumentalist nature of politics. Although instrumentalist politics may be cruder in Third World countries, it is also present in advanced Western democracies, such as the United States (US).

Since an election is the only legitimate path to power in a democratic state – and for that matter the “national pie” – it becomes a site of intense struggle between politicians. What ends this struggle, as well as intensifies it, is the main rule of the electoral game (in most cases): the candidate or party who gains the highest number of votes is the winner. In that case, electoral politics the world over is underpinned by keen competition between

## OFTENTIMES, WHEN ELECTIONS ARE DECLARED TO BE PEACEFUL IN A COUNTRY, PEACE IS DEFINED NARROWLY AS THE ABSENCE OF THE SORT OF VIOLENT CONFLICT THAT COULD LEAD TO THE IMPLOSION OF THE STATE

may be living in political and social conditions that belie this characterisation of Ghana as a peace haven. This is the contradiction that Mahmood Mamdani tries to illuminate with his insightful “bifurcated state” framework of African politics.<sup>5</sup> Therefore, it is important for scholars, electoral commissions, election monitoring organisations and non-governmental organisations (NGOs) that work with the electoral peace framework to be alert to the social and historical context in which they apply the logic of this conflict transformation and management tool. This will not only prevent the exaggeration of the picture of peace in a country, but can bring attention to micro-level and latent conflicts that have the potential to escalate to deadly national conflicts.

International observer missions may be committing such mistakes in Africa. International election observers usually congratulate the political elite and electoral commissions of one country or another for good behaviour, and pronounce with alacrity that the election in a given country was peaceful. Meanwhile, in reality, there was fighting (and lives lost) in some communities before, during or after the election. Some communities are even likely to clash in the distant future, because of a backlash from an election held some time ago.

political parties and political elites, who canvas for every available vote to gain power. Electoral competition is, for all intents and purposes, a zero-sum game in which the winner takes everything. Electioneering thus engenders vicious strategies that are well-planned and executed – not just to win by all means, but to destroy the chances of one’s opponent as much as practicable. In this sense, a spectre of Machiavellianism exists in electoral politics: the politician must win and keep power from her/his opponents by doing whatever is necessary, and must be ruthless in doing this, including the use of amoral strategies. Regardless of how disguised or subtle this may be, the underlying principle is the same: “the end justifies the means”. It is therefore common for politicians and their supporters to politicise racial, religious, class and ethnic antipathies overtly or surreptitiously during electioneering – especially if their ratings in the polls are declining, or if an imminent defeat is foreseeable.

If this is true, then a game like this cannot be presented uncritically as holding promise for peace – particularly in societies bedevilled with ethnic and other social cleavages. In these circumstances, elections may appear to be peaceful nationally but, at the community level, they might have caused, escalated or recharged both





**Electioneering often engenders questionable and vicious strategies that are well planned and executed to intimidate and influence voters.**

recurrent and dormant conflicts. This is what happened in certain communities during some of Ghana's so-called "peaceful elections", including in the relatively unknown and latent Mirigu-Kandiga conflict during Ghana's 2008 election.

### **The Paradox of Electoral Peace in Ghana**

The quintessential paradox of the much-acclaimed electoral peace in Ghana is that, while the country is seen as a haven of peace in the rather conflict-riddled West African subregion, protracted violent conflicts – some even escalated by competitive party politics – are not only prevalent but recursive in the country. These conflicts are both interethnic and intra-ethnic in nature, and are mostly evident in land and chieftaincy disputes.<sup>6</sup> One of the most protracted and recurrent conflicts in Ghana is

that between the Konkombas and their neighbours – the Dagombas, Nanumbas, Gonjas and Mamprusis. These are ethnic groups in the Northern Region of Ghana, who often fight with each other over chieftaincy and land disputes. The Konkombas seem to be a common foe to all the groups because of historical and cultural factors.<sup>7</sup> The 1994 so-called "guinea fowl war" turned out to be the most dreadful conflict in post-colonial Ghana, in the sense of the scale and scope of the violence. It is believed that as many as 15 000 lives were lost, valuable properties destroyed and many people internally displaced. The "guinea fowl war" has deeper historical and cultural causes than a mere dispute over the price of a guinea fowl at the market – the immediate trigger of the war after which it has been named.

