POST CONFLICT RECONSTRUCTION AND PEACEBUILDING IN AFRICA'S GREAT LAKES REGION: THE ROLE OF TRANSITIONAL JUSTICE

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Post Conflict Reconstruction and Peacebuilding in Africa's Great Lakes Region: the role of Transitional Justice

by

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ABSTRACT

Peacebuilding has become a bridging tool through the use of justice processes in order to reconstruct peaceful societies. Increasingly the international community within the last five decades has also become rigorous in its approaches to build global peace and to harness reconciliation. Peacebuilding is formulated in response to a given state's post genocidal or post-conflict situation it incorporates short, medium and long-term goals that will enable the society to emerge from the conflict and further sustain peace while also spurring development. The contemporary international system is characterized by intra-state conflict, as such post conflict reconstruction should be formulated in such a way that reconciliation is achieved, national identities are created and peace is sustained. Increasingly in an attempt to address the above, the international community has taken into using transitional justice as a means not only of reconciliation, but also to address the impunity which accompanies most intra-state conflicts as well as the spill over effects of conflicting parties to other states within a region.

The Great Lakes region in Africa has been a region prone to conflict for well over four decades. The region is made up of countries that have Lake Tanganyika and Lake Victoria passing within their territories, they are: Burundi, Democratic Republic of the Congo (DRC), Kenya, Republic of Tanzania and Rwanda. It is evident that the efforts of achieving sustainable peace for each states in that region has been compromised by factors external to their territory therefore regional factors. With violence rampant in the region during 1990 to early 2000's with inter-state conflict and intra-state violent conflict raging particularly in Rwanda the DRC and Burundi and Uganda sustainable peace seemed to be a distant goal for these states.

Peacebuilding supposes sustainable peace by emphasizing the need to address conflict in a manner that will prevent a recurrence of conflict. With the advent of globalisation and the increased interdependence among states, sustainable peace has itself become an international priority and as such global peace is kept and advocated for by organisations such the United Nations. Sustainable peace is therefore no longer just limited to a state and its territories but also essential for global peace and regional cooperation.

ACKNOWLEDGMENTS

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

CHAPTER 1: INTRODUCTION

1.1 Transitional Justice and Peacebuilding

The available literature and the current statuses of some countries, specifically in Africa, shows that humans are prone to conflict. Human being conflict has manifested itself in various ways and has led to violent clashes within and between social clusters. In modern times, humans find themselves in perpetual conflict, which ranges on a continuum from low to extremely high levels. Usually, the latter extreme is brought about by a number of factors which when combined create an environment whereby an individual is incapable of tolerance for another being, the intolerance may result due to a social phenomenon such as for example identity. History has demonstrated that human beings and social tensions go hand in hand as perceptions and beliefs vary widely. Furthermore, politics also creates social divisions or classes which are either intended or unintended.

The advent of social differences and divisions which arise from social phenomena provide breeding grounds for conflict to flourish. History has demonstrated that the more societies are divided, the harder it is to avoid conflict, especially violent conflict. For instance, in a society where identities are juxtaposed against one another, people belonging to various identities will attempt to protect their interests to ensure their own survival. Conflict by its very nature is protracted and it is characterised by people dealing with disparate ideas. Therefore occurrences like war are to be expected and mitigated in ways that promote and favour peaceful measures as a way of deterring future violent outbreaks.

These measures referred to above arise as a result of implementing policies and initiatives which foster institutions that will promote dialogue and the rule of law in order to create a peaceful, just and fair society (Anderlini, Conaway and Kays, 2004) The measures, policies and initiatives adopted by a state post conflict with the aim of rebuilding the country and regenerating the economy are neatly encapsulated as peacebuilding initiatives. Peacebuilding supposes sustainable peace, by emphasizing the need to address conflict in a manner that will prevent a recurrence of conflict. With the advent of globalisation and the increased interdependence among states, sustainable peace has itself become an international priority and as such global peace is kept and advocated for by organisations such as the United Nations. The prerogatives of sustainable peace are no longer just limited to a state and its territories but also essential for global peace and regional cooperation.

Peacebuilding initiatives are formulated in response to a given state's post genocidal or post-conflict situation. They incorporate short, medium and long-term goals that will enable the society to emerge from the conflict and further sustain peace, while also spurring development. Tools adopted for post-conflict peacebuilding are not be limited to reconciliation, but also look to facilitate development, reintegrate society and the state at all levels, by ensuring that peace and economic sustainability are achieved and maintained. Peacebuilding has become a bridging tool, increasingly through the use of justice by the international community within the last five decades to build peace and to harness reconciliation.

Much interest is vested in the hope of establishing whether justice as a peacebuilding mechanism allows for the protection of human rights, while simultaneously deterring a lapse or relapse into violent conflict. There is a need to enhance the nexus between transitional justice, regional cooperation and sustainable peace in order to contribute meaningfully to the research in the field, as well as provide some form of framework for the restoration and maintenance of sustainable peace in reconstructing societies and or regions.

The current global system is characterized by intra-state conflicts, conflict that occurs within the same territorial boundaries by natives against natives or against authority. They range from religious conflicts, race conflicts, socio-economic class division conflicts, to ethnic conflicts. Conflict often ranges on a continuum with relative co-existence and peace at one end and extreme violence on the other. Violent conflict is a continuously recurrent phenomenon and the manner in which it is dealt with often dictates whether peace or violence will prevail ultimately.

By examining the current trends in international relations, it appears that third world countries or less developed countries in the globe are prone to lapsing into violent conflict, when juxtaposed to the world generally. This often translates to the continued underdevelopment of such states due to the impact of a violent conflict on the state's infrastructure as well as its factors of production. The current world order is largely interdependent and it serves no interest to the developed states to live in a world marked by internal conflicts which have the potential to destabilise the international community. As a result more states, (even those external to the conflict) find themselves with the need to build sustainable peace, in order to ensure that a relapse into conflict is deterred. The post-conflict period therefore, is one characterised by actors and stakeholders who are keen on restructuring their communities so as to attain sustainable peace.

The reconstruction period aims to rebuild the state and relations between its people, further it also seeks to achieve peace through the ending of overt mass violence. In this period it is

assumed that whatever structures that existed before the adverse conflict are inadequate and need to be modified, restructured and rebuilt. Scholars and policy makers of post-conflict reconstruction have increasingly engaged the concept of peacebuilding as a catch all phrase that seeks not only to end violence, but also provide the necessary environment for sustainable peace.

This dissertation will attempt to provide a comprehensive layout of the concept of peacebuilding. Therefore it will consider the holistic various approaches and strategies that are designed for sustainable peace as well as the idea of satisfying basic needs, identity and worth. It will also look at the various theoretical schools of peacebuilding as well as the different approaches used in peacebuilding initiatives. It will further look at the necessary instances for the engagements of peacebuilding initiatives. Peacebuilding is aligned to certain sectoral categories namely: to provide security and order, to support psycho-social recovery and the healing of wounds of the conflict, to establish socio-economic foundations of long-term peace, to establish the political and institutional framework of long-term peace and to generate justice and the rule of law (Peacebuilding Initiative, 2009).

The mechanisms used to achieve peacebuilding are often chosen or formulated in response to a given state's post conflict situation. Therefore peacebuilding has to incorporate short-medium-and long-term goals that will enable society to emerge from the conflict and further sustain peace while also spurring development. Tools adopted for post-conflict peacebuilding must therefore by necessity not be limited to reconciliation but must also look at facilitating development and reintegrating society and the state as purported by the sectoral categories stipulated above. Of particular interest to this dissertation justice and the rule of law, but more specifically the role of transitional justice in building peace.

The rule of law is generally considered to be a democratic principle which aims to entrench institutional morality in issues of justice and fairness within a society (Jowell, 2014). It is underwritten by values of efficiency, certainty, and accountability and so forth in matters that regard due processes and justice. In the post conflict reconstruction phase, by necessity the rule of law needs to be established unambiguously in order to facilitate justice processes. The manifest interest in the role of transitional justice in peacebuilding is vested in establishing the formation and creation of the rule of law through justice processes. From reading available literature one assumes that justice occurs in the context of an established rule of law, however the sort of justice which occurs within an established rule of law is largely limited to the judicial processes. Transitional Justice Mechanisms however formulae the rule of law in the sense that initiatives in the post-conflict reconstruction phase act as a catalyst to the establishment of the

rule of law. This entails a richer rule of law in that it accentuates the values underpinning what would be a just society, for instance people who have not experienced what lack of efficiency in development initiatives entails in a developing country may not necessarily understand its importance in maintaining peace and order.

1.2 The nexus between Transitional Justice and Peacebuilding

Primarily justice is considered to be 'conformity to moral rightness in action and attitude therefore righteousness. The upholding of what is just such as fair treatment and due reward', the Merriam Webster dictionary defines justice as 'the maintenance or administration of what is just especially by the impartial adjustment of conflicting claims or the assignment of merited claims. Justice is therefore a concept that concerns itself with moral rightness, fairness and impartiality. It is a concept that seeks to order society by advancing the notion that no one is above the law.

The concept of transitional justice refers to justice measures that are taken in the post-conflict reconstruction phase with the hope to re-establish the rule of law. It therefore has by implication a very limited time frame in which justice must be established. Transitional Justice is considered to be 'a response to systematic violations of human rights' (ICTJ, 2012). Essentially it seeks to respond to such violations through the use reconciliatory methods, the promotion of democracy and the recognition for the victims in order to promote peace. It is a concept that seeks to as Teitel suggests intervene in a period of political change, characterised by a juridical answer to the wrongs of past repressive regimes (Teitel, 2003).

Peacebuilding supposes sustainable peace by emphasizing the need to address conflict in a manner that will prevent a recurrence of conflict. With the advent of globalisation and the increased interdependence among states, sustainable peace has itself become an international priority and as such global peace is kept and advocated for by organisations such the United Nations and the African Union, among others. Sustainable peace is therefore no longer just limited to a state and its territories but also essential for global peace and regional cooperation. This is especially so in the context of developing countries.

1.3 The Great Lakes Region, a threat to sustainable peace

The Great Lakes region in Africa has been a region prone to conflict for well over four decades (Daley, 2006:303). The region is made up of countries that have Lake Tanganyika and Lake

Victoria passing within their territories, they are: Burundi, Democratic Republic of the Congo(DRC), Kenya, Republic of Tanzania, Uganda and Rwanda. It is evident that the efforts of achieving sustainable peace for each states in that region has been compromised by factors external to their territory therefore regional factors.

With violence rampant in the region during 1990 to early 2000's with inter-state conflict and intra-state violent conflict raging particularly in Rwanda the DRC and Burundi and Uganda (Daley, 2006) sustainable peace seemed to be a distant goal for these states. A detailed per country analysis will be given highlighting the challenges and attempts at building peace. A conflict timeline will be presented so as to give the reader an idea of the various political events which were occurring at the time and how these events contribute to the regions stability.

These states respectively could be argued to have engaged in peacebuilding activities with the hope of ending their respective conflicts and attaining peace. They have made use of international structures such as the UN and the International Court of Justice, among others to foster peace and end violence as well as local grassroots structures, such as the Gacaca courts in Rwanda to address conflict. The countries in this region have also sought approaches to conflict that address justice therefore they have undertaken transitional justice as a peacebuilding mechanism.

The dissertation will look to determine whether the specific forms of local transitional justice as utilised by these countries in the Great Lakes Region, give effect to sustainable peace and regional peace if so how and if not where is the delinquency. The analysis will also attempt to illustrate the plausibility of using indigenous methods when it comes to peacebuilding and why such methods should be preferred and sought after by Peace builders and policy makers in reconstructing societies and promoting regional cooperation.

This dissertation also provides quantitative data reflecting the numbers of people who have been displaced as a result of conflict as well as provides an analysis on the negative impact of instability on the Region's economy. This will be achieved mainly through the examination of refugee numbers of the countries in the Great Lakes Region during the period 1990-2010, it will also formulate graphs so as to render clear pictures of the instability of their respective populations during this period. Data on population size as well data on Gross Domestic Production and Gross Domestic Production per Capita (which are two economic indicators that are used to measure economic production and output), will also be presented with the aim of highlighting the negative impact of social instability due to conflict on general economic development and growth.

1.4 Regionalism and Regional Cooperation

The dissertation will then look at transitional mechanisms that were implemented in the Great Lakes region. In chapter 3 the dissertation will provide a detailed history of each state in the region in respect to their conflicts as well as consider the peacebuilding tools which were used in the aftermath of violent conflicts in order to reinstate the rule of law. Due consideration will be given to the strengths of those tools as well as the shortfalls they produced due to the regional dynamic of the Region. The chapter will then highlight the interconnected nature of the conflicts in the great Lakes region and provide a basis for the argument of Regionalism as a social project which could be used by the region to build and foster sustainable peace.

Moving further along, the concept of regionalism will be explored and supported as a viable solution to the Region's conflicts. This paper will then move to explore the advantages of regional cooperation and how regionalisms can benefit the states in the Great Lakes Region in the hope of sustaining peace as well as economic development which may occur as a result of increased cooperation between the states.

Finally, the paper will provide a summary and conclusion on the role of transitional justice in building peace. The conclusion will be based on the notion of regionalisation as a peacebuilding tool that will provide a necessary framework for peace to prevail in the Great Lakes Region. By taking into cognisance all data and arguments advanced throughout the dissertation, this chapter will highlight both the limitations and advantages of peacebuilding through the rule of law at a regional level, so as to highlight the potential of this approach in ensuring that peace prevails in the Great Lakes Region. By further examining the balance of power in the region between states as well as the interlinked nature of the conflict in the region an analysis will be made on how states within the region can use this power to ensure the success of a regional policy aimed at ensuring regional peace and security

1.5 Background and outline of research problem

Peacebuilding was primarily thought to be 'non-military interventions by external actors to help war-torn societies not relapse into conflict but also establish the conditions for sustainable peace' (Tschirgi, 2004). With the rise of globalisation, global peace and Human Rights as well as intra-state conflict, it evolved in approach and scope. Boutros-Boutros Ghali (1992) defined Peacebuilding as 'post-conflict action to identify and support structures which tend to strengthen and solidify peace to avoid a relapse into conflict' (Boutros-Ghali, 1992). Lambourne (2004) articulated the concept further by defining it as 'strategies designed to

promote a secure and stable lasting peace in which basic human needs are met and violent conflict do not recur' (Lambourne, 2004:6).Lederach (1997:6) considers peacebuilding as 'a holistic approach that encompasses, generates and sustains the full array of processes, approaches, and stages needed to transform conflict towards more sustainable, peaceful relations'.

This work seeks to consider what role peacebuilding, in its more modernised sense, can it occupy in building sustainable peace in protracted conflicts that occur at a transnational level. Furthermore it seeks to examine the strengths of regionalism as a project for sustainable peace in regions were issues span over and between borders that threaten regional peace.   The assumption is that collaborated efforts towards peacebuilding lead to enhanced sustainable peacebuilding that creates a common point of departure for resolving conflict and engaging non-violent measures in redressing past injustices.

In Africa, the need for regionalism in pertinent as there a regions which experience conflicts that are rooted or revolve around the same issue. In the Great Lakes Region (which is clearly delineated in chapter 3) for instance there are grand issues which span over the region that continue to act as a source of conflict for each respective state in the region. Regionalism may be a solution to addressing most of the issues in the region and contribute to lasting regional peace. Regionalism is the idea of collective gain and as such has the potential to lead to greater regional stability and sustainable peace through increased cooperation.   Scholars and organisations such as the National Coordinators of the International Conference of the Great Lakes Region (2003), Van Leeuwen (2008), Besada, (2010), Dagna (2011) and Smith (2010) all allude to the notion of regionalism as a basis for sustained peace and have provided arguments that   deserves scholarly attention, particularly in a world system where interdependence is a key feature.

This work is also highly vested in establishing whether transitional justice as a peacebuilding mechanism allows for the protection of human rights, while simultaneously deterring a lapse or relapse into violent conflict. It therefore seeks to explore whether there is a nexus between transitional justice, regional cooperation and sustainable peace in order to contribute meaningfully to the research in the field.   It will also consider frameworks for the restoration and maintenance of sustainable peace in reconstructing societies and or regions by looking at what has been achieved through grassroots approach in achieving peace.

1.6 Research Methodology and Outline of thesis structure

The research methodology is a combination of descriptive and quantitative research methodologies. The descriptive part of the thesis will seek to explore and explain major concepts related to the topic, namely, Peacebuilding, Transitional Justice, Regional Cooperation/Regionalism and Sustainable Peace. It will provide definitions from scholars prominent in these fields as well as offer some alternate definitions for argument purposes. Quantitatively it will seek to measure certain social phenomena that occurs as a result of conflict and other social ills in the Great Lakes Region of Africa. It will achieve this by providing statistics of the number of refugees from the Great Lakes Countries, the number of internally displaced person's as an index for showing the instability within the Great Lakes Region during the period from 1990 to 2010. The statistics will also provide key economic indicators statistics of each country during the 20 year period under review and aim to draw linkages to economic performance and social stability in each country.

The reasoning behind descriptive research is based on the notion that 'Descriptive research involves identification of attributes of a particular phenomenon based on an observational basis, or the exploration of correlation between two or more phenomena' (Williams, 2007:66). In this work descriptive research is used to analyse the Great Lakes Region and its interlinked nature of conflict that occurs within the region. The research problem is not so much is vested in the 'why' conflict is prevalent in the region, rather in understanding how it affects actors and states within the region. It is descriptive in nature as it provides issues that are commonly accepted to be challenges in the region without scrutinising the source of those issue. Descriptive research seeks to paint a picture of the subject by looking at its characteristics and behaviour to draw an analysis. The writer makes use of a conflict timeline over the period of 20 years (1990-2010) that occurred in the region as well as the events that led to each outbreak. It looks at pressing issues with each violent outbreak and also considers the interlinked nature of the conflicts and how instability in one country weakens peace and security among its neighbours.

The quantitative data was built into the research to assist the writer in showing readers how conflict had given rise to other issues such as human displacement which gave rise to other issues such as economic underdevelopment and social instability as a result of. Quantitative research has the ability to be more reliable and objective. They are also able to support hypotheses and theories and are generally considered to be more subjective than qualitative result as they reflect facts numerically (Winter, 2000). The writer makes use of the statistics provided to draw linkages and make analysis on the feasibility on economic development in stable regions as opposed to conflict ridden regions.

In an attempt to provide a context as well as basis for the advocacy of regionalism in order to achieve sustainable peace in the Great Lakes region, the paper will be outlined as per below:

Chapter Two: Peacebuilding and Justice

It will look into the concept of post-conflict reconstruction, peacebuilding and transitional justice, regional stability and sustainable peace, and then state reconstruction by briefly examining conflict and its consequences. It will also consider the relationship between sustainable peace, peacebuilding and transitional justice.

Chapter Three: The Great Lakes Region from 1990-2010

This Chapter will illustrate the history of the extent of overt violence in internal conflicts. It will allude to the importance of sustainable peace not only internally but also the advantages of sustaining peace for the whole region. Data on refugees and internally displaced persons will be presented as a means of showing the alarmingly high number of people displacements as a result of conflict.

Chapter Three will also will consider the various approaches to peacebuilding by discussing their merits and failures in the context of the Great Lakes Region and what they have meant for the region as a whole (there will be a specific focus on the Rwandan Gacaca courts system, as the writer is of the view that the courts were a grassroots approach to conflict transformation, which had the potential to address the core challenges of the region mainly the Hutu-Tutsi ethnic tension).

Chapter Four: Regionalism

This chapter will provide the reader with the case for regionalism in the Great Lakes Region by defining the concept of regionalism. Furthermore the chapter will provide the motivation for the need to regionalise in the current global by highlighting the advantages of regional blocs in achieving socio-economic prosperity as well as security.

Chapter Five: Reginal Cooperation

This Chapter will discuss and analyse the importance of the use of indigenous methods to effect peace and how these methods ensure that sustainable peace is potentially achieved intra-state as well as regionally therefore inter-state. It will also provide an argument for the empowerment

of regional organisations in playing a firmer role in peacebuilding as opposed to mere peacekeeping or peace-enforcement roles.

Chapter 6: Summary and Conclusion

The final chapter will serve as a summary of the main points for the use of transitional justice mechanisms as a tool for re-establishing the rule of law as well as the advocacy for regionalisation in the Great Lakes Region in the quest to achieve regional stability and peace.

CHAPTER 2: PEACEBUILDING AND JUSTICE.

In modern times, world peace has become an intrinsic and necessary foreground for the promotion and protection of human rights. Furthermore, peace is considered to be the breeding ground for cooperation and necessary for multilateralism. In a peaceful world, much can be achieved in terms of economic prosperity when there is respect and protection for human rights. It is common knowledge that no person can optimally function in a violent situation due to the traumas associated with violent conflict (which could be physical or emotional) rendering a person incapable to perform the simplest of tasks.

In times of overt violence and war one can never escape trauma due to the nature of war, people get exposed to heinous acts against humanity, such as rape, torture, murder and inhumane incarceration to name a few. This events and acts can be traumatic to individuals who either experience these acts as victims or as witnesses to them. Trauma is a considered to be an emotional response which renders the sufferer to experience intrusive flashbacks of painful experiences. The natural initial response to trauma is shock and denial, this leads people to focus less on their psychological wellbeing only to be confronted with its long term effects which can cause other psychological problems that inhibit a person's optimal performance.

This has a direct impact on the possibility for reconciliation and conflict transformation because in a war contexts it is a given that everyone is exposed to trauma and is likely to suffer from some form of post-traumatic disorder. Scholars such as Seeburger (2012) argue that for people who have lived through a war to be able function again they need to relearn certain behaviours which may have been eroded by the war. In a functioning society where there is relative peace the society is characterised by mutual trust and understanding, in a war this mutual trust and understanding becomes eroded and is replaced by feeling of distrust and fear. To make matters worse people begin to build walls around themselves and live in isolation or complete paranoia, making civil cooperation a strained exercise. This then means that not only has the country suffered a severe loss to infrastructure and capital, but a major loss in its human capital.

Generally then peacebuilding should be a project that aims to rebuild the state's institutions and infrastructure to solidify the rule of law, but also equally important is the rebuilding of relations between people who have opposed each other in a war so as to build lasting peace. By repairing relations of individuals in a conflict ridden context, there is increased opportunity in rebuilding the country and contributing meaningfully to the economic development of the state. By investing in the wellbeing of the people who have survived a war through initiatives that are

cognisant of this fact goes a long way in ensuring sustainable peace in the local communities thereby contributing to national, regional and ultimately global peace.

In international relations, peace is important because of the value associated with a peaceful world. This is largely due to the fact that countries are becoming interdependent and increasingly rely on each other for the development and sustenance of their economies. The increased interdependency prompts states to continue to form institutions which foster World peace as well as embrace regions for increased economic cooperation. However, conflict is intrinsic to human nature and as such, peace is continually threatened. More often than not, conflict has led to the disruption of peace in unimaginable ways which has led to the need for peace reconstruction to be a project that is innovative and cognisant of the issues with potential to disrupt peace within communities.

To understand what sustainable peace by necessity entails, it is imperative to explore the concept of conflict. There is no single definition for conflict that fully encapsulates the term in its totality but many would agree that it is a phenomenon that exists on a continuum with relative peace on the one end and extreme or overt violence on the other. It can exist between persons, nations or within a person intra-personally, and in any given society. No individual, society or state is immune from conflict, it manifests itself on every aspect of our lives from friendships, relationships to government regimes. It is what is termed as 'part and parcel of everyday life' an intrinsic feature to human nature.

Civil society in any instance requires a level of co-existence and tolerance in order to survive and function optimally. The necessary condition for society to prosper rests on the existence of peace and the control of conflict. To effectively control conflict and sustain peace, the nature and the source of conflict needs to be understood if any attempts at sustainable peace are to be achieved. For scholarly purposes, two categories of conflict are identified namely, inter-state conflict as well as intra-state conflict. The former category of conflict occurs between two Nation States which was likely before the post-cold war era hence, the First and Second World Wars. However, this type of wars could be argued to be absolute as they rarely occur in contemporary global politics. The rarity of interstate wars or conflicts could be attributed to the increased interdependence of Nation States, the rise of democracy, diplomacy, the increased importance of human rights and state sovereignty. Never in history has it become paramount for states to practice self-determination as well as to have physical space that would realise the importance its existence. In cases where this practice is denied, there tends to be social tension where for instance citizens are alienated and marginalised to their own detriment. As a point of illustration, one has to consider the position of Morocco in regards to the territory known as

the Western Sahara, the former insists that the latter is part of Morocco and cannot be realised as a sovereign state separate from it (Allison, 2016). As a result Morocco views Western Sahara as an extension of its borders and does not allow people from Western Sahara to identify as a different country from them. Even though international intergovernmental institutions such as the African Union recognise the Western Sahara as a sovereign state, Morocco continues to defy this stance and has withdrawn from the AU as a result of this recognition.

Western Sahara has responded to this defiance by waging a war against Morocco to regain sovereignty, causing a protracted conflict between the two states which has led to an existence of a peacekeeping force in Western Sahara without an outright victory on either side. This has left the North West African country in a state of protracted conflict and economic under development. Morocco as a country has drawn stern criticism from the international community and international law has held that some of Morocco's agreements with international counterparts are illegal due to the fact that they include the use of natural resources sourced from Western Sahara (AUC Chairperson, 2016). Morocco has also drawn criticism from the United Nations Secretary General Ban Ki Moon, who referred to the conflict between the two countries as an occupation of Western Sahara by Morocco, even though the statement was later rescinded as it did not reflect the view of the United Nations (Allison, 2016).

By following the unfolding events of Morocco and the Western Sahara, one can already get a sense of the importance of self-determination in international politics as well as the unique role it plays in providing an enabling environment for peace to flourish. The increased interest in self-determination by the international community is largely founded on the notion that it positively contributes to lasting peace and can perhaps act as a potential solution to conflict resolution when warring parties cannot reconcile their differences. The splitting of territories however, does not guarantee peace as we have witnessed with the Sudan when they split into two countries resulting in the North Sudan and the South Sudan. It was highly expected that once the two countries split the road to achieving peace would be guaranteed, however the latter country still finds itself embattled by conflict, despite the separation from the north. The splitting of the two countries has led to the conflict changing from being an interstate conflict to being an intra-state conflict, thereby highlighting the inadequacy of some policies which arise in the immediate aftermath of a long drawn out conflict without having further mitigating policies to ensure that peace is built (Denskus, 2007).

Intra-state conflicts occur as a result of conflict within the borders of the same territory. Such conflicts have been labelled or are often labelled as religious or ethnic conflicts, depending particularly in the African context on the colonial legacies of that country. Ethnic conflicts

have been particularly prevalent in the Great Lakes (which will be closely looked at in chapter three) and the Horn of Africa regions. Intra-state conflict is also more likely to erupt in the less developed countries due to the lack of economic development, this has increasingly led to disputes which arise rapidly due to the lack of economic stability or the marginalization of certain groups or people from the benefits of economic wealth.

Furthermore in the current era intra-state conflicts tend to be protracted. This is largely due to the failure or inadequate implementation of peacebuilding initiatives post-conflict, habitually allowing for a relapse into conflict. Once relapsed into conflict the warring parties aim to correct a social injustice in which a certain group feels is imposed by another, whether that injustice was a result of the issues that led to the first violent outbreak or it was experienced during the tenure post the initial conflict when the disgruntled party claims victor's justice, which is justice that is implemented to favour those in power or those who have worn the war as opposed to justice that seeks to restore the rule of law after a war. Victor's justice is a breeding ground for a relapse into conflict as it fails to provide a bridge with which to re-establish severed relations between warring parties. Instead it promotes the divisions' existent in the state by reaffirming the separation of class, identity, religion or race already existent in the community, allowing intra-state conflict to flourish.

