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SCHOOL OF ARTS AND SOCIAL SCIENCES

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COURSE TITLE: CONCEPTS AND PRACTICE OF PEACE BUILDING

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## MODULE 1

Unit 1	Meaning of Peacebuilding
Unit2	Tasks and Elements of Peace Building
Unit3	Restorative Justice as a peacebuilding Mechanism
Unit4	Gender Justice and Mainstreaming Gender in Peacebuilding I
Unit5	Gender Justice and Mainstreaming Gender in Peacebuilding II

## UNIT 1 MEANING OF PEACE BUILDING

### CONTENTS

1.0	Introduction
2.0	Objectives
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### 1.0 INTRODUCTION

Peace building is one of the United Nations cardinal models of peace process. The concept was made globally popular in Boutros-Ghali's An Agenda for Peace. Boutros Ghali wrote this paper in 1992, while he was the United Nations Secretary General. Peace building involves addressing not only the triggers, which are the immediate variables that mechanize the outbreak of any armed conflict. For instance, the killing of some political leaders as it occurred in Nigeria, during the first coup triggered power struggle in the Nigerian military within the framework of regional divides, which culminated in the counter coup saga and eventual outbreak of civil war in the country. Since then peace situation in Nigerian state has remained more fragile and viable peacebuilding measures should be the primary responsibility of all and sundry. These triggers or proximate causes of conflict are only those factors that could be said to be responsible for the outburst of a given conflict. Root causes are the major structural or underlying causes of such conflict, which are instrumental, but not sufficient to accentuate violent situation. By and

large, peace building does not only take care of the triggers, but also addresses the root causes of the conflict in order to generate a true and sustainable reconciliation and peaceful co-existence.

## 2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Describe Peace building and its categories;
- Distinguish peace making, peacekeeping and peacebuilding;
- Explain Peacebuilding and some of its basic concepts;
- Discuss various dimensions of peacebuilding.

## 3.0 MAIN CONTENT

### 3.1 Defining Peacebuilding

Peace building can be categorized into two: Pre-conflict peace building and post conflict peace building. Thus, what is peace building? According to the British army (1997:2), peace building usually involves:

Actions which support political, economic, social and military measures and structures aiming to strengthen and solidify political settlement in order to redress the causes of conflict. These mechanisms to identify and support structures that tend to consolidate peace, advance a sense of confidence and well-being and support economic reconstruction.

Boutros-Ghali in his *An Agenda for Peace* categorized peace building into two: Pre-conflict and post conflict peacebuilding. According to him, pre-conflict peace building includes such measures like '[de] militarisation, the control of small arms, institutional reform, improved police and judicial systems, the monitoring of human rights, electoral reform and social and economic development.' Similarly, Rechler (1997:61) sees pre-conflict peace building as:

Preventive measures that aim to reduce the gap between the rich and the poor; to promote and implement human rights and the rights of the minorities, and to promote durable development and the realization of a just and fair social order in which there is no discrimination based on race or sex.

Pre-conflict peace-building is a kind of early warning mechanism to monitor conflict triggers or catalysts and address the underlying root



sources of conflict, which may be considered as latent or a conflict situation that is still in 'sleeping phase'. According to the Institute for Democracy in South Africa (IDASA), pre-conflict peace building is:

...a proactive process that requires identification of conflict incidences; analysis of conflict structure, actors, and trends; adoption of relevant responses and management mechanism; and restoration of trust and confidence of conflict parties in each other. (IDASA 2004:29-30).

According to Albert (2001:130), Peacebuilding is an art of:

“Repairing” relationships, institutions and social facilities and putting in place schemes that can help the disputing communities to be united once again

Here, it is quite important to distinguish the interrelated concepts of peacemaking, Peacekeeping and Peacebuilding to stimulate our better understanding of the subject matter. This task shall be our central focus in the next segment of this unit.

### 3.2 Distinguishing Peacemaking, Peacekeeping and Peacebuilding

Peace can be generated through various means, which may include peace workshops, negotiation or through a choice of conflict handling styles. If two parties are in conflict, for instance in an organization where there is conflict between two or more employees, the employer may use confrontation to settle the conflict if he or she considers joint problem-solving approach as time consuming or less productive. Such an intervention may achieve peace but such peace is negative. It is quite imperative for peace practitioners or intervenors to always adopt a shift from a negative peace to positive peace in order to address the causes of conflict for genuine reconciliation rather than encouraging hot peace or 'sweep under the carpet' peace philosophy. Sustainable peace is characterized by a notion, which denounces any attempt or action that operates within the confines of physical and structural violence, eliminating discrimination, and promotes friendly interdependent behaviour among various parties (Reychler, 2001: 12).

Peacebuilding consists of a wide range of activities associated with capacity building, reconciliation, and societal transformation. Peacebuilding is a long-term process, which occurs after violent conflict

has subsided or ended. It is that peace process that follows exhaustion of peacemaking and peacekeeping.

Several international agencies and organizations including local and international non-governmental organizations (NGOs) as well as community based organizations (CBOs) partake in peacebuilding activities, understanding that it is an umbrella concept, which plays some critical roles in the aftermath of peacemaking and peacekeeping through delivery of long-term transformative efforts. Peacekeeping is only a pro-active response to imposing some order and enforcement actions in the separation of the parties in armed conflict. On other hand, peacemaking is the process of bringing the disputing parties or combatants to some agreement. Peacemaking is thus:

The process of forging a settlement between the disputing parties. While this can be done in direct negotiation with just the two disputants, it is often also done with a third party mediator, who assists with process and communication problems, and helps the parties work effectively together to draft a workable peace accord. Usually the negotiators are official diplomats, although citizens are getting in the peacemaking process more and more. While they do not negotiate the final accords, citizen diplomacy is becoming an increasingly common way to start the peacemaking process, which is then finalized with official diplomatic efforts

(see [www.coorado.edu/conflict/peace/example/acon7268.htm](http://www.coorado.edu/conflict/peace/example/acon7268.htm) )

Peacemaking is a diplomatic initiative aimed at bringing to an end any violent attitude that may be dominating the conflict relationship between parties. This is with the hope of making the parties in conflict to see reasons on why they should seek for diplomatic means and nonviolent dialogue in the resolution of their conflict resulting ultimately into signing of a peace agreement. An example of peacemaking process was the Camp David Accords on September 17, 1978, which was facilitated by former American President, President Jimmy Carter. The Accord was a conflict transformation effort by Mr. Jimmy Carter to commit Mr. Menachem Begin, the then Prime Minister of Israel and Mr. Anwar Sadat, the then Egyptian President to the path of enduring peace. But Mr. Begin shown less commitment to the peace process. Mr. Carter however employed some psychological strategies to make the leaders to reason in choosing the path of peace rather than armed conflict. Through Carter's diplomatic artistry, personal and emotional elements of the parties, a peace deal was signed.

The concept of peacekeeping became fully entrenched in the global peace processes and institutions when it was developed in 1940s by the United Nations but the concept predates the establishment of the UN. Peacekeeping is a third-party intervention to help the parties in changing their violent attitude in the prosecution of the conflict to a less violent or peaceful one by separating them and keeping them apart. Peacekeeping according to Alan James, involves a:

Traditional-looking military force, composed of a number of battalions and the authority of a commander. The battalions will have been detached from or supplied by various national armies, and the commander is appointed by, and is responsible to, the international authority which has arranged the operation. (James, 1990: 1).

Peacekeeping, in classical terms was built on some basic assumptions, which according to Brian Urquhart include:

The consent of the parties involved in the conflict to the establishment of the operations, to its composition and to its appointed commanding officer;

The continuing and strong support of the operations by the mandatory authority, the Security Council;

A clear and practicable mandate;

The non-use of force except in the resort in self defence. Self defence, however, including resistance to attempts by forceful means to prevent the peace-keepers from discharging their duties;

(less often noted) the willingness of the member states, and especially the permanent member of the Security Council, to make available the necessary financial and logical support. (Urquhart, 1990: 9)

Traditional Peacekeeping activities have been undergoing a series of review in recent time. For instance, the conduct of peacekeeping operations is (was) exclusively the responsibility of the UN but now a

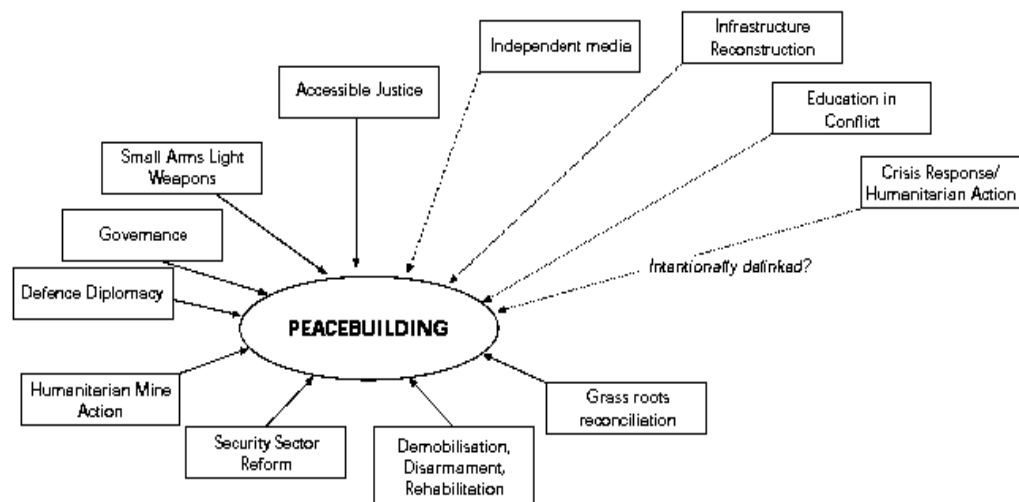
number of regional bodies have been engaging in peacekeeping initiatives, and ECOMOG is a good example. Peacekeeping is very essential for conflict de-escalation. It is worth knowing that not all peacekeeping operations are carried out by military forces because some are civilian in nature. Peacekeeping operations do not only provide security, but also involve some other non-military initiatives. (See SAIS on <http://cmtoolkit.sais-jhu.edu/> )

Peacebuilding goes beyond separating the disputants or settle their dispute but also builds opportunities–base that heals the wounds. It promotes more friendly relationship among old combatants. It also creates institutions and socio-facilities aimed at assisting the former disputants to respect their mutual needs and interests for peaceful society where meaningful development can take place.

Peacebuilding plays very important roles in the promotion of peace and conflict resolution by focusing more on the ways through which the agreement will be implemented. It also builds opportunity networks in the reconstruction of social, economic, and political structures to allow for creation of sustainable capacity for peace and long term conflict transformation decorum between the parties.

As a matter of fact, peacebuilding includes early warning and response efforts, violence prevention, conflict resolution, peace advocacy, civilian and military peacekeeping, military intervention, humanitarian assistance, ceasefire agreements, and the establishment of peace or buffer zones.

Fig. 1.1



Source: Review of the UK Government Approach to Peacebuilding and Synthesis of Lessons Learned From UK Government Funded Peacebuilding Projects (1997-2001)

Available on [www.dfid.gov.uk](http://www.dfid.gov.uk)

There is a difference between post-conflict peacebuilding and long-term peacebuilding. Post-conflict peacebuilding is more associated with peacekeeping while (often) focusing more on demobilization and reintegration programs, and immediate reconstruction needs (Doyle and Sambanis). Meeting immediate needs and handling crises is no doubt crucial. But while peacemaking and peacekeeping processes are an important part of peace transitions, they are not enough in and of themselves to meet longer-term needs and build a lasting peace.

Long-term peacebuilding is aimed at providing opportunities to meet the long term needs of the old combatants by primarily focusing on ways to address the underlying factors or root causes that in the first instance fertilized the conflict. Several conflict transformation energies are to be channeled to move parties away from confrontation and violence, and towards political and economic participation, peaceful relationships, and social harmony.(ibid)

### 3.3 Concepts of Peacebuilding

Peacebuilding addresses issues of reconstruction, rehabilitation, reconciliation demilitarization among others. In this segment of the study unit, we shall discuss some of the basic concepts of peacebuilding.

Reconciliation creates an avenue for the old combatants and displaced population to express their pains and agony, address the root causes of the conflict in the promotion of mutual cooperation through justice, truth, mercy and forgiveness. Reconciliation remains a difficult task in peacebuilding because (in most cases) the parties will need to see some prospects in the whole reconciliatory exercise before they consent. Reconciliation as a concept of peacebuilding has received less attention in the literature in international relations and peace and conflict studies. In the context of this study, reconciliation refers to a process through which a disputing party seeks to establish structures and procedures capable of facilitating an enduring peace and mutual understanding with her old enemy in post conflict environment. Reconciliation isn't simply about apologizing for the past. It is also about recognizing that there is a valid claim on the part of the offended that his or her interest has been trampled upon while his or her needs not respected by the other (offender) party. We need to understand reconciliation not only as a peacebuilding process, but also as a viable mechanism that enhances dynamic social systems and creates opportunities for social energies and directions.

Reconciliation is of course a relatively new concept in the new field of peace and conflict resolution. Due to the newness of the concept, it does not have any universally agreed definition. Reconciliation consists of at

least four basic properties, which include truth, justice, mercy, and peace. The realist notion on reconciliation is somehow unfair to peace practitioners because it is obviously, to realists a response to rhetorics of the lackadaisical and deformed traditional judicial institutions and processes resulting from desanctification of the legal process and stupendous corruption of the legal system. Thus, in such situations, realists believe that offenders are usually anxious of seeking for political and economic manipulation of justice to avert any form of unfavourable outcome of legal proceedings to avoid punishment.

Reconciliation is often forced on the disputing parties basically with the hope of achieving peace, even if the peace is a negative one while the peace facilitator may have at the back of his mind that such peace process is adopted to reduce tension in the relationship of the disputants with the desire to restore mutual understanding of the disputants through communication. An example of this is a daughter whose father disapproved her wedding with a beloved man of her choice basically due to identity problem- for the man belonging to another ethnic group or religious faith. Such daughter may decide to go ahead with the wedding plans disregarding her father's decision. The daughter's action may cause a conflict between her and her father. Here, the peace facilitator may decide to adopt a (customary) reconciliatory method, by telling the daughter to seek for her father's forgiveness as if she deliberately offended her father, basically with the aim of achieving peace. He will need to go a step further after the apology and forgiveness to assist the old disputants build their mutual respect for each other's needs rather than positions through effective communication to achieve the so desired positive peace. .

### Apology and Forgiveness

Apology and forgiveness are very important elements of reconciliation and peace building. They are two sides of the same coin of emotions. The two concepts usually reflect the feelings and convictions, which characterize the conflict transformation initiatives and relationships of the disputing parties as one party will demonstrate a sense of maturity by portraying himself / herself as offender while the other party shows courage by portraying himself or herself as the victim. But in some circumstances, the offender presents himself or herself as victim in order to win public sympathy and support. Apology and forgiveness enable former disputants to appreciate the pains and agonies that each of them suffered in the course of the conflict, which disrupted their communication, harmony and friendship.

Tendering sincere apologies and the courageous granting of forgiveness form the integral parts of any long-term resolution of any recalcitrant

conflict situation and pro-active efforts towards peacebuilding. They form the basis for concrete reconciliation and sustainable peace.

Offenders are supposed to know that they should admit responsibility for their actions, which might have caused injury or harm to their victims. If long term conflict resolution should be made, the offender is supposed to show remorse for the crime he/she perpetuated against the other party and tender unreserved apology and denounce any further crime against the victim in the nearest future. In the same vein, the other party considered as victim should demonstrate a large heartedness by forgiving the offender. Through this healing process will begin. The offender should also pay a restitution to make the victim's forgiveness a long lasting one. Thus restitution will further repair damage suffered by the victim as the victim is compensated for the specific consequences of a violation. Restitution also carries important symbolism as the offender actually tries to redeem his/her trustworthiness with concrete actions.

Reconstruction enables the post conflict society to have 'another opportunity' through rebuilding of social infrastructures that were destroyed as a result of the bloody conflict. Lack of essential social amenities can regenerate a conflict situation and a lot of efforts should be geared towards creating a lively post conflict society.

Rehabilitation process affords the ex-combatants, the displaced population and refugees opportunities of demobilization and reintegration through provision of some strategic peace building measures like employment opportunities, creativity and vocational skill development, trauma-healing advice and support among others. There are several other concepts of peacebuilding, which include trust-building, communication among others. Students are hereby advised to engage in further readings or in the appreciation of some other relevant materials for better understanding of the subject matter, concepts and practice of peacebuilding.

### 3.4 Dimensions to Peacebuilding

#### a) The Structural Dimension

The structural dimension of peacebuilding centers its focus on the social conditions, which promote violent conflict. It is widely acknowledged that sustainable peace is a product of social, economic, and political opportunities on equal terms, which take care of the needs of the entire people or parties. However, most of the armed conflict situations are hinged on systemic roots. These root causes are somehow complex, which may include skewed land distribution, environmental degradation, and unequal political representation

Meanwhile, there can never be sustainable or positive peace, if the root causes of conflict are not attended to by the parties or the third party mediator(s). Considerable energy should be geared toward analyzing the structural causes of the conflict and set off social structural change. The promotion of substantive and procedural justice through structural means is consequent upon institution building and the strengthening of civil society.

The transformation process include designing strategies to address social-economic and political injustice and inequality that pervaded the landscape of the conflict state, and reconstruction programs and activities should be embarked upon to help in addressing some of the developmental variables that can cause regeneration of conflict. Effective restorative justice systems should also support the reconstruction. Viable democratic structures, independent judiciary, and good governance should be encouraged and respect for human rights and peace-enduring attitudes be promoted.

#### b) The Relational Dimension

The second integral part of building peace is to limit the effects of war-related hostility through the repair and transformation of damaged relationships. The relational dimension of peacebuilding focuses mainly on reconciliation, forgiveness, trust building, and future imagining. It strives to play down poorly functioning communication and optimally increase mutual understanding between the parties.

Reconciliation enables the parties to exhibit their pains, agonies as well as guilt resulting from the conflict. Parties should demonstrate a sense maturity in the way that they make known their experience to each other, and should take responsibility for their roles and actions. The parties should also engage each other in restorative dialogues with basic principles of validation, accountability and healing. The parties should also improve their communication relationship and perception about each other with the aim of achieving positive and enduring peace and harmony, which must guarantee the respect for mutual needs of the parties.

#### c) The Personal Dimension

The personal dimension of peacebuilding focuses on desired changes at the individual level. If individuals don't enjoy any healing process, it may result in greater political and economic consequences. Peacebuilding efforts must also be geared towards treating mental, psychological and spiritual health problems that may follow the end of an armed conflict. Integration, rehabilitation and re-entry measures must



be proactive enough to take care of the psychological needs of war victims and the former combatants.

These trauma healing techniques should assist the victims to put behind their experience about the armed conflict. Through healing these war victims can start to live a better life again. Thus, crime arising from the conflict may make them (victims) powerless and become more vulnerable. Traumatic situations make person not only powerless but he is likely to experience the threat of death and injury. Building of peace should also include appreciation of the psychological and emotional aspects of the conflict. The social fabric that has been destroyed by war must be repaired, and trauma must be dealt with at the national, community, and individual levels. Pains and suffering must be addressed adequately. Strong family units that can rebuild community structures and moral environments are also crucial.

#### SELF ASSESSMENT EXERCISE

Compare and contrast pre-conflict peace building and post conflict peace building; drawing your case studies from Africa.

#### 4.0 CONCLUSION

In Peace and Conflict Resolution, experts and students often use the three concepts – peacekeeping, peacemaking and peacebuilding intertwinedly but many of whom are confused because of the inter-related nature of the three concepts. Peacekeeping is basically interested in imposing order and barriers in the separation of the combatants from further articulation of violence. Peacekeeping is not sufficient in the facilitation of enduring peace. Then, peacemaking will bring the parties to peace dialogue and diplomatic negotiation purposely to reconcile them, which will culminate in the signing of peace agreement by the parties. Thereafter, it is quite necessary to put in place some conflict transformation measures that create trust-building opportunities and improve the communication networks of the parties, and adopt strategies for reintegration, rehabilitation and healing. Building peace also involves addressing the root causes of the conflict and creating long-term actions for sustainable peace and harmony between the parties.

#### 5.0 SUMMARY

In this unit, we have discussed the relationship among peacemaking, peacekeeping and peacebuilding through our conceptual evaluation of the concept. We also showcased differing definitions of peacebuilding as some other related issues were also briefly touched. We also

explained some of the concepts of Peacebuilding and dimensions to Peacebuilding

## 6.0 TUTORED MARKED ASSIGNMENT

How effective are peace building objectives of Nigerian Government to address the underlying problems in the Niger Delta?

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## UNIT 2      TASKS AND ELEMENTS OF PEACEBUILDING

### CONTENTS

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- 2.0 Objectives
- 3.0 Main Content
  - 3.1 The tasks of Peacebuilding.
  - 3.2 Elements of Peacebuilding
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### 1.0 INTRODUCTION

Peacebuilding usually attracts a lot of disparate tasks. Several tasks are undertaken purposely to implement peace agreements, revive the dislocated relationship and communication among former combatant, addressing the collapsed state of economies, the fragile political structures, repatriation and resettlement of the refugees and Internally Displaced Persons (IDPs). Another task is to empower and encourage the involvement of the civil society in the post conflict peace process particularly in the training and education of former combatants and displaced population already traumatized. This will make them see the need to accept a true reconciliation. In order to stimulate our better understanding of the subject matter, we shall discuss various tasks of post conflict peace building one by one. The unit will further state several elements of peacebuilding.

### 2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Discuss various tasks of peacebuilding; and
- State various elements of peacebuilding;

### 3.0 MAIN CONTENT

#### 3.1 Tasks of Peacebuilding

The first task of post conflict peace building is to disarm the old combatants. Though, this is not an easy task because in most cases the ex-combatants usually have the problem of suspicion in mutual terms, which often makes them to think twice before they surrender their arms. They often have the fear of reprisal attacks from enemy camps, and so

that they don't want to be caught unprepared or armless. Here, the peace manager would have to build some strategic mechanisms that are trust-promoting. If mutual-trust is built among the ex-combatants, then they can build confidence, that the peace process would only enable them to discuss the underlying issues or objects of conflict in a pacific way, with strong and effective war prevention potentials or capabilities in order to make possession of arms less attractive by the ex-combatants. It is essential that the agencies in charge of post conflict peacebuilding are given adequate financial support from local or international donor agencies like UNDP, World Bank. This will afford them opportunity to organize an effective programme of disarmament, demobilization and reintegration. Through such financial support, these reconstruction agencies will be able to give money and other material incentives for arms recovery, and organize some technical programmes to improve the skills of the ex-combatants and the Internally Displaced Persons (IDPs) and refugees for employment and wealth creation purposes.

In post conflict Liberia, peacebuilding and activities attracted a number of challenges due to the peculiarities of the country – where there have been structural suspicion and long time animosity between the indigenous Liberians and Americo-Liberians and also plagued with endemic poverty. Peace building task of disarmament, demobilization and re-integration suffered a setback as many of the armed youths and dissidents failed to surrender their arms, due to suspicion and possible resurgence of bloody conflict. They often resolved to bury their weapons where they could be easily recovered in the event of another armed conflict. But in Sierra Leone, disarmament efforts of the sub-regional and world bodies, ECOWAS and UN were fruitful as over forty-five thousand ex-combatants were disarmed, demobilized and reintegrated in the post conflict Sierra Leone.

Disarmament and demobilization of ex-combatants was a difficult task in Liberia, and the attitude of the Charles Taylor's government made the task more difficult for the multilateral agencies as well as international and local Non-Governmental Organizations (NGOs) to record a great success in disarming the old militant youths and child soldiers in particular. Charles Taylor's administration, rather than paying a great attention on post conflict peace building by paying sufficient premiums on demobilization of old combatants and their integration; the government only gave priority to political consolidation of the regime and stability of the nation's polity while socio-economic conditions of the ex-combatants and displaced population received a marginal attention. Peacebuilding efforts by international organizations and NGOs were hampered by the non-challant and paranoid attitude of Charles Taylor administration. According Ukeje (2003:100-101).

In March 1999, two years after it started the mass repatriation of Liberian refugees, at a cost of 60 million US dollars, the United Nations High Commission for refugees (UNHCR) estimated that some 220,000 refugees and 56 internally displaced Liberians were still on their long waiting list for resettlement and rehabilitation.

Instead of demobilizing and integrating the refugees, Charles Taylor drafted some Liberian refugees and a number of ex-combatants who were members of his NPFL rebel group to join some Sierra Leone refugees in Liberia. The aim was to launch a massive attack on Sierra Leonean government and people through the platform of the Revolutionary United Front (RUF), which resulted in carnage as the nation faced the highest humanitarian disaster in its post independence history (Groves, 2000:1-35).

In the similar vein, Charles Taylor also met his Waterloo. He also became a victim of his own crafting. Some Liberian refugees drawn from Cote d'Ivoire, Guinea, Sierra Leone among others also joined forces with some of the Liberians at home who felt marginalized and uncomfortable with the post conflict Liberia, resulting from non-responsive and irresponsible attitude of Taylor's administration to governance. The post conflict Liberia was characterized by lawlessness, official recklessness and political exclusion, which were inimical to the true spirit of post conflict reconstruction. Such government irresponsibility made some of the donor agencies, contributing toward reconstruction of the nation, to be reluctant in redeeming their pledge to the post conflict reconstruction funds for the Liberians. Those refugees and dissatisfied Liberians formed the Liberians United for Reconstruction and Democracy (LURD) that terrorized the administration of Charles Taylor and forced him out of office, but not without the intervention of some African leaders notable among them were President Olusegun Obasanjo (Nigeria) and President Thabo Mbeki (South Africa). Taylor was granted an asylum in Nigeria but later repatriated to face justice in Sierra-Leone. Charles Taylor is now having some criminal charges hinged on his neck at the International Criminal Court.

#### b. Rebuilding of Social Infrastructure

In the post conflict environment, general collapse of social infrastructure like hospitals, electricity, roads and bridges is imminently noticeable. Rebuilding or resuscitating these collapsed social facilities remains a great task due to the capital-intensive nature of the project. The provision of social facilities is also important in the actualization of post

conflict reconstruction. Hospitals are needed for the provision of adequate humanitarian relief assistance; treatment and rehabilitation of ex-combatants and former refugees and internally displaced persons must receive a great attention. Those whose homes have been destroyed must be given a temporary or permanent alternative shelter as a tool for anger management. The task is basically undertaken by Bretton-Wood Institutions like World Bank to build local capacity in the post conflict state through their funds and programmes for development.

#### c. Effective Monitoring of the Peace Agreement

Because one of the old disputing parties may decide to renege or disregard the peace agreement already signed, it is quite important for the peace manager or third party intervenor to assist the parties to respect all clauses contained in the signed agreement through monitoring. Sometimes, the signed peace agreement may not longer prove as effective post conflict peacebuilding tool due to some intervening variables or emergent factors. For instance, the successive solutions or strategies adopted to address religious conflicts in Nigeria have achieved very little because most of the strategies failed to address some underlying root causes of the conflicts.

The policy makers have forgotten that the so called religious conflicts are articulated by the elites and prosecuted by the down-trodden or the poor whose basic aim is not always to demonstrate their religious imperatives but to kill and loot for economic survival. Research has shown that as many of these dissidents accumulate wealth and improved standards of living, they don't engage physically in religious skirmishes. So therefore, religious crises are basically fought by the poor in Nigeria. Here one of the ex-disputing parties may see the need to include some certain clauses into the Peace Accord like economic empowerment of the marginalized party. An example was the Yelwa crisis in Plateau State of Nigeria where a conflict that was resource-based was presented as a religious one (Adekanye, 2003:19).

Additionally, it is also important to build effective early warning system to monitor the triggers of conflict. Relevant initiatives must be considered in the transformation of conflict through collaboration-based and coordination-oriented mechanisms.

#### d. Good Governance and Rule Of Law

This is another task of peace building, geared towards addressing structural imbalance and social disenchantment. Marginalization, exclusion and poverty as well as injustice usually attract conflict. The theorists of democratic peace are of the opinion that a society with

strong democratic norms and values usually experiences less conflict because of the participatory nature and responsive leadership that the system presents.

One of the tasks of post conflict reconstruction is to facilitate an effective political transition that has mass participation for short term and long term objectives. People should be allowed to choose their leaders through electoral processes considered as free and fair. A number of institutional reforms should be carried out by the new government that will promote equity, justice, and rule of law, respect of fundamental rights and poverty reduction or elimination. Here the activities of the government must be monitored in-order to discourage idiosyncrasy and non respect of the peace accords. The new government, peace managers and post conflict reconstruction donor agencies should make sure that there is a viable constitution that addresses all the proximate and root causes of the conflict in order to prevent any resurgence of conflict.

e. Building Trust

Mutual trust is a big task, which allows high level of sincerity in the mode and conduct of post conflict relations of the ex-combatants. Until suspicion filters away in the relationship and attitude of the disputing parties that trust can be achieved. Here, the peace manager should make the old disputants see reasons why they should discuss and forget their past and develop a friendship network based on respect of mutual interests and needs. Through reconciliation, the old adversaries would discuss their pains, agony and injustice that were melted on each other as well as the need to improve their communication and relationships. An example of this was the reconciliation commission set up by Obasanjo administration fondly called 'Oputa Panel'.

It is also imperative for the peace manager to develop some leadership transformation strategy, to change jingoistic posture of the disputing parties' leadership from zero sum philosophy to win-win diplomacy. This, he can do through mature and professional facilitation of a peace workshop where the leaders of the disputing configurations or parties will express the needs and fears of their respective groups or associations, as they will always be reminded to adopt a joint-problem solving approach to address their differences. At the end of the day, the parties will be made to know and admire the beauty of peace embedded in 'give and take' philosophy, and the need to forgive and forget. Through this, there can be building of trust for genuine post conflict reconstruction.



#### f. Empowerment Of NGOs And Media

The task of post conflict peacebuilding reinforces the need to channel a lot of resources, support and energies to encourage the effective participation of Non Governmental Organizations (NGOs) and media in the post conflict reconstruction. The situation of post war exerts an immense pressure on peace managers and donors in the reconstruction of the former conflict zone. The media and NGOs undertake a number of unique activities particularly in the areas of training, research, event coverage and reports, counseling and rehabilitation, which are essential issues in conflict prevention and management.

The Liberian Network for Peace and Development, a group of 20 Liberian NGOs funded by Carter Center based in the United States carried out a number of rehabilitation projects of ex-combatants, including the child soldiers. Also, Sarah Daughters' home and my sister's place provided a number of trauma counseling, HIV/AIDS advice, business development and creativity support for former girl-child soldiers. The media as the fourth estate of the realm also worked effectively through their prompt and adequate reporting of post conflict events, particularly, on the activities of the government. They also covered the elections in post conflict Liberia to enable the country to have free and fair election with the ultimate desire of sustaining the atmosphere of peace. The media and NGOs are very important in the effective monitoring of the peace process in the post conflict environment. In Nigeria, the activities of the local NGOs in Peacebuilding cannot be underestimated. A great example is the peace interventions of CRESNET (Conflict Resolution Stakeholders' Network) in inter religious conflicts in the Northern Nigeria.

### 3.2 Elements of Peacebuilding

In this segment of the unit, we are going to state the elements of peacebuilding, which we will come across later in the course. These elements of peacebuilding include:

- (a) Socio-economic and political equity;
- (b) Participatory and constitutional democracy;
- (c) Respect for human rights and rule of law;
- (d) Independent and responsible judiciary;
- (e) Demilitarization and promotion of pacific settlement of disputes;
- (f) Establishment of reconciliation and restorative agencies;
- (g) Good governance and responsive leadership;
- (h) Civic education and peace advocacy;
- (i) Effective separation of power;
- (j) Public accountability;

- (k) Prompt and adequate administration of justice;
- (l) Strengthening of NGOs and community based organizations (CBO); and
- (m) Freedom of speech, association and respect of media rights

#### SELF ASSESSMENT EXERCISE

State any ten elements of peacebuilding.

#### 4.0 CONCLUSION

This unit has discussed on various issues that stimulate our deeper understanding of peace-building. The tasks of post conflict reconstruction are very difficult ones because of the consequences of mutilated relationships among the former disputing parties resulting from the outbreak of conflict. Destruction of lives and property makes the ex-combatants to maintain some level of ill-feelings towards one another. It is a task of peacebuilding to change their adversarial position. The old enemies are made to realize the need to forgive and forget their unhealthy activities and accept the event as win-win situation. Here, the old enemies should recognize the need to promote collaboration and mutual understanding through the respect of their mutual interests and needs.

#### 5.0 SUMMARY

This unit has discussed a number of tasks of peacebuilding while briefly or indirectly explaining some of the challenges of these peacebuilding tasks. Thus, it is worth knowing that efforts should be geared more towards conflict prevention (pre-conflict peace building) in order to reduce the risk of any outbreak of violence. Prevention is better than cure! This unit also highlighted a number of elements of peace building.

#### 6.0 TUTORED MARKED ASSIGNMENT

List any five tasks of peacebuilding and discuss.

#### 7.0 REFERENCES / FURTHER READINGS

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## UNIT 3 RESTORATIVE JUSTICE

### CONTENTS

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### 1.0 INTRODUCTION

Restorative justice is a concept, which has become not only a practice but also a philosophy of peacebuilding. The practice of restorative justice derives its foundation in the values which effectuate a promotion of mutual respect between parties of their needs rather than positions, pollinating an atmosphere of harmony within the society. Though, the concept and practice of restorative justice is not new, but it has been in existence from the time immemorial. In traditional African society, restorative justice formed the basis of the legal machinations, and even presently its philosophy guides the conduct and operation of customary laws in Nigeria. The practice of restorative justice became a peace movement in 1974 when a youth vandalism crime was perpetuated in Kitchner, Ontario, Canada, which was later termed as the Elmira case. In the Elmira case, the youth offenders and their victims were accorded a great opportunity to meet with one another with the ultimate aim of helping them to repair the harm. The parties were given an opportunity to discuss their evils and pains in the resolution of their conflict, rebuilding their communication and creating mutual respect of the individual needs of the parties. Such a transformation effort assisted them (the parties) to adopt joint-decision making by reaching on a series of agreements. The movement gave birth to the first Victim-Offender Reconciliation Program (VORP). This unit is committed to discuss various issues and functionalist principles and philosophy of restorative justice to demonstrate its relevance to peacebuilding.

## 2.0 OBJECTIVES

At the end of this unit, you should be able to;

- Define restorative justice;
- Describe the basic principles of restorative justice;
- Explain various processes and applications of restorative justice;
- Discuss the fundamental needs of victims;
- State the factors that promote restorative justice; and
- Examine a number of challenges, which face restorative justice.

## 3.0 MAIN CONTENT

### 3.1 Definition of Restorative Justice

Restorative justice as a concept is hinged on a set of principles and values that primarily seek to promote mutual respect between parties, through validation, accountability and healing. For our better understanding, it is quite imperative we adopt an elementary framework in our conceptual definition of the term, Restorative Justice (RJ). First, what is restorative (or restoration)? According to Funk and Wagnalls Standard Dictionary (International Edition), restoration is

The act of restoring a person or thing to a former place or condition. The state of being restored; rehabilitation, renewal.

While according to the same dictionary, 'restorative' as an adjective is defined as 'that which restores; specifically, something to restore consciousness after a fainting fit.'

On the other hand, justice is defined according to the same dictionary as:

Conformity in conduct or practice to the principles of truth or of positive law; regard for or fulfillment of obligations, rectitude, honesty. The moral principle by which actions are determined as just or unjust. ...the quality of being just or reasonable, rightness, equitableness.

Now, if we consider the above definitions, then we can define restorative justice as that set of principles and philosophy which seeks to give consciousness to the principles of truth, rightness and equitableness in the relationship between parties. Here, peace, harmony and effective communication are restored between them (the parties) through quality

actions or practice of rehabilitation, renewal and healing. According to Barbara E. Raye and A.N. Roberts (2004:10), restorative justice:

...is an approach or response to crime/harm that, to the extent possible, produces healing, restoration of health, and a re-establishment of the relationships and wholeness for the parties and the community. The value of 'justice' holds a commitment to accountability and to an experience by all the parties that is just, fair and equitable.

Ruth-Heffelbower (2004:37) states that restorative justice is not only a peace building concept but also a "peace making model" approach which is premised on the "recognition that violations of people and relationships create needs and responsibilities, and that justice happens when those who are responsible for creating the needs acknowledge the injustice and do what they can to repair the harm." Duane Ruth-Heffelbower who is an advanced practitioner member of the Association of Conflict Resolution (ACR) however presents four basic steps to RJ as follows:

1. make a commitment to be constructive;
2. acknowledge the injustices that have occurred;
3. restore the equity between you, make things as right as possible;
4. be clear about future intentions  
(Ruth-Heffelbower, 2004:37)

We hope that each of us must have appreciated various definitions of the term, restorative justice as contained in this segment of the unit. If you need more definitions, you source for additional reading materials or textbooks, journal, or better still, log on the internet, and go to [www.google.com](http://www.google.com) (an e-search engine) and type "what is restorative justice?" The search engine will lead you to a number of websites where the topic or the subject matter is defined and (or) discussed. So, you are advised to use five minutes to ruminate on what we have discussed so far, and appreciate various definitions of RJ presented in this segment of the unit. Do you have any problem? If you do, please contact your tutorial facilitator, or any member of your study group, you consider brilliant. Now we are going to the next segment of this unit, which focuses on the basic principles of Restorative Justice (RJ).

