

# CONFLICT TRENDS

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**Editorial focus: The challenges of our planet demand leadership that is visionary, bold and strong**

**In this Issue:**

**Electoral  
Mediation  
in the DRC,  
Lesotho and  
Kenya**

**Security  
Structures in  
Europe and  
Lessons from  
APSA**

**Challenges  
of Liberal  
Peace and  
Statebuilding  
in Divided  
Societies**

**DDR  
in the DRC**

**The Women's  
Situation  
Room in  
Africa**

**Al Mahdi's  
Case before  
the ICC**

**Colonial  
Legacy of  
Civil-military  
Relations and  
Democratic  
Stability in  
West Africa**

# CONTENTS

EDITORIAL 2 by Vasu Gounden

## FEATURES



3 **Electoral Mediation in the Democratic Republic of the Congo, Lesotho and Kenya: A Comparative Perspective**

by Victor Shale and Robert Gerenge



11 **Developing Security Structures in Europe: Lessons Learned from the African Peace and Security Architecture**

by Floris van der Beek



18 **Challenges of Liberal Peace and Statebuilding in Divided Societies**

by Christopher Zambakari



26 **Disarmament, Demobilisation and Reintegration in the Democratic Republic of the Congo: Can Stability Prevail?**

by Kitenge Fabrice Tunda



33 **The Women's Situation Room in Africa: An Initiative for Peaceful and Inclusive Elections**

by Irene Limo



42 **Al Mahdi's Case before the International Criminal Court: A Landmark Decision in the Protection of Cultural and Religious Sites**

by Frédéric Foka Taffo



50 **The Colonial Legacy of Civil-military Relations and Democratic Stability in West Africa**

by Naila Salihu

Cover photo: Malians vote at a polling station in the Ecole de la République in Bamako, Mali, during the presidential election (28 July 2013). UN Photo/Marco Dormino



The year 2016 will be remembered as a watershed year the world over. It presented many surprises and upstaged many political pundits. In Europe, many were shocked by the exit of Britain from the European Union – better known as Brexit. In South Africa, power changed hands in key local government structures, putting the opposition in charge of the legislative, administrative and financial capitals of the country and dislodging the long-established liberation movement and current ruling party of South Africa, the African National Congress (ANC). A few years ago, this result would have been unthinkable. The year ended with what must be one of the greatest political upsets ever: the defeat of Hillary Clinton by Donald Trump for the powerful position of president-elect of the United States (US). Trump will be inaugurated as the US president on 20 January 2017, in what appears to be a very divided country.

While surprising at the time they occurred, all these events (among many others) can, in retrospect, be traced to the ever-growing disenchantment with the current governing establishment globally. This is remarkable, because the world is in one of its most prosperous periods, largely due to the significant positive changes that have occurred in the last 25 years since the end of the cold war. During this time, dictatorships made way for democracies, the rule of law replaced the abuse of power, wars and conflicts de-escalated significantly, women gained more empowerment than in any other time in history, science and technology entered an era of unimaginable possibilities, and millions around the world started to enjoy a better standard of living.

However, these 25 years have also seen the growth of terrorism; human, drug and arms trafficking; a rise in racial and ethnic divisions and discrimination; the growth of inequality to dangerous proportions; and a steady rise in unemployment and poverty in many developed and developing countries. These trends were coupled with a drop in public confidence in the establishments of government and religion. Mainstream governments were

challenged by “people’s power” and mainstream religion was challenged by alternative religious persuasions.

Fear of what was expected in the future triumphed over the hope that dominated the last 25 years. Prophets of doom have had fertile ground to plough and plant the seeds of fear and hatred. In many ways, we are witnessing the demise of liberalism and democracy and the rise of conservatism and authoritarianism. The forces that will shape the world over the next 25 years can either plunge the world into a plethora of closed enclaves characterised by strict laws restricting the movement of people, goods and services, or they can build a world on the globalised planet we have shaped over the last 25 years.

Historical periods dominated by liberalism and democracy or conservatism and authoritarianism are not new. However, what is new is a planet with seven billion people, the majority of whom are urbanised and living in close proximity to each other, either physically or through social media. This phenomenon challenges our ability to co-exist and cooperate for mutual benefit. Perhaps this is a juncture in the history of humanity where neither liberalism nor conservatism, neither democracy nor authoritarianism will suffice. Maybe this is a time for leaders who are able to take the best from these ideologies and who are able to transcend identity, manage complexity, lead with new vision and inspiration, build bridges between people in creative ways, and promote order and stability. This is certainly a time for leadership that is visionary, bold and strong, yet caring and benevolent. The challenges of our planet – and this moment in time – demand no less. **A**

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

# ELECTORAL MEDIATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO, LESOTHO AND KENYA: A COMPARATIVE PERSPECTIVE

BY VICTOR SHALE AND ROBERT GERENGE



UN PHOTO/RYAN ASMARI

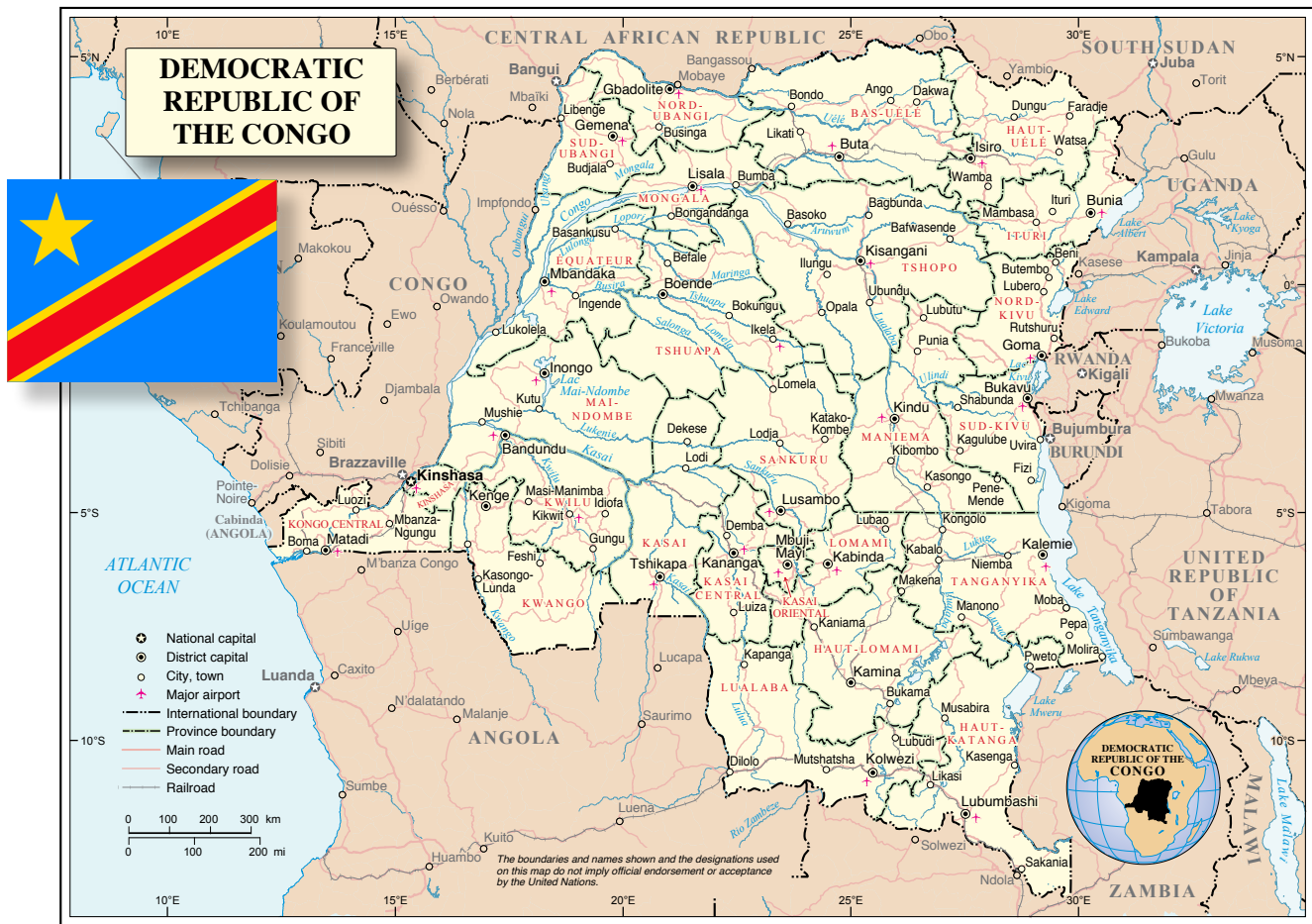
## Introduction

The history of elections in Africa shows that the continent has made significant strides in ensuring that regular multiparty elections replace unconventional mechanisms of seizure of political power. Increasingly, elections have become highly competitive for the political parties, and candidates fight for the apparent social and economic gains accrued from the state. Regrettably for citizens of many countries on the continent, regular elections in Africa have not translated into the anticipated dividends of democracy – which was ushered with much hope in the early 1990s. Instead, there have been cases of election-related conflicts – as witnessed in the Democratic Republic of the Congo (DRC) (2006 and 2011), Lesotho (1998 and 2007), Burundi (2016), Kenya (1992, 1997 and 2007), Madagascar (2007), Zimbabwe

(2005 and 2008), Zambia (2015 and 2016), Côte d'Ivoire (2010), Guinea (2015) and Uganda (2016) – to mention a few. In the majority of these cases, the political elite have been accused of manipulating the electoral process in their favour. Consequently, the electoral environment in most countries has become more complex in terms of democracy and governance, amidst high demands from citizens for greater participation and accountable governance. In their continued search for alternative leaders to deliver the social and economic dividends of governance, political leaders in

**Above: The history of elections in Africa shows that the continent has made significant strides in ensuring that regular multiparty elections replace unconventional mechanisms of seizure of political power.**





popular duress) in response to citizen demands.

Election-related conflicts can take place during all the critical points of the electoral cycle, although the most volatile moments prone to conflicts are during the election and post-election phases. Whereas pre-election periods are largely without problems, there is a notable trend on the continent of election-related disputes escalating in the post-election period. These election disputes (including non-acceptance of election results) are often accompanied by violence, which undermines regional and continental efforts to attain peace and prosperity. The violence often takes place against the background of weak or non-existent conflict management mechanisms.<sup>1</sup> In most countries, electoral violence has mainly been addressed through the court system and mediation processes led by regional and subregional bodies such as the African Union (AU), Southern African Development Community (SADC), East African Community (EAC), Economic Community of West Africa States (ECOWAS) and the Common Market of Eastern and Southern Africa (COMESA). In the case of courts of law, cases either take too long to resolve or get thrown out of

power have been faced with two major alternatives: constrict the democratic space by restraining dissenting political voices, or engage in policy reforms (sometimes under



known for its ethnic-based predatory politics – which, given its geographic location in East Africa, has an effect on the stability of the entire subregion.<sup>2</sup>

Lastly, Lesotho is the only country in Africa that is entirely landlocked by another country, South Africa. Its politics and economy are largely influenced by what happens in South Africa and, therefore, mitigation of any political instability is necessarily South Africa’s concern.

This article has four sections, starting with a brief conceptual understanding of electoral mediation. This is followed by case studies, focusing on elections and conflict as well as mitigation measures adopted in each of the three countries. The next section reviews some lessons learned, after which the final section provides a conclusion and recommendations.

**Conceptual Understanding of Electoral Mediation**

There is a general consensus on the meaning of mediation. According to International IDEA, mediation is a structured process where an impartial third party, typically without decision-making authority, assists others to negotiate a mutually acceptable outcome to a dispute. The chief task of the mediator is to determine the way talks are organised and major issues are sequenced and worked on, so as to help

court due to “lack of evidence”. Indeed, the judiciary in a number of countries has been found to be glaringly biased towards the governing parties. In the case of intervention by regional bodies, the resolution of conflict is primarily a Track I diplomatic process involving eminent persons appointed by member states. Because of being interstate-driven, it is often handicapped by political considerations. The general shortcoming of both court systems and intergovernmental bodies is that they have not delivered long-term solutions to electoral problems and, as a result, election-related conflicts have become a recurrent phenomenon in Africa. Given this shortcoming, Track II dispute resolution mechanisms (citizen diplomacy that makes use of people outside the traditional diplomatic sphere) have been adopted where electoral mediation is spearheaded by civil society.

Using the case studies of the DRC, Lesotho and Kenya, this article compares different approaches to electoral mediation to establish their effectiveness or lack thereof. These countries present unique political and geographical settings, ideal for a comparative analysis. For example, located in the central African region and due to its sheer size, politics in the DRC has a spill-over effect on the Great Lakes region and beyond. Kenya, on the other hand, is

the parties find a fair and lasting agreement.<sup>3</sup> Electoral mediation is therefore a mechanism to deal with election-related disputes during the electoral cycle. Based on this, we assert that contrary to conventional practice, the mediation of electoral disputes is not the exclusive preserve of political parties or statutory bodies, but should also involve broader civil society. It should be a collaborative endeavour between the election management bodies, political parties and all other stakeholders with the skills to contribute to the mitigation of the conflict. It is with this understanding that we assess three case studies of electoral mediation – in the DRC, Lesotho and Kenya.

**Case Studies: Electoral Mediation**

**The DRC’s Second Post-conflict Elections**

The second post-civil war presidential and parliamentary elections in the DRC, held in November 2011, were marred by a deadly conflict, following the announcement of President Joseph Kabila’s victory over Etienne Tshisekedi. The conflict resulted from results that were disputed as fraudulent by the opposition political parties and candidates. According to the Carter Center observer mission report,<sup>4</sup> an unusual 100% voter turnout in most polling stations in



Kabila's stronghold of Katanga province was noted, where Kabila attained 95% of votes cast. On the other hand, in Kinshasa, which was Tshisekedi's stronghold, the Carter Center reported that the results of more than 4000 polling stations were unaccounted for.

Kabila was declared the winner and subsequently inaugurated as president for a second term. At the same time, Tshisekedi also declared himself as the duly elected president, thereby creating a crisis of legitimacy and political polarisation of the country, which subsisted throughout the electoral cycle that followed. In the pre-electoral phase, Kabila changed the electoral system from a two-round system – which was used in the 2006 elections – to a simple first-past-the-post (FPTP) system for the 2011 elections, thus heightening the stakes in the electoral contest. The two-round system required that a candidate needed 50%+1 votes to win the election, and a failure to reach this would result in a run-off election between the top two candidates. This system was changed to a simple majority FPTP system, which means a candidate with the highest number of votes wins, regardless of the percentage won.

A new election management body (EMB), Commission Nationale Electorale Independente (CENI), led by Pasteur

Ngoy Mulunda, a perceived ally of President Kabila, was established in February 2011, just a few months before the November polls. This meant that the newly created EMB had limited lead time to prepare and deliver a credible electoral process.<sup>5</sup> Consequently, the organisation faced technical, operational and logistical challenges that resulted in a deadly electoral stand-off.

A National Mediation Commission of the Electoral Process (CNMPE), tasked to resolve election-related conflicts in the DRC, was established in November 2011 under the aegis of the United Nations Organization Stabilization Mission in the DRC (MONUSCO), barely one week before the polls. Although hailed as a home-grown solution, the CNMPE did not have the trust of all the electoral stakeholders, as its decisions were often subject to the whims of the CENI chairperson, who was largely perceived as a friend of the president. Multilateral post-electoral mediation efforts by the AU, SADC, COMESA, the International Conference on the Great Lakes Region (ICGLR) and the Economic Community of Central African States (ECCAS) were not successful. This was partly because these organisations deployed election observer missions whose assessments openly failed to discredit a flagrantly flawed electoral process.<sup>6</sup> Thus, in the ensuing



GALLO IMAGES/REUTERS/FINBARR O'REILLY

**Supporters of the opposition party leader, Etienne Tshisekedi, make their way to a polling station in Kinshasa (28 November 2011).**



**The history of elections in Lesotho is a history of conflict, because almost all elections since the country's independence in 1966 have either been preceded or followed by violence.**

post-electoral diplomatic efforts to quell the conflict, these intergovernmental organisations had seemingly failed to embody the principles of impartiality and neutrality, which are critical for any successful conflict mediation process.

### ***Elections and Violent Conflict in Lesotho***

It can safely be argued that the history of elections in Lesotho is a history of conflict, because almost all elections since the country's independence in 1966 have either been preceded or followed by violence. The 1998 political disturbances – triggered by the election victory of the newly formed Lesotho Congress for Democracy (LCD), which had earlier elbowed out the ruling Basutoland Congress Party (BCP) through a parliamentary manoeuvre engineered by Prime Minister Ntsu Mokhehle – ushered in a new dawn of electoral mediation, as stakeholders and regional bodies started exploring ways to mitigate election-related conflict. Despite the epoch-making electoral reforms that led to the adoption of a more inclusive mixed member proportional representation (MMP) electoral system – a combination of the FPTP (constituency) votes and proportional representation (PR) (party) votes – the two main political parties entered into pre-election political alliances with smaller parties, precipitating the conflict after the 2007 elections. The LCD formed a pre-election alliance with the National Independent

Party (NIP), while the All Basotho Convention (ABC) formed an alliance with the Lesotho Workers Party (LWP), to maximise PR seats in the National Assembly.

In the aftermath of the election, it became apparent that the alliance arrangement had circumvented the spirit of the MMP electoral system, because only the smaller parties were considered by the EMB in the allocation of 40 PR seats, without having contested the constituencies as required by the electoral system. This allocation distorted the support of the alliances by giving more seats to the LCD-led alliance, while taking some seats away from the ABC-led alliance. The ABC-led alliance nominated the ABC leader as leader of the opposition, but this was refused by the speaker of parliament – who, having been elected on an LCD ticket, was ostensibly frustrating the opposition. The issue of leader of the opposition then became an escalating factor in the conflict, leading to a political stalemate.

Amidst the political tension, two dispute resolution processes unfolded. First, the allocation of seats was challenged in court, but the court dismissed the complaint on technical grounds. It held that the party which had lodged the court case did not have a legal standing to petition the court on the reallocation of seats. It also concluded that since the seat allocation by the EMB was final, it lacked the jurisdiction to order reallocation.