The Dagbon dynastic conflict is another well-known conflict that is often politicised and escalated by Ghanaian national party politics. There are two dynastic lines to the throne of the Dagbon monarchy: the Andani and Abudu gates. The main cause of this conflict is a protracted dispute between the two gates over the succession to the Dagbon monarchy. This conflict has entered into national party politics since Ghana's independence, leading to a situation where the two dominant parties in Ghana are mostly divided along the Andani-Abudu gate lines. Similarly, voter alignment in the Dagbon area in the Northern Region of Ghana is often along the Andani-Abudu gate cleavage. In March 2002, this identity and voting cleavage led to what has been described in literature as the "Dagbon regicide". It was believed to be linked to the 2000 elections and its aftermath. The NPP, which is perceived to be sympathetic to the Abudu gate, won the 2000 presidential election and took power from the incumbent NDC. This created the impression – at least for the Abudu gate – that power in the Dagbon kingdom was also going to change in their favour. "In Yendi, after the NPP victory over NDC in 2000," MacGaffey argues, "Abudus openly declared that, in return for their electoral support, they had been promised the deposition of Ya-Na Yakubu."<sup>8</sup> In this light, the leader of the Abudu gate, the Bolin Lana, began to act as a rival king of Dagbon – an act the incumbent king (an Andani) and his supporters viewed as a sort of coup d'état against his reign. This subsequently led to a fight between the two gates in which the reigning king, Ya-Na Yakubu Andani II, and dozens of his supporters, were gruesomely killed by the Abudus.

As expected, the tragedy became the centre stage of national politics. For example, the opposition NDC (spearheaded by its founder and former president, John Rawlings) accused the NPP of complicity in the regicide. Indeed, the then NPP minister for interior and member of parliament (MP) for Yendi, Malik Alhassan Yakubu (who is an Abudu), and other government officials from

the Abudu gate had to resign their positions, possibly to quell the suspicions of government complicity in the crime. Since then, the Dagombas in Tamale, Yendi and other surrounding towns in Dagbon have been living together in a state of uneasy calm and mutual suspicion, rooted in what could be described as the NDC-NPP or Andani-Abudu cleavages.

Another protracted, recurrent and well-known politicised conflict – especially during elections – is the Bawku conflict in the Upper East Region of Ghana. It is also a chieftaincy conflict between the Kusasis and Mamprusis people (the two major ethnic groups in the town), and has been fought several times, always leading to the loss of lives and destruction of properties. The most recent outbreak of the conflict was on 1 March 2009, and it led to the death of nine people. A high-powered government delegation led by the vice president, John Mahama, was sent by President Atta Mills to assess the situation and find a lasting solution. The delegation was briefed by the military commander in charge of security in the area: he bluntly stated that “the rivalry between

of these villages intermarry and participate in events (funerals, festivals and so on) together as kinfolk. For example, the author’s mother is from Kandiga and his father from Mirigu, and the author lived and schooled in both villages. Indeed, when this author was growing up as a child, he never noticed that there was anything dividing the two villages other than their names.

However, under the surface of this peaceful coexistence was lurking a chieftaincy dispute, the roots of which may be traced to the indirect rule policies implemented by the British colonial government in Ghana. One such policy was the arbitrary creation of paramount chiefs and sub-chiefs in stateless societies like the Nankanis. Kandiga was made a sub-chief community under Mirigu, because folklore had it that the founder of Kandiga was a younger brother to the founder of Mirigu, and by custom was supposed to respect the seniority of his elder brother. However, over time and with social change, the chief of Kandiga and his people decided to fight for their independence, and hence the chieftaincy dispute arose. Despite this latent dispute, the people of

## WHAT IS DEEMED FAIR GAME IN TERMS OF WHAT POLITICIANS CAN DO TO DISCREDIT THEIR OPPONENTS TO WIN POWER IS RELATED TO HOW ELECTORAL COMPETITIONS CAN ACTUALLY RECHARGE LATENT CONFLICTS

supporters of the two most prominent parties in Ghana – the NDC and the NPP – [was] one of the causes of the conflict”. The prevailing perception in the area, according to him, was that “the Kusasis were NDC supporters, while the Mamprusis supported the NPP”.<sup>9</sup>

These examples of politicised conflict in Ghana illustrate the contradictions in the claim that Ghana is a model of electoral peace. The Mirigu-Kandiga conflict – a relatively unknown conflict – illuminates this paradox more sharply, by showing how elections can even recharge low intensity or latent conflicts.

