

CONFLICT TRENDS

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In 1960, 14 countries in West Africa gained freedom from French colonial rule, the Belgian Congo broke free to become Zaire, and Somalia and Nigeria unshackled themselves from their British colonial chains. There is no doubt that 1960 is a watershed year in the history of Africa. It was the year when the dreams and sacrifices of all those who fought for independence were realised. It was the year when the hopes and aspirations of millions of Africans were placed on the broad shoulders of those they entrusted to lead them away from the burden of dependence and exploitation and the manifest poverty, illiteracy, unemployment and disease that accompanied it.

Today in 2010, 50 years later, we are examining the balance sheet of independence to see what legacy the successive generations of our leaders have left us with. In 2009 – a year short of the half-century mark – Africa's population reached one billion. A billion people live on this continent with an abundance of arable land, blessed with huge deposits of every conceivable strategic mineral, and energy resources that can serve our needs far into the future. These assets on our balance sheet should allow us to lead a very prosperous life, secure, well into the future.

However, despite these assets, our people live in greater poverty today than we did 50 years ago, the income disparities between our colonial rulers and ourselves still exist (except the colonial rulers have now been replaced by a ruling elite of our own people), Somalia exists as a failed state, Nigeria exists with endemic corruption, the former Zaire exists as a continuing zone of armed conflict, and the 14 former French colonies exist as aid-dependent or French-dependent states with varying degrees of conflict. This is the state of our balance sheet.

To be contextually correct, many of these problems do not lie entirely at our door only. A fair share of our terrible predicament is due to those who colonised us and slowed our development, those who used us to fight a proxy Cold War, those who experimented with our future

through prescriptions like structural adjustment, and those who – albeit with good intentions – prescribed to us state formation according to their norms and conditions without taking into account our different circumstances.

However, despite these interruptions to our development by others, we ourselves have also failed. Over the past five decades, we have not been able to realise the full potential of our human resources to benefit our assets sufficiently – and the prospect of us doing this in the near future seems difficult, to say the least. Approximately 45% of Africa's one billion population is below the age of 15, uneducated or under-educated, unemployed or unemployable, susceptible to being recruited by warlords and, more recently, druglords – reducing their life expectancy to almost half that of their counterparts in the developed north.

There have also been some positive developments in Africa. Several countries like Mozambique, South Africa, Sierra Leone and Ethiopia, among others, have managed – despite great odds – to overcome conflict and make steady progress. The African Union was created in 2002 and has made significant progress in developing instruments to resolve conflicts and promote peace and security. In addition, regional economic communities have been established and are in different stages of progress, setting the foundation for regional and then continental economic integration.

However, in the final analysis, the balance sheet is disappointing. It is time for all of us Africans to stand up and be counted. We have to create the change we want to see. Let our future generations, when celebrating 100 years of independence, also celebrate the 50 years that marked a change from poverty to prosperity. **A**

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RETHINKING PEACE AND SECURITY IN AFRICA: ECOWAS, A HUMAN SECURITY REGIME?

BY ANDRÉS SÁENZ PEÑAS



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The collapse of the Soviet Union and the end of the Cold War set out a new comprehensive – but controversial – framework for security studies. On one hand, traditionalists argue that this discipline should be about “the study of the threat, use and control of military force”.¹ On the other hand, a group of academics have proposed a different focus, which includes non-military threats and a new approach to other types of security – economic, political, environmental and societal.² Between these two approaches, a new approach to security emerges – with the idea that threats go beyond national borders and the defence of the state to encompass all issues that may guarantee freedom from fear and freedom from want.

This people-centred approach is what is known as human security.

This article does not aim to explain the evolution of the concept of human security in the academic field. Instead, the objective is to explore its main characteristics and its application in developing countries, using the West African region – particularly the Economic Community of West African States (ECOWAS) – as a point of reference. Thus, the focus will be to comprehend, through a human

Above: Food security and health security are two, of the seven, important dimensions of human security.



Human security requires the satisfaction of basic needs and the creation of conditions necessary for the survival and protection of people and their dignity and human rights.

security perspective, how peace and security in Africa can be understood, and if it is possible to argue that ECOWAS constitutes itself as a human security regime.

Human Security, What does it Mean?

The international system has accepted that the 1994 *Human Development Report*, published by the United Nations Development Programme (UNDP), is the foundational document of the human security doctrine. This report defines the concept by relating the ideas of ‘freedom from fear’ and ‘freedom from want’. ‘Freedom from fear’ aims at the elimination of direct and indirect violence in the daily life of the individual. ‘Freedom from want’ characterises human security more broadly and also considers the basic needs of the individual regarding development and welfare.

The UNDP report takes into account seven dimensions in the human security concept: economic security, food security, health security, environmental security, personal security, community security and political security. This holistic definition of the concept does not specifically address the differences between human development and human security, making academic analysis and policy

decisions in the security field a difficult issue. It is therefore necessary to comprehend the characteristics of human security. What then are the fundamental elements of the human security construction?

First, human security is socially constructed. Constructivists regard the interests and identities of states as products of specific historical circumstances, where the language and discourse are pivotal elements. It is important to examine human security through the prism of constructivism, because “the emergence of the concept of human security reflects the influence of values and norms on security studies, as opposed to the influence of national security”.³ This has made it possible to modify the dominance of sovereignty and non-intervention in internal affairs, and to apprehend a people-centred approach for international relations.

Second, human security is an ambiguous concept and must be narrowed. Some academics, such as Keith Krause, consider that “the broad vision of human security as ‘freedom from want’ is ultimately nothing more than a shopping list”.⁴ Others, like Roland Paris, argue that the concept tends to be vague and provides little guidance to policymakers in the prioritisation of competing goals and

limited resources.⁵ Consequently, it is absolutely necessary to narrow the definition of the concept – otherwise it may lose its relevance in the political and academic fields.

Third, human security is a unifying concept. Human security and national security are not opposite, but complementary ideas. One does not replace the other – and it must be understood that the security of the state is not an end in itself but, on the contrary, is the means to guarantee the security of the people within national borders.⁶ Actually, it can be argued that human security is a unique continuum that is preserved and improved by a series of interdependent policies and instruments.⁷

Also, when considering human rights, human security becomes a unifying concept. This relationship is both characterised as complementary and interdependent. Complementarity is evident in that human rights is the normative system that supplements human security, “by defining specific legal obligations that require institutions and people to respect, protect, promote and fulfil those rights”.⁸ In this way, human rights – and international humanitarian law – are core components of human security construction. On the other hand, interdependence is evident in the idea that “objects of human security and human rights clearly overlap, while the threats that cause

human insecurity invariably menace the enjoyment of human rights”.⁹ In fact, there is common ground in the previous statement: it can be argued that a violation of human rights clearly threatens the human security of the individual.

Finally, the concept of human security must be adapted to the realities of developing countries in general, and those in Africa in particular. Despite the fact that the human security doctrine supports the idea of the universality of this approach, it is important to emphasise the significant differences between the Western world and the Global South. For example, in the case of sub-Saharan Africa – with the exception of South Africa – the state was created as a legal entity before the consolidation of the traditional elements present in the Western state, because their territories were arbitrarily delineated by European colonial powers.¹⁰ As a result, political instability and violent conflict – disguised behind the mask of ethnicity – have been a constant since the decolonisation period. For Ian S. Spears, this situation has made some African states a battleground rather than a protection zone.¹¹ Thus, it has been impossible to deliver human security in its wide definition – in some cases, also in its narrow definition – to the people within the state.



The 15 ECOWAS member states: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea-Bissau, Liberia, Mali, Nigeria, Senegal, Sierra Leone, Togo, Guinea and Niger.

Rethinking Human Security in Africa

In an attempt to rethink peace and security as a way to reach stability and development, African leaders have decided to emphasise the importance of human security as a core element in the continental, regional and subregional institutions. Indeed, the African Union (AU) Non-aggression and Common Defence Pact establishes in Article 1, Subsection K that:

*Human security means the security of the individual in terms of satisfaction of his/her basic needs. It also includes the creation of social, economic, political, environmental and cultural conditions necessary for the survival and dignity of the individual, the protection of and respect for human rights, good governance and the guarantee for each individual of opportunities and choices for his/her full development.*¹²

The AU's vision of human security therefore considers the ideas of 'freedom from fear' and 'freedom from want' as inseparable. This is a noble gesture, but also a limiting one because it does not leave space for prioritising among different public policy options in the security field, and could make the concept irrelevant for academic analysis. Taking into account that one of the principal problems of African organisations – in their different levels – is the

THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS CONSTITUTES A SERIOUS CHALLENGE TO HUMAN SECURITY

weakness of their secretariats to monitor and evaluate the implementation of joint agreements – mainly because of the lack of political will and the lack of funds¹³ – it is imperative to assign the required resources to the established priorities of each region. In other words, it is necessary to consolidate a realistic vision of human security and create human security communities across the continent. But, before that, it is necessary to create a human security regime.

New Security Paradigms

In his groundbreaking book, *Security: A New Framework for Analysis*, Barry Buzan proposes an interesting approach to security, based on the idea that all states in the international system are enmeshed in a global web of security interdependence but, at the same time, that interdependence is not uniform and proximity often equals insecurity. Buzan introduces the term 'security complex' and defines it as "a set of states whose major security perceptions and concerns are so interlinked that their national security problems cannot reasonably be analysed or resolved apart from one another".¹⁴ The internal dynamics in the complex can be explained according to the bonds of

enmity or amity among states. On one end of the continuum is 'conflict formation', that is, the strong mutual perceptions of threats; in the middle is 'security regime', "in which states still treat each other as potential threats but have made reassurance arrangements to reduce the security dilemma¹⁵ among them"¹⁶; and finally, on the other end of the continuum is a pluralistic 'security community', where states no longer aspire to use force against each other.

The security complex theory is clearly state-centred, despite the fact that it also includes a wide set of non-military concerns. However, this should not be a problem for its application to the human security doctrine. Despite the fact that the individual is the core of the doctrine, the state is the main guarantor of its well-being and is also the key unit in the international system. It is therefore important to bring up the idea of 'responsibility to protect', according to which states must protect citizens against available threats, and the failure to accept this responsibility opens the door to the possibility of intervention. The philosophy of the 'responsibility to protect' is relevant as it explains that sovereignty implies responsibility and cannot be used to shield elites who have committed violations of human rights, war crimes or crimes against humanity. It also highlights the importance of the state in the protection of human dignity, freedom and, as a result, human security.

In the words of Ian Spears, "governments need to serve and defend the interests of their people rather than hide behind the guarantees of territorial integrity and non-intervention that the international community now provides."¹⁷ Thus, to consolidate a theory regarding a 'human security regime' and a 'human security community' is not only an academic exercise; it is also an imperative to rethink peace and security on the African continent. Consequently, the following definitions are proposed:

- A human security regime is defined as a set of states whose citizens have not achieved freedom from fear and freedom from want, but do perceive their main security concerns as people-centred and have made reassurance arrangements to reduce the insecurity of people in the region. As explained further later, ECOWAS can be understood within this category.
- A human security community is defined as a set of states whose citizens have greatly achieved freedom from fear and freedom from want, and also have internalised the responsibility to protect doctrine as a tenet of their relationships and interactions. The best example – and probably the only one in the world – is the European Union.

Future studies are necessary to refine and specify the true scopes of these concepts. This is just a first step in the process of rethinking peace and security in Africa, taking as a point of reference the human security doctrine. Now, what about its practical application? Is it possible to talk about a human security regime in Africa?



ECOWAS member states are committed to safeguarding and consolidating relations for the maintenance of peace, security and stability within the region.

West Africa: from an Economic Community to a Human Security Regime?

ECOWAS is a regional organisation of 15 West African countries, created in 1975 with the signing of the Treaty of Lagos, whose mission is to promote economic integration in the region. At first, the security concerns of the organisation focused on traditional military and state-centric issues. The relevant documents – before the revised Treaty of 1993 – are the Protocol on Non-aggression (signed in Lagos on 22 April 1978) and the Protocol on Mutual Assistance in Defence (signed in Freetown on 29 May 1981). Both emphasised mutual aid and assistance for defence against any armed threat or aggression on a member state of the organisation. Subsequently, changes in the language and the discourse, reflecting the influence of the values and norms of a post-Cold War world, made it possible for a rearrangement of the security concerns within the group.

ECOWAS realised that economic integration and development would only be possible in an environment of peace and stability. A new phase thus emerged with a revised ECOWAS Treaty, signed in Cotonou in 1993.¹⁸ As a consequence, the fundamental principles of the group (Article 4) were established, among which were

the following: non-aggression between member states; maintenance of regional peace, stability and security through the promotion and strengthening of good neighbourliness; and the recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights. Furthermore, Article 58 specifies the provisions that member states must undertake to safeguard and consolidate relations for the maintenance of peace, stability and security within the region.

An essential element in this innovative vision of security is that "ECOWAS is compelled to intervene in armed conflict within one of its member states if the conflict is likely to endanger peace and security in the entire community".¹⁹ This principle was adopted before the AU Charter and the Protocol Relating to the Establishment of the Peace and Security Council of the AU. In fact, it was tested in the absence of a response from the United Nations to the conflict in Liberia in 1989. As a consequence, the organisation's standby multipurpose force – the ECOWAS Cease-fire Monitoring Group (ECOMOG) – was created, and played a significant role in interventions in Liberia (1990–1997), Sierra Leone (1997–2000) and Guinea-Bissau (1999). It has also



The ECOWAS Cease-fire Monitoring Group (ECOMOG) has intervened significantly in Liberia, Sierra Leone, Guinea-Bissau and Cote d'Ivoire.

played an important role in the conflict in Côte d'Ivoire, with the ECOWAS Mission in Côte d'Ivoire (ECOMICI). Presently, ECOMOG and the ECOWAS peace and security initiatives are widely recognised and supported by the European Union, Canada, Norway and other pivotal states in human security issues.

Despite the fact that the term 'responsibility to protect' has not been used in any of the legally binding treaties of ECOWAS, it seems to have received tacit approval with regards to the importance of the security of the community of citizens. This is clear in the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, signed in Lome on 10 December 1999, which establishes a mechanism for collective security and peace. In this document, references to the security of the individual within the state are common. For example, in Article 40, the Treaty states that "ECOWAS shall intervene to alleviate the suffering of the populations and restore life to normalcy in the event of crises, conflict and disaster".²⁰ Articles 42 to 51 are considered key issues in human security as related to peacebuilding, the implementation of disarmament, demobilisation and reintegration programmes – including those for child soldiers – and the control of small arms proliferation. The 1999

Protocol is complemented by the Supplementary Protocol on Democracy and Good Governance of 2001, which focuses on the 'freedom from want' dimension of human security: rule of law, elections, poverty alleviation, education, culture, religion and promotion of social dialogue.

However, the key element in understanding ECOWAS as a human security regime is the legal dimension that shows how the agents of the system (states) perceive their main security concerns and, consequently, make reassurance arrangements to reduce the insecurity of their people. Another dimension must also be taken into account: the relationship between international law and its application within the region and within the state. The case of small arms and light weapons control could be used to explain this point.

The Control of Small Arms and Light Weapons in a Human Security Regime

Most deaths in post-Cold War conflicts are the result of small arms and light weapons. In fact, "small arms and light weapons destabilise regions; spark, fuel and prolong conflicts; obstruct relief programmes; undermine peace initiatives; exacerbate human rights abuses; hamper development; and foster a culture of violence."²¹ In spite of

this, international treaties do not regulate these arms and weapons like they do with nuclear, chemical and biological weapons. West Africa, however, is the exception to the rule.

The proliferation of small arms and light weapons constitutes a serious challenge to human security. Recognising this situation, in 1998 ECOWAS adopted a Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons – a soft law instrument to urge states to control and eliminate these instruments of violence. The main objective was to establish a symbiotic relationship between the community as the ‘watchdog’ and the state as the responsible element. Nevertheless, the results were not always good. Studies have shown that, as a result of the poor monitoring of the moratorium, and the lack of financial resources and political will, rebels continue to receive weapons through different networks of illegal trade, taking advantage of the porous borders in the region.²² The situation in the Mano River region and the conflict in Côte d’Ivoire are examples of this.

However, between 1996 and 2002, six ECOWAS countries (Mali, Sierra Leone, Liberia, Nigeria, Ghana and Niger) destroyed various quantities of weapons – most of them small arms and light weapons.²³ This indicates the ability of political leaders to compromise and changes in states’ perceptions regarding human security. Moreover,

it established a precedent in the continent, which was consolidated in the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons of 2000. But, even more important: it allowed for a change from a soft law moratorium approach to a hard law convention approach. As such, ECOWAS member states signed the Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, in 2006. As Denise Garcia states, the “preceding moratorium had ‘no teeth’ because it was not legally binding. The new Convention has a monitoring and implementation mechanism set in place.”²⁴ This was a clear stance taken by West African states to deal with one of the most significant threats to human security on the continent.