Typically through political identities, people have been able to create political images of 'them' versus 'us' villainising the one against the other, which has led to social tensions. The existence of parallel political identities in any state is a potent source of social conflict, especially when these identities are at opposing ends and do not assume a nationalistic identity which should act as a joiner between the parallel worlds. Social conflict refers to 'the opposition between individuals and groups on the basis of competing interests, different attitudes and identities' (Schellenberg, 1996:8). Social conflict exists within a society at all levels and may at times exclude violence, however the absence of overt violence in any society does not rule out the existence of social conflict.

In many instances it is the failure by States in addressing social conflict that states find themselves in war which is why conflict resolution and transformation is paramount in sustaining peace. Peacebuilding should therefore embody conflict resolution and transformation activities which will act as an arbiter to human conflicts. It is important to resolve conflicts promptly so as to avert any potential outbreak of violence further in future, this means identifying the roots of the conflict and working to address these issues so as to quell them and ensure that they are interceded in the interest of sustainable peace and social cohesion.

Conflict resolution is therefore any activity that leads to the 'marked reduction in social conflict (Schellenberg, 1996:8) through the mediation and identification of social problems. This makes Conflict resolution an important aspect of peacebuilding which has, as an insight the potential to end conflict through its objective to transform conflict using various mediation channels that will encourage dialogue between conflicting parties. As a concept it has been on the agenda of the international community since the days of the First World War.

Primarily conflict resolution has concerned itself with achieving peace through mediation, as well as encouraging societies to have increased tolerance for social differences. As Lederach explains, Conflict transformation is a phenomenon that evolves and brings change to the personal, relational, structural and cultural aspects of Society (Lederach, 2003). He argues that conflict transformation concerns itself with the ending of something destructive and the building of something desirable, the promotion of change processes as well as engaging the medium to long term range sustenance of peace. This is similar to the objectives of peacebuilding which aims to transform overt conflict to sustainable peace, but unlike Conflict transformation it is not based on the sole mandate of mediation, rather it further involves a wide range of activities that holistically address ways of achieving peace, such as justice processes and economic development initiatives that will encourage sustainable peace by engaging the people at grassroots levels.

The mechanism used to achieve peacebuilding are chosen or formulated in response to a given states' post conflicts situation. In a homogenous post conflict society for instance, whereby only a single group prevails or the conflict occurs at a genocidal scale to a point where the extermination of the other is completely successful, mechanisms to enhance diversity awareness may be futile as not much diversity would exist in that scenario. Peacebuilding further has to incorporate short, medium and long-term goals that will enable the society to emerge from the conflict and further sustain peace while also spurring socio-economic development. Tools adopted for post-conflict peacebuilding must therefore by necessity not be limited to just reconciliation but must also look to facilitate socio-economic development, reintegrate society and the state at all levels and ensure that peace and economic sustainability is maintained.

In considering peacebuilding in light of post-conflict reconstruction as a bridging tool, the use of justice by the international community within the last five decades to build peace and harness reconciliation has led to interesting developments within the international community. In current global era, the disruption of peace possesses dire consequences for any state and affects the world economy. It has therefore become increasingly important for states to engage in

activities aimed at peacebuilding that will ensure that a relapse into conflict is avoided and or that the post conflict phase is effectively used to re-establish the rule of law. This could be primarily achieved by giving due regard to the post conflict reconstruction phase and its accompanying periods at certain intervals which could be determined by the success of implemented initiatives in peacebuilding.

2.1 Post-conflict Reconstruction

The period immediately after the ending of a war is known as the post-conflict reconstruction phase. It is characterised by broken or collapsed institutions and chaos, in order to begin peace processes states usually undergo a post conflict reconstruction phase. The reason for the reconstruction phase is based on the premise that whatever institutions and structures that existed prior to the conflict are inadequate and need to be modified, restructured or rebuilt. Post-conflict reconstruction therefore refers to a situation whereby a state finds itself restructuring or rebuilding state structures to better reflect the ideals of those who won the war. The concept of post-conflict reconstruction as a phase can best be encapsulated as the idea that in the aftermath of a war or violent conflict states emerge with a need to reform policies and frameworks, so as to rebuild their societies, the period therefore immediately after the cessation of fighting is a period that sets the necessary groundwork for transition and sustainable peace. In essence then the phase can be categorised into three phases namely, the initial response/stabilisation period, the transitional period and the Fostering of sustainable peace/consolidation period (Anderlini and El-Bushra, 2012:51 and de Coning, 2007).

2.1.1 The initial response/stabilisation period

Whenever a war or violent outbreak ceases to exist, the immediate period following that point is known as the initial response period. Many states during this period focus their resources and energies in normalising the aftermath of a war, meaning that their number one priority is the ending of the fighting between warring parties. This is mainly achieved through the signing of cease-fire agreements or through measures taken by the parties who come out victorious at the end of the conflict (Anderlini and El Bushra, 2012:51). Other measures include but are not limited to Peace-keeping initiatives which are aimed at ensuring that violence is kept at bay after a war.

Usually this is achieved by the deployment of soldiers who are deemed to be impartial to the conflict, ordinarily these soldiers are deployed by an International Organisation such as the United Nations (UN). For example the United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo (DRC) known as MONUSCO, which is a peacekeeping army Deployed in DRC by the UN with the aim of helping the country to bring peace and stability in the country. In the initial response period in the aftermath of a war, the sole mandate of peacekeeping forces is to ensure that no fighting or minimal fighting occurs between conflicting parties during the normalisation period. At times these forces are mandated to lead peace initiatives such as disarmament programmes, which may be initiated in order to restore safety and security as well as deter small arms proliferation which is prevalent in most post conflict contexts.

The idea behind peace-keeping initiatives in the initial response period is to gate keep a volatile situation and make it hard for violent outbreaks to re-occur, this enables the restoration of safety and security (CSIS, 2002). Peace-keeping initiatives also ideally provide a sense of security (through the presence of peacekeeping forces) and as a result serves to normalise society by providing or making available functioning public sector services such as health. It is also during this period that the country is able to access humanitarian assistance from other countries and or humanitarian organisations, the period also seeks to enable the population to be able to attend to its daily needs such as food and shelter.

Primarily the initial response period usually forces states actors to approach the period in a flexible manner, by being responsive to the needs on the ground, not necessarily for the sake of peace but for the sake of ending the unrest. Once the war is over and the fighting has ceased states need to find ways to re-link warring parties in order to ensure that they are tolerant of each other, in order to peacefully co-habit within the same boundaries and contribute to the rebuilding of the Nation State post-conflict. It is only after the ending of the war that the state is able to explore the opportunity to constructively rebuild the Nation State through a favourable transition into peace. The initial response period is important as it allows for the groundwork of transformation of the society to take root, further it allows for humanitarian intervention to be afforded to citizens of a war torn society, thereby allowing the country to focus on transition to a more peaceful state.

2.1.2 The transition period

The transitional period begins, when a country forges its journey towards a more peaceful reconciliatory existence among its conflicting parties. This is largely achieved by implementing various mechanisms that will promote the rule of law as well as deal with issue of justice in the form of reparations and retributions.

The transitional period is mainly concerned with justice and reconciliation and the rebuilding of good relationships between warring parties. The Centre for Strategic and International Studies viewed the Transitional period as a period which

'addresses the need for an impartial and accountable legal system and for dealing with past abuses in particular, creation of effective law enforcement, an open judicial system, fair laws, humane corrections systems, and formal and informal mechanisms for resolving grievances arising from conflict. These tasks encompass the provision of mechanisms to redress grievances, exact appropriate penalties for previous acts, and build capacity to promulgate and enforce the rule of law. Incorporating the concept of restorative justice, they include extraordinary and traditional efforts to reconcile ex-combatants, victims, and perpetrators' (CSIS, 2002:3).

Besides primarily concerning itself with justice and reconciliation, ideally the period also seeks to foster the rule of law by ensuring that all perpetrators of crimes against humanity are punished and that a precedence for the respect of human rights is established. The concept of justice and transitional justice will be discussed in detail later in this paper. As the initial response period laid the necessary groundwork for the rule of law to be established in the transitional period, so does the transitional period lay the foundation for the re-integration of society outside of the state and international actors prevalent in the preceding periods. This is the period where the Nation State emerges as a transformed state with efficient institutions that engage and peacefully deals with conflict as well as social infrastructure in place to ensure the socio-economic development of its citizens

2.1.3 The fostering of sustainable peace/consolidation period

This period is considered to be the final period of the post-conflict reconstruction phase. It concerns itself with the consolidation of all the initiatives implemented in the preceding period with the aim of cementing the legitimacy of the local authorities as well as affirming the new identity of the Nation State post-conflict. If the initiatives implemented in the transitional phase were done in a manner that responded to the needs of the post-conflict society, then it is most

likely that this period will serve to strengthen the new laws and regimes that govern the post-conflict state.

The post-conflict reconstruction phase is important in its entirety because each period brings about a necessary pre-condition for the successful implementation of initiatives that aim to foster sustainable peace. Undoubtedly post-conflict reconstruction is prone to many failures and threats which may arise as a result of external influences, such as the unwillingness of warring parties to negotiate, benefactors of the war to other external economies, etc., the post conflict reconstruction phase needs to be considered as an ongoing process in order to mitigate those factors. As an ongoing project it would be futile and hardly efficient if each period is not afforded due contextual processes, this means that even though the fighting has ended between conflicting parties, more needs to be vested in ensuring that a relapse does not occur and that there is active engagement of peacebuilding initiatives. Evidently each phase is dependent on the period preceding it and as such engaging a particular period to the detriment of the other periods will not assist in addressing the issues at hand. Rather it will achieve very little for Sustainable peace as in many instances the engagement holistic approaches are pivotal in ensuring sustainable peace.

In encapsulating post-conflict reconstruction there is continued reference to initiatives, policies and mechanisms aimed at building peace. Let us closely examine the concept of peacebuilding and its essential role in reconstructing societies with particular reference to the transitional period.

2.1.4 Peacebuilding

Scholars such as Barnett, et al, (2007), Handy (2010) and Tschirgi (2004) among others generally use the concepts interchangeably and equating peacebuilding to reconstruction. However for the purpose of this thesis, post-conflict reconstruction and peacebuilding are to be viewed as different concepts though intrinsically linked. Prior to 1992 peacebuilding was defined as non-military intervention by external actors to help war torn societies not to relapse into violent conflict and establish the conditions for sustainable peace (Tschirgi, 2004:2). This definition supports the view that reconstruction and peacebuilding are synonyms of the same phenomenon as it assumes peacebuilding occurs in the aftermath of war in conflict ridden societies.

The argument however should be that reconstruction occurs post-conflict with the aim or re-structuring whatever institutions that where in place before the violent conflict using

peacebuilding initiatives. This means effectively that post-conflict reconstruction is a phase, whereas peacebuilding initiatives are the tools and mechanisms used to reconstruct a society during this phase and well beyond the transcended state. Moreover, perhaps as a way of emphasising the difference between post-conflict reconstruction and peacebuilding, the latter could either take the form of stabilization or transformation in a post-conflict scenario. In instance peacebuilding is used as stabilisation, state and non-state actors may resolve to end the fighting by keeping the warring parties away from each other in order to stabilise or normalise the situation. It may move beyond stabilisation should state and non-state actors actively engage other initiatives aimed at dealing with the causes of the conflict with the aim to change and transcend the state into a peaceful and tolerant society.

In Rwanda, during the 1994 genocide, the Rwandan Patriotic Front (RPF) captured Kigali, and because of the mass killings which had already occurred throughout the country, the RPF arrested every person they came across in the streets as they could not determine who was victim or perpetrator at the time. Eventually after many weeks of quiet streets in Kigali, some prisoners were released as the RPF looked at ways in which they could rebuild the Rwandan state. From the above example the initial response for Rwanda by arresting everyone they came across was in the interest of ensuring stability. The social projects and judicial processes which followed were aimed at restoring peace and rebuilding the nation state.

When peacebuilding initiatives are implemented with the aim of stabilising a society, it involves itself with ending overt violence and putting in place peace agreements. As a stabilising tool it seeks to provide a violent free environment, whereby a relapse into conflict is closely guarded but the core issues of the conflict are left unaddressed. This renders the post-conflict phase incomplete, therefore not re-constructed but it does not deny that peacebuilding mechanisms were employed as a way of ending the violence.

Peacebuilding as transformation on the other hand seeks to holistically address the causes of the conflict as well as harness an environment of tolerance among the society. Ideally it fully takes into consideration the context of every scenario, for instance the makeup of a society post-conflict. It then attempts to build peace in that society's context with the hope that sustainable peace will follow.

However, peacebuilding does not necessarily have to be an occurrence prevalent in the aftermath of a violent conflict, rather it should be continually used as a tool for fostering sustainable peace throughout the various spectrum of conflict. Over time the definition for peacebuilding has evolved in scope and reach and it is no longer viewed as only the responsibility of 'non-military external actors' to intervene, but rather as a project that is aimed

to include and be designed by those directly affected by the conflict. In the early 1990's a more widely articulated definition for peacebuilding was promulgated by the then United Nations Secretary General Boutros Boutros-Ghali, which defines the concept as: 'any action or measures taken to identify and support structures which tend to strengthen or solidify peace in order to avoid a relapse into conflict' (Boutros-Ghali, 1992).

If considering the supposition made earlier, from this definition one can separate the concepts of post-conflict reconstruction and peacebuilding, the former concept is an occurrence that is brought about by a violent conflict or war, as a result there is a need to rebuild or restructure institutions which were existent prior to the war. The latter concept however does not assume a rebuilding or restructuring of institutions, instead over and above the rebuilding it may be used as a tool to continuously identify and support structures that will solidify peace well after the post-conflict reconstruction phase has ended. In the Democratic Republic of the Congo the United Nations deployed a peacekeeping force known as the United Nations Organisation Mission in the Democratic Republic of Congo MONUC in 1993, later renamed to MONUSCO with the aim of observing the ceasefire agreement to end the 'Africa world war'. The ceasefire agreement could be argued to be a tool used in order to build peace and avoid a relapse into conflict, the peacekeeping force in the DRC in 2010 was given a broader mandate to support the implementation of the ceasefire agreements.

The reconstruction phase could be argued to have come to an end once certain conditions implemented by state and non-state actors are met. This by necessity means that once such conditions are adequately addressed the newly emerged state is free of conflict and will enjoy peace. This is problematic in the sense that once the post-conflict reconstruction phase is deemed to be complete certain temporary structures afforded by the external actors are withdrawn from the country, if the peacebuilding initiatives implemented by these countries are not agile enough to close the gaps these removals may cause then the country is most likely to relapse into conflict.

This is why peacebuilding as a concept should be considered as a project to rebuild a Nation State following conflict using various tools and mechanisms in response to the rebuilding status of a country (Clements, 1997). For instance, once a state has moved from ensuring that basic needs are provided to their citizens, they can then look to engage other activities that will provide platforms for building peace. Activities associated with peacebuilding occur in different periods of the post-conflict reconstruction phase and as such need to correspond with each period. To achieve this states have often opted for reconstructing the socio-economic welfare of the people by providing humanitarian assistance such as basic shelter, food, and care

for the wounded and basic social security as a point of departure for rebuilding. Once satisfied that the security of it citizens is somewhat secure the State is then enabled to forge ahead with peacebuilding initiatives by providing platforms for a transition from war/conflict to relative peace through the processes of justice and reconciliation.

As stated earlier peacebuilding does not merely seek to end a violent conflict, but it also seeks to build relationships between people who live within the same society and who are exposed to similar institutions and governance. Peacebuilding is also ideally argued to be a phenomenon which in its totality forms new patterns, processes and social structures in the emerged society (Galtung, et al, 2002). Further peacebuilding does not limit itself to creating a legitimate political authority but also encompasses an array of activities and processes that are multi-dimensional, multi-sectoral, multi-staged and multi-levelled.

Essentially then peacebuilding becomes what Lambourne (2004) has coined as 'the bridge between disputing parties to enable the re-establishment and re-building of relationships in war-torn societies', through the re-linking of the multi-sectors and multi-levels of society. This is achieved observing and recognising the constitution of the emerged society post-conflict as well as by rebuilding the trust which was diminished between the levels of society, i.e. the government-military-citizen nexus. The focus in post conflict societies needs to shift from initially building barriers between warring parties (which has been shown to be necessary in some instances, though never sustainable in keeping peace), to actually creating platforms for conflicting parties to work through the contentions in a manner that promotes security, dialogue, tolerance and perhaps forgiveness as an end result.

2.1.5 Liberal Peace as the theoretical underpinning of peacebuilding

Because peacebuilding is naturally a divergent concept it comes as no surprise to note that it is characterised by a divergent number of actors with varying interests, values, purpose, organizational forms and modalities of actions. However over the years, perhaps as a way of providing a framework for peacebuilding practitioners and researchers to depart from theoretical frameworks concerning peacebuilding have been tabled. Peacebuilding concerns itself with building relationships that in their totality form new patterns, processes and social structures in the post-conflict society (Galtung, et al, 2002), by necessity it assumed that sustainable peace can only thrive and be achieved in a certain political regime.

From the perspective of peacebuilding scholars, for sustainable peace to prevail, there is a clear need for citizens to experience a certain level of self-determination and autonomy for their socio-political identities within their Nation State (Peace Building Initiative, 2009). The oppression of self-determination usually leads to conflict which results due to the perception of marginalisation of the social identity. Furthermore the increasing importance of human rights in the international community has given rise to the need for the protection of human life as well as the importance of assigning political freedom associated with the self, such as the right to life and the right to humane treatment from the state and other persons. The rise in human rights and the increased adoption and application of democracy in many states across the globe has led to Liberalism as the way of building peace and ensuring sustainable peace within and between Nation States. This has led to the principal theory in peacebuilding to be entrenched in the school of liberals who believe peace should be an expression of political freedom as well as economic freedom.

Fundamentally, 'liberalism seeks to view the world as self-evident and to the liberalisation of the individual' (Peace Building Initiative, 2009). Liberal Peace is a proponent of Democracy and its foundation is firmly rooted in the Democratic theory which states that 'democracies are more peaceful and law-abiding in relation to other political systems' (Tziarras 2012:1). Because democracies are considered to be peaceful, it follows that peace is fostered through regimes that are representative and inclusive in nature (democratic). Since democracies are thought to be liberal in nature, they promotes and protect the right to self-determination.

Liberalism suggests that freedom minimizes conflict in the sense that the individual is at liberty to do as he or she pleases. It argues that for there to be sustainable peace an individual should be liberal enough to be able to achieve or meet his or her basic human needs and strive for higher needs. The notion of liberalism is to empower the individual to enjoy and exercise his or her political will to the full extent allowed by the rule of law without the fear of oppression from anyone, particularly his or her government. Furthermore Liberalism assumes that the individual lives in a society where they have the power or access to actively participate in the economy and be able to earn their livelihood to meet their basic needs as well as higher needs. This however, is an assumption which is not always the case because in most societies, particularly in Africa when compared to North America and Europe, active participation in the economy is usually limited either directly or indirectly for certain people and is hardly all inclusive. Another critique has stemmed from the perception that not all democracies are necessarily peaceful and have been aggressive in some instances towards other countries as well as within their borders (Tziarras, 2012).

Peacebuilding practitioners and scholars have become cognisant of this fact and as a result, there has been a huge debate among scholars of peace and conflict studies with regards to the normative underpinnings of liberal peace. The main critique stemming from the fact that Liberal peace is thought to be a Western imposition of how the world should work (Fetherston, 2002), therefore democratic regimes and the socio-political freedom has worked well for the Western world. The Western world has been able to provide an environment where the individual is empowered to exercise their self-autonomy as a result liberal peace has been able to flourish. However western ideologies are not universal and certainly cannot be used as a blanket in addressing issues from other continents.

This has led to the conclusion by scholars that Liberalism is problematic in the sense that it does not necessarily reflect the ideals of other global communities who do not conform to Western ideologies of liberalism and democracy (Peace Building Initiative, 2012). In many instances Western ideologies such as liberalism have become known to disadvantage some Nation States, particularly third world countries economically at the least and culturally at the most. For a long time the world has always been divided along the lines of the West and the East. With the former being associated with liberalism of the individual and the latter more concerned with the liberalism of the collective. However with the advent of the new-world order the Liberalism of the individual has taken more prominence and for societies that were traditionally communist in nature (not just politically but also socio-culturally), liberal policies aimed at the individual tend to be problematic and have often led to further contentions in a post-conflict society if not carefully considered and implemented. Peacebuilding as a concept needs to be understood within the frameworks of the scenario it is to be implemented in.

This has led to the less well known theoretical underpinning of peacebuilding encapsulated as bottom up peacebuilding. Essentially advocates of this perspective view this as necessary for sustainable peace as it allows for the creation of spaces and institutions which resonate with the people directly affected by the conflict and is communitarian in nature (Donais, 2009:6). What also makes this perspective more relative to sustainable peace is because it embodies the inclusion of the locale in formulating peacebuilding initiatives and allows them to shape and execute them in a manner best perceived by them. This theoretic underpinning of peacebuilding allows practitioners and scholars alike to manipulate peace processes in order to enhance peace and ensure its sustainability in a divergent society. Even though peacebuilding from below addresses some of the contention brought about by liberal democracy, it is important to note that it is still fundamentally rooted in the underpinnings of liberal peace and is true to the nature of democracy which encompasses the right to self-determination. Because the liberal peace

project is often spearheaded by western external actors, peacebuilding from below allows the locale to input to the reconstruction phase and as a result solidify the chances of not relapsing into conflict. Various approaches have also been used when engaging in peacebuilding and they are elaborated on below.

Three approaches have been identified by scholars with regards to peacebuilding they are: the maximalist approach, the minimalist approach and the middle-ground approach. The maximalist approach seeks to address the root causes of conflict in order to foster sustainable peace, making this approach holistic in nature. For scholars such as Lederach, peacebuilding is understood as 'a holistic comprehensive concept that encompasses, generates and sustains the full array of processes, approaches and stages needed to transform conflict toward more sustainable peaceful relationships' (Lederach, 1997). Galtung also views the maximalist approach as necessary for the 're-linking' of social divides which occur within a community (Galtung, 2000). He states that through the maximalist and holistic approaches to peacebuilding the 'us' vs 'them' mentality has the potential to be addressed in identity divided Nation States in an effort to provide the necessary environment for sustainable peace.

Galtung further succinctly argues that conflict needs to be transformed, through multi-faceted processes that aim to address conflict from its root causes and beyond (Galtung, 2000). The argument here is elaborately stated that the post-conflict reconstruction phase is not only necessary to end the violence and bloodshed but should be used by society to thoroughly examine the issues that led to the conflict with the aim of transforming the contentions between conflicting parties. For Maximalist the need to re-link societies through the re-establishment and re-building of war torn relations within and between Nation States is paramount to the transformation of conflict into sustainable peace. And from the selection of works highlighted here, there is also a general consensus that the failure to holistically build peace continues to harbour the potential of re-lapsing into violent conflict, similarly to how an invasive plant will continue to grow unless it is properly rooted out from the ground.

The middle-ground approach to peacebuilding is an impartial approach to building peace. This is largely due to the believe there is a need for holistic approaches for building peace as held by the maximalists, however they also believe that the whole array of systems aimed at peacebuilding are not entirely necessary for peace to strive as proposed by the minimalists. For practitioners using the middle ground approach they argue that it is important to address the core issues that led to the conflict but not at the expense of relapsing into conflict. Further more they hold that it is not worth re-lapsing into conflict in an attempt to address the core issues and again it is also not sufficient to tread around the issues that led to the conflict and the assumption

that negative peace will eventually lead to positive peace. For them the peacebuilding project should be well timed and monitored. This means external and local actors should carefully consider when can they intervene with disarmament programmes and how, when should justice initiatives be implemented and in what form.

Furthermore the middle ground approach heavily relies on the 'on the ground scenario' to determine which mechanisms and systems should be implemented and at what juncture. It also accepts that 'holistic approaches' may not necessarily be successful in all scenarios and that negative peace does not always lead to sustainable peace. But perhaps the most pertinent proponent of this approach is the role that is afforded to the local actors (Hyde-Price, 2012). By inclusion of the local society in peacebuilding mechanism they are effectively providing ownership of the peace processes and as a result they are more likely to flourish. Furthermore the processes that will be eventually implemented will show to be socio-culturally sensitive to the emerged society.

Though the approaches differ in nature and the manner in which the peacebuilding project is undertaken it is important to highlight that each approach has sustainable peace as an end goal and though the approaches in isolation they may have a lot of disadvantages. However when combined and used interchangeably in a post-conflict society they hold the potential to lay the foundation for peacebuilding. The idea proposed by the maximalist that for peace to prevail and to be sustainable the core issues would need to be addressed is valid and drives the point home. It cannot be hoped to have lasting peace if the core issues continue to exist unaddressed. However an attempt to address these issues at the immediate onset of the post-conflict period may serve to further exacerbate the contention and refuel the violent conflict.

This makes the argument of the Minimalist's plausible that it is better to intervene with the sole aim of ending the conflict and bloodshed and that negative peace will eventually lead to sustainable peace. However this approach leaves much room for the potential relapse into conflict as issues that led to the conflict will continue to divided societies and eventually lead to another violent conflict, and its heavy reliance on law and peace keeping bodies within a state such as the state, judiciary and military are often non-existent in the post-conflict period or in many cases are the causes of the instability with a country. This then makes the Middle-ground approach highly attractive for peacebuilders as it embodies the pros of both approaches and adds an element of timing in the peacebuilding project by asserting that it is always best to approach the peacebuilding project by looking at the 'on the ground scenarios' of a post conflict state in order to determine when can a peacebuilding mechanism be best implemented in order to enhance peace.

The minimalist approach to peacebuilding is rooted in the assumption of negative peace, meaning that for as long as there is no violent conflict there is peace. The central idea is that in post conflict setting once the violence has subsided peace will follow as a consequence without any particular intervention (Jeong, 2002: 154) from any external actors but the local authorities and structures tasked with ensuring the rule of law is upheld, such as the military and or the police. For the minimalists ending the conflict without addressing the core issues is sufficient in peacebuilding because it allows for the people to continue to tend to their daily needs and allows the state to begin functioning again. Whether the issues that led to the conflict resurface or not it is hoped that the Nation State will learn from previous history and deter it from relapsing into a violent conflict. This reliance on history as a deterrent is problematic as it allows for the core issues to continue to flourish and pose as a threat to a relapse into conflict. Unlike the maximalist approach they believe that the least intervention is best as it allows conflicting parties to naturally come together and that sustainable peace can never be fully achieved within a society, meaning that a lapse into conflict is a failure of peace as opposed to conflict transformation.

The use of one approach over another does not necessarily determine whether those initiatives would bring about lasting peace, however the presence of the pillars which underpin post-conflict reconstruction will strengthen the chances of success, they are: security, justice/reconciliation, social/economic well-being and governance/participation (CSIS, 2002). Each pillar is concerned with a certain aspect of the emerged society and each pillar is essential for the survival of the newly emerged state as well as the sustenance of peace.