**South Africa's deputy president, Cyril Ramaphosa (second right), attends a meeting with leaders of different minority opposition parties during facilitation talks in Maseru, Lesotho (23 September 2014).**

This court decision led to the matter degenerating into conflict characterised by parliamentary sit-ins, stayaways and civilian-military confrontations. The second process was the SADC-led mediation by the former president of Botswana, Ketumile Masire. The SADC mediator was forced to retire in 2009, however, citing non-cooperation from the LCD government. This effectively marked the collapse of the SADC-led mediation. Thus, these two processes compounded the conflict rather than resolved it.

## THE VIOLENCE GAINED ETHNIC DIMENSIONS, AND THE UNDERLYING NARRATIVES THAT EMERGED AROUND IT POINTED TO DEEP-ROOTED AND UNRESOLVED HISTORICAL GRIEVANCES SINCE KENYA'S INDEPENDENCE IN 1963

Civil society, led by the Lesotho Council of Non-governmental Organisations (LCN) and the Christian Council of Lesotho (CCL), rescued the situation by providing a platform for continued dialogue between conflicting parties, and shifted the dialogue focus from seat allocation to the reform of electoral laws for future elections. It turned the mediation process into an internally driven and wholly home-grown process. The United Nations Development Programme (UNDP) and SADC only provided technical and financial support.<sup>7</sup> These civil society mediators designed the structure of the dialogue, recorded

deliberations and wrote reports. Although civil society proved vital in mediating the post-2007 electoral dispute, this was regrettably overlooked by SADC and its mediator, Cyril Ramaphosa – who, in addressing the resurgent post-2012 electoral and political problems in Lesotho, only paid scant attention to these lessons learned from civil society's mediation efforts. Instead of providing space for dialogue to deal with the underlying causes of the conflict, the SADC process rushed Lesotho into holding elections in 2015. Consequently, the country's gains since 2007 have been replaced by more instability, strained interparty relations and deteriorating civil-military relations.

### ***Kenya's 2007 Elections: An Arena for Personal and Historical Vendettas***

The announcement of the December 2007 Kenyan election results triggered lethal violence, with about 1500 deaths and over 300 000 internally displaced persons and refugees.<sup>8</sup> President Mwai Kibaki of the Party of National Unity (PNU) won a hotly contested election against Raila Odinga of the Orange Democratic Movement (ODM). Having been ushered into power through the National Rainbow Coalition (NARC), with strong support from Odinga and other opposition allies in 2002, Kibaki was seen as having reneged from the 2002 electoral pact of sharing political largesse among the key players of NARC, of which Odinga and his political camp were to be rewarded equitably. Instead, Kibaki engaged in a process of marginalising Odinga and his political associates, which culminated in a fall-out and the sacking of all cabinet ministers, who were termed political dissidents. The 2005 constitutional referendum then led

to the birth of the ODM, which successfully campaigned against the draft constitution that was supported by Kibaki, thereby increasing the political rift along the Kibaki-Odinga axis. Therefore, the 2007 elections that followed became the crucible for political vengeance.

Following Odinga's claim that he was the bona fide winner of the December 2007 polls, Kibaki was hurriedly sworn in on the evening of 30 December 2007 amid opposition protests, which were silenced by a news blackout and a security clampdown. The violence gained ethnic dimensions, and the underlying narratives that emerged around this pointed to deep-rooted and unresolved historical grievances since Kenya's independence in 1963.

A 40-day mediation effort ensued, which combined both Track I and Track II diplomacy. This was riddled with challenges as both parties to the conflict adopted a zero-sum attitude, mirroring the electoral contest.<sup>9</sup> The first attempt at resolving the conflict was successfully undertaken by Concerned Citizens for Peace, a locally driven initiative that sought to mediate the conflict. However, a high level of distrust among Kenyans made it difficult to embrace this locally driven crisis resolution mechanism. This left external options as the best recourse for conflict resolution. Consequently, mediation attempts were made by Archbishop Desmond Tutu of South Africa, under the umbrella of the All Africa Conference of Churches. These only succeeded in influencing the ODM to engage in a dialogue.

An African multilateral intervention under the AU Panel of Eminent African Personalities, led by former UN

Secretary-General, Kofi Annan, and comprising of Benjamin Mkapa, former president of Tanzania, and Graça Machel, former first lady of South Africa, succeeded in ending the crisis. A National Accord was signed in February 2008 and led to the creation of a power-sharing government, led by Kibaki as president, Kalonzo Musyoka (ODM-Kenya) as vice-president, Odinga as prime minister, and Uhuru Kenyatta of the Kenya African National Union (KANU) and Musalia Mudavadi (ODM) as deputy prime ministers. This arrangement was based on the belief that given the closeness of the presidential election results, a coalition government would restore calm and create a basis for future reforms. Kibaki garnered 4 584 721 (46.42%) votes while Odinga got 4 352 993 (44.07%) votes, according to results released by the Electoral Commission of Kenya (ECK) on 30 December 2007.<sup>10</sup>

### Lessons Learned

The case studies offer some useful lessons for electoral mediation processes in Africa. Three lessons are worth mentioning. First, in both Kenya and the DRC, locally driven

CONSEQUENTLY, MEDIATION ATTEMPTS WERE MADE BY ARCHBISHOP DESMOND TUTU OF SOUTH AFRICA, UNDER THE UMBRELLA OF THE ALL AFRICA CONFERENCE OF CHURCHES



GALLO IMAGES/REUTERS/ANTHONY NUNGUINA

**Kenya's president, Mwai Kibaki (right) meets with opposition leader for the Orange Democratic Movement, Raila Odinga (left) and his vice president, Kalonzo Musyoka (center) following the announcement of his power-sharing cabinet (13 April 2008).**

solutions to electoral crises have not been successful in contexts where there is deep-rooted mistrust, and where winning elections is inextricably conceived to be the primary source of socio-economic dividends for governance.

Second, while intergovernmental institutions have the power to play a positive role in mediating (post-) electoral crises, this ability can easily be impaired by their very own undertakings in observer missions, which fall short of impartial assessment of electoral processes. This was the case in the DRC, while in Kenya, the AU was a palatable mediator as it had not deployed an observer mission and therefore had not pronounced itself on the elections. More so, power-sharing can be a crisis-exit solution to electoral-related conflicts where the outcome is not only contested but where the contested results themselves indicate a very close differential margin between the candidates, as was the case in Kenya. However, power-sharing as a solution to contested elections can easily be abused by the candidates (particularly incumbents), who may not want to relinquish power when defeated in elections.

## THERE IS NO ONE-SIZE-FITS-ALL APPROACH TO THE RESOLUTION OF ELECTORAL DISPUTES, DUE TO SOCIO-ECONOMIC, POLITICAL AND HISTORICAL CONTEXTS

Third, external interventions by international, regional and subregional bodies can be helpful in a local situation, but only to a certain extent, as was observed in the Lesotho case study. The Track II civil mediation by civil society in Lesotho fits well within the notion of “infrastructures for peace”, which encourages the establishment of social structures at different levels of society with the specific objective to assume responsibility for peace and conflict resolution in their own context. Electoral reforms were an outcome of this intervention.

### Conclusion and Recommendations

This article draws attention to various approaches used to deal with electoral disputes, which have become a permanent feature of many electoral processes on the continent. The case studies of the DRC, Lesotho and Kenya clearly show that the factors leading to these disputes are as varied as the ways of dealing with them. There is no one-size-fits-all approach to the resolution of electoral disputes, due to socio-economic, political and historical contexts. For instance, whereas the use of external actors worked in Kenya, it did not work in Lesotho. However, it is clear from the three cases that the efficacy of electoral mediation depends on its acceptability by the parties in conflict. Regardless of the approach used, electoral mediation should be inclusive in order to restore public confidence in electoral processes. In the cases where external actors are used, it

is recommended that other parallel programmes geared towards national cohesion should be pursued – for example, in contexts where there are deeply rooted and intractable conflicts, such as in the DRC and Kenya. The Lesotho case study underscores the importance of dialogue as a primary conflict resolution mechanism. It is recommended that this dialogue approach should be emulated elsewhere in the region. **A**

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### Endnotes

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# DEVELOPING SECURITY STRUCTURES IN EUROPE: LESSONS LEARNED FROM THE AFRICAN PEACE AND SECURITY ARCHITECTURE

BY FLORIS VAN DER BEEK



GALLO IMAGES/REUTERS/ THOMAS PETER

Both the African and European continents are increasingly affected by violent conflict since the start of the new millennium. The backlash of the Arab Spring intensified violent extremism in some regions of Africa, and the conflict in Ukraine worsened tensions between Russia and European countries and their allies. These developments urged policymakers at the continental level on both sides of the Mediterranean to respond, and to present new policies to counter modern challenges. In Africa, policymakers focused on the continuous implementation of the African Peace and Security Architecture (APSA), while their European counterparts used resources to design new structures of defence and security.

Three developments have contributed to the European Union's (EU) renewed commitment to integrate its member states' security and defence policies. First was an eruption of violent conflict observed in the EU's backyard, with the annexation of the Crimean peninsula by Russia in March 2014. Second, large numbers of refugees arrived in Greece in the summer of 2015, sparking political discussions on issues of culture and the integration of migrants in many of the member states. Third, against the backdrop of the

**Above: Pro-Ukrainian supporters protest at a rally in Simferopol following Russia's annexation of the southern region of Crimea (March 2014).**





**The European Union (EU) High Representative for Foreign Affairs and Security Policy, Federica Mogherini, stated that strengthening European security and defence capabilities is one of the EU's big priorities.**

first two developments, defence expenditure in the EU has declined since the end of the Cold War – from 2.3% of the gross domestic product (GDP) for the 12 EU member states in 1990 to 1.4% for the same group of countries in 2015.<sup>1</sup> Currently, there are no signs that the effect of any of these three developments on the EU will decrease. This presents an opportunity for discussions on the institutional development of peace and security structures. Addressing these challenges, the EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini, stated that “[s]trengthening European security and defence capabilities is therefore one of [the EU’s] big projects. We are working on reinforcing all the dimensions, [...] from the strategic policy framework down to the foundations.”<sup>2</sup>

Compromise among all member states on the inclusion of military and security components into the EU structure has never been established, as the largest and most influential member states are divided on the issue. France and Italy are predominantly in favour of closer integration, while Germany is reluctant and the United Kingdom (UK) has been a fierce opponent. However, after the British announcement to leave the EU, a window of opportunity presented itself for the proponents of military and security integration.

The African Union (AU) is a step ahead of the EU with regard to continental peace and security structures. The APSA is largely operational, and offers a good opportunity for informing the institutional development of a similar system for the EU. The first component of the APSA, the Peace and Security Council (PSC), was institutionalised in 2004. While the EU has been trying, without tangible results, to institutionalise a structure on international peace and security issues, African decision-makers featured an extensive architecture and used it to intervene in multiple pressing crisis situations. For example, through the APSA, the AU intervened in the Central African Republic (CAR), starting in 2013, and Somalia, starting in 2007.

The APSA's components, in addition to the PSC, include the Peace and Security Department (PSD), coordinating all activities; a continental early warning system (CEWS); and the African Standby Force (ASF), which still has to reach its full operational capacity. Another key element of the APSA is the division of political responsibility and influence over actors on three different levels. The continental decision-making authority resides with the PSC. However, at the regional level, regional economic communities (RECs) have built their own capability to respond to crises and

violent conflicts within their region. These structures are complimentary to the continental architecture. For example, both the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS) have regional early warning and early response systems, standby forces and political structures to deploy diplomatic and military interventions. A third level of political involvement is constituted by the AU member states, which will take any opportunity to influence decisions they see as not aligned with their national interest. Although the APSA has its flaws, the main point of this article is how European institutional development can be informed by lessons learned and good practices offered by the components of the APSA that are fully operational and oftentimes very effective.

### **Shaping the European Union's Security Structures**

Although the main EU bodies – such as the Commission, the Parliament and the Council of Ministers – have been tested through time since the Second World War, a consolidated structure similar to the APSA, including its institutional components like the PSC, is absent in the EU. The present EU Common Security and Defence Policy (CSDP) is primarily a coordination mechanism, administering the EU's interventions abroad, among other tasks, rather than a decision-making body. Other capabilities, such as mediation capacity and an early warning system, are scattered throughout the EU. European organisations are clustered, non-inclusive and scattered over the continent in terms of membership, and mainly focus on one specific issue or one capability. Above all, all decision-making on military and security issues resides with the member states. Unlike the EU's cooperation on economic or agricultural affairs, there is no sovereignty delegation on peace and security issues, making the EU's efforts in this regard purely intergovernmental.

In September 2016, two separate proposals were tabled at informal EU Ministers of Defence meetings. The first proposal, drafted by the French defence minister, Jean-Yves le Drian, and his German colleague, Ursula von der Leyen, specifically focused on creating non-inclusive international security institutions for smaller subsets of member states to avoid long consensus-seeking discussions on security integration that will most likely produce few results. It is suggested that funding for the implementation of this project is obtained from a new defence fund, in accordance with earlier proposals from the French president, François Hollande. The Italian proposal, on the other hand, emphasises the creation of a new international force for the EU. As with the Franco-German proposal, the document tabled by the Italian ministers of Foreign Affairs and Defence asks European decision-makers not to wait for consensus on the institutionalisation of security integration, but to go ahead with smaller groups of like-minded member states and focus on specific capabilities and tasks such as intelligence

and airlift, as well as establishing more general organisations, such as a standby force.<sup>3</sup>

Both proposals reinforce clusters of defence cooperation within the EU, rather than moving toward inclusive integration on peace and security. The new non-inclusive bodies would have more power and capabilities to respond to conflict and crises. The EU, therefore, is looking to institutionalise a system similar to the APSA and the AU's partnerships with the eight RECs.<sup>4</sup> One important difference between the two systems needs to be highlighted. Whereas European peace and security issues tend to focus on situations, conflicts and crises outside of the organisation's own borders, the APSA is mainly focused on responding to situations within its geographical region. Although this is a key difference at first sight, states do make decisions based on self-interest – whether they are located within or close to a region in which a crisis is emerging, or whether they are further removed. European states may have just as much interest steering the outcome of a conflict or intervention outside the continent in a certain way as a neighbouring country may have, for example, in an African context. Geographical proximity and internal versus external focus have limited influence on the relevance of the EU's institutional development of lessons learned from the APSA.

## **WHEREAS EUROPEAN PEACE AND SECURITY ISSUES TEND TO FOCUS ON SITUATIONS, CONFLICTS AND CRISES OUTSIDE OF THE ORGANISATION'S OWN BORDERS, THE APSA IS MAINLY FOCUSED ON RESPONDING TO SITUATIONS WITHIN ITS GEOGRAPHICAL REGION**

Focusing on the relationship between the AU and RECs regarding peace and security, best practices and lessons learned can assist the EU in preventing identified flaws in its own system. Four specific issues are discussed in the remainder of this article as best practices and lessons learned. First, the lack of guidance on which actor engages in which situation is assessed. Second, the diverging interests between the AU and RECs can be a challenge. Third, the effects of the REC-AU relationship on accountability are presented, and fourth, the involvement of civil society organisations (CSOs) in peace and security issues and the APSA is discussed.

### **1. Lack of Guidance on Engagement**

The relationship between the AU and the RECs is codified in two different arrangements. The 2002 Protocol on the PSC establishes the main bodies of the APSA and introduces the legal groundwork for the partnerships between the AU and RECs. The Protocol states that the chairman of the PSC

coordinates the partnerships to ensure that actions and interventions are aligned. The partnerships are then codified in memorandums of understanding (MoUs) between the AU and each REC. The MoUs specify that the relationship between the RECs and the AU be based on subsidiarity, giving the RECs leeway to disregard the AU's guidance. The fact that the RECs are formally independent organisations with their own mandates from their member states reinforces their independent decision-making and policy development. Furthermore, in issues of conflict and crises, the political situation is likely to leave little opportunity for the AU chair to mitigate and coordinate deployment by the different organisations.<sup>5</sup>

The lack of coordination causes the different RECs and the AU to compete continuously over leading roles in peace and security situations, while the lack of enforced guidance is likely to make responding to conflict and crises more costly and less rapid. To achieve a higher degree of efficiency, an organisation's capabilities should guide whether that organisation is involved in peace and security interventions. Too often, it is not capabilities but rather the amount of diplomatic pressure exercised that explains which organisation or state is involved in a certain situation. This impacts the efficiency of the intervention negatively.

The inefficient use of resources was observed in the response of the AU and ECOWAS to the crisis in Côte d'Ivoire in 2010. Both organisations sent their respective

high-profile mediators to Côte d'Ivoire, and used their "carrot and stick" approach to influence major actors in the political crisis and broker a peaceful resolution to the dispute. The duplicate effort was not only a waste of resources, but also provided political figureheads in the West African country the opportunity to shop around for the arrangements of most benefit to them.<sup>6</sup> In this case, the lack of clarity in the institutional relationship provided all actors with the possibility to deploy individual strategies, impacting the effectiveness of the APSA negatively.

