



# CONFLICT

*TRENDS*

**Transition  
in the DRC**

**Nation Building  
in BURUNDI**

**Reconciliation in  
POST-GENOCIDE RWANDA**

**2/2005**

**SPECIAL EDITION ON THE GREAT LAKES**

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**Printing**

Process Litho, Durban

ACCORD is a non-governmental,  
non-aligned conflict resolution organisation  
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The organisation is constituted as an  
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Back issues of Conflict Trends can be  
downloaded from the ACCORD website at  
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1561-9818 ISSN

Cover photograph:  
CORINNE DUFKA / REUTERS /  
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# contents

EDITORIAL	<b>2</b>	
FEATURES	<b>3</b>	Peace and Conflict in the Great Lakes Region Since 2004 Mwesiga Baregu & Lupa Ramadhani
	<b>9</b>	The Forgotten Crisis. Eighteen Years of Civil Unrest in Northern Uganda Catherine Onekalit
	<b>14</b>	Heralding or Hampering Peace? The Troublesome Transition in the DRC Gerrie Swart
	<b>20</b>	Gacaca as a Reconciliation and Nation-building Strategy in Post-genocide Rwanda Frank Rusagara
	<b>26</b>	Focus on the Great Lakes Region • Democratic Republic of the Congo • Uganda • Burundi • Rwanda Catherine Onekalit
COMMENTARY	<b>30</b>	Armed Militias and Second Tier Conflicts: An Impediment to the Sudan Peace Process? Karanja Mbugua
	<b>38</b>	Reflections on the UN Secretary-General's Reform Report and its Implications for Africa's Peace and Security Agenda Venashri Pillay
	<b>44</b>	Nation Building in Burundi. History and its Impact on the Future Marc Manirakiza
INTERVIEW	<b>49</b>	Interview with Ambassador Bah, Special Representative of the Chairperson of the African Union Commission in Burundi
BOOK REVIEW	<b>51</b>	Understanding Peacekeeping Cedric de Coning



**A**frica's Great Lakes region includes countries surrounding Lake Kivu, Lake Tanganyika, and Lake Victoria. It has one of the most breath taking panoramas in the world and is truly blessed with natural surroundings that are unmatched in any other part of the world. The region is also home to some of the largest deposits of precious minerals. The fertile soil and the excellent climate make this region the bread-basket of the world. By all accounts this should be a thriving region yet it is not.

Recent developments with regard to peace and stability do however offer some hope. The Democratic Republic of the Congo (DRC), a country the size of Western Europe, has finally settled down to a brokered power-sharing agreement. A decade of civil war that involved several African countries and plunged the DRC into a protracted war has finally ended. Burundi has held several successful local and regional elections that defied all the doom-sayers who predicted that the elections would be marred by violence. Rwanda has held successful elections and President Paul Kagame has received a strong mandate to govern for the next seven years. Despite a sustained war on its Northern border, Uganda has shown good economic progress. Tanzania prepares for a general election in the ongoing tradition of peaceful multi-party elections.

The major questions that arise from the two broad conclusions drawn above are the following. How sustainable and durable are the various peace agreements and elected governments? Will the Great Lakes region be able to harness its huge potential to unlock growth, and economic and social development? What will it take for the Great Lakes region to unlock this potential and when is this likely to happen?

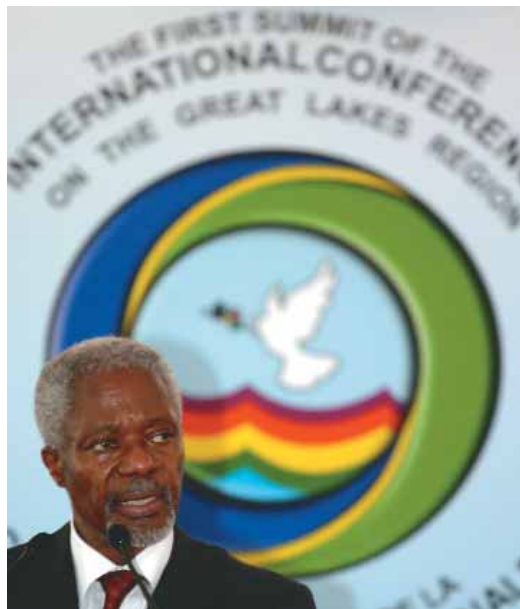
The sustainability and durability of the peace agreements and political environment in the stable countries are dependent on several variables. The first and most important variable is the political will of the politicians. The politicians hold the key to unlocking the potential of their respective countries. If they display

the political will and commitment to building a stable and prosperous nation they are likely to get the support to do just that. They have to be focused on the long term and not merely on the next election. Long term vision and commitment to that vision is vitally important. Politicians who assume their positions merely to exploit their office for personal gain generally have a short term view. The numerous structural impediments that face the countries of this region can only be dealt with in the long term.

The second and equally important variable is the political will and commitment of the people generally towards building a stable future. The people of a country in conflict or one with a threatened peace must want peace. When the people themselves are committed to a national vision for their country and are ready and willing to work together and build a nation, then they will not be exploited through racial, ethnic or any other identity. The people of a country must also take a long term view of their development so that their expectations match the capacity of the Government to deliver social services and economic prosperity.

No country in the twenty first century exists without reference to the rest of the world. Consequently, the third variable that influences sustainable stability is the political will and commitment of the regional and international community. This plethora of interest groups is essential for the stability of a country. They comprise all the responsible governments, private companies, and NGOs who are needed to pledge their assistance or are needed to desist from exacerbating the fragile peace. This issue of *Conflict Trends* has several articles that attempt to address these questions. However, it is our hope that those of you who are reading this edition of conflict trends and who belong to one or other category of stakeholder referred to above will examine your own role and contribution in the Great Lakes region and act with the intention of contributing to a durable and sustainable peace in the Great Lakes region. ▀

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



M. BAREGU & L. RAMADHANI

FEATURE

# Peace and Conflict in the **Great Lakes** Region since 2004

**T**he Great Lakes Region has, over the years, been the scene of conflicts, atrocities and divisive resource and power struggles. The easy availability, accumulation and uncontrolled proliferation of small arms and light weapons (SALWs) in recent years has served to aggravate this situation to ruinous effect.<sup>1</sup> An additional supply of small arms fostered by conflicts in Somalia, Sudan, and Ethiopia-Eritrea has had spill-over effects in the region, enhancing arms trafficking and proliferation in neighbouring countries. Although the majority of countries in the region have shown encouraging signs of moving towards conflict termination and others towards post-conflict recovery, the availability and continued proliferation of small arms threatens these newfound gains.

Summarising the conflict situation in the Great Lakes region, the last meeting of the Technical Thematic Task Forces (TTTFs) (hereafter called the Mombasa Meeting) that met recently in Mombasa, Kenya, made it clear that in conflict and post-conflict environments such as

Burundi, the Democratic Republic of the Congo (DRC), Sudan and Somalia, small arms availability, transfer and use have resulted in the loss of livelihoods, violations of international humanitarian law and human rights abuses.<sup>2</sup> The net effect of this is extreme insecurity marked by widespread criminality and arbitrary violence. Worse still is the spill-over effect to relatively calm states such as Tanzania and Kenya, which have suffered from the proliferation of small arms through illicit trafficking and increased armed violence. It is a fact that both states have over-stretched, permeable and scarcely monitored borders.

Among other initiatives, the World Bank has mounted Disarmament, Demobilisation and Reintegration (DDR) processes in several countries in the Great Lakes region in an effort to ensure the peaceful transition to recovery. Given the inherent challenges as well as opportunities in these processes, states will require the support of the international community to ensure that resources and expertise are in place for smooth implementation.

### **The Dar es Salaam Declaration**

The long anticipated 'International Conference on Peace, Security, Democracy and Development in the Great Lakes Region' was held in Dar es Salaam, Tanzania for two days, 19-20 November 2004. In attendance were the presidents of Angola, the Central African Republic, the Democratic Republic of the Congo, Rwanda, Tanzania, Burundi, Republic of Congo, Kenya, Sudan and Uganda. At the end of the conference,<sup>3</sup> heads of state and government adopted the Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region. The aim of this paper is to offer a situational analysis of the Great Lakes region in the period after the Dar es Salaam Declaration.

The declaration maps out the framework for establishing inter-state and intra-state relations based on trust, and the revitalisation of cooperation and integration, within the framework of a regional and inclusive vision in the promotion of sustainable peace, security, democracy and development. It was instructive that the leaders of this region were aware, albeit politically, that the future of the region lies in the region moving together as a bloc. To this end, they agreed to pursue a common destiny for the region in partnership with the United Nations (UN), the African Union (AU) and the international community at large.

### **Priority policy options and guiding principles**

The Dar es Salaam Declaration identified four priority areas:

- 1 Peace and Security;
- 2 Democracy and Good Governance;
- 3 Economic Development and Regional Integration; and
- 4 Humanitarian and Social Issues.

By addressing all of these issues, it was felt that the conflict in the region would be largely resolved. The areas have been selected to address not only the root causes of the conflict but also the obstacles to peace that obstruct the establishment of sustainable mechanisms for conflict resolution and peace building in the region.

The approach advocated is regional in all priority areas. Peace and security, for instance, could only be achieved if bilateral and regional cooperation is strengthened through the adoption and effective implementation of non-aggression and common defence pacts. It was also felt necessary that states should adopt common policies to put an end to the proliferation of illicit small arms and light weapons as well as anti-personnel mines and, in that regard, harmonise and ensure the implementation of

existing agreements and mechanisms. To underline the importance of this challenge, it is only recently that the Southern Africa Police Chiefs' Co-operation Organisation held a meeting to discuss at length some of these issues.

The fragile post-conflict situation is also given regional priority. It is only through a regional mechanism that Disarmament, Demobilisation, Reintegration, Reconstruction and Resettlement (DDRRR) is possible. Only a regional presence will offer a trusted third party to the warring groups. Similarly, democracy and good governance are key to continued conflict or peace. To the extent that 'bad' governance reigns, peace and security will continue to be elusive. The region recognises the necessity to combat all discriminatory ideologies, policies and practices and any other acts of genocide, massacres, terrorism, racism, ethnicism, and exclusion, as well as any other forms of violence as sparks for conflict.

### **Follow up mechanism**

The Dar es Salaam Declaration set forth follow-up mechanisms to ensure the implementation of its plans as well as other regional and international instruments binding on states parties in the Great Lakes Region.

As we shall see later in this article, the declaration paved the way to a binding arrangement: a Pact on Security, Stability and Development that was to be adopted at the Second Summit of the International Conference on the Great Lakes Region scheduled for 2005 in Nairobi.

In addition to the declaration, the summit set up a Regional Inter-Ministerial Committee, mandated to prepare selected, concrete, achievable and measurable draft protocols and programmes of action together with specific short, medium and long-term objectives. Once again, the aim was not only to domesticate these agreements but also to make them legally binding. The committee is empowered to follow up, monitor and periodically evaluate the different components of the pact either alone or in collaboration with other bodies such as the UN or AU.

### **Peace and security**

The Great Lakes region continues to experience internal skirmishes and violence despite peace agreements in force in the Democratic Republic of the Congo and Burundi. On the positive side there has been a declining trend in instances of inter-state confrontations following a pull-out of foreign forces from the DRC. But Uganda has yet to resolve its 'Northern question'. The rebel Lord's Resistance Army (LRA) continues to terrorise civilian populations while the government is hesitant to



THEMISTOCES HAKIZIMANA / REUTERS / THE BIGGER PICTURE

Rwandan soldiers pile weapons as they prepare them for destruction to mark the end of de-mining in the country

adopt peaceful methods of resolving the conflict in the North. Although the Ugandan government has granted an amnesty to the rebels, suspicions still linger among the LRA leadership. Civil society in the form of the church is playing an increasing role in the quest for a peaceful outcome. In Rwanda, the reconciliation process is in progress to attempt to heal the scars of the 1994 genocide as well as to resettle the displaced and refugees in general. There remain serious difficulties across the border with the DRC in dealing with Interahamwe and ex-FAR forces. Concerted efforts to resolve these difficulties are underway between the UN (MONUC), Rwanda and the DRC. In Burundi, the transitional government has had to request an extension after its term expired in 2004 before organising presidential elections. It is hoped that the elections will be held as planned in October. In the Democratic Republic of the Congo the transitional process remains equally fragile both in terms of the coalition in Kinshasa, and in the Kivus and Ituri due to continued fighting. More recently a *coup d'etat* was reportedly nipped in the bud in Katanga and now time is running out for the June deadline for holding elections.

Across the region with declining conflict there now seems to be another unfolding trend that has threatened peace and security in the region. There seems to be a new wave of availability and proliferation of small arms. As a result, states that were considered relatively peaceful

such as Tanzania and Kenya are now being devastated by increased instances of armed crime. Crime networks have sprung up and are operating organised crime rings especially around car theft, cattle rustling, and armed (bank) robbery.

Responding to this development at the regional level, considering the gravity and magnitude of the problem, governments in the Great Lakes region have committed themselves to tackling the proliferation of illicit small arms by signing the March 2000 Nairobi Declaration on the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes and Horn of Africa Regions.<sup>4</sup> Furthermore, a draft protocol (Nairobi Protocol) on registering, tracing and monitoring the use of arms is now ready for adoption at the Second Summit of the Heads of State and Government scheduled for November 2005. This is supposed to be a legally binding instrument for the regulation of circulation of small arms and light weapons in the region. For this to succeed, considerable co-operation will be necessary from the international community from where the arms originate.

At the international level various actors have shown a keen interest in the ongoing peace process in the region.

**Across the region with declining conflict there now seems to be another unfolding trend that has threatened peace and security in the region**

Foremost and most significant in their contributions have been the UN and AU who together played a crucial role in the process leading to the Dar es Salaam summit. The office of the UN Secretary-General's representative in the Great Lakes, in particular, has been pivotal in the process. The World Bank, through its support of Disarmament, Demobilisation and Reintegration (DDR), has also played an important role in helping to ensure a peaceful transition to recovery. An important aspect of this process is to ensure that those who have spent significant time fighting as a means of earning a livelihood are assured of alternative employment if the peace process is to be sustainable. This is a factor that had to be negotiated in the new peace dispensation in Burundi, for instance. Fighting must be made a costly

***There is an intrinsic link between humanitarian and social affairs on the one hand, and peace in the region, on the other***

choice not only through force but also through inducements to productive activity.

Another issue that did not escape the scrutiny of the summit was the problem of trans-border crime and terrorism. The strategy adopted was to reinforce the existing international framework

to curb terrorism. States were called upon to ratify and domesticate existing international instruments, among them the following:

- 1 International Convention for the Suppression of the Financing of Terrorism (1998);
- 2 International Convention for the Suppression of Terrorist Bombings (1997);
- 3 International Convention Against the Taking of Hostages (1979);
- 4 International Convention on the Prevention and Punishment of Crimes Against International Protected Persons, including Diplomatic Agents (1973).

It was stressed that implementing these conventions would require a multi-dimensional approach in which member states could create a network to determine how to build national capacities for dealing with terrorist acts, and to contribute as a region to the international debate on what constitutes terrorism.

On trans-border crimes, the emphasis was placed on the necessity to create regional networks to curb the vice. The main strategy was to harmonise state action and provide states with mechanisms for participating in international dialogue. Identified here are crimes such as human trafficking and cattle rustling. A first step for states to follow was to adopt the Protocol to Prevent,

Suppress and Punish Trafficking in Persons, especially Women and Children (2003). Through the protocol, states must enforce or draft national legislation making these activities criminal offences. The detailed protocols are still being worked out.

**Good governance and democracy**

This was also recognised as a priority area if the region is to enjoy peace and security. It was observed that one of the root causes of the conflict in the Great Lakes region was denial of democracy, human rights violations and poor governance. The lack of basic democratic values such as widespread participation, transparency, accountability and respect for human rights is often linked with electoral systems which limit involvement or marginalise the representation of the citizens in the decision-making and democratic process.

In some countries ravaged by conflicts with strong ethnic manifestations, it has been necessary not to take democracy simply to mean the rule of the majority. It was found that specific mechanisms should be devised to make sure that all segments of the society are included in the running of the government. This is the current arrangement in the transition government in Burundi where the 'statistically' minority Tutsis have been assured of a certain percentage of representation in the government.

The vision in this priority area is to build a common destiny through the transformation of the region into a space of sustainable peace and security for states and peoples.<sup>5</sup> In order to achieve this vision the Great Lakes region has to design common policies and strategy based on:

- 1 respect of values, principles and norms of democracy and good governance, as well as observance of human rights;
- 2 combating all discriminatory ideologies, policies and practices;
- 3 civic education, free movement of persons, freedom of expression and free exchange of ideas and information;
- 4 national unity, multiculturalism, tolerance, a culture of peace and dialogue, and a common destiny and shared African cultural values.

It is in light of this understanding that any assessment of developments in the DRC and Burundi, for instance, have to take into consideration how the transitional periods to peace are managed in both situations. Are there signs of learning and internalising a culture of

tolerance? Are there mechanisms for reconciliation? Are the institutions being created democratic and legitimate enough to accommodate the wide and differing interests? In Burundi the transfer of power to the second phase of the transitional government took place smoothly despite some political acrobats and manoeuvres. In the DRC, meanwhile, a transitional government was crafted in such a way as to accommodate the fractional politics in the country. The main test will be the June 2005 general elections which, judging from the current speed, might not be a realistic deadline.



MIKE HUTCHINGS / REUTERS / THE BIGGER PICTURE

Heads of state from the Great Lakes region meet with South African President Thabo Mbeki (C). DRC President Joseph Kabila (L), Ugandan President Yoweri Museveni (2nd L), Tanzanian President Benjamin Mkapa (2nd R) and Rwandan President Paul Kagame (R)

**Humanitarian and social affairs**

There is an intrinsic link between humanitarian and social affairs on the one hand, and peace in the region, on the other. The two survive as Siamese twins, and elimination of the one means the automatic demise of the other. Decades of war in the Great Lakes region have led to a general decline of living standards in complex and inter-related ways. Adding to this complexity is the issue of HIV/AIDS. While rape has been used as a weapon of war, it has also served as a sure means of spreading AIDS among the fighting and non-combatant groups. Given the regional dimension of the conflict, it has been possible for other diseases also to spread at an alarming speed. The economic, social and cultural infrastructure in the region is left virtually in a state of collapse.

Refugees and internally displaced persons remain a foremost concern of the region and a permanent threat to peace and security. The refugee question has been a source of strained relations between Tanzania as a host country on the one hand, and Rwanda and Burundi as countries of origin on the other, at one time or the other. There were even accusations of forced repatriation of Rwandan refugees by the Tanzanian government just as there have been persistent allegations of Tanzania supporting Burundi insurgents.

