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The Context of Reconciliation

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Each context, like each country or each conflict, is different. In the immediate aftermath of a settlement after violent conflict - during the transition from violence to peace - there is usually a unique set of factors present that together affect the ease with which the necessary but painful issue of reconciliation can be tackled. In some cases they can produce dilemmas over apparently conflicting goals; in others they may ease the path to reconciliation. It is impossible to list them all, precisely because they depend on the specific context. However, we can suggest the themes that generate such factors. We examine some of these now.

3.1 The Legacy of the Past

One obvious set of key factors that affect the business of devising an effective reconciliation process derives from the history of the conflict and the history of relations between the divided communities. This does not only relate to what actually happened in the past (the history); equally important are people's perceptions of what happened in the past (the mythology).

There will always be what may be termed historical, "objective" issues (for example, who killed whom, who ruled unjustly, who organized human rights violations). But there will also be subjective perceptions, beliefs, mythologies and interpretations of that history - why someone acted as he or she did - which may or may not reflect actual events but will significantly shape people's readiness or room for manoeuvre in the present. Historical accuracy is always to be pursued. But the mythologies that we all build over our histories - our heroes and martyrs, our hate-figures and villains, our glorious victories and our proud suffering - are often as important. It is necessary to understand the past, and also to understand how people interpret their past. Often it is their beliefs about what happened, as much as what actually did happen, that will render the history more or less amenable to a reconciliation process. If there are opposing histories, opposing truths, then they too must be recognized and reconciled.

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Other issues from the past will also have an effect on attempts to heal the current division. Have the alienated groups coexisted peacefully before? Were they initially "one people" before divisions set in, or have they always considered themselves as separate entities? Have there been previous reconciliation

efforts? If so, what has their effect been? In particular, how well is their failure understood and in what ways can it inform the design of a better process this time around?

3.1.1 Longer-Term History

The past has many layers. This fact needs to be acknowledged before addressing the past through a reconciliation process. Many violent conflicts and wars are not simply the outcome of one particular set of recent circumstances which led to violence. For example, reconciliation processes in Latin America often focus quite naturally on the violence of a particular military regime, but a full understanding of many of those conflicts also requires an investigation of the much longer history of the treatment of indigenous people at the hands of settler cultures. In Croatia, the focus of reconciliation

is on the violence of the war in the 1990s, but no reconciliation process could function properly without the understanding that there is a long history of violent episodes between the opposing sides, and that the oppressor side at one stage has also been the oppressed at other times. The same applies in Rwanda and Burundi, where the tables have been turned more than once over time, so that the victims of one outburst of violence have become the perpetrators of the next.

This clearly raises the question of the period of time the reconciliation process should cover. Does it refer only to the latest outbreak of civil war or violence? If it does, will that leave unresolved the atrocities committed at another time by another group? How far back in history should a reconciliation process reach? Is living memory the realistic limit? Or can, and should, amends be made for historic wrongs? There are no easy answers, and it is not the aim of this Handbook to prescribe neat responses. Our message, rather, is simply that such complexity must be thought through and resolved as well as possible, even if there are apparently logical arguments for reducing the problem to the least complex form, which seems most amenable to a solution. A realistic balance must be struck that takes into account all the conflicting claims on justice, all the differing demands for truth, and all the pain and suffering that may arise from the many layers of a complex social history.

More global factors may impact as well. For example, in some regions, especially in Africa, the pre-independence history of a country will have a vital role to play in explaining the dynamics of post-colonial conflict. In many situations the cold war will have been a factor. While the greater, global agenda of East–West ideology inflamed many violent conflicts, it also acted as a fire-blanket on others, keeping them “on hold” so that those involved were released only in the 1990s to continue their struggle on their own terms.

Conflict analysis is always complex and wide-ranging, and the analysis that underpins the reconciliation process must be no less nuanced and extensive.

3.1.2 The Nature, Scale and Degree of Past Violence

The intensity of the violence that has taken place directly affects the depth of response of those involved, and partly defines the scale of the problem to be addressed.

Without for a moment belittling the suffering of the victims of the conflict in Northern Ireland, the intensity of violence there (around 3,000 dead in around 30 years) is clearly different from that of the 1994 Rwandan genocide (about 1,000,000 dead in about 100 days). At the individual level there is little effective difference between the pain of a grieving family in Belfast and that of one in Kigali. Nonetheless, the effect of the intensity of the violence on Rwandan society is far more profound. In particular, this may dictate the degree of optimism or pessimism within a society when it looks at the challenge of reconciliation. Not only has the violence affected a far broader spectrum of the society in a direct way, because of its scale: additionally, at the communal level the wounds appear much deeper, the trauma and emotions involved much more profound. The worst strategy in such a case is to try to underestimate the size of the challenge. A wounded society cannot afford to underplay its tragedy and apply ineffectual remedies any more than it can afford to be overwhelmed by the trauma it has suffered.