### **The Mirigu-Kandiga Conflict in the 2008 Ghana Elections**

This case study is based on information collected through participant observation, by the author during doctoral fieldwork in Ghana. The author, who is originally from Mirigu, immersed himself in the parliamentary campaign of Rudolf Amenga-Etego, who is from Kandiga and was standing as an independent candidate for the parliamentary seat of the Chiana-Paga constituency. Mirigu and Kandiga both fall within the jurisdiction of this constituency. The people of Mirigu and Kandiga are by ethnic definition Nankanis. According to folklore, the two villages trace their ancestry to one man and had, until this conflict, lived side by side peacefully. Natives

the two villages still lived peacefully, until irredentist elements and extremists on both sides escalated the dispute to a bloody conflict in January 1992. It is estimated that over 20 lives were lost, and valuable properties worth several millions of cedis (the Ghanaian currency) were destroyed. The main reason why this conflict is unknown or even forgotten in larger Ghana is that, due to the strong social networks between the people, peace returned to the area fairly quickly after the fighting. And for more than 15 years – though the land and chieftaincy dispute is still unresolved and latent – there has not been any further violent confrontation.

The political behaviour of the people in the two villages – namely their party alignments – is significant. Since the 1992 “founding elections” of Ghana, the two villages, as part of the Chiana-Paga constituency, have mostly been voting in support of the NDC party in both the presidential and parliamentary elections. Remarkably, this changed in the 2008 elections, when Mirigu uncharacteristically and oddly voted largely for the NPP parliamentary candidate in the parliamentary poll, and the NDC presidential candidate in the presidential poll. When Amenga-Etego’s candidature in the election is factored into the equation, the conundrum of Mirigu’s odd voting disappears: they did not necessarily vote for the NPP parliamentary candidate, but they voted against

Amenga-Etego because of the Mirigu-Kandiga conflict. With the underperformance and unpopularity of the incumbent NDC candidate, Amenga-Etego – who, but for this conflict would have been considered a kinsman by Mirigu people – should have won massively in Mirigu; just as he did in Kandiga and Sirigu, the two other Nankani villages.

What is deemed fair game in terms of what politicians can do to discredit their opponents to win power is related to how electoral competitions can actually recharge latent conflicts. The Mirigu-Kandiga conflict was fair game to be used against Amenga-Etego. This conflict was recharged when the NPP and NDC politicians and supporters presented Amenga-Etego as the Kandiga representative and symbol – the enemy next door, who would be made stronger in terms of access to weapons and political capital if voted to parliament. This was not just politics of divisiveness and acrimony, but politics of scaremongering. The opposing parties' representatives went door-to-door in Mirigu, telling people that if Amenga-Etego went to parliament he would buy sophisticated weapons for the Kandiga people to kill Mirigu people. Their message was simple but effective, as far as its destructive agenda was concerned: "Have you forgotten the war we fought against Kandiga? Vote Amenga-Etego to parliament and he will get weapons for his people to overrun us." There were even instances where Amenga-Etego's supporters (including this author) were attacked, both verbally and physically.

When the election results were announced, Amenga-Etego lost – and this produced what could have been a dangerous backlash from the Chiana-Paga constituency. The Kandiga people blamed Amenga-Etego's defeat on the Mirigu votes and, as a result, some aggrieved youth planned on preventing Mirigu people from attending the Kandiga market – the nearest commercial centre in the neighbourhood – by using force, intimidation and violence. This had the potential for a domino effect and a further violent clash between the two villages, but Amenga-Etego and his elder brother, the Kandiga chief, intervened to quell a potentially explosive situation.