Security as a pillar of post conflict reconstruction concerns itself with providing security to civilians and protecting them from overt violence. By providing physical protections to its citizens usually through peacekeeping forces, it is hoped the citizens will be able to attend to their daily needs and access other forms of basic services the country is able to secure from external actors. Once actors are convinced that the basic conditions for normalisation have been secured, security measures are broadened to include the territorial protection of borders. Though Security initiatives by themselves do very little for sustainable peace they do allow for the ground work to be put in place for justice processes to occur and form an integral part of peacebuilding. If implemented with the aim of putting in place further interventions for addressing the issues that led to the conflict in the first instance. This then leads to the second pillar of post-conflict reconstruction which is justice.

2.2 Justice

Over the years it has become apparent that justice needs to play a role in peacebuilding initiatives, particularly if the long-term goal is to prevent a relapse into another conflict. The argument for this lies on the basis that justice may act as a deterrent in future wars or conflicts by demonstrating that conflicting parties may be held legally liable for their actions regardless of the extent of the conflict or their power. In countries that are recovering from overt conflict justice is usually a means of re-establishing the rule of law, by building the boundaries on what is deemed acceptable and just in the new society with the aim of punishing acts that were deemed to be unjust and against the general wellbeing of the people. Justice in the post-conflict phase also provides an opportunity for domestic laws to be amended so as to make them more in line with the ideals of the newly emerged state. As a point of departure for post-conflict reconstruction, justice provides a sense of knowing to victims of conflicts that their perpetrators will not get away untouched by their actions and that no one is above the law even during conflicts. It is through this sense of justice that states are able to rebuild relations between government social structures and its communities.

Justice cannot be encapsulated into a single definition without the risk of inviting limitations to the scope of the concept, however for the purposes of this work, justice is defined as the principle of fairness, which deals with the ideal of things and procedures that are just and fair. As a concept it is wide and far reaching in society and the interests of peace. Scholarly works such as those offered by Rawls (2003) have purported that justice is a social phenomenon, one that occurs in a context of a particular community. Therefore justice is viewed as an inter-personal occurrence, rather an intrapersonal occurrence in the sense that justice is measured in term of societal norms. Consequently justice is framed according to context specific lenses rendering it an effective tool in the reconstruction of a state. Despite its context specific nature, generally various types of justice are identifiable, they are: retributive justice, restorative justice and symbolic justice (Lambourne, 2004). A more detailed look into the different types of Justice is necessary in order to highlight the potential each type has in laying proper foundations for sustainable peace.

Retributive justice concerns itself with punishment for an act deemed to be illegal. This type of justice is administered whenever a person contravenes the rule of law such as when a person carries and uses a fire-arm without the appropriate licences as stipulated by law. In a post conflict situation retributive justice is normally administered as a measure of re-establishing the rule of law within a country and because most of the time the judiciary of a particular country

may be severely destroyed prosecution of wrongdoers is usually under International Law. This means that the principal used to punish the perpetrator may not necessarily be in line with what the perpetrator would have been meted had the crime been committed under normal circumstances

The aim of retributive justice is to deter future misdemeanour by making punishment sever enough to discourage perpetrators from engaging in similar kind of activities. Usually this type of justice usually translates into punishment, either through incarceration or the taking away of a prized possession. For most Peacebuilders this type of justice is necessary, however they believe it should be enforced alongside other measures so as to ensure that the perpetrator is not only punished but reformed and reintegrated into the post-conflict society depending on the severity of his crimes during the conflict. They believe this to be important for the purpose of reconciliation and restoration of victim's statuses prior the conflict in so far as possible.

Restorative justice refers to what may also be termed as socio-economic justice, which involves remuneration for losses suffered as a result of a perpetrators actions. This type of justice carries a huge financial burden for the state and may be an immensely exhausting but necessary exercise for both the state, perpetrators and the victims. This is largely due to the fact that this type of justice can only be really actualised many years after the conflict due to the fact that most claims can only be formally lodged only when the state has either been able to set up commissions to deal with such claims or when the courts and judicial manpower of the country is up and running. This renders restorative justice as a long term goal in building sustainable peace as it is not an immediate process and at times occurs many years post the conflict, making it hard to either correctly or appropriately restitute the victims to the status he/she was in prior the conflict.

Lastly symbolic justice refers to justice that arises when a wrong doer acknowledges his wrong actions and seeks for forgiveness from the party or parties whom he/she wronged. Most truth and reconciliation processes are premised on the notion of Symbolic justice. By virtue of a perpetrator admitting his wrongful acts and showing remorse for them, it is believed that it allows for the seeking of truth for victims. This type of justice is largely encouraged by peacebuilders particularly in a state where overt violence was occurring on mass scales between civilian. There is no type of justice which is inherently more superior to the other, they all serve different purposes and combined they have the potential to allow a country to transcend into a peaceful society that has regard for the rule of law as well as appreciates the importance of Human Rights

The international community has largely made use of retributive justice in attempts to build peace in post-conflict states by criminally punishing those responsible for mass atrocities against humans during conflicts. A classic example of such attempts are the two International Criminal Tribunals (ICT's) that were created in response to conflict atrocities that amounted to genocide which occurred in Yugoslavia and Rwanda namely the International Criminal Tribunal of Yugoslavia (ICTY) and the International Criminal Tribunal of Rwanda (ICTR). These tribunals served to try the people whom they identified as the orchestrators of the genocides respectively.   The tribunals also sought to punish those people and remove them from society so as to display the unacceptability of war crimes against humanity or at least that was what the tribunals were ideally set out to achieve.

The notion of exacting criminal liability of perpetrators of human rights violation, led to the formation of the International Criminal Court (ICC) that has jurisdiction to deal with crimes of war, crimes against humanity and genocide internationally. The ICC is a collective attempt by the international community to have a court that will have international jurisdiction on crimes against humanity.   The court is considered to be an international judicial institution that is meant to serve as a vanguard for mass human rights violations and for the adjudication of such transgressions.

At the national level however, a combination of restorative, retributive and symbolic justice have been used together as a way of transforming conflict. This is largely due to the fact that it is not enough to criminally punish those responsible for atrocities, there is also a need to restitute victims of conflict as well as an element of reconciliation which need to be addressed. It is in this context that a form of justice emerges, known as transitional justice.   This form of justice concerns itself mainly with laying the foundation for sustainable peace to prevail.

The word transitional literally means in-between or intermediate, this form of justice is therefore justice that hopes to be achieved in the interim period occurring between the end of a conflict and the establishment of a fully functioning state. Transitional Justice could therefore be encapsulated as 'a response to systematic violations of human rights' (ICTJ, 2012). Essentially it seeks to respond to such violations through the use of reconciliatory methods, the promotion of democracy and recognition for the victims in order to promote peace. It is a concept that seeks to 'intervene in a period of political change, characterised by a juridical answer to the wrongs of past repressive regimes' (Teitel, 2003:7).   Transitional justice is consequently a powerful tool that could be used to attain sustainable peace in a post conflict scenario.

The scope of transitional justice is inclusive of the set of judicial and non-judicial measures, which are implemented by different countries in order to redress the legacies of massive human rights abuses. These measures include criminal prosecutions, truth commissions, reparations programmes, and various kinds of institutional reforms` (ICTJ, 2012) and (Annan, 2004). Ideally transitional justice measures are implemented to achieve justice for victims of war crimes, genocide and human rights violations, in the medium to long term period after the conflict. They also lay the necessary ground work for democratization and marketization processes to occur through the setting up of structures, institutions and relationships that will promote sustainability (Lambourne, 2009). Repatriation and reconciliation are fundamental cornerstones to transitional justice, based on the notion that it seeks to punish those guilty of atrocities in conflict as well as rebuild relations between conflicting parties. In Sierra Leonne when the Lomé Peace Agreement was signed in 1999 (Kieh, 2011), it was accepted by conflicting parties that legal prosecutions would not arise if the accused confessed all their crimes truthfully (sierraleonetrc, 2002). This ensured that the fighting in Sierra Leonne was brought to a halt and allowed other peacebuilding mechanisms to be put in place while rebuilding the state. The reduced fighting also allowed people who had been displaced within and outside the country to return to their homes and attempt a normal stable life. In instances where repatriation and reconciliation has not occurred, justice has continued to be a distant goal. In Rwanda and Burundi for instance the continued failure by both States to repatriate citizens who have been displaced outside of their borders has led to the continued threat of re-attack by exiled citizens.

In the spirit of rebuilding states, the role of transitional justice is important as it serves the purpose of legitimizing the new government in post-conflict societies (Mochizuki, 2009). The mere fact that it sets out to restore the rule of law, and deal with perpetrators of war atrocities and other human rights abuses, provides a sense of justice for victims in conflict situations. It also provides a platform where grievances could be addressed and resolved for the benefit of peace and social justice. When emerging powers lead the reconstruction phase by providing justice platforms to victims of conflicts, Nation States tend to rebuild the faith they had in government before the advent of the war/violent conflict. It is highly important for the general population to have good faith with the arms of the state and its institutions. This is because it promotes a culture of orderly dealing with conflict through institutions that are believed to be impartial and the protector of its citizens.

Over and above legitimizing new governments, transitional justice provide platforms for the rule of law to be re-stablished. In many instances it has been argued that violent conflicts are a

result of the erosion of the rule of law, as well as injustice against a certain group by another (Lambourne, 2004). It therefore holds that the most relevant place to start rebuilding would be in re-establishing the rule of law but also most importantly ensuring that injustices are punished so as to deter the culture of impunity which often accompanies violent conflicts and wars. The notion of justice has implications in society, it serves as a guardian of human rights and serves as vanguard for the protection of such rights.

Processes of transitional justice need to be characterised by four components of justice in the post-conflict period namely, the reparation processes, truth, the justice processes and institutional reforms (Unger, 2013).

2.2.1 Reparation

The reparation process serves to redress victims of human atrocities and war crimes through programmes that are aimed to compensate or restitute victims of violent conflicts. The idea of reparation programmes is to restore the status quo of the victim to the similar point it was in before the violation. Of course such programmes do not claim to completely restore the victim's status quo, but it provides a starting point for the victim to recover from the violation. Examples of reparation programmes vary and have been implemented as a way of restoring security in post conflict situations. An example of reparation programmes can include the land reform act adopted by many countries post colonialism and in the case of South Africa post-apartheid. Another illustrative example of a reparation Programme is the RDP promulgated by the late former President of South Africa Mr Nelson Mandela. The programme was designed to provide proper housing for black South Africans who could not afford decent housing. As a project it was aimed to somehow enhancing the economic landscape of the population so that black South Africans could focus their energies on higher needs. It was also hoped that the programme will also alleviate social tension in South Africa related to economic underdevelopment of the black South Africans

The core idea of reparation programmes is to give back what was lost or seeing as been procured through unfair means and statutes enacted by states during an oppressive era or regime within the state. The programmes have been seen as effective over the years, as the programmes entail a great deal of recognition of a wrong doing to the transgressed party, further reparations provide a platform for the transgressed to have an opportunity to claim back what is rightfully theirs. Reparation Programmes also have an element of economic security because they usually take form through tangible assets such as land and housing.

2.2.2 Truth

Another component of transitional justice is truth, which serves to fully investigate what occurred during the conflict. This aspect of justice concerns itself with getting an accurate report of the reasons for the violent outbreak of war and more importantly the human rights violations and atrocities that occurred during the war. It is heavily reliant on parties to the conflict to provide accurate accounts of the fallout as well as to identify the core issues of the conflict. Truth processes serve another important function which is to exact accountability for the war crimes and atrocities perpetuated on civilians (Villalba, 2011). Classic examples of truth processes include the truth and reconciliation commissions and tribunals set up by states post conflict. The manner in which they operate from country to country differs widely but they operate on the common premise of encouraging people to tell the truth with regards to their role in the conflict in exchange for some form of amnesty whether it be complete amnesty or partial. In South Africa when the Truth and Reconciliation Commission was established in response to the post-amble of the interim constitution which stated that there is a need to understand what had transpired during apartheid, but for this knowledge to surface it was agreed that in the interest of reparation and justice amnesty would be granted to perpetrators of human right violations (Van Zyl, 1999). In Sierra Leone the Truth and Reconciliation Commission was set up for similar reasons but also mainly to fathom an accurate report of events for the purpose of history (Migyirka, 2008:74), largely because during a war it is not easy to get a precise accounts of events. The commissions then act as a useful tool to gather information so as to allow accurate accounts of events to be put together through the testimonies and evidence brought forward. In Sierra Leone during its civil war which lasted for about 9 years (from 1991-1999) many human rights violations were occurring across the county. As a way of moving forward it was decided that a platform where individuals could tell the story of the torturing they had suffered as a result of the conflict was compulsory. This platform was to serve as a basis for collecting stories at a national level so as to formulate a relatively accurate report on history and events which occurred. In order to be able to fathom accurate reports of events that occurred in a conflict certain processes (judicial in nature) need to be engaged in order to ensure that truth is captured and that reparation is made feasible.

2.2.3 Justice Processes

It is important to note that transitional justice is not a specific form of justice in itself, rather it is more of a strategy to achieve justice in post-conflict situations. Hence this is why justice processes are themselves components of transitional justice. They serve to determine accountability for atrocities committed (Villalba, 2011). The main purpose of justice processes is to provide liability for mass atrocities committed and is mainly directed toward the planners or masterminds of mass atrocities, who are often state leaders or people with power in communities. Justice as a transitional justice mechanism often manifests itself through criminal tribunals and it remains a key demand of victims of post conflict societies. When justice processes are conducted in ways that reflect victims' needs and expectations, they can play a vital role in restoring their dignity and delivering justice' (ICTJ, 2012). This is largely important as it gives the victims ownership of the justice process and addresses the assumptions that the rule of law is selectively applied, particularly in post conflict countries. In Rwanda it was commonly felt by the population that those considered to be the master minds of the genocide (commonly referred to as the genocidaires) had been tried at the International Criminal Tribunal of Rwanda (ICTR); a judicial body which was set up in a neighbouring country, Tanzania, and were living a life of luxury while the victims of the genocide continued to suffer post the genocide in Rwanda. The setting up of ICTR in a foreign country could be attributed to the fact that Rwanda was in a derelict state post the genocide and there were people accused of being guilty of the planning of the genocide seated in a foreign country, in luxurious prisons when compared to what had existed in Rwanda at the time. Many felt the tribunal was far removed and there was no understanding of how the tribunal operated and as a result it was deemed to be an arbitrary institution.

Inherently with the rise of the importance of human rights and democratization the international community has taken a collective interest in the protection of human rights. Through international law and international justice mechanisms, the international community has been able to promulgate the prosecution of international crimes such as genocide, war atrocities and violations of human rights through at first the Nuremberg trials in Germany which were set up as a response to the mass atrocities and genocide that occurred in Germany. Later the international community further endorsed and supported the International Criminal Tribunals of both Yugoslavia and Rwanda (ICTY and ICTR respectively). The advent of the setting up of the International Criminal Court (ICC) as well as its ratification by over 108 countries evidenced as further testament to the need to provide prosecutions for victims of violent

conflict. Generally the investigations and trials of powerful leaders (whether political or military) helps to strengthen the rule of law and send a strong signal that such crimes will not be tolerated in human rights-respecting societies therefore acting as a deterrent to human rights violations (ICTJ, 2012). The local ownership of justice processes entrench a sense of legitimacy in the society and as a result help cement the newly established rule of law as supreme in the sense that ordinary citizens would be more likely to trust a system that they deem to have their best interest at heart. This makes it paramount for justice processes to occur in local institutions or for justice processes to be led by the affected society if such institutions have been destroyed during the conflict.

2.2.4 Institutional Reform

More in tune with holistic approaches to peacebuilding though not exclusively so, is the component of institutional reform which includes processes that serve to ensure that future atrocities do not recur (OHCHR, 2009). The outbreak of overt violence and war is usually fuelled by the failure of security and justice institutions within any state. It therefore holds that the security and justice sectors become paramount institutions to be transformed during the transition phase. These sectors are made up of institutions such as the military personnel, police, and intelligence personnel among others including the courts. Essentially their role is to act as the vanguard of the rule of law of that country and to provide channels for the prosecution of a violation of law. In the post-conflict stage, warring states almost always emerge with a failed security and justice sector and yet these sectors are intrinsic to restoring the rule of law and for laying the foundation for sustainable peace. It then becomes a necessity for states to engage in institutional reform for the vitality of building peace and serving justice to war victims.

For any successful justice and security sector there is a constant need for reform, however it is more poignant in transitional justice processes as it allows for the cultural and structural transformation of the institutions that failed the state initially and it also allows for the revival of weaker institutions as well as the building of non-existent structures that contribute to justice and the rule of law. The successful reform of the justice and security sector entails that war crimes and impunity can be punished and that future violations are deterred and at most curbed. More importantly is the fact that the rule of law is cemented and solidified, making it somewhat easier to rebuild the trust between the state and the citizens. It is evident in societies where the

rule of law is held and applied that the state and citizens enjoy a level of trust and as such allows society to function as it should.

Rebuilding states are indeed faced with a mountainous task of building peace and preventing future outbreaks. Many scholars advocate that in order to tackle this huge task successfully it is important for practitioners and policymakers alike to consider a variation of these pillars or processes in their transitional justice initiatives. Furthermore it has become apparent that there is a need for justice processes to be owned by the communities in which they are implemented in. This is important for the success of laying the foundations of sustainable peace as it provides the platform for the issues that led to the conflict to be addressed and at most transformed at a national level.

Teitel defines transitional justice as the conception of justice associated with period of political change, characterised by legal responses to confront the wrongdoing of repressive predecessor regimes (Teitel, 2002). Because it is associated with a period of political change and cognisant of wrongdoings which may have occurred, it concerns itself with formulating responses that will re-structure social justice to reach a new equilibrium reflective of the ideals of the emerged Nation State.

Lambourne argues for a syncretic approach to transitional justice by combining elements of restorative and retributive justice mechanisms in order to meaningfully support sustainable peace (Lambourne, 2009). The assertion is based on the premise that for sustainable peace to be achieved transitional justice needs reflect on the following components (Lambourne, 2009:37-46):

• Accountability and legal proceedings
• Truth that is made known and acknowledged
• Socio-economic justice and
• Political Justice

Accountability and legal proceedings can only be attained through retributive mechanisms, therefore can be exacted through a court trial. Socio-economic justice as well as political justice can only arise through programs and initiatives aimed at achieving a just and fair society. Truth and reconciliation are achieved through restorative mechanisms such as the truth and reconciliation initiatives in Uganda, Ghana, South Africa and Sierra Leone to name a few. The commissions were used both as a tool to rebuild relations between conflicting parties and as a way of getting to know the truth about the events that occurred during the conflict. The objective of the commission was reconciliation which is a process whereby it is hoped that through truth telling and honesty conflicting parties will be able to acknowledge and deal with

the past as well as create a common vision for a fair state post-conflict (Migyirka, 2008). The components of transitional justice are intricately linked to each other and as such the assertion for a combination of the different types of justice to achieve peace in the post conflict period is plausible. It will serve to provide a solid foundation for sustainable peace.

Largely the promotion of democracy across the globe despite its shortcomings has been increasingly rising fundamentally due to the premise that Democratic regimes do not go to war with each other. This may be true however the promotion of democracy to prevent inter-state conflict is proving to be futile especially in countries of the Africa Great Lakes Region. This is largely due to the fact that most conflicts in the region occur within the boundaries of the same state. Intrastate conflict however is not just limited to the Great Lakes Region of Africa and they characterise the current world era in the sense that they are a common feature domestic politics in many states in the world generally, threatening peace and stability of their neighbours as well as those countries economically vested in them. But more peculiar is the fact that these intrastate conflicts particularly in Africa have a tendency to spill over and engulf a whole region if not appropriately countered. There is a need for states and the international community to rethink the threats posed by intra-state conflict and what could be done to ensure sustainable peace at state, regional and global level. If attempts at a peaceful world are to be made we need to consider the link between sustainable peace and peacebuilding.

2.2.5 The relationship between Transitional Justice and Sustainable peace

Peace as referred to in this work is not the absence of war or negative peace, rather it is what Galtung has termed as positive peace, which refers to a condition whereby structural transformation towards socio-political and economic systems are capable of fostering justice and ensuring self-sustained peace (Galtung, et al, 2002). Positive peace assumes flexible socio-political structures that are able to accommodate changes in society while adequately upholding the rule of law. What then is the relationship between transitional justice and sustainable peace? From the onset, it is commonly accepted that a society is never completely free from conflict because it is intrinsic to human nature, which means conflict can never be completely eradicated. Instead there is a clear need for the proper management of conflict in order to effectively manage overt violence. Once a conflict has erupted and violence has ensued, the post conflict reconstruction phase should be used ideally to build new structures that will promote security and peace going forward. This entails that states need to engage in processes that will yield sustainable results in terms of achieving peace. Peacebuilding as a tool

encompasses all activities that serve the purpose of creating a favourable environment for the flourishing of peace and the deterrence of conflict.

With the rise of globalisation and the increased autonomy of States, peacebuilding as a concept has evolved in approach and scope. It began by moving away from the notion that it is merely the establishing of conditions for peace through disarmaments programmes and the removal of threats. Rather peacebuilding is increasingly being regarded as a transitional method from conflict to peace. The process of transition is summarised as 'a holistic approach that encompasses, generates and sustains the full array of processes, approaches and stages needed to transform conflict towards more sustainable, peaceful relations' (Lederach, 1997:6). The process of transition is largely driven by the notions and ideals of justice to build a fair and just society. Though peacebuilding is viewed as a process that embodies various approaches and any activity that concerns itself with contributing to sustainable peace, it is clear that justice plays a pivotal role in ensuring that the acceptable pre-conditions for rebuilding societies are entrenched in society.

Rawls (2003) assertion that justice is about assuring 'the protection of equal access to liberties, rights, and opportunities, as well as taking care of the least advantaged members of society, highlights the link between transitional justice and sustainable peace. His assertion recognises that with equal access or just behaviours towards citizens, has a direct impact of the conflict levels within a state. He further asserts that 'whether something is just or unjust depends on whether it promotes or hinders equality of access to civil liberties, human rights, opportunities for healthy and fulfilling lives' (Rawls, 2003), thereby highlighting the direct nexus between sustainable peace and justice. When civilians enjoy an environment where they have access to civil liberties and opportunities for living a relatively prosperous life, society generally becomes a peaceful in the sense civilians would not fell hindered to a point where they cannot experience quality livelihood.

This is probably the main reason why scholars such as Lederach (1997) and Lambourne (2006) strongly advocate for processes to peacebuilding that include justice. They argue that the post-conflict period is itself extremely volatile and that many agreements reached at that point are not necessarily informed by national cohesion or national advocacy for peace, rather they are a result of compromise reached by parties to end the bloodshed, which is why there is a need to engage further initiatives that will stimulate peace processes and ensure that a relapse to conflict is avoided but above all else that the state can transcend into a peaceful state that is neither oppressive of it citizens and the political will or supportive of victor's justice at the expense of the society as a collective, which can only serve to perpetuate the cycle of violent conflict.

With that established there is a need for states to respond necessarily in the post conflict period, but their responses should also pave ways for the holistic engagement of peacebuilding initiatives, so as to ensure that safety and security are not just achieved in the post-conflict period, but reasonably sustained in the society that emerges after the conflict has subsided. Furthermore with the rise of globalisation, states have become interdependent on each other. The effects of internal conflicts have ceased to impact minimally on neighbouring countries and those further afield because of the increase of multilateralism which characterises the current global economy.

The post-Cold War era is one that brought along with it, new imperatives that sought to address human rights and equitable socio economic development. This meant that scholars and practitioners alike now found it necessary to evaluate and understand the concepts of sustainable peace especially in a world riddled with conflict. Because of the interconnected nature of international relations in the global stage, each state is now tasked with ensuring its own survival in a multilateral world. It has also become increasingly important for states to observe international law and treaties, which have been promulgated though not completely endorsed by all states to ensure that conflict is deterred. The imposition of embargoes and restrictions on non-conforming countries has also led to the strengthening of the protection of human rights within Nation States with very limited direct intervention from foreign state actors. Furthermore the need to keep world peace has become paramount in International relations, so much so that it has translated itself into the United Nations Security Council (UNSC), which has the mandate to maintain world peace (UNSC, 2014). Without putting much effort into it one can imagine the major repercussions of another world war, particularly in the current era of multilateralism and interdependence.

Peacebuilding and Justice are necessary as foundations for sustainable peace. They provide a starting point for a restructuring society through the provision of platforms that will transform societal values and norms. Furthermore there is a clear causative link apparent between post conflict reconstruction using transitional justice mechanisms and sustainable peace. The emphasis on this link is also embedded in the notion of social justice, a phenomena that is context specific as well as the need for peacebuilding mechanisms to be contextually driven so as to maximise on their impact on achieving peace. Interestingly enough both the reconstruction phase and transitional justice mechanisms rest on pillars which reinforce one another. It is clear then that for Sustainable peace to prevail peacebuilding and justice need to be engaged in a tandem manner.

The advocacy for re-establishing the rule of law through justice largely rests on the idea that rules that existed before the conflicted where flawed in the sense that they caused an enough hindrance to a particular sector in the society that led to the violent outbreak. The hindrance may have stemmed as a result of a lack of economic opportunities or denial to self-determination among other things. It is through the rebuilding of the societal laws and norms that states are able to draw new boundaries and create a safe and secure environment for their people. In Africa as mentioned prior internal conflicts has forced many states to relook the laws and norms in order to accommodate the state post-conflict, in South Africa for instance the county embarked on economic corrective measures through the broad based economic empowerment policies to deal with the economic injustices of Apartheid South Africa. In the Great Lakes Region of Africa similar stances have been made in an attempt to curb the violent outbreaks the countries in the region are accustomed to. Peculiar however to the Great Lakes Region is the interlinked nature of the conflicts in the region which implies that a policy in one country has the potential to be destabilised by regional factors which are beyond its control, thereby threatening sustainable peace.

CHAPTER 3: THE GREAT LAKES REGION FROM 1990-2010
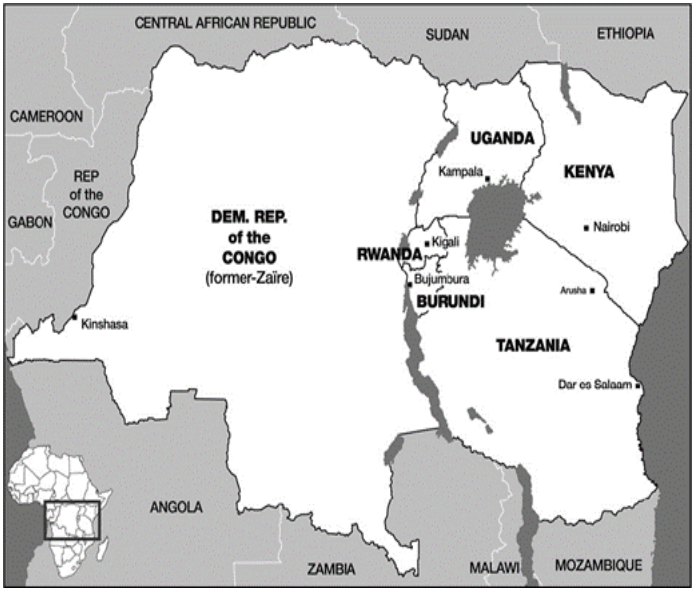
3.1 The Great Lakes Region in Africa

The Great Lakes Region of Africa for the purpose of this dissertation is made up of countries that have Lake Tanganyika and Lake Victoria passing within their territories, which are Burundi, Democratic Republic of the Congo (DRC), Kenya, Rwanda, Uganda and the United Republic of Tanzania, as illustrated in the figure above. The region has been prone to conflict for well over four decades (Daley, 2006) but the intensity and scale in the period 1990-2010 is worth a closer examination. As it will later be seen, each country in the region since its independence was immediately embroiled in internal conflicts, the conflicts tended generally to be political in nature and tended to exhibit power struggles between leaders of the countries as opposed to conflict occurring at grassroots. However over the years the dynamics of the conflict changed and began to manifest itself even at the grassroots level. With existing cleavages that were politically designed to advantage one group over the other, it was not long before the new leaders picked on those very same divisions entrenched by colonial rule and legacy to further their own agendas in securing power (BBC, 2016). The post-independence period was not characterised by the need to correct the wrongs of the past through the dismantling of colonial structures, rather the colonial legacies evolved to give birth to a number of contentious challenges.