#### SELF ASSESSMENT EXERCISE 1

What is restorative justice?

### 3.2 Principles of Restorative Justice

Restorative justice is an alternative mechanism to criminal and retributive justice of the state. In the maintenance of law and order, as well as the promotion of peace and harmony among the people, state's primary objective are founded upon retribution, deterrence, incapacitation, and restitution (which is the last and the least adopted among the various goals). Restorative justice as an alternative justice approach adopts the last goal, restitution as one of its primary elements. RJ offers opportunities to various parties: (a) the victims (primary, secondary and tertiary); (b) the offender, and the larger society, by enabling them to meet both their short and long term needs by eliminating the fear, stigma problem, psychological imbalance and negative perceptions of the victims, bringing the offender to accountability and assisting him/her to live a better and more responsible life in future, and finally increase the local capacity of the community in meeting the demands of its members (victims, offenders and others) to develop a just and civil society. The principles of RJ include the following:

#### (a) The Story

Story telling is very important in peace process. As regards to building peace in the relationship of former disputing parties, it is very essential to permit the victims to express their feelings by allowing them to give a detailed account of their experience emanating from the conflict. Victims are always wishing to tell their stories or experience in order for the offender(s) in particular and the society in general to appreciate their agonies and pains, which they suffered during the conflict. This was demonstrated in the reconciliation commission set up in South Africa after the apartheid regime with the aim of restoring hope and harmony among the former combatants through reconciliation, apology and forgiveness, communication and mutual respect of their needs. Through story telling victims make the community at large and the offender(s) to appreciate the gravity of the offence or crime committed against them.

#### (b) Repair of Harm

Enough efforts should be channeled towards identifying and addressing the harm or injury or criminal action perpetuated in the course of the conflict.

#### (c) Full Participation of the Parties

The former disputants must be involved in the peace process. Restorative justice as a peace building initiative and mechanism for

conflict resolution demands that the parties' unique positions, interests and needs should be considered in the peace process through their unlimited participation in the promotion of spirit of fairness, openness, equitableness and justice. The parties through their involvement appreciate various ways to addressing the harm or crime committed against each other root causes of the conflict and opportunities to rebuild (and improve) their relationships in achieving sustainable peace.

(d) Joint Problem Solving Approach

Restorative justice seeks to focus on restitution rather than retribution; on restoration of friendship rather than fault finding, truth rather than fact, on dialogue rather than blame, on apology-forgiveness rather than zero sum philosophy (vengeance); on accommodating rather than avoiding; and on cooperativeness rather than assertiveness. It hopes to address the underlying problems of the parties through their (parties') collaborative commitment and reaching an agreement.

(e) Consensual Decision Making

Restorative process is not forced on the parties, it is thus a voluntary process, which enables the parties to discuss their issues and areas of conflict freely. The parties are also encouraged to be in full charge or control of their decisions and agreements without any coercive interference by the other parties or the peace facilitator(s). The right to support or disprove any decision or view lies in every party. This principle is absent in court process where the victim does not have full control of the decisions of the court(s).

(f) Mutual Respect

The parties are encouraged to submit themselves to the ground rules of the restorative process by respecting the rights of each other. Even as an offender, a number of fundamental rights are to be enjoyed by him/her. Thus the parties should do away with utterances and actions that can dislocate the success of the peace process.

(g) Flexibility of Process

The restorative process should be unique, creating opportunities for the parties to frequently adopt any guidelines or rules as situation demands. This pragmatic principle allows the parties to make their decisions in line with time, sequence participation among other considerations. Thus, peace process must therefore be flexible to give a deep sense of decision-making and outcome determination by each of the parties.



## (h) Empowerment

Restorative process enables the parties to have a great influence over the peace process. They are empowered through their participation, the ground rules and the outcomes of the peace process. Each party is accorded a power to establish better communication relation with the other party through justice, restoration of harmony and healing.

### SELF ASSESSMENT EXERCISE 2

Discuss the principles of restorative justice.

## 3.3 Processes and Applications of Restorative Justice

Restorative justice as a peace-building process seeks to create mutual respect, restoration of hope, fairness, equity, justice and restitution. It encourages the offender to take responsibility for the crime he/she committed and encourages the offender to be of good behaviour and engage in constructive attitudes which promote friendship, love and peace. In this segment of the unit, we are going to identify and discuss various processes and applications of restorative justice.

### 3.3.1 Processes of Restorative Justice

The main objective of RJ is to promote peace and healing in the relationship between parties within the framework of validation, accountability and rehabilitation. The followings are the processes of RJ.

- a. Putting in place the necessary resources and personnel in the inauguration of the peace conference;
- b. Mediators are expected to meet the parties separately in a number of preparation meetings;
- c. Through these preparation meetings, mediators tell each party the details of the restorative process and hear the story and experience of each party separately and his/her conditions for peace in the Victim Offender Mediation Conference (VOM/C) and the relevance of these conditions to peace agreement should also be an object of inquiry;
- d. The parties should be reminded that the restorative process is entirely voluntary and any of the parties if not feeling convenient with the proceedings of the mediation conference can decide to opt out at any time, he/she feels;

- e. Through these pre-conference meetings, the parties decide their representatives on the peace table and those who will serve as supporters at the VOM conference;
- f. All the parties have great influence not only on the proceedings of the peace conference but also on the time, and venue of the conference. Therefore, they should both agree on where and when to have the peace conference;
- g. Mediators should assist the parties in designing and developing the peace conference and the parties should be made to be aware of their responsibility in the process and outcome of the peace initiative; and
- h. The decision(s) reached by the parties at the peace conference should be in written agreements and mediators should assist by advising them (parties) to, in good faith respect the reached decision(s). While such respect of decision(s) remains voluntary and non-coercive as the situation demands.

### 3.3.2 Application of Restorative Justice

Restorative justice as a peace process can be applied in various settings or systems. We shall therefore explain the applicability of the restorative process in the following settings or systems.

#### a. Family Setting

With support from social workers, correction department, community mediation groups as well as counselor/therapists, family group conferencing can be set up to identify, address and engender constructive reconstruction for issues and conflicts within the family set up. Such restorative program promotes character development, good parenting and culture of peace among various families. Members of any family may adopt or be encouraged by a peace facilitator to engage in restorative process among themselves, creating opportunities for validation, accountability and healing in the family through collaborative dialogue and joint problem solving decision making process.

#### b. Community Setting

The existence of community mediation centres, community sentencing circles, counseling/healing centres and elders' forum can promote restorative practice in every community. If restorative justice is also incorporated into the community service programs, it will definitely

promote an active community participation in the provision of effective networks of support, which assists victims and offenders to live as normal citizens or members of the community. Advocates of democracy and good governance are now employing restorative principles and dialogue to solve community problems.

c. Organization and Workplace

The practice of restorative justice has become very fashionable and regularly adopted as a strategy to address industrial grievances, conflict escalation and human rights abuses. It has become a guiding principle in the employer-employee relationship. It is also a viable conflict prevention mechanism as the labour is encouraged to engage in negotiations or restorative dialogue to address their grievances. Restorative justice is also applicable in the resolution of any industrial conflict resulting from fraud and embezzlement through principles of validation, accountability and healing.

d. Criminal Justice System

In the western world particularly the United States, restorative justice is often adopted by courts, as Alternative Dispute Resolution (ADR) mechanism. Restorative justice can be applied before a case is referred to court, or before a sentence is made (pre-sentence), or after the sentence has been delivered (post sentence) in custody or after custody. It may also be applied in between. Restorative justice is focused on restitution rather than retribution as obtained in the court system. RJ is more viable than the court process because it (RJ) is more interested in healing the wounds and making the offender accountable for the crime committed through restitution. For instance, if the managing director of a big organization embezzles a lot of money from the company's purse. Though, what an average owner of the business will do is to arrest the erring MD and charge him to court through the police or state prosecutor or (and) company's lawyer. The court system or criminal justice system may sentence the erring MD to a jail term, and if no money is recovered by the police before or during the court process (pre-sentence) from the erring MD, it will be quite difficult to recover any money after the MD might have been convicted by court (but there may be exceptions). The court will not go further to consider the pains and agonies of the business owner after the sentence has been passed on the fraudulent MD. The court will not assist in recovery, trauma healing and building or harmonious relationship between the victim and the offender in the nearest future. Thus, such is reaffirmed in a Yoruba saying, which goes thus:

a ki ngbeni lo si ile ejo katun d'ore

Meaning: The aftermath of a court litigation process between the parties will provoke further enmity.

However, many peace experts and judicial officers have argued against the non-reconciliatory nature of criminal justice system and articulated on the need to adopt a restorative dialogue as ADR. The restorative justice will not only make the offender accountable for the crime committed. It will also make the parties to see need to rebuild their relationship, by asking the offender to apologize sincerely to the victim, while the victim show courage of forgiveness. Prior to that, there will be a story telling session where the victim shares his/her experience and feelings about the crime perpetuated against him/her, purposely for the offender to appreciate the pains of the victims and through this a meaningful reconciliation can be activated between the parties.

After validation, there must be restitution which according to the above example, the MD is expected to reach an agreement with the business owner that he will refund part or whole of the money embezzled to the employer (business owner). Through the restorative dialogue, the parties have full control of the whole process without restrictions or external influence, and in the aftermath healing will take place. Restorative justice as alternative dispute resolution (ADR) mechanism is more effective, less costly and more satisfactory than the adversarial models of the criminal justice system. It is not surprising that, it is now incorporated into prison fellowship programs, juvenile offenders programs and considered in resolving domestic violence, sexual assault and violent crime. Restorative values and principles have become the fundamental elements of truth and reconciliation commissions. Faith based movements are now showing more interest in restorative practice and philosophy because it provides greater satisfaction and it is very result-oriented.

#### e. School Environment

Restorative justice is applicable in the school system. It helps to build a sense of direction and responsibility in students, so that they will be good citizens and reliable future leaders. Students can be trained through their participation in mediation and peace process exposing them to restorative dialogue and relationship building. This will promote a culture of peace among the students, which help to build a great harmony in the relationship between the school authorities and students.

Restorative justice can be applied in our higher institutions, which have become homes to gangsters and student murderers. RJ can stem the tide

of secret cult activities in various institutions of higher learning by making the culprits be accountable for the atrocities committed through Victim Offender Mediation Conference (VOM/C) rather than expelling the culprits. It is quite pleasant that, in several institutions of higher learning in Nigeria, a number of student peace movements has been set up by either the school authorities or the student union, and even by various student – religious bodies like MSSN, SUCF among others.

### SELF ASSESSMENT EXERCISE 3

How effective is the application of restorative justice in addressing domestic violence?

#### 3.4 The Needs of Victims

In conflict situations, different strategies and actions are employed by various gladiators, and some negative actions may be directed against person not directly involved or not involved at all in the conflict. Thus, the underlying fact about any conflict is that there must be Victor & Vanquished; and Offender & Victim. Who is a victor or vanquished is not the conceptual responsibility of the study but we focus on offender vs. victim. In every conflict situation, victims are produced. The needs of these victims are the most paramount to restorative justice. Every victim often asks some questions which may include the following:

- a. Why such an offence was committed against me?
- b. What was the motive of the offender?
- c. Who is the offender?
- d. Can I ever forgive the offender for the crime committed against me?
- e. Can I commit similar crime against anyone?
- f. Should I seek for vengeance?
- g. If I must forgive, what conditions should the offender meet to attract my forgiveness?
- h. If I forgive the offender, is it possible that the offender will repeat similar crime or engage in more grievous crime in the nearest future?

All these questions help the restorative mediators to draw their intervention plans in the restoration of harmony between the parties (victim and offender). The questions are of great importance to the conduct of restorative dialogue. Through the response of the victim to these questions that restorative justice practitioners will identify the needs of the victim. Now, let us discuss the basic needs of victims.

- a. **Public Acknowledgement:** Victims always want the public and the offenders to acknowledge the offence or crime committed against them, and how they feel about the ugly situation(s). This is evident in the expression of minds and feelings of the Ogoni people about the atrocities perpetuated against them by successive military administrations in Nigeria with central reference to Abacha military junta at the popular Oputa Panel. Public acknowledgement is very important in addressing the pains and agonies of any victim. For instance, when there was a massive anti-colonial struggle in Africa, very little international media attention was given to it, but on the contrary, during the same period the Palestinian people received greater international media attention basically due to the volcanic public awareness of their pains. Thus, such wide public acknowledgement of the atrocities committed against the Palestinians by the Jews attracted a global sympathy towards the Palestinians.
- b. **Inquiry:** Victims are always inquisitive. They often seek to know the reasons why the offenders chose to commit such crime against them. Victims are eager to find out if the offence was accidental or intentional; selective or random; and widespread or limited.
- c. **Truth-Telling:** Victims love the offenders to tell the truth, as false statements often annoy the victims. Victims feel a sigh of relief, if there is truth in the reconciliatory process as well as in the expressions of the offenders.
- d. **Sincere Apology:** Victims value so much a sense of sincere apology and display of remorse by offenders as regards the crime(s) committed against the victims.
- e. **Empowerment:** Crime usually affects negatively the victims and renders them more vulnerable and powerless. Through their (victims) direct involvement or participation in the peace process (as in restorative justice system) they are empowered. The court system does not allow such empowerment because the victims are represented by lawyers, and in the case of corrupt and less skillful lawyers, the victims' case may be worse because

derogation of justice is imminent. The court system is not only time consuming but also costly, and victims may become psychologically distorted and full of despair when they cannot afford the legal fees to seek for a redress in a court of law. Meanwhile, restorative justice has been able to address all the impediments and gives a lot of empowerment opportunities to the victims.

- f. Restitution: Victims are to enjoy adequate, prompt and meaningful reparation in order to promote a deep sense of healing and build a harmonious relationship between them and the offenders within framework of no victor, no vanquished philosophy for sustainable peace. Victims always wish that offenders should pay a price for the crimes committed by them in order to deter them from doing similar nihilist actions in the nearest future. Another reason is to make offenders be aware of responsibility in every action of theirs, and the need to disprove deviant attitude and social vices.

#### SELF ASSESSMENT EXERCISE 4

Examine the needs of victims of an armed conflict.

#### 3.5 Factors For Promotion Of Restorative Justice

Restorative justice as a peace building mechanism creates increased satisfaction for victims and reduces recidivism. It also creates opportunities for adequate and prompt restitution as may be agreed by the parties. It is quite helpful in creating avenues for accountability and healing, allowing the victims to express the impact or effect of the crime or atrocity committed against them has on their lives, which makes the offender acknowledge the gravity of the offence or crime perpetuated by him. In this segment of the unit, we should try and showcase a number of factors that can promote restorative justice in our community, school, and judicial system among others.

- a. It is important to teach restorative justice in schools and places of worship. There are many available resources through which we can study restorative justice;
- b. Identifying restorative justice practitioners in our neighbourhood is quite helpful and we encourage them in their restorative crusade;
- c. Establishing a community based group, equipping the group with necessary restorative mediation skills and advocacy. This group

- should also include victims in its membership and provide re-entry opportunities;
- d. Restorative principles and values should be ultimately considered in the constitution and be incorporated into the justice system;
  - e. There should be public enlightenment on the importance of restorative justice in peace making, peace building and preventive diplomacy;
  - f. Routine and periodic analysis of the available services for victims of crime, community needs and developmental projects as well as creation of early warning measures;
  - g. An effective system must be established that monitors progress in the measurable goals of the restorative organization as well as feedback mechanism to its impact, successes and shortcomings;
  - h. The restorative justice outfit must be occupied by those not only considered to be professionals in the field, but those who have strong commitment to and expertise in restorative mediation; and
  - i. These restorative justice experts must be trained on periodic basis and enough resources should be channeled to further research in the field of restorative justice.

#### SELF ASSESSMENT EXERCISE 5

Explain any five factors that can promote restorative justice

#### 3.6 Challenges Of Restorative Justice

The field and practice of restorative justice encounter a number of challenges which include:

##### a. Meaning

The concept of restorative justice does not have any universally accepted definition. Some may say it is a peace process, which protects more the interest of offender than the rights of victims. Some may refer to it as a peace practice which allows the victims to settle for 'second best justice,' while each restorative justice practitioner has his own way of perception and conviction about the concept. More importantly, the proliferation of the restorative justice movements and programs has made the restorative practice more diffused with attendant problems of how to reconcile various views and values of the practitioners and



movements in striking a consensus in the principles of the concept. It is not surprising that some conflict analysts have referred to it as ‘forced mediation.’

b. Victims

Restorative justice attempts to create opportunities for victims to acquire justice, encourage their full involvement in justice process, remove their stigma and provide healing to them. Sometimes, the needs of the victims and offenders are irreconcilable, and such situation makes the restorative mediation a difficult task. Human right activists often condemn RJ because of its ‘pro-offender’ posture by protecting more the offenders and preventing such offenders from facing the justice. Rather than preparing the victims as witnesses in the traditional court processes, restorative justice makes the victims to see no positive result in retributory traditional justice system.

c. Cooptation

The foundation of restorative justice was laid in the early community values as a strategy for local capacity building in the community but the existence of modern state has really affected the germination of the restorative principles. The ascendancy of criminal justice system has become a common feature of modern state. So, restorative justice could only be playing a second fiddle in the modern state justice system. I hope you have not forgotten as mentioned earlier, that state, in its attempt to foster harmony and resolution of conflict, focuses basically on retribution, deterrence, incapacitation and restitution. Out of these principles, the only one that can be found in restorative justice is the last principle, restitution. Meanwhile, the recent adoption of restorative principles in the modern state criminal justice system should not surprise anyone; it can act as alternative dispute resolution mechanism to address those problems that cannot be solved by the criminal justice system.

d. Quality

Quality of the restorative programs, movement and personnel speaks volume of its success. The cultural competence, standards of practice, socio-economic and political factors play an important role in the operation of restorative system of justice. Quality of training determines how each practitioner will handle restorative mediation.

e. Diversity

Restorative justice practice remains a very difficult task in a society where there is sharp and unfriendly diversity. That is one of the reasons

restorative justice practice has been very low and yielding less fruits and success in Africa problems of identity, poverty, religious bigotry, ethnic rivalry and racial discrimination as well as gender inequality remain the stumbling blocks to the development of restorative justice on the continent.

## SELF ASSESSMENT EXERCISE 6

Explain any four shortcomings of restorative justice.

### 4.0 CONCLUSION

Restorative justice allows not only the parties to a conflict to have direct and full involvement in the peace process but also enables them to appreciate their different perspectives and stories of their experience concerning the conflict. Restorative dialogue ensures that justice is not only enjoyed by victims of crimes but efforts should also be made to create healing opportunities for the victims to address their psychological needs through which regeneration of conflict can be curbed. Restorative justice is hinged on three principles: Validation, which is the acknowledgement of crime or injustice that informs the offender's readiness to seek for victim's forgiveness through sincere apology and display of sober reflection by the offender. Here, truth plays an important role in reconciliation. Accountability, here the offender is expected to take responsibility for the crime he or she committed against the victim while both parties discuss ways to right the wrong. The third principle is Healing, the offender is mandated to make known his/her future intentions. This will include a number of actions that will assist the offender not to commit such crime again in his/her nearest future intentions. This will include a number of actions that will assist the offender not to commit such crime again in the nearest future. There must be restitution obligation on the part of the offender to the victim. Restorative justice process usually ends with the signing of a peace agreement by the parties.

### 5.0 SUMMARY

In this unit, we have treated definitions of restorative justice. We have also explained various principles and values of restorative justice. We went further to discuss the processes and applications of RJ as the needs of victims were appreciated. We also stated the factors that promote restorative justice. Our searchlight was also drawn on the challenges facing the development of restorative justice. Despite all these challenges, RJ is still a variable tool of reconciliation and peace building.

## 6.0 TUTOR-MARKED ASSIGNMENT

Is restorative justice applicable to school system in Nigeria? Discuss and draw your case study from any higher institution in your locality.

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## UNIT 4 GENDER JUSTICE AND MAINSTREAMING GENDER IN PEACEBUILDING I

### CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Gender Justice: Meaning
  - 3.2 Agonies of Women in Conflict Societies
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutored Marked Assignment
- 7.0 References/Further Readings

### 1.0 INTRODUCTION

In bloody conflict situations, a number of atrocities are committed against women. History and experience have shown that women remain the greatest victims of armed conflicts. They are subjected to servitude, perpetual fear, psychological imbalance, economic incapacitation, sexual slavery and gang rape. Women are basically the ones at the receiving end. In armed conflict situations, they lose their husbands and children as many of them have become widows and childless mothers overnight. They also lose their dignity and honor through their sex abuse experience; they lose their peace through disruption of social system; they are deprived of their social destiny through family breakup and degradation of community system, resulting from the armed conflicts.

Thus, several unspeakable atrocities are committed against women in armed conflict societies, as many of these atrocities remain reported. Then, why the peace process be handled by men alone (who are the major promoters of these armed conflicts)? Due to the caring and pacific nature of women, it has become imperative to include them in peace process activities as supported by several international declarations including the United National Security Council Resolution 1325. The questions and issues of gender justice in peace process form the basis of study in this unit.

### 2.0 OBJECTIVES

At the end of this unit, students should be able to:

- Define gender justice;
- Explain a number of gender issues and mainstreaming gender in peace process; and

- Identify a number of atrocities perpetuated against women.

### 3.0 MAIN CONTENT

#### 3.1 Gender Justice: Meaning

Gender justice ensures and engenders an attitude of due process and a deep sense of fairness that create a set of norms and principles that guarantee the rule of law as well as the protection of individual and collective property without any sex or gender bias.

It is quite confusing to define gender justice as that justice, which caters only for the rights of women. Thus, such definition amounts to gender injustice and gender inequality. According to Stewart, Gender justice is

...logically, justice between the genders: justice on a basis of equality, subject to variations required to deliver sex-based justice, equality of treatment or, in some cases, equality of outcomes between the male and female genders (Stewart, 2005:28).

According to International Alert (2004:9), gender justice:

Refers to the protection and promotion of civil, economic and social rights on the basis of gender-equality. It necessitates taking a gender perspective on the rights themselves as well as the assessment of access and obstacles to the enjoyment of these rights for both women, men, girls and boys and adopting gender-sensitive strategies for protecting and promoting them.

Gender justice seems to address the disparity between male and female in the access to the authoritative allocation of values. Its fundamental objective is geared toward obliterating the customary justice system which engenders gender inequality that has had some negative effects on women. The importance of women cannot be underestimated in peacebuilding and post conflict reconstruction. Thus, post conflict environment is usually characterized by a number of challenges. These challenges may include demobilization coordination, disarmament, reintegration management, choice of healing techniques, structural reconstruction and re-establishment of justice structures and processes to reenact strategic peace-enhancing institutions and processes for sustainable appreciation of confidence building and mutual trust not only among various disputants but the whole stakeholders to forestall any resurgence of conflict.

The task of post conflict peacebuilding is enormous, which forms the basis for the new direction in peace process activities among African people by adopting a gender justice approach in efforts toward post conflict reconstruction. The African Heads of States have however agreed to:

...ensure the full and effective participation and representation of women in peace process, including the prevention, resolution, management of conflicts and post conflict reconstruction in Africa as stipulated in UN Security Council Resolution 1325 (2000) and to also appoint women as special envoys and special representatives of the African Union. (Solemn declaration on gender equality adopted by African Heads of State and Government on July 6, 2004).

Gender justice involves integrating gender mainstreaming in peace processes and operations. Gender justice enables increased women participation in peace process as well in post conflict reconstruction. Thus, human rights abuses perpetuated against women in conflict environment can only be optimally redressed if there is increased women participation in the peace process. For instance, by November 2004, in the United Nations Military Personnel and the UN Civilian Police (CIVPOL), women had an unfair share of 1% and 5% respectively (see [www.peacewomen.org/un/pkwatch/news/04/CLampteyoct.htm](http://www.peacewomen.org/un/pkwatch/news/04/CLampteyoct.htm)).

Several humanitarian interventions and peace operations have actually undermined the importance of women in peace missions. The probability that most of the injustices of conflict and post conflict societies perpetuated against women will not be adequately reported and addressed will definitely be high if women are not adequately represented in peace operations. For example, the joint UN/OAS international civil mission (MICIVIH) in Haiti succeeded in its mission due to high representations of women as well as effective monitoring of gender rights. The human rights monitors of MICIVIH revealed the rape-insurgency against women by a paramilitary gang between 1993 and 1994. The activities of MICIVIH became a cornerstone in the campaign of gender justice in post conflict reconstruction. The report of the mission showed that between January and May 1994, no less 66 politically motivated rape cases took place.

The impact of gender equality peacebuilding becomes further prominent in the activities of the United Nations Transitional Assistance Group in

Namibia (UNTAG) between 1989 and 1990. The composition of the peacebuilding mission demonstrated a new phase of gender sensitivity in peace operations. Resulting from non-discriminatory recruitment exercise in accordance with the Article 8 of the UN charter which states that ‘...no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality, high participation of women in the civilian group of UNTAG was supported amounting to 50% of the total civilian personnel. The UNTAG experience addressed some of the gender justice issues facing women and gender approach to decision making in peace processes. One of notable areas the mission (UNTAG) recorded a tremendous success in, was empowerment of women in political decision making and political participation. Here, the female staff of UNTAG were actively involved in gender rights crusade. They undertook the task of educating the local women on the need to make themselves politically relevant, particularly by casting their votes through a secret ballot system according to their choice rather than dogmatically accepting the choice of their husbands (Mansson, 2005:8).

By the year 2000, the global campaign for gender justice in peace processes and institutions reached a crescendo. Four policy documents were adopted. These four documents demonstrated the relationship among peace, human rights and gender equality. Then what are the four documents? These documents include the following:

- a. The Windhoek Declaration and Namibian Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations issued by the Lesson Learned Unit of the Department of Peacekeeping Operations (DPKO);
- b. A Gender Mainstreaming Policy Statement by the High Commission on Human Rights (UNHCHR). By 2002, gender justice has become central to the operations of the commission according a strategic priority to gender sensitivity in the conceptualization, implementation and evaluation of its policy objectives and actions while gender equality forms the basis for promotion and protection of human rights through a memorandum of understanding conducted between the office of the High Commissioner (OHCHR) and DPKO.
- c. Statement 6816 of the UN Security Council stressed the need to always adopt a gender justice approach in peace operations by stressing that ‘peace is inextricably linked with equality between men and women’, and
- d. The phenomenal 1325 resolution of the Security Council of the United Nations. The recommendations of the UN Security

Council presented the relevance of gender related issues on every area of conflict prevention, peace keeping and post conflict reconstruction.

## SELF ASSESSMENT EXERCISE

What is Gender Justice?

### 3.2 Agonies of Women in Conflict Societies

The fate of women in conflict societies is a very pathetic one, which has really attracted a global attention. They (women) contribute more than half of the internally displaced population and an army of refugees in Africa. Many of them have had a very bitter experience as several unspeakable atrocities have been committed against them. Some women were forced to have canal pleasure with their children; some daughters were made to engage in sex bouts with their fathers or male relatives on the directives of the armed combatants; and several women and young ladies have become victims of sex slavery and gang rape. Even, in societies that are not in armed conflict, women are still being subjected to a lot of nefarious customary practices and gender discrimination. This segment of the unit will highlight and discuss some of the notable atrocities suffered by women in conflict societies.

- (a) Rape: Rape has become a weapon of war in recent time. There was an intercepted radio conversation between Charles Taylor and Richardson, Taylor's field commander where Charles Taylor ordered his field commander to round up the displaced persons center in Harbel and Kakata, and shoot "at anything that moves." But on the fate of the civilian population at the centre, Richardson asked Charles Taylor what his NPFC rebels should do with the innocent civilians, Charles Taylor retorted that "...if you have men among them, chop them, and for the women, rape them. To hell with them" (see Daily Times, May 21 1993:7). Women and young ladies have become the main victims of sexual exploitation, sexual slavery and gang rape. They have become victims of sexual imperialism as they are raped or subjected to forced prostitution by government and rebel forces. Some personnel of peacekeeping missions have been alleged to have involved in illicit sexual exploitation of the local women and girls. A classical example was the military peacekeepers in the Democratic Republic of Congo (DRC) who were accused to have engaged in sporadic sexual abuse of local Congolese girls and women. The MONUC sex scandal was surprising and irresponsible. Thus, deployment of peacekeeping operations is fast becoming an avenue to develop prostitution and sexual abuse



of innocent female civilians in the host countries. The ECOMOG soldiers were also accused of doing similar thing in Liberia and Sierra Leone. In Nigeria, Nigerian Army was accused of similar crime in its military adventure and aggression in Choba in the Niger Delta region of Nigeria.

Gang rape has become a regular feature of armed conflict in Africa, innocent female civilians have become victims of this dastardly act irrespective of age, status, ethnic background and education. In the case Josette a victim of Rwandan crisis narrated how she ‘...was raped by a lot of people, and at different times.’ She further reiterated that she could not ‘...think how many times...’. Darfur, Sudan is another conflict theatre in Africa where notorious atrocities have been committed against women and girls. In Darfur, several girls even as young as 8 years have been reported raped by Janjaweed militia men. In February 27, 2004, Janjaweed militia men launched a bestial attack on Tawaila village where more 100 women and young girls were raped. The gang rape was conducted by the Janjawees on their victims to humiliate them in front of their relatives and husbands. Up to 14 Janjawees militia men may pounce on a woman in such a show of shame. In Sudan more than 40,000 women and girls have been raped, many of whom got pregnant in such horrible process and circumstances.

- (b) Injury and Physical Abuse: Women in conflict societies are also at the risk of injury and physical disability resulting from attacks from the armed combatants. In Sudan, very young girls and women have been reported to have had several degrees of injuries inflicted on them by the Janjaweed militia terrorists, many of whom have had their legs broken while few others several were inflicted with horrible marks on their bodies. The savage action of physical dismemberment of the victims’ legs by the lunatic Janjaweed fighters was to prevent those innocent and armless female civilians from escaping (see [www.amnesty.org/library/index/ENGA\\_FR540762004](http://www.amnesty.org/library/index/ENGA_FR540762004)) as they’re subjected to gang rape and sexual slavery.

Fig. 4.1



Source

<http://www.dfid.gov.uk/pubs/files/conflictsaharanafrica.pdf>

The ethnic and genocidal conflict in Rwanda and Burundi has caused a lot of pains, agonies, injuries and despair to women in those countries. The extreme violence in Africa's conflict theatres has recorded a litany of injuries and permanent physical disability, even death among women. By 2020, epidemiological researches have shown that injuries resulting from armed conflicts must have 'become the eight most important factor (after tuberculosis) incurring a disease burden society' (DFID Framework Document, 2001:10).

In modern theatre of armed conflict, particularly in Africa, the adoption of body mutilation has become a strategic weapon of war-making and conflict policy. In Sierra Leone, the RUF applied mutilation on its mass of victims, according to a DFID report:

...as part of a strategy to stop people from voting or from gathering the harvest or to spread control over territory by sheer terror and fear, thus avoiding the need to fight. (DFID-Framework Document, 2001:10).

FIG. 4.2



Source

<http://www.dfid.gov.uk/pubs/files/conflictsaharanafrica.pdf>

Modern armed conflicts have really damaged the morality, customary system of African people because Africa's code of honour has made it incumbent upon every prosecutor of violence to spare women, children and even male civilians and they should not be harmed but contrary is the case in the recent experience of armed conflict in Africa. Such extreme and barbaric exhibition of violence and bestiality will always have negative impact on women and children in particular and the African society in general.

- (c) **Psychological Torments:** The female victims of rape are always feeling dishonoured and disrespected by the societies in Africa. They go through a lot of psychological stress as many of them are no more comfortable being in the midst of men and develop a deep hatred against male folks. This psychological trauma may produce another set of negativities and dispassionate feelings include eagerness for commitment of suicide.

Many of these female victims of (gang) rape are often ostracized as many of them have been divorced by their husbands and the entire society has become hostile to them, thus their psychological experience becomes more traumatic. The fear of the female victims to have possibly been infected with HIV-AIDS and other sexually transmitted diseases (STDs) puts many of the female victims in psychological imbalance as many of their relatives and family members often desert them for the fear of

contracting the disease(s) from them without even confirming if the victims have the disease(s) in the first place. Those whose HIV/AIDS status has been confirmed experience more rejection from their societies facing several psychological problems.

- (d) **Socio-Economic Problems:** Many of the female victims of rape are rejected not only by their husbands but by the whole societies. The societies may see them as ill destined or the 'warehouses' of HIV/AIDS. These victims and their children face public vituperation and discrimination. They experience severe socio-economic hardships and discriminations. As single parents, they face a number of economic challenges, while many of them enjoy very little or no economic support from former husbands and catering for their children becomes a great challenge.

Similarly, many female victims of armed conflict have had their arms chopped off, and some of whom have lost their husbands to the armed conflict as they face enormous task to take care of the family. Their permanent disability may affect their productivity and many of them will resort to street begging.

- (e) **Murder:** Women in conflict societies always face the risk of murder. In the genocidal war between the Hutus and Tutsis, not less than four hundred thousand women must have lost their lives. In Liberia, NPFL rebels were reported to have raped a lot of women and young girls during the civil war campaign, as many of these female victims were also killed, particularly those trying to refuse the rape attempts of the rebels. Even in societies where there is no full scale armed hostility, women are brutally murdered. For instance, the mother of a popular monarch, Late Chief Abisoye Tejuosho was brutally murdered during the regime of Gen. Abacha while the killers are yet unknown. The litany of brutal murders of women in Africa's conflict theatres has attracted attention of international community as several literature have been developed to do justice to such unwelcome incidence.
- (f) **Racial Discrimination:** Women in some conflict societies experienced evils of racial discrimination and hostility. A good example is the case of Darfur where the government sponsored Janjaweed terrorists adopted a cannibalistic policy of 'separating the Jews from gentiles' through their racist machinations. The Arab Janjawees in spite of sharing the same religion, language and social beliefs with the black Sudanese in the Darfur region, the Janjawees have conducted a series of rape, killing and arson against their black neighbours. Their genocidal aggression and racial animalism are responsible for the humanitarian crisis in

that region. The level of destruction in Darfur region is alarming, and it is a true representation of hobbesian state of nature. The report of the ICID was revealing and shocking concerning the atrocities perpetuated by the Janjaweds, through its illustrative and graphical demonstration of the level of crimes against humanity and genocide committed in the region ‘systematically committed against women in Darfur’ (Jibril, 2005:25).

## SELF ASSESSMENT EXERCISE

Discuss any five atrocities suffered by women in conflict societies.

## 4.0 CONCLUSION

Women encounter a lot of challenges in her everyday life. She is subjected to a lot of agonies and pains. Several crimes are usually perpetuated against her, which range from battery, sexual economic imperialism, customary oppression, political animosity, rape and sexual abuse, injury to murder. Gender justice demands that there should be effective justice system, which engenders fairness, due process and equity to guide the affairs of state. It is quite important for every society to show sincere commitment to gender justice as a peacebuilding initiative.

## 5.0 SUMMARY

In this unit, we have presented some definitions of gender justice as we also discussed a wide range of issues in gender justice and gender perspective to peace building. Additionally, we explained various agonies or atrocities women face in conflict societies. The pains women suffer resulting from an outbreak of armed conflict should also make gender justice and mainstreaming of gender perspective in peace process a great priority particularly in post conflict reconstruction.

## 6.0 TUTORED MARKED ASSIGNMENT

By the year 2000, four policy documents were adopted, which were instrumental to the renewed global campaign for mainstreaming gender perspective in peacebuilding. Explain these four policy documents

## 7.0 REFERENCES/FURTHER READINGS

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## UNIT 5 GENDER JUSTICE AND MAINSTREAMING GENDER IN PEACEBUILDING II

### CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Gender Justice and Institutional Empowerment of Women Participation in Peace Process.
  - 3.2 Challenges of Gender Justice
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutored Marked Assignment
- 7.0 References / Further Readings

### 1.0 INTRODUCTION

In the last unit, we discussed some of the atrocities perpetuated against women in conflict situations. Nonetheless, it would definitely amount to pervasive injustice, if women issues are not included in the priority list in peacebuilding processes and their inclusion in the peace process should remain sacrosanct. Until recently, human rights activities and institutions had paid primary attention on civil and political rights of people in post conflict reconstruction and in facilitation of justice, while there was very little or no attention on the promotion and protection of socio-economic and cultural rights as they impact on women. This unit is the continuation of the preceding unit. In this unit, we shall be focusing only on institutional processes and institutions, which have impacted greatly on mainstreaming of gender in peacebuilding and showcase several attempts made by women in their quest for improved and adequate participation in peace processes. Challenges faced by womenfolk as far as gender justice is concerned shall also be an object of inquiry.

### 2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Discuss some of the declarations and institutional resolutions that have given credence and support to the improved women participation in peace process;
- Explain several gender advocacy activities carried out by several women organizations and NGOs; and
- Examine the challenges of gender justice



### 3.0 MAIN CONTENT

#### 3.1 Gender Justice and Institutional Empowerment of Women Participation in Peace Process.

In as much that more than 50% of the population of every conflict society is female, why women should not be given an equal right with their male counterparts who are often accused as the initiators of the armed conflicts in the first instance? In this unit, we are going to showcase and discuss some of the declarations and institutional resolutions that have given credence and support to the improved women participation in peace process. In 1981, the convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This international instrument encourages all states of the world, particularly the signatories to the convention to promote activities that promote world peace and development through a gender sensitive approach. It seeks to engender improved and increased women participation on equal term basis, not only in peace process but in all fields. On the uncivilized and barbaric atrocities perpetuated against women in conflict societies, the International Criminal Court (ICC) has thus declared that perpetrators of rape and other sexual abuse on women in conflict societies should be regarded as offenders of crimes against humanity which attract great punishment.

