

CONFLICT TRENDS

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EDITORIAL

BY **VASU GOUNDEN**

On 21 November 2015, during ACCORD's 2015 Africa Peace Awards celebration, I made a public call for the United Nations (UN) to convene the first-ever World Conference on Global Peace.

Over the past few months, our television screens and social media feeds have exposed us to the graphic nightmares currently plaguing humanity. Terrorism, violent uprisings and devastating conflicts now afflict several parts of the world, with no corner of our planet seemingly immune to these challenges or their consequences.

Conflicts throughout the world have multiplied in complexity and intensity. The traditional war paradigm of two nations fighting on a common border has become less relevant. Today, internal conflicts are more prevalent, especially with the expansion of uncontrollable and amorphous groups of radicalised and militant individuals. We also observe that nations use these conflicts to directly and indirectly compete for power and influence, and to pursue their own narrow agendas.

As evidenced by the current challenges in Syria and Iraq, Libya, Nigeria, Yemen and Ukraine, the devastating consequences of such violence will likely scar these societies for generations to come. Our global community can no longer afford to pursue exclusively military-oriented responses, nor can it remain indifferent to those situations that are beyond their immediate concerns.

With an exponentially growing population, unprecedented urbanisation, destabilising climate change, growing unemployment and expanding wealth inequality, our planet is in a race against time. While humanity is equipped with unprecedented technological advancements and incredible demographic opportunities to build a better future, we must channel the collective expertise of our global community to find sustainable and transformative pathways forward.

Collective political dialogue is the only genuine pathway to address these conflicts in a sustainable and holistic manner. Such dialogue must focus on strategies to resolve current crises, prevent future outbreaks and ensure that peace and prosperity take root sustainably. There is also an

urgent need to promote critical reflection, earnest debate and mutual solidarity among all people. We must underpin these efforts by shepherding a collective shift from 'national interest' to 'global responsibility'.

The UN has convened a number of world conferences on a wide range of important topics, from human rights and social development to climate change and disaster risk reduction. Bringing the entire international community under one forum to deliberate earnestly has contributed to tangible, landmark global commitments from governments, the private sector and non-state actors alike. However, to this day, there has not been a UN-sponsored world conference focusing explicitly on peace.

In two years' time, on ACCORD's 25th anniversary, we intend to assemble a multidisciplinary gathering of experts from around the world as a precursor to the proposed World Conference on Global Peace. By convening this gathering at the iNkosi Albert Luthuli International Convention Centre in Durban, South Africa – aptly named after Africa's first Nobel Peace Laureate – we will invoke the spirit of this great leader to guide our deliberations towards preparing for the world conference.

It is also our hope that South Africa, in collaboration with other African nations and under the auspices of the African Union, can propose to the UN General Assembly to host the first ever World Conference on Global Peace in 2019 in Durban – also in line with the 25th anniversary of South Africa's democracy. Unanimous and collective opposition to apartheid, from Africa and beyond, was critical in supporting the emergence of a peaceful and democratic South Africa. We hope that the world will join us once more, in the spirit of this same collective unity and action, to chart a way forward for global peace. Now is the time! ▲

Vasu Gounden is the Founder and Executive Director of ACCORD.

CONFLICT, PEACE AND PATRIARCHY: FEMALE COMBATANTS IN AFRICA AND ELSEWHERE

BY SEEMA SHEKHAWAT



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Is the portrayal of women as peaceful and men as violent appropriate? This problematique needs to be explored, as the ever-increasing presence of women in conflicts across Africa and elsewhere demonstrates that war is not an exclusive male bastion and women are not necessarily always peaceful. Despite literature on women's participation in war,¹ their role remains undervalued. The battlefield continues to be understood and analysed as a male bastion. Female combatants remain on the margins of war-related discourses. War is understood as a masculine endeavour for which women may serve as victim, spectator or prize.²

Conventionally, women's engagement with violence has been dubbed as unnatural, abnormal, perverse or

distorted. Even today, women continue to be studied largely as peacemakers and peace-lovers, despite female combatants attracting significant attention and scholars increasingly scrutinising women's engagement with violence for centuries now.³ There is an increasing trend in which women's participation is analysed as "elements of the politics and practices of war and peace, rather than cases of gender deviance, false consciousness or

Above: The ever-increasing presence of women in conflicts across Africa and elsewhere demonstrates that war is not an exclusive male bastion and women are not necessarily always peaceful.



Colonel 'Black Diamond' (centre with glasses) is flanked by her female bodyguards and members of the Liberians United for Reconciliation and Democracy as they return from a patrol in Monrovia's rebel-held Northern area (9 August 2003).

globalized militarization".⁴ This article makes the case that female combatants need much more attention than they currently receive. It further argues that their engagement with violence brings for them a unique mixed experience of empowerment and exploitation. It contends that there is a need to challenge the asymmetrical discourse on conflict and peace, by positioning gender at the centre and factoring voices from the margins to revolutionise the prevalent discourse.

Making Conflict

Examples are scattered across and beyond Africa of women becoming indispensable for non-state armed groups to wage their wars against states, for reasons ranging from secession to greater autonomy. Most of these wars are fought not in battlefields, but around human habitations. The cases of Angola, Burundi, Liberia, Mozambique, Rwanda, Uganda, Sierra Leone, Democratic Republic of the Congo, Sri Lanka, Nepal and India are a few examples where women's participation in conflict and violence is evident. For example, in the Eritrean People's Liberation Front, female fighters made up at least 25–30% of the total strength.⁵ In Sierra Leone, the number of women in the various forces has been estimated at 10–30%.⁶

In many conflict situations, women play their socially ascribed gender role and even assume new responsibilities such as fighting, which are traditionally attributed to men. They care for, nurture and feed male militants and thus facilitate armed conflicts. In some cases, they are directly engaged in combat – such as in Sierra Leone, Liberia, Nepal, Sri Lanka and the Maoist movement in India. Women are majorly "wives, girlfriends, and mothers, waiting for their soldiers to return and caring for wounded"⁷ – but, in many conflict situations, they are also involved in direct combat where they fight, kill and get killed.⁸ Women directly or indirectly aid violence by performing an array of activities such as nursing, spying, fund raising and fighting, and as suicide bombers.⁹ Female fighters have assumed leadership roles – such as in Liberia, where some of the well-known female leaders include Martina Johnson (National Patriotic Front of Liberia), Ruth 'Attila' Milton (Liberia Peace Council) and 'Black Diamond' (Liberians United for Reconciliation and Democracy).¹⁰ Women have also served on all-female units, blown up buildings and assassinated political leaders – as has been quite visible in Sri Lanka. The civil war in Mozambique, fought between the *Resistencia Nacional de Mocambique* (RENAMO) and *Frente de Libertação de*

Mocambique (FRELIMO), witnessed women's presence on both the sides. Here women assumed multiple roles – as fighters, trainers, spies, recruiters, medics, arms experts, labourers and captive 'wives'.¹¹ Similarly, in northern Uganda, women not only were fighters and 'wives' of the Lord's Resistance Army commanders, but were also highly visible in supportive roles such as cooking, looting and smuggling weapons.

What drives women to be involved in wars is complicated. The enlistment is prompted by mundane and contingent factors, partly endogenous to the conflict situation and partly to the pre-conflict situation. There are women who commit violence voluntarily, and there are others who are forced to commit violence. Taking into account the wide spectrum of women's involvement in violence, Cunningham identifies several factors behind their involvement: domestic/international enforcement, conflict and social dislocation.¹² For Bloom, women are prompted by five Rs: revenge, redemption, relationship, respect and rape.¹³ My study of several South Asian conflicts, including Nepal, Sri Lanka and India (Kashmir, Manipur, Punjab and the Maoist movement scattered across many Indian states), reveals that the motivations include: nationalist sentiment and identification with an ideology, prompting women to sacrifice in person (as a suicide bomber or fighter) or to sacrifice a family member (by sending male members to fight); revenge (to avenge the killing of kin or a personal suffering, such as rape); relationship (close association with a person supporting the conflict); and advantages (prospects of social or economic gains).¹⁴

The 'protection discourse' has played a key determinant in legitimising women's invisibility in war. This discourse is based on the assumption that men fight wars to protect women; hence, the 'protector' and the 'protected' cannot be equal.¹⁵ What would be the equation when the protected assumes the role of protector – that is, when women engage in fighting? In this situation, do women and men share an equal relationship? The answer is no. Men and women share unequal relationships, both during times of peace and war. Women not only bear the consequences of violence unequally as protected persons, but inequality walks alongside when they transgress the traditionally imposed boundaries and become protectors.

Suffering in Conflict

For female combatants, war brings in its trail a complex set of experiences that prove liberating as well as suffocating. During armed conflict, female combatants may experience momentary emancipation from patriarchal social order, or they may continue confronting gender-based discrimination with varying intensity, or, as happens in most cases, simultaneously enjoy limited liberation from the pre-conflict patriarchal setup as well as suffer gender-specific victimisation. The experiences of women can reach an extreme of being liberated to another extreme



A 14-year-old Nigerian girl is arrested with explosives strapped to her body in Kano, Nigeria following a double suicide bombing in a market that killed 10 people (24 December 2014).

of being highly exploited, or there may be simultaneous experiencing of both in varying degrees.

Conflict situations may provide women an opportunity to enjoy greater freedom of choice. They may enjoy some semblance of parity and power, since not all experiences of involvement in conflict-making are negative. They may enjoy unprecedented freedom, since war "destroys the patriarchal structures of society that confine and degrade women".¹⁶ But this is only one side of the coin. Female combatants suffer in conflicts in specific ways. They are used and abused, even as combatants themselves. By becoming agents of violence, women do not necessarily become immune to gender-based discrimination. Immunity to patriarchy is not a habitual outcome of transgression of the societal gendered norms. Female combatants continue to remain susceptible to patriarchal control, with varying intensity – patriarchy is deeply embedded in society and social existence globally. The spatial and situational variance may not necessarily weaken the patriarchal strangle. The incessant reinforcement of discriminatory



A masked female member of the anti-Balaka Christian militia holds a machete in a village of Zawa in the Central African Republic (April 2014).

patriarchal values ensures the superior position of men before, during and after conflict. Examples of such abuse are scattered across conflict situations. Female fighters in Sierra Leone who assumed command positions were also mostly forced to be ‘wives’ to male fighters. These women had to suffer sexual violence, rape and gang rape, even while holding higher ranks.¹⁷ In northern Uganda, women were visible as fighters, in supportive roles and also as sex slaves and captive ‘wives’. In her study of Liberia, Specht argues that gender equality remained a dream for most female fighters, as male commanders not only led them but also demanded sexual favours.¹⁸ A similar situation has also been noted by the author in her study of the Maoist movement in India.¹⁹

Women warriors suffer violence not only at the hands of the enemy, but also at the hands of their fellow group. Many female combatants adopt masculine attitudes and values to become a proper fit in a conflict. While these women are encouraged to become ‘masculine’, they are expected to continue retaining feminine qualities. They are therefore

caught in a difficult situation, wherein they aspire to become ‘like men’ to attain equality, and even are expected to do so, but are simultaneously expected to continue retaining their feminine qualities to sustain the conflict. Some women warriors claim that they ‘feel just like men’ during the period of conflict – but in a patriarchal set-up, there is a difference between ‘feeling like men’ and ‘being men’.²⁰ In most cases, patriarchy does not cease to operate, even when equality is a projected goal of the movement leaders. Although women fight shoulder to shoulder with

SOME WOMEN WARRIORS CLAIM THAT THEY ‘FEEL JUST LIKE MEN’ DURING THE PERIOD OF CONFLICT – BUT IN A PATRIARCHAL SET-UP, THERE IS A DIFFERENCE BETWEEN ‘FEELING LIKE MEN’ AND ‘BEING MEN’

their male counterparts, they suffer in gender-specific ways, including experiences of sexual violence. They are the perpetrators of violence as combatants – but at the same time, they are the perpetrated too, and confront physical as well as sexual abuse at the hands of their male counterparts.

Suffering in Peace

Patriarchal ideology may get partially diluted during the conflict, to resurface as soon as violence subsides and peace attempts are initiated. This continuum of the patriarchal structure, with only occasional ruptures, remains a harsh reality for female combatants. For them, conflict as well as peace situations “are mere stages in a sequence of conditions linked together to produce a condition for the continuation of structural gender inequality and violence against women”, argues Lahai in his study of Sierra Leone.²¹ His contention that the pre-war patriarchal system and social hierarchies, along with the Sierra Leonean-specific hetero-gender normative narratives prepared the ground for war, determined women’s position in the warring factions, and undermined all attempts “to use gender-aware pragmatic thinking to situate gender

equality within the discourse of conflict transformation”, can be applied to many other conflicts in Africa and beyond.

Inequality persists beyond the confines of conflict. Once violence subsides, women are no longer visible, even though they played a significant role in sustaining the conflict. Is it not a fact that while the stories of success in terms of women’s inclusion in post-conflict reconstruction programmes are negligible, those of failures are epic? Once violence recedes, women are relegated to the private domain, with no major role in the peace process. The undermining of the gender component in conflict and peace processes strengthens, legitimises and perpetuates patriarchy. Conflicts across the globe are strikingly similar

INEQUALITY PERSISTS BEYOND THE CONFINES OF CONFLICT. ONCE VIOLENCE SUBSIDES, WOMEN ARE NO LONGER VISIBLE, EVEN THOUGH THEY PLAYED A SIGNIFICANT ROLE IN SUSTAINING THE CONFLICT



GALLO IMAGES/AEPRAKASH MATHEMA

Former female Nepalese Maoist combatants attend a farewell ceremony at a Maoist camp in Dudhali, eastern Nepal (7 January 2010).



During armed conflict female combatants may experience momentary emancipation from patriarchal social order. Conflict situations may provide an opportunity for greater freedom of choice and some semblance of parity and power.

in this context – women’s visibility in conflict-making and invisibility in peacemaking. Female combatants do not usually constitute part of formal peace talks to address conflicts. A major reason for this is the warlords – mostly men – do not provide a place for their female cadres to participate in peace talks. This exclusion is largely justified on flimsy grounds. Informal interactions with scores of male ex-combatants reveal how they perceive women as mostly apolitical and apathetic.²² Many argue that women do not understand the intricacies of peace negotiations,

FEMALE COMBATANTS BECOME THE VICTIMS OF SELECTIVE AMNESIA, WHEREIN NEITHER THEIR ROLE IN CONFLICT IS RECOGNISED NOR ARE THEY CONSIDERED EQUAL STAKEHOLDERS IN PEACEMAKING PROCESSES

while for others, women are saved from the ‘dangers’ of peacemaking. Some even claim that women are incapable of making political decisions. Simply put, women are used during violence and abandoned after violence. Female combatants become the victims of selective amnesia, wherein neither their role in conflict is recognised nor are they considered equal stakeholders in peacemaking processes.

The post-conflict situation brings in its wake a series of gender-specific problems for female ex-combatants – ranging from physical to psychological, social to cultural and economic to political – which they have to confront on a short-term and long-term basis. The euphoria of a violent movement – and, at times, the accompanying glorification of women as the backbone of the movement and their accidental empowerment – are replaced by neglect, apathy and stigmatisation. In the post-conflict situation, female ex-combatants are triply alienated – by ‘their’ group, by the state and by the community. Patriarchy not only survives during the conflict, but is also



South Africa is considered a success story as far as women's inclusion in post-apartheid political processes is concerned.

reinforced further in the post-conflict situation. State and international agencies discriminate against women while planning and implementing disarmament, demobilisation and reintegration programmes. For example, in Sierra Leone and Angola, women warriors were tagged merely as dependents, and consequently were deprived of the benefits extended to male ex-combatants. The problems of these women are further compounded by a lack of support from the community. While their group neglects them and the state is apathetic, society stigmatises them. For female ex-combatants, life is never the same, as they have to negotiate their space in a highly prejudiced society. It becomes a long, strenuous process and, at times, unattainable goal. Most of these women are forced to reaccept their traditional status in society, but even this is not easy. They are stigmatised as violent and sexual – both unacceptable traits of a 'normal' woman. In her study of female ex-combatants of the military wing of the African National Congress in South Africa, Axelsson contends that even though South Africa is considered a success story as far as women's inclusion in post-apartheid political processes is concerned, female ex-combatants continue to remain in a disadvantageous position. She argues that in

the South African context, women who "defy dichotomies of masculinity/femininity, combatant/civilian, perpetrator/victim and war/peace" are "positioned in systemic disadvantage by their gender, the silence surrounding them obscures their hardship and precludes them from seeking adequate assistance".²³

Conclusion

Any partial collapse of the patriarchal order in times of conflict is, at the most, incidental, with no major gender implications for the reordering of the social structure in the post-conflict situation. It is naïve to claim that the participation of women in combat and violence provides an opportunity to challenge the patriarchal stronghold. Women's involvement in conflict is not as emancipating

IN SIERRA LEONE AND ANGOLA, WOMEN WARRIORS WERE TAGGED MERELY AS DEPENDENTS, AND CONSEQUENTLY WERE DEPRIVED OF THE BENEFITS EXTENDED TO MALE EX-COMBATANTS

as proclaimed, as insidious patriarchy is reinforced in multiple ways in both conflict and post-conflict situations. Both conflict and peace processes continue to be discriminatory for all categories of women, including female combatants.

