BUILDING BRIDGES THROUGH RECONCILIATION: AN INVESTIGATION OF TRADITIONAL HEALING PROCESSES AFTER MASS VIOLATIONS OF HUMAN RIGHTS

By

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ABSTRACT

Contemporary warfare has brought about significant challenges to well established, state-centered war-ending mechanisms. While academics and practitioners recognize reconciliation as a groundbreaking and promising approach to long term protracted conflicts, the concept remains elusive. This research will reveal the conceptual difficulties in defining the process of reconciliation, before narrowing down its investigation to the inter-individual reconciliation carried out through traditional healing processes. Central to this paper is the argument that inter-individual reconciliation is fundamentally collaborative, forward looking, and empowers individuals. These three characteristics make the process more relevant and directly applicable to contemporary warfare. Using the case studies of Mato Oput in Northern Uganda and Gacaca in Rwanda, this study demonstrates how each aspect functions at the levels of those primarily affected by warfare, namely: survivors (victims and offenders), and their communities.

DEDICATION

A mon grand-père et maman, pour leur soutien sans lequel je ne serais pas là où j'en suis.

To Brian and my new Canadian family

And

To Canada which became my country during my time at Simon Fraser University.

ACKNOWLEDGEMENTS

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History says, Don't hope
On this side of the grave,
But then, once in a lifetime
The longed-for tidal wave
Of justice can rise up,
And hope and history rhyme.

So hope for a great sea-change
On the far side of revenge.
Believe that a further shore
Is reachable from here.
Believe in miracles
And cures and healing wells.

Seamus Heaney[1]

1.1 Research Question, Objectives and Methodology

This week's newspapers, alike almost every other week, deliver news of wars and unrest in many parts of the world, revealing human beings' inhumanity and their struggle to limit it. Academics and practitioners in various ways and activities have put much effort into the study and safeguarding of peace around the globe. Various understandings and mechanisms of war-ending have seen the day. More recently the concept of reconciliation in deeply divided societies has attracted attention. Reconciliation is widely considered to be a serious alternative to more conventional war-ending mechanisms, and thus the process and concept deserve to be investigated.

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[1] Seamus Heaney, *The Cure at Troy: The Cure at Troy: A Version of Sophocles' Philoctetes* (London: Farrar Straus Giroux, 1991), 77, quoted in Hugh Miall, *Contemporary conflict resolution: the prevention, management and transformation of deadly conflicts* (Cambridge: Polity Press, 1999), 209.

This study intends to answer the following questions: 'In what ways does the inter-individual reconciliation embodied in indigenous healing processes contribute to peace-building, and under what conditions is it likely to sustain peace in the context of protracted conflicts?' The study develops a framework for analyzing inter-individual reconciliation, as a necessary first step towards an in-depth examination of cases where this type of reconciliation has occurred. At the crux of the study is the belief that inter-individual reconciliatory processes present a groundbreaking approach to peace-building. Inter-individual reconciliation is widely considered as having a serious chance at establishing and securing long-term peace in cases of protracted conflicts due to three characteristics that make the process directly relevant and applicable to contemporary warfare. Inter-individual reconciliation is generally identified as a _collaborative_ process which _empowers individuals_ and is _forward looking_. For the purpose of this research, each of these three characteristics will be operationalized into three levels: the victim's, the community's, and the offender's level. This will help identify the components and application of each characteristic in relation to the central actors of protracted conflicts.

In order to substantiate the argument and test the validity of the framework, the study will draw illustrative evidence from two case studies, namely the Gacaca tribunals in Rwanda and Mato Oput in Northern Uganda. Uganda and Rwanda provide good examples of long-term, institutionalized protracted conflict that directly affected civilians. Rwanda suffered mass violations of human rights as part of the 1994 genocide but Gacaca tribunals were only integrated into the peace-building process in the year 2002.[2] Northern Uganda has suffered more widespread and long-term violence which can

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[2] Amnesty International, "Gacaca: A question of justice," http://web.amnesty.org/library/index/engafr470072002. (accessed May 2nd 2006)

be dated back as far as 1986. In this case, the ceremony of Mato Oput was often spontaneously reinvigorated in the last decade.[3] Also, in each of these cases, customary community based processes of conflict resolution played important roles. Gacaca and Mato Oput are customary and grassroots practices of inter-individual reconciliation employing methods of restorative justice that necessitate the involvement and collaboration of offenders, victims and the wider community towards the reconstruction of social trust.

This study has several objectives:

1) To develop a framework to analyse inter-individual reconciliation processes.
2) To identify the characteristics that enable inter-individual reconciliation to contribute to nation-wide, peace-building efforts.
3) To explore processes which are not limited to formal and legal proceedings.

The research will focus on the human and social aspects involved in processes of inter-individual reconciliation such as psychological healing, forgiveness and accountability. Ideally, this would require field research to observe and interview participants in the process. In the absence of the opportunity to conduct field research, this study will rely mainly on textual evidence and other secondary sources. The exercise that will be carried out here aims to provide a springboard for further research on the role of individuals, women and children, victims and perpetrators in the reconstruction of their own societies.

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[3] Angela Veale and Aki Stavrou, "Violence, reconciliation and identity: The reintegration of Lord's Resistance Army child abductees in Northen Uganda,"
http://www.iss.co.za/pubs/Monographs/No92/Contents.html. (Accessed October 12th 2005)

The study employs an interpretive methodology to reveal the multi-faceted dimensions of inter-individual reconciliation, rather than one that draws on formal quantitative and statistical methods. An interpretive analysis supports the belief that there exist "diverse images of reality that need to be understood inter-subjectively."[4] In other words, it recognizes the plurality of dimensions and interpretations reality may hold. Most importantly, an interpretative approach values and emphasizes the fact that different approaches (ontological, epistemological) will inform and influence the way one comprehends and conceptualizes reality. This will allow us to appreciate the necessity for a culturally sensitive approach to inter-individual reconciliation. This choice of methodology and approach therefore reflects the belief that "peace research cannot be separated from a dialogical process between local meaning and global perspectives."[5]

The research carried out here is likely to contribute to the scholarship on peace-building by broadening the widely shared understanding of inter-individual reconciliation; what this process of reconciliation entails and why it may have a better chance at establishing long-term peace in post conflict societies than current state-centred mechanisms of conflict resolution. Indeed, much of the literature on peace-building and reconciliation fails to explore the mechanisms that render inter-individual reconciliation more (or less) likely to address and possibly rectify some of the circumstances that led to conflict. Hence the findings of this study will fill the existing gap.

The first part of this project will carry out a careful investigation of the literature on the topics of peace-building. This section will allow the reader to gain a better understanding of the dynamics and dimensions of war, and will provide a crucial and

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[4] Ho-wong Jeong, *Peace and Conflict Studies: An introduction* (Aldershot: Ashgate, 2000), 44.
[5] Ibid., 44.

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necessary introduction to the challenges brought about by contemporary warfare. Knowledge of such challenges is a requirement to both peace-builders and academics, in that it will allow them to better comprehend the need for inter-individual reconciliation. In the same section, the concept of reconciliation and more particularly inter-individual reconciliation will be explored. The next section will deal exclusively with identifying the aspects that render inter-individual reconciliation so directly relevant to deeply divided societies. Each aspect will be investigated and operationalized individually so as to provide a most comprehensive overview of the process of inter-individual reconciliation and its principal actors. In the final section, two exploratory case studies, namely Rwanda and Northern Uganda will provide an illustration of the argument put forth in this project. The history of both cases qualifies them as deeply and violently divided societies which have had recourse to indigenous customs of inter-individual reconciliation to attempt to re-establish long-term peace.

Chapter two: Literature review

2.1 Tools for the study of conflict resolution

In order to properly approach the study of inter-individual reconciliation and achieve successful and long term peace, understanding the dynamics and roots of conflicts is fundamental. Such a need is revealed and emphasized throughout the literature. Professor Busumtwi-Sam[6] issues a first warning, when he stresses the risk of classifying conflicts into specific categories (such as identity conflict, ideological conflict and so on), when in fact such characteristics very often overlap and interact. He also underlines the fact that conflicts are not fixed entities, but rather mutate throughout the wars themselves. Very often, the reasons, needs, nature and participants in wars change. Failing to recognize such characteristics is a failure to properly understand the nature of wars and will doom any attempt at conflict resolution. Adebayo Adedeji[7] enlightens us further by developing a framework for mastering conflict (in particular African conflicts). He argues that in order to put an end to conflicts, one must understand their roots. This requires us to concentrate and ask the following questions: (1) Which are the forces at work?; (2) How do various causes interact?; and (3) What policies or strategies are best for short/medium/long term peace-building? Only when these three aspects have been seriously considered can any attempt at peace-building go forward.

