



Extracted from *Reconciliation after Violent Conflict*
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The International Community

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In the chapters on healing, justice, truth and reparation, brief references were made to the interventions of third parties, such as UN agencies and foreign NGOs, in these areas. This chapter now takes a closer look at the potential role and the limits of outside attempts to foster lasting reconciliation. Two questions will be raised here:

- What should be the “canon” of international engagement?
- In what reconciliation areas can third party support be useful?

10.1 Rules of Engagement

Reconciliation in post-conflict societies cannot be imported from the outside. Foreign actors must see their role as one of support and facilitation of domestic policies. Several, more practical, imperatives follow from this critical engagement perspective.

10.1.1 A Cautious and Restrained Approach

Caution from the side of the international community implies:

- awareness of the specific political, cultural and historic forces in a transitional society;
- accepting that the process must be locally “owned”; and
- being sensitive to such issues as appropriate timing and tempo.

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Assessing the Particular Context of a Post-Conflict Situation

Recently, trials and truth commissions have become increasingly popular with international donor communities and NGOs. Rama Mani, a consultant for the Centre for Humanitarian Dialogue in Geneva, writes that this has created “an implicit obligation for countries newly emergent from conflict to adopt one or both”. This commitment has sometimes been written into internationally brokered peace agreements, as in Guatemala, Sierra Leone and Burundi. Mani concludes: “There are forceful arguments in favor of both options. However proponents of trials and truth commissions afford less attention to the difficulties of applying these two mechanisms in low-income post-conflict societies, and to their shortcomings in these politically and materially constrained contexts”.

The international community must avoid such a one-sided approach. Each transition from violence to peace is indeed almost unavoidably unique. Earlier in the Handbook attention was drawn to the impact of such factors as the nature, scale and degree of violence, the intensity of division in society, and the previous and post-transition balance of power. In addition, the strength of the political will to tackle the question of reconciliation may vary considerably. So do capacities and resources, both inside the political leadership and in civil society.

Accepting the Local “Ownership” of the Reconciliation Process

Durable reconciliation must be home-grown. Pain, misery and discrimination can only be known and acknowledged by those who suffered and those who caused the injustice. Only the victims and

the perpetrators can reconcile themselves with one another. From this it follows that the international community must facilitate instead of impose, empower the people instead of “picking the fruits of sorrow”, support local initiatives instead of drowning the post-conflict society in a sea of foreign projects (as happened in Kosovo), and choose capacity building above importing experts.

Sometimes societies coming out of a violent and long-lasting conflict will be so weak that external support must be much more extensive and far-reaching. But even then so-called mixed projects, where domestic and foreign agencies and NGOs jointly take responsibility (as in the case of the Guatemalan truth commission), are preferable.

A Cautious Time Frame

International peacemakers and facilitators tend to advocate a rushed approach to reconciliation. This is often a reflection of their own short-term interests and/or based on the unfounded conviction that

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the success of a transition depends on a rapid move towards national unity. At several points in this Handbook it is argued that such a perspective is more often than not counterproductive. Reconciliation as a process is a difficult, long and unpredictable voyage, involving various steps and stages. Its time-scale must be measured not in months or years but in generations. Where unhurried reconciliation activities may seem at first glance to be a hindrance to establishing a working democ-

cracy, in fact they are a necessary requirement for the survival of that democracy.

An adequate time frame also involves foreign actors, governmental and non-governmental, ensuring a long-term engagement, with a continuous evaluation of past international projects and interventions.

10.1.2 Protecting the Prospects of Enduring Reconciliation

International agencies (particularly in the form of the World Bank and the International Monetary Fund) are inclined to suggest - even force - transitional societies to give priority to political and economic reforms at the expense of reconciliation programmes. It remains essential that care be taken not to damage the prospects of long-term reconciliation by establishing inappropriate political and economic structures.

