

Kofi Annan
FOUNDATION



Challenging the Conventional: Making Post-Violence Reconciliation Succeed

2018



“Reconciliation means different things to different people, because individuals in different communities are affected by violence and peace in different ways.”

– Kofi Annan

TABLE OF CONTENTS

Foreword	3
Preface: Understanding reconciliation	5
Key take-away messages	10
Reconciliation in action: An analytical framework	14
How reconciliation can restore the social fabric and prevent future violence: Key findings	26
Guidance for peace practitioners	46
Case studies:	54
Guatemala	54
Northern Ireland	98
Democratic Republic of the Congo (DRC)	150
South Africa	178
Annexes	217
Agenda of the High-Level Symposium “Challenging the Conventional: Can Post-Violence Reconciliation Succeed?” 5-6 October 2017, Bogota, Colombia.	217
List of Participants in the Symposium	223
Bibliography	227

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ABOUT THE KOFI ANNAN FOUNDATION

Located in Switzerland and founded by Kofi Annan, former Secretary-General of the United Nations, the Kofi Annan Foundation is working to achieve a fairer and more peaceful world by mobilising political will and technical expertise to tackle fundamental challenges to peace, development and human rights. The Foundation focusses on mediation and conflict resolution, the strengthening of democracy and electoral integrity, promoting youth leadership and combatting hunger in Africa. For more information, visit <http://www.kofiannanfoundation.org/>

ABOUT INTERPEACE

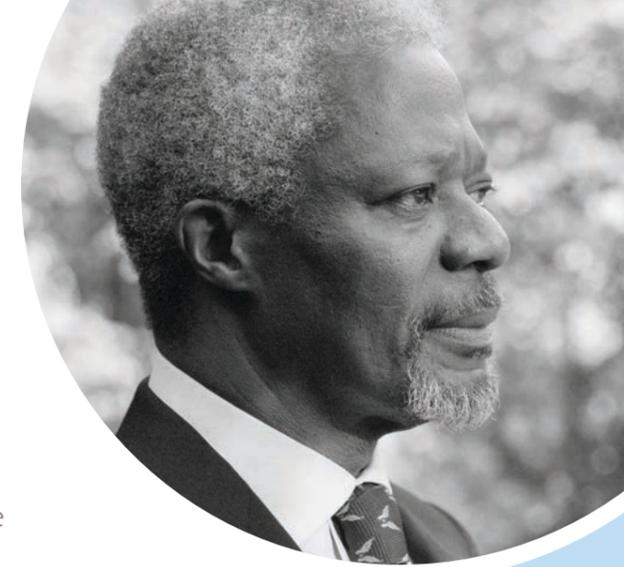
Interpeace is an international organization for peacebuilding headquartered in Geneva. Founded in 1994, Interpeace is dedicated to building lasting peace by reinforcing the capacities of societies to overcome deep divisions and to address conflict in non-violent ways. Interpeace is rooted in local realities, drawing strength from an alliance of national teams with a long-term commitment to building peace in their own societies. The organization believes in the wisdom of listening, the power of participation and the strength of informed dialogue to build understanding and trust – the foundations of peacebuilding. Interpeace supports locally led peacebuilding initiatives in more than 21 countries in Latin America, Africa, Europe, the Middle East and Asia. For more information, visit <http://www.interpeace.org/>

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In memoriam: Kofi Annan – A relentless peacebuilder



The present report “**Challenging the Conventional: Making Post-Violence Reconciliation Succeed**” would not have been possible without the leadership of Kofi Annan, former Secretary General of the United Nations, Nobel Peace Laureate and Chair of the Kofi Annan Foundation.

Sadly, his sudden death on 18 August lends particular significance to the address he gave at the high-level symposium “**Challenging the Conventional: Can Post-violence Reconciliation Succeed**” held in Bogota last year. As a tireless advocate for peace, Mr. Annan reminded us that “**Reconciliation is a long-term process, not an event. For it to succeed, everyone must be committed. If it is not promoted with sincere intentions or if complicated realities are reduced to sensational headlines, the process is doomed to fail.**”

As we seek to promote and advance reconciliation, his wisdom and experience will be sorely missed. We need to draw inspiration from his life-long commitment to making the world more peaceful and keep in mind his strong belief that “**enmity between people does not, and cannot, last forever.**”

Mr. Annan was a man of great personal integrity and a remarkable world leader. He was “**an idealist without illusions**”, looking forward with his “**stubborn optimism**” to how we could live and work together to make the world a better place for all. We can best honour his memory and nurture his legacy by embracing reconciliation as an indispensable step towards lasting peace.

Alan Doss

President of the Kofi Annan Foundation

Foreword

Ending violence and sustaining peace is a major challenge of our time. In this endeavour, reconciliation is an essential tool. Reconciliation is both retrospective and proactive: it addresses the causes and consequences of conflict and prevents its recurrence. Given that half of post-war countries lapse back into conflict in the first decade after the end of fighting, the preventative dimension of reconciliation is of utmost importance. However, there is a lack of understanding of what actually works in advancing reconciliation even though reconciliation is an element in almost all peace agreements.

Contemporary peace-building offers a vast variety of reconciliation experiences, at the interpersonal, community and national levels. It involves a range of tools and processes, such as reparation programmes, inter-group dialogue and legal or constitutional reform. Reconciliation also occurs at different moments in the peace and conflict cycle. It is not reserved purely for a post-conflict context. Some early intervention models, even in the midst of violent conflicts, have proved impressive in building bridges and repairing damaged relationships at the local level.

Reconciliation is expected to transform relationships, contribute to the establishment of a social contract between the state and the people, and address economic inequality and structural fault lines. But the gap between popular expectations and realistic achievement does sometimes lead to disappointment or even disillusionment. It is therefore essential to develop policies and practices that can make reconciliation more effective.

Analysing past experiences and investigating how reconciliation can restore the social fabric and prevent future violence was the objective of the symposium **“Challenging the Conventional: Can Post-Violence Reconciliation Succeed?”** organized by the Kofi Annan Foundation and Interpeace in October 2017 in Bogota, Colombia. The event allowed for a dialogue between practitioners, policy-makers and scholars, who examined lessons from past experience and sought to develop more reflective programming on reconciliation. The findings of the symposium, together with the case studies, are captured in the present report, which will, I hope, help guide future reconciliation initiatives.

I would like to express my gratitude to the Government of Finland and the Bosch Foundation for their generous support. I also want to thank the staff of Interpeace and the Foundation, led respectively by Scott Weber and Alan Doss, for their great work on this project.

Finally, I wish to give my sincere thanks to all participants in the symposium for their expert contributions and critical review of current reconciliation practice. The present publication is the result of their in-depth reflections and of their first-hand experience.



Kofi Annan

Former Secretary-General of the United Nations
Founder of the Kofi Annan foundation



Preface: understanding reconciliation

An increasingly critical process which remains poorly understood

Reconciliation is a deeply complex process, which has gained increasing prominence on the agenda of post-violence peacebuilding. Yet reconciliation remains a contested and highly context-specific notion. In fact, there is considerable debate among scholars, experts and practitioners on the concept and practice of reconciliation, and how to best assess the achievements or limitations of reconciliation processes, especially in contexts where there are risks of re-emerging or transformed patterns and typologies of violence. Consequently, evidence is often lacking or disputed about interventions that are ‘successful’ in fostering reconciliation from the perspective of the people experiencing these processes.

The Kofi Annan Foundation and Interpeace have collaborated to address this need for a deeper understanding on reconciliation. Reconciliation is a profoundly transformative tool which, if effectively applied, has the potential to transform individuals from victims into survivors, and chaotic and violent societies into productive and hopeful environments. Reconciliation may include elements of peacebuilding, development, post-violence reconstruction and transitional justice.

Successful reconciliation depends on wise guidance; not prescriptive rules

As a result, an increase in individuals and states involved in reconciliation processes requires a more comprehensive understanding and appreciation of what reconciliation means in societies emerging from war, genocide, dictatorships and oppression; the diverse forms it can take in different moments and places; and the different programmatic approaches through which it can be pursued to ensure it is most effectively advanced. Our joint efforts are not aimed at developing a set of prescriptive rules of the game, but rather highlighting relevant and effective policies and practices that can guide reconciliation in order to secure stability and democratic governance in countries emerging from violent conflict.

In particular, this publication identifies the key questions and issues practitioners and policy-makers should pay attention to when designing and implementing reconciliation processes. It critically captures the essential parameters for reconciliation processes, innovative practice, and lessons learned from past experience, through research, knowledge-sharing and policy dialogue.

It promotes the importance of continued learning, horizontal exchange and exploration of innovation in approaches to reconciliation, in different contexts, at different levels in societies, and in different phases of the peace and conflict continuum.

It challenges actors from national reconciliation processes; mediators and negotiators at peace processes; peacemaking and international transitional justice experts; policymakers including members of the United Nations, regional bodies, diplomatic and donor communities; and relevant international and national civil society actors, engaged or willing to engage in reconciliation efforts, to think deeply about the rich and diverse issues to consider at each stage of a reconciliation process – rightly focusing on the future as much as on the past – to implement more effective and successful reconciliation processes.

Four stories from three continents deliver plenty of lessons

Our findings are drawn from four case studies conducted by local actors and entities in Guatemala, South Africa, the Democratic Republic of Congo and Northern Ireland. These case studies illuminate many of the practical and policy-level realities of implementing reconciliation processes in contexts separated by where they stand on the peace/conflict continuum, the characteristics associated with the nature of the conflict, violence and transition in these different contexts, and the specific cultural setting in which reconciliation takes place.

Importantly, these studies demonstrate the prevalence of reconciliation in a wide variety of processes and activities at different levels. Moreover, a comparative approach illustrates how the priorities, vision and levels of engagement in reconciliation processes take very different forms in different societies, and the variety of motivations, interests and experiences diverse stakeholders in society have over these processes. Notions of ‘success’ or ‘failure’ of reconciliation strategies and approaches therefore ought not to be viewed as simplistic or binary outcomes.

Productive discourse has raised critical questions

Interpeace and the Kofi Annan Foundation further developed this conversation by bringing together local and national practitioners, policy-makers and scholars to a symposium organised in Bogota, Colombia in October 2017.

The symposium promoted frank and honest dialogue to encourage participants to consider reconciliation through a new prism and develop more reflective and nuanced programming on reconciliation processes.

Some of the questions discussed throughout the symposium included:

- How do the objectives and nature of reconciliation evolve based on the features of conflict and where the country is in the peacebuilding process?
- Can reconciliation processes focus simultaneously on intergroup relationships and state-society relationships?
- At what levels of society shall reconciliation efforts be implemented and how can they reinforce each other?
- What role can institutional reform play in fostering reconciliation?
- How can a gender lens help to better understand the issues of victimisation and transgenerational trauma?
- What roles can the international community assume to support reconciliation, and how should these change and evolve during a process?
- What implications are there for countries where reconciliation is needed?

The start of a productive journey

In sum, this report intends to discuss some of the difficulties and dilemmas societies and the international community have encountered throughout reconciliation processes. It seeks to raise critical questions about how these issues can be addressed at different levels and by different actors, and what guiding principles are needed to ensure that mechanisms created to address these issues do not obstruct or contradict each other.

Significantly, this publication is by no means an exhaustive set of guidelines on reconciliation. Our intent is to foster a conversation through a thoughtful comparative process more rooted in

'bottom-up' learning and reflection than in 'top-down' analysis and guidance. We hope that the ideas and experiences shared will stimulate renewed commitment and cooperation among practitioners, policymakers, mediators, donors and other key players in the international community to help guide future reconciliation initiatives.



Alan Doss

President, Kofi Annan Foundation



Scott Weber

President, Interpeace



Key take-away messages

There are many valuable insights that have emerged from our research. Here, we outline what we consider to be the most important messages related to understanding reconciliation.

Reconciliation is more important today than ever

The number of conflicts raging around the world is higher today than ten years ago. Significantly, many of these are civil conflicts, fueled by complex disputes and long-held antipathy and which often have deep historical roots. It is no coincidence that the majority of the countries featured in our case studies were ravaged by civil rather than international conflict. The nature of these conflicts means, therefore, that solutions must be based on reconciliation efforts which address the deep-rooted causes of conflict. Peace agreements built on flimsy foundations are unlikely to last.

Reconciliation is not a finite process

This makes it doubly important for reconciliation efforts to be designed and supported with the recognition that it is an ongoing process. Reconciliation is usually understood as an endeavour to address past abuses. Its more preventative dimension tends to be overlooked. Rebuilding the social fabric of a country torn apart by conflict is not only necessary to overcome the divides created by violence but also to prevent a relapse into war. In that regard, the objectives of reconciliation need to be revisited on a regular basis, as society's needs and expectations evolve on the road to sustainable peace.

A powerful desire for an end to violence is not enough

For the general public, the term 'reconciliation' is normally associated with well-known ends to violence; peace accords signed with a flourish; the laying down of arms of different militia and well photographed hand-shakes. But as far as true and long-lasting reconciliation is concerned this initial end to violence and a public and political commitment to peace is just the beginning. After 'reconciliation for peace' comes 'peace for reconciliation'. The desire to end violence can be a powerful uniting force. It is much more difficult to nurture and maintain the shared willingness required

to address the myriad of hard efforts necessary for sustainable peace – rebuilding relationships damaged by violent conflict, not only between people and groups in society but also between the people and their institutions; uncovering the truth; fighting impunity; banishing corruption; and building a well-functioning state and democratic processes.

Everyone must work together to ensure reconciliation grows deep roots

Successful reconciliation is a collaborative challenge of epic proportions. Past experiences have shown that leadership and the building of coalitions for reconciliation are crucial elements of success. While the role of the state is critical, for example by ensuring that a reconciliation agenda is implemented after the peace agreement is signed, effective reconciliation takes place on different levels of society. From grassroots initiatives focused on interpersonal and community relationships to education efforts aimed at addressing group inequalities and to national reparation programmes and constitutional reforms. For these efforts to be successful, synergies must be built between these different stakeholders and initiatives. Reconciliation is a long-term effort that cannot depend on the changeable priorities of political actors. Ensuring that stakeholders involved in reconciliation at all levels of society join together in strong coalitions is therefore a powerful way to sustain a shared vision for reconciliation across political and societal divides.

Mind the gap: great visions must be matched by action

Peace accords are always accompanied by powerful words and grand, hopeful visions. In many cases only a few of these elements come to life. Too often, projects designed to unite communities or empower citizens are piecemeal and lack ambition on the ground. Unrealistic visions often lead to popular disillusionment, which can generate a lack of support for the reconciliation agenda over time to the detriment of peace. If peace is defined as moving beyond the cessation of violence and toward transformed relationships of trust, many countries fall short and in some cases, certain aspects of life (socio-economic conditions, gender quality, etc.) may even get worse. This again highlights the critical importance of maintaining a clear and realistic goal for reconciliation from the outset. It also emphasizes how the momentum of public desire for peace needs to be transformed into a strong and sustained commitment to policies and initiatives that will nurture a true **'reconciled society'**.

“Reconciliation is a long-term effort that cannot depend on the changeable priorities of political actors.”



Reconciliation in action: An analytical framework

“While you are proclaiming peace with your lips, be careful to have it even more fully in your heart.”

Francis of Assisi

Introduction: four stories of hard-won change

The South African national elections that marked the demise of the Apartheid regime took place in 1994, and the constitution of the new South African State was enacted in 1996. The Guatemalan Peace Accords ending more than thirty years of armed conflict between an authoritarian state and Marxist guerrillas were signed in December 1996. The ‘Good Friday’ Agreement ending nearly twenty-five years of violent ‘troubles’ between Catholic republican and Protestant loyalist paramilitaries, and British security forces in Northern Ireland, was reached in 1998. The 2002 Inter-Congolese Sun City dialogue resulted in a transitional power-sharing agreement (2003-2006) between warring parties in the Democratic Republic of Congo (DRC), followed by peace agreements signed with different regional belligerent forces in the eastern provinces in 2009 and 2012.

The authors of the four case studies have been invited to reflect on the meaning, experience and scope of reconciliation in their societies, observing around two decades of ‘post-conflict’ reality in South Africa, Guatemala and Northern Ireland – where the political agreements resulting from peace processes effectively closed the cycle of political violence – and fifteen years of a ‘post-agreement’ reality in the DRC, where central-level political agreements have not ended regional-level conflicts.

In each case, **peace-making efforts carried out with different levels of agency from their own societies and support from the international community succeeded in moving the parties engaged in armed confrontation – in state and society – to lay down their arms and commit to democratic politics.** While in the DRC the political agreements have only partially held with conflicts continuing at a regional level, reconciliation continues to be pursued in the context of on-going political violence, certainly in the Eastern provinces.

In the other three cases, political violence effectively ended as a defining trait of the political system: political adversaries no longer use guns to pursue their controversies; the state no longer uses armed violence against those that question its politics. **And yet, even in these cases, our researchers have found that after two decades of ‘peace’** – which in two of the cases has meant the transmutation of violence, not its end – **it is not yet possible to speak of ‘reconciled societies’** which have overcome the divisions leading to and resulting from violent conflict and forged a shared future that binds through relationships of trust the different social groups and the political institutions of the state.

Instead, individuals, communities and institutions in these societies interact in complex patterns of relationships marked by varying degrees of trust and violence, tensions and agreement, hope and despair, that cannot be reduced to a simple black and white case of negative versus positive coexistence.

The case studies suggest that **while the realization of a truly reconciled society is still a distant objective for Guatemalans, South Africans and the Northern Irish, the changes brought by the peace accords have been significant enough to transform the pattern of social and political interactions in society.** New actors and discourses, new issues and agendas that no longer – or not exclusively – respond to the pre-agreement socio-political dynamics emerge and combine with those that constitute the legacy of violent conflict.

Even in the DRC, where state weakness and geographic vastness generated a disparate landscape of post-violence and ongoing-violence realities, the achievements of the national and regional peace processes, whilst limited, have contributed to the redefinition of social relations.

This has enabled social and political actors to persevere in their effort to bring an end to violence, and foster non-violent relationships between different groups in society, and between them and political authority. But it is not enough.

Identifying common parameters

It is not the intention of this chapter to try to either summarize the case studies or integrate their findings into a set of ‘concluding’ lessons of supposed universal validity. Our aim is more pragmatic. Based on the analysis brought forward in this report, and the combined experience and insight of participants at the symposium, we aim to:

1. **Map out critical challenges and opportunities for context-specific reconciliation practice.** This should help generate for stakeholders a clear agenda of relevant issues and questions that should be embedded into the process early on.
2. **Contribute – at a wider level – to the development of a ‘policy and research’ agenda** addressing the critical issues at the crux of reconciliation and peace-building practice and which merit further research and reflection through exploration and comparative analysis of cases.

In this spirit, we would like to highlight what we believe are **key substantive ‘common threads’ running through the cases of the Democratic Republic of Congo, Guatemala, Northern Ireland and South Africa.** These common threads give rise to different paradoxes, challenges and opportunities and raise important questions that merit more effective national and international action in support of reconciliation.

The Changing nature and objectives of reconciliation at different points in the peace and conflict cycle

The term ‘Reconciliation’ – or its equivalent in different languages – is used frequently today in relation to the ‘healing’ or ‘fixing’ of broken relationships at both the micro (interpersonal) and macro (international) levels. It cuts across domains – philosophical, religious, psycho-social and political. Its meaning – how people understand it shifts in line with major changes in temporal, political and cultural contexts. As a result, most pieces of scholarly research and policy on reconciliation begin with an introduction discussing what we could term the ‘conceptual field’ of reconciliation, and then select an operational definition to guide their work.

Our own research rests on a definition that views reconciliation as a process of **building or rebuilding relationships damaged by violent conflict, not only between people and groups in society (horizontal reconciliation) but also between the people and their social institutions (vertical reconciliation).**

It’s important to note that independently of academic and policy definitions, **individuals and communities develop different and sometimes contrasting ideas of reconciliation,** used in everyday

life with meanings and goals that vary considerably. This diversity of interpretation often interacts with other concepts that refer to the fundamental question of how relationships develop, transform and change in society, such as love, peace, trust, hope, conflict, justice, etc. This generates contested definitions of reconciliation that reflect the contrasting interests and expectations held by different stakeholders in the socio-political process.

Reconciliation is not an elusive context, for it has a strong, constant core relating to the mending of relationships; but its shape, perimeters and nuances shift and adapt to the contour of socio-political relationships at any given time. It receives multiple interpretations corresponding to the social, cultural and political background of the stakeholder: it will always be there, but it might carry different and perhaps contested meanings.

In addition, **reconciliation is an 'interactive' concept and not just a 'reactive' one.** Purposeful use of the concept through concrete definitions has the power to shape social discourse and practice in societies emerging from the destructive dynamics of violence. Religion and politics have always been aware of the mobilizing power of notions that bank on the imagery of hope: the possibility of different, better futures. Reconciliation discourse has the potential to muster this power. For **'peace work', therefore, the key question is how to navigate the space between reconciliation as shaped by social discourse and action,** to reconciliation as shaping social discourse and action, in order to effectively harness the mobilizing and transformational potential of the concept for the development of constructive relationships in society.

Reconciliation for Peace, Peace for Reconciliation

As a result, it is clear from the case studies that **we must distinguish between the two critical moments in how reconciliation is interpreted and then applied in order to foster positive change** in both relationships between different individuals and groups (horizontal) and relationships between individuals and institutions (vertical): on the road to peace and on the road to consolidation.

- **'Reconciliation for Peace'** marks the period in which reconciliation is used as a concept to mobilize parties engaged in violent confrontation to agree on continuing the pursuit of their differences through non-violent means.
- **'Peace for Reconciliation'** marks the point at which the absence of political violence enables society to imagine a future beyond mere tolerance and

engage in the building or re-building of relationships of trust necessary to make peace sustainable.

The challenge lies in the shift from one to the other.

It's clear in all four cases that as **Reconciliation for Peace, socio-political agency – reflected in social discourse and in political action – focuses on reaching a political agreement in order to bring an end to armed violence.** The harsh cost of political violence in conflict societies generates a shared will that unites political energy with that of societal groups towards a reconciliation process focused on the urgent need to reach a peace agreement. This convergence of will has been, in the cases of Guatemala, Northern Ireland and South Africa, a critical element enabling societies to find their path out of violence. It is also what mobilizes civil society actors to sustain peace-making and mediation efforts in the eastern provinces of the DRC.

At this point, most stakeholders seem to have simply assumed that 'political peace' by itself would address the legacy of violence. In other words, that the rebuilding or construction of democratic polity, as defined in new political agreements or constitutional arrangements, would guarantee the societal relationships of sufficient trust for peace to be sustained. This optimism, whilst essential in the united push to put an end to violence, has at the same time obscured the real challenges that the legacy of violence poses for the social fabric of societies.

Consideration about what we term Peace for Reconciliation – how the absence of violence enables the building or rebuilding of relationships of trust that make it sustainable – usually came late on the road to a political arrangement and was deferred to the post-agreement phase.

It may well be that ignoring or deferring such issues was necessary to maintain as clear a focus as possible on negotiations and the pursuit of a political agreement.

However, the fact remains that **the shared will critical to the successful pursuit of an end to violence dissipated once the agreement was achieved.** Social agency for peace 'fizzled out', with different stakeholders in state and society developing divergent (although not necessarily contradictory) post-conflict visions, needs and expectations, and getting 'distracted' from the urgent need to continue building the peace of which political agreements were just a foundation.

In the Kivus, as conflict still rages on, social agency for peace remains in the Reconciliation for Peace phase, with the effort focused on bringing political violence to an end. But in Guatemala,

Northern Ireland and South Africa, where the peace agreements have led to new political realities, the lack of an effective strategy to maintain enthusiasm for peace ‘building’, bridge differences and foster the development of a new, shared vision of post-violence reconciliation, inhibits further progress. Society has ‘run out of steam’ on the long journey towards ‘positive co-existence’ which is the basis of sustainable peace and dependent on transformed relationships of trust. The Peace for Reconciliation phase is faltering: societies are neither effectively reconciled, nor is reconciliation effectively used to shape social discourse and action towards ‘positive coexistence’. The state’s failure to follow through has significant consequences.

The State as an obstacle

In the attempt to understand why successful peace agreements often lead to less successful reconciliation processes, it is impossible to ignore the role of the state. **In each of the three case studies where the end to political violence has been followed by democratic politics, it is in the limitations of the emerging state – in its functions, its capacities and its contradictions – where the biggest obstacles to the development of functional horizontal and vertical relationships of trust lie:**

- In Guatemala, democratic enfranchisement and the end of state violence has not been enough to transform a political order whose poor pre-conflict socio-economic foundations remain in place.
- In Northern Ireland, the power sharing arrangements may have closed the cycle of inter-communal violence in the province. But they have failed to transform the ethno-nationalist dynamics of society and resolve fundamental questions about its autonomy as a political order.
- In South Africa, the end of Apartheid implied the demise of the old racist political order and all it stood for. Yet the arrival of a new, democratic order is failing to transform the socio-economic relationships developed under the old regime.

What emerges clearly from these experiences is that **commitments assumed in the political agreements or inscribed into political constitutions do not themselves mobilize the political agency necessary to forge the new ‘social contracts’ that can effectively re-constitute the political order in society**, although there seems to have been some sort of implicit assumption that they would.

The failure of the emerging political order to ‘act upon’ peace, develop and deliver the coherent set of policies required to translate political commitments into better lives for citizens, becomes the biggest obstacle for the re-definition of relationships of trust in society.

In the cases of Guatemala and South Africa, the state’s inability to address critical legacies of discrimination and exclusion is betraying the hope for a better future in the majority of their populations. The persistence of social and economic gaps and the perception that ‘the system’ is not responding to their hopes for a better future, fosters the development of tensions and conflicts between different groups in society, as well as between these and political institutions. **Violence, eradicated from the sphere of political competition, transmutes and reappears in different forms – i.e. criminal violence, youth violence, domestic violence – permeating social life to the point at which perceptions of post-conflict insecurity render peace as a paradox.**

In Northern Ireland, the situation is different; violence has been contained and peace has delivered effective socio-economic dividends, reducing the sources of friction and resentment in society. Undoubtedly, better availability of technical, economic and political resources has enabled state institutions to perform better in terms of addressing historical development exclusions and deficits. But even here, **the incapacity of public institutions to purposefully address entrenched ethno-nationalist dynamics prevents these assets from contributing to the dissolution of the historical barriers of inter-communal mistrust**, fostering a more cohesive redefinition of society.

In fact, it is beyond the realm of state and politics where we find examples of reconciliation efforts successfully building trust. In Guatemala, Northern Ireland and South Africa the researchers point to positive agency for peace within civil society and communities, driven by a combination of need and conviction and often operating without institutional support from the state. These successful interventions exist at the local level as well as within institutional ‘pockets’ within the state, but in the absence of an integrated policy they remain scattered, with a transformative potential that is neither explored nor exploited.

This is aptly exemplified in the case of the DRC, where civil society efforts to mediate between conflicting parties are made vital by the state’s incapacity to provide basic security to the population and to establish a presence in the provinces. **The challenge is therefore to find mechanisms which can enable existing capacities for reconciliation to catalyze a wider ‘agency for reconciliation’ that succeeds in mobilizing not just the state, but society as a whole, into a transformative dynamic of horizontal and vertical relationships of trust.**

Reconciliation cannot be sustained without socio-political leadership

In trying to understand what prevents the state from realizing the vision of peace that has driven these societies to extricate themselves from political violence, a critical point emerges. It appears that the political compact that led the political process into a peace agreement is not capable of delivering further progress on the road to long-lasting reconciled societies.

The political agreements underpinning peace processes and resulting from the vision of *Reconciliation for Peace* were fundamentally a decision to renounce the language of violence in the pursuit of political interests, not a renouncement of such interests. A new political compact is therefore required to pursue the more ambitious redefinition of social and political relationships necessary for the effective societal transformation related to *Peace for Reconciliation*.

This has not happened in the observed cases. The political parties and state bureaucracies responsible for the implementation of commitments made as part of peace agreements have been unable, for various reasons, to deliver them. They have also failed to foster further reconciliation in general.

These reasons range from competitive partisanship, to a failure to change poor inter-communal dynamics to the pursuit of 'egoistic' and even corrupt interests, and finally, sheer incompetence. Peace for Reconciliation is therefore held back by the limitations of the political actors at work within varying democratic contexts. Whilst the political leadership involved in reconciliation is weakened by partisan politics, the social leadership for reconciliation fails to coalesce into a force capable of moving the state into action.

In each one of the cases analyzed, civil society appears as one of the few resources for positive agency for reconciliation in society: engaging in mediation and conflict prevention in the absence of effective state presence in the DRC; fighting for justice and political reform and rebuilding communal life in Guatemala; fostering inter-communal reconciliation through collaboration and integration in Northern Ireland; preventing marginalization of reconciliation and reparation challenges in public policy in South Africa.

Most of the successful efforts in rebuilding trusting relationships in these societies occur thanks to the work of these dedicated citizens and organizations. But whilst they are an important

component, they can only achieve so much in the face of both a lack of interest from the political class, and the indifference of much of society. Their impact on political discourse and the action of the many different stakeholders that constitute society therefore remains sadly limited.

Without a shared vision for a reconciled society that can recognize and integrate the needs, interests and expectations of the different groups, the state cannot create public policies that address both historical and new issues of exclusion and injustice. And without such a vision, it cannot purposefully engage in shaping and reshaping social discourse and action towards a reconciled society and sustainable peace. Fostering socio-economic transformations, promoting cultural and attitudinal change, building and rebuilding relationships of horizontal and vertical trust and, fundamentally, addressing the tensions inherent to the legacy of violence in society – effectively 'dealing with the past' – become almost insurmountable obstacles.

The success of reconciliation therefore lies in the capacity of the stakeholders involved to integrate reconciliation initiatives into a coherent whole that joins the forces at play and harnesses social agency for horizontal and vertical trust.

Reconciliation as an ongoing challenge in every society

The problems we see as a result of weak states, divided societies and irresponsible political elites, normally emerge when the peace process interacts with the process of state formation. **The problems that arise in these countries are not so much related to the peace process itself, but to the common challenge of state formation and the problem of building trust in democratic societies, all around the world.**

One need only look at neighboring countries such as Honduras, Kenya and Belgium that do not have either violent conflicts or peace processes in their recent past to see similar patterns of problematic relationships at the horizontal and vertical levels. Nor do societies reach some sort of political 'threshold' after which they can consider matters of trust and social cohesion to be resolved and take them for granted. The texture of social and political discourse in the United States today makes evident the vulnerability of horizontal and vertical relationships of trust to destructive political dynamics in what has usually been considered a paradigmatically 'consolidated' society.

Reconciliation as 'positive coexistence' is, therefore, the fundamental problem of political order in plural societies:

- How do you sustain socio-political cohesion in the context of a changing and complex world?
- How do you anchor co-existence in relationships of horizontal and vertical trust that can make them more resilient to the tensions and contradictions inherent to social life?

It is therefore wise to stop considering the challenges facing post-(political) violence countries as exclusively an expression of a recent past of violent politics and 'less than successful' peace processes and agreements. Rather, we should understand them in reference to the wider common challenge of effective state formation. In this context, the politics of peace and reconciliation can be seen as 'critical junctures' that can help societies make a positive turn towards social cohesion in the universal and cyclical challenge of developing and maintaining effective states.

The secondary role of the international community

Although researchers were asked to consider the role of the international community in reconciliation processes, it is not by chance that this factor does not figure prominently in their analyses.

Local stakeholders in state and society couch their efforts to transcend violent conflict and pursue functional societies in their own terms. This tends to happen regardless of the intellectual and policy discussions taking place amongst international actors in reference to their interventions in peace processes. However, depending on the international context of a country, external categorizations and actions can influence the nature of national and local definitions and approaches to various degrees.

The role of International intervention in providing political and operational support to the peace accord and its implementation is acknowledged either implicitly or explicitly, as well as the importance of technical and financial support to actors in state and society engaged in reconciliation efforts. Most of the work carried out at the community level in the four case studies – usually

initiatives undertaken by communities or civil society organizations – is supported by international funding. Official bodies tasked with fostering peace and reconciliation are key recipients of international technical and financial assistance.

Nevertheless, when considering the 'sociology' of reconciliation, it seems evident that the critical factors that can catalyze existing capacity into transformative impact lie in the realm of the political capacity for collaborative, collective action; the development of a new 'social contract' that, fostering agreement on the nature of future coexistence, can enhance the possibility of constructively dealing with the past.

But recognizing that the problem lies at the systemic level does not mean that there is a need to adopt a state-centric approach and top-down operational avenues to address it: whilst the problem may come from the limitations and constraints of political institutions, actors and processes, the solution might rest in effectively fostering and channeling capacities for reconciliation already existing in society.

The most effective route towards effective international assistance for reconciliation therefore seems to lie in improving conditions for the development of healthy state/society and inter-community relations: strengthening national and local capacities for 'political' collaboration; fostering processes that build inclusive and collaborative interaction; developing key capacities in key actors in state and society to build stronger and more effective coalitions; developing a plural and inclusive leadership that can effectively guide political and social sectors into effective collaboration.



How reconciliation can restore the social fabric and prevent future violence: Key findings

“More than just an end to war, we want an end to the beginnings of all wars.”

Franklin D. Roosevelt

Introduction

The case studies presented as part of this report are a goldmine of valuable insights into reconciliation experiences in very different political and cultural environments. The symposium provided an additional source of reflection based on varied reconciliation practices. In this section we present the most important findings that these very different countries have in common. Some of these relate to the understanding and evolution of reconciliation itself. Some are about the key components that have emerged as necessary to developing and implementing effective strategies. Some are related to more specific practical examples of policies and programs that have worked. Anyone seeking to better understand reconciliation should digest and reflect upon these findings.

Reconciliation is an expansive and evolving process

RECONCILIATION FOR WHAT PURPOSE?

Reconciliation not only entails ‘mending’ the negative effect of violent conflict on relationships or addressing the legacy of mistrust between those who exercised violence and those who suffered it. It also involves tackling the ongoing challenge of developing and sustaining trusting relationships in society, between the different individuals and communities that constitute it, as well as between people and political institutions.¹ Often, this process requires a transformation of social relationships that goes well beyond ‘repairing’ or ‘reconstructing’ the relationships that were affected by

¹ Graeme Simpson, Reconciliation Beyond Conceptual Debates, in USIP Insights Newsletter, Fall 2014: State of the Art-Reconciliation

violence, as they often were part of the conditions leading to violent conflict.² **Reconciliation is about re-defining the relationships of trust between people, and between people and political institutions in a deeply transformative way: it is not just about enabling negative coexistence – which could be defined as the capacity to sustain relationships of mistrust without violence – but about fostering the development of relationships of trust as the basis for harmonious and positive coexistence.**

Building trust is an issue that needs to be addressed throughout different phases of a peace process. And whilst it becomes a critical issue at certain political moments, for example, in the aftermath of a peace agreement, it should be regarded as a cyclical process which needs continual attention³. This is clearly evident in countries with no recent conflict such as the United States where racial injustice today is undermining positive coexistence.

What reconciliation means and the strategies for achieving it in different situations and at different times in a given context will differ significantly. Where a country stands on the peacebuilding/ conflict continuum or its political transition; the nature and terms of how violence is ending or transmuting; or the specific cultural context in which reconciliation is taking place, all contribute to the uniqueness of each effort. Reconciliation can involve for example:

- The generation of sufficient trust between key political actors, enabling them to agree on non-violent mechanisms to pursue their differences: reconciliation to enable the end of political violence.
- Trust that citizens have in political institutions necessary for ‘positive’ coexistence: reconciliation as civic trust.
- The redefinition of social relationships between communities separated by communal identities: reconciliation as social coexistence.

² Alexander Ramsbotham and Zahbia Yousuf, Making peace with the past: transforming broken relationships, in ACCORD Insight n°3, Transforming broken relationships: Making peace with the past, Conciliation Resources 2016, pp.7-11

³ Beristain, Carlos. Reconciliación y democratización en América Latina: un análisis regional. In IIDH-IDEA. Verdad, Justicia y Reparación: Desafíos para democracia y la convivencia. 2005

Reconciliation can be all of these things and more, both sequentially and at the same time.

The needs and opportunities for reconciliation are many, changing and take place at different levels of social and political life.

UNDERSTANDING LOCAL INTERPRETATIONS

The case studies clearly exemplify that such trust-building efforts are not necessarily understood by local actors in the same way that the concept of ‘reconciliation’ is understood by the international community.⁴ Instead, labels and concepts that respond to local dynamics and considerations take on greater significance.

A clear example of such a locally driven definition is the case of Northern Ireland, where actors working to enhance inter-communal peaceful coexistence utilise the term ‘community relations’ rather than ‘reconciliation’, due to local political sensitivities that make it inadvisable to use that term.

The needs, goals, actors and definitions of reconciliation change as social processes develop.

Therefore, the most relevant aspect of reconciliation processes is not ‘when?’ but ‘how?’ and these are the critical questions that should be posed:

- What are the specific needs and opportunities for reconciliation at a given historical moment, and how can these be addressed?
- How can the concrete, specific needs for trust and reconciliation in the moment contribute to the overall, holistic needs of a reconciled and trusting society?
- In a post-conflict setting, how can the specific needs of victims of violence be reconciled with those of society in general?
- How can reconciliation interventions not only address the needs of societies immediately after the signature of the peace agreement, but also tackle the underlying faultlines that led to the conflict?

⁴ Viaene, Lieselotte, The internal logic of the cosmos as ‘justice’ and ‘reconciliation’: Micro-level perceptions in post-conflict Guatemala. In Critique of Anthropology 30(3) 287–312, 2010

Choosing the right approach to reconciliation: timing, sequencing and longevity

Reconciliation needs to be understood beyond simple dichotomies limiting interventions to post-conflict moments, or to victim-perpetrator dynamics. For example, the DRC's experience demonstrates that innovative reconciliation processes are not reserved purely for post-conflict situations: early intervention models even in the midst of violent conflict have proved impressive in building bridges and repairing damaged relationships at the local level.

Issues should not be oversimplified to make them a question of 'either/or', because this risks, intentionally or inadvertently, framing these issues as a matter of exclusive or hierarchical alternatives. In Mindanao, the victim/perpetrator dichotomy has proved unhelpful as victims-centred interventions became irrelevant when victims started defending themselves against claimed abuses.

Moving beyond such a dichotomy of victims and perpetrators is also necessary if reconciliation is to be regarded as a shared responsibility by all sectors of society.⁵ **The deep and transformational impact reconciliation should have on interpersonal and social relationships can only be achieved through balancing the 'retrospective' need to mend relationships of trust between those directly involved in inflicting and suffering violence, with the 'proactive' need to sustain societal and socio-political trust at a general level.**

⁵ Rufa Cagoco-Guiam, Grounding reconciliation: transforming relationships in Mindanao, in ACCORD Insight n°3, Transforming broken relationships: Making peace with the past, Conciliation Resources 2016, pp.30-36

Involving the right stakeholders

FAIR REPRESENTATION OF VICTIMS AND ORDINARY CITIZENS IS CRITICAL

"We tend to give too much attention to the armed factions and ignore the peaceful forces in the country"

Kofi Annan

It is important to note that the reconciliation needs and interests of those driving violent conflict, including state and non-state armed groups, are often over-prioritised. But the process of compromise and pressure that goes into producing a peace agreement requires a very different skill-set to that required to build reconciliation and trust within society.

This begs the question of whether the state and armed groups are the right stakeholders to push the reconciliation agenda after the peace accord is signed. **The increased attention and power that is given to those carrying arms to determine the post-conflict political and social fabric of a state tends to obscure and marginalize the critical agency for peace that resides in other stakeholders in society** during peace negotiations.

Notably, when victims arrived in Havana during the Colombian peace negotiations, the agenda expanded from discussing economic issues pertinent to the government and armed forces, such as corruption and agrarian reform, to victims' issues important to the wider population. It is significant to note that **the inclusion of all relevant actors in defining the agenda during a reconciliation or peace process is critical to strengthening the durability and effectiveness of such processes.**

In addition, 'grievance-driven' approaches focusing on the legacy of particularly violent periods risk obscuring the critical importance of systemic mistrust and injustice in society that often pre-dates and transcends violent crisis. The challenge with such a heavy emphasis on the legacies of conflict is that it may prevent the transformative action at the structural level, which is necessary for reconciliation as positive coexistence to take hold. A more holistic approach was used in Mindanao in the Philippines.

The Mindanao ‘Listening Project’

The transitional justice and reconciliation agendas were developed through an inclusive consultative process called a ‘listening project’. Mandated by the Truth, Justice and Reconciliation Commission, researchers collected the experiences and narratives of 3,000 community members and local officials in the various regions of Mindanao. This bottom-up method sought to prevent reconciliation efforts from focusing exclusively on victim-perpetrator dynamics that could unintentionally reinforce historical gaps and perpetuate cycles of violence. It also allowed for the perspectives of the conflict-affected communities to help shape the reconciliation process.

Reconciliation is a matter of balance and complementarity, identifying and acknowledging the different needs for ‘trust’ – interpersonal, intercommunal, societal, political – that exist in a society at any given moment, and ‘weaving’ them into operational strategies that recognize all are necessary to underpin transformed, collaborative and trustful relationships. However, this does not mean sacrificing the rights, needs and interests of victims to the ‘systemic’ needs of society and institutions, as such an approach would render any attempt at reconciliation not only unjust, but ineffective.

PSYCHO-SOCIAL HEALING CAN PLAY A CRITICAL ROLE IN BUILDING A STRONG BASE FOR LASTING PEACE

The importance of psycho-social healing for national reconciliation is illustrated by numerous examples, such as Tunisia, South Africa, Colombia and Rwanda. Psycho-social healing is “a process to promote psychological and social health of individuals, families and community groups”.⁶ This approach is based on the understanding that in a post-conflict situation where the social fabric has been torn apart by violence, the rebuilding of the human interactions that allow the society to function requires the healing of psychological and social wounds of individuals and society. Because trauma does not occur in a social vacuum, the healing process can only take place in the context of relationships. Psycho-social healing programmes therefore use support groups and facilitated discussion to heal individuals in the context of a group.

⁶ P. Gutlove, G. Thompson, Psychosocial healing and post-conflict social reconstruction in the former Yugoslavia, in *Medicine, Conflict and Survival Journal*, 2004 Apr-Jun; 20(2):136-50

Truth seeking and healing in Rwanda

In the latter, reconciliation for many people meant bringing together survivors and perpetrators. But the implementation of truth and justice strategies through Gacaca ⁷ courts without attention to individual and collective healing needs was problematic and seen as an autopsy in which the corpse was returned open to the family after establishing the cause of death: truth, of itself, does not necessarily heal. Even though the Gacaca were successful at putting an end to stigmatization and generalization (i.e. that all Hutus had taken part in the genocide), at the individual level the lack of psychological support made the process very challenging.

Psycho-social healing and sustained societal support to those that directly suffered the effect of violence, is critical for the social body to effectively overcome a divisive past and re-establish foundations of trust to enable ‘positive coexistence’. Finding the right way to address victims’ needs in a reconciliation process comes with challenges, for example, the risk of using discourses around closure and catharsis that inadvertently makes reconciliation primarily the burden of those who were injured, or the danger of victimhood approaches that may foster conflict rather than promote peace by trapping individuals and communities in conflict-defined roles without the opportunity to transcend and transform. And yet, the design and implementation of ‘healing’ strategies as part of reconciliation efforts often receive insufficient support from official international and national actors.

At what levels of society should reconciliation efforts be implemented?

Reconciliation takes place on different levels of society and involves a broad range of stakeholders. It is not simply a bottom-up effort carried out at the grassroots level and focused on interpersonal and community relationships, or a national top-down endeavour including legal and constitutional processes and reform, truth commissions, national reparation programs, etc.

⁷ The Gacaca court is a system of community justice inspired by Rwandan tradition. The word Gacaca refers to ‘a bed of soft green grass’ on which a community and leaders known for their integrity and wisdom gathered to discuss and resolve conflicts. This traditional justice was adapted in 2005 to fit the needs of Rwanda in the wake of the 1994 genocide of the Tutsi. Faced with the challenge of trying the 130,000 alleged genocide perpetrators and pursuing justice on such a massive scale, the Rwandan authorities decided to re-establish the Gacaca courts, alongside the International Criminal Tribunal for Rwanda. Between 2005 and 2012, more than 12,000 community-based courts tried more than 1.2 million cases throughout the country.

In fact, top-down, middle-out and bottom-up strategies for reconciliation can mutually reinforce each other. Avoiding narrow top-down, externally defined and/or warrior-driven reconciliation strategies is an important mechanism to enable the identification of alternative opportunities for reconciliation work in society, sometimes even while violent conflict rages on.⁸ Challenging conflict narratives and the demonization of the other at the community level, for example, can provide ‘social space’ for the emergence of alternative perspectives sustaining non-violent relationships and creating ‘islands’ of peace.

In Colombia, locally-driven initiatives have succeeded in protecting communities from violence by working on local-level reconciliation with victims and perpetrators, and strengthening the capacities for inter-communal collaboration through the development of regional peacebuilding networks. These initiatives thus began the ‘territorialisation of peace’ through the empowerment of local actors to effectively shield their communities and simultaneously enhance their capacity to address the post-agreement challenges of reintegration, collaboration and development.

A similar finding in the Democratic Republic of Congo shows that community-driven efforts to reconcile warring communities and regional militias through inter-ethnic committees succeeded in stopping violence in some areas, enabling the implantation of state institutions that further contributed to preventing violence and fostering coexistence in a context of inter-communal tensions.

Moreover, **recognizing and fostering the multiplicity of initiatives for reconciliation can empower local actors to engage in efforts that respond to their specific needs through culturally relevant definitions and approaches**, as exemplified with experiences from the Philippines, Rwanda and Guatemala.⁹ Even though the potential impact of such discrete efforts on post-agreement ‘national’ reconciliation efforts is uncertain, their contributions in terms of addressing trust deficits between people and groups in society, and in strengthening the capacity of social actors to engage in collaborative interaction, constitute a clear and meaningful contribution to peace.

It is also true that the best laid peace agreements at the national level can be undone by re-emerging or new conflict at the local level. By the same token, successful local level peace processes can be easily undone by failed talks at the national level.

⁸ David Bloomfield, *On Good Terms: Clarifying Reconciliation*, Berghof Report No. 14, Berghof Research Center for Constructive Conflict Management, 2006

⁹ Arriaza, Laura and Roth-Arriaza, Naomi, *Social Reconstruction as a Local Process*. In *International Journal of Transitional Justice*, 2 (2): 152-172, 2008

In order to be sustainable, reconciliation as a goal and as a process must therefore be owned and sustained by all actors in a society.

All actors must develop a shared responsibility which requires moving beyond the basic dichotomies – i.e. victims and perpetrators, past and future, state and community – while acknowledging the social importance of addressing the destructive legacy of violence, which often times mutates from the political to the social. This progression requires the design and implementation of inclusive and participatory reconciliation processes to allow for the identification and acknowledgement of the diversity of needs and interests in a society.

It is important to dispel the notion that reconciliation needs to follow either ‘top-down’ or ‘bottom-up’ approaches, choosing between state actors and civil society or communities as mutually exclusive alternatives. To be effective and sustainable, **reconciliation requires efforts involving all ‘levels’ of society in processes that connect, integrate and bind them into a complex web of relationships of trust**. Horizontal reconciliation between individual and communities, and vertical reconciliation between groups in society and political authority, are both necessary and complementary: one without the other would not be sustainable. Reconciliation entry points can be multiple and varied:

Community-level initiatives that focus on ‘horizontal’ trust-building to subsequently engage with political authority

The Magdalena Medio region in Colombia offers an interesting example of a bottom-up engagement with political institutions. A grassroots reconciliation effort started in 1995 in this territory which saw the largest amount of conflicts at that time. The process, which combined dialogue initiatives and development projects, was centred on the definition of a common vision for the future of the people living in the territory. Through the building of a sense of belonging and a cultural identity, the people of Magdalena Medio organized themselves and became a collective force for peace. This example demonstrates that developing such a collective movement for peace can be a strategic prerequisite to engaging with political institutions so as to prevent the reconciliation process to be hijacked by politicians or undermined by new conflict dynamics.

Engaging and utilising official spaces and processes to reach out to wider society

The Tunisia Dialogue on Transitional Justice: In Tunisia, ‘official’ reconciliation processes in which civil society actors relied on the institutional and legal framework of the state for their participation in the official reconciliation processes. Civil society representatives were charged with overseeing the national dialogue on transitional justice. As a result, civil society was the main contributor to the transitional justice law and design of the reconciliation process that resulted from the national dialogue.

Fostering civil-society coalitions to lobby political powers and support communities

The Northern Ireland’s local partnership structures: In Northern Ireland, civil society played a major role in the reconciliation initiative. Local partnership structures were created to bring together local community groups, ex-combatants, employers, trade unions, etc. They made sure the reconciliation programmes would be independent from the politicians and enabled the participation of key sectors of society in the process by giving them a voice and a sense of recognition.