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[6] James Busumtwi-Sam, "Sustainable peace and development in Africa," *Studies in Comparative International Development* 37, no. 3 (2002): 91-118.
[7] Adebayo Adedeji, "Comprehending African Conflict" in *Comprehending and Mastering African Conflicts,* ed. A Adedeje , 3-21 (New York: Zed Books, 1999).

2.2 Contemporary warfare

Interestingly, a number of academics, researchers and practitioners have come to the conclusion that a new form of warfare has emerged. These wars are generally characterized by two aspects: first, modern warfare generally features the involvement of non-state actors and more importantly citizens. Rupesinghe notes the "deliberate targeting of civilians"[8] as a tactic and trend of contemporary conflicts. Such conflict is no longer restricted to battle fields whereby soldiers fight soldiers. More than ever today, the protagonists of modern warfare are 'common' citizens and individuals rather than soldiers in uniforms. The fighting takes place within the communities and neighbourhoods themselves. The distinction between combatants and non-combatants is blurred and men, women, children and elders are the first instigators but also casualties of such conflicts. C Boyd,[9] for instance, succeeds in bringing to attention the difficulty in distinguishing combatants and non-combatants. He consequently brings to our attention the difficulty in addressing post-conflict responsibility, justice and therefore peace. While the primary characteristics of war, namely violence and suffering, remain; the means of fighting wars have mutated. Fletcher's[10] and Lederach's[11] writings are particularly insightful in that they reveal the increasingly human character of wars, which in their views, necessitates a more human type of war-ending mechanism, henceforth inter-individual reconciliation. Modern wars are narrowed down to "human suffering at the

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[8] K Rupesinghe, *Civil wars and civil peace: An introduction to conflict resolution* (London: Pluto Press, 1998), 51.
[9] C Boyd, "Making Peace with the Guilty," *Foreign Affairs* 74, no.5 (1995): 22-38.
[10] L Fletcher, "Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation"*Human Rights Quarterly* 24, no.3 (2002): 573-639.
[11] J.P Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington: United States Institute of Peace Press, 1997).

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communal level"[12] where citizens and individuals find themselves at the centre of tensions and conflicts. Saunders joins the two authors when he declares that "the human dimension of conflict must become central to peacemaking and building peaceful societies."[13] He makes an allusion to the importance of reconciliation among citizens of a war-ridden country when he adds that "only governments can write peace treaties, but only human beings, citizens outside of the government can transform conflictual relationships [...] into peaceful relationships."[14] From this line of thought results the belief that a more human type of war necessitates more individual/citizen centred mechanisms of conflict resolution.

The second characteristic of modern warfare is identified by both Lederach and Busumtwi-Sam as a "protracted"[15] or "intractable"[16] dimension. The authors in fact refer to the embedded-ness of certain conflicts within the history and even structure of a given society. The physical violence and fighting are only the visible tip of the iceberg which emerges from a deep malaise within the society. Such conflicts are characterized by long cycles of animosity, anger and distrust that have sometimes even been institutionalized[17] by years of bitterness and latent oppression. Whether governments themselves were at the origin of such animosity or not, is no longer central to the conflict and its solution, which lies in the complete reorganization of the social order and apparatus. Assefa Hizkias adds an interesting note to the necessity of an alternative type of conflict resolution when he posits that "traditional conflict management strategies are not adequate to deal with the

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[12]Fletcher, *Violence*, 575.
[13] Harold Saunders, *A Public Peace Process: Sustained Dialogue to Transform Racial and Ethnic Conflict* (New York: Palgrave, 1999), xvii.
[14] Ibid., xvii.
[15] Busumwi-Sam, *Sustainable*, 93.
[16] Lederach, *Building*, 14.
[17] Busumwi-Sam, *Sustainable*, 93.

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kinds of contemporary conflict raging in many parts of the world."[18] When talking about "traditional conflict management", the author refers to processes such as negotiation, arbitration and other state-centred actions, which he sees as inefficient in light of modern warfare and for the reasons aforementioned. It therefore stems from this analysis that the radically different nature of modern warfare brings forth new challenges to peace-building, challenges which cannot solely be dealt with at the state level, but demand increasing citizen participation.

From this understanding follows the statement that modern warfare challenges well-established peacemaking and peace-building strategies. If we are indeed witnessing the emergence of a radically different type of war, should we not attempt to put forward adequate and different war-ending mechanisms? The writings of academics and practitioners of conflict resolution all reveal a stringent need to rethink traditionally understood mechanisms of conflict management and directly or indirectly refer to a process of reconciliation; a process whose nature and aspects have so far gathered little consensus.

2.3 Reconciliation: a concept

An initial step towards understanding reconciliation would be to recognize the paradox emerging from the literature on conflict resolution. Indeed, while the concept of reconciliation is recurrent and present in most, if not all, the books and articles reviewed, it succeeds in keeping its elusive character and lacks "complete theorizing."[19]

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[18] Hiskiaz Assefa, "The Meaning of Reconciliation People Building Peace," *European Platform for Conflict Prevention and Transformation.* http://www.gppac.net/documents/pbp/part1/2_reconc.htm. (accessed Apr.22nd 2006)
[19] Donna Pankhurst, "Issues of Justice and Reconciliation in Complex Political Emergencies: Conceptualising Reconciliation, Justice and Peace," *Third World Quarterly* 20, no.1 (1999): 252.

Reconciliation is widely understood and described as a process involving different parties to a conflict or dispute. It is depicted as "pro-active"[20] and "dynamic"[21]in that it requires full participation rather than passive acceptance and observation of the process. Hizkias Assefa explains that reconciliation fundamentally differs from all other types of conflict resolution mechanisms in that it requires the highest degree of "mutual participation."[22] Such participation and commitment of disputing parties to maximize peace-building is generally weaker in other more conventional types of conflict resolution such as negotiation or arbitration. Saunders puts forward the most interesting account of reconciliation or what he calls a "public peace processes"[23] in an analogy with dialogue. Dialogue as an integral part of the process of reconciliation is described as a "process of genuine interaction"[24] whereby parties listen and analyse the past in order to agree on the present and future. Dialogue is what makes reconciliation an active and forceful process. More importantly, the process of reconciliation between past enemies is seen as means to link both past and present, by acknowledging the past wrongdoings and looking forward to peaceful coexistence and possibly the future reintroduction of past offenders into the community, as noted by Faulkner[25] in his case study of Sierra Leone.

Reconciliation, one must add, is no fast business. It is indeed portrayed as a lengthy process that involves several stages, although their number and nature are unclear. Interpretations vary. Dwyer for instance, mentions three stages involving, first the initial investigation of events, second truth telling and third acknowledgement of past

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[20] Assefa, *Meaning.*
[21] Saunders, *Public,* 26.
[22] Assefa, *Meaning.*
[23] Saunders, *Public,* 82.
[24] Ibid., 82.
[25] F Faulkner, "Kindergarten Killers: Morality, Murder & the Child Soldier Problem" *Third World Quarterly* 22, no.4 (2001): 491-504.

wrongs[26]. Saunders' interpretation differs in that he puts forth what he calls a five stage "public peace process"[27], encompassing the initial planning to the final reconstruction of social trust, while Rigby[28] articulates a four stages process starting from the securitisation of peace and ending with apologies.

2.4 Reconciliation: a process

However, it is difficult at this stage to define precisely what the process of reconciliation entails. Truth, justice, apology, forgiveness and accountability are all recurrent themes, yet they lack thorough conceptual development and prove to be at the centre of much animated discussion. Indeed, while truth-telling seems to receive unanimous support, the concepts and role of apologies and forgiveness, for instance, lay at the centre of an important debate regarding whether they are necessary or even possible in case of mass violation of human rights. A brief reference to the literature reviewed will confirm this statement. Dwyer for instance suggests that "reconciliation and forgiveness are conceptually independent."[29] In the eyes of the author, reconciliation does not require forgiveness in order to be successful. Such a notion stems from the understanding of reconciliation as a public process in contrast with the more personal and psychological exercise that is forgiving. Dwyer does not reject the possibility of forgiveness within the process of reconciliation but rather maintains that both are conceptually independent and while they may occur simultaneously, they do not rely on

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[26] Susan Dwyer, "Reconciliation for Realists" *Ethics and International Affairs* 13 (1999): 7.
[27] Saunders, *Public*, 97.
[28] Andrew Rigby *Justice and Reconciliation: After the Violence* (Boulder: Lynne Rienner Publishers, 2001), 186.
[29] Dwyer, *Reconciliation*, 7.

each other. Rigby's[30] and Jeong's[31] versions radically differ from that of Dwyer. Both conceive the act of forgiving and apology as a step towards reconciliation. Reconciliation is, in part, forgiving and apologising (on both sides) for past actions. Interestingly, no consensus or middle ground is ever reached on the subject.

