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Workable World Trust Essay Contest

**<u>Part I</u>**

I graduated from Colby College with a B.A in government and global studies in May 2015. At

Colby College, I was a research assistant for Professor of Government Lindsay Mayka, a Latin

Americanist and democracy expert, and Professor of Government Laura Seay, an Africanist and

international development expert. I was also the Co-Chair of the Student Committee of Colby's

Oak Institute for International Human Rights. I completed international development internships

in conflict and post-conflict states: Kashmir (and southern India), Liberia, and Guatemala. In

Kashmir, I sought to understand the social and political complexities of the prolonged conflict. I

witnessed how personal the struggle for human rights can be, and I presented a TEDx talk titled

Creative Resistance to Violence. In Liberia, I experienced the explosion of the Ebola crisis and I

realized the importance of institution building to mitigate disaster. In Guatemala, I learned how

histories of violence and marginalization manifest themselves decades later.  As I explore career

paths within international development, I see the Creating a Workable World conference as a

fantastic learning opportunity to discuss current global issues and strategies to address them.


**<u>Part II</u>**

***Problem Topic #1: Stability is Rooted in Trust***

The United Nations Mission in Liberia's (UNMIL) mandate is missing one crucial word:

trust. Stability is based in trust. Citizens must trust that their government will protect them,

uphold the rule of law, promote human rights, and facilitate the political process—all

components of UN Peacekeeping missions. If citizens do not have trust in their political leaders

and institutions, chaos is a constant risk. For countries emerging from conflict, trust must be an

integral component to keeping the peace.

One year ago, Liberia was at the height of its battle against Ebola. This wasn't the first

fight the country had faced; Liberia's civil war raged from 1989 to 2003. Security Council

resolution 1509 established UNMIL in September 2003. Currently, 3,750 peacekeepers are stationed in Liberia. While demobilization was largely successful, citizens are still wary of their government 12 years later. Many are upset that Johnson Sirleaf won a Nobel Peace Prize in 2011 even though the Truth and Reconciliation Commission of Liberia recommended that she not hold public office for 30 years because of her support for warlord Charles Taylor.

Citizens often question whether their leaders are best serving the interests and needs of the people. According to the World Food Program, 64 percent of Liberians live in poverty. Infrastructure is poor—buildings in Monrovia that were looted during the war remain abandoned. Only 14 percent of Liberians attend secondary school. Hospitals are often long distances from towns and villages, and the ones that do exist aren't properly equipped. Citizens know that government officials often leave Liberia for the United States or Europe to seek medical attention. Since there are few clinics or hospitals outside of the capital, most Liberians have had little experience with the formal health system. During mid-2014, when health workers appeared in communities to combat Ebola, citizens were skeptical of why the government was suddenly paying attention to them. In Lofa County, a rural region on the border with Guinea, citizens attacked health workers. In West Point, a Monrovia slum that the government consistently ignores in national development projects, citizens looted an Ebola clinic.

On August 19, 2014, Johnson Sirleaf ordered a city-wide curfew from 9 p.m. to 6 a.m. and quarantine for West Point, Liberia's largest and most densely populated slum of 50,000 people. Citizens immediately began protesting, and on August 20, soldiers fired live rounds at the crowd when residents attempted to overthrow a barricade, killing one boy. The quarantine sent the message to West Point's residents, all of whom live in extreme poverty, that the government was attacking them, not the virus. A Liberian said in response to the quarantine, "West Point is home to many ex-combatants. I fear that they may organize and grab arms from the AFL and violence may erupt."

Michael Goldfarb, spokesman for Médecins Sans Frontières, wrote, "There is no indication that confining whole communities to their villages or neighborhoods is an efficient approach to containing the epidemic at such an advanced stage of the outbreak. Quarantines and

curfews tend to instill fear and distrust towards the whole of an outbreak response, including health structures." In order for a government to manage a health crisis, citizens must believe that their government will work to protect to them. Citizens must be able to trust that the government is acting in their best interest. Liberia's 14-year war, its widespread corruption, the government's questionable legitimacy, and limited presence outside the capital has hindered the development of citizens' trust. When citizens do not view their government as accountable, they are not likely to trust the government in return.