10.2 Areas Where International Support Can Be Useful

Justice is the domain where the international community is directly involved in processes that have a reconciliation potential. This is firmly demonstrated by the ad hoc tribunals in The Hague and Arusha, the International Criminal Court (ICC), the UN-initiated tribunals in Cambodia and Sierra Leone, and the implementation of the principle of universal jurisdiction. Truth-telling is another field where foreign agencies and NGOs are prominent. Examples are the UN-sponsored commissions in El Salvador, Guatemala and East Timor.

Other forms of support aim at:

- generating opportunities; and/or
- creating favourable conditions for reconciliation processes.

10.2.1 Generating Opportunities

The amount of available information on healing, truth-seeking, justice and reparation programmes

has grown considerably. Information networks (for example, the New York-based International Center for Transitional Justice and the Cape Town-based Institute for Justice and Reconciliation) have been created. They offer professional expertise and organize regional workshops where local decision makers can exchange information and advice. Several international NGOs sustain reconciliation activities in post-conflict countries. Avocats Sans Frontières, for example, produced the manual that has been used to train the *gacaca* judges in Rwanda. Most societies emerging from brutal conflict are totally impoverished. They lack the material and technical resources

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to set up healing projects, truth commissions and reparation programmes. This is where outside support is badly needed and extremely useful. It may take the form of:

- assisting truth commissions with forensic experts to identify victims in mass graves or supporting the publication (in various indigenous languages) of the commission's reports;
- creating or financially backing funds for restitution to the victims;
- providing for witness protection; and
- assisting claimants in civil suits against torturers, as has been done by Redress, a UK-based NGO.

Lack of coordination and networking between donor countries and NGOs has, however, often curtailed the efficacy of international support. The need for coordination is clearly visible in the context of Kosovo today, where more than 300 international agencies have been registered.

Another problem is the one-sided preoccupation of the international community with the material consequences of a violent conflict. This reflects the priority it gives to easing the *effects* of civil war and oppression. Much less attention goes to targeting the *roots* of human rights violations.

10.2.2 Creating Favourable Conditions

The international community is often a party in the processes that lead to the end of a civil war. It has, consequently, the opportunity to negotiate reconciliation programmes into peace agreements. It also may help in the drafting of suitable domestic legislation and provide protection for those, such as the members of a truth commission, who will be locally responsible for the implementation of such programmes and legislation. Outside actors can put pressure on those groups in a post-conflict society that are ready to renew a civil war or stage a coup. In cases where trials are a crucial step towards reconciliation foreign states may facilitate the extradition of notorious murderers and torturers.

Transnational NGOs and official agencies have an important role to play in drafting international guidelines that may strengthen local political and civil society leaders. Examples are the UN guidelines on the fight against impunity, the right to truth and the right to restitution for victims of gross human rights violations.

International reporting and monitoring mechanisms are most useful instruments. Examples include the Organization of African States' International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events, and the various war crimes commissions and bodies established by the UN to look into violations committed in places such as the former Yugoslavia, Rwanda and East Timor. Another illustration is the work of UN Committee against Torture, which may be helpful for civil society groups when designing proposals or lobbying for reparation measures. Human Rights Watch published testimonies on atrocities in Bosnia. The Genocide Studies Program at the University of Yale, USA, compiled databases on the Cambodian genocide. In countries where criminal proceedings are partly based on unwritten evidence outside agencies

may support the computerized storage of evidence. The US Agency for International Development (USAID) has offered such assistance to the Ethiopian Special Prosecutor's Office in its preparation of the trials of pre-1991 human rights violations.

It is, however, clear that third-party states must be ready to facilitate the transfer of significant information stored in their government and secret service archives. The international truth commission of El Salvador was refused access to 12,000 very relevant documents which the US Government had collected on the civil war in El Salvador. The Guatemalan truth commission, on the other hand, successfully requested the declassification of thousands of US documents - with the help of the National Security Archive, a US-based NGO.

References and Further Reading

Mani, Rama. *Beyond Retribution: Seeking Justice in the Shadows of War*. Cambridge and Malden, Mass: Polity Press and Blackwell, 2002.