The Great Lakes Region before World War 1 (WW1) was ruled by three different colonisers. Tanzania, Rwanda and Burundi were colonised by Germany, The Democratic Republic of Congo (DRC) was colonised by Belgium and the British had colonised Zanzibar, Kenya and Uganda. Post WW1, after Germany was defeated Burundi and Rwanda were awarded to Belgium as colonies and Tanzania was given to the British as a trusteeship territory (Omeje, 2013). Though the era was characterised by different types of colonial rule, each coloniser successfully implemented the divide and rule strategy on social cleavages that were apparent in these countries. Not only did they manipulate existent social cleavages, but they represented themselves in the light of civilisation and modernisation and made the natives believe that their way of life and thinking was primitive and uncivilised. Such indoctrination of the mind led to the Natives to readily believe and accept colonial rule and the unfavourable policies and practises they implemented in the name of civilisation (Mamdani, 2002).

 Colonialism and its legacies are still prevalent in the region, just as elsewhere on the continent. The divisive strategies with regards to rule implemented by the colonialist continue to have an overbearing influence on the Region's societies, further entrenching societal norms which were created to weaken the unity of a country. In Burundi and Rwanda separatist policies where

drawn on social classes which were existent when the Belgium colonised the two countries, the Hutu where agriculturalists whereas the Tutsi where pastoralists. Pastoralists where considered to be an upper class in the pre-colonial societies of both countries, because of the lack of other differences which could be seen in that society the Belgians used this evident social class to create first a racial division by classifying the Hutu as Bantu and the Tutsi as Hima, then an ethnic division post-independence. In Tanzania this was achieved through race (the Arab vs the Bantu), in Kenya and Uganda through ethnic division. The DRC on the other hand was weakened by extreme underdevelopment, disinvestment and deliberate pillaging of the county by Belgium (Mamdani, 2002) and the ensuing fight for political power by dictators post-independence

After independence from colonial masters little attempt was done to eradicate the divisive rule as well as the marginalising practices that were in place in each respective state at the time. As a result post-independence flourished in terms of political freedom, in the sense that some elements of democracy were adopted albeit through systems that were designed to be exclusionary and divisional in nature against a certain sect of people. The failure to reconstruct the state as independent in the post-colonial era was a colossal error which continues to mask efforts towards reconstructing the state to foster sustainable peace.

An attempt to encapsulate the root causes of each conflict in the region may be an unattainable task, because many issues lie at the heart of the various conflicts. Issues stemming from colonial legacies as well as issues arising due to evolving contexts of the Nation State and the global community. For purposes of coherence, this paper identifies four 'grand challenges' that are deemed to fuel tensions and instability in the region, which are:

• The politicisation of identities,

• Porous borders,

• Displacement, and

• A lack of efficient governance structures.

As it will be later discussed, the above grand challenges are almost always a source of tension in the Great Lakes. When closely considering the root causes of conflict, researchers and practitioners alike are most likely to draw conclusions around these four grand challenges. By no means are these challenges purported to be what the writer deems to be 'the complete catch all challenges' faced by the region, but they do provide a useful starting point for the understanding of the volatility of conflict in the region.

The politicisation of identity in Africa was a direct result of the divide and rule strategies that were implemented by colonisers. It was achieved through a process whereby 'antagonistic or

polarising interpretations or definitions of other groups in the social and political arenas were offered with the aim of creating an opponents or allies' (Stekelenburg, 2013). In Rwanda, Burundi and to a certain extent the DRC this was achieved through the Hutu-Tutsi ethnic divide, the Kikuyu favouritism in Kenya as well as the Baganda in Uganda. In Tanzania conflict was evident through ethnicity, race and later through religious differences that existed. The structures of divide and rule showed proved to be effective for the colonial masters in as much as they frustrated the natives. Many years post-independence, the legacies of their policies are still been felt and continue to be the among the root causes of conflict in the region. Identity in Africa quickly became politicised, with identities becoming linked to superior economic statuses determining whose identity earned them superior socio-economic standing. This had led the continent to a myriad of problems which, especially in the Great Lakes region when interlinked cause further innumerable problems that threaten peace and economic development.

3.1.1 Grand Challenges in the Region

Of all political identities imaginable within the Great Lakes Region, be it racial, class, religious or gender based, ethnicity has demonstrated to be the most explosive political identity. The ethnic clashes in Uganda and Kenya are cases in point. However peculiar to the region is the Hutu-Tutsi divide, which are ethnic identities native to Burundi, Rwanda and the manner this ethnic divide has become the epitome of the conflicts in the Great Lakes. For as long as history can recall the Hutu-Tutsi ethnic divide has fostered intolerance and loathing against the 'other' while residing within the same border, and persists beyond native borders. The division has also been able to sow other issues such as militarised borders, which are guarded according to ethnic interests as opposed to national safety.

An in-depth exploration is necessary into the Hutu-Tutsi divide in order to understand the region's volatility. The Hutu-Tutsi axis has become an epicentre of the region's conflict, adding and creating more problems for the region and the continent generally. The continued instability in the region has given birth to the largest human refugee movement due to displacements in the history of the continent (UNHCR, 2013), further it has also created tension between the region's states illuminating the problem of internally displaced persons, porous borders and refugees as well as their repatriation. Perhaps a poignant result of the Hutu-Tutsi divide in the region is the mass killings of civilians in Burundi and the DRC as well as the genocide in Rwanda.

The Hutu and Tutsi are political identities which were used by Belgium rule when they colonised Rwanda and neighbouring Burundi to divide and rule. When Belgium occupied Rwanda and Burundi they found a people which spoke the same language and practised the same cultures. As a way of seeding divisions they re-constructed the Hutu-Tutsi political identities from class identities to racial identities (Mamdani, 2007). They used physical features as well as the socio-economic standing as measures to determine who belonged to which race (in the colonial times the division was racial as opposed to ethnic only after the 1959 revolution was the division changed to an ethnic division). The Tutsi were considered to be different from the Bantu race which was dominant in the continent at the time and as such were classified as Hamites. The latter were not considered to be black but slightly more superior due to the fact that they were deemed to have been of Hamitic origin by their colonisers. As a result the Tutsi's enjoyed freedoms which their Hutu counterparts were denied and this led to the inferior economic standing of those classified as Hutu who were largely marginalised in the quest for economic development.

In the post-colonial period both Rwanda and Burundi suffered a bout of mass killings and violent conflicts due to this colonial legacy. Little reform was achieved in deconstructing these political identities and instead the overt violence was followed by periods of victor's justice which only served to continue the cycle of civil unrest. The continued fighting led to mass human displacement caused by conflict or the search for better economic patches since the ongoing violence only served to weaken Rwanda's economy. The displacements largely resulted in refugees seeking refuge from other countries in the continent and specifically the other countries in the region. Once the conflicts had subsided little was done in terms of repatriating those who fled due to conflict and over time, those who found themselves in the host of other countries often regrouped to re-attack Rwanda with the aim of taking over power. Because of the ineffective control by governments of its borders generally in Africa it was not long before these re-attacks were planned on foreign ground, sometimes with the help of foreign forces.

The second grand challenges faced by the Region is the existence of porous borders between the countries of the Region. A case in point would be Kivus in Eastern DRC, the provinces are home to militarised refugee camps mostly used by Rwandan rebel militia forces, as it borders to the south-east with Rwanda. The DRC had set up a refugee camp in Kivu because of the high refugees who ended up there whenever there was unrest in Rwanda. Crossing the border from Rwanda to the DRC due to the nature of the porous borders has shown to be a simple task. Because of this the DRC has been unable to effectively practise control over the Kivus, due to

the prevalence of the highly militarised camps as well as the inefficient territorial integrity of DRC because of its government.

Furthermore DRC's persistent failure to effectively control these refugee camps has meant that Eastern DRC has now become popular as the military base for refugees who wish to launch an attack on Rwanda. There have been instances were citizens from a neighbouring state have crossed borders to participate in ethnic cleansing occurring in another state and cross back to their country to avoid punishment as was the case during the Rwandan Genocide. Ordinarily in a state with properly manned borders it would be a difficult task to slip through borders without giving due regard to entry requirements of each respective country. Porous borders leaves the region vulnerable to rebel groups as it provides platforms for them to destabilise the country and attack civilians, while also providing an enabling environment for conflict spill-over (Ikome, 2012).

As a region that is constantly embroiled in conflict it was only a matter of time before the issue of displacements became a challenge. History reveals that the region continues to ignore the plight of the displaced person, even though over time the region has witnessed an influx of human movement originating from other states within the region. It is a grand challenge to the region based on the argument that displacements occur as a result of conflict and as such, it should be addressed in the post conflict phase in the hope of curbing it as a source of tension in future.

Displacement is used to describe human movement which occurs as a result of conflict or socio-economic instability in any particular state. The United Nation defines the concept of Displaced Persons as well as its causes as 'the forced movement of people from their locality or environment and occupational activities. It is a form of social change caused by a number of factors, the most common being armed conflict. Natural disasters, famine, development and economic changes may also be a cause of displacement' (UNESCO, 2015). By definition then displaced person could be considered to be fleeing from a threat or act of terrorism in their localities with the hope of escaping the threat and or the act of terrorism.

Displaced persons are further differentiated according to specific types, namely Refugees, Asylum Seekers, Stateless-Persons and Internally Displaced Persons. Refugees are considered to be those people who flee their country due to 'a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, people who are outside their country of nationality, and are unable to, or owing to such fear, are unwilling to avail themselves of the protection of that country' (UNHCR, 2013). Refugees generally no longer enjoy the protection of their government and at times have to

contend with harsh communities in the borders of the countries they have escaped to (Kamanga, 2011). Characteristic to a conflict stricken region is the problem of seeking refuge or asylum in another state in order to obtain international protection from the threat.

Asylum Seekers could also be regarded as Refugees but they differ in the sense that they are offered international protection provided they enrol on the Asylum Seekers Registration System of their host country. The Asylum Seekers System is designed to enable the host country to determine the said risk or threat as sufficient to award asylum status to a refugee. Once a person is awarded Asylum Seeker Status they are given refuge within the host country. In some countries, as is the case in South Africa, refugees are placed within communities whereas in other countries they are placed in concentrated refugee camps. Asylum Status is not permanent and is often reviewed by the host country because the host country considers itself as a haven for the person until the threat passes at home. A host country may upon review deny a person Asylum and should that person still be unable to return home they are no longer considered to be Asylum seekers.

Another group under the displaced persons umbrella is the stateless-persons who are considered to be people who are not considered as nationals by any country (UNHCR, 2015). Essentially this means that the person is not recognised as existent in any territory and as such cannot be able to access services and protection afforded by governments of states to their citizens. They effectively exist in the human form but their existence is not recorded anywhere and as such they are also deprived of nationality and identity.

Though the number of stateless people around the world has not prompted the global community into action, it has become a thorny issue in the Great Lakes Region of Africa and although the states have attempted to find an amicable solution to the problem. The outcome has had little desirable result and the fractured nature of the initiatives also posed threats to overcoming this hurdle as the states in the region lacked a collective approach to this problem. One has to think of the Tanzanian Initiative of 1982 to naturalise over 32 000 Rwandan refugees and again in 1991 and 2014 when it opened its gates to the naturalisation of refugees from Somalia and Burundi respectively (UNHCR, 2014).

There is a sentiment in the region as well to address the permanent nature of displaced persons in the region as was voiced by Uganda's former President Yoweri Museveni, while delivering an address at the African Union Summit on Refugees, Returnees and Internally Displaced Persons in 2009, stated that 'In pre-colonial times, the Great Lakes region never had permanent refugees as is the case today' (Xinhua, 2009). He also emphasized that a local solution was needed to address the problem of displaced person not only for the Great lakes region but for

Africa as a whole. His sentiments are attributed to the fact that Africa is home to a large number of Refugees and Internally displaced persons.

Internally displaced persons (IDP) are people who by definition have been exposed to armed conflict but who have not crossed an international border to find sanctuary in another state (UNHCR, 2012). Essentially these are people who move from one place to another in search of security within the borders of their state. Legally they are considered to be under the protection of that particular state, but in cases of conflict the government is usually the perpetrator of the threats or harm or in other instances are unable to protect their civilians from such threats because they are either a failed or failing state rendering them ineffective in providing the necessary protection for their people.

Usually in post conflict scenarios many of these people return to their homes to rebuild and move on from the conflict but at times such a return is almost possible as evidenced in most part of the Great Lakes Region due to regime change and ethnic and tensions. Because of prejudice to the phenomena of IDP's and its effect on sustainable peace, it is worth taking a deeper look into the magnitude of refugees and their link to instability and conflict.

There is a general agreement among scholars that there is 'a causal link between the high incidence of displacement in the region and governance challenges, as well as the seemingly endless armed conflicts in the region' (Kamanga, 2011).

It is also important to note that the region is an asylum or refuge for each of the 5 countries, save for Tanzania which continues to be an outlier case in the region. Basically what this translates to is that the high number of human movement which occurs as a result of conflict and civil unrest within any one country in the region potentially makes the other countries asylums. Other regions in the world also experience such tendencies but with the Great lakes Region the peculiarity is the gravity of the displacement as well as its long term effect on peace and stability in the region. The region alone is home to over 25 000 exiled persons who have been exiled for over 12 years (Kamanga, 2011, Loescher and Milner, 2005), and the situation in the Great Lakes has now been encapsulated as the 'Protracted Refugee Situation' or the PRS. The PRS further serves as a conduit of conflict in the region as it ensures a constant supply of aggrieved person who are stuck in limbo, i.e. do not enjoy the protection of their government and at the mercy of their asylum. Furthermore the situation of the refugee camps in the region are normally located within proximity to international borders, locations which many states in the region would agree that the respective state's government lack effective control over. Such close proximity to the international borders raises two issue, the first being the porous borders and the second issue is tied to the integrity of territorial control.

Over and above the issues of political identities, human displacements, and porous borders, the region has had to contend with the lack of institutions that promote dialogue, good governance, human rights and the rule of law. In the Great Lakes Region it is characteristic for power successions to occur through a coup under the guise of correcting past injustices, and through reasons of rightfully restoring the land to its rightful owners as was the case in Rwanda with the 1959 (Hutu) Revolution. Even though the revolution was aimed at opening up economic opportunities to the majority Hutus because of colonial marginalisation which was not done away with adequately post-independence, the revolution was used instead to purge the Tutsis of their economic privileges.

The revolution was successful in many ways in the sense that it opened up the political space for the Hutus. However it also bred Victor's Justice as most Tutsi's felt that most policies were designed to punish them for being Tutsi. As another case in point in Uganda, when Idi Amin overthrew Milton Obote in 1971, perhaps he wanted to free Uganda from the autocratic leadership of Obote. However soon after Amin took the reins from Obote, it was not long before he too exhibited autocratic behaviour and mercilessly killed the Acholi people of Uganda whom he felt were against him. This led to another military coup with Obote regaining power albeit only for a short while before the country was thrust again into violent conflict. Many political occurrences could be used as further illustrations of the Regions power hungry politics of the post-independence years.

As the years proceeded the power games no longer occurred at state level, leaders increasingly aroused their citizens to the injustices suffered in their own land not from the colonisers but from those they call their brothers. In Rwanda and Burundi Government was quite instrumental in providing the lenses with which to view the social cleavages that existed. They were quick to highlight how the one was privileged over the other and yet they were not even native to the land, hence the Hutu-Tutsi political identity was used by leaders to draw the ordinary citizens into the political sphere. In the decades under review one can deduce by the sheer movement of people either for political or economic region that there is a need for a regional approach to the regions problems such as ethnic conflict, porous borders, displacement and weak social structures which hinder economic development need to be proliferated in order to ensure that efforts at sustainable peace are attainable in the region.

In an effort to encapsulate the issues in the region this chapter will provide a country by country background and analysis of the refugee crises which is a conduit of conflicts in the region. Each country analysis will be accompanied by data collected from the World Bank development indicators on refugees in the Great Lakes Region for the period beginning 1990 to 2010. The

data presents the number of refugees per country, in order to create a picture for the region, the writer grouped the data by sourcing numbers of refugees for each country in the hope of showing the link between high human movement due to instability and overt violence.

As a way of capturing the volatility of the region, what follows below is a conflict timeline which depicts the various conflicts which erupted in each country of the region during the two decades. The timeline provides a background for the assertion that conflict in the region is capricious and tends to offset instability that renders socio-economic development unattainable because of the constant threat to peace. The timeline highlights political events, overt violence including terrorist attacks and natural disasters which were occurring at that particular time which were accompanied by violent outbursts and or protests

Table 1: Overview of the Conflict time Line in the Africa Great Lakes Region

Country					
Year	**1990-1993**	**1994-1997**	**1998-1999**	**2002-2005**	**2006-2010**
Burundi	Constitutional referendum: multi-party elections Assassination of President Ndadaye Massacres and Mass killing against the Tutsi's	Fighting in the capital city of Bujumbura Killing of President Ntaryamira Coup de tat. President Buyoya seizes power	Embroiled in an interstate war with 9 other African countries and 20+ armed rebel forces in the DRC Signed the Arusha Peace and reconciliation agreement	Power sharing transitional government	Renewed fighting between rebels and government forces
DRC	Sitting president opens up dialogue on Multi-party politics	Large number of Hutu Refugees settle into Eastern DRC Kivu province. Mobutu provides allegiance with the refugee Hutus Mobutu is overthrown by Laurent Kabila and allies Invaded by Rwanda and Uganda	Involved in an interstate war with 9 other African countries and 20+ armed rebel forces in the DRC Engaged in Peace talks	Signed Peace accord as Cease fire agreement	Hosted first democratic Elections Submitted formal complaint for adjudication against Rwanda and Uganda at the ICJ
Kenya	Political dissent and violence First mutli-party elections Violent ethnic clashes in the River Rift Valley Constitutional referendum to allow the registration of opposition political parties	Violent ethnic clashes leading to elections	Terrorist attacks on Embassies in Kenya, linked to Somalia's rebel forces	Violent ethnic clashes leading up to elections	
Rwanda	RPF Invasion from Uganda Mass killing of Tutsi's as retaliation for the invasion Peace agreement signed by the Government of Rwanda and the Rwandan Patriotic Front	President Habyaramana is killed when plane he is travelling on is shot down Genocide against the Tutsi and moderate Hutus Invades the DRC Backs rebel force led Laurent Kabila a to overthrown Mobutu in the Congo The International Criminal Tribunal of Rwanda is promulgated to prosecute crimes against humanity which occurred between 1 January 1994 to 31 December 1994	Embroiled in an interstate war with 9 other African countries and 20+ armed rebel forces In the DRC		Gacaca Law enacted to hear trials of crimes committed during the genocide by civilians
Uganda	Restoration of traditional kings, though with no power	Adopts new constitution Ban on political activities left intact Backs rebel force led Laurent Kabila a to overthrown Mobutu in the Congo	Embroiled in an interstate war with 9 other African countries in the DRC and 20+ armed rebel forces Civilians vote against multi-party politics in favour of a one party state Classified Rwanda as a hostile nation	Rebels in Uganda namely the LRA attack civilians, forcing government to evacuate citizens in parts of the country Peace deal is signed with some of the rebel groups Withdraws last troops from DRC Intensified attacks on civilians by the LRA	Government and LRA sign truce Racial violence in Kampala erupts Sever flood devastation Uganda launches offence against rebels after failure by rebel leaders to sign agreement
Tanzania	Constitution amended to allow multi-party politics	First mutli party elections	Terrorist attacks on Embassies in Tanzania, linked to Somalia's rebel forces Protests against civilians	Political violence in Zanzibar	
Year	1990-1993	1994-1997	1998-1999	2002-2005	2006-2010

3.2 Country by Country Overview

What follows below is a brief background of each country in the Great Lakes Region with data on refugee population originating from each country in the form of tables. The data is presented as a means to highlight the unusually high number of human movement due to internal conflicts and displacements. The data is presented further to provide the reader with a reference point for the need to address the regional impacts on the internal conflicts which occur in each state.

All data provided of the number of refugees per respective country in the following sections

3.2.1 The Republic of Burundi

Burundi borders on the north with Rwanda, on the east and south with Tanzania and on the west with the DRC, with Lake Tanganyika to the South of its borders. Burundi gained independence from Belgium in 1962, and has since been embroiled in internal conflict which is rooted in political and historical tensions between the ethnic Hutu majority and Tutsi minority populations (Insight on conflict, 2015). In 1963 there was ethnic conflict in Burundi and little was done to transform the conflict into a sustainable peace, instead the era was then followed by an era of massacres and one party rule which pitted the one ethnic group against the other. The country realised that one party politics may not necessarily be good for it especially considering its history and society in general. It was with the ushering in of a new constitution in 1992 which allowed for Multi-party politics in the country which gave hope for change and sustainable peace (Insight on conflict, 2015). However this brought even bigger problems to Burundi and increased violence in scale as the problem was not limited to single party politics, but rather the ethnic Hutu-Tutsi divide among Burundians that is deeply entrenched in their society. Furthermore the continued application of victor's justice, a tradition where the victor imposes punishment on their enemies to further their own agenda, has often translated that those in a position of power post the conflict rarely have the vision to rebuild the country as a whole and effectively engage the Hutu-Tutsi divide prevalent in the Burundian society.

As a result of continued ethnic clashes in the little country, Burundi was declared a one party state constitutionally in 1981. Ironically by declaring the country a one party state, it only served to fuel ethnic tensions further as renewed ethnic violence ensued. Burundi failed instead to build a sense of national unity among its citizens, entrenching the notion that one ethnicity

was favoured against the other. One can argue that perhaps the move to declare the country as a one party state was to build a bridge between citizens and to do away the 'other' by having a single party, opposition is less likely. However in the Burundian context the one party system only served to propel the conflict further, this was largely due to the fact that the socio-political sphere continued to be enjoyed by the Tutsi and the expense and marginalisation of the Hutu. As a result government was forced once more to amend the constitution to open it up to multi-party politics in 1992, in the hope of making the socio-political context of Burundi to be more inclusive and open to other ethnicities within the country.

A noticeable trend in Burundian politics during 1980 to 1994 was that whenever the country was faced with a conflict, the immediate response from authority was to end the conflict by tweaking the political arena without necessary transforming the issues that led to the conflict in the first place. This was problematic because change in the political environment did not necessarily deal with the issues at hand nor did it provide a favourable environment for peace to prevail. It then becomes no surprise that both the constitutional amendments in 1981 and in 1992 were followed by mass killings in 1988 and a massacre 1993, in which international organisations such as the United Nations even went as far as calling the 1993 massacres a genocide as more than 300 000 lives were lost (BBC News, 2012).

In the period during 1990-2010 Burundi had shifted from merely effecting referendums on their constitution and had increasingly began to look past the immediate in an attempt to bring lasting peace o the country.

 Post the 1993 massacre the country was able to elect and appoint President Melchior Ndadaye who was considered to be a pro-Hutu leader. Fearing what this may mean for the Tutsis in the country he was assassinated by the predominantly Tutsi army within months of his appointment. As a contingency measure the parliament of Burundi then appointed President Cyprian Ntaryamira who was also killed when the airplane he was travelling in along with President Juvenal Habyaramana of Rwanda was shot down in the early months of 1994. The shooting down of the plane led to the renewed killing in the country and prompted Hutu Burundians to cross over into Rwanda to participate in the killings of the 'enemy' as a genocide against the Tutsi was underway then in neighbouring Rwanda.   Sylvestre Ntibantunganya who was speaker of parliament at the time was appointed President in the latter part of 1994 after Ntaryamira's death.

It was hoped that the country would not be thrown again into violent conflict when Ntibantunganya was appointed as he was also a Hutu leader, however in the early months of 1995 there was renewed fighting and targeted killing of Hutu refugees largely from Rwanda.

This led to ethnic violence once again and prompted a higher number of Burundians to flee their country in the interest of their safety and seek refuge and asylum in other countries. In the period under review Burundians have tended to seek refuge in either Tanzania or Kenya, with a handful seeking refuge in the other states within the region. The volume of refugees that Burundi produces has an impact on the socio-economic development of Burundi as a large working force flees the country during turbulent times without necessarily retuning when the fighting has ended.

Without having a chance to recover from all the events which broke out since 1993, there was again another coup led by Buyoya in 1996, with increased political instability in the country with a clear need to end the conflict, parliament agreed to a transitional constitution with Buyoya as President. It is during this period that the Burundian government attempted to broker a peace deal with the warring factions in the country a deal that is not embraced by all and as a result failed to yield the desired effect.

The Burundian conflict was by all means attracting international attention, in 2001 Former South African, President Nelson Mandela intervened in an attempt to assist the country to set up a transitional Government, but because there was still grave differences between warring parties he was unsuccessful and instead, the negotiations led to increased fighting between the Hutu and Tutsi Rebel groups. The conflict spurned right through to 2005 with spikes of violent conflict on some years and less violence in other years. It was only when a power sharing constitution was agreed to by many of the conflicting parties in 2005 that much of the violence subsided post the 2005 elections. Political instability and unresolved grievances have continued to threaten inter-ethnic cooperation and security in the country as evidenced by the renewed fighting between government forces and anti-government rebels in 2008 and more recently the instability and violent protests leading up to Burundi's 2015 democratic elections (Aljazeera, 2015).

One would need to question why has a country grappled with the same issue over decades without a solution in sight and the most obvious answer would be that the core issues are never addressed and the real issues are always swept under the rug and ending the conflict is done through peacekeeping initiatives that do not have long-term goals insight and do nothing for sustainability. The continued failure of addressing the core issues of the Burundian conflict has also given rise to a new issue of displacement. Many people who were born Burundian have found themselves seeking refuge and asylum in other countries and even have secured citizenship in other countries such as Tanzania, due to a lack of a repatriation programme from Burundi. This has translated to the practise that those who leave Burundi during a conflict

hardly return or are provided with very little opportunities for returning after the war has subsided.

It may seem noble of Tanzania to naturalise Burundians refugees, however the process of naturalising people is expensive and requires immense resources to achieve (BBC, 2015) which often translates to the redirection of funds in order to achieve in many instances. The exercise of naturalising refugees had been carried out in Tanzania twice during 1990 and 2010, and the financial implication for this process has led to social tensions emanating from the Tanzanian civil society. For Tanzanian citizens the money spent on naturalising refugees is deemed to be invested incorrectly as there are citizens who feel the government needs to do more in terms of socio-economic development to open up further opportunities of enrichment for Tanzanian citizens, the solution therefore as proffered by Tanzania is not sustainable in the long term.