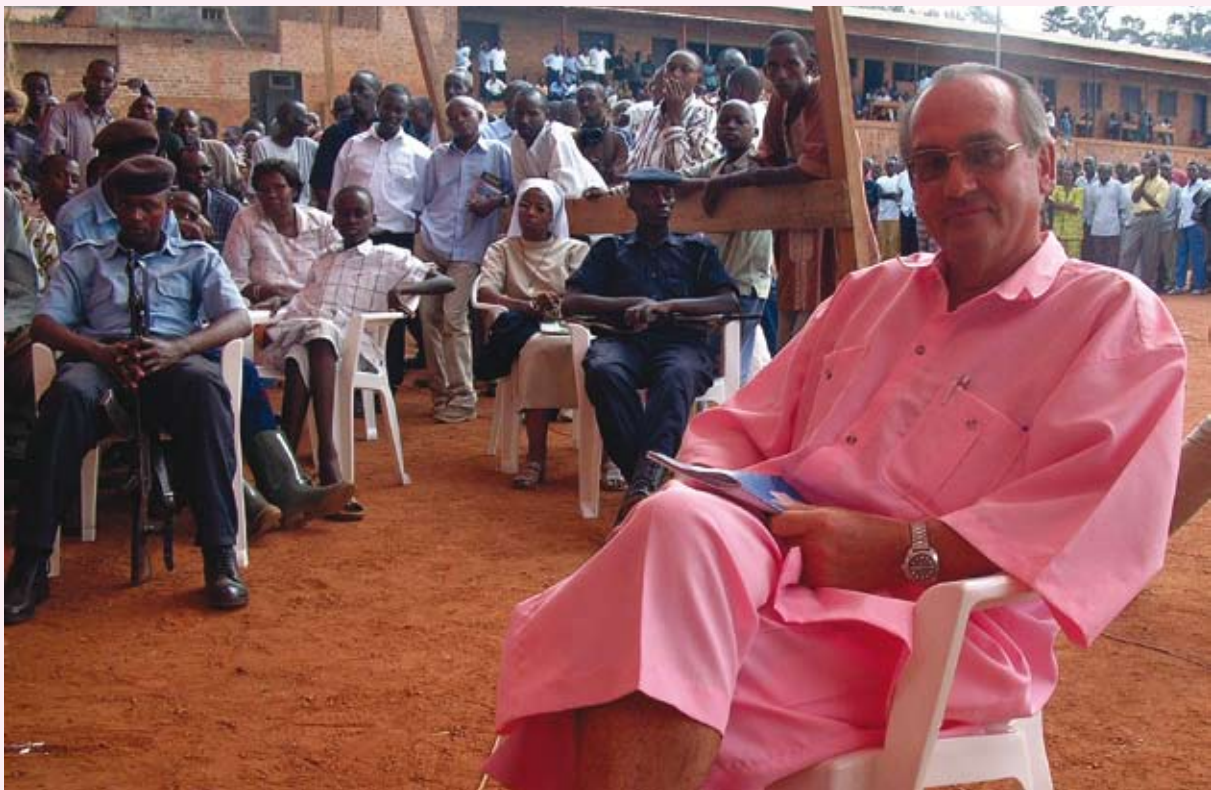
The Kandiga-Mirigu example refutes the central claim of the electoral peace paradigm that elections are a democratic way of managing conflicts in multi-ethnic societies. Far from being a conflict management or resolution resource, in this case, the 2008 elections in the Chiana-Paga constituency reopened afresh the old wounds of the Mirigu-Kandiga conflict. Therefore, in certain social contexts such as those highlighted in Ghana (the existence of chieftaincy, land disputes and ethnic cleavages), elections can trigger and escalate conflicts rather than manage or resolve them. This becomes even more potent when the acrimonious electioneering that

accompanies electoral politics – because of the ambition to win at all costs and by all means – is factored into the analysis. Besides minimising the effects of community-level conflicts on electoral peace, the electoral peace paradigm also underrates the conflict-causative components of elections. Whatever the merits of elections as a conflict management and transformation tool, its advocates must be alert to the challenges raised and discussed here. ▲

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## POST-CONFLICT JUSTICE IN RWANDA: A COMPARATIVE ANALYSIS OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA AND GACACA COURTS

WRITTEN BY **JIMAM TIMCHANG LAR**

### **Introduction**

The process of transitional justice is a product of two major historical developments. The first of these developments is the emergence – in the post-Second World War international system – of the need for answerability and individual accountability. Second, the end of the Cold War was marked by a wave of intrastate wars and violent conflicts. In response, the international community – under the auspices of the United Nations (UN) – redefined the concept of sovereignty, giving more primacy to state responsibility rather than state sovereignty.