On humanitarian crisis in Rwanda, the International Criminal Tribunal for Rwanda (ICTR) was created in Arusha, Tanzania to try and bring to justice the perpetrators of genocide and crimes against humanity as several people were being put on trial including some so-called religious leaders. The most pathetic cases were those of two women who were supposed to be peace makers and friends to fellow women. The first was the trial at the ICTR of Pauline Nyiramasuhuko, a Former Minister for Women and Family Affairs who was put to prison along with her son. She was accused of inciting her son and his militia men to rape and kill women and children. In the similar vein, another Former Female Cabinet Member, Agnes Ntamabyariro was a Minister of Justice and she was also accused of participating in the genocide debacle. She was also put to prison in Rwanda. Several other women were also accused of crimes against humanity including nuns. It was a case of dogs eat dogs. What a pathetic and shocking situation!! Notwithstanding, women have currently played several critical roles in peacebuilding.

The efforts of women in realizing their gender justice ambition through increased participation in peace processes were evident in their strategic and result-oriented campaign and activities in the Democratic Republic of Congo (DRC) peace dialogue. They strived for their inclusion in process of peace negotiations. Through their commitment and the

tremendous support from the United Nations Development Fund for Women (UNIFEM), the African Women's Peace Committee, Femmes Africa Solidarite (FAS) among others, there was a renewed call to include women in peace process.

The participation of women in the Inter-Congolese Dialogue (ICD), which took place in Sun City Resort, South Africa between February 25 and April 18, 2002 cannot be underestimated. That peace conference came to an end without any accord accepted. Thus, it was later agreed that another peace meeting should be convened later in the same year, which was hoped to take place in Pretoria in South Africa. Through the material and technical support of the UNIFEM, a number of Congolese women met in Nairobi, Kenya in February (17-19) 2002 with the utmost desire of drafting a declaration – a form of gender justice road map to inject gender sensitivity into the peace negotiation process concerning their country. Another major intention of the Nairobi meeting was to inaugurate a women's group comprising of one representative from each of the eleven provinces of the DRC to represent the interest of the Congolese women in the ICD.

Their (Congolese women's) deliberations resulted to what is known as the Nairobi Declaration. The declaration accorded relevance to the needs and aspirations of women, particularly as Congolese women contributed 52% of the total population in the DRC. The population strength of women should be considered by negotiators as 'an inescapable force in the restoration and maintenance of peace and development of our country.' The Declaration went further to highlight various atrocities women suffer in conflict societies ranging from rape, mutilation to HIV infections.

In the Nairobi Declaration, women explained the need for all asundry to acknowledge their active roles in peacebuilding, reconstruction and development because they are no less 'mothers of the nation', as their active roles in the family and society at large cannot be overemphasized, particularly in the area of mediation. So, therefore the active participation of women should be encouraged and the IDC should adopt gender equality approach in order for the peace negotiation meeting to yield fruits. Through their declaration, the Congolese women resolved for their country that:

- a. there should be cessation of all hostilities and immediate withdrawal of foreign troops must be observed;
- b. unification of the entire country be facilitated and territorial integrity of the country be respected;

- c. there should be immediate adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as the platform to eradicate gender inequality and discrimination against women;
- d. improved and adequate representation of women in decision making institutions and processes be guaranteed by affirmative action;
- e. Inter Congolese Dialogue (ICD) should engender gender equality and gender sensitivity in the diplomatic process;
- f. there should be proper and adequate rehabilitation and re-integration of the demobilized child soldiers; and
- g. in the agenda of the ICD, the needs of women, children and other vulnerable groups must receive a prior attention.

However, the increased participation of women in the peace negotiation process and peace movement strategies have really had a great impact on the peaceful atmosphere (relatively) in the DRC which recently conducted and completed an electoral process (though almost marred with pockets of violence between the government forces and the rival parties). Notwithstanding, a great history has been made in the conflict ridden country for successfully conducting an election after several decades in limbo and military tyranny. It should be incumbent on the new democratic government of Joseph Kabila to take cognizance of various international declarations and resolutions by adopting a gender sensitive approach as he desires to take the new Democratic Republic of Congo to a land of promise.

It is important to highlight some human rights instruments that protect the rights of women and children who constitute the larger part of the vulnerable groups in conflict societies. These human rights instruments include the Universal Human Rights: International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); Convention on the Rights of the Child (CRC), Convention Against Torture (CAT), Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), Convention on the Elimination of All forms of Racial Discrimination (CERD) and Convention on the Protection of the Rights of all Migrant Workers and Members of their families. All these human rights instruments protect the interests of women in one way or the other, as the two covenants: ICCPR and ICESCR in their article 3 mandate gender equality as a basis for human rights protection and promotion. Therefore, there should be equality between men and women in peace

operations. Though, there is less patronage of women in most peace operations, but the campaign for gender sensitivity has not ceased. This campaign has formed the basis for the Kigali Conference. The Kigali Declaration reinforces positive and active roles of women in peacemaking and peacebuilding, and their peace-enduring attitudes as well as love. The Declaration however

recognize(s) women's traditional peace making roles and their right to equal involvement in all peace initiatives, including early warning mechanisms and swift responses at national, regional and international levels (Kigali Declaration, 1997)

Another notable and important forum where gender equality was discussed was Beijing Conference where 189 governments pledged to 'revoke any remaining laws that discriminate on the basis of sex.' The modus operandi of the United Nations Fourth World Conference on women in 1995 (known as Beijing Conference) in the city of Beijing in China, was to address the structural and fundamental inequality that was characteristic in the relationship between men and women both at national, regional and international levels. The campaign had a little impact in the abolition of discriminatory laws against women. The conference has though given more life to the women advocacy struggle as many gender oriented NGOs started springing up and gender mainstreaming in peace operations became a regular vocabulary in international peace and gender discourse. There has been re-awakening, as gender insensitive societies in Africa, have started looking in the new direction by rather sluggishly adopting some gender-sensitive strategies: women participation in politics has improved a bit and the economic power of women is better but still far below what is obtained in Europe and North America.

Now, in the constitution of Uganda, gender equality is engendered, as men and women have equal rights and opportunities to political, economic and social resources. This new direction has been reflected in the appointment of a woman, Ms Betty Bigombe as the principal negotiator representing the government's team in the peace negotiation process between the government and the Lord Resistance Army (LRA), a rebel group that has been launching an armed insurgency against the government. Her participation in the peace process was very productive and fruitful as cease fire was facilitated. She was later dropped as the Minister for the Pacification of the North, but before she was removed from office, the fragile peace in Uganda was provoked when the cease fire broke down. The effective negotiation skills and diplomatic artistry

of Ms Betty Bigombe were instrumental to her reappointment by the government to engage the rebels in a diplomatic repertoire [negotiation or peace talk(s)].

In Rwanda, there is more pleasant news. The new constitution of the country guarantees women at least a 30% quota in political institutions, and consequently in parliament, women are occupying no less than 48.8% of the parliamentary seats. The constitution further guarantees women, 50% of the Supreme Court Judges, and women are happy to have the 50% constitutional share in the Supreme Court but have doubled it with the appointment of a woman as the Court President. In addition, a woman was also appointed as the Minister of Justice, and the head of the National Service for Gacaca Jurisdiction. Gacaca Justice was a baby of circumstance. Gacaca courts were created by the government to address the pains and agonies of the genocidal war that befell the nation where various accused persons made confessions about their activities in the war.

The courts operated on the hill tops and people were expected to attend to collectively condemn genocide in strong terms. The courts were operated under the tutelage of locally elected judges known as *inyangamugaya* meaning people of integrity. Gacaca bemoans acts of hostility as several of those considered to be guilty of various crimes against humanity got their hostile attitudes condemned by their communities with repudiation, which have succeeded to reduce the burden of guilt and shame. The 'Gacaca jurisdiction was established on 26 January 2001 to prosecute the offenders of crimes against humanity and genocide that visited Rwanda between 1<sup>st</sup> of October 1990 and 31<sup>st</sup> December 1994. One of the landmark gender sensitive efforts made by the Gacaca jurisdiction was prioritizing sexual abuse and rape issues as category one criminal offences, which propelled a courage among women-victims to bring several perpetrators of rape and sexual abuse to justice in the country.

The peacebuilding initiatives of the Umuada also popularly referred to as "Mgboto" in Obinze area of eastern Nigeria are still fresh in our memories. Umuada is a group of women born in one Igbo community but got married to men that come from other areas. This group played a critical role in the resolution of Aguleri-Umuleri armed conflict and their long term conflict transformation efforts were undaunted. Thus, the relevance of this female group in peacemaking and peacebuilding in eastern Nigeria cannot be underestimated.

#### SELF ASSESSMENT EXERCISE 1

State any six international instruments that promote gender justice

### 3.2 Challenges of Gender Justice

Despite the ongoing gender sensitiveness crusade by women groups, Non-Governmental Organizations (NGOs), Community Based Organizations (CBOs), national governments, regional and world bodies, there is still a number of challenges that still faces the development of gender justice. In this segment, we shall discuss some of the challenges.

#### (a) Ignorance

Many women have remained ignorant of their fundamental rights. In Africa, many women don't even know that they have any rights while some of them that are aware don't know how to seek for a redress whenever their rights are infringed upon. The African Charter for Human and Peoples Rights in article 18(2) firmly states that the rights of women should not only be guaranteed but must also be protected both at national, regional and international levels. The irony of the matter is that some of the people creating stumbling blocks to the adoption of a new order which will guarantee and protect wholly the rights of women are also women. Many of the women in elective positions may sometime act as co-conspirators to perpetuate a number of atrocities and human rights abuse including rape and killing against their fellow women.

#### (b) Poverty

As earlier mentioned, ignorance is one of the problems faced by women as many of them are not or less aware of the rights they have, even as such rights are embedded in several international human rights instruments including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Another challenge facing the growth of gender justice is poverty. Poverty is often referred to as twin sister of ignorance. Thus, some women who can identify where their rights have been tampered with are often rendered lameduck due to poverty. Many of these don't have enough or sufficient material and financial resources to contest any human right violation(s) suffered by them in the court of law. Due to their inability to pay for the attorney representation, these women often resort to fatalism with attendant psychological trauma. Poverty has also had an adverse effect or impact on peace advocacy by women in Africa, many of whom are engaging in volcanic wrestling bout with abject poverty and eating twice daily has remained a big task. No sustainable gender peace education and movement can thrive where poverty has become the second nature of the people.

(c) Suspicion

Sizeable number of women is still skeptical and suspicious in dealing with human rights institutions. They have no substantial trust for these institutions and place no value in seeking for the services of these human rights protection institutions. One of the reasons for this suspicion may be very little or negligible women representation in most of this human rights institutions. Many of these women may find it very difficult to report crimes committed against them by men to men, they will feel less comfortable in such a situation when the human rights institutions are dominated by men. Similarly, they will also believe that there is no way men will appreciate their experience like female human rights activists or investigators. Many of them will not feel comfortable to recount their rape experience to male human right investigators or activists. The activities and support of MONUC's Office of Gender Affairs (OGA) to the Minister for Human Rights of the Government of National Unity and Transition of the Congo put in place a multi-sectorial mission through which 119 women, who were victims of rape and other abuses by Congolese soldiers were given an opportunity to identify the offenders and table their case(s) before judges of the Military's Prosecutor's Department (Auditorat militaire). Many of these female victims were able to come out and present their cases basically due to the gender-sensitive nature of the justice process.

Additionally, it is somehow difficult for women to discuss some of the grave crimes committed against them during the armed conflict with men as demonstrated in the view of a rape victim in the DR Congo conflict who testified and commented that:

Many of the women who were raped like I was can identify their attackers, but find it difficult to report them to the police....we cannot talk of these things with men. If we only had female police in MONUC to whom we can report these horrible things that happened to us. (Rehn & Johnson-Sirleaf, 2002:70)

(d) Social-Economic Inequality

In Africa, girl children are always regarded as inferior to their male counterparts. The modes of celebrating the arrival of male ad female to the African world are total or clear demonstrations of gender inequality and conspiracy. The boys are more favoured not only by the family, but the society at large. Women also support the ugly incident by always praying to give birth to male children. Well, little blame can be

apportioned to these poor women owing to the fact that the sex of child determines their success in marriage as many women have been thrown out of their matrimonial homes for bearing only girl-children while many of them are often referred to as ‘witch(es)’ by the society. This ugly and gender insensitive situation has subjected a sizeable number of women to psychological stress, penury and destitution. Many of these women are also rejected by their families, and they are made to cater for their girl-children rejected along with them. This cultural problem does not respect class, social status, religion, education and ideology as offenders are found in all facets of life.

This social inequality that affects the girl-children and women has really contributed to their economic incapacitation as they enjoy no equal rights with their male counterparts in their access to the economic resources and distribution of wealth. Women are hardly appointed heads of government or state or corporate organizations or delegated legislation bodies or law enforcement agencies or religious organizations. In the ten most notable people in the world, you can hardly find two women. Yet, women constitute more than 55% of the world population, but they can only enjoy less than 20% of the global economic resources.

In Igboland, the eastern part of Nigeria, women or girl-children, in the death of the husband/father, the women or girl children are not entitled to a share in any unmovable property like land. Wife does not have any right of succession to her late husband’s property. If the deceased did not have any male issue until his death and the wife is confirmed not pregnant, the property shall be inherited by the deceased’s brothers. If the deceased did not also have any brother, a male member of his extended family would inherit his property.

Similarly, under Bini tradition (in the South South Nigeria), girl children are absolutely alienated from any inheritance or rather daughters don’t have any right of inheritance. In the tradition of the Yoruba people of western Nigeria, male and female children enjoy equal rights of inheritance as the deceased’s property is shared on equal basis, but wife does not have right to inherit the property of the late husband but can only claim a right to live in a house left behind by the deceased throughout her lifetime. It is most sympathetic many of these girl children are deprived of basic education;

#### (e) Unequal Political Participation

In Africa, women are regarded as inferior partners in politics, and their political aspirations are determined by their spouses or male relatives. They are also short changed politically as many of them are forced to



refuse partaking in the political process due to violent nature of African politics. Some of these brave women are killed or maimed or blackmailed or psychologically bruised. Though, there is an improvement in women participation in political processes and affairs as more female ministers, female parliamentarians, female heads of corporate organizations, female peacekeepers, female diplomats, and female peace mediators are either appointed or elected. Just recently, Liberia elected the first civilian president in Africa. The United States of America also recently elected its first female Speaker of the House of Representatives.

Thus, there is always a room for further improvement; currently women occupy less than 50% of world's political offices. There is need to hold that affirmative action on gender equality should be further engendered in the political processes and institutions at all levels by increasing the percentage of women participation in politics to at least 40%. This is by putting in place necessary structures and machineries that foster justice, fairness and equity in gender relationships between men and women. In the nearest future, we hope to have female Secretary-General of the United Nations; female American president, female President in Nigeria and female Chief Justice of the Federation in Nigeria and in other African Nations. The prevailing culture of violence that characterizes the political setting in Africa should be vehemently denounced or repudiated.

#### (f) Cultural Practice

Battery and domestic violence have become regular features of average family setting in Africa (not without exceptions). Some men see beating their spouses as something customary while such reckless attitude is supported by some of the existing laws in Africa. Young girls between 9 and 12 years are being forced into non-voluntary marriages. Genital mutilation being carried out on some of these poor and innocent girls has remained unabated. Sexual abuse and rape are regularly perpetuated against many of these young girls by adult male, as many of such cases have remained under-reported and less investigated.

Customary law provides for man to marry more than one wife (Polygyny); while woman is denied of such privilege. Society imposes very little or no punishment on a man who has extra-marital affairs while woman is condemned by the society for committing similar offence. The fate of widow in Africa is most pathetic, apart from her alienation to property inheritance rights; she is also subjected to public disgrace, repudiation and social criminalization.

### (g) Constitutional Barriers

In the laws of most countries, for any international instruments or laws to take effect or to become operational in their countries, such international instruments need to be domesticated or incorporated into the local constitution of these nations through Act of Parliament. Most of these international legal instruments are actually not supported by most parliamentarians due to some reasons and most these reasons are (gender) conspiratory.

### SELF ASSESSMENT EXERCISE 2

Discuss any five challenges of gender justice.

## 4.0 CONCLUSION

Women play important roles in peacebuilding. As activists and advocates for peace, women have been the need to stem down the violence attitude and build culture of peace among the world population through promotion of principles of democracy and human rights. They are now getting more involved in peacekeeping initiatives and humanitarian activities. They also serve as mediators, trauma healing counselors, and policymakers for meaningful conflict transformation. It is not surprising that women have been able to achieve this fit within short time of their gender advocacy in peace process, thus they are very prominent in socialization processes and the historical experience of unequal relations between them and men contribute to the unique insights and values that women bring to bear in building peace.

## 5.0 SUMMARY

In this unit, we have been able to discuss some of the declarations and institutional resolutions that have given credence and support to the improved women participation in peace process. We also explained several gender advocacy activities carried out by several women organizations and NGOs in their quest for mainstreaming gender in peacebuilding. The study got to the climax when we examined various challenges of gender justice.

## 6.0 TUTORED MARKED ASSIGNMENT

Examine the challenges of gender justice drawing your case studies from Nigeria.

## 7.0 REFERENCES/FURTHER READINGS

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**MODULE 2**

Unit 1	The Pattern of Arms Proliferation, Production and Distribution
Unit 2	International Instruments of Disarmament
Unit 3	Disarmament
Unit 4	Demobilization
Unit 5	Trauma Management

**UNIT 1 ARMS PROLIFERATION, PRODUCTION AND DISTRIBUTION PATTERNS****CONTENTS**

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Arms Proliferation
3.2	Arms Production and Distribution Patterns
4.0	Conclusion
5.0	Summary
6.0	Tutored Marked Assignment
7.0	References/Further Readings

**1.0 INTRODUCTION**

The incident of World War II has had some devastating consequences on mankind as well as global system. The world has been greeted with proliferation of a variety of assaulted weapons and agents of mass destruction, where mutual deterrence has taken the form of Mutual Assured Destruction (MAD). The war has marked a new phase in the history of human tragedy. In 1945, America infested two Japanese cities of Hiroshima and Nagasaki with pestilence through the use of atomic bombs, which killed tens of thousands of people, as many became deformed. Today, after 61 years of the US bombardment of these two Japanese cities, the local people as well as the ecosystem still suffer the effects of devastating damage caused by those military actions. The unit intends to discuss the history of arms proliferation in brief. It also determines to explain the new dimension to arms proliferation and the production imperatives of these deadly weapons as well the distribution pattern.

**2.0 OBJECTIVES**

At the end of this unit, you should be able to:

- Define the concept of proliferation of arms;
- Discuss the origin of the current proliferation of weapons in the contemporary global system;
- Examine the production and distribution patterns of the proliferated weapons in the global system;
- Explain the underlying consequences of arms proliferation, particularly in the post conflict reconstruction.

### 3.0 MAIN CONTENT

#### 3.1 Arms Proliferation

Arms proliferation may be defined as spread of small arms (which are weapons designed for use by individuals like pistols, assault rifles, sub machine guns and light machine gun) or light weapons (which can be deployed and used by a group of two or more people, and they include grenade launchers, portable anti-aircraft and anti-tank guns, as well as recoilless rifles, even missile launchers and mortars less than 100mm), or atomic bombs and other weapons of mass destruction, be it nuclear, biological or chemical, among the state and non state actors, particularly the criminal mass of people and rogue states (Treverton and Bennett 1997:1).

During the Potsdam Conference (July 24, 1945) Josef Stalin of Old Soviet Union was informed by the US President Truman on the intention of his administration to attack Japan, unless she (Japan) surrender, a very destructive bomb that had been developed by the US. This bomb would have much devastating and catastrophic effects on human and material resources. That bomb was atomic bomb! Student, it is better, we discuss briefly the history of atomic bomb, to aid your understanding of the subject matter. In 1939, Albert Einstein wrote a letter to the then American President, Mr. Roosevelt, informing the President on the need to carry out a project on the development of atomic bomb and its possibility. This letter gave birth to the American Manhattan Project in September 1942. But prior to that, a Soviet Scientist, Georgi N. Flerov wrote the Soviet State Defense Committee in June, 1942 on the need to produce a uranium bomb. This period marked the beginning of arms race in modern history. Thus, according to C.M. Roberts:

On December 2, 1942, the first chain reaction was achieved at the University of Chicago. The comparable Soviet achievement came on December 24, 1946. The Soviet Union did not produce sufficient plutonium for a nuclear bomb test until

1949, more than four years after the American test at Alamogordo, New Mexico. (Roberts, 1974:6).

After the innovation of the US in the development of Atomic bomb, the government of Soviet Union reacted swiftly by calling on its scientists and engineers to defend their homeland by building atomic bomb in no time. The reaction of the USSR government was to check the US monopoly of Atomic energy or military supremacy, particularly when there was already a cold war existing between the West and East divides. Again, after Soviet Union invention of atomic bomb, a series of cautions were made between the US and USSR because of their equal power relations to mutual destruction.

Five months after the first Soviet nuclear test, the US President Truman announced the intension of America to develop a hydrogen bomb, a quantum jump in explosive power with the aim of maintaining arms superiority. By November 1, 1952, H-bomb (Hydrogen bomb) was experimentally achieved in the US after the August 12 Soviet invention. Initially, these weapons were conceived for delivery by bomber aircraft, A-bombs (Atomic bombs), but the vastly greater explosive power of the H-bomb made missile delivery practical in spite of the considerably inaccuracy in the guidance systems in early model of ICBMs.

This period attracted affection for Missile Artistry by the then two super powers (the US and USSR). By 1955, the two super powers had achieved deliverable H-bomb capabilities, but striving vigorously to achieve Inter Continental Ballistic Missile (ICBM) capabilities. The US later launched its first nuclear powered submarine and development of huge B-52 bombers. On 26 of August, 1957, the Soviet government announced the first test of an ICBM (Inter Continental Ballistic Missile) and six weeks later, she also announced the "Sputnik project". Other ballistic missiles already developed were intermediate and medium range ballistic missiles (IRBMs and MRBMs). The two super powers later developed (ABM) Anti Ballistic Missiles which the Soviet developed to provide limited defense against American Minuteman Missiles. The US developed ABM system before the Soviet Union. She (the US) first began with Nike-Zeus and then developed the then more advanced Nike X. Also in the 1960s, the US developed MRV (Multiple Warhead Re-Entry Vehicle) carrying a cluster of warheads for a buckshot effect. The US also considered in quick succession, the building on the Independently Guided Multiple Warhead (MIRV). In Texas meeting, the US also considered the development of "poseidon", a new MIRV missile for Polaris submarines.

In order to further check the American supremacy in strategic military build-up, the Soviet built new ICBMs, particularly the massive SS-9s as well as many nuclear powered ballistic-missile submarines often known as Yankee Class (Y-Class), which could match American Polaris Submarines. The Soviet also developed surface-to-air missiles (SAM). China and some other countries have joined the world nuclear powers, and there is an ongoing debate on the development of nuclear energy by Iran, which most western nations believe that it would spell a bad omen to the majority of the world population, if the US-coined “member of Axis of Evil”, Iran develops it.

One of the reasons is that the country may supply some of the terrorist organizations in the world some of these destructive weapons to carry out their nihilist and destructive operations against their target state and non-state actors. There is a ban on the development of some weapons which, may be categorized as weapons of mass destruction by the world body, United Nations but notwithstanding, some super powers enjoy the production of these weapons.

Apart from these weapons of mass destruction like chemical, biological weapons among others, the world still looms with heightened insecurity and tension due to the proliferation of small arms and light weapons. The agents of destruction have increased world’s incident of terrorism, crime, human abuse and bloody conflict, promoting the attitude of intolerance and enmity and behaviour of violent revenge in the context of elongation of violent conflict and disorder. The genesis of this problem could be traced to cold war era, which attracted military industrial complex initiative with attendant turmoil on humanity and disarticulation of spirit of friendship. It has become war of all against all. What a hobbesian state of nature.

In the global system in 1990s, the number of small arms and light weapons in circulation was more than 200 million but now the figure has drastically increased due to bloody conflicts, civil wars and terrorist activities that have pervaded the entire global landscape. There are more than 500 million now in circulation. What do you think, world is turning into?

### 3.2 Arms Production and Distribution Patterns

Proliferation of arms or weapons has really affected the world negatively and has attracted high global priority in limiting the production of weapons particularly those that have tendency for mass destruction like gas bomb. The world government has embarked on integration of defense, development, foreign policy, legal instruments and multilateral trade arrangement. The world has seen the implications

that arms proliferation has on the world population, particularly those from post conflict societies, with utmost consideration of the fragile nature of their achieved peace. According to the Nairobi Declaration:

The problem of the proliferation of illicit small arms and light weapons in the region has been exacerbated by internal political strife and extreme poverty... a comprehensive strategy to arrest and deal with the problem must include putting in place structures and processes to promote democracy, the observance of human right, the rule of law and good governance as well as economic recovery and growth (The Nairobi Declaration, March 2000).

The proliferation of weapons has really affected the security and peace of the contemporary global system. An average of \$2.8 trillion is spent annually on security and defense, bulk of which goes into production and procurement of arm facilities. If such amount of money is spent on the alleviation of poverty annually, I am very convinced that in five years, there would be no case of poverty anywhere in the world, even in the most remote part of the world, not even shown on the world map. Despite the debt regime being faced by most states in Africa, Africa's budget on defense is still very high. This patronage has even attracted more investors into the area of arms production, which brings us to issue of devil theory.

On the production of small arms, depending on its sophistication, it can be produced anywhere in the world. In Nigeria, there are many outlets thriving in the production and sales of 'aba' guns in the eastern part of the country. Guns and petrol bombs are manufactured in virtually all parts of Nigeria. But these local arms are crude and not sophisticated like the ones coming from Europe, America and Asia. One cannot compare 'aba' riffles with the Kalashnikov AK-47 assault riffles.

It is worth-knowing that, despite the sophistication of these rifles, they are cheap, robust and durable as they are very easy to manufacture. They can even be easily assembled, transported and used by children. For instance, in Liberian war, any child-soldiers used AK-47 riffles in the prosecution of the civil war. This has given the international community a great concern to formulating and implementing strategic policy actions to reduce the proliferation level of small arms and light weapons particularly among the world civilian population. Thus, these weapons have continued to kill or exterminate an average of 200,000 people on annual basis in the so called peaceful societies, while over 300,000 people are killed in conflict ridden societies, as millions of people suffer various degrees of injuries (DFID, 2003:2).



The large quantities of small arms and light weapons looted from the Army armoury in 1997, has resulted in the breakdown of law and order in Albania. But the UN intervention saved the nation from total political collapse. In 1998, the UNDP developed a community based programme in Gramsch, Albania where illegal arms were surrendered. The organization embarked on local development projects like road repairs, and telecommunication build-ups, which were labour intensive, affording the civilians, a great opportunity of engagement in employment. The UNDP incentives made the demobilization process a success.

After the end of the civil war in El-Salvador, an average increased rate of 36% is recorded on annual basis in the country on homicide related incident. This has given the police in the country a great concern and the risk involved in the combat of this menace is so high, foreign investors usually think twice before investing in the country because of the perceived insecurity in the country. Mozambique is another country where there are over 10 million AK-47 assault rifles in circulation. An AK-47 rifles in Mozambique costs less than \$100. This has made management of security in Southern Africa a great task, as there is an increase in commitment in criminal activities, conflict and social violence.

In West Africa, the civil wars in Sierra-Leone and Liberia have had some spilling effects on the neighbouring countries. Cote d'Ivoire, a once relatively peaceful country has joined the league of post cold-war civil strife countries in the sub region. The country is still trying to cope with insurgent attacks from the rebels, achieving a positive peace still remains off sight. The crime rate of banditry, arson, communal conflict, religious crisis and assassination has gone up in Nigeria since 1990s, when the war in Liberia became intense. Some of the refugees hosted by Nigeria were ex-combatants who were not properly demobilized and their guns hidden in their boxes. When hunger started playing its rhythms due to insufficient welfare facilities provided by Nigerian government, then the human instinct of survival of the fittest became fanciful. Some of them sold these rifles to some Nigerian criminals in order to have some money to cater for their immediate needs, and these beneficiaries who were Nigerian criminals saw the deal as an opportunity to further equip their armoury for smooth operations. But some other ex-combatants from Liberia resolved to join some criminal gangs in Nigeria to continue the shooting spree for material resources. Thus, since the outbreak of Liberian crisis, the violent situation in Nigeria has tremendously increased, as the civil unrest has taken a new form. The activities of secessionist and regionist groups have become very virulent.

Arms proliferation has attracted high possession of weapons, which usually leads to misuse of these weapons. Through the arms proliferation, terrorist activities have been on an increase. The killings of innocent civilians and children through the use of bombs and grenades by terrorists have become very rampant in recent time. These activities occur virtually every part of the world name it; London bombing, unbomber incident in the US, Coke Prince operations in Columbia, insurgent bombing in the Niger Delta of Nigeria, bombings in Egypt, the Basque bombings in Spain; among others. Some of the terrorist organizations in the world have even adopted the use of chemical weapons like Anthrax against their target population. The United States of America experienced some incident of anthrax attacks on some of its citizens, just after the Sept. 11 terrorist attack on the US.

The initial demobilization exercise supervised by ECOMOG that took place in Liberia failed because, there were still many arms in civilian circulation and another reason was that the Taylor ex-combatants were not demobilized, which created a room for suspicion, which later (among other reasons) resulted another outbreak of armed conflict in the country thwarting efforts to effectively reconstruct the post conflict Liberia for a lasting and enduring peace to be achieved.

Somalia is another case study, over circulation of arms has made the violent conflict in that country recalcitrant, because a slight provocation by any political action or decision tends towards the appreciation of violence among the parties, which has generated a high number of refugees in the region. The humanitarian situation in that country is none to zero, with deepening sense of crisis and pervasive insecurity.

The distribution pattern of arms proliferation can take either vertical or horizontal. Horizontal distribution pattern involves the distribution or access to arms by all state and non-state actors. The weapons that can find at this level may include small arms and light weapons. On the other hand, vertical distribution pattern usually involves large weapons or weapons of mass destruction like nuclear weapons, which are limited in access or production to some powerful nations while other state and non-state actors are prohibited to possess them.

#### SELF ASSESSMENT EXERCISE

Examine the state of proliferation of small arms in Nigeria.

#### 4.0 CONCLUSION

This unit has been able to describe as its production and proliferation as well as its production and distribution pattern. The consequences of arms proliferation are so enormous, which have called for global attention, to draw some research and policy plans to address the devastating effects of arms proliferation problem in the contemporary world system. Some instruments of disarmament have been developed and ratified by several nations of the world both with bilateral and multilateral arrangements. There are also continued efforts by the security council of the United Nations, United Nations at large, regional and sub-regional organization to always facilitate and maintain a series of Arms Limitation Treaties, not without considering their mutual needs, as well as the relevance of fostering world peace and security.

#### 5.0 SUMMARY

In this unit, we have been able to describe the concept of arms proliferation. We discussed the origin of the current proliferation of weapons in the contemporary global system. We went further by examining the production and distribution pattern of the proliferated weapons in the global system. We also explained the underlying consequences of arms proliferation, particularly in the post conflict reconstruction.

#### 6.0 TUTORED MARKED ASSIGNMENT

Arms proliferation has caused more mutual destruction than mutual difference. Discuss.

OR

Describe what you understand by arms distribution patterns.

#### 7.0 REFERENCES/FURTHER READINGS

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## UNIT 2      INTERNATIONAL      INSTRUMENTS      OF DISARMAMENT

### CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 The UN and Disarmament Instruments
  - 3.2 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques
  - 3.3 Some other International Instruments for Disarmament
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutored Marked Assignment
- 7.0 References/Further Readings

### 1.0 INTRODUCTION

Armed conflicts have posed some serious threats to the maintenance of world peace and security. The United Nations has however seen the need to draw a viable framework to promote appreciation of pacific mechanisms in the settlement of dispute, discouraging any conduct of force in conflict management. The United Nations as well as some other regional and sub-regional Organizations have developed a multilateral framework to address the problems associated with armament through the adoption of some disarmament instruments. The instruments have come up in the way of treaties, designed purposely to guide the arms conduct and relations among states. Some states have also entered into some bilateral agreements in the promotion of disarmament. This Unit shall examine a great number of these international instruments of disarmament.

### 2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Examine the disarmament activities of the United Nations as well as other international and regional bodies through various international treaties; and
- Discuss a number of various multilateral instruments or agreements to control arms proliferation in order to promote the world peace and security.

### 3.0 MAIN CONTENT

### 3.1 The UN and Disarmament Instrument

As earlier discussed, the United Nations is primarily concerned in the promotion of world peace and security, particularly in this era of globalization – where what happens in a country remains a great concern to other nations due to the contemporary state of inter-dependence of all nations. Apart from the cyclical effect process of post conflict society – armed conflict causes proliferation of weapons, and this proliferation of weapons tends to generate further violence; the involvement of children in modern war theatres has been so noticeable in the recent past, such that:

By the end of 1997, it was estimated that 250,000 children under the age of 18, some as young as 5, served in 33 armed conflicts around the world in 1995 and 1991, and in October 1998, children under the age of 18 serving as combatants in government - armed forces or armed-opposition groups, in on going conflicts - - - Many more are being used for mine clearance, spying and suicide bombing - - - The development and proliferation light-weight automatic weapons has made it possible for very young children to boar and use arms (Green, 2000: 119).

The United Nations as well as some other regional and sub regional bodies, even NGOs have articulated for international decorum by putting in place several international instruments to address the underlying problems of armament and arm proliferation. Note: students are hereby advised to adopt a library and Internet methods to read the full texts of all the conventions briefly discussed and those listed and not listed in the unit. What are you doing friend? Please, let's keep going!

### 3.2 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques

The Convention opened for signature at Geneva on 18 May, 1977, and it entered into force on 5 October, 1978 in the custody of Secretary-General of the United Nations (depository). The text of the Convention goes thus:

The State Parties to this Convention,

Guided by the interest of consolidating peace, and wishing to contribute to the cause of halting the arms race, and of bringing about general and

complete disarmament under strict and effective international control, and of saving mankind from the danger of using new means of warfare.

Determined to continue negotiations with a view to achieving effective progress towards further measures in the field of disarmament,

Recognizing that scientific and technical advances may open new possibilities with respect to modification of the environment;

Recalling the Declaration of the United Nations Conference on the Human Environment adopted at Stockholm on 16 June 1972,

Realizing that the use of environmental modification techniques for peaceful purposes could improve the interrelationship of man and nature and contribute to the preservation and improvement of the environment for the benefit of present and future generations,

Recognizing, however, that military or any other hostile use of such techniques could have effects extremely harmful to human welfare,

Desiring to prohibit effectively military or any other hostile use of environmental modification techniques in order to eliminate the dangers to mankind from such use, and affirming their willingness to work towards the achievement of this objective,

Desiring also to contribute to the strengthening of trust among nations and to the further improvement of the international situation in accordance with the purposes and principles of the Charter of the United Nations,

Have agreed as follows:

#### Article I

1. Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party.

2. Each State Party to this Convention undertakes not to assist, encourage or induce any State, group of States or international organization to engage in activities contrary to the provisions of paragraph 1 of this article.

## Article II

As used in Article I, the term "environmental modification techniques" refers to any technique for changing -- through the deliberate manipulation of natural processes -- the dynamics, composition or structure of the Earth, including its biota, lithosphere, hydrosphere and atmosphere, or of outer space.

## Article III

1. The provisions of this Convention shall not hinder the use of environmental modification techniques for peaceful purposes and shall be without prejudice to the generally recognized principles and applicable rules of international law concerning such use.

2. The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of scientific and technological information on the use of environmental modification techniques for peaceful purposes. States Parties in a position to do so shall contribute, alone or together with other States or international organizations, to international economic and scientific co-operation in the preservation, improvement, and peaceful utilization of the environment, with due consideration for the needs of the developing areas of the world.

## Article IV

Each State Party to this Convention undertakes to take any measures it considers necessary in accordance with its constitutional processes to prohibit and prevent any activity in violation of the provisions of the Convention anywhere under its jurisdiction or control.

## Article V

1. The States Parties to this Convention undertake to consult one another and to cooperate in solving any problems, which may arise in relation to the objectives of, or in the application of the provisions of, the Convention. Consultation and cooperation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a Consultative Committee of Experts as provided for in paragraph 2 of this article.

2. For the purposes set forth in paragraph 1 of this article, the Depositary shall, within one month of the receipt of a request from any State Party



to this Convention, convene a Consultative Committee of Experts. Any State Party may appoint an expert to the Committee whose functions and rules of procedure are set out in the annex, which constitutes an integral part of this Convention. The Committee shall transmit to the Depository a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depository shall distribute the summary to all States Parties.

3. Any State Party to this Convention, which has reason to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.

4. Each State Party to this Convention undertakes to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties of the results of the investigation.

5. Each State Party to this Convention undertakes to provide or support assistance, in accordance with the provisions of the Charter of the United Nations, to any State Party which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the Convention.

#### Article VI

1. Any State Party to this Convention may propose amendments to the Convention. The text of any proposed amendment shall be submitted to the Depository who shall promptly circulate it to all States Parties.