A double jeopardy perhaps for Burundi, besides the fact that they rarely repatriate their citizens, the increasing issue of land scarcity and population increase in the landlocked country is fuelling tensions and as such the country needs to be innovative in finding ways to repatriate its citizens without jeopardizing efforts at sustainable peace. Burundian History dictates that for lasting peace in the region to be achieved, more holistic approaches to conflict would have to be engaged and that by simply allowing more parties to contest for elections or limiting it to one is not always the answer. The country had to address the core issues that were leading to the violent outbreaks by looking at the issues holistically.

In the period under review, not only was Burundi increasingly contending with an unstable and volatile atmosphere it became apparent that the environment the country was in was not favourable for economic growth and development. Perhaps the largest blow to any country post-conflict is the loss of infrastructure necessary for economic growth and development such as roads, health facilities, houses or shelters. In a country constantly embroiled in conflict the rebuilding of those basic necessities for survival is impossible, and if any attempts are made towards it, they are often futile which offsets another problem of human displacement which occurs as a result of instability with a certain country. The causes for displacement could either be conflict related or socio-economic related. As detailed earlier the displacement of humans in the great lakes region is of concern as it occurs in exceptionally large numbers and largely concentrated to the region.

From the data below it is shown that there was a mass movement of Burundian citizens exiting their country into other countries reflected in the graphs presented. To understand the movement one would have to consider the events which were taking place in Burundi as well as neighbouring Rwanda as possible explanations for the movement. By reading through

Burundi's conflict timeline (presented under Chapter 3.1) it is clear that the peaks and drops in the numbers in the tables (see table1) correspond with major conflicts that were happening in the country at the time. It is also noticeable that whenever there was regime change in the country during the period the numbers of people leaving the country either shot up or down. However even in the years that were relevantly less conflict ridden there was still a considerable movement of Burundians to other countries, perhaps in search of better economic opportunities. Peacekeeping and peacebuilding initiatives in the country have mostly taken place at senior level at the exclusion and expense of the masses which are the people directly affected by the conflict. It was only in 1998 that Burundi engaged in Peace talks in an attempt to end the ongoing conflict between the government and rebel groups where peace talks were initiated and culminated in the Arusha Peace Accord which was signed by the conflicting parties in Arusha in the year 2000. This Accord established a transitional government, mandating a power sharing arrangement between Hutu and Tutsi groups in an effort to curb the ongoing civil strife that had become common in Burundian politics.

The Arusha Accord called for the establishment of a truth and reconciliation commission, a special tribunal to try perpetrators, and hold public consultations in the form of truth and reconciliations commissions, in order to inform decisions on what other forms of justice should be adopted to effectively address the injustice and human rights violations which occurred during the violent conflict and in particular of the events which unfolded in the 1993 massacre. After repeated delays, in July 2009, the government began this consultation process with assistance from the United Nations (UN). A National Consultations Steering Committee (NCSC) of government officials, UN representatives, and local civil society groups organized focus group discussions, community gatherings, and interviews in all provinces. The NCSC submitted its report to the government in April 2010, but the government has yet to take action on its recommendations.

The Arusha Accords are to be commended for the fact that they involved the communities directly affected by the civil war, though it is a shame that the recommendations have not been implemented. They could have the potential to lay the foundation for ensuring sustainable peace in the country, as well as curb human displacement. Burundi has also struggled to repatriate citizens who were displaced as a result of conflict and this continues to be a breeding ground for further conflict in the country and region. Tanzania has already offered to settle many refugees originating from Burundi, but Tanzania's efforts can only go so far in addressing the issue of displacement in the region and particularly of Burundian refugees without risking

a regional outcry. It then becomes a necessity to question what would happen to Burundian refugees when Tanzania can no longer host and award citizenship to them.

Table 2: The number of Refugees originating from Burundi

| Country	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
DRC	13 293	41 243	9 476	176 351	180 098	117 902	30 226	47 004	20 000	19 200	19 760	19 485	19 374	19 552	19 400	19 032	17 777	17 602	17 588	17 585	12 845
Kenya	50	No Data	No Data	No Data	No Data	114	73	115	556	205	146	487	402	404	782	1 188	1 195	1 270	1 313	1 313	765
Rwanda	23 587	33 996	25 153	250 000	6 000	3 228	9 611	6 933	1 408	1 371	957	1 670	1 554	1 841	4 719	3 743	2 870	2 817	2 624	336	341
Uganda	No Data	No Data	No Data	No Data	No Data	2	3	13	10	81	118	94	245	317	663	1 660	1 741	2 224	3 183	3 777	4 950
Tanzania	154 689	148 703	149 500	444 867	202 738	227 216	385 452	459 420	473 768	498 982	538 448	521 180	540 861	494 209	443 706	393 611	352 640	336 277	240 480	53 823	47 350
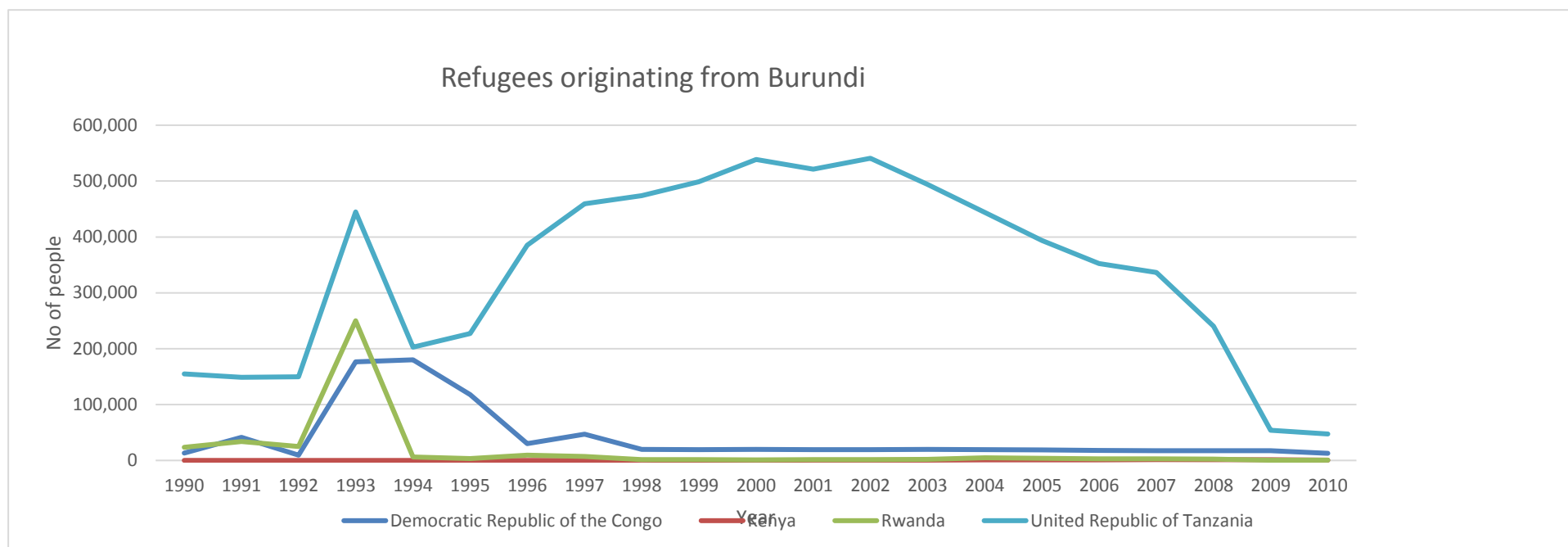
Figure 2: Graphical representation of the number of refugees originating from Burundi

3.2.2 The Democratic Republic of the Congo

The DRC is a country blessed with natural resources. For many years colonisers of the Congo have always aimed at looting its natural resources for their own economic gain. There was hardly any investment in the country's infrastructure as well as education for the general population. When it gained independence from Belgium in 1960, the future of the country looked bleak, as the country had a large debt to settle and little ways of making money as the country was largely underdeveloped despite its natural resources endowment. The country soon fall under the authoritarian leadership of Seseko Mobutu after a coup d'état in 1965. He ruled the DRC for 32 years and renamed the country to Zaire.

During his tenure as President Mobutu did very little to change the country's status quo in terms of socio-economic development. He too ruled the country in the sake of his interests to the detriment of the Congolese citizens and suppressed any political opposition by making the country a one party state. However the winds of change blew into the country in the early 1990's as a result of funds withdrawal from his overseas supporters and the increased resistance and power of rebel groups in the country. As a way of holding on to power Mobutu implemented what is known as the Conference Nationale Souveraine as an attempt to open up national dialogue on Multi-party politics. The attempt was a failure largely due to the institutional incapacity of Zaire at the time to appropriately deal with multi-party competition. This resulted in increased turmoil in the country, leading to further violent conflict and unrest in civil society.

Mobutu must have realised that opening up the country to multi-party politics may not have necessarily provided a road map to peace, he then began to echo sentiments which he knew well to be harboured among the majority of his citizens. He started mobilised public opinion against immigrants in the country particularly those who had settled in Eastern province of Modern day DRC, Kivu. This resulted in clashes between the indigenous Congolese and those who had settled there decades prior. This increased intolerance and the successful creation of the 'other' not only destabilised the DRC further but also severed relations with Rwanda (Insight on conflict, 2012).

However in 1994 after during the Rwandan Genocide and in its aftermaths, a thousand more refugees emerged from Rwanda into the DRC. The refugees were mostly made up of the extremists Hutus, ex militia and the genocidaires. Once in Kivu, DRC they immediately used the refugee camps as a base to recuperate and planned to re-attack

Rwanda. However Rwanda very much aware of the culture among its rebels to flee to DRC and set up a base to re-attack Rwanda, so they invaded DRC in pursuit of the genocidaires. Knowing full well that the refugees of the 1994 Genocide enjoyed Mobutu's allegiance (BBC, 2016), the invasion risked cordial relations DRC and Rwanda enjoyed and put the countries at odds with each other.

Mobutu was overthrown by Laurent Kabila with the assistance of the Rwandan Patriotic Army as well as the Alliance for Democratic Liberation (AFDL) group which was an anti-Mobutu rebel group in Zaire. Laurent Kabila then became President of the country and renamed it to the Democratic Republic of Congo in 1997 (Human Rights Watch, 2009). Despite new leadership and democratisation, the DRC battled to maintain good relations with its neighbours, namely Rwanda and Uganda, largely due to the issues of immigration as well as Rwanda's continued interference in DRC in the guise of flushing out genocidaires and both Uganda's and Rwanda's pillaging of the country's natural resources. As a result the country plunged into an interstate war with Rwanda and Uganda, which led to eight other African countries been drawn into the conflict, namely Angola, Burundi, Chad, Namibia, Rwanda, Sudan, Uganda, and Zimbabwe and twenty armed rebel forces (Williams, 2013). The war raged from 1998 right through to 2002 despite the signing of a ceasefire agreement by the conflicting parties.

In 2002 the Lusaka ceasefire agreement was signed as a way of preparing the ground work for the transitional power-sharing Government to take over. In 2006 the country hosted its first democratic elections and Joseph Kabila, son to Laurent Kabila was elected as President. The progress of getting to a point of election however did not translate to peace in the country and indeed conflict has continued to mar the country. Due to its institutional weakness and its war economy interest in resolving the war in the DRC is largely flawed. Those who are players in the war gain lucratively from it and it would be against their interest to end the war (Dagna, 2011).

The porous borders of the DRC remain a burdensome obstacle to allow the country to effectively engage in peacebuilding initiatives, this is largely due to the fact that the Eastern DRC has remained marred by conflicts which are usually centred on the issue of migration and refugees. Furthermore the period post-transition has actually done very little in stabilising human movement and has seen increased violence due to regional and local dynamics, State weakness or the inability of the state to effectively govern the country as a whole as well as the interests of the elite continuing to inform policy making in the country.

In an attempt to seek justice form the invasion of Rwanda and Uganda the DRC launched a formal complaint with the International Court of Justice (ICJ). The Government in Kinshasa alleged that both Rwanda and Uganda looted its natural resources and backed rebel movements with the aim of overthrowing President Laurent Kabila. Furthermore it also alleged that the countries' forces used extreme violence against its citizens and committed crimes against humanity. Over and above this formal complaint against the countries the United Nations also pointed toward the fact that the Rwanda and Uganda had provided military and strategic support to rebel movements within the DRC.

Both the formal complaint as well as the UN backed investigation had profound impact on the relations of these states, with Uganda classifying Rwanda as a hostile state largely due the complaint but also because of the infighting that had occurred between Rwanda and Uganda during the war. The UN claims also served to threaten the new established relations between the DRC and Uganda as well as the Peace mission which was underway in the DRC which Uganda had sent in troops for.

The instability in the DRC by any measure has frustrated economic development as a result of the ongoing conflicts (Dagna, 2011). Coupled with the fact that it is commonly perceived as a haven for Rwandan extremists to regroup by other countries in the region, the country has found itself vulnerable to regional instability and looting of resources by external actors. The DRC is also a host of displaced people from within and beyond its borders and this means the country is in a state of perpetual uncertainty and instability which often leads to ongoing fighting, prompting a high number of people to flee the country in search of more stable countries and better economic opportunities.

Table 3: The number of Refugees originating from the Democratic Republic of the Congo

|	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Burundi	25 850	25 840	25 782	25 970	21 887	20 000	20 000	20 000	23 085	20 760	25 847	26 670	39 762	40 568	48 424	20 359	12 623	23 914	20 757	24 614	28 957
Kenya	No Data	200	No Data	No Data	No Data	306	206	139	388	251	251	1 297	1 134	1 153	2 367	2 306	2 385	2 674	2 927	3 608	4 879
Rwanda	No Data	No Data	No Data	No Data	No Data	4 559	15 397	27 105	31 967	32 951	27 441	33 064	29 281	34 725	45 460	41 403	46 272	50 731	52 409	53 647	55 027
Uganda	1 322	624	15 624	4 500	4 500	12 313	28 611	14 246	5 350	7 987	9 019	7 613	8 848	11 680	14 982	20 564	28 766	41 782	76 498	73 175	81 804
United Republic of Tanzania	15 943	15 960	15 983	16 030	16 054	16 022	55 214	74 313	58 282	98 545	110 412	117 516	140 301	150 160	153 474	150 112	127 973	97 099	79 706	63 275	60 186
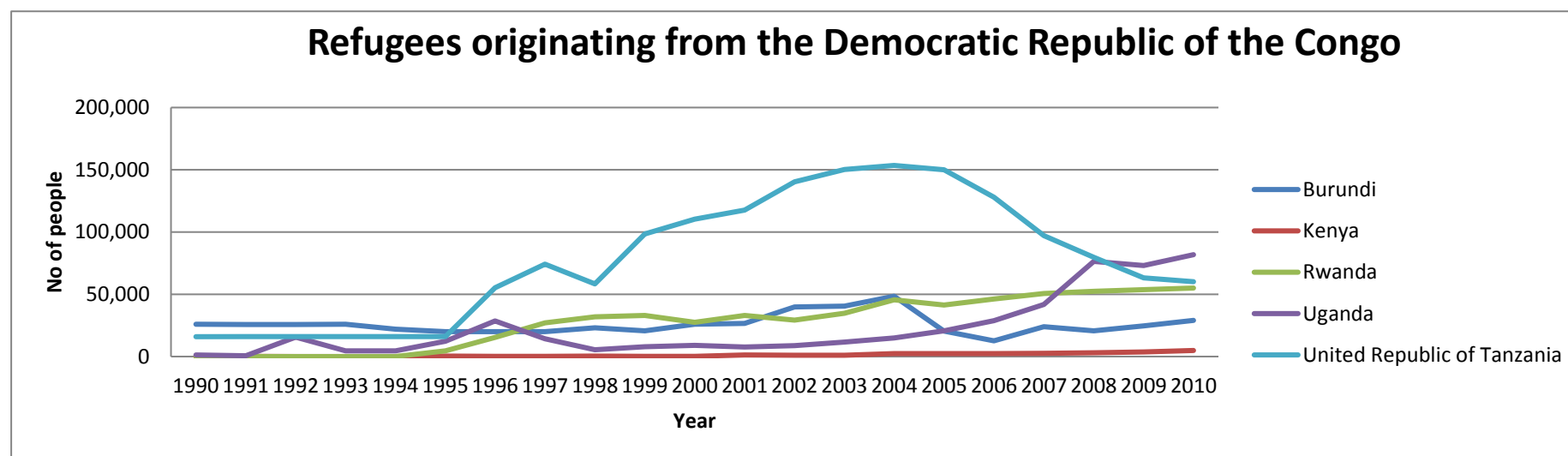
Figure 3: Graphical representation of the number of Refugees originating from DRC

3.2.3 The Republic Of Kenya

Kenya had also gained independence from Britain in the 1960's and have recently celebrated their 50th anniversary of post-independence. In 1969 there was ethnic conflict in Kenya particularly between the Kikuyu, Lou and the Maasai (The Crawfurd, 2015). Arguably in an attempt to build nationalism Kenya was made a one party state in 1983. This resulted with the wake of further ethnic tensions in the country and in 1992 prior to Kenya's first Multiparty elections ethnic tensions broke out resulting in violent conflict. It has since become common for tension and violent outbreaks to flair in Kenya in the days leading up to elections. The tensions rise on issues of Ethnicity and Land as well as economic underdevelopment.

Similarly to the histories of the other countries in the region, Kenya was also made a one-party state in the year 1981. But due to growing discontentment among the population and the increases of the regime it was not long before the need for multi-party politics rose. The 1990's saw Kenya road to democracy and multi-party politics filled with violence. After the end of the cold-war there was very little tolerance for the suppression of political dissent and the then President of Kenya Daniel Toroitich Arap Moi was forced to amend the constitution in 199, this allowed for the registration of other political parties. In 1992, there was violent ethnic clashes in the River Rift Valley and more than 2000 people were killed. President Moi then negotiated peace between the warring parties and the first mutli-party elections were held in Kenya later that year. In the years post 1992, there was relative calm and stability in Kenya except in 1997, and 2001, where violent ethnic clashes broke out between civilians.

Without a doubt in the region Kenya is amongst the most stable of them all. Their government is able to exercise effective control should they wish to do so and the country by looking at the number of refugees originating from there must be doing sufficiently in ensuring the peace and security of its citizens. The country however cannot ignore the plight of the Region as it somehow affects them and their economy. Between Kenya and Tanzania these countries have the potential to harness the regionalisation process in the region and in laying the necessary groundwork for sustainable peace.

Table 4: The number of Refugees originating from Kenya

|	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Democratic Republic of the Congo	No data	No data	No data		No data	No Data	No Data	No Data	No Data	No Data	No Data	No Data	No Data	No Data	No Data	No Data	No Data
Rwanda	No Data	No Data	No Data	No Data	No Data	0	No Data	2	No Data	No Data	2	0	No Data	No Data	No Data	No Data
Uganda	44	46	52	42	89	100	115	133	39	32	29	49	54	1 908	1 684	1 397
United Republic of Tanzania	No Data	No Data	No Data	No Data	No Data	No Data	1	No Data	No Data	No Data	No Data	No Data	No Data	1	No Data	No Data
Burundi?	No data available for this period.															
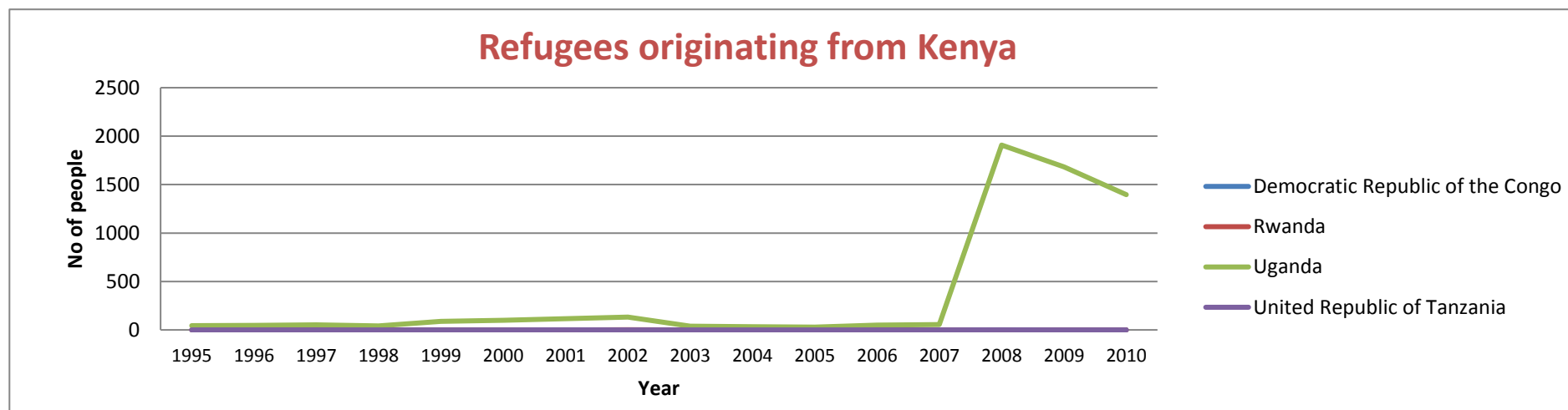
Figure 4: Graphical representation of the number Refugees originating from Kenya

3.2.4 The Republic Of Rwanda

Rwanda's history is similar and closely linked to that of Burundi (the two countries were once a single state known as Ruanda-Urundi). Rwanda gained its independence from Belgium in 1962. Post-independence the country experienced the mass killing of about 20 000 Tutsi's as a response to the violence that had broken out against Hutu's in the neighbouring Burundi. Over the years the killing grew in numbers and became more systematic in nature. In as much as Rwanda's history is argued to have led to the 1994 Genocide events from 1959 Hutu revolution and the mass killing of the Tutsi's after the Rwandan Patriotic Front (RPF) invaded Rwanda from Uganda in 1990. The RPF was a rebel army which was made up of Rwandan expats who were exiled from Rwanda. They were able to receive military training from their host countries (Uganda and the DRC). They then invaded Rwanda in an attempt to overthrow the government and end the impunity against the Tutsi's as well as liberate the people of Rwanda. This invasion and the killing of the Rwandan President Juvenile Habyaramana coupled with other events at the time led to the genocidal killing of the Tutsi and moderate Hutu in 1994. The genocide is estimated to have killed more than 800 000 people and displaced many more.

Post the genocide Rwanda has been able to curb violent outbreaks, however they have increasingly found themselves embroiled in interstate conflict with their the DRC. In 1997 Uganda and Rwanda assisted Laurent Kabila and his resistance army to overthrown Sese Seko Mobutu and again invaded the country in 1998 to oust Kabila based on the continued deterioration of the relationship between the countries due to unfavourable policies that Kabila intended to implement in his country,

Rwanda tended to invade the DRC under the guise of flushing out Hutu Extremists who have taken refuge in DRC, who pose a threat to Rwanda's security and peace. However the invasions have been seen to be infringing on the sovereignty of DRC and have led to an 'African war' as well as a lawsuit against Rwanda and Uganda at the International Court of Justice. Rwanda continues to fail to appropriately repatriate Rwandan citizens either as punishment for fleeing from the country or participation in the conflict or as a result of a lack of resources to sufficiently expatriate citizens post-conflict and yet it has been evidenced that 'forgotten' or angry expats continue to use their host countries as regrouping ground before invading Rwanda. When looking at the Rwandan conflict timeline from 1990-2010, from the below graph one can see the number of refuges that originated from

Rwanda into the other countries in the region. From the 1959 revolution Rwanda had a lot of refugees crossing their borders into the other states however the numbers grew as the years went by and the killings of one ethnicity by the other grew in scale amounting to mass killings, Massacres and eventually the Genocide. In 1990 when the RPF invaded Rwanda, the invasion triggered human movement due to displacements. In the data presented below the number of refugees originating from Rwanda grew exponentially during the RPF invasion in 1990 and 1994 during the Rwandan genocide. The data only reflects the number of refugees which did not take into cognisance the many numbers of Rwandan citizens who were internally displaced, during the same period.

Post the genocide in 1995 the number of refugees originating from Rwanda started to decrease with a slight climb in 1996. This could be attributed to the justice processes that were being undertaken by Rwanda at the time. Furthermore the increase of refugees originating from Rwanda was also due to security measures taken by RPF to pursue those they thought were responsible for the genocide. This led to the first invasion of the Democratic Republic of Congo's eastern province, Kivu, in the guise of flushing out the genocidaires who had taken refuge in that particular province.

Rwanda embarked on peacebuilding after being satisfied that their borders integrity was adequately secured. The post genocide transitional justice initiatives began with the need to arrest those who participated in the genocidal killings, then later broadened to include reconciliatory processes and nation building. Rwanda not only agreed to the setting up of the International Criminal Tribunal of Rwanda to try the genocidaires through a court set-up by the international community but they also engaged in truth and reconciliation like models of justice at the grassroots level as a measure of restitution and repatriations for the victims of the genocide.

Transitional Justice in Rwanda aimed to award justice in a manner that would allow victims to be closely put back to the position they were in prior to the genocide, for instance if their property was pillaged and destroyed the perpetrator could as a way of getting immunity for his wrong doing and as a way of reconciliation could be ordered to rebuild the victims property as well as return his or her property that he/she may have taken from the victim. Furthermore they organised what is known as UMUGADA which is a social event that occurs every first weekend of the month whereby the community jointly participates in community service.

This is an age long tradition which was revived post the 1994 genocide, activities involved rebuilding schools, roads or hospitals. 20 years later, the practise is still in place and it is

usually carried out through the clean-up of the communities and their amenities. This tradition is thought to have fostered a spirit of mutual belonging amongst Rwandan's and has provided a platform for reconciliation to continue to take place among community members (RGB, 2012). Rwanda has taken great strides in an attempt to transcend from the genocide. As a country currently they could be argued to be performing well in terms of economic development (they are among the fastest developing countries in the continent), progressive in social matters such as Gender Equity (they have over 50% of their parliament represented by women) and good governance.

Rwanda still continues to face challenges related to the sources of the Genocide and although they have illegalised the ethnic identities in their society, they have not been able to completely shy away from the threat that this divide continues to bear. However the solid foundation they laid in the post-conflict period through the various transitional justice mechanism has laid the foundation for the Country to rise above its problems, as the rule of law is firmly entrenched in Rwandan politics now more than ever in history and the prospect of victor's justice which usually marred the post-conflict era of Rwandan politics has been transformed to reveal that of a state that will punish even the highest official when it comes to human rights violations. A step in the right direction.

In order to fully fledge ahead as a state however Rwanda needs to start deliberating and addressing the issue of their refugees. Never in the history of Rwandan politics has the country attempted to repatriate its citizens from their host countries. This is itself a problem as it creates a volatile situation for the country itself as well as the country hosting its citizens. Through history it has become evident in Rwanda that after a conflict and a failure to repatriate citizens post conflict, to gain back citizenship would only be viable through a coup on the sitting government. For peacebuilding mechanism to be fully effective countries need to apply justice accordingly, punish those who need to be punished and restitute those who need to be regardless of the side they were under during the conflict, they need to build nationalism among its citizens.