The ECOWAS Convention is certainly one of the most advanced legally binding instruments in the international system. It is a groundbreaking instrument – not only because it is the only one in ECOWAS history to ever mention ‘human security’ within the treaty (in the Preamble), but because it mentions the following (Article 6):

A transfer shall not be authorised if the arms are destined to be used:

- a. *For the violation of international humanitarian law or infringement of human and peoples’ rights and freedoms, or for the purpose of oppression;*



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Various ECOWAS member states have destroyed large quantities of weapons, mostly small arms and light weapons.

- b. For the commission of serious violations of international humanitarian law, genocide or crimes against humanity;
- c. To worsen the internal situation in the country of final destination, in terms of provoking or prolonging armed conflicts, or aggravating existing tensions;
- d. To carry out terrorist acts or support or encourage terrorism;
- e. Other than for the legitimate defence and security needs of the beneficiary country.²⁵

It appears that ECOWAS member states do perceive their main security concerns as people-centred. Furthermore, they have actually made reassurance arrangements that are legally binding to reduce the insecurity of their people. The ECOWAS Convention, in the words of Garcia, “is innovative especially vis-à-vis basing its text on international humanitarian law, international human rights law and development needs. In comparison with all other instruments of law on small arms, it is one of the most evolved.”²⁶ The convention is a significant element in understanding ECOWAS as a human security regime.

Conclusion

ECOWAS is now going through a key phase in its history. Member states have placed people at the core of their concerns, transitioning from a state-centred focus to a human-centred approach. Two challenges remain, however. First, it is necessary for ECOWAS to enhance its efforts to become a human security community. And second, there is a need to articulate the human security agenda with the national security agenda to create a continental human security regime. Political leaders have finally understood that peace is a condition for security, and vice versa. Rethinking both peace and security involves a shift in analysis to embrace the human security paradigm. ▲

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SUSTAINABLE PEACE PROCESSES: ADDRESSING THE STATUS OF REFUGEES AND INTERNALLY DISPLACED PERSONS

BY TENDAIWO PETER MAREGERE



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After the end of the Cold War, a multitude of factors plunged many African countries into conflict, with the resultant forced displacement of millions of civilians – the majority of whom never crossed an international border. Important causes of forced displacement include the breakdown of state structures that had been sustained by Cold War dynamics, increasing poverty, population pressure, competition for access to land and scarce natural resources, and the disintegration of traditional conflict resolution mechanisms. In many cases, these processes have exacerbated local grievances and contributed to an increasing number of disgruntled and marginalised people, receptive to politically instigated violence along ethnic lines.

Whilst the trend of refugees and internally displaced persons (IDPs) is a global phenomenon, research has shown that Africa remains the continent with the highest numbers of people who have been displaced (both internally and externally) due to conflict. Statistics show that there are over 32.8 million refugees and asylum seekers, and an additional 26 million IDPs, in the world.¹ Out of these, about 9.7 million

Above: Hundreds of internally displaced people queue for the distribution of goods at Kibati camp, near Goma, in the Democratic Republic of the Congo (2008).



Somali refugees wait to be registered at Dagahaley camp, in Dadaab, Kenya’s north-eastern province. Camps on this Kenyan border are the largest and oldest in the world, sheltering more than 270 000 Somali refugees.

refugees and twice as many IDPs are found on the African continent.

In this article, the aim is to limit the discussion to three key areas. First, the article summarises the nature and context of refugees in Africa. Thereafter, it reflects – albeit briefly – on the main conceptual differences between refugees and IDPs. Third, it provides an analysis of why durable solutions for the displaced are often inextricably linked to achieving sustainable peace in post-conflict settings. There can be no lasting peace without initiatives to resolve the problems of refugees, returnees and displaced persons. In essence, the problems associated with refugees, returnees and displaced persons is an indispensable component of sustainable peace efforts.

Overview

The phenomenon of refugees is not a modern one; indeed, the fact that people run away from persecution and seek refuge in other countries is age-old. Refugees in general, and those in Africa in particular, flee their homelands as a result of the fear of violence and persecution. As Roel van der Veen concludes, a more common cause of the growing

number of refugees and IDPs in Africa is the increase in the number, scope and duration of violent conflicts, especially civil wars.² Although the above reasons may hold true for refugees, IDPs are also affected by natural disasters and national development projects.

Rather than focusing extensively on the definition of a refugee on one hand and an IDP on the other, it is useful to highlight some of the critical differences between them. One important area of difference is the causes for flight. According to the Geneva Convention of 1951, refugees are essentially categorised as people or persons fleeing the threat of persecution.³ In contrast, the Guiding Principles on Internal Displacement denotes that IDPs flee not just persecution and conflict but also natural and man-made disasters and the effects of development projects.⁴ The definition of IDPs is much broader than that of refugees. The other fundamental difference relates to the fact that refugees cross internationally recognised borders, whereas IDPs remain within the geographical boundaries of a state. Furthermore, whereas the definition of a refugee is a legal category provided for in an international convention, the definition of IDPs is descriptive and has no legal standing.⁵ It goes without saying that the



The Guiding Principles on Internal Displacement denotes that IDPs flee not just persecution and conflict but also natural and man-made disasters and the effects of development projects.

situation of IDPs is complicated, because their existence and rights depend on the very political authorities who caused their displacement in the first place.

Perhaps one of the most important implications for the differences between refugees and IDPs is that it is more difficult to discern when displacement comes to an end for an IDP than it is for a refugee. For instance, refugees can stop being refugees in one or more of the following ways: when they cross back over the international border into their country of origin, when their legal status is rescinded, or when their status is transferred to that of a citizen. Conversely, IDPs have not crossed a border, have no legal status and are always citizens of the country where they are displaced.

However, both refugees and IDPs are the product of ideological wars and nationalist conflicts, of environmental disasters and ethnic hatred, of brutal ambition for power of a few and the poverty and impoverishment of many. Since the end of the Cold War, a number of African countries – for example Algeria, Angola, Ethiopia, Eritrea, Uganda, Somalia, Liberia and Sierra Leone, to mention only a few – have experienced violent internal conflicts that have resulted in the displacement of people, either internally as IDPs or externally as refugees.

Although the situation in most of these countries appeared to improve significantly in the last decade, with substantial numbers of IDPs beginning or continuing to return home, many other countries have experienced a clear deterioration of their situation – such as in the Central African Republic (CAR) and Chad. In fact, Chad has appeared for the first time on a list of displacement-producing countries, with no indication of an imminent improvement to the situation. Needless to say, the situations in Sudan and Somalia have remained complex, with the international community continuing to struggle to find solutions in the Darfur region, where violence and human rights abuses continue unabated. In short, Africa has suffered immensely from conflict-related displacement for years. There is a school of thought that denotes that if such protracted displacement situations are left to fester without any effort at finding long-term solutions, they may in themselves harbour the seeds for renewed conflict.

Displacement and Peace Nexus

Displacement and sustainable peace are linked – sustainable peace cannot be achieved unless the issues of refugees and IDPs are effectively handled. Ending conflict displacement on the African continent is



A group of internally displaced people being transported by bus to Unity state in south Sudan (October 2010).

essentially dependent on finding political solutions and engaging in meaningful peace and reconciliation processes. Whilst the bulk of the political will to end violence must come from within the individual countries, the international community also plays an important role, facilitating peace processes and aiding in the reconstruction of infrastructure. Fulfilling this role is very difficult in the complex and historically charged African context, where interests other than the humanitarian, tend to have more importance. As a result, international humanitarian aid often remains ad hoc and short term. Initiatives such as the United Nations (UN) cluster approach⁶, which is being piloted in Africa, and the Peace Building Commission's work in Burundi, aim to provide more predictable and long-term aid to countries in conflict, and to assist in the always-fragile transition from conflict to peace.

It can be argued that resolving displacement is often inextricably linked with achieving sustainable peace, for a number of reasons. Most fundamentally, IDPs and returning refugees – like all other war-affected civilians – have rights grounded in international human rights and humanitarian law, and states have an obligation to protect those rights.

Another interesting dimension to the displacement–peace nexus is the sheer number of refugees and IDPs affected by the exigencies of war. On a global scale, in one quarter of

the countries currently in conflict, over five percent of the population is internally displaced. For instance, there are over one million IDPs in Colombia, the Democratic Republic of the Congo (DRC), Somalia, Sudan and Uganda.⁷ Therefore, in countries such as these, the sheer scale of displacement makes it simply unrealistic to plan for the peaceful future of the country without incorporating the needs of the displaced and ensuring their active participation.

The attainment of sustainable peace demands that both the 'victor and the vanquished' – the displaced and those who remained – should all be included in the post-settlement peacebuilding process. Thus, refugees and IDPs need to be included in the negotiations for sustainable peace, since their exclusion will invariably create another disgruntled group of people, who in the long run will return to cause chaos. This point is further buttressed by Van der Veen's argument that the largest group of Liberian exiles and refugees – who

DISPLACEMENT AND SUSTAINABLE PEACE ARE LINKED – SUSTAINABLE PEACE CANNOT BE ACHIEVED UNLESS THE ISSUES OF REFUGEES AND IDPS ARE EFFECTIVELY HANDLED

were not included in the earlier attempts to finding a lasting solution for the country – became part of the rebel movement, the National Patriotic Front of Liberia (NPFL), which eventually became the strongest resistance movement to President Samuel Doe's regime.⁸

Including displaced populations at an early stage in a peace process can create the momentum needed for them to be active participants in post-conflict peacebuilding. More widely, their broad-based civil society participation in political processes – including peace processes – is increasingly seen as good practice, since refugees and IDPs need to be restored to an acceptable place in post-war society. The assumption here is that if they remain displaced and excluded from normal life, they will remain a source of tension and pressure, both politically and socially. Even if the ideal of 'return' may not be realistic or desirable – as peace may not be achievable in the areas or places they have fled – it would, therefore, make political sense to deal with their issues conclusively to ensure sustainable peace.

Unresolved problems of displacement have a greater potential to cause instability and impact on peace efforts and peacebuilding processes. On the other hand, durable solutions – especially the issue of return – cannot be achieved

for refugees and IDPs as long as there is a lack of security, property is not restored and conditions for sustainable solutions – including reconciliation between communities and returnees, post-conflict reconstruction and the re-establishment of the rule of law and legitimate government – are not in place.

Maluwa was insightful in his statement that the repatriation of refugees is a central thesis of sustainable peace. He argues that the question of refugees should be discussed in the context of regional peace and security.⁹ For example, in the Mano River region, refugees from Sierra Leone were involved in the war in Liberia, and vice versa. He cites the fact that refugee movements can also exacerbate and influence relations between states in a number of ways. First, refugee populations can be used as a recruiting ground for national liberation movements, and humanitarian assistance given to such groups has, on occasion, been used to sustain the liberation effort. Second, the presence of refugees in a particular state's territory can heighten domestic political tensions at a regional level. For example, during the war in Mozambique, some refugees fled to Malawi, which is a poor country. During that period, Maluwa posits that there was much resentment from the Malawians towards the refugees



REUTERS / THE BIGGER PICTURE

Refugee students outside their classroom at the Nyarugusu refugee camp in north-west Tanzania. Tanzania has naturalised 162 000 refugees from Burundi.



Zimbabwean refugees live in a Methodist Church in Johannesburg, South Africa. Up to 2 000 Zimbabweans, many of them victims of the 2008 xenophobic violence in South Africa, seek shelter nightly at the church for security.

and every problem – from scarcity of goods and services, the rise in crime and poverty – was blamed on the refugees. The same situation is true of Zimbabwean refugees in South Africa, Congolese refugees in Zimbabwe, and so on.

As noted elsewhere in Africa – for instance in Rwanda, Burundi, the DRC, Sierra Leone and even Liberia – Whittaker made an interesting observation that often, in certain circumstances, the “agents of assassination and genocide were among those looking for sanctuary”.¹⁰ Is it possible that the return and reintegration of such individuals could result in a new wave of violence? This point is further buttressed by Stephen John Stedman, who challenges the strongly held view that the return of refugees is synonymous with sustainable peace. He notes that the complex relationship between refugee repatriation and successful peace implementation at times depends upon the context of the conflict and the rhetoric of the implementers.¹¹ For instance, in wars that are about the exclusion of people – such as in Bosnia and Rwanda – insistence on repatriation to areas where ethnic cleansers were ‘successful’ can lead to a resumption of violence.

Another interesting dimension is provided in the case of El Salvador, where the fact that many refugees were resettled in other countries and not repatriated contributed to the successful implementation of the peace accords. Refugees who were resettled in other countries also became a crucial source of needed capital at home, through remittances of income. And because so many refugees were resettled, those who did repatriate faced less competition for scarce jobs and land. Thus, it does not always follow that the return of refugees will eventually lead to sustainable peace.

In certain situations, displaced persons are unable to return to their places of origin and homes – or their return is not sustainable – because they are not welcomed by local communities, and encounter discrimination or even acts of violence. Intercommunal and intracommunal tensions over access to land and water may further exacerbate IDPs’ and returnees’ fear for their physical safety, and lead to further outbreaks of violent clashes. The reintegration of refugees not only requires political will at the top level of society, it must also be matched at the level of families and neighbours. Creating and maintaining an environment that is safe enough



Somali nationals demonstrate outside the Parliament building in Cape Town, South Africa, against xenophobic attacks and demand that the United Nations High Commissioner for Refugees (UNHCR) take over the running of relief centres (June 2008).

for displaced persons to return to their homes and places of origin is an important task of peacebuilding efforts. Where impunity prevails, durable solutions for displaced persons are not possible, and such impunity may create new tensions. Often, the safety of displaced persons and returnees can be threatened by criminal elements among the local population, or by returning combatants who have been demobilised but have not successfully reintegrated into civilian life. In such cases, return will not take place or will not be sustainable without the presence of adequate security measures in areas of return.

Although the human needs theory is quite contentious in interpretation, one of the challenges to sustainable peace in Liberia and many post-conflict societies is that refugees return

to their places of origin to begin anew. In such instances, they need basic necessities of life to be provided by the government or the international community, through repatriation agencies. In most post-violence countries, returnees have no access to such basic necessities, such as safe drinking water, healthcare, food and sanitation facilities. The reconstruction of the basic livelihoods of returnees, therefore, becomes a precondition for sustainable peace and stability.

Tensions between local communities and displaced persons are often related to disputes over resources and property. Lack of reconstruction of destroyed houses or non-return of property left behind – taken over by either the local population or persons who themselves have been displaced – create serious obstacles to return. Female heads of households, orphans or unaccompanied children may face particular problems recovering property. The situation of certain minorities or indigenous peoples can be particularly problematic – especially when they hold traditional titles not recognised by the authorities. The judiciary may be overburdened or otherwise unable to solve property disputes.

PERHAPS ONE OF THE MOST IMPORTANT IMPLICATIONS FOR THE DIFFERENCES BETWEEN REFUGEES AND IDPs IS THAT IT IS MORE DIFFICULT TO DISCERN WHEN DISPLACEMENT COMES TO AN END FOR AN IDP THAN IT IS FOR A REFUGEE

The following measures may contribute to reducing property disputes and thus stabilising peace: registering land left behind by displaced persons, and updating or creating land registries; taking appropriate legal measures to recognise the property rights of women and orphans; formalising informal forms of property traditionally held by minorities or other vulnerable groups, and restoring collective forms of property to indigenous peoples; establishing administrative mechanisms to handle large numbers of property disputes or to provide compensation for damage; establishing efficient law enforcement mechanisms to enforce orders to vacate and restore to its lawful owner property belonging to displaced persons and returnees; and developing transparent and equitable alternatives if the restitution of property involves the eviction of other displaced persons.

In many post-conflict situations, the creation of adequate economic, social and political conditions to make return sustainable for displaced persons remains a huge challenge. When there are not any schools or even the most basic health services, people will prefer to remain in the areas to which they fled. Where basic infrastructure – such as water, roads or electricity – is destroyed, economic activities may be



In most post-conflict countries, returnees find that they are unable to sustain themselves and have no access to basic necessities, such as food, water, healthcare and sanitation facilities.

impossible. Limited access to employment and other forms of livelihood is another major factor deterring people from returning; and pre-displacement patterns of discrimination based on ethnicity, political affiliation and gender add to the difficulties that returnees face in accessing already-strained labour markets. The absence of or high interest rates for micro-credit and bank loans make it difficult to restart businesses or to bridge the time until agricultural land is productive again. In order to make return sustainable and thus to stabilise the situation, it is important to coordinate closely and combine humanitarian assistance for returnees with recovery and development efforts from the outset, instead of planning these activities as consecutive phases.