As international interventions were being redefined to meet the challenges of the post-Cold War international system, there was an increased focus on post-conflict transitional justice. Seen as an essential component of

post-conflict reconstruction, transitional justice has been defined as:

“The range of judicial and non-judicial mechanisms aimed at dealing with a legacy of large-scale abuses of human rights and/or violations of international humanitarian law. These mechanisms are designed, to a greater or lesser extent, to address the need for accountability, to provide justice and to foster reconciliation in

**Above: Guy Theunis, a Belgian priest, dressed in the pink prison garb of Rwandan inmates, sits before a Gacaca traditional court in Kigali (2005). He was accused of inciting people to participate in Rwanda's 1994 genocide.**



**The International Criminal Tribunal for Rwanda (ICTR) building in Arusha, Tanzania**

societies in transition from authoritarian to democratic rule or from war to peace.”<sup>1</sup>

Kerr and Mobekk<sup>2</sup> have identified seven imperatives that transitional justice brings to the table in the process of restoring peace in conflict societies. Some of these are accountability, deterrence, the creation of historical records, and fostering the process of reconciliation and healing. Furthermore, it provides redress for victims, and successful trials, which can remove perpetrators from regions of conflict. Finally, a long-term advantage of transitional justice is its contribution to capacity-building and reform of the political, judicial and security sectors of post-conflict societies within an organised broader peacebuilding effort.

Fifteen years after the Rwandan genocide, this article is a comparative analysis of the two approaches to transitional justice that were adopted following the Rwandan genocide of 1994. The article considers the International Criminal Tribunal for Rwanda (ICTR), which sits in Arusha, Tanzania, and the traditional, informal Gacaca Courts in Rwanda. The article argues that different systems and mechanisms can be simultaneously converged into a coherent structure and result-oriented process, aimed at providing justice, engendering accountability and fostering reconciliation – the needed requirements for durable peace.

### **Rwanda and the Road to Transitional Justice**

The events of April to July 1994 in Rwanda have been well documented.<sup>3</sup> Apart from the human tragedy, Rwanda has received much scholarly interest because of the convergence of explosive issues like ethnicity, nationalism and political, social and economic exclusion. It was the historical development and interaction of these dynamics that created decades of volatile mutual suspicions, which regularly erupted and responded to various conflict triggers.

Though the Rwandan Patriotic Front (RPF) Tutsi Diasporas invasion was in 1990, the conflict trigger in 1994 was the assassination of Rwanda’s Hutu then-president, Juvenal Habyarimana. Within 24 hours of Habyarimana’s assassination, the Hutu majority commenced indiscriminate and organised killing of the Tutsi minority and moderate Hutus. However, it is significant to note that there was a sequence of atrocious killings in both Rwanda and its close neighbour Burundi before the 1994 genocide. Thus, the history of ethnic massacres preceded 1994; unfortunately, it did not attract international attention. As Richard Dowden, who reported on the events from Rwanda in 1994, aptly noted: “Burundi came and went [1993] and about 250 000 people died. Nobody covered it and nobody missed it.”<sup>4</sup> Although Rwanda was to become a major point for the application of transitional justice by the international community, regrettably and unfortunately the momentum

and desired action that characterised the pursuance of justice after the genocide was informed by the failure of the international community to prevent the genocide. The killings in Rwanda were allowed to continue unabated and, by the time the dust settled, over 800 000 lives had been lost.<sup>5</sup>

The lack of sincere and genuine collaboration amongst the international stakeholders – particularly the United States (US), France, Belgium, the UN and the then Organisation for African Unity (OAU) – had a negative effect on the conflict. Instead of cooperating, the US and France – who had considerable influence on the governments of Uganda and Rwanda respectively – squandered their diplomatic capital by engaging in the usual politics of superpower rivalry on the continent.<sup>6</sup> The UN failure was, in part, the result of poor communication and coordination; in part, the result of political dynamics between the UN Security Council and the UN Secretariat; in part, the result of the conception that Rwanda was a mission of tertiary importance.<sup>7</sup> However, the positive point is that, though it came late, the international community had rarely invested so much in a bid to restore peace and reconciliation and promote democracy in a post-conflict state as it did in Rwanda after the genocide.