For a country seeking to build a sustainable peace Rwanda should be commended for taking the liberty to build initiatives that will address their issues while also keeping a homogeneousness character in the initiatives been implemented. The transitional Justice mechanism implemented by the Rwanda allowed the Rwandan society to own the reconciliation process and perhaps address the deep seated issues of ethnicity that had riddled the country. However the banning of the ethnic divides as identity in the current Rwandan society could be argued to be problematic as it buries the issue and does not really

allow those directly involved to adequately deal with the issue. The government in an attempt to do away with the ethnic divide has made it illegal for its citizens to identify themselves as Hutu-Tutsi, only as Rwandans

Table 5: The number of Refugees originating from Rwanda

|	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Burundi	242 200	243 943	245 612	245 548	278 092	153 000	719	2 000	2 000	1 323	1 260	1 220	765	397	378	315	551	553	310	327	366
Democratic Republic of the Congo	12 596	50 930	50 929	53 490	1 252 837	1 100 642	423 561	37 000	35 000	33 000	46 280	30 414	20 510	19 743	11 816	42 360	37 313	29 814	22 643	80 525	69 836
Kenya	1 968	2 191	2 200	2 174	2 076	5 861	5 487	5 762	8 665	2 858	2 691	3 277	2 509	2 520	1 541	2 361	2 335	2 498	2 524	2 468	1 665
Uganda	82 156	84 010	85 806	97 000	97 000	6 450	11 236	12 200	7 497	7 983	13 740	14 288	18 937	19 604	18 902	20 213	21 866	17 846	16 162	15 717	12 590
United Republic of Tanzania	22 297	50 000	50 012	51 942	626 196	547 976	20 020	410	4 760	20 098	27 372	3 034	2 717	24	188	11	0	No data	170	No data	0
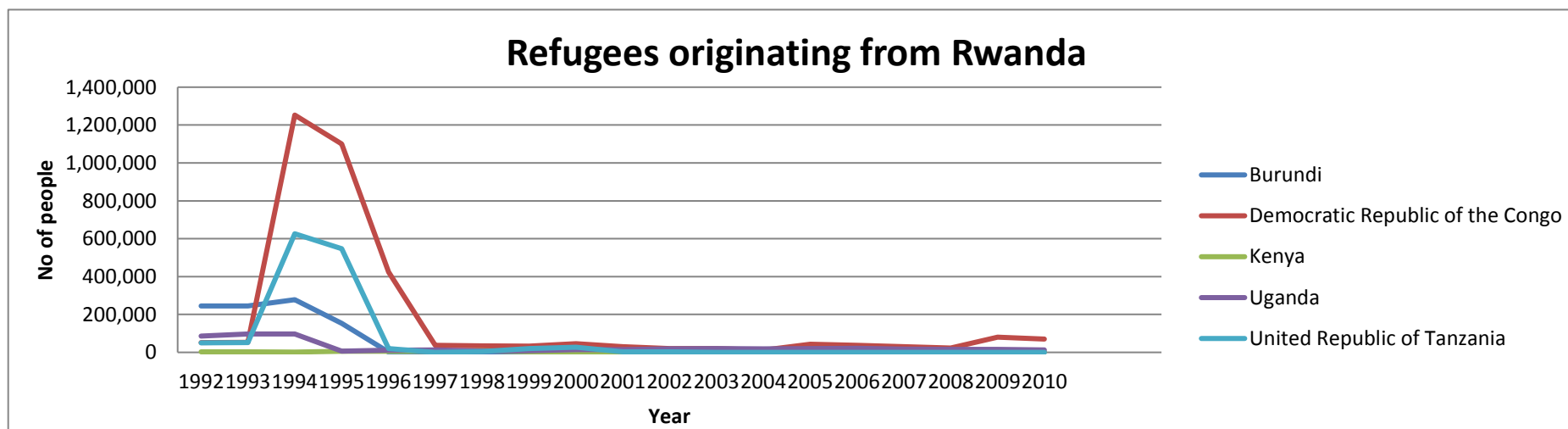
Figure 5: Graphical representation of the number of Refugees originating from Rwanda

3.2.5 The Republic of Uganda

Uganda gained its independence from Britain in 1963 and soon fell under the autocratic leadership of Milton Obote who was the country's first Prime minister Post-independence. He later changed the constitution and abolished the Monarchy leadership by constitutionally taking away the powers of the Monarchy and appointing himself as President. Milton Obote ruled Uganda with an iron fist and was later deposed of through a military coup by his prodigé Idi Amin. Obote's successor was not much different from him and administered the country with terror. There were constant periodical killings of people Amin deemed to be opposed to him. Amin's rule came to an end when he was also overthrown by the Uganda National Liberation Front which opposed Amin's rule, forcing him to flee his country.

The country eventually fell under Obote's leadership once again. But due to the political instability in the country and the lack of political freedom it was not too long before Obote was also overthrown by the Tito Okello. Ugandan politics had after independence being characterised by power games between power hungry revolutionaries and had done very little to better the lives of ordinary citizens. Furthermore Kampala was known to be aggressive against its neighbours, particularly Tanzania even going insofar as invading the country with the intent of annexing the Kangera Region of Tanzania (BBC Africa:2016).

In the period under review however Uganda through various policies and arguably through initiatives aimed at restoring and building peace, embarked on the road to recovery. In 1993 under the leadership of President Yoweri Museveni, recognising perhaps what was considered to be an injustice to the people of Uganda, he reinstated the traditional Kings albeit without any political power. This was important particularly because it was part of Ugandan communal living in which communities revered their Kings and saw them as leaders within their communities. Though largely limiting Uganda took a step further by amending its constitution to allow for multi-party politics by legalising opposition parties, without lifting the ban on political activities which was imposed since the days of Obote's rule in the years post-independence. The country made seemingly even greater strides towards peace when in 1996 the country held its first direct Presidential elections, which served to cement the no-party system Museveni had strongly advocated for. All these events led to relative peace in the country when compared to the other years, even human movement was beginning to decrease significantly which could be argued to have

contributed to the rise in GDP per capita and GDP between 1995 and 1997, and with even less refugees originating from Uganda settled elsewhere in the region.

Typical to the Great Lakes Region however, as soon as Uganda was able to end conflict and bring relative peace to its borders, in 1997 together with Rwanda, Uganda engaged in an interstate-war with its Neighbouring country the DRC with the aim of disseating the then President, Mobuto Sese Seko. Their involvement was rationalised as the need to remove Sese Seko due to his suspect relationship with their neighbour Sudan, with whom Uganda had growing tensions. When Laurent Kabila came into power as a result of Uganda's and Rwanda's involvement and military backing in the war, another invasion was led into the DRC by them in 1998 as relations soured between Kabila and his allies. The tensions arose as a result of the issue of Refugees as well as Rwanda's continued presence in DRC under the guise of flushing out genocidaires hiding out in the Eastern Province of the Congo. This war however expanded to include eight other African countries, making it the biggest interstate war in Africa and created a humanitarian crisis of huge magnitude in the DRC. Even though this war occurred outside of the borders of Uganda by looking at the slight decrease of its GDP and GDP per capita it can be argued that one of the causes for the decrease among other factors may have stemmed from the war as well as the instability spurred by the conflict.

Post the 1998 inter-state conflict Uganda was faced with the increased contending issues within its borders largely framed around race, ethnicity and religion. This was evidenced by the increased anti rebel movements which were protesting in the country and along the borders of its neighbouring states. Uganda found itself increasingly unable to effectively deal with the rebels and continued to fail to reach amicable agreements with the anti-government forces. One of the rebel groups known to the Ugandan government would be the Lord's Resistance Army (LRA). The LRA has been a great source of conflict and instability in the country, which has seen the rebel movement launching attacks in villages against unarmed civilians. The LRA has been known to commit the gravest human crimes particularly against children, but the government has been unable to bridge peace with this this rebel force. In an attempt to halt the rebel movements destabilising the country, Kampala has attempted time and again to reach out to the rebels resulting in peace-talks with the aims of ending the insurgents. The LRA has not only being pursued by Kampala but the DRC and Sudan have also launched attacks against the movement with the aim of disbanding it. The movement however has remained intact and by 2010 Uganda was still in the process of defeating the group by capturing its leaders.

Over the years democracy in the country has taken firmer roots and the country is more stable than it was post-independence, however they frequently find themselves embroiled in the regional conflicts of the Great Lakes as was the case when they invaded DRC in 1998 along with Rwanda. The country has also many times taken into cognisance the need to address the issue if displacements as a security measure that will foster sustainable peace, not only as a country but regionally.

Table 6: The number of Refugees originating from Uganda

|	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Burundi	300	307	301	301	296						1	0							18	17	10
Democratic Republic of the Congo	10 099	20 111	21 085	21 754	18 560	12 611	17 289	44 289	2 000	3 240	13 020	20 751	23 012	18 953	18 953	18 954	13 904	13 905	15	16	16
Kenya	6 049	9 785	3 292	2 241	2 920	5 907	5 425	5 536	6 003	5 947	5 780	5 804	4 432	4 438	904	2 834	2 810	2 807	2 789	2 760	737
Rwanda							51	50	1	2		4	15	10	10	9	18	1	3	7	5
United Republic of Tanzania											0		0						14		
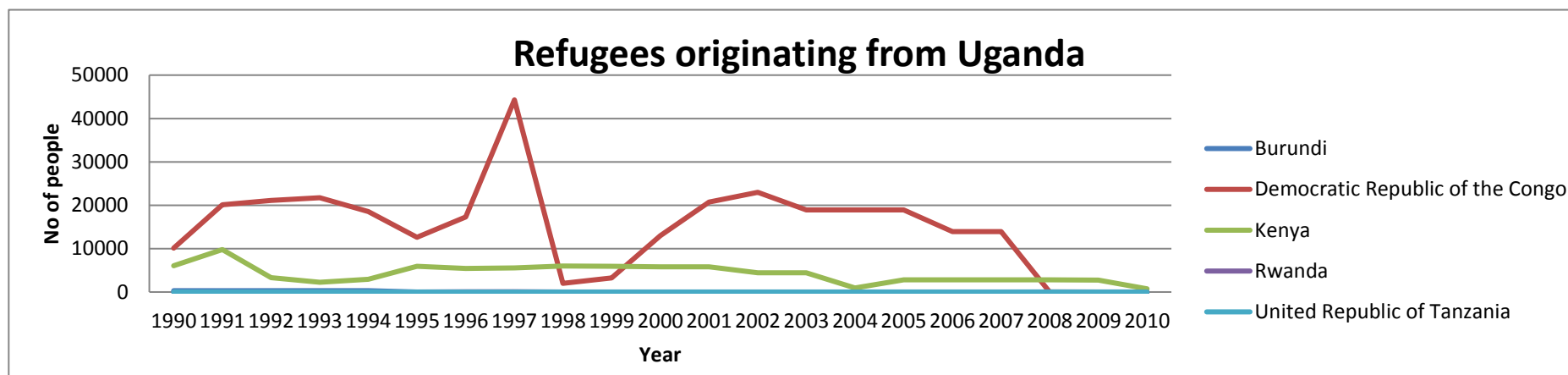
Figure 6: Graphical representation of the number of Refugees originating from Uganda

3.2.6 The United Republic of Tanzania

In 1964 three different territories namely: Tanganyika, Zanzibar and Pemba Islands merged to form what is now known as Tanzania. Tanganyika (which is considered to be mainland Tanzania) got its independence From the British in 1961 and in 1963 the island Zanzibar also got its independence. The country in its early years of its independence opted for a one party politics perhaps as an attempt in asserting the 'togetherness' message echoed by its leaders as well as an effort in cementing nationalism. In 1978 some parts of Tanzania were illegally occupied by its neighbour Uganda which led the country to deploy its troops to assist the opposition parties in Uganda to overthrow Idi Amin then president of Uganda. In the decade under review the period 1990-2000 was relatively peaceful, except of course for the increase in the number of refugees coming into the country. The mass influx of refugees set in motion one of the causes of the protests and violent outbreak that occurred in the latter part of the two decades. In 2001 in Zanzibar, at least 31 people were killed and scores other arrested as a result of protests against the government's banning of opposition rallies calling for fresh elections in the island. Though much of Tanzanian conflict could be attributed to electoral issues it is clear other issues contribute to the conflict. The issue of race and religion cannot be ignored for one, as it is a legacy of colonialism that was used as a social system to determine the economic food chain. Furthermore the increasing issue of the lack of development for the people on the islands when compared to development on the mainland continues to feed these underlying issues. The continued inflow and hosting of displaced persons could only serve to make matters worse for the country unless, it is able to innovatively host these persons but also engage the region in repatriation programmes that will be of benefit to all involved. From the graph presented below it is clear that the country does not have much of a problem with human movement due to displacement, rather compared to its counterparts in the region it would seem the outflow of people from Tanzania is non-existent. It is commendable then that for a country that has a very little to non-existent problem of Human movement particularly beyond its borders would undertake initiatives that seek to address the issue of displacement and champion the course of refugees as much as Tanzania does. An opportunity that has the potential to benefit the whole region provided Tanzania is able to rope in her neighbours in the spirit of championing human rights and addressing the issue of displacements.

Tanzania has an almost non-existent human movement as a result of conflict or civil strife as the graph shows below. The country has a large population of refugees originating outside of its borders and specifically from the Great Lakes Region.

Table 7: The number of Refugees originating from Tanzania

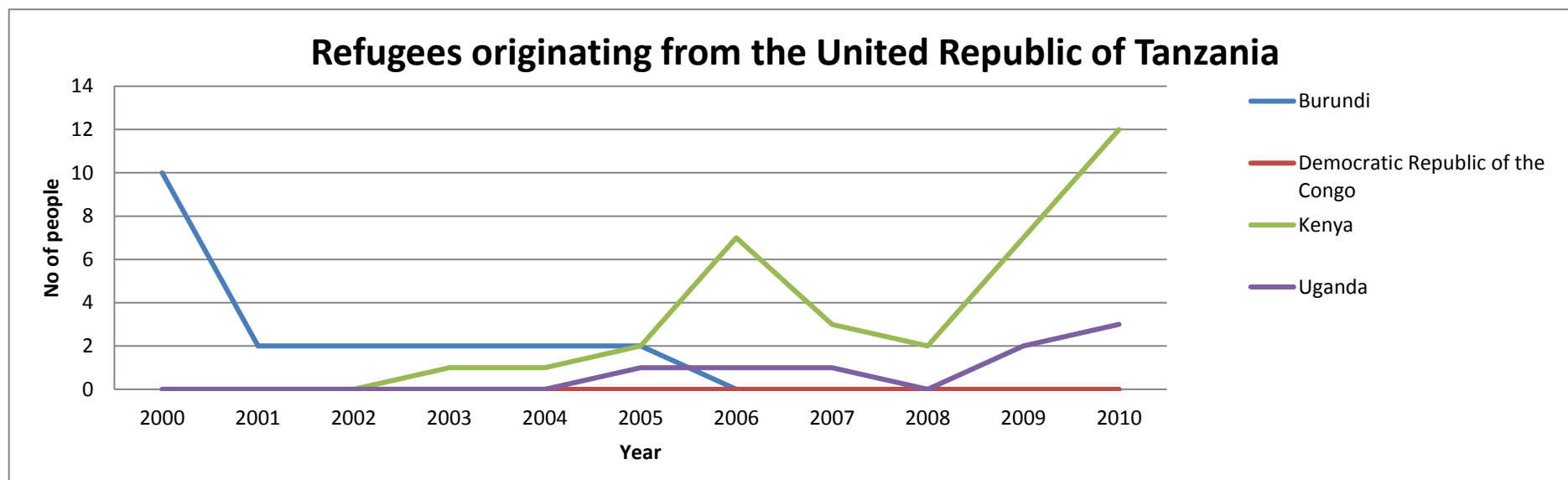|	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Burundi	10	2	2	2	2	2	0	No Data	No Data	No Data	No Data
DRC	No Data										
Kenya	No Data	0	0	1	1	2	7	3	2	7	12
Uganda	No Data	No Data	No Data	No Data	No Data	1	1	1	0	2	3
Rwanda	No Data										

Figure 7: Graphical representation of the number of Refugees originating from Tanzania

Based on the nature of the conflicts in the region combined with the grand challenges the Region finds itself faced with there is a clear need for a regional approach to collectively address these grand challenges. There is certainly a willingness from the states to cooperate in the interest of the Region as we have seen with Tanzania. Tanzania could also be argued to be the beacon of hope when it comes to the issue of Displacement in the region as the country continues to be seen as a model in the search for solutions to the refugee crisis, as well as a country where the institution of asylum is preserved and respected (UNHCR, 2015). On more than one occasion the country has opened up its borders with the aim of awarding citizenship to its refugees, according to UNHCR Tanzania has granted naturalization to more than 32 000 Rwandan refugees in 1982 and in February 2014 they concluded the naturalization of over 3,000 Somali Bantu refugees (ethnic Wazigua from Tanzania), who had fled Somalia in 1991, after the fall of the Siad Barre regime, they have also recently undertook to grant citizenship to over 100 000 Burundian refugees who had fled their country during the ethnic violence in 1972 (Markus,2014). The project to grant naturalisation is an expensive exercise and quite taxing on the government as well considering that and the fact that Tanzania continues to show unrivalled hospitality to its neighbours in times of trouble which is in the writer's opinion refreshing.

Despite the nobleness of Tanzania in the issue of refugees, their initiatives in addressing displacement have attracted a lot of problems for the government and may be argued to have become a source of conflict within Tanzania considering the perceived slow rate of development in the country by its citizens as well as the increasingly sensitive issue of land among natives in Tanzania. If the country had regional support for the issue of human displacement in the region, it would most probably find itself less inundated with the prospect of potential conflict, better yet if there was regional cohesion in addressing the issues facing the Great Lakes Region all the six countries under discussion would have a real chance in sustainable peace building without the threat of the spill over effect destabilising them.

3.3 Transitional Justice in the Africa Great Lakes Region

As alluded to prior transitional justice refers to measures that are taken in the post-conflict reconstruction phase with the hope to re-establish the rule of law through the use of reconciliatory methods, the promotion of democracy and the recognition for the victims in order to promote peace. In the aftermath of the most inhumane conflicts in the Great Lakes Region, increasingly these countries have sought and opted to use transitional justice as a tool to building sustainable peace, within their respective countries. Over the years there has been a shift from merely ending conflicts or political disparities through military coups to the engagement of other conflict transformation tools by governments which are more peaceful in nature. Processes of negotiations for peace talks as well as the setting up of interim governments with the aim of instilling a people's representative government are cases in point. The opening up of democratic spaces in the respective countries within the region is evidence of the Region's commitment and willingness to provide a safe and relatively low conflict society, which is united in diversity to its citizens.

The respective States are no longer in the position to continue to fuel tensions as the economies of these countries suffer ultimately and no one stand to benefit anything lucrative from the post-conflict state. Perhaps even truer is the fact that countries can no longer absorb the harsh economic and international law impositions that are imposed on conflict driven countries by the international Community's State and Non State Actors. Of course the region is no stranger to various international transitional justice mechanisms, such as the Arusha Peace Accords and the International Criminal Tribunal of Rwanda (ICTR) to highlight just two, but these mechanism have fallen short of expectations of the countries they were designed to serve.

Both the transitional justice mechanisms were used as means to address the ongoing conflict in Rwanda with the former being signed in 1993 by the Government of Rwanda and the Rwandan Patriotic front (RPF) as a way of introducing a Broad-Based Transitional Government that will represent a more representative and inclusive government as opposed to a majority government (Hutu). The idea was to have a government that also represented the masses and done away with the ethnic borders of power i.e. Hutu power vs Tutsi power, the accord sought to promote Rwandan Nationalism. The accord also had protocols on the rule of law, repatriation of refugees both from fighting and from power sharing agreements,

and the merging of government and rebel armies. (Scorgie, 2004). The accords were a result of continued conflict in the country but its signing did not lead to peace as expected, instead it came days before the Rwandan Genocide and as some would argue, it was the catalyst to the Genocide (Mamdani, 2001).

Another attempt at transitional justice in the country was the International Criminal Tribunal for Rwanda (ICTR) which was implemented post-genocide. The tribunal was set up by the United Nations to prosecute those considered most responsible for the gravest crimes committed in 1994 during the Rwandan Genocide. The tribunal is mandated by international Law and seeks to hold those criminally liable to account. The tribunal sat in Arusha, Tanzania. Lambourne (2006) has conducted a study on the ICTR and its impact on the general population in Rwanda and she found many did not know about the tribunal, while others felt genocidaires were been held at better prisons and were assured of food while they starved, while other held the view that the tribunals was not for Rwandan justice as some people were never indicted and yet were popularly observed to have been involved in the direct planning of the genocide. Many were unhappy about the pace of the trials and there was also a general discontentment with the punishment handed down (Lambourne, 2006)

While both these measures were in the spirit of peacebuilding and could have contributed to sustainable peace in the country and perhaps the region, the initiatives produced undesired effects. One cannot run away from the importance of coherency in implementing transitional justice processes, as it allows for various strings with which the issues that had led to the conflict could be addressed. The initiatives could have paved a way for peace for Rwanda and the regional generally but with hindsight and due to a few miscalculations the tools were not as effective as they could have been, particularly the Arusha peace accords provided a missed opportunity for Rwanda, Burundi and the region in general. It is important to note that a single process or pillar of transitional justice in isolation is not enough for transitioning states and that there is a need for holistic approaches in ensuring that sustainable peace in achieved in the region.

In relation to the above what then could be considered to be the link between transitional justice and Sustainable Peace? Without a doubt societies that embrace justice and face their troubled past have reason to hope for a sustainable peace because for societies in transition, accountability is essential for achieving peace and restoring dignity (The case for Justice, 2012), and the processes of transitional justice allows for accountability to be sought. Transitional Justice provides the means with which bridges between the people

and the state could be rebuilt and legitimised in the post conflict period. And in instances where transitional justice processes are owned by the general population there is greater cohesion in respecting the rule of law and observing human rights in the spirit of preventing future outbreaks.

'Transitional Justice theorists often identify its practise with democratisation' (Winter, 2013) as it encourages an active civil society that participates in democratic institutions such as electoral commissions and human rights bodies. It is also a common assertion that democratic states rarely go to war with each other due to the enabling nature of the state's institutions as well as the freedom associated with self-determination, speech and movement. Democracy allows for people to express themselves freely and within the scope of the rule of law without fear of prejudice from government and fellow citizens. It promotes a culture of tolerance and diversity with the aim of living together peacefully. The idea of democracy has been studied immensely and it is commonly accepted as the ideal governance regime in the spirit of world peace and development. For a state to prosper, many scholars would argue that there is a need for democracy to prevail together with good governance.

Liberal peacebuilding practitioners and theorists see democracy as the artery to peace. They argue that for peace to prevail and to be sustainable there must exist a socio-political cum economical space where the civil society is actively engaged. This space should ensure that the rule of law is upheld while also allowing the people to freely interact and engage with society for their benefit and wellbeing. It then follows that in a democratic society peace will prevail. In Africa however Democracy is expressed through a country's ability to host free and fair elections and perhaps some level of basic human rights respect such as the freedom of speech and movement. However the observation of these rights in the African continent is largely limited either directly or indirectly. Furthermore it is a common assumption in our communities that democracy at times goes against the African value system and cultural norms, cognisant to this fact it has become increasingly important for Countries such as Rwanda to engage Democracy and where it is not suitable for it to do so to engage effective governance practises as an alternative.

After the 1994 Genocide and in the spirit of building a national political identity for the citizens of Rwanda, government saw it fit that the Hutu-Tutsi political identities be removed in an attempt to weaken the grand challenges these identities has generated for the country. Democratically speaking this move was undemocratic as it did not respect the right to self-determination, however in the Rwandan context it is clear that self-

determination also serves to exacerbate the Hutu-Tutsi divide and that perhaps through the formulation of a national identity citizens will find self-determination through the more inclusive and less divisive political identity of Banya-Rwandan which means 'those from Rwanda'. Rwanda's willingness to adopt democracy to suit its society as well as its ability to find innovative means in addressing its colonial legacies as well as in serving justice for its citizens for crimes against humanity which were perpetrated during the 1994 genocide is commendable and can be used as an example for peacebuilding practitioners in the region. It is the very first time that the Great Lakes Region or Africa has embraced a system that will foster sustainable peace through indigenous methods, and the lessons from this initiative could extend beyond the Rwandan borders.

3.3.1The grassroots attempt: The Gacaca Courts of Rwanda

The Gacaca courts were set up as a response to the large number of prisoners who were awaiting trial for their participation in the Rwandan Genocide against the Tutsi in 1994, because of the massive participation by the general population in the killings Rwanda found itself with more prisoners incarcerated than civilians not in jail. The situation was unique and indeed required innovative measures to process those incarcerated for participation in the genocide (Carter, 2008). Considering that the Genocide was the epitome of ongoing feuds and Massacres in the country, it was important for Rwanda to apply justice measures in order to revitalise the rule of law and punish the culture of impunity which had taken centre stage in Rwandan conflict (Corey and Joireman, 2004). However this re-establishing of the rule of law could not come at the expense of the already fragile economy of Rwanda and yet it had to be addressed to ensure that the economic viability of the country is ensured through the building of lasting and sustainable peace. The country also felt the strong need to speed up the process of justice so to speak, to allow the country to effectively rebuild itself.

Cognisant of this fact and the fact of a non-existent justice system post the genocide (Ingelaere, 2008: 35), the authorities saw it necessary to engage the Gacaca courts as a way forward. Traditionally the Gacaca courts were used as a dispute resolution and arbitration mechanism in Rwanda in an effort to ease the pressures of the modern justice system, though the system operated at very minimal levels (within communities) it was the only justice mechanism which seems to have prevailed post the genocide. Ingelaere (2008) states that the Gacaca courts were already functioning in their semi-traditional way in some

areas immediately after the end of the genocide. In some areas the administrative authorities took the initiative to support and widely instigate the functioning of the Gacaca practice they found in some localities (Ingelaere, 2008:35). This prompted the Government to look at the Gacaca courts as a system that could perhaps assist them with the dilemma they faced in the period post-genocide.

In 2000, after numerous consultations with representatives from the Rwandan Society to discuss the best way forward for the country, it was decided that the Gacaca courts would be implemented to trial genocide suspects who committed lesser crimes during the genocide. When the courts were first piloted in the country they were designed to be retributive in nature, however as the process unfolded their mandate and objective changed over time to better reflect the needs of the post-genocidal society (Carter, 2008). By 2005 the courts had evolved to include reconciliatory mechanisms as well as a medium for capturing the record of history so as to discover what had happened before and during the genocide. As a result the following five goals were outlined as the core objective of the court system in post-genocide Rwanda (Ingelaere, 2008:35)

1.   To establish the truth about what happened,

2.   to accelerate the legal proceedings for those accused of genocide crimes,

3.   to eradicate the culture of impunity,

4.   to reconcile Rwandans and reinforce their unity, and

5.   use the capacities of Rwandan society to deal with its problems through a justice based on Rwandan culture

The above goals as well as the processed which led to the formation of the Gacaca courts reflect an important element with regards to the ownership of peacebuilding initiatives in a post-conflict society. It has managed to identify the core issues of the conflict such as the division between Rwanda Hutus-Tutsis as well as the need to deter the culture of impunity which has manifested itself in various forms but mostly through victor's justice. Because of that it has to be applauded as a bottom up approach to peacebuilding. The Gacaca courts are a grassroots response to systemic violations of genocidal proportions in the country and has evolved to include important elements of Reparation and community restoration. The courts were designed to function on two levels or sectors, the Sector Gacaca courts and the Cell Gacaca courts. The Sector Gacaca operated at provincial level and the Cell Gacaca at community or village level.