Female combatants' exclusion from peace and reintegration processes is universal. It is for this reason that many unnerving questions need the sustained attention of scholars: Are these women who aid conflict incapable of aiding peace? Are they competent to make war, and incompetent to make peace? Is a rebel movement a mass movement where women should be necessarily involved, and peacebuilding an elite, male privilege in which women combatants can be neither actors nor beneficiaries? Is women's exclusion from peace processes mere negligence, or a schema crafted by the patriarchal sociopolitical structure? **A**

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HOW THE USE OF TARGETED SANCTIONS CAN UNDERMINE PEACE IN SOUTH SUDAN

BY **MATTHEW LERICHE**



UN PHOTO/OLEY FELIPE

The misguided application of targeted sanctions in South Sudan will not support peace; rather, they have the potential to foster conflict.¹ Nor are targeted sanctions the appropriate forum to further justice. The following consideration of the use of targeted sanctions in the case of South Sudan's current internal conflict (2013–2015) and peace process concludes that rather than support peace, as the sanctions presented by the United States (US), European Union (EU), Canada and, most recently, the United Nations (UN) Security Council purport, they are at best benign, and at worst, present a threat to sustainable peace.

On 8 September 2015, US, British and French representatives at the UN Security Council circulated a proposal, under Resolution 2206, to add targeted sanctions on a further two South Sudanese leaders they claim are obstacles to peace. Even though Russian and Angolan representatives voiced objection, forcing the deferral of the proposal,²

the choice to propose further sanctions – only weeks after a peace agreement between the warring parties was resolved – raises questions regarding these sanctions specifically, and the usefulness of targeted sanctions in supporting peace, more generally.

South Sudan's President Salva Kiir Mayardit and opposition leader Riek Machar (formerly vice president,

Above: The United Nations Security Council unanimously adopts Resolution 2206, imposing sanctions on individuals and entities deemed responsible for, or complicit in, actions or policies that threaten the peace, security or stability of South Sudan. The Resolution also establishes a Sanctions Committee of the Council to monitor compliance, and requests the Secretary-General to create a Panel of Experts to assist the Committee (3 March 2015).



South Sudan's President, Salva Kiir (left) and former Vice President, Riek Machar (right), attend a meeting on 3 March 2015 in Addis Ababa, Ethiopia as part of the latest round of peace talks to end over 14 months of conflict, just 48 hours ahead of a deadline to strike a peace deal.

before his rebellion) agreed to peace in August 2015. There has been a struggle to maintain this agreement; indeed, many suggest there is little peace to keep.³ The most recent report by the official body monitoring the process has reported more than 50 violations of the ceasefire in the last 19 months – 29 violations by the rebel opposition forces and no less than 24 attributed to government forces.⁴

In the context of a faltering peace, the approach by those advocating sanctions is to single out specific individuals whom they conclude are responsible for continuing conflict and undermining the peace. These sanctions are, in one way or another, meant to remove these individuals from the equation and to deter others from similar recalcitrance – so goes the narrative. The most recent sanctions proposal targets the South Sudanese military's chief of staff, General Paul Malong Awan, along with opposition commander Major General Johnson Olony. The newly proposed sanctions are meant to pressure these individuals to prevent violations of the peace. Instead, like earlier sanctions, they are likely to exacerbate the politics poised to undermine peace, and can even be directly connected to some of the violations of the agreement.

Sanctioned Leaders are Critical for Peace

The first and most obvious flaw in the choice to add further sanctions is the fact that those being sanctioned will undoubtedly prove critical in the process of implementing the peace agreement, especially security provisions and wider security sector development. To alienate them now, when

neither party to the peace is requesting such action, is highly questionable.

Just as those being targeted were important players in the conduct of the conflict, they too will prove critical in securing the implementation of peace. If they and their corresponding support groups are alienated by such sanctions, the result is that these figures could regroup and force continued threat and conflict.

We have already seen several top commanders of the opposition forces of the Sudan People's Liberation Movement in Opposition (SPLM-IO) rebelling from their own group after they were sanctioned by the US, EU and Canada. The leadership of the opposition group used the discrediting of the sanctions to sideline powerful commanders. The resulting politics saw these powerful commanders move to continue their struggle with their own rebel group. The most prominent example is General Peter Gadet Yaka, who has since sought support from the Sudanese government in Khartoum, and has launched various campaigns to scuttle the current power-sharing agreement.⁵

A former state governor and revered leader of the civil war that led to South Sudan's independence, General Paul Malong Awan's leadership of a key South Sudanese community, a wide patronage network and his importance in the security sector, means he is an important figure in securing peace. His centrality in the conduct of the counter-rebellion effort, in particular, corresponds to his centrality in securing and implementing any peace agreement.



The United States Special Envoy to South Sudan, Donald Booth, urged South Sudan's warring leaders to resume peace talks and gave repeated warnings that they could face sanctions for prolonging the civil war.

Malong is one of many military leaders – including those already sanctioned – on both sides of the conflict, who will prove important to the success of the implementation of the current agreement. In particular, the extensive security provisions will require a lot of military leaders, both in terms of compromise and in technical competence. The senior and more experienced leaders of both sides will thus have to work together to make the peace agreement function.

Most of the top leaders targeted by sanctions have a history of leadership dating to the previous civil war in Sudan, and many – such as Malong – have even longer histories of military leadership, going back to resistance to colonialism. Their exploits during war mean that such leaders are revered and respected – not only in the military, but in wider society. Most of the older leaders are seen by their respective communities as heroes of the liberation struggle, and for many, like Malong – whose home region was one of the more remote but main frontlines resisting northern Sudanese efforts to Arabize and oppress Southerners – are seen as defenders of their people.

Dismissing this history and influence runs counter to the functioning of society in South Sudan. To ignore this reality and move to impose narrow, targeted sanctions suggests a lack of appreciation of political and social dynamics in South

Sudan, which are central if anyone is interested in building or even supporting peace. This is not to reject the idea of justice and accountability, however. Nor is it the proposition that security must come before justice, as some have proposed.⁶ Rather, the argument here is that measures to support peace must be designed with the utmost care, in a manner appropriate for the particular context. Targeted sanctions as they stand are far from reflective of South Sudan's cultural, social, political and historical context.

Deterrence and Individuals

Those proposing sanctions claim that, by pressuring individual leaders in this way, the powerful will be compelled to maintain peace. They also argue that sanctioning a few major figures will serve as deterrents – other players, fearing similar moves might be made against them, will act accordingly to avoid sanction. Instead, these sanctions risk further polarising the political situation between groups opposing each other, and within the leaderships of both government and opposition forces.

THEIR EXPLOITS DURING WAR MEAN THAT SUCH LEADERS ARE REVERED AND RESPECTED – NOT ONLY IN THE MILITARY, BUT IN WIDER SOCIETY

After the last round of sanctions, with leaders of all parties still deeply suspicious of the tenuous peace deal, forces loyal to sanctioned commander Gadet broke with the opposition group. Believing they would lose out, they opposed any peace deal. Indeed, once sanctions were imposed, rebel SPLM-IO leader Machar moved to dismiss Gadet and other commanders. Presumably, this was because the international community had blacklisted these commanders, so continued association would have made courting international political and material support more difficult for Machar and the SPLM-IO. At the same time, Gadet declared his own rebellion against the SPLM-IO of Machar and the government, and has since been launching attacks. Thus, in part, the sanctions contributed to cleavages within the opposition forces. Instead of compelling Gadet to become a partner in peace, he is now a spoiler.

The idea of deterrence not only ignores the lessons of history, as noted above, but also ignores the realities of South Sudanese society. South Sudan is a proud, martial society where resistance has become a way of life, due to the long liberation wars dating back to the colonial period. Using threat and sanction to make an example of some to threaten and deter others from action has little foundation in society. Not to mention the fact that this method, designed to work in an individualist society, is unlikely to function as expected when applied to South Sudan's communal society.

Added to the problems identified above regarding how the sanctions will function to deter, most of those sanctioned have little or no international financial holdings and travel infrequently. Thus, the current regime of sanctions has had little real impact on those already sanctioned, all of whom still hold their positions. For a deterrent to function, an appreciable negative impact needs to be felt, so that the perceived cost of continuing the actions associated with the sanction become too high for others and they are coerced into changed behaviour.

The following is a list of those sanctioned to date, and their current status since being sanctioned:⁷

Rebel/Opposition SPLM-IO commander	Status since initial targeted sanctioning
Major General James Koang Chol	Remains an active commander
Major General Simon Gatwich	Remains an active commander
General Peter Gadet Yaka	Leading his own rebellion after defecting from the SPLM-IO
Government/SPLA officers	Status since initial targeted sanctioning
Lieutenant General Gabriel Jok Riak	Remains the top field commander of the SPLA, sector one commander
Major General Marial Chanoung Yol	Continues to be a senior officer and head of the Presidential Guard
Major General Santino Deng Wol	Remains an active commander in the SPLA

The evidence, thus, is in the result – all those sanctioned continue to be important military leaders, conducting operations, since the sanctions were imposed by the US, EU, Canada and UN. Nor have the sanctions curtailed the willingness of other leaders to conduct aggressive military operations.

The targeted sanctions already imposed have even made several leaders more popular and influential. The sanctions create incentives for more extreme action, because anyone seen flaunting this is viewed by many in South Sudan as resisting outside meddling, even resisting renewed colonialism or neo-imperialism by the West. Acting in direct opposition to the sanctions, and flaunting this in language and action, thus becomes an act of resistance. Resistance is laudable in South Sudan, and thus the sanctions and the rejection of them by leaders is perceived to be contrary to

the way those designing them may have believed would be the case.

It is widely understood that political figures on both sides have encouraged the conflict to escalate rapidly into one with an ethnic narrative and frame. This problem has been pointed out clearly by observers, such as the International Crisis Group.⁸ However, this most recent round of proposed sanctions again focuses exclusively on military leaders. Despite many observers and those involved recognising that many military figures have been more inclined to negotiate and work with mediators to resolve the current conflict, the international community continues to target military figures rather than politicians.

A DEEPER CONSIDERATION OF THE USE OF SANCTIONS IN SOUTH SUDAN SUGGESTS THAT IT IS IMPACTING INTERNAL POLITICAL DYNAMICS BY DIVIDING KEY LEADERS AND GROUPS

Thus, the sanctions have compelled an increased determination by several of those sanctioned to press their campaigns forward and prove their power and influence in military terms, so that they cannot be ignored by the coming power-sharing government and future political dispensation. The result is pushing political and military figures to more extreme positions than they may otherwise have taken, with little practical pressure in financial or other terms. Clearly, this is the opposite of the intended result of sanctions.

Divide and Rule Rather than Support for Peace

A deeper consideration of the use of sanctions in South Sudan suggests that it is impacting internal political dynamics by dividing key leaders and groups. Dividing leaders in government, in particular, but also among the opposition, resembles the efforts of divide and rule employed by foreign governments to control states in the colonial period and during the cold war. The purported justification and purpose of the sanctions is to secure peace. Internal division, competition and confrontation are certainly not in line with the goals set out for the sanctions regime.

Targeted sanctions have the potential for – and are currently resulting in – increasing internal competition. Both opportunists and those looking to support the state are making political manoeuvres in response to the way the sanctions have framed individuals as beyond the bounds of acceptance. It follows that any leader sanctioned needs to be sidelined, and this makes space for new leaders to step in. While in theory this may seem a strong strategy, if leadership for the large part has been determined to be recalcitrant and uncooperative with the international community, it is more likely to have the disastrous consequence of creating further divisions, and further cleavages to be exploited and leveraged into justifications for violence and political machinations.



South Sudan's President Salva Kiir (right) is received by the Chief of Staff of the Sudan People's Liberation Army, Paul Malong Awan, at the airport in Juba, upon arriving after attending peace talks in Ethiopia (6 March 2015).

While some in the press and diplomatic circles have suggested that sanctions and other pressure from Western states helped push the South Sudanese leadership to accept the most recent peace terms, in actual fact, they made it increasingly difficult for the president or others in the government to sell peace to their core constituencies. The various communities in South Sudan tend to interpret the situation as a zero-sum game, in which compromise is tantamount to loss.

Targeted sanctions are an attempt to use coercion to support peace. Perceived as part of a wider agenda to impose a political outcome on South Sudan, the sanctions reinforce the belief held by many that the current conflict, peace process and other actions of the international community are threats to the survival of their community; at least, a part of the threats to their community laid bare by the current conflict. This perceived threat is likely to be met with strong resistance, which frighteningly translates into justifications for violent defensive action, with many seeing their communities facing an extreme emergency.⁹ The international community should be striving to work against this zero-sum view of conflict and towards engagement around the idea that a compromise accord can have a positive sum outcome for a future South Sudanese nation, with all communities playing important and included roles.

Furthermore, sanctions against the top leaders impact the internal brokering for the next set of political postings.

Much of South Sudan's politics focuses on who gets which post in government and the bureaucracy. The sanctions will affect the internal power dynamics in the government and ruling political party. This certainly runs counter to stability and sustainable peace theories. Worse, it borders on negative meddling. Again, to ignore the reality of the system and society in South Sudan, regardless of one's judgement of it, is a barrier to designing effective interventions in support of peace.

A final way that targeted sanctions can have a destabilising effect on the political dynamics in South Sudan is the creation and/or cementing of potential spoilers to the peace. The sanctioning of the sometime opposition/sometime government commander Olony is one such example of how the sanctions could contribute to the spoiler effect. To date, Olony has been willing to resolve deals with the government, but has also shown himself willing to rebel from the government and from the SPLM-IO when placed in positions he feels are disadvantageous, or if he sees alternative opportunity. The rewards of rebellion are thus higher than remaining loyal – at least by his calculations. If placed in a situation that jeopardises his access to financial or political concessions in the power-sharing agreement or future government, Olony, like many others, is not daunted to use force to assert control of certain geographic spaces and, through this, effectively deny the monopoly of government violence. The past has proven that this strategy works, and

there is little reason why targeted sanctions applied in the current context would change that.

Further, the placing of sanctions on a leader like Olony is likely to place such leaders in a situation where there is little advantage to maintaining peace, as they are effectively ostracised for future political legitimacy in the eyes of international actors and the terms of the new government arrangements under the peace agreement. The dynamic result is that there are incentives for Olony to assert his and his armed group's control of space to force their inclusion.

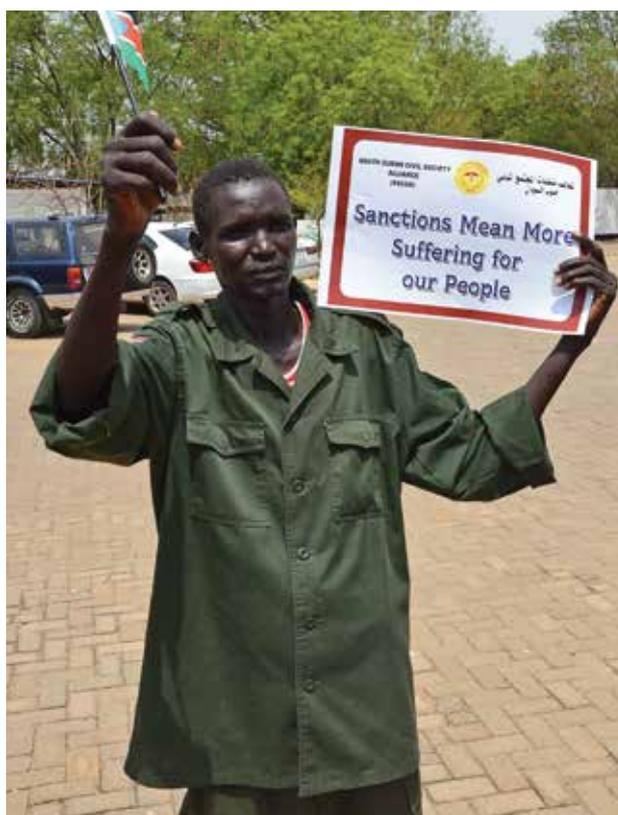
There are many people in situations similar to Olony. Gadet has already proven that when placed in an ostracised political position by sanctions, the incentives to move to spoil the current peace are higher than the costs. As noted previously, since being sanctioned, he has coalesced his armed group and supporters on the ground, along with accessing resources and support from the government in Khartoum. The Sudanese government in Khartoum seems content with a destabilised South Sudan as part of its own internal security effort, since South Sudan is believed to be a supporter of several rebel opposition groups in Sudan, particularly the SPLM-North in the Blue Nile and Nuba Mountains.¹⁰

Sanctioning Communities not Individuals

Ironically, the opposite of the logic being applied by those advocating sanctions targeted on individuals is true – sanctions of individuals in South Sudan have consequences akin to blanket/general sanctions. This problem with targeted sanctions functions in two ways: (1) undermining the distribution of income via a patronage network, and (2) fostering intercommunal competition and conflict.