With the September 2002 change in UNHCR repatriation policy in general, Rwanda entered a number of tripartite agreements negotiated between the UNHCR, Rwanda and a number of neighbouring countries hosting Rwandan refugees: Central African Republic, Burundi,

Tanzania, Zambia, DRC and others. An estimated 55 000 Rwandan refugees have been repatriated since the September 2002. The UNHCR hopes to bring home all the remaining Rwandan refugees, approximately 60 000 in 2003 and 40 000 refugees in 2004.<sup>6</sup> Amnesty International as a humanitarian organisation has had an interest to see to it that there was no forceful return of refugees. It is only logical that any forceful return of refugees is likely to generate yet another regional conflict.

**Economic development and regional integration**

The economies of the Great Lakes states have different structures, and are at various stages of development. Uganda's economy, for instance, grew at an estimated 5.0 per cent in 2003, while Kenya's real GDP grew at 2.3 per cent for the same year. Among the countries in the region, the rate of inflation ranged from an estimated 3.3 per cent in 2003 in Kenya to 7.8 per cent in Burundi. All the states in the Great Lakes region are dependent on foreign aid, with Rwanda, Tanzania and Uganda classified as Heavily Indebted Poor Countries (HIPC) by the World Bank.<sup>7</sup> Strengthening of the economies of the states in the Great Lakes region is itself a necessary condition for attaining sustainable peace and any regional initiative must give due consideration to this fact.

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As a mechanism for survival and competition especially in the era of globalisation, various regional integration schemes have been established, ranging from the East African Community to COMESA. To be sure, one of the hindrances towards achieving regional integration has been endemic conflicts in the region resulting in mistrust among some member states. The Dar es Salaam Declaration also noted a problem posed by multiple membership in regional integration schemes of various states in the region. It was noted for instance that the DRC is a member of CEPGL, COMESA, ECCAS and SADC while Kenya is a member of IGAD, COMESA and the EAC. The commitment of these states in these multiple organisations is questionable. A conflict of interest is also possible among various regional integration schemes. That could militate against the very idea of integration.<sup>8</sup>

Despite these efforts, the region continues to suffer from serious setbacks in achieving viable regional integration. To recast the technical experts' report on regional integration, these are:

- 1 Multiple membership in regional integration schemes;
- 2 Lack of convergence of macro-economic policies at the regional level;
- 3 Weak and inadequate regional infrastructure in the areas of transport, communications, energy and water;
- 4 Lack of regional policies in the areas of agriculture, stock breeding and fishing;
- 5 Inadequate educational systems to support economic development and regional integration; and
- 6 Weak regional cooperation in the areas of health and health infrastructure.

These are challenges that need to be addressed if a viable regional integration is to be realised.

In the era of globalisation, regional integration schemes can easily turn into export processing zones for the industrialised and capitalist West. This is not the kind of regional integration that we look forward to in the Great Lakes region. Taken together the Great Lakes region is potentially economically wealthy in terms of natural resources found within the region. If the politicians want to really make it "a space of growth and shared development, a space of cooperation based on strategies and policies of convergence within a framework of common destiny which we are determined to achieve in accordance with the aspiration of our people",<sup>9</sup> they must consider its natural resources. It is only by analysing the common wealth available in the Great Lakes region

that the states might engage in meaningful, long-term, sustainable and viable economic integration.

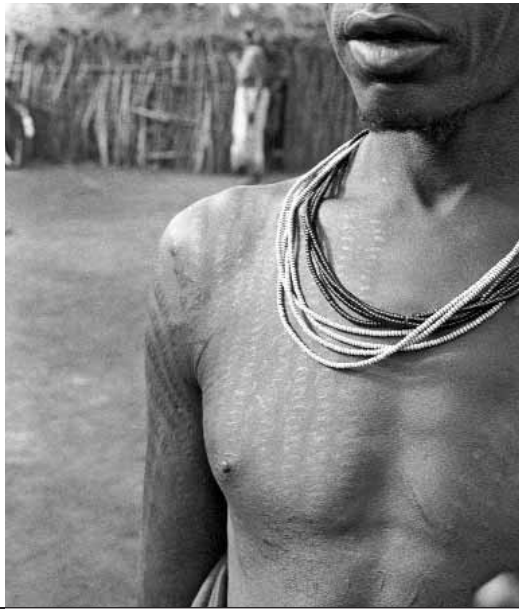
### Concluding remarks

This article attempted to provide a situational analysis of the Great Lakes region since (or in the wake of) the Dar es Salaam Declaration of 2004. To be sure this is a very short time for which a meaningful analysis could be mounted on successes and failures in such a vast region. In terms of peace and security, Uganda, the DRC, Sudan, Burundi and to some extent Rwanda continued to be trouble spots. One remarkable achievement has been that the region has 'awakened' and has started to take appropriate measures to deal with the beleaguered regional security. It is significant that it is now widely recognised that the Great Lakes region forms a peace and security complex such that any unilateral attempt to resolve any issue on peace and security is likely to be doomed. The invasion in Congo and the convergence of actors' interests in looting the natural resources of the DRC amply illustrates the regional complexity of the security problem. With the SADC intervention, a seemingly stable settlement has been attained and now we are likely to see some peace in the DRC. In this regard it can only be hoped that the Second Summit of Heads of State and Government due in November 2005 will come up with binding and regional approaches to peace and security in the Great Lakes region. ▀

*Mwesiga Baregu & Lupa Ramadhani are both lecturers at the University of Dar es Salaam.*

### Endnotes

- 1 This was identified at an experts' meeting of the joint UN/AU Secretariat of the International Conference on the Great Lakes Region Mombasa, Kenya, 4-8 April 2005.
- 2 Joint United Nations/African Union Secretariat of the International Conference on the Great Lakes Region: First Meeting of the Technical Thematic Task Forces (TTTFs), Mombasa, Kenya 4-8 April 2005.
- 3 Also known as the First Summit of Heads of State and Government.
- 4 For a more detailed analysis see also the Joint UN/AU Secretariat of the International Conference on the Great Lakes Region.
- 5 Also known as the Mombasa Meeting.
- 6 See the Amnesty International report, *Rwanda: Protecting their rights: Rwandese Refugees in the Great Lakes Region*. AI index: AFR 47/016/2004 of 15 Dec. 2004.
- 7 See [http://GreatLakesRegion.org/country\\_analysis\\_brief.htm](http://GreatLakesRegion.org/country_analysis_brief.htm) Great Lakes Region: Burundi, Kenya, Rwanda, Tanzania and Uganda. February, 2004.
- 8 Mombasa Meeting, op. cit. Theme 3: Economic development and Regional Integration.
- 9 Ibid.



GREG MARINOVICH / REUTERS / THE BIGGER PICTURE

CATHERINE ONEKALIT

FEATURE

# The Forgotten Crisis. Eighteen Years of Civil Unrest in **Northern Uganda**

**T**he capital city of Uganda, Kampala, located in the south of the country, exemplifies the transformation of a country besieged by economic barriers to prosperity. In comparison to other less developed countries, Uganda would emerge as a compelling tale of hope. Tragically, the northern parts of the country, populated by the Acholi people, has experienced an armed conflict for almost two decades, seemingly without any signs of an immediate cessation of hostilities. The conflict perpetrated by the Lord's Resistance Army (LRA) under the command of Joseph Kony though little reported forms one of Africa's most intense conflict zones. Year in and year out, it has persisted and gradually devoured Acholiland while assuming a regional dimension.

The conflict that the Ugandan government habitually says is nearly over is characterised by the abduction

of children as young as five as both participants and perpetrators of human rights violations. Ambushes, abductions and killings continue to be the order of the day with little variation and children are initiated into rebel ranks through rituals to enable them to kill without fear. This state of affairs has turned them into lethal weapons with hardly a trace of humanity and an innocence lost, never to be regained. This notwithstanding, the nightmare continues amid apparent indifference from the international community.

## **Origin of the war**

The origin of the conflict lies in a deeply rooted historic ethnic mistrust between the people of the north, the Acholi (Nilotics), and the people from the south, mainly comprising Bantu speakers, a mistrust that has served as

RADU SIGHETI / REUTERS / THE BIGGER PICTURE



Children are housed at a safe house in Gulu, northern Uganda to escape abduction by the Lord's Resistance Army

an obstacle to national unity and has resulted in widespread violence.<sup>1</sup> However, some scholars have argued that the dynamics and causes of the war lie in the long-term under-development of the region, over-representation of the Acholi in the military, and the existence of a war economy in which the ongoing conflict meets the vested interests of specific groups.<sup>2</sup>

Nonetheless, the conflict must be viewed in the larger context of Ugandan politics and the role of the military in this society. Indeed, there are genuine fears from the local community, politicians and scholars that the current government has more than managed to manipulate the conflict to achieve its political ends. This is not to say that the current government started the war, rather that it is part of the wider picture that has contributed to the continuance and or longevity of this civil unrest.

### Political dynamics

When the National Resistance Movement/Army (NRM/A) took power in 1986, it undoubtedly added a new element to the unresolved political issues that had

bedevilled Uganda since independence. Its promise of new fundamental changes was welcomed but it also resurfaced old fears.<sup>3</sup> If the government demonstrated magnanimity towards its opponents and innovative solutions to Uganda's political difficulties, it also contributed significantly to the country's political tensions. This paradox appeared in one political issue after another. The obvious one was the beginning of Northern (Acholi) grievances against the NRM. The Acholi claimed that the NRM failed to apply its stated objectives in the North, for example in the Northern Uganda Reconstruction Programme (NURP) that never took off.

The disenchantment of the North with the current government has further been fuelled by the persistent existence of the LRA which bears the responsibility of contributing to the killing of civilians with the expectation of creating an ethnically pure Acholi state. The Acholi who reject Kony's ideology – which means nearly all Acholi – are branded 'collaborators' and dismembered or killed as punishment. Yet repeatedly the government has portrayed the LRA's actions as banditry. Such a characteristic is clearly inadequate when applied to a group that has wreaked havoc, and specifically the abuse of human rights, on a macabre scale for close to two decades.

In addition to the above, the introduction of a new terminology in the international political agenda – the 'war against terror' – has fuelled the complexity of the northern civil unrest, in that the United States of America designated the LRA as a 'foreign terrorist group'. This complicates the matter since it implies that the bulk of the LRA army, almost 80 per cent of which consist of abducted children, are now regarded as international terrorists. Yet the implication is that children abducted against their will, and in battle are forced to fight against their will, can be so categorised.

The government conversely has given the war deadlines of termination but these always pass. It is against this background that different arguments have been brought forward; some contemplating that the current government is using the war to consolidate power and is hence not keen on resolving it. Others expound that the indifference of the rest of the world to the conflict despite the repeated appeals for intervention and the appalling humanitarian situation justifies its being called a forgotten crisis, a war ignored.

### **A forgotten crisis: A war ignored**

There are multiple deliberations and illustrations that permit the drawing of the conclusion that the northern



LOHI WASELCHUK / REUTERS / THE BLOOMER PICTURE

Approximately 20 000 children are conscripted into the Lord's Resistance Army. A programme is underway to reunite child soldiers with their families

civil unrest is a forgotten crisis. For instance, as already illustrated, the Ugandan government's repeated apathy, amid awareness of the conflict, and its failure to abate the war bodes badly, not only for analysts but also for the local Ugandan population. It also sends a message that the Ugandan authorities have done less than they should have to resolve the problem. This standpoint however apports blame and presents a defensive not protective Ugandan government, especially because it believes in its own solution to the northern conflict, military might. This solution nevertheless has by far increased the already deepening humanitarian crisis to catastrophic proportions, one that the outside world has been unresponsive to.

With a total of more than 1 000 000 people internally displaced and approximately 20 000 children conscripted into the LRA<sup>4</sup>, there is a grave need for political intervention. The voices calling for international intervention were started by the Acholi Religious Peace Initiative (ARPI). The leaders voiced through varied mediums the urgent need for outside intervention to enable an end to the conflict. However, national and international actors

were thus far slow to respond despite the repetitive pleas. For instance, Human Rights Watch (HRW) visited Northern Uganda and conducted research for the purposes of writing an investigative report as a basis for international advocacy on the plight and magnitude of the problem. This research resulted in two reports<sup>5</sup> in July 2002 and March 2003. The first, titled '*Abducted and Abused*', made a number of calls to the LRA, Ugandan government and the international community to end the conflict. The second report was titled '*Stolen Children*' and in it HRW advanced the idea of a need for the United Nations (UN) Secretary-General to appoint a Special Envoy to conduct 'shuttle diplomacy', but still the international community remained passive and did not take up an active role. Indeed, it seemed as if the continuous appeals by different actors for the

***The northern parts of the country has experienced an armed conflict for almost two decades, seemingly without any signs of an immediate cessation of hostilities***

JAMES AKENA / REUTERS / THE BIGGER PICTURE



Uganda's chief negotiator and former government minister Betty Bigombe (R) talks with LRA rebel leaders in Palabek, near the northern Ugandan-Sudan border

involvement of the international community repeatedly fell on deaf ears; at least not until mid-2003, 18 years after the beginning of the conflict.

In July 2003, in Kitgum in Northern Uganda, children led a peaceful demonstration<sup>6</sup>, carrying placards that read;

'We do not want to become killers, we do not want to die, we cry day and night for peace'.

***The government  
conversely has given  
the war deadlines  
of termination but  
these always pass***

Also in 2003 the conflict spread significantly to neighbouring districts of Apac, Lira, Katakwi and Soroti, as a result of which there was general panic and voices of concern. Indeed it was not until the persistent pleas by the ARPI resulted in the involvement of other actors for both political and humanitarian intervention and most significantly the children's peaceful demonstrations, that the world took some notice of the upsurge of the conflict.

The reality that a conflict marred by brutality and

particularly systematic abduction, torture, rape, mutilation and indiscriminate killings of children and civilians can persist for close to two decades is hard to comprehend. How this could happen in a situation where there is not only a strong government but also a world that considers conflict resolution as a priority is yet to be understood. Arguably, one of the explanations could be that all eyes were shut to the suffering of a people and it took until November 2003 for the international community to realise that the war in Northern Uganda was one of the world's worst crises.<sup>7</sup> However this recognition still has not meant much since so far the response has been humanitarian in nature yet peace is still elusive.

### **Northern Uganda: Sustainable peace, an opportunity for the taking**

The signing of a peace agreement in the Sudan is likely to have a positive impact on the situation in Uganda and prospects for peace in the North. Not only because of the proximity of the conflicts to each other but also the because the LRA and the Sudan People's Liberation

Army, as two rebel movements, had strained relations between the two governments due to suspected or known support from the governments to the armed rebels. Therefore, the momentum of the Southern Sudan peace deal should have some ripple effects in Northern Uganda. That notwithstanding, crucial to determining whether Northern Uganda will achieve a lasting and sustainable peace are the motivations and strategy of the LRA leader Joseph Kony. In light of this, several times before (notably in 1989, 1993 and 1999) peace initiatives have given hope that peace may have been imminent in Northern Uganda. However, the events of mid-2004 (including ceasefire agreements, the Southern Sudan peace deal, and the determination of chief mediator Betty Bigombe) furnish the prospect that at last there is a real possibility of peace. This means that the Ugandan government will need to make a concerted effort to ensure that the peace process that has already begun moves forward. Moreover, both sides must demonstrate that it is the negotiating table not the gun that would bring about a conclusive ceasefire in Northern Uganda. The impetus for peace seems to have been boosted by the mediation efforts of former Ugandan State Minister for the North, Betty Bigombe and perhaps what remains is for the government to set up a proper peace secretariat to assist the mediator.

To further strengthen the peace initiative, die-hard elements within the government of Uganda and within the LRA, who view negotiations as a trap or believe that the Uganda's Peoples Defence Forces (UPDF) have the upper hand and hence support the military option, should become optimistic. It is now the time to build trust and prioritise those issues and approaches which are likely to bring about an end to the civil unrest. Messages that focus on peace and reconciliation are necessary and these would substantially contribute to building confidence and ending the war using peaceful means. In addition, expatriate envoys could reassure the LRA leaders of the legitimacy of diplomatic settlements and explain how this would cease the possibility of persecution.

The international support for a northern Uganda peace process must move from mere talk to practicalities. For instance, Betty Bigombe, who initiated the peace talks, enjoys unique relationships with both warring parties and whose mediation efforts have since been the most optimistic, should be rallied behind. It is this rallying behind peace efforts that would bring about, in the words of Prendergast<sup>8</sup> 'strong diplomatic energy and political capital can move pens to paper, however tenuous the agreement might turn out to be.'

Undoubtedly, the international community's collective effort to consolidate peace in southern Sudan is a dawn of hope for Northern Uganda. To build a peaceful Sudan with strong institutional capacity and regional awareness will be a defence against any possible LRA resurgence. Nevertheless, what remains is for the international community to provide focused, meaningful and greater support, for peace in northern Uganda to be achieved. If otherwise left to their own strategies, the parties to the conflict will continue to pursue military solutions, with devastating consequences for the people living there. This is not to say peace cannot be achieved without outside intervention, rather it is a measure that this is crucial in the attainment of sustainable peace after decades of conflict. ▀

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## Endnotes

- 1 See for example Okullo Opiyo, *The Conflict in Northern Uganda*, A Civitatis Field report No. 1. November 2004. <http://www.researcherswithoutborders.org> accessed on 14/02/05; also Human Rights Watch Africa report at [http://www.hrw.org/reports97/uganda/#N\\_7\\_](http://www.hrw.org/reports97/uganda/#N_7_) accessed on 01/05/04
- 2 Pain, D. *The bending of spears: Producing consensus for peace and development in northern Uganda*. Report commissioned by International Alert and Kacoke Madit, London, 1997.
- 3 The NRM was seen as an ethnic organisation comprised of mainly southerners, that typified Ugandan politics, a case of Bantu-speaking southerners wanting to remove power from Northern Luo Speakers
- 4 Estimates of statistics vary, but many report along the same margin. For more see: United Nations Commission on Human Rights: Fifty-Eighth session, Item 13 of the provisional agenda, E/CN.4/2002/86, 09/11/01, p.2.
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- 7 Jan Egeland, UN under secretary-general for humanitarian affairs, report made on 11/11/03 in Nairobi, Kenya, after a two-day visit to Northern Uganda.
- 8 John Prendergast is Special Advisor to the President of the International Crisis Group, a leading Africanist with a 20-year career focused on conflict resolution in Africa.



AFP / TOUCHLINE PHOTO

FEATURE

GERRIE SWART

# Heralding or Hampering Peace? The Troublesome Transition in the **DRC**

**T**hat the people of the Democratic Republic of the Congo (DRC) crave peace and normality would almost certainly be the understatement of the decade. It has now been two years since the auspicious signing of the Final Act and the coming into force of the Global and Inclusive Agreement. Regrettably the advent of peace has not been enthusiastically received by all parties involved. What was supposed to be the Final Act to end a brutal war has degenerated into an almost never-ending saga of delays in implementation of crucial agreements, vicious incidents of conflict bordering on another outbreak of war, and continued tensions and mistrust between the key role-players who were supposed to lead the region to a new era of prosperity and peace. The Congolese nation has had little reason to be hopeful over the past few months and indeed 2004 proved to be an equally trying period for peace. Two successive coup attempts in the capital Kinshasa and the fall of Bukavu to renegade troops have left most feeling that the transition is rapidly imploding.<sup>1</sup>

Realistically the construction of a new era of peace in

a region wracked by years of brutal civil war and regional tensions was not going to be an easy task. This article will attempt to provide an overview of the peace process in the DRC as it now stands. The article will also attempt to highlight salient issues and developments which may be facilitating or hindering the peace process in the DRC. In fact, the greatest obstacle to peace has been that war, conflict and tensions have not subsided.