However difficult the task of defining reconciliation appears to be, there seems to be a consensus on the purpose of reconciliation. While the bulk of the literature reviewed cannot agree on one single definition of reconciliation and on what the process entails, all concur with the notion that the process and politics of reconciliation are best suited to address root causes and prevent further conflict. Assefa Hizkias describes the process of reconciliation as a means of conflict prevention and transformation. He adds that reconciliation is most likely to "allow future positive and harmonious relationships between opposing parties."[32] Dwyer also sees in reconciliation "an end to antagonism" and the beginning of "healing and repair of relationships"[33] while Jeong argues that reconciliation aims at rebuilding "social trust"[34]. In any case, justice brought about by reconciliation is confirmed as the best way to alleviate and reduce the victimization and scapegoating: two particularly dangerous elements in protracted conflicts. The process of reconciliation represents a radically different approach to peace-building because it aims to establish a restorative rather than retributive type of justice. Assefa Hizkias describes

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[30] Rigby, *Justice,* 187.
[31] H Jeong, *Peace-building in post conflict societies: strategy & processes* (Boulder: Lynne Rienner Publisher, 2005), 156.
[32] Assefa, *Meaning.*
[33] Dwyer, *Reconciliation,* 2.
[34] Jeong, *Peace-building,* 156.

justice as "the core of reconciliation"[35] while Rigby quite forcefully adds that reconciliation that does not bring about justice is a "failed reconciliation."[36]

2.5 Inter-individual reconciliation

An important aspect that also deserves to be mentioned is the fact that various understandings of reconciliation all seem to be anchored around the notion of relationships and the reestablishment of healthy, trustworthy and mutually supportive relationships. The items of such relationships however remain largely unidentified. Is inter-individual reconciliation restricted to two or more individuals? Should we think in terms of relationship between groups rather than individuals? One of the reasons for the lack of comprehensive understanding and definition of the term 'reconciliation' mentioned earlier, may in fact be the lack of specificity regarding the actors within the relationship to be restored. A large proportion of the literature indeed fails to consider the different levels at which reconciliation may occur. Jeong and Dwyer are among the few who mention the multi-tiered nature of reconciliation, therefore acknowledging the variety of actors who may take part in the process. While Jeong explains that reconciliation may occur at three different levels (state, inter-group and intra-group)[37], Dwyer insists on the division between macro-reconciliation (between groups) and micro-reconciliation (between individuals)[38], thereby disregarding national or state reconciliation. Various definitions or understandings of reconciliation may differ depending on which level the latter is taking place and whose relationship (group versus individuals) is to be mended. National reconciliation for instance may not require as

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[35] Assefa, *Meaning.*
[36] Assefa, *Meaning.*
[37] Jeong, *Peace-building*, 156.
[38] Dwyer, *Reconciliation*, 2.

much citizen participation as inter-group or macro-reconciliation. Likewise, requirements and outcomes of such processes may differ. Due to the impact of contemporary warfare on individuals and communities discussed earlier, this paper will concentrate its investigation on community based inter-individual reconciliation.

Another important aspect of reconciliation that deserves to be mentioned at this stage is the category of offences and offenders. When referring to offenders, this paper will solely consider 'lower' offences, which do not involve the direction and large scale planning of human rights violations. This choice is based on the recognition that customary (in the sense of grassroots) mechanisms of conflict resolution may not be applicable to all types of offences. The grassroots processes that are central to this study aim at the re-introduction of past offenders into societies. Mato Oput and Gacaca offer an opportunity to transform dysfunctional relationships into healthy ones. Offenders can offer amend and possible compensation for the crimes committed. Such process however cannot deal with 'higher' offences. Individuals who have planned and organised such large scale massacres cannot hope to be restored through such processes. They are often too disconnected from the communities they have crippled because they are responsible for a large amount of crimes. The motivation behind their action is often more related to power struggle than relationships and in this respect, Mato Oput and Gacaca can provide little help. Indeed, such grassroots processes aim at enhancing inter-individual reconciliation. 'Higher' level of offences could be addressed as part of processes of national reconciliation.

2.6 Epistemological and Ontological Issues

The epistemological and ontological roots of the concept of reconciliation and, most importantly, its components, often remain unaddressed. 'Truth', for instance, is a crucial element to reconciling opposing parties[39], yet its nature is very often assumed. Only Chapman[40] addresses the multi-dimensions of truth by comparing and combining four types of truth (forensic, narrative, social and restorative) within the exercise of truth-telling and reconciling. Chapman finally comes to the interesting conclusion that the exercise of truth-telling is merely the "dissemination of a private into public truth"[41], involving the recognition and acceptance of the past. However, the question of whose 'truth' is the process acknowledging remains open. Is the victim's 'truth' more important and valid than that of the perpetrator? Are we to acknowledge the victors' truth and discard that of the wrongdoers? When the victim is deceased, is the family's version of the events 'true' enough? These remain unanswered questions. Indeed, while reconciliation is widely understood as a process of mutual acknowledgement of the 'truth', the process through which truth is agreed upon and the nature of the 'truth' to be acknowledged remains largely assumed.

The type of 'justice' carried out by the process of reconciliation remains equally troublesome. While it is recognized as central to the process of reconciliation, its nature remains uncertain. There are, indeed, different ways to address and define justice. These will differ according to which level and aspect of wrong on which one wishes to concentrate (for instance, societal or institutional disparities and unfairness) and the

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[39]A Neir, "Rethinking Truth, Justice and Guilt after Bosnia and Rwanda," *Human Rights in Political Transitions: from Gettysburg to Bosnia* eds. C. Hesse and R. Post, 39 (New York: Zone Books, 1999).
[40]Alison Chapman, "The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa & Guatemala," *Human Rights Quarterly* 23 (2004): 10-11.
[41]Ibid., 35.

philosophy and purpose of the justice one has in mind. Martha Minow, for instance, identifies three levels of justice, namely legal, rectificatory and distributive.[42] These three different understandings of justice mainly rely on different objects of focus. All three still aim at redressing the harm done, but, they do so differently. Legal justice, for instance, symbolizes the return of security[43] and deals with immediate aspects of the conflict such as holding trials for the wrongs committed as well as putting an end to impunity. Rectificatory justice aims at redressing the "direct human consequences of the conflict"[44] by addressing the physical harm and abuses perpetrated against individuals. As its name indicates, it aims at rectifying the wrong by providing some sort of compensation and means to repair what has gone wrong and return to a fair situation. Finally, distributive justice focuses on the latent causes of the conflict. These are causes that are not always obvious and hardly addressed through the legal and rectificatory types of justice, namely "economic despair, social injustice and political oppression."[45]

Others have defined justice according to different deontological approaches to the latter, that is whether justice should be restorative and therefore encourage restoration of past offenders, or retributive with a focus on retribution and punishment. These approaches to justice occupy the frontline of a large proportion of the literature and discussion regarding reconciliation. The question therefore is which type of justice, whether retributive or restorative, is reconciliation to favour? Each adopts a different moral framework where retributive justice demands retribution and punishment for the harm done while restorative justice prefers to encourage the restoration of past offenders.

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[42] Martha Minow, *Between Vengeance and Forgiveness: Facing history after genocide and mass violence* (Boston: Beacon Press, 1998).
[43] Ibid.
[44] Ibid., 88.
[45] Ibid., 8.

Chapter three: Analytical Framework

This section identifies and explores the three characteristics that render community-based inter-individual reconciliation directly relevant to the challenges brought about by contemporary warfare. As noted earlier, the process of reconciliation has the following characteristics: it is a *collaborative* process which *empowers individuals* and is *forward looking* . Each aspect will be investigated and operationalized at three different levels, that of the victim, the community and the offender. Although each aspect will be dealt with separately, they are intertwined and mutually supportive.

Figure 1:   An illustration of the interaction between offenders, victims and the community.[46]

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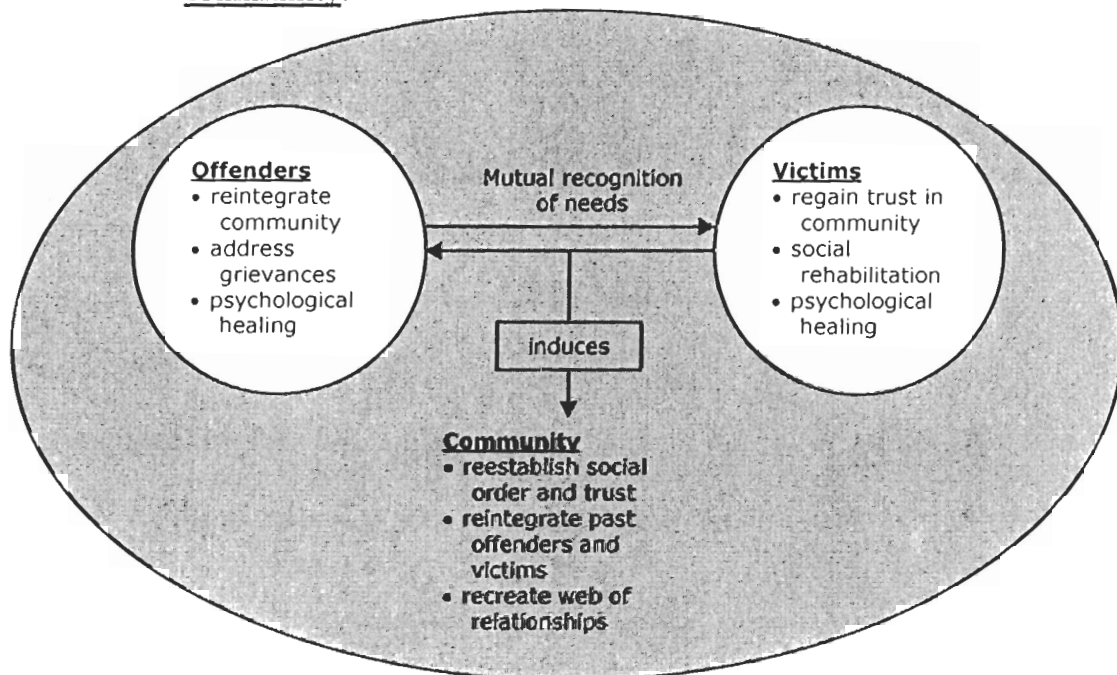
[46] The author created this table to offer the reader an overview of the purpose of grassroots reconciliatory processes.