Most of the time there is a plurality of reconciliation initiatives that, in parallel and subsequently, work on the redefinition of relationships of trust in society: state sanctioned efforts, civil-society driven initiatives, community-level processes that coexist and combine, generating interactions and complementarities that synergize into larger impacts than each would achieve independently.

The importance of coalitions to successful reconciliation

As mentioned above, common challenges facing reconciliation include a decline in momentum beyond the immediate post-agreement period and its dependency on political priorities and agendas. Therefore, mechanisms are required to capitalise agency for reconciliation in a society by bringing together a variety of actors straddling state/society, social and community divides.

Such actors help create ‘constituencies for reconciliation’ that can sustain visions and strategies throughout the socio-political changes characteristic of societies emerging from violence and polarization. Driven by their common interest in fostering reconciliation, if these constituencies are to join forces, they can become powerful ‘coalitions for reconciliation’. **These coalitions can be key to prevent the ‘fizzling-out’ of post-conflict social and political agency for reconciliation** as this was clearly the case in Guatemala where there was insufficient will to effectively structure and transform society post-peace accords.

WHAT KIND OF LEADERSHIP IS REQUIRED FOR SUCCESSFUL RECONCILIATION?

Such a strategy requires **the development of a societal ‘leadership for reconciliation’, as a diverse and inclusive group that can anchor a shared vision for reconciliation across political and societal divides**. As evidenced in the case studies and many country examples, political changes in the aftermath of a peace agreement imply a shift in the relative importance of social actors: some actors that were central to the peace-making effort lose political centrality and influence, while others that were peripheral at that time emerge as key actors in a post-agreement political scene.

Government officials that wielded considerable influence can find themselves out of positions of power due to democratic elections, while prominent civil society actors can assume official posts in government. In so far as shared visions for reconciliation are not widely anchored in society, such shifts pose significant challenges for the sustainability of reconciliation efforts as commitment for a sustained effort can ebb and flow with political changes.

“Politicians do not reconcile, politicians divide.”

Participant in the symposium

These dramatic shifts in power and influence amongst different groups of stakeholders may trigger resistance from some of them to the reconciliation agenda. In Northern Ireland for instance, once the post-agreement public institutions were established, the political leaders lost interest in the wider reconciliation agenda. The presence of constituencies that are willing to push this agenda forward is therefore critical. It is also of utmost importance for those leading or supporting the reconciliation process to develop a very good understanding of the causes of the conflict, as well as of the political economy of peace.

THE ROLE OF WOMEN AND YOUTH IS SIGNIFICANT IN A NUMBER OF WAYS

The importance of women and youth as key constituencies and components of ‘strong’ coalitions for reconciliation is a critical and yet insufficiently explored factor. However, simplistic approaches that fail to recognize the complexity of these constituencies are to be avoided: **neither women nor youth are homogenous groups that can be automatically assumed to share a positive vision and platform for reconciliation.** Nor are they always free from participation in the destructive dynamics of socio-political polarization. And yet, the inclusion of women and youth helps the peace process to focus on issues that go beyond those brought up by the armed groups and allows for a greater ownership of its outcome.

Young people can play a critical role in the effective transformation of social attitudes and norms. With the increasing power and influence of youth voices via social media, young people are becoming the primary drivers of social norms. In between childhood and adulthood, and aware of their own vulnerability to deficits of trust and justice in social structures, **young people can become vehicles for positive change in so far as their energy can be harnessed to constructively challenge the entrenched beliefs and positions of their seniors and demand the transformation of their society.**

Young people are not a social ‘group’, rather a demographic and one with, like other demographic groups, a multitude of different identities and beliefs. But it is this contrast between the heterogeneity of social backgrounds and homogeneity in terms of their social ‘position’ – the shared challenges as they enter productive life and assume social responsibility – that makes their participation particularly promising. Youths have strong feedback loops into their own particular groups or communities, thus enabling their transformed attitudes to serve as catalysers of wider social change.

Youth leadership plays a crucial role in resilient Libyan communities

When looking into the resilient Libyan communities that have remained relatively stable despite conflict, Interpeace’s research showed that one factor of stability common to many of these pockets of peace was the leadership role of young people. In several instances, young people who had gained legitimacy during the revolution, renegotiated their relationships with community elders to play a greater decision-making role in governance.

It is dangerous however, to assume that young people will always play a positive role. The involvement of youth in post-agreement violence discussed in some of the examples presented in the symposium – i.e. South Africa, El Salvador and Nepal – exemplifies the risk of simplistic approaches that naively ignore the potential negative agency of youth. In fact, **there is a critical need to understand the variety of roles youth play before, during and after a conflict, together with a recognition that these roles can be both positive and negative, proactive and passive,** often encapsulating all these dimensions in their experience.

This is also the strongest argument supporting intelligent engagement with youth for reconciliation: a youth unreconciled with its past, present or future, will make the development of horizontal and vertical structures of trust in society unsustainable. In contrast, a youth reconciled with itself and their current and future conditions can be the strongest harbinger of a reconciled society. Integrated schools are a critical example of where this process of reconciliation can be most effective, yet is an aspect often overlooked or under-supported.

A lack of integrated schooling in Northern Ireland

In Northern Ireland, only 7% of school-age youth attend the 63 integrated schools which bring together children from Catholic and Protestant traditions. Yet this failing is arguably not due to a lack of willingness as explained in the case study: “Parents actually want to send their children to integrated schools... but there is oversubscription and not enough schools. The political and religious leadership has stalled this process”.

Similarly, **fostering women’s participation in reconciliation processes can facilitate the development of public debate around the transformation of negative gender paradigms that are often associated with – and in some cases underpin – polarizing and conflictual socio-political dynamics.**

“Nothing about us, without us”
Mindanao women, regarding the transitional justice and reconciliation process

Effectively including gender dimensions in reconciliation work can be both beneficial for reconciliation and for wider gender relations. A process which constructively redefines gender relations as part of the reconciliation process helps contribute to healthier and therefore more peaceful gender relationships.

It is worth emphasizing that it is the quality of women's participation rather than the quantity that is significant to the overall success of peace agreements. Research has shown that **when women's groups were able to influence the peace process, peace agreements were more likely to be reached and implemented.**¹⁰ But as in the case of youth, this engagement requires an intelligent understanding of gender roles and dynamics in the different spaces of society.

It is important to recognize women as a plural and varied social category that shares needs, aspirations and goals that cut across social groups and identities, but whose variety constitutes an asset in so far as women connect back into all corners of society with critical roles as educators and careers. Given their role in the transmission of values and culture, women can indeed be instrumental in changing mindsets and the way the 'others' are perceived within their families and communities.¹¹ Therefore, fostering their convergence around a shared vision for reconciliation can have a huge potential impact on society as a whole.

The precise potential of both youth and women as social constituencies is that they exist as common identities across other social divides and therefore provide a strategic entry point to bridge differences. Yet harnessing the potential of women and youth as critical constituencies for reconciliation would require simultaneously working with them as a distinct group, as well as fostering their engagement into wider 'reconciliation coalitions' that cut across gender, age, class and geography, binding together actors in state and in society around shared visions and actions for a reconciled future.

¹⁰ Thania Paffenholz, Beyond the Normative: Can Women's Inclusion Really Make for Better Peace Processes?, CCDP Policy Brief, April 2015

¹¹ Rosa Emilia Salamanca González and Ricardo Mendoza, Imagining peace and building paths to inclusivereconciliation in Colombia, in ACCORD Insight n°3, Transforming broken relationships: Making peace with the past, Conciliation Resources 2016, pp.22-27

BUILDING COALITIONS FOR RECONCILIATION ACROSS GROUPS AND DEMOGRAPHICS REQUIRES MORE INNOVATION

The development of solid and sustainable networks of trust in society, capable of effectively mobilizing social action, cannot depend on the possibility of a single 'agent' or a small segment of society becoming 'the' effective advocate(s) of reconciliation. It requires developing the capacity for dialogue across social and political divides, across state and society, and across political class and civil society.

Moreover, **practitioners should never promote a reconciliation effort that, intentionally or not, generates the exclusion of a constituency.** This can be challenging, as not every group will be interested or willing to engage with the 'other', particularly in contexts marked by violence and suffering. How can negotiators avoid these groups from dragging or paralyzing societal reconciliation efforts? How can national actors prevent these groups from being left behind by wider societal reconciliation processes?

These questions show the need for a more nuanced understanding of how practitioners can help fix or craft new trusting relationships and the need to continue searching for, and sharing, innovative approaches to interventions targeted to specific groups with particular needs. Innovation of this kind possesses the potential to contribute to a cumulative impact for sustained reconciliation in a post-conflict context.

SOCIAL MEDIA IS A DOUBLE-EDGED SWORD

Social media offer an interesting mobilizing potential for reconciliation efforts. With a significant degree of penetration in society, particularly among young people, social media may increase access to information and encourage discussion, creating a more enlightened electorate and public, decreasing stereotypes, and helping people hold government to account in constructive ways.

But examples from Myanmar, Russia and the United States evidence the need to be aware of the negative, conflict-fuelling potential of social media access and discourse, as tools under what some call the 'new theory of war' include the use of twitter bots to spread malicious propaganda and Facebook pages using inflammatory discourse to misinform and agitate. Therefore, **reconciliation practitioners need to be more aware of the challenges and opportunities new media presents to reconciliation efforts, and to harness them accordingly into their efforts.**

Institution-building must be part of the transformation

Social-agency approaches to reconciliation cannot ignore **the role state and societal institutions, such as schools, the media and religious communities, can play as platforms for transforming relationships and fostering inclusion in society.**

The state is both an asset and an obstacle. As an obstacle, institutions can pose dilemmas when they are historically complicit in the patterns of violation at the heart of past conflicts. Notably, these institutions are often inherited by new post-conflict democratic regimes. In addition, **many of the challenges identified in the implementation of reconciliation efforts in post-agreement contexts reside in the deficiencies of state institutions, governmental bureaucracies and political actors.**

Weak or inefficient institutions, incompetent or indifferent bureaucracies, persistent authoritarian institutions and mindsets, and self-interested or corrupt politicians are factors that, in different combinations and to different degrees, can challenge the political commitment necessary to sustain the effort required for the development of a reconciled society. **Yet it is only through the effective enrolment of the machinery of the state into an encompassing effort aiming for reconciliation at every level that sustainable reconciliation can be achieved.**

One example is Northern Ireland, which attempted to tackle institutional prejudice by implementing the Fair Employment Act in 1976 that sought to end discrimination in the work place on grounds of religion and create an environment where all groups mixed. Society then bears witness to the fostering and sustaining of relationships of horizontal and vertical trust through the legal, institutional and policy frameworks that regulate the social and political life of society.

Again, it is not about an ‘either / or’ mind-set. **A reconciliation strategy cannot be reduced to either a social-communal effort that shies away from political institutions, or a state-centric logic that reduces reconciliation to the scope of officialdom.** In reality, society shapes institutions and institutions shape society. To be effective, reconciliation agency needs to be anchored in both realms.

Moreover, accountability and the responsiveness of state institutions is a critical element in the development of relationships of trust not only between people and political institutions, but within society itself. Institutions – and not just institutions of state – are potentially both the object and subject of the reconciliation endeavor.

Reconciliation work within specific institutional settings can have both a powerful symbolic and practical effect in society.

Reconciliation through institutional reform in Northern Ireland

Police reform in Northern Ireland allowed the transformation from a police force into a police service. The mono-communal body associated with discrimination and repression was disbanded in order to create a new body in which members of both communities served side by side under a civilian oversight board. The development of community policing also contributed to breaking the barriers between groups, as the police started working with community leaders, including ex-combatants and leaders of victims’ groups. Similarly, the creation of six north-south bodies in the Good Friday Agreement that were independent of political parties’ maintained energy at the societal level by creating local partnership structures and mechanisms between community groups, employers, trade unions, etc. for promoting social transformation and cohesion. One of the most successful projects implemented by the body responsible for education in Northern Ireland took place in the divided city of Derry. Thousands of teachers and students were encouraged to exchange uniforms and walk around the town to understand the others experiences.

Educational reform can provide a powerful tool for the development of new and constructive narratives of trust and coexistence in society, working with children from the youngest ages. Budgetary allocations are critical to break with historical patterns of institutionalized discrimination and exclusion, underpinning the transformation of values and attitudes.

But important questions remain in balancing the long-term needs of state formation with the short-term needs of a post-agreement, post-political violence stability. How does one teach history in a society divided by violent conflict in a way that simultaneously respects alternative narratives while preventing the deepening of inter-communal divides? How can transitional justice be an intersecting conversation in relation to reconciliation, the role of truth-commissions, and institutional accountability and transformation, rather than these being construed as separate and unrelated issues? How do you approach institution-building efforts to ensure they respond to ‘trust-building’ rationales and intent, and not just ‘efficiency’ considerations?

“Institutional reform is often done behind closed doors, without an understanding of the citizens’ interface with their government. It is critical to bring the peacebuilding values and practices to the more ‘bricks-and-mortar’ approach to institution-building.”

Participant in the symposium

Only through state involvement can the social foundations of trust be enshrined into the legal and institutional frameworks that regulate and norm social life. At the same time, only strong social agency can prevent reconciliation from being ‘sequestered’, instrumentalized or discarded by state actors. Again, it is a matter of complementarity and balance between dynamics of co-operation and contestation at the interface between state and society. But at the bottom line this balance should add-up to a collaborative and constructive relationship sustained throughout time.

The international community must tread carefully with solid local knowledge

It is in this complex maze of long-term and localized processes specific to different countries and cultures and contexts that the international community arrives with its own needs, expectations and resources.

Yet international efforts in this maze should be guided by a capacity to understand the political landscape – positive and negative agency for reconciliation; incentives and motivations; obstacles and assets – that only local actors possess. Such a fine-grained understanding of the context will help the international actors assess when their own efforts can be most useful as their role is to support the development of truly nationally/locally-led reconciliation processes.

Their added value can be in fostering synergies between the multiple initiatives operating at the different levels and realms of society, as well as in making sure key stakeholders that are often overlooked, such as women, youth, victims and human rights defenders, are included and protected. The question therefore is how the international community can foster the required local leadership for the design, development and implementation of reconciliation strategies, and how it can strengthen its own capacity to navigate the complexity of multiple and shifting needs and meanings of reconciliation co-existing in any given context.

Using this knowledge to develop a contextually relevant definition of the different reconciliation needs will enhance its capacity to assess the degree to which the initiatives it supports are effectively contributing to the development of horizontal and vertical trust in society, and enable intelligent use of the political, technical and financial resources it can bring.

“As donors, we need to find a way to be more nuanced and sophisticated in what we ask the impact of reconciliation initiatives to look like.”

Participant in the symposium

PAST EXPERIENCES SHOW CLEAR MISTAKES TO AVOID; FROM SHORT-TERMISM TO A LACK OF SENSITIVITY

In this sense, international actors should become aware that their support can have unintended negative effects. Real-life examples of negative impact include: making reconciliation processes excessively dependent on the availability of external funding or methodologies; pushing for short-term impact; launching reconciliation processes without the capacity to ‘stay the course’ and sustain their long-term development; flooding financial resources into a country beyond its absorptive capacity; and using resources to impose the doctrinaire or political agenda of a given international actor.

Significantly, this insensitivity on behalf of the international community – or ‘external fetishization of reconciliation’ – is characterised by the development of templates for reconciliation by international actors that are dropped down on societies in either a standardized fashion or – worse still – ignorant of the local capacities and potential innovative resources for reconciliation that already exist.

Only a nuanced and sophisticated understanding of their own role, and of the specific needs and possibilities of reconciliation in every context, will enable international actors to effectively support national actors in their effort to re-establish relationships of trust in society. In its absence, international actors can find themselves marginalized into ineffectiveness and paralysis, bystanders to an on-going tragedy, as in the current situation of Myanmar.



Guidance for Peace Practitioners

“Every post-violence situation has some unique characteristics. There is not a single recipe for success. The key is to ensure that those who develop reconciliation processes know the critical questions they should ask themselves.”

Kofi Annan

Reconciliation is a complex challenge that societies continue to face decades after political violence has ceased and peace agreements have been reached.

Reconciliation is a long-term, changing and multi-layered societal process that transcends in time, format, actors and structures the formats and frameworks international actors and practitioners have at their disposal to assist countries emerging from violent conflict and polarization. Political cycles and priorities, organizational modus operandi, changing national and international priorities and policies and emerging new crises and points of attention curtail the possibility of sustained, committed and flexible engagement necessary to accompany these processes.

And yet, providing assistance to countries emerging from violent conflict on the challenges of, and opportunities for, reconciliation is a moral imperative that cannot be ignored. There is hardly a better strategy to prevent the relapse of violence in societies emerging from conflict than fostering the relationships of trust among groups and individuals and between these and their political authorities that is the essence of reconciliation work.

The question is how to effectively ‘package’ this assistance so that, within the limits of existing operational and financial frameworks, strategies can be developed that respond to the complex and long-term nature of the challenge.

International and national practitioners of reconciliation need to recognize that their fixed-term interventions need to help create and support long-term societal processes whose needs, goals, actors and dynamics will change over time. In this sense, the challenge is one of effectively leveraging the concrete but limited resources that reconciliation initiatives have at given moments of the socio-political process, to anchor wide-ranging societal process of change transcending them.

A list of concrete ‘do’s and don’ts’ would not do justice to the accumulated experience of international and national actors around the world. We therefore believe the best recommendation for practitioners is to ask, every time, the questions that will enable them, and the stakeholders they are assisting, to reflect on how best to address the complex nature of reconciliation. These questions will allow them to understand the challenges and opportunities that are specific to every situation, feeding this insight into an operational strategy that makes the best possible use of existing resources.

The **key questions that national and international stakeholders should ask themselves when designing or implementing a reconciliation process include:**

What are we trying to achieve with reconciliation in this particular context?

Reconciliation is **a transformative process**. It is about **re-defining the relationships of trust between people, and between people and political institutions** in a deeply transformative way. It is not just about enabling negative coexistence – which could be defined as the capacity to sustain relationships of mistrust without violence – **but about sustaining interactions among people, and between people and institutions, on the basis of relationships of trust.**

However, what reconciliation means and the strategies for achieving it in any given context, and over time, may differ significantly. What matters is **to keep in mind a clarity of purpose from each group engaged in the reconciliation process**, as they are likely to have different expectations, and to **revisit the vision for reconciliation throughout the process** as expectations and needs evolve.

The following questions may help define **the reconciliation agenda around which relationships of trust and confidence can be built and refined:**

- Does the agenda for reconciliation respond to the different and evolving needs and expectations of trust in the different groups in society?
- Does the agenda balance the contrasting reconciliation needs of past and future, state and society, victims and society?
- Does the design process allow participatory and consensual definition of priorities?

When and for how long should support be offered?

Reconciliation is not a post-conflict add-on. It needs to be understood as **a transformative process with a retrospective ambition** – aimed at addressing the legacy of past violence – **and a forward-looking objective** – to rebuild societal relationships for the future. Focusing only on rebuilding damaged relationships may indeed hinder the preventative objective of reconciliation if those relationships generated conflict in the first place. In such a case, the objective must not be on repairing those relationships but on continually improving them both horizontally and vertically.

Actors engaged in reconciliation need to keep in mind that **the needs and opportunities for reconciliation together with transformed relationships of trust are diverse and evolving and take place at different levels of social and political life.**

As the objectives and nature of reconciliation evolve and change over time depending on the features of conflict and where the country is in the peacebuilding process, **intervention strategies must be revisited on a regular basis in order to acknowledge and react to these changing needs** and its varying sets of actors, institutions and social settings.

The sustainability of reconciliation is another key challenge. Further down the line after the peace accord, **the momentum for reconciliation often fizzles out and those who were pushing the reconciliation agenda may no longer be in a position of power and influence.** In that regard, building constituencies for reconciliation from the outset will help ensure that interventions launched at a post-conflict moment have the capacity to ‘follow-through’.

In order to address **the temporal dimensions of reconciliation and its changing needs**, peace practitioners need to ask the following questions:

- Will interventions launched after a conflict ends have the capacity to ‘follow-through’ and remain relevant in a changing context?
- Do the interventions acknowledge and respond to the evolving needs of varying sets of actors, institutions and social settings?

Where should reconciliation efforts be implemented – at what levels of society and in which geographic locations?

Reconciliation takes place at multiple levels in society, across the state-society divide, and in different geographic locations. Therefore, **reconciliation processes need to be structured to enable entry points at different levels and locations** so that they can help bridge multiple sets of issues and constituencies.

Reconciliation may use different strategies – by focusing on intergroup relationships (horizontal reconciliation); or on state-society relationships (vertical reconciliation); or by taking a top-down, bottom-up or middle-out approach – what matters is to pay attention to the bigger picture and make sure they mutually reinforce each other. **Recognizing and fostering the multiplicity of initiatives for reconciliation can empower local actors to engage in efforts that respond to their specific needs through culturally relevant definitions and approaches.**

Indeed, **reconciliation requires efforts involving all ‘levels’ of society in processes that connect, integrate and bind them into a complex web of relationships of trust.**

In order to address **the ‘structural’ complexity of reconciliation**, key questions to be asked include:

- Do the interventions recognize the systemic complexity of the challenge and are they positioned for catalytic effect?
- Do the reconciliation initiatives understand the socio-political environment in which they are operating and can they adapt to such reality?
- Do processes effectively harness capacities for reconciliation that lie across the state-society divide, support coherence in social and institutional change, and neutralize negative agency in state and in society?
- Does the design process foster synergies and collaboration between the multiple reconciliation efforts that exist at any given time?

Who should be involved?

Reconciliation efforts need to foster and harness the agency necessary to drive social processes that can transform institutions and norms. Key challenges to reconciliation lie in the sustainability of the effort and leadership for reconciliation. Too often, the reconciliation initiative is driven by those in power. But **strong leadership and coalitions need to be developed beyond the state and armed groups, in order to drive and sustain the reconciliation agenda across the unavoidable social and political changes in society.**

The reconciliation needs and interests of actors driving violent conflict, including state and non-state armed groups, are often over-prioritised. But the state can be both a spoiler and an enabler. Safeguarding the reconciliation process from the political elite’s intent to control and politicize it is therefore critical. In that regard, the political economy of the conflict and of the reconciliation process need to be well understood. And as war profiteers and negative incentives may become an obstacle, **the inclusion of all relevant actors in defining the agenda during a reconciliation or peace process will help strengthen the durability and effectiveness of the process.**

More specifically, empowering different groups, such as ex combatants, victims groups, women, former prisoners, etc. to take the lead in the reconciliation effort is a powerful strategy to create **‘coalitions for reconciliation’** that can sustain visions and strategies throughout the socio-political changes characteristic of societies emerging from violence. If these diverse constituencies can coalesce around their common interest in fostering reconciliation, they can help **anchor a shared vision for reconciliation across political and societal divides.**

Practitioners should never promote a reconciliation effort that, intentionally or not, generates the exclusion of a constituency. Different groups, such as victims, women and youth are often neglected and their needs overshadowed by the interests of the state and the armed groups. Giving them a voice and a sense of recognition is fundamental to engage them in reconciliation. **Young people can become vehicles for positive change in so far as their energy can be harnessed to constructively challenge the entrenched beliefs and positions of their seniors** and demand the transformation of their society. **Women’s participation can facilitate the development of public debate around the transformation of negative gender dynamics that are often associated with – and in some cases underpin – polarizing and conflictual socio-political dynamics. But it should not be assumed that victims, women or youth share a positive vision and platform for reconciliation.** Their precise potential as social constituencies is that **they exist as common identities across other social divides and therefore provide a strategic entry point to bridge them.**

In order to **foster the capacities to 'act for reconciliation' that exist in the different social and institutional spaces of society**, key questions can guide those involved in reconciliation efforts:

- How can we build strong 'coalitions' for reconciliation by enabling collaboration and convergence among the different groups of beneficiaries at different levels and locations?
- How can we foster the influence of women and youth as strong champions for change and reconciliation in society?
- How can we ensure reconciliation efforts do not entrench the kind of gender discrimination that are strong predictors of new conflict and patterns of violence?
- How can we ensure that victims are at the heart of reconciliation processes in a way that enables them to be harbingers of healing and trust to society as a whole?

How to advance reconciliation – with which approaches, tools and methodologies?

Reconciliation is a matter of balance and complementarity, **identifying and acknowledging the different needs for 'trust' – interpersonal, intercommunal, societal, political – that exist in a society at any given moment, and 'weaving' them into operational strategies that recognize all are necessary to underpin transformed, collaborative and trustful relationships**. It is not only about dealing with grievances (accountability) but also with structural issues (political, social and economic inequalities).

In dealing with the wounds of the past, psycho-social healing tends to be overlooked. However **sustained societal support to those that directly suffered the effect of violence is critical for the social body to effectively overcome a divisive past and re-establish foundations of trust**.

When addressing structural causes of conflict, institution-building and reform can significantly contribute to reconciliation. State and societal institutions, such as schools, the media and religious communities, can become platforms for transforming relationships and fostering inclusion in society.

Only through state involvement can the social foundations of trust be enshrined into the legal and institutional frameworks that regulate and norm social life. At the same time, only strong social will can prevent reconciliation from being 'sequestered', instrumentalized or discarded by state actors.

In this endeavour, the international community can play a crucial role in creating the opportunities and favourable conditions under which the process of reconciliation can be initiated and in sustaining adequate resources and capacity. However, reconciliation cannot be imposed from outside, but must be driven from within. Therefore, international actors should seek to understand the local capacities and potential resources for reconciliation that already exist in society, rather than replicating standard approaches to reconciliation. **Their added value is in fostering synergies between the multiple initiatives operating at the different levels and realms of society, as well as in making sure key stakeholders that are often overlooked, such as women, youth, victims and human rights defenders, are included and protected.**

Key questions related to **the formulation of strategies that can address the reconciliation needs of the past while fostering positive coexistence** include:

- Do interventions constructively and effectively bridge the reconciliation needs of the past with those that lie in the future – thus addressing both the relationships of trust damaged by abuses and violence inflicted on specific individuals and groups and the relationships of trust that underpin peaceful social co-existence among wider social groups and categories?
- How can security sector reforms or judicial reforms be used as opportunities for relational reconstruction?
- Do the media or education sectors contribute to transforming relationships and fostering inclusion in societies moving forward?
- Is international support delivered in a manner that strengthens and empowers local capacities and leadership in the different sectors and levels of society, and across the state-society divide?
- How can we align international resources in a way that can effectively sustain long-term social processes and not just short-term, one-off technical interventions?



Case Studies

Guatemala: Case Study

By Bernardo Arévalo de León¹²



A TIMELINE OF SIGNIFICANT EVENTS

Date	Event
1960	Guatemala's 36-year civil war begins as left-wing guerilla groups started battling government military forces. The country is under autocratic rule by Gen. Miguel Ydigoras Fuentes, who assumed power in 1958 following the murder of Col. Castillo Armas. The long conflict was marked by abductions and violence, including mutilations and public dumping of bodies.
1966	Escalation of violence with a major counterinsurgency campaign led by the military and the violence spreading to rural areas.
1982	Height of Insurgency. General Efraim Rios Montt seizes power following a military coup. He annulled the 1965 constitution, dissolved Congress and suspended political parties. The government and military crackdown against the newly united guerrilla, the Guatemalan Revolutionary National Unity, marks one of the most violent periods of the civil war.
1987	Establishment of the National Reconciliation Commission (NRC) following the signature of the regional Esquipulas II peace accord.
1989-1990	Great National Dialogue between the government and seven social sectors (political parties, cooperatives, the media, religious groups, social movements, academic and professional sectors), which generated the conditions for direct negotiations between the government and the insurgent groups in Oslo.

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Date	Event
1991	Mexico Accord , which functioned as a framework agreement for the peace negotiations.
1994	Comprehensive Agreement on Human Rights and Agreement to establish the Guatemalan Commission for Historical Clarification (CHC) (to be effective upon signature of the Peace Accords, which took place in 1996)
1995	Publication of “Guatemala, Never Again” report. Report resulting from an unofficial truth commission established by the Catholic Church to prepare information for the official truth commission.
1995	Agreement on Identity and the Rights of Indigenous Peoples (to be effective upon signature of the Peace Accords, which took place in 1996) Milestone in the struggle against historical racism of indigenous people which were the main victims of the conflict.
1996	Peace Accords. Agreement on a Firm and Lasting Peace, which puts an end to 36 years of violent conflict. It includes 34 institutional and legal reforms.
1999	Report of the Commission for Historical Clarification (CHC): “Memory of Silence”. Resulted in policy recommendations including a reparations programme and the persecution of perpetrators of crimes against humanity.
2005	United Nations Mission for Guatemala’s (MINUGUA) Final Verification Report. Urging the government to implement the social reforms of the Peace Accord and committing seriously to reconciliation.
2013	Conviction of General Rios Montt for genocide. Accusation of genocide and crimes against humanity of former dictator Efraín Ríos Montt, Head of State (1982-1983), against the Mazatenango people. But the initial conviction was overturned by the Constitutional Court. New trials started in 2015 and 2017 until his death on 1 April 2018.

20 years after the signature of the Peace Accords, what are we celebrating?

On the evening of December 29th, 2016, a unique concert took place in Guatemala City’s Central Park. The ‘Concert for Concord and Reconciliation’¹³ brought together for the first time the Guatemalan Army’s Martial Band with the Alaide Foppa Young Women’s Symphonic Orchestra, a group that bears the name of a notorious victim of state violence during the internal armed conflict. The concert was the closing event for the day-long official program celebrating the signature, twenty years before, of the Peace Accords that ended a 36-year-long bitter and bloody internal armed confrontation. The fact that the concert was played not by the national Symphonic Orchestra but by a mix of young women and military musicians carried significant symbolic intent: proxies for perpetrators and victims playing together in a celebration of peace.

At first glance, it might look as if the concert was the joyful expression of a reconciled society, celebrating two decades of peaceful coexistence. In reality, it was a plea for reconciliation: Julio Solórzano Foppa, the Director of the Memorial for Guatemala’s Concord (a civil society initiative working for peace and coexistence sponsoring the Orchestra) and himself and his family victims of state violence during the armed conflict, indicated that the concert expressed the will to “...break with the polarization that has caused so much damage to Guatemala.”¹⁴ The identification of reconciliation not so much as an achievement but as a current challenge was echoed by the words of Yashira Hernández, Executive Director of the National Commission for the Implementation of the Peace Accords (CENAP), who stated that the intention was to transmit a message to youth that “...together we can build a new peaceful country.”¹⁵

The concert in fact exemplified **the complexities and contradictions of a country that, even if it has effectively closed the cycle of violent political conflict that ravaged its society for over three decades, still wonders what the precise meaning of reconciliation is.**

Following the signature of the Peace Accords, guerrilla groups were effectively demobilized and reintegrated into social and political life. The Counter-insurgent State that ruled for over three decades was dismantled, military control over politics was gone, with the armed forces effectively

¹³ All translations in the article by the author.

¹⁴ **Prensa Libre.** Guatemala, 26 .12.2016. See also López, Kimberly. ¿Qué se ha hecho por sanar las heridas del Conflicto Armado? en **La Hora**, 29.12.2017.

¹⁵ Marlyn Valdez de León. **AGN**, 27.12.2016. <https://agn.com.gt/index.php/2016/12/27/guatemala-ensambla-reconciliacion-y-concordia-por-20-anos-de-la-paz/>

reduced in size and budget. Systematic violation of human rights by the State ceased, and the counterinsurgent apparatus responsible for state violence was effectively dismantled.

There has been no relapse of violence between the parties to the Peace Accords, not even at the level of individual retaliation. Moreover, ‘polyarchic’ practices underpin a democracy marked by regular alternation in power decided through free and open elections.¹⁶ And yet, only two years ago and seventeen years after the signature of the Peace Accords, President Perez Molina – himself a signatory of the Accords when still in active military service – stated ‘The reconciliation of Guatemalan society is probably where we’ve had less progress.’¹⁷

So, what has been missing?

500 hundred years of violence, 36 years of armed conflict

THE NATURE OF CONFLICT

Beyond the formalities of a republican legal framework and the political rhetoric associated with it, the basic conditions required for a true social contract between authorities and the population only emerged in Guatemalan history in 1944. Up until then, the country lived under the colonial logic of rule by coercion, established by the Spaniards to guarantee the forced labor of the indigenous communities, the most important source of revenue for the economy.

Independence in 1821 was a result of the creole elite’s understanding of the need to preserve their status-quo by claiming control over state institutions from the crumbling Spanish empire, while keeping the socio-political order intact. And indeed, the regime changed but the elites persisted: the last representative of the Spanish King became the first Republican President, with the same elites – loyal subjects of the King before, fierce republicans afterwards – solidly aligned behind him.

¹⁶ Arévalo de León, Bernardo y Francisco Jiménez. Derechos humanos, seguridad y Justicia después de los Acuerdos de Paz. En Sarti y Girón (Eds.) Sarti, Carlos Alberto y Felipe Antonio Girón (Eds.) **Resignificando los Acuerdos de Paz en Guatemala**. Fundación Propaz: Guatemala 2017. p.17-42.

¹⁷ Redacción 180. http://www.cientoventa.com.uy/articulo/37556_Guatemala-17-anos-de-paz-pero-sin-reconciliacion.

The State was fundamentally a power-structure established to sustain an economy based on different forms of forced labor and the systematic exclusion of indigenous and emerging mestizo populations from political life. **Co-existence in the country was the result of the elites’ capacity to subordinate these groups through violent coercion, not the result of voluntary associations between individuals, communities and authorities.** The scope of the legal-institutional apparatus of the State was limited to ensure the ‘control and coerce’ functions, with little more in terms of development or protection of the majority of the population.¹⁸

In 1944, a civil-military movement brought down Gen. Jorge Ubico, the last of the liberal ‘Caudillos’, starting a ‘democratic spring’ through two successive democratically elected governments that implemented an agenda of political, social and economic reform. For the first time, the State started to work for the benefit of the common good, and not the narrow interest of the landed elite and its acolytes.

But in 1954, under the perverse logic of the Cold War, a military intervention planned and paid by the United States brought the democratic cycle to a close. The victorious counter-revolutionary coalition – the landed elites that wanted to regain control over the state, the U.S. Government whose interest in the internal politics of the tiny country was a function of its Cold War geo-political concerns, and the military elites that the U.S. coerced by fear into cooperation – established an authoritarian regime that, under a blanket definition of anti-communism, engaged in violent repression of political dissent and closed every possible electoral route for meaningful political reform.

For almost a decade, this coalition tried to establish the foundations of an electoral political hegemony, sufficient to establish in Guatemala ‘a showcase’ of liberal democracy. But their own contradictions made this program impossible: the paranoid Cold War anti-communism led the United States to ally with the most anti-democratic sectors in society; the traditional elites were not interested in liberal democracy, but in repressing dissent and continued coercion of labor; and the anti-democratic orientation characteristic of the ‘Caudillista’ period was reinforced in the military by the U.S. crafted National Security Doctrine under which they were thoroughly trained. When the run to the 1963 general elections made evident that the political parties that inherited the mantle from the revolutionary Governments of 1944-1954 would regain political power, the decision was made by the United States and the Military to cancel the electoral process and establish direct military rule.

¹⁸ Arévalo de León, Bernardo. **De La Milicia Colonial al Ejército Contrainsurgente: violencia, formación estatal y ejército en Guatemala, 1500-1963**. F&G Editores, Guatemala, Forthcoming 2017.

The Peace Accords signed in 1996 closed the cycle of political violence between this counter-insurgent State and the insurgent groups that, in the absence of peaceful channels for the expression of political dissent and the success of the violent route to political change exemplified by the Cuban revolution, emerged in the early sixties. For over three decades, the military ruled through a democratic façade that ensured them full control over the political system, to the point at which the elections were being disputed by retired military officers on behalf of the different parties, the winner among them often selected through fraud.¹⁹

In parallel, escalating levels of political violence were being exercised by the counter-insurgent State apparatus against society, in a progression that went from repressing any form of political dissent, to confronting the emerging armed insurgency, to subsequently attacking their civilian political support network to finally directing the military might of the State against the civilian population in the areas where the insurgency was operating.

Violence reached a frenzy when the insurgents, defeated in the eastern lowlands and wiped out from the cities, retreated to the indigenous countryside in the western highlands and mounted a new military offensive that for the first time – in the late seventies – presented a real threat to the regime. The State's initial response was little more than a brutal reaction, but an internal putsch by younger officers in 1982 cancelled the last fraudulent elections and displaced the old, corrupt and inefficient generals from high command, implementing a counter-insurgent strategy that introduced operational logic to what until then had been 'sense-less' violence.²⁰

Most of the human rights violations committed during the thirty-six years of conflict occurred between 1982 and 1984, in a military campaign that neutralized the threat of an insurgent victory and established effective military control over territories in which, often, the State had never exercised a presence.²¹ Communities to which the State had been a threatening but distant reality – no provision of social services or protection; no communications infrastructure – came face to face with it through its most violent institution: the military.

¹⁹ Solórzano Martínez, Mario. **Guatemala, autoritarismo y democracia**. FLACSO-EDUCA, San José 1987.

²⁰ Gramajo Morales, Héctor Alejandro. **Alrededor de la Bandera: un análisis praxeológico del conflicto armado en Guatemala 1960-1996**. Tipografía Nacional, Guatemala 2003. Schirmer, Jennifer. **Las intimidaciones del proyecto político de los militares en Guatemala**. FLACSO 1999.

²¹ Ball, Patrick; Paul Kobrak and Herbert F. Spierer. **State Violence in Guatemala 1960-1996. A Quantitative Reflection**. American Association for the Advancement of Sciences/International Center for Human Rights Research, New York: 1999. CEH. Guatemala: Memoria del Silencio. Informe de la Comisión para el Esclarecimiento Histórico. Guatemala 1999.

According to the information gathered by Guatemala's Truth Commission, during the thirty-six years of armed conflict more than 200,000 people died among a population of 13 million at its height. More than 600 villages were massacred by military or insurgent forces. And the military forces engaged in acts of genocide against the Ixil Mayan people. The armed conflict in Guatemala was characterized by a level of violence outrageous not only in the number of victims but in the cruelty of the violence inflicted by the state.²²

To build and to rebuild

The survival of closely-knit indigenous communities in the Western Highlands by the second part of the Twentieth Century was the result of two key factors. On the one hand, the State's strategy for rule over an indigenous majority: the 'Dos Repúblicas' (two republics) of colonial times, formally designed by the Crown to protect indigenous communities from abuse by colonizers but in fact functioning as a mechanism for social control, subordination and exclusion of the majority of the population in the province i.e the indigenous peoples.

On the other hand, it was the result of the survival strategy of this community, a 'resistance of the poor'²³ that found in the social and cultural autonomy of their villages a way to preserve their own sense of communal identity and belonging in the context of a conquered territory.²⁴

During the first part of the nineteenth century the ruling elites of the newly independent state were mostly preoccupied with intra-elite disputes for control of government and, as the economy depended on products grown in other regions, showed no interest in the western foothills and highlands where indigenous communities were concentrated. The coffee plantation economy developed during the second half of that century – the backbone of the national economy well into the twentieth – changed this situation and led to the seizure of land from indigenous and mestizo communities in the valleys and foothills suited to coffee production.

²² CEH. **Ops. Cit.** 1999.

²³ Scott, James C. **Weapons of the Weak. Everyday Forms of Peasant Resistance**. Yale University Press, 1985.

²⁴ McCreery, David. **Rural Guatemala 1760-1940**. Stanford University Press, California

But communities whose lands were unsuitable were left alone, a source of seasonal labor for the plantations that, although forced, provided an additional source of income to villages that were already facing the pressure of limited access to agricultural land. The combination of subsistence agriculture, regional trade and the meagre income obtained from seasonal labor provided indigenous communities with the resources necessary to sustain their relative autonomy vis-à-vis a State whose incapacity to deliver any meaningful service beyond provincial capitals –and even there, barely facilitated the efforts of indigenous communities to preserve their structures of authority, ethnic identity and a close-knit social fabric.

Historical exclusion and marginalization by the Colonial and then Independent State enabled these communities to resist social dis-integration and cultural assimilation, notwithstanding the class divisions and economic pressures that were already having an impact on the levels of social cohesion in some of them.²⁵

These traditional patterns of collaborative social interactions at the community level, developed autonomously throughout centuries, were severely damaged by the arrival in their territories of the armed conflict between insurgents and the state. Historically, social conflict resulting from tensions and disputes of community life between families around issues of land tenure or communal authority, between nobility and laymen, between practitioners of Catholicism and those subscribing to Mayan rituals, between one hamlet and another over boundaries or access to water, etc. was characterized by relatively low levels of violence, and addressed through traditional conflict-resolution mechanisms that enabled communities to address differences without risking their basic social cohesion.

Even in the case of indigenous communities where intra-communal conflicts began to interact and intersect with ‘national’ political processes and actors in the first part of the twentieth century, the impact of these external factors did not amount to armed violence of a nature that would erode fundamental communal identities and conflict-resolution mechanisms.

But **with the expansion of political insurgency to their territories, communal divisions became exponentially inflated by a military logic that subordinated traditional divisions to political polarization and infected them with unprecedented levels of violence.** Guerrillas mobilized the population into a political action that broke with traditional patterns of traditional authority and introduced new fractures into the communities.

²⁵ McCreery, David. **Ops. Cit.** 1994. Grandin, Greg. *Everyday Forms of State Decomposition: Quetzaltenango, Guatemala, 1954.* **Bulletin of Latin American Research**, Vol. 19, No. 3 (Jul. 2000), 303-320. Grandin, Greg. **The Blood of Guatemala: A History of Race and Nation.** Duke University Press. Durham, 2000.

The state organized the communities into ‘self-defense committees’ which were in fact paramilitary groups in charge of assisting the military in the implementation of counter-insurgent strategies, within their village or against neighboring ones. Beyond enforcing territorial control, these committees were asked to inform on each other’s activities, denounce those suspected of assisting or sympathizing with the insurgents, and engage in acts of violence ranging from enforcing forced sexual and domestic services to the troops by village women – usually the family of those who had fled the village or were suspected of assisting the ‘enemy’ – to participating in massacres against their own.

Communities descended to levels and forms of violence against their own and against neighboring communities that were alien to their traditional way of life. The result, once the armed conflict came to an end, was one of communities torn apart by resentment, mistrust and fear, where **easy distinctions between perpetrators and victims were often blurred by the variety of motivations behind their actions: some took sides voluntarily, others were forced into it, and many became silent witnesses, victims and accomplices all at once.**²⁶

It is evident **that in the case of these indigenous communities there has been a clear need to ‘restore’ the fabric of community life;** to rescue from the social debacle basic elements of inter-personal and collective trust that were destroyed by violence and that are necessary to enable the close collaboration that can give continuity to community life. **Here, reconciliation is indeed about re-establishing conditions that existed before the crisis; about recuperating social assets: trust; social skills; cooperation that will enable the divided social body to heal its wounds and overcome the divisions caused by violence,** so that their ‘body politic’ – the community – can function again.

But what is there to recuperate at the national level? The ‘political community’ of most of Guatemalan history has not been sustained by the cohesiveness of the voluntary associations that bring together population and state institutions through an exercise of legitimate authority.²⁷

²⁶ CEH. **Ops. Cit.** 1999. Roth Arriaza, Naomi and Laura Arriaza. Social reconstruction as a local process. **International Journal of Transitional Justice.** 152 (2008)

²⁷ Such was the case in other parts of the continent, as in Chile or Uruguay, where authoritarian rule in the seventies was an ‘extraordinary’ period for societies whose democratization processes had started earlier in the twentieth century. Arévalo de León, Bernardo. *A Twisted Path to Reconciliation? The Historical Clarification Commission in Guatemala.* In Sisson, Jonathan. **Dealing with the Past on Post Conflict Societies: Ten-Years after the Peace Accords in Guatemala and Bosnia-Herzegovina.** Swisspeace. Conference Paper 1/2007. p12-20.

Guatemala, the foundations of democracy established during the revolutionary decade of 1944-1954 were over-run by the authoritarian logic of a counter-revolution that basically re-formulated old authoritarian 'traditions' in force since colonial times.

Because the revolutionary experience of the forties made it impossible to simply re-constitute the pre-modern regimes of the liberal Caudillos, the logic of rule by force prevailed as the ruling elites developed new mechanisms to ensure political control over an increasingly politically aware and restless population. The counter-insurgent regime was just its latest incarnation: from 'pre-modern' oligarchic domination to 'modern' oligarchic domination.

Therefore, 'coexistence' as it existed before the 1963 - 1996 armed confrontation was not the result of functional solidarity freely established between different groups in society. Shared life under the social and political framework of the Guatemalan State was simply a function of the violence and coercion the ruling elite was able to mobilize in order to subordinate society into obedience.²⁸

The 'body politic' of the State has functioned in Guatemalan history mostly through violence, coercion and obedience, rather than on the basis of trust, confidence, collaboration and solidarity. In this context, it is hard to conceive 'reconciliation' as the process of recuperation or rescuing from the pre-conflict period socio-political assets necessary for coexistence-values, skills, behaviors, relationships, institutions.

Rather, it is about the establishment of the 'new traditions' that are necessary for the establishment of a functional democratic community: trust at the interpersonal and collective level; trust in political authority based on its legitimate exercise; voluntary collaboration between the different groups and individuals that integrate society; a framework of shared political goals and aspirations that accept and reflect the plurality of society; institutions that reflect and express the voluntary allegiance of people to political authority.

In an easy play of words that was often repeated during the post-agreement period, **peace for Guatemala is not about 're-conciliation' – rescuing a pattern of state-society and society-society relations from our past – but about 'conciliation' – the development of a new and voluntary 'covenant' between groups in society and between society and the State.**

²⁸ Torres Rivas, Edelberto. **Revoluciones sin Cambios Revolucionarios**. F&G Editores, Guatemala 2015. Holden, Robert. **Armies without Nations**. Oxford University Press, New York 2004.

The concept of reconciliation on the road to the Peace Accords

It is worth noting that **the first mentions of reconciliation in the Guatemalan context referred to a pre-condition necessary for a peaceful resolution of the armed conflict**: the development of minimal conditions enabling political negotiations to finish the armed conflict. It was not about a vision for peaceful post-conflict co-existence.

The National Reconciliation Commission (NRC) established in Guatemala in 1987 was the result of the commitments undertaken by the Central-American governments in the Esquipulas Peace Agreement (Esquipulas II), the regional accord through which they prevented the Reagan-era Cold War tensions from exploding into international armed conflict.

The governments of El Salvador, Guatemala, Honduras, Nicaragua and Costa Rica identified the persistence of internal armed conflicts as one of the sources of mounting regional tensions, and committed to launch national reconciliation processes along three lines:

- The establishment of national dialogue processes between national authorities and un-armed opposition groups.
- The granting of an amnesty enabling armed insurgents to depose arms and reintegrate into political life.
- The creation of national reconciliation commissions tasked with monitoring implementation of the Esquipulas II Agreement.²⁹

²⁹ The other commitments included the cease of hostilities between governments and armed groups; a call to stop international support to irregular or insurgent armed groups and the use of national territory to attack neighboring countries; the establishment of regional negotiations on security, verification, limit and control of arms; addressing the regional flow of refugee and displaced populations; and the implementation of democratization processes and the celebration of free elections. *Acuerdo de Esquipulas II. Procedimiento para establecer la paz firme y duradera en Centroamérica*. In Universidad Rafael Landívar/ MINUGUA. **Acuerdos de Paz**. Universidad Rafael Landívar, Guatemala 1997.

The NRC convened two national dialogue processes pursuing such goals. The first was the Great National Dialogue (1989-1990) gathering eight different social 'sectors' for an initial exchange on key issues in the national agenda.³⁰ The second was the Oslo Process – so called for the city in which the agreement leading to it was signed – in which the NRC facilitated a round of meetings between the Guatemalan National Revolutionary Union (URNG) – the umbrella organization of the four insurgent groups – and social and political actors in Guatemalan society, to discuss options for a political solution to the conflict.³¹

By 1991, the 'rapprochement' that took place through the work of the NRC, and the shift in the balance of power between the counterinsurgent military and the elected civilian authorities, had created conditions enabling the establishment of direct negotiations between the Government and URNG.

The Mexico Accord of April 1991 established the framework for the political negotiations process, with the President of the NRC mediating between the parties as a 'Conciliator', and the United Nations as an Observer to the process.³² In contrast to most peace processes up until then, the negotiations included not only the typical 'operative' agreements dealing with the finalization of military conflict, the reintegration of insurgents and the normalization of electoral democracy, but a 'substantive' agenda addressing critical gaps that the parties agreed were at the roots of the violent confrontation.³³

³⁰ The eight sectors in which NRC organized the dialogue were: Government (executive, legislative and judicial branches; National Commission for Refugees); Political (political parties), Popular (trade unions and social movements); Cooperative (cooperative and solidarist movements), Academic and Professional (professional guilds; national university and think tanks); Refugees (Permanent Commissions of Refugees); Press and Media (journalist guilds and media organizations) and Religious (Catholic, Protestant and Jewish).