The categorisation of prisoners stemmed from the initial phase of the Gacaca courts which occurred between 2005 and 2006, which was known as the information gathering phase

(Ingelaere, 2008:41), The state through the administrative body it has designed for the administration of the Gacaca courts collected information from each cell (communities and villages) in Rwanda information was collected in every cell through confessions and accusations from the general population (Retting, 2008:31). Once the information collection phase was completed the appointed judges then began the process of categorisation of criminal acts using the information made available by the information gathering phase. The courts then proceeded to the trial phases, the trial phase of the courts were underway by July 2006, and were concluded by May 2012, after many postponements to the deadline which was initially set for the end of 2007.

With the inception of the courts, those charged with participation in the genocide were categorised according to three categories. Those tried under category one were considered to have been the planners of the genocide as well as those who were accused of crimes against humanity such as rape or torture as well as those accused of dehumanising corpses. Such cases were outside of the jurisdiction of the Gacaca courts but eventually some cases were transferred to the Gacaca court system at sectoral level due to the inability of the national and international tribunals to effectively address the matter. Those persecuted under category two included killers in serious attacks, those who committed attacks in order to kill but did not eventually kill and those who committed attacks against others, without the intention to kill (Ingelaere, 2008, 40). Category three constituted those who looted property and committed property offences. Each category carried with it different sentences and jurisdictions of each category differed, with those accused of category one offences either being tried by the international tribunal which was set up for Rwanda or forwarded to the national courts for adjudication. Category two offences were usually heard at the Sector Gacaca courts, with category three offences directed to the Cell Gacaca Courts.

The Gacaca courts tried the bulk of the cases related to the Genocide as compared to the International Criminal Tribunal. The courts were able to provide a sense of ownership to Rwandans with regards to transitional justice initiatives in the country, as many were of the view that the Gacaca courts were tangible and provided the sort of justice victims needed. Not only could they be argued to have achieved many if not all the goals they had set out to achieve, but it was a real attempt at building the bridges between victims and perpetrators as Kok eloquently stated that 'The Gacaca courts offered Rwandans a form of participatory justice, where they could come together as community members and hear accounts of what transpired during the genocide (Kok, 2012). Interestingly enough the

courts also offered Rwandans a sense of physical proximity due to the fact that the court proceedings were carried out in their communities in a language they could understand, this gave Rwandans a tangible sense of justice. The Gacaca courts also provided the opportunity for grievances to be aired in public, thereby providing an important platform for victims living side by side with perpetrators to engage in issues and challenges which fuelled the genocide. Kok further noted that the courts offered a possibility for compensation and closure for victims who had lost their loved ones during the genocide. The Gacaca courts gave something to ordinary Rwandans that no other court could (Kok, 2012).

Notwithstanding this, the Gacaca courts have been subjected to extreme scrutiny from the international community with many raising concern over the constitution of the courts, with the main contention on the fact that the courts are presided by normal citizens considered to be outstanding citizens who did not participate in the genocide but who do not necessarily hold any qualification or formal training in adjudication or law (Rettig, 2008, 31). Furthermore they have been argued to embody flawed processes and procedures, because there was no formal representation of accused by legal representatives. Of major contention was also the fact that most of the confessions collected from perpetrators during the initial phase of the Gacaca were half-truths (for fear of being tried under a higher category) and did not reflect the whole picture as was later discovered during the trials in some instances. The power given to the laymen appointed as judges to categorise those accused of genocide crimes raised eyebrows as people were being tried under hear-say convictions, a deviation from the norm in judicial proceedings.

Without a doubt the Gacaca courts were Rwanda's main transitional justice mechanism (Retting, 2008), providing a platform for the re-establishment of the rule of law in the country as well as the deterrence of the culture of impunity. The international Criminal Tribunal was seeing as a foreign mechanism not accustomed to Rwandan culture and furthermore the general population felt that the tribunal was a western imposition of justice which was slow, arbitrary and expensive to maintain (Ingelaere, 2008). They provided a mechanism that is specific and unique to Rwanda's post-genocidal society while at the same time embodying ancient cultural practise which were practised in the country pre-colonial times. Though it may take a couple of years to fully understand the impact the courts had on the Rwandan society either positive or negative, the initiative is an illustration of the sought of initiatives the international community need to embrace in order to promote social cohesion and cross border peace.

The intervention as well as the application of international and modern justice processes do serve a purpose in a post-conflict situation and in no ways should be discarded as ineffective. The International Criminal Tribunal of Rwanda for instance was able to trail cases of genocidaires which were complex and were in dire need of proper justice mechanisms in order to be seen through. The case of the Butare six is an illustration in point, it was the longest running trial in the ICTR and the most expensive (Retting, 2008). The Butare six as commonly referred to are the people accused of mainly organising the massacres in Butare during the Rwandan genocide. They included a former Minister in the pre-genocide government of Rwanda, her son, two former mayors and a military head in the government army before the genocide. The trial spanned for over six years (Hirondelle News Agency, 2006), reasons for the delay of the trial ranged from procedural delays to processes being deliberately slowed down because of personal interests of the accused and judgment was only handed down in 2011 and the case is currently on appeal with the ICTR. In the absence of such mechanism it would have been most probable that those accused could have received punishment of a lesser extent and that those responsible for the genocide would have evaded justice through the Gacaca courts as evidence collection through that system depended largely of people's testimonies.

Furthermore judicial bodies like tribunals as well as national courts will continue to provide a sense of guidance and leadership in relation to the rule of law. For instance, because of the prominence of international law, Rwanda has enshrined the importance of human rights within their peacebuilding initiatives. This is evidenced by the fact that even their transitional justice mechanism though ideally considered to be reconciliatory measures, they serve to severely punish those guilty of crimes against humanity and hope to act as a future deterrence to the violations of human rights within Rwanda.

Increasingly within the peacebuilding arena, it has become highly important for both practitioners and scholars to engage in initiatives that will ensure sustainable peace. It has also become clear to both practitioners and scholars that for these initiatives to flourish there is a need for ownership by the people of the initiative implemented with the directive to sustain peace. It is noted that in the current era peace cannot be imposed by external forces but that it must be nurtured and flexible to fit the domestic political context of any post-conflict society (Tschirgi, 2004). There is a clear need for local ownership for peacebuilding initiatives, Liberal peace for its most parts has offered directives in the form of democratisation, economic freedom and the right to self-determination as the carriers of peace. However liberal peace and its application will do well in the Western world as it is

closely modelled to the Western world context (Donais, 2009). In Africa it has become clear that liberal peace has its own limitations as stated earlier, it is an imposition and serves to work against the cultural value systems of the continent.

For many years, liberal peace has been used as the driver for peacebuilding initiatives in many post-conflict scenarios. As it was designed to meet the norms and standards of the International Community of democratisation and economic liberalisation it became common practise for the West to be predominantly the protagonists of the peacebuilding drive at the expense of the people directly affected by the conflicts. For Rwanda it was an almost immediate realisation of the shortfalls of liberal peace in holistically executing the transitional justice process which Rwanda highly valued and felt was necessary for the rebuilding of its society. The Gacaca Courts was a result to address the shortfalls that Rwanda came to identify as necessary for the process of building peace as well as the re-linking of the two ethnicities.

In the region the initiative of the Gacaca courts as undertaken by Rwanda was the first grassroots attempt at addressing the grand challenge of the Rwanda and the region by criminalising the act of killing based on ethnic division. The region over the years had become accustomed to killing based on ethnicity lines without much regard for the law. The proceedings of the Gacaca courts because of their nature as well as their geographical proximity to the people of Rwanda formed the basis for the re-establishment of the rule of law in the sense that perpetrators of wrongful acts were reprimanded and would most likely be deterred from engaging in similar acts in future.

The use of international law, as was the case when DRC approached the International Court for Justice (ICJ) and the signing of peace accords in by the various states in the region is a clear willingness by the region to work towards regional peace and building sustainable peace by addressing the common grand challenges that face the region. The engagement by Tanzania and exemplary leadership on the refugee issues region provides the necessary groundwork for the region to move towards a common goal in this regard.

3.3.2 Displacement and repatriation the new grand challenge

The challenge of Displaced Persons in the region is a major source of conflict. The world over exhibits an unusually high number of Displaced Persons, however if one had to break these numbers to reflect per region the Great Lakes region would rank amongst the highest in the world and in the continent. According to the UNHRC the number of displaced people

in the region is disturbingly high and the measurements to restore people to their status quo before the conflict are poor and ineffective and most likely imposed on the victims.

From the data provided one can deduce that the region is grappling with the issue of human movement and the continued ignorance of the issue over the years could be argued to have exacerbated the conflict in the region. This goes back to a core issue that perhaps continues to feed the region's crises, that of displacements. The United Nation defines displacement as 'forced movement of people from their locality or environment and occupational activities. It is a form of social change caused by a number of factors, the most common being armed conflict' (UNESCO, 2015). People who are Refugees, Asylum seekers, stateless people, returnees and internally displaced people all refer to people who have either being directly forced to flee their country of origin because of war, threat or terror as well as those who are indirectly affected by socio-economic activities within their country of origin that they are forced to move for their livelihood.

Of particular relevance to the issue of displacements is the high number of Internally Displace Persons (IDP) in the region as a result of conflict. IDPs are defined as 'people who have not crossed an international border but have moved to a different region than the one they call home within their own country' (UN 2012). These people are still dependent on their government for protection and in many cases the perpetrators of their forced movement is a result of their government actions. The number of IDP's is alarming and by the end 0f 2011 the UN had estimated that over 43 million people were displaced worldwide and over 15 Million of those were IDPs who went through their refugee crisis centre programme and they assume Millions more are unaccounted for (UNHCR 2012). This is a dire picture considering that IDP are people who are fleeing from their own country and yet are still in the borders of their country with no prospect of safety and most often surety of protection from their government.

The issue of displacement is tumultuous because of the high number of IDPs, refugees and stateless persons. Not only does this create problems for the state, but it also fuels whatever conflict that may be unfolding (Duthie, 2011). The continued fighting in Kivu, Eastern DRC is testimony to how refugees and stateless person can be instigators to unfolding conflicts in their host countries. In the great Lakes Region the issue of displacement is strikingly problematic, as the region battles with repatriation. It has to contend with invasions which are resultant as a result of failure to repatriate citizens who fled their homelands during an upheaval. The issue of displacement has also impacted on the relative peace of Tanzania and Kenya as their attempts to naturalise some of the refugees from the

region has created a unique set of problem related to land and socio-economic wellbeing of the naturalised citizens.

The Great African war is an accurate measure of the extent of this grand challenge in the region. Also known as the Congo war, which erupted in 1998 shortly after Laurent Kabila had assumed power in Congo through a coup with the assistance of Rwanda and Uganda. His relations with the two countries quickly soured when Kabila requested that the military presence of both countries exit the DRC. The request came as a result of internal pressures which were increasingly questioning the relationship between Kabila and the two countries. Rwanda had an especially visible military presence in the Congo and actors in the country voiced their concern to Kabila (Williams, 2013). In an attempt to assert himself as a leader within his own right Kabila severed relations with the two countries.

However if one had to analyse the reasons for the interest in the politics of DRC by the two countries, it quickly becomes evident that the core of the problems lies at the Hutu-Tutsi dynamic. The causes of the Congo war could be traced as far back as 1994 during the time of the Rwandan Genocide. Essentially the genocide resulted in large displacements of populations as well as the fleeing of people who were deemed to be responsible for the Genocide into the neighbouring states of Rwanda. Most notably a large number of people fleeing Rwanda went into Congo's eastern province Kivu, particularly those who were deemed to be directly involved with the mass killings of the Tutsis as well as their sympathetic Hutus neighbours. It immediately became a security threat for Rwanda as Kivu for them signified a retreat and regroup area from which they can attack Rwanda from again. This prompted them to back and lead a coup with Congo rebels against the then President of Congo Mobutu Sese Seko (Bukavu, Kinshasa and Kisangani, 2002), who was deemed to have supported the formation of alliances between the Rwandan Hutus in the Kivus and local Congolese Mai Mai groups against Congolese Tutsis (Williams, 2013:87). Through the military training and backing by Rwanda and Uganda, Laurent Kabila emerged as president of the Congo after the coup.

Rwanda had by then effectively identified Kabila as someone sensitive to the Rwandan course. Only when it became apparent to Rwanda that Kabila was providing a sanctuary for the genocidaires as well as supporting their small arms proliferation, did Rwanda and Uganda jointly seek to disseat Kabila as a way of securing their borders as both countries felt that the supporting of the exiled largely Hutu rebel groups in the case of Rwanda and the heightened good relations with Sudan, upset Uganda (William, 2013:88). The two states together invaded Congo in an attempt to overthrow a regime they had once

supported. This resulted in the whole region, save for Tanzania and Kenya being engulfed in the inter-state conflict and drew other states further afield such as Angola, Chad, Namibia, Sudan and Zimbabwe into the conflict. Each states professes different reasons for joining the Africa great war, however for the interest of this work the reasons of Burundi, Rwanda, Uganda and Congo need deeper analysis. For Burundi reasons for partaking in the war were limited to their border security. Since the country shares the same ethnicity dimensions as Rwanda, the arming and supporting of rebel groups which were pro-Hutu extremists provided a security dilemma for them. Rwanda on the other hand attacked the Congo as a pre-emptive strike, without fully exploring other available options to their security. Uganda simply used the premise of a friend of my enemy is my enemy to participate in the war (Williams, 2013). Kampala simply could not fathom the relationship between Kinshasa and Khartoum as Khartoum was an undeclared enemy of Kampala. Armed attacked against Uganda by Sudan through Congo's borders also made the relationship between Khartoum and Kinshasa all the more suspicious to Kampala.

The Africa war inculcated a high level of mistrust between states within the region. The mistrust largely stemmed from the deep societal issues which are at the core of the region's instability and conflicts namely human displacement as well as the Hutu-Tutsi divide (Hovil, 2012). With states continually providing sanctuaries for rebels as well as the backing of rebels in order to exercise power in the boundaries of another state has also served to weaken the relationship between states in the region. However to their credit the region now fully recognises the need to move toward a more peaceful approach in addressing their differences and as evidence have made use of platform such as international arbitration and international adjudication institutions such as the International Justice Court (ICJ) as was the case when the DRC in June 1999 filed complaints at the International Court of Justice (ICJ) against Uganda, Burundi and Rwanda, accusing the three countries of 'armed aggression' and of looting its resources (IRIN-CEA, 1999).

Rwanda as a special case in point went as far as setting up local grassroots structures to address transitional justice post-genocide in the form of the Gacaca Courts which undertook to have Truth and Reconciliation modelled like hearings in an attempt to ensure that justice was served either retributively or restitutionally, but largely the latter. However, despite the pro-activeness and the embracement of all these initiatives it is evident that the efforts of achieving sustainable peace for each state in the region has been compromised by external or regional factors because of the 'interlinked nature' of the

conflicts within the region(Van Leeuwen, 2008). By necessity this then calls for a concerted effort by all states within the region to come together and move towards a more regional centric approach in dealing with issues within the region particularly those which are common or interlinked in their nature, such as Displaced persons, Fluid borders, Small arms proliferation and so forth. This will translate to greater cohesion between the states and far more importantly a greater chance of achieving sustainable peace for the region.

These countries have made tremendous strides in rebuilding their war torn and or conflict ridden societies since the decade under review, however it is evident through history and in common recurrences in the region that there is a still a long way to go for building peace and regional cooperation. Over the years this region has been home to the most horrific conflicts the continent and perhaps the world has seeing to date. Many issues that serve as conduits of conflict in the region are vested in diverse factors which range from ethnicity, self-determination, fluid inter-state borders, population displacement, sovereignty and socio-economic freedom among others.

These states could be argued to have engaged in peacebuilding activities with the hope of ending their respective conflicts and attaining peace as well as aimed at increasing regional stability. Such initiatives could be evidenced in their attempts to better integrate their socio-economic profiles with the hope of promoting trade and opening up viable economic trades that will enhance their respective economies. The United Republic of Tanzania, Republic of Rwanda, Burundi, Kenya and Uganda are members to the regional economic bloc: The East African Community (EAC), while the Democratic Republic of Congo and Tanzania is again a member to the Southern African Development Community (SADC). The membership in these regional communities was to foster regionalism and to better manage the process of regionalisation.

The 'spill over effect' can be defined as the encroaching of a conflict to international borders and regions. It has become a huge obstacle in Africa as the continent continues to find itself underdeveloped and with a rising population due to civil wars and strife that characterise African Politics. This has led to intra-state conflicts that have continued to have a negative impact and which usually tend to affect other states. This phenomenon has been dubbed as the regionalisation of conflict in Africa. It is a problem that not only threatens continental peace but has the potential to destroy development and further thrust the continent into perpetual underdevelopment. In the years ranging from 1990 to 2010 almost every country in the continent has experienced some level of conflict which has threatened stability and economic growth. Of course the Continent is increasingly aware

of the threat of violent conflict engulfing the Continent, regional and sub-regional bodies such as the African Union (AU) and the likes of the Southern African Development Community (SADC) have pressed forward in mandates that will foster regional cooperation and possibly foster regional peace.

In the Great Lakes Region of Africa conflicts that tend to encroach international borders are most common, one could even argue that the conflicts are at some point interconnected. The interconnectedness nature of conflicts in the Great Lakes could be attributed to socio-cultural imperatives as is often the case in Rwanda, Burundi as well as the issue of refugees and Repatriation or failure thereof.   Another trait of the region is the nature of the 'spill over' effects of the conflicts they usually arise as a result of a perceived lack of ability by one state to control its borders and protect its neighbours from a perceived threat extent.

A case in point would be when Rwanda invaded the DRC under the guise of eliminating its enemies from attacking Rwanda. Even though at times they may be justified in their perception it is also important to note that the main reason for the encroachment stems from the manner in which the conflicts are handled by neighbouring states as opposed to the actual causes of the conflict itself. Had the DRC had effective control of their eastern province and taken heed of the culture that had prevailed among Rwandan rebels to regroup and re-attack Rwanda from that point, Rwanda would most probably have acted differently assuming their perception of the assumed threat was legitimate.

By just looking at the countries in the region, never has a concept held so much truth as the concept of 'the regionalisation of conflict' than in the Great Lakes Region of Africa. Incessantly the region has been characterised by instability and insecurity, which to date continues to manifest itself in violent conflict and protests. This is due to a combination of factors which range from socio-political issues to economic issues. The DRC for one is a country characterised by poorly managed politics and governance, Rwanda and Burundi are Land locked territories stricken by deep seated ethnic conflicts that continue to shape their political life, the increased pressure on the economic viability of the countries also provides more room for conflict to flourish. Uganda, Kenya and Tanzania are relatively stable and have capability in maintaining some level of peace and security within their territories, however they continue to highlight poorly managed politics internally and regionally in issues that directly threaten their stability and peace.

Because there is an increasing importance to sustain world peace as well as large incentives to have viable relations with other Nation States it has become an imperative for every Nation State at least to forge relation of some sort so as to ensure survival in the global

community. Taking this into consideration along with the fact that it has increasingly become more important to states to have the right to self-determination a regional body for the great lakes region which will concern itself with the regionalisation of this countries, can only serve to cement relations and add value to intra-state initiatives to peacebuilding as well as provide an inter-state platform for the respective states to engage in peacebuilding initiatives at a regional scale, thereby contributing to global peace. This is a notion that the states are aware of and increasingly starting to appreciate.

In response to globalisation, the states of the Great Lakes region have more recently embraced the notion of regional cooperation as well the need to build sustainable peace, albeit limitedly so and in an incongruent manner. For instance Tanzania and the DRC are members of the Southern African Development Community (SADC), Tanzania again is also a member of the East African Community (EAC) along with Burundi, Kenya, Rwanda and Uganda (EAC, 2015). Both the EAC and SADC are socio-economic blocs that seek to respectively strive for regional integration in an effort to promote economic growth, peace and security in their regions. However the focus of both these regions have been more economic growth orientated as opposed to peace and security focused.

This may be attributed to the notion that economic development will result in peace and security, though plausible as a notion economic cooperation alone is not sufficient to ensure sustainable peace. In a post conflict situation is it of utmost importance to rebuild and ensure a relapse into conflict is avoided, though economic development is important and may be beneficial to the people, it is a long term objective that needs to be founded on the concept of justice and the rule of law. This by necessity forces countries to engage in activities that encourage or provide a platform for the addressing of the issues that led to the conflict in the first instance. Economic development to flourish requires certain conditions to exist, such as existing institutions and infrastructures that will spur economic growth initiatives as well as good governance and proper accountability measures (Carvalho, Kasumba and Lotze, 2008).

In post conflict societies such structures do not exist or are inadequate and for countries that continue to forge ahead with such initiatives usually find themselves in the position similar to that of the DRC, Burundi and Rwanda either extremely volatile or ungovernable, politically and socially unstable even in the presence of economic growth. The need to correct social injustices that occur during a conflict is of utmost importance if any argument for economic development and democracy or good governance is to take place, but more importantly so if countries want to achieve sustainable peace.

CHAPTER 4: REGIONALISM

Regionalism is sometimes defined as an amalgamation of states linked by geography and interdependence (Fawcett, 2009), though increasingly this definition has been criticised to lack the essence of what the concepts holds in the current global arena. Scholars agree that the regionalism is no longer just an amalgamation of states based on geographical proximity, rather an amalgamation based on the socio-economic interests of states. The definition then for regionalism has evolved in approach and scope.

In the pre-World War 2 (WWII) era regionalism was seen as a state centric project with the aim of expanding interests of a hegemon state within a region as opposed to the interests of the whole region. Interestingly enough many regions have continued to form as a result of a hegemonic state (s) interests in the South Americas for instance MECOSUR was a regional body which was driven primarily by Brazil's and to some extent Argentina's socio-economic interests and viability (Caballero Santos, 2008). Undoubtedly a hegemonic state continues to play a catalyst role in the regionalisation project which is usually informed by its needs and interest though now such interests and needs have become interdependent because of the interconnected nature of the world economy in more recent times.

The interconnected nature of the international community has led to more recent debates regarding the definition and purpose of regionalism. More modern proponents of the concept tend to align themselves with multilateralism with regionalism providing the platform for non-state actors and state actors alike to participate in the region (Fawn, 2009). Like multilateralism, regions have increasingly favoured a position whereby interaction with other states is not just a case of interests but an ability to have the platform to continually engage other states beyond the proximity of one's borders as well as non-state actors and or entities. In the Morden international community one is likely to exhibit regional blocs which are cemented by either mutual agreements or through international law ratification (Fawcett, 2009). Consider the BRICS as a case in point, the five countries sought to create a regional sphere for the economies of each respective country. The need then to shift the definition of regionalism from being merely an amalgamation of states within geographical proximity has raised the essence of the conceptualisation of regionalism.

Scholars have as result, attempted to broaden the scope of regionalism as well as align it to the new world order by viewing it as a state project that exists on a multilateral environment

and not purely motivated by selfish interests. In an attempt to position regionalism in the new world order scholars have defined regionalism as 'the process of building multilateral institutions to enhance political, security, and economic interaction among states' (Khadiagala 2008). Through the building of multilateral institutions, it is believed that the interests of all parties will be considered relevant on a scale of continuum. The assumption is premised on the notion that even in the presence or absence of a hegemon state within a regionalisation process, all stakeholders will have an opportunity to advance their agendas within the frameworks agreed to as a collective. Furthermore from Khadiagala' s definition one can conclude that geographical positioning of the states is no longer of essence though it is not completely irrelevant in the current global order.

Paige's (2001) definition encapsulates regions as the coming together of states to create a legal framework of cooperation that covers an extensive economic relationship that has the intention to exist for an indefinite period of time with the aim of effecting change in the region. This definition adds an element which is intrinsic to the successes of regional bodies that of creating a legal framework as a point of departure in regional cooperation. In any situation that requires collective action it is always better to have an outline of cooperation, as it allows for a clear guidance of what is expected from the collective. Legal frameworks are particularly important as they are often adapted as formal agreements or contracts to act in a certain manner within a collective grouping they provide a sense of the rule of law beyond the borders of each respective state in a regional setting.

From Paige's definition it can be argued that it mainly takes into cognisance the economic aspects of regions with the assumption that regional economic cooperation will translate into regional cohesiveness, economic development and relative peace. Though this could be argued to be valid and has indeed transpired in history, it is important to note that it has not occurred in strict isolation. Economic development also requires efforts towards sustainable peace in order for it to truly flourish and conflicts are the worst destabilisers of economies across the globe.

Khadiagala' s definition then for the purpose of this thesis deserves a closer examination as it alludes to the processes of nation building and enhancing political, security and economic interaction among states. This is line with the argument for regionalism in the Great Lakes Region, especially because of the interconnected nature of the conflict in the region. As stated elsewhere (Chapter three) the importance of addressing the epi-centre of the conflict in the region which is the Hutu-Tutsi divide is imperative in order to ensure that the region achieves and maintains peace. However for this to be possible there is an

even greater need to ensure National building in each country. For Rwanda and Burundi this could be achieved through the elimination of the social cleavages which accompany the Hutu-Tutsi divide as well as perhaps what Rwanda has attempted to do which is attempt to create a national identity. Because is it in the interests of states in the region it is in the interest of all states in the region to collectively address the grand challenge of the Hutu-Tutsi divide.

The core of regionalisation is to bring about effective change in the region that will translate to sustainable socio-economic development and security and for any country to effectively deal with overt violence as a result of conflict (Besada, 2010) and (Gariba, 2011), it is important that there is security and effective control exercised by states to protect their citizens. Arguably in the region under discussion the effective control of borders is problematic, as noted in the previous chapter the continued failure by countries in the region (notable the DRC), to maintain border control as well as law and order within their borders has continued to fuel the grand challenge of the region. Furthermore the region is characterised by a high number of rebel forces and militias who are armed and pose a direct threat to civilians. This has brought a heightened need for a collective approach in ensuring peace and stability through political processes that will foster security, national cohesiveness and socio-economic development.

Regionalism is viewed as a political project which seeks to encourage state and non-state actors to address regional issues as a collective, this removes Regionalism from being a purely economic or interest driven project to an instrument that could be used as a tool for peacebuilding in regions that are prone to conflict. This is why more recent research expands regionalism to include the 'political initiatives of government in order to strengthen political and economic cooperation among states and actors of the region' (Caballero Santos, 2008) and (Agbakwa, 2003).

The assumption for collective approaches is premised on the notions that as a collective more could be achieved as opposed to individually, with regards to economic development. The same argument could be applied to security at a regional level, regionalisation has the potential to foster regional peace and enhance sustainable peace, this notion is largely attributed to the fact that whenever states are integrated to a point where they deem themselves to be a 'community', they are more likely to resolve conflicts short of war in the interest of the 'community' (Adler and Barnett, 1998:3). When involved in the project of nation building and peacebuilding it is important holistically approach the processes involved in a manner that will enhance all initiative taken to build peace. For instance

when considering regionalism as a tool or mechanism for peacebuilding it may be useful to approach it as would constructivists, who view regionalism as a platform where actors create social facts by assigning functions to various spatial units which are never intrinsic but relative to the interests of the people (Caballero Santos, 2008). This would meaning that in a region like the Great Lakes region actors have the ability to construct what they view as social facts in order to coerce the people to work towards a common goal that would have been set by the region's state and non-state actors.

In the region all six states share the common interest of securing their borders, minimising human movement due to political unrest and economic underdevelopment as well as the need to sustain peace internally as well as regionally in order to address the issue of the Spill over effects by addressing the grand challenge of the Hutu-Tutsi Ethnic divide which has grappled at least three of the countries in the region namely, Burundi, the DRC and Rwanda.