3.1 Collaborative & non-conflictual

The collaborative and non-conflictual attributes of inter-individual reconciliation refer to a process that is non-antagonistic, non-adversarial and which encourages communication and exchanges. It aims at enacting a dialogue between various parties to a conflict by "channeling retributive feelings"[47] and redirecting them towards a reconstructive focus, namely peaceful coexistence. Contemporary conflicts, as noted earlier, pose a serious challenge to contemporary modes of conflict resolution. It is indeed reasonable to believe that the massive violations of human rights that occur in time of war are generally caused by antagonistic feelings and a sense of injustice that were themselves "driven by subjective factors such as the construction of the other's identity."[48] They are often the results of the escalation of enmity based on constructed identities which widens the already existing gap between deeply divided groups. It is therefore crucial for any attempt at reconciling opposing parties to tackle such psychological dimensions. Transforming the psychological dimensions of adversarial relationships becomes "an inevitable part of the movement towards de-escalation."[49] The collaborative and non-conflictual aspects of inter-individual reconciliation are inscribed in an effort to deconstruct and undo the stereotyping and marginalization of a segment of the population. They are also a conscious effort to acknowledge and deal with the psychological dimensions inherent in this type of long-term protracted conflicts. The recreation of social capital can only be initiated by sustained communication and

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[47] Albert Dzur and Alan Wertheimer, "Forgiveness and public deliberation: The practice of restorative justice" *Criminal Justice Ethics* 21 (Winter/Spring 2002): 5.
[48] Jeong, *Peace-building*, 159.
[49] Ibid., 37.

exchanges between the various sections of the community.[50] Not only does such a process serve to ease tension, it also plays an educative function by emphasizing the shared traits and common humanity of opposing groups. Most importantly, because of its very nature it serves to tackle the social and cultural legacies of violence and address its underlying causes. The collaborative and non-conflictual characters of inter-individual reconciliation are particularly important in that the participation and mutual recognition that results from it enhance the community's own ability to solve its difficulties through peaceful means.[51]

The collaborative and non-conflictual aspect of inter-individual reconciliation are illustrated in the following table:

Table 1: Collaborative and non-conflictual

Collaborative and non-conflictual		
Victims	**Offenders**	**Community**
Explain the circumstances of the crime and its effects on present life	*Explain the reasons for the crime*	*Takes part in discussion*
Express grievances	*Express sense of oppression/marginalization*	*Witnesses testify*
Recognition of the offenders' experience	*Recognize harm done & take responsibility*	
Participation/Dialogue		
Recognition of the need for cooperation		
Reach consensual outcomes- common version of the past		
Mutual acknowledgment (of experiences, needs and grievances)		

[50] Ibid.
[51] Ibid., 180.

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3.1.1 Victims and Offenders

In this case, both levels will be explored together as the type and degree of participation required[52] for both offenders and victims, are similar. Inter-individual reconciliation requires the participation of victims and offenders. Its process of truth-telling, although conceptually problematic, invites the exploration of past events and therefore gives victims and offenders the opportunity to share their experience and take part in their own psychological healing. Each is required to sit amongst members of the community and to tell their stories. They are encouraged to describe the circumstances that led to the crime, the crime itself, as well as the possible punishment. Both victims and offenders are required to go through this process without interruption. When the victim speaks, the offender and the community listen. When the offender speaks, it is the turn of victims and the community to remain silent.[53]

The discussion triggered by such encounters as well as the sentencing that results from such a process is fundamentally collaborative in the sense that it encourages the exploration of various versions of what happened and helps offenders and victims to acknowledge each experience of a same event as well as adopt a common understanding of it.

The process of inter-individual reconciliation and the justice that it seeks to bring about is described by Dzur and Wertheimer as "less punitive and less professionalized."[54] These very characteristics make it more likely to avoid the "abstract proceduralism"[55] that is so inherent to the traditional judicial system and limits the participation of those it

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[52] Howard Zehr, *The Little Book of Restorative Justice* (Pennsylvania: Good Books, 2002).
[53] Jeong, *peace-building*, 182.
[54] Dzur and Wertheimer, *Forgiveness*, 4
[55] Ibid., 4.

claims to defend or condemn. Often, how individuals will explain, defend or admit their crime will depend on their defense counsel. No dialogue occurs. Through contemporary criminal justice systems, victims also get little satisfaction from the punishment of the offender and the process itself apart from a "satisfaction of feeling of duty or revenge."[56] Neither victims nor offenders have the freedom to express their feelings and frustrations. Legal proceedings focus on the central and basic elements such as the 'who' and 'when' of the event investigated. Factual and forensic evidence is the key to the investigation. It requires "controlled vocabulary"[57] whereby victims often feel restricted and dissatisfied and is concerned with the immediacy of the conflict. Moreover, this type of investigation is designed to "render objective history of what happened"[58] and rejects the idea of relativity in truth finding. Some critics argue that the findings and knowledge produced throughout legal proceedings are limited as they only reveal immediate factors but do not address the human dimension of the conflict, its origin and its effects on individuals as well as the wider community.[59] Such proceedings, it is said, contribute to the "second victimization"[60] of both victims and offenders by limiting their autonomy and recovery.

In contrast, the process of inter-individual reconciliation is fundamentally collaborative in that it encourages a voluntary public dialogue between victims and offenders. Its non-adversarial character is apparent through the communication and listening in which various parties to the conflict engage. Victims and offenders are helped to express their respective frustration, pain and needs without interruption. The focus is

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[56] Ibid., 3.
[57] Tristan Borer, *Telling the truths: truth telling and peace building in post-conflict societies* (Indianna: University of Notre Dame Press, 2006), 24.
[58] Elin Skaar, Siri Gloppen and Astri Suhrke, *Roads to reconciliation* (Lanham: Lexington Books, 2005), 298.
[59] Ibid., 27.
[60] Dzur and Wertheimer, *Forgiveness*, 5.

not put on confrontation but rather on acknowledgement. The discussion triggered by the exploration of past events and the acknowledgement of the harm caused serves not only to come to terms with the past, but most importantly, to transform dysfunctional relationships. Hesse & Post for instance note that "the way we act with others is shaped by the way we imagine others."[61] By exchanging points of views and acknowledging the circumstances that led to the crime, one has to recognize the common humanity of all (both offenders and victims) and re-evaluate one's relationship to the society and its members.

3.1.2 Community Level

Members of the community (witnesses or bystanders) are required to attend such gatherings and take active part in discussions. The exploration of past events and truth telling are a central part of the process of inter-individual reconciliation and the community takes part in the latter by acknowledging the harm done and the need for redress. Members of the community can also add their testimony to that of victims or offenders if they have, for instance, witnessed the crime discussed. Equally important is the fact that gatherings usually take place at the heart of the community affected by the conflict, in improvised halls, temporary tents or in the fields. They are usually chaired by influential members of the community (such as elders) who help encourage and direct communication.[62]

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[61] Carla Hesse and Robert Post, *Human rights in political transitions: Gettysburg to Bosnia* (New York: Zone Books, 1999), 44.
[62] Liu Institute for Global Issues, 'Roco Wat I Acoli, Restoring Relationships in Acholi Land: Traditional Approaches to reintegration and reconciliation' http://www.northern-uganda.moonfruit.com/ (accessed Nov. 18th 2005).