³¹ 5 meetings arranged on a sectoral basis took place during 1990 in the context of the Oslo process, between URNG and Political Parties (El Escorial, Spain), the private sector (Ottawa, Canada), the popular movement (Metepéc, Mexico), the academic institutions, professional guilds, cooperatives and small entrepreneurs (Atlixco, Mexico), and religious institutions (Quito, Ecuador). National government was part of the Great National Dialogue but not of the Oslo Process.

³² *Acuerdo de México: Acuerdo de procedimiento para la búsqueda de la paz por medios políticos*. En Universidad Rafael Landívar/MINUGUA **Ops. Cit.** 1997

³³ The substantive agenda was: Re-settlement of population displaced by the armed conflict; Human rights and democratization; Strengthening of civilian power and role of the military in a democratic society; Identity and rights of indigenous peoples; Socio economic and agrarian issues; Constitutional reform and electoral regime.

The parties negotiated thematic 'part agreements' that constituted an integral part of the final Peace Accord, to be implemented once the overall Peace Accord was signed.³⁴ Social, political and economic transformation was recognized as a condition for peaceful coexistence, and basic agreements on where to start these as a necessary outcome of the negotiations.³⁵

But neither the 1991 nor the 1994 framework agreements³⁶ made any substantive reference to the issue of 'reconciliation', beyond passing mention to the role of the 'Civil Society Assembly' (CSA) – a body constituted to allow civil society to provide substantive recommendations to the negotiating parties – as one among other possible mechanisms '...to foster national reconciliation...'.³⁷

Civil society's own position about the negotiations did not include any reference to post-conflict reconciliation, focusing on the negotiating process itself, demanding consideration of a substantive agenda, transparency of the negotiating process, and civil society participation.³⁸

Not even the Agreement on the Establishment of the Commission to Clarify Past Human rights Violations and Acts of Violence that have Caused the Guatemalan Population to Suffer made explicit mention to post-conflict reconciliation, opting instead to refer to the importance of truth as a component of a culture of mutual respect, concord and observance of human rights.³⁹

³⁴ The exception was the Global Human rights Accord, which went into effect immediately with UN verification, as a sort of 'confidence building measure' evidencing good faith of national authorities in the negotiating process.

³⁵ The President of the NRC was asked to convene a Civil Society Assembly to discuss the substantive issues in the negotiations, produce consensual documents with recommendations to the negotiating parties, and review the part agreements reached by the negotiating parties. Ponciano Castellanos, Karen. **El Rol de la Sociedad Civil en Guatemala y El Salvador**. INCEP. Guatemala 1996.

³⁶ The combination of a stalemate within the peace negotiations and a political crisis between the executive and legislative branches of Government led to the suspension of the negotiations for a period of eight months in 1993. In January 1994, the new caretaker Government and URNG relaunched the negotiations with the same agenda but under a new format that included the mediation of the United Nations and the participation of civil society.

³⁷ *Acuerdo Marco para la reanudación del proceso de negociación entre el gobierno de Guatemala y la Unidad Revolucionaria Nacional Guatemalteca*. En Universidad Rafael Landívar/MINUGUA, **Ops. Cit.** 1997. p.201-215.

³⁸ *Propuesta de los sectores civiles acerca de su participación en el proceso de paz*. En Universidad Rafael Landívar/MINUGUA, **Ops. Cit.** 1997. P.167-170

³⁹ *Acuerdo sobre el establecimiento de la comisión para el esclarecimiento histórico de las violaciones a los derechos humanos y los hechos de violencia que han causado sufrimiento a la población guatemalteca*. En Universidad Rafael Landívar/MINUGUA, **Ops. Cit.** 1997 p.247-252

It was not until the final phase of the long-winded negotiating process that express reference was made to reconciliation. In the ‘Accord on the bases for the incorporation to legality of the National Guatemalan Revolutionary Union’ the parties agreed that the Government would issue, prior to the final signature of the Peace Accords, a ‘National Reconciliation Law’ detailing the mechanisms through which illegal acts committed by state officials or by insurgents in the context of the armed conflict would be pardoned.

The ‘National Reconciliation Law’ was in fact an amnesty decree, mentioning reconciliation only twice in its text: in the preamble, stating that national reconciliation requires an “...integral and equitable consideration...” of the circumstances and conditions surrounding crimes committed during the armed conflict, and in Article 1, stating the Law is an instrument for reconciliation of individuals that participated in the armed confrontation.

The overall goal of the legislation was to “...promote a culture of concord and mutual respect, eliminating all forms of payback and revenge while simultaneously preserving the basic rights of victims as an indispensable condition for firm and durable peace...”,⁴⁰ but it made no attempt to provide either a substantive definition or operational guidance for such goals, with only passing reference to issues of reparation and non-repetition.

The lack of a clear official definition in the Peace Accords left the meaning of reconciliation in a post-conflict context as a matter of interpretation by the different social actors in what was a very fluid political arena. How did the country arrive at such a situation, after more than a decade of political effort and public debate around matters of conflict and peace?

Two critical flaws: a desperation for peace and an inability to deal with the past

The first one is that after thirty-six years of political violence and systematic human rights violations, Guatemalan society was desperate to bring the armed conflict to an end. **In the context of deep divides with roots in the political crisis of the forties and fifties, reconciliation was understood as ‘political disarmament’:** a social agreement about the need to renounce to violence in the pursuit of political interests and re-establish conditions for a negotiated solution to the armed conflict.

⁴⁰ Apéndice I: *Ley de Reconciliación Nacional*. En Universidad Rafael Landívar/MINUGUA. **Ops. Cit.** 1997. p.421-426

Key actors in state and society focused their political effort and imagination on closing the cycle of political violence, assuming the right closure would by itself provide the fundamental framework for a peaceful co-existence thereon.

To this effect, a simple ‘operational’ agreement dealing with the finalization of military operations and the reintegration of insurgency to democratic politics would not be enough. It was unacceptable to URNG, who needed to show substantive concessions from the Government as a justification for its decision to renounce to armed struggle, but it was equally unacceptable to civil society, who understood the negotiations as a critical opportunity to inscribe in the national political agenda critical issues that the nature of the ‘transitional’ political system made difficult to address, such as indigenous rights or de-militarization.

Convergence around the need to include a substantive agenda of ‘transformative’ scope, addressing critical structural gaps that were at the origin of the political crisis, allowed parties in the negotiation and society at large to conceive the peace process not just as an effort to silence the guns but as the opportunity to deliver a different, better future. One in which the combined effect of a democratic political framework with rule of law and respect for human rights, and the commitments for social change undertaken in the part agreements, would provide the socio-political framework enabling peaceful co-existence.

The second flaw is that **any attempt to reach some level of conceptual clarity and operational guidance over post-conflict reconciliation would have forced actors to face their discrepancies on an issue on which the negotiating parties, and society at large, sustained deep differences:** dealing with the past.

The Governments negotiating the peace accords were democratically elected civilian authorities operating in a transitional period. Between 1985 and 1996 the military, while gradually losing power to successive civilian governments, retained high levels of influence over critical issues of state policy, especially in relation to the armed conflict. Governmental delegations to the peace negotiations included civilian government officials and high-ranking military officers, in an uncomfortable collaboration marked by varying degrees of reciprocal mistrust and suspicion.

Military participation was unavoidable given the issues at stake and the power they held in the State, and also necessary to prevent the institution to establish distance from the peace process and the deepening of their functional autonomy from civilian authority. **But it also meant the**

perpetrators were seated at the table, negotiating the terms under which human rights violations would be addressed after the conflict.

Although, as the transitional period progressed, the balance of power in the military between ‘hardliners’ – those that resisted civilian authority and any negotiated solution to the armed conflict – and ‘institutionalists’ – those that accepted civilian authority and understood the need for a political solution to the conflict – gradually shifted to the benefit of the latter. The avoidance of accountability for human rights violations remained a moral and legal institutional imperative.

It is important to understand why. Morally, there was a need to revindicate the role played by the armed forces ‘in defense of the motherland’, ‘saving’ the country from ‘communist aggression’ and denying the existence of a policy for human rights violations. Legally, to prevent the judicial consequences that accountability would have for the individual military officers and troops involved in the many, many cases of violations and atrocities. Their understanding was that the end of the armed conflict should be assumed as an opportunity to wipe the slate clean and bury history, as doing otherwise risked fostering social polarization and division, preventing social wounds from healing.⁴¹

A blanket amnesty was clearly not an option for URNG, whose leadership had to consider demands for truth and justice within their own ranks and national and international sympathizers.⁴² It wasn’t either for civilians in the governmental delegation, aware of the national and international de-legitimizing effect any attempt to issue a blanket denial of accountability would have over political authorities.

The military found themselves in a trap of their own making: legitimizing state authority through formal democratization had been seen in the early eighties as a tactical move towards the strategic goal of defeating the insurgency, completing military victory. It would allow the de-militarization of government without de-militarizing the State.

⁴¹ Isaacs, Anita. *At war with the past? The politics of truth-seeking in Guatemala*. **The International Journal of Transitional Justice**, 2010, 1–24.

⁴² Only 3% of the human rights violations registered by the CHC in its report were attributable to the insurgent forces, with 93% attributable to state forces and paramilitaries, and 4% undetermined. Whether such calculations of comparative responsibility were part of the decision-making framework of URNG at the time – the CHC had not yet come into existence – is difficult to ascertain.

But the search for national and international ‘democratic legitimacy’ during the transitional period (1985-1996) engendered a political process that escaped their control and that led to the gradual ‘civilianization’ of political power. The military that at the start of this period could impose their institutional interests to the elected civilian authorities, for example, forbidding President Cerezo (1986-1991) from establishing direct political contacts with the insurgency, found themselves less and less able to impose them to subsequent civilian administrations. President Serrano Elías (1991-1993) launched political negotiations against their will; President De León Carpio (1993-1995) strengthened the hand of the ‘institutionalist’ officers to enable himself to progress in the substantive files; and President Arzú (1996-2000) moved to finalize a Peace Accord within his first year in Government. They may have retained political influence, but the military were no longer the sole determining factor within the Guatemalan State.⁴³

Under these conditions, the parties reached agreement on two of the most difficult issues in the agenda: prevention of human rights violations and establishment of a truth commission to investigate past violations. The Comprehensive Agreement on Human Rights was the first part agreement signed, and the only one that went into immediate implementation in 1994, with international verification provided by the United Nations.⁴⁴ Governmental will to promote a legal and institutional framework ensuring full compliance with constitutional and international human rights protections and guarantees, was seen as a test of the sincerity of its political will and its determination to advance in the negotiations.

But negotiations over the establishment of the Commissions for Historical Clarification (CHC) were more complex as they directly affected the army’s core ‘moral and legal’ need for impunity. The military’s opposition to personal and institutional accountability of the investigations led initially to attempts to prevent the report from including individualization of responsibility, and deferring its publication 25 years.⁴⁵ But political pressure – inside the negotiations and in the national and international political arenas – pushed the parties into compromise.

⁴³ Arévalo de León, Bernardo. **Sobre Arenas Movedizas: Estado, Sociedad y Ejército en Guatemala 1997**. FLACSO Guatemala, 1998.

⁴⁴ *Acuerdo Global sobre Derechos Humanos*. In Universidad Rafael Landívar/MINUGUA. **Ops. Cit.** 1997. p.221-232.

⁴⁵ Rosada Granados, Héctor. **El Lado Oscuro De Las Negociaciones De Paz. Transición de la guerra a la paz en Guatemala. (Junio 1993 a Enero 1996)**. Guatemala: 2007. Mimeo.

The agreements reached in the Peace Accords on issues of truth and justice were unhappy compromises derived from the political conditions in which they were being negotiated: a democracy emerging in the context of weak democratic traditions, with significant authoritarian enclaves encroaching both state and society. Civil society was highly critical of the National Reconciliation Law and the agreement for the establishment of the CHC. The ASC, which had as a function ‘validating’ the part agreements reached by the negotiating parties, opposed the absence of individual accountability and judicial applicability of its report, but decided not to withdraw its support out of concern for de-legitimizing effect the peace process overall.⁴⁶

The result provided neither the blanket impunity pursued by the military, nor satisfied the goal of full accountability for human rights violations that victims and many political actors in society demanded. Nevertheless, sufficient avenues were left open for the pursuit of truth and the fight against impunity during the post-conflict period: the CHC would be able to conduct its investigations in full autonomy and publish its report immediately, and “...those crimes which do not prescribe or which not admit extinction of penal responsibility, according to internal laws and international treaties ratified and subscribed by Guatemala”⁴⁷ were left out of the amnesty enacted through the National Reconciliation Law, enabling the State to investigate these cases and prosecute perpetrators.

Guatemala entered the post-conflict era without a clear definition – much less a socially shared one – of what these vague notions of concord, mutual respect, and peaceful co-existence meant in practice. No practical consideration was given to the challenges of overcoming the legacy of fear, pain and mistrust in the population, or to the fact that the country was embarking into the – almost – uncharted waters of building a polity without the recourse to violence and coercion.

The implicit assumption was that once the armed conflict ends, the combined effect of a functional democratic political framework and implementation of the substantive commitments in the Peace Accords would enable the substantive transformation in social and political relations necessary to achieve that vague state of ‘concord’.

⁴⁶As per the mandate of the ASC, lack of validation of an agreement did not carry any formal consequences, but such a decision would have had a huge delegitimizing impact over the process.

⁴⁷Apéndice I: *Ley de Reconciliación Nacional*. En Universidad Rafael Landívar/MINUGUA. **Ops. Cit.** 1997. p.421-426

In this process, whilst the needs of victims-survivors came second to the political arrangement allowing the warring parties to lay down their arms, they were not totally ignored. The work of the CHC, a series of policy recommendations it would issue including a reparations program, and the prosecution of perpetrators of crimes against humanity agreed on the National Reconciliation Law, would provide some measures of truth, dignity and justice necessary to satisfy the needs of victims.

It was assumed that interpreting the ‘spirit’ of the Peace Accords from the ‘tableau’ created by the different declarations and commitments, the ‘conciliation’ of Guatemalan society would result from the combined effect of a new inclusive and just ‘social contract’ ending marginalization and discrimination, and a program for truth, justice and reparations that would restore the dignity of those who most suffered the effect of the violence.

The conciliation of Guatemalan society: The Peace Accords and the incomplete transformation of social and political relations

CLOSING THE CYCLE OF ARMED VIOLENCE

The Peace Accords were successful in closing the cycle of armed violence that had started more than three decades earlier. The parties fulfilled their commitments under the ‘operational agenda’ allowing critical goals of the peace process to be achieved.

The demobilization, disarmament and reintegration of the 2,928 armed insurgents was successfully implemented. URNG became a political party, and former combatants participated in electoral politics with URNG and other political formations at the local and national level. Moreover, there has been no registered instances of revenge or retaliatory violence i.e. ‘settling accounts’ at the individual level and involving former combatants on either side or their families.

The counter-insurgent legal and institutional framework developed by the state to engage in violent coercion of dissent, responsible for the systematic violation of human rights during the armed conflict, was effectively dismantled. The network of civilian collaborators – ‘military commissioners’ – and the paramilitary ‘self-defense patrols’ developed at the community level by the military were

demobilized before the Peace Accords were signed. Military units created with a counter-insurgent intent such as the Roving Military Police were disbanded.

A new Civilian National Police was created to take over from the thoroughly corrupted National Police. The 33% reduction of military personnel agreed in the Accords took place within a year, and a budgetary cut of military expenditure in 2004 further reduced its numbers by 50%.⁴⁸ Furthermore, a new Military Doctrine based on democratic principles was developed to substitute the counter-insurgent doctrine, with the deployment of a new force, designed to defend national territory from external threats, substituting the ‘internal enemy’ hypothesis that guided military operations for almost four decades.

Whilst it is undeniable that the militarization of the state characteristic of the armed conflict period was effectively ended, the absence of a military policy affirming ‘civilian control’ over the military, limits the scope of their subordination to political authority, enabling a situation of ‘relative autonomy’.⁴⁹

A SEEMINGLY WELL FUNCTIONING DEMOCRACY WITH A HOLLOW CENTRE...

In terms of the political system, the fundamental freedoms necessary for a functioning electoral democracy are in place. Since the onset of the democratization process in 1985, free elections have led to alternation of power on every occasion: in more than thirty years, no political party has ever even been re-elected to lead the Executive branch. **Nevertheless, while political competition is carried out exclusively through electoral politics, representative democracy is far from being functional.**

Patronage dominates an extremely volatile political system⁵⁰ with parties that with only a few exceptions are electoral machines organized around bare clientelist interests, undistinguishable from each other in terms of ideology and lacking any policy program of substance.⁵¹ Corruption has enabled patrimonial and criminal interests to penetrate State institutions, co-opting state capacities

⁴⁹Arévalo de León, Bernardo. **Ops. Cit.** 2006. Arévalo de León, Bernardo y Francisco Jiménez. **Ops. Cit.** 2017.

⁵⁰Artiga González, Alvaro. *Fluidez y Volatilidad en la Institucionalización de Sistemas de Partidos*. En **América Latina, Hoy**, No.19, 1998 p.125-129

⁵¹ Novales Contreras, Hugo. **Partidos políticos guatemaltecos: financiamiento e institucionalidad**. Guatemala, ASIES 2014. ASIES. **Qué entendemos por “partidos franquicia”**. Guatemala 2013.

to serve their own goals.⁵² Consequently, **legitimate social interests have no representation in the political system, which therefore functions with extremely low support from its citizens.**⁵³

State institutions no longer operate under a strategy geared to contain political dissent through violent repression. The legal and institutional framework in charge of upholding human rights has been expanded through the reform of existing laws and institutions and the creation of new ones derived from the Accords. And yet, the State has been unable to protect citizens from acts of violence that result from engagement in public issues: ‘rights defenders’ – i.e. human rights activists; labor, community and environmental activists; journalists and researchers; justice operators such as policemen, prosecutors and judges – are still subject to intimidation, harassment and even murder.

Corrupt politicians resenting journalistic exposés of their schemes; ruthless businessmen resisting activism against environmentally damaging practices; judicial harassment of indigenous communities resisting encroachment of extractive industries in their territories; drug lords and common criminals interested in stopping judicial processes; human rights violators intimidating activist and victims into inaction, are examples of a violence that, even if no longer directed by the state nor responding to the ‘state/insurgency’ paradigm, has dire political implications.

In some cases, this violence is exercised by informal networks with roots in the armed conflict, in which military and police officers collaborated with criminal actors as part of the counter-insurgent strategy. Liberated from their political moorings by the Peace Accords, these networks found new purpose and function in the criminal world, as providers of illegal services to private actors or as criminal entrepreneurs on their own right. And again, in some cases state resources are co-opted into their activities, such as policemen that ‘moonlight’ as hired hitmen or prosecutors co-opted by corporate lawyers to harass activists.⁵⁴

⁵²Briscoe, Ivan. Corruption in the Northern Triangle: The siren song of crime. Clingendael, 2014. <https://www.clingendael.nl/publication/corruption-northern-triangle-siren-song-crime>. And Tromme, Mat. Rule of Law challenges in Guatemala and Honduras. Bingham Centre for the Rule of Law. November 2014. https://binghamcentre.biicl.org/ruleoflawexchange/documents/211_rule_of_law_challenges_in_guatemala_and_honduras.pdf?showdocument=1.

⁵³Mendoza, Carlos; Daniel Haering y Christian Espinoza. El futuro de la resignificación: escenarios posibles. En Sarti y Girón, **Ops. Cit.** 193-216. Guatemala has the lowest level of social support to democracy in Latin America. Latinobarómetro. **Informe 2016**.

⁵⁴UDEFEGUA. **Informe de situación de Defensores y Defensoras de Derechos Humanos**. Enero a Diciembre 2015. Procurador de los Derechos Humanos. **Informe de ataques a defensores de derechos humanos. Año 2015 al 18 de mayo de 2016**. Guatemala 2016.

Violence against rights defenders happens in the context of a wider epidemic of violence that the state is struggling to contain. Its incapacity to legitimately monopolize and control the use of violence in society has led to an explosion that affects society at every level. **Homicide rates rank post-conflict Guatemala among the most violent countries in the world,**⁵⁵ and national and international headlines are full of stories such as the murder of public transportation drivers by ‘maras’ or shoot-outs between rival drug gangs.

The use of violence for territorial expansion and control by criminal groups is just the most visible expression of a deep-rooted violence that permeates social interactions at every level and explains phenomena such as the extremely high rates of femicide,⁵⁶ violent community responses to insecurity such as lynching,⁵⁷ and pathological responses to every-day inconveniences.⁵⁸ This is ‘chronic violence’: a pattern of pervasive, systemic and constant violence reproduced by social institutions – the family, the school, the community – and impacting social interactions at every level.⁵⁹

...HAS HAD A DETRIMENTAL IMPACT ON SOCIO-ECONOMIC PROGRESS

It’s no surprise therefore that social development goals established in the Peace Accords have not been achieved. Commitments in the Agreement on Socio Economic Matter and the Agrarian Situation, the Agreement in the Identity and the Rights of Indigenous Peoples, and the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict aimed for an enhancement of social justice and a reduction of socio-economic exclusion through the development of a more effective economy, the expansion of productive employment and entrepreneurial opportunities in rural and urban areas, and an increase in the delivery of social services by the State.

⁵⁵ Dudley, Steven. *Homicides in Guatemala: Analyzing the Data*. InSight Crime. April 20 2017. <http://www.insightcrime.org/investigations/homicides-in-guatemala-analyzing-the-data>

⁵⁶ UN Women. **Guatemala**. <http://lac.unwomen.org/en/donde-estamos/guatemala>

⁵⁷ Procurador de Derechos Humanos. **Retenciones multitudinarias y linchamientos, casos y víctimas. 2005 al 31 de julio de 2016**. Guatemala: 2016.

⁵⁸ As an example, an angry driver drove his vehicle over a group of high school students holding a protest that blocked the street in front of their school. Barrientos, Miguel. *Videos muestran vehículo que arrolló a estudiantes en Calzada San Juan*. **Prensa Libre**, 26.04.2017

⁵⁹ Adams, Tani Marilena. **How Chronic Violence Affects Human Development, Social Relationships, and the Practice of Citizenship. A systemic Framework for Action**. Woodrow Wilson Center, Latin American Program, 2017.

Successful implementation depended on the development of sustained strategies addressing key components, such as fiscal policy, employment policy and social services delivery as per commitments tempered by the neo-liberal orthodoxy dear to the party in Government that negotiated the text.⁶⁰ But even these modest goals were not achieved: after an initial positive surge, the tendency reversed and the country is now facing increasing poverty and extreme poverty rates.

The rural-urban gap that was the focus of so much consideration in the part agreements has not been reduced: rural employment remains stagnant, up to 60% of rural households lack access to productive land and 70% of the rural population live in poverty. In the cities, informal employment is growing while the middle class is shrinking. Access to education has been in decline since 2009 and health coverage is precarious: below 50% in urban areas, and under 29% in rural areas. The net result is increased socio-economic exclusion for large segments of Guatemalan society, including the indigenous peoples whose material conditions of life have not been practically transformed with the arrival of peace.⁶¹

LEGAL RECOGNITION OF INDIGENOUS PEOPLE HAS FAILED TO IMPROVE THEIR LIVING CONDITIONS

Indeed, the Agreement on Identity and the Rights of Indigenous Peoples (AIDIPI) was an important milestone in the struggle against historical structures of racism, marginalization and exclusion impacting those social groups most affected by the violence of the conflict. 83.3% of identified victims and 70% of unidentified victims of the conflict were indigenous. The social fabric of communal life was torn by the impact of guerrilla and military forces that obstructed traditional structures of authority, displaced the population from their territories, and imposed patterns of

⁶⁰ The negotiation between the parties on this agreement had started under the previous administration, with some degree of agreement on a range of issues, including a constitutional amendment underlining the ‘social function of land’, a most contentious issue in the polarized Guatemalan politics. The private sector, who until then remained on the margins of the peace process, approached the new administration with an alternative text, which among other things clearly rejected any curtailment of private property rights, such as the reference to a ‘social function’. The new authorities re-negotiated the text and deleted reference to the amendment. Interview with Héctor Rosada Granados, 2017.

⁶¹ Cabrera, Mynor y Erick Coyoy 2017. *¿Qué significaron los Acuerdos de Paz para el desarrollo económico y la equidad en Guatemala?* En Sarti y Girón, **Ops. Cit.** 2017 p.43-66. PNUD. **Guatemala: Informe Nacional de Desarrollo Humano 2016**.

violence that divided the community between victims and perpetrators. Entire communities were massacred as part of the ‘scorched earth’ military tactics.⁶²

The Peace Process provided a political arena enabling the emerging indigenous leadership to more effectively engage with the rest of Guatemalan society and the State in the defense of their rights as distinct cultural communities. The Civil Society Assembly (ASC) provided a platform where the different indigenous groups were able to agree amongst themselves and with civil society on a consensual proposal that went beyond obtaining reparation for the damaged caused to their communities during the conflict. Their focus was on the recognition of the multicultural, plurilingual and multiethnic nature of Guatemalan society, and the need for a State that responded, represented and served the plurality of groups that constitute it.

Many of the recommendations on indigenous rights formulated by the ASC went into the agreement, developing a legal-institutional framework to protect indigenous rights, combat racism and address marginalization. On the basis of the recognition of the multi-ethnic character of society and the need to redress historical marginalization and exclusion, the AIDIPI proposed a profound transformation of the legal and institutional framework determining the situation of the indigenous populations in society.⁶³

An Academy of Mayan Languages, control over one of the state’s television frequencies, and a Law of National Languages and a Commission issuing recommendations on their ‘officialization’ in public administration were among the measures taken to enable protection and promotion of indigenous rights and cultural identity. A Presidential Commission Against Discrimination and Racism against Indigenous Peoples, a department protecting the rights of indigenous women, and a Public Policy for Coexistence and Elimination of Racism and Racial Discrimination were created as a framework that would allow Government to lead the national effort against racism.

Specific units dealing with specific aspects of the relationship between the indigenous peoples and the State were created in many state institutions, such as a unit for bilingual education at the Ministry of Education, another one at the Ministry of Public Health to facilitate access to health

⁶² CEH. **Ops. Cit.** 1999. P.171-211

⁶³ *Agreement on Identity and the Rights of Indigenous Peoples.* In Universidad Rafael Landívar/ MINUGUA. **Ops. Cit.** 2017.

services, and a program to train and deploy translators in indigenous languages at courts of justice all over the country.⁶⁴

And yet, in the words of a Mayan leader reflecting about decades of democratization and peace: “We have never enjoyed so many rights as today, but neither have we suffered so much hunger as today.”⁶⁵ While the legal framework guaranteeing the exercise of indigenous rights is well in place, in practice – in the candid language of an official report – material conditions have not been transformed: “...there is a persistence of systematic exclusion from basic citizenship rights in the realm of health, land, employment and others. The indigenous peoples continue to this day facing the worst social conditions in the country... (and) ... have to confront racism and discrimination against them as individuals and as peoples.”⁶⁶ Moreover, the emphasis on individual citizenship rights creating a direct political link between the individual and political authority as the basis for their integration into the State, has enhanced the challenges indigenous communities have to face in order to engage with political authority on the basis of collective identities anchored in the ancestral link between individual, community and territory.⁶⁷

WOMEN REMAIN POORLY SERVED BY PEACE

A similar situation emerges in the case of women’s rights. The peace process acted as a ‘precipitator’ for the agency of women in society. Women activists in different corners of society – trade unions, indigenous groups, human rights collectives, academia, etc. – coalesced around a shared political agenda of common interest. In the absence of a part agreement specifically dealing with women rights, their efforts focused on ‘gendering’ the consensus documents the ASC sent to the negotiating parties for consideration. 25% of the total of victims of the conflict were female, 88.7% of them indigenous women and girls. 1,465 cases of sexual violation were registered, 99% of which of women.⁶⁸

⁶⁴ Consejo Nacional para el Cumplimiento de los Acuerdos de Paz (CNAP). **Informe de Seguimiento a los Acuerdos de Paz. Avances y limitaciones.** Guatemala: 2014. Consultado en <http://www.cnapguatemala.net/Informe%20de%20Seguimiento%20a%20los%20A.%20de%20%20Paz%20Avances%20y%20Limitaciones%202014.pdf>.

⁶⁵ Quoted in: Colussi, Marcelo. *A propósito del caso Ríos-Montt en Guatemala: reconciliación no es impunidad.* en **Aporrea.** Martes 11/06/2013. <https://www.aporrea.org/internacionales/a167942.html>.

⁶⁶ Consejo Nacional para el cumplimiento de los Acuerdos de Paz (CNAP). **Ops.Cit.** 2014.

⁶⁷ Tzul Tzul, Gladys y Jovita Tzul Tzul. *Plurigobernabilidad: Comunidad-Tierra-Autogobierno. (Análisis crítico del AIDIPI a 20 años de los Acuerdos de Paz).* En Sarti y Girón (eds.) **Ops. Cit.** 2017 p.147-165

⁶⁸ CEH. **Ops.Cit.** 1999. p.13-57

Gender violence had been an important component of the counter-insurgent strategy during the conflict and historically an integral part of gender relations in society. However, some of the concrete demands formulated by women to address specific expressions were not included in the part agreements, such as the declaration of rape as a crime against humanity, demands for attention to victims of domestic and gender violence, or the right to choice in matters of reproductive health. In the words of a recent report on the situation of women in Guatemala, women activists were able to take advantage of the political effervescence of the peace process to promote their rights only to the point in which they started to “...question the solid foundations of patriarchal culture...”⁶⁹

Nevertheless, **the Peace Accords included an ambitious array of 34 legal and institutional reforms addressing historical discrimination and marginalization of women.** Several laws and policies were enacted – i.e. a law for the promotion of dignity and integration of women in society, a law for universal and equal access to family planning services as part of the national policy for reproductive health, the law against femicide and other forms of violence, and a national policy for the promotion of women⁷⁰ – and several institutions were created – such as the national women forum, the unit for the defense of indigenous women, the presidential secretariat for women, the national coordinating body for the prevention of domestic violence and violence against women, and the department of gender at the national statistical institute – that were derived directly or indirectly from commitments in the Peace Accords.⁷¹

And yet, Guatemala has the highest gender inequality rate in education, health, the economy and political empowerment in the Latin America and Caribbean regions. Women have less access to the labor market, more informal jobs and lower wages than men. Only 7.8% of titled land is registered to women, who have difficulty accessing housing, with a disproportionate majority of credit and official assistance going to males. While maternal mortality has been reduced, at 110 per 100,000 (2015) it still is one of the highest in the region. 9500 women were

⁶⁹ Trujillo, Silvia y Camerlengo, Camilla. *¿De qué paz hablamos? Balance crítico del legado construido por las mujeres guatemaltecas.* En Sarti y Girón, **Ops. Cit.** p.97-146.

⁷⁰ Ley de Dignificación y Promoción Integral de la Mujer, Ley de Acceso Universal y Equitativo de Servicios de Planificación Familiar y su Integración en el Programa Nacional de Salud Reproductiva, Ley contra el Femicidio y Otras Formas de Violencia contra la Mujer, Política Nacional para la Promoción y Desarrollo Integral de las Mujeres Guatemaltecas.

⁷¹ Foro Nacional de la Mujer, Defensoría de la Mujer Indígena (DEMI), Secretaría Presidencial de la Mujer, Coordinadora Nacional para la Prevención de la Violencia Doméstica y de la Violencia contra la Mujer, Unidad de Género del Departamento Nacional de Estadística.

murdered between 2000 and 2015, the number of registered sexual violence cases against women almost tripled between 2008 and 2015, and the number of births by girls between 10 and 14 – usually the result of sexual violence – increased by 89% from 2011 to 2015. **Clearly, the normative progress brought about by the peace process offers meagre results in terms of life conditions for women.**⁷²

PEACE FOR RECONCILIATION HAS NOT FARED WELL

Twenty years after the signature of the Peace Accords, it is clear that the transformational impact expected from the combination of a functional political system and the commitments adopted in the Peace Accords has not materialized. Overall, it is not that the State decided to explicitly reject the substantive commitments of the Peace Accords, but **that its implementation has been only partial and incoherent instead of comprehensive.**

Significant attention has been paid to form; not enough to substance. And the State has followed reactive impulses to official deadlines and social pressures instead of being guided by strategic purpose. Laws that remain inapplicable in the absence of the necessary bylaws; policies that are developed and published but never adopted in practice; departments that are created without the budgetary allocations enabling them to fulfil their mandate, are some of the reasons why the transformational impact of the Peace Accords remains meagre.

As a result, the level of social tension and animosity between different interests in society and between society and political authority is very high.⁷³ Poor access to and administration of natural resources and land, poor access to social services and conditions of insecurity, lack of effective policies regulating labor market and economic conditions; these are all examples of state incapacities that cause social conflict which can erode peaceful coexistence. This in turn, inhibits both ‘horizontal trust’ – between individuals and groups in society – and ‘vertical trust’ – between society and political authority.

⁷² Trujillo, Silvia y Camerlengo, Camilla. *¿De qué paz hablamos? Balance crítico del legado construido por las mujeres guatemaltecas.* En Sarti y Girón, **Ops. Cit.** p.97-146.

⁷³ Interpeace. **Resiliencia y Construcción de Paz: Marcos de Análisis para la Resiliencia en Guatemala.** Guatemala, 2015. INCEP. *Estado de la Conflictividad Social en Centroamérica. Reporte Político.* Año XLIII. Epoca No.8. Enero-Junio 2013.

THE LACK OF A WELL-FUNCTIONING STATE AS AN IMPEDIMENT TO LONG-TERM TRANSFORMATION

The State is not just incapable of addressing these tensions; it becomes “...the biggest factor for conflict in society, due to an institutional weakness that does not allow it to address essential needs. The apparatus is so weak that causes these demands to often ‘overflow’ and force people to take matters into their own hands, leading to conflict.”⁷⁴

The Peace Accords assumed the existence of a functional State, capable of taking the socio-political roadmap that emerged from the different agreements and implementing it effectively so that its transformational potential could be realized. **But a functional State is precisely what has been lacking in Guatemala’s post-conflict period.** The reason lies in the nature of the political system that emerged from the demise of the counter-insurgent structures and the decade-long peace process, which prevents the democratic State from effectively performing its role mediating between different social interests, fairly administering national resources, and delivering social services that promote the security and the welfare of the population.

Quite simply, the agency for change has been lacking. Though the straightjacket of violence that characterized the counterinsurgent state has been removed, the resulting political system has not delivered an effective transformation of the power relations within society. This is not just about the ‘lack of political will’ of the dominant actors in the political system and their recourse to violence as a means of governance, but about a condition of ‘state anomia’ characterized by a maladjustment between the values and expectations that guide its institutional structures.

This maladjustment is rooted in the lack of a ‘moral consensus’ over basic social values and norms that guide social and political life, and the competition between different groups for control over the economic, social, cultural and political resources in the system. The resulting social disorder is full of paradoxes and problems that paralyze the state and reduce it to an empty shell capable of performing only the basic formalities of electoral rites.⁷⁵

⁷⁴ Miguel Ángel Balcarcel, Coordinator of the National Dialogue System, a governmental dependency, on a press interview reproduced in: INCEP. *Estado de la Conflictividad Social en Centroamérica. Reporte Político*. Año XLIII. Epoca No.8. Enero-Junio 2013. p.27

⁷⁵ Mack, Luis Fernando. *Una mirada desde el Acuerdo sobre Reformas Constitucionales y Régimen Electoral*. En Sarti, Carlos Alberto y Felipe Antonio Girón (Eds.). **Resignificando los Acuerdos de Paz en Guatemala**. Fundación Propaz: Guatemala 2017.

Reconciliation in Guatemalan society: victims, perpetrators and the search for truth and justice

The notion of reconciliation as a resulting condition from the peace process only emerged in official documents with the publication of the Conclusions and Recommendations of the truth commission. Though referring to reconciliation only a few times in the text, it is clearly articulated as a goal to be attained as the result of a “...long and complex process...” of deep structural and cultural transformation.

Social knowledge of truth, judicial pursuit of crimes not included in the amnesty, and implementation of the substantive agreements of the Peace Accords, will enable social coexistence, national unity and Rule of Law.⁷⁶ Reconciliation, therefore, is a function of the efforts carried out by state and society to use the Peace Accords as the cornerstone for an inclusive political process that succeeds in establishing a peaceful, just and equitable society.

The post-conflict period started under the auspicious reconciliation that had taken place between those that had used guns against each other during the conflict. The protracted negotiating process and the full participation of the military leadership in the Governmental Peace Commission allowed for the development of personal ties of trust between the commanding officers on both sides of the divide, that went beyond the personal relationships to influence collective and institutional attitudes. The fact that the returning guerrilla commanders chose to trust their personal security to the military indicates clearly the level of trust that had been achieved throughout the process.⁷⁷ But this initial sign belied the existence of deeper divides in society.

A MISSED OPPORTUNITY TO BREAK WITH THE AUTHORITARIAN PAST

As soon as implementation of the Peace Accords started, deep discrepancies emerged between key political actors in state and in society about the ‘historical’ meaning of the Peace Accords as a milestone in the development of Guatemalan society. Dominating political elites understood the

⁷⁶ CEH. **Guatemala: Memoria del Silencio**. Tomo V. Recomendaciones y Conclusiones. Guatemala 1999: 12, 56, 60, 68 and 72.

⁷⁷ Interviews with Julio Balconi and Sandino Asturias. Arévalo de León, Bernardo. Prólogo, in Balconi, Julio y Kruijt, Dirk. **Hacia la Reconciliación. Guatemala 1960-1996**. Editorial Piedrasanta: Guatemala 2004.

signature of the Peace Accords not as an historical opportunity to break with a regrettable authoritarian past, but as the continuity of a political project entering a new phase, in which non-violent means were required to maintain control.

Human rights violations during the internal armed conflict were, under this interpretation, ‘excesses’ committed in the context of the justified defense of a political order whose legitimacy rested on Westphalian formalities, however empty of democratic meaning they were.⁷⁸ It was a contrasting position to that of stakeholders who had been victims of violence, marginalization and discrimination by the authoritarian state. For them, the Peace Accords were the opportunity to turn the page from political traditions of violent repression of political dissent, enabling the establishment of democratic legitimacy and ensuring the state operated on behalf of the common good rather than the interests of a tiny minority. Pursuit of truth and justice over crimes committed during the armed conflict was, in this context, a necessary measure to ensure traditions of state violence and impunity would be effectively eradicated from political life.⁷⁹

It was in this context that the CHC carried out its investigations. Uncomfortable about its existence despite its limited mandate, the Government adopted a distance from the work of the Commission. When the Armed Forces decided not to collaborate and refused access to military archives and information on counter-insurgent operations, the government refrained from exercising its constitutional political authority and failed to order them to deliver the information to the Commission.

Paradoxically, such governmental distance liberated the Commission from considerations about subordinating historical narratives to a ‘ruling consensus’ that needed to be preserved for reasons of governance, a recurrent dilemma for truth commissions.⁸⁰ With a strong team of local academics and social activists, and the possibility of building upon ‘Guatemala, Never Again’ (the report resulting from the work of an unofficial truth commission established by the Catholic Church

⁷⁸ A clear example of this perception was the decision by the Portillo Government to recognize compensation to former members of paramilitary groups for ‘services rendered to the State’ during conflict, instead of opting for compensation for the abuses the State had committed upon them in mobilizing them for counterinsurgent purposes. Arévalo de León, Bernardo. *Un Problema de Estado: Límites y Retos a la Subordinación Militar en Guatemala*. In **Nueva Sociedad** 213, Buenos Aires, Argentina Enero-Febrero 2008

⁷⁹ Arévalo de León, Bernardo. *A Twisted Path to Reconciliation? The Historical Clarification Commission in Guatemala*. In Sisson, Jonathan. **Dealing with the Past on Post Conflict Societies: Ten-Years after the Peace Accords in Guatemala and Bosnia-Herzegovina**. Swisspeace. Conference Paper 1/2007. p12-20.

⁸⁰ Grandin, Greg. *The Instruction of Great Catastrophe: Truth Commissions, National History, and State Formation in Argentina, Chile and Guatemala*. In **The Historical Review** Vol.110, Issue 1. 2005

in 1995 to prepare information for the official truth commission and compensate for the limitations imposed upon the official body⁸¹), the work of the CHC revealed human rights violations that were committed, not as the result of a ‘break-down’ of societal norms due to a period of extreme political crisis, but as an extreme expression of the underlying violent logic of the Guatemalan State since colonial times.⁸²

This emerging ‘moral’ truth,⁸³ epitomized in the declaration of the commission of acts of genocide by the State and the characterization of racism as one of its constitutive elements, became uncomfortable to the economic and political elites who had been beneficiaries and managers of the counter-insurgent State, many of whom continued to occupy positions of political influence in the post-conflict period.

A PREVAILING IMPUNITY

Instead of claiming ownership over a report that was part of an official process it had launched with the signature of the Peace Accords, the Government displayed an ambiguous attitude downplaying its importance by referring to it as “...a contribution on a task that is only now starting...”⁸⁴ As a consequence, and notwithstanding the outstanding work carried

⁸¹ Proyecto Interdiocesano de Recuperación de la Memoria Histórica. **Guatemala : Nunca Más**. Oficina de Derechos Humanos del Arzobispado de Guatemala. 1998. Bishop Juan Gerardi, leader of the team that produced the report, was murdered a few days after it was made public. Although circumstances surrounding his death have been obscured by the handling of the ensuing investigation, military officers linked to the Presidential security outfit (Estado Mayor Presidencial, later de-mobilized) were convicted as material authors. One valid interpretation of the murder is that it constituted a warning to the CHC in terms of the content of its report. If anything, Gerardi’s murder galvanized the determination of civil society – and presumably of the Commission – not to allow fear to dissuade their efforts to expose truth. See also Gutiérrez, Edgar. *La disputa sobre el pasado*. **Nueva Sociedad**, No.161, Mayo-Junio 1999. p.159-173

⁸² This is clearly beyond the scope of historical interpretation that truth commissions in Argentina and Chile produced. On a comparative assessment of historical narratives in Argentina, Chile and Guatemala, see Grandin, Greg. *The Instruction of Great Catastrophe: Truth Commissions, National History, and State Formation in Argentina, Chile and Guatemala*. In **The Historical Review** Vol.110, Issue 1, 2005

⁸³ Beyond a mere factual account, a historical interpretation identifying causes and responsibilities. Ignatieff, Michael. *Articles of Faith*. In **Index on Censorship**. 5/96 (September 1996)

⁸⁴ **Posición Inicial del Gobierno de la República ante el Informe y las Recomendaciones de la Comisión de Esclarecimiento Histórico**. Published on Guatemalan major newspapers on March 16, 1999.

out by the Commission in terms of the mandate it received in the Peace Accords, ‘Guatemala: Memory of Silence’⁸⁵ was denied a wider social impact and thus a foundational role as a component in the development of new political and social relations in the country.

The depth of the gap between these contrasting conceptions became clearer as soon as the accusation of genocide passed from the pages of a report to the courts of justice.⁸⁶ The initial reaction of ‘genocide negationists’ to the CHC’s finding had been to avoid public debates, as engaging in such a discussion could carry unpredictable consequences in the context of the political enthusiasm of the initial post-conflict phase. Instead, they opted for a muted response that downplayed the importance of the report,⁸⁷ enabled by the absence of an ‘indignant’ reaction to the report in society.⁸⁸

This was coupled by a passive attitude on the side of governmental authorities towards the prosecution of perpetrators of crimes against humanity, and the persistence of structural obstacles to effective justice such as the prevalence of corruption and the chronic incapacity of the justice system.

One after the other, national and international reports written in the last two decades indicate the difficulties the judicial system in Guatemala faces in dismantling remaining structures that originated during the internal armed conflict years and establishing a functional structure that could effectively address the multiple needs for justice in society. The result was a ‘wall of impunity’ de-facto protecting perpetrators from moral and legal accountability.⁸⁹

⁸⁵ Comisión para el Esclarecimiento Histórico. **Guatemala: Memoria del Silencio**. Guatemala, 1999.

⁸⁶ 75% of military officers and an equal proportion of business leaders and landowners interviewed by a social scientist researching attitudes around issues of peace and justice in 2005 did not believe the army had committed genocide, while 93.7% of peasants, 87.8% of civil society activists, and 61.5% of politicians believed they did. Issacs, Anita. *At war with the past? The politics of truth seeking in Guatemala*. **International Journal of Transitional Justice**, 2010, 1-24

⁸⁷ Gutiérrez, Edgar. *La disputa sobre el pasado*. **Nueva Sociedad**, No.161, Mayo–Junio 1999. p.159-173

⁸⁸ Torres Rivas, Edelberto. *La metáfora de una sociedad que se castiga a sí misma. Acerca del conflicto armado y sus consecuencias*. Foreword to CEH. **Guatemala: Causas y Orígenes del Enfrentamiento Armado Interno**. F&G Editores: Guatemala, 2000. p.xxix.

⁸⁹ Among recent reports: Procurador de los Derechos Humanos. **Informe Anual Circunstanciado** 2013, 2014 and 2015. Naciones Unidas. **Derechos Humanos 2015. Informe Anual del Alto Comisionado de las Naciones Unidas sobre las Actividades de su Oficina en Guatemala**. Febrero

THE TRIAL OF GENERAL EFRAIN RIOS MONTT HAD SIGNIFICANT CONSEQUENCES

But the determination of civil society organizations and victims to overcome these barriers led them to continue pursuing key cases that succeeded in gradually eroding this ‘wall’, to the point that in 2012, General Efraín Ríos Montt, Head of State during one of the most violent periods of the conflict, was accused of genocide and crimes against humanity for his responsibility in a series of massacres against Ixil communities in the Maya highlands.

Ríos Montt’s trial became a paradigmatic event, occupying the pages of national and international media in what was considered a critical test for the capacity and independence of national courts. Beyond its importance in terms of the implicit progress of institutional reform efforts in the judicial system it represented, the trial brought to the fore fundamental differences in Guatemalan society that continued to thrive, more than a decade after the signature of the Accords.

The conviction for genocide delivered by the court in 2013 had a catalytic effect amongst both those that supported the charge and as those that opposed it.⁹⁰ Retired military officers, business leaders and conservative politicians decried it, denying that acts of genocide had been committed at all during the armed conflict and denouncing the lack of impartiality of the judges. In the same

2016. A/HRC/31/3/Add.1. Fundación Myrna Mack. **Informe a la Relatora Especial de Naciones Unidas sobre la Independencia de los Magistrados y Abogados**. http://www.myrnamack.org.gt/images/stories/fmm/archivos/informes/2010/Informe_a_la_Relatora_Especial_de_Naciones_Unidas_para_la_Independencia_de_Magistrados_y_Abogados_-_2010.pdf.

Informe Alternativo Presentado al Comité de Derechos Humanos de las Naciones Unidas.

Presentado por organizaciones de la sociedad civil; Ginebra 2010. http://www.myrnamack.org.gt/images/stories/fmm/archivos/informes/2010/Informe_alternativo_al_PIDCP_Guatemala.pdf.

See also: Rodríguez, Alejandro. **El Problema de la Impunidad en Guatemala**. Fundación Myrna Mack. Guatemala: 1996. Fundación Myrna Mack. **La lucha contra la impunidad y la depuración del Sistema de justiciar. Dentro de los límites de la constitucionalidad y la legalidad**. Guatemala 2001. Briscoe, Ivan and Marlies Stappers. **Breaking the Wave: critical steps in the fight against crime in Guatemala**. Clingendael Institute / Impunity Watch, 2012. http://www.myrnamack.org.gt/images/stories/fmm/archivos/analisis/2011/Analisis_depuracin_justicia-agosto_2011.pdf.

⁹⁰ The 2013 conviction was declared invalid for technical reasons by the Constitutional Court, and the case sent back to the courts for re-trial. The trial is still ongoing notwithstanding Ríos Montt has been declared unfit to represent himself due to dementia. For a victim’s perspective on the trial and its vicissitudes, see Martínez, Marta. *Impunity’s Eclipse. The long journey to the historic genocide trial in Guatemala*. At <https://www.ictj.org/sites/default/files/subsites/guatemala-genocide-impunity-eclipse/>. A second accusation for genocide, corresponding to a different massacre, has been brought against him in March 2017.

breath, they accused the head of the nation's public prosecution office of fostering the polarization of society and preventing the 'reconciliation of the nation'.⁹¹

A public statement signed by key Government officials at the time of the signature of the Peace Accords, including the head of the official Peace Commission and the Secretary for Peace, indicated in a statement ominously titled 'To treason peace and to divide Guatemala' that "...the accusation of genocide against officers of the Guatemalan Armed Forces constitutes an accusation not just against these officers or the Armed Forces, but against the Guatemalan State as a whole which, if pursued, implies serious dangers for our country, including a deepening of social and political polarization that will revert the peace so far attained..."⁹²

Notwithstanding such positions and declarations, the prosecution of crimes against humanity did not cease. A program for judicial reform pursued in several part agreements had been slowly and painfully progressing along the years, strengthening the capacity of the institutions involved in the chain of justice and enhancing their autonomy vis-à-vis political powers.