Perhaps that is why mobs of angry citizens chased health workers, why an Ebola victim's relative burned down the second floor of the Ministry of Health, and why citizens created roadblocks to prevent ambulances from collecting the bodies of Ebola victims. Only when citizen-government trust and accountability is embedded into the political culture will Liberia's government and its people collaborate to address challenges. UNMIL and all UN peacekeeping missions cannot fulfill their mission of creating sustained peace without investing in efforts to build trust.

### *Problem Topic #2: Reconciliation, Not Prosecution, Builds Peace*

Between 1992 and 1994, Rwanda and Mozambique resolved internal conflicts that were marked with war crimes and crimes against humanity. The post-conflict political and social response that occurred within each state varied: Mozambique offered blanket amnesties and citizens developed their own form of reconciliation through beliefs in *magamba* spirits, and the UN established the International Criminal Tribunal for Rwanda (ICTR) and the Rwandan government created the *gacaca* court system. Only the ICTR applied the Western concept that states have a duty to prosecute perpetrators. Under Article 2(3) of the International Covenant on Civil and Political Rights, states have a duty to prosecute perpetrators of crimes to grant victims an "effective remedy." Mozambique did not uphold the duty prosecute, yet Mozambique has an arguably more consolidated democracy than Rwanda does, which held criminals accountable at the ICTR. In some cases of intergroup conflict, the implementation of a war crimes tribunal is unable to address societal reconciliation needs that are vital to peacebuilding, democratic

transition, and state consolidation. In these cases, amnesty combined with societal reconciliation methods are more effective than criminal tribunals.

In Rwanda, the slaughter of 800,000 individuals in 1994 warranted political prioritization of justice and reconciliation to rebuild Rwanda's democracy and Rwandan society. That November, the Security Council established the ICTR. The international community, which had abstained from intervening to stop the genocide, falsely assumed that Western notions of justice would allow for Rwanda's democratic consolidation and societal reconciliation. If the most serious perpetrators were prosecuted, it was hoped that grave breaches of international law would not reoccur. The international community did not advocate for amnesty because of the belief that amnesty leads to impunity, which hinders victims' rights to justice. On the other hand, Mozambicans viewed justice and reconciliation in a different light. Their post-conflict priorities were not entirely on courtroom justice. Amnesty was a tool to allow political leaders to collaborate on peacebuilding agendas and for citizens to reconcile with perpetrators.

While Rwandan perpetrators were convicted at the ICTR, the tribunal did not erase a culture of impunity in Rwanda. To begin with, only sixty-one defendants were convicted by 2012 out of the 140,000 *génocidaires*. For Rwandan survivors, command responsibility meant little when their neighbors had killed members of their family. Today, Tutsis who were complicit in the genocide and crimes leading up to the genocide are exempt from punishment. The ICTR allowed for victor's justice. Instead of bringing reconciliation and allowing for a democratic transition, the ICTR further dived Hutus and Tutsis. Helena Cobban argues that the ICTR perpetuated "deep-seated social and political cleavages, keeping in place a situation in which fundamental human rights continue to be denied and threatened on a massive scale."[1] Divides between Hutus and Tutsis were so strong leading up to the genocide that the political nature of the war crimes tribunal (perpetrators vs. victims) preserved the Tutsi view that all Hutus were guilty in the genocide. The focus on prosecutions at the international level incited President Paul Kagame to spread the Tutsi-victim, Hutu-perpetrator narrative in order to consolidate the

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[1] Cobban, Helena. Amnesty After Atrocity? Healing Nations After Genocide and War Crimes. London: Paradigm Publishers: 2007.