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Collaboration itself takes place from the very start by various parties agreeing to sit down together and explore their differences, needs and grievances. Wimmer, Goldstone and Horowitz identified the following four phases which in their view characterize the collaborative and non-adversarial nature of the process of reconciliation.[63] The first step consists of mutual acknowledgement and identification of the substance of the dispute to be settled. The second step serves to reflect on the underlying fears and hopes of the participants and the community as a whole before moving on in the third step, which is the identification of shared interest in an attempt to secure what the authors called "practical cooperation."[64] Finally, the fourth step engages all parties in a dialogue about the necessary conditions for the reestablishment of healthy relationships, in other words, peace. Each of the four steps necessitates the engagement and participation of all parties to a conflict. The community is central in all steps in that it serves to acknowledge, but also take action against what harm has been done. The recollection of past events assists in the creation of a common memory, acceptable to all, and that will allow the inclusion of all in the society. The community bears witness to it. By participating in the process of inter-individual reconciliation and the aforementioned four steps, various parties to the conflict recognize the importance and the need to co-exist and cooperate. Because of its participatory and non-conflictual nature, the process succeeds in creating a climate in which "conflicting parties can resolve their difficulties through non-violent means and mutual recognition."[65] It provides a catalyst for encounter, encourages discussion and psychological healing, all of which contribute to

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[63] Andreas Wimmer et al, *Facing ethnic conflicts: toward a new realism* (Lanham: Rowman & Littlefield Publishers, 2004), 176.

[64] Ibid., 176.

[65] Skaar,Gloppen and Surhk, *Roads*,17.

the reconstruction of the social capital and trust. All outcomes reached are fundamentally consensual[66] and are the result of an inclusive process whereby all needs and expectations are given consideration.

3.2 Empowering Individuals

Inter-individual reconciliation empowers individuals by giving power back to those who feel disempowered. It seeks to give the means to survivors to reconstruct their lives and gives them a significant role in the process of inter-individual reconciliation. In the case of long term protracted conflicts, citizens have lost all trust in institutions which they feel do not represent them. Peace or the cessation of hostilities has generally been imposed and decided upon by governments and the common citizen, as a result, tends to feel increasingly isolated. Not only is the legitimacy of the new government in question but the very foundations of a peaceful future remains unaddressed.[67]

Equally important is the general sense of impunity that remains and the ensuing challenge faced by communities who see their own existence threatened as a result of their incapacity to regenerate their own social fabric. Lessened interaction and almost non-existent social trust in turn undermine all efforts at peace-building. Antonia Chayes and Martha Minow note that although each war is different, they share common characteristics and often result in the same necessity: the active involvement and participation of those who were primarily affected by it: the people[68].

The empowerment of individuals revolves around two aspects: first, the identification of their needs, and secondly, their participation and involvement in the

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[66] Zehr, *Little*, 25.

[67] Veale and Stavrou, *Violence.*

[68] Antonia Chayes and Martha Minow, *Imagine coexistence: restoring humanity after violent ethnic conflict* (San Fransisco: Jossey-Bass, 2003), 18.

peace-building and reconciliatory process. Such is argued by M.Minow[69] who stresses the importance of "fully taking into account the self understanding of victims and address[ing] their experience of injustice."[70] Such empowerment represents the bedrock of social trust. Indeed, in his study of Northern Uganda, T.Murithi stresses the fact that "the degree of social trust found within a nation-state relies upon a collective respect for the norms, values and social institutions that regulate the behavior of its members." [71] In the case of post conflict societies, such respect for norms, values, institutions and therefore social trust has been severely affected by years of conflict. The experience lived by survivors is often traumatic. Whether they have suffered, carried out or simply witnessed crimes, survivors generally feel a sense of powerlessness and isolation. They suffer severe psychological trauma which directly affects the social order and their community. General lack of trust, fear and resentment all contribute to instability and provide the seeds for further unrest.

As explained in the first section, civilians often appear to be the first casualties of contemporary conflicts. Such conflicts affect people physically, emotionally but also relationally. Mami Rama notes that "the overwhelming majority of wars' victims are civilians."[72] As such, civilians (victims, offenders or witnesses) are central to its resolution. They are posited at the crux of any efforts at peace-building. Putting resentment, fear and anger aside will not help the reconstruction of shattered communities. Trauma cannot remain unaddressed under the risk of being re-enacted in

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[69] Martha Minow, *Breaking the cycles of hatred: memory, law, and repair* (Princeton: Princeton University Press, 2002), 79.

[70] Ibid.

[71] Timothy Murithi, "Rebuilding Social Trust in Northern Uganda" *Peace review* 14, no.3 (2002): 291.

[72] Mani Rama, *Beyond retribution: seeking justice in the shadows of war* (Cambridge: Polity Press, 2002),3.

the future and lead to further violence.[73] The empowerment of individuals consequently necessitates a process that addresses the trauma of survivors and also identifies its roots. This is an essential step towards the identification of their needs and the fulfillment of their needs.

This is where inter-individual reconciliation is particularly relevant to the reconstruction and safeguarding of peace in post-conflict societies. It encourages "the establishment of generalized trust"[74] which can only be achieved with the creation of open institutions or processes that would help foster communication and hereby empowers individuals. Generalized trust can be identified by the return of past offenders and victims to pre-conflict relationships and social activities. As noted earlier, justice is a crucial component of inter-individual reconciliation, yet as Hannah Arendt famously wrote, "justice must not only be done, it must be seen to be done."[75] The empowerment of individuals achieves just that; justice will only be done and seen to be done through the active participation of survivors and the recognition of their needs.

The empowerment of individuals is inherent to the process of inter-individual reconciliation. This level of reconciliation, by its very nature and purpose, necessitates the active participation of individuals. For the process as well as the empowerment of individuals to be successful, however, it must be integrated within the community severely affected by the wrong done. All three parties (victims, offenders and community) must be present. It is also crucial to recognize the differing needs (usually

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[73] Zehr, *Little*, 30.
[74] M Ali Taisier and Robert. O Matthews, *Durable peace: challenges for peace building in Africa* (Toronto: University of Toronto Press, 2004),76.
[75] Hannah Arendt, *Eichmann in Jerusalem: a report on the banality of evil* (Harmondsworth: Penguim, 1977), 277.

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emotional) of all three parties as they will only be empowered if they are given the tools and means to satisfy these needs.

The following table illustrates the operationalisation of this second characteristic.

Table 2: Empowering individuals

Empowerment of Individuals		
Victims	**Offenders**	**Community**
Obtaining answers/information	*Getting heard and acknowledged*	*Direct exchanges, chairs discussion and hosts meetings*
Share experience and identify needs for redressing the harm done	*Getting a chance to redress the harm done and possibly offer amend*	*Actively involved in the discussions*
Demand/obtain restitution		*Return dignity to its member (victims, offenders and others)by acknowledging their experiences*
Attendance and Participation		

3.2.1 Victims' level

Victims have an undeniable right and need to know. It is argued that in order to regain their trust in the social order and to re-assert their self-confidence, victims need information about the crime committed. In the aftermath of protracted conflict, in many cases, it is not the victims themselves who take part in the process of inter-individual reconciliation but their grieving families. Knowing what happened, when and possibly why, is what many families or victims themselves demand to know. In some cases, families simply wish to know where the body of their beloved one(s) was hidden or left, in order to carry out a proper burial or grieving ceremony. Without knowing the truth, grieving is often difficult and as a result, putting the past where it belongs and looking

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forward to the future is very often impossible. Hesse and Post judge truth-telling as "an obligation to the victims as a means to resolve any doubts of what happened"[76] and why. Various studies have shown that answers to such questions often rank higher than material compensation for a crime. It is a way to restore dignity to victims and their families and by the same token, to empower them by fulfilling their need to know[77].

Another consequence of contemporary conflicts is the inability of survivors to return to their 'normal', in the sense of pre-conflict lives. Victims often feel they have lost control over their lives and have difficulty re-inserting themselves within the new social order.[78] Giving them the means to gather information about what happened but also to share their own experience, helps victims to come to terms with their past. Judith Herman, a renowned Havard psychologist states that "remembering and telling the truth about terrible events are the prerequisites for both the restoration of the social order and for the healing of individual victims."[79] Victims are also empowered in the fact that they can vent their feelings and express their needs. They may demand restitution or reparation for the harm caused. Often, victims are unable to re-insert themselves in the society if they have no trust in it. The latter will only be regained once survivors, and most importantly, victims, feel an appropriate account has been taken of their view and their experience. Inter-individual reconciliation therefore fulfils that need, first by recognizing it, and secondly, by providing a forum whereby it can be realized.

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[76] Hesse and Post, *Human*, 39.
[77] Ibid., 39.
[78] Zehr, *Little*, 14-15.
[79] Judith Herman quoted in Priscilla Hayner *Unspeakable Truths: Confronting state terror and atrocity* (London: Routledge, 2001), 135.