## **The war continues**

Despite efforts to entrench peace, conflict and instability remain a recurring feature in the DRC. Many parts of the Congo remain gripped in fear and violence. The security situation in Ituri for instance remains precarious. In April 2005 Congolese army troops and UPC (Union of the Congolese People) militias were involved in clashes, displacing thousands of civilians. This was the very site, in the main town of Bunia in the Ituri district, where violence erupted exactly one day after the signing of the Final Act in April 2003 and it appears as if very little has changed. The UN has continued operations in the area

and scores of militiamen have been killed.

### **The transitional government: Failing?**

The transitional government was inaugurated on 30 June 2003 following the signing in April 2003 of the Global and All-Inclusive Peace Accord in Pretoria. It is composed of representatives of the three main belligerent groups, the Rwandan-backed Rally for Congolese Democracy-Goma (RCD-G), the Ugandan-backed Movement for the Liberation of Congo (MLC) and the ex-government of Joseph Kabila now known as members of the *Parti Pour la Reconstruction et le Développement* (PPRD), as well as the representatives of smaller armed groups, the RCD-National (RCD-N) and the RCD/Kisangani Liberation Movement (RCD/K-ML).

Dialogue between the leaders of the various armed factions, which constitute the transitional government, has on frequent occasions broken down. Latent mistrust has surfaced on various occasions. The government, which is supposed to assume leadership and guarantee that the peace process does not go astray, has on far too many occasions been responsible for numerous delays in the transition to peace. Infighting within components of the government as well as between them has been the main reason for serious delays. Accusations that the transitional government has not managed to consolidate itself have proven true. It has been a clumsy apparatus where disparate parties were literally goaded into signing a peace agreement that sought a quick-fix solution to a conflict that required more than just an end to war, but a total commitment to peace. Progress has been regarded as painfully slow. In its first seven months parliament was able to pass only one major law, on establishment of the Independent Electoral Commission. The legislative process has however gained momentum and the law on the structure of the army was finally passed on 12 November 2004. While the transitional government was a crucial tool to bridge the violent divide that has plagued the DRC, its functioning was severely impeded by elements who have shown continued reluctance to give up power. Rwanda and the DRC have often been central antagonists.

### **Rwanda and the DRC**

The Rally for Congolese Democracy-Goma has been considered as the most isolated component in the government. It has received extensive backing from Rwanda, which most Congolese blame for the past five years of war. It has been met with severe distrust and suspicion and is still considered to be a puppet of the Rwandan

government. The severe antagonism towards this faction in the transitional government has remained a major spoiler in the peace process. This enmity has most vividly been witnessed between the PPRD and RCD-G and has on several occasions threatened to nullify the strides made in bringing the warring factions to rapprochement. The international community applied substantial diplomatic pressure on the parties. A tripartite agreement among Rwanda, Uganda and the Congo was put together, sponsored by the United States, and talks were held between Kagame and Kabila in November 2004. In late November 2004, heads of state of eleven African countries met in Dar es Salaam on the crisis in the Great Lakes region. Presidents Kabila and Kagame signed an agreement pledging to work towards peaceful resolution of their differences, in particular dismantling of the Democratic Liberation Forces of Rwanda (FDLR).

Despite these efforts, fighting broke out again in late November. The trigger was the declaration by President Paul Kagame that he would send Rwanda's army into the Congo to attack the FDLR, which he asserted, had carried out 11 attacks on Rwandan territory in 2004 without either MONUC (United Nations Organisation Mission in the Democratic Republic of Congo) or the new Congolese army reacting. As long as it is present in the east, Kigali and the RCD-G hardliners will use it as a pretext for pursuing their objectives in the Congo. In late April 2005 the DRC, Rwanda and Uganda agreed to put an end to the presence of armed groups in the DRC and committed themselves to make use of the tripartite process to back the joint efforts of MONUC and the DRC to disarm, demobilise and repatriate FDLR members to Rwanda. However, it remains to be seen whether the parties will remain committed to their latest promises.

### **The disarmament, demobilisation and reintegration process**

The International Crisis Group's Africa Briefing of 12 June 2001 poignantly highlighted the intense complexity associated with the task of disarming the negative forces operating in Congolese territory:

“There are many challenges facing the Lusaka cease-fire signatories and the wider international community

***What was supposed to be the final act to end a brutal war has degenerated into an almost never-ending saga of delays in implementation...and continued tensions and mistrust between the key role players***



in implementing the Congolese peace agreement, but perhaps none so complex as the effort to disarm the non-Congolese armed groups destabilising the region from Congolese bases. Besides wrecking havoc themselves, these armed groups provide a rationale for neighbouring governments to conduct the counterinsurgency operations and continue the occupation of Congolese territory that have terrible humanitarian and human rights impacts.”<sup>2</sup>

Furthermore, the report asserted that lasting peace in Central Africa is largely dependent on a successful strategy of Disarmament, Demobilisation, Reintegration or Resettlement (DDRR) of these armed groups. The report also criticised the response to the problem of these armed groups as disastrously negligent. Has much has changed since the report’s publication?

The requirement to disarm and demobilise the 300 000 Congolese combatants who fought for the various groups within the transitional process and to integrate a smaller number into the new Armed Forces of the

Democratic Republic of the Congo (FARDC) and police force is considered central to not only increasing security in the country but also the transitional process itself.

A major flaw is said to exist in the DDR plan for the foreign armed groups in the country, which has no fallback if a significant element refuses to take part as has been the situation with the

FDLR. Security Council Resolution 1565 raised unrealistic expectations that the FARDC could carry out forced disarmament.

The national DDR process intended to demobilise, disarm and reintegrate the signatories to the Global and All-inclusive Agreement has also suffered under the strains of the tension-filled transition. According to the second draft of the national DDR plan, dated 5 March 2004, at present there are up to 330 000 combatants in the DRC, of whom 200 000 need to be demobilised. Several donors have pointed to an apparent lack of political will within the transitional government to fully participate and engage in the finalisation and implementation of the national DDR programme. It appears as if the various components are more interested in maintaining their individual capacities until the conclusion of the general election.

A major strategy for speeding up the political process has been to identify spoilers and sanction at least those who violate the arms embargo. Various groups, including most recently the UN Group of Experts on the Arms Embargo, have begun investigating actors who have undermined the transition through business deals, military operations or political manoeuvring. More emphasis and support should be given to these efforts in ensuring that the transition is successful. On the occasion of the meeting of the Advisory Group of the Multi-Country Demobilisation and Reintegration Programme held in February 2005, donors recommended that political obstacles to the success of the programme be removed as a matter of urgency. As a result the disarmament, demobilisation and reintegration joint operational plan has been updated. The total number of foreign combatants repatriated to Uganda, Rwanda and Burundi stands at approximately 11 000. Progress has remained slow due to continued resistance by the hard-line leadership of the armed groups. In April 2005 the UN Security Council extended an embargo on arms and military financing in the DRC to include a travel ban on violators and the freezing of their assets. Security Council resolution 1596 condemned the continuing illicit flow of weapons into eastern DRC. The resolution bans military equipment for any recipient in the DRC. Its enforcement should be upheld in order to ensure that all weapons are confiscated as far too many rogue elements continue to inflict severe loss of life.

### **The Kivus**

Both wars that devastated the DRC began when Rwandan troops crossed the border into the country’s unstable eastern region, the Kivus. The political transition that began in July 2003 is being undermined by Rwanda’s continued efforts to protect its sphere of influence in the Kivus. Various analysts have cited Rwanda’s concerns as being legitimate with regard to the hostile FDLR. In February 2004 a group of officers from the RCD-G attacked the regional commander of South Kivu. The mutiny was the first in a series of clashes in the Kivus between RCD-G dissidents and the transitional government, the result of a power struggle in Kinshasa. The RCD-G and Kabila, who have failed to agree on control of the country’s military and economic institutions, have resorted to military means to solve their dispute, with North Kivu as the theatre of operations.

The Kivus have been cited on numerous occasions as a troubled region that challenges the already weak organisation of the central Congolese state.<sup>3</sup> The Kivus have

***Dialogue between the leaders of the various armed factions, which constitute the transitional government, has on frequent occasions broken down***



AFP / TOUCHLINE PHOTO

Soldiers from the Congolese Rally for Democracy (RCD) patrol in Goma in the Democratic Republic of the Congo

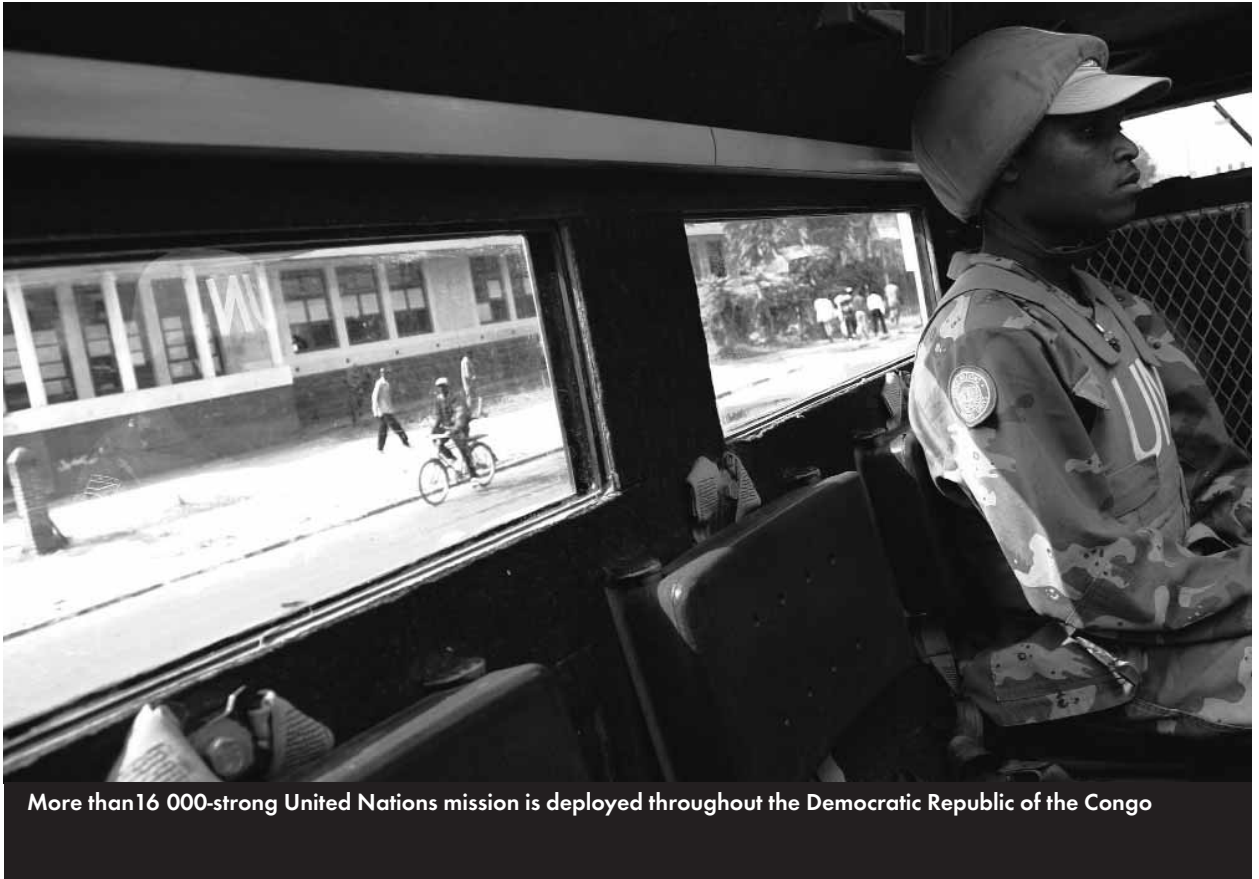
also been the most violent and conflict-ridden area of the Congo during the last four years of the war. The failure to secure total peace in the region continues to severely undermine the prospect of a complete transition to peace in the DRC.

### **The new army: Hail to which Commander-in-Chief?**

The failure to create the new army, the FARDC, has limited the government's options in responding to the Kivu crisis. According to the transitional agreement and the constitution, the former belligerents should hand over control of their armed groups to the unified and apolitical new national army. The process has placed a severe strain on the overall transition. Most of the 300 000 combatants in the country are reportedly deployed in the same positions and are controlled by the same military hierarchies as before the transition.

The office in charge of the integration, the Military Integration Structure (SMI) is considered to be nothing more than a powerless shell. No funding was provided in either the 2003 or 2004 budgets for army integration and parliament had to advance money from the 2005 budget in order to commence preliminary work. Some headway was made in bilateral efforts to train brigades by Angola, Belgium and South Africa. These efforts too were considered insufficient and a coherent overarching plan on how to reform the army remains outstanding.<sup>4</sup>

Accusations abound and President Kabila's presidential guard, the GSSP remained of special concern to the former rebels. President Kabila also retains control of many military resources through his military office (*maison militaire*) created in 2002 to establish a direct link between presidency and army. Other observers have noted that President Kabila has tried to absorb the other forces into his own army, rather than allowing a genuine



More than 16 000-strong United Nations mission is deployed throughout the Democratic Republic of the Congo

integration of command and control. The armed forces remain one of the weakest links in the transition, as they remain the most viable alternative means through which the various parties can resolve their grievances – the military solution. Little has been achieved on security sector reform and failure to speed up this process could undermine the overall transition effort. The establishment of an integrated and operational defence force for the DRC is critical because, aside from MONUC forces, these units will constitute the only ‘legitimate’ deterrent to process spoilers.<sup>5</sup> Failure to successfully create a unified (and loyal) army will be detrimental to a country where the military has had such a destructive influence. The capacity of the military to obstruct or roll back the political reform process should not be underestimated.<sup>6</sup>

#### **The UN and MONUC: Powerless?**

The seventeenth report of the Secretary-General of MONUC expressed concerns over the various obstacles facing the transitional process in the DRC.

UN Security Council Resolution 1565 of 1 October 2004 authorised MONUC to increase its troop complement

by about one third to 16 700. This has been well below the 23 900 level requested by Secretary-General Kofi Annan. The MONUC mandate has suffered various setbacks. The prevailing concept of ‘deterrence through presence’ has been slated as wholly insufficient to achieve the mission’s aims. Observers have noted that MONUC must be prepared to take proactive measures to the maximum of its capacity to protect civilians and humanitarian workers under threat and to counter threats to the peace process.<sup>7</sup> The MONUC mission is also the UN’s largest and most expensive peacekeeping mission and is considered the most troubled. An internal UN report condemned the peacekeepers for their performance during an attack in May 2004 in the strategically important city of Bukavu, where a renegade faction succeeded in temporarily seizing control, despite the presence of UN forces.

#### **The international community**

The International Committee in Support of the Transition (CIAT), established by key donors in Kinshasa, has been accused of not having been active

enough in providing sustained pressure on the parties to the conflict and providing a constructive forum for cooperation. An important and positive development, however, has been the adoption of the Dar es Salaam Declaration of Principles on Peace, Security, Democracy and Development in the Great Lakes Region. The 11 core countries of the International Conference on the Great Lakes Region have begun to transform the principles into concrete action. A regional Inter-Ministerial Committee was set up to prepare programmes of action in the realms of peace and security, economic development and regional integration, and democracy and good governance.<sup>8</sup> Sustained international support will be crucial to ensure that the DRC remains committed to peace.

### The 2005 elections: Can the ballot bite the bullet?

Many await the elections scheduled for 2005 with bated breath. In fact the most stressful test for the transition would be whether a successful election could be held in the DRC. Independent Electoral Commission Chairperson Dr Brigalia Bam told the South African Foreign Affairs Parliamentary Portfolio Committee in March 2005 that a successful poll in the DRC in July this year would be a 'miracle', because organising a poll in that country was a 'nightmare'.<sup>9</sup> On 7 January 2005 the president of the Independent Electoral Commission indicated to the press that, in his view, it would not be feasible to hold elections in June 2005 and that a later date should be considered. This statement fuelled popular suspicion among segments of the population and political parties that the transitional government wanted to postpone the elections, and this led to demonstrations in Kinshasa, Goma and Mbuji-Mayi on 9 and 10 January 2005, which resulted in the deaths of nine civilians. The elections themselves have become a contentious issue and could be the make or break moment on the DRC's already turbulent path to peace. The elections are by no means guaranteed to succeed and may be the catalyst for further violence if they fail to produce an outcome either party would be satisfied with. The Forum on Early Warning and Early Response (FEWER) issued a more ominous warning. It has linked the problems in the Kivus to the electoral process, which, it said, risked 'mobilising voters along established ethnic cleavages'. It further asserted that political groups in the transition have little interest in the elections succeeding, particularly RCD-Goma, which 'is the most likely to lose a large proportion of its current political power if the elections do proceed'.<sup>10</sup>

### Conclusion

The DRC's transition has been beset with several unnecessary delays, indecision and more of the very brutal conflict and violence that has led to a staggering loss of life – now totalling nearly four million innocent civilians. The DRC will unavoidably remain a permanent feature of publications concerned with conflict in Africa and will remain an agonising agenda item on the diplomatic community's calendar for many years to come as long as peace efforts are not genuinely supported or taken seriously by the key role-players and the Congolese people do not assume ownership of the peace process as well. The benefits of conflict prevention and preventive diplomacy far outweigh attempts at curing all the ills conflicts can produce. The DRC regrettably yet again serves as a textbook example of the grave consequences of failing to address conflict more decisively and implementing peace more concertedly. ▽

**Failure to successfully create a unified army will be detrimental to a country where the military has had such a destructive influence**

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FINBARR O'REILLY / REUTERS / THE BIGGER PICTURE

FEATURE

FRANK K. RUSAGARA

# Gacaca as a Reconciliation and Nation-building Strategy in Post-genocide Rwanda

**T**oday, two things constitute Rwanda. The first is in the past as the “joint possession of a rich legacy of memories”, with the other in the present as “the current consent, the desire to live together, [and] the will to continue to uplift what one has received undivided.”<sup>1</sup>

One of these things ‘received undivided’ is the concept and institution of the Gacaca justice system. The uniqueness of Gacaca is that it pervaded everyday life and found (and continues to find) expression even in betrothal ceremonies – the very foundation of the family and therefore the Rwandan society. Gacaca comes through as a strategy for conflict management through restorative justice, while serving its historical role as the lubricant that ensured unity and cohesion in the society.