The intensity of the previous violence may make the challenge appear even greater; but it also serves to increase the pressure for a process that will guarantee that there is no repetition. This may serve usefully to focus minds and commitment on the need for reconciliation. At the same time it also produces pressures and a great urgency to move fast: yet reconciliation, as we repeatedly point out in this Handbook, cannot be rushed.

One important consequence of intense and/or sustained violence will be the extent of the damage

to a country's infrastructure, and in particular economic destruction. Logistical and resource capacities for implementing reconciliation (or any other) initiatives will depend on the economic state of the country, both present and projected. Planning must therefore be realistic in terms of what is feasible and deliverable.

3.1.3 The Depth of Division in Society

The depth of the divisions in a society will obviously dictate significantly how amenable it is to a healing process of reconciliation. Those divisions will be deepened, clearly, by prolonged and intense violence, but this may also be a matter of time.

The reconciliation process involves a society in questioning the confrontational attitudes and beliefs that have sustained it during conflict. The longer those attitudes have survived intact, the more resistant they will be to change.

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Northern Ireland was mentioned above as a conflict in which the intensity of violence was comparatively low; but the two communities who are currently striving to live together in Northern Ireland have been struggling to do so in the same territory for almost 400 years.

Even if the violence has usually remained at what one British military officer once cynically termed "an acceptable level", the sheer longevity of the conflict has entrenched deep and widespread attitudes and beliefs about one's own community and the other - indeed, complete mythologies and histories - which are now presenting great challenges to the process of building a cooperative social and political framework.

3.2 The Transition

3.2.1 Types of Transition

A previously all-powerful regime (for example, a long-standing dictatorship) will have been both able to use and quite possibly enthusiastic in using state violence to perpetuate itself. This increases the amount of hurt caused to the opposition, and thus the amount of trauma to be dealt with through reconciliation. But it also in a way simplifies the direction of the reconciliation dialogue: most of the hurt to be addressed will have flowed in one direction - from the regime to the population and the opposition - and it will be much easier to identify, and differentiate between, offenders and victims. Likewise, when such an all-powerful regime decides itself to dismantle the old order, its motivation to admit past wrongs may be greater and/or the degree of forgiveness from the oppressed may be greater given that an expression of guilt is implicit in the regime's self-dismantling.

In contrast, when both sides work in partnership to produce the transition - as was the case in South Africa - the potential for a similar partnership in the reconciliation process is greatest.

However, if a negotiated settlement arises, as it often does, from a stalemate after sustained violent struggle, the complexity of wrongs suffered and committed by both sides and the consequent difficulty of differentiating victims from offenders may be much greater. A system where a regime dealt with dissent by the summary killing of dissenters is appalling but at least straightforward. A system where state violence (characterized by its victims as "oppression") and rebel violence (interpreted by its victims as "terrorism") have intertwined over an extended time is much less clear. Guilt and culpability rest on both sides, albeit possibly to different extents. This, indeed, is the norm in the transitional phase.

One of the most determining factors of post-conflict reconciliation is the balance of power between the previous regime and its successor at the point of the transition. At least three different typical

scenarios present themselves. Each will produce significantly and structurally different types of reconciliation processes:

- Where a formerly oppressive regime has been violently and completely overthrown, or where a civil war has ended through a decisive military victory for one side (for example, the end of the Mengistu regime in Ethiopia in 1991).
- Where transition arrives at the initiative of reformers within the previous regime and those in power take the initiative and play the decisive role in ending the regime (for example, the former Soviet Union).
- Where transition may result from joint action, including the negotiation of a settlement, between the former government and opposition groups. The forces of the previous regime have not lost all power; nor have the former insurgents gained absolute control. Instead, in the new context, every aspect of life must be negotiated between them (for example, South Africa and many Latin American countries).