3.2.2 Offenders' level

The empowerment of offenders is also crucial to the process of inter-individual reconciliation and peace-building. Offenders' needs also must be taken into account. Those who committed acts of violence also deserve to be heard for they often feel equally discriminated against, marginalized and oppressed. It is crucial to reiterate at this point, that in the case of more serious offences, a different form of punishment may be desirable. Empowering 'lower level' offenders is therefore a way to give them the power to express the resentment and pain that may have led them to such radical acts and possibly allow them to give up and possibly redress what harm they have caused. It is crucial to keep in mind that those whose pain is not acknowledged are marginalized and that in their empowerment lies the key to a peaceful future. Failing to engage and include the marginalized in the reconstruction of a peaceful society will ultimately lead to inequality and resentment: ingredients of further unrest. Through the process of inter-individual reconciliation, offenders are encouraged to take responsibility for their acts by admitting to the wrongs and the effect these have had on the society and the lives of their victims. It is important to note that "rebuilding trust depends on open recognition of guilt and acceptance of responsibility."[80] Many offenders tend to perceive themselves as victims. By sharing their story and hearing that of their victims, they may take part in their own healing and face their condition. They are empowered by offering amends and restitution and thus take control over their own lives; control which they generally feel they have lost. Offenders are given the opportunity to leave the sense of victimization and

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[80] Jeong, *Peace and conflict*, 15.

the sole identity of offender to move towards that of an equal citizen. Only in this way will they be able to reintegrate into the society from which they feel rejected.

3.2.3 Community's level

Judith Herman's comment adds an interesting dimension to truth-telling whereby she recognizes that truth is necessary not only for individuals but also for the community as a whole. Direct involvement and also inaction or tacit consent of members of a community contributed to the offences that took place within it. As a result, it is important for the community itself to acknowledge the harms committed by its members and take a stand against such acts. It also bears witness and recognizes the harm done.[81] By the same occasion, the community acts as an anchor around which a web of relationships may develop safely. Its presence and involvement within the process of inter-individual reconciliation serve to empower its members who testify and even chair discussions. The community itself is given the power and the duty to mend broken relationships and ensure that each harm is accounted for. Its commitment to combat impunity is inscribed towards an effort to secure its own "collective peace of mind." [82] It is indeed important to note that its involvement in the process is crucial as it allows the community itself to acknowledge its painful past and that of its members. Such an effort in inscribed within a '*devoir de memoire*' whereby memory becomes the ultimate form of justice.[83]

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[81] Zehr, *Little*, 16-17.
[82] Nancy Scheper-Hughes and Philippe Bourgois, *Violence in war and peace* (Malden: Blackwell, 2004), 468.
[83] Borer, *Telling*, 327.

3.3 Forward Looking

Intra-state, protracted conflicts are a form of generational, institutionalised cycles of oppression, violence and enmity which deeply divide opposing camps within a society. Each camp devaluates the other and generally denies its humanity. Even if the previous two features of inter-individual reconciliation (namely collaboration and empowerment of individuals) succeeded in identifying and solving root causes of such conflicts, inter-individual reconciliation may not work unless it is forward looking.

The process of inter-individual reconciliation is forward looking by the very way it is organized, which necessitates as noted earlier, the inclusion of all towards the reconstruction of society and peaceful co-existence. In the immediate period following the end of fighting, there is usually little to go back to for survivors. The economy is usually shattered, infrastructures destroyed, social trust is absent and relationships dysfunctional. Hannah Arendt notes that "Men are unable to forgive what they cannot punish and they are unable to punish what has turned out to be unforgivable."[84] Such a statement reveals the predicament faced by survivors and individuals engaged in peace-building efforts. In the face of such mass violation of human rights and atrocities perpetrated, what is the appropriate punishment? In case of long-term intra-state wars, the perpetrators of crimes and violations of human rights usually outnumber the victims who survived[85]. The scale of the violence perpetrated fundamentally challenges all efforts at peace-building. The reconstruction of the society will necessitate the inclusion and re-integration of past offenders. Victims, because of their small number, cannot tackle the reconstruction of their society alone. They often suffer severe psychological trauma

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[84] Hannah Arendt, *The Human Condition* (Chicago: Chicago University Press, 1958), 241.
[85] As in the case is Rwanda since it the survivors belong to an ethnic group that was nearly eradicated in the region.

which leads them to refuse all contact with the society and to feel a general distrust towards all its members. Equally important is the fact that imprisoned and therefore incapacitated offenders represent a serious burden to an already struggling society. Finally, all age groups and gender are represented in those who committed offences. Imprisoning and postponing their return to communities will neither deal with the roots of the conflict nor break the long cycle of violence and animosity. In such cases, peace-building requires reintegration. Inter-individual reconciliation symbolizes such effort and embodies "the preparedness of people to anticipate a shared future."[86] It is also in itself a form of conflict prevention as it allows survivors (both offenders and victims) to find their place in the society.

The following table provides indications as to how this third characteristic features in the process.

Table 3: Forward-Looking

Forward-looking		
Victims	**Offenders**	**Community**
Social rehabilitation	*Re-introduction within communities*	*Re-create social trust and harmony*
Preparedness to live and work with past offenders	*Opportunities for regaining dignity and trust from the community*	*Active conflict prevention and establishment of peaceful means of dispute resolution.*
		Commemoration and educative projects

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[86] Rigby, *Justice*, 186.

3.3.1 Victims' and offenders' level

Inter-individual reconciliatory processes tend in fact to focus on solutions rather than on the problems themselves. Once the roots of conflicts or dispute are identified, various parties discuss the necessary elements for the reparation of the wrong done and the establishment of a peaceful co-existence. The reintegration of offenders within the society rather than mere imprisonment is generally applied.[87] Equally important is the social rehabilitation of victims who often feel misunderstood and isolated from the rest of the community.

While the social and psychological rehabilitation of victims may appear logical to most, many remain sceptical regarding the reintroduction of past offenders. Indeed and after all, why should the victims and the wider community really care about the offender? Why should his/her point of view be taken into account once proven guilty? The answer is in fact quite straightforward. In case of protracted conflict, offenders have very often been victims themselves of some kind of oppression. As explained in the first section of this paper, such conflicts have sometimes been going on for generations and the cycle of violence has made offenders of victims and vice-versa. Mani Rama makes an important point when stressing the fact that "injustice is not just a consequence of conflict but it is also often a symptom and cause of conflict."[88] Offenders often feel they have suffered a strong injustice. They may use this alleged injustice to legitimize their offences. In order to successfully establish and safeguard long-term peace, this cycle must be broken. This can only be done by putting an end to the general sense of self-victimization of both

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[87] Veale, *Violence*, 13.
[88] Minow, *Beyond*, 5.

victims and offenders. There can be no reconciliation as long as the sense of victimization and marginalization of both victims and offenders remain unaddressed.[89]

Pavlich notes that the traditional reasoning behind the punishment of offenders is that they are rational beings who chose to cause harm and transgress social order.[90] The punishment should therefore inflict a pain proportional to the pain caused by the offense itself.[91] However, there is no punishment great enough for the pain and trauma caused in case of mass violation of human rights. Punishment must therefore achieve a "balance between justice and social harmony."[92] The re-introduction of past 'lower cases' offenders into the society contributes to the transformation of the context that initially led to the conflict. After all, "conflict transformation requires real change in parties' interests, goals and self-definition."[93] Reintroducing past offenders into the community implies that there will be a place for the offender within the reconstructed society and by the same occasion serves to trigger social recovery of the latter.[94] Offenders must therefore be given sufficient opportunity to reintegrate into the community. This can be done, for instance, by providing them with community service as a way to repair what harm they have caused to the community. Giving them a role and place in the community they are about to reenter is a crucial part of the process. Bypassing punishment without providing offenders with sufficient opportunities to get involved in the community may seriously affect any attempt at inter-individual reconciliation. It would, in fact, trigger resentment

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[89] Mani Rama, *Beyond*, 125.
[90] George Pavlich, *Governing paradoxes of restorative justice* (London: Glasshouse Press, 2005), 65.
[91] Ibid., 65.
[92] Jeong, *Peace-building*, 159.
[93] Hugh Miall, Oliver Ramsbotham and Tom Woodhouse, *Contemporary conflict resolution: the prevention, management and transformation of deadly conflicts* (Cambridge: Polity Press, 1999), 156.
[94] Ibid., 158.

from victims and various community members and, in turn, further marginalize returning offenders.

Equal attention and efforts must be devoted to the social rehabilitation of victims. If it is true that the reintroduction of past offenders is central to the process of inter-individual reconciliation, it alone will not be sufficient. Offering opportunities to past offenders and devoting little or no effort to the social rehabilitation of victims is likely to defeat the purpose of inter-individual reconciliation. Victims, too, must be given the chance to actively engage with other community members. Their trust and confidence must be regained. This will be achieved incrementally by making sure that victims' needs are being addressed and their sense of security increased. Victims may, for instance, be invited to actively take part in communal reconstruction projects or wider national educative venture.