By definition, Gacaca are traditional councils and tribunals made up of elders to resolve conflict and administer justice. Gacaca literally means ‘a resting and

relaxing green lawn in the Rwandan homestead’ where family members or neighbours met to exchange views on issues directly affecting them. Being communal and participatory, the Gacaca derived its impetus and legitimacy from *ubumwe bw’ Abanyarwanda* (the unity of Rwandans), in as much as it complemented the same unity by being the cement that strengthened social relations in the name of justice.

## Traditional Gacaca

Gacaca, like most traditional African justice systems, is collectivist, where the individual has no rights or duties other than within his or her group. The individual and the group are mutually complementary.<sup>2</sup>

This collective aspect was an indispensable medium in which individuals lived out their relations with each other, and with the wider society. Gacaca therefore moulded and defined the performance parameters

expected of each individual in the Rwandan society.

The family being the foundation of the nation, each family head had to be *impfura y' i Rwanda* (a gentleman of Rwanda). To be *impfura* meant adherence to socio-cultural standards and values in a moral fibre that made a proud and incorruptible nation. By the same token, it may also be noted that *impfura* also referred to the first born in the family and, as such, to call someone *impfura y' i Rwanda* referred to him as a positive role-model, who was exemplary in all aspects.

It is thus that even today in a betrothal or wedding ceremony, for instance, one's moral uprightness has to be tested and found to be above reproach. This, indeed, was and still remains Gacaca in action, in which the family-to-be would be founded on a clean slate. It was therefore the hallmark of an *impfura* that he must not have committed any offense or shameful act in his past that had not been righted in the Gacaca; otherwise he was not worth a wife. This indicated that he could not be allowed to tarnish the name of the family he was marrying into. Any such offense tarnished not just the individual, but the entire family. It can therefore be seen that everyone had to morally conduct himself, not just for his own sake, but also for those most close to him – whether family members, peers or agemates. And the place to clear one's name was in the Gacaca, which would be implicit in family gatherings-cum-tribunals and more so during pre-marriage negotiations.

Gacaca is this ideal of restorative justice that is today being replicated in reconciliation and conflict management in the wake of the 1994 genocide, that wrought the artificial division in a historical process that the nation is trying to resolve.

**The Rwandan genocide**

This division, as symbolised by the ultimate act of the genocide, took a span of a hundred years (1894-1994), beginning with the coming of colonialism. If one considers that this is also a span of three generations of

Rwandans who lived through racial indoctrination in the colonial and neo-colonial (First and Second Republics – 1962-1994) periods, it may be understood how even today many still believe in this falsehood of 'racial' and 'ethnic' division.

Racism, as an ideology, is predicated on exclusion and marginalisation of one group of people by another. Indeed, it is widely accepted by social scientists that race or ethnicity is not an essential category based on the objective, physical existence of genetic, linguistic, or cultural differences but a socially constructed category of



REUTERS / THE NIGGER PICTURE

A Rwandan refugee woman walks with her child to Kigali, the capital of Rwanda

ascription and identification by the actors themselves, through employment of clichés and stereotypes.<sup>3</sup> It is indeed the genius of the Belgian colonialists' bigotry in Rwanda, therefore, that they were able to engineer racism without there being different races.

The Roman Catholic Church and the Belgian Colonial administration employed this 'racial' ideology asserting that, given the advanced Rwandan civilisation in the heart of the dark-continent, including its well-organised institutions, it could not be African but Caucasian in origin. This was 'confirmed' by the apparent 'similarities' in the physical features between the Tutsi and the Caucasians. Thus the Tutsi were considered Caucasians, the Hutu Bantu Negroid and the short and slight Twa, Pigmoids. The racial hypothesis was reinforced by the immigration theory, which had it that the Tutsi pastoralists

found the agriculturalist Hutu Bantu Negroids, who in their turn had found the Twa aboriginals in Rwanda.<sup>4</sup>

Although the Hutu, Tutsi, and Twa entities existed, they were not primary identities, neither were they genetically locked as was advocated by this colonial discourse. In fact, the Rwandan identity reference was the clan first. Every Rwandan, whether Tutsi, Hutu or Twa, belonged to any of eighteen common clans in the Rwandan genealogy.<sup>5</sup> Then, depending on their socio-economic status or their proximity to the monarchy (*Ubwami*) and ruling clans, they could be identified as Hutu, Tutsi, or Twa.

Alas, the Belgian colonial administration chose to create artificial divisions among Rwandans that reflected their own bitter Walloon-Flemish divisions in their country, and that would obviously facilitate colonial exploitation and subjugation in the well-known colonial policy of divide and rule. It is true to say, therefore, that Western skewed views and discourse on Rwanda distorted the realities and relations between the Hutu, the Tutsi, and the Twa.

Successive post-colonial governments opportunistically politicised these Eurocentric perceptions and ended up rupturing the social cohesion of the Rwandan society. They promoted an ideology that entrenched differences, created institutions such as the Nazi-like Hutu populist political parties (for instance, *Parti pour l'Emancipation des Hutu* – PARMEHUTU, and *Coalition pour la Défense de la République* – CDR) that in government marginalised and discriminated against one section of Rwandan society, the Tutsi, and rewarded injustices and human rights abuses committed against them.<sup>6</sup>

This went on unhindered and, at times, with the tacit consent of some in the international community that paid little or no attention to what was happening in Rwanda. So, from a divisive colonial legacy and subsequent chronically bad governance, Rwanda was plunged in 1994 into a genocide, which goes down in the annals of history as the fastest and most brutal.<sup>7</sup>

This resulted in near total state collapse, and left about one million Rwandans dead and about 130 000 in prison as genocide suspects. The international community responded to the atrocities with a call for accountability and an end to impunity. This resulted in the creation of the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. This tribunal, plagued by institutional shortcomings, was an insufficient and inappropriate

response to meting out justice to such a large number of suspects. It would have taken decades, if not centuries, to go through all individual cases.

The Rwandan Organic Law No. 08/96 was enacted in 1996 to facilitate the prosecution of such a huge number of suspects. It applied both to the Gacaca and national courts. The Organic Law categorises criminal responsibility through four levels indicating the seriousness of the crime committed and the appropriate punishment. The first level or category comprises the planners and ideologues of the genocide, who are prosecuted in the national courts, with the rest being prosecuted in the Gacaca.<sup>8</sup>

The Gacaca courts were resorted to as an indigenous form of restorative justice. The principles and process of these courts was to mitigate the imperfections of the ICTR and the national courts and sought to punish and/or reintegrate the genocide suspects. Its restorative foundations required that suspects be tried and judged by neighbours in their community. Importantly, resorting to Gacaca as a necessary conflict resolution strategy was because it was locally driven, people-centred and people-owned, evoking the pre-colonial *Ubumwe bw'Abanyarwanda* (the unity of Rwandans).

### **Gacaca as the truth and reconciliation strategy**

Gacaca, as observed, is a people-driven authority in their search for truth, justice and social reconstruction, making the process a Rwandan people-driven renaissance in the aftermath of colonialism and the genocide.

Consequently, there is a six step approach in the Gacaca's overall strategy. These steps constitute:

- 1 the coming out with the truth among the stakeholders;
- 2 the administration of justice;
- 3 dispelling any perceptions of impunity;
- 4 the collective ownership of the tragedy;
- 5 reconciliation through the concept of intra-community conflict mediation; and
- 6 socio-economic and political development, both at the individual and national level.

In the first step, there are some truths, foremost of which is the truth about the unity of the Rwandan nation. It is this truth that has all along eluded Rwandans and many Rwanda scholars, since the coming of the colonialists, and has been about the Rwandan identity and how Rwandans historically related to each other. It includes the truth about their social relations and the alleged 'historical wounds' that continue to impact on the current social discourse. It is also the truth about the non-genetic social

**Gacaca are traditional councils and tribunals made up of elders to resolve conflict and administrate justice**



RAOU SICHETI / REUTERS / THE NIGER PICTURE

Two survivors hold pictures of their families who were victims of Rwanda's genocide as they attend the burial ceremony in Kigali

categorisation of Rwandans into different races. There is also the truth about colonial reconstruction of the Rwandan society that forced Rwandans into their own self-denial as one people, their heritage and historical social institutions. These distortions of the truth form the bedrock of the colonial racist ideology that informed the Rwandan genocide. Unless, and until, we understand these complexities of the truth, reconciliation may not be possible.

The second aspect of the truth is the reality of the genocide, which is about the actors, i.e. the victims, perpetrators and bystanders, and their respective roles. It is about who died and their profile, so that in the process we restore honour and dignity to the victims who have otherwise been represented as mere statistics. The question will be who died and who killed them? When did they die? Where, how and why were they killed? And, finally, where were they 'buried'? Many victims of the

genocide keep on being discovered in the most unlikely and indecent places, including abandoned pit latrines or cemented foundations of buildings.

With the genocide encompassing different actors, namely the perpetrators, victims and bystanders, it is in the admission of the truth of what happened and the role played by each that the reality of the genocide may begin to unravel. This should be seen as the primary task of the Gacaca process, as it is in the admission and owning up of the acts perpetrated that any perceived animosities may also begin to heal, no matter what the cost may be to the person coming out with the truth.

The questions we asked about who, where, when, how and why form the basis in the consummation of due process towards justice. As a second step, therefore, in giving credence to the truth and the rightness of its dispensation, justice must not only be done, but must be seen to be done. As an emphasis, the due process will





A man looks at pictures which depict the country's 1994 genocide, installed on a wall inside the Gisozi memorial in Kigali, Rwanda

establish the individual responsibility or culpability so that we do not risk group or blanket condemnation as has historically been the practice in Rwanda where the Tutsi were and continue to be perceived as *Inyenzi* (cockroaches),<sup>9</sup> and the likelihood of the Hutu being condemned as *genocidaires*. The centrality of the due

process in this dispensation is therefore paramount, that the suspects must be viewed as innocent until proven guilty. Otherwise the entire process also stands to be derailed for emotional reasons, such as revenge, or unsubstantiated claims, or even sheer incompetence for lack of adequate understanding of the spirit behind the Gacaca process.

***Rwandans will never again be subjects or objects of the state to be manipulated, as they were prior to and during the genocide***

With the truth in the light, and justice seen to be done, the third step of dispelling impunity can be tackled. The issue of impunity can only be understood in the prevailing sense of denial in some quarters about the genocide. There are those who plead “double genocide,”

trivialising the magnitude of the tragedy and the process of justice and reconciliation by claiming that there was ‘genocide’ on both sides. While this is simply not true, even without getting into the definitions of what genocide is, the issue is not that one side or the other was killed, but that it was all Rwandans who lost by the tragedy.

There are those who may also ask, “why are we being called to account now, more than 35 years (1959-1994) after ‘this’ has been going on?” This may be looked at in the knowledge that previous regimes had institutionalised the division and the massacres that went with it, such as in presidential decrees<sup>10</sup> in the First and Second Republics that exonerated all implicated in acts of violence against the ‘Tutsi’. Such official sanctioning of impunity may have psychologically blinded those asking “why now”, not just to the seriousness of the genocidal acts, but to the continued degradation of their neighbour or brother in the name of alleged racial difference.

These form some of the issues and leadership challenges we must grapple with and face up to. For instance, with the sheer numbers of suspects identified as

perpetrators of the genocide, the leadership may be tempted to compromise on justice by not having to all go through the justice system, or by granting blanket amnesty, thereby mistakenly re-instituting impunity. The Rwandan leadership can ill afford to compromise on justice for all.

The awareness of the country's leadership of the challenges ahead as the Gacaca process takes root may be expressed in the words of President Paul Kagame, during his address at the commemoration of the tenth anniversary of the genocide in 2004, when he notes that Gacaca "is designed to balance the needs of justice and those of reconciliation, so that through the process of catharsis, a healing process can be cemented through reconciliation."

President Kagame would in another speech in Boston, USA, in April 2005 appreciate the challenge when he observed that "we are the first of generations charged with the responsibility to rebuild post-genocide Rwanda. This is our promise to posterity and to the world."

With impunity out of the way, the fourth step would be the collective ownership of the tragedy by all Rwandans, not only as victims but also as the ultimate providers of solutions to their own problems. Rwandans must keep the collective memory alive, as it cannot be emphasised enough that it must be from the Rwandan society to say 'never again', especially drawing from our rich cultural heritage and invoking our cultural value system which is today not only re-incarnated, but actualised in the Gacaca process.

It is only then, in the fifth step, that reconciliation will meaningfully be accomplished by going back to *ubumwe bw' Abanyarwanda*. As the African proverb goes, when you want to resolve disputes, you do not take the knife to cut, but a needle to sew. In this sense, restorative justice takes precedence over punitive or retributive justice in the reconciliation process. We shall then have defeated the ethnic myth by joining back together what was racially put asunder. In the truth adduced in the Gacaca process all shall be honoured, and especially our departed countrymen and women who remain dear to our hearts.

As may erroneously be misunderstood, the process is not intended to shame the bystanders or merely expose the perpetrators, but to heal us all as a nation. In sum, it is in the Gacaca that we are experiencing the pangs of national rebirth (renaissance), which is in itself a development process, and one that will bring forth a new generation of *impfura z' u Rwanda*.

This new generation of *impfura* will first come from

the current 170 000 Gacaca judges (*Inyangamugayo*), who will have gained valuable experience in the conflict management process, through dispensation of justice. These Gacaca judges were elected by their own communities as persons of integrity. It is thus that with the experience they will have gained in the Gacaca process, they will form the critical mass and focal points that will further enhance democratisation and good governance.

### Conclusion

In the fullness of the Gacaca process, Rwandans will never again be subjects or objects of the state to be manipulated, as they were prior to and during the genocide. In the process they will become equal human beings in a system of self-governance based on the truth and not opinions of individuals who may masquerade as leaders. The ultimate outcome and sustainability of this process should be a government based on the truth and therefore accountable to the people, thereby ensuring their development and prosperity. ▴

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## DEMOCRATIC REPUBLIC OF THE CONGO

The Conflict in the Democratic Republic of the Congo (DRC) is multi-dimensional with both a regional and a domestic aspect, which have since been intermingled. It began in 1961 when Patrice Lumumba was assassinated, then 1965 Mubutu Seseko seized power, and reigned over an economically weak and politically unstable territory until 1997. The climax was after the Rwandan genocide in 1994, Hutu extremists (Interahamwe) and ex-Rwandan armed Forces (FAR) fled with refugees to DRC. As a result there were cross border attacks on Uganda and Rwanda. In retaliation October 1996, Banyamulenge/Tutsi forces supported by Uganda and Rwanda invaded Kivu regions. Also there emerged an anti Mobutu coalition headed by Laurent Kabila initially backed by Rwanda, Uganda and Tanzania which toppled the Mobutu government in May 1997. In 1998 the situation took a different turn when the late President Kabila ordered the expulsion of all foreign soldiers from DRC territory, by this time DRC was divided into three different military and political entities and different rebel movements and involvements of Angola, Namibia, Uganda, Rwanda and Zimbabwe. Facilitated peace efforts led to the 1999 Lusaka agreement to cease hostilities in the country and the subsequent authorisation to deploy a peacekeeping mission. Further peace efforts led to the signing of a memorandum of understanding in July 2002 between the Rwandan and the DRC governments where the former agreed to withdraw their troops and dismantling of the Interahamwe. Another agreement was concluded with the government of Uganda in September 2002 where it pledged to withdraw its troops and normalisation of relationship. Efforts to normalise relations within the Congolese actors started with the Sun City Inter-Congolese Dialogue which was to lead to an agreement for a two year political transitional government that began in July 2003. In terms of these arrangements, elections were scheduled to take place in June 2005 but have been postponed to a later date in 2006.



### THE FACTS

# DRC



**Capital City** - Kinshasa

**Independence** - 30 June 1960 (from Belgium)

**Population** - 60,085,804 people.  
These estimates take into account the effects of excess mortality, due to Aids.

**Languages** - French (official). Other widely used languages are Lingala, Kingwana (a Kiswahili dialect) Kikongo and Tshiluba.

**GDP purchasing power parity** - \$42.74 billion

**GDP real growth rate** - 7.5%

**Export Commodities** - Diamonds, copper, crude oil, coffee and cobalt.

**Natural Resources** - Cobalt, copper, niobium, tantalum, petroleum, industrial and gem diamonds, gold, silver, zinc, manganese, tin, uranium, coal, hydropower and timber.

**Refugee Status** - The country hosts a bulk of refugees totaling 305,000, of which 180,000 are Angolans; 70,000 Sudanese; 20,000 Burundians; 20,000 Central African Republicans; 10,000 Ugandans; 3,000 Congolese from Congo Brazzaville; and 2,000 Rwandese.

**Internally Displaced Persons (IDPs)** - 2.33 million.

**Member to African Organisations** - NEPAD, SADC, ECCAS, COMESA and AFRICAN UNION.

# G R E A T L A K E S

## UGANDA

Uganda's conflict history stretches back to 1971-79 when Idi Amin's reign targeted the ethnic groups Baganda, Langi and Acholi, and it's estimated that 300 000 Ugandans

died and 60 000 Asians were expelled from the country. After eight years of this misrule he was toppled with the help of Tanzanian troops. The early 1980's under Obote's reign also witnessed yet more killings and it is reported that approximately 100 000 Ugandans lost their lives. The government of Obote was toppled by the National Revolutionary Movement (NRM) in 1986 which has remained as the government of the country to date. Following the NRM's victory peace was restored in almost all parts of the country except Northern and Western parts of Uganda that saw the emergency of major guerrilla forces, the Lord's Resistance Army (LRA) and the Allied Democratic Forces (ADF) and minor ones like West Nile Bank Front (WNBF) Uganda rescue Front-2 (UREF-2) which have since been restrained. While the rebel group in Western Uganda (ADF) has ceased to exist, the LRA has persisted for the last 18 years and among other things, it is alleged to be responsible for abduction of about 20 000 children who are used as soldiers. In 2000 the government instigated peace talks with the LRA and offered amnesty to rebels, but LRA heightened their campaign. In December 2004, partial cease-fire agreement is signed between the LRA and Uganda government, however after failure of LRA to sign proposed agreement, fighting resumed. At a political level, in May 1993 debate began on a new constitution, which came into force on 8 October 1995; adopted by the interim, 284-member Constituent Assembly that was dissolved upon its promulgation. During the 2001 referendum the population voted in favour of the current single state politics which does not encourage the existence of multiparty politics.



### THE FACTS

## UGANDA



**Capital City** - Kampala

**Independence** - 9 October 1962 (from Britain)

**Population** - 27,269,482 people.

These estimates take into account the effects of excess mortality, due to Aids.

**Languages** - English (official). Luganda widely used; Swahili; many Nilotic, Nilohamite, Nilo-Saharan languages, Bantu languages and Arabic.