In South Sudan, there are very wide patronage networks that function around the elites of each community, extracting wealth from the state and other sources and then dispersing it through their network. The essential point here is that by cutting off the ability of individual leaders to engage in wealth creation and dispersion, the community is hurt. And since most leaders are likely to impose austerity in the system from the wide end of the pyramid first – thus protecting their personal and inner circle from loss – targeted sanctions can have the result of hurting large groups of civilians not directly involved in or responsible for conflict. Despite the dysfunction of this patronage system in broader development or governance, it is the system that currently exists, and should only peacefully be changed over time on the terms of the South Sudanese themselves.

A further and potentially deeper problem related to social structure is the fact that just as people vote and act politically in community groups, the targeting of a community's leader translates into targeting the entire community. Thus, for example, to sanction Malong is to target his community in Northern Bahr el Ghazal. Sanctions imposed by purportedly impartial international actors can then be leveraged by rival communities to brand the community of a sanctioned leader



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The imposition of narrow, targeted sanctions in South Sudan suggests a lack of appreciation of the political and social dynamics in the country.

as a problem, and can correspondingly give justification and support to intercommunal competition. A sanctioned community thus could become the target of a group that now sees the sanctioned community as weak and possessing material resources which could be taken with justification, harkening to the international sanctions.

What's more, the selection of certain individuals to sanction – and, in so doing, certain communities – provides the motive and justification for revenge by other communities, which correspondingly blame associated communities for acts the sanctioned leaders are said to be responsible for. This dynamic is the most dangerous, and the most likely, in the heated and cleaved ethnic situation in South Sudan.

The Wrong Forum for Justice

A final major problem worth noting, with respect to the use of targeted sanctions in South Sudan, is how they are being used as a punitive action, but are not being carried out by a judicial actor. Further, South Sudan is a society that has long held a restorative principle of justice, rather than a punitive one focused on individual perpetrators.

All the targeted sanctions – those applied unilaterally by the US, EU and Canada in preceding years, and those recently applied by the UN – are meant to support peace, not punish

wrongdoing. It is clear from comments by US and other state officials that these sanctions are seen as a means to punish war crimes, rather than compel or support peace.

Sanctions are meant to pressure to secure peace, not as a stand-in for a legitimate judicial or court process. They further threaten any future judicial effort to bring those responsible for war crimes or other violations to justice, as the sanctions and rhetoric associated with them are likely to prejudice any future case. Thus, the use of sanctions to punish has no basis in a court or judicial process. And it is of concern why the international community is resorting to this kind of mechanism to pass summary judgement of guilt, without due process.

With the effort to create a hybrid court in South Sudan, to address any crimes committed during the war, included in the peace yet to be established, it is presumptuous and dangerous for the UN Security Council or others to pass judgement in a political forum rather than a judicial one. The cases for sanctions cannot be challenged by those accused nor by anyone else for accuracy. This presents a major problem in terms of assessing the balance of the potential value of the sanctions and the potential dangers. Not only are the sanctions not likely to support peace, they are likely to compel conflict. Added to this, they are likely to prejudice and undermine efforts at justice in South Sudan.

It is clear that justice is essential to sustainable, positive peace in South Sudan.

While many focus on the headline-grabbing sanctions, the real work of peacebuilding – through a national reconciliation process and an active nation-building constitutional process – has been left aside. Until focus is placed on these processes, justice will continue to prove elusive in South Sudan.

Political Marketplace and More Harm than Good?

There is clearly a political marketplace in South Sudan,¹¹ which has been the only means through which any stability has reliably been achieved. Upon taking office, Kiir used the large oil wealth and major financial support to purchase the loyalty of major factions that might have opposed him – often referred to as “Kiir’s Big Tent”.¹² As those resources dried up, with oil prices plummeting and Western willingness to bankroll this effort disappearing, defections and rebellions increased. Political moves by more centrally placed figures, compounded by a heavy-handed response by government, sent the infant country into a disastrous spiral of political violence. At least in the short term, the use of the political marketplace to purchase loyalty for stability has had a much better track record. With the political marketplace in South Sudan nearly bankrupt,



Targeted sanctions are a poor replacement for creative diplomacy and mediation efforts.

GALLO IMAGES/GETTY IMAGES/SAMIR BOU

targeted sanctions only ostracise factions and create more desperation in the political marketplace.

Instead of working on new and more creative ways to secure peace – such as using the inclusion of the wider public to convince leaders of the merits of power-sharing and cooperation – the international community, by using sanctions, further exacerbates the dynamics of threat and force. With growing financial restraints due to oil prices and other issues, the threat of sanctions undermines any opportunity to support stability through the South Sudanese political marketplace. While problematic in many respects, South Sudan's collective society, with tribe and identity deeply connected to patrons, can only evolve slowly over time. To try and change it using threats is, at best, reflective of the ignorance of the social structures that must be taken into account to achieve peace.

So what are the goals of these targeted sanctions? The documents proposing the most recent round of sanctions suggest they are meant to “impose consequences for breaches of the ceasefire agreement”.¹³ South Sudan has already suffered the consequence of the war; even the people being targeted are not ignorant of those consequences. UN Resolution 2206 (2015) concerning South Sudan talks about supporting and building peace, and given the myriad problems discussed herein, it is difficult to see how the current targeted sanctions serve these goals of peace, stability and security. Rather, the sanctions seem to reflect more of an act for the consumption of domestic audiences in the West, leaders desiring to look as though they are doing something – anything – with little real cost for their action.

To genuinely support peace, we need intensive diplomatic work and strong humanitarian efforts, and innovative models of mediation and negotiation – not further bravado and aggressive posturing, no matter how well such bravado plays in Western states during an election cycle. Western states have backed away from the kind of heavy lifting required to support peace in South Sudan – targeted sanctions are a poor replacement for creative diplomacy and mediation efforts. South Sudan would have been better served by international actors supporting the effort to build a more inclusive peace process, but that was abandoned at the first signs of cost and difficulty. Key actors capable of crossing the conflict's dividing lines, such as churches, were not effectively or sufficiently included in the process, because international governmental actors wanted the credit for being the peacemakers.

If its proposed goal of furthering peace is sincere, the international community must learn from recent experience, and urgently find a more effective course of action. The simplistic need to be seen as ‘acting’, with little cost, will be of no help to those suffering, and will likely do more harm than good. **A**

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Endnotes

- 1 A brief early version of this argument is contained in a blog post/opinion piece by Matthew LeRiche for the Centre for Security Governance, where the author is a Senior Fellow. See LeRiche, Matthew (2015) ‘Targeted UN Sanctions in South Sudan a Threat to Peace’, Available at: <<http://www.ssrresourcecentre.org/2015/10/29/targeted-un-sanctions-in-south-sudan-a-threat-to-peace/>>.
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- 3 Blair, David (2015) ‘British Troops in South Sudan will have No Peace to Keep’, *The Telegraph*, Available at: <<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/south-sudan/11926263/British-troops-in-South-Sudan-will-have-no-peace-to-keep.html>>.
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- 6 LeRiche, Matthew (2014) ‘In South Sudan Courts and Justice are Essential for Peace: A Reply to Mbeki and Mamdani,’ *African Arguments*, Available at: <<http://africanarguments.org/2014/02/19/in-south-sudan-courts-and-justice-are-essential-for-peace-a-reply-to-mbeki-and-mamdani-by-matthew-leriche/>>
- 7 For more detail, see the actual sanctions list, Available at: <<http://www.un.org/sc/committees/2206/2206.htm>>.
- 8 ICG (2015) ‘No Sanctions without a Strategy’, 29 June, Available at: <<http://www.crisisgroup.org/en/publication-type/media-releases/2015/africa/south-sudan-no-sanctions-without-a-strategy.aspx>>.
- 9 Sometimes referred to as ‘Supreme Emergency’, the principle in international law holds that when faced with a clear existential threat to the community or nation, governments are justified to take measures that would normally be considered beyond acceptable conduct. This particularly relates to the use of violence and the revocation of rights.
- 10 The leaders and much of the body of supporters and fighters in the SPLM-North in Nuba Mountains and Blue Nile, fighting the government in Khartoum, are the remnants of the SPLM/A, who were effectively left behind in Sudan as South Sudan gained independence as part of the culmination of the 2005 Comprehensive Peace Agreement (CPA) that ended the Sudan Civil War between the SPLM/A and the government of Sudan. Deep personal ties still link many in South Sudan and the groups in Blue Nile and Nuba Mountains.
- 11 De Waal, Alex (2014) ‘Legitimacy and Peace Processes: From Coercion to Consent,’ *Accord*, 25, Available at: <<http://www.c-r.org/accord/legitimacy-and-peace-processes/violence-and-peacemaking-political-marketplace>>, and De Waal, Alex (2015) ‘Two Rationales for Imposing Sanctions on South Sudan’, *African Arguments*, Available at: <<http://africanarguments.org/2015/08/24/two-rationales-for-imposing-sanctions-on-south-sudan/>>.
- 12 LeRiche, Matthew and Arnold, Matt (2012) *South Sudan: From Revolution to Independence*. New York: Oxford Press, pp. 160, 199.
- 13 The UN Security Council Committee established pursuant to Resolution 2206 (2015) concerning South Sudan. ‘Note By the Chair’, Communication dated 5 September 2015 from the United States Mission to the United Nations addressed to the Chair of the Committee Including Communication of US, UK and France proposed listings in pursuance of Resolution 2206 (2015). UN Document, S/AC.57/2015/NOTE.30, 8 September 2015.



GALLO IMAGES/REUTERS/TALLA RUBEN

EMERGING MILITARY – SOCIETY INTERACTION AND POLITICAL CHANGE IN CAMEROON

BY CHARLES AKONG AND TCHIOFFO KODJO GAEL

The relationship between citizens and their army is changing fast, like never before in Cameroon, with unintended implications for peace and stability. Created on the back of fighting a bloody domestic insurgency against colonialisation, the over-50-year-old army is anchored firmly in doctrine that ensures the security of the regime. The military establishment also perceives the protection of the ruling government as the core component of its mandate. Arguably, this is based on the assumption that regime instability would not be conducive to the military's privileged position and would leave the country vulnerable

to chaos, instability and the ultimate failure of society. Thus, for the army, providing security services against threats to society is only part of its *raison d'être*.

Considering the military's interest in regime stability as well as in providing security against threats to society, a perennial and wide gulf has therefore existed between the army and the majority of the population in the areas

Above: Cameroon's over-50-year-old army has always been anchored firmly in doctrine that ensures the security of the regime.

of politics and democracy. Reflecting on this 'perception-divide', the population perceives the regime as willing to direct the coercive power of the army against civilians as a serious, stopgap measure against any popular movements for change. In parallel, the government has tended to leverage the gap between the military and the civilian populace for political gains. The two successive regimes after independence have built on the perception-divide to strengthen their positions. For example, military privileges have not only remained unchanged but have increased, even when crippling salary cuts were imposed on all civil servants, following the economic crisis of the 1990s.

But the dynamics seem to shift, albeit silently. Widespread and systematic attacks by Boko Haram,¹ the violent terrorist group, have rallied Cameroonians behind their army. While exact figures remain unknown, Amnesty International recently estimated that over 380 civilians and dozens of security personnel have been killed² by the Nigerian-imported fundamentalist group in the far north region of Cameroon since the beginning of the year. The performance of the army so far has mobilised the entire nation around their new role as a provider of 'people-centred' security services – against indiscriminate suicide bombs, kidnapping, hostage-taking, torture, abduction and child soldiers. The army has therefore become the 'army of

the people', emerging as an organic platform for displaying patriotism, and almost replacing football as an unparalleled rallying point for Cameroonians. Socialisation is giving rise to an emerging social contract between the population and their army, with a likely profound impact on politics as well as security – the exercise of legitimate civilian control by the executive over the army.

THE PERFORMANCE OF THE ARMY SO FAR HAS MOBILISED THE ENTIRE NATION AROUND THEIR NEW ROLE AS A PROVIDER OF 'PEOPLE-CENTRED' SECURITY SERVICES – AGAINST INDISCRIMINATE SUICIDE BOMBS, KIDNAPPING, HOSTAGE-TAKING, TORTURE, ABDUCTION AND CHILD SOLDIERS

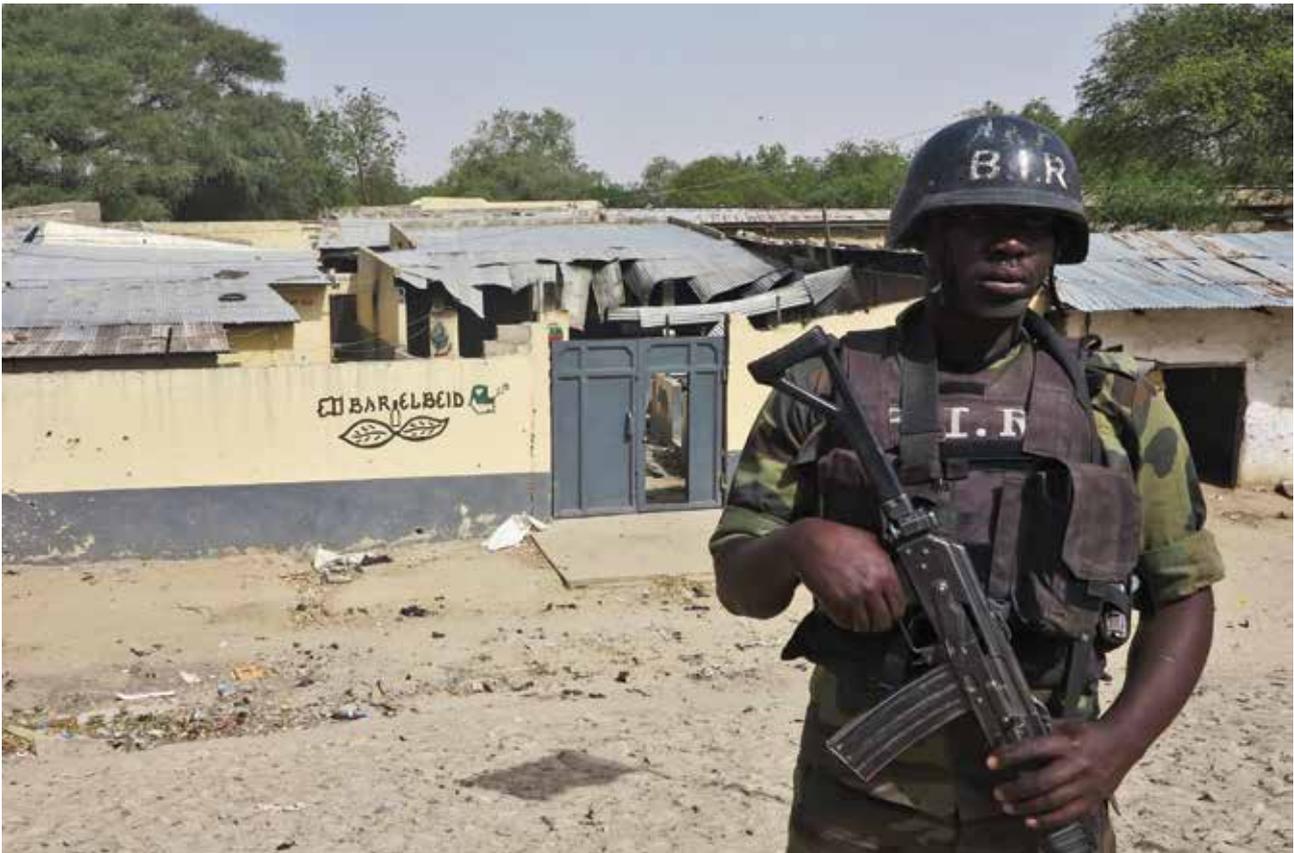
Emerging Identity

Cameroon's defence policy seeks balance between internal stability and specific relations with its neighbours. But the orientation of the army – the core of the armed forces – is shifting from internal to external defence.

GALLO IMAGES/REUTERS/BATE FELIX



People wave Chadian and Cameroonian flags during a march in support of the Cameroonian army's war against the insurgent group Boko Haram in Yaoundé (28 February 2015).



A Cameroonian special forces soldier of the Rapid Response Brigade (BIR) stands guard in Fotokol, following an attack by Boko Haram on the town (February 2015).