#### **The International Criminal Tribunal for Rwanda**

Established by UN Security Council Resolution 995 of 1994, the ICTR's full name is "The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States". Based in Arusha, Tanzania, the ICTR represents the focal point of the international response to the Rwandan genocide.

As noted earlier, the tribunal was established as an act of political contrition; because of egregious failures to confront the situation swiftly<sup>8</sup> alongside the desired need to pursue justice and accountability. The legal foundation of the ICTR was centred on the prosecution of crimes against humanity, as defined by the International Criminal Court's statute. These include, among others, prosecution of any identifiable group or individual on political, racial, ethnic, cultural, religious and gender grounds that are recognised as permissible under international law.

The ICTR has had a mixed record. Some of its work has been groundbreaking. First there was the court's 1998 verdict on Jean-Paul Akayesu, the former mayor of Taba, in Rwanda. He held the position of mayor until June 1994, when he fled to Zambia to evade arrest for his role in the genocide. Akayesu was arrested and indicted in October 1995; his conviction in 1998 was the first-ever conviction by an international court for the crime of genocide. There were also convictions of individuals for rape as a crime



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**Former Rwandan Mayor Jean-Paul Akayesu's 1998 conviction was the first-ever conviction by an international court for the crime of genocide.**

against humanity. In December 2008, one of Rwanda's most famous singers, Simon Bikindi, was sentenced to 15 years imprisonment for inciting violence during the genocide. Most recently, Emmanuel Rukundo, a priest and former army chaplain, was given a 25-year jail sentence for committing genocide, sexual assault and kidnapping during the genocide.<sup>9</sup>

The ICTR equally had several challenges. Prominent amongst these challenges was the tribunal's heavy bureaucratic inefficiency. With 800 employees and having spent US\$540 million in its first seven years, the tribunal's output was far from impressive. By early 2002, it had handed out eight convictions and one acquittal; by 2006, the judgements had barely improved to 22.<sup>10</sup> By 2007, 72 suspects had been arrested, of which 28 have been tried, 24 convicted and five acquitted.<sup>11</sup> The ICTR also had structural deficiencies, which have caused insuperable administrative and managerial difficulties. Instead of working together, the three distinct bodies of the tribunal – the Chambers, the Office of the Prosecutor (OTP) and the Registry – have been engaged in disagreements of independence and accountability.<sup>12</sup> In a personal commentary, former UN Assistant Secretary General for Legal Affairs, Ralph Zacklin, argues that:

“The International Criminal Tribunal for the former Yugoslavia (ICTY) and ICTR have grown into enormous and extremely costly bureaucratic machines that outstrip or rival in size many of the specialized agencies of the United Nations... The verdict is now largely in. The ad hoc tribunals have been too costly, too inefficient and too ineffective. As mechanisms for dealing with justice in post-conflict societies, they exemplify an approach that is no longer politically or financially viable.”<sup>13</sup>