**GDP Purchasing power parity** - \$39.39 billion

**GDP Real Growth Rate** - 5%

**Export Commodities** - Coffee, fish and fish products, tea, gold, cotton, flowers, and horticultural products.

**Natural Resources** - Copper, cobalt, hydropower, limestone, salt and arable land.

**Refugee Status** - It is estimated that there are 200,200 refugees of which 180,000 are Sudanese; 18,000 are Rwandese; 8,000 are from the Democratic Republic of the Congo and 1,000 are Somalis.

**Internally Displaced Persons (IDPs)** -

Approximately 1.4 million as a result of ongoing Lord's Resistance Army (LRA) rebellion, mainly in the north of the country.

**Member to African Organisations** - EAC, COMESA, IGAD and AFRICAN UNION.



## BURUNDI

Sporadic social conflict between the Hutus and Tutsis of Burundi started way back in 1962 and intensified in 1972, 1988 and 1993 with total estimated deaths of 350 000. These resulted into formation of Hutu militia groups namely Palipehutu-FNL, FROLINA, and CNDD-FDD. The modern day political instability can be traced back to 1993 when a democratically elected President and six other senior government officials from FRODEBU were assassinated during an attempted coup conducted by the military. This sparked tension within the country which led to mass kills of population from both sides of the societal divide. In April 1994 a transitional unity government agreed upon led by President Ntaryamira struggled with maintaining stability in the country and violence intensifies. In March 1996 the OAU and UN mandated former Tanzanian President Julius Nyerere to mediate in Burundi and in June of that year a regional agreement to spearhead the process was concluded. The peace talks began in June 1998 in Arusha, Tanzania and continued until October 1999 following the death of Mwalimu Nyerere. He was immediately replaced by former South African President Nelson Mandela and in August 2000 the Arusha Agreement was signed. In November 2001 a transition government is put in place without support from some of the factions with the Hutu armed groups. Ceasefire agreements were to follow between the Transitional Government and the CNDD-FDD factions of Jean Bosco Ndayikengurukiye and Peter Nkurunziza as well as with the FNL of Alain Mugabarabona. A provisional constitution was approved in October 2004 and on 28 February 2005 popular referendum ratified the new constitution which set ethnic quotas for government positions. The electoral timetable was released on 22 April 2005 and the first election at a *Commune* level was held on 3 June 2005. The Parliamentary election took place on 4 July 2005 and the Senate election on 29 July 2005. The remaining election for the President and the election at the *Colline* level are scheduled for 19 August and 23 September 2005 respectively.

THE FACTS

# BURUNDI

**Capital City** - Bujumbura

**Independence** - 1 July 1962 (from Belgium)

**Population** - Approximately 6,370,609 people.

**Languages** - Kirundi and French (official).  
Swahili spoken along Lake Tanganyika and in the Bujumbura area.

**GDP purchasing power parity** - \$4.001 billion

**GDP real growth rate** - 3%

**Export Commodities** - Coffee, tea, sugar, cotton and hides.

**Natural Resources** - Nickel, uranium, rare earth oxides, peat, cobalt, copper, platinum, vanadium, arable land, hydropower, niobium, tantalum, gold, tin, tungsten, kaolin and limestone.

**Refugee Status** - An estimated 60,200 refugees. Of these 59,200 are from the Democratic Republic of the Congo and 1,000 are Rwandese.

**Internally Displaced Persons (IDPs)** - Approximately 140,000.

**Member to African Organisations** - COMESA, ECCAS and AFRICAN UNION.

# G R E A T L A K E S



## RWANDA

Tension between the country's different ethnic groups could be traced back to late 1950 and early 1960s period. In 1990, the Rwandese Patriotic Front (RPF) invaded Rwanda and this led to an International response which resulted in cease-fire agreements in 1992 and the subsequent authorisation of a peacekeeping mission, UNAMIR in 1993. The events took a different turn when on 6 April 1994 President Habyarimana's plane was shot down and a few days later systematic mass killings which resulted in a genocide targeted at Tutsis and moderate Hutu's orchestrated by the Rwandan armed forces (FAR) and government-backed militia, the interahamwe resulting in approximated death toll was 800 000 within three months. The RPF's successful offensive led to a rapid disintegration of FAR and on 18 July RPF declared unilateral cease-fire. In 1995, the International Criminal Tribunal for Rwanda (ICTR) was established to prosecute those suspected of war crimes and crimes of genocide. The work of the ICTR was complemented by the creation of a parallel process in the form of a traditional justice system called Gacaca. Significant political changes started to occur in the country including the adoption of a new constitution adopted in a referendum in May 2003 and in August 2003 the first presidential elections was organised.

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### THE FACTS

## RWANDA



**Capital City** – Kigali

**Independence** – 1 July 1962 (from Belgium)

**Population** – 8,440,820 people.

These estimates take into account the effects of excess mortality, due to Aids.

**Languages** – Kinyarwanda, French, and English are the official but the former two are widely spoken; Swahili is used in commercial centres.

**GDP purchasing power parity** – \$10.43 billion

**GDP real growth rate** – 0.9%

**Export Commodities** – Coffee, tea, hides, and tin ore.

**Natural Resources** – Gold, cassiterite (tin ore), wolframite (tungsten ore), methane, hydropower, and arable land.

**Refugee Status** – An estimated 35,000 refugees. 33,000 are from the Democratic Republic of the Congo, and 2,000 from Burundi.

**Internally Displaced Persons (IDPs)** – 4,158 resulting from incursions by Hutu rebels from the Democratic Republic of the Congo.

**Member to African Organisations** – NEPAD, COMESA, ECCAS and AFRICAN UNION.



AP / TOUCHLINE PHOTO

COMMENTARY

KARANJA MBUGUA

# Armed Militias and Second Tier Conflicts: An Impediment to the Sudan Peace Process?

**T**he signing of the Intergovernmental Authority on Development (IGAD) mediated Sudan Peace Agreement in Nairobi, Kenya, on 9 January 2005, ought to reignite discourse on the relevance of regional approach to conflict management in Africa<sup>1</sup>. This, however, is not the focus of this article. It focuses on the challenges that armed militia groups and second tier conflicts present to the post-conflict peace building process.

Since 9 January when the agreement was signed, the country in general and the southern part in particular, has experienced some form of peace euphoria. On Tuesday 11 January, Sudanese President Omar El Bashir visited Juba in the heartland of the south and hailed the peace agreement as a new beginning for the people of Sudan. In his radio address to the nation, and later to his supporters in Rumbek City, the Sudanese People's Liberation Movement (SPLM) leader and the country's

new first vice-president, Dr. John Garang de Mabior, declared that Sudan for the first time will be a country united in justice, honour and dignity for all its citizens regardless of their race, colour, religion and gender.

## **Transition period**

The Comprehensive Peace Agreement (CPA) protocols stipulate that the country will have a transition period of six years. But this becomes effective after a pre-interim period of six months, during which both the Government of Sudan (GOS) and the SPLM led Government of South Sudan (GOSS), will lay the ground for implementation of the peace process commitments and support operations. That will be followed by an interim period of three years, after which GOSS will organise elections in the South. The elected government will serve for a period of three years after which a referendum will be conducted to determine whether the South will remain a semi-autonomous state of

Sudan, or will secede to become an independent republic.

The Peace Agreement addressed comprehensively all the major constitutional issues, which were at the core of the conflict. These issues are: the question of national unity; security and power-sharing arrangements; the distribution of natural resources; the sources of legislation within the country (religion and state); the judicial system in the country; the federal system; and the issue of self-determination for the people of Southern Sudan.

The protocols conferred a confederal arrangement between the North and the South, allowing the country to remain a single international legal entity. Under this arrangement, the South will take full control of its security; each territory will use its own flag, whilst all revenues from oil production are to be split 50/50 between the government and the new SPLM administration in the South. The GOS will be required to withdraw a minimum of 91 000 of its troops over the next two-and-a half years from areas under SPLM control, while the Sudanese People's Liberation Army (SPLA) will reciprocate by removing their forces from northern Sudan within an eight month period.

The protocol allows for integrated units of 21 000 soldiers of which half will be GOS and half SPLM to be formed during the six-year interim period. The integrated forces will be deployed to the three disputed states of Abyei, Southern Blue Nile and the Nuba mountains, all in Central Sudan between the North and South. The units will be commonly stationed but maintain separate command and control structures, and if after the interim period the South votes for a unified state, both sides will unify into a 39 000-strong force.

Meanwhile, the country's constitution will be rewritten so that Islamic law does not apply to non-Muslims, while jobs in the central administration will be split 70/30 in the current Khartoum's government favour and 55/45 in the disputed states. Two currencies will be used within a dual banking system, with the North retaining the Sudanese Pound, while the South will opt for the Sudanese Dinar.

Having settled on these critical issues, the South is now grappling with the problems of state building, construction of infrastructure, resettlement and rehabilitation and reintegration of the massive population that was displaced by five decades of war. The return of displaced persons and their immediate integration into their regions is a priority for the authorities, UN agencies and many NGOs working in the region<sup>2</sup>. Indeed, Sudan

has the largest number of Internally Displaced Persons (IDPs) in the world and a large exile community based in East Africa, Western Europe and North America.

Aside from returning IDPs, refugees will also begin to repatriate and there are indications of spontaneous return of the estimated 500 000 people who sought refuge

**Table 2: Internally Displaced Persons (IDPs) & Refugee Population in Sudan**

IDPs	Government of Sudan areas	2,732,720
	Non-Government of Sudan areas	1,585,000
	<b>Sub-total IDPs</b>	<b>4,317,720</b>
In-country refugees	In 18 Eastern Sudan camps	102,180
	Urban based refugees	218,682
	<b>Sub-total refugees</b>	<b>320,862</b>
<b>TOTAL IDPs &amp; Refugees</b>		<b>4,638,582</b>

Source: Post-conflict Strategic Framework for World Health Organisation (WHO) in Sudan, EHA. September 2002.

in neighbouring countries such as the DRC, Uganda, Kenya and Ethiopia<sup>3</sup>. The GOS/ framework plan for the immediate post-peace agreement return movements envisages primarily a spontaneous return. Consequently, the parties have called upon the international community to provide life-sustaining assistance along the principal routes of return and to assist with the immediate reintegration needs in the major regions of return<sup>4</sup>.

### Challenges of armed groups and second tier conflicts

The process of resettlement and reintegration, rehabilitation and reconstruction, however, faces some serious hurdles that must be confronted at the onset if South Sudan is to realise sustainable peace and security, particularly during the transition period. Topping the list are the challenges posed by armed groups left out of the peace process and second tier conflicts that are likely to arise in sensitive states of the South.

#### Armed groups

As the SPLM strives to make the transition from armed struggle to government in order to implement the peace agreement, it confronts a number of potential dangers that lurk in the background, not least the numerous armed militias in the South. These militias operate under the umbrella of a group known as the South Sudan



Defense Force (SSDF) and pose a threat to harmony in the whole of Sudan. Armed, disappointed at being left out of the peace process and fearful that decisions are being made that will affect its interest, the SSDF poses a challenge to the peace process during the proposed six-year transitional period<sup>5</sup>.

It is imperative to point out here that since 1983, the official government policy in response to the SPLM-led rebellion has been to use ethnic and regional militias from the South to undermine and destabilise SPLM. This use of ethnic militias is an old counter-insurgency tactic and it provided the government with an escape route for it could argue that the fighting in the South was inter and intra-ethnic over the control of natural resources and regional leadership, and traditional rivalries between different communities.

The International Crisis Group (ICG) argues that during the reign of President Jafaar el Nimeiri, the army concluded a ceasefire agreement in 1984 with several factions that had lost the fight for leadership of the southern insurgency to the nascent SPLA<sup>6</sup>. The GOS then created several units of what it called *Friendly Forces*. A number of these factions, predominantly Nuer,

called themselves Anyanya II after the name of the first southern rebellion (1955-72)<sup>7</sup>.

This 1984 agreement with the Anyanya II became a model for understandings with similar southern groups. Thus, the Sudanese Parliament, in a 1987 charter, explicitly adopted the use of allied militias, as a de facto reserve force. The charter endorsed establishment of an ethnic militia, the Geish al-Salam (Peace Army) that was based in Wau and recruited from the Fertit people, who are regarded as traditional rivals of the Dinka, the most populous community in South Sudan<sup>8</sup>. The militia was placed under the jurisdiction of the military intelligence department. The charter recognised Fertit militia ranks parallel to those of the army, required the militia to participate in joint operations and convoys with the army and to supply it with intelligence. And like Anyanya II, the militia was to receive training, arms, ammunitions, uniforms and other supplies<sup>9</sup>.

Therefore, SSDF, which comprises 25 ethnic and clan militias, is one of the legacies of the North-South war. It was formed in 1997 following the signing of the Khartoum Peace agreement between the GOS, the South Sudan Independence Movement (SSIM) and five other

**Table 2: Major Ethnic Groups in Sudan**

1. Arabic ethnic groups	Mostly Northern Sudan and parts of Central & Southern Sudan	Baggara, Batahin, Beni Helba, Budairia, Dar Hamid, Habbanja, Hamar, Hamr, Hassania, Hawasma, Hawawir, Jawamia, Kababisch, Kawahila, Kinana, Jaalin, Jim, Manasir, Masiria, Musallmia, Rubatab, Rufaa, Ruzaikat, Schaikia, Schukria, Selim & Taaischa
2. Non-Arab ethnic groups (collectively known as the Beja)	North East Sudan	Amarar, Beni Amer, Bischarin & Hadendoa
3. Ethnic Groups	North West Sudan	Dago, Fur, Maba, Massaleit, Tama & Zaghawa
4. Ethnic Groups – Nubians	Central & part of Northern Sudan	Anag, Barabra, Birked, Danagla, Dilling, Mahas & Midobi
5. Ethnic Groups – Nuba	Central Sudan	Kadugli, Katla, Koalib, Krongo, Nemyang or Nyima, Tagoi & Temeini
6. Ethnic Groups	Central & Southern Sudan	Baka, Bongo, Kreisch & Ndogo
7. Ethnic Groups	Southern Sudan	Acholi, Anuak, Azande, Banda, Bari, Berta or Schankalla, Dinka, Karamojo, Koma, Lango, Lotuko, Luo, Madi, Mangbetu, Moru, Mundu, Murle or Molen, Nuer, Schilluk, Sere & Turkana

Source: Sudan Peace & Reconciliation Commission (SPRC), Strategic Plan Document for Peace & Reconciliation in a Post-conflict Sudan (SPD-PCS), October 2004.



AP / TOUCHLINE PHOTO

Sudanese President Omar al-Beshir (C), former rebel leader John Garang (L) and former first Vice-President Ali Osman Taha, celebrate after the swear-in-ceremony of Garang as Sudan's first Vice-President on 9 July 2005 in Khartoum, Sudan

southern functions<sup>10</sup>. The agreement committed the government to a vote on self-determination for the South after an interim period of unspecified length, while the militias agreed to a tactical alliance with Khartoum<sup>11</sup>.

The biggest concentration of SSDF members is in the oil-rich western Upper Nile where they have been used to among other things, gain control of the oilfields. They are usually based close to garrison towns, – from which they are supported logistically and supplied with arms – recruited locally, and are personality and ethnicity driven<sup>12</sup>. Despite their significance, however, they have been almost entirely left out of the peace process.

The SSDF draws attention because though its membership is constantly in a state of flux, it has at least 12 000 fighters<sup>13</sup> who could mobilise thousands more, particularly among the Nuer community, who constitute southern Sudan's second largest ethnic group after the Dinka. Its precise areas of control are debatable, but certainly cover much of Upper Nile, parts of northern and western Bahr al Ghazal, Bahr al Jabal and much of Eastern Equatoria<sup>14</sup>. Occasionally, the SSDF provides strategic security around the oilfields of western and eastern Upper Nile and many of the garrison towns in the

south. Given the remnants of the SSDF's size, strategic location, and prosperity to fight and resist whatever the odds, a peace process that does not have its support could be hard to sustain<sup>15</sup>.

The problem is that in the course of negotiation, the IGAD mediators proceeded with the view that not a single militia needed to be included because either the government or the SPLM/A represented them. Indeed, SSDF was aligned to the government and its 60 commanders were appointed to senior ranks in Sudan's armed forces in January 2004. Another militia, the Sudan People's Defence Force (SPDF), merged with the SPLA and was represented by SPLM<sup>16</sup>.

The SSDF, however, did manage to send a delegation of 17 officials to Kenya for discussions between the government and the SPLM/A on security arrangements during the interim period, and appointed an SSDF member, Martin Kenyi, of the Equatorial Defence Forces (EDF), to the government

***The peace agreement addressed comprehensively all the major constitutional issues, which were at the core of the conflict***

AFP / TOUCHLINEPHOTO



Sudanese People's Liberation Army (SPLA) soldiers look at a copy of the comprehensive peace agreement

negotiating team. However, the protocol on security arrangements, acknowledges only two military players in Sudan: the government forces and the SPLM/A. Moreover, it makes it clear that no armed group allied to either party shall be allowed to operate outside the two forces.

Initially, the SSDF accepted the protocol on security arrangements and that the SPLM/A was negotiating in their best interest. But since then, much of the goodwill has dissipated and violence has been recorded in selected areas of Southern Sudan. Indeed, for three months in early 2004, January to March, areas in the oil-rich western Upper Nile region were torn apart by militia in-fighting, leading to dozen of deaths and injuries, abductions and displacement of thousands of people<sup>17</sup>. The protocol on wealth is likely to exacerbate the differences even further because it provides only 2 per cent of the oil wealth to oil producing states, as against 40 per cent allotted by the Khartoum agreement.

In the Shilluk kingdom of northern Upper Nile, several people were killed towards the end of 2004, and tens of thousands displaced by forces formerly loyal to

Lam Akol, who defected to the SPLM/A in October 2003. There were allegations of government forces' involvement in the clashes. Key to the clashes in Shilluk was the vacuum created by Akol's defection and the struggle to take over his area of control, which is in Southern Sudan<sup>18</sup>.

To contain possibilities of militia conflicts, the SPLM/A has for the last two years been striving to realign itself with the Southern Sudan militias many of which originally belonged to the movement before the 1991 break-up. A number of successes have been notable including defections by Riek Machar of Sudan People's Democratic Forces, Lam Akol of SPLM/A-United, Tito Biel and James Leah of SSIM and Dr. Theophilus Lotti of EDF<sup>19</sup>. But, territorial control and rivalry, ethnic tensions, competition for the spoils of war and distrust means that many forces, or individuals within forces, are unwilling to realign themselves. The result is a large number of armed men who control large areas and have shifting and opportunistic allegiances to different factions and leaders.

Given Sudan's recent history, Southern Sudanese

have as much to fear from south-south strife as from north-south war. If the implementation of the peace process does not pay more attention to these local factors, the South could easily break apart. Indeed, it is necessary to realise that attitudes harden, and unless checked on time, sections of GOS, SPLM/A and the SSDF could easily hamper reconciliation between the SPLM/A and the SSDF.