Besides the border conflict with Nigeria³ and the fight against piracy, the defence posture has always been inward-looking. Previously, the army's role was limited to fighting urban crime, deterring *coups d'état* and civil strife, and dealing with other threats to the regime's survival. For example, the Rapid Response Brigade (BIR) – the leading and special elite force – was created in 1999 to cope with a paramilitary, highway criminal threat, known as '*coupeur de route*'.

IT IS NOT JUST DEFENDING THE COUNTRY'S TERRITORIAL INTEGRITY BUT ALSO PROVIDING DIRECT SECURITY SERVICES TO THE POPULATION, PROTECTING THEM FROM THE GROWING RISK OF BOKO HARAM SUICIDE ATTACKS

The fight against Boko Haram is now transforming Cameroon's defence posture. The spill-over of the violent terrorist group from Nigeria into Cameroon in 2014, and its regional reach, remain the greatest external

challenges to national security and territorial integrity since independence. No week passes without reports of attacks, as well as the frightening and deadly nature of the group's tactics.

With the arrival of Boko Haram, for the first time the army now uses force externally in an unconventional war. And in doing so, the role of the army as security provider is more apparent and visible to citizens. It is not just defending the country's territorial integrity but also providing direct security services to the population, protecting them from the growing risk of Boko Haram suicide attacks. The army appears to be reconceptualising its role to include that of trusted provider of people-centred security services. As a consequence, this is enhancing socialisation as well as trust between the army and the people. But, more importantly, the army is increasingly viewing the security of the population as an emerging 'social contract' – earning their mandate by delivering security services against an external threat.

As the army uses force externally, it also acquires some civilian attributes, including the right to protest. Due to the changing configuration of threats, Cameroon has opened up to greater participation in international peacekeeping missions. Unlike the past, the army is actively involved in peacekeeping and peacebuilding missions on the continent



The Cameroonian army is now becoming the 'army of the people' and the new symbol of expression of nationhood.

and the Central African region, with likely socialisation implications. Participation involves greater awareness of human rights. For example, for the first time in the history of Cameroon, a faction of the army that participated in the African Union-led peacekeeping mission in the Central African Republic was able to successfully organise a protest for their unpaid wages.⁴

Changing Perceptions and Socialisation

Cameroonians perceive their army in a new way, like never before – as guarantor of their security, livelihoods and lifestyles. This socialisation remains unprecedented in the history of the country. Citizens have mobilised across ethnic, demographic, gender and religious affiliations to support the army. Mobilisation even extends beyond all political divides, including the opposition and the ruling party. In fact, the army has become the newfound symbol of expression of nationhood. Mobilisation has taken different forms. Nationwide marches in support of the armed forces have more recently been accompanied by voluntary financial contributions from citizens.

While the socialisation is very much organic and bottom-up, it has been facilitated by the government. It is not clear why the regime has surprisingly tolerated and

NATIONWIDE MARCHES IN SUPPORT OF THE ARMED FORCES HAVE MORE RECENTLY BEEN ACCOMPANIED BY VOLUNTARY FINANCIAL CONTRIBUTIONS FROM CITIZENS

even facilitated its evolution. The head of state has put into place an interministerial committee for mobilising funds from the masses. An unofficial 'contest' seems to be occurring across the country, involving all constituencies, including the opposition parties – demonstrating who can give the most money to the army. In addition, the significantly increased 2015 military budget was adopted without any disagreements from opposition parties. In public spaces and media, Cameroonians talk about the army with a newfound respect, caution and reverence. The press increasingly takes a cautious approach in analysing the conduct of the war by the army.

Attempts to manage the process from the top has brewed frustrations within the army and the population. Concerns have been raised about the transparency and accountability of the solidarity funds collected so far.



A man wears a sign on his back with his request to be trained and sent to the frontline, to fight against Boko Haram, with the Cameroonian army (February 2015).

Allegations of corruption and diversion of funds by government officials are rife. One of the leaders of the opposition has denounced the political hijacking of the solidarity movement and demanded that the interministerial committee render accounts to the population on how the money is spent on a monthly basis.

WITH EACH SUICIDE ATTACK, THE SOCIAL GAP BETWEEN THE PEOPLE AND THE ARMY APPEARS SMALLER, REINFORCING AND RESHAPING THE CORPORATE AND SOCIAL RESPONSIBILITIES OF THE ARMY IN A WAY NEVER IMAGINED PREVIOUSLY

The socialisation process appears to run in both directions, in a likely virtuous cycle. As the knowledge gap between the army and people closes, both see their interests and roles in a more complementary rather than contrarian manner. The population interacts positively with the army through various informal platforms. In turn, the socialisation strengthens in a significant manner the legitimacy of the army in the eyes

of the people. With the country perceived to be in a 'state of war', Cameroonians feel obligated to provide unreserved support to the army. With each suicide attack, the social gap between the people and the army appears smaller, reinforcing and reshaping the corporate and social responsibilities of the army in a way never imagined previously. This is a marked contrast to the post-independence era, where the army was largely perceived by the population as a repressive tool used successively by two regimes to secure their own survival.

Growing Influence

It remains unclear and unpredictable how the army will use its newfound legitimacy beyond the fight against Boko Haram. The army has generally displayed loyalty to the government and people. Based on the conduct of war so far, the army appears to command more pride and respect than core institutions of government, such as the Senate and National Assembly. More importantly, this legitimacy spurs the army to evolve an autonomous identity. A newly forged identity may even project the army as a fourth and decisive arm of power, besides the executive.

The army may likely evolve an independent view of society that is less influenced and misaligned with that of the executive. The military may increasingly not distinguish

between political parties in terms of their commitments to support the army as an institution in the war against Boko Haram. The shift could profoundly influence and impact the loyalty of the army to the executive, as well as the way the army might position itself in the democratic space. For example, the 2008 nationwide hunger strike that shocked the foundation of the regime was quelled by the BIR, the largest elite force. But, unlike 2008, the army may likely be reluctant to use overwhelming force to quell people-led demonstrations when ordered by the executive. The military may not want to squander the moral capital that it has now acquired. But mostly, it could solidify its identity as an instrument with the mission to fight external aggression, rather than quell popular protest movements. Killing unarmed civilians may appear in contradiction to its new perceived role and identity.

It is unclear why the regime facilitates the military-society interaction and socialisation process. But it appears it is also benefiting from some sort of short-term legitimacy as a government, able to rally together the increasingly fragmented Cameroonian society around a common enemy. A large consensus has emerged for unwavering support of the head of state and the commander in chief of the armed forces for the swift defeat of Boko Haram. Thus, the fight

against the nebulous group has become more important than the perceived uncertainties around political transition in Cameroon.

WHILE THE FIGHT REMAINS A COLLECTIVE EFFORT BY ALL ARMED FORCES, THE BIR REGIMENT OF THE ARMY HAS BEEN POSITIONED AS THE FACE OF THE WAR, OVERSHADOWING THE NUMERICALLY SUPERIOR, CONVENTIONAL ARMY

The army is emerging as a key player in any possible evolution of the state, too. But how it positions itself depends on it overcoming its own internal dynamics. The sharing of credit from the war against Boko Haram appears to generate tensions within the army. While the fight remains a collective effort by all armed forces, the BIR regiment of the army has been positioned as the face of the war, overshadowing the numerically superior, conventional army. The BIR is well trained and equipped, as well as empowered with a cross-cutting mission of internal and



GALLO IMAGES/REUTERS/BATE FELIX

Military personnel evacuate a Cameroonian soldier, wounded in battle against Boko Haram insurgents, from Maroua in northern Cameroon (18 February 2015).

external security. Recently, the president singled it out for exceptional recognition of its role in the war. But due to the frustration engendered, days later the president also had to recognise the role played by the rest of the army. The strength of command and control authority within the army and how it will play against centrifugal forces of tribalism and partisanship remains unclear, too.

IT IS NOT UNLIKELY THAT SOME POLITICAL ACTORS WILL WANT TO SEIZE THEIR PROXIMITY TO FORGE ALLIANCES WITH KEY ELEMENTS IN THE ARMY, WITH CONSEQUENTIAL IMPACT ON THE TRANSITION

With the new socialisation, the army's identity is clearly inseparable from politics. It is likely that key officials in the military may want to build on the growing moral capital to carve a role for themselves in any possible changing political reality. How constructive their role will be remains an open question. The army may either assume a restrained role, like in Burkina Faso; a 'wait-and-see' role, like in Burundi; or a more destructive role, like in Mali.

The army-society relationship in Cameroon is evolving in a complex and hard-to-predict manner. How it all plays out will likely depend on how strategic civil society forces are going to exploit their growing closeness with the military establishment. It is not unlikely that some political actors will want to seize their proximity to forge alliances with key elements in the army, with consequential impact on the transition. While the Senate, as per the Constitution, is empowered to manage the process of vacancy at the helm of state, it remains weak as a new institution. And like most institutions of government, it suffers from a visible credibility deficit as well as recurrent tensions with its sister institution, the older National Assembly. It is not clear how the Senate president will manage the process in practice. In the event of an impasse, the army will likely tap into its acquired credibility. Even if it wants to stick to the Constitution and stay indifferent to politics, it is likely that the army may be actively invited by civil society forces to mediate or manage the transition.

Towards Security Sector Reform

The changing military-society relationship in Cameroon marks not only changing politics but also lays the foundation for undertaking a people-centred reform of the security sector. Many attempts at reforms have stalled. Reforms have targeted the organisation, rather than the role and functions of the army in an evolving society. A series of presidential decrees were signed in 2001 regarding the organisation of the army, but key texts

for their implementation are still awaited.⁵ However, while Cameroon's policy for employing military force has been guided by a concept of popular defence, it regards citizens as mere instruments, rather than the substance of security provision. The government could seize the opportunity presented by the emerging social contract to formally align mandates of security institutions with the delivery of rights-based services to people, in an equitable manner. Managing the military-society socialisation process remains critical for peace and stability, as well as building a lasting foundation for an orderly and inclusive transition in Cameroon. **A**

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- 1 Boko Haram is an Islamic terrorist group, based in Nigeria, which has successively expanded its operations in Cameroon, Chad and Niger. Founded in 2002, the group became radicalised in 2009, with a fighting force currently estimated by the Central Intelligence Agency (CIA) to be over 9 000-strong, including child soldiers. Boko Haram promotes a version of Islam that makes it 'haram', or forbidden, for Muslims to take part in any political or social activity associated with Western society.
- 2 Amnesty International (2015) *Human Rights under Fire: Attacks and Violations in Cameroon's Struggle with Boko Haram*. London: Amnesty International, p. 5.
- 3 Cameroon and Nigeria have had territorial disputes, the most famous being that over the oil-rich Bakassi Peninsular, located in the south-west of Cameroon. After initial hostilities, Cameroon resorted to settle the dispute amicably. On 10 October 2002, the International Court of Justice (ICJ) conferred ownership of the disputed peninsular to Cameroon.
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THE MOTIVATIONS OF WARLORDS AND THE ROLE OF MILITIAS IN THE CENTRAL AFRICAN REPUBLIC

BY **WENDY ISAACS-MARTIN**

We need to be profoundly aware of all the horrendous violence that is habitually obscured, encouraged and legitimised when we demonise particular groups of rebels.¹

Introduction

Warlords and their accompanying militias have become a normalised, if not macabre, part of the African sociopolitical landscape. There is a general sense that warlords, militias and armed non-state actors do not form part of the political environment and that the government alone possesses the legitimate use of violence. In reality, militias form part of the normative political landscape in Africa, as well as in Eastern Europe, central Asia and Latin America. While some warlords are not necessarily interested in usurping

national political leadership through the use of militias, they challenge, obstruct and undermine institutional structures to suit their interests.² Warlords question the legitimacy and defensive abilities of the existing government, yet their objectives and goals are diverse. Often their motivations

Above: Warlords and their accompanying militias have become a normal part of the African socio-political landscape.



Militias are often comprised of young men who come from rural, impoverished areas.

are ideological, in seeking to bring about changes in their social and political recognition, while others seek economic (re)distribution or wealth accumulation, and many more have territorial interests that do not include the well-being of populations or contribute to political stability.³ Through the use of militias, warlords are linked to – and beneficiaries of – criminal activities that exploit and enslave rural-based civilians to extract natural and mineral resources. Whatever their goals, militias and warlords interact and coalesce to exploit opportunities within a particular time frame – but this behaviour and formation is located within prevailing traditional notions.

In part, African warlord and militia structures are located in the rural warrior tradition. Like the military, from which many members of militias are purposely drawn, such armed agents are modern institutions – but, as Ali Mazrui argues, not modernisers.⁴ To support this perspective, Christian Gerlach, a genocide and atrocity specialist, argues that militias, comprised of young rural men, respond to a traditionalist interpretation in which they attempt to retain a patriarchal traditionalist reality.⁵ This, he asserts, is particularly evident in self-defence units located in impoverished rural areas that defend their own property and lives. This warrior tradition suggests that all men are part of a masculinised initiation into violence. Such narrowed traditionalist and particularistic thinking directly impacts the

sociopolitical leadership and dynamics that are reflected by warlord politics.

Civilian violent conflict is projected as the current turmoil trajectory in the Central African Republic (CAR), but this projection indirectly conceals the actions of militias as well as the ambitions of warlords. The conflict, which has taken on a religious overtone where previously it was ethnic, can be attributed to this notion of the warrior tradition that excludes, and is suspicious of, those who are deemed to fall outside the group. Civilian conflict creates confusion, as the popular perception is to assume that the cause of the conflict can be located among ordinary citizens and to dismiss the role of warlords and militias. Militias that operate as auxiliaries of governments create civilian discord and insecurity to (mis)direct attention to civilians, particularly in urban areas and away from developments in rural areas.

The Pathology of Warlords and Militias in the Central African Republic

The CAR experienced violent conflict as a result of armed competitors attempting to usurp or maintain political leadership and power on the cusp of its independence in 1960. The country is plagued by a persistent weakening of state institutions; democratic, social and political structures; a faltering economy that fails to benefit the population; and militias, armed youths, bandits and widespread

civilian criminality.⁶ The state remains synonymous with violence, extrajudicial executions, torture, arbitrary arrest and detention, and rampant state corruption. Within this context, the 2013–2015 conflict continues to be reported as dichotomous religious violence, perpetrated by government troops and militias, which culminated in civil and communal conflict. The simplistic reduction of the conflict to the dichotomy of Islam versus Christianity, government troops versus militias and militias versus civilians, does not capture the true extent and complexity of the conflict. It is necessary to see beyond deliberate dichotomies that project a simplistic understanding of the conflict. In doing

THE SIMPLISTIC REDUCTION OF THE CONFLICT TO THE DICHOTOMY OF ISLAM VERSUS CHRISTIANITY, GOVERNMENT TROOPS VERSUS MILITIAS AND MILITIAS VERSUS CIVILIANS, DOES NOT CAPTURE THE TRUE EXTENT AND COMPLEXITY OF THE CONFLICT

so, it becomes apparent that this was and continues to be a protracted conflict, and this understanding informs the social and political dynamics in the CAR.

Apart from Ange-Félix Patassé, all presidencies in the CAR were secured through coups. Although democratically elected in 1993, Patassé's success was attributed to the political unpopularity of General André-Dieudonné Kolingba, who deposed former president David Dacko in a coup in 1981.⁷ François Bozizé ousted Patassé in 2003, and Bozizé was then ousted by Michel Djotodia in 2013, who proclaimed himself president but was hastily forced to resign months later. In an attempt to stabilise the sociopolitical situation, Catherine Samba-Panza – the non-partisan mayor of Bangui, with no known links to militias or defence units – was appointed as an interim president, until elections in December 2015. Although violence committed by civilians, and encouraged by militias, is not new within the CAR, the current violence purposely projected a dichotomy and presented a religious element that was used by former president Bozizé to create discord among the civilian population. Limited understanding of the conflict has resulted in the Séléka, an umbrella coalition militia comprised of a motley crew of armed fighters and ex-soldiers from the



Catherine Samba-Panza is the elected interim president of the Central African Republic.



Séléka fighters patrol the town of Goya in the Central African Republic.

various prefectures and the neighbouring states of Chad and Sudan, being projected as a predominantly Muslim militia. Defining the militia simply as a religious movement reveals a superficial understanding of persistent violence in the CAR. The conflict was reduced to two militia coalitions and two leaders: Djotodia and Bozizé. However, to understand this conflict, the role of Djotodia – once leader of the *Union des Forces Démocratiques pour le Rassemblement* (UFDR) – and that of Bozizé – having seized political power from Patassé – must be informed by the events of the CAR Bush War from 2004 to 2007.