2. An amendment shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depository of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

#### Article VII

This Convention shall be of unlimited duration.

#### Article VIII

1. Five years after the entry into force of this Convention, a conference

of the States Parties to the Convention shall be convened by the Depositary at Geneva, Switzerland. The conference shall review the operation of the Convention with a view to ensuring that its purposes and provisions are being realized, and shall in particular examine the effectiveness of the provisions of paragraph 1 of Article I in eliminating the dangers of military or any other hostile use of environmental modification techniques.

2. At intervals of not less than five years thereafter, a majority of the States Parties to the Convention may obtain, by submitting a proposal to this effect to the Depositary, the convening of a conference with the same objectives.

3. If no conference has been convened pursuant to paragraph 2 of this article within ten years following the conclusion of a previous conference, the Depositary shall solicit the views of all States Parties to the Convention, concerning the convening of such a conference. If one third or ten of the States Parties, whichever number is less, respond affirmatively, the Depositary shall take immediate steps to convene the conference.

#### Article IX

1. This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force upon the deposit of instruments of ratification by twenty Governments in accordance with paragraph 2 of this article.

4. For those States whose instruments of ratification or accession are deposited after the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention and of any amendments thereto, as well as of the receipt of other notices.

6. This Convention shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

#### Article X

This Convention, of which the English, Arabic, Chinese, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective governments, have signed this Convention, opened for signature at Geneva on the eighteenth day of May, one thousand nine hundred and seventy-seven.

#### ANNEX TO THE CONVENTION

##### Consultative Committee of Experts

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to paragraph 1 of Article V of this Convention by the State Party requesting the convening of the Committee.

2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this annex. The Committee shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.

3. The Depositary or his representative shall serve as the Chairman of the Committee.

4. Each expert may be assisted at meetings by one or more advisers.

5. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committees work.

##### Documents pertaining to the Convention

The following understandings regarding the Convention were included in the report transmitted by the Conference of the Committee on Disarmament to the General Assembly at its thirty-first session.

### Understanding relating to Article I

It is the understanding of the Committee that, for the purposes of this Convention, the terms, "widespread", "long-lasting" and "severe" shall be interpreted as follows:

- (a) "widespread": encompassing an area on the scale of several hundred square kilometres;
- (b) "long-lasting": lasting for a period of months, or approximately a season;
- (c) "severe": involving serious or significant disruption or harm to human life, natural and economic resources or other assets.

It is further understood that the interpretation set forth above is intended exclusively for this Convention and is not intended to prejudice the interpretation of the same or similar terms if used in connexion with any other international agreement.

### Understanding relating to Article II

It is the understanding of the Committee that the following examples are illustrative of phenomena that could be caused by the use of environmental modification techniques as defined in Article II of the Convention: earthquakes, tsunamis; an upset in the ecological balance of a region; changes in weather patterns (clouds, precipitation, cyclones of various types and tornadic storms); changes in climate patterns; changes in ocean currents; changes in the state of the ozone layer; and changes in the state of the ionosphere.

It is further understood that all the phenomena listed above, when produced by military or any other hostile use of environmental modification techniques, would result, or could reasonably be expected to result, in widespread, long-lasting or severe destruction, damage or injury. Thus, military or any other hostile use of environmental modification techniques as defined in Article II, so as to cause those phenomena as a means of destruction, damage or injury to another State Party, would be prohibited.

It is recognized, moreover, that the list of examples set out above is not exhaustive. Other phenomena which could result from the use of environmental modification techniques as defined in Article II could also be appropriately included. The absence of such phenomena from the list does not in any way imply that the undertaking contained in

Article I would not be applicable to those phenomena, provided the criteria set out in that article were met.

#### Understanding relating to Article III

It is the understanding of the Committee that this Convention does not deal with the question whether or not a given use of environmental modification techniques for peaceful purposes is in accordance with generally recognized principles and applicable rules of international law.

#### Understanding relating to Article VIII

It is the understanding of the Committee that a proposal to amend the Convention may also be considered at any conference of Parties held pursuant to Article VIII. It is further understood that any proposed amendment that is intended for such consideration should, if possible, be submitted to the Depositary no less than 90 days before the commencement of the conference.

### 3.3 Some other International Instruments for Disarmament

#### Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is a landmark multilateral treaty whose objective is to prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament and general and complete disarmament. The Treaty represents the only binding commitment by the nuclear-weapon States at the multilateral level to the goal of nuclear disarmament. Opened for signature on 1 July 1968, the Treaty entered into force on 5 March 1970. A total of 188 States have joined the Treaty, including the five nuclear-weapon States. More countries have ratified the NPT than any other arms limitation and disarmament agreement, a testament to the Treaty's significance

#### Comprehensive Nuclear-Test-Ban Treaty (CTBT)

The Comprehensive Nuclear-Test-Ban Treaty (CTBT) bans all nuclear explosions, for military or civil purposes. After three years of negotiations in the Conference on Disarmament (CD), the CTBT was adopted on 10 September 1996 by the United Nations General Assembly and opened for signature on 24 September 1996. The CTBT will enter into force 180 days after it has been ratified by the 44 States that are identified in Annex II to the Treaty and that possess nuclear power or research reactors.

### Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention)

After 12 years of negotiations, the Chemical Weapons Convention (CWC) was adopted by the Conference on Disarmament in Geneva on 3 September 1992. The CWC contains a mechanism for verifying compliance by States with the provisions of the Convention that is unprecedented in scope and in the stringency of its verification regime. The CWC opened for signature in Paris on 13 January 1993 and entered into force on 29 April 1997. The CWC is the first disarmament agreement negotiated within a multilateral framework that provides for the elimination of an entire category of weapons of mass destruction under universally applied international control.

### Convention on Certain Conventional Weapons (CCW)

The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, which may be deemed to be excessively Injurious or to have indiscriminate effects, also known as the Convention on Certain Conventional Weapons (CCW), or Inhumane Weapons Convention, was concluded on October 10, 1980, and entered into force on December 2, 1983. The convention was reviewed in 1996 and in 2001. The Secretary-General of the United Nations is the depositary of the Convention.

It comprises a framework convention and four protocols, which ban or restrict the use of various types of weapons that are considered to cause unnecessary suffering or that affect either soldiers or civilians indiscriminately. The weapons currently covered include weapons leaving undetectable fragments in the human body (Protocol I), mines, booby-traps and other devices (Protocol II), incendiary weapons (Protocol III), blinding laser weapons (Protocol IV) and explosive remnants of war (Protocol V). Currently, 94 States are party to the Convention.

Since it was first negotiated, there have been additions and amendments. The Protocol IV on blinding laser weapons was negotiated and adopted in 1995 during the First Review Conference. Protocol V was negotiated and adopted on 28 November 2003. Protocol II on the prohibitions or restrictions on the use of mines, booby-traps and other devices was amended in the second part of the First Review Conference, in 1996. At the Second Review Conference in 2001, States parties have amended Article 1 of the Convention by extending the scope of its application to include internal armed conflicts.

Each State has to ratify or accede to the Convention as well as to each Protocol. States have also to ratify the Amended Protocol II and the amended Article 1 of the Convention.

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction

Opened for signature at London (L), Moscow (M) and Washington (W): 10 April 1972. Entered into force: 26 March 1975. Depository Governments: Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America

The States Parties to this Convention agreed to act with a view to achieving effective progress toward general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective control by according significant respect for the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925, and conscious also of the contribution which the said Protocol has already made and continues to make, to mitigating the horrors of war. Some other disarmament treaties may also include:

- 1899 Hague Declarations.
- 1907 Hague Regulations respecting the laws and customs of War and Land.
- 1925 Geneva Protocol for the prohibition of the use in war of Asphyxiating, Poisonous or other Gases.
- 1997 Convention on the prohibition of Anti-personnel mines etc.

#### 4.0 CONCLUSION

The essence of these treaties is to limit the use of weapons, particularly those considered to have very negative effects on man, animal and general ecosystem. The treaties have sought to reduce armament situation in achieving a peaceful and pollution-free world environment. Similarly, there are some other international legal instruments put in place to address any problems that may erupt due to arms proliferation, war-making or aggression, choice of weapons among others.

## 5.0 SUMMARY

This unit has discussed the activities of the UN and some other regional groups as machineries to check the issues of arms proliferation or increasing armament situation. Thus, several conventions have been put in place to regulate the conduct of state, and even non-state actors in the application of arms. Several international legal instruments have been developed to regulate the use, choice, production, accessibility and administration of weapons. For instance, several nations, particularly those labelled as ‘rogue states’ have very limited or no access and privileges to embark on production of some very harmful weapons of mass destruction because of their capability to use them irrationally or irresponsible. Individuals are also prohibited to have access or produce these destructive agents (WMD). Therefore, necessary laws have been put in place to address that. The limitation of armament situation is most likely to guarantee world peace and security. We discussed some international disarmament instruments while some others have been listed. The Unit unravels the relevance of these instruments to stimulate our thorough understanding of the limitation processes and policy actions of the world and regional bodies on armament. The Unit also makes us to understand that Arms Limitation Treaty can be facilitated also through a bilateral arrangement.

## 6.0 TUTOR MARKED ASSIGNMENT

Briefly discuss 1993 chemical Weapons Convention;

OR

Briefly discuss the relevance of 1997 Hague Regulations respecting the law and customs of war and land in contemporary theatre of war.

## 7.0 REFERENCE/FURTHER READINGS

Frederick De Mullinen (1987), Handbook on The War of Armed Forces, Geneva : ICRC.

Green, L.C (2000), The Contemporary Law of Armed Conflict (2<sup>nd</sup> Edition), Manchester, England: Manchester Law Press.

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## UNIT 3 DISARMAMENT

### CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Disarmament: Discourse
  - 3.2 Relevance of Disarmament in the Promotion of Peace
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutored Marked Assignment
- 7.0 References/Further Readings

### 1.0 INTRODUCTION

Disarmament, among several advocates and professionals in the field of peace and conflict resolution is regarded as the basic and simple means of achieving an enduring peace. The basic motive of disarmament is to propose a mutual security strategy to remove wholly or partly instruments of aggression with the aim of reducing any humanitarian disaster that may be associated with a conflict situation. This unit is designed to explain in clearer details, using some case studies, the concept of disarmament as well as its relevance to the maintenance of world peace and security.

### 2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Describe the concept and practice of disarmament;
- Discuss the relevance of disarmament to peacebuilding.

### 3.0 MAIN CONTENT

#### 3.1 Disarmament: Discourse

Disarmament involves a variety of schemes, designed or facilitated either genuinely or sentimentally for cooperation of disputing parties, with the objective aim of reducing the likelihood of war or increased violent hostility. Most of the international reactions are seemed to mostly appreciate a reduction in the quantity of weapons, which usually cause humanitarian collapse in any conflict situation. Disarmament can be comprehensive when taking into consideration other variables rather than focusing on the reduction of hostilities alone, it considers the common interest of the disputing parties to see the need to appreciate

their individual needs through creation of mutual trust. Disarmament may be less comprehensive when it focuses primarily and only on the reduction of human and material losses.

However, disarmament has become a central discourse among various state and non-state actors. It has long been a set of efforts to limit war situation but in the recent past, efforts have been geared towards controlling the weapons of war in order to achieve a lasting peace in the world. The process of disarmament has involved a series of bilateral agreements (e.g. Rush-Bagot agreement between the United States and Great Britain in 1817, with the aim of reducing naval forces on the Great Lakes and Lake Champlain to a few vessels on each side), and multilateral agreements like the Treaty on the Non-Proliferation of Nuclear Weapons, which articulated the need to detect and deter the diversion of nuclear materials from weapons to peaceful use.

The nuclear energy as well as the techniques of industrialization applied to the manufacture of weapons, mounting imperial enmity, nationalism, competing alliance system have all contributed to increasingly dangerous and costly arms race. To address the underlying problem pertaining to arms race or arms proliferation, disarmament plans to focus on political effects of military preponderance rather than the implications of such proliferation of weapons. Tension usually leads to insurgency, insurgency often leads to counter insurgency and this violent behaviour tends to increase tension situation that will attract eventually a catastrophe of high magnitude.

It is important to note as a student of peace and conflict resolution that over-proliferation of military hardware and establishments have a great probability of attracting very violent and destructive conflicts. Thus, availability of arms makes disputants to be more of 'irrational beasts' than 'reasonable and peaceful enemies'. For instance, since the end of cold war, Europe has experienced a paradigm shift in their pre-cold-war and cold-war era relations: from situation of confrontation to that of cooperation and integration in the New World Order. Economic cooperation and competition has replaced the unholy military confrontations and arms race that bedeviled the continent and other parts of the world system before the late 1990s. Economic tool has become a superior object of international dominance.

On the Gorbachev's accession to power in the defunct USSR, there has been a public outcry on the need by the new regime to adopt a reform programme that would address the underlying problems of the 'militarization of our (soviet) economy that swallowed countless billions of Roubles, which could have been spent on improving people's living standards' (Guardian, July 3, 1990:1). The demilitarization policy

undertaken by Gorbachev accounted for a drastic reduction in the number of soviet armed forces with attendant limitation in the military rivalry and international suspicion in Europe. There was a shift in the government priority from armament to economic prosperity. It is not surprising that a number of disarmament treaties have been signed between Russia and the United States and some other nations of the world.

### 3.2 Relevance of Disarmament in the Promotion of Peace

- i. It discourages unnecessary armament or proliferation of military structures. It is universally acknowledged that self-restraint will remain elusive in a community proliferated with weapons. Of course, this notion is very true considering the conflict situation in Africa. Somalia recorded recently reemergence of armed hostilities that claimed the lives of several hundreds of innocent civilians. Liberia also experienced similar incident towards the final exit of Charles Taylor from power. Several children were conscripted by the government and rebel forces, which is deviant to the traditional norms and values of African people, particularly cultural laws of war-making. Disarmament makes disputing parties to see reasons on why they should respect their mutual needs rather than positional views;
- ii. Disarmament promotes integration and collective security. If I know that Mr. A does not have any harmful objects in his possession, I don't have any reason to be in suspicion that Mr. A will harm me with his arms. Therefore, this encourages disputing parties to seek alternative solution to their dispute rather than the use of force;
- iii. Disarmament promotes world federation, in which all nations will concede their sovereignty to a non-partial world federation. When the whole nations believe that no deviant nation has the military capability to engage in external aggression against other state(s), and the states knowing fully well that justice is always dispensed and promoted, they can voluntarily surrender their sovereign powers to the world body in the promotion of global peace and security, and even justice and fair play;
- iv. It promotes peace, by discouraging uncontrolled accumulation of military wares and strength; and
- v. It promotes economic and socio development.

## SELF ASSESSMENT EXERCISE

Discuss the importance of disarmament in building peace in post conflict society.

## 4.0 CONCLUSION

Disarmament has really proved effective in the control and reduction of arms particularly those considered to be weapons of mass destruction. It is a viable mechanism in peace appreciation by reducing the tendency for huge loss of human and material resources as a result of bloody conflict. This unit has made us to appreciate the need to propagate the gospel of disarmament at levels of human interactions as well those of state actors in order to achieve mutual security system, economic prosperity and respect of the needs of every individual, group, community, sect, or state.

## 5.0 SUMMARY

In this unit we have examined disarmament as a concept of peacebuilding. In this unit, we also tried to attract a greater appreciation of the subject matter through our reference to some case studies. We also explained the relevance of disarmament to the promotion of world peace and security.

## 6.0 TUTORED MARKED ASSIGNMENT

Discuss the success and shortcomings of disarmament in some of the African conflict theatres; OR

Discuss the role of the UN in disarmament in the new world order; OR

Discuss the roles of ECOWAS in the control and reduction of armament in the sub-region.

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## UNIT 4 DEMOBILIZATION

### CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Describing Demobilization
  - 3.2 Africa and Demobilization
  - 3.3 Conditions and Efforts for Successful Demobilization
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- 5.0 Summary
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### 1.0 INTRODUCTION

In the past few years, several countries in sub-Saharan Africa conducted large scale demobilization. This of course would create avenues for sustainable peace and human development. Demobilization remains a complex process. It involves security issues, and the success of every demobilization process depends largely on whether former combatants are able to reintegrate into society. Ex Combatants who have been demobilized as a matter of fact normally have great difficulties to re-establish themselves in civilian life.

This attitude of alienation and despair may lead to the eventual non-workability of peace and development process, which may greet the aftermath of the violent conflict. This Unit explains the concept of demobilization, particularly as it is crucial to the integration of former warlords and combatants, with central focus on Africa. This Unit also examines various conditions for the successful demobilization of ex combatants with the aim of achieving laudable and positive peace and development in Africa.

### 2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Describe the concept of demobilization.
- Explain the contexts and approaches to demobilization.
- Discusses various conditions for effective demobilization.

### 3.0 MAIN CONTENT

### 3.1 Describing Demobilization

What is demobilization? Demobilization can be defined as peaceable art of changing from a war basis to a peace basis including disbanding or discharging troops. Similarly, “demobilization is the process of standing down a nation's armed forces from combat-ready status. This may be as a result of victory in war, or because a crisis has been peacefully resolved and military force will not be necessary.....In the final days of World War II, the United States armed forces developed a demobilization plan which would discharge soldiers on the basis of a point system which allocated points according to length and type of service.” (see <http://en.wikipedia.org/wiki/Demobilization> ).

Every demobilization process usually involves a distinct political and socio-economic context. The eventual resolve to demobilize may be as a result of some certain military, social and politico-economic factors. These factors may include the following:

- a peace accord between fighting parties;
- defeat of one of the fighting parties;
- perceived improvement in the security situation;
- shortage of adequate funding;
- perceived economic and development impact of conversion; and
- changing military technologies and/or strategies. (BICC, 1996).

Although most African demobilizations in the recent past have taken place after the end of a conflict, the contexts and approaches are rather diverse. To identify the differences. In Ethiopia, the defeat of the Dergue army in 1991 led “to its total demobilization. It was replaced by the much smaller army of the Ethiopian Popular Revolutionary Democratic Front (EPRDF)”. In the similar vein, in Mozambique, the two warring parties — the national army and Renamo — agreed in Rome in 1992, “to stop fighting, demobilize, and create a much smaller new national army, consisting of volunteers from both parties”. As for Uganda, “armed conflict had virtually disappeared several years before demobilization was initiated, and a considerable number of soldiers of the army of the previous (Obote/Okello) regime had already been absorbed into the new National Resistance Army (NRA)” ( Kingma, 1996) The objectives of demobilization in Uganda can be categorized into three: budgetary, social and military (Mondo, 1994) The budgetary aspect would lead to a ‘peace dividend’ by significantly reducing military expenditures — and the reallocation of those resources to productive and social priority sectors. The social goal would be to resettle former soldiers and their families in their home district and reintegrate them peacefully, productively and sustainably into civilian life.



Post-conflict demobilization offers opportunities to achieve proper reintegration which is a product of “broader process of reconciliation, nation- building and the strengthening of civil society. This ‘peace building’ process is characterized by efforts to identify and support structures that will strengthen and solidify peace and avoid a relapse into conflict” (Kingma, 1996).

Demobilization and reintegration usually take place not without creating opportunities for reconstruction of infrastructure, agriculture, industry and some other essential facilities, which ex combatants may be asked to carry out for mutual benefits. After relative peace has been achieved, ex combatants are supposed to be reintegrated alongside the returning refugees as well as internally displaced persons. In Mozambique, for example, about 90,000 combatants were demobilized. However, at the time of the ceasefire in 1992, it was estimated that about 1.5 million Mozambicans lived as refugees abroad and about 3.5 million were internally displaced. (ibid)

However, it is worth knowing that demobilization is usually carried out under time pressure. Thus, “Once the decision is taken, practical plans have to be made, financing ensured and the Demobilization assembly areas selected. The combatants that are to be demobilized are usually brought to these assembly points, where they are disarmed.

They may be assisted with reorientation and counseling (ibid). For example, a demobilization process was carried out by Obasanjo Administration in the recent past, on the Niger Delta Peoples’ Volunteer Force headed by Asari Dokibo but the process failed to achieve the desired goal due to the way it was handled by the Federal Government of Nigeria. At the time of demobilization, a ‘package’ in cash and/or kind was actually provided to assist the Volunteered combatants. The Federal Government failed to adopt a holistic approach that would also consider the victims of Odi and some other people affected by the military incursions in the region. Well, despite the fact that reintegration efforts are usually less visible than the demobilization itself, reintegration generally appears to be the major challenge in the overall process.

All the demobilized and their families will need to build up adequate structure that will earn them means of livelihood, as there is a need to create potentials to face the emergent challenges.. Research in Eritrea shows that the vast majority of former fighters have problems in securing a livelihood and finding housing (Klingebiel etal, 1995). Generally, the availability and accessibility of agricultural land, housing and business space appear to be critical factors for successful reintegration.

### 3.2 Africa and Demobilization

Several demobilization exercises have taken place in Africa but most of these demobilization processes usually took place after civil war. In Mozambique and Namibia, for example, 90 000 and 43 000 combatants have been demobilized, respectively. In both countries, much smaller new armies have been created: the Namibian Defense Force has about 8 000 members, while the new armed forces in Mozambique are planned to consist of 30 000 military personnel.

By mid-1996, however, the latter numbered only about 12 000, due to the little interest exhibited by the civilian population to joining the forces. In Uganda, the government demobilized 36 350 soldiers in three phases between 1992 and 1995. In the Horn of Africa, the fall of Ethiopia's Mengistu regime in 1991, led to the complete demobilization of what was the largest army in Africa, of almost half a million soldiers. It also allowed the demobilization of 48,000 former freedom fighters in newly independent Eritrea. The main target of Eritrea is to reduce the size of its army from 95,000 at the end of the war to about 35,000. See Table 2.1 for some of the demobilization processes that took place in Africa in the 1990s.

TABLE 4.1

Demobilization in Africa	
Eritrea	48 000 former fighters were demobilized in 1991-1994
Ethiopia	Almost half a million soldiers of the defeated Mengistu army were demobilized in 1991; between 1992 and 1994, another 22 200 fighters of the Oromo Liberation Front (OLF) were demobilized
Mozambique	70 000 soldiers of the Government forces and 20 000 of the RENAMO opposition forces were demobilized in 1992-1994
Namibia	All of the about 30 000 people fighting for South African forces in Namibia and 13 000 combatants of the People's Liberation Army of Namibia (PLAN) were demobilized in 1989
Uganda	36,350 soldiers were demobilized between the end of 1992 and October 1995

Source: Kees Kingma (1996) "The Role of Demobilisation in the Peace and Development Process in Sub-Saharan Africa: conditions for success" African Security Review Vol 5 No 6

The prospects for stabilization and recovery in conflict-affected countries largely depend on the success of the disarmament, demobilization and reintegration (DDR) process. It is essential to provide sufficient financial capital and rebuilding physical infrastructure, to a comprehensive approach also including initiatives to support the demobilization and reintegration of ex-combatants. Ex-combatants are an especially vulnerable group in a post-conflict setting. Their reintegration into civil society, and opportunities for a stable livelihood in a peacetime society is crucial to the sustainability of peace.

Opportunities, problems and policy issues concerning demobilization and reintegration are receiving increasing attention from governments, international development agencies and non-government organizations (NGOs). The United Nations (UN) also recognizes the demobilization and reintegration of former combatants as critical parts of post-conflict peacebuilding, and has made demobilization. In the UN Agenda for Development, as presented by the Secretary-General in May 1994, states: "The reintegration of combatants is difficult, but it is critically important to stability in the post-conflict period" and "[e]ffective reintegration of combatants is also essential to the sustainability of peace." ( Boutros-Ghali, 1994 : 17).

The conflicts taking place in any given territory depends on the actions of neighboring government as well as on armed groups ignoring state boundaries. This means that a solely country focused approach to resolving conflict and planning DDR activities is likely to be inadequate. Any strategy towards regional security must address the linkages between countries.

Moreover, there is a close link between demobilization and issues of regional, national and human security. After the liquidation of conflict and at the time when demobilization is being conducted, there are generally two closely related weapon problems. One is that the (new) government has large stocks of so-called 'surplus weapons', for which it sees no further need or it has agreed to dispose of. This heritage of conflict and armament is almost always a burden for development. Something needs to be done with it and many types of military equipment cannot be used for civilian or development purposes. Massive amounts of weapons or weapon scrap remain in circulation. For example, in Mozambique, the price of an AK-47 automatic rifle goes for as low as US \$14, while the same weapon costs between US \$400 and US \$500 in South Africa. It has been argued that there are about six million AK-47s in Mozambique alone (Smith, 1995: 427-430). There is a number of general methods to cope with these surplus weapons, which have been suggested (Laurance & Wulf, 1995). They include:

- suppliers buying weapons back;
- civilian usage;
- scrapping weapons;
- mothballing weapons;
- letting weapons decay; and/or
- export to other countries.

Buying the weapons is somehow the most attractive option in African countries. The willingness on the part of the former suppliers is however limited. Using the weapons for policing purposes is also an attractive option, but not relevant to all types of weapons. The second suggested method can pose a threat to national security because the existence of large “numbers of weapons remain or fall in the hands of former combatants and other people” (Kingma, 1996). Kingma therefore concludes that:

Scrapping and mothballing are possible, but require the type of resources that are usually not available in post-conflict situations. It often occurs therefore that weapons unintentionally decay and rust away where they have been left, causing a waste of resources and potentially serious environmental pollution. An even larger danger is that these weapons will be stolen or exported — most likely to other African conflict areas. There are indications, for example, that weapons from Eritrea, Ethiopia and Uganda are shipped to the SPLA in Southern Sudan. Large numbers of Ethiopian weapons have ended up in Somalia. To reduce the environmental and security costs of surplus weapons in Africa, external financing and expertise could facilitate scrapping or converting these weapons ( *ibid* )

### 3.3 Conditions and Efforts for Successful Demobilization

Available research and other information on demobilization and reintegration indicate that, in order to optimize the impact of demobilization, at least the following conditions will have to be met.

Political will and cessation of hostilities

Demobilization demands that cessation of hostilities should be observed by the disputants and they must demonstrate great or substantial political will if considerable success is to be achieved towards the actualization of peace and security. There must be mutual commitment of the parties to

this peace process. For instance, the 1991-92 demobilization exercise in Angola failed largely because both the Government and UNITA were unwilling to co-operate and were apparently maintaining secret armies in violation of the Bicesse accords (Human Rights Watch, 1994). The parties must develop mutual faith in the demobilization processes.

### Reconciliation

If demobilization is to achieve a meaningful peace and development in the post conflict environment, there is a need to adopt a broader process of national reconciliation. There should be a great improvement in the communication situation between the parties with the aim of facilitating smoother interactions for mutual understanding of the need to respect their needs. Here, several governmental and non governmental activities are encouraged to contribute to the success of the peace process. Reconciliation efforts should aim, among others, to improve civil-military relations. Programmes for resettlement and reintegration are very essential.

### Disarmament

In order to achieve a successful demobilization, it is important to carefully disarm the combatants. If they are not properly disarmed and armouries not well protected banditry might increase or arms might end up in the wrong hands. Most former combatants have learned to use violence to solve problems. The way in which disarmament is undertaken differs from case to case. It depends particularly on the context: whether the demobilization is after a defeat of one party, right after a peace agreement of two parties, or as a result of a decision to reduce the size of the one existing army. In Ethiopia, for example, many weapons are believed to have remained with the demobilized Dergue soldiers, because of the sheer size of the demobilization and the lack of preparation for the process. The disarmament of the demobilized fighters in Eritrea was less of a problem, since all the weapons used by the EPLF had been registered during the war of liberation (Klingebiel et. al., op. cit ). Transparency and precision should be the guiding principles in the collection and storage of arms.

### Logistics and Provision for Basic Needs

Disarmament and demobilization are complex and sensitive logistical exercises. They require effective management and substantial resources for accommodation, registration, transport and provision for basic needs. Insufficient provision of necessary social amenities can attract a frustration and annoyance attitude, capable of contributing to the reemergence of violent conflict situation. For example in Angola in late

1991, living conditions and the provision for basic needs in some of the camps were extremely poor (World Bank, 1993:24). This actually resulted to further political cataclysm but the emergency assistance by some UN agencies was able to provide some improvement.

### Reintegration Support

It should first of all be noted that most of the reintegration effort rests on the shoulders of former combatants and their families. Assistance in reintegration is required from a general development perspective, with peace and security arguments adding to its importance. This support is costly, but long term costs for society could be even more if former combatants are unable to find livelihoods outside the armed forces. It could lead to increasing unemployment and social deprivation, which could again lead to increasing crime rates and political instability. Governments should therefore create an environment that facilitates reintegration, and provide specific services in a responsive and flexible way.

Governments and NGOs are using various instruments to facilitate reintegration, such as counselling, technical and managerial training and advice, provision of tools, credit facilities, construction of houses, improvement of social infrastructure and the creation of employment.

## 4.0 CONCLUSION

This unit has explained the relevance of demobilization in the post conflict reconstruction. It also unravels several conditions to meet in order to achieve a successful demobilization process with the aim building a genuine reconciliation between the disputing parties. The unit draws resource from the diversity of demobilization experiences among several African countries through a concrete analytical framework.

## 5.0 SUMMARY

In this unit we have discussed demobilization. We also examined the conditions, which should be met to conduct a successful demobilization exercise. We also explained the context and approaches of demobilization in Africa.

## 6.0 TUTORED MARKED ASSIGNMENT

State and discuss any three conditions for successful demobilization process.

OR

Explain the term, demobilization.

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## UNIT 5 TRAUMA MANAGEMENT

### CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Post Conflict Trauma
  - 3.2 Causes of Trauma
  - 3.3 Emotional Effects of Trauma
  - 3.4 Management of Post conflict Trauma
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutored Marked Assignment
- 7.0 References / Further Readings

### 1.0 INTRODUCTION

After a bloody conflict, the disputing parties as well as the displaced population tend to suffer various degrees of trauma, resulting from the violent experience. The victims of war particularly those considered to be in a vulnerable group like women, children and the elderly one. This traumatic experience usually accentuates psychological disorder and shocks with attendant mental problems or irrational feelings among the war victims.

### 2.0 OBJECTIVES

By the end of this unit, you should be able to:

- Describe post conflict trauma;
- State the Causes of Trauma;
- Explain Emotional Effects of Trauma; and
- Examine Management of Post conflict Trauma.

### 3.0 MAIN CONTENT

#### 3.1 Post Conflict Trauma

In the aftermath of a bloody conflict, the victims and (in some cases) prosecutors of war suffer varying degrees of traumatic disorder in response to the number of symptoms experienced by them. The intensity and duration of the disorder also determine the level of their traumatic attitude. Stress reactions will definitely surface ranging from general feelings of confusion and fear to more specific symptoms of sadness, guilt, anger, depression, anxiety and social withdrawal. In a situation

where the traumatic experience becomes very severe, symptoms can group together to form a condition known as Acute Stress Disorder (ASD) if they occur within the first four weeks post-trauma, or Post-Traumatic Stress Disorder (PTSD) if they persist for longer than one month. These conditions require professional assistance and treatment.

Trauma also takes place in societies where there's no occurrence of armed conflict. Several factors can lead to trauma. For instance, a person without a job for more for several months or years, or the women who don't have fruits of the wombs or children can become victims of traumatic experience. Economic and socio-political factors can also play a big role in manufacturing or producing stress and traumatic disorder among a segment of the society. A good example is the case of the people of the Niger Delta region of Nigeria where the local people suffered an age-long socio-economic and political marginalization. Thus, very little federal government presence was visible in the area. The attendant trauma suffered by the people of the area led to intra and inter-community conflict, which assumed a new dimension in recent time through high-jacking and seizure of foreign expatriates and facilities, widespread insurgency, propaganda, violence among other negative variables.

Another example is the middle-east experience where a number of Arab families were terrorized by Israel and its co-conspirators in the creation of the independent State of Israel after the Second World War. Many Arab children became orphans resulting from the murder of their parents by Zionists. Many of these children passed through harrowing experience, living in refugee camps and other displaced population camps in the region for months, years, and even decades. The traumatic experience of these children has contributed greatly to the wave of modern terrorism and hatred towards Israel and the West. It is not surprising that many of those children after becoming adults, don't cherish the sanctity of human life and some of whom became suicide bombers bringing a new dimension to terrorist articulation.

The implication is that terrorist network like Al-Qaeda will not need to go too far in recruiting its Army. Let us highlight the causes of trauma to stimulate our better appreciation of the subject matter. Though, there may be some other causes, which may not be mentioned in the study. So, you are advised to engage in further readings.

### SELF ASSESSMENT EXERCISE 1

Describe traumatic disorder.

### 3.2 Causes of Trauma

War/torture  
Animal Bites and attacks  
Assaults  
Earthquakes  
Falls  
Fire  
Motor vehicle accidents  
Storms or floods  
Suicide attempt  
Train/bus/plane accidents  
Unemployment  
Barrenness  
Loss of job  
Unfavourable political atmosphere  
Socio-economic marginalization  
Divorce and Marital Crisis  
Death of a loved one(s)  
Injustice  
Sexual abuse  
Examination failure  
Business failure  
Slavery  
Job stress and job dissatisfaction  
Shyness  
Endemic poverty

#### SELF ASSESSMENT EXERCISE 2

List any ten causes of trauma.

### 3.3 Emotional Effects of Trauma

Shock

- Victim is likely to be doubtful of the reality of the activating event like rape, injury etc that propelled the traumatic experience.
- Victim will feel bewildered and bemused.
- Victim may suffer less sensation coupled with a sense of emptiness.

### Fear

- Victim feels that such crime can still be perpetrated against him/her again -
- Victim suffers persistent fear.
- Victim may seem to lose control.
- Victim may go mentally imbalanced, adequate measures not taken.
- When the situation is not checked, the victim may become mentally ill.

### Anger

- Victim shows hatred towards the offender.
- Victim is displeased with the injustice and harm perpetrated against him/her.
- Victim demonstrates huge frustration that generates and further resentment.

### Sadness

- Victim feels dejected as he/she is full of pains agonies about the crime or offence.
- Victim losses faith in the immediate environment where the harm was perpetuated.
  - Victim always feel grievous about the past crimes and losses.
- Crying will definitely rent the air where trauma-induced harm or crime is carried-out.

### Shame

- Victim undergoes some emotional stress, feeling depressed and appears powerless.
- Victim shows a strange behaviour and feels alienated and uncomfortable.
- Victim seems to be an object of irrational beliefs and attitudes.

## Need

- Victim needs support, assistance and counselling as well as encouragement.
- Victim always desires for public appreciation of their traumatic experience and acknowledgment of the crime by the offender.
- Victim hates loneliness and such loneliness will further aggravate their conditions.

## Guilt

- Patient may have a feeling of being responsible for the trauma by refusing to do things in a right way before the upsurge of the conflict. For instance, a deposed political leader may blame himself/herself for not putting in place necessary peacebuilding measures while his/her maladministration created the conflict in the first instance. Another example is a reckless driver who killed a person with his car; he may regret his reckless attitude for killing an innocent person. He may then be having terrible dreams or nightmares.
- Patient may be doubtful that he will not repeat similar crime that propelled the traumatic experience in the first place. An example is a jingoist ethnic group that attacked another group but later suffered a higher magnitude of destruction, resulting from a counter-attack by the other party. If the conflict is ideological, the tendency for its resurgence is most likely.

### 3.4 Management of Post conflict Trauma

Traumatic events like rape, murder, natural disaster, war-making and participation in armed hostility etc are capable of having some adverse effects on the disputing parties as well as the displaced population and refugees. The experience of war gives the local people some forms of nightmares as both parties to the conflict are due to one reason or the other victims of war. Meanwhile, the levels of the damage and severity of the injury committed determine the level of their victimhood. The vulnerable groups are the ones who suffer most in any armed conflict. These vulnerable people include the women, children and the elderly ones. In African society, it is not only those who suffer one arm or the other that undergo a traumatic experience. Post conflict trauma management system must consider all the stakeholders in the post conflict society to prevent an upsurge of another bloody conflict. There are various ways of managing post conflict trauma. Some of these

methods are western while others are traditional. You will across some of the traditional methods of trauma management in the next module. In this segment of the unit, we shall focus on a western trauma counseling intervention. It is worth-knowing that trauma management does not only involve counseling intervention but also medical support. The counseling method we shall be discussing is Rational Emotive Therapy.

### Rational Emotive Behaviour Therapy (REBT)

Rational Emotive Behaviour Therapy is a humanistic perspective of psychotherapy, which sees man as being responsible for any emotional or psychological problem that disturbs him. It argues that not the event itself that propels the emotional turbulence being experienced by man but his thinking imperatives or thought- choice that actually triggers such traumatic experience. This psychotherapy was developed by Albert Ellis who was born into a Jewish family in Pittsburgh, Pennsylvania in 1913. His (Ellis') development of REBT was influenced by Stoic mythology. In Ancient Greece, the Stoics were of the belief that our actions are not basically the product of the event we faced or passed through but our interpretation or perception of what we experienced. The postulator of this radical psychotherapeutic approach recounted his experience as a university undergraduate, he was a very shy person and always afraid of approaching women, and he eventually addressed that problem, by (uncomfortably) mandating himself to approach women. He recounted how he approached and talked with over hundred unfamiliar ladies at the Bronx Botanical Garden, and out of these ladies, he only succeeded to have a lady agreeing on a date with him, but the lady never shown up.