Beside internal militias, the implementation of the peace process during the transition period has to grapple with the problem of Lord's Resistance Army (LRA), an armed Ugandan insurgent movement with bases in the Equatoria State near the Uganda border. Large parts of this state have been ravaged by the ongoing conflict in the north of Uganda between the Uganda Government and LRA<sup>20</sup>. LRA has used Southern Sudan as its base for raids into northern Uganda since the mid-1990s, with support from GOS. Though the Carter centre brokered an agreement between Sudan and Uganda in 1999 to halt Khartoum's support for the LRA and Kampala's support for the SPLA, that agreement has hardly been honoured<sup>21</sup>.

The implementation of the peace agreement should ultimately sever any link that still exists between GOS and the LRA. Moreover, the redeployment of independent government forces in the South, accompanied by the training and upgrading of the SPLA throughout the interim period should eventually mean the end of the LRA presence in Eastern Equatoria. But it's important to note that the LRA has wreaked havoc on both Southern Sudan and northern Uganda for many years, resulting in the highest rate of child abductions in the world, among other depredations<sup>22</sup>. This is a tragedy that requires a coherent multilateral response, which again brings to the fore the relevance of regional approaches to conflict management.

### **Second tier conflicts**

The prolonged North-South war contributed to a breakdown of social and community institutions and organisations. For the post-conflict peace process to be effective, therefore, institutions need to be established, civil society to be reorganised and capacities to be built. Successful rebuilding of these social institutions during the transition period will depend on resolution of *second tier* conflicts. For the last 20 years, much attention was paid to the war between the GOS and armed opposition movements led by SPLM and the National Democratic Alliance (NDA). This, in essence, was a war between the North and the South and is the first tier conflict, which

the Peace Agreement has exhaustively addressed.

However, there is a host of other conflicts that create community confrontation and tension. These conflicts are connected with community competition over scarce natural resources and other means of survival. These are the second tier conflicts. In South Sudan, these conflicts arise from real community needs, though some are politically induced. As a matter of fact, tension between different interest groups is inevitable in the context of the precarious environmental conditions that prevail in many parts of the country affected by war, especially in areas where most people are dependent on subsistence agro-pastoralism.

The inter-Nuer conflicts in the Upper Nile region are representative of these second tier conflicts. There are also conflicts between the Nuer community and their neighbours in the Upper Nile and Bahr el Ghazal and at Liliir in the eastern bank of the Nile. Other conflicts exist in the Bahr el Ghazal and Bahr el Arab river basins as well as between the Baggara communities in western Sudan and the Dinka communities of Bahr el Ghazal region of South Sudan. Conflicts have also been recorded between Dinka and Nuer communities in the western Upper Nile and communities in different locations of Equatoria State<sup>23</sup>.

There are deep links between the first tier and second tier conflicts. The actors at the first tier occasionally exploited second tier conflicts to their respective advantages. The Sudanese armed forces, for instance, recruited militias from the Misseriyya and the Rezeigat to escort trains loaded with military supplies to South Sudan. These militia forces known as Maraheel are cattle raiders, and they used to abduct children and women. The Dinka committee estimates that some 14 000 children and women were victims of such abductions<sup>24</sup>.

Moreover, the first tier conflict saw proliferation of small and lighter modern arms that are used at the second tier. Such arms have been used by civilian paramilitary groups in local conflicts between different sections of the Nuer<sup>25</sup>. And then there are community differences that arise from their support for different actors in the first tier conflict. The Mundari people, for instance, are at the centre of the conflict that involves the Dinka, the Bari and the Murle. Equally, the Toposa, Didinga, Latuho and

***Peace builders involved in implementation of the peace process in the transition need to appreciate that in the context of transition, these leadership clashes can be an impediment to peace building***

AFP / TOUCHLINEPHOTO



Sudanese people, waving a picture of SPLM/A leader John Garang, celebrate as they receive the SPLM delegation for talks with the government on implementing the peace accord

the Murle are periodically locked into conflict situations that have a variety of causes. Thus incompatible relationships imposed by the first tier conflict challenges peace agreement implementation at the grassroots during the transition period. Indeed, experience in other parts of Africa shows that differences in opinion on issues that relate to governance, human rights, constitutional reforms, party politics, the role of religion in the State and economic reforms tend to be causes of new wars. Thus, it is imperative that the legacy of the first tier conflict is addressed otherwise it could trigger second tier conflicts.

Moreover, resettlement and reintegration mean increased movement of people especially IDPs in fort towns, traditional zones and neighbouring countries. Again this is a possible cause of second tier conflicts because uncontrolled population mobility carries along with it problems such as lack of adaptation of large numbers of able-bodied people to traditional livelihood skills. Inherent in this problem is the resurgence of new forms of rural and urban migratory problems.

Also, resettlement in rural areas is likely to aggravate competition over traditional authority and lead to communal conflicts in several states. This problem is rooted in the many sources of authority that were imposed by the first tier conflict. There are chiefs and leaders recognised by tradition, and the leaders appointed by government in the situation of displacement and refuge. Then there are militia leaders who exercise local authority because they wield power of weapons. These institutional and structural rivalries between authorities that were created during the first tier conflict could lead to paralysis of peace building and rise of second tier conflicts.

Peace builders involved in implementation of the peace process in the transition, therefore, need to appreciate that in the context of transition, these leadership clashes can be an impediment to peace building. For adversarial politics stimulate competitive processes and violent discourse and, when taken

to extremes, as has been the case in several African countries, dispose parties towards extremely violent behaviour. There is a need, therefore, to generate some creative peace implementation programmes.

Then there is the issue of conflict flashpoints over occupation of ancestral lands by different communities. This situation is likely to create new conflict dynamics between different categories of returnees. The likelihood of fresh conflicts between IDPs, refugees and host communities raise the need for preventive measures. These preventive measures will have to address the problem of militia commanders who are likely to

terrorise members of the new administrative set up, returnees and civilians if they are not properly integrated in the post-conflict system of governance. Lastly, deliberate marginalisation of critical actors in the wider war could prove an obstacle to the noble cause of unity of rank and file in the entire South Sudan and that can be a source of second tier conflicts.

### Conclusion

In conclusion, there is no doubt that the first tier conflict in Sudan, which is the North-South war, has bequeathed the country specific legacies that could hamper effective implementation of the peace agreement during the 2005–2010 transition period. One of these legacies is the internal armed militia groups under the umbrella of SSDF, and external rebel movements based in the southern part of the county such as Uganda's LRA.

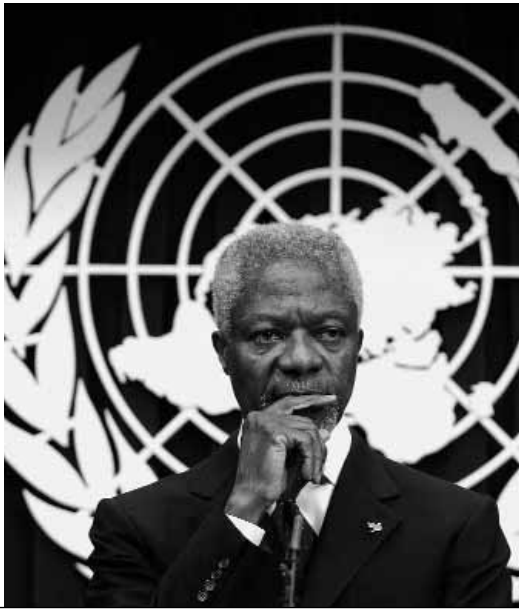
Secondly, it is the proliferation of small and light weapons.

But side by side with these legacies are real community needs and dynamics of modernisation that could trigger second tier conflicts that may acquire intra-state or inter-provincial character. These include competition over control of natural resources such as oil reserves, fertile lands, grazing areas and watering points; competition over ancestral lands between host communities and returnees; marginalisation of some actors during reintegration of returnees; and the dialectics of modern democracy that impose new systems of governance and adversarial political play. These demands clear cut definition of peace-building priorities, and strategic locations of peace building initiatives. ♪

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### Endnotes

- 1 The UN Security Council initiated the debate on the use of regional approach after the deadlocks in the DRC and Angola in 2001. For details see United Nations, "Security Council, with wide-ranging presidential statement, aims to improve cooperation in peacekeeping, conflict prevention in Africa," SC/7290, 4465th Meeting, Thursday, 31 January 2001, where it stated the council underscored the importance of partnership and enhanced coordination and cooperation between the UN, OAU and sub-regional organisations in Africa."
- 2 Commander James Kok Ruea, Director-General, Sudan Peace & Reconciliation Commission (SPRC). Personal interview. 29 January 2005. This view is also well elaborated in the SPRC strategic plan document.
- 3 ICG Africa Report N° 39, January 2002. 'God, Oil and Country: Changing the Logic of War in Sudan.'
- 4 Sudan Peace & Reconciliation Commission (SPRC), 'Strategic Plan Document for Peace & Reconciliation in a Post-Conflict Sudan 'SPD-PCS',' October 2004.
- 5 Ibid.
- 6 ICG Africa briefing report, 'Sudan's Oilfields Burn Again: Brinkmanship Endangers the Peace Process,' February 2003.
- 7 Britain as colonial power envisaged separate states for the functioning, economic entity in the North and the neglected South, with the latter being incorporated into British East Africa. At independence, however, the South's demand for federal status was rejected and the country attained independence under the leadership of an alliance of Turuqs (Muslim brotherhoods). The policy of their government towards the South was assimilation of the northern Arab-Islamic culture as a mechanism for universalism. That triggered a rebellion in the South that was led by Anyanya – snake poison – a guerilla movement that consisted of semi-autonomous groups. Hence the name Anyanya I. Anyanya I lasted until 1972 when its leaders signed the Addis Ababa Agreement with Gen. Nimeiri's government. Some veterans of Anyanya I, including Colonel John Garang, joined the government after the 1972 Agreement, while others refused and they continued with underground movements. They called these movements Anyanya II.
- 8 Mr. Abraham Bichok, Programme Officer, Sudan Peace Desk, SPLM's offices, Nairobi. Personal interview. 30 January 2005.
- 9 ICG Africa briefing report, 'Sudan's Oilfields Burn Again: Brinkmanship Endangers the Peace Process,' February 2003.
- 10 SSIM and other southern rebel factions including SPLA-United split from the SPLA in 1991 over disagreements on leadership and participation, ethnic tensions and the issue of self-determination for the South.
- 11 Dr. Samson Kwanje, SPLM's spokesperson and the designated Minister for Information in the Government of South Sudan (GOSS). Personal interview. 29 January 2005.
- 12 Mr. Abraham Bichok, Programme Officer, Sudan Peace Desk, SPLM's offices, Nairobi. Personal interview. 30 January 2005.
- 13 ICG Africa briefing report, 'Sudan's Oilfields Burn Again: Brinkmanship Endangers The Peace Process,' February 2003.
- 14 Ibid.
- 15 Commander James Kok Ruea, Director-General, Sudan Peace & Reconciliation Commission (SPRC). Personal interview. 30 January 2005.
- 16 Ibid.
- 17 UN Office for the Coordination of Humanitarian Affairs Reports, February 2005.
- 18 Ibid.
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- 20 Westbrook, David, (2002), 'The Torment in Northern Uganda: A Legacy of Missed Opportunities,' the online journal of peace & conflict resolution, issue 4.2, Spring.
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AFP / TOUCHLINE PHOTO

COMMENTARY

VENASHRI PILLAY

# Reflections on the UN Secretary-General's Reform Report and its Implications for **Africa's Peace & Security Agenda**

**O**n March 21, 2005, Secretary-General Kofi Annan released a report titled *In Larger Freedom: Toward Development, Security and Human Rights for All*. This report is a comprehensive action plan to reform and strengthen the United Nation's (UN) capacity and role for ensuring peace and security and promoting human rights, justice, development and better standards of life in the attainment of larger freedom<sup>1</sup>. This bold reform plan comes at an opportune time when faith and confidence in the UN has declined amidst ongoing criticisms of inaction in times of crisis, the unsettled debate on the war in Iraq,

sexual abuse on the part of peacekeepers, and a Human Rights Commission that has fallen into disrepute. The report presents specific recommendations for action by national governments and emphasises three interconnected themes: development, security, and human rights, each underpinned by the rule of law.

*Freedom from Want*, or the development pillar, calls on developing countries to improve their governance, combat corruption and strive to achieve the Millennium Development Goals (MDGs)<sup>2</sup> to eradicate poverty and improve health care. Developed countries are asked to increase debt relief and development aid to their

developing neighbours. *Freedom from Fear*, or the security pillar, calls on all states to agree on a new security consensus by adopting the convention on terrorism, stopping the proliferation of deadly weapons, ending civil wars, and adopting principles for the use of force. *Freedom to Live in Dignity*, or the human rights pillar, calls on states to embrace the principle of “the responsibility to protect” as a basis for collective action against genocide, ethnic cleansing and crimes against humanity. If a state is unable or unwilling to protect its citizens, then responsibility must shift to the international community. In addition, the report also calls for a large-scale overhaul of the UN’s organisational structures including expanding the membership of the Security Council, revitalising the General Assembly, and establishing a Peacebuilding Commission and a new Human Rights Council.

While *In Larger Freedom* has far-reaching positive and negative implications for all states individually and the international community collectively, this paper is concerned with the implications for African states, specifically Africa’s peace and security agenda. Africa continues to be plagued by civil wars and violence, terrorism, crippling poverty and illiteracy, organised crime, arms trade, refugees, internal displacements, and HIV/AIDS and other deadly infectious diseases. Peace and security has long been a priority on Africa’s agenda. But, how will these proposed UN reforms and action-plans serve this agenda?

### Implications for peace and security in Africa

Article Three of the African Union’s (AU) Constitutive Act identifies the maintenance of African peace and security as a primary aim of the organisation. Specifically, the Peace and Security Council of the AU is concerned with the prevention, management and resolution of conflicts in Africa.<sup>3</sup> The New Partnership for Africa’s Development (NEPAD) is Africa’s sustainable development framework. *In Larger Freedom* recognises the pivotal role these organisations should and must play in Africa. Indeed, the peace and security agenda advanced by the report, which is in line with the policy and action priorities of both the AU and NEPAD, link three main policy priorities of development, security and human rights:

- strengthening governments;
- eradicating corruption;
- engaging civil society;
- controlling trade of arms;
- establishing effective early warning conflict mechanisms;

- enhancing conflict prevention and mediation capacities; and
- improving peacekeeping.

The UN Secretary-General has called on foreign donors and the UN to join with and increase support to these African organisations. However, before international organisations and donors are able to co-ordinate with Africa to advance the peace and security cause in Africa, it is crucial that all African development organisations establish a strong network themselves and develop a coherent co-ordination system across the continent, as this is presently lacking.<sup>4</sup> The AU and NEPAD must develop better coordination and network systems with the various Regional Economic Communities (RECs) such as the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC), East African Community (EAC), the Common Market of Eastern and Southern Africa (COMESA) and the Intergovernmental Authority on Development (IGAD), to unify and strengthen Africa’s development cause, and to enable better co-ordination with international bodies who are willing and ready to advance the same cause.

*In Larger Freedom* does recognise the special needs of Africa, particularly the need for poverty eradication, as the first priority of development to ensure stability, security and peace. “The Ezulwini Consensus”, the common African response to the proposed reforms, identifies the alleviation of poverty as the most effective tool for conflict prevention.<sup>5</sup> Therefore, the UN plan of establishing a timetable and deadlines for developed countries to fulfil their commitment of 0.7 per cent GDP as overseas development assistance (ODA), as well as establishing open and equitable trade, is welcomed and is complementary to the AU’s goal of poverty alleviation. Also, the reform report supports the AU’s request for debt relief and cancellation, by calling on developed states to release developing nations from the burden of their debt. While such constructive and generous financial assistance and relief is in keeping with the underlying “global co-operation and common humanity” argument on which the reform report is based, Africa will be rightly worried about empty promises. After all, the experience

**The report presents specific recommendations for action by national governments and emphasises three interconnected themes: development, security; and human rights, each underpinned by the rule of law**



has been that assistance is pledged by international donors but little or no follow through occurs.<sup>6</sup> Why would the new reform plan change international financial commitment?

While the Secretary-General's report does emphasise the need for accountability in many areas, perhaps two areas need more emphasis to ensure that international financial assistance is forthcoming. First, there is a need to put financial aid monitoring and review mechanisms or bodies in place to ensure that pledges are being fulfilled. Second, Africa needs to finally meet the challenge of getting its house in order. Many African states have long suffered the criticism of corrupt and disorganised governments and donor states are wary of pledging support there. When abuse of power and corruption is dealt with and good governance becomes the norm, such an environment of increased confidence and trust will garner international support. In the spirit of "working together" that the UN report calls for, it is time for

***It is crucial that all African development organisations establish a strong network themselves and develop a coherent co-ordination system across the continent, as this is presently lacking***

NEPAD's African Peer Review Mechanism (APRM), designed to promote the adoption of agreed governance and democratic standards<sup>7</sup>, to be activated, implemented and strongly supported. For now, Africa already lags behind meeting the MDGs in 2015. Perhaps more realism is also called for from the reform report (and African states) in recognising that the 2015 deadline may not be real-

istic to "Africa's special needs and challenges" as all nations are not starting from a level playing field.

