



**Reconciliation and Traditional Justice:
*Learning from African Experiences***

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***Keynote presentation by Vidar Helgesen,
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Mr Director General,
Madame Deputy Prosecutor,
Mr Chief Registrar,
Excellencies,
Ladies and Gentlemen,

I am delighted to welcome you to this conference on “Traditional Justice and Reconciliation after Violent Conflict.” Thank you all so much for participating; I am confident that the presentations and discussions here today will prove you have made the right choice in coming here.

International IDEA is most grateful to the Belgian Ministry of Foreign Affairs for hosting this event in these beautiful premises.

The publication we are launching today, ***Traditional Justice and Reconciliation After Violent Conflict*** is the product of a near two-year comparative study undertaken by International IDEA with the kind support of the Belgian Ministry of Foreign Affairs. The

heart of the report is a series of case studies, conducted mainly by national researchers, of the role of traditional justice mechanisms and processes in African countries that have recently emerged – or some cases, are still emerging – from a legacy of often protracted social upheaval and violent conflict.

Based on the findings of these country case studies – specifically of Sierra Leone, Uganda, Burundi, Rwanda, Mozambique and Liberia – the report outlines a series of **policy-directed conclusions and recommendations** for a variety of audiences including: national stakeholders, donor agencies, the United Nations and the broader international community. You will be hearing more about these recommendations, and will have an opportunity to review, debate and discuss them, during the penultimate session of today's conference.

The considerable interest we have registered in the study and this conference is in itself remarkable. Perhaps it is a sign of a new openness to exploring different avenues to peace, stability, development, human rights and democracy. Such an openness is merited today. Despite some few successes over the recent decade or so, a wide range of international interventions have failed, or are failing as we speak, to produce the sought-after outcomes. Whether we call it peace building, state building, democracy building, transitional justice, or humanitarian intervention, we see at best a mixed picture.

The book we are launching today also provides a mixed picture. It illustrates the complexity of the issues at stake in conflict and post-

conflict environments. By doing so, it also invites a non-absolutist view of approaches to dealing with the past and building the future.

For International IDEA, as an intergovernmental organization with 25 member states supporting democracy-building worldwide, this study of traditional justice mechanisms reinforces some observations we have made in recent years.

- **First**, developments in democratization efforts over the last ten years have deepened our conviction that to be truly sustainable, democracy needs to take root and flourish in the fertile soil of national and local knowledge, perspectives, resources and traditions. Informed by universal principles but in a version marked ‘homegrown’ as opposed to the ‘for export’ variety. Not least in the African continent, traditional justice mechanisms and processes constitute an important aspect of this rich sub-soil of indigenous, home-grown governance resources. As such they deserve – and indeed should be – given greater recognition and support in both nationally directed and internationally supported efforts to promote inclusive processes of peace with justice on the continent and beyond.
- **Second**, in line with this general perspective is a growing conviction that appropriately understood, used and applied, traditional justice mechanisms are potentially important tools of, and for, peace building and social healing in the aftermath of violent conflict within a society.

And it does not take much of an effort of the imagination to appreciate that without concerted and thorough-going efforts to promote peace, reconciliation and healing in the aftermath of the large-scale social upheaval and trauma that characterizes the legacy of protracted violence, there can be no real democracy – or to be more accurate perhaps: There can be no political and social platform for the construction, in some cases reconstruction, of democratic institutions, processes and structures that will prove sustainable in the long term.

- **Third**, in any number of contemporary post-conflict contexts there appears to be a risk of the long-standing debate concerning the relationship between peace and justice (re)surfacing in the form of increasingly polarized, ‘either-or’ positions of what might be called the international human rights and peace-building communities. At times both these communities pay insufficient attention to the inherent potential in societies to make use of local resources. International efforts can actually be informed by traditional processes, for example of communal participation; processes that may lay the foundation for more inclusive and democratic post-conflict efforts for peace and development.

Let me underline, however, that the new IDEA publication suggests that traditional justice mechanisms are *not* a simple, straightforward alternative to international humanitarian law and its contingent norms and institutions. The instigators of mass crimes

and atrocities both can and should be the target of prosecution by national courts, and failing that: the International Criminal Court (ICC). Understood and conceptualized appropriately, however, traditional justice stands to provide a vital homegrown resource for the local- and national-level promotion of peace and justice throughout the African continent.

Allow me to end these opening remarks with a particular word of thanks to our member state Belgium, the funder and supporter of this study from start to finish. Inspired by the report that we will be discussing throughout today, we at IDEA sincerely hope that others will follow Belgium's example in supporting future initiatives in the field of traditional justice, and more broadly of informal democracy-building institutions and processes.

Thank you for your attention, and I wish us all fruitful and illuminating discussions today.