### REBT Assumptions on the Nature of Man

Rational Emotive Behaviour Therapy assumes that human being has capacities for both rational or straight thinking and irrational or tricky thinking. Human being is naturally endowed also with self preservation, happiness, thinking and verbalizing, loving, sharing, growth and self actualization. Human being in his freedom of will also possesses the powers to engage himself in negative actions-self destruction, avoidance of thought, procrastination, self-blame and avoidance of fulfilling growth imperatives. So, let us now state the basic assumptions of REBT one by one, to stimulate our better understanding of the subject matter.

- (a) Man causes himself to undergo any traumatic experience he may be through, rather than influence from external source (s);

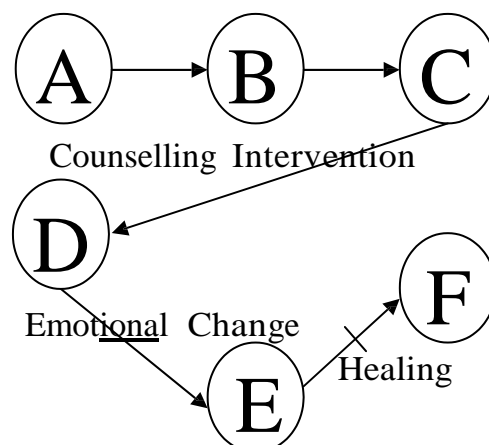
- (b) Man possesses the biological and cultural capabilities that allow him to choose his course of actions and thought-direction (choice of doing right or wrong);
- (c) Man is capable of creating unnecessary beliefs that can subject him to emotional disturbance;
- (d) One unique quality of man is that he is capable of determining the course of his cognitive, emotional and behavioural processes anytime, anywhere and in whatever circumstances. Man can decide to be less anxious or disturbed about events around him, if he has a strong desire to do so;
- (e) Man is also self-talking, self-evaluating and self-sustaining. They often react to their desires- they sometimes behave funny; and
- (f) Man, by nature always aspires for success (growth) and actualization(s) of his dreams.

Man may adopt negative strategies in fulfilling his ambitions (aspiration(s)) while putting into play his crooked artistry to outsmart any fellow man, if he perceives any stumbling block in (the) realization of his ambition or in meeting needs.

REBT and Post Conflict Healing.

After a bloody conflict, the parties will definitely have some war tales to tell. These ugly tales and traumatic experience must attract our attention in the conduct of peacebuilding operations and post conflict reconstruction. RET is a very good healing and anger management technique. RET affirms that the feelings and thought should be main points of focus by any therapist.

Fig. 5.1  
Rational Emotive Behaviour Therapy Intervention



- A – Activating Event.
- B – Belief / Irrational thoughts.
- C – Consequences / Emotional disturbances.
- D – Disputing (detecting, debating and discriminating)
- E – Effective Philosophy.
- F – A new set of feelings.

The activating event can be unemployment, loss of job, divorce, electoral defeat, conflict, exam failure, rape, loss of beloved one (s) among others. This activating event usually attracts from the affected person or victim of such circumstances. The rational or irrational ideas or thought(s) of the affected person determine the emotional consequences which the affected person will face. For instance, those who are infected with HIV / AIDS as a result of an armed conflict may find it difficult to live a happy life again, and such trauma will likely have consequences on post conflict reconstruction exercise. Efforts should be geared toward addressing the problems, which are likely to arise due to traumatic experience and feelings of war victims. REBT makes us to understand that it is not the event itself that causes emotional disturbances or trauma but rather, it is our irrational thought. Therapist is however expected to adopt some scientific strategies to assist the client to overcome the challenges faced by the client resulting from his / her irrational beliefs. This, the therapist will intend to achieve through:

- (a) detecting: Here, the client is guided on how to detect his / her irrational beliefs ;
- (b) debating : After the therapist's guidance and support for the client to detect his / her irrational beliefs, the client will be allowed to debate his / her dysfunctional beliefs by subjecting them to logical and empirical inquiry and through this he / she ( client ) can free himself / herself from the crutches of irrational thoughts and beliefs ; and
- (c) discriminating: Here, the client must have learnt how to discriminate irrational beliefs as he / she separates irrational beliefs from the rational ones.

After disputing process (es), the client is expected to arrive at E where he / she appropriate an effective and rational philosophy, which denounces irrational beliefs. Through this, the client will arrive at F where he / she develop a new set of feelings which produce healing, happiness, love, joy and self – satisfaction.



## Therapeutic Strategies

The Rational Emotive Behaviour Therapists adopt a variety of cognitive, affective and behavioural techniques, which conform to the needs of individual client.

These REBT strategies can be applied to various common clinical problems like depression, anger, psychological stress, anxiety, among others. We are going to discuss some of these REBT strategies. The first three strategies shall be cognitive methods while the last three shall be cognitive techniques:

### (a) Disputing

The therapist assists the clients stem down the negative influence of their thoughts, making them to know that their emotional problems are not hinged on the activating events but rather on their irrational belief and dysfunctional thoughts.

### (b) Language Orientation

Rational Emotive Behaviour therapist helps the client to do away with foul language, knowing fully well that language affects thinking as thinking affects language. Client learns the grand rules of language orientation – a shift from absolutistic preferences to non-absolutistic imperatives.

### (c) Humour

Client is led by the therapist on the need to deviate from taking things on the need to deviate from taking to seriously. Here, humour is employed as a counter – trauma measure, which helps the client in the development of new philosophy of life and discourages any tendency that enhances over flogging of issues, which may lead to emotional disturbances. The therapist hosts victims of conflict, encouraging them to sing humorously and trivialize their ugly experience resulting from the armed conflict. Though humour, victims of war become less serious, their experience will become less painful, and their anxiety and depression will become less visible. This approach is quite viable in giving succor and more fulfilled life to any victim of war because of its healing quality.

### (d) Rational Emotive Imagery

This involves an intense mental exercise aimed at creating new emotional patterns. Therapist assists a client to imagine how he/she will

think, feel and behave if he/she finds himself/herself, in a particular circumstance, and through this process client is taught and equipped how to face challenges he/she may face resulting from a traumatic experience. Thus, this process will train clients how to easily switch from irrational perceptions to rational beliefs as an antidote to trauma.

(e) Role Playing

Here, the therapist performs an emotional and behavioural operation on the client by interrupting the emotion session to find out if the client is responding to the mental exercise to always work against any irrational thoughts and traumatic feelings.

(f) Shame – Attacking Therapy

Through professional support of the therapist, clients develop the psychological energies and zeal to combat shame in their thinking, feelings and behaviour. Shame makes one who is undergoing a traumatic experience to feel more depressed, more emotionally disturbed as irrational thought will likely be more prominent in his/her actions, which may even lead to death. The art of combating shame is very essential in the management of trauma and healing of victim.

### SELF ASSESSMENT EXERCISE 3

Explain the importance of RET in the management of post conflict trauma.

## 4.0 CONCLUSION

Trauma is a regular feature of post conflict society. Even, in non-conflict societies, certain human experience can cause emotional problems, which can lead to trauma. The incidence of traumatic disorder is usually on the increase in economically tensed societies like Africa where poverty has become the second nature of man. Necessary peacebuilding measures must be put in place. The measures may include poverty alleviation or elimination programmes, improved standard of living, skill development training, responsive leadership strategy, community development, infrastructural development, creation of incentives for direct foreign investment among others.

## 5.0 SUMMARY

In this unit, we have described post conflict trauma drawing some case studies from Nigeria and other international scenes to germinate our appreciation of the subject matter. We also highlighted many of the

causes of trauma. We went further to explain the emotional effects of trauma and examine the management of post conflict trauma

## 6.0 TUTORED MARKED ASSIGNMENT

How effective is Rational Emotive Therapy in the management of post conflict trauma? Draw your case studies from Africa.

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**MODULE 3**

Unit 1	The Post Conflict Environment and the Phase of the Peace Process
Unit 2	Roles of Donor in Post conflict Peacebuilding
Unit 3	Roles of International Organizations in Post conflict Peacebuilding
Unit 4	Roles of Traditional Institutions in Post conflict Peacebuilding
Unit 5	Local Capacity Building Coordination

**UNIT 1 THE POST CONFLICT ENVIRONMENT AND THE PHASE OF THE PEACE PROCESS****CONTENTS**

1.0	Introduction
2.0	Objectives
3.0	Main Content
	3.1 Post Conflict Environment
	3.2 Post Conflict Reconstruction Activities
4.0	Conclusion
5.0	Summary
6.0	Tutored Marked Assignment
7.0	References/Further Readings

**1.0 INTRODUCTION**

When a conflict is terminated, the major task is often a difficult enterprise: to establish peace and the rule of law by disarming, demobilizing and reintegrating old disputing parties aimed at achieving a positive peace. In the immediate setting of a post conflict situation, the tendency for illegitimate possessions and circulation of firearms and ammunitions among the civilians remains one of the manifest characteristics of post conflict society. There are also job droughts or massive unemployment, infrastructural decay, environmental pollution, and breakdown of institutional order. This unit intends to paint a picture of a post conflict state and how peace process can be championed in order to achieve a positive peace accord in order to forestall any regeneration of conflict by addressing the underlying root causes of the conflict in the first instance.

**2.0 OBJECTIVES**

By the end of this unit, the student should be able to:

- Describe pre conflict, conflict and post conflict situations of a warring state;
- Explain various dimensions to peace process in a post conflict environment with the aim of sustaining law and order; and
- Discuss various mechanisms relevant to administering a viable peace process to advance an enduring conflict transformation and resolution.

### 3.0 MAIN CONTENT

#### 3.1 Post Conflict Environment

Post conflict environment usually attracts a lot of challenges. Major attention is centered on channelling resources towards achieving constructive and enduring reconstruction of the former conflict state. Viable framework is developed to disarm and demobilize former combatants aimed at enhancing a proper reintegration of the former disputants, the Internally Displaced Persons (IDPs) and of course, the refugees (consequent on the trend of the conflict). It is important for students and practitioners of peace and conflict resolution, to always consider both the pre-conflict, conflict, and post-conflict situations in the analysis of conflict.

These three phenomena help us to develop a conceptual and analytical framework to understand the conflict situation. The motive is to design and adopt effective conflict intervention and healing strategies to forestall any foreseeing humanitarian disaster and even the management of the conflict.

What we mean by pre-conflict environment involves a situation in which the conflict behaviour of two or more parties, in a particular society or organization or state is still latent. This is to say that there is no society or place where we can have absolute peace. Therefore, relative peace is achieved when conflict attitude is minimal. If such conflict attitude is not subjected to any transformation hoped to achieve a positive peace, it generates tension, which makes the situation more violent. Again, if the conflict situation becomes manifest and nothing is done to mitigate or transform the conflict, it tends to lead to crisis, and Darfur incident is a good example.

Conflict environment involves a situation where two or more parties find their interests incompatible and attendant communication breakdown as well as establishment of hostile relations and attitudes towards each other. Thus, negative 'perception' usually attracts conflict as 'positive perception generates positive reactions'. (IDASA, 2004: 25). Conflict can be positive or negative depending on the response or

reaction, it tends to generate. For instance, the showdown between the civil society in Nigeria and Babangida Regime over the annulled 12 June 1993 presidential election in Nigeria and subsequent subversion of democracy in the country by the draconian administration of late Gen. Sanni Abacha could be said to be instrumental to Gen. Abdul-Salam transition, which gave birth to Obasanjo civilian administration in May 1999. An example of a negative conflict was Liberia where transition took a violent dimension, which attracted a litany of killings, rapes, child-soldiering, physical and psychological insecurity as well as total collapse of law and order.

Even after the civil war, post-conflict reconstruction of Liberia was a great challenge to the sub-region. Thus, it was due to proliferation and over circulation of small arms and light weapons among the civilians. The ineffective disarmament and demobilization of former combatants also contributed, leading to regeneration of insurgent conflict in Charles Taylor Liberia

Post Conflict Environment is an environment which has passed through a phase of conflict transformation where the disputing parties have been brought together to respect their individual interest and needs to forge a platform of mutual cooperation and understanding. As students and practitioners in the field of peace and conflict resolution, we should know that at times, it is a welcome idea to facilitate a post conflict atmosphere through negative peace. Negative peace is also known as 'hot peace' or 'graveyard peace' which pays very high premium on achieving peace outwardly while the underlying causes of conflict are yet to be addressed and thus the inward situation may be tense. This is a kind of window-dressing or empty-shell peace. Thus, negative peace occurs in state, international national, group and even family relations. It can be found at all levels of human relationship.

There is nothing like permanent peace and that is why we have peacebuilding efforts in order to maintain peace and security in the society. We will discuss peacebuilding in the subsequent unit of this module. Post conflict reconstruction should usually involve some activities aimed at consolidating peaceful co-existence of old combatants as well as to prevent any resurgence of violent conflict, and to 'promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms' (Juma, 2005: 3).

### SELF ASSESSMENT EXERCISE 1

Describe post conflict environment.

### 3.2 Post Conflict Reconstruction Activities

In order to maintain or achieve sustainable development, it is fundamental to protect the lives and property of the people, and respect their fundamental human rights. In post conflict state, the issue of security is regarded as very crucial, if any meaningful reconciliation and development are to be achieved. This segment of the unit will explore and discuss a number of reconstruction strategies and activities to be carried out in order to forestall any reoccurrence of armed hostilities in a post conflict society or state.

- (a) Disarmament approach appears as a basic and simple means of facilitating a long-term achievement as a peace process, by making the disputants armless with no weapons to fight with. It is a form of collective security strategy, which is aimed at limiting human and material destructions. It addresses the problem of arms proliferation, which is capable of scuttling the peace process. Thus, if any of the disputing parties is of strong opinion that it has superior military strength over other party (ies), achieving peace may become a very difficult task. For instance, when the civil war that demonized Doe Liberia broke out, Charles Taylor NPFL turned down or rebuked all initial sub-regional efforts to stop the armed hostilities the reason was basically because Charles Taylor believed that his rebel group had superior fire-power in quick succession, which was responsible for such uncooperative attitude that made the war more prolonged with attendant horrendous profile of human casualties and unbridled generation of refugees and child-soldiers or infant killers (Richard, 1995: 142-152). Disarmament can be carried out during the war. It is very essential to facilitate conflict transformation and peaceful settlement. It is also crucial to post conflict reconstruction because arms proliferation can distort any peace process due to its anti-peace characteristics capable of 'threatening the stability of the world's economic structure which is necessary for peaceful existence' (Eichelberger, 1955: 48).
- (b) After the termination of a conflict, intervenors or post conflict managers should remove arms from circulation. Demobilization enables the ex-combatants to develop a culture of confidence building in achieving mutual trust and co-operations between themselves in sustaining the new atmosphere of peace and tranquility after the end of hostilities. There should be formal disbanding of various military structures and militias' arsenals that were parties or stakeholders in the bloody conflict, and there should be provision of reintegration opportunities for the Ex-disputants by inserting them into civilian societies.

- (c) In Post Conflict Environment, the intervenor or peacemaker should draw intervention plans and healing strategies that will ensure proper and genuine reconciliation between the Ex-combatants and allay any fear of reprisal attacks for mutual confidence.
- (d) The Peace process must also consider the refugees and Internally Displaced Persons (IDPs) in the past conflict reconstruction activities. They along with the Ex-combatants should be given a new sense of direction through socio-economic empowerment. New forms of livelihood should be created, by creating job opportunities and assisting the less skilled among them to develop profound job market skills that will provide wealth, employment and poverty alleviation to achieve both the short term and long term objectives of the post conflict reconstruction process.
- (e) There should be concerted efforts to include the Ex-combatant in the post conflict reconstruction processes. It is quite important to involve both refugees and ex-combatants in the broader local development programme. This is because, if they are not adequately considered in the reconstruction employment, they can become frustrated. If they become so frustrated, the whole peace processes can be shattered through resurgence of armed conflict. They should be employed by construction companies, communication organizations, even energy agencies engaged to rebuild the collapsed roads, bridges, social infrastructures and amenities caused by the war.
- (f) Civil society should be encouraged to play a fundamental role to develop awareness of public policy issues on the post conflict setting among the local people and engage the ruling elites on the importance of good governance and respect for rule of law and justice. They (civil society) should always educate the people on the need to appreciate peaceful co-existence.
- (g) Effort should geared towards setting up of a viable and competent reconciliation commission that will be charged with responsibility to address all cases of dispute among the various Ex-combatants that will afford them to discuss freely their war experience, the root causes of the conflict and their expectations. Through this, that a genuine and positive peace as well as the reconciliation can be achieved. South Africa established a reconciliation commission in order to provide an opportunity and medium for the victims and culprits of apartheid kondoism aimed at freely discussing and expressing their pains, agonies, losses



and apologies as well as forgiveness to encourage a spirit of true reconciliation and healing in order to curb generational hatred and intergenerational animosity through individual experience and story-telling artistry respectively. Similarly, in Nigeria, during the first civilian tenure of Chief Olusegun Obasanjo, “Oputa Panel” (a reconciliation commission) was set up to address the problems of ill feelings, suspicion, injuries, injustice and dislocation caused by successive military regimes. The central focus of the commission was to build confidence across all segments of the society irrespective of tribe, class, education and religion through genuine reconciliation and reparation. But, the project failed to achieve its immediate objectives basically due to lack of will on the part of the government to implement the recommendations of the commission. Some of the Ex-Generals invited never shown up, several people both locally and internationally saw the proceedings of the commission as mere jamboree and a medium for articulation of ordinary academic exercise or oratory grandeur. The nation is now paying for the recalcitrant nature of several of the dramatic personae of Nigerian politics to warmly admire and appreciate genuine reconciliation. In Niger Delta, there are insurgent movements like Movement for the Emancipation of Niger Delta (MEND), Egbesu, among others, agitating militarily for the control of their resources. In the Eastern Nigeria, Movement for the Actualization of Sovereign State of Biafra (MASSOB) has been articulating secessionist projections. In south west, there have been fratricidal clashes between Fasheun led Odua Peoples’ Congress (OPC) and the other OPC faction led by Gani Adams, which have resulted in lumping destruction of lives and property. In the Northern Nigeria, there have been ethno-religious crises that have claimed several lives and several property destroyed.

- (h) Attentions should be drawn to the issues of good governance, democracy, rule of law and justice as viable strategies for long term stability of the post conflict state. There must be free and fair elections, and responsible and responsive government should be put in place, which guarantees the respect for fundamental human rights of the citizens.
- (i) Early warning system should be developed to monitor the political, social and economic events in the post conflict state, with the aim of alerting the appropriate quarters or agencies on the danger of any trigger in the resurgence of conflict.

## SELF ASSESSMENT EXERCISE 2

Discuss any five post conflict peacebuilding efforts.

### 4.0 CONCLUSION

A number of peace processes and structures must be put in place with the ultimate desire of sustaining peace in post conflict environment. There should be institutional reforms that will address the underlying root sources of the conflict, which will uproot every structural suspicion, and hatred that may make the regeneration of conflict likely. All peace efforts must be equipped with systematic supports within the framework of genuine reconciliation and rehabilitation such as culture of tolerance, mutual confidence, justice, truth and equity.

### 5.0 SUMMARY

This Unit has discussed several phenomena preceding the post conflict environment. It also examines post conflict setting and various peace processes, dimensions and mechanisms to engineer situation of enduring peace in a post conflict setting. It has also discussed various activities and undertakings to be carried out in a post conflict state in order to achieve genuine reconciliation and constructive rehabilitation for positive peace.

### 6.0 TUTORED MARKED ASSIGNMENT

In a National Broadcast to mark the end of Nigerian Civil War consequent on the surrender of the Biafran Forces, General Yakubu Gowon, the then Military Head of State of Nigeria said:

The tragic chapter of violence is just ended. We are at the dawn of national reconciliation. Once again, we have the opportunity to build a new nation.

In the Post Biafran War Nigeria, how true is the above statement? Discuss.

OR

Apply your knowledge of peace process in post conflict environment to address the underlying problems and root causes of Bakassi Question (Nigeria – Cameroon conflict over the ownership of Bakassi Peninsula).

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## UNIT 2 ROLES OF DONOR IN PEACEBUILDING

### CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Donor and Post Conflict Reconstruction
  - 3.2 Types of Donor in Post Conflict Peacebuilding
  - 3.3 Roles of Donor in Peacebuilding
  - 3.4 Challenges of Donors' Participation in Post Conflict Reconstruction
- 4.0 Conclusion
- 5.0 Summary
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### 1.0 INTRODUCTION

Donors usually play a lot of vital roles in post conflict reconstruction. They face a lot of challenges in building effective initiatives and strategies for disarmament, demobilization and (re)integration of ex-combatants and displaced population. Some of these donors often consult some private organizations particularly the Non-Governmental Organizations (NGOs) and Community Based Organizations (CBOs) to deliver some technical support in the reconstruction of post conflict society.

These private organizations are usually charged with responsibility ranging from disarming the old combatants to reintegrating them into civilian society, while a lot of projects of demilitarization are carried out. This unit tends to discuss types of donor, roles of donor and responsibility of donor in post conflict peacebuilding.

### 2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Discuss various activities of donor(s) in post conflict reconstruction;
- Examine roles played by donor(s) in post conflict peace building;
- Describe various types of donors in peace building support and assistance; and
- Explain the challenges of donor participation in peace building.

### 3.0 MAIN CONTENT

### 3.1 Donor and Post Conflict Reconstruction

Donors play vital roles in post conflict reconstruction activities. Their activities are not limited to peacebuilding; they often act as mediators in conflict situation. They conduct conflict assessment, identifying opportunities for conflict mitigation through their effective intervention strategies. Thus, they try to limit any risk that may undermine or distort the initiatives for peace process, which in no small measure contribute to conflict transformation.

They (donors) even design some effective programmes for pre-conflict peace building. This we can notice in various projects carried out by some specialized agencies of the United Nations like UNICEF, World Bank, FAO among others. These agencies provide technical assistance as well as financial support to most of third world nations where poverty is endemic, where there is food shortage, where there is development crisis, all these efforts are geared towards pre-conflict peace building. But in the case of warring states; they (donors) still provide incentives to mitigate the conflict situation. The donors' assistance may include financial, technical and humanitarian as situation demands. The efforts are aimed at not only to stop the conflict but also to strengthen the peace process with the ultimate desire to achieve viable post conflict reconstruction, support and development opportunities.

For instance, in Liberian and Sierra Leonean Post Conflict Reconstructions, some international donors assisted the two countries through their participation in post conflict peacebuilding. In Liberia, The Save the Children fund, United Nations Children Fund (UNICEF), Don Bosco Homes (DBH), Children Assistance Program (CAP), the United States Agency for International Development (USAID), the World Bank, the International Monetary Fund (IMF), the African Development Bank (ADB), the European Union (EU), the Economic Community of West Africa (ECOWAS), the defunct Organization of Africa Unity (OAU) now the African Union (AU), countries like Britain, the United States, Nigeria, Guinea among other international donors played some great roles in the post conflict reconstruction of Liberia.

These donors adopted a holistic approach in their peacebuilding activities. A series of rehabilitation programmes were designed for former child soldiers. For instance, the WAYS (War Affected Youth Support) programme was carried out with the joint support of the UNICEF, CAP AND USAID. Through that program, demobilized youths were subjected to a number of vocational trainings and skill development and creativity education, particularly in the areas of soap making, agriculture, shoe making among others.

Similarly, the United Nations Development Programme (UNDP) places its central focus on restoring social, economic and political stability in post conflict state. It works in partnership with World Bank and several other agencies of the UN. Its primary aim is to address the needs of the affected population and its peace building objectives include assessing and analyzing the proximate and root causes of the conflict in the first place. In Liberia, UNDP worked closely with ECOWAS in the facilitation and monitoring of a number of peace agreements signed by the disputing parties in Liberia. It also worked vehemently in the implementation of those peace agreements. In its conduct of post conflict reconstruction, it emphasizes so much on confidence-building measures like cease fire, disarmament, demobilization, integration as well as democracy

The United Nations has financed and conducted a number of post conflict reconstruction activities on all continents of the world. It does not only deal with peacekeeping, but its mandate has included peacebuilding and preventive democracy. The Secretary Generals of the UN have used their good offices to promote peace in the world. The recent one was the tripartite peace meeting between Mr. Kofi Annan (the UN Secretary General), President Olusegun Obasanjo (Nigeria) and President Paul Biya (Cameroon) over Bakassi Question, which had destroyed the relationship between the two countries in the past, and third party adjudication by the World court did not achieve any meaningful success in the resolution of the conflict but only created a viable road map for the peace process. It is important to know that the peace process as initiated by the former UN Secretary General, Mr. Kofi Annan had been on for more than two years before the final agreement. Nigerian Government however resolved to withdraw its troops from the disputed peninsula and eventually ceded it to Cameroon as contained in the ICJ ruling.

In the peacebuilding efforts of the UN, the former Secretary General of the world body assisted in raising some funds to finance the setting up of mixed boundary commission by Nigeria and Cameroon, and the membership composition of the mixed commission should also include representative of the UN Secretary General. Through the collaborative and joint problem solving efforts of the UN, Nigeria and Cameroon, a tremendous progress was made to finally resolve the boundary dispute.

Moreover, apart from peacekeeping mandate of the United Nations, the world body has also engaged in peacebuilding activities. For instance, in 1993, the UN set up United Nations Observer Mission in Liberia (UNOMIL). The team consisted of 303 observers and support personnel working closely with the ECOMOG in the implementation of the

demilitarization clauses contained in the peace agreements signed by the old belligerents in Liberia (Aning, 1999:29).

Again, in Liberia, the United Nations in partnership with the ECOWAS channeled a lot of resources and undaunted energies to develop effective confidence-building measures among the ex-combatants and their (re)integration into civilian structure. They also took active roles in the planning and conduct of elections in the country. They put necessary strategies into operation in the conduct of presidential and parliamentary elections in post conflict Liberia in July 1997. World Bank and the United Nations however provided funds for the conduct of elections, election materials among others.

### SELF ASSESSMENT EXERCISE 1

Discuss the relevance of donors' reconstruction efforts in any post conflict society in Africa.

### 3.2 Types of Donor in Post Conflict Peacebuilding

There are several forms of donor, performing different specific functions in their provision of both short-term and long term support for post conflict peacebuilding. Here, we will highlight various forms of donor in reconstruction.

#### a) Private Donors

These are non-governmental institutions that provide funds and technical support for post conflict peacebuilding. They can be found locally and internationally. Ford foundation is a good example of private donors.

#### b) Government/National Donors

These include any nation that is interested in promoting peace in another country. Political will of the donors usually determines their involvement in the reconstruction processes in another country(ies). The involvement of government donors is more of their national interest than humanitarian assistance for the sake of it. For instance, Nigeria could be said to have played an active role in the resolution of the Liberian and Sierra Leonean crises, knowing the implication of such bloody conflicts on its national security such as influx of refugees, band wagon effect such crises could have on the country and over proliferation of small arms and light arms in the sub-region resulting from the bloody conflicts, which may increase the crime rate in the country. As you can note, since the outbreak of bloody conflict in Liberia in the early 1990s,

there has been a drastic increase in the cases of armed robbery incident in Nigeria and Ghana.

Sometimes, governments participate in post conflict, even in pre-conflict, peace building to protect their economic or (and) political interests in the affected country(ies). Some of the examples include the US intervention in the Gulf, Obasanjo intervention in Liberia, Sudan, Sao-Tome and Principe, and Cote d'Ivoire. The US government pays very little attention to Darfur crisis because she has very little or no economic interest in Sudan. Yet, she spends so much in Iraq and Afghanistan. Thus, Iraq has both economic and strategic relevance to the US foreign policy while Afghanistan is only strategic because of its current war against terrorism, and the Taliban government was accused of promoting international terrorism through its activities, particularly its provision of strategic support to and hosting of the Al Qaeda dissidents, particularly their leader Osama Bin Laden.

c) Intra-national Donors

These include those agencies or state (Intra-national) governments with the task of promoting Peacebuilding either in their immediate domains or in the neighbouring states. Example of this is the involvement of various state governments in Nigeria in the economic empowerment programme (SEEDs) to provide platform for the creation of job opportunities for the army of unemployed youths in the country, to arrest youth restiveness and bloody conflict. In the spirit of peacebuilding, the Lagos State Government has established the Citizen's Mediation Centre under the tutelage of the Directorate for Citizen's Right, which is a department in the State Ministry of Justice. The aim of the mediation centre is to create opportunities for parties to resolve their conflict without any recourse to violence. Lagos and several other states In Nigeria have been donating a lot of money to the work of several NGOs particularly in the areas of poverty alleviation and HIV/AIDS education (including anti-stigmatization of the victims) among others.

d) Multilateral Donors

These include any group of nations pursuing common objectives through their multilateral agreements and diplomacy, which may be considered as meaningful to facilitate viable peacebuilding efforts through integration and cooperation. Examples include the United Nations, ECOWAS among others. These multilateral donors may also include some UN specialized agencies like UNDP, UNICEF, UNESCO among others whose functions include provision of necessary educational, social, economic, and political incentives that are essential



as confidence-building and peace actualization or peace sustaining measures.

e) Government Sponsored Donor Agency

This includes agencies like DFID, USAID etc. These organizations assist greatly in both pre-conflict and post-conflict peace-building through their financial assistance, technical supports as well as building capacity of the local players, research bodies and government agencies for sustainable peace, security and human development. Their operations go beyond their immediate environments.

## SELF ASSESSMENT EXERCISE 2

Name any four types of reconstruction donors.

### 3.3 Roles of Donor in Peacebuilding

Donors at all levels have various functions to perform in post conflict reconstruction. As earlier mentioned, the political will and interest of donors really determine their level of involvement in post conflict peacebuilding in any nation, society or community. They appropriate supportive environment or atmosphere for reconstruction through their provision of funds, technical assistance and humanitarian intervention. The followings include the roles of the donor in post conflict reconstruction.

(a) Security and Disarmament

The donors are supposed to put in place some measures that will promote adequate security procedures. These, they should do by addressing the problem of arms proliferation and (re)integration of ex-combatants. The ex-combatants should be disarmed, demobilized and re-integrated. Efforts should also be geared toward security reforms through transparency of the security sector expenditure, adequate training of the security forces, civic education must be conducted for the security forces on the respect for human rights and humanitarian law. There should be promotion of rule of law with independent and responsible judiciary, and no offender of constitutional law should be subjected to extra judicial treatment.

(b) Economic Development

Donors should play a great role in this area, by developing a framework to address regional inequalities, marginalization, and endemic poverty. They should also be responsive, through their various programmes, to

create economic opportunities for the poor and marginalized population of the community. They also provide alternative opportunities and incentives to address the problem of war economies. Here, the ex-combatants are trained to develop business skills and efforts championed to attract foreign investors who will invest in the country for post war reconstruction. The government should be encouraged to initiate some policies that will make easy access to low interest loans for investment, viable land tenure policy and suitable atmosphere to do business. The debt profile of the post conflict country should be addressed and rural development project should be promoted.

(c) Political Reforms and Constitutional Democracy

The Donors' roles and responsibilities also include assisting the post conflict country to embark on institutional reforms and promotion of good governance and democracy. Here, efforts are made to promote viable and effective democratic institutions and processes like power sharing structures, multi-party system, participatory governance, rule of law, and independent judiciary. The judicial system should be strengthened in the administration of justice through effective legal education with capacity for dispute resolution systems. There should be measures that will discourage official recklessness, corruption and insensitive leadership. There should be freedom of speech and association as well as movement. The media should be accorded necessary freedom and support in the provision of objective information and reports without any victimization. Independent media should be promoted. Again, civil society must be supported, particularly in the monitoring and education and research with the aim of quickly respond adequately to any trigger, which may attract resurgence or emergence of conflict.

(d) Social Imperatives

It is part of the roles of donors to support social policies, which allow for inclusion of all groups irrespective of their religions, ethnic background, race and ideologies. Donor should play a greater role by ensuring that women's participation in post conflict peacebuilding is promoted as contained in the UN resolution 1325. Gender issues must also be considered in peace agreements. The civil society should also be supported to strengthen mediation and customary reconciliation institutions and processes, which must be within the framework of collaboration and social dialogue. Social commitment to civic and peace education should be promoted, and any educational disparity among various ethnic groups should be reduced in order to prevent unnecessary suspicion, which may provoke peaceful co-existence of various ethnic configurations.

## (e) Traditional Mechanisms

Donors should also support traditional institutions and processes, through which the root causes of conflict can effectively be addressed. In Nigeria, traditional institutions like secret cults, village heads, monarchs, chiefs among others play vital roles in conflict management and peacebuilding due to their customary relevance in peacefully resolving conflict among their subjects, resulting to the people's belief of their divine authority.

## (f) International Support for Disarmament

Donors should ensure that there is campaign against proliferation of weapons, particularly those considered as weapons of mass destruction (WMD). Enough resources should be channeled to promote demilitarization not only in war-affected states but also at global level with strict and effective arms procurement procedures. According to a report by DAC Asia-Pacific Regional Consultation on conflict, peace and development and cooperation (2000):

Lack of transparency in the security sectors of a large number of Asian countries increases threat perceptions and reduces potential for civilian oversight. Nearly half of the Asian countries do not even participate in the UN Register for Arms.

There should be peace-enduring programme that advocates a paradigm shift in the international relations of states in the new world order. Rather than articulating military supremacy, the highest priority should be given to economic power and diplomacy in determining the status of every nation.

## SELF ASSESSMENT EXERCISE 3

Explain the role of donors in post conflict peacebuilding

## 3.4 Challenges of Donors' Participation in Post Conflict Reconstruction

There are several challenges faced by donor in post conflict reconstruction. The challenges include:

- (a) Lack of political will in effective reconstruction;

- (b) Lack of effective coordination with local institutions and other key actors;
- (c) Uncooperative attitude of host nation in post conflict reconstruction;
- (d) Inadequate logistic and financial resource as well as limited mandate;
- (e) Inadequate knowledge and conditions of local institutions and relevant actors;
- (f) Non-compliance of anti-arms proliferation laws;
- (g) North-South dichotomy characterized with unequal economic opportunities and marginalization in the relations between the developed and developing nations;
- (h) Little or no interest in integrity traditional mechanisms in peace processes;
- (i) Asymmetric conflict relations among disputants; and
- (j) Insincerity of purpose on the part of donor.

#### SELF ASSESSMENT EXERCISE 4

What are the challenges of Donors' participation in post conflict peacebuilding?

#### 4.0 CONCLUSION

Donors play important roles in peacebuilding as their responsibilities include support towards peacebuilding structure and systems that recognize the interest and needs of all groups in post conflict society. They provide funds and technical support for interventions in post conflict reconstruction. They must have political will, providing adequate peacebuilding incentives to aid the post conflict reconstruction processes.

#### 5.0 SUMMARY

This unit has examined the role and responsibility of average donor in post conflict reconstruction. It also explained several forms of donors and their roles as well challenges faced by donor and host nations in post conflict reconstruction.

## 6.0 TUTORED MARKED ASSIGNMENT

Recommend various ways to improve donors' participation in peacebuilding in Nigeria.

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## UNIT 3      ROLES                      OF                      INTERNATIONAL ORGANIZATIONS      IN      POST      CONFLICT PEACEBUILDING

### CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 International Organizations and Post conflict Reconstruction: Conceptual Definition
  - 3.2 Roles of International Organizations in Post conflict Peacebuilding
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutored Marked Assignment
- 7.0 References / Further Readings

### 1.0 INTRODUCTION

With the increasing presence of the international community in conflict and post-conflict settings, the role of international organizations in post-conflict reconstruction has attracted a great attention. Apart from mediation and peacekeeping function of the international community, international organizations have continued to provide technical assistance and monitoring resources in post conflict reconstruction for post-conflict development.

### 2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Define post conflict reconstruction;
- Describe international organizations; and
- Discuss the various roles played by various international organizations in post conflict reconstruction.

### 3.0 MAIN CONTENT

#### 3.1 International Organizations and Post conflict Reconstruction: Conceptual Definition

The term, “post-conflict” is used to describe countries and societies or communities that have experienced some violent conflict due to internal disagreement and communication breakdown, but such conflict might

have been implanted on the society or country by external or shadow party (ies). Such conflicts may be terminated either as a result of one of parties conquering the other(s) or through successful negotiations or mediation leading to the signing of a peace accord. This transition phase is considered when most of the terms of the peace accords are being (or have been) implemented.

“Reconstruction” refers to effort or situation through which collapsed structures are rebuilt for the restoration of security and political order, creating hopes, reconciliation and mutual respect for the needs of the individual parties.

“International Organizations” refers to intergovernmental organizations (IGOs), international nongovernmental organizations (NGOs), multilateral and bilateral agencies, philanthropic organizations, relief agencies and private sector firms that are involved in reliefs, rehabilitation and reconstruction work in of former war-torn or conflict countries. These international organizations can be said to have different objectives and strategies in the reconstruction of post conflict societies.

### 3.2 Roles of International Organizations in Post conflict Peacebuilding

#### a) Non Proliferation of Weapons and Demilitarization

The proliferation of civil wars worldwide has also resulted in the proliferation of small arms and light weapons. This has had an adverse effect on the global peace and security. A number of international efforts are being harnessed to resolve these intra-state conflicts with so much emphasis on the need to adopt complementary measures to disarm and demobilize the old combatants. Several strategies are adopted to discourage militarism and militarization in order to achieve meaningful progress in the post conflict reconstruction and peace-building.