In 2007, the Government of Guatemala – with the support of civil society groups – asked the UN to establish a body (the International Commission Against Impunity in Guatemala (CICIG)) to support the public prosecutor's office in investigating and prosecuting clandestine illicit groups that had encroached into state institutions, affected the fundamental human rights of citizens, and interfered with justice.⁹³

In 2015, unbridled corruption at the highest levels of Government sparked a peaceful protest movement that led to a drastic reduction of public tolerance to governmental corruption, and the subsequent resignation and incarceration of the seating President, Vice President and several cabinet members.⁹⁴ The combined effect of these processes strengthened the hand of reformers within the system, particularly among staff of the Public Prosecutor's Office and the Judiciary,

⁹¹ 'Ministerio Público' is the autonomous office of the Executive Branch responsible for public prosecution.

⁹² *Traicionar la paz y dividir a Guatemala*. Published in national newspapers on April 16th. 2013. Accessed at <http://www.ghrc-usa.org/our-work/important-cases/genocide-cases/3472-2/>.

⁹³ <http://www.cicig.org/index.php?page=mandate>

⁹⁴ For a collection of short essays on the civic movement, see Nómada. **140 días de primavera**. Guatemala: Rara 2015.

enabling structural impediments for justice to gradually recede. As a result, **the number of human rights cases under prosecution has increased, with several commanding officers at the time of the armed conflict – all of them long retired, most of them well into their seventies – sent to prison.**

THE MEDIA HAS INFLAMED PASSIONS ON BOTH SIDES

These cases have catalyzed the two camps beyond a discrepancy on whether genocide occurred or not. Their polarization has led to an incendiary language questioning the moral, intellectual and political integrity of the opponent that had not been used for years. A worrying number of Op Ed pieces in daily newspapers, and debates on radio, television and social media, have contributed to this polarized debate, usually elicited by a current event that invites contradictory perspectives: judicial developments in human rights cases; debates over the participation of military forces in non-military roles such as public security or public roads building; or discussions about the participation of civil society organizations in support of local communities on issues of environmental conflict.

On social media, a fast-growing platform free from civilising editorial control, epithets and demonizing language echo the delegitimizing discourse characteristic of violent confrontation: the other as an enemy and a traitor; somebody who works against the interests of society, the nation, the community.

The post-conflict pursuit of truth and justice has not resulted in a net contribution to the 'rapprochement' of society, and victim-survivors, perpetrators and their supporters remain deeply divided. But it's not clear that their particular polarization represents wider social cleavages, mobilizing the whole of society into a confrontation organized around interests and ideologies rooted in the armed conflict and its resolution. It is often mentioned in Guatemala that one should not confuse 'public opinion' with 'published opinion': the link between political opinions and positions vented in the press or social media are not necessarily representative of widely held social perceptions.

Most, if not all, of those from society and government interviewed for this report considered that this polarization does not reflect widely held positions in society, and that for most of the population of the country the battles for historical memory and transitional justice are not of central concern. This is a similar phenomenon to lack of a strong and indignant societal response to the revelation of truth by the CHC. A whole generation of Guatemalans has been born after the conflict,

and many more were children who did not experienced it directly. The lack of a proactive youth role in the peace process, and the absence of an effective policy fostering knowledge and understanding of the armed conflict through the educational system, has led to a situation in which **today's young people have limited awareness of the conflict, relating to it mostly as part of the historical past, with the Peace Accords as the event that closed the chapter of conflict instead of the milestone marking the beginning of a new era.**⁹⁵

The indigenous communities have been finding their own way into peaceful co-existence. Left alone by the state due to the lack of a comprehensive and coherent strategy for reconciliation, they have been dealing with the need to reconstruct a social fabric severely torn by the arrival of state violence and the infectious effect it had in social relations. For many of these communities, cultural and material survival after the conflict depended on the capacity to address the tragic legacy of intra-or inter-community divisions between victims-survivors and perpetrators.

In some cases, the power structures created in the communities as part of the military effort outlived the state's counter-insurgent apparatus and remained active, enabled by the wall of impunity and the absence of any strategy addressing the distorting impact the conflict had in political relations at the local level. Their existence continues to be a distorting factor often linked to clientelist politics and to the tensions introduced by the drive to exploit natural resources in their territories, sowing tensions and competing with traditional authorities for political dominance in the community and obstructing local efforts for truth, memory and justice.⁹⁶

Notwithstanding, many communities have been able to find their own mechanisms to deal with the legacy of violence and restore their capacity to act collaboratively. **Through different combinations of traditional value frameworks and transitional justice mechanisms, these communities have developed their own approaches to restoring the social tissue and relationships of trust and collaboration, sufficiently enough to enable the continuation of their close-knit community life.**

⁹⁵ Carrera, Gabriela y Lisa Noriega. *Participación juvenil y Acuerdos de Paz: ¿Agenda actual y futura?*. En Sarti y Girón, **Ops. Cit.** 167-192. The authors indicate that, again, is not that there are no spaces, guidelines or texts that could be used to discuss issues of conflict and peace; it is that – as with the rest of the educational system – they are used in a haphazard and ineffective way.

⁹⁶ Tzul Tzul, Gladys y Jovita Tzul Tzul. **Ops. Cit.** 2017. Roth Arriaza, Naomi and Laura Arriaza. Social reconstruction as a local process. **International Journal of Transitional Justice.** 152 (2008).

These are approaches that emerge out of their own need, build on their strong sense of collective identity, and use cultural, social and political resources that are available at the local level, sometimes with the addition of those available through the interventions of external actors such as Guatemalan state institutions and civil society, and international cooperation. **It is at this level that reconciliation as a recuperation of past capacities and conditions exists in Guatemalan society.** For the indigenous peoples, the social and cultural resources of their pre-conflict life – values, norms, institutions, identities – are critical for their capacity to survive in the post-conflict period as distinct communities within Guatemalan society, and as such, they are attempting to restore them from the debacle of violence, independently of the existence or not of a state-level process.⁹⁷

What's next for Guatemala?

The 'empty shell' of the Guatemalan state and its lack of agency for peace has resulted in the failure to implement the comprehensive strategy necessary to navigate the ambiguities, complications and paradoxes generated by the unhappy compromises of the Peace Accords.

The recommendations from the CHC would have been a good starting point to build a new and stronger social process that addressed the clear issues remaining in areas ranging from dealing with the past to justice and reparation. This process could also have driven a balanced approach to envisaging a more realistic future of co-existence and unity. But it was clear only five years after the presentation of the CHC's report and its recommendations, that the political will to undertake their implementation was lacking. The verification report of the United Nations in 2005 urged political authorities and state institutions to "...sincerely commit with the implementation of the recommendations of the CHC and the commitments of the Peace Accords that are still pending", a diplomatic way to state such sincerity had been lacking.⁹⁸

The same year, recognizing that "...notwithstanding all the efforts carried out in the last years to build a culture of peace, the culture of violence continues to mark every-day life, since due

⁹⁷ Roth Arriaza, Naomi and Laura Arriaza. *Social reconstruction as a local process.* **International Journal of Transitional Justice.** 152 (2008). Tzul Tzul, Gladys y Jovita Tzul Tzul. **Ops. Cit.** 2017. Sanford, Victoria. *The 'grey' zone of justice: NGOs and rule of law in post-war Guatemala.* In **Journal of Human Rights**, volume 2, number 3 (September 2003). Viaene, Lieselotte. *The internal logic of the cosmos as 'justice' and 'reconciliation': Micro-level perceptions in post-conflict Guatemala.* **Critique of Anthropology**, 30 (3), 2010.

⁹⁸ MINUGUA. **Informe de Verificación. Estado de cumplimiento de las recomendaciones de la Comisión para el Esclarecimiento Histórico.** Guatemala 2004. https://es.wikisource.org/wiki/El_estado_de_cumplimiento_de_las_recomendaciones_de_la_Comisi%C3%B3n_para_el_Esclarecimiento_Hist%C3%B3rico

to different factors and circumstances, we are living in the context of a dynamic process on destructive social relations, with the absence of pacific mechanisms to transform conflict or institutional policies addressing them...”, a public policy addressing these problems was enacted. This was as a result of a participatory process in which state and civil society – with the support of the international community – agreed on the need to address these issues.

Reconciliation is defined in it as “...a process transcending the relationship between victims and perpetrators, relating to social processes that need to be fostered by society as a whole and by political governmental actors...” dealing with “... the capacity to establish relationships of trust between social groups that were once confronted, the compensation and reparation of damages, and by the acknowledgement of the past...(and)...oriented towards the recuperation of historical memory, supporting dialogue, negotiation and conflict management processes between confronted and affected sectors, and the construction of new forms of coexistence.”⁹⁹

The Policy included a long list of concrete actions and mechanisms on issues ranging from building participatory citizenship, strengthening women’s and indigenous peoples’ rights and using the educational system to foster knowledge and understanding of the armed conflict and its consequences: a re-statement of the dual strategy of dealing with the past while transforming the future.

And yet, the result is anything but: a Secretariat of Peace whose marginal role in cabinet evidences the low priority assigned to implementation of the Peace Accords; a comprehensive National Reparations Program that, though well designed, fails to deliver due to infighting among civil society groups and recurrent staff changes,¹⁰⁰ a national training program on Culture of Peace and Reconciliation sensitizing government bureaucrats whose impact is cancelled by the absence of any coherent policy action.¹⁰¹

⁹⁹ Secretaría de la Paz y Comisión Presidencial para los Derechos Humanos. **Política Pública de Cultura de Paz y Reconciliación 2006-2015**. Guatemala, 2005.

¹⁰⁰ Roth Arriaza, Naomi and Laura Arriaza. **Ops.Cit.** 2008. The Head of the Presidential Commission for Human Rights (COPREDEH) under the Colom administration (2000-2000), Ruth del Valle, a civil society activist that accepted to collaborate in Government, commented that “*The State has not had the capacity to understand what a reparations process is and why it needs it. It’s not a problem of political will for this Government. But it’s hard to understand for the Ministry of Finances and the General Secretariat for Planning... Many government officials do not link this to the conflict (they don’t know about it) or to responsibilities for reparation.*” Quoted in Samayoa, Claudia. **Análisis de las medidas de resarcimiento**. Secretaría de la Paz. **Entre pasado y olvido: Políticas de Reconciliación en Guatemala 1996-2008**. Guatemala: 2009.

¹⁰¹ Secretaría de la Paz. **La cultura de paz y reconciliación nacional: generalidades teóricas e históricas**. Guatemala, no date. Accessed on April 8th. 2017 at <http://190.104.117.163/a2015/julio/ddhh/contenido/ponencias/Amanda%20Solorzano/Cultura%20de%20paz%20y%20reconciliacion.pdf>

By 2015 the country was undergoing a peak of social and political tensions: governmental policies were undoing the few advances in social development indicators registered after the signature of the Peace Accords, social conflict was rising around environmental and natural resources issues, trust in the political authorities hit rock bottom due to the grotesque corruption at the highest levels of government, and polarization about dealing with the past grew worse as trials for crimes against humanity continued to progress.

From the perspective of reconciliation today, Guatemala presents a complex picture. Warriors who found their way into a relationship of trust as a result of the contact they had during the negotiations. In the Mayan communities, and notwithstanding the complex power relations left by the armed conflict, peaceful coexistence is developing out of a sheer need to reconstitute social the social structures and culture that enable close-knit community life.

In society at large, raising levels of social conflict around rights and livelihoods point to the persistence of different levels of mistrust and resentment among groups with social interest and between these and political authorities. And between victims-survivors of violence and perpetrators of human rights violation there is growing polarization that emerges from contradicting perceptions, needs and interests around issues of memory and justice.

Reconciliation has become a shifting and elusive concept in our society: from reconciliation as a pre-condition for political negotiations, to vague notions of peaceful coexistence guiding the Peace Accords, to contraposed and disputed concepts as the country started to deal with the past, to institutional frameworks – laws, institutions and policies – supposedly providing guidance that are not applied.

For some, reconciliation remains a goal; an outcome that depends on the capacity of society to march into the future with an attitude of ‘forgive and forget’ towards the past. For others, reconciliation is a process that depends on the capacity of the State to address the needs for truth, justice and dignity of the victims of violence.

The problem is not the existence of contrasting definitions and expectations, unavoidable in the context of a society in which the war created divisions between victims-survivors, perpetrators, collaborators, witnesses, bystanders, etc. **The problem is the absence of a state willing and capable of mediating between these different needs, interests and perceptions as part of a political process that ensures the country escapes permanently from cycles of violence and coercion.**

Economic and political elites linked to the political order of the counter-insurgent state do not have any interest in promoting any process that reviews past actions and threaten their political control over the system, though today new political actors have emerged and new political elites are competing.

But the clientelist nature of the political system has meant that the major political parties in the system lack commitment to the substantive agenda of the Peace Accords, relating to them opportunistically as a reaction to the pressures exercised by civil society or the international community, or in pursuit of popularity and electoral support. This has prevented the possibility of developing a 'national political covenant' that could gather political parties around a strategy providing long-term 'state' perspective and coherence to periodic electoral mandates.

Only civil society groups and a minority of political actors – small political parties, public officials with a personal conviction – have sustained their commitment to the transformative agenda of the Peace Accords. Agency for peace befell upon these actors who, as the post-conflict process advanced, focused their efforts on sectoral agendas – human rights, environment, insecurity, women rights, access to services, etc. But while this focused effort enabled them to make important advances on the subjects they cared about, it did not amount to a comprehensive strategy aggregating their particular efforts into a larger social force. Empowerment is limited by dispersion.

It would be wrong to state that nothing has changed since the Peace Accords, or that their implementation has completely failed. However faltering, the range of legal and institutional reforms introduced since 1996 has transformed the political landscape of the country. Even if insufficient to deliver the transformative vision of the Peace Accords, the resulting legal-institutional framework provides a different political arena for the efforts social groups undertake to promote their rights and interests, one in which the element of state violence that was a structural characteristic of the state for almost all of its history is absent.

The peace process and the struggles for implementation of the Accords have contributed to the development of important capacities for political agency among society such as women's groups, indigenous peoples, human rights activists, or environmentalists. **In the absence of clear agency for change at the level of the political system, with a state incapable of providing a sense of direction and guidance to society, the drive for transformation lies in social actors that have been demanding and pressing the state into action.**

Social agency in these groups is today much stronger than it was twenty years ago, and it finds expression in the multiple initiatives through which divided communities and civil society are succeeding in transforming relationships at the local and national level. Wherever there has been an effective and successful effort to re-build broken relationships of trust in post-conflict Guatemala, it has been fundamentally through the leadership of civil society, be it at concrete community reconciliation efforts or at national level initiatives such as Memorial for Guatemala's Concord, whose 'Mapping of Memory' initiative is establishing a virtual network of memorializing initiatives that is open to memorializing efforts from every side.¹⁰²

But a real step forward, beyond the current ambiguous situation in which the political conflict ended but no clear path to conciliation / reconciliation is evident, requires two critical factors. The first is enhanced social agency for reconciliation, strengthening inter-sectoral 'constituencies' across the state/society divide to render them capable of exercising the political leadership necessary to mobilize the political system into effective action.

It is not that such 'constituencies' do not exist already. In the absence of a state capable of designing and implementing strategies for reconciliation, progress in the effective transformation of relationships of trust in society so far can only be explained by the existence of capacity and determination on the side of social and political actors. A strong political leadership collaborating in the development of a genuine 'social contract' – beyond institutional and legalistic formalities – will be necessary to 'nudge' the state out of the perverse political inertia that is currently entrenched in the political system.

The second is the development of a state capable of mediating between the different needs and interests, and coordinating social agency that brings together different efforts promoting the establishment of conditions for peaceful co-existence.

This type of state is one which relies mainly on what Michael Mann has called 'infrastructural power': the capacity to build upon collaborative relationships within society and between society and political authorities to effectively fulfil its functions.¹⁰³

¹⁰² Their intention is to foster synergy between spontaneous, local level initiatives of memorialization, projects developed by civil society organizations and institutions such as churches, as well as official efforts undertaken by governmental authorities at the local and national level, through the development of a virtual information resource and network that fosters their synergy. <http://mapeo.memorialparalaconcordia.org/>.

¹⁰³ Mann, Michael. *The Autonomous Power of the State: Its Origins, Mechanisms and Results*. In Hall, John A. *States in History*. Basil Blackwell Ltd. Oxford 1986.

This is not a state understood necessarily as the rational-bureaucratic machinery of the western liberal paradigm of Weberian roots, and certainly not a state that relies in its capacity to use force to impose its will – that of whomever controls it. Rather, it's the kind of state which supports social leadership working concertedly towards common goals through an institutional framework, collectively developed and legitimized, that can harness the agency of different social actors – groups, individuals, communities, sectors towards a common good. It is a state whose strength is not understood as its capacity to operate over society, but to operate with society.

Reconciliation is not a top-down process of national scope that depends exclusively on the political and material resources of the state, as the several examples of local-level reconciliation happening as a result from local agency exemplify. Without the will and the agency of civil society and grass-roots communities, the state would be unable to generate the conditions that enable peaceful coexistence.

Societal leadership for reconciliation is a *sin-qua-non* condition for the effective transformation of horizontal and vertical relationships of trust in society. But it is only a state that can muster the capacity to harness and mediate the multiple and often contradictory efforts the different sectors undertake to promote coexistence in conditions of peace, fairness, respect and dignity, weaving them into an inclusive society with social justice, and a functional democratic system under the rule of law.

“Peace for Guatemala is not about ‘re-conciliation’ but about ‘conciliation’. It requires the development of a new and voluntary ‘covenant’ between groups in society and between society and the State.”



Northern Ireland: Case Study

By Brandon Hamber and Gráinne Kelly¹⁰⁴



A TIMELINE OF SIGNIFICANT EVENTS

Date **Event**

NORTHERN IRELAND – PEACE AND RECONCILIATION PROCESS

- 10 April 1998** **Good Friday Agreement**, which puts an end to the Northern Ireland conflict – known as the Troubles – which started in 1968

 - Creation of a democratically elected Northern Ireland Assembly
 - Creation of a North/South Ministerial Council
 - Creation of a British-Irish Council and the British-Irish Governmental Conference
 - A consultative Civic Forum, comprising representatives of business, trades unions and other civic sectors in Northern Ireland to act as a consultative mechanism on social, economic and cultural issues.

- 14 October 2002** **Suspension of the Assembly**

Northern Ireland Assembly suspended, largely but not exclusively, about difference in relation to the decommissioning of weapons by the IRA.

- 21 March 2005** **Shared Future – Policy and Strategic Framework for Good Relations in Northern Ireland**

Policy Framework to ensure that relationships rooted in mutual recognition and trust are the essence of reconciliation.

- 26 September 2005** **Decommissioning Confirmed**

International monitors confirm the IRA has completed the disposal of its weapons.

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Date	Event
22 November 2006	<p>St Andrews Agreement</p> <p>Included a timetable leading towards the restoration of devolution and power-sharing in Northern Ireland, which had been under direct rule since 2002.</p>
7 May 2007	<p>Northern Ireland Assembly Re-established</p> <p>The Democratic Unionist Party enters power-sharing government with Sinn Fein. Ian Paisley (DUP) is first minister, with Sinn Fein's Martin McGuinness as his deputy.</p>
June 2007 - October 2009	<p>Consultative Group on the Past</p> <p>The eight-person group published a report <i>Dealing with the Past in Northern Ireland: The Recommendations of the Consultative Group on the Past</i> with 31 recommendations including establishing a Legacy Commission to integrate reconciliation, justice and information recovery processes, conducting public acts of remembrance, and, most controversially, £12,000 recognition payments to relatives of those killed during the conflict. Those recommendations are yet to be implemented.</p>
5 February 2010	<p>Hillsborough Agreement</p> <p>The Agreement allowed Westminster to devolve Policing and Justice powers to the Northern Ireland Assembly. It also addressed ways to progress on difficult issues such as parades, improving Executive functioning and dealing with outstanding matters from the St Andrews Agreement.</p>
February 2011	<p>Cohesion, Sharing and Integration Document</p> <p>The devolved government in Northern Ireland pledged to work for a 'shared and better future for all' in its Programme for Government 2008–2011. In pursuit of this goal it launched a consultation document in 2010 entitled Programme for Cohesion, Sharing and Integration which challenged the assumption that division and segregation is a 'normal' pattern of living. Never implemented.</p>

Date	Event
2012 - 2013	<p>Protests in Belfast</p> <p>Protests by some in the Protestant-Unionist-Loyalist (PUL) community began on 3 December 2012 following the decision by Belfast City Council to fly the Union flag only on designated days above City Hall, and different forms of protest continued throughout 2013.</p>
23 May 2013	<p>Publication of Together: Building a United Community (T:BUC) strategy</p> <p>A Strategy developed by the devolved administration, T:BUC included specific projects and commitments aimed at improving community relations and continuing the journey towards a more united and shared society. Currently being implemented by the relevant government departments.</p>
23 December 2014	<p>Stormont House Agreement (SHA)</p> <p>SHA revived many recommendations pertaining to dealing with the past that included setting up structures to: collect the stories of the conflict in and about Northern Ireland, investigate outstanding Troubles-related deaths, enable victims and survivors to receive information about Troubles-related deaths, and implementation of the Reconciliation Group to oversee archives and information recovery. The document has remained part of all-party talks since but is yet to be implemented.</p>
17 November 2015	<p>Fresh Start Agreement</p> <p>Roadmap for the implementation of many aspects of the Stormont House Agreement (SHA) (including those on parading and flags) and a plan for ending paramilitarism and tackling organised crime. Did not address the aspects of dealing with the past in the SHA.</p>
January 2017	<p>Suspension of the Assembly</p> <p>Disagreement between the major parties fueled by accusations (and rebuttals) of wrongdoing in relation to Renewable Heat Incentive Scheme by the First Minister, as well as accusations by Sinn Fein that Unionists failed to address issues of inequality and earlier commitments to further recognise the Irish Language in Northern Ireland.</p>

Introduction

Reconciliation is a wide-ranging concept and is used in different ways in various political contexts. This report outlines some of the challenges facing how the concept is specifically used in Northern Ireland. The report will not give an extensive introduction to the Northern Ireland conflict, nor can it claim to be an exhaustive exploration of the topic, rather we aim to track how reconciliation as a concept has moved in and out of the peace process in Northern Ireland largely from a policy perspective. We also consider how reconciliation has been operationalised at the community and political levels, as well as the challenges facing its use and definition. In the conclusion of the report we highlight some of the priority issues and challenges ahead.

The report is built from the authors' experiences of studying reconciliation in Northern Ireland (as well as participating in and running various reconciliation initiatives) over the last two decades. As such the report draws on our previous research (Devine, Kelly, & Robinson, 2011; Hamber & Kelly, 2005a; Hamber & Kelly, 2005b; Hamber & Kelly, 2007; Hamber & Kelly, 2008; Hamber & Kelly, 2009a; Hamber & Kelly, 2009b; Hamber & Kelly, 2016; Kelly, 2012a, 2012b; Kelly & Braniff, 2016; Kelly & Hamber, 2004; Kelly & Hamber, 2005a; Kelly & Stanton, 2015), as well as 24 qualitative interviews with community practitioners, government representatives, political party members and policymakers conducted during May and June 2017, for the specific purpose of informing this case study.¹⁰⁵ In addition, as part of the research we attended and spoke at the Northern Ireland Executive's Together: Building a United Community Strategy (T:BUC) Forum held on 15 June 2017. This forum focused on the topic of reconciliation in relation to the implementation of T:BUC (this strategy is discussed at length later).¹⁰⁶

As noted, the paper addresses reconciliation largely from the policy perspective in Northern Ireland. The paper begins with a brief outline of some of the key policy processes and issues, both addressed and outstanding, linked to the peace process. Reconciliation as a concept is then defined largely through the prism of debates concerning the 'working definition of reconciliation' developed by the authors.

¹⁰⁵ In this report we have extracted some broad thematic issues raised in these interviews, and in the interests of space do not provide a detailed analysis of all the interview material.

¹⁰⁶ In this report we broadly draw on the themes raised by the 180 community representatives present at the forum who discussed the issue in small groups.

Thereafter the paper reviews policy making in relation to reconciliation, looking at this through various sub-sections such as community relations, dealing with the past and gender. The paper then goes on to look at reconciliation in practice through two levels of engagement: community-level reconciliation and political reconciliation. And finally it turns to the way forward, arguing for coherence and intersection at the practice and policy levels in terms of reconciliation and the need for visionary cross-party political leadership to move the process forward.

Background

The most recent iteration of the persistent tensions between the mostly indigenous, Catholic Irish and the settled Protestant populations on the island of Ireland manifested itself in violent conflict in which emerged in the late 1960's in Northern Ireland. This period saw the rise in the civil rights movement demanding an end to economic and political marginalisation of the Catholic population by the dominant Unionist classes. The wider territorial and constitutional debate of whether Northern Ireland should remain as part of the United Kingdom or should unite with the Republic of Ireland was at the heart of the wider conflict.

Quickly turning violent by the early 1970's, with the rise in both republican and loyalist paramilitaries and the long-term, sometimes pernicious, presence of British soldiers on the streets, the conflict (known colloquially as 'the Troubles') resulted in over 3,600 deaths and thousands injured by the time a peace accord (the Good Friday / Belfast Agreement) was negotiated in April 1998. The Agreement resulted in the establishment of a local devolved Assembly with an explicit commitment to "endeavour to strive in every practical way towards reconciliation and rapprochement within the framework of democratic and agreed arrangements." (Northern Ireland Office, 1998)

Nearly two decades on from the 1998 peace accord, Northern Ireland is a relatively peaceful region, and various elements of the Belfast Agreement have been implemented in full. Despite a rocky start to devolution with the Assembly collapsing several times between 1999 and 2006, from 2007 (until very recently, with the suspension of the Assembly in January 2017) a time of 'settled devolution' has been evident (Morrow, Robinson, & Dowds, 2013). To reach this state, a range of subsequent agreements were made including:

- The St Andrews Agreement (2006) which resulted in the restoration of power sharing after its suspension in October 2002;

- The Hillsborough Agreement (2010) which allowed for the devolution of policing and justice powers to the Northern Ireland Executive, some agreements on parades and outstanding matters from the St Andrews Agreement;
- The Stormont House Agreement (2014) which specifically dealt with identity issues (e.g. around flags and parades), addressed welfare reform, and made a comprehensive set of proposals around dealing with the past; and
- A Fresh Start: the Stormont Agreement and Implementation Plan (2015) which outlined measures to implement the Stormont House Agreement, although it did not address the issues of dealing with the past.

That said, the consociational model of power-sharing which was at the heart of the agreement is not functional at present, with the local Assembly in suspension since January 2017 over disagreements between the two major parties; a number of small but persistent dissident republican and loyalist spoiler groups remain; issues of truth and justice remain unacknowledged and unresolved; and inter-communal tensions over cultural and political identity issues periodically erupt into violent unrest and disorder in mainly urban areas.

Reviewing the list of conflicts settled in 1990s, Northern Ireland represents somewhat of an anomaly due to its location within the European Union (albeit not for much longer, with the decision of the UK electorate to 'Brexit'), its comparative high level of GDP, its functioning welfare and social services systems and its broadly educated population.

However, the legacy of the conflict can be found in all sectors of the society, albeit some communities and geographical areas bore the brunt of the violence more directly than others. The deep furrows of division between the two main communities can be found in housing, education, social, cultural, sporting and religious life, for example:

- There are 109 'peace walls' across Northern Ireland (Nolan & Hughes, 2017). The Department of Justice owns some 52 peace walls (down from 58 in 2012) and the Housing Executive a further 20. These structures, often over eight-foot brick walls that had stood for over 30 years, continue to separate communities and progress to remove them has been slow;

- Positively there is steep decline in the proportion of 'single identity' housing wards (above a threshold of 80 per cent of one religion), from 55 per cent to 37 per cent (Nolan, 2013, 2014). However, just over 37% of the 582 wards in Northern Ireland could be described as extremely segregated, as they have a density of over 90% from one of the two main communities (Nolan, 2013). Shared Neighbourhoods programme have been established since 2008 involving 30 neighbourhoods, 20 further neighbourhoods were engaged since 2011, and 10 addition 'urban villages' are to be established (Wilson, 2016), although these are small, though important, initiatives in a society where residential segregation remains profound;
- Only 7 per cent of pupils in Northern Ireland attend the 63 integrated (mixed Catholic and Protestant) schools (Wilson, 2016); and
- 'Culture wars' continue in Northern Ireland (Wilson, 2016) with almost daily reports of contestation over flying of different flags, marching and parading disputes, and the demarcation of territory.

To this end, 20 years on from the peace process, despite significant progress, social divisions and polarisation remains. Yet, there is a willingness towards more sharing and integration among the majority of the population (Morrow et al., 2013). Social survey research shows that over 90% of people think workplaces should be shared spaces; over 80% would prefer to live in a mixed area; and over 70% of people express a preference for integrated schooling (Morrow et al., 2013).

THE PEACE MONITORING REPORT OF 2014, PERHAPS BEST CAPTURES THE COMPLEX PICTURE OF SUCCESSES AND FAILURES IN THE NORTHERN IRELAND PEACE PROCESS

Twenty years on from the paramilitary ceasefires, Northern Ireland remains a very deeply divided society. A fault line runs through education, housing and many other aspects of daily existence. These facts however do not provide the complete picture. There is another side to the balance sheet. In some ways huge progress has been made. Levels of violence are at their lowest for forty years. In the past year no British soldier has been killed, no police officer has been killed, no prison officer has been killed, and there was not one sectarian killing. In fact Northern Ireland is emerging as one of the safest places to live in these islands (Nolan, 2014, p.8).

That said, it is difficult to disentangle the full legacy of violence in Northern Ireland. Paramilitaries continue to exercise social and political power in some communities and, although directly attributable politically-related deaths have decreased significantly, other legacies of past violence continue. For example, although it is difficult to fully establish direct links to the conflict, Northern Ireland has a 25% higher overall prevalence of mental health problems than England (Department of Health, Social Services and Public Safety, 2014).

Numerous studies have found a high prevalence of trauma-related psychological problems linked directly to the conflict that linger into the present and have trans-generational impacts (see among many others, Bamford Review of Mental Health and Learning Disability, 2006; Gallagher et al., 2012; O'Neill et al, 2014; Ferry et al, 2015; Ulster University, 2015).

In terms of direct violence, according to official police figures in the last 10 years, 272 largely young people have been shot and 523 assaulted in what is locally known as 'paramilitary style' shootings and attacks. Such attacks by paramilitaries are targeted at predominately young men and teenagers who are allegedly involved in criminal activity in communities. The number of shootings and attacks of this nature have remained fairly consistent over the last 10 years, suggesting little change in local paramilitary control of some communities.

Suicide is another issue that has been linked to the legacy of the conflict. A review of the suicide trends over a 40-year period in Northern Ireland found a steep upward trend in suicide rates after the 1998 Agreement, and these have been associated with the conflict in a number of ways (Tomlinson, 2012).

When it comes to the issues of domestic violence what is clear is that certain kinds of masculinities fashioned violence against women (McWilliams and Ní Aoláin, 2015) and conflict-related violence has often diverted from a focus on domestic violence (Mental Health Foundation, 2016). The total number of domestic abuse incidents in Northern Ireland has increased nearly every year since 2004-5, with 28,465 incidents from June 2015 to June 2016 (Mental Health Foundation, 2016). Although it is difficult to correlate this increase with a post-Agreement legacy of political violence in Northern Ireland directly, the increased trend remains suggestive.

Defining Reconciliation in Theory and in Practice

As in many divided societies, the language used and the words chosen to describe events, issues and objects, is fraught with controversy and sensitivity. The term reconciliation has not escaped such contention in Northern Ireland and its popularity continues to wax and wane over time. In the earlier period of the conflict, the discourse of human rights, justice, punishment and restitution seldom overlapped with the wider debates on relationship building and healing divisions within the society. The former was largely framed as 'political' while the latter was viewed as being a 'softer' issue, generally described as the task of 'community relations'.

Even in the emergent stages of the violent conflict, there was a recognition that work was required to sustain strained relationships, mend broken ones and build a new across sectarian lines. At a policy level, institutional structures were established by the British Government to take responsibility for supporting community relations, and a Community Relations Commission, modelled on a UK body to address racism was established as early as 1969. Its existence was short lived as it fell foul to local politicians' disinterest in dismantling the sectarian voting blocs which ensured their survival.

During the height of the violent conflict of the 1970s and 1980s, there was little significant focus on supporting inter-group contact or relationship building, beyond token projects within the education system (such as the broadly superficial Education for Mutual Understanding initiative, see Smith & Robinson, 1996) and cash-strapped community-based projects which were vulnerable to the fluctuating tensions between communities as atrocities were committed by both paramilitary and state forces.

In 1987, the Central Community Relations Unit was established with the remit of formulating, improving and reviewing government policies on inter-communal relationship building. Policies on equality, cross-community contact and supporting 'cultural traditions' followed. Most significantly, legislation to address discrimination and inequalities in employment and the workplace were addressed which, over time, has resulted in greater equalities between the two main communities, albeit that historical imbalances and differentials in employment patterns remain (Nolan, 2013, 2014).

In 1990, a government funded, but independent body, the Northern Ireland Community Relations Council was established with a remit of promoting better community relations between the two main 'traditions'. Alongside policy development and advocacy functions, it acted as a grant maker and capacity-builder for established and emerging community-based projects, mainly engaged in

contact-based relationship-building work. For many this was a significant advancement in reshaping relationships in the conflict (Frazer & Fitzduff, 1994), while others accused the government of promoting an assimilationist agenda that applied little more than a ‘sticking plaster’ to the conflict (Hughes & Donnelly, 2002). Republicans criticized community relations work too, claiming that it misses the root causes of the conflict, i.e. British occupation (Coiste na n-larchimí 2003a, 2003b).

In the post-1998 Agreement context, the Council took a more prominent role in supporting victims/survivors work and facilitating dialogue on the thorny topic of conflict-related memorialisation and commemorative practices. Initiatives to support the growing population of former political prisoners, particularly following the early release scheme established by the 1998 Belfast Agreement mainly fell to other funding bodies, particularly the European Union (EU) Peace and Reconciliation Programme, as well independent donors such as The Atlantic Philanthropies.¹⁰⁷

The introduction of the EU Special Support Programme for Peace and Reconciliation in Northern Ireland and the Border Counties of Ireland in the immediate period following the republican and loyalist paramilitary ceasefires of 1994 also injected enormous sums of money into peace and reconciliation work in Northern Ireland. The introduction of this significant funding stream targeted at grassroots peacebuilding efforts placed the language of reconciliation more prominently within both the political and community discourses.

In 1995, the European Commission distributed over \$550 million via local intermediary funding bodies and local councils, to over 13,000 projects, focusing on job creation, social inclusion, urban and rural regeneration and cross-border cooperation. Although broadly deemed to be successful as a community and economic development programme, questions were raised as to the programme’s effectiveness in addressing the root causes of the conflict and its ability to confront the more challenging societal issues of deep division and mistrust between and within communities.

It was argued (Harvey, 2003) there was “insufficient embedding of concepts of peace and reconciliation in many measures of the programme” (p.12). Despite the criticisms directed at the vagueness of what constituted peace and reconciliation activity, the European Commission

¹⁰⁷ From 1991-2014, and well beyond, Atlantic invested nearly \$570 million in Northern Ireland, primarily for the peace process, to “address the legacy of violent conflict, protect and expand human and civil rights, spur economic growth through higher education, create a stronger ageing sector and transform children’s services through prevention and early intervention” (see The Atlantic Philanthropies, 2015).

deemed the programme to be of significant value and two years on from the Belfast Agreement, a second tranche of EU funding, with a value of around \$700 million was allocated to the region in 2000 and began to be distributed the following year. Priority areas included economic renewal, social integration, locally based regeneration and development strategies and cross-border co-operation. Significantly, three ‘distinctiveness criteria’ were introduced, which each supporting project had to meet to qualify. These were: addressing the legacy of the conflict, taking opportunities arising from the peace and promoting reconciliation.

Following an initial four-year tranche of funding (2000-2004), a two-year extension of financial support from the European Union (2004-06) provided an opportunity to refocus the objectives of the programme. At the time there was significant criticism, including from the authors of this report, that despite one of the criteria for funding being the promotion of reconciliation, there was little clarity on what this meant in practice.

In response to this lack of clarity, in January 2003, the authors of this case study embarked on a research project focusing on reconciliation in Northern Ireland.¹⁰⁸ We were motivated in part by the absence of any agreed definition of the term ‘reconciliation’ in the region, despite increasingly common usage. The study explored how reconciliation was understood and implemented, politically and at the grassroots level, in different areas of Northern Ireland (for the detailed results see Hamber & Kelly, 2005a; Hamber & Kelly, 2008; Hamber & Kelly, 2009a; Hamber & Kelly, 2009b; Kelly & Hamber, 2005b). As part of the data gathering process, we presented a ‘working definition of reconciliation’, applicable to societies emerging from conflict in order to stimulate discussion, gauge opinion and to frame the wider reconciliation debate.

In developing the definition, we explored a number of definitions from the existing literature, including dictionaries, handbooks, academic journals, and books by practitioners.¹⁰⁹ Our working definition assumes that building peace requires attention to relationships and that reconciliation is the process of addressing conflictual and fractured relationships. This includes a range of activities and means not only reconciling broken down relationships (as the term reconciliation confusingly

¹⁰⁸ This research, done under the auspices of Democratic Dialogue, was entitled “Community Reconciliation: Realising Opportunities, Meeting Challenges and Ensuring New Innovation into the future.” It was funded by the EU Programme for Peace and Reconciliation under Measure 2.1 (Reconciliation for Sustainable Peace), administered by the Community Relations Council (CRC).

¹⁰⁹ We acknowledge the specific contributions of a number of texts in that effort (ADM/CPA, undated; Assefa, 2001; Bloomfield, Barnes, & Huyse, 2003; Hamber & van der Merwe, 1998; Lederach, 1997; Porter, 2003; Rigby, 2001; van der Merwe, 2000; van der Merwe, 2002).

implies), but also building new relationships were they have not previously been formed. It is a voluntary act that cannot be imposed (Bloomfield et al., 2003).

Our ‘working definition’ proposed that the reconciliation process generally involves five interwoven and related strands:

1. Developing a shared vision of an interdependent and fair society.

Developing a vision of a shared future requires the involvement of the whole society, at all levels. Although individuals may have different opinions or political beliefs, the articulation of a common vision of an interdependent, just, equitable, open, and diverse society is a critical part of any reconciliation process.

2. Acknowledging and dealing with the past.

The truth of the past, with all its pain, suffering, and losses, must be acknowledged, and mechanisms implemented providing for justice, healing, restitution or reparation, and restoration (including apologies, if needed, and steps aimed at redress). To build reconciliation, individuals and institutions need to acknowledge their own role in the conflicts of the past, accepting and learning from it in a constructive way to ensure non-repetition.

3. Building positive relationships.

Following violent conflict, relationships need to be built or renewed, addressing issues of trust, prejudice, and intolerance in the process. This results in accepting both commonalities and differences, and embracing and engaging with those who are different from us.

4. Significant cultural and attitudinal change.

Changes in how people relate to one another are also key. The culture of suspicion, fear, mistrust, and violence is broken down, and opportunities and space open up in which people can hear and be heard. A culture of respect for human rights and human differences is developed, creating a context for each citizen to become an active participant in society and feel a sense of belonging.

5. Substantial social, economic, and political change.

The social, economic, and political structures that gave rise to conflict and estrangement are identified, reconstructed or addressed, and transformed. This strand can also be thought of as being about equality and/or attaining equity between groups.

See Appendix A for a summary of the working definition.

Although we did not explore these formally in the research interviews, two additional points are important in understanding our working definition. First, **a reconciliation process always contains paradoxes, tensions, even contradictions.** It is neither neat nor easy and at times can seem incongruous. Lederach (1997) notes that aspects can stand in tension with one another — such as the articulation of a long-term, interdependent future on the one hand and the need for justice on the other. Fostering economic change may also require a change in resource allocations within a country (say, resources moving from the wealthy to the poor), but at the same time, reconciliation requires building relationships between the same such groups.¹¹⁰

Also, we cannot escape the fact that reconciliation is a morally loaded concept and that **different people bring their own ideological biases.** An individual’s understanding of reconciliation is generally informed by his or her basic beliefs about the world. Different ideologies of reconciliation can be identified (Hamber & van der Merwe, 1998; van der Merwe, 2000; van der Merwe, 2002). Thus, we need to be aware that individuals will interpret differently the dimensions of reconciliation.

Reconciliation is the process of addressing these five strands. It is not solely about the outcome of doing so (say, a mended relationship), because the social, interpersonal, and political context is continually changing. This is, by definition, complex and incomplete, and paradoxes and ambivalences will persist as noted. Reconciliation is thus by nature conflictual and dynamic (Hamber & Kelly, 2009). Therefore, reconciliation concerns the process of addressing the five strands we have outlined, but is simultaneously about trying to deal with the complex paradoxes and tensions between them.

Our view of reconciliation has therefore shifted over time to seeing reconciliation not merely as a cumulative or interrelated outcome of delivering on each of the strands but the capacity to manage the paradoxes and tensions inherent in the process of addressing the strands, as well as dealing with the tensions between each strand (Hamber & Kelly, 2009).

Although the working definition was developed to aid the research, and potentially help prioritise what might needed to be done in shaping a reconciliation agenda, in the face of criticism to define reconciliation more concretely the SEUPB officially adopted the definition as a core component of the PEACE II+ extension funding programme.

¹¹⁰ One of the interviewees noted that ‘loss’ is an important part of reconciliation, learning to give up on certain issues in the interests of a wider good.

To this day, many in the community and voluntary sector will recognise this definition as an addition to the funding criteria for the PEACE II+ extension as they had to argue how their project met the definition to receive funding. We obviously welcomed the more concrete definition being taken on board, but it also posed new challenges around the simplistic, tick-box manner in which the definition was utilised, which did not allow for the dynamic nature of reconciliation, as we had conceptualised it.

Two successive tranches of funding (PEACE III, 2007-2013¹¹¹ and PEACE IV 2014-2020) have been provided by the European Union, with a greater emphasis on larger-scale, partnership-led projects focused on two main strands of work, framed as ‘reconciling communities’ and ‘contributing to a shared society’ (SEUPB, 2007). Under PEACE III, the Hamber and Kelly working definition of reconciliation was disaggregated in to a range of high level thematic foci that ran through the programme, namely: building positive relations at the local level; acknowledging the past; creating shared public spaces; and developing key institutional capacities for a shared society. The programme has been increasingly aligned to the policy priorities of the devolved Northern Ireland Assembly, which have themselves, as will be shown in the rest of this report, been criticised for their lack of ambition and vision when it comes to reconciliation.

After nearly 15 years of discussion on the definition of reconciliation, which we have had a significant part in shaping, key questions remain. We have found in the course of undertaking the research for this project that many still recall our definition and look upon it favourably as the only substantive attempt to define reconciliation, but equally others in Northern Ireland remain perplexed by the concept and have no knowledge of some of the previous policy developments that have taken place.

Making Policy for Reconciliation

Reconciliation as a concept has a relatively long history. Although significant contributions have been made internationally in conceptualising and operationalising reconciliation at local, group and political levels (see all the contributions in Salter & Yousuf, 2016; and others, for example, Baines, 2007; Bar-Tal and Bennink, 2004; Bar-Tal, 2009; Bar-Tal & Cehajic-Clancy, 2014; Bloomfield, Barnes and Huyse, 2003; Clark, 2014; Lambourne, 2014; Philpott, 2012; Staub, 2013; Wallis, Renee and Kent, 2016), our focus here will primarily be on the Northern Ireland context.

¹¹¹ The PEACE III Programme was a distinctive programme part-funded by the European Union (€225 million from the EU with further national contributions of €108 million) through its Structural Funds programme.

That said, as with the wider international literature and discourse, the concept has moved from a more theological and individualistic understanding of the term (Clegg & Liechty, 2001; Love, 1995; Morrow, 2003; Stevens, 2004; Thomson, 1998; Wells, 1999) to a wider societal understanding, embedded within policy and practice documents and activities (ADM/CPA, undated; Aiken, 2010; Beirne & Knox, 2014; Morrow, 2016; Porter, 2003).

Although other understandings of reconciliation in the Northern Ireland context have been posited (see ADM/CPA, undated; Porter, 2003), as a term it still largely remains as was observed in 1994 ‘vague and ill-defined’ (Hurley, 1994, p.2), at least at the level of public policy. The extent to which reconciliation has gained significant local ownership or a common understanding of what it entails is harder to quantify – but the research that informed this report suggests some knowledge of our working definition (at least for those with considerable experience in the community sector) but equally both wariness and weariness in using the term. In the interests of brevity, we have not provided a full review and use (and avoidance) of the term reconciliation in Northern Ireland, rather below we consider some of the major policy developments that have taken place.

Community Relations and Peacebuilding

Over the decades of the conflict in and about Northern Ireland, a complex set of interventions were utilised to address some of the fundamental causes of the conflict — including access to power, inequality and discrimination, as well as to address the estrangement of the two main communities. Early interventions (1970 to 1990) and pieces of legislation introduced by the Westminster government included the establishment of, among others:

1. The Ministry of Community Relations and an independent Community Relations Commission in the 1970s;
2. The Fair Employment Act of 1976 and the Fair Employment (Northern Ireland) Act of 1989;
3. Targeting Social Need to address areas of social and economic differences which contribute to divisions in the population;
4. The Education Reform (Northern Ireland) Order 1989; and

5. The establishment of an independent Community Relations Council to support development work, promote qualitative inter-community contact, address segregation and support and fund development and intervention work in 1989.

The subsequent Belfast/Good Friday Agreement provided for a new opportunity to address inter-communal relations, with a clause in the Northern Ireland Act of 1998 requiring all public authorities to ‘have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group’ and to ‘proactively address good relations’.

This legislative duty to promote ‘good relations’ added some additional complexity to the terminology used in Northern Ireland, which had most commonly, to this point, been centred on the language of community relations. While community relations has, more traditionally, implied a focus on relationships between Protestants and Catholics specifically, the term ‘good relations’ appeared to encompass a broader understanding of relationships between and across multiple communities and identities, including new immigrant communities to Northern Ireland.

During the period of direct rule from Westminster (2002-2006), an ambitious policy framework entitled A Shared Future was introduced in 2005 (Community Relations Unit, 2005). It declared that “relationships matter and are central. Moving from relationships based on mistrust and defense to relationships rooted in mutual recognition and trust is the essence of reconciliation.”

However, with the restoration of the Northern Ireland Assembly in 2007, the two main political parties, Sinn Féin and the Democratic Unionist Party (DUP), seized the opportunity to quietly retire the document, because “it’s integrationist ethos did not commend itself to the Sinn Féin / DUP partnership when devolution was restored” (Nolan, 2014, p.107). When the new consultation document, Cohesion, Sharing and Integration, was published in 2011, it appeared its title did not live up to its content, and it was widely rejected by those active in the fields of peacebuilding for being ‘anodyne’ (Nolan, 2014). No references (other than in case study descriptions) to the term reconciliation were used in the document.

In 2012/2013 Belfast was the site of intense rioting and protest following a decision to only fly the Union flag on designated days above City Hall. The Executive of the new Northern Ireland Assembly came under increasing pressure to address relationships between the two main communities, a pressure added to by the pending visit of President Obama to Northern Ireland in 2013.

In 2013, a new Together: Building a United Community (T:BUC) strategy was published (Office of the First and deputy First Minister, 2013). The Strategy, or so it is stated, “*reflects the Executive’s commitment to improving community relations and continuing the journey towards a more united and shared society*” and it outlines a vision of: ‘*a united community, based on equality of opportunity, the desirability of good relations and reconciliation – one which is strengthened by its diversity, where cultural expression is celebrated and embraced and where everyone can live, learn, work and socialise together, free from prejudice, hate and intolerance*’ (p.2).