## **2. Diverging Interests and Policies**

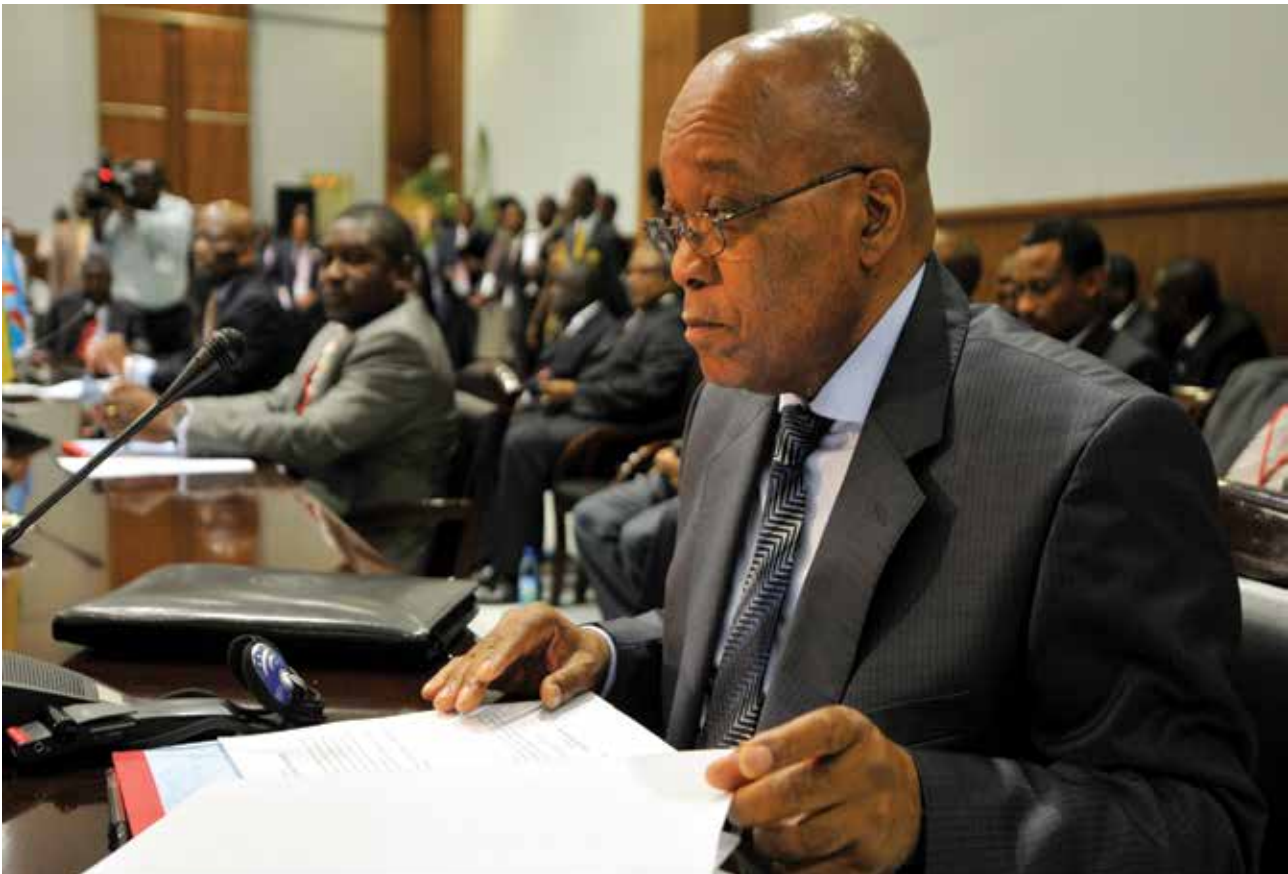
Further lack of clarity is witnessed in the values that the RECs and the AU adhere to, and the policies they propose. While membership within the RECs overlap somewhat, the RECs and AU do represent other constituencies, impacting their values and policies. One relevant, often-disputed principle is defined in Article 4 of the AU's Constitutive Act: the organisation has a right to intervene in countries in case of genocide, war crimes and crimes against humanity.

A divergence of values or interests between the RECs and the AU is problematic when the interests and policy stances of these organisations deviate on pressing issues of conflict and crises. The impact of such a difference of values, upheld by an REC and the AU, was observed in the intervention of SADC in Zimbabwe in 2010. SADC highly values sovereignty and the principle of non-intervention, while the PSC has been

GALLO IMAGES/AFP/SCOUF SANOGO



**Côte d'Ivoire's presidential claimant, Alassane Ouattara (left), talks to Kenya's Prime Minister, Raila Odinga, who serves as one of the mediators in the Côte d'Ivoire crisis (January 2011).**



**South African President, Jacob Zuma, attends the Southern African Development Community (SADC) Summit in Mozambique, where regional leaders hoped to prevent the collapse of Zimbabwe's unity government (5 November 2009).**

slowly stepping away from these principles in favour of the responsibility to protect.

In spite of a call from opposition leaders in Zimbabwe to involve the UN and the AU in the response to the political crisis in Zimbabwe between 2008 and 2010, SADC took the lead. SADC member state South Africa was tasked with mediation efforts, while the situation was successfully kept away from the PSC agenda to protect Zimbabwe from infringement on its sovereignty.<sup>7</sup> The same pattern was observed in ECOWAS's response to the post-election crisis in Guinea-Bissau in 2012. While international and AU observers considered the elections to be fair, the losing candidates denounced the results and staged a military coup d'état, imprisoning the president-elect. Responding to the crisis, ECOWAS proposed a roadmap that accepted the post-coup situation and annulled the election results.<sup>8</sup> Coordination on policy and the norms adhered to by actors would reinforce the effectiveness and trustworthiness of the APSA as the continental structure in which all actors see themselves represented.

### **3. Accountability**

The presence of multiple non-inclusive security organisations – for example, in the African context with the different RECs and the AU – makes it possible for actors to escape accountability from their actions or inaction. The

problem is limited when only one decision-making body holds responsibility to act in peace and security situations. With a limited number of international stakeholders, failures are easily attributed to the responsible actor. On the other hand, when there are many actors involved, placing the blame is much more difficult. This is not to say that limiting the number of organisations tasked with peace and security is a solution to this problem, but overpopulating a continent with organisations competing to be involved is far from desirable.

Accountability is also challenged by the disproportionate ability to influence decisions on policy and interventions that more powerful countries may have as a member of smaller international organisations. In the AU, regional African hegemony balance each other out to a degree, and none of them is evidently more powerful. In regional organisations with a smaller membership base, the balance is oftentimes not present, providing the regional hegemony with an advantage over their fellow member states. This harms accountability, as the actions of these RECs will continue to be seen as a product of cooperation by all member states, while in practice, some states may not see themselves represented in the outcomes.

The presence of such a situation – in which a powerful REC member state imposed its decision on the action the REC undertook – was observed during the Zimbabwe



situation mentioned earlier. When the issue of Zimbabwe became urgent in 2008, “[p]rivately, a diplomatic battle ensued between [then Tanzanian president and AU chair Jakaya] Kikwete and [then South African president Thabo] Mbeki, with presidents Kikwete, Mwanawasa of Zambia and Khama of Botswana urging an expanded mediation team and a more robust UN role. The efforts were strongly resisted by Mbeki.”<sup>9</sup> While SADC member states Zambia, Botswana and Tanzania presented their stance on involving the AU and the UN, South Africa opposed this, and SADC continued to be the only international body to respond to the crisis in any meaningful way. Being accountable for actions and policies is vital in democratic systems of governance. When accountability is challenged, a way to resolve that is through the involvement of CSOs as monitoring agents.

#### **4. Involvement of Civil Society**

An important benefit of the devolution of peace and security tasks to RECs is how it encourages and improves the role and involvement of CSOs. As RECs are less distant to the societies of their member states – for example, through the economic activities they perform – these organisations have more potential to interact with CSOs. Early warning is an area in which CSOs could play a relevant role, offering grassroots observations to establish a better understanding of situations before they turn violent. Although the potential for such involvement is present, not all RECs prioritise such relationships with CSOs.

**THIS NOT ONLY LIMITED COSTS FOR THE REC IN OBTAINING ITS EARLY WARNING UPDATES, BUT ALSO RESULTED IN MORE DETAILED, LOCALLY SOURCED INFORMATION AND GAVE CSOS IN WEST AFRICA AN ACTIVE ROLE IN PREVENTING CONFLICTS FROM ERUPTING**

ECOWAS, however, did build a structure of CSO participation in its early warning mechanism.

Through the West Africa Network for Peacebuilding (WANEP), an extensive network of committed CSOs agreed to share status updates to inform the ECOWAS early warning mechanism. This not only limited costs for the REC in obtaining its early warning updates, but also resulted in more detailed, locally sourced information and gave CSOs in West Africa an active role in preventing conflicts from erupting. The partnership was particularly fruitful in resolving crises in Guinea and Côte d’Ivoire in 2007. In Côte d’Ivoire, recommendations based on the CSO-informed early warning information led to a high-level dialogue, and later to the Ouagadougou Accords.<sup>10</sup> Thus, in addition to improving legitimacy and a monitoring function, CSOs can make substantive contributions to the APSA’s functioning.



GALLO IMAGES/REUTERS/PHILIMON BULAWAYO

**South Africa’s president and mediator in the Zimbabwe crisis, Thabo Mbeki (center), addresses the media as Zimbabwe’s president, Robert Mugabe (left) and leader of Zimbabwe’s main opposition, the Movement for Democratic Change, Morgan Tsvangirai (right) listen (21 July 2008).**

## Conclusion

While the peace and security context of the European and African continents is entirely different, it is undeniable that similarities in the institutional structures do exist. The proposed clustered, non-inclusive bodies of defence cooperation reflect the role of RECs within the APSA on the African continent. The fact that the African structure is functional in many different situations, as a means to deal with peace and security issues, makes the APSA a strong example to inform the development of similar bodies in Europe. This demonstrates the value of a more detailed scholarly debate on how best practices and lessons learned from the APSA could inform institutional development in Europe.

From the preliminary assessment presented in this article, one can derive several policy recommendations relevant to European policymakers to limit known flaws in their proposed structures, and for them to incorporate the best practices of the APSA. First, the establishment of institutions within the EU framework that only represent a subset of member states should always be accompanied by agreed arrangements about which institution is responsible in which situations. The most sensible and practical solution would be to base these arrangements on the capabilities of the different bodies. A coordinator within an organisation that is of both legal and political higher standing could then enforce these arrangements. Second, for a structure of clustered, non-inclusive organisations to be unifying rather than divergent, it is important that interests between these clustered organisations are aligned and that the norms and values underlying the operations of such institutions are similar. Third, similar to the African context, the politically and economically most powerful European states regularly hold opposing interests and policy views. To ensure that these countries do not use the clustered organisations to present their solutions and interest as if they are shared by the entire subset of member states, checks and balances need to be in place. Fourth, including CSO expertise into a structure of peace and security integration will not only improve the legitimacy of the EU's activities on security and defence, but will also provide local level information, analysis and validation, giving decision-makers access to a current source of early warning.

Although EU policymakers might be wary of inspiration from African best practices, it is evident that the AU has more experience both in designing and deploying its security cooperation structure. In developing a structure of peace and security, the EU cannot ignore the best practices and lessons learned from the institutionalisation of the APSA on the African continent. ▲

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# CHALLENGES OF LIBERAL PEACE AND STATEBUILDING IN DIVIDED SOCIETIES

BY CHRISTOPHER ZAMBAKARI

## Introduction

The debate within liberal peace studies on how to build peaceful societies has produced an important body of knowledge that is informing and shaping the governance of many countries in Africa and around the world. This article critically evaluates the assumptions and values of liberal peace on statebuilding by situating it within the current debate in peace studies, and focuses particularly on one of the key assumptions in liberal peace literature: that peace is necessarily the outcome of liberal democracy, market-based economic reforms and the formation of institutions

associated with modern states.<sup>1</sup> A case study from East Africa illustrates this paradigm. The main question is: What are the challenges to liberal peace in post-colonial African contexts? To interrogate the paradigm underpinning liberal peace, the article concentrates on recent statebuilding activities in South Sudan.

This article specifically pays attention to the limits of statebuilding processes, as documented in academic literature,<sup>2</sup> without concerted efforts simultaneously to build the nation. Using the case of South Sudan, where liberal peace has been implemented without success, the



case is made for a significant investment in nation-building activities such as addressing the legacies of conquest and violence, fostering social cohesion between communities, and strengthening ongoing dialogues within and between societies.

### **Statebuilding: Underlying Assumptions**

The 1990s saw the emergence of statebuilding as an indispensable component of liberal peacebuilding. Liberal peace after the cold war and during the war on terror has rapidly turned into an age of intervention. Along with various econometrics<sup>3</sup> for measuring peace, a new type of literature emerged that discussed the so-called fragility of the state,<sup>4</sup> state failure<sup>5</sup> or nation failure.<sup>6</sup> The Global Peace Index and the Fragile States Index are just two examples of indices in liberal peace that claim to quantify peace and identify institutions of state associated with sustainable peace. One side of this scholarly debate focuses on state failures (the failed state debate). The other side focuses on liberal peace, seen as the solution to the problem of failing or failed states. Proponents of liberal peace have developed a system with instruments – usually categories, indices and warnings – to

measure and rank states along a spectrum from strong/stable states (usually in the West) to quasi, weak, failing or failed states (usually not in the West). The debate has political and economic implications, as liberal peace is linked to neoliberal economic policies for building developmental states. The common thread between these instruments and the literature on them is that they are guided by theories of liberal peace. However, the assumptions driving statebuilding are now being challenged. This article focuses on statebuilding in the African context as rooted in liberal peace efforts.

For some scholars, the gravest problem in Africa is state failure or state fragility,<sup>7</sup> while for others the main problem is rooted in the failure of nation-building and statebuilding.<sup>8</sup> The group of “state failure” scholars argue that the solution is statebuilding, or the formation of liberal institutions of the state. In the study of international relations in the West, the “state is the principal unit of the international system and Western states provide the paradigm for its organization”.<sup>9</sup> For Siba Grovogui, professor of international relations theory and law at Cornell University, there is an epistemological failure about the nature of the state that is derived from the peace of Westphalia in 1648 and the post-colonial African



GALLO IMAGES/AFP/ISA KAMBOU

**For some scholars, the gravest problem in Africa is state failure or state fragility.**



state. Grovogui writes that “instead of treating the African condition as evidence that undermines the empirical thesis of a uniform international morality, theorists often construe deviations from the Western state model as a sign of the inability of African states to live up to the requirements of sovereignty”.<sup>10</sup>

Scholars like Grovogui,<sup>11</sup> Francis Deng<sup>12</sup> and Mahmood Mamdani<sup>13</sup> locate the problem in the conquest of Africa and the institutional legacy of colonial statecraft. For these scholars, colonialism and failure to reform the legacies of conquest in the post-colonial period have led to contested visions of the nation. The solution is to find a model that fuses diverse nationalities into a unified framework of the nation.

## IT IS IMPORTANT TO CRITICALLY EXAMINE THE ASSUMPTION OF LIBERAL PEACE IN DIVIDED SOCIETIES AND WHETHER OR NOT IT IS A VIABLE MODEL FOR COUNTRIES MOST AFFECTED BY CONFLICTS

Liberal peacebuilding is characterised by certain features and assumptions. The first is that it is often driven from above, driven by external actors, justified as apolitical, and benevolent. The assumption is that the problem is internal, but the solution is external. There are many definitions of peacebuilding. For the purposes of this article, the United Nations (UN) definition as used in the Brahimi Report is referenced to include: “Activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war.”<sup>14</sup> The goal is the reduction and prevention of conflicts, by strengthening national and local capacities for conflict management.<sup>15</sup> The second assumption is the conflation of democracy (political and social) with elections. In an attempt to build state institutions in politically and socially divided or conflict-prone countries, international organisations – and the UN in particular – have prioritised international interventions over local interventions, and top-down statebuilding over piecemeal, bottom-up approaches.

Today, more resources are being diverted towards peacebuilding, peacekeeping and post-conflict (re) constructions. The implication is profound for those on whose behalf the interventions of liberal peace are being waged. It is important to critically examine the assumption of liberal peace in divided societies and whether or not it is a viable model for countries most affected by conflicts. Liberal peace is defined as “the promotion of democracy, market-based economic reforms and a range of other institutions associated with ‘modern’ states as a driving

force for building ‘peace’”.<sup>16</sup> It covers a broad range of agendas and sectors: security, development, humanitarian aid, governance, democracy and rule of law. The theoretical underpinning of liberal peacebuilding is liberal peace.<sup>17</sup>

The third assumption in liberal peace is that liberally constituted societies are more peaceful; liberal democratic societies are more peaceful and prosperous than undemocratic “illiberal societies”.<sup>18</sup> This idea was first articulated by Immanuel Kant in 1795,<sup>19</sup> who argued that in democracies, the diversity of institutions creates checks and balances, and the cost of war borne by the people places restraint on leaders from waging wars. Kant further noted that the culture of negotiation and conciliation provides a common currency for bargaining, negotiating and settling disputes. Internationally, this has been termed “democratic peace”. Further, liberal democracies are said to not be war-prone. Democracies do not fight other democracies.<sup>20</sup> Michael Doyle and R.J. Rummel both developed and elaborated the Kantian basis for the democratic peace proposition. For Doyle, “constitutionally secure liberal states have yet to engage in war with one another.”<sup>21</sup> The conclusion is that liberal democratic states are only involved in wars with non-liberal states. Rummel concluded his analysis with support for the theory that libertarian states are “not only less violence prone, but when foreign relations includes the perception of other libertarian states, this inhibition becomes a mutual barrier to violence”.<sup>22</sup>

According to liberal peace theory, the interdependence between democratic countries places constraints upon those countries and prevents them from going to war with each other.<sup>23</sup> Although this idea has a long history, today it continues to be argued that “full democratization advances peace but limited democratization advances war”.<sup>24</sup> Here, democratisation and peace are understood to be liberal. Some scholars cast doubt on this assumption and instead show that democracies do fight other democracies, thus the claim has been shown to be unfounded.<sup>25</sup> Germany was a democracy and yet it fought in World War II. Sebastian Rosato’s study also lists the British–French–Israeli coalition’s attack on Egypt (1956) and the Israeli initiation of the Six Day War (1967).<sup>26</sup> These cases support the argument that democracies do not appear to be less likely than non-democracies to launch surprise attacks.<sup>27</sup>

According to James Lee Ray, despite the lack of definitive evidence for democratic countries being less warlike overall, the influence of the argument persists in international relations. Proponents of the democratic peace argument fail to account for the role that democratic states play in causing problems, and supporting and facilitating activities that sustain war and conflicts in foreign countries – for example, the cold war and the war on terror. This, in turn, has implications for international relations, peace studies, liberal democratic promotion and discourse on democratic peace, and informs liberal peacebuilding activities in many divided societies. The politics of intervening to resolve conflicts in

foreign countries is rife with problems, the most problematic being the knowledge undergirding interventions. Morgan Brigg, a senior mediator and lecturer at the University of Queensland, has argued that conflict “resolution’s practical possibilities unwittingly re-inscribes dominant ways of thinking about political community, order, and politics”.<sup>28</sup> The field “cannot credibly address pressing conflicts across difference if it denies some of the key differences to which it aims to respond”.<sup>29</sup> From academic institutions to organisations in the field of peacebuilding, there is a need to critically engage with and to decolonise knowledge that informs policy.