In line with this fact, the G8 welcomed the October 1998 adoption of the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Light Weapons and called on other regions affected by the problem of small arms proliferation to consider similar measures. The G8 decided take relevant steps to ensure that their export licensing decisions respect the ECOWAS moratorium and urge other exporting states to do likewise. The G8 also welcomed the Nairobi Declaration on the Problem of Proliferation of Illicit Small Arms and Light Weapons in the Great Lake Region and Horn of Africa. The G8 also called on the international donor agencies to provide financial and technical assistance to support the implementation of the ECOWAS moratorium as well as the Nairobi Declaration.

Landmines have posed a great problem to Africa as the Department of Humanitarian Affairs of the UN has intensified its activities to provide coordination of land-mine assistance programmes. Since its establishment in early 1992, the Department has been involved in the formulation and implementation of mine-assistance programmes. Pursuant to General Assembly resolutions 48/7 of 19 October 1993 and 49/215 of 23 December 1994, the Department has been convening interdepartmental/ inter-agency consultations on land-mine policy to examine all aspects of United Nations involvement in mine-related activities and to develop standard United Nations policy concerning the institutional aspects, which should be addressed in an integrated United Nations land-mine operation. The United Nations approach has been to focus on the creation of a national indigenous mine-clearance capacity, including appropriate arrangements to enable continuity of national mine-clearance efforts, as normalization of conditions in a country progresses.

#### b) Addressing Refugee and IDPs Crises

International organizations also play a vital role by attaching great importance not only to conflict-resolution initiatives, but also to achieving a better interface between relief, rehabilitation and development. UNHCR, the implementation of the concept of a continuum from relief to development should. The Organization has also been providing humanitarian assistance with the aim of ensuring proper reintegration of displaced people into a process of social and economic recovery in the actualization peace, security and development in the post conflict society.

UNHCR has also continued to advance community-based approach in its operation. It provides reintegration assistance through the implementation of quick impact projects. It has also pursued discussions with other departments and agencies, notably the Department of Humanitarian Affairs and UNDP and World Bank to assist in providing both financial and technical assistance aimed at promoting reconciliation and rehabilitation in post-conflict societies

#### c) Elections

International organizations also participate in the planning and conduct of elections in post conflict societies. The political landscape of post-conflict environments is always tensed up and fragile for any adoption of political reconstruction and reform. Peace accords should also include accepting a date for post-conflict elections in order to promote peace and security in the post conflict societies for sustainable developments. Post-conflict societies often remain somehow polarized or divided. The

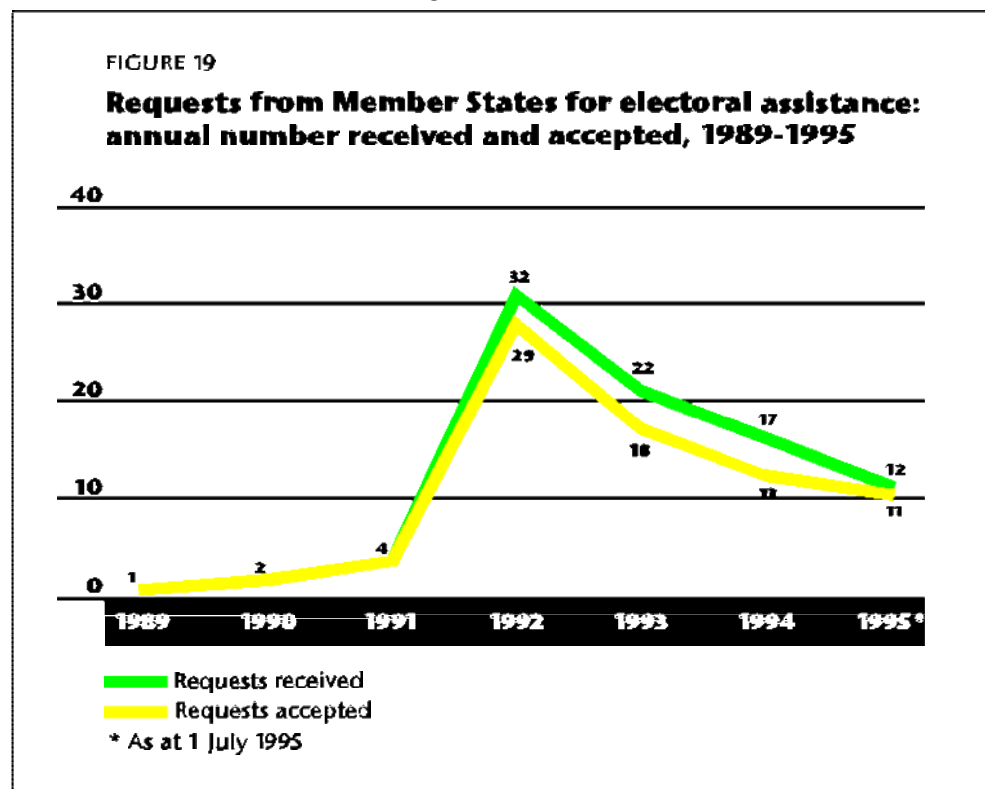


reasons are conflict experience, mismanagement of root causes among others. For instance, in a situation where the war is won by one of the parties through violent means, it will likely be impossible for the Victor to make necessary concessions to the Vanquished because there will be very little incentives to adopt a joint problem solving strategy particularly when we have extremist parties who do not believe in collaboration and mutual respect for individual interests and needs.

In the period from July 1994 to 10 August 1995, the United Nations received 19 requests for electoral assistance, from Armenia, Azerbaijan, Bangladesh, Benin, Chad, the Congo, Côte d'Ivoire, Fiji, Gabon, the Gambia, Guinea, Haiti, Kyrgyzstan, Namibia, the Niger, Sao Tome and Principe, the former Yugoslav Republic of Macedonia, Uganda and the United Republic of Tanzania. In addition to these new requests, assistance was also provided in 12 cases, to Brazil, El Salvador, Equatorial Guinea, Honduras, Lesotho, Liberia, Malawi, Mexico, Mozambique, the Netherlands Antilles, Sierra Leone and MINURSO, in response to requests received prior to July 1994.

In Mozambique, the United Nations provided technical assistance and a verification mission for the first multi-party elections, held in October 1994. In accordance with the terms of the General Peace Agreement signed at Rome on 4 October 1992, ONUMOZ, through its electoral component, monitored the conduct of the entire electoral process. The Electoral Division of ONUMOZ fielded 148 electoral officers throughout the country to monitor voter registration, civic education, political campaigns, and political party access to as well as impartiality of the media, polling, vote counting and tabulation of the vote at provincial counting centres. On the election days ONUMOZ deployed 2,300 international observers.

Fig. 3.1



Source: [www.un.org/Docs/SG/SG-Rpt/19.gif](http://www.un.org/Docs/SG/SG-Rpt/19.gif)

#### d) Humanitarian Intervention

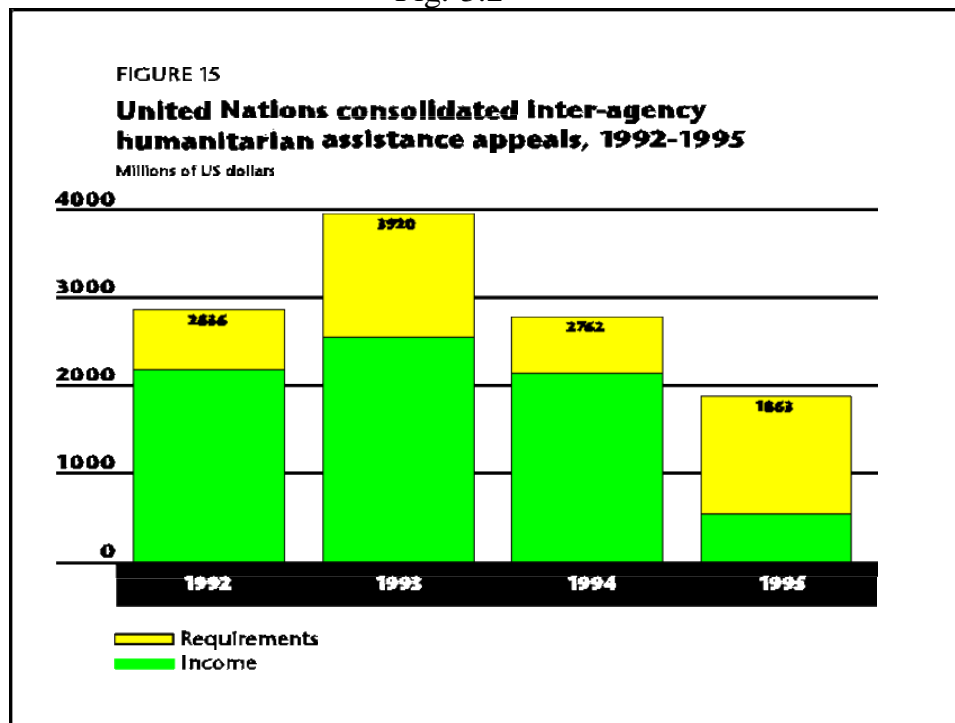
The reality of contemporary warfare is that more than 90 per cent of casualties are non-combatants who are often deliberately targeted because of their ethnic or religious affiliation. As a consequence, victims continued to flee their homes and communities in staggering numbers in 1995, reaching a global total of some 25 million refugees. A still larger number of persons have been displaced or are directly affected by warfare within their own countries.

Increasingly, international humanitarian organizations are made to operate in war-torn societies where conflicting parties are often openly contemptuous of fundamental humanitarian norms. In such circumstances, a major challenge is the need to safeguard the well-being of civilians while providing assistance in a manner consistent with humanitarian principles.

In addition, the international community is now bedeviled with the problem of resources to address the immediate survival needs of victims, while simultaneously recognizing that such action may deflect attention and support from initiatives essential to undoing the root causes of vulnerability and strife. Faced with these conflicting trends,

humanitarian organizations have been reassessing the processes that shape the nature and impact of their interventions.

Fig. 3.2



Source: [www.un.org](http://www.un.org)

e) Trust fund Administration and Emergency assistance

In the past decade the World Bank has begun to administer trust funds that channel grants (as opposed to loans) for emergency projects and budget support in post conflict environments. The first such arrangement was the Holst Fund for the West Bank and Gaza, created in 1994, which broke new ground not only by involving the Bank in trust fund administration but also by doing so in an entity that is not a member of the World Bank. Since then trust fund administration has become an accepted function of the Bank; subsequent examples include funds for Bosnia, Kosovo, Timor-Leste, and Africa's Greater Great Lakes Region (the latter being earmarked for demobilization and reintegration expenditures). Trust fund is contributed by bilateral donors, and in some cases they tap the Bank's own net income. (Schiavo-Campo, 2003)

In 1962, the IMF instituted a policy through which it could provide quick-disbursing emergency assistance loans in the wake of natural disasters, without conditionality and without the usual phasing of disbursements. In 1995, the Fund expanded this policy to post conflict situations. The first use of this new window was a \$45 million loan to Bosnia in December 1995, the same month the Dayton Peace Agreement was signed. By 2002, nine countries had received a total of roughly

\$340 million in IMF post conflict emergency assistance. (<http://www.imf.org/external/np/exr/facts/htm>). In effect, then, 'emergency assistance' has been a vehicle for rescheduling arrears to the IMF (<http://www.imf.org/external/np/hipc/2001/pc/042001.conflict.htm>)

Role of the African Development Bank (AfDB) has been more limited, due to its recent restructuring and modest resources. Notwithstanding these involvements, the regional development banks have yet to develop strategic policies and operational capacities specifically oriented to post-conflict reconstruction and peace-building. The IDB's operational policy on 'natural and unexpected disasters,' for example, contains no explicit reference to violent conflict; 'human-generated actions' are mentioned as a possible cause of disasters, but the policy focuses on natural disasters and, to a lesser extent, technological accidents such as oil spills and chemical releases. The IDB policy requires 'natural hazard risk assessment,' alongside environmental impact assessment, for all IDB-financed projects; conflict impact assessment is conspicuously missing. (<http://www.iadb.org/cont/poli/OP-704E.htm>.)

#### f) Security: Demobilization and reintegration programs

The security situation is very critical and tense. Effective management of ceasefire and post conflict monitoring are very essential in post-conflict societies. The presence of ex-Combatants means that a return to conflict is always possible. Programs aimed at the effective demobilization and reintegration of ex-combatants into civilian society are very vital. International organizations have really worked in the areas of disarmament, demobilization and reintegration in Africa particularly in Liberia, and Sierra-Leone. It is through this that a successful election and political transition can be achieved in post conflict societies (López-Pintor, 1998: 46). In 1994, the World Bank funded a project in Uganda and other 27 projects in 16 countries aimed at assisting in the reinsertion of former combatants into productive civilian life. These projects have become an important component of the Bank's portfolio in post-conflict countries (World Bank, 2003: 32.) Student would or must have come across some of these issues in some other units of this Course. Please, you are advised to go through all the units of this Course in order to have a deeper understanding of the course.

#### SELF ASSESSMENT EXERCISE

List and discuss 5 roles played by International Organizations in post conflict reconstruction.

#### 4.0 CONCLUSION

International organizations have played and would continue to play great roles in post conflict reconstruction. The world is now a global village, so, what affects country A will be a great concern to Country B. This is because of the interdependence of states in the New World Order and due to the effect of such bloody conflict on the territorial sovereignty of the neighbouring countries as well as the implication of that conflict on the peace and security of the sub-region and the world at large. Efforts are now made by various international organizations to assist several post conflict societies through various development programmes, financial support and education with the aim of achieving peace consolidation in a post conflict environment, ensuring rehabilitation and reconciliation.

#### 5.0 SUMMARY

This unit has conceptualized international organization and post conflict reconstruction. It has also discussed various roles being played by international organizations. It has shown that there is a variety in the strategies and objectives of these international organizations. But they both have the ultimate aim of promoting post conflict peace-building while having different ways of achieving this objective.

#### 6.0 TUTORED MARKED ASSIGNMENT

List and discuss any four challenges of International Organizations' participations in post conflict reconstruction in Africa.

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## UNIT 4 ROLES OF TRADITIONAL INSTITUTIONS IN POST CONFLICT PEACEBUILDING

### CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Traditional Institutions in Conflict Resolution
  - 3.2 Principles of Traditional Conflict Resolution
  - 3.3 The Roles of Traditional Institutions in Post Conflict Peacebuilding
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutored Marked Assignment
- 7.0 References / Further Readings

### 1.0 INTRODUCTION

Traditional peacebuilding practices reflect principles of reconciliation based on long-term conflict transformation, peaceable relationships and values. These customary efforts seem to be effective in addressing intra-community and even inter-community conflicts where relationships and shared values form the bases of the reconciliation processes. Traditional mechanisms are embedded in the culture and history of Africans. These traditional practices accentuate collective unity, reconciliation of individuals or groups, and peaceful reintegration into the community. Traditional techniques give more priority to collective interest above any individual interest. The machineries of customary conflict resolution and peacebuilding artistry believe that all parties are interested in and affected by the conflict situation, and the traditional goal of taking cognizance of the need to reconcile both parties has become sacrosanct for promotion of social harmony, peace and development. It is quite unfortunate that in modern conflicts in Africa, there has been structural bias and ‘inferiorization’ of the traditional institutions and authorities in peace process and post conflict reconstruction. The reasons are not far-fetched-colonial experience and imposition of imported religion(s) and (peripheral) capitalist economy that focuses on individual good rather than collective good of the whole society. In this unit, we are going to showcase various roles played by traditional institutions in peacebuilding despite the odds and contradictions that characterize the modern state.

## 2.0 OBJECTIVES

At the end of this unit, student should be able to:

- Explain various traditional institutions in conflict resolution;
- State principles of traditional conflict resolution; and
- Discuss the roles of traditional institutions in post conflict peacebuilding

## 3.0 MAIN CONTENT

### 3.1 Traditional Institutions in Conflict Resolution

#### Family

Family is the basic unit of every society. In a patriarchic setting where the father is the head of the house, man is charged with the responsibility of not only providing the material needs of the family but also directing his energies towards maintaining order and peaceful coexistence among the members of the family as well as between his family and other families in the community. Whenever there is a conflict between two or more members (children) of the family, the father in collaborative network with the mother will seek beyond resolving the conflict but also adopt conflict transformation and peacebuilding strategies to promote harmony, peace, love, true reconciliation and communication between the parties. In a case where the mother and the father are in conflict, the most elderly men in the family of the (or both) will intervene to resolve the conflict. Similar view is shared by Mungazi (1996):

The Traditional African family operated along clearly defined lines. The oldest member, usually the paternal grandfather, was the head of family. He determined the standards of behaviour or code of ethics consistent with the general expectation of the community as a whole.....There was a clear consensus among the community that a family that lived by accepted social and community values provided the fiber for the entire society.

Then if the extended family heads are unable to resolve the conflict, the council of elders or cult or ward court etseq may be called upon to provide reconciliation.



## Elders

Elders function as a court with broad and flexible powers to interpret evidence, impose judgments, and manage reconciliation. Traditional leaders use their position of moral strength to find an acceptable solution. Councils of elders and chiefs usually seek resolution through consensus. The solution often involves forgiveness and compensation. In Igboland, the council of elders usually referred to as Amaala. In any of conflict the decision of Amaala is unanimous but when unanimous decision cannot be reached, then the final decision shall be made by the oracle as impartial and neutral arbiter (Afigbo, 1973:13-23).

## Clan

Elders from another are sometimes called upon to intervene in the conflict between parties that come from the same village for the purpose of neutral third party adjudication and transparency. Sometimes, a clan may intervene in the conflict between another two clan with the desire of striking reconciliation between the parties, which is the foundation of Africa's code of honour.

## Women

Women play a unique role in the reconciliation process in several societies. Their very place in society puts them in a strong position to encourage dialogue between disputing parties. The activities of umuada (women born in an igbo community who have gone to marry from other areas) in the land dispute between Umunebo and Umuokuzu communities of Obinze, in Owerri Local Government of Imo State, in the eastern Nigeria. (Nwolise, 2004:78).

## Community Assembly

The people of a community in a traditional setting often converge to discuss pertinent issues that promote peace and security of the community. They may also gather in the administration of justice and reconciliation between the disputing parties. Whenever people of the post conflict community are of the view that the bloody conflict that formerly pervaded their relationship might have caused displeasure to their god, they may converge to discuss and fathom ways to cleanse the whole community and seek for god's forgiveness for breaking the age-long customary covenants that object spilling of blood, injustice and murder. This they do to forestall any form of calamity which their god may be directed against them in the nearest future for the spilling of blood and killing of innocent souls.

## Palace

The palace is the highest court in traditional Africa. King is regarded by the local people in Africa not only as the supreme political authority of the land but also as second in command to the Almighty God and thus the decision of the palace court is not both supreme and divine. In Oyo Empire, the authority of Alafin (king) was according to Akinrinsola (1990:228)

Identified with that of Olorun ('Owner of heaven'), while 'the authority of Oyomesi, and notably Bashorun were associated with that of ('owner of earth')

The relationship between the two institutions is complementary as submitted by Akinrinsola: (ibid)

Olorun la gba  
Ile l'egbon  
Olorun had superior power  
But Ile was senior in age

## Chiefs/ village heads

Third party adjudication plays a very important role in the administration of justice, restoration of peace and social harmony of the community. In Oyo town, there are several types of traditional courts and these include Ile Ejo ti Baale (Court of the Compound Heads), Ile Ejo ti Ijoye tabi ti orori Itun (Court of the Ward Chief), and Ile Ejo ti Oba (the Palace or King Court), which is the highest.

## Secret Society

In traditional Oyo society, the ogboni society was very potent in the prevention of conflict as well in facilitating true reconciliation and crime detection. Secret society also serves as a check and balance mechanism to check any official recklessness of the monarch. In conflict resolution, Ogboni society as headed by Apena demonstrates high judicial prowess in the promotion of justice and functional reconciliation as also buttressed by Morton-Williams (1960:366):

The Apena hears the dispute and makes a judgment to reconcile the parties. They both pay a fine and provide animals for sacrifice, the blood of which is poured over the edan.....The edan are placed in a bowl of water....the

disputants are required to drink. It is confidently expected that one who put his case falsely would die within two days.

Oath taking is a very veritable and essential tool of justice administration as well as promotion of peace and social harmony. Secret society was one of the most effective traditional institutions in pre-colonial Africa. Among the Egba and Ijebu people of southwestern Nigeria, Ogboni was very powerful, it served as the highest court of the land where last appeals could be heard and the only court that had the power to pass capital punishment on any perpetrator of very severe crime like murder or manslaughter (Fadipe, 1970:223-236).

### Age-Grades

In traditional African society, people who born at one period or the other group themselves to various age grades or associations. The people of any age grade are expected to be people who were born this same period, and these people ascribe a name to their group for public recognition and appreciation. These age grades play very important roles in peacebuilding. They enlighten the public on various government policies as they affect the lives of the whole members of the society. They also embark on a number of developmental projects that enhance sustainable development in the society. They also involve in early warning activities through their monitoring network.

### Hunter Association

This association is another traditional institution, which is very essential in building peace. They are not only involved in hunting of animals in the forest and (thick) bush but they also partake in peacebuilding exercise. Through their periodic rites and symbolic machinations, they contribute in peace process. They also have a code conduct for their members, and assist the community to get some of the natural materials, which can only be gotten in thick bush and forest for ritual projections, which may be designed to atone the gods of the land for peace to reign in the community. Hunters work hand in hand with medicine or juju men to provide healing to the people particularly the sick ones. Many of them are also great warriors.

### Oracles/ Deities

The oracles are the final arbiters in resolution of any conflict in traditional African society. Oracles are supernatural orchestration of truth, reconciliation, peace and social harmony. They are very effective

machineries of peaceful resolution of conflict. They guide the conduct of state affairs and provide opportunities to avert any future calamity or outbreak of bloody conflict or pestilence. The ancestors of the land also help to forestall or minimize the occurrence of any possible insurgency or violent conflict or violence-induced event. The local people are often tied with blood covenant, prohibiting any action of individual or party to cause injury to another party while murder is absolutely outlawed with attendant consequences that are very severe. Offenders are rebuked and punished promptly and adequately to deter any other person from committing similar offence(s). These ancestors are also appeased whenever a serious crime is committed through ritual atonement.

### SELF ASSESSMENT EXERCISE 1

Describe any three traditional institutions in your local domain.

### 3.2 Principles of Traditional Conflict Resolution

Tolerance

Accommodation

Fairness

Sanctity of human life and absolute condemnation of spilling of human blood.

Agape Love

Impartiality and neutrality

Transparency

Genuine apology and forgiveness

Justice

Humility

Culture of Peace

True Reconciliation

Trust building

Offence measurement and Punishment

### SELF ASSESSMENT EXERCISE 2

List at least ten principles of customary conflict resolution

### 3.3 The Roles of Traditional Institutions in Post Conflict Peacebuilding

Conflict prevention

The traditional institutions in Africa play very important roles in conflict prevention and crime mitigation. For instance the Gumuz people who live in the Metekkel area of western Ethiopia close to the Sudan border.

Metekkel has become another abode of several Amhara and Oromo people who moved to the area several years ago but not without incident of land and resources disputes.

Thus, with that aim of preventing bloody conflict that could emanate due to scarce resources, these local people designed a mechanism known as michu, or friendship to resolve ethnic conflicts and to create an environment of tolerance and mutual coexistence. The disputants bring into play michu when serious problems erupt. Michu mandates the free movement of people and is used by all the inhabitants of the region. Michu plays a very critical role to the present day in preventing conflicts in the region.

The neighboring Oromo developed a similar concept known as Luba basa, which means to set free. As the Oromo migrated into territory occupied by other ethnic groups, they created Luba basa as a traditional system to reduce conflict. The Oromo considered the non-Oromo groups as “castes” and treated them unequally, sometimes harshly, until they assimilated through the Luba basa institution. Luba basa set them free so that they could become the equal of the Oromo.

#### Dispensation of Justice

Traditional institutions play a pivotal role in the prompt administration of justice. The traditional judicial system is based on truth rather than fact, on restitution rather than retribution, but really bemoans killing of human beings and spilling of blood as well as harming of the elderly ones, women and children. Such atrocities attract heavy sanctions and social repudiation. In traditional African settings such atrocities attracted death sentences on the offenders or absolute boycott of the offender by the entire community of the offender, even the offender's family will also be regarded as outcast. Such an offender may be banished from the community. African philosophy accords so much sanctity to human life.

The importance of traditional institutions in post conflict reconstruction is evident in the Gacaca jurisdiction in Rwanda. In the post conflict society, restoration of the justice system is of course a great challenge. Putting in place effective justice machineries to address the underlying problems and crimes committed against the victims of an armed conflict. Efforts should also be geared toward creating a justice system that can address the contradictions of the former conflict and harness adequate resources to enhance quick dispensation of justice. For instance, consequent on the 1994 genocide in Rwanda where almost one million people were brutally murdered, the UN established the International Criminal Tribunal for Rwanda in Arusha, Tanzania, in 1996 to prosecute the architects of the genocide.

The formal court system in Rwanda also embarked in 1996, to put to trial over 115,000 jailed genocide suspects. After four years less than 7,000 had been tried as several people including the innocent ones continued to languish in prisons. The attendant congestion in various prisons in Rwanda was instructive, which prompted the government to look inwards for alternative justice system that was more effective and faster to dispense justice. Thus, justice delayed is justice denied and the Rwanda government concluded such large number of prisoners could be handled by reviving the traditional court system known as Gacaca. This is a type of grass that grows in this part of Africa. Rwandan villagers traditionally gathered on a patch of the grass to resolve conflicts between families, with household heads acting as judges.

Under the Gacaca system prisoners are taken to their hometowns or villages where local residents are invited to assemble, often in an open field, and then allowed to give evidence against the accused. Local elected judges, few of whom have any formal legal training, receive six days of training in law, conflict resolution, and judicial ethics. These judges render the final verdict after hearing evidence from people in the local community. Suspects who plead guilty receive reduced sentences.

### Reconciliation

The traditional justice system is hinged on true reconciliation within restorative framework. It is not basically concerned in metting out punishment to the offenders but to create friendship to the parties and rebuild their communication. Fines as popularly known as banyinkortu among the Buems are imposed on the offenders or convicted parties. Imposition of fines is a cultural practice of peacebuilding among African people to provide justice, which in turn tends to provide healing to the victim party aimed at achieving a sustainable conflict transformation. These fines may be in form of alcohol, livestock, and (occasionally) money.

It is interesting to note that the gravity of the offence committed by the offenders determines the size of the fine to be imposed on him/her. Penalty can also be imposed on the victim if during the peace process, he/she acts in a manner that is not peaceable. After the resolution of the conflict between the parties, the traditional mediators who are usually wise elders in the community will demand from both parties to provide alcohol (usually palm-wine), livestock and (or) food for little feast to call for the intervention of god(s) or ancestor(s). this is to further cement good relationship and friendship between the old disputants. The head of the mediation team or priest will pour a libation, according to Fred Mensah (2000:38) among the Buems and hold that:

..... we the panel members have agreed, this party has been found guilty. We sympathize with the other party, the innocent party. With this drink, we beseech the gods to help us restore peace between the adversarial parties. As both parties drink from this calabash, none should nurse malicious intentions against the other. Strike down whoever will nurse malicious intention toward the other, flout the authority of the Judges, and attempt to bring calamity into the community.

### Trauma Healing

Traditional healers demonstrate remarkable knowledge of how to heal the social wounds of war in the victims of armed conflict. In post conflict society, creating healing opportunities for war victims particularly the child soldiers and rape victims often become a great challenge. These victims of war suffer a number of disorders and trauma. These post conflict trauma (as a number of facts has shown) can be treated by traditional healers, based on indigenous understandings of how war affects the minds and behavior of individuals, and on shared beliefs of how spiritual forces intervene in such processes.

The experience of post conflict society in Africa has shown that most of the mental or psychiatric disorders or psychological traumas resulting from the armed conflict have found the modern or orthodox medical interventions as less effective. The western psychotherapies though play important roles in trauma management but they cannot address all post conflict mental disorders or psychological traumas. The cultural attitude of the local people toward western medical antidotes to post conflict trauma is not even helping.

Thus, the anthropological research carried out in Mozambique and Angola has shown that war related psychological trauma is directly linked to the power and anger of the spirits of the dead. The inability to perform the necessary burial rites for the dead resulting from the armed conflict denied the spirits of the dead ones the avenues to assume their appropriate positions in the world of the ancestors, and these dead people become very bitter and potentially harmful to their killers and the community at large.

Traditional healing for war-affected children in Angola and Mozambique seems to consist principally of purification or cleansing rituals, attended by family members and the broader

community, during which a child is purged and purified of the "contamination" of war and death, as well as of sin, guilt, and avenging spirits of those killed by a child soldier. These ceremonies are replete with ritual and symbolism whose details are distinctive to the particular ethnolinguistic group, but whose general themes are common to all groups. (see <http://www.africaaction.org> )

In Africa, to kill or shed human blood is customarily prohibited. That is the reason why if a circumcision takes place in the traditional setting in Africa, a certain ritual exercise must be observed to appease the land and god(s) let alone killing of innocent people particularly people who have blood ties. Such an act attracts very great punishment from the ancestors. In a situation like this, traditional healing system is to be put in place address the post conflict disorders and create healing opportunities to the people by appeasing the spirits dead and seek for the forgiveness of the ancestors.

### Confidence Building

Confidence can be built among the local people or clans through covenant making. These covenants are usually facilitated through blood association. Blood covenants assist the people to build confidence among themselves through which sustainable peace is maintained and violence is prohibited. Among the traditional Tiv people of Benue State of Nigeria, it is forbidden for any member of this ethnic group to shed the blood of his brother. Thus, war-making is carried out in a way that people with similar patriarchal origins are discouraged from shedding the blood of their brothers. This offence attracts great penalty ranging from imposition of huge fines to ostracization. The clans or ethnic groups who did not have any previous blood covenant or without any patriarchal origins can also build peace and reconciliation through this practice-blood covenant. The practice is popular among various African societies. For instance, in Igboland-eastern Nigeria , this practice is known as Igbandu. Here, the elders of the concerned clans or communities without any previous blood ties will converge at the boundaries of their territories where they will slaughter livestock like goats and fowls, and thus:

..... the meat of which they would mix with blood drawn from the veins of all present. The meat would be cooked and eaten by the elders. A commemorative tree might be planted on the spot where the covenant was made.



(Oguntomisin, 2004:3)

Through covenant making, clans or ethnic groups are prohibited for shedding blood of each other or engaging in armed conflict.

### Building Alliances

Alliances are built through marriage in African societies. Exogamy plays important role in building peace among the local people. Here, the people from different clan, villages or communities exchange their daughters in marriage. Inter tribal marriage helps to foster peace among the people. Thus, the parties see themselves as in-law and prosecution of total war is discouraged.

### Truth

Truth plays forms the basis for customary reconciliation and peace process. The parties are mandated to engage in oath-taking in validation of crime. Any party that tells lies incurs the wrath of the ancestors, and through this process of oath-taking, truth is often achieved. Thus, it is through truth that genuine reconciliation can take place. To unravel the secrets or forces behind the emergence of an armed conflict, the local people may decide to consult the oracle.

### Crime Prevention and Security Management

Age grades, market women, hunters among others contribute in no small measure to the security management and crime prevention in the local community. Age grades or traditional singers may go round the community singing and raining abuses on offending members of the community, even those considered as lazy. Thus, African culture bemoans indolence because an idle mind is the devil's workshop according to the belief of the local people.

The youths or age grades or local security apparatus (in or occasionally without the consent of the traditional authorities) adopt various measures to punish crime perpetrators or offenders. They may take the offenders to market place and subject such offenders to public disgrace. Offenders may also be asked to pay fines, perform rituals while some of them may be boycotted or banished form the community.

### SELF ASSESSMENT EXERCISE 3

Discuss the roles of traditional institutions in peacebuilding.

#### 4.0 CONCLUSION

Chiefs, village mediators, tribal elders, community leaders, clan leaders, mobilized women, traditional healers, and local religious bodies play various important roles in peacebuilding. Their efforts in post conflict reconstruction remain very critical in addressing not only the triggers but also the root causes of conflicts in modern Africa. The experience of the post conflict society in Africa and the ineffective nature of western approaches and institutions in resolving the recalcitrant conflict behaviour of modern Africa have necessitated the need for peace mediator(s) to look inward. There is a renewed campaign to incorporate the traditional mechanisms in conflict management system in addressing the fundamental sources of armed conflict in modern Africa. These (traditional) mechanisms are now emerging as better alternatives to western methods of conflict resolution.

#### 5.0 SUMMARY

In this unit, we have discussed various traditional institutions in conflict resolution. These traditional institutions include age grades, cults, deities and oracles, palace among others. We went further to highlight various principles of traditional conflict resolution. We also discussed the roles being played by traditional institutions in post conflict peacebuilding and reconstruction.

#### 6.0 TUTORED MARKED ASSIGNMENT

Discuss the relevance of traditional institutions in peace process

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## UNIT 5      LOCAL                      CAPACITY                      BUILDING COORDINATION

### CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Building Local Capacity in Post Conflict Reconstruction Coordination
  - 3.2 Catalysts to Local Capacity Building in Peace Process
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutored Marked Assignment
- 7.0 References/Further Readings

### 1.0 INTRODUCTION

In post-conflict reconstruction, peace and security are very important for sustainable development. Development also contributes to sustainable peace. The centrality of the peace objective implies one important corollary: the relevance of appreciating the political environment and sensitivities of capacity building interventions.

### 2.0 OBJECTIVES

At the end of this unit, you should be able to:

Identify various ways to encourage local capacity building in the coordination of post conflict reconstruction; and  
Discuss various efforts or strategies that can be adopted to promote the involvement of local people and organizations in the post conflict peace-building processes.

### 3.0 MAIN CONTENT

#### 3.1 Building Local Capacity in Post Conflict Reconstruction Coordination

Capacity building can be said to be a means to an end as it should be considered in the peace process for achieving national development policies, plans and strategies. In this regard, the development objective in post-conflict reconstruction process must be clearly defined, institutional and human resource development ought to be mapped out, and the capacity building strategy be clearly articulated.

Each society has the capacities that correspond to its own functions and objectives. Non-industrial societies, for example, have relatively few formal institutions, but they do have highly developed skills and complex webs of social and cultural relationships that are often difficult for outsiders to comprehend. In short, capacity-building needs should be addressed at three levels: individual, institutional and societal. All these layers of capacity are mutually interdependent. If one or the other is pursued on its own, development becomes skewed and inefficient (Browne, 2002:2-4).

**Individual:** This involves enabling individuals to embark on a continuous process of learning—building on existing knowledge and skills, and extending these to new directions as fresh opportunities appear.

**Institutional:** This, too, involves building on existing capacities. Rather than trying to construct new and alien institutions on the basis of foreign blueprints, governments and donors instead need to seek out existing initiatives, however nascent, and encourage these to grow.

**Societal:** This involves capacities in the society as a whole, or their transformation for development. It encompasses the facilitatory process, which lies at the heart of human development: the opening and widening of opportunities that enable people to use and expand their capacities to the fullest. Social capital and cohesion are at the core of societal capacity and apply both nationally and locally. Without such opportunities, soon people will find that their skills rapidly erode or become obsolete. And if they find no opportunities locally, trained and skilled people will join the brain drain and take their skills overseas.

Participation of various local organizations in decisions concerning capacity development remains a critical issue in post conflict reconstruction. Participation is a process by which individuals, organizations and communities are charged with responsibility of taking care of their own welfare and that of the community, and they develop the capacity to contribute to their own and their community's development. People should be responsible in determining their real needs and channel their social energies and resources in achieving their socio-economic and political destiny for national survival, peace and security.

## SELF ASSESSMENT EXERCISE 1

Discuss the importance of building the local capacity in the reconstruction of post conflict society.

### 3.2 Catalysts to Local Capacity Building in Peace Process

The efforts to ensure the local capacity building in the reconstruction of post conflict societies include:

#### (a) Conflict Prevention and Reconstruction support

The reconstruction of post conflict societies has attracted global attention within the broader development studies agenda. The needs to assist the post conflict states have led to a paradigm shift. Attention is now focused on the need to develop a framework to build capacity locally with the aim of addressing the underlying problems possible to be encountered in reconstruction process due to the trauma of conflict, which has been experienced by the disputing parties and other local stakeholders. The development planning cycle needs to maintain at least minimum flexibility of programs and resources and greater responsiveness to those emergencies heretofore handled only through humanitarian and relief assistance.

There should be efforts to develop the local network. Donors should ensure that the local NGOs are provided with expert advice on how best to mainstream conflict prevention and peacebuilding in all sectors of intervention. For instance, several human rights observers and international organizations including the donor agencies had very little knowledge of the political history and the socio-ethnic structures of Rwandan society, which at a point in time almost marred the entire peacebuilding process, and the basic reason was there was little attempt to draw a viable work-partnership with local leaders or local NGOs.

#### (b) Knowing the root causes of conflict

Having knowledge of the root causes of conflict actually helps in the choice of reconstruction and capacity-building interventions that are likely to serve as credible and sustainable conflict mitigation measures for societal healing and capacity development. The local people as well as civil society should be accorded necessary expert support in the collection of essential data for analysis of conflicts and conflict dynamics. This to address politically sensitive interventions like addressing regional causes of conflicts, arms trafficking, brain drain, demobilization and reinsertion of armed forces, the right use of

incentives and sanctions to respond to the regional challenges of insecurity, democratization and the decentralization of government.

This data collection process will assist in setting up an atrocity reporting system, refugee and IDPs interviews. It will also help in the documentation and preservation of evidence of mass atrocities. It will afford international organizations like UN to assist indigenous forces efforts to arrest and transfer human rights violators and war criminals to appropriate courts locally or internationally like the case of Charles Taylor of Liberia who now faces justice at the International Criminal Court of Justice for war crime offences.