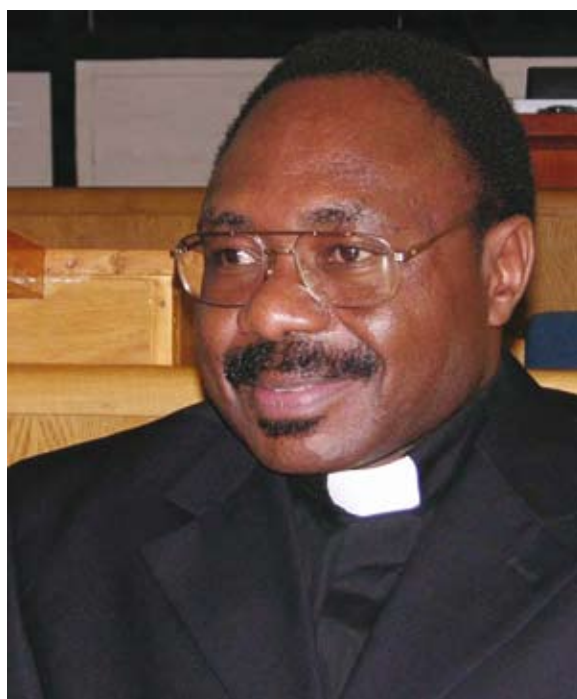
Apart from these institutional problems, the ICTR also had challenges when dealing with victims of the genocide who had to appear as witnesses in Arusha, Tanzania. Apart from the fact that Rwandans were largely detached, it was difficult to meet the hopes and expectations of the victims, who were denied the cathartic experience of a process that was meant to focus on them.<sup>14</sup>

### **Traditional and Community Justice: Gacaca Courts**

Rwanda’s post-genocide RPF government made retributive justice the cornerstone of its policy. The international community was not hesitant to support the Rwandan government in reconstructing its domestic judicial system, as this policy was in line with the international agenda. Domestic genocide trials began in late 1996. After an initial slow start, some progress was made, with approximately 1 000 verdicts issued annually. By the end of 2001, approximately 6 500 genocide suspects had been judged, with acquittal rates at an average of 40% in 2002.<sup>15</sup> The Gacaca courts have also delivered some high-profile convictions. Most recently in March 2009, Beatrice Nirere, a female Rwandan minister of parliament and member of the Tutsi-led governing party, was found guilty of genocide and sentenced to life imprisonment by a Gacaca court.<sup>16</sup>

Despite these achievements, there were still major challenges confronting the domestic justice system. The 1 000 verdicts recorded annually were insignificant when compared to the number of suspects in detention. It was clear that, because of the challenges of overcrowded prisons and the sheer lack of human and material resources to expedite action on all the cases, a new alternative had to be introduced. The Rwandan government turned to the traditional Gacaca system – a hybrid of domestic formal and informal justice. Though there was initial international hostility, the international community eventually supported the Gacaca system. In his 2004 report, titled “Rule of Law and Transitional Justice in Conflict and Post-conflict Societies”, the UN Secretary General stated that “due regard must be given to indigenous and informal traditions for administering justice in post-conflict societies”.<sup>17</sup>

Traditionally, Gacaca was a dispute resolution mechanism devised to deal with minor crimes, marital disputes and property rights. The name is derived from the local word for “grass” – or more appropriately “lawn”



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**Athanase Seromba, a former Rwandan Catholic priest, was sentenced to 15 years imprisonment by the International Criminal Tribunal for Rwanda (ICTR), for ordering bulldozers to level a church in Rwanda that resulted in the death of 2 000 people who were hiding inside.**

– referring to the fact that communities attending Gacaca sessions sit on the grass. In the context of the genocide, the Gacaca courts engaged in criminal prosecution. The judges were locally elected non-professionals, known as “*inyangamugayo*” or people of integrity. As an alternative to the other justice mechanisms, the Gacaca system boasts several advantages. The system is financially favourable to operate and, because it is not expensive, it was possible to create 11 000 Gacaca courts all around the country. There was also the advantage of proximity, as the hearings were held near the places where perpetrators, survivors, witnesses and victims lived, and could therefore participate in the process. Furthermore, the Gacaca system provided a public platform for people to talk, engage and interact freely.

The Gacaca system also has some challenges – primarily because a traditional mechanism used for minor dispute resolution had been adopted to deal with serious criminal prosecution. Untrained individuals presided over very complex issues, and the fact that the judges were selected locally meant that the local balance of power influenced the results of the proceedings. Another major problem with the Gacaca courts was that the power to prosecute the accused was given to the accusers, which was not consistent with conventional court practice.<sup>18</sup> In some

instances, the Gacaca system turned the principles of justice upside down – such as when the accused were treated as guilty until proven innocent instead of vice versa, as is required.

### **Lessons from Rwanda and the Future of Transitional Justice**

From the foregoing discussion, it is clear that there are two main dynamics that come across in the analysis. First, the analysis demonstrates a comparison between local and international approaches to justice after conflict. Second, the comparison approaches the justice process debate from the context of the judicial retributive justice approach, as in the ICTR, versus a restorative justice approach, as in the Gacaca process.