This longstanding conflict, which began in 2004 and was peppered with failed peace agreements as far back as 2008, illustrates the ambitions of warlords and their militias. Militias are not formed in a vacuum, but serve as the response to government failure and absence. Warlords often argue that their motivations are honourable and that they are left with little choice but to resort to violence.⁹ Clever in terms of manipulation, militias use media sources, particularly journalists, to plead ideological positions, displaying bravado to localised grievances and asking for external financial support to act against governments. Yet, militia attacks are overwhelmingly on civilians rather than other forces, including armies. In Africa, and particularly the

CAR, militias and state armies alike subject civilians to abuse and violence.

Warlords, like governments, can extend conflict through the assistance of external supporters and funders with vested interests. The issue of control – whether political, regional or economic – is central to the interests of warlords, but this does not suggest that the interests coincide with the militias. In areas of extreme poverty and high unemployment, recruited fighters simply want employment. Former soldiers in militias want to gain access to state military employment. In the CAR, access to political leadership – and, by extension, resources such as foreign assistance and credit – is the goal of warlords.⁹ Political leadership provides legitimacy and increased funding opportunities, as well as military and economic assistance from neighbouring and regional partners.¹⁰ However, this does not always work to favour the warlord.

When he claimed power in 2013, Djotodia discovered that simply claiming political power did not necessarily translate into a cohesive power support base. Umbrella coalition militias, such as Séléka and the anti-Balaka, are very difficult to control. During the First Liberian War (1989–1996), Charles Taylor, once president and notorious warlord of Liberia, argued that the biggest obstacle to successful



Miners ply the Ndassima gold mine in the Central African Republic. The mine is 60 kilometres north of Séléka's military headquarters in the northern town of Bambari. Labourers toil beneath the gaze of Séléka gunmen to produce about 15 kilograms of gold a month – worth roughly US\$350 000 on the local market, or double that in international trade (May 2014).

mineral extraction and trade in the rural areas of Liberia and Sierra Leone was due to the smaller armed groups creating roadblocks and sabotaging trade routes.¹¹ His interests, which were largely economic and regional, were undermined by smaller armed groups with short-sighted and immediate financial concerns.

Overseeing coalition politics is challenging. Although warlords have significant financial resources, fighters receive a minimal stipend. Such restrictions prevent insurrections, and these fighters find alternative resources by way of roadblocks or attacks on civilians, particularly stealing from villages. In warlord economics, civilians are to be exploited. While civilians hold directly less value than fighters, the poverty, chaos and instability created by the violence creates a donor feeding area that strategically benefits and enriches the warlord.¹² However, individuals drawn to perceived easy financial rewards lead to an increase in the number of fighters and extortionist tactics employed. Eventually, this proliferation of smaller militias impedes the flow of trade, undermining the transport routes needed to move extracted resources that fund the conflict. Ambitious leaders of these

smaller factions, often ex-soldiers, mobilise and challenge the economic dominance of the warlord, creating their own zones of enrichment. These groups eventually establish their own goals as part of the coalition militia. When Djotodia attempted to disband the Séléka, several factions – each with a separate leader – refused to surrender their arms, as there was no reward of government employment or state largesse for them, and with no great ambition, they continued to loot from urban residents.

Warlords are reluctant to disarm their militias during peace agreements, like the 2008 Libreville Comprehensive Peace Agreement signed by the three militia coalitions in the CAR. Peace agreement failure is inevitable as the focus remains on disarming, demobilising and reintegration programmes (DDR) and creating commissions, rather than on the reasons these coalition militias exist and why recruitment is so successful. Part of the DDR process is to financially incentivise fighters to surrender arms, but often these payments never materialise, are delayed or are less than originally agreed upon.¹³ Fighters resume conflict as they have no other resources, no opportunities or no desire

to cease fighting. Greater emphasis is placed on wooing powerful warlords with access to economic resources to peace agreements, even when there is little interest for them to do so. Warlords who control the mineral-rich prefectures of the CAR have little incentive to surrender these zones to a government that does not have the resources to administer it effectively. Peace agreements in the CAR raise further concerns. While militias must cease fighting and surrender their arms, government forces continue to attack civilians in the rural areas to undermine any perceived support or protection given to militias, such as in Birao in the north of the country.¹⁴

Defining conflict in Africa is often limited to ethnic factors, but the 2013 clashes in the CAR have been described as religious. Warlords are seldom concerned with issues of identity, and particularly in the CAR, where many were once senior civil servants and held senior ministerial positions, it is unlikely that their intentions in forming militias is related purely to concerns of ethnic identity, although it has populist convenience.¹⁵ Ironically, it is the Western fixation on ethnicity and religion that has created a legitimate space in which warlords can launch ideological and identity-based grievances.

Quick to Form, Quick to Exit

Although not always, militias are composed of a dominant ethnic or religious group through convenience more than deliberate recruitment. These armed groups are quick to form and exit alliances with other militias.¹⁶ While the interests of militias vary, each group has a particular social and ethnic identity, and there are rivalries that lead to armed groups attacking selected villages or civilians and leaving others unharmed, and leaving civilians to interpret the conflict.¹⁷ Ethnic and religious identities became rallying points for the interests of warlords at the expense of civilians. Simplistically, and probably erroneously, the conflict in the CAR is reduced to a conflict between two coalition militias. These two coalitions, the Séléka and the anti-Balaka, are projected as good and evil, although both are perpetrating crimes against civilians. Umbrella coalitions are located in opportunistic associations of convenience, rather than an acknowledgement of conscious identity.

Although militias possess a dominant ethnic identity through convenience rather than purposeful affiliation, they remain opposed to other groups similarly based on ethnic, regional or religious identity, although this is dependent on the alliance structures at a particular time. For example, the *Armée pour la Restauration de la République et al Démocratie* (APRD) that emerged in 2005 were, in the main, composed of the ethnic Sara-Kaba – a group from which Patassé's presidential guards were recruited. The UFDR and the *Front Démocratique du Peuple Centrafrique* (FDPC), formed in 2006, are predominantly Muslim and ethnic Gula in terms of composition. These militias operate in the Vakaga and Haute-Kotto prefectures. The *Convention des*

Patriotes pour la Justice et la Paix (CPJP) is predominantly composed of ethnic Runga, who are Arabic-speaking from the Bamingui-Bangoran prefecture. Therefore, the identity and religious structures are convenient rather than deliberate in terms of location and cohesion.¹⁸

As with many of the smaller groups that eventually join militias, it is most likely that the anti-Balaka militia began as a self-defence group in the 1990s. In many rural areas, the lack of administrative control and policing leads to repeated assaults on villagers and farmers, so defence units fill a necessary function. It is assumed that the anti-Balaka originally repelled cattle thieves from Chad and the APRD militia.¹⁹ After Bozizé's ousting, former government troops and presidential guards wanted re-entry into civil employment and joined the anti-Balaka, providing the movement with political and ideological motivation against the Séléka, their greatest rival. Bozizé, while in exile, recalled *le Front pour le Retour de l'ordre Constitutionnel en Centrafrique* (FROCCA) to support the anti-Balaka, in an attempt to regain political control of the capital.²⁰ Like the Séléka, the anti-Balaka became – and remains – a coalition of interest groups.

Fighting between the Séléka, ex-Séléka and the anti-Balaka militias transformed the conflict by incorporating civilians in Bangui. Unlike the rural areas, where communities formed loosely collective units, Bangui is



GALLO IMAGES/REUTERS/NOOR KHAMIS

Moustapha Saboune, a former member of the Central African Republic militia Séléka, addresses a news conference in Nairobi, Kenya (30 January 2015).

comprised of neighbourhood *kudros* – ethnically stratified neighbourhoods that are informed strictly by kinship and lineage.²¹ These ethnic affiliations have proved a distraction in describing the complexity of the war, and demonstrate a persistent narrative that Africa is subsumed by ethnic conflict.

Conclusion

The conflicts in the CAR demonstrate the motivations of militias and the ambitions of warlords. Militias are not uniform structures, but are created to serve the interests of existing or aspirant political leaders and wealthy warlords. A potential increase in wealth and power lures smaller armed groups and individuals into coalitions. Although the militias operate under the leadership of the warlord, the interests of the warlord and those of the fighters are often dissimilar, and civilians are often used for the purpose of furthering the agenda of the armed groups.

In the CAR, militias proliferate in the rural areas, due to the lack of economic opportunities and insecurity in these areas. Motley crews of armed individuals seek access to security, food, weapons and a wage of sorts. Due to the unsustainability of seeking resources in small rural locations, it is easier for these small groups to link with larger coalitions for protection and survival. Warlords, having greater ambitions beyond survival, encourage their militias to perpetrate violence against civilians to gain media and government attention. Media coverage leads to ideological support and funding, so often it is the warlords who define the narrative of the conflict for their benefit. The greater the violence perpetrated by militias and civilians, the greater an opportunity exists for warlords to enter into peace agreements and increase their political visibility. Powerful warlords with secured resources and trade routes are prioritised for these negotiated agreements.

Characterising the violence in the CAR as a Muslim-Christian confrontation is too simplistic, erroneous and naive. Limiting the conflict between two coalitions is misguided, as is focusing on civilian violence alone. The coalitions are not immersed in this violence, as it diverts attention away from their agendas – which are resource-driven, extraction-focused and for self-enrichment. Misinformed reporting disguises the truth of the attacks on all civilians: Muslims, Christians and animists alike. By misreading and therefore misunderstanding the conflict in the CAR, there is a failure to recognise a pattern of temporary coalitions that emerge and disappear between various armed groups, under different leaders seeking access to political authority, visibility and wealth. ▲

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SOUTH SUDAN-UGANDA RELATIONS: THE COST OF PEACE

BY ØYSTEIN H. ROLANDSEN, TOVE HEGGLI SAGMO AND FANNY NICOLAISEN

Introduction

There are multiple and long-standing ties between Uganda and South Sudan. The current civil war in South Sudan has impacted Ugandan politics and economy, as well as relations between the two countries. Moreover, Uganda's support is needed for the implementation of the negotiated settlement reached in August 2015 between the parties in the war in South Sudan.

Uganda's recently developed economic ties with South Sudan, and its hope for future market integration, add weight to its political engagement. But it is the long-standing security interests and current military intervention that constitute the Ugandan government's main concern. This involvement is controversial and affects Uganda's status in the region and beyond.¹ Conversely, it is necessary to acknowledge the neighbouring countries' vested interest in the peace process, lest they become spoilers.

Uganda's Longstanding Interests in South Sudan

Relations between Uganda and what would become South Sudan were initially transnational. Since colonial



times and the establishment of central governments, the two territories have shared a long border, traversing the home areas of several ethnic groups. The management of those people in the borderlands required coordination



President Salva Kiir (left) of South Sudan signed an agreement on the resolution of conflict in his country at a ceremony held in Juba. President Yoweri Museveni of Uganda congratulates Kiir at the signing ceremony (26 August 2015).

between the colonial governments. From the 1940s, the South Sudanese people attended schools in Uganda, and many fled across the border and sought sanctuary in 1955 following mutinies – and subsequent government repression – in Equatoria.² This marked the beginning of two trends still evident today: South Sudanese searching for education in Uganda, and people in each country seeking refuge in the other.

The Sudanese civil wars (1963–1972 and 1983–2005) added proxy war to bilateral relations. South Sudan was still part of Sudan, and during the first war, Sudan was allied with Egypt. After the Six Day War in 1967, Israel armed and trained rebels in South Sudan, using Ethiopia and Uganda as conduits. Since the 1970s, Ugandan refugees had found sanctuary in South Sudan, where elements of the Ugandan army also operated.

Proxy warfare was pursued on a larger scale during the second civil war. Initially (1983–91), Sudan and Ethiopia armed each other's rebels, but animosity between Kampala and Khartoum escalated during the 1990s, and proxy warfare intensified.³ Uganda's President Yoveri Museveni and his National Resistance Movement had close ties with the Sudan People's Liberation Movement/Army (SPLM/A) under John Garang. Khartoum responded by arming

and training rebel groups in northern Uganda and the Democratic Republic of the Congo, including the Lord's Resistance Army (LRA). As a consequence of this mutual interference, Sudan–Uganda relations during the 1990s were frosty. The SPLM/A was allowed to operate inside Uganda, where hundreds of thousands of South Sudanese lived in refugee camps.⁴ With efforts to end the conflict in Sudan, relations between Khartoum and Kampala improved during the early 2000s. Sudan's President Omar Hassan Ahmad al-Bashir allowed the Ugandan army to pursue the LRA inside Sudan, while Museveni contributed to the pressure on Garang to negotiate a solution to the Sudanese civil war.

The Comprehensive Peace Agreement in 2005 deepened relations between Uganda and the then-autonomous government of South Sudan. Regarding security, South Sudan was increasingly seen as a buffer against hostile incursions – foremost from Khartoum – and providing strategic depth for protection of Uganda's border. Collaboration with the SPLM/A and opposition forces in northern Sudan also gave Museveni opportunity for proxy warfare in Sudan's peripheries, and for increasing security cooperation and economic integration. Uganda was an ally in the 'global war on terror', and while the United States



Ugandan traders wait for customers at a vegetable market in South Sudan's capital city, Juba.

(US) might not have encouraged Uganda's ambitions in South Sudan, it seemed to do little to oppose them.

After 2005, the vast majority of South Sudanese refugees went home, but they maintained social and economic ties to their former host country. The South Sudanese sent their children to Uganda for education, and the rich bought homes in Kampala and northern Ugandan towns.

SOME CLAIM THAT BEFORE THE CURRENT CIVIL WAR, UGANDANS IN SOUTH SUDAN SURPASSED ONE MILLION, OR ABOUT 5% OF UGANDA'S POPULATION

Commercial and socio-economic ties strengthened during the period after 2005. South Sudan annually received hundreds of millions of US dollars in oil revenue, while having no formal economy or commercial sector to absorb it.⁵ Traders and entrepreneurs poured in, mainly to Juba and other towns. From Uganda came petty traders selling foodstuffs and everyday articles, motorcycle-taxi (*boda-boda*) drivers, carpenters, masons and others seeking employment in construction. Although the value of Ugandan investments are probably surpassed by those of Ethiopians

and Kenyans, the number of Ugandans in South Sudan was much greater. Some claim that before the current civil war, Ugandans in South Sudan surpassed one million, or about 5% of Uganda's population.⁶

Because of large informal sectors and diverse interaction, it is difficult to estimate the total impact of South Sudanese petrodollars on the Ugandan economy. Estimates from International Alert suggest that in 2005–2008, official Ugandan exports to South Sudan increased from US\$50.5 million to US\$245.9 million, while informal exports jumped from US\$9.1 million to US\$929.9 million.⁷ Uganda's nominal gross domestic product is about US\$26 billion – so this rapid change had a significant impact on the Ugandan economy. Since much economic activity was related to petty traders and labourers, it was especially important to marginalised people in northern Uganda. Memoranda of understanding and trade agreements between the two countries promoted commerce and increased government revenue. It is, nevertheless, debatable whether economic integration owed more to government policies or to individual Ugandans seizing opportunities.

To sum up, Uganda has had long-lasting and diverse interests in South Sudan. Security concerns are arguably more important than economic interests. To avoid proxy



South Sudan's Petroleum and Mining officials applaud as they restart oil production in the main oil field in Palouge, following a 16-month shutdown (May 2013).

warfare or armed elements threatening Uganda's stability in South Sudanese territory, Kampala wants a friendly 'junior partner' in Juba. In 2005–2013, economics dovetailed with security: stability fostered trade and economic development; and expanded infrastructure facilitated commerce and military reach. This situation changed with the outbreak of civil war.

Challenges Posed by the Current Civil War

Political tension rose during 2013, as a longstanding rivalry between South Sudan president Salva Kiir Mayardit and vice president Riek Machar deteriorated into an all-or-nothing power struggle. Violence broke out in Juba in December 2013 and the conflict spread immediately to Jonglei, Unity and Upper Nile states. The civil war compounded the economic crisis in South Sudan and generated a stream of refugees and undocumented migrants, and oil production and revenue declined. Since early 2015, the economy has been in freefall. Inflation is rampant, imports have been severely reduced and traders experience a general shortage of hard currency. Agriculture and agro-processing sectors in Uganda have also suffered. The search for a peace compromise has been painfully slow. During July and August 2015, a focused effort by the so-called Intergovernmental Authority on Development (IGAD+) constellation has resulted in an agreement,

reluctantly signed by the two warring parties and another breakaway SPLM faction, the G10. The future of the agreement is uncertain, however – although a ceasefire has been declared by both parties, fighting continues. A recent presidential decree announcing the split of South Sudan's 10 states into 28 is regarded by the opposition as a blatant breach of the agreement.