Overall, the strategy, compared to any of its predecessors, uses more robust and ambitious language in its headline statements. It also introduces a new, albeit somewhat confused lexicon of good relations, sharing and also reconciliation. It seems to be ambitious on one level (working towards reconciliation, discussed below) but also moves away, for example, from integrated education to shared education (a strategy for sharing facilities and classes while maintaining the existing segregated schooling system), as well as promoting shared spaces. The strategy also tends to see ‘good relations’ as a process of managing good neighbourliness rather fully removing social and community divisions that cause the problems in the first place. This is captured by Paul Nolan, and is worth quoting at length:

The document pays scant attention to theoretical concerns and does not even define ‘good relations’. At times the term seems to be used interchangeably with the older ‘community relations’, although usually the latter refers to relations across the sectarian divide whereas ‘good relations’ takes in the various minority ethnic communities...but ‘United Community’ does not elaborate and infrequent references to communities other than Protestant and Catholic mean that for the most part the focus remains on their inter-relationship alone. Indeed, the strategy assumes the permanence of the two blocs. ‘Good relations’ is presented not as a way to eliminate division but rather to ensure that relations between these two fixed entities can be positive (Nolan, 2014, p.107).

When it comes to the issue of reconciliation specifically, the T:BUC uses the term somewhat liberally and certainly more extensively than in previous documents. The word ‘reconciliation’ appears 26 times in this policy document, and is connected to 14 robust paragraphs. For a term such as reconciliation, which many will still not use in Northern Ireland, this is, perhaps, surprising. Broadly speaking it is woven into the vision of the document, as well as being one of the objectives of most of the actions that are proposed. Reconciliation, however, is never defined.

That said, reconciliation is largely seen as valuable in two ways in the document.

Firstly, reconciliation is seen as a potential consequence of various interventions. The following, for example, are linked in T:BUC to promoting reconciliation: ‘cross-community sporting events’; addressing ‘a legacy of hurt and division’; ‘educational opportunities for our young people to learn more about our history’; ‘removing interface barriers and other structures of division’; ‘more co-ordinated and shared service delivery models’; and developing ‘a capacity to commemorate in a way that heals and not hurts, in a non-triumphalist manner’.

Secondly, reconciliation is seen as key to social and economic progress. Reconciliation, at least in terms of vision, is linked to building ‘a modern, well-equipped society’ (along with good relations and equality of opportunity); reconciliation is said to be essential ‘to continue to progress towards a united community’; and facilitating reconciliation (in relation to removing physical barriers between communities and facilitating sharing) will ‘bring immense benefits for relationships on an individual and local community level but can also bring economic benefits to wider society’.

To this end, reconciliation (along with tackling discrimination, promoting equality of opportunity, social inclusion), is core to the vision of uniting or at least bringing communities closer together, and ensuring some form of social renewal and economic progress as a result. Reconciliation, at least in terms of the statements made in T:BUC, is recognised as a key process for transforming the social and political context.

At the same time, on closer scrutiny, the document reveals that the types of strategies proposed fall short of the lofty aspirations contained within. Put another way, when it comes to the notion of reconciliation T:BUC as a policy demonstrates a gap between vision-based policy and mainstreamed programmatic practice. Some of the headline actions read like a programme for a funding constrained philanthropic organisation, rather than a long-term government mainstreamed strategy for social change. Some of the key programmes T:BUC commits to are:

- Establishing ten new shared education campuses;
- Getting 10,000 young people, not in education, employment or training, a place on the new United Youth volunteering programme;
- Establishing ten new shared housing schemes;
- Developing four urban village schemes;

- Developing a significant programme of cross-community sporting events;
- Removing interface barriers by 2023; and
- Pilot 100 shared summer schools by 2015.

The headline actions outlined in the Strategy are steps in the right direction, but they are not sufficient to address the full weight of the problems outlined in the Strategy itself. For example, according to the Department of Education, there are 308,095 pupils enrolled in primary and post-primary schools. Although one cannot calculate with complete accuracy, and for illustrative purposes, using these figures it would suggest that:

- 100 summer school/camps engaging 100 pupils each at post-primary level (there are 142,547 pupils in post-primary) as the Strategy recommends would only reach 7% of pupils; and
- Across the school going population (and assuming every child in each participating school was involved), the proposed 10 Shared Campuses would, only reach 1-2% of the total primary and post-primary student population. If we restricted the proposals on Shared Education to post-primary pupils only, 3-4% of the total pupils in society would be reached over five years.¹¹²

Figures are more favourable, however, if you restrict the focus to specific groups. The Strategy recommendation for 10,000 one-year placements in a new ‘United Youth’ programme—if restricted to the 46,000 unemployed people under 24 years of age mentioned in the Strategy this would affect a more sizeable proportion (22% of unemployed youth). But this narrowing is then based on an assumption that such individuals have a disproportionate responsibility for negative attitudes across communities—something we do not know as a fact and which risks stigmatising such individuals.

¹¹² This figure is reached by assuming that each school has 261 pupils (the number of pupils divided by the 1,180 in of schools in Northern Ireland) and 20 schools are involved, in other words 5,220 pupils involved of the 142,547 pupils. Granted Shared Education is discussed as ‘a model’ in the Strategy, but the full practical, economic, and community relations case for scaling this up to the entire education system relative to investing in transforming and gradually integrating existing schools has not been made.

This does not mean such activities are redundant or ineffective. On the contrary, it has been well-established in international social psychological research that under certain conditions contact between groups can promote positive views of the other (Pettigrew & Tropp, 2006). Any increased contact between those representing different perspectives is to be welcomed. Sustainability of these connections is crucial within this deeply divided society.

Recent research on shared education in Northern Ireland notes that an environment that seemingly reinforces a mono-cultural order can limit the potential of such programmes (Hughes, 2013). The author notes: “it is hardly surprising that pupils, who meet with peers from the ‘other’ community for short periods (albeit sustained over time) and in a highly-structured setting, struggle to develop friendships that can be maintained outside of the school setting.” (Hughes, 2013, p.206)

In other words, contact programmes taking place within the overall segregated context the Strategy itself talks about are—despite positive potential—essentially a sticking plaster on a system that is largely not conducive to creating positive attitudes between groups.

The findings of the qualitative interviews for this case study were clear. Many of those we spoke with argued that a more robust strategy to address decades of social separation is needed. It was noted that, while the T:BUC Strategy articulates a lofty vision for reconciliation, the types of programmes that are proposed to achieve this goal are piecemeal and disconnected and are not fully embedded and mainstreamed across all government departments.¹¹³

Of course, there are many reasons as to why the context cannot be changed instantly, and some of our interviewees argued that ‘sharing’ is all we could hope for in the short term and any process had to be gradual, although we must foster contact where we can even if limited. But in analysing the T:BUC Strategy document, as the current mainstay of reconciliation and ‘good relations’ policy, one is left wondering if the goal is one of ‘thin’ integration or deeper social transformation as the Introduction of the Strategy asserts.¹¹⁴ Is Northern Ireland settling for a society where the dominant communities are going to remain separate and, hopefully, equal, but co-existing in ‘negative’ peace? In short, is the Strategy in its current form capable of delivering the profound change it calls for or tinkering around the edges of social change.

¹¹³ One interviewee argued this would only be possible if a Department of Reconciliation was setup.

¹¹⁴ “We cannot build a modern, well-equipped society in the absence of good relations, equality of opportunity and reconciliation. This Strategy sets out a vision for the kind of society we want to see and outlines the strategic framework that will shape action in tackling sectarianism, racism and other forms of intolerance” (p.10).

Dealing with the Past

A further area where the issue of reconciliation is present is in the debate about dealing with the past in Northern Ireland. Space does not permit a full exploration of the machinations of the dealing with the past debate in Northern Ireland, which is enormous in breadth and reach (see for example, among many others Healing Through Remembering, 2006; Gormally & McEvoy, 2009; Lawther, 2013; Lundy, 2009, 2010; McEvoy, 2010). Below however we will briefly review how reconciliation is addressed in some of the main policies that have been developed focusing on the issue of dealing with the past.

In October 1997, the British government established a Commission led by a former head of the civil service, Sir Kenneth Bloomfield, “to look at possible ways to recognise the pain and suffering felt by victims of violence.” (Bloomfield, 1998, p.8) On the issue of reconciliation specifically Bloomfield notes that the Government should consider the possibility of supporting efforts towards peace and reconciliation originating in Great Britain and not just in Northern Ireland; as well as funding projects on reconciliation; and consideration should be given to a ‘Memorial and Reconciliation Day’, and building a peace and reconciliation bridge.

Controversially, the report made little mention of victims of state violence, although it did not rule out the possibility of establishing a Truth and Reconciliation Commission. While a range of community and government processes to support victims unfolded in the immediate post-accord years, political tensions led to the suspension of the Northern Ireland Assembly in 2002 and it was not until 2007 that the first major government-instigated initiative to look at a comprehensive approach to dealing with the past was established by the Secretary of State for Northern Ireland under the Labour government (Hamber & Kelly, 2016).

In early 2009, an eight-person Consultative Group on the Past (CGOP) published a detailed report containing 31 key recommendations, including the creation of a Legacy Commission with a wide remit to conduct a process of information recovery, review and investigate historical cases, and examine linked or thematic cases emerging from the conflict (Consultative Group on the Past, 2009).

It also called for a Reconciliation Forum to be established through which the Legacy Commission and other government bodies would tackle a range of societal issues such as sectarianism, conflict-related trauma, suicide and addiction, support the improvement of services for healthcare issues attributable to the conflict and facilitate and encourage the telling of personal accounts of the conflict (Consultative Group on the Past, 2009). The report also called for the annual Day

of Reflection, initiated by NGO Healing Through Remembering,¹¹⁵ on 21st June each year to be renamed the ‘Day of Reflection and Reconciliation’. All these proposals were put within a wider frame or vision, namely:

“The past should be dealt with in a manner which enables society to become more defined by its desire for true and lasting reconciliation rather than by division and mistrust, seeking to promote a shared and reconciled future for all” (Consultative Group on the Past, 2009, p.23).

Perhaps most importantly, at least from a conceptual perspective, the report noted that ‘relationships matter and are the foundation for reconciliation’ and that one of the main themes which emerged from the consultation was the desire for reconciliation, truth and justice (Consultative Group on the Past, 2009). The report talked of the importance of truth and acknowledgement to build reconciliation and that “a reconciling society takes collective responsibility for the past instead of attributing blame and avoiding responsibility”. It also made mention of forgiveness noting: “...reconciliation requires for its integrity and success two other elements, namely, a willingness for mutual forgiveness and a willingness to address the truth of the matters to which the mutual forgiveness is to apply” (Consultative Group on the Past, 2009, p.54).

In other words, whatever ‘dealing with the past’ mechanisms were put in place, they would need to balance the sometimes contradictory and challenging processes of justice and reconciliation. The report itself was unequivocal that reconciliation is the goal of a ‘dealing with the past’ process. Perhaps as a reflection of a society not yet ready to deal with a complex past and robust process for building reconciliation, the recommendations of the report were quickly embroiled in public controversy associated with one particular recommendation concerning compensation payments. The comprehensive nature of the proposals and the likelihood of implementation was deemed to be dead in the water by the following year (Hamber & Kelly, 2016).

After a period of intense protest in Belfast starting in late 2012 mentioned earlier, the five main political parties were forced back around the negotiating table in 2013. After weeks of intense negotiations, the talks chairs, US Diplomat Richard Haass and academic Meghan O’Sullivan, drafted a Proposed Agreement to move the political process forward. Among other recommendations,

¹¹⁵ Healing Through Remembering is an independent initiative made up of a diverse membership with different political perspectives working on a common goal of how to deal with the legacy of the past as it relates to the conflict in and about Northern Ireland. For more information see www.healingthroughremembering.org

a series of new proposals to deal with the legacy of the past were put forward. These included the establishment of a Historical Investigations Unit (HIU), an Independent Commission for Information Retrieval (ICIR), and an Implementation and Reconciliation Group (IRG), as well as a proposed archive for conflict-related oral histories (The Panel of Parties in the NI Executive, 2013, p.36). The five main parties in the Northern Ireland Assembly failed to reach agreement on these proposals and, again, the comprehensive set of recommendations stalled (Hamber & Kelly, 2016).

In 2014, a new political crisis centering on the public welfare cuts proposed by the UK Conservative government brought the five main political parties in to a new round of negotiations. The resultant Stormont House Agreement (SHA) reached in December 2014 revived many of the recommendations contained in the Haass and O’Sullivan proposals, albeit with less detail. The recommendations pertaining to dealing with the past offered a way forward that included setting up structures to:

- Collect the stories of the conflict in and about Northern Ireland (Oral History Archive);
- Investigations into outstanding Troubles-related deaths (Historical Investigations Unit);
- Enable victims and survivors to seek and privately receive information about the (Troubles-related) deaths of their next of kin (Independent Commission on Information Retrieval); and
- The Implementation and Reconciliation Group (IRG) to oversee themes, archives and information recovery.

The agreement also calls for statements of acknowledgment by the UK and Irish Governments and political parties to flow from the process.

In terms of reconciliation specifically, ‘promoting reconciliation’ is said to be one of the key underlying principles of the agreement and it is noted that “promoting reconciliation will underlie all of the work of the IRG. It will encourage and support other initiatives that contribute to reconciliation, better understanding of the past and reducing sectarianism.” (Stormont House Agreement, 2014, p10) However, overall the document is scant on detail and certainly does not contain any of the detail present in the previous Consultative Group of the Past (2009) proposals. It contains no clear sense of how reconciliation would be achieved nor makes any definitive claims that reconciliation will flow from processes such as truth-recovery.

In subsequent public discourse on the detail of the Stormont House Agreement the focus has largely been on the investigative and truth-seeking bodies. Reconciliation and the role of the IRG appear to have become the poor cousin of the proposed ‘dealing with the past’ package. If implemented (and at the time of writing, this is as yet unclear) this Agreement, risks further disaggregating the process of dealing with the past. It is not clear, for example, how the four new proposed bodies would relate to each other. Could victims end up telling their story to different units on multiple occasions? How will the IRG have oversight or link findings and processes together to ‘contribute to reconciliation’?

In the absence of broad political consensus on all issues raised in the 2014 Stormont House Agreement, a new document entitled *A Fresh Start: The Stormont Agreement and Implementation Plan* (Northern Ireland Office and The Rt Hon Theresa Villiers MP, 2014) was issued in November 2015 which marked some progress on a range of political and economic issues. However, the issue of dealing with the past was essentially parked, with the document noting that “it did not prove possible to resolve all of the key issues within the timescale” (p. 11).

The issue of how reconciliation weaves in and out of the dealing with the past debate in Northern Ireland is an instructive one.

Firstly, it appears, unlike other countries (for example, South Africa) dealing with the past is not always equated to, or linked with, reconciliation. Debates and attempts at truth and justice (despite the attempts by the CGOP to link them) often take place without any mention or link to reconciliation. As Pablo de Greiff, UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted following a recent visit to Northern Ireland:

“With regard to truth, justice and reparations, efforts to date have relied heavily on judicial procedures, leading to inevitable ‘fragmentation’. Judicial procedures are case-based and primarily about individual responsibility...The resolution of individual cases, narrowly conceived, while important, does not exhaust the work of truth and justice initiatives. Indeed, trustworthy institutions and the rule of law largely depend on clarity in this regard.” (de Greiff, 2017, p.5)

Although Mr. de Greiff, was talking about the importance of patterns, structures, institutions, organizations, chains of command, and policies in dealing with the past – one could make a similar argument that a case-by-case legalistic approach to the past holds little prospect for relationship building outside of individual acts of reconciliation (if these are forthcoming). At the same time, the Consultative Group on the Past provided perhaps the most robust approach to linking dealing

with the past to a bigger goal such as reconciliation, and the report received little or no traction. Perhaps this explains the anodyne approach to reconciliation in the Stormont House Agreement, and arguably, given the political tensions in Northern Ireland it is all that can be hoped for.

Reconciliation through a Gendered Lens

The role of women in the peace process and in peacebuilding work in Northern Ireland more broadly is also well documented and extensive (see among many others Donahoe, 2013; McEvoy, 2009; Cowell-Meyers, 2003; Potter, 2004, also see the Women and Peacebuilding in Northern Ireland article series¹¹⁶). Most of this however focuses on peacemaking and peacebuilding work more broadly. At times the idea of peacebuilding including face-to-face reconciliation initiatives is mentioned, but the literature tends not to address the topic of women (as well as gender more broadly) and reconciliation specifically. Nonetheless, the women’s sector in Northern Ireland is also large and vibrant including numerous coalitions, networks and support centres, and there are many reconciliation initiatives different groups have been involved in other years. Focus on issues of masculinity, as a key dimension of a gendered approach, however, is less evident (Hamber & Gallagher, 2014).

That said, Northern Ireland suffers from some of the main criticisms seen in other countries too, namely, that once the peace was settled, many women’s groups, despite ongoing work at a community level, remain marginalised, under-funded and less visible in formal processes. Despite the fact that during the peace process build up in 1998, the Northern Ireland Women’s Coalition (NIWC), is largely credited with ensuring reconciliation and victims issues were embedded in the final agreement (Fearon, 1998; Kilmurray & McWilliams, 2011), since then it has been ongoing struggle to maintain women’s voices at the political level.

This is, despite the fact that the leaders of the two largest parties in Northern Ireland are now female.¹¹⁷ Concerns have been continually raised post-1998 that peacebuilding (and, by extension, reconciliation work) has remained “a male dominated arena with diminished opportunities for women to participate in discussions or the process around peace building” (Pierson & Radford, 2016, p.10).

¹¹⁶ Available on openDemocracy, <https://www.opendemocracy.net/5050/women-and-peacebuilding-in-north-ern-ireland>. This was also noted by several of our interviewees.

¹¹⁷ Arlene Foster replaced Peter Robinson as leader of the Democratic Unionist Party in December 2015. Michelle O’Neill replaced Martin McGuinness as leader of Sinn Féin in January 2017. In addition, Naomi Long became the first female leader of the cross-community Alliance Party for Northern Ireland in October 2016.

Community relations policy, including T:BUC and the various other documents produced over the years, have been critiqued from a gender perspective. It is often the ethno-national division (broadly Catholic and Protestant) that tends to over-shadow other social division, such as gender and class (and the inter-sectional nature of all three). There is also little recognition, at least officially, of the need to address the differential impact of the conflict on women in most mainstream policy documents (Ward, 2013).

It has proven easier to secure funding to address ethno-national differences rather than community-based issues such as poverty or gender-based violence, or funds to explore the inter-sectional nature of such issues. Overall ‘community relations’ (not the concept of reconciliation specifically, but it could equally apply) has been critiqued for being gender-neutral, thus missing the ways in which community relations are shaped by gender issues and intersectionality of gender, conflict and relationships.

As Laurence McKeown (McKeown, 2011) notes in a report entitled Gender at the Interfaces:

“Structural inequalities influence the extent to which women can engage in social/communal/political processes on the basis of: relative poverty; gender-based and socially prescribed obligations (childcare; family support; domestic duties/commitments); and the distinct socio-economic, political and social inequalities between men and women in post-conflict societies, where structures, systems and processes are often created and dominated by men and where women only find room for engagement as ‘token women’ or through dogged perseverance” (p.6).

Pierson and Radford equally provide an example in the way strategies aimed at community relations are gender neutral and therefore miss certain issues:

“...the Together: Building a United Community strategy which is focused on young people and shared spaces, building safer communities and on cultural expression. However, if a gender mainstreaming approach was taken, projects which focus on the marginalisation of young women and the gendered nature of safe space (particularly at night) could lead to innovative programmes” (Pierson & Radford, 2016, p.19).

In addition, when it comes to dealing with the past, equality policy to date has been criticised for being gender blind (Legacy Gender Integration Group, 2015). As was noted by Mr. De Greiff:

“The gender-related impact of violations and abuses has been understudied at an official level.

Given the State’s ambiguity with regard to the classification of the Troubles, Security Council resolution 1325 (2000) and related policy recommendations cannot be applied to Northern Ireland. More sustained and thorough analysis of ways in which the impact of violations and abuses manifests itself in the lives of women is required” (de Greiff, 2017, p.9).

Women, and a gender perspective more broadly, have rarely been associated with dealing with past debate due to an overly narrow focus on specific harms, often from a legalistic perspective, emerging from the conflict (physical) which often ignore issues such a socio-economic impacts (O’Rourke, 2013). At a policy level, Northern Ireland has also ignored many international developments. National Action Plans have been drawn up by both the British and Irish governments to implement UN Resolution 1325. However, as a recent report notes, the British government *“designates 1325 as an issue of foreign policy and therefore does not include Northern Ireland within its remit”* (Pierson & Radford, 2016, p.8). *The UK government Seventh Periodic Report to CEDAW notes: “The UK National Action Plan applies to the UK as a whole and addresses how we will adapt our policy, programmes, training and operational procedures to ensure that Women, Peace and Security is incorporated into our overseas work on conflict. As such, there are no plans to integrate provisions relating to the implementation of UNSCR 1325 in Northern Ireland into the UK’s National Action Plan. Nevertheless, some aspects of UNSCR 1325, such as women’s participation in peace building and political processes, are relevant to all states. Also, the UK Government will continue to work towards increasing the representation of women in Northern Ireland in public and political life”* (2011, para 301).

The CEDAW Committee consideration of the UK (in 2013) expressed its *“concern at the low representation of women in the post-conflict processes in Northern Ireland and the failure to fully implement Security Council Resolution 1325 (2000)”* (cited in Pierson & Radford, 2016). The Irish Government’s National Action Plan includes some mention of a need to support civil society and encourages cross border engagement (McMinn & O’Rourke, 2012), but has been criticised for being *“ambiguous in its recognition of the conflict in Northern Ireland”* (Pierson & Radford, 2016), not to mention that practically, due to jurisdictional issues, it can do little to influence the involvement of women in local government, for example.

Women’s groups however have been active in lobbying to have UN1325 implemented and there are multiple forums and activities that have taken place to further the issue.¹¹⁸ That said, officially, as a number of interviewees pointed out in this research, this process has not managed to change the overall Assembly or government approach to recognising UN resolutions such as 1325.

¹¹⁸ See for example Women and Peace Building Project, <http://wrda.net/women-and-peace-building.html>.

However, our policy review suggests that when issues of gender and reconciliation are raised, it is the issue of participation (especially in public life)¹¹⁹ that gets the first mention. This is mirrored into the various policy documents where gender largely becomes synonymous with vague assertions about increasing women’s participation in public life, e.g.:

- “Right of women to full and equal political participation” (Good Friday Belfast Agreement, 1998);
- “Advancement of women in public life” (Good Friday Belfast Agreement, 1998 & Stormont House Agreement, 2014 & Fresh Start Agreement, 2015);
- “Increasing women’s representation in public and political life” (T:BUC, 2013); and
- The Fresh Start Agreement (2015) commits to “the development of a programme to increase the participation and influence of women in community development”.

In short, as important as participation in public life is and should be promoted, the key agreements, strategies or policies focused on community relations and reconciliation fail to unpack key issues. These include complexity of male dominated communities, the squeezing out of women in local and community leadership, gendered experiences of the conflict, the legacy of paramilitaries from a gendered perspective, the impact of violent and certain types of political masculinities (Hamber, 2015), not to mention how these issues might overlap with other factors such as class, religion or access to resources (Rooney, 2006) in a context where tackling women’s inequality has often been trumped by sectarian politics.

A gendered analysis of the Northern Ireland conflict, and its legacy, raises a plethora of issues for the peacebuilding agenda, as well as the concept and practice of reconciliation and dealing with the past. Despite significant activity, analysis and advocacy at the community level, a robust engagement with the specific issue of gender and the conflict has not made its way in to wider policy approaches and much work remains to be achieved in this regard.

¹¹⁹ In terms of local politics, the 30% is similar to female MPs at Westminster, with the Scottish Parliament at around 35% and the National Assembly for Wales at 42%, see <http://www.assemblyresearchmatters.org/2017/03/08/representation-women-public-life-northern-ireland-stand-now/>

Community Level Reconciliation

Northern Ireland is, as Belloni notes, ‘rich in associational life’ and did not require external intervention to construct or hothouse a functioning civil society, as in other post-violent contexts. Community-based activities to support reconciliation processes have been active and evolving since the 1970’s (Byrne, 2001), and a wealth of tacit knowledge of strategies and approaches has been built over the nearly fifty subsequent years (Kelly & Stanton, 2015). Currently there are 6127 voluntary, community and social enterprise sector organisations (NICVA, 2017). The voluntary and community sector remains an important employer in Northern Ireland, with an estimated 44,703 employees. This figure represents 5.3% of the total Northern Ireland workforce (NICVA, 2017).

The top five areas of work identified by respondents in the State of the Sector Survey were community development, education and training, health and wellbeing and children (6-13 years) and children (0-5 years), with community relations as a specific category coming in seventh (NICVA, 2017). In other words, not all these community and voluntary organisations work on peace related matters, although no doubt there is significant overlap in certain areas.

Particularly, in the last 25 years, through the EU peace funding – as well as other donors such as the International Fund for Ireland, Joseph Rowntree Charitable Trust, The Atlantic Philanthropies, The Big Lottery, and local grantmakers such as the Northern Ireland Community Relations Council (NICRC) and the Community Foundation for Northern Ireland (CFNI) – there has, comparatively speaking, been significant funds and support for peacebuilding and reconciliation work.

The community and voluntary sector has grown into, arguably, the most significant part of the reconciliation landscape. Although the word reconciliation is not used that frequently compared to terms such ‘building community relations’, ‘good relations’ or, more recently ‘peacebuilding’, extensive networks and programmes exist which aim to address the legacy of the conflict across the society.

But by way of example, the PEACE III Programme (2007-2013) aimed to ‘reinforce progress towards a peaceful and stable society’ and ‘to promote reconciliation’ by assisting operations and projects which helped to reconcile communities and contribute towards a shared society for everyone. It delivered these priorities through ‘themes’: building positive relations at the local level; acknowledging the past; creating shared public spaces; and developing key institutional capacity for a shared society.

Types of programmes supported, among many others, included:

- The development of local council peace and reconciliation action plans to help combat sectarianism and racism;
- Assisting community groups to tackle signs of sectarianism and racism within their communities using creative arts;
- Developing partnerships to reduce sectarianism and racism, and promote leadership development and social integration with ethnic minorities;
- The collection of stories and narratives of the conflict shared through various means face-to-face and digitally to promote reconciliation and understanding;
- Capacity building with women to contribute to post-conflict transition, inter-community dialogue, storytelling and reconciliation;
- Increasing knowledge and skills in trauma awareness, conflict transformation and restorative justice;
- Programmes aimed at increasing participation in formal politics, often focused on women and young people;
- Building cross-community childcare facilities;
- Creating shared spaces such as community centres, sporting facilities and green spaces;
- Addressing contentious issues such as murals, flags and commemoration, as well as reimagine of murals;
- Projects addressing aspects of the current planning models which impact negatively on peacebuilding;
- Interaction, dialogue and meeting between groups and communities with different political perspectives; and

- Introducing new approaches to the study of conflict into the school curriculum.

The reach of this work is vast. By way of example, if you take one of the strands above, namely the collecting of stories about the conflict, empirical research (Kelly, 2005; Kelly, 2013) indicates that there are, or have been, over 60 organizations (and a small number of individuals) involved in story-gathering projects with identifiable, tangible outputs, and that the numbers of stories documented is, at a conservative estimate, at least several thousand (Kelly, 2005; Kelly, 2013).

Other donors have tried to focus specifically on what are sometimes called ‘hard to reach’ communities. For example, Peace Impact Programme (PIP), funded by the International Fund for Ireland (IFI) with the support of the United States Agency for International Development (USAID), aimed “to build sustainable peace and prosperity within communities of greatest economic and social deprivation, where there are low levels of engagement in peace building and limited benefits from the Peace Process” (IFI, 2015, p.4). It is also noted the programme was designed “to be responsive and to deliver a range of sustainable reconciliation, integration, community development and economic interventions” (IFI, 2015, p.10).

PIP supported a total of 56 projects on both sides of the border (41 in Northern Ireland and 15 in the Southern border counties) with a total spend of almost £4.4m (\$7.1 and €5.5) between January 2013 to March 2015. Many of the PIP projects dealt with, among others, highly sensitive issues such as dealing with ongoing paramilitarism, alternatives to anti-social behaviour, trying to breakdown political isolation and exclusion, facilitating the engagement of women and marginalised young people in community development and practice. Evaluation has found that the work was effective and “reduces the sense of powerlessness, challenges existing power dynamics which sustain divisions and opens up community structures to people who have been or feel they are excluded or who self exclude” (IFI, 2015, p.5).

Another high-profile example of a reconciliation and education programme is the Prison to Peace (P2P) programme. This programme first focused on developing a network of former political prisoners (from all the major former paramilitary structures loyalists and republicans) to share experiences and engage with one another in wider peacebuilding activity. An educational programme built from the stories of political ex-prisoners was then developed. A structured plan of ten classroom based lessons and a DVD was produced (CFNI, Undated), complemented by a workshop programme that allowed young people to speak directly with ex-prisoners. The overall aims of the P2P programme are to: *“prevent young people from becoming involved in and/or returning to violence through presenting the realities of the conflict and the prison experience*

from the point of view of those directly involved in the conflict; demonstrate to young people alternative ways of dealing with conflict which do not necessarily require individuals to give up their political aspirations or cultural identity; present young people with alternative ‘bottom-up’ perspectives on the conflict through a comprehensive and complex picture of the political ex-prisoner experience; and provide young people with an opportunity to engage directly with those who were involved in the conflict in panel discussions with ex-prisoners” (Emerson, Orr, & Connolly, 2014, p.4). There is clear evidence of the positive effects of Prison to Peace on young peoples’ knowledge, attitudes and behaviours, with the intervention group, compared to the control group (Emerson et al., 2014).

It is also important to note that many initiatives over the years have sought to engage groups with differing opinions, explore differences, commonalities, and engage in deep dialogue work. This has included encounters between former combatants and victims, victims with other victims, civil society, religious groups, academics, and many others (see among many others Healing Through Remembering, 2002; Murphy & Adair, 2004; Tyler, 2015).

At the interface areas, that is where large ‘peace walls’ separate communities, it is acknowledged that “under the radar, community workers on both sides of the interface had done considerable spadework over the years....to build relationships in an area which has seen high tension and many deaths” (Wilson, 2016. p.64).

Other programmes such as the integrated school movement have sought to bring children from different backgrounds together in joint schooling programmes, and more recently shared educational programmes. It has been shown that “The attendance of formally integrated schools specifically, or schools which had generally a mixed religious intake, also had a significantly positive effect on the attitudes of young Protestants to young Catholics” (Schubotz, 2017, p.7-8).

The list of important initiatives focusing on peace and reconciliation in Northern Ireland is in-exhaustive and cannot be covered in this brief paper. However, it should be noted that, at the community level, reconciliation as the goal of the type of work outlined above is not necessarily how many community groups refer to what they do. In the Northern Ireland context we have found, both in our past research and in the most recent qualitative data gathered, that there is a degree of nervousness about promoting reconciliation, especially as a concept at the community level. At a community level participants tend to favour speaking more about ‘community relations’ or ‘peacebuilding’, and more recently the need to ‘promote equality’.

The apprehension to using the term is not, however, because it is seen as ‘soft’ but rather that it is seen as a process which fundamentally changes social and political relations. In other words, it is a process which moves beyond simple co-existence and it something more profound and transformative. Our research has indicated that there is a feeling that many individuals and communities are not ready for such significant change and the process has to be experienced in a more gradual and incremental manner.

By using the concept of reconciliation, practitioners have indicated to us that people might be ‘scared off’ from engaging in initiatives which might move them at a pace with which they are not comfortable. In other words, community leaders and practitioners fear articulating a process with reconciliation goals as it might appear too deep, challenging or threatening (Hamber & Kelly, 2009). Instinctually they avoid using such terms, even if they are working towards a ‘harder’ concept of reconciliation which is both profound and transformative in its ultimate objective.

In our earlier research we found some readiness of practitioners to engage in such work (and there is evidence of groups continuing to engage in transformative, reconciliatory processes) but there also appears to be reluctance to describe their work in these terms when the wider political process is not creating conducive or supportive conditions for such interventions to thrive.

Gaps in knowledge also exist. Although many evaluations and case studies have been undertaken (by funding organisations or in annual reports) detailed outlines of ‘good practice’ or ‘best practice’ approaches undertaken by community-based organisations are not as numerous as one would anticipate (Kelly & Braniff, 2016). Despite extensive and well-resourced community-based practice in Northern Ireland, there is also a surprising lack of locally-based ‘indigenous’ peacebuilding theory (Kelly & Stanton, 2015). There is, however, sufficient evidence to show that contact through the integrated ‘community relations’ approach has had a measurable causal effect in promoting more positive intergroup relations in Northern Ireland (Aiken, 2010). Aiken (2010) drawing on the work of Hewstone, Hughes, & Cairns (2008) notes:

Increased contact has been highly effective in helping to increase cross-community tolerance, trust, friendship, understanding and positive affect, while at the same time reducing negative perceptions of intergroup threat, anxiety, bias and prejudice. It also shows that an increase in cross-community contact has correlated with a decline in support for political violence and perceptions of group identity that are less highly polarized and monolithic (Aiken, 2010, pp.184-185).

In a recent 2017 report reviewing attitudinal data of the last twenty years it is similarly concluded: *“...that there is very little evidence to suggest that efforts to continue with programmes that encourage formal mixing or integration should be compromised. Increasing contact is strongly related to more positive attitudes towards each other”* (Schubotz, 2017, pp.7-8).

Furthermore, 20 years of attitudinal data from the annual Northern Ireland Life and Times Survey suggests an “underlying ‘climate’ of approval for greater inter-community engagement and tolerance in Northern Ireland has gradually improved” (Morrow et al., 2013). The same report goes on to note that *“this does not however imply that significant events do not and cannot set relationships back, and sustainable progress remains vulnerable to immediate political events”* (Morrow et al., 2013), e.g. suspension of the institutions, public disputes such as the flag protests 2012/2013. More worryingly, back in 2013, the report noted that *“The early evidence of deterioration in the perception of community relationships between 2010 and 2012 suggests that progress depends on a plausible holistic commitment to building a shared society that requires attention and cannot be taken for granted”* (Morrow et al., 2013, p.1).

So what does this all mean for reconciliation? There has been a massive investment in people-to-people peace and reconciliation work in Northern Ireland. Much of this is assessed as having affected positive changes in attitude for those who participate in such programme (elsewhere others have referred to this as the ‘personal transformation model’ see Hamber & Gallagher, 2014). However, it remains unknown the degree to which these programmes have a wider social impact especially in a context where social, residential and education division remains.

We have also found that work on community relations and reconciliation initiatives often runs parallel to political developments. Many of those we have researched or interviewed have spoken of the need to continue this work despite political setbacks. But what we know from the data is that external political factors (signing of Agreements or when the political institutions collapse) clearly influence public attitudes both positively and negatively. This suggests that creating a conducive and functioning political context is key to maintaining and enhancing attitudinal change.

An additional concern for those we have interviewed, and also in the public T:BUC Forum we participated in as part of this research, was the decrease of funding and support to people-to-people work over time. **“...there has been a steady and deepening decline in the funding available for good relations, peace building and reconciliation work. The economies of both**

Ireland and NI have experienced significant declines as a result of the economic crash and the effects are still being felt most acutely in socially disadvantaged urban areas and isolated rural communities. Unemployment levels in both urban and rural areas have risen sharply and there has been an ongoing decline and erosion of social supports for disadvantaged communities, particularly impacting young people at risk: rural areas on both sides of the border have also suffered with ongoing emigration among young people.” (IFI, 2015, p.14)

In the Northern Ireland Council for Voluntary Action (NICVA)’s 2016 Sector Forecast Survey a high proportion of respondents working in the community and voluntary sector (66.3%) expected the economic condition of sector to worsen in 2016. This is linked to unprecedented cuts that the sector has experienced, particularly in terms of government investment. Interestingly, a significant proportion of respondents (38.6%) stated that the Northern Ireland Assembly had a negative impact on the voluntary and community sector in the last 12 months (and increase of negativity over 10% from the 2012 survey).¹²⁰

At the T:BUC Forum of June 2017, new concerns were also expressed, namely that (at the time of writing) the Assembly remained suspended and budgets had not been agreed for community work resulting in potential redundancies. Overall, these findings are fairly concerning, in that local governance through the Assembly is not perceived by the majority of those working in the sector as being positive for their work. New political crises are further hampering this. This trend is evident within the public too where it is noted, drawing on the Northern Ireland Life and Times survey data that: ‘As the lifetime of post-agreement devolution has lengthened, public perceptions of the assembly’s achievements over that time have become more jaundiced’ (Wilson, 2016, p.12).

In conclusion, despite decades of community-based reconciliation work, and the positive impact of this, it would be challenging to argue that reconciliation (or community relations more broadly) as has been a joined-up community and political level in Northern Ireland. Given the significant investments made in these areas, it can be concluded that full return of this investment is not being realised largely due to a lack of political leadership and attempts to provide a holistic approach to reconciliation through a more concerted politically-driven and shared governmental approach.

¹²⁰ The proportion of respondents that stated the impact has remained positive decreased by a small margin (2.5 percentage points) is just under 20%.

Political Reconciliation

How reconciliation as a concept fits into the landscape of Northern Ireland politics is a complex and multifaceted issue. In this short paper we cannot do justice to the full historical role of the term, and therefore restrict our focus to a specific set of observations, research and arguments pertinent to the last number of years of the peace process.

In summary, reconciliation as a political ideal (albeit undefined and contested) has been ever-present within the political process, despite many people's objection to it as an achievable or even desirable goal. Most interestingly reconciliation – despite many politicians' uncomfortable relationship to the concept, serious political impasses and that it is seldom if ever used by unionist politicians in particular – has never fallen off the political map.

In the last decade of the peace process it has manifested in a complicated set of ways. This is embodied in the gap between the rhetoric of the T:BUC Strategy, first published in 2013, and what its actions can realistically deliver (as noted earlier). Routinely our research has found there has been poor leadership displayed in terms of grasping the nettle of reconciliation. As the peace process has moved further and further from the original 1998 Agreement, what has become apparent is that the term reconciliation has become intertwined with divergent views of the future.

In the last 10 years, at a public and political level, reconciliation has continued to appear in public discourse in association with a range of high profile events. On some levels the mere establishment of the power-sharing arrangement represents some form of reconciliation between the major political parties, even if the term is seldom used in this way. For example, when the power-sharing arrangements were re-established in 2007 (following the St Andrews Agreement in October 2006), First Minister Ian Paisley (leader of the Unionist Democratic Unionist Party) and deputy First Minister Martin McGuinness (of the republican party, Sinn Féin) were routinely referred to as the 'Chuckle Brothers' due to the images of them laughing together and the easy and rapport they often appeared to enjoy.

Needless to say, this sea-change in how republicans and unionists publicly engaged and collaborated with each other angered some who felt the time was not right for rapprochement. Although the relationship between McGuinness and the subsequent leader of the DUP (following Paisley's retirement from political life) was more strained, even during that term (2008 to January 2016) they shared numerous platforms (for example in the US on inward investment missions), albeit they were more business-like in nature, demonstrating a consistent change in

tone and a willingness to work with former political enemies for common goals.

A number of more high profile events over the years (listed selectively below) have also been more directly linked to reconciliation:

- 2010 June: David Cameron's apology¹²¹ for British Army killings on Bloody Sunday in 1972 (Burns, 2010, the New York times noting "this was an act of reconciliation to be listed alongside Hirohito at Arlington, F. W. de Klerk at Nelson Mandela's presidential inauguration and other penitents through the ages");
- 2012 June: The Queen and Martin McGuinness shake hands and meet (The Associated Press, 2010, entitled "Queen Elizabeth II, ex-IRA chief Martin McGuinness shake hands in reconciliation landmark");
- 2014 April: Martin McGuinness attends the Irish State President Higgins' state dinner at Windsor Castle, as well as a reception with various senior Sinn Féin members (Connolly, 2014, article entitled "Irish melodies herald era of reconciliation at Windsor");
- 2014 June: The Queen and Martin McGuinness meet again at a former prison where he was held (Philipson, 2014, McGuinness is quoted as saying "*The vast bulk of our people appreciate the effort Queen Elizabeth is making to peace and the reconciliation process*" and later that year in her Christmas Day message the Queen spoke of the "*benefits of reconciliation*" and her visit to the Crumlin Road Gaol in Belfast as an example of "*a place of hope and fresh purpose*"); and
- 2015 May: Prince Charles and Gerry Adams shake hands and meet (The Guardian, 2015, entitled "The Guardian view on the Gerry Adams handshake: a brave act of reconciliation").¹²²

¹²¹ Noting in the House of Commons "But the conclusions of this report are absolutely clear. There is no doubt. There is nothing equivocal. There are no ambiguities. What happened on Bloody Sunday was both unjustified and unjustifiable. It was wrong."

¹²² Interestingly our interviewees had divergent views on the impact of public symbolic acts of reconciliation. Some felt they were very important to bring people along with the peace process and more were needed. Others saw them as 'phony' and papering over cracks.

From May 2015, (ironically after the launch of the T:BUC Strategy which has a substantial focus on reconciliation), it was clear that relationships between the two largest parties (the DUP and Sinn Féin) and partners in the power-sharing government, were significantly strained. With the retirement of Peter Robinson of the DUP and his replacement by Arlene Foster, new working relationships needed to be formed. Further changes within the leadership of Sinn Féin and the subsequent death of Martin McGuinness have added to these tensions. This has not precluded ongoing community work on reconciliation and also work on T:BUC itself,¹²³ but it would be hard to sustain an argument, that even basic co-operation, let alone a deeper process of reconciliation, is currently taking place at a political level.

Behind the current political impasse (at the time of drafting this report) there are numerous political difference, political power plays, accusations and aspirations which are beyond the scope of this report. Interestingly, we would contend that these are tied to the issue of reconciliation in so far as it is, as a concept, linked to what the end game of the peace process actually is, something which has become more acute as time has progressed since 1998.

There is a fundamental difference between the two main political blocs (nationalist/republican and unionist/loyalist) about the political future for Northern Ireland. Northern Ireland is an ‘agreement’ between parties and not a ‘settlement’. The 1998 Agreement does not settle the constitutional issue of where Northern Ireland belongs (as part of the United Kingdom or the Republic of Ireland) but rather sets up a local government structure which, broadly speaking, one section of the population sees as a process or step towards a united Ireland, and another as the cementing of the Union. As has been observed: *“Unionists saw Northern Ireland’s legitimacy as founded on its constitutional status as part of the United Kingdom and in the Agreement they were given reason to believe that this formal constitutional position was on surer footing than ever. The principle of consent – that the status of Northern Ireland should depend on the consent of the greater number of its citizens alone – was accepted by the Social Democratic and Labour Party (SDLP), by the Irish government which removed its constitutional claim on the North, and implicitly by Sinn Féin. Accordingly, pro-Agreement unionists advocated the accord as a permanent settlement to the Northern Ireland conflict. Nationalists, by contrast, appealed to an institutional standard of legitimacy concerned with the quality of governance and were successful in attaining a range of measures aimed at ensuring that the governing institutions of Northern Ireland could secure their consent”* (Mitchell, 2009, pp.324-325).

To this end the deal itself, drawing on Henry Kissinger’s notion, is often described as a form of

¹²³ See <https://www.executiveoffice-ni.gov.uk/articles/together-building-united-community> for update reports.

constructive ambiguity (Arthur, 2000; Aughey, 2002; Dingley, 2005; Mitchell, 2009; Ruane & Todd, 2001). The political realities and the so-called ambiguity of this deal, and the interpretation of it, are beyond the present scope but for this report the ambiguity within the agreement is key as it links back to why different parties are engaging in the so-called ‘peace process’. In this context terms such as ‘a shared society’ or a ‘reconciled’ society have different meanings.

The more recent use of the term ‘reconciliation’ by Sinn Féin in its political discourse reflects some of the contestation that exists between those who have different political aspirations for the long-term constitutional arrangement for Northern Ireland. This is worth exploring in more detail as it demonstrates where and how reconciliation is contested within Northern Ireland politics.

An October 2012 statement from Declan Kearney, Chairperson of Sinn Féin, outlined the party’s vision for reconciliation (Kearney, 2012). It is a complicated statement containing many facets but key components include an analysis that the ‘next phase’ of the conflict is one of reconciliation and there is a need to *“addresses the trans-generational division and hurt created by the civil war and our political conflicts ever since”*. The statement specifically notes the importance of *“being prepared to move outside our own comfort zones, and being prepared to embrace new thinking”* which he notes that republicanism is ready to do.

He observes that unionists appear to be less willing to reach out or address *“acts of omission and commission”* and that the British Government is unwilling to deal with the past. The statement calls for an independent, international truth commission to address ‘unanswered questions’. Thereafter the statement includes what it calls ‘an enabling programme’, e.g. implementation of outstanding agreements; committing to various capital spend projects, withdrawal of the British Secretary of State, the transfer of reserved powers to the Executive, and the setting of a date for a Border Poll.

The statement notes that reconciliation is the responsibility of all and calls for a *“critical mass and momentum is needed to build grassroots community support for reconciliation otherwise it remains theoretical and abstract”*. It ends with a call for friendship. *“Our ambition is to achieve reconciliation in our time and the beginning of an era in which we all as Republican, unionist, Irish and British citizens can become friends with one another: a time when our children learn to play and grow up together; and in which, to paraphrase Bobby Sands, the future can echo with their laughter”* (Kearney, 2012).

It is fairly clear that some of the high-profile reconciliation events subsequent to this document (such as meetings with the British Royal family) flowed from this policy shift in the position of Sinn Féin towards the British establishment. The policy was also tied to a programme called

‘Uncomfortable Conversations’ which encouraged republicans, through a range of structured events and think-pieces, to face some of their own fears and “*to address the genuine fears and concerns of Unionists in a meaningful way*”.

This culminated in the launch of Towards an Agreed and Reconciled Future: Sinn Féin Policy on Reconciliation and Healing in March 2016 which was (seemingly) timed to coincide with the 100th anniversary of the Easter Rising (the failed armed insurrection by republicans to end British rule on the Island of Ireland in 1916). This marked a milestone in the next phase of the conflict for republicans, which viewed reconciliation as a step on the way towards their consistent commitment towards a united Ireland. The Sinn Féin document outlines a definition of reconciliation. *‘Reconciliation is both a goal, something to achieve; and a process, a means to achieve that goal. It is the public space within which we can collectively engage with the key challenges of truth, justice, and acknowledgement within the context of building for the future. For the purposes of this policy we focus on the construction of reconciliation as a process: a process that is open and which seeks to position the possibility of reconciliation outside the thrust of daily politics’* (Sinn Féin, 2016).

The document talks of multiple ways of building reconciliation. The various programmes and actions are too many to replicate here but include, for example, acknowledging the grief and loss of all victims; continued engagements with families bereaved or seriously physically injured including those injured by or through republicans actions; comprehensively dealing with the issue of legacy through the full implementation of legacy mechanisms outlined in the Stormont House Agreement (noting a gender sensitive approach is important); and acknowledgement of the hurt and injustices caused by and to each other; promoting public policy to incentivise sharing, promote integration and deliver efficient public service; to equality and good relations proof all major policy decisions; and respond positively to shared commemoration invitations where ‘our presence’ will contribute to reconciliation and healing outcomes.

Overall, what is interesting about this document is that reconciliation as a strategy, is interwoven with various governmental commitments around the Stormont House and the Fresh Start Agreements, as well as the various structures and processes (e.g. Commission on Flags, Identity, Culture and Tradition). In reviewing the various statements and approaches to reconciliation over the years from Sinn Féin, it is clear that reconciliation is at the heart of their political strategy and approach to the wider peace process. Conceptually this creates both opportunities and threats for any prospect for reconciliation as a term to be used at a broader political level, encompassing with nationalist and unionist perspectives.

Needless to say, the Sinn Féin approach to reconciliation has received much criticism from opposing political parties. Much of this has been targeted at whether the strategy is simply a cynical approach to achieving their political objectives, and devoid of any genuine attempts to acknowledge and address the hurt perpetrated by the IRA. Commentator Alex Kane, writing in the Newsletter (a more unionist orientated daily newspaper) acknowledges Sinn Féin’s approach is “neither a ruse nor a trick” but: *“...it is a key element of Sinn Féin’s ongoing journey towards a united Ireland. As the document says, ‘Reconciliation is both a goal, something to achieve; and a process, a means to achieve that goal’. That goal is Irish unity and Sinn Féin’s understanding of reconciliation is a process for preparing unionists for unity. In other words, unionists should embrace Sinn Féin’s concept of reconciliation because it makes it easier to deliver a reconciled, united Ireland, ‘which genuinely cherishes all her children equally’”* (Kane, 2016).

Routinely, the DUP have questioned how all-encompassing the Sinn Féin vision for reconciliation is. For example, Trevor Clarke, a DUP councilor in Coleraine, was quoted as saying: *“How about we stop discussing ‘narratives’ as suggested by Mr Kearney and deal with facts. Terrorists caused 90% of deaths during their campaign of sectarian slaughter here. That’s not a narrative, that’s a fact. And whilst Sinn Féin continue to eulogise and therefore legitimise terrorists and their actions, there cannot be reconciliation with the victims of their atrocities...give me democracy and the ballot box over the Armalite every day – it’s just a shame others pursued both at the same time”* (Newsletter, 2017).