### Liberal Peace and Statebuilding in Africa

Along with its cousin, neoliberalism, liberal statebuilding has been thoroughly implemented in Africa over the last three decades. The driving force behind liberal peace is the emphasis on market-oriented policies, top-down reform, the exclusion of local key stakeholders and the promotion of liberal democratisation, but seemingly without a thorough understanding of the deep-seated causes of conflicts. The neoliberal structural adjustment programmes of the 1980s gave way to a wave of democratisation, which ushered in a new focus on governance. The problem of state disintegration caused by civil wars, external interventions and prolonged violent conflicts called for new solutions.

## FROM ACADEMIC INSTITUTIONS TO ORGANISATIONS IN THE FIELD OF PEACEBUILDING, THERE IS A NEED TO CRITICALLY ENGAGE WITH AND TO DECOLONISE KNOWLEDGE THAT INFORMS POLICY

Experiments in liberal nation-building and statebuilding have extended to Afghanistan, Iraq, Somalia, Burundi, Liberia, Sierra Leone, Congo, Rwanda, Cambodia, Bosnia and El Salvador, and include recent examples such as South Sudan. International agencies are called in to restore law and order, broker peace agreements, initiate peacebuilding processes and (re)build state structures and institutions in a rapidly changing global context.<sup>30</sup> These states are subsequently subjected to pervasive transformation and restructuring in the wake of global external demands, such as structural adjustment programmes, economic conditionalities and military interventions.<sup>31</sup> The impact on recovery has been likewise uneven between East Asian and Southeast Asian states and those in Africa. The difference is due to the institutional legacy of colonial conquests, the level of transformation of state structures, the relationships between state and society, and external impositions. This liberal project has come under critical scrutiny and has generated a lively debate in academic and policy circles.<sup>32</sup>



**International agencies are called in to restore law and order, broker peace agreements, initiate peacebuilding processes and (re)build state structures and institutions in a rapidly changing global context.**

In the 1960s, Arthur Lewis<sup>33</sup> wrote vigorously against the promotion of liberal ideals that were not taking local contexts into account. He distinguished between two meanings of liberal democracy. The first was representative democracy and participation in decision-making, while the second type of liberal democracy was characterised by the concept that the will of the majority shall prevail. For Lewis, the second type – where the will of the majority prevailed at the expense of minority voices – was where politics became a zero-sum game.<sup>34</sup> While this process has been applied to class-based societies, he noted that “translated from a class to a plural society this view of politics is not just irrelevant; it is totally immoral... and inconsistent with the primary meaning of democracy and is destructive to the purpose of harmonious nation-building”.<sup>35</sup> For him, the problem of plural societies – typical of the African context – called for a wholly different conceptual framework of organising society to the Western-imported model that prioritises individualism over collectivism, political democracy (for example, electoral contests) over social democracy (social transformation, and social and economic justice) and a winner-takes-all culture.

Oliver Richmond, a leading critic of liberal peace, has vigorously criticised the premise of the one-size-fits-all paradigm that undergirds the theory of liberal peacebuilding with its variants such as liberal democratic order, free market reform and development, as well as conceptualisations

of human rights and civil society.<sup>36</sup> When the term “local ownership” is used by the international community, rather than strengthening local institutions and promoting them, these local institutions are side-lined and denied ownership of the process.<sup>37</sup> In the case of South Sudan, international organisations have become so dominant that local key stakeholders have often been excluded from important deliberations. Tarnjeet Kang, who conducted extensive fieldwork in 2014 and 2015 on community self-determination within South Sudan’s education system, found that the impact of neoliberal policies on development practice at the community level often removed national government as a key stakeholder, or minimised its role and responsibilities. Moreover, these policies were disguised under internationally funded community empowerment programmes, which gave “the illusion of empowerment and choice on the part of communities, while in actuality creating regulations and restrictions that inherently dictate how, where and for whom development occurs”.<sup>38</sup>

The universalisation of each intervention, and attempts to build a modern state that resembles those found in the West, have pushed international organisations to adopt a top-down approach that is framed in cosmopolitan language. The language assumes that what works in the West works best everywhere – for example, a free market, liberalisation and liberal democracy are universally desirable.

**MOREOVER, THESE POLICIES WERE DISGUISED UNDER INTERNATIONALLY FUNDED COMMUNITY EMPOWERMENT PROGRAMMES, WHICH GAVE “THE ILLUSION OF EMPOWERMENT AND CHOICE ON THE PART OF COMMUNITIES, WHILE IN ACTUALITY CREATING REGULATIONS AND RESTRICTIONS THAT INHERENTLY DICTATE HOW, WHERE AND FOR WHOM DEVELOPMENT OCCURS”**

One of the main challenges to the theory of liberal peace and one of its variants, liberal democracy, is the universalisation of the concept itself. Scholars like Bhikhu Parekh and Claude Ake reject the universalisation of liberal ideas, and instead argue that these ideas should be more context-specific. Parekh writes that “the liberal principle of individuation and other liberal ideas are culturally and historically specific. As such a political system based on them cannot claim universal validity.”<sup>39</sup> Ake, on the other hand, notes that the dominant model in Africa was democracy based on liberal ideals, which was unsuitable for the African context.<sup>40</sup> Democratisation based on liberal ideals can be seen in the (re)building of state institutions in

South Sudan and Rwanda, or in the peacekeeping efforts in Somalia, Burundi, Liberia, Sierra Leone, Central African Republic, Mali, Sudan and the Democratic Republic of the Congo (DRC). For Ake, African societies were already imbued with democratic principles and values, which have been side-lined by the influx of liberal ideals about the construction of a modern state. These systems were “invariably patrimonial, and consciousness was communal; everything was everybody’s business, engendering a strong emphasis on participation. Standards of accountability were even stricter than in Western societies. Chiefs were answerable not only for their own actions but for natural catastrophes such as famine, epidemics, floods, and drought.”<sup>41</sup> Hence, the rise of liberal ideals such as liberal peace, democracy and top-down, one-size-fits-all statebuilding have caused more harm than good. It is hard to think of South Sudan’s disintegration into a new civil war, the prolonged civil war raging in the DRC, or the failures of external interventions in Somalia and Mali without critically interrogating the role of international organisations (including the UN) and the approaches these organisations adopted or imposed on local contexts, while simultaneously excluding key stakeholders from the process.

Another challenge to liberal peace is rooted in the type of analysis that informs liberal interventions – for example, peacekeeping, peacebuilding and statebuilding. Here again, the assumption is that post-colonial states in Africa are authentic and legitimate, and should continue to exist perpetually. Underlining this assumption is the failure to come to terms with the institutional legacy of colonialism in Africa, and how that legacy continues to haunt African countries in their attempt to build states that effectively manage diverse populations. What is missing from the liberal discussion of statebuilding activities in Africa is a serious engagement on the nature of the post-colonial state itself. Mamdani, a leading scholar on African politics, has



UN PHOTO/JOHANN HATTING

**Following South Sudan’s independence a massive disarmament, demilitarisation and reintegration (DDR) programme was launched.**

shed light on the institutional legacy of colonial statecraft in Africa and its legacy in the post-colonial period. According to him, the hallmark of ruling used in the conquest of Africa produced centralised despotism in urban areas and decentralised despotism in rural areas. In countries formerly colonised by Great Britain, for example, Mamdani notes that these countries functioned on the basis of the dual organisation of state authority – one rural, the other urban; one confronting the peasants, and the other confronting the rest of society. The outcome was a bifurcated state and a legal dualism that undergirded colonial institutions.<sup>42</sup> Without understanding how the modern African state was crafted in the colonial period, it is difficult to see how liberal interventions can make a significant contribution to genuine statebuilding. Concerted efforts must be made to understand how African countries were restructured in the colonial period and consolidated in the post-colonial period.

## THE DONORS UNDERESTIMATED THE VARIOUS DIMENSIONS OF THE SUDANESE CIVIL WARS AND THE PROBLEMS WITHIN AND BETWEEN THE TWO SUDANS

### Liberal Peace and Statebuilding in South Sudan

South Sudan is the latest example of the experiments of statebuilding from above, as implemented by the Troika – the United States (US), the United Kingdom (UK) and Norway – under the auspices of the UN and its many agencies. South Sudan is also a good example of liberal peace theory in practice. As such, it teaches us important lessons about the prospects and challenges of building a modern state from above. South Sudan became the world's newest nation in 2011; the outcome of a celebrated referendum. The donor community began a programme of building state institutions in South Sudan with an assumption that prioritised the formation of various institutions of state, security sector reform and liberal market ideology with a focus on oil extraction through Sudan to the north. The focus was placed on the ruling political elite, the military and the various militias that took up arms against the government in Sudan. A massive programme of demilitarisation, disarmament and reintegration (DDR) ensued.

This liberal, often technocratic, nation-building project unravelled and South Sudan disintegrated into a vicious civil war, which has now led to the death of thousands of people,<sup>43</sup> with over two million people being internally displaced<sup>44</sup> or forced into neighbouring countries as refugees.<sup>45</sup> The failures in South Sudan were multiple, starting with the failure to diagnosis the problem, failure to plan adequately for an independent state, and many failures in demilitarising society and politics. The donor community equated development with stability, leading to a focus on delivering services at the expense of aiding the growth of



South Sudan became a new, independent nation in 2011.

a stable nation. The utter failure to disarm, demilitarise and reintegrate former combatants, and the assumption that “only those with the capacity to wage war have the right to determine the terms of the peace”,<sup>46</sup> has come to haunt South Sudan in the post-independent period. There was another failure: the failure to view nation-building for what it really is – a political process. The Troika also agreed to defer critical outstanding issues – such as security arrangements, institutional reform, historical legacies, citizenship, border disputes and the exclusionary policies of key stakeholders – between and within the two Sudans, believing that they would be amicably resolved once South Sudan became independent. The donors underestimated the various dimensions of the Sudanese civil wars and the problems within and between the two Sudans. Thus, the challenge today for South Sudan and many African countries is how to reconcile between the rule of law and political sovereignty – and, as Mamdani states, “how to ensure that Africa’s hard won independence is not compromised in the African struggle for democracy.”<sup>47</sup>

The problem is not confined to South Sudan. A look around the region shows similar trends in statebuilding from above and an uncritical embrace of liberal peace. The three countries of Sudan, South Sudan and the DRC are home to the largest UN peacekeeping missions in the world, with billions of dollars invested to build states, end violence and promote stability and (re)construction. Today, none of the



countries in north-eastern and western Africa (Sudan, South Sudan, DRC, Liberia and Sierra Leone) have shown evidence that a comprehensive embrace of liberal peacebuilding will deliver sustainable peace and economic prosperity. This raises the question of whether liberal peace – along with its variant, liberal democracy – is an adequate theory that should inform statebuilding in divided societies.

South Sudan was supposed to be the poster child for an effective statebuilding project driven from above, funded by donor countries and implemented by various UN agencies. Instead of investing in an organic political process that strengthened local democratic institutions and key stakeholders, donor communities focused on the ruling political and military elites, who have ruled with impunity and lack of accountability. This top-down experiment in statebuilding came to be dominated increasingly by those who resorted to arms over those who chose non-violence.<sup>48</sup> The result has been a vicious cycle of violence, with untold suffering for the civilian population. Instead of a technocratic programme to build modern states like those in Europe, it is time to combine statebuilding activities with nation-building. With the latter, if success is to be achieved in the future, the focus should be placed on understanding how modern African states were formed in the colonial period and the deep-seated causes of conflicts, and engage local key stakeholders in the process. One way to foster a more inclusive and deliberative process would be first to have the correct analyses of the problem, and to understand the historical legacies of wars in countries that are affected by violence. This requires that nation-building and statebuilding activities should be complementary processes, anchored in local contexts and driven by key stakeholders. There is a need for concerted efforts to promote local ownership, instead of the process being driven by donor communities and international organisations that often have short-sighted goals. Taken together, these activities should promote an inclusive democratisation (political and social) process, foster and support social cohesion between and within communities, demilitarise society and politics, and initiate a reconciliation process to deal with the legacies of war.

## Conclusion

This article interrogates statebuilding efforts by exploring some of the assumptions and values of liberal peacebuilding, along with the theory of liberal peace that underpins it. In the first two sections, the article showed that liberal peace is built on certain assumptions – market-oriented policies, top-down reform, the exclusion of local key stakeholders and the promotion of liberal democratisation – and without a thorough understanding of the deep-seated causes of the conflicts. Rosato acknowledged that in democratic peace theory, the claim that democracies do not fight other democracies and engage in militarised disputes with each other, because of shared norms and institutions, is among the most powerful liberal contributions to the debate on the

causes of war and peace.<sup>49</sup> However, he concludes that while there is peace among democracies, “it may not be caused by the democratic nature of those states.”<sup>50</sup> Moreover, democracies do not reliably externalise their domestic norms, institutions and mechanisms for resolving conflicts. There is no definitive evidence that liberal democratic countries are less warlike. Proponents of the democratic peace theory have failed to account for the foreign policies of liberal states during the cold war and the war on terror. Instead, there is evidence that democracies do not appear to be less likely than non-democracies to launch surprise attacks.

The local context is often poorly understood. Local actors are often excluded from key deliberations, and the focus of donor organisations is often on the ruling political elites and a security sector reform agenda – for example, DDR. One key assumption is that the problem in Africa – often depicted as state failure – is internal but the solution is external, necessitating a universally acceptable programme for statebuilding.

In the last sections, this article explores the limits and challenges to liberal peace in the context of divided societies. The case of South Sudan, the world’s newest state, shows how the misguided liberal programme implemented shortly after the Comprehensive Peace Agreement (CPA) was signed has failed to deliver sustainable peace. The failure on the part of the donor community was prioritising statebuilding at the expense of nation-building activities, which could have fostered social cohesion within and between communities and dealt with the legacy of war.

To build durable peace, it is important to diagnose the problem properly before prescribing solutions. The solution to a problem should be sought from within the parameters of the problem itself. One approach to doing this is to ensure that peace efforts engage key local stakeholders. Second, peacebuilding must be seen for what it is – a political process that should be democratised to empower local actors – and the process needs to be anchored in local contexts and driven by those most impacted by peacebuilding efforts and their consequences. In so doing, we can begin to give a voice to those on whose behalf peacebuilding is conducted. **A**

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# DISARMAMENT, DEMOBILISATION AND REINTEGRATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO: CAN STABILITY PREVAIL?

BY **KITENGE FABRICE TUNDA**

## Introduction

From the very beginning, the Democratic Republic of the Congo's (DRC) new disarmament, demobilisation and reintegration (DDR) programme was lauded as a key process that would bring peace and security to the eastern DRC, and sustainable stability in the African Great Lakes region. For the past two decades, the region has remained embroiled in an unending deadly conflict that has claimed the lives of hundreds of thousands of people and increased the number of refugees and internally displaced persons (IDPs), and the proliferation of armed rebel groups has continued unabated.

Through its resolutions 2098<sup>1</sup> and 2147<sup>2</sup>, the United Nations Security Council (UNSC) supported the development

of a comprehensive DDR and disarmament, demobilisation, repatriation, reintegration and resettlement (DDRRR) programme. The United Nations (UN) also called on the DRC government to uphold its commitment to the initiated security sector reform (SSR), and that the UN Organization Stabilization Mission in the DRC (MONUSCO) had to provide support and advice for the programme's implementation.

**Above: The United Nations Children's Fund (UNICEF) and the United Nations Organization Stabilization Mission in the DRC (MONUSCO) separated the demobilised child soldiers after the Mai-Mai militia surrendered to government forces (25 November 2013).**





**The Force Intervention Brigade (FIB) troops arrive in Goma, DRC (28 May 2013). The Brigade was deployed with a mandate within the United Nations Organization Stabilization Mission in the DRC (MONUSCO) to neutralise and disarm armed groups that threaten peace in the eastern DRC.**

In 2013, MONUSCO's new Force Intervention Brigade (FIB) and the DRC national army, *Forces armées de la République Démocratique du Congo* (FARDC), launched an attack on the armed group *Mouvement du 23 Mars* (M23).<sup>3</sup> The defeat of this rebel group influenced several other rebel groups to surrender, disarm and join the third phase of the DDR programme (DDR III). Established in 2013 by the DRC government, the DDR III programme was officially launched in 2015. There are more than 4800 ex-combatants (out of a targeted 12205 combatants, dependants and communities)<sup>4</sup> in the demobilisation camps. With a total budget of US\$85 million,<sup>5</sup> the programme is managed by the *unité d'exécution du programme national de désarmement, démobilisation et réinsertion*; that is, the Project Implementation Unit – Disarmament, Demobilisation and Reinsertion (UEPN-DDR).

Two other programmes – DDR I and DDR II – took place previously, in 2004–2007 and 2008–2011 respectively. The UEPN-DDR was preceded by several other institutions that were in charge of the DDR<sup>6</sup> programme: the National Commission for Disarmament, Demobilization and Reintegration (CONADER) in 2003 and the National Programme for Disarmament, Demobilization and Reintegration (PNDDR) in 2004. The UEPN-DDR was established in 2007 to replace CONADER.

The aim of the current programme is to contribute to the stabilisation of the security situation in the eastern DRC through the disarmament and reintegration of Congolese and

foreign armed rebel groups that remain active on Congolese soil.<sup>7</sup> Partners that are providing assistance to DDR III include the World Bank, the European Union (EU), Caritas Congo, the *Institut National de Préparation Professionnelle* (INPP), the UN Children's Fund (UNICEF), the UN Food and Agriculture Organisation (FAO), the Swedish government and MONUSCO. These organisations and partners play a significant role in ensuring the continued implementation of the SSR programmes and the demobilisation and reunification of children associated with armed forces or armed groups (CAAFAG) with their families.

### **The Current Situation**

Since the signing of the Global and Inclusive Agreement in December 2002, which led to the official end of the Congo Wars, the number of armed groups has increased<sup>8</sup> – despite DDR being a prerequisite for sustainable peace, security and development in war-torn or post-conflict countries such as the DRC. The two former programmes, DDR I and DDR II, did not achieve the originally set objectives as expected. Both programmes were established to demobilise, disarm and reintegrate thousands of armed combatants, as well as to repatriate foreign combatants. It was hoped that through these processes, peace and security could be consolidated and a large number of armed rebel groups neutralised. DDR I and DDR II did not achieve any stability in the eastern DRC due to lack of political will, poor governance, embezzlement

of funds, wrongful implementation of the planned DDR policies, and the reintegration of former war criminals into the national army. In addition, thousands of former combatants continued to keep their armed rebel chains of command by refusing to be deployed to other provinces in the country other than where they were operating during the conflict.