The process of peacebuilding requires the establishment of a functioning legitimate government, which usually involves setting up a transitional administration, referenda on a constitution, elections and activities to ensure that the context in which elections take place is conducive to full participation by the population. In post-conflict situations, political participation can effectively contribute to peace, recovery and long-term development. Thus, taking political rights seriously – including the right to vote and take part in elections and referenda – is highly relevant to societies trying to emerge from conflict and build a more stable and

prosperous future. Protecting the civil and political rights of displaced people – the right to vote, to freedom of assembly and association, and of expression – allows displaced persons to play an active role in shaping their own future and that of their nation.

Conclusion

It can be concluded that, more than half a century after the independence of the majority of African countries and several years into the new millennium, the continent is struggling to deal effectively with the problem of refugees and IDPs. Tragically, a large number of them have been living in camp situations spanning several decades. The potential of these willing and able people to contribute to the development of communities and nations is being wasted. Keeping such a large number of people in limbo also has serious consequences for peace and stability. The inability to protect effectively, assist and find timely resolutions to the problems that created these displacement situations is posing a major threat to Africa's progress. It is, therefore, critical that increased attention be paid to the safe return and repatriation of refugees and IDPs, including their participation and integration into peace processes and public life. **A**



Internally displaced children at a makeshift camp outside Mogadishu, in Somalia (2009).

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- 3 The rights of refugees are codified in the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol. Article 33 of the Convention prohibits the contracting state or host from expelling or returning a refugee (*refoulement*) to the 'frontiers' of territories where his life or freedom is threatened.
- 4 Internal Displacement Monitoring Centre, 'Internal Displacement: Global Overview of Trends and Developments in 2007', Available at: <www.internal-displacement.org>.
- 5 *Ibid.*
- 6 The aim of the cluster approach is to strengthen partnerships and ensure more predictability and accountability in international responses to humanitarian emergencies, by clarifying the division of labour among organisations, and better defining their roles and responsibilities within the key sectors of the response.
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THE REFERENDUM FOR SELF-DETERMINATION IN SOUTH SUDAN AND ITS IMPLICATION FOR THE POST-COLONIAL STATE IN AFRICA

BY MUPENDA WAKENGELA AND SADIKI KOKO

South Sudan is scheduled to vote in a referendum in January 2011 to choose between remaining part of the current 'united' state of Sudan or breaking away to form an independent state. The referendum was provided for by the Comprehensive Peace Agreement (CPA), signed in January 2005 in Nairobi, between the National Congress Party (NCP)-led government of Sudan and the Sudanese People's

Liberation Movement/Army (SPLM/A) to end an over two decade-long civil war.

Above: The Southern Sudan Referendum Commission (SSRC) Chairperson, Mohamed Ibrahim Khalil, shows a sample voting card during a news conference at the SSRC headquarters in Khartoum (November 2010).



The case of Sudan may be regarded as unique in that a sitting African government agrees – notwithstanding the war predicament under which the agreement was reached – to grant secession rights to one of the country’s regions.¹ This is in major contrast to the dominant ideology among African states that do not regard self-determination as a viable option, informed by the historical Organisation of African Unity’s (OAU) 1964 Cairo Declaration on the intangibility of borders inherited from colonisation.

This article is an assessment of the possible implications of the forthcoming self-determination referendum in South Sudan for the post-colonial state in Africa. It seeks to understand if the case of South Sudan should be regarded as peculiar to Sudan alone or a symptom of an experience likely to spread to other post-colonial states in Africa. The article begins with a discussion on the formation and trajectory of the post-colonial state in Africa, and then focuses on the specific case of Sudan. The significance and implications of the self-determination referendum in South Sudan for the African post-colonial state is analysed, and the way forward for South Sudan, Sudan and the African state in general with regard to the issue of self-determination is also addressed.



REUTERS / THE BIGGER PICTURE

A South Sudanese man registers his name and collects his voting card at a registration centre in Khartoum, in preparation for the January 2011 South Sudan referendum (November 2010).



South Sudan independence supporters clash with riot police and pro-unity campaigners, in Khartoum, as tensions mount ahead of the referendum on southern secession (October 2010).

Formation and Trajectory of the African Post-colonial State

Virtually every colonised African state achieved independence amidst a passionate discussion among the elite over national unity or the 'national question'. By bringing people belonging to different tribal and racial groups together to form large colonial empires – as was the case in Sudan – colonisation had, in most cases, created states that were strongly marked by internal diversities. But, at the same time, the colonial system also split people and communities that were otherwise politically, economically and socially integrated prior to its advent. Moreover, the colonial system managed these multicultural societies with incoherent policies, concerned with the extractive objectives of colonisation rather than the interests of the newly established entities. First, whether British, French, Portuguese or Belgian, "colonialism was based on authoritarian command; as such, it was incompatible with any preparation for self-government."² Second, colonial authorities applied what is referred to as 'differential modernisation' – giving preference to some communities and geographical areas of the same colonial entity as opposed to others. The objective was to identify local allies

that could help protect the colonial establishment and, in so doing, divide the colonised and prevent the emergence of a unified anti-colonisation front among Africans. Third, on the eve of their departure, colonial authorities generally established alliances and networks with members of the elite in their strategy to ensure that colonial structures survived the nominal transfer of power to 'indigenous' people.

With only a few exceptions, post-colonial regimes in Africa have fared badly on issues of unity and nation-building. At independence, the general view among the African elite was that the urgent need to build national unity superseded all other challenges facing the new states. Therefore, liberties and freedoms (especially in the political realm) could be overlooked as the country focused on developing a sense of collective belonging among the divided populations. At the continental level, the preferred strategy to achieve unity took the form of pan-African ideology of which Ghana's first president, Nkrumah, became the most outspoken advocate. In its radical fashion, pan-Africanism challenged the relevance of state borders as imposed upon Africans by colonisation. Instead, it called for the unification of the continent into one political entity, as this was the only way for Africa to be of any relevance and



National authorities in Darfur organised the first training for officers who will monitor the registration process for those people originally from the South but currently living in Darfur (November 2010).

significance in the context of a politically and economically unequal world. At the national level, the focus on unification took the form of the single party system and the assumption of the idea of an imagined homogeneity.

Nkrumah's version of Pan-Africanism never materialised. Instead, states stuck to their heterogeneity, 'compensating' it with the need for increased intra-African cooperation – the embodiment of which became the OAU in 1963. Within states, the single party quickly turned into an instrument of domination in the hands of the ruling elite, with the suppression of dissent. As a result, mismanagement, misrule and unaccountable leadership became the order of the day. Under these circumstances, national economies collapsed while the living conditions of populations deteriorated drastically.

In order to survive against the backdrop of the prevailing uncertainties, the ruling elite resorted to political repression and violence, as well as making reference to 'identity group belonging' for political mobilisation. Externally, they established alliances with superpowers while relying on continuous borrowing to compensate for the consistent loss of legitimacy occasioned by political repression and ill-conceived socio-economic policies. But far from resolving

the core problems facing these regimes, the policy paths chosen only alienated the masses from the leaders further. By the late 1980s and early 1990s, the contradictions brought about by these processes of alienation were finally exposed, providing the masses with an opportunity to reclaim alternative governance models.

Understanding the Post-colonial State of Sudan

Sudan obtained independence in 1956 from a de facto double colonisation by Egypt and Great Britain. More than other previous regimes in the country, it was British colonisation that emphasised 'differential development' in Sudan. By 1924, "Britain had launched its 'Southern Policy' in the south of Sudan"³ with its two-pronged objective – namely to prevent the rising nationalism in the North from spreading to the South and eventually to British East Africa, and to crystallise the separation of the three southern provinces (Upper Nile, Equatoria and Bahr al Ghazal) from the rest of the country while encouraging their assimilation by the governments of the neighbouring British East African federation. It was thus no surprise that "[w]hen Sudan became independent in 1956 it was already a country deeply divided between the Muslim North and the Black South..."⁴



Students pray for Sudanese territorial unity at Umdorman town in the capital Khartoum, amid a vote for southern secession scheduled for January 2011 (October 2010).

Because of the unequal development systems applied in the country during the colonial period, the end of British colonisation simply gave place to the internal domination of the South by the North. This helps explain partly why the South Sudan first civil war was a secession war. It started in late 1962 before attaining formal organisation in 1963 under the leadership of Emilio Tafeng – a former lieutenant in the national army – under the banner of the ‘Anyanya’ movement, later renamed South Sudan Liberation Movement (SSLM). When the rebels failed to achieve their core objective, they settled for autonomy within the framework of the 1972 Addis Ababa Agreement – which granted autonomy to the South. The region was managed by the High Executive Council, led by the Southern president as well as the Southern Regional Assembly. While Arabic was recognised by both parties as the official language of Sudan, English was endorsed as the principal language of the South.

The negotiation of the Addis Ababa Agreement was made possible by the rise to power of Colonel Nimeiri, on 25 May 1969. “The coup [by Nimeiri] was a response to a situation in which there was no constitution, the political system was dominated by sterile sectarian interests, the economy was stagnant and there was no sign of an end to the war in the South...”⁵ However, Nimeiri’s ‘soft’ approach toward the South alienated him from radical and Islamist

politicians in the North, prompting him to reverse his commitment to the South through the introduction of a new administrative subdivision as well as the presidential system of guided democracy in the South in 1983. These ‘innovations’ systematically erased the autonomy of South Sudan.

Nimeiri was overthrown by members of the military, led by General Sewart El Dahab, on 6 April 1985. The subsequent Transitional Military Council (TMC) only ruled the country for a year before organising elections in April 1986. Once more, the elections produced a coalition government under Prime Minister Sadiq al-Mahdi of the Umma Party (UP). As was the case in the late 1960s, the civilian regime did not last, as was expected. On 30 June 1989, a group of army officers, led by General Omar al-Bashir, seized power through a bloodless coup. In spite of its previous call to al-Mahdi’s government to resolve the South question, the junta allied itself with the National Islamic Front (NIF) party, resulting in its strong inclination toward militarism and Islamist politics.

Al-Bashir has undoubtedly presided over the longest-serving regime of Sudan. However, his policy toward the South has not represented a radical change from those of his predecessors. Only when faced with persistent rebellion in the South, generalised tensions in virtually all of the country’s regions and international hostility, did his

regime opt for substantive negotiations with the SPLM/A. These negotiations resulted in the signing of the CPA, under the auspices of the Inter-Governmental Authority on Development (IGAD) in January 2005.

The SPLM/A Rebellion, the CPA and the Referendum

The Addis Ababa Agreement, signed between the government of Sudan and the SSLM, paved the way for the rebirth of the state of Sudan – at least as far as its relation with its southern ‘periphery’ was concerned. However, the optimism created by the agreement appeared short-lived after Nimeiri succumbed to pressure from radical and Islamist politicians in the North, to whom the agreement merely represented a capitulation by the central government. The radicalisation of the Nimeiri regime – climaxing in the decree in 1983 of Sharia as the law of the entire Sudan – coincided with the creation of the SPLM/A in the South.

The second civil war (1983–2005) was, to a large extent, the continuation of the first, except that it did not call for secession. In both instances, “the marginalisation of communities across Sudan from the locus of elite power [had] been at the heart of the conflict – to the extent of creating fertile playing ground for the manipulation of religion and ethnicity.”⁶ In spite of the atrocities that accompanied the conflict, the second Sudanese civil war was – like many other conflicts in Africa at that period – an ‘orphan’ of the Cold War. It thus failed to receive meaningful attention either from within Africa or the international community. However, thanks to IGAD’s facilitation, the government of Sudan and the SPLM/A agreed on a Declaration of Principles (DOP) in 1994. The DOP was neither a ceasefire nor a peace agreement; it was simply intended for the two parties to articulate issues on which they wished the talks to focus. These issues appeared to be power- and wealth-sharing, the autonomy of the South and its right to self-determination, the place of religion in state affairs and the issue of language.

The final resolution of the North-South conflict came with the signing of the CPA in 2005, still under the auspices of IGAD. Working within the framework of the DOP and other interim agreements reached earlier, the CPA provided, among others, for power-sharing in national government, the autonomy of the South, wealth-sharing between the North and the South, and the holding of a referendum for self-determination in the South on 9 January 2011.

The Referendum for Self-determination in South Sudan: Significance and Implications for the Post-colonial African State

As stated earlier, the upcoming referendum in South Sudan is unique in Africa as far as the post-colonial African state is concerned. It defies the ‘sacrosanct’ principle of the intangibility of borders, which was inherited from colonisation. Should the country’s government display full cooperation and support to the process, Sudan will

become the first post-colonial African state to allow its own ‘reconfiguration’, breaking away from the long-entrenched myth of the permanence of the post-colonial African state. To some extent, it may signal the beginning of a new era in African politics, serving as a precedent for excluded communities and regions in a given country to explore secession as an ultimate conflict resolution mechanism.

The implication for the possible secession of South Sudan should primarily be assessed with reference to the state of Sudan itself. In spite of long periods of socialisation to the politics of identity, both during British colonisation and under the post-colonial regimes, the South Sudanese do not necessarily constitute a homogeneous people. More than religion or race, it is marginalisation and oppression by the North that has, throughout the years, forged unity among the Southerners. The question therefore is: will this unity – forged because of ‘external’ threat and oppressive regimes – sustain itself among Southerners should South Sudan secede from the rest of the state of Sudan?

Secession in South Sudan will also have a major impact on the rest of the state of Sudan. Just as the war and the peace process in the South impacted directly on the situation in Darfur and beyond, there is likelihood that

SHOULD THE COUNTRY’S GOVERNMENT DISPLAY FULL COOPERATION AND SUPPORT TO THE PROCESS, SUDAN WILL BECOME THE FIRST POST-COLONIAL AFRICAN STATE TO ALLOW ITS OWN ‘RECONFIGURATION’, BREAKING AWAY FROM THE LONG-ENTRENCHED MYTH OF THE PERMANENCE OF THE POST-COLONIAL AFRICAN STATE

South Sudan will not be the last region of the current state of Sudan to demand the right of secession – especially if the region secedes in 2011. If anything, the struggles waged by the South have prompted all the regions of Sudan, including Khartoum, to question their own exclusion and marginalisation by the central state in Khartoum.

For the post-colonial African state in general, the possibility of secession in South Sudan is occurring in the context of ongoing attempts toward consolidating democracy on the African continent. The politics of democratisation that emerged in much of Africa in the early 1990s also signalled the ‘return’ of identity as a legitimate argument for political mobilisation. Virtually no African state has been spared the interference of the identity factor



Voter registration materials are loaded on a helicopter from the United Nations Mission in Sudan (UNMIS), for delivery to the country's remote counties, in preparation for the 2011 referendum.

in political contestations and competitions since 1990. However, the extent of this interference has varied and will continue to vary from country to country. Yet, it is a given that identities such as tribe, ethnicity, regional affiliation, religion and race will continue to play a significant role in the politics of many African countries. The quest for secession in South Sudan, which is generally regarded as a case of a failed attempt at equal political participation and socio-economic opportunities among people of different identities, may become a reference point for other excluded or marginalised groups and communities in other African countries. The South Sudanese experience may thus inspire

such groups and communities to explore secession as a means to address their perceived political exclusion and socio-economic marginalisation sustainably.

Last, the likelihood of a return to violence between the North and the South – either prior to the referendum or as a result of post-referendum contestations – is also of importance. This worst-case scenario will directly impact on countries bordering South Sudan – especially Uganda and the Democratic Republic of the Congo (DRC) and, to a lesser extent, the Central African Republic, whose regions bordering South Sudan either continue to experience

AT INDEPENDENCE, THE GENERAL VIEW AMONG THE AFRICAN ELITE WAS THAT THE URGENT NEED TO BUILD NATIONAL UNITY SUPERSEDED ALL OTHER CHALLENGES FACING THE NEW STATES. THEREFORE, LIBERTIES AND FREEDOMS (ESPECIALLY IN THE POLITICAL REALM) COULD BE OVERLOOKED AS THE COUNTRY FOCUSED ON DEVELOPING A SENSE OF COLLECTIVE BELONGING AMONG THE DIVIDED POPULATIONS

low-intensity violence or are attempting to consolidate the peace achieved after decades of protracted violence.