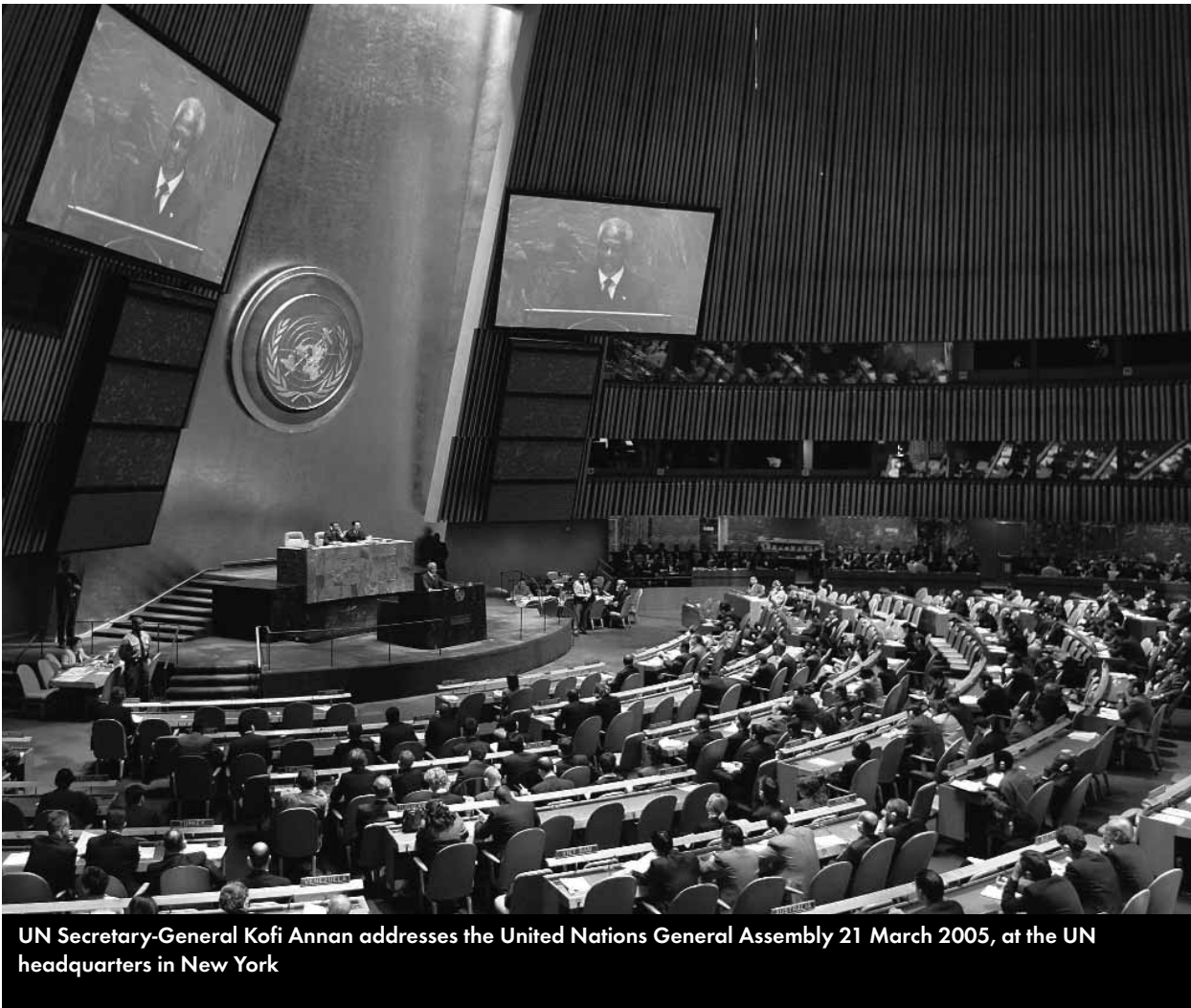
An important security issue tackled in the UN report is that of terrorism.<sup>8</sup> While African states are just as ready as other nations to deal with this problem, the definition of terrorism provided by the UN report is questionable and problematic for Africa. Given Africa's history, defining terrorism so rigidly could be considered inappropriate as many states were forged and created through wars of liberation, some of which were (or could have been) declared terrorist.<sup>9</sup> The Ezulwini Consensus, adopted by the AU, correctly pointed out that while violence against innocent civilians is not justifiable for any reason, the UN reform report fails to articulate the sensitive and important difference between terrorism and legitimate struggles waged by people for liberation and self-determination in accordance with principles of international law. Using closed, simple definitions for a

phenomenon as complex as terrorism frustrates meaningful conflict resolution by obscuring some of what could be considered as the root causes of terrorism, such as denial of self-determination and identity, foreign occupation, and political and economic injustices. This runs counter to the UN reform calls for preventative conflict resolution, and is not aligned with Africa's objective of dealing with the root causes of conflict.<sup>10</sup>

*In Larger Freedom* emphasises the protection of human rights by introducing the principle of "responsibility to protect" as a basis of collective action against genocide, ethnic cleansing and crimes against humanity. The principle, posited as a rule of law, calls on the international community to intervene and protect civilians when a state is unable or unwilling to do so. While the protection of civilians against atrocities is a priority for peace and security, the danger of this rule of law is that it can be used to undermine the sovereign independence and territorial integrity of states. The protection of human rights of all people is unquestionable, but there has to be a clearer, more sensitive and careful articulation of a collective responsibility to protect. Unless this principle is open to debate and negotiation, African and other developing states, will likely perceive the idea of collective security as an instrument of coercion and intervention, rather than of global co-operation. One suggestion arising from the African context is for regional organisations in proximity to conflict zones, such as the AU, to be empowered to take action before "outsiders" intervene.<sup>11</sup>

Similarly, another controversial issue for Africa would be the "use of force" clause which spells out criteria for the authorisation of force by states. The criteria for forceful military intervention are subjective and could be exploited by more powerful states to enter and strike weaker African states. Such ideas of preventing conflict are not in line with Africa's peace and security objectives and simply serve to fuel perceptions that such principles are conceived to provide additional leverage for more powerful countries, while the needs of Africa and other less powerful nations are merely paid lip-service. Again, the fears of less powerful African states need to be assuaged by including principles to maintain security and peace that level the playing field and empower states, instead of perpetuating already strong power imbalances between nations.

Africa needs more involvement and representation in the decision-making bodies of the UN, specifically in the Security Council, the principal decision-making organ in matters relating to international peace and security.



AP / TOUCHLINE PHOTO

UN Secretary-General Kofi Annan addresses the United Nations General Assembly 21 March 2005, at the UN headquarters in New York

A constructive reform proposed by the Secretary-General is the expansion of the Security Council to include two African seats. While this is already a significant improvement to Africa's lack of voice on the Security Council, the options offered do not satisfy the AU's specific request of not less than two permanent seats with all the privileges of permanent membership including the right to veto, in addition to five non-permanent seats. While it has proposed that Africa be allocated two permanent seats, the right to veto is not included. Such a scenario of course has been rejected by the African Union because while it gives a voice to Africa in the Security Council this does not extend to decision-making powers. South Africa's Minister of Foreign Affairs, Dr. Zuma, highlighted the inequality of such a scenario when she explained that "even though Africa is opposed in principle to the veto, it is of the view that so long as it exists, and as a matter of common justice, it

should be made available to all permanent members of the Security Council".<sup>12</sup> Africa will likely not be alone as it attempts to negotiate its place and role in the Security Council with other regions.

The need for peacekeeping in Africa is ongoing. The Secretary-General's report places emphasis on peacekeeping as prevention. The AU and NEPAD welcome this, since the capacity to undertake peacekeeping missions is a priority for peace and stability in Africa. A constructive call in the report is for the establishment of an interlocking system of peacekeeping capacities that will enable the UN to work with relevant regional organisations in reliable partnerships. As discussed earlier the AU and NEPAD will have to facilitate these partnerships by first forming such networks with the various regional organisations themselves. The strengthened UN focus on peacekeeping allows the AU to seek support in expediting the establishment of the African Standby

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Displaced people cross the Lol River to reach a feeding center in Bahr El-Ghazal, Sudan

Force of peacekeepers for the continent.

The two other major reforms posited by *In Larger Freedom* are the replacement of the Commission on Human Rights (CHR) with a smaller Human Rights

**Africa needs more involvement and representation in the decision-making bodies of the UN, specifically in the Security Council**

Council, and the establishment of a Peacebuilding Commission. In discussing the reform of the CHR the Secretary-General points out that the time for reform of this body is long overdue. The CHR has lost credibility as a result of internal politicisation, and has been heavily criticised for a membership that includes states which have themselves perpetrated human rights

abuses.<sup>13</sup> Interestingly, while many welcomed a revived and smaller Human Rights Council, Africa's stance is that the status quo of the composition and location of the CHR should be maintained.<sup>14</sup> Simply replacing one body with a new one does not deal with the inherent problems that exist. While renewing the CHR through a

new council could be beneficial, it would appear that the UN's approach to human rights as a whole needs to be re-evaluated. The Secretary-General proposes the creation of a Peacebuilding Commission to support post-conflict peacebuilding and development to prevent states emerging from conflict from back-sliding. This is well suited to the needs of Africa as the examples of countries that have slipped back into violence and conflict without sustainable peacebuilding are numerous. Africa would benefit tremendously from this more preventative and sustained approach to conflict resolution.

**Conclusion**

Many of the proposed reforms and action-plans are constructive and supportive towards countering the peace and security challenges Africa faces. The report clearly recognises Africa's special needs which lie in the inter-connectedness between the three main policy priorities of development, security and human rights. Furthermore, the eradication of poverty; increasing development assistance and debt relief; engaging with

civil society; controlling the trade of arms; establishing early warning mechanisms; enhancing conflict prevention and mediation capacities; supporting peacekeeping and peacebuilding; and recognising and supporting key African organisations such as the AU and NEPAD all serve to advance Africa's peace and security agenda.

With regard to reform and action plans that are questionable to advancing the cause of Africa's peace and security agenda, the following may be considered:

- 1 International aid is pledged with no follow-through. Mechanisms for aid accountability and review need to be included in the report.
- 2 The deadline of meeting MDGs by 2015 may be unrealistic for the challenges Africa faces and may have to be extended.
- 3 The definition of terrorism is incomplete and inappropriate to Africa's historical experiences and does not deal with the root causes of the problem.
- 4 Principles of "responsibility to protect" and "use of force" are potential threats to the sovereign independence and security of less powerful African states.
- 5 Permanent seats on the Security Council should have full membership privileges, including veto power.
- 6 Policies dealing with human rights abuses must be re-evaluated to focus on the root causes of conflicts.

The reforms suggested by *In Larger Freedom* are a noble and constructive attempt to deal with global challenges facing peace and security today. Africa's general position should be an endorsement of this attempt and of support to the UN in the spirit of constructively working together towards "larger freedom" for all. The suggested reforms place emphasis on Africa's special needs and as such most of them are compatible with Africa's peace and security agenda. African states should therefore adopt a position of support for the reforms but within a frame of constructive negotiation on key issues and openness to dialogue with other member states and the UN about such issues, in the months leading up to the New York summit. ▀

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## Endnotes

- 1 United Nations, General Assembly, Report of the Secretary-General In Larger Freedom: Towards Development, Security and Human Rights for All, A/59/2005, 21 March 2005.
- 2 The UN General Assembly adopted the Millennium Declaration in September 2000, where member states reaffirmed their commitment to enhance peace and security and foster development in the next century. The deadline for achieving the MDGs is set for 2015.
- 3 Other AU mechanisms which support the peace and security agenda are the Panel of the Wise (five respected African personalities appointed as conflict intervention and prevention advisors and mediators) and a Continental Early Warning System (to warn and advise on potential conflicts).
- 4 Ramsbotham, A., Bah, A.M.S. & Calder, F. (2005). "Enhancing African Peace and Security Capacity: A Useful Role for the UK and the G8," *International Affairs*, 81(2), pp.325-339.
- 5 African Union, "The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus," Ext/EX.CL/2(VII), Executive Council, 7th Extraordinary Session, 7-8 March 2005, Addis Ababa, Ethiopia.
- 6 United Nations Press Release GA/10337, "Secretary-General's Reform Recommendations did not go Far Enough;" Fifty-Ninth General Assembly Plenary.
- 7 "Our Common Interest," Report of the Commission for Africa, 25 March 2005. p.387.
- 8 The UN Secretary-General's report defines terrorism as "any action that intends to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a Government or an international organization to do or abstain from doing any act." p.26.
- 9 Ngubane, S. (2004). "Editorial," *Conflict Trends*, 3, p.2.
- 10 Addo, P. (2004). "The War on Terrorism and Africa's Peace and Security Agenda," *Conflict Trends*, 3, pp.11-19.
- 11 African Union, "The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus," Ext/EX.CL/2(VII), Executive Council, 7th Extraordinary Session, 7-8 March 2005, Addis Ababa, Ethiopia.
- 12 Address by the Minister of Foreign Affairs of South Africa, Dr Nkosazana Dlamini-Zuma, on the occasion of the Budget Vote of the Department of Foreign Affairs, Cape Town, 15 April 2005. [www.info.gov.za/speeches/2005](http://www.info.gov.za/speeches/2005)
- 13 *The Australian*, Feature: "Reformed UN can make World Safer?" 23 March 2005, p.14.
- 14 African Union, "The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus," Ext/EX.CL/2(VII), Executive Council, 7th Extraordinary Session, 7-8 March 2005, Addis Ababa, Ethiopia.



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COMMENTARY

MARC MANIRAKIZA

# Nation-Building in **Burundi.**

## History and its Impacts on the Future

**T**o better understand post-election Burundi, it seemed indispensable to me to narrate very briefly where the country is coming from, in order to evoke the political, economic and social problems that were faced throughout the history of this small country.

By making reference to the history of Burundi, this article argues that the Burundian problem is not ethnic, as has often been maintained by analysts. The Burundian cultural and linguistic make-up does not conform to the notion of ethnicity. This concept has often been used as a tool for manipulation to acquire political, economic or social benefit. The challenge in Burundi is political. It is a struggle for power between different individuals and groups and this struggle has historically taken different shapes and forms.

### Pre-colonial period

The history of present day Burundi can be traced back to the 18th century, when the country was headed by a dynasty of kings called *Bami*. Although the exact period of the arrival of different groups in the country has

remained a mystery, historically, the country's first inhabitants were *Twa* (Pygmies) hunters and potters. Then there were *Hutu* cultivators who came from Central Africa. Lastly, there were the *Tutsis*, who are said to have come from Eastern Africa. What is known for sure is that legends, customs, tales and bywords make no reference to any *fratricidal* war among these three components of the population.

The remaining enigma that needs to be clarified is the origin of the *Ganwas* (Princes) who were the rulers of the country, with a *Mwami* (King) as the overall sovereign. A Burundian Prince was neither a *Twa*, nor a *Hutu* or a *Tutsi*. Such harmony as apparently existed, probably proceeded from the distribution of tasks in the following manner:

- The *Ganwa* governed;
- The *Tutsi* were cattle keepers;
- The *Hutus'* interest mainly laid in agriculture;
- As for the *Twa*, their main task consisted in pottery.

At the royal court for instance, each group was in charge of some tasks. The *Hutus* were in charge of the supplies of food, the health situation, and the monarch's close

protection and religious power. The choice of the queen-mother for the ruling king's successor was made by Hutu witches (*abajiji*) and the famous drummers of the royal court were taken from this community. The kingdom's defence was assigned to Tutsis (*abadasigana*), as well as the care and milking of the royal cows. Some families had the privilege of providing spouses to the King. Finally, the Twas especially held the function of public entertainers (*ibigugu*) that also characterised the European royal courts of the Middle Ages.

The adoption of political and social principles that constitute the basis for the modern western civilization constitutes what emerged from the Burundian society since its existence:

- Respect for the human being;
- Right to life for every citizen;
- Right to family;
- Right to private property;
- Right to file a lawsuit when these principles are violated.

That is probably the reason why by the end of the 19th century at the start of colonialism Burundi was virtually a nation in the modern sense of the word. The country was headed by a King, the regions by princes and a few Tutsis, and the sub-regions by a majority of Tutsis and a few Hutus. A substantial number of the latter was found among the chiefs of hills. Moreover, the large and good lands mostly belonged to the King, princes and Tutsis. In this social structure, there was also a prominent role of the Bashingantahe (wise men) in the function of justice in the country. These wise men indiscriminately belonged to all the communities, except the Twas who were considered as negligible and almost non-existing.

### Colonial period

At the end of the 19th century, the German colonisers found a Burundi politically and socially organised almost as the ancient European feudal states. The Belgians who replaced the Germans after the 1914–1918 war changed nothing to the political structure they found in place. Their authority consisted in supervising the established traditional organisation. Compared to other African nations created through colonialism, the Burundi is an ancient nation endowed with one single language and one single culture.

The underlying question is then why it is that these people, that have lived together peacefully for centuries, started to fight each other as soon as the country achieved its independence on 1 July 1962. Undoubtedly, co-existence



AFP / TOUCHLINE PHOTO

Gatumba, Burundi: Banyamulenge refugees at the migration office on the border between Burundi and the DRC

between these different social groups did not translate into total lack of justice. During the colonial period, the distribution of power remained more or less as it was during the pre-colonial times and the traditional authority was kept intact as an ally to the colonial powers. Moreover, the colonial rulers started to entice the Princes and the Tutsis, considering them as a superior, refined, smart and educated race. For instance, in 1929 they went to the extent of dismissing Hutus from their posts as chiefs and deputy chiefs and substituting them with Tutsis under the deceptive motive of incapacity.

At the time, numerous European writers and ethnologists started to spread questionable writings certifying that the level of political and social organisation in the Great Lakes region (where Burundi is located) could on no account be a conception of African wisdom but a regulation imposed from outside.

The irresponsibility of Burundi's former colonisers is

striking. Instead of settling the political and social inequalities, and providing each Burundian citizen the chance to get to positions of responsibility, this same authority merely favoured a minority at the expense of the majority of the population.

The independence of Burundi occurred on 1 July 1962 in a climate of perfect national harmony in spite of the murder of Prince Louis Rwagasore, leader of the UPRONA (Union for National Progress) party that had just won the legislative elections.

### **Post-Independence period**

#### **a) Monarchy (1962-1966)**

The Post-Independence monarchy tried to maintain unity among Burundians in spite of the Hutu leaders' eagerness, driven by their numerical strength, to control the power to the detriment of the Tutsis.

In October 1965, after the legislative elections had granted indisputable victory to the Hutus, the latter attempted a coup d'état against the monarchy, which ended up in bloodshed. It is in this setting that the old monarch, Mwambtsa IV, no longer felt secure in his country and virtually went into exile to Europe. The leaders at the time then requested that young Prince Ndizeye, who was studying in Europe, would come and replace his father who was obviously no longer interested in coming back.

Prince Ndizeye returned to Burundi and on 8 July 1966 set down his father. On 1 September 1966 in the province of Muramvya, Prince Ndizeye was enthroned as King of Burundi and took on the dynastic name of Ntare V. A misunderstanding between Ntare V and his Prime Minister, Captain Michel Micombero, led to

the *dismissal* of the former who was on official visit in the Democratic Republic of the Congo (Zaire at the time) on 28 November 1966.

#### **b) The Republican period (1966 to date)**

The period that started on 28 November 1966 became a very tough period for the country during which the promoters of the Republic were essentially Tutsi military officials from the south of the country. Traditionally, these Tutsis (Himas in most cases) had never been close to the monarchy and had always felt excluded. On the

other hand, the Hutus felt marginalised, and in 1969 some Hutu civilian and military officials unsuccessfully attempted a coup. These civilians and military officials were executed, which further widened the gap between the two social groups.

Furthermore, in 1972 another coup attempt was led by some Hutus against the so-called "Tutsi regionalist" authority. This event turned into a tragedy for hundreds of Tutsi families murdered in the south, and subsequently a very harsh repression against Hutus became widespread throughout the country. Moreover, thousands of civilian and military officials were executed without trial. The gap between the two components of the population only increased and thousands of mostly Hutu refugees fled to Rwanda and Tanzania.

The second Republic, also headed by a military official from the south of the country, Colonel Jean-Baptiste Bagaza (1976–1987), did nothing to reconcile the population. On the contrary, during his eleven years in power, an unrelenting and repressive dictatorship was in control of the country.