Since DDR III's inception, violent incidents have erupted in the demobilisation camps. Thousands of ex-combatants with their dependants were regrouped in two designated demobilisation camps: the Kitona and Kamina military camps.<sup>9</sup> These two camps were located far from the ex-combatants' home communities in an effort to stop the occupants of these camps from leaving, even if living conditions were unacceptable. The hardships in these camps have often led to conflicts among occupants. During a protest on 25 February 2016 against new army recruits in Kitona camp, two ex-combatants were killed and properties were destroyed.<sup>10</sup> Similar incidents have also been reported in Kamina camp.

DDR III was designed to avoid the pitfalls of the DRC's failed 2004 and 2009 DDR initiatives, specifically by paying more attention to, and devoting more resources for, skills enhancement training and the reintegration phase<sup>11</sup> to

help people become self-sustaining. Ex-combatants attend training courses in small business and entrepreneurship (auto mechanic, masonry, baking, hairdressing, numeracy, conflict resolution and so on) in both camps. They are taught these new skills to become productive when they are placed into communities of their choice. Female, disabled and chronically ill ex-combatants and CAAFAGs also learn skills that they can use once they are reintegrated or reunified with their families. CAAFAGs' tasks are performed by UNICEF with the support of local non-governmental organisations (NGOs), as outlined by the UEPN-DDR's monitoring and evaluation officer.<sup>12</sup>

Tensions recently escalated in the demobilisation camps due to poor living conditions. Ex-combatants protested that they were still based in the camps, despite having completed their training courses. The relocation process was suspended in June 2016 due to a lack of financial resources from partners. In July 2016, the DRC government resumed the relocation of ex-combatants into their communities of choice, with thousands of them having already been successfully reinserted. The ex-combatants targeted for such programmes receive financial incentives (reintegration grants) when they depart the camps. Tensions remain high among the 3591 ex-combatants and their 559 dependants



UN PHOTO/ABDUL FATTAH

**Ex-combatants attend training courses where they are taught various skills, so they can be productive when they are eventually placed in communities of their choice.**



**Two ex-combatants stand in front of their living quarters at a transit camp in the DRC.**

who remain in the two reinsertion camps, awaiting return to their communities.<sup>13</sup> Sweden and the World Bank have contributed US\$7 million and US\$15 million respectively,<sup>14</sup> but this is not enough to complete the programme.

The eastern DRC has become the most vulnerable region of the country in terms of security and development. The DDR programme is currently encountering various challenges in a post-conflict country that is still suffering the impact of years of war, conflict and instability.

### Challenges

DDR is an important peacebuilding tool that can promote reconciliation, promote the rule of law and enhance the protection of civilians. DDR III is, however, experiencing a number of challenges:

- *Logistical resources:* The DRC government has so far allocated more than US\$20 million for transport, logistics, food assistance and other expenses.<sup>15</sup> These funds were in addition to those that came from other partners. Some partners are still reluctant to fulfil their financial pledges because they suspect that the programme may not work. In June 2016, a few days after the government began the process of transporting ex-combatants back to their original communities in South Kivu and North Kivu provinces, the operations were postponed to an unspecified date. They were then resumed in July 2016. One of the lessons learned from previous DDR programmes was that success could only be achieved if there was “better budgeting for transport”. There is much interest among combatants to participate in the DDR programmes, with hundreds

of them calling on the government to speed up the reintegration process.<sup>16</sup>

- *Programme implementation:* The M23 recently called for a new and better demobilisation programme. It blames the government’s ineffectiveness and inefficiency for the poor implementation of the current programme.<sup>17</sup> The current reintegration process is the DDR III’s most complex phase and the DRC government is facing several obstacles in implementing it fully.<sup>18</sup>
- *Political context:* A crisis that could have destabilised the entire country was looming over the electoral commission’s decision to delay the elections until April 2018. However, an agreement was reached between the ruling and opposition parties to postpone the elections to December 2017. President Joseph Kabila has served his second and last term in office, which expired on 19 December 2016. He has been accused by the opposition of trying to amend the constitution to remain in power and serve another term. Since its independence in 1960, the DRC has never had a smooth transfer of power. A new political crisis in this vast country will indeed derail the DDR programme, with the risk of thousands of ex-combatants rejoining their former armed rebel groups.
- *Instability in the region:* Armed rebel groups from neighbouring countries are operating in the eastern DRC – the most prominent being the *Forces démocratiques de libération du Rwanda* (FDLR), which continues to use the DRC as a rear base to attack Rwanda. Only a few of this rebel group’s troops have accepted the UN’s offer to voluntarily disarm.



The Ugandan Allied Democratic Forces (ADF) has increased its attacks against civilians in North Kivu province, around the town of Beni, while Sudan People's Liberation Army (SPLA) rebels fled to the northern DRC after an escalation of the South Sudan civil war in July 2016. The continued presence and activities of these armed rebel groups reflect their capacity to recruit new combatants. Their refusal to disarm impacts peace consolidation in the DRC and the African Great Lakes region.

- *Economic decline:* One of the most important foundations for successful DDR is an economically prosperous environment into which the combatants should be reintegrated, rather than being reinserted into a poverty-stricken community.<sup>19</sup> The DRC is among the poorest countries in the world. For the past two years, the economy has slowed down, commodity prices are currently low, there is a high unemployment rate, and the government has cut spending and

THE ECONOMY CANNOT GROW UNDER SUCH CIRCUMSTANCES, AND WILL BE LIMITED IN ITS ABILITY TO CREATE JOB OPPORTUNITIES FOR ABLE-BODIED PEOPLE TO PREVENT THEM FROM JOINING ARMED REBEL GROUPS

sought World Bank assistance.<sup>20</sup> The DRC government claims that there is not enough money to fund the upcoming general elections, and has only contributed about 24% of the overall DDR budget.<sup>21</sup> The economy cannot grow under such circumstances, and will be limited in its ability to create job opportunities for able-bodied people to prevent them from joining armed rebel groups.

### Recommendations and Conclusion

While it is true that DDR III is not a panacea to peace and security, its success or failure will play a major positive or negative role in peace consolidation and stability in the eastern DRC and, indeed, the whole country. If the country slides back into violence, this unstable region of the Great Lakes will be engulfed in further protracted conflict that will be worse than the current situation, which is already of great concern. A threat of renewed conflict will inevitably undermine efforts at peacebuilding and reconstruction. The protracted DRC conflict is deeply rooted in and influenced by exogenous factors that DDR alone cannot resolve. However, the success of this programme will gradually erode backsliding towards unchecked and continued fighting.

Peacebuilding stakeholders should aim to address the root causes of the DRC conflict. The DRC government should enhance good governance, launch large-scale development projects that create employment, consolidate state authority, strengthen weak local government institutions, and promote



The DRC police launch flares during a demonstration in Goma (19 September 2016). Protestors were demanding the resignation of President Joseph Kabila, who has ruled the DRC since 2001. Opponents fear he is planning to extend his rule unconstitutionally.



**The United Nations Secretary-General, Ban Ki-moon, meets with rehabilitated children released from armed groups and armed forces in Kitchanga, North Kivu, eastern DRC (23 February 2016).**

democratic processes through impartial justice practices that ensure a fair electoral cycle, as recommended by the Peace, Security and Cooperation Framework for the DRC and the region. This framework requires the DRC government to continue its SSR programme to prevent armed rebel groups from destabilising the DRC and its neighbours.<sup>22</sup> These suggestions have been proposed as possible facilitators for establishing long-term stability in the DRC – in particular, the eastern region.

## **MOST OF THE ARMED REBEL GROUPS OCCUPY LARGE TERRITORIES RICH IN MINERAL RESOURCES SUCH AS GOLD, COLTAN AND DIAMONDS, AND THEY CAN EASILY ACQUIRE WEAPONS AND AMMUNITIONS THROUGH ILLEGAL EXPLOITATION AND ILLEGAL TRADING**

Instability in the eastern DRC is primarily due to the proliferation of armed rebel groups, political insecurity, land disputes and ethnic conflicts. These armed rebel groups may not disarm until there is peace and stability in their villages. The availability of arms in villages and communities is a dangerous situation that ex-combatants may capitalise on by reintegrating armed groups into armed insurgencies, if there is no economic alternative for them to be productive and make a living.

Another threat to stability could be the lack of sustainable income-generating activities. Although ex-combatants learn small business and entrepreneurship skills, there is no guarantee that their small enterprises will be successful, as they do not have any business experience or reliable markets. Most of the armed rebel groups occupy large territories rich in mineral resources such as gold, coltan and diamonds, and they can easily acquire weapons and ammunitions through illegal exploitation and illegal trading. These ex-combatants were able to sustain the conflict for many years and provide for their dependants, indicating that the mineral trade was lucrative. Hence, self-employment might not be the only incentive for them not to regroup and join armed rebel groups, should their business ventures not work.

Armed rebel groups have the resources and opportunities to destabilise the government. The FIB, together with the FARDC, should use all necessary means in terms of its peace enforcement mandate to neutralise active local and foreign armed rebel groups that are reluctant to disarm. Although the FIB's 3000 troops and MONUSCO's 20000 troops<sup>23</sup> are working in support of the DRC government to maintain and enforce peace, the security of the population is the primary priority of the government. Consequently, the FARDC, national police and all other security forces should be provided with resources and means to fulfil their missions, as well as incentives to avoid them absconding to join the rebel units. Through cooperation with MONUSCO, the FARDC has projected that all armed groups will be neutralised by December 2016.<sup>24</sup> This is an ambitious target to achieve,

based on the current security developments on the ground. Given this, the DRC government should reform the security sector, as the success of the DDR III programme relies on the ability of the security forces to perform their duties. An effective DDR III will improve security in the country, and enable an environment for the economy to grow.

While it could take a few years to confirm the success or failure of DDR III, there is scepticism about its possibilities for success. The predictions for failure are highlighted by three indicators that constitute DDR III's weaknesses:

- 1 The security situation is still fragile and does not permit the programme to carry out its missions effectively.
- 2 Political crisis and civil unrest might ensue following the government's failure to hold general elections as scheduled.
- 3 There is a lack of funds to cover DDR III's expenses.

If these three issues are not addressed by all stakeholders, DDR III – which reflects the true characteristics of DDR I and DDR II – will fail in equally similar circumstances. The regional groups and organisations to which the DRC is a member – the International Conference on the Great Lakes Region (ICGLR) and the Southern African Development Community (SADC) – must step in quickly to address these challenges, which are slowly edging the DRC into yet another quagmire of violence, indiscriminate and deliberate targeted killings of defenceless civilians, destruction of property and infrastructure, and displacement of communities.

The DRC government should contribute more funds to DDR III, so that the programme can be comprehensively implemented and can address all the challenges faced by – and posed by – ex-combatants and armed groups. DDR III should complement other post-conflict reconstruction and peacebuilding programmes and SSR reforms, so that reluctant armed rebel groups are further encouraged to join the programme. The failure of DDR III could pave the way for more insecurity and instability in the DRC and the African Great Lakes region. ▲

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# THE WOMEN'S SITUATION ROOM IN AFRICA: AN INITIATIVE FOR PEACEFUL AND INCLUSIVE ELECTIONS

BY IRENE LIMO



GALLO IMAGES/AFP/WALTER ASTRADA

## Introduction

Violence during an election cycle is an all-too-frequent phenomenon in most African countries, where it may be triggered by political or ethnic tensions, or flawed electoral processes.<sup>1</sup> Post-conflict countries and countries in conflict often face extraordinary challenges with respect to development and security. More than 1.5 billion people live in countries affected by violent conflict, with poverty rates 20% higher in countries affected by repeated cycles of violence.<sup>2</sup> Elections, a hallmark of democracy and process for political transitions, have often served as triggers of violence. Electoral violence slows the consolidation of democratic norms; reduces the prospects for long-term, durable peace and stability; and undermines economic growth by limiting the purchasing power of citizens.

Thus, managing election-related violence is critical in building strong governing institutions and creating durable peace.

Over the years, in response to electoral challenges, different actors have employed different mechanisms and implemented various initiatives to reduce and prevent the violence that often accompanies elections in most African countries. Among these initiatives is the Women's Situation Room (WSR) – a women-led approach to preventing and reducing violence during the electoral cycle, and in some

**Above: Kenyan women gather around a memorial at Uhuru Park in Nairobi. The memorial was erected for all Kenyans who have been killed, raped or lost their homes in post-election violence.**



**An electoral officer assists a voter during the presidential election at a polling station in Cotonou, Benin (6 March 2016).**

countries assuming a conflict management approach in the post-election period. Several countries have established the WSR, which seeks to reduce cases of violence and sexual violence, and increase the number of women in electoral processes – either as voters, candidates, supporters or observers during elections. This article outlines the work, challenges and success of the WSR, and interrogates its role in preventing and managing violence during election periods and its link to conflict early warning and early response, and conflict resolution.

### **Electoral Violence in Africa**

Elections in some African countries are often marked by violence, which ranges from low-level intimidation and harassment to more intense violent displacement and death. Electoral violence of any kind can deter citizens from voting, discourage candidates from running for office, weaken civil society's scrutiny of elections, and hurt the legitimacy of a government. Often, women are affected by the intimidation caused by this violence. With unemployment soaring in most African countries, there continues to be an underutilised human resource capacity – the youth. With high unemployment, the youth are susceptible to manipulation to perpetrate conflict during election processes. The WSR is an initiative that seeks to bring the capacities of the

youth and women together to strengthen the prevention of and response to electoral violence, thereby increasing the participation of women in elections.

Every year several African countries hold elections, some of which have been marred by violence. The following countries held elections in 2015: Tanzania (general); Burundi (senatorial, presidential, National Assembly); Ethiopia (general); Egypt (parliamentary run-off, parliamentary phase 1, parliamentary phase 2, legislative run-off); Morocco (municipal, regional); Togo (presidential); Sudan (general); Nigeria (by-election, gubernatorial, legislative, presidential); Uganda (general); Burkina Faso (legislative, presidential); Côte d'Ivoire (presidential); Central African Republic (CAR) (presidential and parliamentary, constitutional referendum); Rwanda (constitutional referendum); Seychelles (presidential); Namibia (local, regional); Lesotho (general); Zambia (presidential by-election); Republic of the Congo (constitutional referendum) and Guinea (presidential).<sup>3</sup> Nigeria's elections were considered peaceful; this country utilised the WSR during the election period. For the first time since independence in 1960, Nigerian voters peacefully voted to transfer political power from one party to another. Given Nigeria's chequered electoral history – filled with violence, rigging and lack of a viable opposition party since military rule ended in 1999 – Nigeria's recent success story is a





**Voters register at a polling station during local elections in Bamako, Mali (20 November 2016).**

positive sign for its democratic consolidation, and a potential game-changer for other African elections.<sup>4</sup> Uganda also utilised the WSR.

The following countries held their elections in 2016: Mali (municipal); Côte d'Ivoire (parliamentary, constitutional referendum); Somalia (parliamentary); South Africa (by-election, local); Nigeria (gubernatorial, parliamentary rerun, by-election); Seychelles (parliamentary); Uganda (parliamentary, general); Gabon (presidential); Zambia (legislative, presidential); São Tomé and Príncipe (presidential); Burkina Faso (municipal); Comoros (presidential rerun, presidential run-off, presidential); Niger (local, regional, presidential and parliamentary run-off, parliamentary, presidential); Chad (presidential); Equatorial Guinea (presidential); Sudan (referendum); Djibouti (presidential); CAR (parliamentary, presidential); Democratic Republic of the Congo (DRC) (gubernatorial); Rwanda (local phase 4, local phase 3, local phase 2, local phase 1); Cape Verde (legislative); Senegal (constitutional referendum); Tanzania (regional); Benin (presidential); Republic of the Congo (presidential) and Morocco (parliamentary).<sup>5</sup> The following countries are still scheduled to hold elections in 2016: Nigeria (gubernatorial); Somalia (presidential), The Gambia (presidential), Ghana (parliamentary, presidential) and Nigeria (local).<sup>6</sup> In 2017, countries expected to

hold elections include: Algeria, Angola, Chad, Djibouti, The Gambia, Guinea, Kenya, Liberia, Libya, Madagascar, Republic of the Congo, Rwanda, Senegal, Sierra Leone, Somaliland, Swaziland and Tunisia.<sup>7</sup>

Some of these countries have, in the past, reported electoral violence – such as Kenya and, more recently, Gabon and the DRC. Most of the countries scheduled to hold elections in 2016 and 2017 are either in conflict or emerging from conflict. Given that some of them have weak institutional structures and mechanisms, this increases the likelihood of electoral violence. Further, cases of sexual violence have also been associated with elections. The use of the WSR, in conjunction with conflict and violence prevention mechanisms, has resulted in fairly peaceful elections, with reports indicating that sexual violence had decreased during elections in those countries due to the early warning preventive approach.

### **Women in Conflict and Violence Prevention**

The pervasive human rights, socio-economic, health and political inequalities that disproportionately affect women and girls impede Africa's efforts to achieve transformative and sustainable socio-economic development. This is seen in countries affected by electoral violence and political instability. To respond to these challenges, there is now



greater recognition of the centrality of ensuring gender equality and women's empowerment, if development is to be sustainable. The 2003 African Union Maputo Protocol exemplifies this importance. The protocol expressly demands affirmative action measures to assure women's participation in electoral processes, decision-making and conflict prevention. The Beijing Declaration and Platform for Action is a progressive blueprint for advancing women's rights. This declaration identified 12 critical areas of concern, and outlined actions to be taken in each of these areas to create a better world for women. The role of women in conflict prevention and decision-making was among these areas of concern. Twenty years after this comprehensive affirmation of women's rights and empowerment was adopted, it remains only partially fulfilled. Confronted with slow progress, more than half of all countries use some type of gender quota for an elected office.