The Way Forward

The common question currently being asked by many observers is whether the referendum in South Sudan will indeed take place on 9 January 2011, as provided for in the CPA. The government of Sudan continues to emphasise its commitment to stick to the initial calendar. Similarly, the SPLM/A believes that “the Southern Sudan referendum is more important than the [2010] elections [...] and the south will defend it at all costs.”⁷

However, it can be argued that there is a low probability that the referendum will be held on 9 January 2011 as planned. The 2010 presidential, parliamentary and municipal elections, also provided for in the CPA, only took place two years after they were actually due. Also, as conceived by the CPA, the referendum was meant to be the culmination of the entire peace process. But, as it stands, issues such as border demarcation, final agreement on wealth-sharing and even campaigns by both the NCP and the SPLM/A toward Southerners “to make unity attractive” have not progressed as suggested, all prompting former United Nations Secretary-General, Kofi Annan⁸ to denounce the “selective implementation of the CPA”.

Furthermore, Abyei – which is due to hold its own referendum simultaneously with South Sudan in order to join either the North or the South – remains equally ill-prepared should the initial calendar be enforced. Even more important are the issues of the fairness of the process – whenever the referendum is held – and, subsequently, the likelihood of the acceptance of its result by both the NCP and the SPLM/A. In 2010, the SPLM/A “charged that the electoral process [had] been flawed long before the first ballot [was] cast, citing manipulation of census results and over registration, gerrymandered electoral districts, electoral insecurity, restricted access to media and the right to hold rallies and election laws drafted to favour President Bashir’s party”.⁹ Consequently, it pulled out its presidential candidate, Yassir Arman, arguing that the emergency situation in Darfur made it impossible to guarantee free and fair elections in the country.

Nevertheless, as a provision of the CPA, the referendum is unavoidable – even if it is not likely to be held on its planned date. Similarly, the unilateral declaration of independence plans being called upon by Southern youth movements – including those close to the SPLM/A – is not likely to materialise, let alone be endorsed by the SPLM/A central leadership. What is expected is a modicum of understanding between the NCP and the SPLM/A on a new date for the referendum – probably mid- to end-2011. And whatever the result of the referendum, the case of South Sudan will not leave the African post-colonial state intact, especially taking into account the process of democratisation

and democracy consolidation sweeping across the continent. Democracy implies the individual and collective right to choose, including the right to self-determination. ▀

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Endnotes

- 1 The Sudan case is in sharp contrast with Eritrea, which is generally regarded as the first case of self-determination in post-independence Africa. First, Ethiopia did not experience formal colonisation; it is not, therefore, a post-colonial African state. Second, the agreement for self-determination in Eritrea was not initially reached between a sitting government and a rebellion, instead between two rebel movements – the Eritrean People’s Liberation Front (EPLF) and the Ethiopian People’s Revolutionary Democratic Front (EPRDF) – which were allied in their ‘common’ struggle against the Mengistu regime in Addis Ababa.
- 2 Ruth First, cited by Arnold, G. (2005) *Africa: a Modern History*. London: Atlantic Books, p. 113.
- 3 Arnold, G. (2005), *op. cit.*, p. 33.
- 4 *Ibid.*, p. 130.
- 5 *Ibid.*, p. 253.
- 6 Jooma, M. (2005) Feeding the Peace: Challenges Facing Human Security in Post-Garang South Sudan. *ISS Situation Report*, p. 3.
- 7 Salva Kiir, cited by Kagwanja, P. and Kimaru, T. (2010). Sudan: Referendum Countdown. *Africa Policy Brief*, No. 2 (April 2010), p. 4.
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THE STATE OF PEACE AND SECURITY IN AFRICA

BY SABRINA ENSENBACH

For

the past few years, violence, wars and armed conflicts in Africa have been on the decrease, mainly as a result of significant African and international engagement in conflict resolution on the continent. However, according to the 2010 Global Peace Index (GPI)¹, on a global scale sub-Saharan Africa is the region least at peace, with 12 countries ranking among the lowest

20% of 149 countries measured for the 2010 GPI.² The lowest rated African countries – Somalia, Sudan, Chad and the Democratic Republic of the Congo (DRC) – even saw deteriorations in their scores compared to the previous year. Botswana was the most peaceful country on the continent ranking 33rd.



While the methodologies and indicators used for indices such as the GPI are not without criticism, they do underline a growing understanding that peace is more than a lack of violent conflict. A number of socio-economic, demographic, environmental and governance indicators serve as a useful tool to assess the state of peace and security in Africa. It is important to note, that the following indicators can be seen as direct and indirect consequences of, as well as driving forces behind, conflict.

The 2010 **Human Development Index (HDI)**, compiled by the United Nations (UN) Development Programme as an index combining life expectancy, educational attainment and income, classified 42 countries as showing low human development of which 35 were in Africa. Continent-wide, Zimbabwe scored lowest (rank 169 of 169 countries covered) and Libya scored highest (rank 53).⁴

The International Monetary Fund (IMF) estimates an **economic growth rate** for Sub-Saharan Africa

for 2010 at 4.7% real gross domestic product (GDP). Although some middle income and oil-exporting economies were hit hard by the global economic crisis, the region was able to avoid a contraction, growing by 2.1% in 2009.⁵ While this is a positive development, the human security impact of this growth rate was limited by an increase in total **military expenditure**. Latest data from the Stockholm International Peace Research Institute (SIPRI) estimate total military spending in Africa to have been US\$27.4 billion in 2009 (US\$17.4 billion in Sub-Saharan Africa and US\$10.0 billion in North Africa), a 6.5% increase in real terms compared to the previous year.

The rise in military spending, over the past decade, has been attributed to a mixture of military modernisation programmes, counterterrorism measures, internal security challenges and economic growth, particularly due to increased oil and gas outputs and revenues. Among the major established

military spenders in Africa are resource-rich countries such as Algeria, Angola, Nigeria, Libya and Sudan. Chad was among the emerging mid-level spenders.⁶ While several of these countries were found to be scoring low, that is, less peaceful, in the 2010 Global Peace Index, it should be noted that the causalities between conflict, natural resource endowment and military spending, are extremely complex.

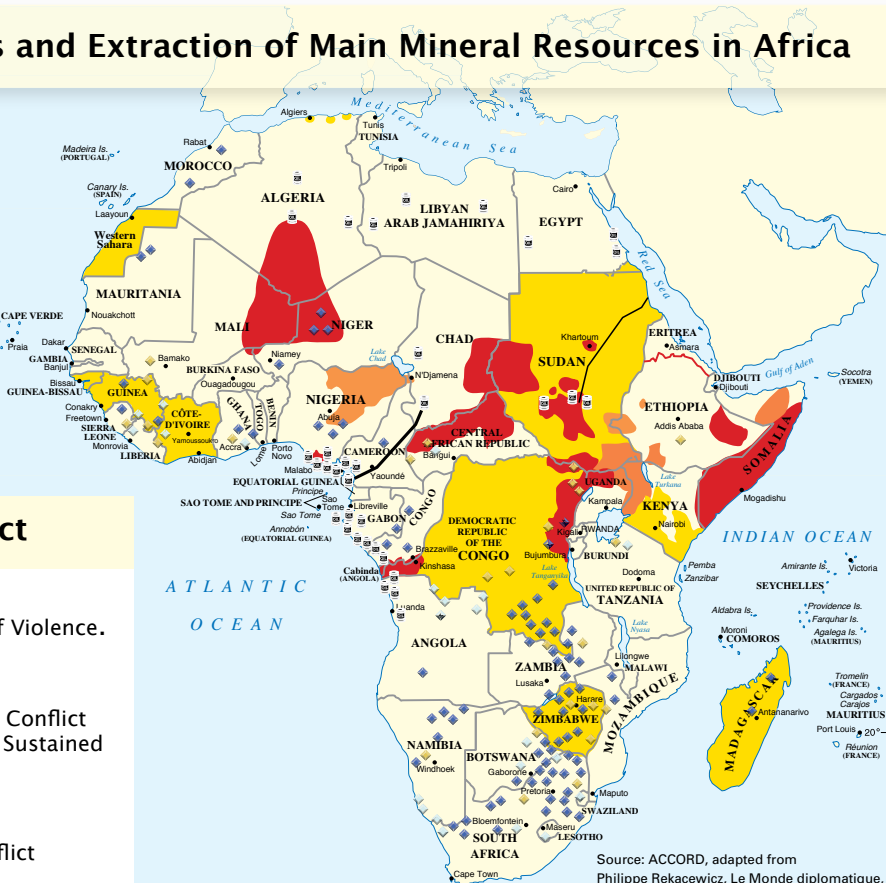
Several studies have found that **natural resources** and civil war are highly correlated.⁷ Yet, some resource-rich countries seem to be more conflict-prone than others. The DRC, for instance, experienced what has been called Africa's First World War and still faces conflict mainly in the East, while its neighbour, diamond-rich Botswana, has been a political and economic success for four decades. Natural resources do not trigger violence per se, though resource endowment may fuel and prolong conflict, as has been evident in Angola, Sierra Leone and the DRC.

Conflict Areas and Extraction of Main Mineral Resources in Africa

- ▼ Diamonds
- ◆ Gold
- 🛢️ Oil or Natural Gas
- Main Pipeline
- ◆ Other Mineral Resources such as Chrome, Tin, Iron, Manganese, Platinum Lead, Zinc, Aluminium, Uranium and Coal.

Types of Conflict

- Low**
Episodic Outbreaks of Violence.
- Medium**
Episodic Coordinated Conflict with the Potential for Sustained Armed Conflict
- High**
Sustained Armed Conflict



Source: ACCORD, adapted from Philippe Rekacewicz, Le Monde diplomatique, Paris, July 2004.

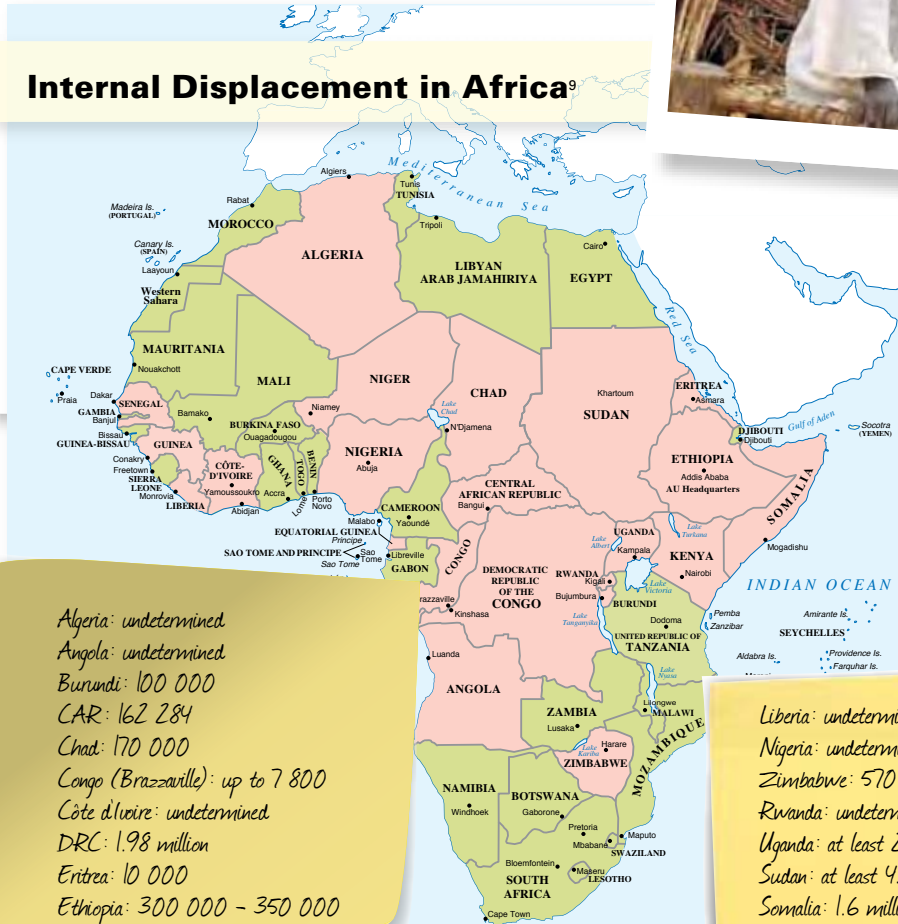
Conflict Areas and Extraction of Main Mineral Resources in Africa

Recent data on **internal displacement** shows that Africa is the most affected region, with a total of 11.6 million internally displaced persons (IDPs) in 21 countries, accounting for 40% of the global IDP population. Sudan has the largest number of IDPs in Africa with about 4.9 million people displaced, followed by the DRC with nearly 2 million IDPs and Somalia with 1.6 million IDPs.⁸



UN Photo/Evan Schneider

Internal Displacement in Africa⁹



Algeria: undetermined
 Angola: undetermined
 Burundi: 100 000
 CAR: 162 284
 Chad: 170 000
 Congo (Brazzaville): up to 7 800
 Côte d'Ivoire: undetermined
 DRC: 1.98 million
 Eritrea: 10 000
 Ethiopia: 300 000 - 350 000
 Kenya: undetermined

Liberia: undetermined
 Nigeria: undetermined
 Zimbabwe: 570 000 - 1 million
 Rwanda: undetermined
 Uganda: at least 295 000
 Sudan: at least 4.9 million
 Somalia: 1.6 million (estimate)
 Senegal: 10 000 - 40 000
 Guinea: 19 000
 Niger: 6 500

Africa's current overall **population** of 1.03 billion is projected to double by 2050 to 2.084 billion. Today, 38% of Africans live in urban areas, approximately half of them in slums. Rapid **urbanisation** will force many more into unplanned settlements with no, or poor, access to sanitation and other public services. Despite decades of poverty-reduction and development initiatives on the continent, poverty is widespread, with 65% of Africans living on less than US\$2 a day.¹⁰

Globally, Sub-Saharan Africa remains the region most affected by **HIV**, accounting for over two-thirds (67%) of all people living with the virus, and for nearly three quarters (72%) of Aids-related deaths. In 2008, approximately 22.4 million people in the region were living with HIV. Due to increased treatment, mainly as a result of reduced drug prices, in many countries infected people are now living longer than a few years ago.¹¹

Unemployment is a major problem among Africans, particularly amongst the youth. While **primary school enrolment** in Africa has increased, one in four African children still does not go to school. There will be approximately 23 million

African children not attending school by 2015. Those excluded from education are often girls, the poor, those living in remote rural areas or speaking a minority language, and children living in conflict zones.¹²

Africa's Demographics at a Glance¹³

- **Population (mid-2010):** 1.03 billion
- **Population projection:** 1.412 billion (mid-2025); 2.084 billion (mid-2050)
- **Urban population (2010):** 38%
- **Urban population living in slums (2005):** 51%
- **Population living below US\$2 per day (2009):** 65%
- **Life expectancy at birth (both sexes, 2010):** 55%
- **Gross National Income (GNI) per capita (PPP 2008):** US\$2 630
- **HIV/Aids among adult population (ages 15-49, 2007/2008):** 4.3%
- **Infant mortality rate (2010):** 76 per 1 000 live births



UN Photo/Yann Gamblin

There is no direct causality between these demographic indicators and conflict, yet they are indirectly linked to structural and direct violence. This also applies to **climate change and environmental degradation**. Water scarcity and desertification have led to food shortages, mass migration and inter-communal tensions on the continent; for example, pastoral conflicts in Sudan, Ethiopia and northern Kenya.

Socio-economic **marginalisation and inequitable distribution of power and influence** are evident in many African countries and are key drivers of conflict on the continent. Thus, political instability, the reappearance of unconstitutional changes of governments (through military coups), limited political freedom, election-related violence, corruption and human rights violations serve as governance-related indicators on the state of peace and security in Africa.

Indicating the level of threat posed to governments by social protest, the 2009/10 **Political Instability Index** ranked several African states at high and very high risk. The country with the highest political instability

worldwide was Zimbabwe, followed by Chad and the DRC. In fact, most countries with a very high risk of social unrest were in Africa. The African country with the lowest vulnerability to social and political unrest was Mauritius, which scored among the top 10 countries worldwide, just below Switzerland.¹⁴

In response to many of these stated challenges, international organisations such as the UN and the African Union (AU), as well as regional and subregional bodies, have engaged in various forms of intervention, including peacemaking initiatives, peace operations and post-conflict reconstruction. Among the commendable efforts and achievements of the AU, its member states and partners have been the creation of institutions and decision-making procedures of the AU's Peace and Security Architecture, including the Peace and Security Council, the Panel of the Wise, the Continental Early Warning System and the African Standby Force. In addition, over the past few years, the AU also intervened in very complex conflicts by deploying peace support operations; for example, in Burundi, Darfur and Somalia.