Mike Nesbitt former leader of the Ulster Unionist Party (the smaller of the two Unionist parties), also reflected:

“The irony of Sinn Féin using the launch of a paper on reconciliation to give unionism a poke in the eye appears lost on them. We have consistently identified a need to reach a common understanding of what reconciliation means. Sinn Féin clearly see it as a journey. But in defining the journey’s end as something unionism can never support – a united Ireland – their idea of reconciliation is fatally flawed” (Newsletter, 2016).

The interesting issue is that when a concept such as reconciliation enters the political realm it cannot escape the debate as to how genuine the rhetoric is, irrespective of their wider political strategies and ambitions. One could argue that, irrespective of how the authenticity of the approach is understood, once the language achieves wider usage within the political landscape, it already has an effect on how people feel about one another and further opportunities to make an impact on strained or broken relationships open up.

Arguably, the relationship between Martin McGuinness and Ian Paisley is one such example where their interactions, at least for a time, began to reshape the political landscape. The clear relationship breakdown between political parties in the current 2017 impasse, although fueled by real issues such as accusations of wrong doing in relation to Renewal Heat Incentive Scheme by the First Minister (for more details on this see The Guardian, 2016), and agreements about the status of the Irish language within public and political bodies, among others, also reflect a fundamental breakdown in trust between individuals.

The problem in deeply divided societies with ethno-national divisions is that politics often boil down to the zero sum, i.e. if Sinn Féin is advocating reconciliation then, if I am from a different party, it must be opposed. This limits the horizon on what is possible or what can be shared across parties. Routinely in our research work over the years, as well as the interviews carried out for this report, two factors emerge.

Firstly, many, including some of our interviewees and those at the T:BUC Forum remain wary of any one political party ‘owning’ the concept of reconciliation (albeit that Sinn Féin have indicated that “reconciliation is not the property or responsibility of any single political party or community”) (Kearney, 2012).

Secondly, there is a constant accusation that there has been a lack of political leadership on reconciliation. Our research has indicated that this is less about the high-profile events which serve as ‘acts of reconciliation’, but that the partisan political goals of the two main communities (nationalist/republican and unionist/loyalist) routinely trump the wider social issues of creating a more shared, equitable and prosperous society.

At a political level there is tension between reconciliation as understood as a socially (and individually) transformative process or merely an unavoidable consequence of having to accept uncomfortable compromise with political opponents to ensure non-repetition of the violent phase of the conflict.

If there is one lesson to emerge from the contested notion of reconciliation at the political level in Northern Ireland it is that great strides have been made in many areas (such as the public displays of reconciliation) despite political differences. The term reconciliation has not gone away, despite its detractors. This might implicitly suggest that, even connecting with ‘the other’ with mutual respect cannot be ignored. The question remains as to how this can be owned across the political landscape and driven forward at a cross-party leadership level. Our research has

unequivocally found a desire for the political classes of all hues and traditions to jointly map out and commit to the road of travel.

The Way Forward

This report has covered a wide range of issues. In this final section of the report we will outline five key issues that have routinely come up in our work on reconciliation in Northern Ireland, and were reaffirmed in the primary research that informed this report. We think of these as areas for further reflection and for consideration in future work in progressing reconciliation in the region.

A WORKING DEFINITION OF RECONCILIATION

We have found that the working definition that we proposed over ten years ago still has traction within civil society, and some elements of government in Northern Ireland. As the T:BUC document has gained momentum we have found an ongoing interest to hear, once again, about our work in outlining the key strands necessary to address reconciliation following violent conflict. At The Northern Ireland Executive Offices’ Together: Building a United Community Strategy (T:BUC) Forum held on 15 June 2017 with some 180 community delegates, the definition was presented and well-received by the overwhelming majority of participants. We have also found that using the definition as a diagnostic tool for reconciliation is equally well received.

Generally, and simplistically, if we diagnose the process of rebuilding fractured relationships in Northern Ireland using our five strands, we observe that in terms of ‘building a common vision for the future’, Northern Ireland politicians have struggled to articulate this in a unified way; ‘acknowledging and dealing with the past’ has not been addressed in a structured or holistic manner; there has been significant investment in ‘building relationships’ and ‘changing attitudes’ with varying degrees of success; and finally levels of ‘socio-economic inequalities’ have narrowed in Northern Ireland and technically this should provide some bedrock to work from moving forward. This type of approach to understanding the dynamics of reconciliation, even if somewhat simplistic, was consistently welcomed in interviews and at the T:BUC Forum.

To this end, we have learned that if reconciliation is operationalised in practical ways it gains support. That said, we also need to guard against the concept becoming aspirational, as some interviewees noted. As noted previously, our research has routinely showed that, contrary to the

idea that reconciliation might be rejected as a ‘soft’ term, actually many intuitively understand the implicit ‘hard’ challenges it brings in a deeply divided society. We can choose to shy away from these challenges, or find new ways to work with the term and make it practical.

POLITICAL LEADERSHIP

A recurring theme of this report, and other research undertaken is the perceived lack of political vision and leadership around the issue of inter-communal division in Northern Ireland (Kelly, 2012b) and more importantly communal approaches to reconciliation. Although some new vision, in fact fairly far-reaching, is evident in the T:BUC Strategy, the actions outlined to achieve this vision are considered inadequate by many of those we spoke with. There is an ongoing concern that terms such as ‘good relations’ and ‘shared’ represent a minimalist approach to social change, and few of the strategies adopted by government to date seek to alter the underlying social division en masse.

A clear message from our qualitative interviews and the literature review is that more a more robust set of government policies is required to break down social, residential and educational segregation and actively promote integration. Zero-sum politics still dominate, making politicians unlikely to adopt policies as sensible as they might be, proposed by other parties. There are ongoing concerns for example that Sinn Féin now ‘own’ reconciliation and it is associated with their political agenda. But equally there are no attempts by others to try to redefine the term, or engage with ‘the other’ to see if new common approaches to reconciliation can be developed.

In short, and to quote Duncan Morrow, reconciliation involves, among other task “recalibrating ethno-national goals towards accommodation” (Morrow, 2016, p.43). To do this requires genuine and visionary leadership. Engaging with a concept such as reconciliation is also risky, as we noted, it often has unpredictable consequences both positive and negative, but (calculated) risk-taking is itself often the hallmark a true leader.

LINKING THE COMMUNITY AND POLITICAL

There is no doubt, as this report has shown, there is a massive store of knowledge, skills and practice at the community level when it comes to peacebuilding and reconciliation in Northern Ireland. As was noted earlier, despite decades of community-based reconciliation work, and the

positive impact of this, it would be difficult to convincingly argue that reconciliation (or community relations more broadly) has been a joined up at the community and political level in Northern Ireland.

Of course, separating out reconciliation from “real-world decisions that respond to concrete challenges associated with addressing armed conflict, and which derive from fear, anger, resentment and discrimination” (Morrow, 2016, p.39) is impossible. But equally we cannot build positive reconciliation work on the ground if it is continually undermined by the lack of social policies to alter issues of segregation and the insidious nature of sectarianism, as well as embedding a rights culture. There is clear evidence that the political context in Northern Ireland has a knock-on effect on how different communities perceive one another.

To this end, policies for social change that challenge division, and leadership that crosses political boundaries or is aimed at the greater good, are an integral part of local and community-based reconciliation work having the potential for scalable impact. An enabling political environment needs to be created for the full impact of community-based work to have an effect. There is an urgent concern that funds to support community work are being limited, and that at a political level such work is not being prioritised. Equally, more focus needs to be given to articulating what works and why in terms of both attitudinal and behavioural change.

LINKING GOOD RELATIONS, RECONCILIATION AND DEALING WITH THE PAST

In this research and over the years we have routinely been told that dealing with the past remains an urgent priority on the reconciliation landscape. Although significant progress was made to propose a set of dealing with the past measures in relation to the Stormont House Agreement, the process now appears to be stalled. Three recommendations flow from this research.

Firstly, urgent attention needs to be given to the issue of dealing with the past, and society can no longer afford for the issue to continually be stalled. That unresolved issues from the past continue to hamper the building of the present is a message we have routinely heard. This is not, however, an easy component of the reconciliation agenda to deal with as it “requires a reckoning with power and violence in the past” (Morrow, 2016, p44).

Secondly, and drawing on previous research, the link between good relations, reconciliation and dealing with the past needs to be more clearly articulated (Kelly, 2012b). To quote the report “*For*

too long ‘dealing with the past’ has been treated as a separate, often mechanistic, process involving special structures, actions, objectives and constituencies, disengaged from the wider good relations and reconciliation objectives in Northern Ireland. What is required is a clear articulation of the connections, commonalities and intersections between dealing with the past and broader reconciliation processes at individual, community, political and societal levels” (Kelly, 2012b, pp.9-10). In other words, just as political processes cannot be hived off from relationship-building and reconciliation work, nor can dealing with the past.

Finally, we need to ask the question: why deal with the past? In the Consultative Group of the Past report reviewed earlier they proposed a series of reasons why for example truth was key to reconciliation. This approach did not receive much traction, perhaps because it is difficult to prove some of the statement made by the group – however, the anodyne use of the term in subsequent documents (such as the Stormont House Agreement) is also not helpful. In short, a clearer sense of what reconciliation means when used in political and policy documents needs to be more consistently articulated. The dealing with the past debate will only move forward when the argument as to why it is useful is won.

ARTICULATING COMPLEXITY IN RELATIONSHIPS

In reviewing what has been produced for this report, it is startling to see how most of the work today, and discourses around discussions on the topic of reconciliation, continually revert back to main social fault-lines (that is between the Catholic and Protestant communities). This is of course a hallmark of ethno-national conflicts but if reconciliation as a concept is to make any headway some of the narrowing that flows from ethno-national conflict needs to be challenged. A more nuanced analysis of the conflict, its impact and what needs to be done has to be developed.

We discussed in this report the issue of how the lack of a gendered analysis of the conflict narrows how we see harm, who partakes in reconciliation and peacebuilding work and why, and how different issues such as class intersect with peacebuilding practice. Equally, when one reads policy documents in Northern Ireland focusing on ‘good relations’ an enormous amount of confusion is apparent about how this relates to new migrant communities, or other sectors in society such as the LGBT community.

At the T:BUC Forum participants reminded us, for example, that reconciliation and community relations are words seldom applied to thinking about an ageing population. One of the interviewees stressed the importance of thinking about middle class communities and how they fit into any reconciliation agenda. Ongoing issue such as poor mental health, drug-dependency, suicide, youth violence and other concerns in deprived areas also mentioned to us when we talk about the past and reconciliation. Fresh thinking is needed to address these core societal issues, and more work needs to be done on concepts such as reconciliation and peacebuilding that moves beyond the narrow confines of politically constrained understanding of the impact of conflict.

Conclusion

Although the range of innovative practice at a community level has been explored in this paper, the paper has focused substantially on policy approaches to reconciliation in Northern Ireland. This of course risks being overly state-centric and raises comparative questions as to the relevancy of this focus for fragile states with limited capacities. That said, the Northern Ireland case provides a sobering reminder that even in societies with (relatively speaking) significant financial and human resources, policy vision can outstrip practical implementation. In addition, policies that address the past and relationships between groups, as well as seeking to re-establish trust in the state, in deeply divided themselves are continually subject to the same fault lines that drive political and social division in that society.

To this end, political leadership in Northern Ireland has failed to fully champion a cross-community vision for a reconciled society (notwithstanding the slippery nature of such a notion in itself) opting for a more constrained vision, perhaps best captured by the term co-existence. Given the continual faltering of the peace process itself, and the new stressors such as Brexit and the questions it raises for the Irish Border and the peace process more broadly, it appears that this limited approach is inadequate. The inability to transform the underlying social and political divisions in society (whether in terms of education, social segregation or cultural manifestations of identity) and the ongoing reluctance to address the past in a holistic way, continually undermine progress.

In addition, although there has been significant work done at a community level (although often not directly referred to as reconciliation work but ‘community relations’ or ‘peacebuilding’), and a number of reconciliation-orientated policies have been put in place at the political level, these have often operated on different tracks. Government approaches have also been shown to be

piecemeal, not always supported across the political spectrum and disconnected, as well as not being fully embedded and mainstreamed across all government departments.

Clearly, as this paper has shown, coherence and intersection at the practice and policy levels in terms of reconciliation is needed in Northern Ireland. This is essential to capitalise on the massive investment in terms of community resource and direct financial investment in people-to-people peace and reconciliation work that has taken place in Northern Ireland.

As Northern Ireland faces continuing political crises and a seeming inability to reach a political agreement to re-establish the Northern Ireland Assembly not to mention new challenges for the island of Ireland associated with Brexit, we conclude that the establishment of a political vision for the future that transcends political differences and aspirations remains the biggest stumbling block to reconciliation in Northern Ireland, however we define it.

Interestingly, the further the society has moved from the Belfast Agreement of 1998 the more apparent the divergences in future aspirations have become and have led, at least in part, to the current political impasse. Moving society beyond this is not simply the work of peacebuilding practitioners, or skilled negotiators, nor can it be delivered by successful economic development in itself, it requires political leadership that will set the course for the next phase of the peace process that contains a compelling vision of better future.

To conclude, the words of Dr Raymond McClean writing about the impact of Bloody Sunday in 1972 10 years after the event, are worth quoting:

“...the massive problem of reconciliation between these people was yet to be tackled. It seemed to me that any attempt at progress would have to be directed in some way through the political process...I felt an accommodation could be reached at a local level. However, the role to be played by ‘the man in London’, by ‘the man in Belfast’, and by ‘the man in Dublin’, would be crucial to our future development and existence” (McClean, 1983, p.162).

Forgiving Dr McClean for his male-based language (although at the time female politicians would have been few and far between), it is sobering that in 2017 our assessment would lead us to the same conclusion. Despite all the positive community work and generosity seen at a local level to reach out and breakdown division, it is our contention, that at this point in time reconciliation can only be forwarded through the political process.

In the final instance, our case study suggests that although significant progress has been made in terms of the Northern Ireland peace process more broadly, when it comes to transforming the underlying division in society much of the policy to date is tinkering around the edges of social change. This continues to undermine the peace process and community relations, as well as undermining the rebuilding of trust by some communities in the state. The disconnect between innovative community practice and the political process, and the failure to find agreement on how to collectively and constructively address the past, further stymies progress.

An all-inclusive approach to reconciliation driven by concerted politically-driven leadership and shared and mainstreamed governmental strategy (built on recognising the breadth and complexity of relationships) that ties directly into wide-ranging community intervention and dealing with the past processes is critical to further progress in Northern Ireland.

Appendix A: Working Definition of Reconciliation

A WORKING DEFINITION OF RECONCILIATION

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Our working hypothesis is that reconciliation is a necessary process following conflict. However, we believe it is a **voluntary act** and **cannot be imposed** (IDEA, 2003). It involves five interwoven and related strands:

Developing a shared vision of an interdependent and fair society

The articulation of a common vision of an interdependent, just equitable, open and diverse society. The development of a vision of a shared future requiring the involvement of the whole society, at all levels.

Acknowledging and dealing with the past

Acknowledging the hurt, losses, truths, and suffering of the past. Providing the mechanisms for justice, healing, restitution or reparation, and restoration (including apologies if necessary and steps aimed at redress.) Individuals and institutions acknowledge their own role in the conflicts of the past, accepting and learning from it in a constructive way so as to guarantee non-repetition.

Building positive relationships

Relationship building or renewal following violent conflict addressing issues of trust, prejudice, intolerance in this process resulting in accepting commonalities and differences, and embracing and engaging with those who are different to us.

Significant cultural and attitudinal change

Changes in how people relate to, and their attitudes towards, on another. The culture of suspicion, fear, mistrust and violence is broken down and opportunities and space opened up in which people can hear and be heard. A culture of respect for human rights and human difference is developed creating a context where each citizen becomes an active participant in society and feels a sense of belonging.

Substantial social, economic and political change

The social, economic and political structures which gave rise to the conflict and estrangement are identified, reconstructed are addressed, and transformed.

TWO OTHER FACTORS ARE CRITICALLY IMPORTANT, NAMELY:

Reconciliation involves a **PARADOX**, e.g. reconciliation promotes an encounter between the open expression of the painful past but at the same time seeks a long-term, interdependent future (see Lederach, 1997). Reconciliation as a concept is always influenced by an individual's underlying assumptions. There are different **IDEOLOGIES** of reconciliation, e.g. a religious ideology often emphasizes the re-discovering of a new conscience of individuals and society through moral reflection, repentance, confession and rebirth, but a human rights approach might see it as a process only achieved by regulating social interaction through the rule of law and preventing certain forms of violations of rights from happening again (see Hamber and van der Merwe, 1998; van der Merwe, 1999; Hamber, 2002).

Working definition by Brandon Hamber (✉ b.hamber@ulster.ac.uk) and Gráinne Kelly (✉ g.kelly@ulster.ac.uk). First published in Hamber, B., & Kelly, G. (2005). A Place for Reconciliation? Conflict and Locality in Northern Ireland (Report No. 18). Belfast, Northern Ireland: Democratic Dialogue.

Working definition developed and adapted from: IDEA, 2003; Lederach, 1997; Porter, 2003; ADM/CPA, 2000; Rigby, 2001; Hamber, 2002; Hamber and van der Merwe, 1998; van der Merwe, 1999; Assefa 2001



Democratic Republic of the Congo: Case Study

By Claude Iguma Wakenge¹²⁴



A TIMELINE OF SIGNIFICANT EVENTS

DRC PEACE AND RECONCILIATION PROCESS

Date	Event
1996-1997	First Congo War. Following the genocide of the Tutsi in Rwanda, the Rwanda government decide to take action against the security threat represented by <i>génocidaires</i> who had sought refuge in Zaire. Rwandan and Ugandan armies backing the Alliance of Democratic Forces for the Liberation of Congo-Zaire – an anti-Mobutu rebel group led by Laurent-Désiré Kabila – invade the Congo. Mobutu’s government is overthrown by Kabila and the country is re-named the Democratic Republic of Congo.
1998-2003	Second Congo War. In an attempt to gain legitimacy and out of fear that Rwanda and Uganda would annex the mineral-rich Eastern DRC, Kabila orders both countries to leave Congo. In reaction, rebels of the RCD and MLC backed by Rwanda and Uganda rise up against Kabila’s forces supported by neighbouring countries.
1999 July	Lusaka Ceasefire Agreement signed between the seven countries involved in the ‘Africa’s World War’ (Angola, Uganda, Rwanda, the DRC, Zimbabwe, Namibia, Zambia) and later on MLC and RCD rebel groups.
2001 Jan.	President Laurent Kabila is assassinated by a bodyguard. Joseph Kabila succeeds his father.

¹²⁴ Claude Iguma Wakenge, Researcher at the Réseaux d’Innovation Organisationnelle (RIO), Bukavu, DRC

Date	Event
2002 Feb.- Apr.	Sun City Agreement – A power-sharing deal is signed between the government of Kinshasa and Ugandan-backed MLC rebels, but Rwandan-backed RDC rebels reject the deal.
2002 Jul.	Pretoria Accord between DRC and Rwanda, under which Rwanda will withdraw troops from the east and DRC will disarm and arrest Rwandan Hutu gunmen blamed for the genocide of the Tutsi minority in 1994.
2002 Sep.	Luanda Agreement , which puts an official end to the war. Uganda and Rwanda state that they have withdrawn most of their forces from the east. By the time the war ended, it had caused the deaths of 3.3 million people, the largest civilian death toll of any war since War War II, along with 40,000 rapes and the displacement of 3.4 million people within the DRC as well as in neighbouring countries.
2002 Dec.	Global and Inclusive Agreement on Transition in the Democratic Republic of Congo . Under the deal, rebels and opposition members are given portfolios in an interim government for a transitional period of 24 months. Five institutions are to be set up to support democracy during the transition: the Independent Electoral Commission; the High Authority of the Media; the Truth and Reconciliation Commission; the Human Rights National Observatory; and the Commission on Ethics and Fight Against Corruption.
2003 Jul.	DRC Transitional Government President Kabila names a transitional government with Leaders of main former rebel groups as vice-presidents. The interim parliament is inaugurated.
2003 Jul.	The Truth and Reconciliation Commission (TRC) is set up to investigate and promote national unity as a response to the atrocities committed during the Congo wars.

Date	Event
2004 May	Colonel Mutebusi and General Laurent Nkunda capture the city of Bukavu , turning it into a battleground.
2006 Jul.	First Free Elections in Four Decades Are Held . Joseph Kabila is declared winner despite clashes in capital city.
2006 Dec.	Forces of renegade General Laurent Nkunda and the UN-backed army clash in North Kivu province, prompting some 50,000 people to flee.
2007	The TRC's mandate ends . It failed to meet many of its objectives. Issues included the selection and criteria for membership of commissioners, its long mandate from the colonial period to the time of its inception, the politicization of the commission and former warring parties' fear to face truth and justice.
2008 Jan.	Goma Conference . A peace deal is signed between the government and 22 armed groups, including Nkunda's rebels.
2008 Oct.	Nkunda's rebel forces capture the major army base of Rumangabo .
2009 May	Kabila approves law giving amnesty to armed groups as part of deal meant to end fighting in eastern DRC.
2010 Jan.	Amani Leo . The Congolese army (FARDC) launches the military operation 'Amani Leo' (peace now) to fight rebel groups in Eastern Congo.
2011 Feb.	Court sentences Lt-Col Kibibi Mutware to 20 years in jail in a mass rape case in eastern Congo. This is the first conviction of a commanding officer for rape in eastern DR Congo.

Date	Event
2011 Nov.	Presidential and parliamentary elections. Kabila gains another term. The vote is criticised abroad and the opposition disputes the result.
2012 Jul.	Warlord Thomas Lubanga becomes first person convicted by the International Criminal Court. He is sentenced to 14 years in jail for using child soldiers in his rebel army in 2002 and 2003.
2013 Dec.	M23 rebel group signs peace deal with government after army captures last of strongholds in the East.
2016 Dec.	Postponement of the elections. A political deal signed between President Kabila's ruling coalition and the opposition to delay the presidential election until 2018 sees Prime Minister Augustin Matata Ponyo and his cabinet resign, paving the way for a new cabinet to include opposition figures.
2017 Dec.	Political crisis over further delays in presidential election. DRC experiences a 'mega crisis', with conflict having forced 1.7 million people to flee their homes during the year, aid agencies say. DRC is the worst-affected by conflict displacement in the world.

Introduction

This study is about the search for reconciliation¹²⁵ in eastern Democratic Republic of the Congo (DRC). It focuses specifically on the province of South Kivu, and on the experience of the organizations Actions for Peace and Endogenous Development (ADEPAE) and the Network of Organizational Innovation (RIO). These reconciliation efforts are centred on conflicts related to seasonal migration in the territories of Fizi and Uvira.¹²⁶

In the territories of Fizi and Uvira, seasonal migration is the movement of cattle breeders searching for pasture during the dry season. Although it became permanent in 2014, seasonal migration used to occur during the period of May to September each year. Previously, it involved the Banyamulenge breeders of the highlands of Minembwe, and the Babembe breeders on the shores of Lake Tanganyika. Nowadays, it involves the Banyamulenge and the Barundi on the one hand, and the Babembe, the Bafuliiru and Bavira on the other.

Initially considered a conflict over access to land for agriculture and livestock, conflict related to seasonal migration has come to be regarded as a conflict of identity and power between the Banyamulenge and the Babembe on one side, and between the Barundi and Bafuliiru on the other.

Why has a conflict related to seasonal migration been chosen to assess the search for reconciliation in eastern DRC?

The relevance of this conflict is evident at three levels:

- It has broken the social cohesion between communities who have moved from simply disputing the access, management and control of land for agriculture or livestock, to violence with material damage and loss of human lives, resulting in the displacement of people internally and outside the country;

¹²⁵ For Interpeace, reconciliation is an inclusive mechanism for addressing underlying patterns of exclusion, as well as preventing the recurrence of violence. The working definition of reconciliation that has been chosen for this research is: the building or rebuilding of relationships that have been damaged by violent conflicts, not only between individuals and groups within the society (horizontal reconciliation), but also between people and their institutions (vertical reconciliation).

¹²⁶ Seasonal migration is a seasonal movement of cattle breeders and livestock (usually cows), in search of pastures. In the territories of Fizi and Uvira, herds of cattle generally leave the high plateaus (areas of origin) toward the areas of pasture located in the shoreline parts of Lake Tanganyika (target areas).

- This conflict has affected relations between the people and the State. Because the state failed to provide security, each community has formed ethnically-based militias to protect them against the threat that each community felt from each other. This situation has further disconnected the people and the State;
- The seasonal migration conflict in these two territories has had a regional (cross-border) dimension because each community sought out support and allies in neighbouring countries. In fact, the Banyamulenge and the Barundi have allies in Rwanda and Burundi, as well as in the political sphere of the Congo and throughout the world. Similarly, the Babembe, the Bafuliiru and Bavira are connected in Tanzania, in the political sphere in the DRC, and across the world.

In this study on processes of reconciliation, public institutions (the State and its services) were not successful in promoting reconciliation and social cohesion through the establishment of formal and national structures such as the Truth and Reconciliation Commission, and the national programme of disarmament, demobilization and reintegration. Instead, local initiatives to further reconciliation have been more effective in encouraging rehabilitation and coexistence between communities, as well as restoring the authority of the State in the eyes of the people following the conflict related to seasonal migration.

Methodology

This qualitative study was conducted in April 2017. It combined desk review, focus groups, discussions with communities affected by the conflict, and individual interviews with policy makers, civil society representatives involved in the process of reconciliation, and opinion makers.

The desk review consisted of a literature review on the dynamics of the conflict, and the innovative search for reconciliation in South Kivu. Field research was conducted from 27 March to 24 April 2017 at Minembwe and Baraka (for the territory of Fizi), and Uvira-Centre, Bweyera and Lemera (for the territory of Uvira), as well as in Bukavu. In total, 52 people, including 15 women and 37 men, were interviewed individually or in a group. These 52 people were selected according to their involvement in the conflicts related to seasonal migration, or their role in the reconciliation process conducted by the RIO and ADEPAE, who were at the time, under the

financial and technical support of the Life and Peace Institute¹²⁷(LPI).

This report is structured around five points. The first section introduces the key issues addressed by the study and describes the methodology used. The second section offers a historical perspective of the conflict in the DRC, especially in the East and in relation to seasonal migration. The third section presents the actors and initiatives engaged in reconciliation efforts around seasonal migration. It highlights the main results, the level of involvement of women and the challenges to reconciliation. The fourth section highlights the lessons learned. The fifth and last section concludes the study by providing a number of guidelines on how to successfully achieve reconciliation.

A brief history of conflict in the DRC

Since the early 1990s, the Democratic Republic of Congo (previously Zaire) has been the theatre of many conflicts which have particularly affected the eastern part of the country.¹²⁸

Following the 1994 genocide in Rwanda, Rwanda and Uganda invaded Eastern DRC in 1996 in an effort to dismantle the remaining perpetrators of the genocide. The coalition formed by the Rwandan and Ugandan armies, as well as the Congolese opposition leader Laurent-Désiré Kabila, captured Kinshasa and defeated the Congolese president Mobutu. This conflict – often referred to as the First Congo War – brought to power Laurent-Désiré Kabila in May 1997. Zaire was renamed the Democratic Republic of Congo. But the relations with Rwanda and Uganda quickly deteriorated after Kabila realized that he was seen by the Congolese as an instrument of the foreign forces. In 1998, in an attempt to gain legitimacy and popular support and out of fear that Rwanda and Uganda would annex the mineral-rich Eastern part of DRC, he ordered both countries to leave Congo.

The Second Congo War, which took a wider regional dimension and is also known as Africa's World War, started in 1998 when rebels of the Congolese Rally for Democracy (RCD) and the

¹²⁷ A Swedish NGO based in Eastern DRC since 2002.

¹²⁸ Vircoulon, T. (February 2009), *Reforming peace-making in the Democratic Republic of the Congo. When the peace processes become systems of international action*, Notes of the IFRI, sub-Saharan Africa programme, Paris.

Movement for the Liberation of Congo (MLC) backed by Rwanda and Uganda, rose up against Kabila, took control of much of Eastern Congo and advanced on Kinshasa. The Congolese government received the military support of Zimbabwe, Namibia, Angola, Chad and Sudan to stop them.

A first ceasefire accord was signed in Lusaka in 1999 between the six countries involved in the conflict. This was followed by a series of accords, including the April 2002 Sun City Agreement, the ensuing July 2002 Pretoria Accord between Rwanda and Congo, as well as the Luanda Agreement between Uganda and Congo, which put an official end to the war. The Transitional Government of the DRC took power in July 2003.

However, the main rebel movements continued to operate in North Kivu, South Kivu, the Orientale Province and Equateur. The years 2007-2013 saw the rise in power of armed rebellions such as the CNDP, the M23 and many others (Judith and Wakenge, 2015; Stearns, 2013).

This war caused the death of 3.3 million people, 40,000 rapes have been registered and 3.4 million people were displaced within DRC as well as in neighbouring countries.

These conflicts have particularly affected the Eastern provinces. It started with the violence between the Baluba of Kasai and those of the Katanga in 1992, and also includes the clashes between the Congolese of Rwandan or Burundian expression and other ethnic groups in North Kivu and South Kivu in 1998. Since then, these two provinces have experienced growing insecurity marked on the one hand by the ethnic conflicts between the Hutu and the Hunde (North Kivu), and on the other hand, by the violations of human rights committed by members of the Zairian Armed Forces during the military operations referred to as Mbata¹²⁹ (North Kivu), 'scorched earth' (South Kivu), which culminated in the birth of the Mai-Mai militias.¹³⁰ In October 1996, the first Congo war broke out in the territory of Uvira, South Kivu. It flared up across the entire country and ended with the taking of Kinshasa on 17 May 1997.

¹²⁹ This word in the Lingala language means 'whip'.

¹³⁰ Name given to local Congolese militias. Read about this Emmanuel Mugisho Lubala (2000). The emergence of a resistant phenomenon in South Kivu (1996-2000), in the Great Lakes region of Africa, Yearbook 1999-2000, L'Harmattan, Paris, pp.188-223

PEACEBUILDING ATTEMPTS AT THE NATIONAL LEVEL

At the national level, the conflicts in the DRC have experienced several reconciliation processes. These have been put in place by the public authorities – supported by the international community – and involved rounds of negotiations between the warring parties, or forums similar to a 'National Conference'. The first sovereign national conference was held between August 1991 and December 1992. The next great peace-making moment was the Inter-Congolese of Sun City dialogue which took place from February to December 2002. This dialogue led to a power sharing agreement between belligerents during the transition period (2003-2006), and to the creation of the Truth and Reconciliation Commission established on 30 July 2004. The mission of this Commission was to restore the truth, and promote peace, justice, compensation, forgiveness and reconciliation in order to consolidate national unity.

However, until its dissolution in 2007, the TRC was regarded by the public as having failed in its mission. It did not address fundamental issues, in particular truth-seeking, the recording of victims' complaints, victims' compensation and trauma healing, investigating the massacres, reviewing requests for amnesty, and organizing ceremonies of forgiveness. Rather, the TRC focused its efforts on the civic promotion of reconciliation, the management of inter-ethnic conflict and civic education.¹³¹ In addition, the non-compliance by former belligerents in power, and the tense social and security context in the DRC, did not enable the TRC to operate normally. As recurrent conflicts were not resolved, new violence erupted in the east, mainly in North and South Kivu.

The other key moment in the peacebuilding and reconciliation process at the national level, and particularly in the eastern part of the country, was the Goma conference on peace, security and development in eastern DRC, held in January 2008. The conference resulted in a series of commitments by the protagonists, including an immediate ceasefire, the disarmament and reintegration of rebels into civilian life, the facilitation of the return for refugees and IDPs, and the establishment of a buffer zone controlled by the UN forces. A national DDR programme – the Amani Programme – was launched in order to secure, stabilize and rebuild the provinces of North Kivu and South Kivu. However, new armed groups emerged, and the country saw the resurgence of the CNDP and the M23 militia groups.

¹³¹ See P. Ngoma-Binda and MuandaVuidi, « *Transitional justice in DR Congo. The experience Commission for Truth and Reconciliation* » in Congo Africa, Kinshasa, n°416, pp433-454, June-July-August 2007.

Realizing that the military option had failed, the Congolese government decided to negotiate with the CNDP and M23. Yet despite these negotiations and successive peace agreements, the Kivus continue to be plagued by the presence of multiple armed groups which heighten inter-communal conflict.

This long history of recurring conflicts and succession of peace agreements supported by the international community has led to a mixed appreciation of the international community's role in the eyes of the Congolese people.

PEACEBUILDING ACTORS AND THE SEARCH FOR RECONCILIATION

The people of North and South Kivu have faced various types of conflicts in recent years that have given rise to violence of different kinds.

Even though conflicts tend to be classified under different themes (land-related, policy, identity, institutional, geopolitical, commercial) for the purpose of clarity, they are actually interlinked. This interlinking of the sources of conflict in North and South Kivu also explains the existence of a multitude of actors engaged in peacebuilding efforts, ranging from local peasantry to mining multinationals, and armed groups, the army and the political and administrative authorities.

With regards to the reconciliation efforts supported by civil society organizations, the research team has identified at least seven peacebuilding practices, namely, participatory action research, awareness-raising, popularization of laws, lobbying and advocacy, mediation, permanent dialogue, and the transformation of the context that leads to conflict. These practices are not exhaustive. They are sometimes inter-connected and their results on the ground deserve a thorough review.

Understanding seasonal migration as a source of conflict

Seasonal migration is a farming system based on the seasonal movement of herds from one region to the other in search of pastures. Seasonal migration is of interest for this study because it has created 'hubs of conflict' in the territories of Fizi and Uvira (South Kivu). Because seasonal migration has a communal and sub-regional dimension, the lessons learned by different stakeholders in their reconciliation efforts can contribute to, and enrich, reconciliation practices for the wider Great Lakes region.

THE CONFLICT HUBS

In many respects, seasonal migration is a source of conflict due to strained coexistence between breeders and farmers.¹³² In the territories of Fizi and Uvira, seasonal migration is held annually between May and mid-September. It involves groups of breeders, including the Banyamulenge.¹³³ The Banyamulenge are in search of pastures near villages populated by the Babembe people, namely Milimba, Kilicha (Sector of Lulenge, Fizi territory) and in the community of Ngandja (toward Nemba and Sebele in Fizi territory). Seasonal migration also takes place in the territory of Uvira (Plain of the Ruzizi River as well as in the middle and the high plateaus of Uvira).

Conflicts related to seasonal migration arise because of their effects and their mode of management. On the one hand, the cows of the Banyamulenge and the Barundi¹³⁴ devastate farmers' fields, largely in the communities of Bembe (in Fizi territory) and Bafuliiru (in the Uvira territory).

On the other hand, the farmers hurt (and sometimes kill) cows with machetes – thus fueling tensions between breeders and farmers. These incidents arise from the fact that the areas located for grazing, cultivation and water points are not demarcated.

The way seasonal migration is managed also contributes to triggering local violence. Economic benefits are linked to seasonal migration for local traditional chiefs (Babembe and Bafuliiru) and armed groups (Mai-Mai). Traditional chiefs derive a customary fee from migration, although it is often shunned by the ranchers. The militias have also introduced a complex system of ransoms in the areas they control. These armed groups require from the breeders a royalty in cash and in kind, ranging between 10 and 100 dollars per herd of 20 to 100 cows. As Banyamulenge breeders grew frustrated at this tax, they organized themselves into an armed militia, referred to as the 'Twigwaneho'¹³⁵ as of 2010.

¹³² For more details, read also ADEPAE, Arch of Alliance and RIO, 2012; LPI, 2013.

¹³³ The Banyamulenge are Congolese who speak Rwandese.

¹³⁴ The Barundi are Congolese who originate from Burundi. Read on this subject Bosco MUCHUKIWA, *Local powers and popular contestations in the territory of Uvira*, Doctoral Thesis, Anvers, 2004.

¹³⁵ Term of the Kinyarwanda language meaning 'let us defend ourselves'.

Other factors amplify conflicts around seasonal migration: firstly, the increased size of cattle and the recurring drought in areas of departure for migration has made grazing in those pastures more difficult; and secondly, there is an absence of clear and agreed mechanisms of compensation for the harm caused by livestock.¹³⁶ In some grazing areas (as in the Kilembwe axis), the non-payment of the customary royalty (itulo) by breeders continues to escalate tensions between communities, as well as between militias.

THE HORIZONTAL DIMENSION OF CONFLICT

Those conflicts related to seasonal migration have ruined the social cohesion between different communities in the territories of Fizi and Uvira as breeders want to protect their livestock and farmers their land. This inherent tension becomes integrated into the identity of communities. It is also the basis of alliances between communities. For example, the Babembe and Bafuliuru believe that they must ‘protect’ their lands, while the Banyamulenge and the Barundi both need access to land to graze their livestock. The way this protectionist sentiment translates into the communities’ identity as reflected in their comments: “We the Babembe, identity yetu ni bulongo, na Banyamulenge, yabo ni Ng’ombe”¹³⁷ (we the Babembe, our identity is the earth and that of Banyamulenge, is the cow). And as another Babembe saying goes: “If we asked a Mubembe (singular of Babembe) to choose between a piece of land and a truck of dollars, he would choose the piece of land.”¹³⁸

This identity dimension takes an ethnic dimension that contributes to increasing tensions. Livestock are usually associated with their owners – the Barundi and the Banyamulenge, who are considered as non-native by the farmers’ communities. This tension between so-called native and non-native affects the identity of livestock and contributes to making the cattle’s migration a source of inter-community conflict.

¹³⁶ Interview with farmers of Malinde (Fizi) and of Lubondja, April 2017. Interview with an actor of the civil society, Baraka, April 2017.

¹³⁷ Interview with an actor of the civil society, Baraka, April 2017.

¹³⁸ Interview with Mateso Milingita, Chief of the Balala group South/Fizi, in April 2017.

THE VERTICAL DIMENSION OF CONFLICT

Conflicts related to seasonal migration have also weakened the authority of the State, leading to a disconnect with citizens and a lack of confidence in the government. The weak state authority forms part of the justification for the formation of militias, which take on the ethnic character of the community they represent, and claim to compensate for the failure of the State.

In addition, the conflicts are amplified by the inefficiency of State services (including the Local agriculture, fishing and livestock inspectorate (ITAPEL), in the management of pastures and the control of livestock movements. As armed groups who control the area have prevented the inspectorate from accessing the territories, vertical relationships between the people and state institutions have been undermined.

Reconciliation efforts addressing conflicts related to seasonal migration

This section sheds light on civil society stakeholders, the public and traditional authorities, as well as international actors who have participated in the process of reconciliation. The table below depicts the initiatives and practices of reconciliation developed by these actors at the local level, between 2007 and 2016.

In light of this table, a number of findings emerge. The organizations mentioned above have conducted various initiatives, and intervened at varying periods on the question of seasonal migration. Although some have acted in synergy, or in collaboration with the local structures already in place (for example the Framework of Intercommunity Dialogue (CCI), a lack of coordination can be observed in several initiatives.

Seasonal migration has become a ‘sexy theme’ for different peacebuilding organizations. Assessing the success of reconciliation processes has also rarely been the subject of a concerted assessment between these organizations. This has prevented these organizations from drawing important lessons on their impact in the short, medium and long term.

Finally, although some organizations have received the support of political actors at the provincial level, there is a conspicuous lack of support and connection to reconciliation initiatives created by the political bodies at the national level. In short, the practices developed locally have remained purely local, largely brought about by local actors themselves without the involvement of the State.

**TABLE REPRESENTING ACTORS AND INITIATIVES INVOLVED
IN RECONCILIATION EFFORTS IN RELATION TO SEASONAL
MIGRATION CONFLICTS**

Actors/organisations	Initiatives/projects	Practices of reconciliation
RIO and ADEPAE	<p>a) Participatory Action Research on inter-communal conflicts in Fizi and Uvira (2007-2010)</p> <p>b) Establishment of local structures (4 BCC (Bukavu, Uvira, Baraka and Minembwe), 3 Committees of the Negotiators (Uvira, Baraka and Minembwe) and 18 mixed rancher-farmer committees)</p> <p>c) Synergy with the authorities and other stakeholders (provincial government of South Kivu, MONUSCO, the FARDC, ITAPEL, Peace Direct and the Foundation Cirezi) on conflicts related to seasonal migration, and on the disengagement of Congolese armed groups</p>	<p>a) The Organization of the inter-community dialogue “DIC” (2010)</p> <p>b) Agreement on seasonal migration between ranchers, farmers and traditional chiefs (2010-2011)</p> <p>c) Involvement of relocated actors (living outside of the territories of Fizi and Uvira) as opinion makers</p> <p>d) Delimitation of areas for pasture and cultures</p> <p>e) Placement of signs for agricultural areas and breeding areas</p> <p>f) Project of treaty on the seasonal migration (ongoing)</p> <p>g) Sensitization of communities to the disengagement of armed groups</p>
CCAP, SEDI, CADAL	<p>a) Close support of the actors involved in seasonal migration</p> <p>b) Training and documentation on subjects including human rights; civic education; education, peace and democracy</p> <p>c) Project for bringing communities together: Community fields, school and health</p>	<p>a) Preparatory study for the identification of potentialities and barriers related to seasonal migration</p> <p>b) Mediation, support for survivors of HIV Aids, fight against illiteracy, mentoring of victims of sexual violence</p>

Actors/organisations

Initiatives/projects

Practices of reconciliation

State and traditional chiefs

- a) Support to the activities of RIO and ADEPAE
- b) Participation in awareness sessions for farmers for a relaxed seasonal migration (for example at Nyangi in Fizi territory in 2016)

- a) Acts of recognition by the State of local structures, participation in the DIC, and mediating meetings between pastoralists and farmers
- b) Endorsement of agreements on seasonal migration
- c) Accompanying the committees of negotiators in the Congolese armed groups' demobilisation process

Internationals

MONUSCO: meetings on seasonal migration and the demobilization of the GAC (invitation of two IAB of Fizi and Uvira) (2014 and April 2017)

Involvement in the surrender of 128 militiamen with 20 firearms in Baraka, Minembwe and Uvira

LPI (2007-2015)

Building the capacity of ADEPAE and Rio in terms of technical and financial support

See the work of ADEPAE and RIO

CORDAID (2014-2015)

Supporting ADEPAE in the zoning of areas of pasture and cultivation in the Ruzizi plain

Placement of signs for tracks where cattle can pass

IFA (2013)

Support of Rio in the popularization of agreements on seasonal migration

Support to the organization mediating between the parties in conflict

ZOA (2014)

Support to mediation efforts in conflicts between pastoralists and farmers in Uvira

Support to the organization of mediation sessions between the conflict parties. Establishment of four committees of development supported by the CCI/Uvira

Main results

Despite the persistence of conflicts related to seasonal migration in the territories of Fizi and Uvira, the initiatives and practices of reconciliation undertaken by different actors have had four major results:

- Improved relationships between communities
- A growing awareness of the State's role
- The communities' increased access to land
- Increased role of women in peace-making efforts and political processes.

HORIZONTAL RECONCILIATION BETWEEN COMMUNITIES

The fact that the permanent mediation structures put in place (CCI and Committees of the Negotiators CN) were community-based has contributed to improving the relationships between communities, transforming the mono-ethnic local structures into a structure for inter-ethnic dialogue. The mixed character of these structures (CCI, CN and the joint committees of farmers-breeders) led to the progressive reconciliation between communities. The conflict resolution efforts conducted by these structures have resulted in a net decrease in inter-community conflicts related to seasonal migration.¹³⁹ The local people have increasingly relied on these structures for mediation and resorted to violence less. Another significant achievement has been the signature and implementation of written agreements between the committees of breeders and farmers on seasonal migration under the aegis of the RIO and ADEPAE, supported by LPI. In the absence of state regulation, these agreements have filled a legal vacuum regarding the controversial seasonal migration practices.

¹³⁹ In 2013, 1451 conflicts were identified of which 457 were mediated. In 2014, 845 conflicts were mediated among the 1246 identified. In 2015, 446 conflicts were mediated on the 764 identified. Report of the RAP programme, December 2014.

VERTICAL RECONCILIATION BETWEEN PEOPLE AND STATE INSTITUTIONS

A second series of results stems from the positive impact of vertical reconciliation practices with citizens now much more aware of the role of the State as the main regulator of social life.

In an area where armed groups have run the show for several years, ITAPEL services, for example, are now involved in establishing signs to clearly identify the trails to be used by livestock. This demonstrates increased state participation in the solutions to local conflicts initiated by community-based mediation structures. According to the Deputy Administrator of the Territory,¹⁴⁰ the people have recommenced payment of taxes to public authorities rather than to the militias.

In addition, the community-based structures have become the preferred intermediaries for other stakeholders, including the provincial government, MONUSCO, members of provincial and national assemblies, and other NGOs. For instance, members of the provincial government, the Territorial Administrators of Fizi and Uvira, and MONUSCO, engaged the CNs in the disarmament, demobilization and reintegration of rebels until the handing over of weapons by members of the armed groups.

IMPROVED ACCESS TO LAND

A relative improvement in peasant access to land has also been observed as a result of the reconciliation efforts. In 2015, the CCI in Uvira and the CNs mediated conflicts between farmers and mine owners. Due to these mediation initiatives, some mine owners, like Zurubabeli Mugozi and Diallo Lungwe in Biriba and in the Ruzizi Plain, have accepted to grant plots of land to peasant farmers. Increased role of women.

The reconciliation practices have changed the positioning and roles of women in society. Because women were actively involved in the conflicts both as people connected to armed groups, and as actors alongside farmers and herders, RIO and ADEPAE have involved them in reconciliation efforts related to seasonal migration. This involvement of women is important given the traditional context and constraints facing women. Women are marginalized and subjected to violence. They cannot sit alongside men or participate in decision-making forums and structures.

¹⁴⁰ ITAPEL, interview at Baraka on 15 April 2017

The current practices around conflicts related to seasonal migration have brought about notable advancements in the way women are perceived. Firstly, women were nominated by their respective communities as actors in various permanent structures for mediation and conflict management. In the Fizi and Uvira Territories, women make up 17% of the members of these structures,¹⁴¹ thus contributing to the structures' legitimacy as inclusive frameworks for dispute settlement. Because some of those women had close ties with armed groups, the negotiating committees (CNs) engaged in negotiations with militias had to give an increased role to women in the mediation process in order to achieve good results in convincing combatants to demobilize.¹⁴²

Between 2013 and 2015, women formed 32%¹⁴³ of the people who participated in the activities organized by the structures set up by ADEPAE and RIO, with the support of LPI. In short, women played the roles of negotiators in the CNs, mediators in the CCI and facilitators of mediations.¹⁴⁴ Women also conducted advocacy activities in Uvira and Baraka with regards to security. This advocacy led to the elimination of 21 out of 36 illegally erected barriers on the Baraka-Misisi route.¹⁴⁵

Through their work in and with the CCIs, some women have risen to decision-making positions, including the current Uvira city chief (Jeanne-d'Arc Chakupewa), formerly a member of CCI / Uvira. Another woman, Mrs. Ange Kyega Wa Kyega, then a member of CCI / Bukavu, became director of the Cabinet at the Provincial Ministry of Planning in South Kivu. Some forty women from the Uvira-Fizi route and the CCI in Bukavu have also held senior positions in conflict management structures, notably as Chairperson of the CM (in Lubumba / Fizi), Vice-Moderator (CCI / Uvira), Secretary (CCI-Bukavu) and advisers (CCI Minembwe / Fizi). In short, based on the skills displayed by women in local reconciliation structures, men have increasingly recognized that women are capable of occupying decision-making positions formerly reserved for men.

¹⁴¹ Of the 269 members of the local structures, 47 were women.

¹⁴² In Minembwe, however, some spouses refused to allow women to become CNs.

¹⁴³ Of the 8598 people involved, 2781 were women.

¹⁴⁴ In Uvira and Baraka, for example, it was difficult to meet the militia Bede RUSAGARA without the facilitation of some women members of the CCI and CN

¹⁴⁵ Final report on community capacity building in conflict management and peace building in eastern DRC, ADEPAE and RIO 2016

BUILDING RESILIENCE TO CONFLICTS RELATED TO SEASONAL MIGRATION: KEY FACTORS

In the Fizi and Uvira territories, resilience to conflicts related to seasonal migration was fostered by three factors: concern for the protection of the ethnic group, protection of the land and the difficult conditions experienced by ethnic groups in places of refuge or travel. To these main factors that contributed to resilience, we must add survival instinct, community social skills, self-integration capacity and willingness for dialogue as elements to capitalize on for the reconciliation process.