Ensuring transparent, open and competitive elections that all voters (especially women and other marginalised groups) can participate in, free from intimidation, is one of the objectives of the WSR. With almost half of the world's poor expected to live in countries affected by fragility, conflict and violence (FCV) by 2030,<sup>8</sup> addressing challenges such as electoral violence and the limited role of women in conflict resolution and violence prevention remains a concern for the achievement of the new Sustainable Development Goals (SDGs). As an early response and conflict mitigation initiative, the WSR directly engages women and youth, enabling them to support the prevention and mitigation of electoral violence in line with United Nations Security Council (UNSC) Resolution 1325 and other United Nations (UN) resolutions on women, peace and security.

### **What is the Women's Situation Room?**

The WSR is a peacebuilding initiative that empowers women to be the leading force for democratic and peaceful elections. The concept was first introduced by Yvette Chesson-Wureh, coordinator for the Liberia-based Angie Brooks International Centre (ABIC), a non-governmental organisation working on women's empowerment.<sup>9</sup> The WSR is an initiative that mobilises, harnesses and taps into the expertise and experiences of women to act to mitigate potential conflict, leading to violence that could emerge before, during and after elections. It empowers women and youth to play an active and direct role in peace and security efforts, and to engage in peace processes and conflict prevention mechanisms in accordance with UNSC resolutions 1325 and 1820.<sup>10</sup> The initiative was first used during the 2011 elections in Liberia, and has since been successfully replicated in Kenya (2013), Senegal (2012), Sierra Leone (2012), Nigeria (2014) and Uganda (2016), among other countries. There were also plans to use it in Burkina Faso, Côte d'Ivoire and Togo. The operational approach of the WSR is expected to differ in individual

countries, allowing for flexibility to adapt to local conditions and dynamics.

As a result of its demonstrated effectiveness in preventing and mitigating election-related violence in several countries in Africa, the WSR was endorsed as best practice by the 2012 AU's Gender is My Agenda campaign. The UN has also recognised the WSR as best practice in conflict and violence prevention.

### **How Does the Women's Situation Room Work?**

The WSR is a very active room, where diverse women and men from different fields are brought together to monitor the elections in different parts of a country. The task of the WSR is specifically to monitor violence against women in the whole electoral process, but also to respond to cases affecting men, as well as children and other marginalised groups. The WSR relies solely on raw information from the field on the day of the election, and in some countries, some days after the elections.

The structure of the WSR consists of a secretariat, election observers, a call centre, a team of eminent women leaders and a pool of experts. The WSR operates from a designated location, often close to the strategic headquarters of the various first-response organisations such as the police and the electoral body in the country. The secretariat is tasked with organising the day-to-day activities of the WSR and rolling out strategies implemented before, during and after elections. The WSR is spearheaded by civil society organisations (CSOs), in most cases with the support of UN Women and the United Nations Development Programme (UNDP).

The WSR-trained election observers are deployed in various parts of the country. Using a toll-free, well-publicised telephone number, the election observers report to the Situation Room all incidents of violence or threats to peace that are happening across the country.<sup>11</sup> Inside the Situation Room, a team of leaders and eminent persons from different African countries remain on standby. In another room, telephone operators take calls from the election observers deployed across the country to monitor hotspots. The operators record the time and nature of the call, and then pass on this information to technical experts, who verify and analyse the information before handing it to a team of women leaders who have influence with local politicians. They are also supported by female experts from other parts of Africa.

The team coordinates with high-profile representatives from the police service and the electoral commission – for example, the Independent Electoral and Boundaries Commission (IEBC), in the case of Kenya. After receiving situation reports of real or potential trouble on the ground, the eminent persons use their status and influence with police authorities, the electoral body or political leaders to reduce brewing tensions or prevent acts of violence from

getting out of control. They also conduct behind-the-scenes diplomacy, and arbitrate and mediate between rival groups and political parties. Meanwhile, in the Situation Room itself, visitors are invited to write peace messages and sign their names on a piece of white cloth to symbolise their support for peaceful elections.

### **Field Presence**

- **Ghana (2016):** Ghana will hold its general elections on 7 December 2016, to elect a president and members of parliament. The WSR has been established with the support of the UNDP and Norway with the aim of mobilising women, in collaboration with the youth, to ensure their active participation in peaceful democratic electoral processes.<sup>12</sup>
- **Uganda (2016):** The WSR trained 450 election observers, covering 15 districts marked as conflict hotspots.<sup>13</sup> The WSR Uganda received and dealt with over 1415 calls from the 15 districts in which observers were stationed and other parts of the country.<sup>14</sup>
- **Nigeria (2015):** The operation centre housed 40 youth incident reporters fielding calls in two shifts, day and night. They took 2748 calls from the public during that period and recorded complaints, observations and

queries about violence against women. An additional 300 all-women election monitors – who were deployed in 10 targeted states for two days during the elections – reported nearly 5000 incidents of election-related cases of violence.<sup>15</sup>

- **Mali (2013):** Mali took a different approach through the creation of a women’s oversight platform for fair and violence-free elections, inspired by similar women’s electoral situation rooms. The platform is a space where Malian women voters can exchange views and information. Every day, speakers arrive and debate on a series of crucial issues, such as the importance of the women’s vote, the impact of electoral violence on their vote, the role of young people in elections, the role of the media in preserving peace, and so on.<sup>16</sup> In July 2013, the platform included 2500 women and youth visitors.<sup>17</sup>
- **Kenya (2013):** Kenya recruited, trained and deployed 500 women and youth as special election observers in areas that were identified as potential hotspots for violence,<sup>18</sup> including Nairobi, Naivasha and Mombasa. Using a toll-free, well-publicised telephone number, the election observers reported to the Situation Room all



**The WSR Uganda received and dealt with over 1415 calls from the 15 districts in which observers were stationed and other parts of the country.**



**Women sit outside the Women’s Situation Room during the local and national elections in Freetown, Sierra Leone (17 November 2012).**

incidents of violence or threats to peace that happened across the country.

- **Senegal (2012):** Fifty West African women leaders served as election observers during the country’s elections.<sup>19</sup> UN Women supported the launching of a Women’s Platform for Peaceful Elections to help the voting process take place in a peaceful and transparent manner. Founded by women’s organisations as an initiative for conflict prevention and mediation, the platform has enabled female leaders to join and organise observer missions during the electoral process, using a gender-based approach.
- **Sierra Leone (2012):** A total of 300 observers were recruited<sup>20</sup> to monitor and observe elections, specifically with regard to security challenges for women during the election period. The initiative aimed at mobilising, harnessing and employing the expertise and experiences of women in taking action to prevent or mitigate potential conflicts and other threats that could emerge before, during and after the local, parliamentary and presidential elections in Sierra Leone. It created a space for consultations with all parties involved in the elections and encouraged women to be involved in peace advocacy, mediation, coordination, political analysis, observation and documentation.
- **Liberia (2011):** The WSR in Liberia used a multipronged approach in its implementation. With support from the UNDP and in collaboration with the ABIC, a coalition of over 30 Liberian women and youth organisations – the Coalition of Women, Youth and Students Against Electoral Violence, under the banner “Peace in our Hands” – established the WSR in Liberia to help galvanise women’s participation, and for peaceful elections.<sup>21</sup> In collaboration with the Ministry of Gender and with funds from the Elections Basket Fund managed by the UNDP, 419 women representing 17 political parties were trained to participate in the elections. Women of various political parties advocated for support of their activities, following an interparty dialogue held in 2010 that aimed to increase the role of women in political parties and empower women candidates to contest the 2011 elections. The UNDP supported 95 women’s organisations to enhance their participation in voter registration. Over 100 women participated in the primaries of their various political parties to gain seats in the presidential and legislative elections.<sup>22</sup> The process of inclusion and participation of all women’s organisations, youth groups and other civil society actors will be highly important for the success of the WSR during the 2017 elections in Liberia.



### Women's Situation Room Achievements

The WSR is barely a decade old, yet the impact of this initiative has been felt in the countries where it is used:

- In Kenya, at the end of the observation process in 2013, the WSR had recorded more than 1200 reports that were received and resolved in real time.<sup>23</sup> The incidence categories included voting complaints, gender-based violence, electoral offences and the obstruction of observers. There were also cases of spontaneous violence following the announcement of the results. At one point, there was tension nationwide when the IEBC delayed announcing the election results. The WSR, through the team of eminent persons, successfully reached out to the electoral commission to fast-track the process. The team also prevailed upon the two leading presidential contenders to appeal to their supporters to refrain from violence. In the end, the importance of WSR's work was acknowledged by various stakeholders in the Kenyan election.

THE WSR IS AN EMERGING TREND THAT, IF USED WITH OTHER EXISTING OPPORTUNITIES OR NEW APPROACHES, WILL STRENGTHEN CONFLICT AND VIOLENCE PREVENTION DURING THE ELECTORAL PROCESS, ENSURING THE PROTECTION NEEDS OF WOMEN ARE TAKEN INTO CONSIDERATION, AND INCREASING THE REPRESENTATION OF WOMEN IN PEACE PROCESSES

- In Liberia, the WSR worked to ensure that women participated in all spheres of the elections, and not just to vote or rally behind politicians. The objective of the WSR was to enhance women's political participation by mobilising women, youth and the media in Liberia to actively participate and to ensure a peaceful and democratic electoral process.<sup>24</sup>
- The WSR has assisted in identifying triggers of electoral violence, and in developing strategies to stem such violence.
- Trained and deployed election observers contributed to resolving reported electoral violence incidents or threats in real time, and held fruitful meetings with the major political players and media stakeholders on the need for peaceful elections.
- There is improved electoral security with WSR. The presence of WSR observers has given citizens more courage to go out and vote. Security sector agencies are mandated to provide safety to electoral actors,

events, materials and information throughout the electoral cycle. The WSR has worked with security forces in realising this mandate in conflict hotspots.

- Dialogue among electoral stakeholders has increased, due to ongoing engagement and interaction with them.
- Local infrastructures for peace have been enhanced. WSR monitors have to work with other actors on the ground, thus strengthening platforms for peace at the community level and increasing coordination levels among peace actors.
- In Nigeria, the performance and usefulness of the intervention desks set up by police in the physical Situation Room<sup>25</sup> were key in ensuring prompt and rapid responses to incidences reported to the WSR, thus creating an enhanced preventive approach.

### Challenges and Obstacles

With the different achievements highlighted, the WSR is not without challenges:

- As a relatively new initiative, there is still limited awareness of the WSR and its functioning, thus limiting the support it gets from the community.
- For some WSRs, such as in Kenya and Nigeria, an issue that was raised was the need for more time to train volunteers on the peace process, information and conflict analysis, and gender analysis, to enable them to support the information flow more effectively.
- In most cases, the WSR is only established a few days before the elections. However, it should be established much earlier – perhaps even as early as one month or more before the elections. This gives the population some time to understand the operations of the WSR, for the training of people, and for the trainees and eminent women to interact.
- The sustainability of the initiative is not guaranteed, since there are no established funding mechanisms yet to support an initiative like this in the long term.
- There is a need for greater support of analysts – who, at times, were overwhelmed and forced to go beyond their terms of reference. This is linked to the need for greater clarity of roles and responsibilities of those involved in the WSR.

### Recommendations and Opportunities for Engagement

The WSR is an emerging trend that, if used with other existing opportunities or new approaches, will strengthen conflict and violence prevention during the electoral process, ensuring the protection needs of women are taken into consideration, and increasing the representation of women in peace processes:

- Initiatives such as the deployment of an all-women AU Election Observation Mission (AUEOM) to observe parliamentary elections in the Seychelles in September 2016 provided an opportunity for convergence.



**Ivorian observers prepare to work at the situation room during the presidential election in Abidjan (25 October 2015).**

The presence of such an observer mission (in this case, the first-ever, historical, women-only AUEOM) in the same space as the WSR will strengthen early warning and early response to conflict. In a similar vein, the WSR should continue to link with other existing platforms, such as the civil society situation room in Nigeria.

- Even after elections, Uganda has continued to engage with the eminent women who form a key component of the WSR. This is reflected in their continued strengthened capacities to support conflict and violence prevention, even in the post-election period. For example, the African Centre for the Constructive Resolution of Disputes (ACCORD) has conducted several trainings and related support engagements for the eminent women from Uganda, most recently with trainings on mediation.
- There is a need for increased awareness on the WSR and its functioning, highlighting its role as a non-state actor in contributing to early conflict warning and peaceful elections. This will also lead to local ownership by the community.
- Information, communication and technology (ICT) has been used directly as a tool of intimidation by threatening or inciting physical violence against women candidates, voters or representatives during elections. The WSR can work with existing technological advancements and initiatives, such as the Ushahidi<sup>26</sup> platform, to maximise the impact of the

WSR. The operations of the WSR depend significantly on telephone calls for real-time monitoring and response to election-related incidences. Thus, there is a need to explore the utilisation of media and technology in strengthening the role of women in conflict prevention.

- Most of the regional economic communities/regional mechanisms (RECs/RMs) in Africa have established or are establishing conflict early warning mechanisms, and the WSR is a possible point of engagement, where the RECs can work with the WSR to strengthen data collection, analysis and response during elections.
- In support of the AU's objective of "silencing the guns" by 2020, the pool of eminent women can be engaged to reach out to the youth and other actors carrying arms.
- The pool of eminent women who support the WSR in different countries can be linked to the national, regional and continental roster of women mediators who can further support conflict prevention and management efforts in these countries, even during the post-election period.
- The WSR is often established only a few days before elections. There is the need for a more structured approach that allows for early recruitment and training of the volunteer observers, to enable them to better support the WSR mandate.
- The Pan-African Network of the Wise (PanWise) and the WSR can find areas of convergence, as both initiatives seek to address women's issues in conflict settings.

- Situation rooms should include police and election commission intervention desks to help resolve incidents as they emerge. Further, processes within the WSR should be flexible enough to allow other agencies to play a complementary role.
- Training on conflict analysis and incident reporting should be conducted in collaboration with the police, to ensure accurate analysis and recording. This will also ensure that all statistics and data are sex-disaggregated.
- The establishment and implementation of the WSR is one of the ways in which a country can contribute to the implementation of UNSC Resolution 1325 at a national level, by providing a platform for effective women's participation in conflict prevention.

## Conclusion

Strengthening a society's resilience to conflict and violence during elections may require enhanced coordination between, and joint action by, the major state and non-state actors that have a mandate to work for peaceful elections, and an interest in doing so. As countries across the African continent gear up for elections, women are taking an active role in ensuring peaceful voting and meaningful electoral participation, through the WSR. Women and youth are key stakeholders who are too often neglected in the quest for peaceful elections. Further, women play an active role in sustaining peace before, during and after elections, and their agency must be strengthened to enable them to contribute further to sustainable peace in their communities and beyond. The WSR provides a platform to enable this. **A**

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# AL MAHDI'S CASE BEFORE THE INTERNATIONAL CRIMINAL COURT: A LANDMARK DECISION IN THE PROTECTION OF CULTURAL AND RELIGIOUS SITES

BY FRÉDÉRIC FOKA TAFFO

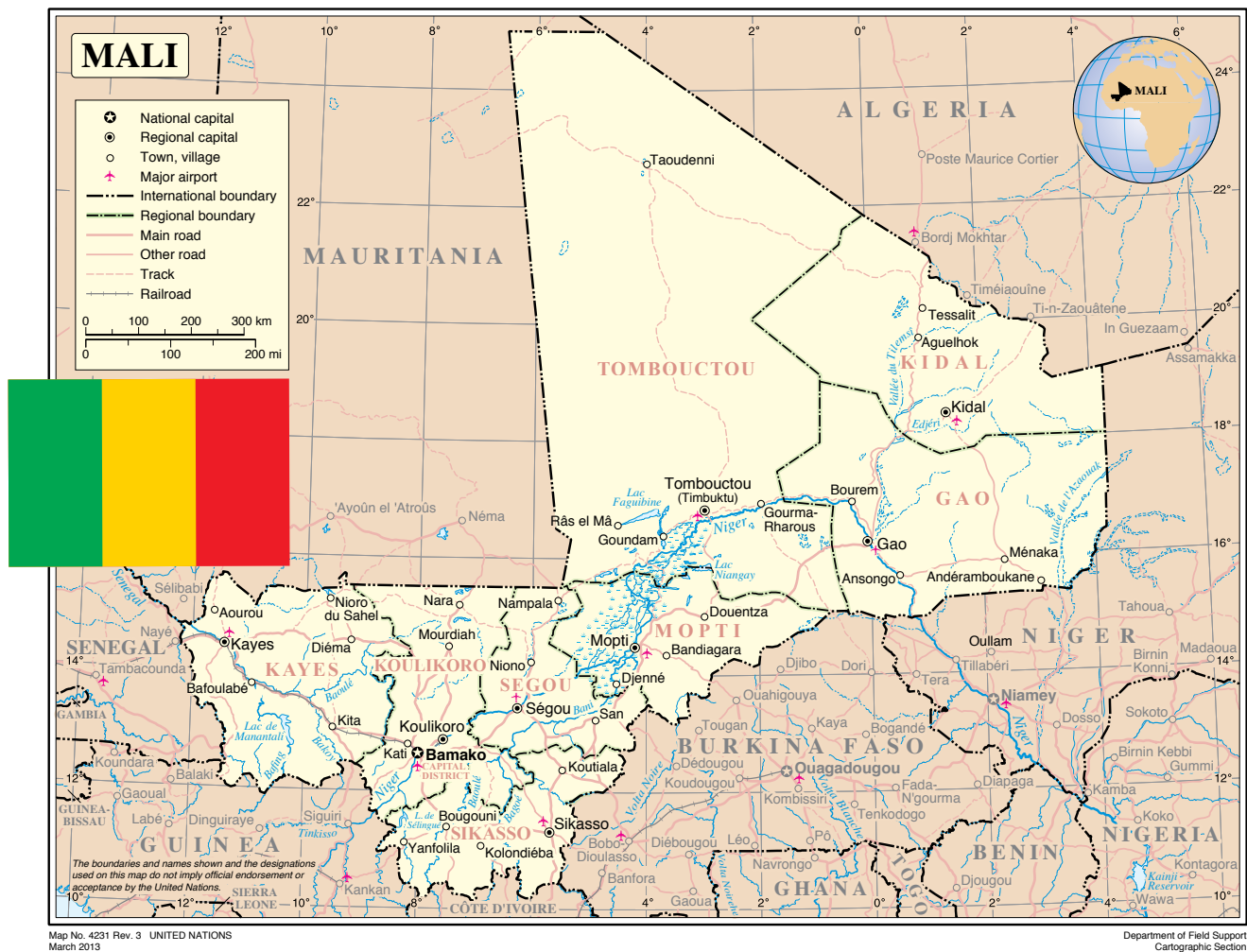


GALLO IMAGES/AFP/BAS CZERNINSKI

International humanitarian law and international criminal law are usually regarded as tools with the primary aim of protecting people against gross violations of their rights. This is not false. However, these two branches of public international law, in the context of international or non-international conflicts, also protect objects, especially those that have a certain value for people who are the first victims of war. It is in this regard that on 27 September 2016, the International Criminal Court (ICC) delivered a landmark decision in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*.<sup>1</sup> This

case appeared before the ICC following the referral to the Prosecutor of the Court in 2012 by the Government of Mali. In January 2012, a conflict of non-international character occurred in the territory of Mali.<sup>2</sup> Following this, different armed groups, including Ansar Dine and Al-Qaeda in the Islamic Maghreb (AQIM), took control of the northern part of the country – namely Timbuktu.