Rwandan Patriotic Front's (RPF) political power. This narrative is present even at the localized approach to justice. Kagame's *gacaca* traditional justice system further engrained beliefs that Hutus were the only violent actors in 1994. The ICTR, based in Arusha instead of Kigali, didn't create space for Hutu-Tutsi reconciliation. The *gacaca* courts were created to allow citizen reconciliation, but their close alignment with the RPF government presented a skewed version of truth-telling which hurt reconciliation.

The focus on justice prevented Rwanda from creating a reconciliation process that was inclusive of not only Tutsis, but Hutus as well. Instead of creating a power-sharing government, like what was seen in Mozambique, Rwanda has had an authoritarian government since July 18, 1994, when the RPF took power. While Kagame's authoritarian rule has kept the peace stable, high tensions between groups threaten a possible future uprising. Citizen rights are consistently violated and political tensions between alternative parties and the RPF remain high. In both 1994 and 2015, Freedom House ranked Rwanda a 6 out of 7 for political rights and civil liberties (1 represents "most free" and 7 represents "least free"). Although the duty to prosecute was upheld in Rwanda, a democratic government did not emerge from the ICTR. Mozambique offers a much stronger example of post-conflict democratic transition. Their post-conflict transition strategies, while absent of international criminal tribunals, prioritized rebuilding society on the basis of political equality and reintegration of all members of society.

In Mozambique, the 1992 General Peace Agreement didn't place power entirely into the hands of political party FRELIMO. Opposition party RENAMO leader Afonso Dhlakama collaborated with FRELIMO President Joaquim Alberto Chissano to establish a multi-party system that offered RENAMO leaders positions in office. The incorporation of opposition political leaders into the post-conflict government was a crucial factor in the development of a stable democracy. (Although this can present a moral hazard dilemma where individuals are incentivized to join rebel groups in hopes of gaining access to political office.) Individuals complicit in the civil war were not subject to prosecutions, but their presence in the Mozambican government contributed to its stable democratic growth without political tensions between opposing parties.

Mozambique presents an ideal case of the reintegration of the fifteen year civil war's survivors as a method of post-conflict reconciliation and democratic transition. The UN supported reintegration programs for 90,000 ex-combatants. Another aspect of the reintegration process was the blanket amnesty offered to all citizens who were complicit in the civil war. Amnesty lowered barriers of reintegration into society for perpetrators who would be labeled as "guilty" if they were prosecuted. While there was not an international criminal tribunal to hold perpetrators accountable, the Western notion of accountability does not directly translate to the Mozambican social context. In Mozambican culture, distinctions aren't made between perpetrators or victims. Instead, Mozambicans believed that the war negatively affected everyone. Holding individuals accountable as perpetrators at a war crimes tribunal wouldn't contribute to national reconciliation. The Western justice method wasn't relevant to the Mozambican cultural context. Additionally, the nature of a trial—its testimonies, defenses, questionings—didn't align with the healing rituals that Mozambicans used to resolve conflict. It is likely that Mozambican victim testimonies would re-traumatize victims who had to verbally share their experiences in a courtroom.

In Mozambique, cultural-based approaches to conflict resolution and reconciliation made blanket amnesty the most relevant form of post-conflict justice. A war crimes tribunal that required Mozambicans to re-visit traumatic experiences through testimony would have interfered with Mozambicans tactic of symbolic dealings with the past and focus on the future. Individual prosecutions would not have matched Mozambican understandings of collective action and collective accountability. Upholding the duty to prosecute would have interfered with Mozambique's successful democratic transition. While Rwanda's post-conflict response included prosecutions at the ICTR, societal reconciliation has not been achieved. Paul Kagame's RPF government has taken ownership of the genocide's narrative and has prevented complete social and political inclusion of Hutus. Until true reconciliation is achieved, Rwanda will remain far from a democracy. Societal reconciliation, not prosecutions, brings successful democratic transitions and peacebuilding. Justice must be approached through a locally-focused lens.