Each of these types of transition will facilitate a reconciliation process to a different degree. Each will produce a different way of dealing with the legacy of the past. The first scenario - the overthrow of an oppressive regime - may more strongly encourage punitive structures for retributive justice (see chapter 7). The second, reform from within, may encourage self-protecting moves towards amnesty (again, see chapter 7). The third, a negotiated peace, may open up the possibility of a process designed through negotiation between equals. In this case, though, one side may pursue amnesty for its members and supporters as the price of its agreement to support coexistence while the other is pursuing justice and punishment as the price of its support. Lacking absolute control, neither side will achieve its goal in this. What is important is that the negotiated compromise on justice facilitates, or at least does not obstruct, the even deeper process of long-term reconciliation. If such a negotiation simply gives the victory to one side, the lingering resentments, however deeply they appear to be buried, will almost certainly come back to haunt and hinder reconciliation at a later stage - and ultimately that path leads back to conflict and to renewed violence.

Finally, if the transition produces a new, all-powerful regime, this will affect the reconciliation process too. On the one hand, the new state may find that it has great power to insist on reconciliation and to implement it by forcing the old powers to accept judicial punishment for their acts. On the other hand, such a one-sided process may simply stoke the former powers' perception that they have now become the victims - which will almost certainly guarantee problems of unreconciled resentments further down the road.

3.2.2 The Nature of the Peace Settlement

Clearly, the nature of the settlement reached by the conflicting sides dictates both the shape of the transitional arrangements and, to some degree, the future shape of the social and political order. Naturally, then, it has consequences for the reconciliation process.

Assuming, as this Handbook does, that the settlement consists of democratic structures designed to produce inclusive and fair governance, how will that improve the context for reconciliation? For example, a simple easing of the previously prevailing atmosphere of fear and distrust may be enough to enable victims to trust the new context and thus to speak out more confidently and with more tolerance of past acts. On the other hand, a new economic order which discriminates against one side in its share in the new hoped-for prosperity will have the opposite effect.

Where possible, it is important that the negotiators of the settlement recognize in advance the

need (a) to address the issues of reconciliation in constructing the agreement, (b) to make sure that appropriate and meaningful reconciliation processes, formal or informal, are devised, and (c) to ensure that the necessary resources for those processes are available. To do otherwise, as noted earlier in this chapter, is to store up trouble in the form of a continuing dysfunctional relationship between the communities that will potentially undermine even the very best of democratic settlements.

3.3 The Post-Transition Context

In the first years after a transition, post-conflict societies usually have to operate in an unstable environment, trying desperately to grapple with the issues arising from the violence and from the settlement, while giving the fragile new democratic structures time to bed down into normality. This is the critical time for developing the habits of coexistence, for building the legitimacy of the new regime on its record of action and achievement, and for dealing with the general expectations of the new dispensation. It is the time when previous promises are measured by subsequent actions.

Most new dispensations have as their aim simply to uphold a minimal degree of peaceful coexistence during this critical period. More positive relationship-building will hopefully develop with time, but just the “negative peace” of an absence of overt violence between the previously warring communities may well be enough to hope for. It is also the minimally fertile ground in which the fragile reconciliation process, having been planted, must now be nurtured and maintained.

The various contextual factors working to enable or restrict this fragile growth do not only depend on the pre-transition period and the ingredients of the settlement and the transition discussed above. There are other factors which have much more to do with the current context than with any legacy from history. Some of these are reviewed below. Some work to enable reconciliation, some to constrain it, and some can work with either or both effects depending on the timing and/or the context. This Handbook can offer no definitive list, but examples of the kind of themes involved can be given. Some have an obvious relation to reconciliation. The relevance of others may be less apparent but they must be considered nonetheless, if only briefly, in process design.

3.3.1 Cross-Cutting Interests

Sometimes it is possible for conflicting sides to come together to support something of equal importance to both of them - a transcendent nationality, for example, such as adherence to the Soviet Union despite local differences. Segments of the Ethiopian population have drawn together as nationalist Ethiopians, despite their differences, to support the national war against Eritrea. Often people may come together in solidarity against an external threat: it is as easy to see Ethiopian nationalism simply as a logical response of pooling resources and following common interests when faced with the threat from Eritrea.

Realistically, though, such factors are fairly rare and, when they do appear, somewhat transitory. They are the result of chance and fortune, rather than strategies on which to base action. Indeed, they are a favourite, if obvious, tactic of desperate or unpopular leaders, who see fear of the external enemy as a way to quell internal unrest. Nevertheless, they can have an influence on the post-transition context.