**Above: Ahmad Al Faqi Al Mahdi (center) speaks with his lawyers at the International Criminal Court in The Hague (September 2016).**



These armed groups imposed their religious and political edicts on the territory of Timbuktu and its people. Al Mahdi, who was the head of the morality brigade of these groups, was charged with “regulating the morality of the people of Timbuktu, and of preventing, suppressing and repressing anything perceived by the occupiers to constitute a visible vice”.<sup>3</sup>

It was in this capacity that Al Mahdi, acting on the instructions of the leaders of the two armed groups, launched a widespread attack on the mausoleums of saints and the mosques of Timbuktu. These sites are an integral part of the religious life of Timbuktu’s inhabitants. They constitute a common heritage for the community and are places of prayer or pilgrimage. Some of these sites, which were not military objectives, have protected United Nations Educational, Scientific and Cultural Organisation (UNESCO) World Heritage site status. After initially being reluctant to destroy these sites, Al Mahdi later actively participated in a common plan with other people to attack the sites. Based on this, the single judge of the ICC Pre-Trial Chamber I issued a warrant of arrest against Al Mahdi for the crime of attacking protected objects under article 8(2)

(e)(iv). Al Mahdi was then arrested and transferred to The Hague, and his first appearance took place on 30 September 2015. In February 2016, the parties reached a plea agreement in relation to the charge, and Al Mahdi indicated to the prosecution that he accepted responsibility for the crime and provided a detailed account of his actions. Less than one year later, on 27 September 2016, thanks to this plea agreement, a judgment was delivered in the case, sentencing Al Mahdi to nine years’ imprisonment. This case offers the opportunity to discuss the plea agreement as a useful tool of international criminal justice.

**IT WAS IN THIS CAPACITY THAT AL MAHDI, ACTING ON THE INSTRUCTIONS OF THE LEADERS OF THE TWO ARMED GROUPS, LAUNCHED A WIDESPREAD ATTACK ON THE MAUSOLEUMS OF SAINTS AND THE MOSQUES OF TIMBUKTU**



**The Djingareyber Mosque is one of many historical architectural structures (along with other mosques, mausoleums and holy public places), which earned Timbuktu the designation of World Heritage Site by the United Nations Educational, Scientific and Cultural Organisation (UNESCO).**

### **Plea Agreement: A Useful Tool of International Criminal Justice**

Indisputably, it is thanks to the plea agreement reached between the parties in the Al Mahdi case that a judgment was delivered so quickly. It took only one year from the accused being arrested and transferred to The Hague on 26 September 2015 to his final judgment on 27 September 2016. This is far from the eight years that the case against Thomas Lubanga<sup>4</sup> took to be settled. The Lubanga case took so long because the prosecution had to conduct long and time-wasting investigations to collect the evidence used to prove to the court, beyond reasonable doubt, that the accused had committed the crime for which he was charged. In addition, the debates between the parties were very intense, since the accused did not admit his responsibility for the crime for which he was charged.

A plea agreement being reached by the parties is a useful tool, since it saves time. The ICC admitted the importance of this tool when it declared that the admission of guilt by the accused and the subsequent agreement reached with the prosecution helped to “substantially speed up the proceedings... This admission of guilt

undoubtedly contributed to the rapid resolution of this case, thus saving the Court’s time and resources and relieving witnesses and victims of what can be a stressful burden of giving evidence in Court.”<sup>5</sup>

However, it should be understood that even when an agreement is reached by the parties, it is nevertheless the duty of the court to establish the truth by making sure that the admission of guilt by the accused satisfies some basic conditions. First and foremost, the plea agreement must be corroborated by the facts of the case. It means that even though a plea agreement has been reached, the court has the duty to ensure that the agreement is substantiated by the case facts. If not, the court has to dismiss it and ask the prosecutor to conduct proper investigations to establish the truth. The International Criminal Tribunal for Rwanda (ICTR) held this view firmly in the case of Jean Kambanda.<sup>6</sup> In the Al Mahdi case, this requirement was properly satisfied and the court noted that Al Mahdi, in accepting his responsibility, provided a detailed account of his actions, thereby facilitating the chamber’s establishment of the facts of the case. The court therefore held that “[t]he Chamber finds beyond reasonable doubt that the





**A still from a video shows Islamist militants destroying an ancient shrine in Timbuktu (1 July 2012).**

admission of guilt, together with the additional evidence presented, satisfies the essential facts to prove the crime of attacking protected objects under article 8(2)(e)(iv)".<sup>7</sup>

In addition to this requirement, for a plea agreement to be valid, the court must also make sure that the accused understands the nature of the charge against them and the consequences of an admission of guilt; that they have made an admission of guilt voluntarily, after sufficient consultation with the defence counsel; that the accused has waived their rights – among which is the right to plead not guilty and require the prosecution to prove the charges beyond reasonable doubt at a full trial, the right to raise defences and grounds for excluding criminal responsibility, and the right to examine witnesses against them and to obtain the examination of witnesses on their behalf at a full trial – and that the accused has accepted their individual criminal responsibility for the charge, including all modes of liability alleged. The examination of this condition is imperative to ensure that the accused unequivocally understands the nature and consequences of the plea agreement. For example, if after admitting their guilt, the accused persistently brings in defences – as

Drazen Erdemovic<sup>8</sup> did – then the court has to dismiss the agreement.

A plea agreement has many advantages, not only for the accused themselves, as it can be considered as a mitigating circumstance, as stated in the Al Mahdi case – even though the ICTR clearly held in Kambanda's case that the court was not bound by any agreement reached by the parties and that it was not obliged to consider the agreement as a mitigating circumstance. In the case of Al Mahdi, the ICC first noted that a plea agreement showed that the accused had remorse and took responsibility for his acts, and showed honest repentance. According to the court, this admission of guilt may also further peace and reconciliation in northern Mali by alleviating victims' moral suffering through acknowledgement of the significance of the destruction. Last, such an admission may have a deterrent effect on others tempted to commit similar acts in Mali and elsewhere. While it may be agreed that an admission of guilt might help the court speed up the proceedings, and shows the genuine repentance of the accused, it may be difficult to agree with the court on the last two advantages. Can a single judgment have an impact

on global peace in a country? Can a mere plea agreement by a mid-ranking leader have any deterrent effect on potential criminals in Mali? Without presuming it has these wide powers, a plea agreement may, at best, only have an impact when determining the specific sentence.

### **Factors Considered in the Determination of the Sentence**

Usually, when it comes to determining the sentence of an accused, judges often check whether or not mitigating or aggravating circumstances exist. In addition to these circumstances, the ICC also considers others factors – such as, *in casu*, the gravity of the crime. The judges begin by expressing clearly that even if inherently grave, crimes

against property are generally of lesser gravity than crimes against persons. Despite this, the court noted a number of factors that raised the gravity Al Mahdi's particular crime. First was the impact of the attack on the population – heightened by the facts that the attack was relayed in the media and that Timbuktu is an emblematic city with a mythical dimension, and which played a crucial role in the expansion of Islam in the region. Indeed, Timbuktu is at the heart of Mali's cultural heritage. Its manuscripts and mausoleums of saints, which were destroyed by the groups to which Al Mahdi belonged, were of great importance to the people of that city. They reflected the people's commitment to Islam and played a psychological role – to the extent that people perceived they had religious protection, due to the objects being present in Timbuktu. The mausoleums were among the most cherished buildings of the city; places of prayer and pilgrimage. Therefore, *in fine*, the seriousness of the crime was also heightened by the fact that these sites were not only religious sites, but also had symbolic and emotional value for the people of Timbuktu.

According to the judges, another factor that rendered the attacks on the mausoleums to be of particular gravity was that some of these sites were UNESCO World Heritage

### **ITS MANUSCRIPTS AND MAUSOLEUMS OF SAINTS, WHICH WERE DESTROYED BY THE GROUPS TO WHICH AL MAHDI BELONGED, WERE OF GREAT IMPORTANCE TO THE PEOPLE OF THAT CITY**

UN PHOTO/MARCO DORMINO



**A man prays at dawn where a mausoleum once stood at the Three Saints Cemetery in Timbuktu, Mali. The site was destroyed by radical Islamists during their seizure of the North in early 2012.**

## CONCERNING THE PAIN CAUSED TO THE PEOPLE OF MALI, AND ESPECIALLY TIMBUKTU, A WITNESS TESTIFIED BEFORE THE COURT THAT THE DESTRUCTION OF THE MAUSOLEUMS WAS A WAR ACTIVITY AIMED AT BREAKING THE SOUL OF THE PEOPLE OF TIMBUKTU

sites. As such, their destruction not only affected the direct victims of the crimes – the faithful, and inhabitants of Timbuktu – but also people throughout Mali and the international community. Doubts can be raised on these grounds, since it may have been very difficult for the judges to establish objectively how the so-called international community has been affected, and to what extent. Concerning the pain caused to the people of Mali, and especially Timbuktu, a witness testified before the court that the destruction of the mausoleums was a war activity aimed at breaking the soul of the people of Timbuktu. Another witness brought incredible evidence, attempting to

prove “how the entire international community, in the belief that heritage is part of cultural life, is suffering as a result of the destruction of the protected sites”.<sup>9</sup> Last, to assess the gravity of the crime further, the court noted that the crime was committed for religious motives, and that such discriminatory religious motives undoubtedly increased the magnitude of the crime. Having considered the destruction of the mausoleums as a crime of significant gravity, the court had to determine whether there were aggravating or mitigating circumstances. The court made it clear that all the factors already taken into consideration in assessing the gravity of the crime should no longer be referred to as aggravating circumstances. In addition, the judges found that the mere fact that the accused committed the crime in a position of authority does not constitute an aggravating circumstance per se. This position departs from the position of the ICTR in the case of Vincent Rutaganira,<sup>10</sup> where the tribunal found that the fact that the accused occupied a leading position at the time the crimes were committed should be considered as an aggravating circumstance. Also, according to the judges, the fact that Al Mahdi organised the logistics for the attacks, participated in the attacks and justified their necessity is not an aggravating circumstance.



GALLO IMAGES/AP/FBAS CZERNINSKI

**Judges of the International Criminal Court in The Hague stand during the sentencing of Ahmad Al Faqi Al Mahdi for destroying Timbuktu's shrines. Mahdi was sentenced to nine years in jail (27 September 2016).**





**Workers stand in front of the doors of a revered 15<sup>th</sup> century mosque which were hacked apart by Islamists in Mali's ancient city of Timbuktu four years ago. They have now restored the ancient doors (September 2016).**

The court found many mitigating circumstances that could impact on Al Mahdi's sentence. The first, as already noted, was that he cooperated with the prosecution and quickly reached an agreement admitting his guilt. The court saw this as a mitigating circumstance, to which substantial weight must be given. Apart from this, the judges also found that, with regard to Al Mahdi's conduct, his initial reluctance to commit the crime and the means he used to commit them were two further mitigating circumstances. The first circumstance is questionable, as it means that if someone is first reluctant to commit a crime and later on changes their mind and commits it, their sentence should be lessened. It should be remembered that Jean Paul Akayesu<sup>11</sup> initially did not participate in the Rwandan genocide, but later did so and was punished accordingly by the ICTR. Despite this, the ICC held that Al Mahdi's reluctance was of some relevance for the determination of his sentence. On the second circumstance, the court surprisingly held that since Al Mahdi advised against using a bulldozer at all but one of the sites, this was a mitigating circumstance, since it prevented damage to the graves next to the mausoleums. The judges also put forward as a mitigating circumstance the fact that Al Mahdi made sure

that the attackers showed respect for the constructions next to the mausoleum while carrying out the attack.

Furthermore, the court congratulated Al Mahdi's cooperation with the prosecution on two grounds. First, it enabled the prosecution to corroborate, clarify and specify information it already had in its possession; and second, this cooperation was made despite Al Mahdi knowing that his cooperation with the prosecution increased the security profile of his family, meaning that they became less secure. This substantial cooperation was seen as an important factor in the mitigation of the sentence to be imposed. The court also found that the genuine remorse expressed by Al Mahdi for his acts, the empathy he showed for the victims, and the solemn declaration he made never to commit a wrongful act again and the call on other people not to become involved in such acts, were substantial factors in the mitigation of his sentence. However, most of these mitigating circumstances appear too fragile and with less impact on the nature of the crime to be qualified as "substantial factors".

Even though the Al Mahdi outcome may be presented as a landmark decision in the protection of objects that are not of military value, it is likely that this decision will not be

free from criticisms. These criticisms will not only centre on the factors already discussed, but will likely also focus on the holistic nature of prosecutions before the ICC. In this case, Al Mahdi was clearly presented as a mid-ranking commander. Therefore, if the role of the ICC is to prosecute those who bear the highest responsibility in the commission of the gravest crimes, then the question is: what is the court doing to arrest and try those who are clearly identified as leaders of the armed groups that occupied Timbuktu, and who gave unequivocal instructions to Al Mahdi to destroy the sites? If such leaders are not prosecuted, then the court has not completed its work in Mali. **A**

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Bosnian Muslim men from Srebrenica. The ICTY charged him with murder as a crime against humanity and murder as violations of the laws or customs of war. He pleaded guilty to the count of murder as a crime against humanity, adding that he would have been killed if he had refused to participate in the murders. The Trial Chamber accepted the guilty plea and dismissed the count of murder as violations of the laws and customs of war, and sentenced him to 10 years' imprisonment. The Appeals Chamber determined that Erdemovic's plea at his initial appearance had not been informed, and remitted the case to the Trial Chamber so he could re-plead. Erdemovic then changed his plea to guilty on the count of murder as violations of the laws and customs of war, and the prosecutor withdrew the alternative count of murder as a crime against humanity. He was then sentenced to only five years' imprisonment.

9 ICC (2016b) op. cit., para. 39.

10 Vincent Rutaganira was a councillor in Rwanda during the genocide. According to the ICTR, this position gave him an obligation to protect the people, and his omission to do so thereby led him to be held responsible for the crimes committed against these people. See ICTR (2005) *The Prosecutor v. Vincent Rutaganira*, case N° ICTR-95-1C-T, 14 March.

11 Jean Paul Akayesu was the mayor of the council of Taba in Rwanda during the genocide. After initially refraining from participating in the genocide, he later actively took part in it. See ICTR (1998) *The Prosecutor v. Jean Paul Akayesu*, case N° ICTR-96-4-T, 2 September.

## Endnotes

- 1 International Criminal Court (ICC) (2016a) *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, case N° ICC-01/12-01/15, 27 September.
- 2 In 2012, Mali experienced a coup and a rebellion in the north. The rebellion was led by five main Islamist groups: Ansar Dine, Movement for Unity and Jihad in West Africa (MUJAO), Al-Qaeda in the Islamic Maghreb (AQIM), the Signed-in-Blood Battalion and the Islamic Movement for Azawad (IMA). See <<http://www.bbc.com/news/world-africa-17582909>>
- 3 ICC (2016b) 'Summary of the Judgment and Sentence in the Case of The Prosecutor v. Ahmad Al Faqi Al Mahdi', Available at: <[www.icc-cpi.int/Pages/search-results.aspx?k=The%20Prosecutor%20v%2E%20Ahmad%20Al%20Faqi%20Al%20Mahdi](http://www.icc-cpi.int/Pages/search-results.aspx?k=The%20Prosecutor%20v%2E%20Ahmad%20Al%20Faqi%20Al%20Mahdi)>, para. 16.
- 4 Thomas Lubanga Dyilo, a Congolese rebel leader, was arrested in 2006 for his participation in a conflict of non-international character that took place in the region of Ituri in the eastern Democratic Republic of the Congo. He was charged with the crime of conscripting and enlisting children under the age of 15 years into an armed force and using them to participate actively in hostilities – a war crime under article 8(2)(b)(xxvi). See ICC (2012) *The Prosecutor v. Thomas Lubanga Dyilo*, case N° ICC-01/04-01/06, 14 March.
- 5 ICC (2016b) op. cit., para. 57 and 59.
- 6 Jean Kambanda was Rwanda's prime minister during the 1994 genocide. During his trial at the International Criminal Tribunal for Rwanda (ICTR), he made an admission of guilt and reached a plea agreement with the prosecution, on the expectation that this would constitute a mitigating circumstance in the determination of the sentence. However, this did not have any effect on the sentence, and he appealed. See ICTR (2000) *Jean Kambanda v. The Prosecutor*, case N° ICTR 97-23-A, 19 October, para. 88.
- 7 ICC (2016b) op. cit., para. 25.
- 8 International Criminal Tribunal for the former Yugoslavia (ICTY) (1997) *The Prosecutor v. Erdemovic*, case N° IT-96-22-A, 7 October, para. 29. Drazen Erdemovic is a Serbian national who participated in the shooting and killing of hundreds of unarmed

# THE COLONIAL LEGACY OF CIVIL-MILITARY RELATIONS AND DEMOCRATIC STABILITY IN WEST AFRICA

BY NAILA SALIHU



## Introduction

Civil-military relations have received extensive scholarly attention, especially during the 1960s–1980s period when *coups d'état* were very common in West Africa, in particular, and Africa, in general. Since the beginning of what Samuel Huntington described as the “Third Wave of Democratization”<sup>1</sup> in the 1990s, there has been a relative decline in militarism in politics in the region. West African countries are currently at different stages of their democratic processes. It was envisaged that *coups d'état* would have become a thing of the past in the region, due to the acceptance of global and regional normative frameworks of democracy and good governance. However, democratic dividends in the region have been mixed, and some countries have witnessed a reversal to the coup phenomenon. By way of example, the most recent coups in the region occurred in Guinea (2008), Niger (2010), Mali (2012), Guinea-Bissau (2012) and Burkina Faso (2014 and 2015).