POLITICAL TENSION ROSE DURING 2013, AS A LONGSTANDING RIVALRY BETWEEN SOUTH SUDAN PRESIDENT SALVA KIIR MAYARDIT AND VICE PRESIDENT RIEK MACHAR DETERIORATED INTO AN ALL-OR-NOTHING POWER STRUGGLE

During the initial days of the conflict, the Government of South Sudan invited Ugandan intervention.⁸ According to Uganda's foreign ministry, the Uganda People's Defence Force's (UPDF) task was to secure Juba airport and facilitate the evacuation of Ugandan nationals.⁹ It soon became evident, however, that a broader mandate included engaging rebels in and around Bor, the capital of Jonglei. During late December 2013 and early January 2014, the

UPDF engaged in aerial bombardment.¹⁰ This intervention is said to have halted rebel advances south towards Juba.

Questions were raised about the legality of the deployment and scope of this mission, but Ugandan intervention was tacitly condoned by neighbouring countries, and by others involved in efforts to end the conflict. In early 2014, the fighting settled into a low-intensity conflict with infrequent local offensives. The UPDF was reportedly redeployed to train South Sudanese forces and guard Juba airport and the road to Bor. This role precluded Uganda's participation as an official mediator in the IGAD peace process.¹¹ Uganda engaged in other diplomatic initiatives, however, instrumentally in the IGAD+ talks resulting in the August framework agreement.

Deteriorating Security

Uganda's military intervention increased Museveni's sway over the government in Juba, and many have questioned the continuation of this presence and what they perceived as an increasing interference in South Sudan's internal affairs. The UPDF deployment has been viewed as propping up the Juba government, and relations with the opposition have been poor. Museveni therefore launched a Peace Initiative in 2014, and maintained contact with both

sides. To Kiir's dismay, Uganda allowed the Sudan People's Liberation Movement-in-Opposition (SPLM-IO) to open an office in Kampala, and has hosted several opposition politicians there.

UGANDA'S MILITARY INTERVENTION INCREASED MUSEVENI'S SWAY OVER THE GOVERNMENT IN JUBA, AND MANY HAVE QUESTIONED THE CONTINUATION OF THIS PRESENCE AND WHAT THEY PERCEIVED AS AN INCREASING INTERFERENCE IN SOUTH SUDAN'S INTERNAL AFFAIRS

How much influence Uganda now has over Kiir is unclear. Machar's rebellion in South Sudan ousted the anti-Uganda faction from government, but Museveni's closest allies and important channels to influence the president belonged to the SPLM faction of the G10 group, often referred to as the 'former detainees'. However, Juba's increased isolation internationally has given Museveni considerable leverage there. During 2015, there have been



GALLO IMAGES/REUTERS/MOHAMED NURELDIN ABDALLAH

South Sudan former Vice President, Riek Machar, speaks at a news conference in Khartoum, following a meeting with Sudan's President Omar al-Bashir and Uganda's President Yoweri Museveni (18 September 2015).



Refugees from South Sudan look at a photo montage depicting the conflict in their country at the Kyangwali refugee settlement in Hoima district in Western Uganda (March 2014).

signs that relations between Museveni and Kiir are strained by what the former sees as an incompetent and recalcitrant regime.¹²

Juba's strongest card against Ugandan domination is competition between Kampala and Khartoum, whose relations remain fraught. It is generally assumed that Uganda actively supports armed rebels in Sudan and seeks to hinder the normalisation of Sudan–South Sudan relations. Such a development might result in South Sudan providing a staging ground for Khartoum to support the Ugandan opposition. Fear persists of Sudan facilitating the return of Joseph Kony¹³ and the LRA to northern Uganda. Some consider this possibility only a pretext for Uganda's continued engagement in South Sudan.

The peace agreement stipulated withdrawal within 45 days, and in mid-September 2015 Uganda declared that this would be completed by 10 October 2015. The withdrawal of Ugandan forces represents a surprising shift in policy and reduces Museveni's influence. His forces will continue to operate against the LRA in Western Equatoria, while Ethiopian troops will probably constitute the main component of the external force meant to monitor the implementation of the peace agreement.

None of South Sudan's neighbours want it to collapse. An ungoverned territory at the mercy of local warlords

THE PEACE AGREEMENT STIPULATED WITHDRAWAL WITHIN 45 DAYS, AND IN MID-SEPTEMBER 2015 UGANDA DECLARED THAT THIS WOULD BE COMPLETED BY 10 OCTOBER 2015

threatens them all: a trading partner and investment opportunity would disappear, and border instability creates a haven for neighbours' oppositional forces.

Violence along the Uganda–South Sudan border adds to the friction between Juba and Kampala. Conflict over resources, complicated by an undemarcated boundary, has led to disputes in the borderland areas of Yumbe, Moyo, Adjumani and Lamwo.¹⁴ In September 2014, one of the most serious clashes in recent history occurred over the border between Moyo and Kajo Keji, triggered by the Ugandan national census. Local officials canvassed the disputed territory, and this enraged the South Sudanese. At least 10 people were killed, several thousand were displaced, and property was looted and destroyed. In August 2015, fighting broke out further east, in areas south of Magwi, when UPDF detachments made border incursions, supposedly without sanction from Kampala.

Although these incidents were not directly linked to the civil war, increased lawlessness exacerbates larger border conflicts. Uganda depends on a border that blocks rebels while allowing trade to flow, and border communities benefiting from regional stability and economic development are the best insurance. And while demarcating borders is an essential investment in peaceful interaction, this is not currently a political priority. Further conflict along the border can therefore be expected.

An Imploding Economy

South Sudan's economic crisis has been building for over a decade. When peace was signed in 2005, the region was effectively a subsistence economy. Thereafter, oil production became the sole source of government revenue, resulting in an undiversified consumption economy based on imported goods and labour. The effect of the collapse of oil prices in 2014 was therefore severe, and the government has reportedly exhausted every potential source of borrowing. The war has only deepened the crisis.¹⁵ Meanwhile, a lack of foreign currency has made it impossible for Ugandan traders and workers to exchange South Sudanese pounds for Ugandan shillings, and the flow of revenue has almost ceased.

FOREIGN *BODA-BODA* DRIVERS HAVE BEEN BANNED, OTHER DISCRIMINATORY RULES ENFORCED, AND THERE HAVE BEEN FREQUENT INCIDENTS OF XENOPHOBIA AGAINST TARGETED TRADERS

Many Ugandans fled South Sudan in December 2013. Some – mostly small-scale, more mobile traders – have returned. South Sudan's economic crisis will likely continue to impact the Ugandan economy and threaten the livelihood of many Ugandans. The economic crisis also affects the political and social dimensions of its relations with Uganda. Reduced purchasing power has increased competition among foreign traders. Trade is increasingly controlled by political elites, thus reinforcing neo-patrimonial networks, because lucrative contracts and reimbursements depend on connections.

To improve the mounting trade deficit and local employment, the South Sudanese government has forced foreign investors into joint ventures with local partners, and foreign companies are pressured into hiring local suppliers and subcontractors.¹⁶ Foreign *boda-boda* drivers have been banned, other discriminatory rules enforced, and there have been frequent incidents of xenophobia against targeted traders. The expected re-entry into government of the South Sudanese opposition, whose leaders associate the UPDF with atrocities, might further depress Ugandans' business opportunities.

A New Wave of Refugees

The war forced about 160 000 South Sudanese to seek protection in Uganda. They have been given plots to cultivate in refugee settlements, mainly in the north. Thousands of unregistered migrants reside in Kampala, Arua and Gulu, receiving no foreign assistance.

In early 2014, conflict between refugees and locals over resources – mainly water and land – turned violent, at times fuelled by grievances over the UPDF intervention. Fights between the major ethnic groups in the settlements – the Nuer and Dinka – were also reported. The Ugandan government has strengthened law enforcement and introduced programmes facilitating dialogue and conflict resolution, while international agencies have provided new water points and increased the capacity of nearby schools and health centres (the United Nations High Commissioner for Refugees indicates that 30% of its budget is allocated to the needs of host communities).¹⁷ Free movement within and outside settlements has reduced tensions by separating ethnic groups.

Although the refugees are a minor burden on the Ugandan state, increasing fatigue among foreign donors has been noted – as has disaffection among Ugandans, particularly in urban areas. In the past, Ugandan cities hosted relatively affluent South Sudanese living on remittances from relatives. Now, with their reduced opportunities and increased harassment in South Sudan, Ugandans are more likely to consider refugees a burden than a resource. Sentiment among refugees is also shifting – from gratitude to frustration. In urban areas, local prejudices keep them unemployed – they want to be treated as equals, but instead are charged more than locals for rent or at shops. Begrudged, they recall opportunities Ugandans have enjoyed in South Sudan.

Influence or Peace?

Since the collapse of South Sudan's oil-dependent economy, security concerns have dominated the agenda of Uganda and other neighbouring countries. Challenges of displacement, migration and violence along the border are, at present, manageable. Uganda's priority is therefore to prevent predominance in Juba by any other country, and the emergence of a haven for opposition forces or staging ground for foreign incursion into the fragile northern parts of Uganda.

South Sudan's importance in Uganda's foreign policy and overall political evolution of the region should, however, not be exaggerated. Developments in the Great Lakes region have demanded considerably more attention from Museveni's government. Currently, radical Islam and the related engagement in Somalia, in addition to Museveni's appointment as mediator in Burundi, are at the top of Uganda's foreign policy agenda. Also, since regional security is, to a large extent, the prerogative of the president and his staff of advisors (rather than the minister

of foreign affairs), there is a clear limit on how many issues can be dealt with at the same time. Moreover, the upcoming presidential election in Uganda will further divert Museveni's attention away from South Sudan.

Uganda's contribution and support to the IGAD+ agreement indicates a preference for a negotiated settlement over the disintegration of South Sudan. The agreement is probably the best hope for sustainable peace, but it is likely to diminish Museveni's sway over the government in Juba. Withdrawal of the UPDF takes away Uganda's most powerful tool of influence. Furthermore, the agreement stipulates that SPLM-IO leaders will assume key government positions. Reportedly unfriendly to Uganda, they will look to Sudan and Ethiopia for advice and support. Therefore, a key issue in the months to come is how much control is Uganda willing to sacrifice for peace and stability in South Sudan? **A**

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Endnotes

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THE HISSÈNE HABRÉ CASE: CONTRIBUTION OF THE EXTRAORDINARY AFRICAN CHAMBERS TO THE CONSOLIDATION OF PEACE IN AFRICA

BY FRÉDÉRIC FOKA TAFFO



UN PHOTO/CJ/RANK VAN BEEK

The Extraordinary African Chambers (EAC) was created on 22 August 2012, following an agreement between the African Union (AU) and the Republic of Senegal, and was inaugurated on 8 February 2013. The EAC constituted not only a turning point in the fight against impunity for the crimes committed by Hissène Habré's regime, but also, at a regional level, was the first African initiative against the impunity of serious crimes committed on African territory by African citizens against African populations, whatever the rank they were occupying at the time. The experience of the Special Court for Sierra Leone can be noted, but it

should be further noted that this was not a purely African solution (like the EAC), since it was put in place through

Above: A view of the International Court of Justice (ICJ) bench during the reading of its judgment in the Hissène Habré case relating to the obligation to prosecute or extradite (Belgium v. Senegal). The Court ruled that, in compliance with its obligations under the 'Convention against Torture', Senegal must prosecute or extradite former Chadian President Habré (20 July 2012).



The Extraordinary African Chambers (EAC) was created, following an agreement between the African Union and Senegal, to prosecute international crimes committed in Chad during the period from June 1982 to December 1990.



Hissène Habré's presidency was a time of widespread political killing, systematic torture and thousands of arbitrary arrests in Chad.

an agreement between the United Nations (UN) and the Government of Sierra Leone.

The EAC was created for the prosecution of international crimes committed in the territory of the Republic of Chad during the period from 7 June 1982 to 1 December 1990. These dates correspond to the period during which Habré was in power in Chad. Habré's presidency was a time of widespread political killing, systematic torture and thousands of arbitrary arrests. Chadians lived under the terror of a political police whose directors reported directly to Habré himself. More than 40 000 people are estimated to have suffered from abuse and torture, and many of them died.¹

The creation of the EAC was not easy at all. In fact, the victims of Habré's regime had to overcome various obstacles before the establishment of a court where they could obtain justice. The Republic of Senegal, where Habré is living since his exile in December 1990 when he was overthrown, has placed several barriers to different proceedings undertaken by victims. Senegal first refused to judge Habré, because the crimes for which he is accused were committed outside its territory. Then, it refused to extradite him to Belgium, where proceedings were opened against him on the basis of this country's law of universal jurisdiction. Facing this refusal, Belgium asked

the International Court of Justice (ICJ) to order Senegal to prosecute or extradite Habré. The ICJ did so, in a landmark verdict delivered on 20 July 2012 in the case of Belgium v. Senegal. The ICJ held that all the state parties to the UN Convention Against Torture (UNCAT), including Senegal and Belgium, have a common interest to ensure that acts of torture are prevented and that their perpetrators do not enjoy impunity. The ICJ went on to state that all the state's parties "have a legal interest" in the protection of the rights involved, and that these obligations may be defined as "obligations *erga omnes partes*", in the sense that each state party has an interest in compliance with them in any given case.²

BEFORE THIS DECISION, ON 24 JANUARY 2006 THE AU ESTABLISHED A COMMITTEE OF EMINENT AFRICAN JURISTS TO CONSIDER OPTIONS FOR HABRÉ'S TRIAL

The ICJ, clearly stating the obligations of the state's parties under the UNCAT, reaffirmed that these obligations are triggered by the presence of the alleged offender,

regardless of their or the victims' nationality, in its territory. It held that:

The common interest in compliance with the relevant obligations under the Convention against Torture implies the entitlement of each State party to the Convention to make a claim concerning the cessation of an alleged breach by another State party. If a special interest were required for that purpose, in many cases no State would be in the position to make such a claim. It follows that any State party to the Convention may invoke the responsibility of another State party with a view to ascertaining the alleged failure to comply with its obligations *erga omnes partes*.³

On the basis of this, the ICJ decided that Senegal did indeed have an obligation to prosecute Habré, or extradite him to a state that was capable and willing to prosecute him.

Before this decision, on 24 January 2006 the AU established a Committee of Eminent African Jurists to consider options for Habré's trial. Based on the committee's report, on 2 July 2006 the AU asked Senegal to judge Habré "on behalf of Africa". It is against all this background that Senegal agreed, on 24 July 2012, to the AU's proposal,



AFP PHOTO / SEYLOU

Visitors view an exhibition depicting the years under which Chad was ruled by Hissène Habré at the Doua Seck Cultural Center in Dakar.



Protestors call for justice ahead of the arrival of former Chadian ousted leader Hissène Habré at the Palais de Justice in Dakar, Senegal (20 July 2015).