In the two territories of South Kivu, the resilience of communities is evident in three main positive developments:

- There has been a marked decrease in the flow of refugees and other internal displacements of local communities.
- There is relative tolerance between the conflicting parties.
- Despite the damage sometimes suffered by farmers and breeders, the persistence of breeders alongside farmers in seasonal migration zones can also be seen as an indicator of resilience. By meeting regularly, the two groups get to know each other better.

These various resilience factors have resulted in other initiatives by the communities of South Kivu to put in place positive and negative mechanisms of resilience:

In order to cope with the fragility caused by conflicts related to seasonal migration, the communities have set up religious activities¹⁴⁶ (religious beliefs), restructured in terms of mutualisation¹⁴⁷ (self-care capacity), created and constructed schools (community property) where children from different communities in conflict can study, and initiated local defence activities to patrol at

¹⁴⁶ Prayer sessions, intercessional and deliverance services, evangelistic and repentance campaigns, etc.

¹⁴⁷ People have come together in agricultural cooperatives, micro credit cooperatives, annuity funds, so-called "With" associations where women / men form rotating mutual assistance funds, community fields, fishing and sport teams.

night in order to reduce local insecurities that the government is unable to control (capacity of self-regulation of safe life).

Also, in order to survive in conflict, the different communities have set up identity-based¹⁴⁸ and profession-related¹⁴⁹ militias. Other so-called local, mono-ethnic and / or inter-ethnic youth groups have also been set up to challenge the government institutions which have been unable to play their governing role (self-organization capacity of communities). For example, the rastas and the territorial committee of the youth maintain the roads by taking road taxes from the motorists.

CHALLENGES TO RECONCILIATION

Whilst progress has been made in terms of living together and promoting gender equality the process of reconciliation between communities in conflicts related to seasonal migration has not been without problems. This section seeks to highlight the challenges to reconciliation for a lasting peace.

1. Lack of a shared understanding of reconciliation between peace actors and the people

Despite the existence of a number of relatively successful initiatives and various practices in place, reconciliation still faces a number of challenges.

The first challenge is the lack of a shared definition and understanding of reconciliation. Reconciliation is not understood in the same way between different peace actors on the one hand, and between peace actors and the communities on the other hand. For some communities it is understood as a compensation for their prejudice while for others, reconciliation means prosecuting perpetrators for the harm done. In contrast, for peace workers (ADEPAE and RIO) and for their international donors, reconciliation means tolerating one another and living together. These different understandings of reconciliation means that various people have different expectations and therefore different assessment of the reconciliation process.

¹⁴⁸ The existing militia groups are those of Babembe (Yakutumba for example), Banyamulenge (Gumino for example) and Bafuliru (Kilolo and Fujo).

¹⁴⁹ Each farmer and breeder has (from two trade groups) a protective militia.

2. Limitations to current practices

The second challenge is related to current practices. During the reconciliation process, negotiators had to deal with pressure exerted by community members and/or peace actors. For example, CCI facilitators seemed to put some pressure on members of their communities so that conflicting parties would make concessions. This practice of social pressure has instead produced some cases of unsatisfied parties within the communities themselves. In addition, the reconciliation practices (i.e., negotiation and mediation) used by some leaders of local structures tended to negatively influence their neutrality in the CCI and the NCs.

It should be noted that the practices used have failed to put an end to prejudices, value judgements and stereotypes. This is seen in the case of the superiority complex developed by breeders towards farmers, and in the feeling of the Bafuliiru and Babembe farmers of their numerical superiority and their advantage of being ‘natives’ vis-a-vis the Banyamulenge and the Barundi: the breeders consider themselves more economically affluent, with more resources than farmers, while the demographic minority of Banyamulenge and Barundi are seen as those who will never ‘dominate’, at least politically.

Finally, the practices have produced some unexpected effects. Some of the leaders of the local structures took advantage of the legitimacy conferred onto them by the communities to use these structures as stepping stones for their political positioning.¹⁵⁰

3. There is a lack of leadership/ownership of reconciliation efforts

The lack of ownership over reconciliation practices by the conflicting parties, by the government¹⁵¹ and by members of the permanent structures is another major challenge. In general, there are no mechanisms for empowering local structures and enabling them to manage

¹⁵⁰ One of the striking cases is, for example, Amango Boazi, who was then the moderator of the CCI / Baraka, who subsequently became the provincial minister of finance for South Kivu.

¹⁵¹ In other experiences (such as that of IFDP in Mumosho), the government itself becomes an obstacle to reconciliation. For example, according to an IFDP official interviewed in Bukavu, members of the Congolese National Police in Mumosho have insufficient knowledge of the activities of IFDP because they deprive them of sources of income.

themselves and pay for their own rent, travels, operating costs, etc.¹⁵² These structures rely heavily on external funding. In some cases, this funding has even triggered conflicts between the facilitators of the structures (CCI / Baraka and Uvira).¹⁵³

In addition, the government has failed to build upon the dynamics of reconciliation. For example, following the agreement signed between the committees of breeders and farmers, the authorities only gave their verbal commitment instead of enacting a provincial edict to permanently regulate seasonal migration. When it comes to providing legal support to victims, when people die during seasonal migrations, the State seems completely absent and does not conduct any investigations. This lack of ownership by the government over agreements regulating seasonal migration means that breeders tend to continue relying on armed groups for their protection, and farmers on other groups for their claims.

4. Sustainability of reconciliation gains

The economic dependence of community-based mediation structures vis-à-vis ADEPAE and RIO, has had a negative impact on the sustainability of the practices put in place.¹⁵⁴ In fact, the activities of existing structures are collapsing due to the lack of financial resources. This problem is aggravated by the absence of State mechanisms for monitoring the actions of organizations who work for the transformation of conflict.

¹⁵² Except in Kilicha where the members of the Joint Farmers-Breeders Committee have built their own office and in Minembwe where the CCI has a plot.

¹⁵³ These conflicts also occurred in APC's Dialogue and Mediation Frameworks in Kalehe.

¹⁵⁴ However, other experiences reveal that such structures can survive despite the lack of donors. This is the example of the CDM in Kalehe.

Lessons learned

PUBLIC AUTHORITIES MUST FULLY COMMIT TO SUSTAINABLE PEACE

At the national level, the Transitional Government supported the establishment of the TRC in accordance with the Global and Inclusive Agreement (signed in Pretoria on 17 December 2002). However, the mere existence of the legal and institutional framework of the TRC did not demonstrate a genuine state willingness to restore national cohesion jeopardised by conflicts. Concrete signs were expected from the state, such as symbolic gestures of public apology, the fight against impunity, and a real interest for the victims of serious crimes.

However, the TRC did not meet its objectives. At the end of its mandate, it was accused of having radically ignored the truth and focused (non-systematically) on the 'additional' aspect of civic promotion of reconciliation, the management of inter-ethnic conflicts and civic education.

Locally, reconciliation dynamics initiated by ADEPAE and RIO organizations face the same challenge. The implementation of the community pacts that have been signed between the breeders and farmers committees inevitably required the involvement of public authorities at different levels for them to be sustainable. At the provincial level, it required the involvement of members of the provincial government and national institutions (the National Assembly and the Senate) in the inter-community dialogue activities organized in Bukavu in March 2010.

Seasonal migration, regulated by communities in conflict through agreements, has not yet been regulated rigorously by the government.

The same applies to the issue of armed groups, some of whose combatants have been demobilized through community outreach, and whose process of socio-economic reintegration has not been supported by the authorities and remains to this day one of the major challenges.

In short, NGOs involved in the inter-community peace process should focus on advocacy with the public authorities in order to curb the governance crisis.

INTER-COMMUNITY DIALOGUE MUST BE MAINTAINED FOR SOCIAL COHESION

The RIO and ADEPAE organizations have secured communities' support for the reconciliation process, so there has been a gradual reconciliation between members of different ethnic communities, formerly engaged in violent conflict. This steady abandonment of the culture of violence in favour of peaceful means of conflict management (mediation, conciliation and dialogue) shows that they have taken a major step forward. However, conflict actors remain dissatisfied because they want a form of local transitional justice in order to be able to conduct investigations, and to hear alleged perpetrators, victims and witnesses for mutual pardon, fair material or moral compensation, in order to lead to genuine reconciliation.

THE NEUTRALITY OF ORGANISATIONS CONDUCTING THE RECONCILIATION PROCESS IS CRITICAL

A positive attitude from those involved in reconciliation is essential to its success. Whilst compromise arrangements and agreements are important, mending the social fabric of the relationship is fundamental, as Biyoya put it.¹⁵⁵

In order to build lasting peace, the communities of Fizi and Uvira must tell each other the truth and forgive each other. To help in this process, the members of the local structures set up by ADEPAE and RIO should show impartiality and neutrality and refuse to bend to community and political pressure. These qualities should also characterize all members of inter-community structures responsible for carrying out daily dialogue and mediation.

The leaders of these NGOs could carry out a self-evaluation of facilitators from such structures to ensure these qualities and approach are present and at work.

¹⁵⁵ Biyoya Makutu Philippe, "African experiences of resort to the Truth and Reconciliation Commission. Lesson for the Democratic Republic of Congo", International Seminar on Managing Transition in the Democratic Republic of Congo, Kinshasa, 26-28 April 2004.

Conclusion: Guidelines for Successful Reconciliation

Based on the experiences of other organizations, of ADEPAE and RIO, and with regards to peacebuilding in general and reconciliation in particular, this section sets out some guidelines for successful reconciliation in eastern DRC.

It is crucial to start with a general observation. Any reconciliation process should begin with an in-depth focus on the actors of the conflict themselves to be successful. Substantial research should be undertaken to understand in depth the conflicts, the issues at hand, and the grievances and roles of the involved actors and their allies. In the context of conflicts related to seasonal migration between the Banyamulenge and Barundi breeders on the one hand, and the Babembe, Bafuliiru and Bavira farmers, on the other hand, seasonal migration was only the tip of the iceberg, and not the conflicting issue as such. Although access to land (pastures) and the damage suffered by the breeders was at the heart of these conflicts, their main issue was the question of identity.

Secondly, as Walker Wink (2005) explains, in order to achieve lasting peace, the process of reconciliation should integrate transitional justice for compensation, indemnification and sincere forgiveness. Whether it is the experience of the TRC at the national level, or the case of seasonal migration in the Fizi and Uvira Territories, the fact that truth, compensation, justice, indemnification and forgiveness have not been integrated as mechanisms of reconciliation, is the root cause of the current fragility of peace in this part of the DR Congo. These initiatives do not respond to the challenges posed by the fragility of the Congolese state in general.

The State should, therefore, be regarded as the main driving force for the regulation of the social and security aspects of citizens' lives. The State should establish its peace efforts locally through the experiences of the community-based structures put in place. The dysfunction of the judiciary, the absence or inefficiency of public services, and the failure of the State in several sectors, are all challenges that undermine the success of reconciliation in post-conflict states such as the DRC. It is therefore deceptive to imagine reconciliation can be successful in the context of a failing State whose collaboration and ownership of peace initiatives is lacking.

Finally, traditional reconciliation practices should be identified and taken into account. The "Community Barza", CCI and CN have evolved considerably in recent years – from mono-ethnic to inter-communal structures, and from male only to mixed memberships. Other peace actors should pay attention to these good practices in the design of future reconciliation processes.



South Africa: Case Study

By Piers Pigou¹⁵⁶



A TIMELINE OF SIGNIFICANT EVENTS

SOUTH AFRICA PEACE AND RECONCILIATION PROCESS

Date	Event
February 1990	<p>Nelson Mandela is freed after 27 years in jail</p> <p>On 2 February 1990, de Klerk lifted the ban on the African National Congress (ANC), the South African Communist Party (SACP) and the Pan Africanist Congress (PAC). On 11 February Mandela was released and soon after negotiations for a peaceful transition started.</p>
1991-1994	<p>Negotiations to end Apartheid started in October 1991 and lasted until 1994</p> <p>The Convention for a Democratic South Africa (CODESA), a multiracial forum set up by de Klerk and Mandela, began efforts to negotiate a new constitution, and a transition to a multiracial democracy with majority rule. De Klerk repeals remaining apartheid laws; international sanctions are lifted. Throughout the negotiation process the country experienced unprecedented levels of violence.</p>
27 April 1994	<p>Nelson Mandela becomes president</p> <p>The republic's first multiracial election was held. The ANC won an overwhelming victory, and Nelson Mandela became president on 10 May 1994.</p>

¹⁵⁶ Piers Pigou is Senior Consultant for Southern Africa at the International Crisis Group

Date	Event
1996	<p data-bbox="430 338 1383 384">New Constitution</p> <p data-bbox="430 443 1383 537">Following two years of work by the Constitutional Assembly and extensive public consultations, the new Constitution was adopted on 8 May 1996.</p>
1996-2002	<p data-bbox="430 590 1383 636">Truth and Reconciliation Commission</p> <p data-bbox="430 695 1383 1129">In 1996 the Truth and Reconciliation Commission chaired by Archbishop Desmond Tutu began hearings on human rights crimes committed by former government and liberation movements during apartheid era. The Truth and Reconciliation Commission report branded apartheid a crime against humanity and found the ANC accountable for human rights abuses. The commission's interim report presented to President Mandela in October 1998, was fully endorsed by the Government. The TRC lasted until 2002. All major protagonists (NP, IFP, ANC) to the conflict were found culpable of violations by the TRC.</p>
2006	<p data-bbox="430 1182 1383 1228">Monitoring body</p> <p data-bbox="430 1287 1383 1528">In 2006, after pressure from civil society, the government established a body within the Department of Justice to monitor the implementation of the TRC's recommendations – reparations and exhumations in particular. But until today the reparation process has been experiencing long delays and tensions between the victims and the government.</p>
2007-2010	<p data-bbox="430 1581 1383 1627">Special dispensation on political pardons</p> <p data-bbox="430 1686 1383 1929">In 2007, President Mbeki instituted a process to grant special pardons in addition to the amnesties granted by the TRC Amnesty Committee. This process stalled and remains stillborn, despite efforts by Mbeki's successors, Presidents Motlanthe and Zuma. A network of South African civil society organizations is challenging the special pardons process in domestic courts.</p>

Introduction

South Africa's transition from racist minority rule to a constitutional democracy was a powerful symbol of positive change in the post-Cold War environment of the late 20th Century. Nelson Mandela, whose own journey from prisoner to president, and larger than life personality set the tone for a reconciliation and transformation agenda, that was predicated on personal commitments, but an ill-defined agenda to deliver a better life for all. The international community bought into this love affair with Mandela, who image was repackaged from terrorist to peacemaker and reconciliation icon, a central component of South Africa's makeover from international pariah to rainbow nation. The international community's direct contribution to the reconciliation agenda, however, has been more hands off.

The negotiation process was accompanied by unprecedented levels of violence; more people died between 1990 and 1994 due to political violence than in the previous 30 years combined.¹⁵⁷ The negotiated settlement did, however, pull the warring parties back from the precipice, into a power-sharing government ostensibly committed to a reconstruction and development agenda intended to roll back endemic poverty and inequality and vague commitments to deal with the legacies of past human rights violations.

THE RECONCILIATION'S FOCUS ON RACIAL DISCRIMINATION FAILED TO ADDRESS SOCIAL AND ECONOMIC PATTERNS OF EXCLUSION

The primary faultlines of South Africa's conflict and the major challenges for its reconciliation agenda are often presented as racial. Given the history and experience of white minority rule and its repressive, discriminatory practices this is reasonable. There is a growing conviction, however, that the weakness of South Africa's reconciliation narrative is precisely because it is premised on racial faultlines as the primary challenge. Many contest this assertion, pointing instead to class conflict that nevertheless manifests primarily through a racial lens, but that is underwritten by structural exclusion, both social and economic.

¹⁵⁷ Over 14,000 were killed during this period, as supporters of the ANC and its internal supporters clashed with the security forces and rivals in the Inkatha Freedom Party. Although violence from this period dominated the testimonies presented to the Truth and Reconciliation Commission's (TRCs) Human Rights Violations Committee, the extent to which violence was utilised to strengthen and weaken respective negotiating positions during this period is moot and remains largely unexamined. Averting a detailed introspection into respective culpabilities appears to be part of the unwritten deal, but the violence itself provided a constant reminder to those negotiating what the alternatives were to settlement. Interview, 30 May 2017.

23 years since South Africa's first democratic elections and 21 years after the adoption of its much-lauded ground-breaking liberal constitution, the vision set out by Mandela is visibly fraying; the promise of a broad based transformation is now fundamentally challenged by the inadequacies of an economic and development model unable to generate adequate policies and growth to underwrite a more profound change, both socially as well as economically beyond the enrichment of a nationalist elite and the embourgeoisement of a small but growing middle class. The result is a growing gap between the rich and a sea of poverty with few prospects of advancement.

Whilst economic growth can provide the engine and opportunities for transformation and restructuring, this is not an automatic outcome. Between 1993 and 2012 the South African economy grew on average by 3,3 per cent per annum. This is invariably presented as relatively successful in terms of comparative domestic experience and the international economic context. Albeit gradual, this had a transformative import, reflected in significant GDP per capita growth and a 93 per cent increase in the disposable income of South African households. But it did not reconfigure the structural distortions of the economy that had entrenched exclusion of the largely black majority.

At the same time, economic growth was accompanied by a decline in labour intensive sectoral activity (i.e in the mining, manufacturing and agricultural sectors). As a result, the economy is unable to absorb a burgeoning workforce as part of a broader strategy to tackle structural inequities.¹⁵⁸ This is evident from the limited impact of economic transformation and empowerment policies. These core challenges have compounded as economic growth slowed significantly since the 2008 economic crisis, even slipping temporarily into recession in 2016-17.

In this mix, entrenched continuities of privilege mean white South Africans have benefited enormously, and retain disproportionate levels of wealth, and by extension corresponding economic influence. Yet at the same time, a narrative of alienation, victims of discrimination has taken root. These challenges further obstruct efforts to building a non-racist, non-sexist society, integral to a more fundamental transformation of South African society and the elusive goals of reconciliation.

¹⁵⁸ "South African Economy: An overview of key trends since 1994", Industrial Development Corporation, December 2013.

THE MOST UNEQUAL SOCIETY ON THE PLANET

During this period, and notwithstanding progress toward transformation, including an array of progressive policy commitments and developments, a reorientation of and exponential growth in state expenditure, and the development and re-orientation of state institutions, South Africa has officially slipped to becoming the most unequal society on the planet.¹⁵⁹ Almost a quarter century after the birth of the new South Africa, the harsh realities of poverty and inequality are biting hard and the politics of privilege and exclusion are understandably and quite correctly taking centre stage. Inequality and endemic poverty remain the primary barriers to a stable future, and have exposed the limitations of the reconciliation project and Mandela's personal imprimatur for a 'Rainbow Nation'. As too have the persistence of patriarchy and explosive levels of gender based violence, which were also excluded from the 'Rainbow' reconciliation narrative.

Such realities are most acutely felt amongst women and youth. Those below the age of 35 represent two thirds of a population of 54 million. Almost a fifth (18.5 per cent) are between 10 and 19, and almost a quarter (24 per cent) between 15 and 24. Although the news for South African youth is not all bad, major challenges remain such as high rates of unemployment and HIV infection. The latter is particularly egregious amongst young women. Almost 70 per cent of youth remain unemployed.¹⁶⁰

LACK OF A COMMON UNDERSTANDING OF RECONCILIATION BEYOND THE CONCEPT OF THE 'RAINBOW NATION'

Reconciliation remains an ill-defined concept in South Africa, with varying interpretations; from those who see it as the outcome of a cessation of hostilities, a ceasefire between protagonists and agreement to live within a constitutional framework that also allows for disagreement and a contested coexistence, to those who seek to proactively forge a reconfigured society, the development of a new South African identity, and the pursuit of a transformative agenda that addresses the distorted social, economic and political legacies of the past.

¹⁵⁹ This is according to both the Gini Coefficient Index (which measures wealth and income distribution) and the Palma Ratio (used to measure the UN's Human Development Index), South Africa is the most unequal society; "Inequality Index: Where are the world's most unequal countries?", The Guardian, 26 April 2017.

¹⁶⁰ <http://southafrica.unfpa.org/en/topics/young-people-1>

In the absence of any clear conceptual framework or program of action, a public image of reconciliation emerged of a one size fits all ‘Rainbowism’ forged by Mandela and supported by Archbishop Tutu from his position as chairman of the Truth Commission, the underlying and at times contradictory interpretations of reconciliation were effectively avoided. Instead, the reconciliation ‘debate’ was reduced to crude illustrations of multiracial hope, where support for national sports teams and the philanthropic gestures of wealthy (mainly white) South Africans reflected the potential of the nation’s joint aspirations. At the time, however, this was important and powerful symbolism that “served to transform violent hatred into a new imagination of unity.”¹⁶¹

This report reflects on reconciliation in South Africa through the lens of five interconnected strands that generally constitute a reconciliation process,¹⁶² i.e.: developing a shared vision of an independent and fair society; acknowledging and dealing with the past; building positive relations and functioning institutions; fostering cultural and altitudinal change; and enabling social, economic and political change.

1. Developing a shared vision of an independent and fair society

Negotiation, conflict and the commitment to transformation

South Africa’s negotiated settlement secured an inclusive political deal and a commitment to a constitutional democratic framework that remains shared by mainstream political formations and more broadly across most sections of society.¹⁶³ An unprecedented inclusive constitution making process, leveraged off the interim constitutional framework that itself had been negotiated through a Multi Party Negotiating Process from April 1993, which also established the conditions for a transitional executive ahead of 1994 elections.

This interim constitution provided an overarching temporary legal framework whilst a newly elected Constitutional Assembly presided over the constitution making process between 1994

¹⁶¹ Interview, 13 May 2017.

¹⁶² The study utilises a framework set out in “The Challenge of Reconciliation in Post-conflict Societies; Definitions, Problems and Proposals”, Brandon Hamber and Grainne Kelly, in I.O’Fynne & D. Russel (Eds.), *Power Sharing: New Challenges for Divided Societies* (2005), Pluto Press p.190.

¹⁶³ “20 years of the SA Constitution: People, Institutions and Rights”, SA Reconciliation Barometer, Special Briefing Paper, December 2016.

and October 1996. Over a million submissions were received in the framing of what is described as one of the most progressive and liberal constitutions in the world. The constitution’s preamble commits to a reconciliatory and transformation agenda rooted in human rights;¹⁶⁴ the unprecedented inclusion of social and economic rights, albeit tempered by provisions for ‘progressive realisation’;¹⁶⁵ reflected a commitment to building a new society. This was a commitment that incorporated varying interpretations of transformation from radical and revolutionary to a more staid and incremental approach.

The characterisation of South Africa’s peaceful transfer of power requires qualification. Although the initial settlement giving rise to the negotiation was premised on the notion of a ceasefire and cessation of hostilities between protagonists, the negotiation period was characterised by targeted and orchestrated internecine violence that shaped negotiating positions both by design and default.¹⁶⁶

There is widespread agreement that the negotiated settlement fundamentally shifted the political environment and discourse, delivering a representative democratic polity that has successfully convened five sets of national and municipal elections. A proportional representation model was adopted, which ensured a more inclusive and representative polity. This was a significant inclusion to incentivise minority groups invariably marginalised by ‘winner takes all’ electoral systems; two decades on, however, the system is increasingly criticised for promoting party loyalty at the expense of promoting accountability to ordinary voters.¹⁶⁷

¹⁶⁴ “We, the people of South Africa, Recognise the injustices of our past; Honour those who suffered for justice and freedom in our land; Respect those who have worked to build and develop our country; and Believe that South Africa belongs to all who live in it, united in our diversity. We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to – Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights; Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law; Improve the quality of life of all citizens and free the potential of each person; and Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations. May God protect our people” Preamble of the South African Constitution, 1996.

¹⁶⁵ These provisions allow for flexibility in the implementation, protection and promotion of these rights, and by extension varying interpretations on the state’s compliance with its obligations in this regard.

¹⁶⁶ “The Role of Political Violence in South Africa’s democratisation”, Community Agency for Social Enquiry, 2003.

¹⁶⁷ “SA’s proportional voting system has failed the masses”, <http://www.dispatchlive.co.za>, 14 September 2017.

The introduction of constitutional checks and balances has provided a broad array of options to promote transparency and accountability in government, as well as public participation, previously absent under the apartheid administration. This is framed in a Bill of Rights outlining civil and political, social and economic, cultural and linguistic rights that must be respected, protected, promoted and fulfilled.

There have been major shifts within and amongst the main protagonists of the pre-1994 conflict;

1. The African National Congress (ANC)

The African National Congress (ANC), banned as a terrorist formation between 1960 and 1990s has now been in office for over 23 years. Its journey from liberation movement to ruling party has had a mixed record on delivery. With burgeoning allegations of corruption, nepotism, mismanagement, and now ‘State Capture’, the ANC faces growing opposition from within its own ranks as well as a growing array of external forces. The ruling party’s alliance with the South African Communist Party and Congress of South African Trade Unions is in tatters, and friction within the party is deepening ahead of the December 2018 Elective Congress that will decide a new political leadership. Division and competition within the party has resulted in a series of internal political killings that have intensified in recent years, especially in the province of KwaZulu Natal.¹⁶⁸

Pointing at externally inspired agendas to subvert its revolutionary mission, the beleaguered ANC of President Jacob Zuma, has amplified its narrative of commitment to a radical social and economic transformation agenda, claiming its detractors are working in the interests of ‘white monopoly capital’, who are fundamentally opposed to transformation. This posturing around a radical narrative reflects an understanding that the ANC must respond to growing frustration amongst many marginalised South Africans.

These elements, many of whom have been long-time supporters of the ruling party are beginning to question the benefits of the ’94 settlement, point to the ANC’s failure to deliver, and have given life to the emergence of alternative political voices, such as the Economic

¹⁶⁸ “ANC ‘must take responsibility’ for political killings”, TimesLive, 20 September 2017

Freedom Fighters¹⁶⁹ that have successfully appropriated a more radical posture on dealing with poverty and inequality. An overwhelming majority in the ANC National Executive rejected the assertion that ‘white monopoly capital’ represented the enemy.¹⁷⁰ Nevertheless President Zuma continues to employ the term against his detractors, even within the now defunct Alliance.¹⁷¹ The ANC brand, although significantly tarnished, retains majority support. The party is nevertheless in a trajectory of decline and there is growing speculation that its support may fall below 50 per cent of the vote in the 2019 general election.¹⁷²

2. The National Party/the Democratic Alliance

The National Party, which ruled South Africa from 1948 and represented white minority interests during the negotiations joined Mandela’s government of national unity in May 1994, but withdrew in 1996 following the adoption of the new Constitution, returning to the terrain of adversarial politics. In 1997 it rebranded itself as the New National Party, but it had lost its rationale and was eventually disbanded in 2005. A number of its new post 1994 leadership were ironically absorbed into the ANC, although the bulk moved to the Democratic Party, known as the Democratic Alliance (DA) since 2000.

The DA has progressively become the main political home of most white and other minority South Africans. The party’s support has grown steadily, from under 2 per cent of the vote in 1994 to over 22 per cent in 2014. In 2016, it captured over 26 per cent in local elections, enabling it to form coalition administrations that ousted the ANC from three major metropolises.

¹⁶⁹ Established by expelled ANC Youth League president, Julius Malema, in July 2013, the EFF claims to retain a genuine commitment to the revolutionary objectives of transformation that the ANC has betrayed and abandoned. It secured 6,35% of the national vote in 2014, and over 8% of the municipal vote in 2016; leaving it as an important power broker in three metropolitan councils lost by the ANC to opposition forces.

¹⁷⁰ “White monopoly capital not the enemy – ANC”, www.news24.com, 4 July 2017.

¹⁷¹ “‘Do you have friends in white monopoly capital?’ – Zuma lambasts SACP?” www.news24.com, 7 August 2017.

¹⁷² Some ANC stalwarts, including former President Kgalema Motlanthe have even argued that the ANC losing power may be appropriate; “It would be good for the ANC if it was voted out – Motlanthe”, 12 September 2017.

3. The Inkatha Freedom Party

The Inkatha Freedom Party, which refused until the eleventh hour to participate in the new democratic dispensation, has struggled to maintain its relevance since 1994. With a reduced representation in the National Assembly from 43 MPs (of a total of 400) in 1994 to 10 in the 2014 elections, the IFP retains little more than a provincial relevance in KwaZulu Natal, where it was once dominant. A split in 2011 led to the formation of the National Freedom Party. The IFP has been failed to build a new leadership and continues to be led by Mangosuthu Buthelezi, its founding president, who is now 88 years old.

The residue of the ANC / IFP conflict which was responsible for the bulk of violence from the mid-1980s, continued after 1994, especially in KwaZulu Natal. A peace process and government power sharing in the province in the years after 1994 belied ongoing political and economic shifts that fed violent competitiveness.¹⁷³ Continuities in this violence revealed a “matrix of integrated issues that are rooted in what is a systemic problem, in which the forces of law and order are implicated.”¹⁷⁴ Political conflicts have morphed around election battles and competition over resources, and although the faultlines no longer manifest between apartheid era protagonists, political violence and factors including compromised elements of the security forces remain a reality and major challenge, especially (but not exclusively) in KwaZulu Natal.¹⁷⁵

¹⁷³ Richard Griggs, “Geostrategies behind the Peace Process”, Independent Projects Trust, 1996

¹⁷⁴ Rupert Taylor, “Justice Denied: Political Violence in KwaZulu Natal after 1994”, Violence in Transition Series, Vol.6, 2002, Centre for the Study of Violence and Reconciliation.

¹⁷⁵ “Some political killings continue to be linked to inter-party conflict that has roots in that time. However, political killings since the end of apartheid are mostly linked to local political rivalries and connections to criminal networks, notably in the taxi industry. Though the problem is concentrated in specific provinces it is likely to impact on political life in South Africa more broadly.” David Bruce, “A Provincial Concern? Political Killings in South Africa”, SA Crime Quarterly No.45, September 2013. Although scale of the violence has reduced significantly, 450 political killings recorded in KwaZulu Natal between 1994 and 2013. There was also a spate of assassinations of (mainly ANC) political actors ahead of the 2016 municipal elections. “Hundreds of political killings left unsolved”, ENCA, 20 July 2016. A special police task team to investigate political killings was established in June 2016. “Special police task force to probe political killings, says police minister”, Mail & Guardian, 5 June 2016. A judicial commission of inquiry into political killings in KwaZulu Natal was announced by former KZN Premier Willis Mchunu in October 2016 and is still ongoing at the time of writing.

Protest and the limits of constitutionalism

The slow pace of change and transformation has led some to question whether the required actions necessary to expedite a more radical transformation agenda are advanced or constrained by the existing constitutional framework. The inclusion of justiciable social and economic rights was a bold move to effect the transformation agenda, but its potential import was tempered by undefined notions that most of these rights would be subject to ‘progressive realisation’, their implementation tempered by an undefined and elastic notion of ‘available resources’.

This has necessitated a legal determination of the parameters and core content of rights to land, housing, water and sanitation, education, health and so on. This has significantly slowed the process of delivery, making many of these rights intangible. Frustration on this front has been evident for well over a decade as service delivery protests, many of them violent, have continued to blow up across the country. These protests have remained largely isolated and contained, masked by the legacies of spatial apartheid geography and largely off the mainstream media radar.

Since 1994, the government has demonstrated commitment to these social and economic goals, both in terms of policy development and budget allocations to implement these policies. The results have been uneven and contested. But a growing intersection of protests, student, labour, and service delivery present a worrying trend challenging the legitimacy of the government and ruling party’s policy direction and the lived reality of South Africa’s current multi-party democracy.¹⁷⁶

Notwithstanding governance shortcomings and the responsibilities of those who have failed to provide services, the shifting demographic and increasingly youthful population, who have limited or no direct experience of apartheid, are beginning to question the nature of the compromises made and deals struck during the transition, especially with respect to economic transformation. The reaction of youth in some quarters has become increasingly radicalised. Allegations of ‘selling out’, articulated in recent protests movements relating to transformation at the country’s tertiary institutions, such as #FeesMust Fall, #RhodesMust Fall

¹⁷⁶ Rocco W. Ronza, “Race Inequality and Civil Unrest: Social Tensions on the Rise”, in “South Africa. The Need for Change”, Giovanni Carbone (Ed), November 2016.

reflect on the one hand the consequences of growing frustrations at the slow pace of change, but also a disconnect and a limited appreciation of the conditions in which settlement and compromise was arrived at almost quarter of a century ago.¹⁷⁷

The reconfiguration of South Africa's political landscape since 1994 reflects a maturing of South Africa's democracy. Adversarial politics have sharpened political faultlines and tensions around delivery shortcomings, institutional failings and the politics of accountability. Dismay with the antics of President Jacob Zuma have grown dramatically during his second term of office since 2014 and has resulted in a repeated and contemptuous disruption of his efforts to address Parliament. The ANC's hegemony is slowing whittling away as its brand slowly tarnishes and its traditional support base erodes.

The main opposition formation, the DA, successfully consolidated support from a wide spectrum of opposition groups, but may have reached a ceiling as it struggles to make significant gains with black constituencies that have been traditional ANC strongholds.¹⁷⁸ The ANC has been able to expand the social security net significantly; it is the most comprehensive on the African continent and with over 17 million beneficiaries, it provides important, albeit minimal, relief. It has been an important fillip for electoral support to the ruling party, but has not reversed an ongoing negative trajectory in overall support. This diminishing support base appears lost to either the EFF or political disengagement, at least for the moment, as apathy spreads particularly amongst the youth. The DA, as with a number of other opposition voices, has struggled to present itself as a convincing advocate for tackling the twin challenges of poverty and inequality. Indeed, these appear to be an

¹⁷⁷ Tutu (in interview reflecting on the TRC) and others point to the reality of limited options during this period and the dangers associated with a more controversial, less accommodating settlement. A more radical positioning, it is argued, would have elicited a dangerous blowback. This position highlights concerns about the limited understanding and appreciation amongst younger generations of the historical conditions and asymmetrical power relations that informed these compromises. Pippa Green interview with Archbishop Desmond Tutu, Radio 702, 1 June 2016. For some who were involved, the content of the deals must be assessed and revisited as "the compromises come back to haunt us", Interview, 25 May 2017.

¹⁷⁸ The 2016 local elections saw three million traditional ANC supporters withdrawing their support from the ruling party, but not transferring this to other parties. This was a clear message to the ANC to self-correct and an opportunity to regain these constituencies.

adjunct to the current anti-government campaigning and growing negative sentiment that focuses on corruption and state capture.¹⁷⁹

The government accuses its detractors of an agenda to protect incumbent economic interests that are threatened by its transformation agenda. Conversely, critics accuse government of employing this argument as a diversionary tactic, masking corruption and the self-enrichment of a few. What often appears lost in this cacophony of allegation and counter-allegation is the shared vision of what society is now being envisaged and how it might be achieved. Marginalised voices remain largely excluded from the new narratives.

The persistence of racial inequality and the legacies of structural discrimination cannot be ignored, nor too the need for interventions that provide tangible solutions. The requirements of transformation raise difficult questions around sacrifice and contribution. The cost of support for the new South Africa in terms of material sacrifice was limited for the privileged, mostly white population, and the opportunity to make those who benefited from apartheid, primarily whites, contribute tangibly to the reconciliation project past was not pursued.

¹⁷⁹ The Zuma administration is accused of having been subverted by a wealthy Indian family, the Guptas. Allegations contained in a 2016 report of the former Public Protector, and most recently within a huge email cache leaked from within the Gupta business empire reveal an array of corrupt practices at the heart of the state. "State capture occurs when the ruling elite and/or powerful businessmen manipulate policy formation and influence the emerging rules of the game (including laws and economic regulations) to their own advantage. The captured economy is trapped in a vicious circle in which the policy and institutional reforms necessary to improve governance are undermined by collusion between powerful firms and state officials who extract substantial private gains from the absence of clear rule of law", Understanding State Capture, Freedom From Fear, March 2012. These revelations have accelerated internal divisions within the ANC and its alliance structures; The ANC Youth and Women's Leagues, along with the MK Veterans Association has lined up defensively behind Zuma, pointing to a conspiracy of incumbent economic interests, loosely defined as "white monopoly capital" (WMC), whom it is inferred had "captured" previous administrations and explained the ANC's major policy volte face and adoption of neo-liberal economic policy prescriptions. But this appellation and its political deployment has lost considerable tractions following the revelation that the WMC epithet was being driven as part of the campaign designed by the Gupta's UK public relations firm, Bell Pottinger. Joining the vortex of allegation, denial and counter-allegation, veterans of the ANC (including key figures from earlier governments) along with the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP) echo the growing chorus of allegations against Zuma from opposition and civil society ranks. The ANC points to some of these protest movements as part of a regime change, counter-revolutionary agenda against it. A regime change narrative pointing at external elements, including foreign espionage elements, working with local civil society elements has been gaining momentum since 2009. President Zuma at the June 2017 ANC Policy conference cautioned critical elements within the ANC Alliance of working in cahoots with such forces. There are serious concerns the ANC will be unable to bridge this chasm of internal division as it heads towards its elective conference in December 2017 to elect its new leadership.

Mandela made no call for a wealth tax, instead opting to push for voluntary contributions, relying on his personal influence to secure support. The Truth Commission's subsequent recommendation for a wealth tax was promptly ignored by President Mbeki's administration, and efforts by South African civil society groups in the US courts to pursue international corporations that had colluded with apartheid were actively opposed by the South African government. Such approaches have enabled a collective sense of avoidance from its history for the white community, a tabula rasa of sorts and 'business as usual' approach that did not challenge their privileged mind-set and unsurprisingly provoked little change in the patterns of advantage and disadvantage.¹⁸⁰

The introduction of employment equity and affirmative action provisions generated considerable criticism from within the white community, who selectively chose to see this as 'reverse discrimination', exposing a lack of commitment to rectifying obvious imbalances. Black Economic Empowerment (BEE), a direct intervention to promote black ownership of the economy, was invariably presented as the selective enrichment of connected black elites. This critique has broader resonance amongst a growing number of ANC detractors and has not been significantly mitigated by efforts to extend opportunities to a broader range of beneficiaries. BEE many allege has also masked the uncomfortable reality that it provided white capital with handpicked in-house black champions to serve as a buffer against real transformation.¹⁸¹

Indeed, social and economic statistics clearly show the persistent racialized nature of privilege and exclusion; whilst many believe class provides a more accurate assessment of the primary faultlines in South African society, colonial and apartheid legacies dictate this remains moderated largely through a racial lens. The poor and excluded remain almost exclusively black South Africans. Despite this, many white South Africans feel that they are a convenient target and scapegoat for the failings of transformation, which they blame on the ineptitude of government.¹⁸²

¹⁸⁰ This detachment is visible in the poor attendance from the white community at national public holiday, such as Youth, Women and Freedom Day. Interview, 25 May 2017. "White South Africans never committed to transformation in any real sense and because no demands were put on them, it is difficult to expect much now." Interview, 13 May 2017.

¹⁸¹ Interview II, 25 May 2017.

¹⁸² Interview, 15 June 2017.

In the face of growing discontent about the shortcomings of post-apartheid governance and the mounting divide between rich and poor, there is a real opportunity to promote a course of action that binds the social and economic imperatives of transformation to a clearly defined reconciliation objective rooted in the constitutional framework. This requires a leadership that can frame and maintain a longer-term focus on these objectives, and that will champion and drive the multiple strands of action that must be pursued to achieve them.

2. Acknowledging and dealing with the past

South Africa's Truth and Reconciliation Commission was an unprecedented exercise in documenting and interrogating the most egregious violations associated with the conflicts of the apartheid era. It focused on gross violations of human rights, but largely failed to interrogate the structural faultlines that underwrote these violations, in particular racial discrimination and patriarchy. This selective focus was important for ensuring specific attention on some of most egregious violations perpetrated during the most repressive period of apartheid governance, but disconnected the TRC and the widespread public focus that accompanied it from interrogating an array of social and economic injustices and how those related to contemporary realities and challenges faced by the majority black African population. Consequently, an opportunity for raising consciousness to support a more robust transformation agenda within government was squandered.

A public process of hearings documenting and reflecting on violations through perspectives of victims and perpetrators captured the popular imagination and dominated the airwaves of the new South Africa, only two years after its inception. The Commission's work received widespread recognition, especially in the international community. But for some, the process was premature. The Commission on reflection recognised that there was a common criticism that its work made little contribution to reconciliation, but pointed out that it was premature to make this judgement, and that whilst "truth may not always lead to reconciliation, there can be no genuine lasting reconciliation without truth".¹⁸³

The TRC's chair, Archbishop Tutu employed his own charisma to impress Christian notions of forgiveness onto aspects of the process. His own presence and unique commentary suggested the Commission was more engaged in a reconciliatory agenda than in fact it was. Along with the amnesty provisions (discussed below) it also lent to the notion that the process was perpetrator

¹⁸³ "Truth and Reconciliation Commission Report", Volume 5, Chapter 8, paras-4-5, p.306.

friendly. Certainly, there is ad hoc evidence of remarkable incidents of reconciliation, but this was the exception, not the rule. Although, in some instances the TRC brought victims and perpetrators together, the Commission has no dedicated resources for this work or developed any modalities to pursue this more systematically.

Twenty one years on, reflections on the Truth Commission remain largely limited to the Academy and a handful of elite civil society organisations. A broader discussion and engagement with the issues raised, both in terms of historical retrospectives and its relevance to South Africa's contemporary challenges and future has not been fostered. This relative disengaging imitates how the primary beneficiaries of apartheid, namely white South Africans, continue to distance themselves from responsibilities for past violations and the notion that they were beneficiaries, willing or otherwise.¹⁸⁴ It is also reflected how the TRC's own report and recommendations were subsequently handled once submitted to the government.

The vast majority of South Africans have never had access to the TRC's report, its findings and recommendations. A final report was produced but not widely disseminated. The report itself was seven volumes in length and prohibitively expensive (over \$150). Although the report is available online on the South African government's Department of Justice website, internet access is limited, and the report is not user friendly or easily located. Key findings and recommendations from the TRC were included in several free inserts in the print media when the interim report was released in November 1998. A popular version of the TRC report, which was recommended by the Commission, was written, but not reproduced in South Africa. For some unexplained reason, the publishing rights to the popular report were sold to a German publishing house who translated and printed this in Germany.¹⁸⁵ Whilst the TRC has become part of the national school's curriculum, the quality of available materials engaging the subject matter is generally poor.¹⁸⁶

¹⁸⁴ Gunnar Theissen, Brandon Hamber, "A State of Denial: White South Africans' Attitudes to the Truth and Reconciliation Commission", Indicator SA, 1998

¹⁸⁵ Personal communication with former Commissioner of the TRC

¹⁸⁶ Private communication with history teacher, 16 September 2016. As the former director of the South African History Archive and a current trustee (www.saha.org.za), over the last decade I have had significant interaction this subject matter as well as those working in this field.

AMNESTY AND PROSECUTION

The amnesty provisions in the TRC legislation have been justified as a necessary evil to help bridge the past to the present. Yet, they represented a blatant erosion of the right to justice. The 'Faustian Pact' highlighted in the Constitutional Court's judgment upholding the legality of amnesty provisions underscored the importance of truth recovery and reparations, and also the prospects of prosecution for those who failed to take advantage of the amnesty or if they were refused.

Since the TRC finalised its work and handed over the final codicil of its report to President Mbeki in 2003, the state has repeatedly demonstrated its disinterest to pursue its obligations in this regard. Civil society groups have had to go to court to stop the national prosecution authorities and the president from introducing prosecution guidelines and pardon processes relating to violations covered under the TRC's mandate that diluted victims' rights. In 2015, a former head of the National Prosecution Authority, Vusi Pikoli, confirmed there was political interference from 2004 onwards that made it impossible to prosecute those who denied amnesty.¹⁸⁷ This has fueled speculation around an unwritten deal that effectively enable the avoidance of engaging these obligations.¹⁸⁸

The TRC and the violations under its purview covered all sides of the conflict, not simply the abuses of the apartheid government and its security forces. The liberation movements were also under scrutiny, as were other culpable parties, in particular the Zulu formation, Inkatha. As a result, many activists were disenchanted with what they saw as an attempt to equate violations in defense of apartheid to those perpetrated in the fight against it, and did not participate. Inkatha initially prohibited its members from engaging, only relenting when it realised this would prejudice members on a number of levels.

¹⁸⁷ TRC prosecutions not pursued due to 'political interference', EyeWitness News, 22 May 2015.

¹⁸⁸ Civil society pressure, however, has forced the prosecution authorities to engage on certain cases; this includes the re-opening of the Ahmed Timol inquest, a detainee who died in custody on 1971, "The significance of the Ahmed Timol inquest", Citizen, 27 June 2017 and the 1983 murder of ANC operative Nokuthula Simelane, "NPA to prosecute police officers for the death of Nokuthula Simelane", Mail & Guardian, 12 February 2016. Important work also continues under the auspices of the Missing Persons Task Team. "The Missing Persons Task Team: Fleshing out the Bones of the Apartheid Era", www.maropeng.co.za, 20 June 2016.

All major parties to the conflict were found culpable of violations by the TRC; three – the National Party, Inkatha Freedom Party and African National Congress attempted unsuccessfully to prevent the TRC releasing its report in November 1998. It was a clear sign there would be little political support for driving forward the TRC’s recommendations. The ANC in government under Thabo Mbeki’s presidency demonstrated its distaste for the TRC’s findings, accusing the Commission of criminalising the armed struggle. It was a selective reading of the Commission’s report which in fact made a clear qualitative distinction between the contextual trajectories and responsibilities of those fighting against apartheid and those defending it.

The amnesty provisions may have been selectively applied to certain violations, but these and the failure to address other abuses from the past (including apartheid era corruption)¹⁸⁹ have broader implications for the contemporary rule of law and notions of justice and accountability. This complicates matters considerably in terms of promoting a convergence of views around how best to deal with allegations of contemporary violations, especially corruption, by current political leaders.

TAKING FORWARD RECOMMENDATIONS AND UNFINISHED BUSINESS

Negative sentiment from the ruling party about the TRC tempered the ANC’s enthusiasm for the Commissions’ recommendations, not only in terms of prosecution. The government chose to ignore the vast majority of the Commission’s recommendations. The Commission also lost an opportunity to connect its work to other aspects of the broader transformation and reparative agenda. This included a failure to link directly with institutional transformation (i.e. with the military, police and intelligence communities), and policies that would inform efforts to deal with crime and violence, land restitution, development priorities, arts and culture, memorialisation and so on. The construction of recommendations was an important opportunity to make such connections, to identify individuals and institutions who might champion such policies and interventions, not only in terms of general objectives, but also taking forward the unfinished business of the Commission.

The TRC’s mandate was to interrogate the past through the lens of individual violation, and in this regard it would only ever deal with a fraction of what had happened. Although the Commission represented an unprecedented exercise in collecting such data, there are major temporal and

¹⁸⁹ Hennie van Vuuren, “Apartheid, Guns and Money”, Jacana, 2017. This new publication exposes important detail on the economic crimes of the apartheid regime and its international collaborators, all of whom have never been brought to justice.

spatial gaps in the record. The TRC developed a meta-narrative of what had actually happened, setting out the background and context in which violations were perpetrated on all sides of the conflict. This narrative was populated by detail from individual testimonies. Although many important disclosures were made, especially in the Amnesty process, the vast majority of people who testified at the TRC did not receive any further detail of what had happened in the cases they brought to the Commission. The TRC administered a corroboration process that was used to justify finding the person was a victim and therefore eligible for reparations, but this process did not illuminate further on the specifics of the case and related culpabilities.

This was a major drawback given many people has expressly requested the TRC to find out what had happened and why. Much more could have and could still be done to provide detail and context on individual experiences, and importantly in the development of community narratives that remain largely absent. Regrettably, no clear recommendations were made to take forward a truth seeking process, beyond cases that were submitted to the prosecution authorities.

Reparations remain another site of contestation, and the approach was somewhat paternalistic and did little to engender a reparative mindset.¹⁹⁰ The government significantly reduced the recommendations from the TRC on individual payouts, and took many years to finalise the process. Government has also rejected repeated efforts to prize open access to many victims who were excluded from the process. The government has failed to respond to ‘community reparations’ needs, instead adopting a generalised ‘development’ approach, randomly targeting eighteen communities across the country. Civil society groups have criticised government, arguing its actions are inconsistent with TRC recommendations.¹⁹¹

Since the TRC, there have been a handful of civil society initiatives to take forward the work of the TRC. Since 2015, various churches, mandated by the Church Unity Commission have supported a national initiative to hold interfaith hearings where South Africans can speak openly and fearlessly about painful, traumatic experiences they have endured. The project is rolling out in nine provinces, each developing their own bespoke methodologies; it is loosely modelled on the TRC hearing process and is designed to provide an avenue for those who didn’t find closure with the TRC or missed the opportunity to engage. The process is also intended to facilitate a healing process for victims of trauma, xenophobia, violence, labour disputes and displacement.

¹⁹⁰ Interview II, 30 May 2017.