Ongoing Conflict Management and Peace Operations in Africa¹⁵

Country	Mission	Beginning of Operation
Western Sahara	United Nations Mission for the Referendum in Western Sahara (MINURSO)	April 1991
Guinea-Bissau	United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS)	January 2010
Sierra Leone	United Nations Integrated Peacebuilding Mission in Sierra Leone (UNIPSIL)	October 2008
Liberia	United Nations Mission in Liberia (UNMIL)	September 2003
Côte d'Ivoire	United Nations Operation in Côte d'Ivoire (UNOCI)	April 2004
	Opération Licorne	February 2003
Central African Republic	Mission for the Consolidation of Peace in Central African Republic (MICOPAX)	July 2008
	United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA)	April 2009
Central African Republic/Chad	United Nations Mission in Central African Republic and Chad (MINURCAT)	January 2008 <i>(ends December 2010)</i>
Democratic Republic of the Congo	United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO)	July 2010
	European Union Police Mission for the Democratic Republic of the Congo (EUPOL RD Congo)	July 2007
	European Union Mission to Provide Advice and Assistance for Security Sector Reform in the Democratic Republic of the Congo (EUSEC RD Congo)	June 2005
Burundi	United Nations Integrated Office in Burundi (BINUB)	January 2007
Sudan	United Nations Mission in Sudan (UNMIS)	March 2005
	African Union/United Nations Hybrid Operation in Darfur (UNAMID)	October 2007
Somalia	United Nations Political Office in Somalia (UNPOS)	April 1995
	African Union Mission in Somalia (AMISOM)	February 2007
Somalia (operating in Uganda)	European Union Military Mission to Contribute to the Training of Somali Security Forces (EUTM Somalia)	April 2010
Somalia/Gulf of Aden	European Union Naval Force Somalia – Operation ATALANTA (EU NAVFOR Somalia)	December 2008

Today, much remains to be done to address conflict, both latent and manifest, on the continent. Among the regions and countries of concern are:

- Sudan, particularly with regard to the January 2011 referendum on Southern independence, which may have repercussions for the entire continent;
- The Horn of Africa, including Somalia, which has been without an effective government for the past 20 years and is widely considered the epitome of a failed state;
- Central African Republic and Chad, with MINURCAT withdrawing at the end of 2010 and elections to be held in 2011;
- The Great Lakes region, particularly the DRC (ongoing violence in the east and presidential and legislative elections planned for 2011);
- The Sahel region, with increased activities of Al-Qaida in the Islamic Maghreb (AQIM) and upcoming elections in Niger and Mauritania;
- Several countries in West Africa – particularly Guinea, Côte d'Ivoire and Nigeria – which recently held, or will shortly hold, elections; and
- Zimbabwe, with growing differences among parties to the 2008 Global Political Agreement.

The nature, dynamics and complexities of conflict in Africa indicate that no single entity will be able to shoulder these challenges alone – making effective cooperation and coordination between all stakeholders, including civil society organisations, more critical than ever. Learning from preceding failures and successes and being prepared to face the challenges that lie ahead are important steps towards peace and security on the continent. Far from the homogenous and hopeless continent often depicted by the international media, Africa actually has great potential to overcome both direct and structural violence so that peace can take root and eventually become a reality for the continent. ▲

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Endnotes

- 1 (2010) *Global Peace Index: 2010 Methodology, Results and Findings*. Sydney: Institute for Economics and Peace. The GPI is composed of 23 qualitative and quantitative indicators, which combine internal and external factors ranging from a nation's level of military expenditure to its relations with neighbouring countries and the level of respect for human rights. The GPI is collated and calculated by the Economist Intelligence Unit and is intended as a review of the state of peace in nations over the previous calendar year, although several indicators are based on data covering the previous two years (2008-09 in the case of the 2010 GPI).
- 2 These countries are: Somalia (ranked 148th), Sudan (146th), Chad (141st), DRC (140th), Nigeria (137th), Central African Republic (136th), Zimbabwe (135th), Burundi (131st),

Ethiopia (127th), Mauritania (123rd), South Africa (121st) and Kenya (120th). *Ibid.*, p. 17.

- 3 Global Peace Index (GPI) Map – 2010, Available at: <<http://www.visionofhumanity.org/gpi-data/#/2010/score/>>. Accessed on: 31 October 2010.
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- 5 International Monetary Fund (2010) World Economic Outlook April 2010: Rebalancing Growth, pp. 64–68.
- 6 Stockholm International Peace Research Institute (SIPRI) (2010) 'SIPRI Yearbook 2010: Armaments, Disarmament and International Security. Summary', pp. 10–11; SIPRI (2010) 'Military Expenditure: Africa', Available at: <<http://www.sipriyearbook.org/view/9780199581122-gill/sipri-9780199581122-div1-39.xml>> Accessed on: 31 October 2010.
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- 9 Data as of October 2010. *Ibid.*
- 10 Population Reference Bureau (2010) 'DataFinder', Available at: <<http://www.prb.org/DataFinder.aspx>>. Accessed on: 1 November 2010.
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- 12 United Nations Educational, Scientific and Cultural Organization (2010) 'Education for All Global Monitoring Report: Reaching the Marginalized', Available at: <www.efareport.unesco.org> Accessed on: 1 November 2010.
- 13 Population Reference Bureau (2010), *op. cit.*
- 14 Economist Intelligence Unit (2010) 'Political Instability Index 2009/10', Available at: <http://viewswire.eiu.com/site_info.asp?info_name=social_unrest_table&page=noads> Accessed on: 1 November 2010.
- 15 As of September 2010. See Center for International Peace Operations (2010) 'Crisis Prevention and Peace Operations 2010', Available at: <<http://www.zif-berlin.org/en/analyse-und-informationen/publications.html>> Accessed on: 31 October 2010.



UN Photo/Logan Abassi

A DANGEROUS PRECEDENT: THE CONSEQUENCES OF PROHIBITING ENGAGEMENT WITH NON-STATE ARMED GROUPS

BY CHRISTOPHER THORNTON



REUTERS / THE BIGGER PICTURE

On 21 July 2010, exactly one month after the United States (US) Supreme Court delivered its controversial judgment in *Humanitarian Law Project (HLP) versus Holder*, representatives of a Darfur armed opposition group, the Justice and Equality Movement (JEM), met with United Nations (UN) officials in Geneva to sign a historic Memorandum of Understanding (MoU) on the Protection of Children in Darfur with United Nations Children's Fund (UNICEF) representatives.

This event marked the culmination of seven years of engagement by the Centre for Humanitarian Dialogue (the

HD Centre) with armed opposition groups in Darfur. The HD Centre initially became involved in the Darfurian conflict in April 2003, providing support to the joint African Union

Above: The leader of the Justice and Equality Movement (JEM), Khalil Ibrahim, sits with his field commanders during a meeting with United Nations-African Union Special Envoys for Darfur, at an undisclosed location in Sudan's Western Darfur region (April 2008).



The mere existence of the *Humanitarian Law Project versus Holder* judgment and subsequent law will deter individuals from engaging with non-state armed groups - such as the Justice and Equality Movement (JEM) soldiers pictured here - on humanitarian and other important issues.

(AU)-UN peace process. However, as problems in the political process ossified into an intractable stalemate, in 2008 the HD Centre shifted its focus onto addressing humanitarian issues.

In the agreement, JEM expressed its intention to meet the requirements contained within a panoply of national and international instruments and resolutions concerning the protection of children. These include, *inter alia*, the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, the 2009 Child Act (enacted under the Sudanese legislative system), and many Security Council Resolutions. Furthermore, JEM committed itself to support the work of UNICEF and take steps itself to ensure the safety and protection of children. JEM also agreed to submit to independent verification and monitoring, and to issue periodic reports on the implementation of the MoU.

One might imagine that the engagement of armed groups towards such positive ends would attract universal approval from states ostensibly committed to the promotion of human rights and international humanitarian law (IHL). However, the Sudanese government reacted with opprobrium to the signing of the agreement. Sudan perceived the signing of a bilateral agreement between an international organisation and a non-state armed group (NSAG) operating on its territory as a violation of its sovereignty. The spokesperson of the Sudanese

Ministry of Foreign Affairs, Mouawya Osman Khalid, stated that JEM had no territory under its control and rejected JEM's stated ambitions to ensure the protection of children as false, arguing that they continue to use and recruit child soldiers.¹ While this reaction may have been understandable from the Sudanese government, the reasoning behind it revealed an all-too-common perception, shared by many states, which threatened to undermine efforts to engage NSAGs to improve compliance with humanitarian and human rights norms.

IN *HLP VERSUS HOLDER*, ON 21 JUNE 2010 THE US SUPREME COURT FOUND THAT THE PROVISION OF HUMANITARIAN ASSISTANCE – AND EVEN LEGAL OR POLITICAL ADVICE OR TRAINING – MAY CONSTITUTE PROVISION OF “MATERIAL SUPPORT OR RESOURCES TO A FOREIGN TERRORIST ORGANIZATION”

In *HLP versus Holder*, on 21 June 2010 the US Supreme Court found that the provision of humanitarian assistance – and even legal or political advice or training – may constitute provision of “material support or resources to a foreign terrorist organization”.² The judgment responded to a number of complaints filed in 1998 and 2003 by organisations and individuals who had provided training and advice to designated terrorist organisations. These organisations and individuals challenged the constitutionality of the “material support” statute (18 United States Code § 2339B) on the basis that it violated the First Amendment on the right to free speech.³

Although neither JEM nor any other Darfurian NSAG is designated as a terrorist organisation by the US State Department, this judgment now criminalises efforts akin to the pursuit of the JEM-UNICEF agreement with a wide range of NSAGs – from the Real Irish Republican Army (RIRA) to the Revolutionary Armed Forces of Colombia (FARC). The implications of this judgment are not limited to US citizens and residents, but anyone who lands on US soil or is theoretically extradited – although this is highly unlikely – after the prohibited conduct occurs. While some correctly highlight that this law is unlikely to be strictly enforced against humanitarian workers or human rights advocates, its mere existence has the effect of deterring individuals from engaging with proscribed groups on humanitarian issues.

Chief Justice Roberts, delivering the opinion of the majority, argued that:

*‘Material support’ is a valuable resource by definition. Such support frees up other resources within the organization that may be put to violent ends. It also importantly helps lend legitimacy to foreign terrorist groups – legitimacy that makes it easier for those groups to persist, to recruit members, and to raise funds – all of which facilitate more terrorist attacks.*⁴

These arguments do not withstand close scrutiny. First, let us examine the contention that support frees up resources for violent activities. Under the terms of the MoU, JEM agreed to designate a senior official to be responsible for oversight of the MoU’s implementation, another official to liaise with the UN, and a sufficient number of officials to serve as emergency contacts for the UN and other external actors. As previously mentioned, it also agreed to facilitate monitoring of the agreement and to report periodically on its implementation. For a NSAG estimated to have less than 5 000 fighters, this represents a significant commitment of relatively high-level personnel. Additionally, JEM guaranteed full security and access to UNICEF staff: another drain on resources and personnel. Furthermore, if JEM – despite its claims to the contrary – had been utilising child soldiers or even using children in a non-combatant supportive role (also prohibited under the agreement), it exposed itself to the risk of losing this source of manpower by agreeing to abide by this agreement.



The United States Chief Justice of the Supreme Court, John G. Roberts, delivered the opinion of the majority that “material support” helps lend legitimacy to foreign terrorist groups.

Other similar agreements also entail a commitment of staff and resources on the part of the NSAG. For example, Geneva Call, which encourages NSAGs to subscribe to a ban on the use of anti-personnel mines, reported in 2007 that, out of 35 signatories to its Deed of Commitment, 29 fulfilled reporting requirements. Additionally, all 20 groups approached facilitated monitoring missions, and most undertook and/or cooperated with mine action.⁵ In return, the only assistance provided to these groups was related to mine action, clearly designed to help them avoid the indiscriminate killing that characterises ‘terrorist’ activities. None of these measures can be identified as directly freeing up resources that could then be put to violent ends.

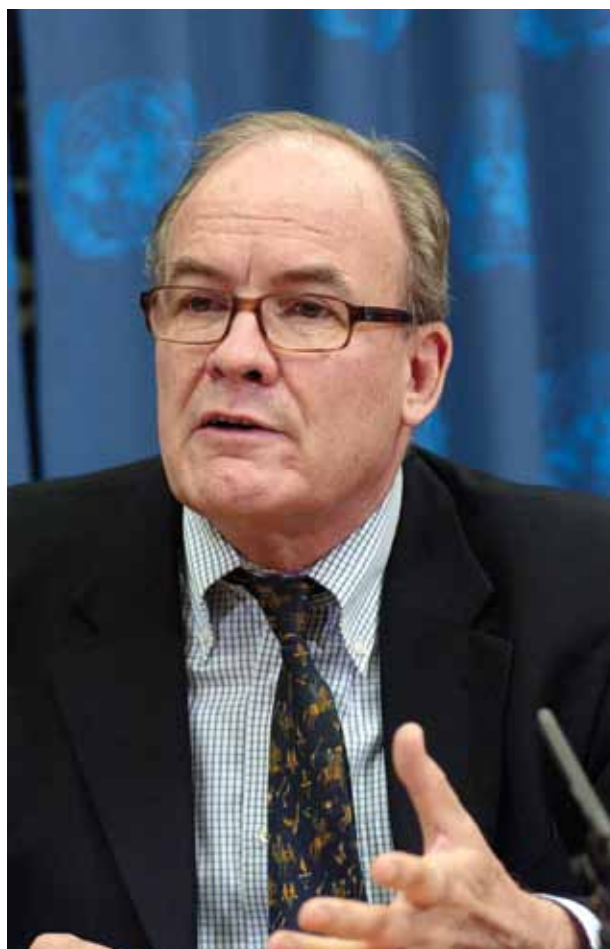
We may, however, have to concede that if, as JEM have claimed, it is currently using resources to protect children, the involvement of UNICEF may free up some of these resources for military operations. This is not a unique characteristic of this form of activity. Judge Roberts’ reference to the

fungibility of “material support” is blatantly hypocritical. The US government provided over US\$74 million to the Burmese people in the aftermath of Cyclone Nargis, despite extant sanctions against the Burmese regime. This assistance included the construction of shelters, wells and the provision of medical services. These activities should be conducted by the state and, consequently, their provision by international donors arguably allowed resources to be diverted to the personal enrichment of the military junta or the purchase of arms for the repression of the Burmese people. The intention of this rather sophistic argument is to demonstrate that humanitarian assistance is almost inevitably fungible, yet this does not negate the legitimate humanitarian motivations for providing such assistance.

Let us turn now to Justice Roberts’ second argument, regarding the conferring of legitimacy through engagement. Dennis McNamara, Senior Humanitarian Adviser at the HD Centre and the broker behind the JEM-UNICEF agreement, argues that, “The hang-up with legitimacy is a major stumbling block in peacemaking today.”⁶ Drawing on his experience as head of the Human Rights component of the UN Transitional Authority in Cambodia (UNTAC), he suggests that, “When we negotiated with the Khmer Rouge, we did not confer legitimacy. It was a pragmatic decision. Now, they are on trial.”⁷ Engagement on humanitarian issues may actually strengthen the case for international judicial action, if monitoring throws up evidence indicating violations of the terms of the agreement.

NSAGs are under no illusion that instruments which they conclude with NGOs or international organisations in any way officially transform their legal status and most, if not all, agreements contain a clause to this effect. For example, the JEM-UNICEF agreement states in Article 4.5 that: “This Memorandum of Understanding shall not affect the legal status of any party to the armed conflict.” Similarly, Article 6 of Geneva Call’s Deed of Commitment states that: “This Deed of Commitment shall not affect [signatory NSAGs] legal status pursuant to the relevant clause in common Article 3 of the Geneva Conventions of August 12, 1949.” And the aforementioned common Article 3 states that: “The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.” This article also applies to so-called special agreements between two parties to a non-international armed conflict, as allowed for in Article 7 of the Fourth Geneva Convention.

Perhaps, one may credibly contend that legal status has little to do with legitimacy. However, is it such a bad thing if the international community sends a clear message to NSAGs that, if they want to be treated as legitimate actors and have their claims and grievances taken seriously, they must agree to abide by humanitarian and human rights norms? Providing advice and guidance to this effect is a clear contribution to convincing NSAGs to renounce ‘terror tactics’. Furthermore, the act of denunciation, if the agreement is not complied with, may have the opposite effect to that envisaged by Justice Roberts: rendering it more difficult for these groups to recruit and raise funds from idealistic or unsuspecting individuals. Agreements expose NSAGs to external scrutiny and may jeopardise their reputation and support, if they do not honour their commitments.



Dennis McNamara, Senior Humanitarian Adviser at the Centre for Humanitarian Dialogue and the broker behind the JEM-UNICEF agreement.