Determining which system of transitional justice best fits a post-conflict society is not possible with certainty. The discourse is ongoing and, because societies are different, it is important always to consider available options on the basis of short- and long-term objectives and consequences. As demonstrated by the Rwandan experience, after 15 years it is clear that one system alone does not deliver or fulfil on all counts – especially when aspirations are geared towards achieving justice, long-term peace and reconciliation. While good intentions never guarantee good outcomes – and this is especially true for a society as destroyed, divided, suspicious, poor and traumatised as Rwanda was in 1994 – it is the responsibility of corrective local and international authorities to ensure that their efforts add value, and not more problems, to post-conflict societies.

While the ICTR focuses on retributive justice, the Gacaca system gives primacy to restorative outcomes; that is, forgiveness and reconciliation. Since both of these outcomes were required, it made sense to adopt both of these options in Rwanda. What remains lacking is a coherent, organised structure that links all the processes and allows the various systems to play complementary roles. The best of both worlds might be possible with more efficient processes, and better organisation and coordination.

More recent cases have demonstrated that the dilemma between peace/amnesty and the protection of civilians or justice/human rights is complex, but resolvable – as recently demonstrated by the prosecution and conviction of Alberto Fujimori in April 2009. Fujimori, a former president of Peru, was found guilty of committing human rights abuses when he was in power. There is, therefore, enormous responsibility placed on the proponents of international justice processes always to ensure that the balance between peace and justice is maintained. Another example is the delayed arrest and prosecution of Charles Taylor in March 2006 for war crimes. Former warlord and president of Liberia, Taylor was one of the most destabilising factors in West Africa's war-ravaged conflict region. Despite his indictment in June 2003 for his role in atrocities committed



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

during the war in neighbouring Sierra Leone, prosecution was delayed and Taylor was granted asylum in Nigeria. When he was finally transferred to the Sierra Leone Special Court, he was no longer in a position to incite trouble in Liberia.

Most conflict societies should not merely be seen only as recipients of international transitional justice processes; rather, they should be engaged as partners too. The processes and mechanisms of transitional justice have to reflect the mood, views and aspirations of local populations. An example from the Rwandan process is the debate centred on the death penalty. While the death penalty exists in the Rwandan legal system, international mechanisms such as the ICTR do not include it. This allowed negative perceptions and misconceptions about the ICTR “being too comfortable and easy” for suspected criminals to arise. Such perceptions generated a sense of imbalance between the extreme evil of genocide and the refined judicial treatment of the ICTR.<sup>19</sup> The importance of engaging local populations can never be overstated; it is a cardinal factor in the success of post-conflict reconstruction and



peacebuilding. This is more important because the success of transitional justice is best measured by the verdict that comes from the local population. Another important lesson from the Rwandan experience is the point that an international approach to justice widens the scope for accountability, as the area of jurisdiction goes beyond the borders of the country where the atrocities were committed.

## Conclusion

Transitional justice is an important component of post-conflict reconstruction. Reversing the circle of violence in post-conflict societies depends on getting this process right. On the fifteenth anniversary of the Rwandan genocide, this article attempted to assess the dual transitional justice processes adopted in the country. To achieve the desired justice and peace outcomes and objectives, various factors should be considered, such as the need for appropriate structures that guarantee coherence amongst the various processes and mechanisms. While the different processes of transitional justice come with varied outcomes and challenges, the article has argued that different outcomes can be simultaneously converged into a coherent, coordinated process that will deliver justice as well as foster reconciliation. The success of transitional justice in post-conflict scenarios depends on these factors and dynamics, hence the overriding need for all stakeholders to work in consensus and partnership to achieve this. **A.**

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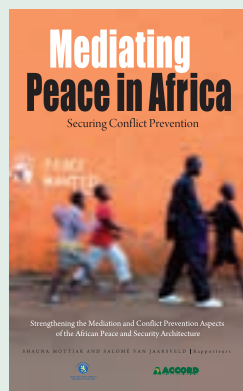
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