The third Republic of Major Pierre Buyoya (1987–1993), who was also a military official from the south, appeared to be more conciliatory as he managed with some success to appoint Hutus in some of the key positions in government. The military realm, however, remained the preserve of the Tutsis, especially Tutsis from the south.

In 1988, disastrous confrontations occurred in Ntega and Marangara, two communes in the north of the country. There were on one side rebels from Palipehutu (Party for the Liberation of the Hutu People) and on the other side the military and the Tutsi population. The number of deaths reported was 30 000.

The presidential and legislative elections organised by Pierre Buyoya in 1993 ended up with the unquestionable victory of his Hutu opponent Melchior Ndadaye from FRODEBU (Party for Democracy in Burundi). The latter, however, chose to partner with UPRONA in a government of national unity.

The unfortunate assassination of President Ndadaye on 21 October 1993, only three months after his taking office, created the conditions for a civil conflict that was to continue for a long period of time. The combined efforts of the African and the international community to end the conflict led to the signing of the Arusha Agreement on 28 August 2000 in Arusha, Tanzania. Fighting did not stop immediately thereafter, however. It was only after November 2003, when the main rebel movement, the CNDD-FDD (National Council for the

**Why it is that these people, that have lived together peacefully for centuries, started to fight each other as soon as the country achieved its independence on 1 July 1962**



AFP / TOUCHLINE PHOTO

A Burundian woman delivers ballots at a polling station in Ngozi, northern Burundi, 4 July 2005.

Defence of Democracy – Forces for the Defence of Democracy) of Mr. Pierre Nkurunziza, signed a cease-fire agreement with the transitional government of Burundi that security noticeably improved. This movement had boycotted the Arusha negotiations.

### **Burundi after the 2005 elections**

The immediate future of Burundi, especially when it comes to the country's stability, depends upon a number of outcomes and variables. However, the most determining factors would be a calm electoral campaign and free and democratic elections. Firstly, Burundi's future may depend upon these two elements, though as I stress it in the following lines, elections are a necessary but not a sufficient condition to solve all the challenges in any country in the world. In the case of Burundi, history has shown that the three general elections organised in the past (1961, 1965, 1993) were all followed by upsetting events, due to the simple fact that most of the political actors were not mature enough to accept the democratic culture.

It is due to this history that the international community

that contributed to the resolution of the Burundian conflict must continue to play its role during this critical period, in seeing to a good process of elections and ensuring the security of the people who will be democratically elected.

Secondly, the issue of reconciliation is important and the next government would have to prioritise this issue. Finding an amicable way of dealing with the past in Burundi is consistent with the Arusha Agreement, and the ruling elite would have to find a way of ensuring that while there is reconciliation and forgiveness, measures are also taken to ensure that justice is done in Burundi. Considering the fact that historically the Burundian problem is actually political and economic, reconciliation is not an impossible task. There would be a need for enlightened leaders who are determined to strictly administer distributive, impartial and repairing justice for the sake of the reconciliation of Burundians.

Thirdly, the overarching challenge for Burundi is in the area of reconstruction after the transition, and the focus would have to be on economic and social reforms to





Supporters of the National Council for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD) celebrate their victory outside a party office in Bujumbura, Burundi

deal with the country's poverty and underdevelopment. Arguably, one of the most pressing issues would be for the new government to carry out substantial public works such as (re)construction of schools, roads, health clinics and thus provide employment to a large number of Burundians. Other critical issues within the area of reconstruction are:

- Land reform will have to be an emergency case to avoid disastrous situations, since about 80 per cent of lawsuit cases filed in courts relate to land disputes.
- Closely linked to the above is the issue of agriculture. Since farming would continue to be the main source of financial income for the majority of Burundians, there would be a dire need for agricultural reform in the country to find innovative ways of developing viable farming.
- Excavation (and mineral research) would also be key to the country's reconstruction and economic development. There would be a need to raise resources in order to make the most of already discovered mines and to prospect actively for Nickel deposits.
- Burundi could also exploit its strategic location within the Great Lakes Region. Given its assets of a capital port and airport facilities, the country could serve as

an ideal trade and transportation link between Eastern Congo and North-East Tanzania.

- At a social level, it is especially the fight against HIV/AIDS that would be an important task for the upcoming period.

### Conclusion

In order to be able to accomplish the above, good governance should be at the heart of the new government in order to attract outside financial support. Good governance and respect for the rule of law would probably influence the reaction of the international community to the new government positively. Some of the donors have decided to hold on to their commitments until the end of the transition, and are indeed watching developments. The yet to be completed programmes such as disarmament, demobilisation and reintegration of former combatants, and the repatriation and reintegration programme for refugees and internally displaced people would need to go on immediately after the elections. ♪

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## 7 QUESTIONS FOR AMBASSADOR BAH



**A**mbassador Bah is the Special Representative of the Chairperson of the African Union Commission in Burundi and Head of the African Mission in Burundi (AMIB).

### COULD YOU SHARE WITH US THE HISTORY OF THE OAU/AU INVOLVEMENT IN BURUNDI?

It was the Organisation of African Unity (OAU) first and now the African Union (AU) which has a mandate to ensure peace and stability in Africa. The AU should not wait to be invited, it has a mandate already to be involved, to come and assess the situation in its member States and then see how it can help.

The then Secretary-General of the OAU, Mr. Salim Ahmed Salim, came here on 26 May 1992, at the time when Burundi was talking about democracy. I was a member of his delegation. Our objective was to meet with former President Buyoya, and to ask him whether it was really serious. Once President Buyoya confirmed it, we went advocating for Burundi and when the time came for election in 1993, we decided to send an observer team. They came, they observed. Their report was that the election was free and fair.

Thereafter, the President (Ndadaye) was killed. The current Minister of Interior, Mr. Jean-Marie Ngendahayo flew to Addis Ababa and made a very strong call for the OAU to come and rescue Burundi. A team of military personnel was sent to Burundi which came from a number of African States, West African countries mainly: Mali, Burkina Faso, Guinea and others. They came here as a Protection Unit; today we have a South African Protection Unit, this is not the first. The first one was the 1993 Protection Unit of the OAU which was sent to protect the ministers who were hiding in different embassies. It was not easy, because there was part of Burundi that did not want to hear about anybody coming here. So then the mandate of the Team had to change. Initially it was called the Mission for Protection in

Burundi (MIPROBU) and later on it was changed into Observer Mission in Burundi (MIOB). We had 67 high-ranking military personnel, but what was peculiar in that case is that the Burundi, bent on stopping us from bringing people here, said if we were willing to help, we must bring an army of colonels. We said there was no such an army and they said, "Fine. Bring us doctors, engineers, whatever". We said we could not bring engineers but we could bring doctors and I think that was one of the best decisions the OAU made in sending that team, a military team with a humanitarian component. They came here at the time when it was very difficult to go to the hills, even for humanitarian assistance.

This assistance went on until the coup d'Etat of 1996 and the OAU decided to withdraw the military component of the Mission but the doctors and the civilian observers who were involved in the peace remained here. We were brokering for peace first, with the hope that negotiations would ensue, as at the time nobody wanted to hear about negotiations.

The first Special Representative was Ambassador Louis Fall, a Senegalese, and he was succeeded by Ambassador Bassolé from Burkina Faso. I was sent here after that, in 1997, right at the time when people were calling for negotiations but President Nyerere and President Buyoya were not seeing eye to eye, and there was no communication whatsoever between the two leaders. I was mandated to come here and ask President Buyoya what the OAU could do. He made it clear that the country was under a crisis due to sanctions and embargo, and appealed for proper dialogue to resume with President Nyerere. I discussed this with President Nyerere who then decided to send an envoy here and

from there real negotiations could begin. We were deeply involved in the negotiations and were signatories to the resultant Arusha Agreement, but that was just an agreement between civilians. We realised that peace was still a long way to come as the war was still going on.

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**THE AFRICAN UNION MISSION IN BURUNDI (AMIB) WAS THE FIRST PEACEKEEPING MISSION DEPLOYED BY THE AFRICAN UNION. HOW DID THIS COME ABOUT?**

Let me say that the UN has its rules, such as not to send a peacekeeping mission where there is no peace (i.e. ceasefire agreement), which was the case in Burundi. There was no comprehensive peace. But the AU could not argue that way. The UN argument was somewhat based on legality and we, on the other hand, looked at it from political angles, and we decided to mobilise a contingent until such a time when the UN found the situation was right for them to come in. So we deployed that first mission here, because we did not want the situation to remain a vacuum. As the AU, we decided not to insist on a comprehensive ceasefire agreement as a prerequisite for peacekeeping intervention, as that would have jeopardised the civilian agreement already signed. We were part of Burundi, and we were already involved, so we deployed contingents from South African, Ethiopia and Mozambique, the armed component of AMIB.

So we did it while at the same time making appeals to the Security Council to deploy! After one year the UN felt that really now there was peace, they could come in. As for me, whatever people think, we did a good job, until such a time that the UN came in and we handed over to them.

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**WHAT SIGNIFICANCE DID THE AMIB DEPLOYMENT HAVE ON THE PEACE PROCESS IN BURUNDI?**

First of all, the deployment of AMIB showed that peace in Burundi is possible. Secondly, it showed that Burundi is not alone, Burundi is part of Africa. Thirdly, it showed that the AU has a mandate, not only in Burundi but also in any African country and that the AU should not wait, it must appeal for assistance but before such assistance arrives, it should carry out its mandate.

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**WHAT SIGNIFICANCE, IF ANY, DID THE DEPLOYMENT OF AMIB HAVE ON THE FUTURE ROLE OF THE AU IN PEACE AND SECURITY ISSUES IN AFRICA?**

The significance is that the AU discovered that its decision to deploy a peacekeeping mission in Burundi was the right one; the AU also realised that they can do it. The AU may not have all the necessary resources, but if

they are assisted they can do it, hence, we are in Darfur now! Whatever dimension Darfur has, in my view, it was born of the new AU policy, coupled with the success recorded in its Burundi peacekeeping mission. This has boosted the confidence of the AU so much that they have decided to deploy a contingent in Darfur.

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**WHAT LESSONS LEARNED CAN WE DRAW FROM THE AU'S PRESENCE IN BURUNDI?**

The lesson is simple, you should not give up. Our mandate is to help bring peace in our member States. The lessons are that it is not an easy task but we should get up and do something! And now, if there is any problem in any country, we should take decisions, see how we can go about it and then take action! Even in Somalia, we are contemplating to deploy a force there.

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**SO KEEPING IN MIND THE ROLE OF THE UN, WHAT IS THE ADVANTAGE, IF ANY, OF THE AU BEING ABLE TO DEPLOY PEACEKEEPING MISSIONS IN AFRICA?**

We are not in competition! The issue of peace throughout the world is the mandate of the UN Security Council and we (African countries) are part of it. But that does not mean that we should wait. What normally should not happen is to sit here and watch some other non-African countries deploying their soldiers to come and die on our soil because of the problems created here. So we have to get up and face the problem, and anyone who can help should help, but first and foremost the duty is ours.

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**WITH THE SCHEDULED ELECTIONS IN BURUNDI IT LOOKS AS THOUGH THE TRANSITION IS COMING TO AN END. AS SUCH, WHAT FUTURE ROLE DO YOU SEE FOR THE AU IN BURUNDI? WOULD THE END OF THE TRANSITION CALL FOR A DIFFERENT MANDATE FOR THE AU?**

Different mandate? No it would not call for a different mandate. The African Union should continue to maintain its political and diplomatic assistance to Burundi. We can advocate and we will do our best to support, assist and follow up on what the new Government would be doing because they have a lot to do. Therefore they should be helped and we should not be very far from them. Whether the office is maintained after the end of the transition or not, the AU will follow keenly on the development in Burundi. ♪

*This is an edited version of an interview that was conducted with Ambassador Bah at the African Union Offices in Bujumbura, Burundi, on 15th July 2005.*

# Understanding Peacekeeping

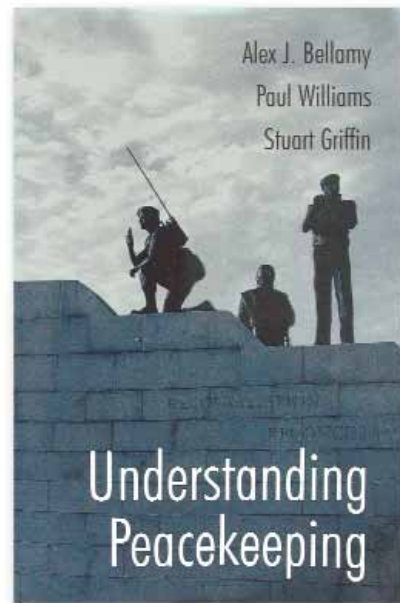
By Bellamy, A.J., Williams, P. and Griffin, S.

Published by Polity, Cambridge, 2004.

325pp, ISBN 0-7456-3058-8

Bellamy *et al* start their book with a quote by Alan James: “the fullest perspective on peacekeeping...is one which places it firmly in the context of international politics.” *Understanding Peacekeeping* provides a comprehensive introduction to the theory and practice of contemporary peacekeeping and attempts to contextualise peacekeeping in both the historical and contemporary international political systems. The authors argue that peacekeeping is “contemporary international society’s most sustained attempt to manage violent conflict” and that understanding the theory and practise of peacekeeping should therefore shed “significant light upon important trends and developments in global politics.” They argue that peacekeeping has always been an *ad hoc* response to particular problems, and that is why the concept defy simple categorisation based on the tasks peacekeepers fulfil in different historical periods. This is also why they feel an approach that focuses on the role that peacekeeping plays within wider processes of global politics is needed. The authors identify two key questions at the outset which they aim to answer in this book, namely: “what are the chief characteristics of the contemporary political environment in which peacekeepers operate, and how have peacekeepers come to understand their role within it?”

*Understanding Peacekeeping’s* core theoretical argument is that the ongoing and unresolved tension between those that see peacekeeping’s role in global politics in Westphalian terms, and those who see it in more ambitious, post-Westphalian terms, lies at the heart of many of the theoretical and practical difficulties that today’s peacekeepers are experiencing. The authors see the Westphalian liberal-democratic thesis as defined by its belief in the primacy of sovereign autonomy and non-intervention. A Westphalian approach to peacekeeping would limit its role to ensuring the peaceful settlement of



disputes and orderly relations between states. In contrast, a post-Westphalian liberal-democratic thesis suggests that “liberal relations between states require liberal-democratic societies within states”. Threats to international peace and security may also be caused by “violent conflict and illiberal governance” within states and need to be countered by fostering liberal democratic societies within states. Post-Westphalian peacekeeping thus goes beyond monitoring a cease-fire agreement between states to take on the role of managing the transition within a state from a violent past to a liberal-democratic future. The authors believe that the processes of globalisation are shifting the debate in favour of a post-Westphalian interpretation of the role of peacekeeping in global politics.

Bellamy *et al* argue that globalisation is altering the environment in which peacekeepers operate, and has encouraged three particularly important developments. The first is the increasingly important role played by non-state actors. The second is the hegemonic role of the United States (US), especially in the post 9-11 context. And the third is the emergence of a new type of conflict which the authors refer to as ‘new wars’ that reflect the

ongoing erosion of the state's monopoly on legitimate organised violence.

The structure of the book reflects the authors' attempt to consider these developments and place them in the context of the relationship between peacekeeping operations and wider processes and trends in global politics. Part 1 provides an overview of the concepts and issues relevant to peacekeeping and global politics. Part 2 charts the historical development of the theory and practise of peacekeeping from 1945 to the present. In Part 3, separate chapters are devoted to different types of peacekeeping operations: traditional peacekeeping; managing transition; wider peacekeeping; peace enforcement; and peace support operations. Part 4 looks forward and examines developments in global politics that are presenting serious challenges to the concept and practice of peacekeeping, namely, globalisation, the privatisation of security, preventing violent conflict, and the establishment of protectorates.

*Understanding Peacekeeping* argues that United Nations (UN) peacekeeping has not developed in a neat linear progression and that the UN undertook a variety of different types of peacekeeping operations at different times and in different parts of the world. In Part 3 the authors make a bold attempt to address this ambiguity by developing a conceptual framework that tries to identify the distinctive characteristics of different type of peacekeeping operations. The authors suggest that five different types of operations can be identified: Traditional Peacekeeping, Managing Transition, Wider Peacekeeping, Peace Enforcement and Peace-support Operations [sic]. They argue that the primary distinction between these different types of peacekeeping operations lies in the desired ends they are meant to achieve rather than the means that are employed to achieve them. The authors admit that there is no neat chronological division that accurately reflects the practical reality and history of peacekeeping operations, and perhaps more importantly, that these different types of operations are not mutually exclusive. Even with these caveats however, any attempt at such a categorisation would always be a simplification of this very complex and constantly evolving environment, and this attempt has not managed to rise above this basic dilemma. Their analysis suffers from their proximity to the prevailing doctrinal debates in the United Kingdom, as reflected in the choice of two of their five categories, namely Wider Peacekeeping and Peace Support Operations. The authors would have benefited from a more rigorous interaction with comparative schools of thought in the UN, European Union, US, North Atlantic

Treaty Organisation, African Union, etc. Nevertheless, Part 3 is a truly thought provoking and challenging section, ideal for the class-room environment, because disagreeing with their categorisation requires engagement with their conceptual framework and the wide range of historical and contemporary case studies, including: Afghanistan; Cambodia, Cyprus; the Democratic Republic of the Congo; East Timor; El Salvador; Haiti, Liberia; Rwanda; Sierra Leone; Somalia; and the former Yugoslavia, the authors employ to build their argument.

*Understanding Peacekeeping* concludes by reflecting on the likely future trajectory of peacekeeping operations. The authors argue that the UN is likely to continue to conduct Traditional Peacekeeping operations and its most successful type of peacekeeping operation – Managing Transition – in cases where political settlements have been reached and outside assistance has been requested. However, they feel that the UN is likely to delegate significant military tasks to regional organisations and alliances in future. In such cases the UN will form only one pillar of a broader operation rather than enjoying overall control. The authors argue that although such a development may provide functional advantages it raises serious concerns about the wider accountability of peacekeeping operations. Bellamy *et al* conclude by recognising the influence US hegemony is likely to have on peacekeeping. They argue that the influence the US has on the way UN peacekeeping operations is funded will continue to put a break on undertaking operations in places that the US Government considers peripheral to its interests. They warn that this may result in the prospect of two-tier peacekeeping: “top-tier operations”, conducted in areas seen as important by the US and its core allies, and “lower-tier” operations conducted by the UN and regional organisations with limited funds elsewhere.

*Understanding Peacekeeping* is very well suited as a core text for any course or module on peacekeeping because it evaluates the changing characteristics of the contemporary environment in which peacekeepers operate, what role peacekeeping plays in wider processes of global politics, the growing impact of non-state actors, and the major challenges facing peacekeepers in the future. It should be essential reading for all students and scholars of peace and conflict studies, security studies, and international relations. ▴

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