Given that most international treaties on human rights and humanitarian norms demand that states enforce the provisions of the treaty throughout its territory, are these agreements with NSAGs redundant? Article 4 of the Optional Protocol to the Convention on the Rights of the Child states that:

1. *Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.*
2. *States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.*⁸

Therefore, all children within the territory of Sudan – which is a party to the Optional Protocol – should be protected against involvement in armed conflict.

However, as Jean-Marie Henckaerts rightly asks, “How can it be expected that insurgents comply with a treaty that has been ratified by a government they do not recognize and which they try to overthrow?”⁹ The legal principle that states are bound to ensure compliance with these norms throughout



In their engagement with the Lord’s Resistance Army (LRA), the International Committee of the Red Cross (ICRC) recognised that beginning with the issue of child soldiers would be counter-productive, as abductions to recruit child soldiers were an integral part of the LRA’s modus operandi.

their territory is of little succor to civilians residing in territory under the de facto control of a NSAG. The Supreme Court specifically referred to the Kurdistan Workers’ Party (PKK) in Turkey and the Liberation Tigers of Tamil Eelam (LTTE) – a now-defunct Sri Lankan NSAG – as examples of organisations to which assistance is prohibited. Both of these organisations have, at various points in their history, controlled swathes of populated territory and have engaged in humanitarian and political activities, as was recognised by the court. It is reckless and irresponsible to prohibit engagement with NSAGs that exert de facto control over territory and people. Although sometimes agreements are not fully implemented – for example, the Action Plan for Children Affected by War, agreed to by the LTTE in 2003 – agreements directly with NSAGs provide better guarantees of protection than agreements with the states fighting these groups. Ultimately, one can conclude with Andrew Clapham that, “States may fear the legitimacy that such commitments seem to imply – but from a victim’s perspective, such commitments may indeed be worth more than the paper they are written on.”¹⁰

Evidently, all NSAGs cannot be engaged in the same way or achieve the same results: “Tailor-made approaches must be the motto.”¹¹ While JEM has repeatedly demonstrated that it is a political actor, it is difficult to find a basis for engagement

with some other NSAGs – for example, the Lord’s Resistance Army (LRA). However, the seeming irrationality of a particular NSAG should not be held a priori to preclude engagement. The International Committee of the Red Cross (ICRC) has repeatedly demonstrated that getting NSAGs to respect human rights and IHL is a process of persuasion and attrition. In dealing with the LRA, the ICRC recognised that beginning with the issue of child soldiers would be counter-productive, as abductions were an integral part of the LRA’s modus operandi. Instead, respect for the emblem of the Red Cross provided an entry point into negotiations and allowed for the dramatic improvement of assistance to victims of the conflict. An NSAG’s refusal to accept all humanitarian and human rights norms immediately does not justify the disqualification of this group as irredeemable; compliance can be gradually improved as trust is built.

Although some – in the legitimate interest of maintaining the distinction between humanitarian and political activities – may disagree, negotiations on humanitarian and human rights issues have broader political implications. As David Petrasek notes, in El Salvador, agreement on human rights issues improved confidence between the parties and, in Aceh, a “humanitarian pause” acted as a prelude to a ceasefire agreement.¹² Julian Hottinger suggests that



A United Nations Children’s Fund (UNICEF) representative immunises a child against polio in Afghanistan. The anti-polio campaign in Taliban-controlled areas is leading to collaboration between the insurgents and the Karzai administration.

humanitarian negotiations can initiate NSAGs into the discourse of diplomacy, easing their later participation in peace negotiations by “getting them used to discussing issues instead of fighting them”.¹³ The anti-polio campaign in Taliban-controlled areas of Afghanistan, negotiated by the ICRC, “is already leading to de-facto collaboration between the insurgents and representatives of Mr Karzai’s administration.”¹⁴ Parallels between this so-called ‘vaccination diplomacy’ and the ‘ping-pong diplomacy’ between China and the US during the 1970s are easily drawn.¹⁵ The success of both of these forms of diplomacy partly rests on ‘socialisation’, and partly on the fact that contact forces parties to recognise that their ‘enemy’ is not an abstract ‘devil’. Engagement on humanitarian and human rights issues provides the opportunity for the socialisation of NSAGs and the subsequent diffusion of norms of behaviour.

Engagement with NSAGs may have other unsuspected consequences that mitigate the impact of armed conflict on civilians. For example, agreements reached with NSAGs may ‘shame’ recalcitrant states into improving compliance with their humanitarian and human rights obligations. In Sudan, the signing of Geneva Call’s Deed of Commitment by the Sudan People’s Liberation Movement/Army helped motivate the government to ratify the Ottawa Treaty on the Ban of

Anti-personnel Mines.¹⁶ Engagement on humanitarian and human rights issues is both an end in itself and can catalyse other processes that improve the protection of civilians.

Children often suffer the worst effects of armed conflict – whether they are directly engaged in fighting or simply caught in the crossfire. Consequently, efforts such as the JEM-UNICEF agreement, signed in Geneva in July 2010, should be greeted with unqualified approval. UNICEF estimates that approximately 300 000 children are directly involved in conflicts today. Some of these children are in NSAGs designated by the US as foreign terrorist groups in Somalia, Afghanistan, Colombia and the Philippines. The Supreme Court’s decision in *HLP versus Holder* – whether or not the law is applied – severely hampers efforts to assist these children and other civilians affected by armed conflict. It seems clear that the unacceptable practices of these groups provides all the more reason to pursue engagement with them. As Martin Griffiths, the former Director of the HD Centre, has asserted: “An armed group’s brutal methods might make it liable, and rightly so, to international justice. But its brutality should not bar it from the very engagement which might actually resolve the conflict.”¹⁷ ▲



Children often suffer the worst effects of armed conflict – whether they are directly engaged in fighting, caught in the crossfire, or suffering the many negative consequences of conflict.

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TRADITIONAL PRACTICES AND RECONCILIATION IN SIERRA LEONE: THE EFFECTIVENESS OF FAMBUL TOK

BY LYN S. GRAYBILL



REUTERS / THE BIGGER PICTURE

Introduction

Sierra Leone bears the distinction of being the site of one of the world's most brutal civil wars, where widespread property destruction, killings, rapes and amputations left the country physically decimated and its population psychologically traumatised after 11 long years of conflict. In the Lomé Peace Accord, signed between the government and the Revolutionary United Front (RUF) in July 1999, amnesty was offered to the rebels for all atrocities they had committed during the war, as an inducement to get them to lay down their arms. As a concession to the many victims, and in an attempt to placate critics arguing that amnesty would allow impunity to reign, the Lomé Accord also mandated the establishment of a Truth and Reconciliation Commission (TRC).

Not set up until 2002 because of continued violence, the TRC embarked upon a restorative justice process of truth-telling, pardons and forgiveness, which offered, if not punishment for the perpetrators, then at least their acknowledgment of wrongdoing.¹ Modelled largely on the South African TRC, the process offered a platform for both victims and perpetrators to share stories about their wartime experiences. The expectation was that perpetrators would offer

Above: Fambul Tok draws on Sierra Leone's 'family talk' tradition of discussing and resolving issues within the family and community.

confessions and that victims would accept the perpetrators back into their communities in the spirit of forgiveness. Unfortunately, the perpetrators' participation in the TRC process was low – only 1% of the statements collected by the TRC came from them, and the few who did testify mostly denied any wrongdoing.

Underutilisation of Tradition at the Truth and Reconciliation Commission

The TRC Act of 2000 had directed the TRC of Sierra Leone to seek the assistance of traditional and religious leaders in its work to support healing and reconciliation. Towards that end, the United Nations Office of the High Commissioner for Human Rights (OHCHR) commissioned a report from Manifesto 99 – a local human rights non-governmental organisation – to examine the ways in which indigenous methods of conflict resolution could be adopted. With the exception of the reconciliation ceremonies that were held at the end of the weekly hearings in each district, however, there is little evidence that the TRC relied on tradition in its quest for reconciliation.

One partial explanation for this was the impact of the war itself on tradition. The war had occasioned mass movements of people from rural areas to larger towns or to camps for displaced persons, which made the practice of cultural

traditions difficult. The rebels frequently targeted traditional leaders (who were the repositories of culture and tradition), defiled sacred places in the bush where secret societies met, and destroyed shrines and ceremonial objects.

Another reason for the bypassing of traditional structures was that too many chiefs and village elders had been implicated in the conflict. One of the causes of the war highlighted by the TRC were the practices of corrupt chiefs, who imposed excessive cash levies, allocated land unfairly, required forced labour, and punished dissenters. Such corruption marginalised the people and led to bitterness – especially by youth who then became susceptible to the blandishments of the RUF. For instance, chiefs often had multiple wives while young men could not afford even one, dooming them to the status of 'youth' indefinitely and deepening their social shame. In its final report, the TRC stated that, because of the violations committed by many chiefs during the conflict, it had not felt comfortable relying on traditional structures to help foster reconciliation.

Traditional Practices to Resolve Conflict

The decision not to rely on tradition was regrettable, since most of the 14 ethnic groups in Sierra Leone have established cultural practices in place to deal with conflict. Usually these practices involve apportionment of blame,



Fambul Tok is designed to address conflict at a local level through truth-telling, dialogue, and sharing.



Purification ceremonies, requiring cleansing of the perpetrator - and sometimes even the victim - are an important aspect of Fambul Tok.

followed by the eliciting of apologies from the guilty parties and the encouragement of forgiveness from the victims. Manifesto 99's report noted that indigenous methods historically have been employed for crimes such as theft, family disputes and rape, but there are no traditional methods for dealing with arson and amputation – two of the major crimes that were committed during the civil war. Likewise, crimes such as murder are usually sent to the formal court systems and not handled at the local level through traditional means.²

A restorative tradition does exist within the various ethnic groups of Sierra Leone – notwithstanding the potential problems inherent in dealing with such serious crimes as sexual slavery, murder and amputations, which were endemic during the war. For example, peace huts (or court barrays) are an important place where community members typically gather to mediate community conflicts. There, the paramount chief consults with the Council of Elders to resolve conflict. In many cases a mediator is brought in – either from the Council of Elders or from other community leaders and local authorities, such as the village or section chief. The victim and the alleged culprit are both interrogated by

these respected mediators. The mediators encourage the truth from both parties and an apology from the culprit, which is followed by restitution from the wrongdoer to the victim.

Admission of guilt, forgiveness and restitution are often followed by purification of the wrongdoer to cleanse him from his sins, protect him from the wrath of God and the ancestors, and reunite him with society. Serious crimes – such as accidental killing – require cleansing of the perpetrator, and some crimes – such as rape or incest – require cleansing of both the perpetrator and victim. For 'violating a bush' – which often refers to having sexual intercourse in a bush, especially one that could be used for farming in the future or is considered sacred and inhabited by the spirits of ancestors – the bush itself (along with the perpetrator) is cleansed in order

ROOTED IN AFRICAN SENSIBILITIES EMPHASISING THE NEED FOR COMMUNITIES TO BECOME WHOLE – RATHER THAN IN WESTERN TRADITIONS OF CRIME AND PUNISHMENT – FAMBUL TOK IS DESIGNED TO ADDRESS CONFLICT AT A LOCAL LEVEL AND TO ENCOURAGE EACH PERSON TO CONTRIBUTE TOWARDS PEACE

to avert the anger of the spirits.³ In most of the ethnic groups (with the exception of the Creoles), secret societies conduct the cleansing ceremonies. In some cases, professionals conduct cleansing ceremonies that are funded by the family of the transgressor. The purification represents new birth and allows the community to accept the offender.

These purification ceremonies are often accompanied by the pouring of libation to appease spirits and ancestors who otherwise would be angry – not only at the perpetrator but at the entire community. Libation involves pouring palm wine onto the ground to appease the ancestors, the dead and the gods – a ritual used in the closing ceremonies following the district hearings of the TRC. Appeasement also requires that the offender gives tokens – such as rice, oil, a chicken and a small amount of money – to the offended party. Compensating the victim to repair the damage is central.⁴

Traditional practices can include punitive measures that are at odds with basic human rights. With robbery, for example, in addition to levying fines or requiring the return of the goods, the Mende, Kono, Sherbro, Loko, Koranko, Limba and Yalunka people disgrace the culprit by dressing him in rags, tying him to a rope, and having him dance around the village.

Beating the culprit is practiced among the Madingo, Kono and Koranko.⁵

Sierra Leone's cultural traditions privilege men. Procedures for dealing with marital conflict, in particular, tend to favour the husband. Among the Temne, the woman is told to apologise – even in cases where the husband is at fault. The Fullah also require the wife to beg for forgiveness from her husband, no matter who is in the wrong.⁶ Allie points out that blaming the husband is not considered to be in the best interest of the family, even if he is guilty. Instead, the elders speak soothing words to the wife and privately rebuke the husband, since the aim is to restore the marriage.⁷ Also problematic for the protection of women's rights is that rape victims are encouraged – and among the Madingo people are compelled – to marry their rapists.⁸ Restorative justice in Sierra Leone would therefore need to address such unjust gender relations.

ADMISSION OF GUILT, FORGIVENESS AND RESTITUTION ARE OFTEN FOLLOWED BY PURIFICATION OF THE WRONGDOER TO CLEANSE HIM FROM HIS SINS, PROTECT HIM FROM THE WRATH OF GOD AND THE ANCESTORS, AND REUNITE HIM WITH SOCIETY

Fambul Tok: Reviving Indigenous Practices

Criticisms since the conclusion of the TRC in 2004 – that it was too Western, too 'official' and failed to elicit apologies from perpetrators – have led many to the conclusion that much more needs to be done to heal the wounds of war. In 2008 John Caulker, founder and executive director of the Forum of Conscience, developed 'Fambul Tok' – Krio for 'family talk'. Caulker had directed the TRC's Working Group and had been one of the TRC's biggest advocates. He now concedes that the TRC was viewed by rural villagers as a 'foreign' institution that never really reached the smaller, remote areas.⁹

Drawing on Sierra Leone's 'family talk' tradition of discussing and resolving issues within the family circle, Caulker envisions Fambul Tok as working at the local level to assist people in organising an event that would include a truth-telling bonfire and a traditional cleansing ceremony – and which would be more familiar to people than the more formal TRC hearings had been. Caulker explains: "The TRC and Special Court did not operate at village level. Our people did not benefit, and have opted for village dialogue as a means of settling their conflicts."¹⁰

Nationwide consultations – attended by victims, ex-combatants, women, youth, religious leaders, elders, cultural leaders and local officials – were held from December

2007 through to March 2008 in all 12 provincial districts, to assess people's readiness for reconciliation. These consultations revealed that people continued to experience traumas from the war, and continued to have difficulties living side-by-side with unrepentant perpetrators. They also revealed that local cultural traditions, dormant since the war, could be reawakened for social healing. Explaining the tense situation for villagers, Caulker noted that former combatants are living alongside the women they raped, or whose husbands they killed or amputated. "They didn't apologize, didn't acknowledge the past. They just moved back in."¹¹

Fambul Tok rolled out a pilot phase in Kailahun in March 2008. The choice of the Kailahun district was significant, because this was where the war began on 23 March 1991, when RUF rebels crossed into Sierra Leone from Liberia. At the initial ceremony in Bomaru – marking the anniversary of when the war's first shots were fired 17 years earlier – perpetrators remained silent, initially intimidated by the white film crew members who were there to film a documentary. After the film crew left, the town chief – himself a former RUF fighter – made the first confession. Heartfelt apologies followed late into the night and early morning by former combatants who confessed to committing atrocities against their neighbours.¹²

In one village in Kailahun, the ceremony marked the very first time that perpetrators had met face-to-face with victims, to apologise for the offences they had committed during the conflict. "At last they have acknowledged their crimes," cried one man, on crutches from his wartime injuries.¹³ Explaining the importance of verbal confessions, Caulker says: "People will not forgive if someone does not come forward to them in person to acknowledge what they did. Someone has to acknowledge that this person was hurt. That restores dignity to the victims."¹⁴ In the village of Daabum – also in Kailahun – a woman had lived in agony just one house away from the man who had beaten her seven-year-old daughter to death. Never speaking, they had avoided each other until Fambul Tok arranged a reconciliation ceremony, in which the killer publicly apologised for his deed and begged the mother's forgiveness, which she granted.¹⁵

Each village, or cluster of no more than 10 villages called a 'section', carries out the Fambul Tok activities in its own way, although the framework is similar – involving a truth-telling bonfire in the evening, during which victims and offenders share their stories before the community, followed by cleansing ceremonies the following day. The cleansing ceremonies draw upon the traditions of the particular community and include communicating with the spirits and offering libations. According to Elisabeth Hoffman, president of Catalyst for Peace – the project's main financial supporter – every Fambul Tok process has the ingredients of "truth-telling, individuals taking responsibility and apologizing for offences committed, forgiveness from victims, and collective activities aimed at drawing participants together into a reassertion of... their collective humanity".¹⁶ Rooted in African sensibilities emphasising the need for communities to become whole



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Fambul Tok has facilitated football matches between youth in communities, who strive to work out conflicts that arise during the matches without quarrelling or fighting.