¹⁹¹ Sufiya Bray, “Reparation in South Africa: the ‘unfinished business of the TRC’”? Pan African Reparations Perspectives, Issue 2, July 2014.

Elsewhere, a handful of mainly metropolitan-based NGOs and projects linked to the Academy have collected documents and oral testimonies relating to the conflicts of the past. These are largely disconnected from contemporaneous political debate or struggles, with the result that the ‘unfinished business’ of the TRC has been largely categorised as an ‘historical’ exercise, further disconnecting a ‘victim constituency’ from contemporary realities and relevance. This reflects on the one hand a broader societal disengagement, but also the failures of civil society champions to position these issues strategically within the broader panoply of transformation priorities. This remains a critical challenge.

When the TRC was in operation, there was a general understanding that this process was a necessary, if at times uncomfortable, intervention that was intended to engage the past with a view to establishing a more secured and respectful future. But the TRC was disconnected from other transitional processes and discourses, and as a result inevitably disassociated from the transformation agenda and the shifting challenges and demands associated with that. These options faded rapidly under an ANC administration that had little interest or imagination for such options, and was in fact irritated by and alienated from the process Mandela had shepherded forward. Despite this, there remains a clear connection between the work of excavating the past and the challenges of imagining and building a new South Africa; it provides a powerful tool and (continued) opportunity for comparative knowledge transfer and cross-generational learning.¹⁹²

3. Building positive relations and functioning institutions / capacity

The negotiation and constitution making processes relied on the building of trust amongst those directly involved; their mandate was to find common ground and bridge the divisions between party political positions and to frame a future predicated on common interest. But this approach to finding common ground was effectively abandoned following the completion of these processes. The National Party withdrew from the GNU shortly after the adoption of the new Constitution and a retreat to combative party politics was in full sway by the 1999 elections, when the Democratic Party adopted its controversial ‘Fight Back’ campaign, interpreted by many as an effort to attack by disgruntled whites.¹⁹³

¹⁹² Interview, 27 May 2017.

¹⁹³ “Discontented whites pin hopes on ‘liberal’”, The Guardian, 4 June 1999. The GNU was a missed opportunity for a collective leadership from across the political spectrum to foster a coherent reconciliation program. This would have been challenging in the context of a TRC process that was intent on exposing culpabilities for violations on all sides. Interview, 30 May 2017.

The Constitution and Bill of Rights provides an important institutional and regulatory framework that emphasises the core values of equality and human dignity. Finding agreement around a core set of values that anchored the Constitution reflected an important political convergence of cross party support. The settlement delivered the most robust institutional arrangements to be found anywhere on the African continent and these remain largely intact, most significantly in the judiciary which has played a crucial role in tempering executive malfeasance.

But leaving aside a general commitment to address the legacies of the past, the Constitution does not commit the country to engage a prescribed reconciliation agenda. There is growing recognition that it was a mistake to believe that reconciliation would take care of itself.¹⁹⁴ Levels of political violence reduced notably (with the exception of KwaZulu Natal) in a matter of days of the settlement, and at the time, there was widespread relief that an escalation of the political conflict had been avoided. “*In our haste for stability, our deal-making was moulded on self-interest. We need to periodically review our settlement as the situation changes, in order to ensure it is firmly aligned with our needs*”.¹⁹⁵

But this potential changing of the goalposts is interpreted by some as a destabilising move, one that would detract from the core agreement secured at CODASA and subsequently with the Constitution.¹⁹⁶ This in turn reflects the diminishing levels of trust in play regarding the competing agendas of some political players.

The national political compact represented a reconciled outcome from the negotiated process and was generally supported.¹⁹⁷ Whilst a reconciled outcome was enthusiastically endorsed, no real

¹⁹⁴ Interviews, 29 and 30 May 2017. This is highlighted in a recently published longitudinal review of community reconciliation initiatives, which in turn highlights both what is possible and what is necessary to build bridges and the necessary social capital. “Pathways for Connection: An emerging model for long-term reconciliation in post conflict South Africa”, Institute for Justice and Reconciliation, 2017. This report provides a fascinating assessment of seven BIS projects undertaken by the Institute through the lens of education, oral history, youth, arts and culture, community healing, land and gender.

¹⁹⁵ Interview, 25 May 2017.

¹⁹⁶ Interviews, 4 & 15 June 2017.

¹⁹⁷ Beyond the agreement of an interim constitution in December 1993 between the main political formations of the ANC and NP, along with a host of smaller parties, minority elements of the liberation movement (i.e. the Pan Africanist Congress), an amalgam of groups within the “white right”, and the Inkatha Freedom Party, had to be accommodated in subsequently processes of engagement. All three, which were possible sources of violent instability, embraced a constitutional solution.

consideration was given to what this reconciliation would cost to maintain and build, how these costs would be borne and by who. These questions remain distinctly pertinent.¹⁹⁸

Apart from a handful of civil society organisations, there have been no programmatic endeavours to proactively address reconciliation within and between communities. “The ANC never owned this project, they never made it a party priority; in fact many NEC members were dismissive of it; we seldom discussed and debated the concept, even during the Mandela era. We never sold the concept to branches and we never had an ANC programme on Reconciliation”.¹⁹⁹

For many, this was ‘Mandela’s Project’ and he drove a symbolic reconciliation agenda leveraging his powerful personality, encouraging and leaning on South Africa’s wealthy to get involved and contribute. But his proactive engagement was unlikely to be anything more than emblematic; it could never have been expected to significantly address the scale of the structural challenges that were necessary for a sustainable, broad – based and inclusive solution; the very challenges that continue to remain at the heart of contemporary challenges.²⁰⁰ Nevertheless, Mandela’s symbolism continues to resonate, although its cachet, as with that of the ‘rainbow nation’ has reduced significantly.²⁰¹

But Mandela’s approach had limited impact on the structural legacies of racial discrimination. Indeed, South Africa has experienced very little deliberate reconciliation programming; it is rarely mentioned in policy documents and without any serious engagement or interrogation, at best remains an assumed outcome.²⁰²

¹⁹⁸ Interview 29 May 2017.

¹⁹⁹ Interview 25 May 2017.

²⁰⁰ Interview 15 May 2017.

²⁰¹ This is evident on 18 July, Nelson Mandela’s birthday, which is commemorated annually and in South Africa is used by government and civil society to urge South Africans to ‘live the legacy’ and make a direct contribution towards those less fortunate. www.mandeladay.com

²⁰² Even under Mandela’s presidency core government programmes were reticent about reconciliation; it was mentioned in passing in the 1994 Reconstruction and Development white paper, but not included in its subsequent programming. No reference is made to it in the government’s Growth Employment and Redistribution (GEAR) Macroeconomic Strategy, adopted in 1996, South Africa’s National Development Plan (NDP), the country’s long range policy blueprint for eliminating poverty and inequality (http://www.gov.za/sites/www.gov.za/files/devplan_2.pdf) does not mention to term reconciliation, although the import of its core objectives; growing an inclusive economy, building capabilities, enhancing the capacity of the state, and promoting leadership and partnerships throughout society, are implicit to the reconciliation agenda. In the current tempestuous political context, the NDP itself which was the product of an exhaustive and expensive process, is now barely mentioned. Eusebius McKaiser, “ANC Policy Conference is overrated”, Mail & Guardian, 30 June 2017.

Not surprisingly in this environment the structural legacies of apartheid maintain a firm presence on multiple fronts.

For some, manifestations of racism and racial hatred are symptoms of the broader malaise and do not present the primary challenge to the building of a less fractured nation.²⁰³ Reconciliation initiatives can certainly play an important role in building a shared awareness especially in communities that remain disconnected. The persistence of apartheid era-racial enclaves, manifestations of racism, and the limited impact of remedial options such as the South African Human Rights Commission and Equality Courts, underscore the importance of clear messaging about what is acceptable and acceptable practices, the importance of investing in education curricular that will promote common values and the need to connect disparate communities.

Challenges around racism are compounded by the legacies and continuing symptoms of gender discrimination. Notwithstanding significant progress around the policy and legal frameworks, and improved representation, improved access and enhanced remedial options, South Africa remains a profoundly patriarchal and violent society. Some believe the situation for women has in fact deteriorated since 1994.²⁰⁴ The Commission for Gender Equality continues to highlight four major inter-related areas of concern:

- Gender based violence
- Discrimination and abuse against the LGBTI community
- Economic inequality of woman
- Cultural and pseudo-cultural practices that enslave women and LGBTI persons.²⁰⁵

The characterisation of pre-94 violence as ‘political’ masked the pervasive nature of violence against women during this period. The persistence of these problems reflects at one level a normalisation of these distortions, but also highlights the limited impact of post ’94 interventions to date and how much remains to be done to promote prevention and corrective active.

²⁰³ Interview 15 May 2017.

²⁰⁴ Interview 12 June 2017.

²⁰⁵ Annual Report 2013-14, Commission for Gender Equality, p.6

The energy and interventions of the National Women's Coalition gave focus to an array of empowerment issues; radically improved levels of representation in South Africa's new parliament, dedicated institutions and adopted policies committed to gender mainstreaming, and even the introduction of a women's budget, assessing government expenditure through a gender lens. This placed South Africa at the cutting edge of gender politics.

But an absence of political will undermined the capacity to deliver, compounded by limited resources and weak programming. Gender based violence also failed to secure the level of attention required. As a result, many initiatives withered on the vine. New investment to build community capacities and locally centred initiatives is essential, especially given the high levels of skills erosion experienced since 1994. This should avoid modelling on traditional western NGO lines.²⁰⁶

Progress and shortfalls in the gender field are measured in regular reporting in terms of both domestic and international obligations. In general, there is broad recognition that South Africa has done well in terms of the array of domestic and international commitments it has signed up to. But the implementation of such laws, regulations and recommendations in relation to sexual offences, domestic violence and harmful customary practices continue to present major challenges.²⁰⁷

These deficiencies again highlight challenges in terms of resourcing and practical management capacity, but in particular the political will and leadership to ensure commitments are honoured.²⁰⁸ There are growing doubts that the current leadership, many of who were themselves brutalised, are able to chart the path forward, highlighting that an investment in new leadership is essential.

²⁰⁶ Interview, 12 June 2017. It is important to reflect on criticisms that western donor agendas do not respond to local needs, capacities and sustainability options. The development of activist skills such as mobilisation, mediation and negotiation can be greatly enhanced through donor support. The latter should seek to catalyse and build on local and comparative experience, promoting creative engagement and where possible diminishing resource dependency. Interview, 12 June 2017.

²⁰⁷ "Gender based violence in South Africa: A submission to the Universal Periodic Review (3rd Cycle)", Shukumisa, 22 September 2016. The Shukumisa Campaign was launched in 2008 by members of the National Working Group on Sexual Offences (NWGSO) and comprises of over 50 organisations and individual members.

²⁰⁸ "Thematic report on violence against Women and LGBTI persons in South Africa: A submission to the UN Human Rights Committee in response to the Initial Report by South Africa under the International Convention on Civil and Political Rights at the 116th session of the Human Rights Committee", Lawyers for Human Rights. Triangle Project, Wits City Institute. Sex worker education and Advocacy task Force, February 2016.

Xenophobia has become another major challenge. Widespread dislike of foreigners can be found amongst all race and socio-economic groupings in South Africa, but negative actions and sentiments manifest primarily in poorer communities, where competition over resources and economic activities are more acute. Those targeted in these areas tend to be from other African countries or from the Indian subcontinent. In this context, white foreigners, tend to be 'invisible'. Xenophobic attacks have generated enormous negative publicity for South Africa, especially on the African continent; but this has done little to temper negative sentiment towards foreigners, who are blamed by a significant minority for an array of social ills, from unemployment to rising crime.

Countering ingrained patriarchal and xenophobic attitudes and behaviour requires a consistent approach and unequivocal leadership. South Africa has responded, in terms of both its domestic and international obligations, but is failing in terms of addressing widespread implementation shortfalls.²⁰⁹ This also requires an investment in awareness raising and communications, as well as building a culture of transparency and accountability in terms of implementation responsibilities. Such an approach presents an opportunity for promoting social and cultural interaction, essential components in the building of social capital.

South Africa may face an array of political challenges, deep levels of corruption and growing concerns about state capture and the erosion of independent institutions, but this does not reflect an unravelling of the centre or an imminent collapse. "We are in a crisis, but not an extraordinary one, or an unexpected one". Given the paucity of skills within the ruling party, a number of problems manifesting in incompetence and corruption could have been envisaged.²¹⁰

Comparisons with failing states, such as Zimbabwe, are inappropriate.²¹¹ Indeed, many retain confidence that the centre is holding and despite serious questions raised about the executive, legislature and civil service, these do not go unchallenged; the judiciary, media and civil society provide an important counterpoints in South Africa's noisy, messy democracy.

²⁰⁹ The drivers of and conditions that allow xenophobia to flourish have been well known for some time – See, "A Foreign Experience: Violence, Crime and Xenophobia", Bronwyn Harris, Violence in Transition Series, Vol 5, Centre for the Study of Violence and Reconciliation, August 2001. These challenges, nevertheless, continue to manifest; "Xenophobia once again jeopardises South Africa's interests in Africa", Institute for Security Studies, 2 March 2017. Xenophobic attitudes in South Africa are widespread, cutting across most demographic categories. Interview, 17 June 2017. "Xenophobia across the class divide: South African attitudes towards foreigners 2003–2012", S. Gordon, Journal of Contemporary African Studies, 2016.

²¹⁰ Interview 15 May 2017.

²¹¹ "How close to Zimbabwe are we sailing", Business Live, 16 July 2017.

This assessment should not be interpreted as complacency.

Notwithstanding high levels of incompetence, corruption and alleged criminality, by and large, South Africa's institutions are not regarded as instruments of repression in the post 94 era, at least not when compared with its apartheid predecessor. The integration of the liberation movement forces with the statutory apartheid military into the new South African National Defense Force was, notwithstanding an array of shortfalls in the demobilisation and reintegration programmes, relatively successful.

This reflected the outcome of negotiations between the armed formations that ran parallel to the political discussions.²¹² No such detailed negotiations and preparations accompanied the amalgamation of the Intelligence services, and only a handful of operatives from the ranks of the liberation movements were prepared to take on the management of transforming the new South African Police Service.

These limited preparations may help explain some of the concerns that have emerged regarding behaviour within the security cluster, in particular the police and intelligence. Political manipulation of the intelligence services is increasingly coming under the spotlight,²¹³ and reflects continuities of past behaviour, albeit in a new political context.²¹⁴ This is now playing out in the battle for control of the ANC.²¹⁵

Machinations within the intelligence services in particular resonate with assertions of regime change reverberating from within these quarters, and that have now become mainstream allegations by some in the ANC's leadership against certain critics.²¹⁶ Leaving aside external agendas, there are widespread concerns amongst ordinary South Africans about poor levels of

²¹² Peter Frankel, "Soldiers in a Storm: The Armed Forces in South Africa's Democratic Transition", Westview Press, 2000.

²¹³ Jane Duncan, "The Rise of the Securocrats: The Case of South Africa", Jacana, 2014.

²¹⁴ James Sanders, "Apartheid's Friends: The Rise and Fall of South Africa's Secret Service", James Murray, 2006.

²¹⁵ "Project Wonder: An Offensive in the Full-Scale Intelligence War", Huffington Post, 29 August 2017

²¹⁶ "A diagnostic organisational report: National Policy Conference, June 29-30th 2017," Report from the Secretary General, African National Congress; Section 2, External (Objective) Threats to the Revolution

competency for example in terms of service delivery, ranging from the provision of health care and education, to the onerous provision of social welfare and challenges of policing.²¹⁷

In terms of the latter, South Africa remains a profoundly violent country, and violence is regularly employed in a range of settings as an 'effective and legitimate problem solving mechanism.'²¹⁸ As such, it remains a major challenge to the broader objectives of reconciliation and raises a series of challenges about the trajectories and continuities of violence behaviour and how it might be addressed in a transitional context. "Violence mutates and transmutes with transition in a complex way. The end of war is not the end of violence".²¹⁹ Indeed, levels of criminal and interpersonal violence are likely to remain high with limited prospects of any significant short to medium terms reduction.²²⁰

These challenges must be considered within a broader context of post 1994 relations between citizens and the state. Although these have generally improved and the government commits itself to the extension and improvement of services and accountable governance, much more can and could be done to consolidate these relations as part of an integrated 'vertical' reconciliation package. Direct government programmes could and should also have been complimented by helping promote an enabling environment to foster reconciliation horizontally within and between communities.

This has particular relevance for excluded constituencies, such as the youth, and in terms of raising awareness about the various elements that constitute reconciliation and their relevance to contemporary realities and a forward looking transformation agenda. This would have complemented ongoing efforts to bring about greater parity in service provision, after decades of institutionalised discrimination. Current conditions in the education sector in particular reflect both the enormity

²¹⁷ As set out in section 2, political violence has been significantly stemmed, but South Africa remains a high crime society. Despite almost 200,000 personnel now employed by the SAPS, the private security sector continues to grow with almost half a million now employed in police personnel employed in armed response, cash-in-transit, and guarding sectors. "South Africa's R40bn private security industry under threat", Shaun Swinger, Chronicle and Daily Maverick, 14 May 2017.

²¹⁸ Interview 29 May 2017.

²¹⁹ Bronwyn Harris, "Between a Rock and a Hard Place: A consolidated review of the Violence and Transition Project", Centre for the Study of Violence and Reconciliation, 2005. South Africa's TRC attempted to ring-fence 'political violence' as something that was distinct, avoiding the criminalisation of politics and politicisation of criminal activities that accompanied past conflicts and influenced the trajectories of post-conflict violence.

²²⁰ Interview, 13 May 2017.

of such challenges, but also the options and potential for investing in a skills set that will drive a transformation agenda. These are long term processes that can harness all manner of community bridge-building options.

Rebuilding trust in the institutions of state is even more pressing in the wake of service delivery scandals, corruption and allegations of state capture. In this context, South Africa's courts have taken centre stage as the one institution citizens have deep faith in; the Constitutional Court, in particular, has acquitted itself admirably on a range of issues that resonate with ordinary South Africans and has repeatedly pushed back at the excesses of the executive and the person of President Zuma.²²¹

4. Fostering significant cultural and attitudinal change

South Africa's national motto on its coat of arms is "Unity in Diversity". It is intended to emphasise that the country's strength derives from its differences, which are celebrated and promoted in the Constitution. This includes provisions for linguistic, religious and cultural rights, as well as core commitments to racial and gender equality. Cross cultural and racial interactions have been fostered, but these are limited and remain primarily amongst the middle class and geographically in areas that were formerly "Whites Only"; Amongst the vast majority of South Africans, and within the mainstay of apartheid era racial enclaves, few benefit from social or cross cultural interaction.

This highlights the importance of building connections to the marginalised; re-orientating civil society priorities and resources to the needs of South Africa's underclass and not simply their own replication. Building institutional capacity within marginalised communities is a critical component of promoting access to justice.²²² This is a responsibility of both state and civil society (including the private sector).

The faultlines of transformation expose many areas of contestation. Pressure for and resistance to change have sharpened tensions with and within important sectors such as the business

²²¹ Interview II, 30 May 2017.

²²² Specific mention was made about the resuscitation of the community based advice office movement, which provided critical front line access to justice services in Apartheid era. A re-investment in this infrastructure would be an important investment to enable social advancement and improved access to services and accountable governance. This reflects the important of integrating reconciliation objectives with practical social justice interventions. Interview, 13 June 2017.

community. Presidential hopeful and Zuma's ex-wife, Nkosozana Dlamini Zuma, recently pilloried the archetypal white monopoly capitalist and one of South Africa's richest men, Anton Rupert, who likened calls for 'radical economic transformation' as codewords for looting and theft from the state.²²³

This public spat illustrates the depth evolving tensions currently in play between a powerful, if not the dominant, faction within the ANC, and key captains of industry. A breakdown in trust between the ruling party and major business interests (which lie largely in the hands of white South Africans) manifests in the latter's hesitancy to invest its reserves in an economy and support the government's transformation agenda.²²⁴

It is possible to measure what progress has been made on this terrain, as well interrogate shortfalls, but this should be predicated on a common agenda and understanding of what is required and can be done. Black business seeks transformation exercises that go beyond "box ticking and fronting exercises".²²⁵ Existing (invariably white) capital interests need to buy in to an agenda that generates security, real options for growth and that mitigates against corruption and mismanagement by the political elites.²²⁶ They must have confidence in the process.

At the same time, business has much work to do, to build the trust of organised labour and the development of a black skills base. Policy and legislative frameworks have facilitated progress, but not adequately addressed continuing shortfalls. Transformation and assessments of progress should be empirically rooted, evidence of best practice should be shared, as well as identified obstacles to progress.

A more constructive approach requires a recognition of the challenges and a greater effort to understand, engage and where possible accommodate the perspectives of others. This approach is maximised in a context where there has been agreement around a distillation of priorities and where possible, broad-based ownership.

²²³ "Dlamini-Zuma: Johann Rupert's comments an insult to poor South Africans", Eyewitness News, 20 September 2017.

²²⁴ "Companies hoarding R1.4 trillion in cash", Business Day, 3 August 2017.

²²⁵ Xolani Qubeka, "It's time to open up value chains to black entrepreneurs", Business Report, 18 July 2017.

²²⁶ Interview 15 May 2017.

The advancement of the rights of others has led some in the Afrikaner community in particular to fear its language and culture are under threat.²²⁷ This community is well organised and relatively well resourced. They are also in a stronger position to profile and lobby specific concerns and agendas.²²⁸ This lobby argues the transformation agenda is fundamentally undermined by the poor quality of leadership that has been imposed as the state becomes a primary resource for patronage. They argue that a crude embrace of ‘representivity’ (for example, the transformation of boards overseeing state owned enterprises) has been self-defeating as this has contributed directly to such bodies becoming less effective. In the process, they have generated antagonistic relations with minorities, in what is described as ‘reverse racism’.²²⁹

Having come from a position of privileged support and access, the elevation of other cultures is also interpreted through the advancement of English over Afrikaans as the primary medium of communication and educational instruction. This growing distrust also reflects a fundamental breakdown of trust in the government, something that is not unique to the Afrikaner community.²³⁰

Identity politics runs the risk of selective engagement, and the avoidance of wide angle perspectives that encourage a broader assessment of impact and options that go beyond the interests of any specific community. This approach belies efforts to understand the perspectives of others and also lends to more aggressive adversarial modalities of engagement. This plays out on a regular basis within social media circles, occasionally elevating into a national media frenzy and commentaries that expose the complexities of these challenges.²³¹

The scale of the challenge is less straightforward to calculate, and much depends on one’s perspective of what challenges and realistic solutions are possible under the rubric of reconciliation.

²²⁷ Interviews 30 May, 4 and 15 June 2017.

²²⁸ Afrikaner lobby groups have pushed back against how transformation agendas, such as BEE and ‘radical economic transformation’ are manipulated for partisan political ends. They warn that improving levels of representation by means of quota can be counter-productive, arguing diversity in the South African context needs to be managed more adroitly. Interview, 4 June 2017. This underscores the importance of engaging in a candid assessment of the practice of cadre deployment, what has worked and what has not. Interview, 15 June 2017.

²²⁹ Ibid.

²³⁰ Interview 30 May 2017.

²³¹ Eusebius McKaiser, “Opinion: laying equal blame of parent in the Spur spat is wrong says Eusebius”, [www. capetalk.co.za](http://www.capetalk.co.za), 22 March 2017,

As we have seen, thick and thin notions of reconciliation belie a plethora of interpretations of what reconciliation in the South African context might involve. Whether it is possible to repair relations that were not constructive and functional in the first place is trite. But options for building bridges between communities requires a proactive investment and leadership that has not been evident to date.

The politics of the ‘rainbowism’ championed by leaders like Mandela and Tutu masked a false sense of security that the deal struck in 1994 would somehow consolidate by itself.²³² Their personal brand of forgiveness and engagement embodied a generosity of spirit that contributed to an illusion of real progress. It also tempered the voices of those who wished for a more radical agenda.²³³ But their extraordinary charisma on the reconciliation front was mirrored by a fundamental lack of leadership from other communities and political formations, especially from within the white community, who continued to emphasize minority interests above the priorities of the broader collective.

The ANC also failed to cultivate others to take the reconciliation agenda forward. As the imprimatur of the champions of reconciliation fades, so too has the lustre of a multi-racial ‘New South Africa’. And so too, has the allure of non-racialism, a central tenet of the ANC which had also not been translated into the ruling party’s own programming.²³⁴ The death of skills and leadership within the ruling alliance has contributed directly to a growing disconnect with its support base. The dynamic interaction of constituency engagement has faded dramatically, ANC branch activity has also diminished dramatically and the party is more focused on ensuring loyal cadreship than critical membership engagement. This is not fertile ground for building and driving forward a reconciliation agenda.²³⁵

South Africans have demonstrated a capacity to behave well towards each other despite considerable underlying anger and frustration with one another. These deep-seated rifts periodically percolate

²³² “We got caught up in the euphoria of the moment and assumed the rainbow moment was sufficient, without understanding the psychology of the colonizer and the colonized.” Interview, 17 June 2017. “We were all happy to leave it to Mandela; it meant we didn’t have to confront our own roles in transformation.” Interview 13 June 2017. “Rainbowism was not reconciliation, it was an attempt to break the ice. Mandela probably hoped that all of us, and in particular the white community would take the opportunity to come forward, He publicly approached business to help in the reconstruction of schools etc, but only those that he approached would respond, they probably had no choice; other businesses though wouldn’t take the challenge and engage.” Interview, 12 June 2017.

²³³ Interview II, 30 May 2017.

²³⁴ Emerging from the 1950s, non-racialism was largely owned and promoted by the leadership of this era. Although it is a constitutionally entrenched value and continues to be employed in the rhetoric and policy frameworks of the current ANC leadership, it is increasingly overshadowed by a Black Nationalist rhetoric. Interview, 17 June 2017.

²³⁵ Interview, 25 May 2017.

to the surface in incidents of racial hatred, and are suggestive of the scale of the challenge that lies below the surface and that the resurfacing of old prejudices will continue to colour future interactions. Where necessary, race and social relations are generally managed by politeness and passivity. But these and other skills fostering dispute resolution and mediation have diminished in the new South Africa; a renewed investment in building these skills is necessary.²³⁶

South Africa also needs to revisit notions of philanthropy, which remains dominated by white funding and managers who are not linking their interventions to a reconciliation framework. Philanthropy in the South African context should be promoted as ‘responsibility’, not ‘charity’ and tied to the transformative concept of Ubuntu.²³⁷

Without a common history or an adequately shared understanding of each other’s experience, the construction of a South African identity remains elusive. South Africans do not know each other. Race has a tendency to mask cultural plurality and middle class integration is dominated by assimilation into white culture for the main. Although racial interaction has generally improved, this rarely extends beyond the work environment.

5. Enabling substantial social, economic and political change

Post 1994 South Africa continues to face a plethora of social, economic and political challenges. Restructuring South Africa’s economy was regarded by many as the single most important legacy of apartheid that requires priority attention. At CODESA, however, there was no real examination of the economy apart from major discussion on property rights; the ANC and its allies had no common position, but a general agreement to retain the capitalist structure emerged and as such, economic reform was not addressed.

Mandela’s government instead focused on delivering on the backlog of services, housing, sanitation, electrification, schooling and health infrastructure and the extension of the social welfare net. These were and remain important developments that have contributed significantly to an improved quality of life for many indigent South Africans. But they were essentially palliative interventions and have done little to shift the fundamental patterns of wealth creation and distribution. Notwithstanding

²³⁶ Interview II, 25 May 2017.

²³⁷ This concept promoted by the South African government recognises the reciprocity of human consciousness, recognising the individual within the collective.

opportunities to address issues of inefficient expenditure and abuses in the system, there are growing concerns that current levels of expenditure are simply unsustainable, especially off a circumscribed tax base.

Although the economy has grown consistently since 1994, it is nowhere near the rate of other emerging markets nor generating required levels of job creation and infrastructure development.²³⁸ Much needed economic restructuring has not materialised and South Africa has over the last two decades become more consumptive and less productive. This has worrying implications for a natural resource driven economy that has not successfully absorbed labour and that has a tendency to reinforce patterns of inequality and marginalisation. South Africa is faced by a situation where over half its working population is unemployed and as a consequence, it has a massive social welfare bill that cannot be sustained without a return to productivity and a culture of saving.

The primary imprint of the apartheid economy remains marginalisation and poverty. This legacy underwrites the profound and persistent levels of inequality that have not been adequately addressed since the country’s democratic journey began. The inclusion of social and economic rights in the Constitution reflected an understanding that the democratisation process was not the end of the project.²³⁹ But there was no general agreement on how to advance that agenda.

The ideals of Mandela’s Reconstruction and Development Plan were soon pushed to one side in the face of harsh economic headwinds, an undertaking to deal with the enormous debt inherited from the apartheid government and the amalgamation and reconfiguration of a byzantine apartheid bureaucracy. This approach adhered to core neo-liberal economic indicators and maintained the goodwill of the international community, but did little to push them towards a radical agenda to reconstruct and transform.²⁴⁰

Black business and professionals continue to face systematic barriers to their upward mobility.²⁴¹

²³⁸ Jac Laubscher, “Economic Growth in South Africa: A 20 Year Review”, www.moneyweb.co.za, 10 December 2013.

²³⁹ Interview, 30 May 2017.

²⁴⁰ Interview, 12 June 2017.

²⁴¹ Black lawyers recently protested against government for preferring to brief white attorneys. “Black Lawyers Association criticises government for preferring white attorneys”, ENCA, 14 July 2017. This echoes allegations made by other black professionals who feel unable to remedy discrimination and exclusion in their respective fields. Intq3erview, 25 May 2017.

Ownership and opportunity reflect the persistence of racial patterns of privilege. Less than a quarter of shares traded on the Johannesburg Stock Exchange are held by black South Africans; less than ten per cent of land has been redistributed from white to black ownership.²⁴² The slow pace of progress may reflect resistance to change, but it also highlights other drawbacks in the approaches adopted to promote transformation. Land restitution, for example, should have been accompanied by a detailed plan that focused on building the understanding and capacity of people to use the land efficiently and effectively; it was not.²⁴³

Conversely, elements within minority, especially white communities, have adopted a defensive and at times combative posture, fearing discrimination and exclusion, and relying on the selective applications of rights.²⁴⁴ There is agreement that transformation has not been achieved from this constituency, but they point to inept and corrupt leadership within government as the primary reason for failure.

Generalised assertions on both fronts necessitate a robust empirical assessment of what has actually happened and where the challenges and problems lie. No one side of the debate is absolute.

Whether the ruling party is able to improve its governance practices and is sufficiently incentivised to shift the current economic structure is also moot.²⁴⁵ This raises questions about the content of radical economic transformation, and the extent to which it has broad based application. A review of the extension of the ANC's Black Economic Empowerment policy to 'broad based' black economic empowerment, suggests beneficiation in terms of radical economic transformation is likely to remain limited unless a fundamentally new approach is adopted.

Current political discord and the reconfiguration of loyalties, both within and between the ruling party, opposition and civil society groups on the one hand is inevitably divisive. But it also presents opportunity and lends to prospects of convergence and agreement around the priorities of

²⁴² "White people in South Africa still hold the lion's share of all forms of capital", The Conversation, 25 April 2017. This concentration of wealth resides within a minority of the white community. Interview 15 May 2017.

²⁴³ Interview, 17 June 2017.

²⁴⁴ Interviews, 4 and 16 June 2017.

²⁴⁵ Interview, 15 May 2017. Unable to promote a restructuring and modernisation agenda for the economy or to build and consolidate relations with the business elite, the ANC government is increasingly turning to racial nationalism and an adopting anti-Western posture.

transformation. Agreement on what needs to be addressed, however, is unlikely to translate into how best this might be achieved.

The role of the state and the scope of intervention will be contested terrain, especially in light of competing constraints and the multiple shortcomings of government. Those advocating for minimalist government and the mercurial powers of the free market to generate wealth and opportunity must move beyond ideological posturing to provide pragmatic options of what can be achieved and what the private sector can do beyond driving its profit motive.

Conversely, the state must explore options for enhancing efficiencies and cost effectiveness, distinguishing between where its direct participation is necessary, and its duties to creating an enabling environment that tackles poverty and inequality. An approach of innovation, assessment, reflection, correction and enhancement will enrich prospects for comparative learning and inclusiveness that seeks to connect South Africans beyond their current enclaves and a penchant for posturing. This requires bold leadership and an investment in developing and providing opportunity for a new generation of social, economic and political innovators.

Conclusion

Opinions vary radically as to whether South Africa is on the precipice of crisis. The crude analysis employed for many post-colonial states is replete with racist assumptions of failure; but South Africa, whilst it faces significant mutating challenges and has much to learn from post-colonial experiences elsewhere, does not appear destined to an inevitable trajectory of collapse. Indeed, the challenges in play and opportunities to address them, especially in terms of available remedial mechanisms are qualitatively distinct from other countries on the continent.

Despite the success of an elite political compact that paved the way for broad based endorsement of a ground-breaking liberal constitution, the parameters of that agreement acknowledged but then failed to articulate a clear accord on what transformation and reconciliation goals must be achieved. Beyond general platitudes, the agreement neatly sidestepped the structural legacies of inequality, patriarchy and poverty.

The agreement also set the general tone for a notion of reconciliation that was closely aligned to 'peaceful co-existence'.²⁴⁶ At the time of negotiations, this may have been a realistic limitation, but

²⁴⁶ Interview, 27 May 2017.

political leadership lost sight of the import of crafting and implementing this agenda. Perhaps unsurprisingly in this context, a reconciliation agenda was not actively pursued post 1994 beyond the theatre and personal interventions of certain key leaders such as Nelson Mandela and Desmond Tutu.

Black South Africans did not commit to a reconciliation agenda and whites failed to commit to and embrace the need for transformation. Beyond the general vision of peaceful co-existence and a better life for all, there was no shared vision of a future South Africa and how this would be achieved.

South Africa's Truth Commission captured the popular imagination and lifted the lid on hundreds of atrocities. It successfully rebuffed years of denial and "narrowed the range of permissible lies"²⁴⁷ about this era, but as French philosopher, Jacques Derrida suggested on a visit to South Africa in 1998, the TRC could in fact be "an exercise in forgetting".²⁴⁸ The current disconnect between the TRC and its work and contemporary political and economic dynamics and discourse reinforces this concern.²⁴⁹

The array of challenges facing South Africa in terms of reconciliation and the underlying necessities of development and transformation, must be reconfigured as a set of opportunities to be addressed in the longer-term game plan of generating a common agenda for stability and human security. This requires a reinvigoration of commitments to the realisation for social and economic rights, beyond opting for minimum standards.

It requires a more honest engagement with protest, whether this relates to the failings of service delivery or the challenges of education. An honest conversation is not only critical for building trust and understanding, but also necessary to examine how far current economic models can take us and what else might be done to tackle scourges of poverty and inequality.

This requires a retrospective examination of the negotiated settlement; this was a largely secretive affair and more light must be shed on the content of the deals and what informed them.

Understanding how compromises were reached will assist and inform how best to address their consequences, and what might now be done to build on those agreements.

²⁴⁷ Michael Ignatieff, "Articles of Faith", *Index on Censorship* 25, no 5, 1996, p.113

²⁴⁸ Jacobus A. Du Pisani, Kwang-Su Kim, "Establishing the Truth about the Apartheid Past: Historians and the South African Truth and Reconciliation Commission", *African Studies Quarterly*, Volume 8, Issue 1, Fall 2004, p.86.

²⁴⁹ The TRC's archive remains unprocessed and largely inaccessible to the general public. Piers Pigou, "Accessing the Records of the Truth and Reconciliation Commission", in "Paper Wars: Access to Information in South Africa", ed. Kate Allan, Witwatersrand University Press, 2009.

A national plan of action for reconciliation, including a core transformation component, is required that does not present something new or reinvent the wheel, but that ties together and drives existing policy, such as the National Development Plan. A longer term vision must be employed that works with and develops existing policy commitments (domestic and international), utilising and building existing institutional infrastructure (i.e. Chapter 9 democracy supporting institutions).

This requires a nationally driven process that is inclusive and connects to local initiatives. A community focused approach will enable a more bespoke response to particularities. This requires the cultivation and promotion of political and civil society leaders from an array of traditional and non-traditional settings; the inclusion of faith-based communities who have a wide reach across South Africa, community leaders, organised labour, the private sector and professional institutions.

It requires the mobilisation and deployment of activists who can take this to the ground; it needs to be both an opportunity to raise awareness, but also to consult and engage; it must be a national campaign that proactively seeks to engage those who have successfully siloed themselves from the mainstream. Getting South Africans to connect with one another will be taxing; recent protest action against the government, however, have brought together an eclectic grouping from an array of political, social and economic constituencies demonstrating again South Africa's capacity to defy assumed loyalties.²⁵⁰

In addition, a greater proactive engagement is required to build and transform relations, within and between South Africa's disparate communities. Alienated minorities need to be attended to, their anxieties addressed, but within a border framework that also enables these communities to glean a broader perspective of conditions and options. This would also enable a greater understanding of differences, but also a greater appreciation of our commonalities and interconnections. It will also guard against the dangers of exceptionalism.

An inclusive approach is necessary, one that actively engages constituencies that have been left largely to their own devices. This also requires a reconnection with, innovation from, and the accommodation of, the local and international investor community, and others who are in the business of generating wealth and economic opportunity. Rebuilding their confidence in South Africa's government is an integral component of a sustainable solution.²⁵¹

²⁵⁰ Interview, 4 June 2017.

²⁵¹ Interviews 15 & 25 May 2017.

South Africa's transition has benefitted from the goodwill and support of the international community. It benefitted from a shifting geo-political context at the end of the Cold War, which opened the door to multiple possibilities. It has also allowed South Africa to reconfigure its relationship with the international community, East, West and of course on the Africa continent and the global south more generally.

South Africa should be more open to comparative learning from other transitional environments. It has, however, been less open to receiving than sharing as it relates to reconciliation and transformation. As South Africa gives more attention to its options for transformation, this provides an important opportunity for international engagement, both in terms of comparative learning, but also in relation to innovative support. As in the past, the international community has an important enabling role in supporting a shift in activities towards social inclusion and promoting hard discussions on socio-economic transformation, racism and non-racialism.

“23 years since South Africa’s first democratic elections and 21 years after the adoption of its much-lauded ground-breaking liberal constitution, the vision set out by Mandela is visibly fraying; the promise of a broad based transformation is now fundamentally challenged by the inadequacies of an economic and development model unable to generate adequate policies and growth to underwrite a more profound change, both socially as well as economically.”

ANNEX I: AGENDA OF THE HIGH-LEVEL SYMPOSIUM

“CHALLENGING THE CONVENTIONAL: CAN POST-VIOLENCE RECONCILIATION SUCCEED?”

BOGOTA, 5-6 OCTOBER 2017

Thursday 5 October

9:30-10:00

Greetings & Goals of Meeting

Welcome participants and outline the purpose and format of the meeting.

Scott Weber, Director-General, Interpeace

Alan Doss, Executive Director, Kofi Annan Foundation

10:00-11:00

Keynote Speaker: Kofi Annan

Chairman of the Board of Directors, Kofi Annan Foundation

Former Secretary-General of the United Nations

Reconciliation as a process, aspiration or outcome? Reflections from Mr. Annan’s experience of reconciliation processes, followed by Q&A, moderated by Scott Weber.

11:00-11:15

Break

11:15-12:45 SESSION ONE:

Key highlights from the case studies:

- Dr. Bernardo Arevalo de Leon, Interpeace, on the Guatemala case study
- Dr. Claude Iguma Wakenge, Bukavu-based Réseaux d’Innovation Organisationnelle (RIO), on the DRC case study
- Ms. Gráinne Kelly, International Conflict Research Institute (INCORE) at Ulster University, on the Northern Ireland case study

- Piers Pigou, Senior Consultant for the International Crisis Group, on the South Africa case study

Each author will have 15 min to present key findings from their case study in terms of practice (What innovations and lessons can inspire national and international actors engaged or willing to engage in reconciliation efforts? and policy (what implications for policy-making processes that seek to initiate or contribute to reconciliation?)

Moderator: Dr. Youssef Mahmoud, International Peace Institute, to highlight key commonalities, differences and issues that emerge from the case study findings as an introduction to the subsequent sessions

12:45-14:00

Lunch

14:00-15:30 SESSION TWO:

The changing nature of reconciliation at different points in the peace and conflict cycle

- Dr Zahbia Yousuf, Conciliation Resources
- Borja Paladini Adell, Peace Accord Matrix’s Barometer Program in Colombia, University of Notre Dame

Moderator: Dr. David Bloomfield, Independent Reconciliation Expert

This session will focus on how reconciliation fits into peace and conflict cycles. How do the objectives, understanding and nature of reconciliation evolve and change over time depending on the features of conflict and where the country is in the peacebuilding process? How do we assess progress towards reconciliation? Can the dual objective of reconciliation – as a retrospective endeavour aimed at addressing the legacy of past violence and as a preventative initiative to rebuild societal relationships for the future – contradict and undermine each other? Do reconciliation processes result in or relate to new patterns of exclusion? How do reconciliation efforts relate to trust building, social cohesion and trauma healing?

15:30-15:45

Break

15:45-17:15 SESSION THREE:

At what levels of society should reconciliation efforts be attempted?

- Immaculée Mukankubito, Never Again Rwanda
- Father de Roux, Program for Peace and Development in the Middle Magdalena, Colombia

Moderator: Priscilla Hayner, Senior Mediation Adviser, UN Standby Team of Mediation Advisers

Reconciliation takes place on different levels of society and involves a broad range of stakeholders. This session will look into the different strategic points of entry for reconciliation processes, as well as the relationship between the different levels at which reconciliation can be initiated. Can reconciliation processes focus on both intergroup relationships (horizontal reconciliation) and state-society relationships (vertical reconciliation)? How can top-down, bottom-up and middle-out strategies for reconciliation mutually reinforce each other? What are positive examples of bottom-up reconciliation processes that have been scaled up to impact on national reconciliation processes? How can top-down processes cascade downwards to support local processes?

Friday 6 October

9:00-10:30 SESSION FOUR:

Reconciliation and Institutional Reform

- Hayet Ouertani, Reparation and Rehabilitation Committee, Tunisian Truth and Dignity Commission
- Patrick Colgan, Government of Ireland

Moderator: Graeme Simpson, Interpeace

The contribution of institution-building and reform to reconciliation is often overlooked. This session will explore the role state and societal institutions (schools, police, religious communities, etc.)

can play as platforms for rebuilding relationships both horizontally and vertically. What are good examples of security sector reforms or judicial reforms that have been used as opportunities for relational reconstruction? How can the media or education sectors contribute to transforming relationships and fostering inclusion in societies moving forward? What implications does this perspective on institution-building as a reconciliation intervention have on state-building initiatives, which too often seek to strengthen fragile state institutions without aiming at transforming state-society relations?

10:30-10:45

Break

10:45-12:15 SESSION FIVE:

Zoom in: Gender and youth dimensions of reconciliation

- Rufa Cagoco-Guiam, Institute for Peace and Development in Mindanao, Mindanao State University
- Helga Flamtermesky, Truth Memory and Reconciliation Commission of Colombian Women in the Diaspora

Moderator: Andrew Gilmour, Assistant Secretary-General for Human Rights, OHCHR.

This session will look into the extent to which and the ways in which gender has played a role in shaping reconciliation approaches. It will also provide an opportunity to examine the unique challenges and perspectives other constituencies, such as youth, victims, veterans, etc. bring to the endeavour of fostering reconciliation in conflict-affected countries. How can reconciliation processes best address the particular impacts of violent conflict on these groups? How can we ensure reconciliation efforts do not entrench the sorts of gender discrimination that studies have shown to be strong predictors of new conflict and patterns of violence? How can a gender or youth lens help to better understand other key issues, such as experiences of victimization, sexual violence or transgenerational trauma?

12:15-13:30

Lunch

13:30-15:00 SESSION SIX:

Zoom in: The role of the international community in reconciliation processes

- Vesna Teršelić, Documenta – Centre for Dealing with the Past, Croatia
- Jason Ladnier, Bureau of Conflict and Stabilization Operations (CSO), US State Department

Moderator: Ambassador Sirpa Mäenpää, Finnish Ambassador for Peace Mediation

Reconciliation cannot be imposed from outside, but must be driven from within. Still, the international community's role in the process of reconciliation often remains crucial in creating the opportunities and favourable conditions under which the process of reconciliation can be initiated and in sustaining adequate resources and capacity. What principles shall guide foreign actors' engagement? How does the role of the international community evolve over the lengthy process of reconciliation? How can international stakeholders engage with national actors beyond the state?

15:00-15:15

Coffee break

15:15-16:45 SESSION SEVEN:

What implications for countries where reconciliation is needed?

- Dr. Kyaw Yin Hlaing, Centre for Diversity and National Harmony, Myanmar
- Virginie Ladisch, Children and Youth program, ICTJ

Moderator: Renata Segura, Conflict Prevention and Peace Forum, Social Science Research Council

Presentation and discussion of emerging situations where reconciliation may become part of the peace process – not only in societies emerging from violent conflict but also in more established democracies. How to best design and support those processes? In addition to exploring the opportunities provided by the field of reconciliation, this session will also seek to challenge the assumptions about reconciliation and its limitations.

16:45-17:00

Conclusion

In the closing session, speakers will provide an overview of the conclusion of the symposium with a particular focus on the recommendations made and next steps.

- Alan Doss, Kofi Annan Foundation, and Scott Weber, Interpeace

ANNEX II: LIST OF PARTICIPANTS IN THE SYMPOSIUM

Mr. Alan Doss

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Mr. Andrew Gilmour

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Mr. Graeme Simpson

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Ms. Hayet Ouertani

Head of Reparations and Rehabilitation Committee, Tunisian Truth and Dignity Commission

Ms. Helga Flamtermesky

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Mr. Henry Alt-Haaker

Head of the International Relations Programs & Liaison Work, Berlin Representative Office, Bosch Foundation

Mr. Ian Arzeni

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Ms. Immaculée Mukankubito

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Ambassador Jarmo Kuuttila

Embassy of Finland in Bogota

Mr. Jason Ladnier

Acting Deputy Assistant Secretary – NEA, WHA, EUR, Bureau of Conflict and Stabilization Operations, US Department of State

Ambassador Joeren Roodenburg

Embassy of the Netherlands in Bogota

Mr. Kofi Annan

Founder and Chairman, Kofi Annan Foundation, former Secretary-General of the United Nations

Ambassador Kurt Kunz

Embassy of Switzerland in Bogota

Dr. Kyaw Yin Hlaing

Founding Director, Centre for Diversity and National Harmony

Ms. Maud Roure

Programme Manager, Kofi Annan Foundation

Ms. Maria Camila Moreno

Head of ICTJ Office in Colombia, International Center for Transitional Justice

Mr. Michael Shipler

Asia Regional Director, Search for Common Ground

Mr. Michal Khan

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Mr. Patrick Colgan

Senior Adviser to the Government of Ireland in Colombia

Mr. Philipp Lustenberger

Senior Adviser to the Swiss Special Envoy for the Peace Process in Colombia

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Ms. Rosa Emilia Salamanca

Strategic Director, Corporacion de Investigacion y Accion Social y Economica (CIASE)

Ms. Rufa Cagoco-Guam

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Ambassador Tommy Stromberg

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Ms. Virginie Ladisch

Head of Children and Youth Program, International Center for Transitional Justice

Ms. Vesna Teršelič

Director, Documenta – Dealing with the Past

Dr. Youssef Mahmoud

Senior Adviser, International Peace Institute

Dr. Zahbia Yousuf

Peacebuilding Editor and Analyst, Conciliation Resources

“While you are
proclaiming peace
with your lips,
be careful to have
it even more fully
in your heart.”

– Francis of Assisi

ANNEX III: BIBLIOGRAPHY

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Today reconciliation is a given ingredient in almost any peace agreement and post-conflict reconstruction process. But reconciliation is usually conceived as either a bottom-up effort carried out at the grassroots level and focused on interpersonal and community relationships, or as a national top-down endeavor including legal or constitutional processes and reform, truth commissions, national reparation programs, etc. The fact that reconciliation takes place on different levels of society and involves a broad range of stakeholders is often overlooked, and there is a lack of understanding of how different reconciliation efforts connect to each other, and more broadly, of what works in advancing reconciliation. To begin addressing this gap, the Kofi Annan Foundation and Interpeace have partnered to examine past reconciliation efforts and understand what reconciliation means for those living in countries affected by violence.

This report distils the findings of four case studies conducted in Guatemala, Northern Ireland, the Democratic Republic of the Congo and South Africa, and the discussions and outcomes of a high-level symposium that brought together reconciliation experts and practitioners in Colombia in October 2017. It provides guidance for peace-builders and policy-makers on issues and questions that merit increased attention in the design and implementation of reconciliation process.

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