



Extracted from *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*

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Preface

A key question facing democracies emerging from civil conflict is how best to deal with the painful legacy of past—and in many cases all too recent—violence, while at the same time maintaining the fragile social harmony that often characterizes post-conflict societies. Should priority be given to bringing the perpetrators of past human rights violations to justice, thereby combating the culture of impunity that has come to characterize many civil conflicts? Or is it more important to start by focusing on measures designed to ensure that peace and stability, and with them the prospects for a country's longer-term recovery, are bolstered?

These are not easy questions, but the dynamics of contemporary conflict compels us to consider them. In regions afflicted by civil wars and violent upheavals, critical aspects of a country's post-conflict agenda rarely admit of easy, generalizable 'solutions'. Increasingly, the accepted wisdom is that the best resources—and hence the best 'answers'—to the many seemingly intractable dilemmas of managing the consequences of violent conflict lie within countries themselves.

In Africa in particular, an undervalued indigenous conflict management resource is to be found in the sphere of traditional social mechanisms. Prompted by the Rwandan experiment with Gacaca, a 'modernized' approach to an indigenous form of dispute settlement developed and applied in the aftermath of the 1994 genocide, international attention to the potential role of traditional mechanisms in reconciliation and transitional justice strategies has increased. Most recently in Uganda, debate over the respective roles of the International Criminal Court and the traditional reconciliation practices of the Acholi people in ongoing efforts to achieve a peaceful settlement of the country's two-decades-long conflict indicates that traditional mechanisms are increasingly in the policy spotlight.

There have been too few systematic attempts to analyse and assess the role and impact of traditional mechanisms in post-conflict settings. This report aims to address this gap by examining the role played by traditional justice mechanisms in dealing with the legacy of violent conflict in five African countries—Rwanda, Mozambique, Uganda, Sierra Leone and Burundi. These case studies are used as the basis for outlining conclusions and options for future policy development.

The report is intended to serve both as a general knowledge resource and as a practitioner's guide for national bodies seeking to employ traditional justice mechanisms as well as external agencies aiming to support such processes. It suggests that in some circumstances traditional mechanisms can effectively complement conventional judicial systems and represent a real potential for promoting justice, reconciliation and a culture of democracy. In addition, even in situations where communities are more inclined to demand

straightforward retribution against the perpetrators, traditional justice mechanisms may still offer a way both of restoring a sense of accountability and of linking justice to democratic development.

At the same time the report also cautions against unrealistic expectations of traditional structures. It offers a sober, evidence-based assessment of both the strengths and the weaknesses of traditional conflict management mechanisms within the broader framework of post-conflict social reconstruction efforts.

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