– rather than in Western traditions of crime and punishment – Fambul Tok is designed to address conflict at a local level and to encourage each person to contribute towards peace.

In a Fambul Tok ceremony in March 2009 at Mokaikono village in the Moyamba district, former Civil Defence Forces (CDF) fighters begged for forgiveness for previously unacknowledged crimes.¹⁷ A man whose wife had been killed by a member of the CDF recounted how, on one occasion, he had asked the soldier whether he could remember him, but the soldier would not acknowledge it. “But since Fambul Tok stresses forgiveness, I am ready to forgive those that wronged me.” A woman in the village who had lost all her belongings to one of the CDF fighters said she had kept away from him “because any time I saw him, my heart pounded like a pestle in a mortar. The most unfortunate thing was that there was no forum to explain my ordeal. Fambul Tok has made it possible.”¹⁸ Following ceremonies in Kailahun and Kono in the east, and Moyamba in the south, Fambul Tok has come most recently to the Koinadugu district in the north.

Andy Carl, executive director of Conciliation Services, warns of reifying African traditions: “We have to be careful about putting African traditions up on a pedestal, because they’re also a construct. They’re being reinvented all the time, and part of the war in Sierra Leone was about the failure of traditional institutions.”¹⁹ To its credit, Fambul Tok departs from tradition in two important ways: by involving women and youth, who were historically excluded from such ceremonies, and by being a voluntary process. Still, Caulker is quick to point out that chiefs are welcome to participate, explaining that if chiefs were part of the problem, they also need to be part of

the solution, because they are “part of the family”. However, the chief is no longer paid by the villagers for providing certain rituals; rather, the villagers go to the newly formed reconciliation committees for these services. The reconciliation committee includes the Mammy Queen (a prominent woman leader), a youth representative, a traditional leader (section chief), an imam, and a minister – all of whom have received training in human rights and conflict resolution.

The youth, who had been previously marginalised by both traditional leaders and the government, are now playing a new and important role in the reconciliation committees. Youth – both former combatants and victims – are proudly providing leadership and are doing most of the groundwork for the reconciliation events. The Youth Outreach Teams of five youth members from different villages in the section spread the word and educate their communities about Fambul Tok. Youth have also been involved in post-ceremony initiatives, such as radio listening clubs. In Kailahun, in each section where a ceremony has been held, the clubs get together each week to discuss issues related to reconciliation or development. They record the discussions, which are later broadcast by the Sierra Leone Broadcasting Service and other networks. Football games have been another youth-oriented activity. Fambul Tok has facilitated football matches between youth in the communities that have undergone reconciliation ceremonies – and who strive to work out conflicts that arise during the matches without quarrelling or fighting.

Caulker claims that he saw more results after the first four months of Fambul Tok ceremonies than he had witnessed in a decade as a human rights worker. He attributes their success



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Fambul Tok encourages participation in a group activity, such as community farming, to cement relationships.

to the fact that they are locally determined and organised. It had been his recommendation as far back as 1999 that Sierra Leone hold lots of 'mini TRCs' throughout the country, but that recommendation was rejected in favour of a more centralised, top-down approach headquartered in Freetown, with only one week of hearings in provincial towns. Some villages are located as far away as 80 miles from a provincial town, and so only those inhabitants who could afford to travel could attend the hearings. Witnesses had enormous difficulty in getting to a hearing, with vehicles often breaking down on poorly maintained roads, and they often were forced to come alone, without any family support. The hurt during the war was to the whole family – the entire community, according to Caulker – and the TRC's emphasis on individual victims only did not resonate with villagers. Bishop George Biguzzi, the Catholic Bishop of Makeni, explains: "European philosophy says 'I think, therefore I am'. Here, it's 'I'm related, therefore I am'. They find strength in being together. They also find the courage to open up in the group, because somehow they know the group is there for healing."²⁰ Caulker's original vision of locally based 'mini TRCs' is finally being realised now in Fambul Tok.

Reconciliation and Development

Fambul Tok recognises that the ceremonies are only the beginning of the process. A novel component is that, after addressing the harm confessionally and ritually, a group activity is undertaken to cement the relationships. These activities take the form of friendly football matches, dances

and feasts, but also have included economic ventures such as community farms. This is important because, as John Paul Lederach notes, the more ties people have with each other and the more they acknowledge their interdependence, the more likely is it that they will reconcile.²¹ In Kailahun, people have begun farming together again – something that had not been practiced since before the war. To encourage the people to work together as a symbol of unity, Fambul Tok donated rice seedlings and cassava trunks throughout the district. Several villages that cultivated rice agreed to set aside some of the harvest for future reconciliation ceremony meals. The remaining seeds were given to needy community members on loan, payable after the next harvest. Other communities that planted cassava together decided to process it into a popular dish, *garri*, and then sell it at market, using the proceeds to open a community account. Several communities have reported record harvests from the community farms, which they attribute to the cleansing of the land, performed following the reconciliation ceremonies. For the first time since the war, they do not have to import rice. Following the examples of community farms in the Kailahun district, the Moyamba district also embarked on group farms, turning acres of swampland into productive rice cultivation. By the end of Fambul Tok's second year, 30 community farms or 'peace farms' had been established in the four districts – Kailahun, Kono, Moyamba and Koinadugo – that have held Fambul Tok ceremonies.²²

Villagers have also come together in construction projects. In Kailahun's Golan village, the community worked together to construct a maternity home – encouraged, said the town

chief, by the Fambul Tok reconciliation ceremonies that had inspired them to work together.²³ In another village, using funds from their community farm, the community is buying cement to build a *barray*. They also worked together to build a guest house, to show strangers that they are united in hospitality.²⁴ Aided by a donation of zinc from Fambul Tok, villagers in Kenewa built a court *barray* as a place to settle future disputes. One village participant – whose father, the town chief, had been brutally tortured and killed by the rebels – made this link between reconciliation and development: “I decided we should forgive [because] the act has been done, and if we say we are going to revenge, then there will be no peace in our community, there will be no development.”²⁵

Examples of individual perpetrators assisting victims have been documented as well. For instance, the man from Daabu who had killed the seven-year-old daughter of his neighbour not only publicly confessed, but now looks for practical ways to assist the woman and her family. In Kono’s Foindor village, with donated zinc and nails from Fambul Tok, a perpetrator is assisting in rebuilding his victim’s house. Fambul Tok has linked reparation to reconciliation directly, as specific perpetrators are assisting their former victims – which may have a more reconciliatory impact in the long term than reparations that may eventually come to victims from the government.

More than 60 Fambul Tok ceremonies have taken place so far, and 800 are anticipated over the next several years. With plans to operate in the Bombali and Pujehun districts in 2010, the prospect of covering the entire country by 2012 seems attainable. Spending just US\$300 per ceremony, Fambul Tok is proving that reconciliation does not have to be costly. By comparison, the Special Court will cost over US\$300 million by the time the Charles Taylor trial is completed²⁶ – and even the TRC cost approximately US\$5 million.²⁷ More significant than its low cost, however, is Fambul Tok’s effectiveness at encouraging people at the grassroots to identify and draw upon their own traditions and resources to make themselves whole again. ♣

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Endnotes

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PEACE IMPLEMENTATION: AN ANALYSIS OF THE DJIBOUTI AGREEMENT FOR SOMALIA

BY SADIKI KOKO



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In June 2008, Somalia's Transitional Federal Government (TFG), led by Prime Minister Hassan Hussein Nur, and the 'moderate' wing of the Alliance for the Re-liberation of Somalia (ARS), led by Sheikh Sharif Sheikh Ahmed, signed a peace agreement in Djibouti. The agreement, which can be considered the sixteenth major national attempt to resolve the Somali crisis since the country's collapse in 1991, was designed to end violence in and around Mogadishu as an important step toward stabilising the south-central region of the country.

This article seeks to underscore factors that have impeded the Djibouti Agreement in achieving its ultimate goal of bringing peace and stability to the south-central region of

Somalia. This is done with specific reference to Stephen John Stedman's (policy) implementation perspective¹, focusing on the role of the implementation environment as well as the commitment on the part of the international community as derailing factors in the smooth implementation of a peace agreement. The first part of this article presents the background to and the context of the Djibouti peace agreement process. Stedman's implementation perspective

Above: Sheikh Sharif Sheikh Ahmed, leader of the Alliance for the Re-liberation of Somalia (ARS), became the President of Somalia in 2009.



Members of Somalia's hardline al-Shabaab rebel group denounced the Djibouti process and rejected the resulting agreement.

is then introduced, followed by its application to the 2008 Djibouti Agreement for Somalia. Finally, the way forward for peace and stability in Somalia is charted.

Background and the Djibouti Process

The ousting of President Siad Barre, in January 1991, signalled the beginning of the collapse of the Somali state. As in Liberia over almost the same period, the rival Somali rebel movements that fought the Barre regime failed to agree on the terms of filling the power vacuum triggered by Barre's departure. However, within this very context of a collapsing state, efforts towards peace were being undertaken by both internal actors as well as external interested parties, in an attempt to prevent the country from sliding into total anarchy. These peace initiatives bore varied results, with some collapsing without any possibility of implementation – while others were so inclusive and comprehensive that they led some observers to conclude that the time for peace in Somalia had finally arrived. Unfortunately, all of Somalia's peace initiatives undertaken to date have failed to bring stability, peace and unity to the country.

It should be noted from the outset that the major peace initiatives for Somalia after 1995 – the year the last United Nations (UN) peacekeeping operation in Somalia (UNOSOM II) pulled out of the country – were all undertaken outside the realm of the UN, though the UN was generally associated as

a key observer and even a guarantor. This was the case with the 1997 Cairo Agreement – which was never implemented – but, more interestingly, with the Arta (Djibouti) Process in 2000 and the Somalia National Reconciliation Conference in Kenya between 2002 and 2004, both convened under the auspices of the Intergovernmental Authority on Development (IGAD).

The Djibouti and Kenya processes arguably enabled Somalia to set in place some kind of institutional mechanisms that could continue to engage the country internationally. However, these 'transitional' structures fell short of asserting their power over society for a number of reasons – including the lack of reliable security institutions (army, police, intelligence, and so on) to protect civilian institutions and the population; the absence of a peacekeeping force to assist transitional authorities in their effort to stabilise the country; and generalised insecurity due to widespread warlordism and the existence of opposing groups (spoilers) determined to derail the transition.

But, despite pulling out of Somalia in 1995 – as far as peacekeeping is concerned – the UN set up a political office for the country in Nairobi. The UN Political Office for Somalia (UNPOS) was established to continue following the situation on the ground, to maintain contact with Somali stakeholders to advance the cause of peace and reconciliation and, eventually, to advise the organisation in due course on the



An African Union Mission to Somalia (AMISOM) tank patrols a street following clashes between insurgents and government troops in Mogadishu. The African Union (AU) and the East African Intergovernmental Authority on Development (IGAD) have indicated that it could take about 20 000 troops to help quell the insurgents in Somalia (October 2010).

possibility of returning to the country. It is, indeed, within the framework of the UNPOS that then-Special Representative of the UN Secretary-General (SRSG) for Somalia, Ahmedou Ould-Abdallah, decided to engage the two main Somali parties – namely the Mogadishu-based TFG and the Asmara-based ARS – in an attempt to broker an agreement aimed at bringing peace and stability back to the south-central region of the country. The talks were launched in mid-May 2008 in Djibouti's capital city, Djibouti City, and lasted approximately three weeks. However, as the talks progressed, the ARS split into what came to be known as the 'moderate wing' (based in Djibouti and led by Sheikh Sharif Sheikh Ahmed) and the 'radical wing' or the 'hardliners' (based in Asmara and led by Sheikh Hassan Dahir Aweys). The point of contention for the split was based on a divergence over the interpretation of the very process of negotiation. Those who boycotted the talks – and, later on, rejected the agreement – insisted on an earlier common position, adopted by the whole ARS, of conditioning any engagement with the TFG to a prior withdrawal of Ethiopian and the African Union Mission in Somalia (AMISOM) troops from the country. When the agreement was finally signed on 9 June 2008, an unfriendly environment (the presence of spoilers, the availability of spoils and the presence of bad neighbours), an uncommitted international community and the lack of meaningful incentives to lure all Somali stakeholders into the peace process, contributed to pre-empt the Djibouti Agreement of potentially ending armed confrontation in south-central Somalia.

Stedman's Implementation Perspective

In the introduction to a book he co-edited with Donald Rothchild and Elizabeth Cousens, Stephen Stedman² discusses the limitations of existing theories dealing with peace agreements and their implementation, before proposing a new model, termed the (policy) implementation perspective. To begin, Stedman defines peace implementation as "the process of carrying out a specific peace agreement [focusing] on the narrow, relatively short-term efforts [...] to get warring parties to comply with their written commitments to peace".³ The implementation perspective, Stedman argues, "focuses on the attempts of international actors to make warring parties comply with their written and verbal commitments to peace, and emphasizes the interaction between implementation environment, strategies, resources, and incentives."⁴ According to Stedman, "cases of peace implementation differ in two important respects – difficulty of the implementation environment and the willingness of states to provide resources and risk troops..."⁵ Insofar as the implementation environment is concerned, Stedman observes that "[t]hree factors are most commonly associated with a difficult environment: spoilers – leaders or factions hostile to a peace agreement and willing to use violence to undermine it; neighboring states that are hostile to the agreement; and spoils – valuable, easily tradeable commodities".⁶ The presence of these three factors ineluctably reduces the chances of successful implementation of any peace agreement.

Within the peace implementation perspective framework, the success of the implementation of a peace agreement “is measured in relation to the ending of violence and the conclusion of the war on a self-enforcing basis: when the outsiders leave, the former warring parties refrain from returning to war”.⁷ Stedman further admits that peace implementation environments are not always friendly. However, this should not stand as an insurmountable obstacle for external people to work toward peace in a given conflict situation. He writes in this regard: “For peace to prevail in difficult environments, international implementers must provide greater amount of financial resources and more peacekeepers, and pursue more coercive strategies than those associated with traditional peacekeeping...”⁸ In Stedman’s view, peace implementation will often entail coercing uncommitted parties but, more importantly, spoilers. However, he warns that “[s]ince the ability to coerce spoilers requires superior lethal capabilities, it is not just any state that must judge a civil war in its vital security interest, but a major or regional power”.⁹ Finally, within the implementation perspective, actions should be based on the “understanding that the larger the degree of difficulty,

UNFORTUNATELY, ALL OF SOMALIA'S PEACE INITIATIVES UNDERTAKEN TO DATE HAVE SHARED THE FATE OF FAILING TO BRING STABILITY, PEACE AND UNITY TO THE COUNTRY

the more international attention, resources, and coercion will be necessary for implementation success”.¹⁰

Criticisms may be levelled against Stedman’s implementation perspective on many of its aspects, including its exclusive focus on external interveners (thus downplaying any potential for peace from internal actors) and the simplistic argument that massive commitment on the part of the international community (in terms of resources and coercion) ineluctably leads to implementation success in any conflict situation. Space and scope limitations do not allow for a meaningful debate on these particular aspects here. However, suffice to say, such a perspective was adopted in the early 1990s in Somalia by the UN and, more importantly, the United States through the Unified Task Force (UNTAF) – also known as Operation Restore Hope (5 December 1992–4 May 1993). It never produced the result Stedman would have hoped for.

Linking Theory to Practice: The Implementation Perspective and the Djibouti Agreement

As has been indicated, Stedman’s implementation perspective reposes on two main pillars – namely the

implementation environment (made up by the presence of spoilers, neighbouring states and the availability of spoils), and the readiness and willingness of international actors to avail sufficient troops and finances for successful peace implementation. This section analyses the impact of these two factors insofar as the implementation of the Djibouti Agreement is concerned.

An Extremely Difficult Environment

ARS, al-Shabaab and Hizbul Islam as Spoilers

The multiplicity of parties active in the Somalia conflict has been one of the major obstacles to achieving peace in the country. This is a consequence of both the Somali social setup – based on clan divisions – and the persistence of the conflict.¹¹ As far as previous peace processes are concerned, the presence of a multiplicity of parties, as well as factionalism, posed a major challenge to inclusiveness, with groups feeling sidelined and engaging in tactics designed to undermine the process.