3.3.2 Community's level

Peaceful co-existence between past enemies necessitates the shifting of social norms from one of national exclusion to one of tolerance. Reconciliatory processes must reflect a form of consensus regarding the general direction the country is heading towards.[95] All parties must feel adequate account of their views have been taken into consideration and measures ought to mirror such dispositions. The 'forward-looking' characteristic of inter-individual reconciliation addresses the reintegrative needs of both victims and offenders. Such processes help to prevent future re-occurrence and by the same occasion facilitate the restoration of both victims and offenders who feel equally isolated from the community. In this respect, the community's actions are intricately

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[95] Richard Bell, *Understanding African philosophy* (New York: Routledge, 2002), 100.

linked to the reintroduction of both offenders and victims. The community must be able to offer a place for all in the 'new society'. Projects aimed at the reconstruction of communities and infrastructure, requiring joint efforts and involvements of both offenders and victims must be nurtured and promoted. Educative forums, as well as psychological support centers, for instance, could be created. Community based programs are to be encouraged as they significantly contribute to the reintroduction of past offenders, rehabilitation of victims, and engagement in the implementation of the needs identified by survivors. Various skills training programs and counseling opportunities can be set up and memorials can be built. Jeong stresses the importance of how 'institutionalizing a common memory in a non-adversarial hearing becomes part of a unified nation-building process to reconcile differences.'[96]

The forward looking aspect of inter-individual reconciliation is therefore generally visible throughout the implementation of various programs that are targeted at the recreation of social trust and harmony and in its commitment to the creation of peaceful means of dispute resolution.

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[96] Jeong, *Peace-building,* 164.

Chapter four: Case studies

The two case studies, namely Rwanda and Northern Uganda, have been chosen purposefully for two reasons. First, they are two classic examples of long-term protracted African conflicts that led to massive violations of human rights and human dignity; and secondly, in both cases, individuals and/or authorities resorted to a different type of justice and reconstruction of their social fabric by reinvigorating community traditions and mechanisms, namely and respectively, Gacaca and Mato Oput. In this section, we will first briefly go over the history and circumstances surrounding each reconciliatory process before focusing on the processes themselves.

4.1 Rwanda

4.1.1 Background

After several decades of Belgian colonial rule, Rwanda suffered magnified tensions and divisions. The 1994 Rwandan genocide of Tutsis and moderate Hutus received enormous international coverage, yet it was not the first of its kind. Although ethnicity (as arguably introduced or strengthened under Belgian rule) is an important component of this long-term conflict, it cannot solely be reduced to such a dimension, as many in the world have been quick to classify it. Resources, enmity, injustice and other substantive and distributive issues contributed to the process. Yet, the 1994 atrocities committed against the Tutsi population fundamentally differed from past inter-group violence in terms of the scale of the killings. Indeed, it consisted of the organised extermination of the Tutsi group carried out by all layers of the society and sponsored by

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the government where various prominent figures openly incited violence and the extermination of all Tutsis. During the few weeks that followed April 6th 1994, several hundred thousands Tutsis and moderate Hutus were systematically exterminated.[97] The massacre was finally stopped with the arrival of the *Rwanda Patriotic Front* (RPF) in May of the same year. The RPF, in turn, perpetuated the killings on their way to Rwanda's capital Kigali, this time targeting Hutus and *interahamwe*[98] supporters.

Under the new government of Paul Kagame, a prominent figure in the RPF, several measures were taken to re-establish peace and to rebuild the social fabric and trust of the country. The International Criminal Tribunal of Rwanda (ICTR) was one of them. However, various attempts at ending the cycle of violence and ending impunity encountered serious criticism. One of the greatest difficulties was the number of individuals accused and imprisoned which was far beyond the capacity of the state and its legal system to deal with. By 2001 (about 7 years later) only 3600 individuals had been prosecuted.[99] The government quickly realized that, at the current pace, it would take more than a century to conduct the trials of the 130 000 detainees accused of taking part in the genocide.[100] As a result, the indigenous village courts of Gacaca were revamped to assist with the task.

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[97] Jean Hartzfeld, *Into the quick of life: the Rwandan genocide: the survivors speak: a report* (London: Serpent's Tail, 2005).
[98] Militias formed by the Hutus majority.
[99] Peter Uvin, "The Gacaca Tribunals in Rwanda" *www.idea.int/publications/reconciliation/ upload/reconciliation_chap07cs-rwanda.pdf* (accessed March 5th 2006).
[100] Ibid.

4.1.2 Gacaca Tribunals

A Gacaca tribunal was initially a type of community court of the pre-colonial era, in charge of settling minor disputes over land or cattle.[101] It was generally composed of elders acting as judges, who were chosen by the community and allocated the task to decide the outcome of the dispute. Gacaca or 'patch of grass' is precisely that: justice on the grass.[102] Gacaca tribunals provided a forum for the community, and the various parties to a conflict to come together on a patch of grass and exchange their views on the matter. The community took active part in the process as it was believed that a crime committed towards one member of the community was a harm inflicted on the whole society. The balance had to be re-established and justice would be carried out and decided upon by the most prominent characters of the community, in consultation with community members. In essence, Gacaca tribunals remained true to their traditional roots, but their format had to be modified to be applicable to the circumstances surrounding the genocide. Indeed, individuals were no longer brought in front of the court regarding cattle or robbery but murder, violence and rape. As a consequence, rather than chiefs or elders, trained professionals currently chair such courts.[103] Victims, offenders and the community are still required to attend and discuss the crime committed. In the end, some sort of consensus regarding compensations and the future reintroduction of the offender within the community is reached. However, due to the severity and large number of crimes committed, categories of offences had to be drawn under the Gacaca jurisdiction in 2004. Crimes were divided into four categories based on the severity of the

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[101] Ervin Staub, "Justice, Healing, and Reconciliation: How the People's Courts in Rwanda Can Promote Them" *Peace and Conflict: Journal of Peace* Psychology 10, no.1 (2004): 25-32.
[102] "Judging Rwanda's genocide Popular justice in Rwanda", *The Economist*, June 2002.
[103] Uvin, *Gacaca*.

crime committed.[104] Category one, for instance, includes "leaders and organizers of the genocide, persons who abused positions of authority, notorious killers who distinguished themselves by their ferocity or excessive cruelty and perpetrators of sexual torture"[105] and are outside the jurisdiction of Gacaca tribunals. Such individuals are brought in front of the International Criminal Tribunal of Rwanda and are usually prosecuted and imprisoned.[106]

Gacaca tribunals correspond to the previous description that has been made of customary processes of inter-individual reconciliation. The process contributes to the *empowerment* of (a) offenders, (b) victims and (c) the community in that it favours their participation as well as the expression of their grievances and needs. Offenders (a), whose testimonies are generally restricted in legal proceedings, get the chance to express a full range of feelings and share their version of the crime by participating in the Gacaca courts. Victims (b) get the opportunity to vent their feelings and frustrations as well as demand restitution or some form of punishment. At the community's level (c), all members are required to attend and possibly take part in the discussion where they can testify. Gacaca tribunals are also fundamentally *collaborative and non-conflictual* in that they encourage open communication and ensure that all decisions are consensual. Victims (b), offenders (a) and the community (c) have a say in the matter. All express their needs and hopes and deliberate on possible sentences. Offenders (a) may recognize what harm they have done and accept to take action in order to redress it. Victims (b) may express their frustration and difficulty to return to 'normal' life while the community (c) encourages exchanges and deliberates. Finally, Gacaca is also *forward looking*. It

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[104]Amnesty International, *Rwanda.*
[105] Ibid.
[106] Ibid.

favours the reintroduction of past offenders (a) within the society as well as the social rehabilitation of its victims (b). The community (c) is also encouraged to secure such rehabilitation by providing opportunities for activity within the community and psychological support for both parties to the conflict.

4.2 Northern Uganda

4.2.1 Background

The 19-year old war in Northern Uganda, fuelled by the Lord's Resistance Army (LRA) of Joseph Kony, is in its own way, a perfect example of protracted conflict, Under the British Colonial rule, the country was first divided into three large regions that were branded with specific roles.[107] Northerners, for instance, were categorized as fighters while southerners were considered as leaders.[108] It is reasonable to argue that such division provided the bases of further post-independence north-south divide. In the initial stages (1986), the conflict was a mere northern insurgency and rebellion which slowly degenerated and isolated itself from popular support in light of the methods and cruelty used against the people.[109] The war in Northern Uganda has had widespread consequences for the whole country and contributed to other conflicts in the Great Lakes area. This war has been particularly known for its use of mines, the abduction of young children and atrocities committed as well as its repercussions for entire communities. To date, it is estimated that at least 30 000 children[110] have been abducted by the LRA which trains young boys as soldiers and uses girls as sex slaves. Terror and cruelty are two

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[107] Uganda Conflict Action Network, "The LRA conflict in Uganda: A Brief Overview" www.ugandacan.org/history.php (accessed July 19th 2006).
[108] Ibid.
[109] Ibid.
[110] Ibid.