#### (c) Community Participation

There is a growing relationship between empowerment and development effectiveness both at the society-wide level and at the grassroots level. The view is supported with the increasing participation of citizens in the state administration as experienced in most African countries where military rulers experienced civil demonstration against military rule, which led to the democratization of Africa in the 1990s. However, informed citizen participation can also enhance building a strong consensus to support difficult and politically sensitive reforms needed to undertake post-conflict reconstruction and reconciliation (Narayan, 2002:xviii).

Participation is a process through which individuals, organizations and communities assume responsibility for their own welfare and that of their society with the aim of developing capacity as strategy for sustainable development. Active participation of individuals in defining their real needs tends to raise their esteem, mobilize their social energies and help them to shape their social and economic destiny. There is need to foster support for/establish mechanisms and local capacity to protect human rights and resolve conflict; support citizen advocacy organizations and create mechanisms for organizing human rights and other NGOs; design processes for government/NGO interaction on human rights.

#### (d) Building and strengthening capacities of critical national institutions

There is also a need to building an effective human resource capacity in the post conflict society. Human resource management capacity needs to be built within the government, civil society, and the private sector in order to achieve a meaningful development. In post-conflict environments, actors and stakeholders from across the spectrum are

agreed that there is no substitute for a comprehensive civil service reform to restore public sector management capabilities.

These reforms should cover systems of governance, administrative structure, size and cost of the civil service, the pay structure and other incentives. Education should also take a center stage in building focal capacity in the reconstruction process because education can serve as one of the most critical and strategic instruments toward peace and reconciliation.

(e) Restoring and strengthening social capital

There should be post-conflict reconstruction projects former war-torn society like rebuilding the infrastructure with the ultimate aim of restoring peace. In the reconstructions of the collapsed physical structures, the local people should be employed to take part in the rebuilding exercise as well as reconstruction of institutions. Research should also be conducted to ascertain the impact of war on vulnerable groups such children, women and the elderly, and to train teachers who would recognize the symptoms of stress, anxiety, trauma and depression.

Studies on women, for example, would seek to identify men and women's differing vulnerabilities to violent conflict, as well as their different capacities and coping strategies as it was done in Liberia and Sierra-Leone.

(f) Deliberate policies to reduce social and economic inequalities

One of the challenges of reconciliation and reconstruction is for post-conflict societies to be supported in designing and implementing policies and programs that seek to address the root causes of the conflict. The Donors should invest in post-conflict capacity-building programs, which seek to empower the poor through adequate participation in the choice and design of programs as well as targeting them for specific training opportunities for sustainable peace and security.

(g) Support for Traditional Mechanisms and Institutions

There should be a great support for local capacity to resolve conflict and prevent abuses through indigenous approaches like oath-taking, proverbs and other traditional machineries in facilitating a true reconciliation in post conflict reconstruction. Traditional mechanisms should be promoted for adjudicating property and other disputes.



#### (h) Legal Institutional Reforms

There should be efforts to develop training plan closely linked to institutional reform aimed at identifying and training local professionals who can train their colleagues. There is a need to initiate training programs based upon institutional reforms and new laws and draw a plan to establish mentoring programs with both international and local professionals.

There should be introduction of more transparent, efficient, and accessible court and case management as well as establishing liaison mechanism between civilians and judicial authorities on legal matters. Media campaigns to make citizens aware of rights, responsibilities and interim procedures and codes and campaigns on justice reforms should be encouraged.

Support should be given to civil society organizations to monitor and provide feedback. Therefore, sufficient resources should be channelled towards promoting legal representation to underprivileged community through a public defender system and legal services organizations

#### SELF ASSESSMENT EXERCISE 2

Examine various efforts that promote local capacity building in peace process.

#### 4.0 CONCLUSION

Promoting local capacity building is very essential for post conflict reconstruction because it would afford the local players and primary stakeholders wide spectrum of opportunities in having great inputs in the peace process. It enables the traditional approaches and institutions of conflict management to draw a set of viable strategies that address the cultural patterns of the society and the root causes of conflict.

#### 5.0 SUMMARY

This unit has discussed various ways through which local capacity can be enabled for post conflict reconstruction coordination.

#### 6.0 TUTORED MARKED ASSIGNMENT

List and discuss any five ways to promote local capacity building in the coordination of peace-building in any post conflict State. Draw your case studies from Africa.

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## MODULE 4

Unit 1	Repatriation of Refugees and Internally Displaced Persons
Unit 2	Human Rights Protection for Refugees and IDPs
Unit 3	Reckoning with War Crime and Past Abuses
Unit 4	Independent Judiciary and post conflict Reconstruction
Unit 5	Constitution: Making and Amendment Process(es)

### UNIT 1 REPATRIATION OF REFUGEES AND INTERNALLY DISPLACED PERSONS (IDPs)

#### CONTENTS

1.0	Introduction
2.0	Objectives
3.0	Main Content
	3.1 Refugees and IDPs: Discourse
	3.2 Refugees in Africa: Volume and Pattern
	3.3 Repatriation of Refugees and IDPs
4.0	Conclusion
5.0	Summary
6.0	Tutored Marked Assignment
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#### 1.0 INTRODUCTION

The expectations of the global population, resulting from the abrupt liquidation of cold war consequent on the collapse of Soviet Union towards the tail end of 1980s, were dashed. Many thought that the New World Order would bring a desired peace to the entire world enabling acculturation of development attitude to the world through the magical framework of integration and mutual aspirations of world state-actors. Contrary to the expectations of the world population, the New World Order has been characterized by more unstable and turbulent conflict situation, unhealthy power politics, ethnic insurgencies, national rivalries, religious bigotry and endemic poverty manufactured by globalization. Terrorism has assumed another dimension, with its characteristic –innovative contradictions, has posed a great threat to world peace and security.

The attendant contradictions of the New World Order have further demonstrated ‘man’s inhumanity to man.’ What a new world disorder? This violent disorder has created increased refugee flows and an army of internally displaced people in the contemporary world system. This unit I determined to explain the subjects unit is determined to explain the

subjects of refugee and IDPS. It will also discuss the dynamic of refugee flows in Africa as well as the repatriation of refugees and internally displaced persons.

## 2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Explain the dynamics of refugee and IDP(s), particularly as they relate to Africa;
- Examine the causes of refugee flow in Africa;
- Examine the consequences of refugee palaver in Africa;
- Describe repatriation of refugees and IDPs.

## 3.0 MAIN CONTENT

### 3.1 Refugees and IDPs: Discourse

The experience of the global population in the recent past has called for the need to adopt a multi-disciplinary approach to the study of the dynamics of refugee and IDPs problem in the contemporary global system. Africa has been one of the leading providers of internal displacements and the largest generators of influx of refugees in the world. According to the United Nations High Commissioner for Refugees (UNHCR), in 2000, Africa contributed almost eleven million internally displaced persons (UNHCR, 2000). This view was not far from being supported by one of the researches conducted by the DFID on conflict in Africa. DFID however argues:

In 1999, thirteen African countries each had 100,000 or more displaced persons, compared to eight such countries at the start of the decade. Internally displaced persons now outnumber refugees by a ratio of three to one. Taking refugees and internally displaced people together, 14 million people in Africa are uprooted. (DFID, 2001:9)

This is not a good story for African continent and its people because meaningful development will remain elusive in the presence of endemic bloody conflict. Well, for students, to understand the subject in discussion, it is better, we define the basic concepts. Here, we begin with refugee. Who are refugees? According to the UN High Commissioner for Refugees (UNHCR) refugees are:

Persons recognized under the 1951 United Nations (UN) Convention relating to the status of Refugees or its 1967 protocol, the 1969 Organization for African Unity (OAU) Governing the specific aspects of refugee problems in Africa, person recognized as refugees in accordance with the UNHCR statute, persons granted humanitarian or comparable status and those granted temporary protection.

Thus, the 1951 United Nation Convention relating to the status of Refugees, makes further clarification on who is a refugee; according to the convention, refugee is a person who:

Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself to the protection of that country, or who, not having a nationality or being outside of his habitual residence as a result of events, is unable or, owing to fear, unwilling to return to it.

Still on the question of who refugee is, the OAU convention of 1969 states thus:

The term 'refugee' shall also apply to every person who owing to external aggression, occupation, foreign domination or event seriously disturbing the public order ...is compelled to leave ...to seek refuge in another place.

Students should note that the above definitions contained in these international instruments or conventions conspicuously ignored the conceptual relevance of the internally displaced persons (IDPs), those who relocate to another place within the same country. Example of this set of people (IDPs) could be found during the religious skirmishes in the Northern Nigeria. Notable among them were Kaduna crisis, Plateau and Kano religious uprisings were several people were rendered homeless and made to flee for safety, particularly in the neighbouring states. In the south, Nigeria had some bad tales as well, and notable were

Idi-Araba crisis in Lagos were several persons were displaced; Sagamu crisis in Ogun state; Anambra crisis among others.

Therefore, the Internally Displaced Persons (IDPs) are those people who, by the virtue of fear of further attacks, or revenge by the rural groups or disputants, which they feel may cause harm or injury to them, decide to relocate to another area where they feel they can enjoy relative peace and tranquility, within the same national or state geographical location. Here, the bloody conflict is limited to a local geographical location, not affecting all other areas of the nation or state. It is important to know that natural disasters, can also cause people to be internally displaced. Example was the tsunami incident that bedeviled some countries in the south-east Asia in recent time; earthquake in part of Pakistan; among others.

Moreover, refugee incident in Africa has attracted a lot of attention among the world public. This problem of refugee in Africa has posed a great challenge to scholars, policy-makers, NGOs, state actors and international development agencies in the area of refugee in their quest to fathom ways to limit the ugly trend of refugees' flows in the global arena, particularly, on African continent. Some students who are thirsty for knowledge may ask the following question: what are the causes of refugee explosion in Africa? Of course, the answer to the question is that, there are several factors responsible for the outbreak of violent conflicts in Africa. Several African scholars have blamed these crises on the colonial experience of African continent. Some of the causes of these violent conflicts, which have made Africa, the leading figure in the global production of refugees are colonialism and the violent situation created by decolonization process; increasing primordial suspicion and communal clashes. Other include severe human right violation record resulting from dictatorship and repressive regime; political insurgency and counter-insurgency (Afolayan, 2003:68), and socio-economic hardship, resulting from extreme debt service obligation burden and structural adjustment contradictions (Adekanye, 1995:355-374).

## SELF ASSESSMENT EXERCISE 1

Who is a refugee?

### 3.2 Refugees in Africa: Volume and Pattern

The volumes and patterns of refugee flows in Africa have been keeping changing from time to time. The Great Lakes region has had the lion share in the flows of refugees in Africa. The countries that we find in this region include Burundi, the Democratic Republic of Congo (DR Congo), Kenya, Tanzania, Rwanda and Uganda. All these countries at

one time or the other have contributed to the production of refugees in the region except Kenya and Tanzania.

The nature of conflict in this region was complex and could be traced to colonial era, when the colonial imperialist had sown the seeds of disharmony among the people or the rival ethnic configuration. The violent conflict between the Hutus and Tutsis reared its ugly head when the civilian government in Burundi was overthrown in October 1993, making several thousands of Hutu civilians to refuge in Rwanda, Zaire and Tanzania to escape the perceived Tutsi military regime retaliating killing project. The 1993 insurgency in Burundi attracted an influx of refugees to neighbouring countries. Within short period of time, the movement pattern of refugees was very high, as over six hundred thousand refugees from Burundi, moved to neighbouring countries i.e. Rwanda, DR. Congo and Tanzania to escape the communal violence. By 1999, the refugees from Burundi, sojourning in Tanzania reached almost 500,000 civilians and retreated combatants. The 1994 genocide in Rwanda, resulting from the brutal murder of the Presidents of Burundi and Rwanda, when rockets were fired at the plane boarded by them by rival communal configuration created refugee flow, mass killing and monumental destruction of the ecosystem. That violent incident parked off mass movement of civilians to neighbouring, thereby, generated over two million refugees at that time.

The irony of these flows of refugees was that most of the countries hosting some of these Burundian and Rwandan refugees were themselves producing refugees; these countries include DR Congo, and Uganda. In West Africa, Liberia has been hotbed of crisis in the sub-region. The violent conflict situation in Liberia remained recalcitrant until recently a new democratic structure and leadership was put in place, after former warlord and president, Mr. Charles Taylor voluntarily relinquished power. That was due to the mediation conducted by some African leaders, headed by President Olusegun Obasanjo of Nigeria, who was the head of the African Union, with the aim of brokering peace between the Government forces and the rebel groups as a way of improving the humanitarian situation in the warring country (Liberia).

The intervention of President Obasanjo and other African leaders who took part in the peace process resolved that Charles Taylor should vacate his seat in order to achieve desired peace in Liberia, which he (Charles Taylor) later consented to. He therefore agreed to go into exile in Nigeria, after his (Charles Taylor's) initial request for asylum in South Africa was turned down. The conflict in Liberia can be said to be as a result of age long rivalry and enmity between the American-Liberians and the local Liberians, which later moved to the situation of total

anarchy. The enmity between Americo-Liberians and the indigenous people of Liberia, came to the peak in the April 12, 1980 coup staged by Samuel Doe – whose tenure favoured the least advantaged indigenous people – the Mano, the Gio and the Krahn, subsequently, things began to fall apart between Krahn (Samuel Doe's group) and other initiate associate groups, and this culminated in the dismissal of Thomas Quiwonkpa from Samuel Doe's government. In November 1985, Quiwonkpa was eliminated by Doe's for his alleged role in the failed coup of 1985. This dastardly action led to general state of insecurity and breakdown of law and order, as the state recorded high level of human rights violation and state organized killing, particularly of the Gio and Mano group from Nimba County. The tension led to full blown civil insurgence against Doe's administration.

Charles Taylor formed NPFL to force Samuel Doe out of office, which attracted a lot of volunteers notable were youths. By July 1990, the capital city had been captured by the NPFI Rebels making the government forces lameduck. In February same year, the alliance between Charles Taylor and Tommie Johnson had already become severed. Doe wanted to capitalize on the broken alliance between the rebel leaders by honouring a meeting between his loyalist and the Yommie Johnson led Independent National Patriotic Front of Liberia (INPFL) at the ECOMOG Headquarters. Richard however reiterates that:

The meeting turned into a shoot out, with 60 of Doe's men killed, while ECOMOG troops looked on. A severely wounded president was dragged off to Johnson's headquarters on the outskirts of Monrovia where he was tortured to death... (Richard, 1995:145).

After the tragic death of Samuel Doe, rather than having an end to the war, the violent conflict continued unabated, even when a series of ceasefires and peace agreements were signed as monitored by ECOMOG. The Liberian crisis caused an influx of refugees in West Africa, with the attendant consequences on the neighbouring countries, which may include an increase in criminal activities, increase in the circulation of small arms among the civilian population and escalation of HIV/AIDS incident. The financial pressure that accompanied that exodus of people from the war zones to neighbouring countries was manifest. The host countries tried to put certain essential structures in place to take care of the refugees. Meanwhile, most of the host countries had already had their problems to cope with, emanating from the heavy debt servicing and the debilitating effects of the structural adjustment



imperatives that often resulted into civil disobedience, demonstration and political entrapment. The host states through the traditional hospitality of African heritage had to develop great coping framework to face the challenges of flow of refugees in their sub-region.

On peace keeping and humanitarian services, Nigeria spent over \$10 billion, and at that period, she was also one of the most indebted nations in the world, with average Nigerian living on less than \$1 daily. Yet, the country also lost some of its troops in the crisis, let alone the influx of refugees present in Nigeria, even up to this moment. By the beginning of 1990, the flows of refugees from Liberia to Cote d'Ivoire Guinea and Sierra Leone were almost 800,000 but by the end of 1999, the number decreased to about 282,000 refugees. Between 1997 and 1998, there was a reported case of decline in the flows of refugees in Western Africa, resulting from the relative peace achieved at that time but in 1999, many Liberian civilians hurriedly moved to Cote d'Ivoire as refugees, due to the renewed fighting in the war torn country. The Liberian Refugees, numbering about 136,000 sojourned in Cote d'Ivoire. During that time, Sierra Leone accounted for another set of refugees who fled the country to renewed political instability, numbering over 482,000, to Liberia and Guinea.

Similarly according to Afolayan (2003:73):

...Togo, Chad and Senegal experienced ebbing flows by 1996, after the initial massive flows of the early 1990s. For Togo, the major host was Republic of Benin, with 155,900 refugees in 1993. The volume greatly reduced to 20,300 by 1996 and to 1000 by 1999. the next important host was Ghana, with 135,000 and 1000 Togolese refugees in 1993 and 1999 respectively.

The volume of Mauritanian refugees to Senegal in 1993 and 1994, did not record and or decline, but the figure of 67,800 was still maintained. In the successive years proceeding 1995, 28,000 Mauritian refugees were hosted in Algeria. But by the end of 1994, a decline in the flows of Mauritanian refugees was experienced. Mali also contributed in the generation of refugees in the sub-region in 1994, as most 83,000 refugees from Mali were hosted in Mauritania.

Again on the Great Lakes Region, due to the bloody conflict between the ruling popular movement for the Liberation of Angola (MPLA) Party and the (rebellions) National Assembly for Total Independence in Angola (UNITA) led by J. Savimbi (who later murdered by the

government forces), between 1996 and 1999, Zambia hosted 163,000 Angolan refugees. In 1999, DR Congo hosted an increased number of 150 refugees from the war-torn Angola. In the horn of Africa, the list of flows of refugees in this region is endless, as a series of wars have continued to ravage this region. The latest is the resumed hostility in Somalia which has claimed the lives of several thousands of people. Somalia has had a very bad record in the generation of refugees as well as humanitarian disasters in Africa. The country has one time expressed total collapse of political structures and absence of central authority. According to Afolabi Afolayan:

In 1999, a total of 398,800 Somali refugees lived Djibouti (21,600), Ethiopia (180,900), Kenya (141,100) and Yemen (55,200). Many of the Somali refugees were also to be found in various other countries, such as Tanzania, Egypt, Libya, Eritrea and Uganda (Afolayan: 2003:74).

There had been a dramatic decline in the flows of refugees in southern Africa except Mozambique's contribution in the production of refugees. In 1990's, refugees from Mozambique numbered over one million were hosted by Malawi. By 1993, South Africa played host to about 250,000 refugees from Mozambique. Zimbabwe also joined the league of host countries of refugees from Mozambique, with refugees numbering more than 237,000 in the same year. Countries like Swaziland, Zambia and Tanzania also hosted a number of refugees from Mozambique.

## SELF ASSESSMENT EXERCISE 2

Examine the volume and pattern of refugee flow in Africa.

### 3.3 Repatriation of Refugees and IDPs

Repatriation remains a viable mechanism in addressing the problem of refugee flows. It is often the best strategic solution, which United Nations High Commissioner for Refugees (UNHCR) and host countries usually adopt and appreciate. Repatriation often takes place, once the combatants have agreed on ceasefires, and when there is return of political stability in the warring zone. In Africa, experience has shown that more often than not, most refugees don't usually like to return to their home countries because, they fear that bloody conflict may still erupt despite the ceasefire agreement or peaceful solution to the crisis. Thus, this position has been vindicated due to the elusive nature of African peace. For instance, in Liberia, violent conflict remains a recalcitrant feature of the country despite a series of ceasefires, peace

accords and inauguration of democratic structures and processes, violent conflict had continued to reemerge at intervals. Africans and world population are still hoping that the current democratic experiment in that war-torn country will sustain the peaceful atmosphere in the country, which the people of Liberia presently enjoy.

Record, has also shown that there has been a variation in the volumes of refugees and repatriates. The repatriates are usually less than the volume of refugees. For instance, in 1997, Rwanda Refugees that were repatriated were 178,400 from DR Congo as against 423,000 hosted by DR Congo in 1996. UNHCR has been mandated to protect the refugees, and parts of its international protection mandate for refugees include voluntary repatriation, resettlement to third countries and local integration. The organization has placed a priority premium on voluntary repatriation, believing that most refugees usually and always wish to return home when there is return of normalcy in their home countries. It is worth mentioning, that experience has shown in Africa that local integrations of refugees by host countries are still promoted in spite of 'restrictive refugee asylum policies' on the continent and an instance, according David Lambo, in Sudan where "...some one million Eritrean and Ethiopian refugees were provided with land and permission to allow them to attain self sufficiency agricultural schemes in Eastern Sudan". (Lambo, 2003: 3-4).

Repatriation can be voluntary as it can also be facilitated through the application of force. The voluntarily repatriation usually takes place in a post conflict situation. For instance, the end of armed hostilities in Namibia, Mozambique, Sierra Leone and Liberia saw a huge number of repatriates going back to their home countries, after a relative peace had been achieved. Voluntary repatriation can also take another form, in which the refugees may take a decision to return home, even if there is no peace in sight, but may become frustrated of the recalcitrant nature of the armed conflict in their home countries, and not conceding the need to return home.

Repatriation has been conducted in various parts of Africa. In West Africa, some Mauritanian refugees were repatriated from Senegal and Mali. Chadian refugees were also repatriated from Central African Republic, Cameroon and Benin. By 1998, Liberia recorded the highest number of repatriates in West Africa, many of whom were forcefully repatriated. Sierra Leone followed Liberia in the number of repatriates recorded towards the end of 1990s. Most of these repatriates were also forcefully repatriated from Guinea and Liberia. But the renewed fighting in 1999 attracted another flows of refugees from that country despite the peace Accord of July, 1999.

In the Great Lakes, voluntary repatriation initially failed, especially between 1994 and 1996. One of the problems was as a result the continued fighting in Rwanda. Another reason was lack of platform for the facilitation of voluntary repatriation. But by 1997, a decline in the volumes of repatriation was experienced consequent on the presence of relative political stability in the region. Tanzania repatriated a high number of refugees from DR Congo, Burundi and Rwanda to their home countries. Between 1997 and 1998, Uganda repatriated a sizeable number of refugees from DR Congo to their home country. In 1999, DR Congo repatriated refugees from Congo (Brazaislle), numbering 52,000 to their home country.

In the Horn Africa, Somalia recorded the highest number of repatriates from various their former host or asylum countries like Ethiopia, Yemen and other countries from the Middle East. Kenya, Sudan and Libya also repatriated refugees from Ethiopia and Eritrea to their home countries. International NGOs and UNHCR have really assisted in the conduct of voluntary repatriation and these agencies still need to do more by creating more opportunities for every prospective repatriate. Similarly, forced repatriation should be discouraged due to the inhuman conditions it imposes on refugees. Host countries must see the need to protect the rights of refugees, and provide them of their basic needs of survival, and every hostile relationship must be discouraged between the host country and refugees.

### SELF ASSESSMENT EXERCISE 3

Examine Repatriation of Refugees and IDPs in Africa.

## 4.0 CONCLUSION

The unit has examined the terms Refugee and Internally Displaced Persons (IDPs). But special focus was paid on refugees. It distinguished between Refugees and IDPs to stimulate our better understanding. The unit also discussed the volume and pattern of refugees in Africa, X-raying different refugee situations in various sub regions in Africa. The unit also examined the process of repatriation of Refugees and IDPs in Africa. Through the examination of the repatriation process in Africa, the unit has noted that the year that experienced the highest incident of repatriation in Africa was 1997. The unit concluded that efforts by UNHCR and several International Non-Governmental Organizations (INGO) to the conduct of voluntary repatriation, have been commending and there is always a room for improvement. It is also cheering news that the refugee situation in Africa has declined and we hope that the situation gets better.

## 5.0 SUMMARY

This unit defines who is a refugee and who is an Internally Displaced Person (IDP). It also discusses extensively on the incident of refugees and IDPs in Africa. The primary focus is placed on refugee. It also discusses the volume and pattern of refugee in Africa, and repatriation of refugees and IDPs.

## 6.0 TUTORED MARKED ASSIGNMENT

Who is a refugee? Support your definition, using any state in Africa as your case study.

OR

Describe repatriation of refugees.

OR

Describe Internally Displaced Persons (IDPs).

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## UNIT 2 HUMAN RIGHTS PROTECTION FOR REFUGEES AND IDPs

### CONTENTS

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- 2.0 Objectives
- 3.0 Main Content
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### 1.0 INTRODUCTION

One appreciative and celebrating offer that one can give to the homeless is shelter. The kind of shelter to be provided is secondary, because the homeless will definitely believe that by having a shelter (of any kind) will address his immediate need. But after having a home, then, there can be further plan, on getting a better accommodation. Human rights, of course, have done better than that in the history of human civilization. Human rights have remained that perpetual and effective antidote, which man has developed to neutralize all sources of misfortune or calamity. In contemporary time, Human Rights have become one of the most recognized sets of international norms, as formally established by the United Nations through the Universal Declaration of Human Rights as enacted by the United Nations in 1948. It is not an exaggeration that Human Rights have remained the greatest inventions in the evolution of mankind and human society.

### 2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Describe the concept and issue of human rights;
- State the main categories of human rights;
- Explain various schools of thought of human rights;
- Examine the human rights situation of African Refugees and IDPs; and
- Discuss the relevance of donors in the aid of African refugees.

### 3.0 MAIN CONTENT

### 3.1 Human Rights

The United Nations Universal Declaration of Human Rights came into existence in 1948 after the defeat of Germany and its cohorts in the World War II by the Allied forces led by the United States of America and the (defunct) Soviet Union. Thus, this Universal Declaration defines rights in a way ‘foreshadowed in the American Declaration of Independence and in the French Declaration of the Rights of man’ (Pirouet, 1995: 279). The United Nations Universal Declaration of Human Rights has categorized human rights into two: civil and Political rights that are defined in Articles 3-21 of the universal rights as defined in Articles 22 – 28 of the Universal Declaration.

These two categories of human rights have generated a series of debates among various scholars of human rights law, refugee studies, international law, international relations, politics as well peace and conflict resolution. The question is which of these sets of rights is more important? The socialist school of thought opionates that between the two set of rights the economics, social and cultural rights as a set of rights is more important than civil and political rights. The members of the school of thought are of the view that civil and political rights are meaningless in the absence of provision of adequate food, shelter, employment opportunities, health services and social justice. Here, what kind of rights man has if he does not have food in his stomach? Article 19 of the Universal Declaration stresses on the right of man to freedom of expression, which the socialist scholars have argued that it is less meaningful and less conforming to the interest of the people and need for national unity and development. They have emphasized on the need to hold those rights, as contained in the Article 25 of the Universal Declaration, as most paramount, and these include right to food, shelter and health services.

On the other hand, the western or capitalist school of thought is of the view that the civil and political rights are more important because they serve as pillar or foundation for other rights to be accomplished. They support their argument with biblical mechanism that denotes that “ye seek the kingdom of God first, every other thing, shall be added unto thee”. It is believed that in any state where there is extreme exercise of torture, arbitrary imprisonment and political marginalization by statutory right would be abused is imminent. With the aim of ensuring full compliance to the European convention on Human Rights, the European Court of Human Rights was established with the ultimate desire to address any case of human rights abuse against any of its member states brought forward before the court either by any individual or state actors. However, all member states are bound to abide by the convention.



The third school of thought believes that the two sets of rights are both important, and none is more important than the other. One of the notable members of this school of thought is Canadian sociologist, Rhoda Howard who believes that the two sets of rights are equally important and it is unethical and misleading to say one set of human rights is more important than the other, but they are only two faces of a coin (Howard, 1986: 16 – 14).

Another member of this school is Kivutha Kibwana who argues that:

It is generally accepted that political and civil rights and economic, social and cultural rights are complementary: they go hand in hand. The right to life is endangered where the citizens cannot afford food or health care protection from deprivation of property is meaningless to the majority of a country's citizens if they have no property ... similarly, even if a high standard of living and culture has been arrived at in a country, the citizens may yearn for political and civil rights as recent events have demonstrated in South Korea and the Soviet Union (Kibwana, 1990: 8).

However, the view articulated by Kibwana has been supported in the preamble of the African Charter of Human and People's Rights, which thus:

Convinced that it is henceforth essential to pay a particular attention to the right development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights.

### 3.2 Human Rights: Refugees and IDPs

On the definitions of refugee and Internally Displaced Persons (IDPs), students are advised to see the previous unit of this module. We are to start this discourse with the Article 14 of the United Nations Universal Declaration of Human Rights, which stresses that:

Everyone has the right to seek and enjoy in other countries asylum from prosecution.

On the categorization of refugees, there are two forms and these include urban refugees and rural refugees. The Urban refugees are those refugees who are educated and professionals in various fields and these include civil servants, students, lecturers, businessmen among others. The rural refugees are those who are less skilled and uneducated, and they constitute more than 60% of African refugees. Africa has at one time or the other experienced a huge influx of urban refugees due to civil wars, political strife or despotic rule. During the apartheid regime in South Africa, a lot of black and few white professionals and political activists fled to various countries, among whom was Breyten Breytenbach who was permitted to visit his home country for only three months by Apartheid government in 1972. He returned again in 1975 only to be arrested and convicted, as he was sentenced to nine years imprisonment. His prison experience he catalogued in his book, *The True Confessions of an Albino Terrorist*, written in 1984. Many of these urban refugees fled because of prevalent political persecutions that pervaded the entire landscape of apartheid South Africa, and every opposition to government policy was considered as subversion and felony, which attracted several political motivated killings, civil unrest, draconian measures against government opposition movements, official or state terrorism, unlawful arrests, arson, battery among others.

Similarly, during General Abacha reign of terror in Nigeria, many human right activists, politicians, professionals, and military refugees in several countries of the world criticized the government on the prevailing situation of human rights abuses in the country. Many of these human rights crusaders were attacking the terrorist regime of Abacha from their various foreign quarters against the regime's flagrant violation of human rights and continued strangulation of democracy in the country by putting in the prison the supposed winner of June 12, 1993 presidential election, (Late Chief M.K.O. Abiola who later died in prison in the course of fighting for his presidential mandate in 1998). The nihilist and kondoist activities of the Abacha Gestapo nevertheless, turned Nigeria into a pariah state. Several international organizations, foreign investors, foreign missions in the country, and the entire international community decided to turn their back at Nigeria, and several sanctions were imposed on the country.

During the terrorist reign of Megistu Haite- Mariam in Ethiopia, in 1977, several Ethiopian students from the (then) Haite Sellassie University fled to neighbouring countries to escape state persecutions and terror (Amnesty International, 1978). In Sudan, several seminary students and a number of secondary school students from Southern Sudan protested against forced Islamization policy and repression. (Albino,1971:4-7). These students by early1960s fled to Uganda to escape the continued persecution by the Sudanese government.

In the mid 1970s, six Anglican Bishops as well as other professionals fled Uganda due to the terrorist activities of Idi-Amin regime in the country where many people were killed, maimed or imprisoned and there was high record of rape cases, the regime was a catastrophe. Many university teachers also fled, which called for “a special scheme funded by Canada - - - to place Uganda’s university teachers elsewhere in the African continent” (Pirouet, 1995: 287). Thus, in the generation of urban refugees in the world, Africa has had its Lion share. The reasons include the prevailing socio-economic inequalities; political marginalization and exclusion; incessant abuse of human rights and undemocratic security institutions. Others may include arms proliferation; ethno religious rivalry and enmity; endemic poverty; chronic corruption; maladministration, favouritism and informalisation of politics; among others. These problems have created bloody conflict situation with litany of murders and barbaric violation of Human Rights.

Rural Refugees have become one of the major features of African Continent. The continent has been devilled with refugee crisis with attendant humanitarian disaster. Rural refugees as a result have resulted into exodus of people moving from the troubled sport or country to other countries. Students are advised to read the previous unit for more information about rural refugees and IDPs.

On the question of human rights of refugees and internally displaced persons (IDPs), several international instruments have been put in place to protect the rights of refugees and IDPs. Article 33 of the United Nations Convention on Refugees has however maintained that:

No contracting state shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

But several nations particularly in Africa have disobeyed this law as many of them have sent back the refugees seeking abode and safety in these countries considered not conforming to the UN Convention on Refugees. For instance, In 1982, Ugandan Government carried out forceful repatriation of thousands of Rwandan refugees that had already settled in Uganda, and immediately their settlements to its local people, against a UN convention (Clay, 1984). In the similar vein, Congo Brazzaville and Burundi evicted or forcefully repatriated refugees that fled their home country DR Congo, not considering the safety of these refugees by returning to the war-torn country (Lawyers’ committee for Human Rights, 1990: 119 – 122).

In order to address the underlying problems that are actually responsible for human rights violations against refugees and the displaced population in Africa, a number of international conferences have been held. The first was the Pan-African Conference on Refugees held in Arusha, Tanzania. This conference took place in 1979, sponsored by the UN, the World Council of Churches, The International University Exchange Fund among other international bodies. The majority of independent nations in Africa attended the Conference at that time.

Through this conference, a number of resolutions were passed, which included the need for African states to always respect the human rights of their own citizens as well as those of the refugees. It was however agreed that:

All African governments should make every effort to fully implement the basic instruments relating to Human Rights . . . and to include the provisions of international instruments dealing with Human Rights and refugee problem in their national legislations. [Equatorial Guinea and Guinea expressed reservations’].

All African governments to launch, possible with the aid of modern communications techniques, an educational campaign to instill respect for Human Rights and tolerance of differences into all the peoples of the various nationalities in African countries whatsoever socio-cultural, economic or political differences may exist between them (Pan African Conference on Refugees, 1979: 3).

With the aim of providing educational assistance to Refugees, the defunct organization of African Unity (now African Union) established the Bureau of placement and Education of Refugees. That OAU agency undertook a number of projects and technical support programmes in the provision of refugee education. During the Liberian crisis in the early 1990s, Nigerian government assisted some Liberian refugees in the area of educational placement particularly in Nigeria universities - But the huge influx of refugees in Africa has created a lot of challenges to the host countries. These challenges include high cost of providing food, shelter, employment and education to these refugees and displaced population while the UHRCR is bedeviled with insufficient funds. This has adversely affected its (UHRCR) capacity to provide all the

necessary needs of refugees and displaced population, particularly in the area of provision of nutritional diets. Inability of the host countries and communities as well as relevant international and local agencies to provide the basic needs of refugees and internally displaced persons (IDPs) such as food (nutritional diets), shelter, clothes and other relief materials, could be said that the situation of Refugees and IDPs in Africa is below the minimum condition of human rights, especially as majority of these host, communities and state are also culprits of human rights violation. It is universally acknowledged that charity begins at home, and no nation or community therefore, with bad human rights record, can guarantee the protection of the rights of the refugees, the protection of the rights of the refugees and IDPs in its domain.

In response to the increasing refugee crisis in Africa and the attendant incapability of the African host nations to the growing army of refugees in the region, a number of international conferences has been held to address the problem of refugees, particularly those affecting their human rights and welfare. Two notable of such conferences were International Conference on Aid to Refugees in Africa (ICARA I and II), which were held on Geneva in 1981 and 1984 respectively. Through these international conferences, foreign donors pledged a lot of relief and humanitarian assistance to Africa and post conflict construction projects in Africa.

#### SELF ASSESSMENT EXERCISE

Compare and contrast the rural and urban refugees.

#### 4.0 CONCLUSION

The human rights situation of refugees and IDPs in Africa is still discouraging, as human rights profile of most of African countries is disturbing, resulting from endemic poverty (within the framework of rising poverty, rising tension nexus), religious bigotry, official kondoism, misadministration, colonial hangover, pervasive corruption, unemployment and politics of exclusion. More attention is given to refugees than the IDPs because the refugees move to other countries, while IDPs only move to another community or society within the same country. For instance, during the Sagamu crisis, many internally displaced persons were seen in neighbouring communities like Ijebu-Ode, Abeokuta, and neighbouring states like Lagos and Oyo. Human rights situation in Africa needs to improve because human rights abuse can result to armed hospitalities as evident in several African countries where armed conflicts broke out and these countries should include Liberia, Sudan, Uganda, Democratic Republic of Congo among others.

## 5.0 SUMMARY

This unit has discussed the term, human rights as well as the origin and development of the UN Human Rights Declaration particularly as it affects African continent. This unit also examined various schools of thought and categories of human rights. The unit went further to discuss the human rights and refugees and IDPs. It began by categorizing the refugees. The unit also discussed the human rights situation in Africa, particularly as it affects African refugees and IDPs, while major focus was on refugee because the influx of refugees poses more threat to security and peace in Africa than internally displaced persons (IDPs).

## 6.0 TUTORED MARKED ASSIGNMENT

Quote the relevant section of the African Union Charter that guarantees the protection of refugees' human rights.

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## UNIT 3 RECKONING WITH WAR CRIME AND PAST ABUSES

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- 7.0 References / Further Readings

### 1.0 INTRODUCTION

Human history has been characterized by wars at various levels, and in varying dimensions. War is an organized articulation of armed hostilities between social groups or between nations. Criminal values and actions of war have attracted the attention of international community because of their tendency to jeopardize efforts of post conflict reconstruction, resulting from people's experience of nihilism, animalism and barbaric violation of human rights. Prior to Second World War, international criminal law focused primarily on crimes resulting from inter-state armed conflicts or hostilities, but after the Second World War, the world system has been dominated more with intra-state conflict with attendant record of flagrant human rights abuse and war crimes. This has given international law a new sense of direction, by including individuals in war crime responsibility. There is a paradigm shift from state responsibility to individual responsibility in war crime commitment. This unit hopes to discuss various issues in war crime and responsibility. So, fasten your seat belt and let us cruise.