Even countries that have been touted as being on the path to democratic consolidation arguably remain a coup risk, as they are yet to effectively transform their post-colonial and authoritarian armed forces and defence sectors generally. The military, as an important state institution with a monopoly over legitimate force, remains a very strong political actor in the region. Apart from politicisation of the defence apparatus, other challenges facing the defence sector include a lack of military professionalism, high incidence of mutinies, human rights violations, obsolete missions and doctrines, diminishing capabilities, inadequate oversight, corruption

**Above: Citizens of Mali protest during the Economic Community of West African States (ECOWAS) meeting in Abidjan, where the Mali crisis and Guinea-Bissau coup are discussed (26 April 2012). The banner reads, “No more coups in Africa”.**



and a lack of transparency.<sup>2</sup> Most West African states have received international support to reform their defence and security sectors. However, the results have been mixed, as historically rooted pathologies from colonialism continue to hamper the development of stable civil-military relations across the region.

Before the advent of colonialism, militarism was prevalent in African affairs, especially in the historical and political evolutionary processes.<sup>3</sup> However, modern militaries in the region mostly emerged from the colonial armies that were created for the purposes of political expediencies to quell indigenous resistance and serve the geo-strategic interests of colonial powers in terms of a manpower reserve for easy mobilisation in times of war.<sup>4</sup> Naison Ngoma argues that post-independence civil-military relations of African states have been generally influenced by their colonial history, which caused fear and even dislike of the colonial military.<sup>5</sup> Indeed, some analysts rightly acknowledge the effects of colonial legacy on the emerging post-independence civil-military relations in Africa.<sup>6</sup> This article looks at how the colonial legacy of the two major language blocs – French and English – have contributed to the post-independence experience in civil-military relations, and the overall effects on democratic stability in West Africa. The article argues that colonialism had a telling influence on post-independence civil-military relations in West Africa. The different colonial policies of the British and French contributed to the post-independence civil-military relations experience in West Africa.

### **The Effects of Colonial Rule on the Military in West Africa**

Colonialism altered the existing social and cultural patterns in Africa by creating arbitrary boundaries that sought to put together ethnically, culturally and religiously diverse people in somewhat artificial states.<sup>7</sup> Colonial policies further created a stratified society with structural and regional inequalities. For example, according to the divide-and-rule policy, ethnic groups that were deemed loyal to, and cooperative with, the colonial powers were treated better, and their regions received more resources, education and representation in the armed forces. For example, in Anglophone West Africa, the British colonial policy of indirect rule contributed to the class variation between the upper class (civilian politicians) and the lower class (military and common people).<sup>8</sup> Colonial policies also provided an unfavourable environment for political stability and peace in the former colonies after independence. In particular, the political culture that emerged out of colonial rule has been one of the general causes for frequent authoritarian rule and military interventions in Africa. This is attributed to several factors, such as the nature of the independence struggle in different African countries. For instance, in countries where armed groups played a decisive role in the independence struggle, there emerged a strong identification of the military and the nation – often referred to as the “birth right principle” –

by which the armed forces considered themselves as guardians of the core principles and basic values of a nation, and often used this justification to intervene in politics.<sup>9</sup>

In addition, the colonial patterns of military recruitment were mainly based on fictitious martial races or ethnic bias in which people from certain parts of the colonies, especially minority ethnic groups, were drafted into the colonial armies for the sole purpose of counterbalancing historically powerful ethnicities and suppressing local dissent against colonialism.<sup>10</sup>

## **COLONIAL POLICIES FURTHER CREATED A STRATIFIED SOCIETY WITH STRUCTURAL AND REGIONAL INEQUALITIES**

The colonial powers preferred recruiting soldiers from remote northern areas, who were seen to possess martial traits and thus were more effective in suppressing the anti-colonial uprisings in southern areas, where colonialism then evolved and flourished.<sup>11</sup> This ethnic bias was carried into the formation of several post-independence militaries. Many African leaders did not seek the opportunity to rebuild national militaries by reforming the structure, operations, doctrines and recruitment practices inherited from colonialism. Rather, most maintained the status quo and even exploited these shortcomings inherited from the colonial era to sustain their authoritarian political systems. For instance, some leaders employed a variety of mechanisms, such as recruitment and promotion policies that favoured particular clans or ethnic groups, to consolidate their power and to keep security institutions loyal. Others employed mechanisms such as political patronage within security institutions and the establishment of parallel security structures, including elite presidential guards. Subsequently, in the immediate post-independence era, Africa’s new states were confronted with challenges of political militaries for a variety of reasons, including a growing consciousness on the part of the military of their powers.<sup>12</sup> These developments continue to produce mixed results in terms of civil-military relations and political stability. It is noteworthy that countries like Senegal, which were able to reorganise their military and institutionalise their civil-military relations, were able to sustain civil rule. Other countries, such as Ghana, were unable to do so and became enmeshed in a cycle of coups and countercoups in the first three decades of independence.<sup>13</sup>

Generally, colonialism has a telling influence on post-independence civil-military relations in West Africa. This is because colonial authorities did not seek to build resilient military institutions with national characters. Notably, improving civil-military relations and good governance were not part of the colonial agenda. As mentioned earlier, the nucleus armies that metamorphosed into post-independence military institutions were created for specific colonial political and economic imperatives. It is argued elsewhere that both



**Regional mediators seeking to peacefully roll back a military coup in Burkina Faso indicate that while they had negotiated a draft deal to end the crisis they failed to secure the immediate restoration of civilian rule. Senegal's president, Macky Sall, who is the Economic Community of West African States (ECOWAS) current chairman, speaks to journalists about this at a press conference in Ouagadougou (20 September 2015).**

French and British colonial rule indirectly institutionalised military power, to the detriment of democratic civil-military relations. Illustratively, while Europe was institutionalising democracy, European militaries were ruling colonies in Africa with an iron fist.<sup>14</sup> For example, in both the French and British colonies, the governor-general was also the commander-in-chief of the colonial military, with enormous powers.<sup>15</sup> Therefore, colonial administrations arguably set the undertone for the current cycle of African authoritarian regimes and military interventions in politics. The subsequent effects on the political culture that emerged from several decades of colonialism cannot be ignored, as the immediate post-independence African leaders and their military counterparts were influenced by their respective colonial experiences.<sup>16</sup> Following independence, the policies and programmes pursued by the two former colonial powers also had both positive and negative impacts on the current developments in the region.

### **Anglophone West Africa**

All Anglophone countries in West Africa have experienced military coups for various reasons. Generally, Britain has maintained a continuous presence in a number of countries around the world, as a result of its imperial past. However, a continuous British presence does not necessarily mean consistent engagement, as compared to the French presence in its former colonies. In particular, the interests of Britain have fluctuated between wanting to retain a foothold in certain regions of the world, maintaining client states, and developing partners in the delivery of security.<sup>17</sup> Successive British governments adopted a somewhat passive position in terms of external commitments to defence and security issues in post-colonial Africa.<sup>18</sup> Upon their withdrawal, the British did not insist on defence agreements, but hoped that

the defence forces in former colonies would continue to enjoy British aid.<sup>19</sup> For example, the British maintained some minimal engagement in the defence and security sector of its former colonies in West Africa – Nigeria, Ghana, Sierra Leone and Gambia – before the disbandment of the Royal West African Frontier Force (RWAFF) in 1959.<sup>20</sup> In countries such as Ghana, Nigeria and Sierra Leone, British officers were also involved in the rebuilding of post-independence military forces in the early 1960s. Britain also had “diluted” versions of defence agreements with former colonies, such as Nigeria and Sierra Leone, which involved the deployment of seconded foreign soldiers in training and monitoring roles within the local military.<sup>21</sup> In Nigeria, the defence agreement was abrogated immediately after independence in 1961, due to students’ demonstrations against the pact and growing political hostility.<sup>22</sup>

Despite the apparent British retreat in the 1960s, Britain maintained post-independence military relationships with its former West African colonies. For example, West African soldiers continued to train in British military institutions such as the Royal Military Academy Sandhurst (RMAS) and the Defence Academy of United Kingdom (UK).<sup>23</sup> Moreover, under the Defence Diplomacy initiative, now referred to as security cooperation, the British government continues to promote conflict prevention and post-conflict recovery in transitional democracies, including its former West African colonies, through a series of educational programmes. Other means included the deployment of defence attachés (DA), military and civilian defence advisors and the establishment of British military advisory and training teams (BMATT). These programmes, whose objectives were revised often under various strategic defence reviews, generally aimed to promote good governance and the management of defence to ensure both national and global security.<sup>24</sup> This was in line

with Britain's long-term foreign, defence and wider security policy objectives.

Some of abovementioned initiatives contributed to enhancing professionalism and building the capacities of military personnel in various countries. For example, after the civil war in Sierra Leone (1991–2002), Britain played a key role in rebuilding the defence institutions of the country. The UK's International Military Advisory and Assistance Team helped reform the Sierra Leonean Ministry of Defence and rebuild the armed forces.<sup>25</sup> In Ghana, institutions such as the Ghana Armed Forces Command and Staff College and the Kofi Annan International Peacekeeping Training Centre (KAIPTC) were supported in the provision of different training and capacity-building courses for military personnel from Ghana and other African countries. These initiatives had an overall impact on force structures, the evolution of doctrine, combat and staff training, and the conduct of operations. It is, however, difficult to measure the overall impact of these initiatives on the development of politically neutral and democratically accountable armed forces. Nonetheless, British Defence Diplomacy programmes were not sustainable due to numerous factors, including the effects of the global economic crisis and the lack of an overarching strategy document within the British Ministry of Defence that defined the specific purpose and intended outcome of the Defence Diplomacy programmes. As a result, West Africa and southern Africa saw the budget for Defence Diplomacy education programmes slashed within the first quarter of 2009. Among other reasons, this led to the hasty exit of BMATT from Ghana, as it was deemed by the British authorities to have fulfilled its mission

after 33 years in operation.<sup>26</sup> Other longstanding sponsorships for African officers at RMAS and Joint Services Command and Staff College (JSCSC) were initially withdrawn. West African officers now train at some of the institutions mentioned, while the British government has recently recommenced with short-term training courses for relevant defence and security actors in Ghana and other African countries.

The critical questions arising out of the initial British retreat in providing defence assistance programmes were whether Anglophone West African states were ready to take on their destiny and transform their defence sectors through nationally owned processes, and to what extent could civil-military stability be sustained through effective post-conflict reconstruction and post-authoritarian defence sector transformation. For example, in Ghana, since their inception, the armed forces have represented an external projection of the British defence apparatus. The post-independence military has focused extensively on territorial defence and has remained largely unchanged, while the country – and the threats that the armed forces are supposed to deal with – have changed tremendously.<sup>27</sup> In recent times, there have been some ad hoc processes aimed at restructuring the defence sector. However, Ghanaian processes have not followed a formal procedure, such as those adopted by others like South Africa in the aftermath of apartheid, to transform its defence sector.

### Francophone West Africa

The civil-military relations of most Francophone West African states have been very precarious since independence. All countries in this bloc, with the exception of Senegal, have seen coups in their political dispensation. Most of the recent cases of coups in the region have occurred in Mauritania, Guinea, Niger and Mali. Historically, many Africans were recruited from French colonies into the French army as French soldiers, and served in places such as Indo-China and North Africa. This situation arguably influenced the role of the military in the politics of Francophone states. The direct influence of soldiers and veterans in local politics came from the preferential franchise African soldiers enjoyed under French rule. In French West Africa, for example in Togo, all persons who completed military service were rewarded with voting rights in 1939. Veterans and servicemen therefore dominated the electoral process in French colonies such as Togo.<sup>28</sup> After Togo's independence, demobilised ex-servicemen from the French army who were not absorbed into local armies became a source of instability.<sup>29</sup> Togo experienced the destabilising effect of this in 1963 when ex-servicemen and non-commissioned officers, led by Sergeant Gnassingbé Eyadéma, toppled the first post-independence government and assassinated President Sylvanus Olympio. This was West Africa's first coup, and it had a contagious effect on other countries. The military remains a strong political actor in present-day Togo – exemplified by events following the death of President Eyadéma in 2005. Dominated by Eyadéma's Kabye ethnic group, the military supported the installation



UN PHOTOS/KINDER DEBEBE

**Gnassingbé Eyadéma became president of Togo in 1967 and remained in power for 38 years. He led West Africa's first coup in 1963.**



of his son, Faure Gnassingbé, as president, contrary to the constitutional provisions.<sup>30</sup>

France's Africa policy was different to other former colonial powers in terms of its post-independence engagement. It is argued that the French assimilation policy led to an incomplete decolonisation, and hence France's post-colonial influence in Africa continued.<sup>31</sup> In the area of defence and security, this manifested in the neo-colonial networks of defence pacts with the majority of former African colonies.<sup>32</sup> These defence agreements provided the basis for the training and equipping of African militaries and security services, and the deployment of French (military and civilian) technical advisors. The defence agreements also made it possible for African states to call for French intervention to ensure external and internal security, including the prevention of coups.<sup>33</sup> While the defence pacts and interventions were the most visible signs of France's post-independence involvement, the influence of the French military on the national defence policies and armies of Francophone African states appeared less obvious but very important.<sup>34</sup>

French military interventions in West Africa and elsewhere were ostensibly to protect French nationals and to subdue uprisings against legitimate governments. The French army has also intervened in former West African colonies to either prop up or replace clientelist regimes to safeguard French strategic interests.<sup>35</sup> Countries such as Senegal have arguably escaped coups partly due to the luxury of the neo-colonial protection it enjoys from France and the presence of a French military base. In the case of Côte d'Ivoire, similar clientelist arrangements worked under its

first post-independence leader, Félix Houphouët-Boigny. The country remained economically and politically stable until the death of Houphouët-Boigny in 1993. However, dwindling economic fortunes and political crises, partly caused by the politicisation of ethnicity in the military and society, led to the first coup in 1999.<sup>36</sup> It is argued that the government of Henri Konan Bédié fell because it was not propped up by France, despite the existence of a defence pact and French military base.<sup>37</sup> Another failed coup attempt in 2002 resulted in a bloody civil war, splitting the country into rebel-controlled northern regions and the government-controlled south. The first international intervention in the Ivorian civil war was a unilateral French deployment of about 3000 troops, known as Operation Licorne, in February 2003. Operation Licorne was France's largest and most controversial operation in Africa.<sup>38</sup> This was due to the role of France as an interested party in different stages of the conflict and the post-election crisis of 2010–2011. Operation Licorne has since been mandated by the United Nations (UN) to support the United Nations Operation in Côte d'Ivoire (UNOCI) with a separate command structure. The "cohabitation" relationship between UNOCI and Licorne forces – and their role in enforcing a regime change following the disputed elections in 2010 – raises further questions about the impartiality of the peacekeeping mission.<sup>39</sup>

It is illustrative that some countries, such as Guinea and Mali, initially cut relations with France and began the reconstruction of their local defence forces in the 1960s. Nonetheless, they were dependent on Russia and the United States (US) respectively for support.<sup>40</sup> In recent times, France has gradually moved away from dealing with Francophone



GALLO IMAGES/RETNA/FINBARR O'REILLY

**Soldiers from Côte d'Ivoire prepare for a patrol with French forces from Operation Licorne in Abidjan (April 2011).**

countries as a bloc. Instead, it has become strategic in its dealings with former colonies. A key shift in French policy has been a multilateral approach to dealing with African security issues. As such, France has evolved many of its African missions into multinational operations. This move towards multinationalisation of Western interests is exemplified by Franco-British and American-led initiatives to create regional peacekeeping forces in Africa to deal with the continent's security challenges.<sup>41</sup> France has conducted joint exercise and peacekeeping trainings under the Reinforcement of African Peacekeeping Capacities (RECAMP) programme. Similarly, as part of the International Military Education and Training (IMET) programme, the US and its Western European allies have been providing professional military education to African officers. France and other international partners also support the *École de Maintien de la Paix Alioune Blondin Beye* (EMP) in Mali, and the KAIPTC provides tactical and operational-level peacekeeping training to African military, police and civilian personnel. These programmes have contributed to building capacities and resourcing militaries across the Francophone sphere. However, the critical concern is how these trainings, provided by France and other allies, have contributed to building professionalism in individual officers and ranks in particular, and democratic armed forces in general. For instance, a recipient of such training, Captain Amadou Sonogo, actually led a coup against the government of President Amadou Toumani Touré in Mali in 2012.<sup>42</sup> Up until the 2012 coup, Mali was seen as one of the most stable democracies in the region. The coup led to the fall of northern Mali to al-Qaeda-linked groups. The subsequent French-led military operation in 2013 involved about 2500 French ground troops to complement the 3000 Economic Community of West African States (ECOWAS) troops on the ground.<sup>43</sup> Despite its move toward multilateralism, France has not publicly abandoned its traditional, bilateral defence pacts with African states. The recent interventions in places such as Mali and Chad indicate that France continues to reserve the right to unilateral action in its former colonies.

## Conclusion

As previously mentioned, colonialism had a telling influence on post-independence civil-military relations and its overall effects on democratic stability in West Africa. The frequency of military interventions and the direct circumstances that stimulated military coups in West African states are varied. The colonial powers have pursued diverse policies in the areas of defence and security cooperation with their former colonies, with mixed outcomes on post-independent defence institutions. Generally, West African countries tend to have weak democratic governance, socio-economic underdevelopment and insecurity. These countries are challenged in sustaining their defence sectors with adequate resources and capabilities to ensure that their forces remain accountable to and supportive of civilian institutions. Notwithstanding the challenges, the shifts in the global

security environment provide opportunities for West African states to transform their post-colonial security and defence sectors to align with their current defence and security needs. In this regard, efforts at building effective defence institutions must be pursued. Professional, capable, accountable and transparent armed forces, which are subject to civilian oversight and the rule of law, will contribute to improved security, democratic governance and stability in the region. ■

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