Although the Djibouti Process overcame the issue of the multiplicity of parties, it could not prevent factionalism. While the UN facilitation team engaged the TFG and the ARS in consultations to secure common ground that would enable the two parties to enter into negotiations, the ARS split into two main factions. On the TFG side, President Yusuf and Prime Minister Nur also had to contend with major differences with regard to the very rationale for engaging in talks with the ARS. However, if anything, the split within the ARS already signalled the difficulty that lay ahead with the implementation of the Djibouti Agreement – insofar as by boycotting the peace talks, the radical wing of the ARS availed itself to become the spoiler of the whole process. Of further concern was the decision by al-Shabaab and Hizbul Islam – the two strongest armed movements allied to the ARS – to side with the Asmara-based ARS radical wing in denouncing the Djibouti Process and rejecting the resulting agreement. It is these groups’ determination to pursue the armed struggle that has significantly hampered the complete implementation of the agreement, especially its security aspects. This could have, to a large extent, been expected, since the signing of the agreement intervened at a time when the balance of power on the ground had shifted towards the armed opposition groups.

Eritrea and Ethiopia as Bad Neighbours

According to Stedman, “the attitude of surrounding states towards a peace agreement in a neighbor’s civil war plays a key role in supporting or undermining the prospects of peace.”¹² In the case of the Djibouti Agreement, the implications of Eritrea and Ethiopia are worth analysing.

Despite the end of their direct military confrontation and the issuing of a verdict by the Special Commission on their territorial dispute (a verdict by which the two countries committed to abide), relations between Eritrea and Ethiopia are yet to stabilise. The two countries have currently



Warlords provide security services - to humanitarian workers and local businesses - in exchange for cash payments.

relocated their confrontation into the context of the Somali conflict.

Ethiopia has sought to play a central role in the Somali peace process since 1991, in an attempt to ensure the emergence of a friendly Somali leadership and regime as a stepping stone toward guaranteeing peaceful relations between the two countries (as opposed to the incidents of turbulence that characterised relations between them for the first three decades of Somalia's independence). But it was not until the direct and overt military intervention of Ethiopia in Somalia in December 2006 – to oust the Union of Islamic Courts (UIC) from Mogadishu – that the Somali conflict clearly reflected the Ethiopia-Eritrea rift. Whereas Ethiopia's intervention enabled the relocation of the TFG from Baidoa to Mogadishu and helped guarantee the survival of the TFG in a hostile Mogadishu environment, Eritrea hosted the leadership of the defeated UIC, in addition to other political leaders and civil society activists opposed to the TFG – including former Transitional Federal Parliament (TFP) speaker, Sheikh Sharif Hassan Sheikh Aden. The ARS thus emerged from a coalition of these groups – when they gathered in Asmara in September 2007 in what was called

the Asmara Conference – to protest the TFG-sponsored Somali National Reconciliation Conference, organised in Mogadishu in July 2007.

Warlordism and the Spoils

It would seem absurd to search for spoils in Somalia if one stuck to Stedman's literal definition of the concept – that is, "disposable resources such as gems, minerals, or timber..."¹³ Although Somalia does not have the easily 'lootable' natural resources (gold, diamonds, coltan, timber, and so on) that fuelled conflicts in the Democratic Republic of the Congo (DRC), Sierra Leone and Liberia, Somali factions do not lack sources from which to appropriate funds to ensure their survival. They receive taxes from areas they control (markets, ports, and so on); they extort cash from humanitarian and other international workers; and appropriate humanitarian assistance deliveries. Very often they hold humanitarian and foreign workers hostage, conditioning their release to the payment of hefty ransoms. They also provide security services – not only to humanitarian workers but also to local businesses – in exchange for cash payments. All these activities have rendered warlordism and factionalism very



Somali President, Sheikh Sharif Sheikh Ahmed (third from left), addresses a high-level meeting on the status of the peace process in his country.

relevant in society, but also an attractive endeavour among a population almost totally unemployed. In this context, spoils on the one hand and warlordism and factionalism¹⁴ on the other hand have become mutually reinforcing, resulting in the protraction of the Somali conflict.

External Intervention in Somalia

Stedman's implementation perspective places strong emphasis on external intervention as a key determinant in peace implementation. He argues, in this regard, that the premise of the implementation perspective is based on the "general consensus within the literature on civil war termination that international attention and resources are necessary for successful implementation of peace agreements"¹⁵ More explicitly, for successful peace implementation, the international community ought to avail adequate financial resources, while a major or regional power state should make troops available to stabilise the environment. Tubman¹⁶ echoed the same sentiment when he declared that "[o]ne of the five permanent members of the UN Security Council – China, Britain, France, the United States (US) and Russia – could make a difference in Somalia... The African Union can be interested, the European

Union can help, but what you need is some driving force (by a big power)..."

Although the international community has displayed continued support towards efforts designed to restore peace in Somalia, the issue has always been its inadequacy and inconsistency.¹⁷ For instance, on 23 April 2009, an international donors' conference "convened in Brussels by the [UN] Secretary-General following the Council's request in resolution 1863, raised US\$213 million to strengthen AMISOM and help rebuild Somali security institutions [...]". This initiative aimed to enable "the government to establish a national security force of 6 000 personnel and a Somali police force of up to 10 000..."¹⁸ However, the deadline established to have completed this task (September 2009) was not met. At the same time, the UN Secretary-General's April 2009 report "advised against the deployment of a peacekeeping operation"¹⁹ – despite the December 2008 AU request to the Council "for an international stabilisation force for Somalia to be followed by a UN peacekeeping operation..."²⁰ Still, the inadequacy in terms of the provision of financial resources and the reluctance to risk troops are compounded by the lack of pragmatism on the part of major powers – led by the USA – as they approach the Somali conflict from the ideological lens of the war on terror. As a result, they fail to heed

Krosiak's call that "[t]he biggest obstacle to peace in Somalia this time may in fact not be Somalis' infamously fractious politics but the reluctance of the international community to engage with the Islamist opposition".²¹

The Way Forward

Notwithstanding the obstacles highlighted, relating to an extremely difficult implementation environment as well as inadequate commitment from the international community, the Djibouti Agreement has had a number of positives. These include the reconfiguration of the Transitional Federal Institutions (TFIs) through the expansion of the TFP (to encompass representatives of the ARS and civil society); the election of a new president; the appointment of a new prime minister; the institutionalisation of the Islamic law; the return of ARS leaders (including Sheikh Hassan Dahir Aweys) to Mogadishu; and the official withdrawal of Ethiopian troops.

However, the future of the Djibouti Process depends on the fulfilment of a number of steps, which may be summarised as follows:

- The current Somali leadership and the international community ought to reach out to spoilers (ARS hardliners, al-Shabaab, Hizbul Islam, and so on) as well as other Somali stakeholders in an attempt to build a larger consensus on the transition process.
- A new multidimensional peacekeeping strategy should be designed to replace AMISOM. A robust and adequately equipped peacekeeping operation, with a clear mandate and well-trained troops, should be immersed within the framework of an inclusive peace process, taking into account not only the complexity of the Somali conflict but also the diverse regional interests.
- The international community (African and non-African actors) ought to commit adequate financial resources and avail sufficient troops in support of the inclusive peace process for Somalia. In the meantime, African actors (through the AU) should seek to play a leading role in the country's peacemaking process.
- There ought to be a commitment by Eritrea and Ethiopia to refrain from supporting either party to the conflict but, instead, to channel their efforts through the different collective regional and continental peace initiatives for Somalia. ▲

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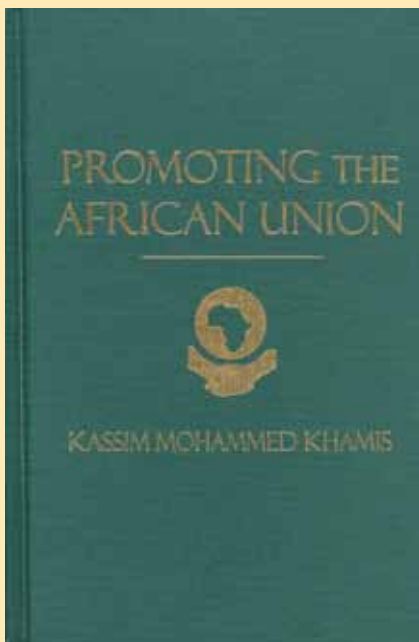
Endnotes

- 1 See Stedman, S.J. (2002) Introduction. In Stedman, S.J., Rothchild, D.S. and Cousens, E.M. (eds.) *Ending Civil Wars: the Implementation of Peace Agreements*. Boulder/London: Lynne Rienner Publishers, pp. 1–40; and Stedman, S.J. (2001) *Implementing Peace Agreements in Civil Wars: Lessons and Recommendations for Policymakers. IPA Policy Paper Series on Peace Implementation*, May 2001, pp. 1–32.
- 2 Stedman, S.J. (2002), *op. cit.*, pp. 1–40.
- 3 *Ibid.*, p. 2.
- 4 *Ibid.*, p. 2.
- 5 *Ibid.*, p. 2.
- 6 *Ibid.*, pp. 2-3.
- 7 Stedman, S.J. (2001), *op. cit.* p. 12.
- 8 Stedman, S.J. (2002), *op. cit.*, p. 2.
- 9 *Ibid.*, p. 3.
- 10 *Ibid.*, p. 3.
- 11 *Ibid.*, p. 20.
- 12 When the first Somali peace conference was held in Djibouti in June 1991, only four factions attended; in Cairo in 1997, 28 warlords participated while the fifteenth reconciliation conference held in Kenya between 2002 and 2004 attracted more than 20 factions.
- 13 Stedman, S.J. (2001), *op. cit.*, p. 11.
- 14 *Ibid.*, p. 11.
- 15 Warlordism can be understood as an inclination on the part of some among the Somali leadership to utilise violence as a means of survival. Since it is not driven by any political agenda or ideological belief, warlordism perceives violence not only as an end in itself but also as the perfect breeding condition in which to flourish. Factionalism, as far as Somalia is concerned, is a consequence of Somali social stakeholders' inability to sustain coalitions on a long-term basis. This is simultaneously the result of the social configuration of the country (based on clans), a legacy of the colonisation and post-independence rule (especially under Barre), but also and finally a consequence of the long duration of the civil war.
- 16 Stedman, S.J. (2002), *op. cit.*, p. 20.
- 17 Cited by Elmi, A.A. and Barise, A. (2006) *The Somali Conflict: Root Causes, Obstacles, and Peace-building Strategies. African Security Review*, 15(1), p. 44.
- 18 In 2008, Healy observed that "the failure of the TFG must be laid firmly at the door of the international community: first, the US dalliance with the Mogadishu warlords gave them every encouragement not to take the new government seriously; and, second, the European Commission held back the available (large) sums for development and 'state-building' assistance, waiting to see whether Yusuf's government could establish its authority and insisting on evidence of financial accountability". See Healy, S. (2008) *Lost Opportunities in the Horn of Africa: How Conflicts Connect and Peace Agreements Unravel*. London: Chatam House, p. 28.
- 19 Security Council Report Monthly Forecast, May 2009, p. 9.
- 20 *Ibid.*, p. 9.
- 21 Krosiak, D. (2009) 'Somalia's Slim Hope', Daniela Krosiak and Andrew Stroehlein in : *the Great Debate*, Available at: <<http://www.crisisgroup.org/home/index.cfm?id=5904&1=1>> Accessed on: 19 February 2009.

BOOK REVIEW

REVIEWED BY **GUSTAVO DE CARVALHO**

PROMOTING THE AFRICAN UNION



Author	Kassim Mohammed Khamis
Year	2010
Publisher	Lillian Barber Press
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Pages	421

“Those who cannot remember the past are condemned to repeat it.”¹ George Santayana’s famous maxim could be one of the best ways to describe the approach used for *Promoting the African Union*, an insightful book by Dr Kassim Mohammed Khamis, a Tanzanian diplomat currently at the African Union (AU) and with many years of experience within the former Organisation of African Unity (OAU). Khamis stresses that his intention with this book is “to help readers understand why the African unity project has proceeded so slowly as against the intended establishment of the African Union” (p. xiv). In addition, he identifies the gaps and opportunities that Africa has in strengthening the African unity initiative.

With this aim, the book approaches the AU and its predecessor from an institutional historical perspective, which is done particularly through an understanding of the diplomatic forums that led to the institutional creation and formation of the AU. The book relies heavily on primary data, through the use of various official documents, legal instruments, official speeches and other documents relevant to the creation and evolution of these institutions. In addition, it provides some key insider information that only someone with Khamis’s experience and understanding of the AU can share.

The book is divided into four interdependent parts. Each of the parts offers a detailed presentation of the processes that led to the creation of the AU, and the reasons why it currently struggles with being able to implement its planned configurations and forms efficiently. Khamis starts by presenting the previous challenges of implementing the African unity project, particularly in the context of the OAU and the African Economic Community’s (AEC) limitations,

and how they failed to achieve their main goals of promoting and reaching ‘Africanism’, Africa’s interest at the international level, and programmes for regional integration (p. 20).

The book also depicts at length and details the main diplomatic forums that culminated in the establishment of the AU. It provides, in particular, a very interesting presentation of the role of the Libyan leadership in this process, and how the various diplomatic forums led to the moulding of the frameworks on which the AU is now based. In analysing the processes that culminated in the creation of the AU, the book has merged a highly detailed analysis of the establishment of the AU, and compares at length the institutional frameworks of the AU and its predecessors. This section is particularly important in presenting Khamis’s argument, as he argues that these historical paths have inspired and conditioned the way in which the AU was structured.

The book then provides an analysis of the actions that followed the immediate establishment of the AU. It frequently highlights a connection between the historical conditions that allowed the creation of the AU and some of the challenges present since the discussions of the objectives and legal instruments of the AU. Through this, Khamis attempts to explain how many of the current problems that exist at the AU originated at the very beginning of the AU creation process, and continued through the definition of plans, objectives and implementation strategies. The book accurately portrays how the implementation of the AU has been a particularly difficult process, despite positive efforts that have been made to date. Khamis references, in particular, the fact that whilst the AU worked to lead a

strong Africa, problems with the marginalisation of the Regional Economic Communities (RECs) obstructed the smooth execution of the constitutive act and the establishment of the AU (p. 239). He also mentions that a similar process occurred and impeded the smooth establishment of the AEC.

In the book's final section, Khamis presents a more personal approach, showing his commitment to the African unity project. It is probably the most useful and insightful section of the book, and offers some 'food for thought' for enhancing and fostering the AU and getting it back on track – particularly with regard to its initial vision and plans. It also provides recommendations and audits of what needs to be done regarding institution building. Considering each of the AU's main organs, Khamis discusses how to avoid confusion and strengthen the role of the organisation to allow it to implement its objectives properly. These recommendations suggest a deep transformation of the organisation towards a more decentralised framework, so to allow the RECs – as foundation pillars of the AU – to have a stronger role in the AU's administrative structure. Other proposals – which, whilst arguable, are no less interesting and valid – relate to promoting changes in the AU's emblem and strengthening focus on the decolonisation agenda.

The book manages to explain fully how the AU structures and frameworks were created, and identifies the gaps in these structures. As such, it is able to highlight some of the main reasons for the poor performance of the AU. However, the book would have benefited from explaining the dynamics between member states and the interests in place better – not only during the negotiation of the main legal instruments, but also in the current period of the organisation's implementation. This would have been particularly useful when presenting the recommendations for strengthening the AU and RECs. Also, the book would have been further consolidated by providing a more potent contextualisation of some of the broader dynamics of the OAU, AEC and the AU. This would have allowed those readers who are less familiar with the topic and the organisation to follow the evolution and creation of the AU better.

The combination of the powerful use of primary data and insider expertise on the topic places the book as one of the most complete and detailed current books on the AU. As the AU continues to evolve almost 10 years after its creation, it is important that such information is not only able to present a critique of the implementation of the AU, but also to provide alternatives and support its strengthening and continental relevance. As such, this book is a great tool for furthering the debate on what kind of continental institution is required and able to be created in – and for – Africa.

The book is useful to those interested in the AU and regional integration mechanisms. It is also a helpful tool for those who want to understand better the complex process of creating regional integration mechanisms and its nuances in terms of institution building, through diplomatic negotiation and the implementation of legal instruments. Most important, the book should be read by all those who are directly involved with the development of African unity – namely government officials, diplomats and AU staff. Far from a mere analytical exercise, the book presents tangible suggestions on how to strengthen the AU's implementation. As such, *Promoting the African Union* would help AU personnel and partners to understand more comprehensively the challenges involved in promoting African unity and how they, as relevant stakeholders in this process, can foster African capacity to deal with its own challenges. **A**

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Endnotes

- 1 Santanya, George (1905) *The Life of Reason or the Phases of Human Progress: Reason in Society*. London: Archibald Constable & Co., p. 284.

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