What is much more typical of divided societies, and can be very effectively utilized in facilitating a reconciliation process, is the existence of the same self-interests among sub-groups on each side of the divide. Such interests can be developed, with care, into a basis for cross-community cooperation. A society that is at war usually sees every aspect of itself through the particular lens of the issue that has caused the conflict: ethnicity, for example, often becomes the single defining issue that places each

person on one or other side of the war. No middle ground is permitted. But often there are other interests which, if allowed to have influence, would divide the society along different lines, moderate that all-powerful divide and develop that middle ground. In the fragile post-conflict peace, these issues begin to exert, or re-exert, their influence, and to encourage other non-traditional groupings among the population that will ignore, say, ethnic cleavages and concentrate on others based on class, gender, religion, economic interests or the rural-urban divide.

Women from both sides in a war may have very good reason to join together the better to pursue their demands for an equal share of social power with men. Labour groupings may find it much more effective to pursue their interests in combination, so forming a more significant pressure group in society, than

Self-interests that cut across the divide can be very effective in facilitating a reconciliation process.

to do so as two divided camps. Business and industrial interests may be better served by a larger, combined market, by complementing each other's human, financial and natural resources. Where poverty affects people on both sides of the conflict, the poor can increase their resources by joining together to fight for more equitable resource sharing. There may be common religious or linguistic links that can act as bonds to bring people together across the original divide.

All these and many more such potential areas of cooperation tend to appear as delicate shoots in the transition period, and nurturing them can generate a subtle but significant momentum away from the simplistic, binary division that has fuelled the violence along one dimension in the past. When they are nurtured, they add a complexity to social life that makes it more difficult to return to the "them-and-us" rivalry of the war. And of course, in the process of such reaching out across the divide, these developing patterns of cooperation lead to the forming of real cross-community relationships. It is those new relationships which lie at the heart of lasting reconciliation.

3.3.2 The International Context

Were neighbouring or other countries or regions involved in the conflict? And will they need or demand involvement in the reconciliation process?

They may greatly complicate the design of the process, and/or they may be able to contribute resources to it. It must be admitted that where third-party states have had a long-term engagement in a conflict it has usually been to negative effect, for example, the role of the USA in sustaining and supporting violence in many Latin American contexts and in some cases obstructing peacemaking and reconciliation initiatives there also. On the other hand, powerful outside states may, through their self-interest in the region or the country, have the potential to add greatly to peacemaking and reconciliation: the supporting role of the US White House and Irish-Americans in developing the peace settlement in Northern Ireland in 1998 is an example.

There is also a regional dimension to most conflicts, so that regional actors may have to be a part of the reconciliation process. One example is Central Africa: not only is reconciliation in Burundi greatly influenced by events in Rwanda and the eastern Democratic Republic of the Congo, but regional African institutions, intergovernmental or non-governmental, can significantly help or hinder reconciliation initiatives.

The "international community" in the wider sense has the potential to contribute in two ways. First, it is a potential source of information, expertise and training on reconciliation - this Handbook, for example, is an attempt to gather advice, experience and good practice from many contexts around the world for use in handling specific problems. Second, the slow but inexorable development of international humanitarian and human rights law is having a growing effect by setting and supporting

standards in the shape of an international legal order, and forming a supportive external consensus on issues such as impunity for serious human rights violations, the right to truth, the unacceptability of certain crimes and the need to bring perpetrators to justice irrespective of where their crimes were committed. (Chapter 10 reviews in more detail the potential role of the international community.)

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3.3.3 Culture

The way in which a community deals with a violent past is intimately linked to its more general customs and culture. One key element is the way in which the culture influences the system of collective memory. Some societies embody a natural urge to forgive the injustices inflicted on them in the past; others display a strong aversion to letting bygones be bygones.

Ali Mazrui cites several examples of an African tendency to forgiveness: Jomo Kenyatta, independent Kenya's first leader, became one of the country's most enthusiastic Anglophiles despite his years of imprisonment by the British; there was no acrimony in Nigeria at the end of the Biafran civil war; Ian Smith, the leader of Southern Rhodesia's white breakaway movement, entered the new parliament of Zimbabwe. Archbishop Desmond Tutu has considered this culture of forgiveness extensively. "What is it", he writes, "that constrained so many to choose to forgive rather than to demand retribution?" His answer is what Africans know as *ubuntu* in the Nguni group of languages (or *botho* in the Sotho languages). It is a difficult concept to render in a Western language. Tutu says that a person with the African world-view of *ubuntu* "is open and available to others, for he or she has a proper self-assurance that comes from knowing that he or she belongs in a greater whole and is diminished when others are humiliated or diminished". Such a cultural outlook, the argument runs, will predispose its members towards forgiveness and reconciliation.