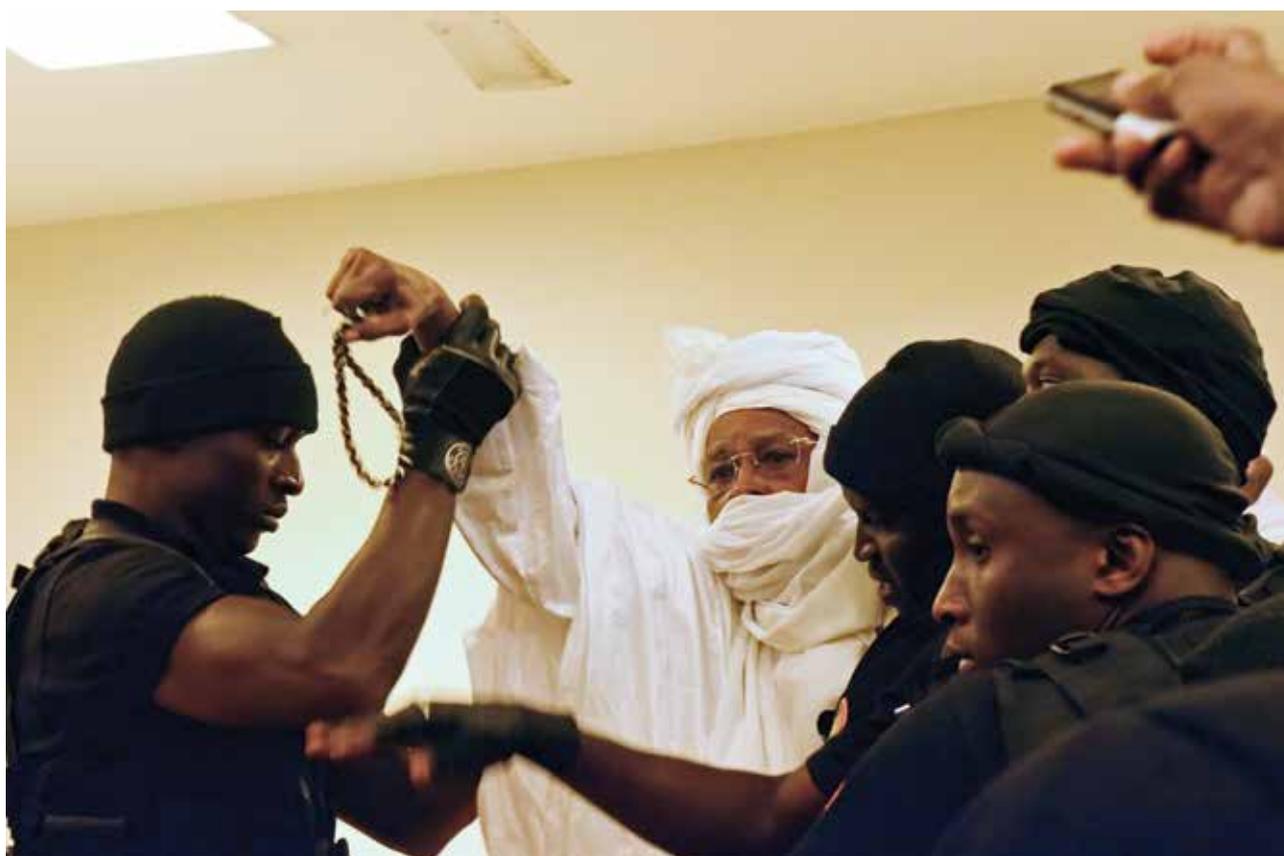
which provided for the creation of a special tribunal within the Senegalese court system, composed of African judges appointed by the AU. On 24 August 2012, an agreement was signed to this effect between the two parties.⁴

SINCE THE ADOPTION OF THE CHARTERS OF THE INTERNATIONAL MILITARY TRIBUNALS (IMT) OF NUREMBERG AND TOKYO, IT IS WELL ESTABLISHED THAT THERE EXISTS WHAT CAN BE REFERRED TO AS "CRIMES AGAINST PEACE"

The EAC should not only be assessed with focus on Habré's case, but rather it should be seen in a broader sense as the starting point of an African system of criminal justice, made by Africans for Africans. While awaiting the implementation of the African Court of Justice and Human Rights, such institutions can be seen as peaceful means of settling disputes. This is in line with AU member states' commitment to promote and protect peace, security and stability on the continent, and to protect human and people's

rights in accordance with the African Charter on Human and Peoples' Rights (ACHPR) and other relevant human rights instruments.⁵

Since the adoption of the charters of the International Military Tribunals (IMT) of Nuremberg and Tokyo, it is well established that there exists what can be referred to as "crimes against peace".⁶ Although crimes against peace, as referred to in the IMT charters, are nothing but crimes of aggression, in general, massive and grave human rights and humanitarian law breaches are not only "unimaginable atrocities that deeply shock the conscience of humanity" but are also "crimes [that] threaten the peace, security and well-being of the world".⁷ As such, they can be considered in a broader sense as crimes against peace. Therefore, to ensure peace, security and stability in the world and especially in Africa, it is of the utmost importance to fight against impunity and make sure that these crimes "must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation".⁸ To this effect, steps have to be taken at the African level, in accordance with the norms that exist in the general view of protecting peace and in the specific definition of crimes against peace in Africa.



Former Chadian leader Hissène Habré is escorted by prison guards into the courtroom for the first proceedings of his trial by the Extraordinary African Chambers in Dakar, Senegal (20 July 2015).

The Protection of the Right to Peace in Africa

The right to peace and security is clearly stated in Article 23 of the ACHPR in these words: “All peoples shall have the right to national and international peace and security.” Even though this right can be understood in the context of solidarity and friendly relations between states avoiding subversive activities against each other, it is not limited to this.

THUS, THE ROLE OF THE AU IN PEACEBUILDING IN AFRICA IS DIRECTLY DERIVED FROM ITS CONSTITUTIVE ACT, AND INDIRECTLY FLOWS FROM THE PROMOTION AND PROTECTION OF RIGHTS ENSHRINED IN THE ACHPR

It also means the right of individuals within states to live in peace and security and to be protected from attacks, whether by government or rebel military groups. This is how the African Commission on Human and Peoples’ Rights has interpreted this provision in the case of *Malawi African Association and others v. Mauritania*.⁹ As such,

massive human rights and humanitarian law violations are an infringement to the right of peace and security as defined by the ACHPR.

It is because such crimes are regularly committed in Africa that the AU has the specific mandate to prevent them – or, at least, protect African populations against them. According to Article 3(f) and (h) of its Constitutive Act, the AU has the specific objectives to “promote peace, security, and stability on the continent” and to “promote and protect human and peoples’ rights in accordance with the African Charter on Human and Peoples’ Rights and other relevant human rights instruments”. Thus, the role of the AU in peacebuilding in Africa is directly derived from its Constitutive Act, and indirectly flows from the promotion and protection of rights enshrined in the ACHPR.

In addition, Article 4 provides for the principles that guide the AU in its action. According to Article 4(ii), one of the principles is the peaceful co-existence of member states and their right to live in peace and security. This remembers the right of people and individuals to live in peace and security, as provided for by Article 23 of the ACHPR. The other principles are the right of the AU to intervene in a member state in respect of grave circumstances, namely war crimes, genocide and crimes against humanity; the



Lawyers for the victims at the trial of former Chadian dictator Hissène Habré who is accused of crimes against humanity, war crimes and torture allegedly perpetrated during his rule between 1982 and 1990. This landmark case represents a historic step for African justice as it is the first time that a court of one country in Africa has prosecuted a former ruler of another country.

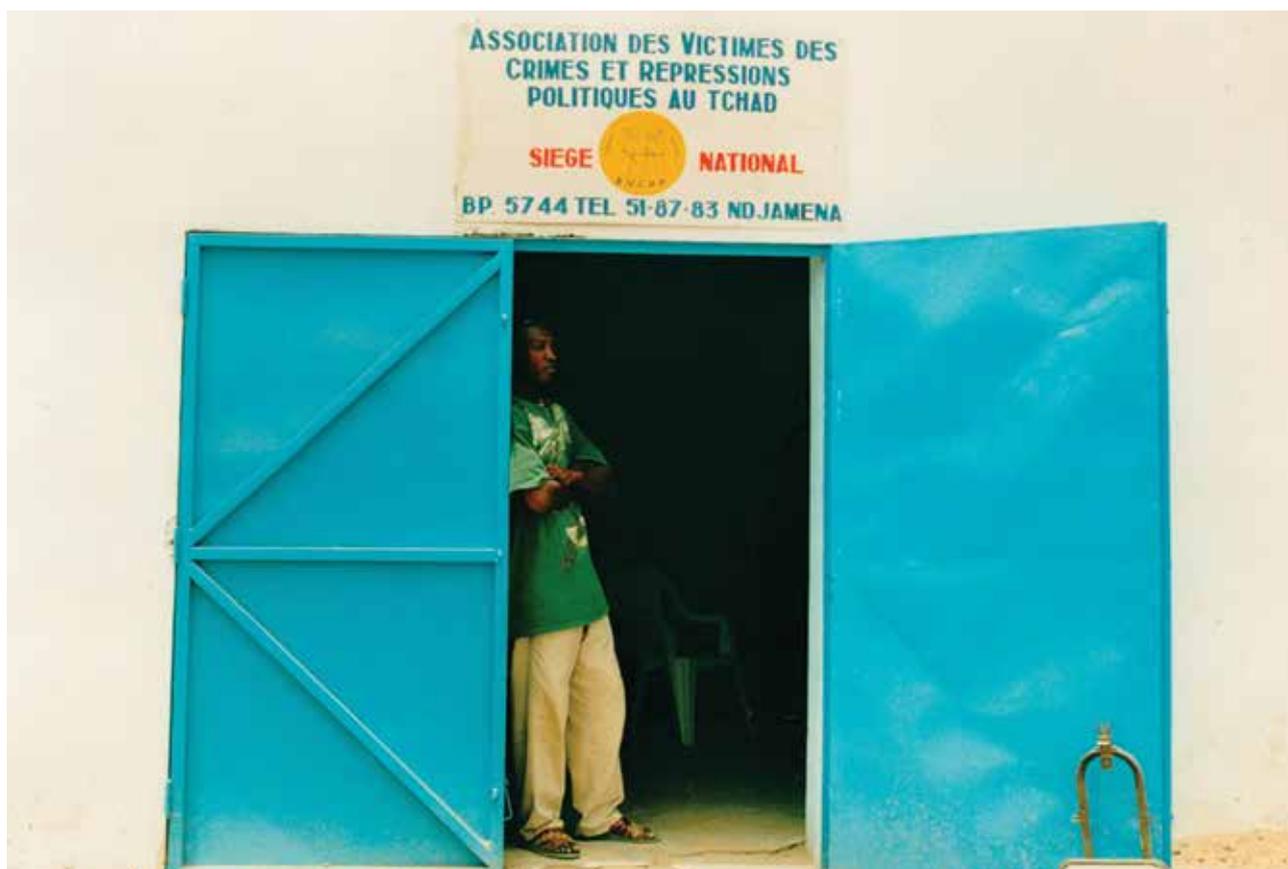
right of member states to request intervention from the AU to restore peace and security; the respect for democratic principles, human rights, the rule of law and good governance; respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities; and condemnation and rejection of unconstitutional changes of governments.

All these principles emphasise the AU's mission to preserve and consolidate peace, security and stability. Thus, peace can be said to be preserved where effective remedies are taken to fight against grave breaches of human rights and humanitarian law; consolidate democracy, good governance and the rule of law; and fight against impunity of those who have contravened these principles. The AU was then not acting without authority when it signed an agreement with Senegal to try and prosecute Habré for the crimes committed during his regime. However, for the sake of millions of Africans, it should not limit itself to this specific case, but should go beyond this case pursuant to its objectives and principles and, if not create, at least give its existing organs (judicial organs) full criminal jurisdiction

over crimes that threaten peace. These crimes must reflect the criminality as it takes place in the African territory, and should not merely be a pale copy of what has already been done at the international level.

The Crimes Targeted

The idea of the "sanctity of human life", as consecrated in Article 4(o) of the AU Constitutive Act, firmly advocates the inviolability of human life, protected by the right of a human being for respect of his life and the integrity of his person, as well as the right to have the dignity inherent in a human being respected, as recognised by Articles 4 and 5 of the ACHPR. These rights are themselves protected by the right not to be discriminated and the right to equal protection of the law, as provided for by Articles 3 and 2 of the ACHPR. Read together, it means that all necessary measures have to be taken on African soil to sanction all the potential violations of the "sanctity of human life". The first step in this regard is the definition of all the crimes that constitute infringement of the "sanctity of human life", and through this threaten people's and individuals' right to live in peace, security and stability.



During a mission to Chad, the International Federation for Human Rights, a non-governmental federation of human rights organisations, investigated crimes committed during Hissène Habré's rule (2001).

The Statute of the EAC identifies four crimes that are liable to breach peace and security in Africa. According to Article 4 of the Statute, these are the crime of genocide; crimes against humanity; war crimes; and torture. The procedures undertaken in Chad, Senegal and Belgium against Habré, and the procedure at the ICJ between Belgium and Senegal, were mostly based on the crime of torture. Why has this crime been allowed to stand on its own in the Statute of the EAC? The question is pertinent, because torture is already defined as a war crime [Article 6(g)] or as a crime against humanity [Article 7(b)]. The Statute could have limited itself to providing for these broad categories of crimes and leaving it to the prosecutor to show that Habré committed torture as an element of crime against humanity or war crimes. Or possibly the emphasis on torture here is to highlight the fact that it was the principal mode of responding to political opponents during Habré's regime. This is not a strong argument.

Since war crimes are necessarily committed during war times, it may be difficult to prosecute Habré on the ground of torture as a war crime. However, crimes against humanity can be committed at any time, during

war or outside the context of war. As such, Habré could be prosecuted for torture as a crime against humanity. According to Article 6 of the Statute of the EAC, this crime entails "a widespread or systematic attack directed against any civilian population". In its report, the National Commission, created in Chad in 1990, inquired into the crimes and misappropriations committed by Habré, his accomplices and/or accessories:

[It] drew up a list of 3806 individuals – including 26 foreigners – who had either died in detention or had been illegally executed between 1982 and 1990, and made an estimate that the final number could amount to 40 000 dead. It recorded a total number of 54 000 prisoners (including both dead and alive) during the same period. The Commission's estimate was that the task it had carried out only dealt with 10% of the violations and crimes committed under Habré.¹⁰

One can easily draw from this report that, as stated by the International Criminal Tribunal for Rwanda (ICTR) in the case of Jean Paul Akayesu,¹¹ Habré did commit torture during his regime, as part of an 'attack' on the

civilian Chadian population. Because of their dissenting political opinion, several members of this civilian Chadian population were seen by Habré as “enemy population”, according to the terms used by the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the case of Dragan Nikolić.¹²

Therefore, if Africa were to create its own criminal judicial system, it should first and foremost define – in addition to the crime of genocide, crimes against humanity and war crimes – other crimes that repeatedly threaten or constitute a breach of the peace, security and stability on the continent. When reading the AU Constitutive Act, it can be seen that except for the crimes listed previously, AU member states express serious concern about unconstitutional changes of governments, which they condemn and reject as a whole [Article 4(p)]. This question is so important that AU member states, “inspired by the objectives and principles enshrined in the Constitutive Act of the African Union, particularly Articles 3 and 4, which emphasizes the significance of good governance, popular participation, the rule of law and human rights,”¹³ agreed to adopt the African Charter on Democracy, Elections and Governance, and whose Article 4(1) calls for state parties to “commit themselves to promote democracy, the principle of the rule of law and human rights”. Article 13 of the ACHPR also strengthens these principles.

On the basis of all this, the fourth crime against peace, security and stability in Africa should be framed as “crimes against democracy and constitutional order”. The elements of these crimes would therefore be:

- unconstitutional changes of government;
- unpredictable changes of constitutions;
- discrimination and persecution based on political opinion;
- fraud and lack of transparency in elections; and
- grave breaches of the principle of effective participation of citizens in democratic and development processes and in governance of public affairs.

To conclude on this point, it is worth mentioning that it is not sufficient to define crimes which infringe on peace and security in Africa. The second step is to put in place institutions, preferably on a permanent basis, that will sanction the perpetrators of those crimes. In this respect, the EAC can operate as a precursor in this direction, and the AU has to build on this experience to achieve the implementation of a permanent African criminal court in the short, mid or long run. ▲

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- 6 Charter of the International Military Tribunal of Nuremberg, Article 6(a), and Charter of the International Military Tribunal for the Far East, Article 5(1).
- 7 Rome Statute of the International Criminal Court, Preamble, para. 2 and 3.
- 8 Ibid., para. 4.
- 9 In this case, following attacks on Mauritanian villages by Mauritanian public forces and rebel forces, the African Commission held that: “The unprovoked attacks on villages constitute a denial of the right to live in peace and security”. Communications 54/91, 61/91, 98/93, 164–196/97 and 210/98, para. 140.
- 10 International Federation for Human Rights (2015) ‘Chronology of the Hissène Habré Case’, Available at: <<https://www.fidh.org/International-Federation-for-Human-Rights/Africa/Chad/hissene-habre-case/>> [Accessed 1 October 2015].
- 11 International Criminal Tribunal for Rwanda (1998) The Prosecutor v. Jean Paul Akayesu, Case No. ICTR-96-4-T, para. 205. Jean Paul Akayesu served as mayor of Taba commune from April 1993 until June 1994. As mayor, Akayesu was responsible for performing executive functions and maintaining order in Taba, meaning he had command of the communal police and any gendarmes assigned to the commune. He was subject only to the prefect. He was considered well-liked and intelligent. During the 1994 Rwandan genocide, many Tutsis were killed in Akayesu’s commune, and many others were subjected to violence and other forms of discrimination. Akayesu not only refrained from stopping the killings, but personally supervised the murder of various Tutsis. He also gave a death list to other Hutus, and ordered house-to-house searches to locate Tutsis. He was indicted by the International Criminal Tribunal for Rwanda for genocide, crimes against humanity and violations of Article 3 common to the four Geneva Conventions of 1948.
- 12 International Criminal Tribunal for the Former Yugoslavia (ICTY) (1995) The Prosecutor v. Dragan Nikolić, Case No. IT-94-2-R61, para. 27. The accused, Dragan Nikolić, is a former Serbian commander of the Sušica camp near Vlasenica in eastern Bosnia and Herzegovina. He was arrested in Bosnia and Herzegovina by the North Atlantic Treaty Organization (NATO)-led Stabilization Force (SFOR) and taken to The Hague in The Netherlands for trial. He was indicted by the ICTY in November 1994 for crimes against humanity and war crimes.
- 13 Preamble of the African Charter on Democracy, Elections and Governance, para. 1.