### 2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Explain Criminal responsibility in international criminal law;
- Discuss War Crime as a grave offence in international humanitarian law;
- Examine Measures taken by international criminal law to punish War Crime offenders.

### 3.0 MAIN CONTENT



### 3.1 Criminal Responsibility in International Criminal Law

International criminal law deals with criminal responsibility by making the concepts of responsibility and culpability as the foundation for its conceptual and doctrinal approaches. Through this it provides legal machineries in its adoption of a viable framework to treat wide range of issues relating to international justice, which include criminality, culpability, responsibility and punishability.

In as much as international criminal law is not codified, it must rely on the domestic general part of criminal law, which can be fulfilled by applying the general part of criminal law of the state where the crime took place. But, attempting to develop general part of the criminal law from “general principles” of the world’s major criminal justice systems has proved more difficult in the codification of international criminal law. These various legal systems differ in the application of appropriate legal standards and tests in affirming a legal responsibility or exculpation.

Unlike domestic general part of criminal law, international criminal law does not hold “ordinary reasonable person” argument valid, while in domestic general part of criminal law, it is valid. Here, international criminal law does not consider any subjective or mental element in the determination of criminal responsibility or exoneration. In international criminal law, subjecting a crime offender to any form of psychiatric examination to evaluate the offender’s criminal intent and responsibility or judiciable action is not tenable.

In international criminal law, the principle of individual criminal responsibility is upheld without according any consideration to (or attach) any relevance (in the administration of justice) to any mandate under national law or doctrine of Act of State or other immunities or even the defense of “obedience to superior orders”. (Bassiouni, 1992:343) as contained in military laws. On the question of criminal responsibility, in the opening statement before the IMT, Justice Jackson reiterates:

Of course, it was under the law of all civilized peoples a crime for one man with his bare knuckles to assault another. How did it come that multiplying this crime by a million, adding firearms to bare knuckles, made a legally innocent act? The doctrine was that one could not be regarded as criminal for committing the usual violent acts in the conduct of legitimate warfare.. An international law which operates only on states can be enforced only by war

because the most practicable method of coercing to recalcitrance was impotence of war --- of course, the idea that a state, any more that a corporation, commits crime is a fiction. While it is quite proper to employ the fiction of responsibility of a state or corporation for the purpose of imposing a collective liability, it is quite intolerable to let such a legalism become the basis of personal immunity. The Charter recognizes that one who has committed criminal acts may not take refuge in superior orders nor in the doctrine that his crimes were acts of states... The Charter also recognizes a vicarious liability, which responsibility is recognized by most modern systems of law, for acts committed by others in carrying out a common plan or conspiracy to which a defendant has become a party... [M]en are convicted for acts that they did not personally commit but for which they were held responsible because of membership in illegal combinations or plans or conspiracies (Jackson, 1971: 82-83, 88-89).

Under international criminal law “state action or policy” does not carry much weight because by omission or commission, it is individuals that carry out such actions on behalf of the state, using their power, position and function. The question of legal responsibility and exoneration between individual and state has remained an object of great debate among international legal practitioners. International criminal law ascribes the criminal responsibility to individuals, who has been involved in the decision making process in the articulation of a state action, considered as criminal in international law.

The legal determination of individual criminal responsibility is consequent on the ‘after the fact’ that is based on “the pre-existence of a law which provides specificity as to the prohibited conduct and whose knowledge is available to those who are expected to heed it or incur the legal consequences of its violation” (Bassiouni, 1992:346). Due to the absence of general part in international criminal law to distinguish between lawful and unlawful conducts has been a difficult task, as it fails to incorporate general conduct rules in the operation, particularly the question of law and fact.

Criminal responsibility, not only centers on the individuals that carry out any state or regime action (which considered criminal), under international law, focus is also paid on the chain of activities by various levels of decision making process, treating in whole or part the

contribution of each individual and collective decision-making body in the perpetuation of the crime. According to Bassiouni (1992:345):

That responsibility persists even when the accused dissented or opposed the crime or withdrew from the group but did nothing to oppose the wrongful decision or prevent the harm from occurring. Thus, the closer a person is involved in the decision-making process and the less he does to oppose or prevent the decision, or fails to dissociate himself from it, the more likely that person's criminal responsibility will be at stake.

Through various international legal instruments, international criminal law acts in conformity with philosophy of *nolle creminen sine lege* (No crime without law). Several customs, convention, agreements, judicial decision, legal writings and ideas have guided the conduct international criminal law, by holding individuals responsible for any grievous crime committed against humanity either by individual convictions or pursuant to the policy of state, with the ultimate aim of promoting peace and security in the global system.

#### SELF ASSESSMENT EXERCISE 1

Give three differences between municipal criminal law and international criminal law.

### 3.2 War Crime and International Humanitarian Law

War crime involves any serious violation of law applicable to both intra state and international armed conflicts. It covers a wide range of offences, which are considered prohibited in customary international and conventional law. International law through a number of treaties has criminalized some military and belligerent actions considered prohibited. International law has established guidelines for the conduct of armed conflict, which according to Downey (1953):

To many international lawyers and many officers the term "laws of war" and "military necessity" are mutually incompatible. Many armed officers consider the law of war as no more than a collection of pious platitudes, valueless, so they think, because it has no force and effect. International lawyers regard military necessity as the *bete noire* of international jurisprudence, destroying all legal restriction and allowing

uncontrolled brute force to rage rampant over the battlefield or wherever the military have control.

Thus, during the Nuremburg trials, military necessity was used a defence mechanism to justify a violation of international norms. It is worth knowing that the three basic principles of international humanitarian law include principles of military necessity, humanity and chivalry. Military necessity denotes the right to apply force of the type and amount necessary to compel submission of the enemy, with at least possible expenditure of time, life and money (Omogbe, 2003:48). In the 20<sup>th</sup> century, the second principle of humanity became prominent aimed at limiting the excesses of means and methods of warfare. In the same century, application of international law on internal armed conflict received greater attention as reaffirmed in an article of an international convention, which reads:

In the case of armed conflicts not of an international character occurring in the territory of one of the High contracting parties, each party to the conflict shall be bound to apply as a minimum the following provisions:

- 1) Persons taking no active part in the hostilities, including members of the armed forces who have laid down their arms and those placed horsed-combat by sickness, wounds, detention or any other cause, shall in all circumstances be treated humanely without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at the time and in any place whatsoever with respect to the above mentioned persons:

- a. Violence of life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- b. Taking of hostages;
- c. Outrages upon personal dignity, in particularly humiliating and degrading treatment; and
- d. The passing of sentences and the carrying out of executions without previous

judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. The wounded, sick and shipwrecked shall be collected and cared for.

An impartial humanitarian body, such as the international committee of the Red Cross, may offer its services to the parties to the conflicts.

The parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present convention.

The application of the preceding provisions shall not affect the legal status of the parties to the conflict (Article 3 of the 1949 convention).

International criminal law has made it an offence for any party to carry out any military act that contravenes the existing instruments of international humanitarian law that regulate the conduct of armed hostilities and these include:

- The protocols of Geneva Conventions of 1925
- The 1949 Geneva Convention I for the Amelioration of the condition of the wounded and sick in Armed Forces in the field.
- The 1949 Geneva Convention II for the Amelioration of the condition of the wounded and sick and shipwrecked members of Armed Forces at sea.
- The 1949 Geneva Convention III relative to the treatment of prisoners of war.
- The 1949 Geneva Convention IV relative to the protection of civilian persons in time of war.
- The 1977 Geneva Convention Protocol I additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of International Armed Conflicts.
- The 1977 Geneva Protocol II additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of Non-international Armed Conflicts etc.

International law has also made conscription of children under eighteen as criminal through the convention on the rights of the child and its optional protocol on the involvement of children in Armed Conflict, while the statute of the international criminal court established on 1<sup>st</sup>

July 2002, has considered recruitment of children under the age of fifteen years as soldiers, as war crime.

## SELF ASSESSMENT EXERCISE 2

How effective does International Law bring war crime offenders to justice?

### 3.3 International Criminal Law and War Crime Offenders

International criminal law discourages granting amnesties to any suspected committers of violation of international norms by ensuring that such offenders are brought to justice. The Vienna Declaration and programme of Action adopted at the 1993 conference of Human Rights, requested states to abolish any legislation that provides the granting of amnesties to suspected war crime offenders. The international covenant on civil and political rights however stresses that:

Amnesties are generally incompatible with the duty of states to investigate such acts: to guarantee freedom from such acts within their jurisdiction; and to ensure that they do not occur in the future. States may not deprive individuals of the right to an effective remedy, including compensation and full rehabilitation as may be possible.

The statute of international criminal court does not recognize award of amnesty for war crimes, genocide and other grave violations of international humanitarian law. In bringing perpetrators of severe violations of international humanitarian law to justice, a number of international criminal tribunals have been set up. For instance, Rwanda in 1994, the international criminal tribunal (ICTR) was set up, which convicted at least four offenders in 2001 for complicity. By 2002, the number of convicted offenders rose to more than 20 with three acquittals, and the ICTR made a landmark submission in the history of international humanitarian law, by submitting that case of rape should be considered as crime against humanity (The prosecutor vs. Jean-Paul Akayesu). The proceedings of the ICTR have taken place in Arusha, Tanzania.

A former Chilean dictator, Augusto Pinochet, after his arrest, was tried in Britain for the inhumane treatments meted out on a number of citizens of Chile during his Kondoist reign. His trial took place in Britain supported through the resolution of the House of Lords, stating that Pinochet had no immunity from criminal prosecution.

In the year 2000, former Chadian President, Hissene Habre was tried in Senegal on charges of torture, and he was convicted. But the court of appeal in Senegal set aside the ruling of the Dakar regional court, because Senegal was yet to domesticate in its national criminal law the convention against torture, and therefore the court lacked the jurisdiction to decide on the case of torture. On the Habre trial, Omoregbe however concludes that:

Whilst this case was defeated, Chadian victims initiated criminal proceedings in Chad. Victims also successfully requested the United Nations Committee against torture to apply interim measures of protection to prevent Habre from leaving Senegal except under an extradition demand. Again, victims filed an action against him in Belgium under its law on universal jurisdiction (Omoregbe, 2003:56).

This brings us to the concept of universal jurisdiction, which allows third state party through its domestication of international conventions or international criminal law, to try and punish any offender of international humanitarian law irrespective of where and when he committed it. Several nations have now started enacting universal jurisdiction in their national criminal law.

Another popular offender of war crime was Slobodan Milosevic who died while on trial. On the long list of (alleged) war crime offenders, we have found the former president of Liberia, Charles Taylor, who has been accused of aiding and abetting a reign of terror in Sierra Leone through his support to the RUF rebel group that caused carnage in Sierra Leone. Charles Taylor has been alleged to have acquired huge wealth through pillage of the diamond fields of Sierra Leone incumbent on the nihilist support he accorded RUF to destabilize Sierra Leone where several people were killed, maimed and conscription of young children with attendant generation of refugees.

After his sojourn in Nigeria, Charles Taylor was later arrested in a Nigerian border, and he was extradited to face justice for his involvement in war crimes. He was arraigned in a United Nations supported international criminal tribunal in Sierra Leone but he has since been taken to Hague in continuation of his trial due to the implication or threat his continued trial in Sierra Leone could pose on the fragile peace in Liberia as well as the sub-region.

#### 4.0 CONCLUSION

International criminal law has presented some guidelines for the conduct of armed conflict without actually imposing any humanitarian disaster on innocent civilian population as well as disarmed enemies. International criminal law ensures that right weapons are used for right battles. The use of some weapons (particularly weapons of mass destruction – WMD) is extremely discouraged from being applied in armed conflict. There has been a paradigm shift in criminal responsibility in the new world order, even after world war II, rather than holding state (what is considered as abstract entity) as responsible for war crime, individuals who are the operators of such nihilist action or brutish state policy are now held responsible. Thus, adequate punishment is expected to be meted out on them, if found guilty.

#### 5.0 SUMMARY

This unit has discussed the criminal responsibility in international criminal law. It also examined a number of issues in criminal responsibility in relation to international laws and national criminal law. Thereafter, the unit discussed how international humanitarian law sees war crime, and past offences are reckoned with through the prosecution of war crime perpetrators.

#### 6.0 TUTORED MARKED ASSIGNMENT

Compare national criminal law and international criminal law in relation to criminal responsibility.

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## UNIT 4 INDEPENDENT JUDICIARY AND POST CONFLICT RECONSTRUCTION

### CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Independent Judiciary: Discourse
  - 3.2 Properties of Independent Judiciary
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutored Marked Assignment
- 7.0 References / Further Readings

### 1.0 INTRODUCTION

Judicial independence is so paramount in the administration of justice in post conflict society. In the first instance, the generation of conflict situation may be due to absence of effective and reliable justice system, in which people found it difficult to explore third party adjudication to peacefully settle their dispute, as the resolve to resort to conflict would be imminent. The doctrine of separation of powers among various organs of government i.e. executive, legislature and judiciary has been one of the basic elements of good governance. These organs should not interfere in the activities or affairs of one another. But in several developing nations like Nigeria, the independence of judiciary as the third of organ of government, charged with responsibility to interpret the law as well as being conferred with power to adjudicate and arbiter in the pacific settlement of disputes through legal mechanism, remains Utopian. This is due to incessant executive interference and flagrant disobedience of court rulings. This unit will discuss independent judiciary and its importance in post conflict reconstruction.

### 2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Describe the independence of judiciary
- Understand the main discourse on independent judiciary; and
- Know the properties of judicial independence.

### 3.0 MAIN CONTENT

### 3.1 Independent Judiciary: Discourse

As earlier mentioned in the introductory segment of this unit, independent judiciary is very important in post conflict reconstruction. Independence of the judiciary is not only hinged on the freedom of the administration of justice, involving court judges and magistrates are independent enough to perform their professional functions but these judicial officers should be competent enough in their discharge of duties. The importance of independent is largely emphasized in one of the works of Dr. A.L. Goodhart, as he maintains:

It has been recognized as axiomatic that if the judiciary were placed under the authority of either the legislature or the executive branches of the government then the administration of the law might not longer have that impartiality which is essential if justice is to prevail (Goodhart, 1953:60).

Historically, the experience of England has shown the danger embedded in interference in the affairs of judiciary by any other organs of government, be it executive or legislature. Prior to the reign of King Williams III, Judges were treated as ordinary civil servants who could be hired and fired by the monarch, even with impunity. During the time of King James, the independence of the judiciary was highly distorted, asking the judges to consult him before the determination of a certain case but Coke, one of the judges out-rightly disregarded such directive from King James, saying that “obedience to his majesty’s command to stay proceedings would have been delay of justice, contrary to the law and contrary to oaths of the Judges”. Out of the twelve judges, it was only Coke that refused to concur but rather he reiterated “when that happens, I will do that which it shall be fit for a judge to do”.

Due to the rugged and uncompromising position of Coke in the protection of the independence and integrity of the judicial organ of government, the king sacked him. After the dismissal of Coke, judiciary became most vulnerable with very little or no integrity due to Monarch’s interferences and subjugation of judicial principles and rule of law.

Such an ugly situation persisted, even during the reign of King Charles I, and one of the instances, was the case of five men imprisoned by the Monarch’s order, for refusing to offer money to the Monarch. When such nihilist and uncivilized action of the monarch was challenged in the court, the judges concluded that the court lacked the power and jurisdiction to entertain their (the five men’s) case, let alone discharge

them acquitted. The under-dog posture of judiciary attracted some despair and frustration among the civil population, even the parliament (legislature). For instance, when King Charles I wanted to equip the kingdom's armoury with some new war ship, he levied the population to raise money without seeking the consent of the parliament, which the court declared as legal.

During the time of King James II, in order to achieve absolute power, the king ordered that seven bishops who publicly argued that Monarchs did not have any dispensing power, be prosecuted for libel. After the legal battle, the judges discharged the bishops acquitted, and the court decision infuriated the king. The king however sacked the 12 members of the jury and replaced them with 12 new judges considered to be loyal to him (the king). The revolution that greeted the kingdom in 1688 made King James II to flee as William Prince of Orange from Holland succeeded him (King James II) as the king of England. That, event let to the birth of independent judiciary in England due to overwhelming public outcry and it was finally agreed that:

...Judges' Commission be made quamdiu bene gesserint and their salaries ascertained and established; but upon the address of both Houses of Parliament it may be lawful to remove them (Act of Settlement of 1701).

As judiciary plays very important role in peace building through adequate and prompt administration of justice, its independence should be seen as sacrosanct in order to discourage misadministration and official recklessness. Sir Winston Churchill threw his weight behind this argument, according to him:

The principle of complete independence of the judiciary from the Executive is the foundation of many things in our island life. It has been imitated in varying degrees throughout the free world. It is perhaps one of the deepest gulfs between us and all forms of totalitarian rule... The British Judiciary, with its traditions and record, is one of the greatest living assets of our race and people and the independence of the judiciary is a part of our message to the ever growing world which is rising so swiftly around us.

In post conflict peacebuilding, judicial officers particularly judges have a prominent role to play by protecting the supremacy of the law.

Through an effective and administration of justice, any member of the society, who believes his/her rights have been infringed upon by another party can confidently go to court of law and seek for a redress, without resorting to violence, and through we can promote peaceful atmosphere. Judges are expected to be professionally sound and have deep respect for judicial norms and ethic because they, according to Holdsworth (1932:336-337):

The judges' hold an office to which is annexed the function of guarding the supremacy of the law. It is because they are the holders of an office to which the guardianship of this fundamental constitutional principle is entrusted, that the judiciary forms one of the three great divisions into which the power of the state is divided... The judges have powers of this nature because, being entrusted with the maintenance of the supremacy of the law, they are and always have been regarded as a separate and independent part of the constitution.

In the similar vein, Sir Kenneth Robertsway argues that independent judiciary is a condition for good governance and peaceful co-existence of the various groups and people of any country. He however sheds more light on how true judicial independence can be safeguarded, he therefore asserts:

To the question how the independence of the judiciary is preserved, I suggest a fourfold answer; first, by appropriate machinery for appointment of judges; secondly, by giving judges security of office; thirdly, by such general acceptance of, and respect for, judicial independence that the members of the judiciary can rest assured that it is not likely to be challenged and has not continually to be fought for; fourthly by the terms of service of members of the judiciary (Anderson, 1963:63).

The independence of judiciary assists the disputants as well as society at large to overcome the consequence of violent situation and creates opportunities of restoring sanity, friendship, trust and conflict between old combatants through effective administration of justice in the post conflict reconstruction. Here, justice does not mean that the breakers of law or those who committed crime against humanity should never be punished after the restoration of peace in former theatre of war or armed conflict. In the next segment of this unit, we shall discuss various properties of independent judiciary.

### 3.2 Properties of Independent Judiciary

In this segment of the unit, we shall explain various properties of the independence of judiciary and these include:

#### a. Appropriate Appointment of Judges

The appointment of judges should not be politically motivated. There should be a competent appointment machinery that will recommend the appointment of judges to the other organs of government for approval. For instance, in several Common Wealth Countries, the appointment of judges is vested in the judicial service commission, which recommends a number of people considered competent for the office to the executive irrespective of religion, race, ethnic configuration, colour, sex, height and weight. After the executive approval of the nominees (for the position of judges), the list of these nominees would be taken to the parliament for ratification. This view is emphasized in the English Act of settlement, particularly in its preamble that reads:

Whereas your majesty has been graciously pleased to declare from the throne to both houses of parliament, that you look upon the independence and uprightness of judges, as essential to the impartial administration of justice, as one of the best essential to the rights and liberties of our loving subjects, and as most conducive to the honour of your crown; and in consequence thereof, your majesty has recommend it to the consideration of your parliament...

#### b. Salaries and Other Legitimate Benefits

In order to prevent interference in the affairs of the judiciary by the executive, it is advisable and important to provide a financial autonomy for judiciary through the consolidated fund. This organ of government, through the consolidated fund, pays its judicial officers, even as well settlement of the salaries and other work benefits of the non-judicial officers of the courts by chief justices. In Nigeria, financial autonomy of judiciary is lacking, which has really affected the administration of justice in Nigeria. It is even funny and regrettable, as we hear several governors addressing the chief Judges of their various High Courts as 'my Chief Judge', which has often put the sanctity of the office in the mud. Some of the executive actions and utterances have made several local people and even foreigners to think twice before adopting judicial settlement.

c. Security of Tenure and Promotion

Provisions should be made to ensure the security of tenure of judges, so that judicial officers will be free to do their job without any political interference from any quarters. Arbitrary removal of judges will have an adverse effect on the administration of justice. The judicial service commission must be charged with the responsibilities of apart from recommending competent people for an appointment as judges, the tenureship and promotion of judges: from the bottom of the stewardship ladder to the top. Recommendation for the appointment of Chief Justice, Court President, Chief Magistrate, and Chief Judges should be part of the functions of the commission, which can be ratified by other organs of government without exerting any political influence that may jeopardize the integrity of judiciary. The protection of tenure security and promotion of judges must be backed by the constitution.

d. Competence and Reliability of Judicial Office Holder

The independence of judiciary is also incumbent on the caliber of people who occupy judicial offices. If a kleptomaniac people are appointed as judges, the integrity of judiciary will definitely be in jeopardy, as official corruption will dislocate and derail the wheel of justice that may increase the tension in the relationship between the disputing parties that may even take a violent dimension. Similarly, if the occupier of the office of judge does not have necessary legal education and knowledge, it will affect the court administration of justice. Professor Schwartz reaffirms this position:

...the quality of justice depends more upon the quality of the men who administer the law than on the content of the law they administer. Unless those appointed to the Bench are competent and upright and free to judge without fear or favour, a judicial system, however sound its structure may be on paper, is bound to function poorly in practice (Schwartz, 1955:130).

The competence and reliability of court personnel particularly officers of the bench facilitate public confidence in the promotion of peace building.

e. Security of Life and Property of Judicial Officers

There should be state protection of life and property of judges through provision of adequate security facilities.

#### f. Democratic and Constitutional Governance

The independence of judiciary is very unlikely during military incursion in politics. Thus, the operating machinery of judiciary, which is the constitution, is the first casualty of military intervention in politics, as the Acts of Parliament will be replaced with military decrees proclamations.

#### g. Respect for Rule Law

Independence of judiciary can also be guaranteed, where there is unrestricted and unlimited respect for rule of law irrespective of class, sex, ethnic background, religion, race and colour. Liberal democracy allows for equitable access of the people to justice, and respect for independent and reliable judiciary but military regime regards military tribunal as highest court in the land, rather than Supreme Court of justice.

### SELF ASSESSMENT EXERCISE

List at least five features of independent judiciary and discuss

## 4.0 CONCLUSION

Judicial Independence is very important in pre conflict and post conflict peace-building because it tends to address conflict issues or possible triggers by adjudicating for the settlement of dispute without resorting to conflict. Judicial independence allows people to have confidence in the justice system, having the ultimate belief that they can go to court and seek for redress against any perceived injustice or ill doing.

## 5.0 SUMMARY

Through this unit, we have succeeded in discussing a number of issues to stimulate our better understanding and appreciation of independent judiciary. The unit described the concept and practice of judicial independence and matter arising. We went further to explain various properties of independent judiciary.

## 6.0 TUTOR MARKED ASSIGNMENT

Examine the judicial system in Nigeria in the fourth republic, and how independent is it?



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- Discuss forms of constitution and functions of constitution
- Explain the processes of amending the constitution

### 3.0 MAIN CONTENT

#### 3.1 Constitution and Constitution Making

What is constitution? According to Nwabueze, constitution can be defined as "...the frame or composition of a government, to the way in which a government is actually structured in terms of its organs, the distribution of powers within it, the relations of the organs inter se, and the procedures for exercising powers" (Nwabueze, 1993:1). In McIlwain (1940:5) constitution is regarded as:

The substantive principles to be deduced from  
a nation's actual institutions.

The concept of constitution cannot be separated from government because government derives its spirit of operation from the constitution. The government we mean is democratic one not the military that obliterates the supremacy of constitution through its coercive action and proclamation. Whenever there is a military coup, the first casualty is the constitution. The notion of non-existence of constitution in military regime due to the 'palpable contradiction' in their relationship remains an object of debate. A classical example was Ghana where:

Ghana's court of Appeal involved itself in such a contradiction in interpreting a law issued on 26 February, 1966 by the newly established military government. This was titled a "Proclamation for the constitution of a National Liberation Council for the Administration of Ghana". Among other things, it established the National Liberation Council as the new sovereign authority for Ghana, with power to legislate by Decree" (Nwabueze Opcit; at 2).

Here, the proclamation served as constitution, which was said 'to be expedient... for the proper administration of the country and for the maintenance of law and order therein'. In Nigeria, 1989 constitution of the Federal Republic of Nigeria was in operation under a military president, General Ibrahim Babangida in response to the transition programme, which was to bring on board a democratically elected president in 1993, but the election was annulled.

Also, during the colonial period, colonial officers governed the colony with constitution. Colonial administration was not based on the consent of local people and the colonial constitution did not consider the overall aspirations and every segment of the colony in the operation of the constitution. Palmer has rightly observed:

European thinkers in all their discussion of a political or social contract, of government by consent and of sovereignty of the people, had not clearly imagined the people as actually contriving a constitution and creating organs of government. They lacked the idea of the people as a constituent power.

Constitution should always hold and respect the ideals of the interests of all segments of the society in constitution making. Thus, several political theorists and constitutional lawyers have argued that in a situation of any perceived government misadministration and flagrant abuse of people's fundamental rights as may be backed by the constitution, the people have a choice, which allows for disobedience of the constitution. According to K.C. Wheare:

There are circumstances in which it is morally right to rebel, to refuse to obey the constitution to upset it. A constitution may be the foundation of law and order in a community, but mere law and order is not enough. It must be good law and order is not enough. It must be good law and good order. It is conceivable surely that a minority may be right in saying that it lives under a constitution which established bad government and that, if all else is tried and fails, rebellion is right. No doubt it is difficult to say just when rebellion is right and has much rebellion is right, but it may be legitimate is surely true (Wheare, 1966:64).

The task of constitution making is difficult, it should be effective to address the underlying issues in the cohabitation of various groups, classes, associations and ethnic groups in the constitution making process, particularly in post conflict reconstruction. There are two basic forms of constitution and these include written and unwritten forms of constitution. The tasks of making these different forms of constitution vary due to the characters and principles of the constitutions, and this we will discuss in the subsequent segments of this unit. It is imperative to

quickly discuss various ways of making constitution. These include the followings:

- a. The decision of the people to establish a constitution to guide the activities of both the government and the various publics.
- b. There should inauguration of a constituent assembly (as in written constitution) that allows the people of the country to contribute to the constitution making process particularly through wide consultations with socio-economic groups, professional associations, public servants, political commentators, media and civil society at large in the public discussions via the newspaper reports, symposia, conferences, seminars, radio, television among others.
- c. The constituent assembly must have guidelines that would ensure political stability of the country. For instance, on 18<sup>th</sup> October, 1975, General Murtala Muhammed before his assassination in the inaugural session of the Constitution Drafting Committee (CDC), he charged the CDC to work assiduously to come out with a viable constitution that would address every national question with the aim of maintaining peaceful coexistence of all the constituent associations that make up Nigerian state. In his speech he reads out some guidelines to the committee, and among other guidelines, CDC was tasked to try to:

(a) 'Eliminate cut-throat political competition based on a system of rules of winner-takes-all', (b) 'discourage institutionalized opposition to government in power', (c) 'establish the principle of public accountability for all holders of public officer', (d) 'eliminate over centralization of power in a few hands' (e) 'evolve a free and fair electoral system which will ensure adequate representation of our peoples at the center and' (f) 'devise measures which will have the effects of depoliticising population census in the country...'

It was these guidelines that served as the leading principles in the operation of the CDC that culminated in the draft of a new constitution for the Republic of Nigeria on 14<sup>th</sup> September 1976.

- d. The constituent assembly will present some recommendations in the making of a constitution;

- e. In society or country where there is unwritten constitution, constitution making is dictated by the customs, habits and way of life of the people. For instance, in traditional African society, the constitution of the land was unwritten, which derives its spirit from the customs, adages, idioms, proverbs, customary practice and beliefs of the local people.
- f. The constitution should be acceptable to and accepted by the people through referendum or consent of the people
- g. The language and length of constitution. It may be agreed that the language should be descriptive and non-legal and simple to stimulate better understanding of the constitution by anybody. The language should not be vague. The length of the constitution determines its volume. The 1960 constitutions of Morocco and Malawi had 100 articles each; the 1989 constitution of Nigeria had 331 sections and seven schedules.

### 3.2 Written Constitution

Written constitution can be defined as ‘an act of deliberate creation, a code or charter of government’ (Nwabueze, 1993:6). This constitution is codified and documented body of laws that guide the operation of state. The idea was first formally conceived not until, according to Wheare (1966):

...the time of the American and French Revolutions, a selection or collection of fundamental principles was not usually called ‘the constitution’ ...since that time the practice of having a written document containing the principles of government organization has become well established and constitution has come to have this meaning.

Written constitution has been a pro-active invention which has become very popular over the years and even centuries, after the United States in 1787, Poland adopted it 3 May 1971, France on 3 September 1791, Sweden 1809, Venezuela 1811, Ecuador 1812, Spain 1812, Norway 1814, Mexico 1824, Argentina 1826 et seq. In Africa, Liberia became the first country to adopt a written constitution in 1847, which relatively achieved a great level of peace in the country among various groups in the country until the 1980 coup led by Sergeant Samuel Doe that led to catastrophic experience – political strife, political instability, underdevelopment among others. One time peaceful country (Liberia) has become in the recent past, one of countries with highest record of

humanitarian disaster and refugee generation. Several scholars have argued that written constitution remains very effective and better than unwritten constitution because:

...By having a written document, the law seems less mutable, less vulnerable to the whims of individuals. The constitution thus symbolizes the idea of the rule of law (Canon, 1984:3).

The task of making a written constitution begins with the notion of sovereign people coming together in actualization of social contract, transferring their sovereignty to a central authority within the framework of principle of rights and obligations that are embodied in a body of laws to govern the affairs of state, as both the ruled and ruler are equal before these laws. The foundation of written constitution is entrenched in the notion of people as a constituent power and, the recognition of people as the repository of sovereignty as Berns rightly points out:

By nature everyone is sovereign with respect to himself, free to do whatever in his judgment is necessary to pressure hi own life (Berns, 1984:31).

These people in concert have agreed to surrender their sovereign power to the state in both in theory and practice as Alexis de Toequeville stressed in his work, *Democracy in America* in 1835:

The doctrine of the sovereignty of the people... took possession of the state. Every class was enlisted in its cause; battles were fought and victories obtained for it, it became the law of laws... Sometimes, the laws are made by the people in a body, as at Athens; and sometimes its representatives, chosen by universal suffrage, transact business in its name... the people reign in the American political world as the Deity does in the universe. They are the cause and the aim of all things; everything comes from them, and everything is absorbed in them.

As a matter of fact, modern state does not (through its peculiarities) involve the participation of all the people in constitution making process like City Greek states where there was direct democratic practice. The people participate indirectly through their representatives whom they vote for in free and fair elections. These representatives report every development to the people in their various constituencies, who gave

them the mandate to perform such duties. Through these representatives, people have input to the constitution making process as well administration of the state. The constituent assembly makes consultations that include various publics of the country.

Thereafter, the constituent assembly makes recommendations, which makes up the draft of the new constitution. This draft constitution should be subject to further public debate, to see if there are any inept sections, which must be addressed before the constitution is approved. The approval can be done directly by the people through a referendum or indirectly through the representatives of the people elected in a free and fair election, not representatives imposed on the people as frequently experienced in several African states like Nigeria.

### 3.3 Unwritten Constitution

It is a form of constitution that is not codified or written, not imposed on people but emanates from customs, beliefs, arts, music, adage, proverb, religion, social behaviour and other cultural practice of the people. Many scholars have seen it less democratic, vulnerable and can be manipulated by politicians.

Unwritten constitution was made popular by England following the Glorious Revolution of 1688 that led to the emergence of William of Orange and his wife Mary (who was a daughter to James II deposed through the revolution). The principles of unwritten constitution were emphasized in the emerged Bill of Rights, and these include:

- I. Laws could be enacted or suspended only by the consent of parliament;
- II. The power of the monarch to dispense any law became illegal;
- III. The court of Ecclesiastical commission and other such counts were illegal;
- IV. Parliamentary consent necessary for taxation;
- V. Any subject had the right to petition the king;
- VI. Standing army can only be maintained subject to the consent of the parliament;
- VII. Legitimate armament is legal;
- VIII. There must be free and fair election of people into the parliament;



- IX. There must be freedom of debate in the parliament;
- X. Excessive bail became forbidden and unlawful;
- XI. Juries should be empanelled and returned in every trial;
- XII. It became unlawful for offender to forfeit his estates grants unless convicted; and
- XIII. There should be frequent summon of the parliament.

However, the Bill of Rights abrogated the pre revolution system of monarchical absolutism in England. The task of making unwritten constitution is not entrenched in any codified or documented material but it dwells in the customary practice of the people due to age long cultural norms, beliefs, emotions and attitude to the people.

#### SELF ASSESSMENT EXERCISE 1

Define unwritten constitution.

#### 3.4 Functions of Constitution

- (a) It serves as a source of power;
- (b) It serves as a means of security of life and property;
- (c) It serves as a means of securing social justice;
- (d) It ensures liberty and effective governance;
- (e) It promotes rule of law;
- (f) It is a means of affirming the ideals and fundamental objectives of a nation;
- (g) It defines the operation and limits of government affairs;
- (h) It enhances separation of power;
- (i) It is a measure of peace building and conflict transformation and settlement;
- (j) It spells out the rights and responsibilities of both the ruled and ruler; and
- (k) It states the power relations and limit among various levels of government.

#### SELF ASSESSMENT EXERCISE 2

State any five functions of constitution.

### 3.5 Amendment of Constitution

Every human society is a subject of social change. No nation can be static, and thus any human society or association that is static, should therefore be considered as dead. In the evolution of state, there are emergent variables or issues, which must be incorporated in the constitution. For instance, in the view of Justice Vassiliades as regards the Cyprus constitution of 1960:

Time moves on continuously, man is by nature a creature of evolution and change, as times moves on. The constitution was, basically, made fixed and immovable... As time and man moved on, while the constitution remained fixed, the inevitable crack came – perhaps a good deal sooner than some people may have thought - with grave and far-reaching consequences.

It is ideal to amend constitution, if it is desirable to do so. The power to amend dwells in the people through their elected representative. The bill for the constitutional amendment must be sponsored in the parliament, and the elected representatives will debate on the proposed constitutional amendment, and make known the modalities or approach to adopt to affect the inputs of the masses in the process of constitutional amendment.

After it has been agreed by the parliament, a constitutional amendment committee will be set up to receive memoranda from the public as well as going round the constituent units of the state to engineer some public discussions and debate, on the parts/segments of the constitution to be amended in order to promote popular participation in the process. It is important to note that there are two different types of parliament – bicameral (two chambers) legislature as can be found in Nigeria i.e. House of Representatives and the Senate), in Great Britain i.e. House of Lords and House of Commons, in the United State i.e. Upper House and Lower House Unicameral legislature is a kind parliament with one chamber. In bicameral legislature, both houses of chambers will nominate some of their members to form the constitutional amendment committee while in Unicameral legislature, the Amendment committee members will be drawn from the only existing chamber.

Amendment process is more difficult where written constitution is operated, as amendment of unwritten constitution is less difficult because it is flexible, unlike written constitution that is rigid. After hearing the public views about the amendment of the constitution, the

(joint) constitutional amendment committee would harmonize its various reports and submit the outcome of the constitutional amendment debate to the parliament for further deliberation. The amendment of constitution must be subject to parliamentary debate and if there are any clauses considered inconsistent to the spirit of political stability of the country or considered less relevant to be considered in the amendment process. If the amendment succeeds, various readings at the parliament, then it can be passed by the parliament with the support of not less than two-third of the members of the parliament. After its passage by the legislature, the constitution amendment bill will be forwarded to the executive for ratification, and the amended constitution shall be effective.

In the amendment of constitution, the players or stakeholders should ensure that everything is done within the confines of due process constitutional amendment as expected to address various underlying problems associated to the constitution, which have attracted a (series) of conflict(s) between different parties, capable of jeopardizing the peace and tranquility in the country. Even after conflict situation, constitutional amendment may be supported to address the root causes of conflict, and develop measures for peace building.

### SELF ASSESSMENT EXERCISE 3

Briefly discuss process of constitution amendment in your country.

## 4.0 CONCLUSION

Constitution making and amendment are great tasks and they can trigger or prevent or resolve conflict situation. Constitution making and amendment should take care of all people irrespective of religion, class, sex, ethnic group, race, colour and educational background. Both the ruled and ruler should uphold the supremacy of constitution, and the constitution should be democratic in order to promote good governance.

## 5.0 SUMMARY

This unit has discussed a wide range of issues in constitution making and the amendment of constitution. The unit defined constitution and the underlying elements of constitution making. The unit also explained the two basic forms of constitution and the processes of making written and unwritten constitutions. The unit also explained various ways of making constitution as well functions of constitution and the constitutional amendment processes.

## 6.0 TUTOR MARKED ASSIGNMENT

Give reasons why the amendment of 1999 constitution of Nigeria failed.

OR

List any five countries with unicameral legislature.

## 7.0 REFERENCE/FURTHER READINGS

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