But opposed to such cultural beliefs are others - for example, in Albania - which prize revenge and honour above forgiveness.

Since cultures provide the atmosphere in which social systems work, they can be powerful forces to help or to hinder the reconciliation process. It is necessary to be culturally sensitive, and to design or adapt the reconciliation process accordingly. Since reconciliation cannot be imposed from outside and must flourish or fail depending on how far the people in a society are able to embrace it as meaningful and in their interests, then it must be culturally appropriate. However, culture never supercedes the need for a reconciliation process: all the pragmatic arguments for the necessity of a reconciliation process to develop the relationships that will underpin a healthy new regime still apply, whatever the cultural context.

One increasingly acknowledged role that culture can play is to act as a rich resource for finding home-grown tools to use in the reconciliation process. Most cultures have developed, within their norms and customs, methods for dealing with conflict in various shapes and forms. There is still a tendency, especially among Western or Northern interveners, to export conflict management mechanisms from the developed world and try to impose them in novel contexts - Western models of mediation, for example, or Western justice mechanisms. One of many reasons for the subsequent failure of such exports is that the models are rarely culturally appropriate to the context - they do not fit the situation and are thus seen by the recipients as alien, irrelevant and imposed from outside. More and more, people are looking within their existing cultures and finding models and mechanisms that can be adapted or adopted to suit a home-grown reconciliation process.

The Rwandan gacaca tribunals process is a modernized form of a very traditional justice mecha-

nism (see the case study following chapter 7). One of the great strengths of the gacaca system is precisely that it includes a healing element, so that it can serve reconciliation at the same time as it serves justice. Another strength is that it is culturally familiar to Rwandans. However, the Rwandan Government has come in for considerable international criticism for implementing gacaca precisely because it contradicts some of the norms of international (and especially Western) legal models. Other examples of home-grown healing and reparation tools include cleansing rituals in Sierra Leone and healing circles among Native Americans. Examples of home-grown justice and decision-making tools include the Afghan *loya jirga*; the “joking relationship” between tribes in Burkina Faso; and so on.

This trend of looking “within” for tools and solutions, rather than looking outside for ready-made answers, is a new and developing one. Whatever the country or the culture, decision-makers should be encouraged to examine their own cultural resources before, or at least as well as, looking for outside help. (Chapter 7 discusses various home-grown and indigenous methods of achieving restorative justice.)

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3.3.4 Geography

Less obvious factors can have powerful effects. Sometimes ethnic differences are broadly reflected in geographical location, for instance, in the physical separation of the Yoruba and the Ibo to specific parts of Nigeria. Elsewhere, as in Northern Ireland, two communities may be living closely inter-linked in the same space.

It is difficult to generalize about the effect of geography on conflict, except to say that either situation can work positively or negatively in creating the space for reconciliation, and so must be taken into account when planning for a reconciliation process. Geographical separation can make it easier to coexist, or that very distance can make it more difficult to generate the interaction that could lead to cooperative relationship-building. On the one hand, “good fences make good neighbours”. On the other hand, it is virtually impossible for people to challenge their negative images and stereotypes of a former enemy in order to engender better understanding and a minimum of respect if they do not encounter them as a human reality.

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3.4 Concluding Remarks

A great many factors must be considered in the delicate work of designing and implementing the most appropriate reconciliation process for a particular context. Pressures for quick results must be resisted, since quick results will only scratch the surface and, while bringing temporarily the appearance of a reconciled society, will leave underlying resentments or emotions unaddressed and fail to address the relationship-building that is the basis of real reconciliation. Equally, however, too subtle or too invisible a process will discourage people from seeing progress and will breed scepticism.

This chapter has tried to give a sense of the kinds of issue that must be considered and to instil the importance of reviewing all relevant factors, including, and especially, the difficult ones. The presence of some or all of the positive, enabling factors will not guarantee success, any more than their absence will guarantee failure. And while there will always be negative, constraining factors, these must not

be used as excuses for inaction when in fact what is missing is the political will to grasp the nettle of reconciliation.

Despite all the pressures and logical temptations, the other agendas and pressing needs, the worst decision is to postpone addressing the difficult issues - the pain, the guilt, the emotions - in an attempt to preserve stability and peace. The “right time” to deal with these matters never comes: they only become more difficult to deal with as time passes. Ignoring the divisive issues will only produce frustration and cynicism about the new dispensation, especially among those who see themselves as the victims of past violence, and who may initially be the new regime’s strongest supporters.

References and Further Reading

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