TOWARDS A PEACE JOURNALISM APPROACH TO REPORTING AFRICAN ELECTIONS

BY JOSEPH OLUSEGUN ADEBAYO



GALLO IMAGES/REUTERS/AFOLABI SOTUNDE

Introduction

With the exception of a few countries, election periods in Africa are usually anticipated with apprehension, because so often they culminate in violence and bloodshed. Elections often turn violent in countries such as Nigeria, Kenya, Democratic Republic of the Congo, Zimbabwe, Burundi and so on, where the governments are typically authoritarian, the people severely divided along ethnic and/or religious lines and the management of political opposition is aggressive. In most African countries without a well-developed respect for the rights of citizens, elections increase political polarisation and potentially increase human rights abuses; thus, electoral violence seems to be the norm rather than an occasional

occurrence in many African countries. From 1960 to 2010, the world witnessed more than 350 unique cases of violent post-election protests, with most occurring in Africa.¹

Many factors contribute to the problem of electoral violence in Africa. In most countries, electoral violence is perpetrated both by the incumbent in office and opposition elements. The incumbent, against the will of the people, wants to hold on tenaciously to power and avoid defeat,

Above: Opposition supporters burn a banner during violent protests in Nairobi, Kenya following a disputed election that gave a second presidential term to Mwai Kibaki (31 December 2007).



Protestors argue with police during the presidential election in Bujumbura's Niyakabiga district, in Burundi (21 July 2015).

while opposition elements seek to wrestle power from the incumbent by all means, thereby wittingly or unwittingly instigating violence – to the detriment of the society they claim to want to govern.² Electoral violence in Africa is also closely connected with the neo-patrimonial character of the African state, the nature of contestation for power and the weak institutionalisation of democratic architectures, including political parties and electoral management bodies (EMBs).

One key player in the political landscape of a society during the electoral process is the media. The media is a powerful tool of mass mobilisation; it is a two-edged sword, capable of motivating for peace or instigating violence. The relevance of the media in any polity is generally drawn from the fact that information is necessary for effective governance and administration, and society depends profoundly on the media for vital information. This dependence by the public on the media gives the media immense influence – perhaps even beyond the comprehension of media practitioners in magnitude.

For example, it can be argued that the recent manoeuvre by the government of Burundi to clamp down on Radio Publique Africaine, and on all forms of media and communication – including Twitter, Facebook, Viber

and WhatsApp – for fear of disseminating information that will sensitise and mobilise the populace in the run-off to the contested general elections, is further proof of the government's realisation of the media's influence as a tool for mass mobilisation and sensitisation. The onerous task of safeguarding and ensuring the transparency of the democratic process lies on the shoulders of the media. While society sleeps, the media is like a watchdog, playing an active role in ensuring that the electoral process is transparent. Transparency before, during and after elections is required at all levels. The public must be able to access information without struggle, politicians should be held accountable, the legitimacy of individuals must be ensured and the public should be given the freedom to participate in debates without threats to their lives.

The growing wave of media-instigated violence, and the need to channel the immense influence wielded by the media to promote societal peace and harmony, has given rise to the concept of peace journalism. Peace journalism is manifest when journalists deliberately make choices regarding the stories they report and the prominence they accord such stories, in ways that create opportunities for members of society to take the route of non-violence when responding to conflict – such as electoral tensions.³

The concepts of balance, fairness and accuracy are fostered by peace journalism by using the insights of conflict analysis and transformation.

This article explores peace journalism and how its application can help to foster non-violent elections in Africa. Drawing from examples of media-driven non-violent elections in Kenya and Zimbabwe, the article argues that with proper training on conflict-sensitive reportage of social issues like elections, journalists can play active roles in setting the agenda for societal peace. The article also presents an example of the impact peace journalism training had on the 2015 general election in Nigeria, and how peace journalism training can be a catalyst for non-violent elections in Africa.

Instigators or Mediators: The Role of the Media in Electoral Violence

To what extent did media reportage instigate the election-related violence that has plagued most African countries? The role the media played in the unfortunate Rwandan genocide and the destructive use of the media as a propaganda weapon during Hitler's Nazi regime suggest that the media and its effect on society cannot, and should not, be underrated, because the media provides society

with awareness into the political dynamics in operation. The media also has the power to demonstrate the level of divergence in a society, as it did with hate messages targeted at minority Tutsis in Rwanda.⁴

One of the main objectives of the media is to act as a source of information for the populace. The fast-paced nature of society today means that most people do not have the time to source for news themselves – they depend on the media to provide information on political happenings in the country, government policies, the electoral process, foreign policies and international developments. The public relies significantly on the media to provide needed information that will aid them in making informed choices. Thus, the media can inform society about issues that were hitherto not topics of public debate, by consciously setting such issues as agenda for public discourse. Through its interpretative role, the media can also bring new interpretations, opinions and arguments to existing stories in ways that may instigate violence or mitigate existing conflicts.⁵

In the context of elections, media effects occur in two key ways: first, it serves as a source from where members of the public gather evidence that an election is illegitimate or is being contested, whether or not it was declared free



GALLO IMAGES/REUTERS/STRINGER

Progressives Congress party supporters gather at the Independent National Electoral Commission Office in Port Harcourt, Nigeria to protest, calling for the cancellation of the 28 March 2015 election in Rivers State.



The media has to play its role as society's watchdog, by monitoring elections and reporting on them in an unbiased manner.

and fair by the EMB. The media does this by presenting interpretative frames that can lead to conclusions by the public that the election was not free and fair, thereby leading to possible tensions in the polity.⁶ Second, the media can also instigate violence by showing graphic pictures of members of the public who have been killed or hurt in the process of exercising their rights. Unfortunately, this has the ability to incite reprisal attacks from aggrieved groups, thereby leading to more violence.

The Media and the 2007 Post-election Violence in Kenya

During the run-up to the 2007 Kenyan general election, the public depended heavily on the media to play its role as society's watchdog, by monitoring the election and reporting on it in an unbiased manner. Through live updates at the national vote-tallying centre, the media set the tempo of public interest, as a national conflict unfolded amid finger-pointing and showboating by political party loyalists.

Most conflicts emerge through the creation of an 'us' versus 'them' scenario, which often labels one party 'the enemy' in divergent issues. During the build-up to the

elections in Kenya, a consortium of private media owners – the Standard Group, The Nation Media Group and Royal Media Services – ran a campaign with the title 'Give us back our country' in an attempt to mobilise the Kenyan populace. Although it was basically supposed to be a campaign aimed at protesting against what was at that time deemed state inaction, using the inclusive phrases 'us' and 'our' somewhat unintentionally it pitched the public against the government.⁷

Soon afterwards, headlines from leading Kenyan newspapers created a sense of hopelessness in the Kenyan people, and gave the impression that the nation had reached a boiling point. A classic example was the recurring headline "Kenya Burns", which made the front page of the *Standard* for the first two weeks of January 2008.⁸ In the same vein, *The Daily Nation's* edition of 3 February 2008 had as its headline: "The Republic of Kenya was a Smouldering Burnt out Shell."⁹

Similarly, radio broadcasts before, during and after the election contributed in no small measure to fuelling the post-election violence that ravaged the country. The major culprits were the vernacular radio stations, which

broadcast in the local languages of Luo, Kikuyu, Kalenjin and other local languages. The stations overtly broadcast hate messages, similar with the messages that were used during the unfortunate Rwandan genocide. For example, Kameme and Inooro, two Kikuyu stations, were accused of playing songs that slandered the opposition leader Raila Odinga and his Orange Democratic Movement (ODM). The stations referred to them as “beasts from the west”. Likewise, a Luo station, Radio Lake Victoria, played a song in which the government was referred to as a leadership of baboons.¹⁰ The subjective nature of media reportage throughout the electoral process negatively impacted the nation, with significant effects. The death toll from the violence was estimated at around 1 300, while the resultant violence after the declaration of the election result left about 600 000 people displaced across the country.¹¹

Like Kenya, many countries on the continent also experienced electoral violence that could be linked to media reporting. For example, Zimbabwe witnessed a wave of pre- and post-election violence in 2008 during presidential and parliamentary elections, which pitched the incumbent, President Robert Mugabe of the Zimbabwe African National Union-Patriotic Front (ZANU-PF), Morgan Tsvangirai of

the Movement for Democratic Change (MDC) and Simba Makoni, an independent candidate, against each other.

Several factors contributed to the resultant conflict. However, the role played by the media has been largely overlooked.¹² The government-controlled media, *The Herald*, instigated violence in the country by labelling members of the rival MDC as violence perpetrators. The 11 April 2001 edition of *The Herald* commented thus: “The MDC is provoking violence and this should be nipped in the bud before it develops further like it did in last years’ parliamentary elections...”¹³

Such unguarded remarks by the newspaper stirred hatred for MDC members by loyalists of the ruling ZANU-PF. During the period leading to the 2008 general elections in Zimbabwe, the media had already encouraged polarised society by castigating the opposition and private media as Western puppets who depended on foreign guidance and could hardly act autonomously. The media was vehement in its effort to disparage opposition politicians and stalwarts by using manipulative overtones seeking to gain legitimacy in the face of a dwindling electorate.¹⁴

The Need for Peace Journalism Training

Peace journalism is the deliberate selection and reportage of stories in ways that create opportunities for



The public relies significantly on the media to provide needed information that will aid them in making informed choices.



With proper training on conflict-sensitive reporting of important social and political issues like elections, journalists can play active roles in setting the agenda for societal peace.

society at large to consider and value non-violent responses to conflict. Peace journalism uses the insights of conflict analysis and transformation to uphold balance, fairness and accuracy in reporting; provides a new route map tracing the connections between journalists, their sources, the stories they cover and the consequences of their journalism; and builds an awareness of non-violence and creativity into the practical job of everyday editing and reporting.¹⁵

Unlike traditional journalism, which reports conflicts as a battle between two parties whose sole goal is to win, peace journalism focuses on conflict reportage that provides for a win-win situation for all parties involved, through reportage that empathises and gives voice to all the parties involved in a conflict. While traditional journalism is reactive in nature and focuses on the visible effects of violence (the killed, the wounded and loss of materials), peace journalism is proactive and provides alternatives to violence in the reportage of sensitive social issues. Peace journalism also seeks to deliberately highlight peace initiatives that will further mitigate conflicts, and also focuses on the structure, culture and actions that engender peace in society.¹⁶

The role played by the media in the Kenyan and Zimbabwean examples clearly shows a dearth of conflict-sensitive journalism reportage skills. Few journalists have

been trained in the area of conflict analysis and theory, and they are not well equipped to report on issues that have consequences for societal peace. The training of journalists in conflict-sensitive reporting is imperative, because journalists covering sensitive social issues, such as elections, are inescapably involved in the events and processes they are reporting on – whether they like it or not.¹⁷

Training journalists in peace journalism is crucial, particularly in volatile nations. An informed understanding of conflict leads to the expectation that statements put out by parties to a conflict will also often be part of that conflict. Without this expectation, journalists may become stuck in what is termed the ‘reality-based community’ – oblivious to the way realities are being created around them, and indeed their part in creating these realities. Peace journalism training is beneficial to journalists because it equips them with the skills to pick up on suggestions for non-violent responses from whatever quarter, and remitting them into the public sphere.

The Impact of Peace Journalism on Non-violent Elections

When journalists are trained and equipped to report social issues in a conflict-sensitive manner, the result is often evident in societal peace. The impact peace journalism

training had on journalists' reporting of elections in Kenya, Zimbabwe and Nigeria, specifically the impact of non-violence, is notable.

When Kenyan Journalists Decided to Write Right

Unlike the 2007 general elections that polarised the Kenyan public along ethnic lines with the media acting as the battlefield, the 2013 elections saw a major shift in the way the Kenyan media reported on the electoral process. This is because several peace journalism training and retraining programmes were conducted for journalists in Kenya, in a bid to forestall a recurrence of the unfortunate violence that engulfed the country in 2008. For example, the Peace Journalism Foundation (PJF), an East African-based peace media non-governmental organisation with the aim of creating a peaceful society through media, conducted training for Kenyan journalists in the weeks and months leading up to the elections.

THE MEDIA TRAINING CONTRIBUTED IN NO SMALL MEASURE TO ENSURING THAT THE ELECTIONS WERE LARGELY NON-VIOLENT, DESPITE THE OBVIOUS ELECTION GLITCHES

Given that some vernacular radio programmes were responsible for hate speech, which incited the public into violence in the previous election, one of the focus areas of the training included training presenters on how to take charge of phone-in programmes on the radio, as well as with in-studio guests, to avoid public incitement and/or the spread of hate speech. Print journalists, on the other hand, were trained on the need for vigilance regarding the content of their news, so that they do not unintentionally incite the public into violence.

In all, more than 200 journalists in hotspots most prone to violence were trained by the Media Council of Kenya, in collaboration with various stakeholders. It is important to note that while the 2013 general election in Kenya was not problem-free, it was a marked improvement on the 2007 election, which was marred by violence. The media, a major perpetrator of the 2008 post-election violence, played a more responsible role this time by mobilising and sensitising the public towards peace and non-violence. It will be imprudent to attribute the peaceful election in Kenya to media reporting completely – however, the fact remains that the media played a very significant role, and much of this was achieved through the effective training of journalists on peace journalism reportage.

Turning the Tide in Zimbabwe

To prevent a repeat of the 2008 electoral violence in Zimbabwe, the Zimbabwe Electoral Commission (ZEC),

with the assistance of the Electoral Institute for Sustainable Democracy in Africa (EISA), organised media training workshops for local journalists in the country, with the aim of equipping them with the necessary skills needed for conflict-sensitive reportage of elections. The idea to engage the media regularly emerged during the ZEC's Strategic Plan Consultative Workshops, where the media was identified as one of the key stakeholders in the electoral process.

It can be argued that the impact of the training on the election was evident in the peaceful and non-violent manner in which the 2013 election was conducted. The Zimbabwean media was largely unbiased in its reportage, and this played a significant role in ensuring that the Zimbabwean public remained peaceful, despite misgivings in some quarters regarding the conduct of the elections.

Peace Journalism and the 2015 General Elections in Nigeria

The build-up to the 2015 general elections in Nigeria was fear-provoking, to say the least. Previous elections had plunged the nation into crisis, with about 800 people reported to have been killed in electoral-related violence in the 2011 elections.¹⁸ The 2015 election was one of the closest in the history of the country, with observers deeming it a two-horse race between the ruling People's Democratic Party (PDP) and the All Progressives Congress (APC). Several peace journalism trainings were conducted with journalists across the country, to forestall a reoccurrence of the violence that flawed previous elections. For example, in Nigeria's north-central state of Kwara, 40 journalists were trained and equipped with skills for conflict-sensitive reportage of elections. The training, funded by the peacebuilding programme of the Durban University of Technology, involved journalists who were selected from both print and electronic media.

The impact of the training on the journalists' reportage was remarkable. For example, the media played a huge role in sensitising the public on the need to eschew violence and embrace peace. In Kwara state, where the training occurred, and in most of Nigeria's 36 states, messages were aired in local dialects, calling on people to vote in a non-violent manner. The media training contributed in no small measure to ensuring that the elections were largely non-violent, despite the obvious election glitches.

Conclusion

One of the most common excuses journalists have for sticking to the traditional form of journalism is the claim that they are being objective, and that peace journalism is patronising and muzzles their reportage. However, the traditional news brand of objectivity can inadvertently make the media a battlefield for opposing politicians, who struggle to make their points clear in a tug-of-war style, thereby further heating the polity rather than ameliorating the situation. The deliberate reduction of conflicts into a

dualistic event often shields the public from the true or full story – there are always third (or more) parties involved in the conflict, but their involvement may be hidden or not noticeable. It is these often hidden or inconspicuous parties to a conflict that are frequently neglected in traditional media reporting.

The aim of peace journalism training is to foster normative and political-ideological transformation in journalists' reporting style. This will help journalists restructure information in ways that advance certain political ideologies or perspectives through the reproduction of frames and agendas to fit a particular viewpoint like non-violence. When a journalist (re)formulates information and claims in accordance with professional standards, they are said to be professionally transformed. The application of professional-normative transformations, as seen in Kenya, Nigeria and Zimbabwe, is instrumental for asserting and justifying the trustworthiness and relevance of news, and distinguishing media content from partisan, uncorroborated or otherwise doubtful information.¹⁹

The current state of media reporting in most African countries is mainly motivated by factors such as ownership, geopolitical location and religious/ethnic inclination. Peace journalism training does lead to an improvement in conflict sensitivity in reportage, as demonstrated by the marked improvement in the conflict-sensitive reporting styles of journalists in Kenya, Zimbabwe and Nigeria. The media can impact society, and this impact can be channelled for societal good by consciously building capacity for conflict-sensitive reportage.

Journalists do not have an excuse to justify war journalism or instigating violence. There is an urgent need to inculcate peace journalism as a major module in foundational journalism and media training at educational institutions across Africa, to reach journalists early in their training. ▲

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