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central features of this conflict that holds an entire region and its communities hostage. The conflict has resulted in the destruction of the social fabric and the society has been reduced to displaced camps where "ninety percent of the population of almost two million people live."[111] Landmines as well as the abduction by, and return of children from, the LRA cause a constant threat to peace and reconciliation. The living conditions in overcrowded and often insecure displacement camps worsen the situation and make it one of the most important emergency humanitarian crises in the world.

4.2.2 Mato Oput

The Acholi people have shown extreme resilience in light of adversity and atrocities they have suffered. The people did not resort to mob rule and have shown a strong will to resolve problems peacefully. Customary mechanisms of dispute resolution were even spontaneously reinvigorated to deal with the return of former abductees to communities, now often located in displacement camps.[112] Mato Oput is one of them. The latter consists of a local forum whereby the community along the various parties to the dispute gather and agree to settle the matter peacefully throughout deliberation and discussion. Such a forum is usually chaired by elders and has served to fill in the void left by the absence of formal justice or trust in the society. Each disputing side is encouraged to share their experience and needs for the renewal of a healthy and peaceful relationship. Mato Oput or 'the drinking of the sour root' remains a ceremony that symbolizes first and foremost the reintroduction in the community of those who committed some wrong and aims to reconstruct the social fabric and trust. Indeed, the ceremony and the discussion is

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[111] Ibid.
[112] Veale and Stavrou, *Violence.*

sealed by the offender and the victims sharing a sour drink which symbolizes the harm done being put behind and 'digested'. In the last few years, Northern Uganda has received sufficient financial support from various international non-profit organisations to implement various reintegrative programs alongside Mato Oput, ranging from psychological counselling of child soldiers, abductees and victims to professional and educative programs targeted at young returnees.[113]

Mato Oput is also particularly interesting in that it provides an empirical illustration of the previous discussion on the three dimensions of inter-individual reconciliation. Mato Oput *empowers* offenders (a), victims (b) as well as the community (c) by giving them a voice and a place to share experiences, frustrations and needs. Narration as well as truth telling occupy a central place in the process. By providing a forum for discussion and encounter, the community (c) acknowledges what harm has been done. The *collaborative and non-confliction* aspects discussed earlier are also visible in Mato Oput. The very fact that all parties to a conflict accept to sit down together is fundamentally collaborative. Offenders (a), victims (b) as well as the community (c) mutually acknowledge the painful past of each side. Offenders (a) and victims (b) express grievances and needs. The community (c) by its presence recognizes the need for change. Mato Oput is also fundamentally *forward looking*. The rehabilitation of former child soldiers is of primary importance to the process and gives it a purpose. The latter symbolizes the return of past offenders (a) to the community and the rehabilitation of healthy and harmonious relationships. Victims (b) are also encouraged to return to their pre-war activities and communities (c) support joint initiatives between parties to a conflict and other

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[113]Veale and Stavrou, *violence.*

community members. It is important to note, however, that this is often possible thanks to

the financial support of various non-governmental organizations.

Chapter five: Conclusion

5.1 Limits and challenges

The indigenous processes discussed in this paper have received a great amount of criticism. Their collaborative and non-conflictual character is often under attack because it is considered as a tactic for weak post-conflict governments to avoid tackling the real substantive issues of post-conflict reconstruction and peace-building.[114] Critics often reduce the collaborative and non-conflictual character of inter-individual reconciliation to mere discussion and encounter. They fail to recognize the necessity of such processes to address the deep psychological scars and the dysfunctional relationships that are both symptoms and legacies of conflicts. Skaar offers further criticism by pointing out the lack of experience and inadequate training received by those who chair such processes and direct exchanges.[115]

Attendance at such gatherings, may it be forced or voluntary, remains problematic as it either risks de-legitimizing courts decisions regarding the future of past offenders as well as limiting the psychological and social recovery of both offenders and victims. As noted earlier, posited at the crux of the process of inter-individual reconciliation is the transformation of relationships and the healing of past (usually psychological) wounds. Good will and voluntary participation is therefore crucial to the success of the process.

Equally burdensome is the fact that victims are often outnumbered by offenders present at such gatherings. Such is the case in Rwanda where victims often feel restricted

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[114] Rigby, *Justice.*
[115] Ibid., 119.

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and intimidated.[116] Many women and girls refuse to explicitly discuss the sexual violence they have suffered. Their versions and experiences are often too diluted and the 'common memory' not always acceptable to the few who survived atrocities.

The surrounding circumstances and sometimes hidden political agenda also severely affect the process. Hayner, for instance, stresses the fact that Truth Commissions are sometimes created to legitimize the new government and possibly manipulate the national and international perception of the past and present situation.[117] Investigations carried out as part of various truth mechanisms and reconciliatory practices are very often restricted to a timeframe, therefore not being allowed to look into abuses carried out by the present government. This was the case of the first truth commission established in Uganda in 1974 because of strenuous international pressure.[118] The mandates of institutions designed to mend relationships and establish a common memory have therefore an important impact on the resulting peace.

As noted earlier, inter-individual reconciliation is widely understood as an attempt to rebuild social trust, mend broken relationships and put an end to cycles of violence and fear, elements that are fundamental in the reconstruction of a peaceful society. Yet, nowhere in the literature reviewed is inter-individual reconciliation judged as sufficient in peace-building and reconstruction. While the dialogue that has been re-initiated via the process of inter-individual reconciliation is regarded as necessary and crucial, it cannot alone guarantee long-term peace and the end of animosity. Structural and institutionalized inequalities also need to be addressed. Such understanding reveals the sustained need for

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[116] Phil Clark, "When Killers go home" *Dissent*, (Summer 2005): 14-21.
[117] Priscilla Hayner, "Fifteen Truth Commissions-1974-1994: A Comparative Study" *Human Rights Quarterly* 16, no.4 (1994): 608.
[118] Ibid., 608.

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a set of concomitant processes whereby substantive, institutional and distributive issues are dealt with on an equal basis. Busumtwi-Sam, for instance, puts forward what he calls "three mutually re-enforcing conditions"[119] to the peace-building of war-torn countries; an understanding somewhat close to that of Fletcher's "ecological paradigm.[120] First, he stresses the need for institutional reform aiming at reducing inequalities among various groups or section of the past conflict. Secondly, he reveals the necessity to address and redress grievances before finally, empowering civil society by institutionalizing non-violent mechanisms of conflict resolution. Fletcher argues that the paradigm he put forth provides a "framework to interpret events that arise from multiple causes and in multiple institutions and multiple dimensions."[121] His paradigm reveals the need to acknowledge and deal with the multi-dimensional roots and aspects of a conflict.

Dwyer, in her article "Reconciliation for realists"[122], posits that reconciliation can only be successful and credible if it is accompanied by social, educational and economic measures designed to deal with "substantive injustice."[123] Societal change and the transformation of relationships called for through the process of inter-individual reconciliation can only be successful if all levels of injustice and inequality are tackled. Trials and inter-individual reconciliation are only one aspect of a larger process of peace-building[124]. Trust and confidence cannot be re-established by sustained dialogue alone. Whereas various processes of reconciliation may lack credibility in the eyes of certain academics and professionals, it deserves to be recognized as a true commitment to

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[119] Busumtwi-Sam, *Sustainable*, 106.
[120] Fletcher, *Violence*, 622.
[121] Fletcher, *Violence, 622*.
[122] Dwyer, *Reconciliation*.
[123] Ibid., 11.
[124] Fletcher, *Violence*, 622.

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sustaining peace when it is followed by the implementation of economic, societal, educational and welfare reforms.[125]

5.2 Concluding remarks

In the face of adversity, individuals are capable of either the most destructive or most beautiful acts humanity has ever witnessed. Genocides and wars have left entire societies crippled. Such were the cases of Rwanda and Northern Uganda where people remained with little left to do but to attempt to rebuild, yet again, a society where peace would flourish. In cases like these, where conflict has targeted civilians, inter-individual reconciliation is often regarded as the best option. While the literature blooms with various studies of reconciliation and its practice, little has been done to reach a consensus and to identify what makes it so particularly relevant to long-term protracted conflicts. This observation led our exploratory research and invited us to explore both the challenges brought about by contemporary warfare as well as the components of inter-individual reconciliation carried out through local customary practices. Our investigation led us to affirm that inter-individual reconciliation is directly relevant to protracted conflicts for the following reasons: Where conflicts target citizens and destroys their communities, inter-individual reconciliation is collaborative and empowers them; where protracted conflicts find their roots in long-term generational cycles of oppression and enmity, inter-individual reconciliation helps to break the cycle and is forward looking.

Further research and field trips will be necessary in order to continue investigating the merits of and challenges met by local custom-based processes of inter-individual

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[125] Jeong, *Peace-building*, 156.

reconciliation outlined in this study. This project is therefore a springboard to further

research on peace-building and reconciliatory practices.

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