If as a collective the region worked to address the issues prevalent as delineated above the regionalisation process would be highly enhanced, making the East African Community (EAC) more than just an economic bloc but an organisation capable to deal with the wide range of issues the region finds itself in. One has to look at examples such as ASEAN and MECOSUR as prototypes where regionalism was used holistically to address the issues of peace, security and the economy.   Therefore regionalism particularly in the global community houses a manifestation of a common sense of identity and purpose combined with the creation and implementation of institutions that express a particular identity and shape collective action within a geographical region (Adler and Barnett, 1998).

Regionalism serves to create a set of rules and regulations that binds member states. Normally these restrictions and rules serve to avoid damage to a member states (Paige 2001), furthermore they are a result of treaties giving them some form of legal enhancement and recognition in International Law. It is commonly accepted that the rise in popularity for regionalism came as a result of attempts in deterring war between countries in the same region such as Germany and France as was evident in the European context. More recently however, the basic aim is to create common development and wealth, which would ultimately lead to interlinked communities that will have a common goal of keeping peace and addressing conflict collectively.

Furthermore regionalism is argued to promote interstate cooperation for economic development which in turn translates to security and sustainable peace for all parties involved. The United Nations Security Council strongly advocates for the proliferation of

regions as they believe regional arrangements are critical in 'operational multilateralism' as well as in the maintenance of international peace and security, (UNSC, 2011).

The link between transitional justice, regional cooperation and sustainable peace is illuminated by the common desire for each of these concept to develop socio-economic conditions that encourage open markets, promotes human rights and offers institutions which could be used to safe guard such platforms. In the era which initiatives for transitional justice are implemented, setting up the foundations for democratic institutions, by default development is most likely to occur to the benefit of the general population (Agbakwa, 2003). Regionalism also has the potential to create new identities, providing a melting pot for cultures and ethnicities to blend, in as much as there is no concrete evidence to support the above it seems evident that different conceptions of region and regional identity can encompass diversity in different ways, thereby permitting a greater degree of flexibility in incorporating diversity (Nurse and Sackville, 2003). This is significant for the context of the Great Lakes Region as the core issue of its conflicts lies deeply with the identity crisis (particularly the Hutu-Tutsi divide) that has engulfed the whole region.

The argument for regional cooperation then begins to take centre stage what benefits are there in promoting regionalism in the region and who stands to benefit? In the Great Lakes Region context why should regionalism be advocated for? One cannot deny the stark similarities between the sources of conflict in each state in the region as well as the potential of regional instability each intra-state conflict holds for the region. Of note the Hutu-Tutsi divide could be argued to be the simmering point in the regions conflict's (without lessening other major contentions or belittling other sources of conflict such as porous borders) a collective approach to the problems could serve a long way in ensuring regional peace.

Regionalism in the African context has increasingly favoured economic blocs, as evidenced by regional blocs such as the Economic Community of West African States (ECOWAS), the Common Market for Eastern and Southern Africa (COMESA), the Southern African Development Community (SADC), as well as the Eastern African Community (EAC) among others. All these regional blocs have the explicit aim to encourage economic integration in the region as well as open markets for the benefit of member states. This is commendable and perhaps holds the key to Africa's economic growth. However the absence of the need for the promotion of security communities is disconcerting, based on the general reality of the instability of the continent and more specifically, regions within the continent. Economic blocs are impressive and do contribute to long term peace,

however for the purposes of building peace and ensuring sustainable peace, perhaps the engagement of a robust security community combined with a socio-economic regional body may provide the necessary environment for peace to prevail.

Nation States across the globe have been party to security type regional blocs which serve the purpose of ensuring peace and security to their respective member states. The North Atlantic Treaty Organisation (NATO) serves as an example of a regional cooperation that is mandated to secure the borders of its member states thereby contributing to peace and security. Though the mandate of NATO is purely defence, the idea of a collective approach to address a regions context is plausible and should be entertained by the Great Lakes Region of Africa. The formation of NATO as a security community was founded in response to the threat posed by the Soviet Union, the Alliance sought to deter Soviet expansionism, by forbidding the revival of nationalist militarism in Europe through a strong North American presence on the continent, and encouraging European political integration (NATO, 2012). It sought to protect the interests of its member states against the common threat of communism which they were opposed of in favour of Democracy.

The same argument for a regional body in the Great Lakes Region can be put forward, the region needs a regionalisation project that will embody all these facets, that of regional security, socio-economic development and regional stability that will collectively address the issues and security threats to the region which could manifest through its porous borders, ethnicity divide, lack of government effective control of each Nation State and human displacements. A regional community that will champion change and peace in the period of transition from a conflict and most ideally prevent violent outbreaks while also harnessing socio-economic ties for its member states. Perhaps the region does not need to look far for such an organisation as the EAC has mandated itself as a regional vanguard of economic, political, social and cultural integration in order to improve the quality of life of the people of East Africa through increased competitiveness, value added production, trade and investments (EAC, 2015). Though the DRC has been defined to fall under the Great Lakes Region it is not a member state to the EAC. However the bloc continues to harbour unimaginable prospect for sustainable peace in the region if it is emboldened to act as a holistic regional body as opposed to just an economic bloc. From previous work done on the region it is evident that the issues in the region could be grouped together to provide a starting point for the regionalisation process.

However with that noted, the bloc tends to prioritise socio-economic development or its member states as paramount, therefore rendering it more as an economic bloc. In its vision

the mandate of its mission is expanded to include the political, social and cultural integration of its member states.   In their 2015/16 development strategy they have highlighted the need for good governance practices, political responsibility and creating an environment conducive to the enforcement of regional policies in the hope of creating sustainable peace and security.   Indeed the above is a noble gestures in an attempt by a region to address its shortfalls however, the exclusion of DRC in this regional community tends to offer a few problems as the DRC could be argued to be the factory of the region's continued conflict.   Over and above this, the economic bloc has tended to favour economics over security and this economic centeredness limits the engagement of the security pillar of the bloc, thereby effectively limiting the effective role the bloc can play in ensuring peace and security.

The Great Lakes Region is fully aware of the need to engage in policy that will harmonise regional cooperation which is evidenced by a few initiatives which they have engaged as a collective.   In 2003 the Region hosted the International Conference for the Great Lakes Region in an attempt to bring together key state and non-state actors in the region to discuss the region's crises which is characterised by displacements, civil wars, genocide and mass human rights violations (Anon, 2012).   This comes after a few other initiatives which were undertaken by some of the states in the spirit of achieving sustainable peace and bringing to an end the protracted conflicts which have been common in the region for well over four decades.   In as much as there is an existence of this kind of forum, the region needs to consider making it more formal through a treaty of some sort so as to make it legitimate. Scholars of the region are cognisant of the foundations of the regions' conflicts such as its colonial experiences as well as the political violent structures, the colonial legacies of divide and rule as well as the politicisation of identity prevalent in the region (Omeje and Hapner, 2013), which has collectively given birth to the issue of Human movement caused displacement.

Displacements and high human mobility are indeed key areas that need immediate attention from the region if its issues are to be meaningfully addressed. The moment all these six countries address the issues of internally displaced persons in each country as well as the issue of immigrants and refugees, the region can move towards undertaking peacebuilding initiatives that will ensure sustainable peace and regional stability. Once regional stability is achieved each state can look forward to a stable region that is characterised by sustainable peace. It is important as highlighted by the concept of peacebuilding to ensure that states do not relapse into violent conflict and to ensure this, states need to work on

institutionalising justice and providing institutions that could be used to address social conflict which are deemed legitimate by the general population.

Kivu province in the Eastern DRC is known to be home to armed militia both from the country and Foreign In 2002 Rwanda and the DRC signed a peace agreement in an attempt to solidify their borders as well as to address some of the pertinent issues which continue to arise in regards to DRC providing a safe haven for Rwanda's rebels (BBC, 2016). The peace accord afforded the countries the opportunity to collectively broach the issue of displacements and fluid borders for the benefit of both countries. The agreement, was intended to address the issue of 'Safe havens 'refugee camps that were used by Rwandan exiles to regroup and attack Rwanda at any given time in history.

The agreement did not look at measures that could be undertaken to repatriate Rwandans who were displaced due to conflict in the country for the past four decades, this is problematic because in as much as it is an attempt to address the issue of fluid borders the agreement fails to take into account other pertinent issues in the region that frequently lead to a war between the countries as well as within their borders. Furthermore Uganda and Burundi also have a stake in what the agreement addresses and yet they are left out of the proposed solutions for the region's core problems. Another downfall of the region is its inability to identify issues that collectively concern them and instead continues to engage of initiatives that will serve some sort of purpose in ending conflict in the respective countries but not really building sustainable peace and not ensuring that regional problems do not affect them. They continue to operate in silos and yet history would link their conflicts and allow for spill over effects to occur.

During a two week internship which the writer had attended in Rwanda in the summer of 2012/13 known as the 'Never Again Peacebuilding Institute of Rwanda' during one of the seminars it became apparent that there is a definite need to address the effects of the politicisation of identity regionally. Rwandan participants to the internship commented and highlighted as personal experiences that wherever they go within the region the Hutu-Tutsi ethnic division is a major source of tension, so much so that one participant commented that had there been no Hutu-Tutsi divide, the region would be amongst the most prosperous in the continent and world based on the fact that generally and oblivious to the ethnic division, people from the Great Lakes Region are hard workers and an earnest people. Over and above that it was asserted that the DRC would be the bread basket of the world because of the natural resources the country is bestowed with. Due to the structural political violence however, as well as the grand challenge of the Hutu-Tutsi ethnic divide

the realisation of this dream remains distant as the divisions and structural violence continue to pose a threat to the Region's stability.

During the internship it was also discussed that if collectively Rwanda, Burundi and the DRC worked towards a common goal and understanding with regards to the issue of Rwandan and Burundian refugees, by formulating responses directed at repatriation of those Refugees from the DRC as well as the neighbouring Uganda, Tanzania and Kenya the prospect of continuous relapse into conflict would be greatly diminished. The consensus seemed to be that those who flee from Rwanda and Burundi to the other states in the region, particularly to Eastern DRC are usually those refugees who regroup and attack both Kigali and Bujumbura with genocidal intents. It was argued that no matter how hard both Kigali and Bujumbura tried to implement peacebuilding strategies if those who flee the countries are not brought back to the country to be either punished and or re-integrated to the new emerged society's post conflict the countries continued to face a threat to their peace.

Indeed the experience was an eye opener as participants of this internship was also made up of youth from both Rwanda and Burundi, it was also with interest that the points raised by them deeply resonated with the advocacy for a regional organisation in the region. Assertions were made that a regional organisation in the region should work to dismantle the structural violence prevalent within and between the States in the region as well as the addressing of the 'conflict epicentre' the Hutu or Tutsi Imbroglio in the Rwanda-Burundi axis' (Omeje, 2013:25), which has created a precedent of spill over effects in the region as well as given prominence to the issue of human movement through displacements.

CHAPTER 5: REGIONAL COOPERATION, ECONOMIC DEVELOPMENT AND SUSTAINABLE PEACE

As evident in the Great Lakes Region, the spill over effect has grappled with the respective countries as a result of instability or deemed threat within a particular state. Initiatives and programmes aimed at ensuring that the states remain peaceful are worthy of a regional embrace so as to foster regional peace. The Genocide had regional impact and for the consequences of the genocide to be transformed to sustainable peace, regional cooperation through regionalism needs to be implemented. This may be the region's viable attempt to address their grand challenges and consolidate initiatives and policies that will promote peace and security in the region.

The advocacy for regional cooperation is paramount based on the increased need for each state to have or secure boundary integrity (Ikome, 2012). As stated earlier, states in the region have been prompted into conflict under the pretext of securing their borders. This is clearly indicative of the fact that the region is well aware of its porous borders as well as the incapability or inability of some states to exercise effective control over their territories. As an illustration, in the decades under review attempts at dismantling the refugee camps in the DRC which were used as military bases for those defeated during the Rwanda genocide, set in motion waves of violence and displacements as the fighting between Rwanda and its rebels escalated to inter-state proportions, this led to further killings of civilians. The Rwandan Patriotic Army (RPA) which is the military wing of the Rwandan Patriotic Front (RPF) eventually resorted to counter-insurgency strategies to pacify the region (Ingelaere, 2008:31).

These strategies further included invasion of the DRC in order to flush out rebels and infiltrators who had used the refugee camps in Congo as their base camps, the measures also included pushing these rebels back into the Congo as well as the forceful repatriation of Rwandan nationals from the Congo (Waldorf, 2009). The RPF once they took power in Rwanda made efficient use of its allies such as Uganda and DRC in order to enhance their security measures. The involvement of Rwanda in the DRC was purely motivated by the need to ensure that Rwanda's borders are not continually infiltrated by rebels and Uganda's allies to Rwanda are through the RPF as well as relations between Kagame and the then Ugandan government. It is important to note that the Rwanda-Burundi axis of Hutu-Tutsi divide serves as conduit for conflicts in the region. This is based on the observation that the Hutu-Tutsi dynamics have spilled over into the region and have drawn Uganda, the

DRC, Kenya and Tanzania into the fray. This observation is supported by Omeje and Hepner (2013), who argue that if an attempt to locate the epicentre of the region's conflict is to be made, one would have to consider the location of the most turbulent and ferocious conflicts with profound regional resonance. They argue that, in the Great lakes region the Burundi-Rwanda axis would be regarded as the epicentre of the Region's conflict. Further they hold that conflict in these countries has had direct historical connections with political events in Uganda and the DRC, as well as indirect consequences for Tanzania and Kenya (Omeje and Hepner, 2013:35).

Based on the above as well the protracted nature of the Great Lakes Region's conflict an argument for the formal regionalisation of the Great lakes is advocated. This is important as it will allow the facilitation of proper economic improvement tools, and provide an inducive to environment for socio-cultural cohesion and economic development. It will also greatly improve the formation of state structures that will be responsive to the Region's needs, thereby enabling peace to flourish. It is clear that the interlinked nature of the conflicts in the region is drawing a regional agenda which needs to be addressed.by tackling the core issues shared across borders.

What follows below is a statistical analysis of the Great lakes region in an attempt to cement the argument for a regional body to foster sustainable peace in the region. The tables below provides an overview over the two decades under review 1990-2010 in terms of the size of their populations, Gross Domestic Production per Capita, Gross Domestic Production (GDP) and the size of the refugee population in each respective country. The tables on the general population per country are included to provide an idea of the population density and to highlight the potential capability in GDP output. The refugee population is presented to accentuate the alarmingly high number of refugees in the region (the refugee population referred to below is made up of refugees originating within the region). Further this work will provide statistics on economic trends presented in terms of GDP per capita and GDP during the two decades under discussion and will attempt to draw a link between the economic performances highlighted by the statistics to the conflicts in any part of the region which were underway at the time.

Gross Domestic Product (GDP) and GDP per capita are economic indicators used to measure the economic output of a country. GDP is used to measure the total economic production and GDP per Capita is a basic economic indicator used to indicate the level of total economic output, relative to the population of a country (UNSD, 2012). In lay terms the logic is then simple for economic growth the higher the population, the bigger the

workforce and therefore the higher the GDP per Capita. Provided that the necessary environment is created to fully exploit the workforce potential of that country

Table 8: The Africa Great Lakes Region (Data from database: World Development Indicators)

Country Name	1990	1994	1998	2002	2006	2010
GDP per capita (current US$)						
Burundi	201,6876563	150,8028052	137,2515028	115,2798803	154,9245257	214,2309908
DRC	267,421309	143,1361591	136,1663963	171,2340121	246,8028136	311,247896
Kenya	365,6178212	268,6455753	476,7185137	402,1703155	711,7211637	991,8505451
Rwanda	351,2778271	125,6901275	282,2886646	196,4447015	336,942281	553,5974576
Tanzania	172,0542158	159,8575008	297,5122398	310,2072765	475,9087651	708,5219323
Uganda	247,6017114	201,6258306	294,7965827	243,6746249	342,837264	608,8130239
Population, total						
Burundi	5 613 141	6 134 041	6 511 920	7 159 918	8 218 070	9 461 117
DRC	34 962 676	40 804 011	45 647 949	50 971 407	57 926 840	65 938 712
Kenya	23 446 229	26 608 089	29 564 614	32 691 980	36 286 015	40 328 313
Rwanda	7 259 740	5 995 987	7 047 196	8 539 029	9 231 041	10 293 669
Tanzania	25 458 208	29 030 288	32 323 953	35 855 480	40 260 847	45 648 525
Uganda	17 384 369	19 791 266	22 336 812	25 355 794	29 000 925	33 149 417
Refugee population by country or territory of origin						
Burundi	191 622	389 706	502 568	574 557	396 541	84 064
DRC	67 423	73 286	158 833	421 362	401 914	476 693
Kenya	10	8 774	6 046	3 098	5 356	8 602
Rwanda	361 322	2 257 573	77 743	75 257	92 966	115 524
Tanzania	8	62	102	580	1 667	1 144

Uganda	58 820	31 450	13 301	40 425	21 752	6 441

GDP at market prices (current US$)					
Burundi	1 132 101 252,52	925 030 590,15	893 770 806,08	825 394 490,16	1 273 180 597,03	2 026 864 469,36
DRC	9 349 764 580,35	5 840 529 411,76	6 215 716 712,00	8 728 038 525,14	14 296 507 096,50	20 523 285 374,23
Kenya	8 572 359 162,87	7 148 145 375,79	14 093 998 843,73	13 147 743 910,72	25 825 524 820,81	39 999 659 233,76
Rwanda	2 550 185 692,54	753 636 370,45	1 989 343 548,28	1 677 447 003,06	3 110 328 010,91	5 698 548 987,89
Tanzania	4 258 742 898,94	4 510 846 967,87	9 345 174 219,07	10 805 599 892,74	18 610 460 326,54	31 407 908 612,09
Uganda	4 304 399 516,08	3 990 430 446,71	6 584 815 846,53	6 178 563 590,89	9 942 597 779,99	20 181 796 802,88

In the first decade from year 1990 to 2000, there was a lot of conflict in the region. The latter decade was less riddled with conflict when compared to the former, this could be attributed to the position that in the latter decade, from year 2000 to 2010, each country had been engaged in some forms of peacebuilding initiatives aimed at ending civil unrest and restoring peace. When examining the above table, it is indicative that in the first decade year 1990-2000 it would appear that the countries across the region had a generally higher GDP and GDP per capita. However with the advent of various conflict first in Rwanda, then Burundi, then the DRC, the region's countries experienced downward economic growth. Perhaps there are other reason which could have led to the stagnant economic growth such as the negative impact of Structural adjustment packages. However this paper advances the argument that among other causes, conflict and instability in the region were also major contributors to unstable economies. The first decade under review is a clear indication of the impact of conflict on economic development when analysed in light of the conflict timeline elaborated in Chapter 3 of this work.

In the year 1990, at the beginning of the first decade generally each country enjoyed a slightly higher GDP and GDP per capita when compared to the other years (1991-1994), however there was a general sharp decline in both the indicators across the region. This could be attributed perhaps to a general decline in world economics, but if one isolated the region and considered the context of each country during the period, then it could be argued that the economic decline could also be attributed to political events which resulted in conflict. For instance in 1990 the RPF invaded Rwanda setting into motion the systemic killing of Rwandan Tutsi though at very minimal scales. This prompted a number of Rwandan refugees to be displaced some as refugees and others internally displaced. In Burundi the constitution was only amended in 1992 to allow multi-party politics, this set in motion the mass and genocidal killings of Burundians based on their ethnicity. Both the Rwandan invasion and the amendment of the Burundian constitution prompted overt violence and human displacement in the region. This resulted in civilians being forced to flee for their safety by seeking refuge in neighbouring states in the region, thereby negatively hampering economic production and directly impacting on the GDP per capita as the workforce grew smaller and on the GDP as production became interrupted.

In 1994 (during the Rwandan genocide) the GDP per capita of Rwanda, Burundi, and Kenya declined further and decreased to an average of 115 US dollars when compared to the average in year 1992. Naturally, the GDP per capita and GDP for Rwanda was expected to plummet during 1994, as the country was paralysed by the genocide. Whatever industry that had existed in Rwanda pre the genocide was annihilated as infrastructure was destroyed and human labour greatly diminished. However the decline of Burundi's and Kenya's economic indicators tell the story of how the spill over effects of conflicts within a region can offset negatively on others.

After the Rwandan genocide things seemed to be settling down in the region albeit with Burundi still largely in conflict. Post 1995 there seemed to be a general trend of recovery for the economies of each state in the Region, however between the years 1998 and 2004 there seemed to be stagnant growth in some states and a decline in others. From the conflict timeline provided above, it is clear that this was during the period of the Great Africa War which engulfed much of the states in the Region, save for Tanzania and Kenya. Though they did not partake in the war their economies may have suffered a knock as a result of the conflicts in their neighbouring countries, as it has been shown that there is an increased chance for sub-regional instability should there be internal conflict in a neighbouring state, within the region.

The result is usually that the large numbers of refugees in an area tends to pressurise local and natural resources of host countries, thereby heightening the social tensions which invariable lead to instability for the host countries (Michailof, Kostner and Devicotr 2002). In 2005 to 2010 there seemed to be a general trend of growth for all the countries when compared to the previous years. It is also important to note that this growth was occurring during the global economic recession of the late 2000's further entrenching the argument that conflicts in the region not only serve to further destabilise society but the economy as well. If the region continues to deals with this issues in silos and not as a collective then they run a risk of hindering their economic performance as well as widening the pool of aggressions already existent in their communities.

Also presented on the statistics is the total population of each state per 4 year periods over the two-decades. A total population of a country is generally considered to be made up of all residents within the borders of a country, regardless of nationality (World Bank, 2012).

At a very base level, a population is a source of one of the important factors of production which is labour. In order for any country to measure any sort of economic index there is a need for industries or production to exist and labours to work those industries or production. For economies to be built and sustained states need a vibrant population which has a lively workforce able to positively contribute to the GDP of the country. Another base argument linking population to economic development is the belief that a larger population has the potential for a higher GDP per capita.

Undoubtedly, a population can be a country's potent tool in economic development. However it is also important to note that the size of a population has an impact on the (whether positive or negative) on the economy. It is important for countries to be able to efficiently sustain themselves by being able to provide basic needs such as shelter, food and security (United Nations, 2009). In oversized populations efficiently ensuring these needs is a challenge as they are increasingly made to become scarce resources which are not accessible to everyone. The same can be said for small population sizes they impact poorly in terms of production as they offer a smaller pool of labour and as a result significantly contribute less to the GDP of a country. For it to be a positive tool in building the economy, states should monitor population growth rates as well as find ways and means to mitigate problems of extremely high population growth rates and too low population growth rates.

In the Great Lakes Region data on population sizes paints a picture of increasingly growing populations that are met with very weak economic indicators and prospects. As a case in point, Burundi had a bout of mass killing and massacres in 1993, as a result among other factors both its GDP and GDP per capita declined. The conflict therefore not only disturbed economic growth, but it prompted human movement resulting in immigration to neighbouring countries in search of refuge from the conflict, but also for better economic opportunities. Between the years 1990 and 1994, Burundi had a population growth rate of about 0.02% this grew to about 0.2% between the years 2006-2010. When these statistics are considered in conjunction with the conflict timeline provided prior, the argument that conflict and population sizes impact on the economy becomes plausible. In a country where there is relative peace and conducive environments for populations to contribute to the economy, states are more likely to experience growing economies. However in conflict

ridden countries economic development is greatly diminished and may impact on the population size of the country.

Further presented in the table above in the registered Refugee population numbers by country of origin. And an interesting trend in those numbers is that in the first decade there was an exponential growth of the number of refugees originating from each state in the region. This is again consistent with the conflict timeline provided for the region. In the period 1990-2000, the region was continually embroiled in intra-state conflict which eventually surmounted to inter-state conflict, known as the Africa Great War. Because of tumultuous times may people had to flee their country of origin in search of refuge elsewhere, but mostly in the Region itself. Essentially then the numbers of Refugee populations greatly impacted on the GDP per capita of each country during the first decade, as refugees were generally still censored under the total population of their country of origin (World bank, 2012), though they were not contributing to the economy due to the conflicts.

From the above the role of regional cooperation is illuminated, for the countries to recover meaningfully from conflicts and engage in peacebuilding initiatives that will build sustainable peace there is a need to address the Regional challenges prevalent in the region. The East African Community which most of the countries in the region belong to is a clear indication of the potential that regional cooperation holds for the countries. It is also clear from the above that ever since the region sought means beyond their borders through the international community and embraced initiatives aimed at rebuilding bridges between conflicting parties, has led the region towards an upward trajectory path in terms of economic development and peacebuilding, though the region still finds itself prone to overt conflict. The continued engagement of the states in the region in socio-economic cooperation can only serve to deter future conflicts.

The argument for regional cooperation cannot be better encapsulated in light of the provided data. Addressing the grand challenges of the region collectively can only serve to reinforce state specific peacebuilding initiatives, while also having regard for Regional implications. The Great Lakes Region has the potential to transform its conflicts to sustainable peace through collective bargaining and the continued engagement of all relevant state and non-state actors in the region. Increased socio-economic cooperation

will lay the foundation for sustainable peace as well as provide an environment that is inducive for the development of the Region's economy

CHAPTER 6: SUMMARY AND CONCLUSION

At the onset this paper had an interest in establishing whether justice as a peacebuilding mechanism allows for the protection of human rights, while simultaneously building lasting peace through the use of justice processes that aim to re-establishing the rule of law. The emphasis was on identifying the relationship between sustainable peace and transitional justice. The latter because it concerns itself with positively impacting change through mechanisms that will either act as a deterrent for future abuses or as a punishment of abusive actions. Transitional justice is a peacebuilding tool that has the role of re-establishing the rule of law, by setting the tone for justice processes in the emerged state post-conflict.

In a rebuilding state it is important for the rule of law to be effectively re-established so as to ensure that the necessary framework exists for building peace. Because of the nature of transitional justice mechanisms policy actors and other stakeholders have a point of reference in determining what is deemed acceptable in the emerged society. In instance where justice processes are not observed a culture of impunity takes roots and renders efforts at building peace prone to failure. This was evident in the Great Lakes Region as peacebuilding measures were largely limited to ending the overt violence and fighting between warring parties without necessarily rebuilding the rule of law and providing an enabling environment for peace to prevail. The Great Africa War is one catastrophe in particular which could have been avoided had the region used transitional justice mechanisms in dealing with the refugee and porous border issues post the 1994 Rwandan genocide.

Even at intra-state level had states sought to rebuild relations between warring parties using transitional justice mechanism tools many of the grand challenges faced by these states would have been addressed and paved a way for increased cooperation between parties and a conductive environment for peace to prevail. However the missed opportunities at using transitional justice for building peace has meant that the region continues to find itself volatile and vulnerable to their grand challenges. The importance of justice in reconstructing states is central in ensuring that a relapse into conflict is avoided, as it provides a sense of peace for victims and accountability for perpetrators. Ideally justice processes are aimed at putting back the victims to the state they were in before the violation took place, though it can never be fully achieved and victims may never

return to their same position justice processes have the ability to provide a sense of restitution.

In the great lakes region, particularly in regard to the Hutu-Tutsi grand challenge the promulgation of the Gacaca courts delivered a sense of restitution to the people of Rwanda who were victims of the genocide, because of this initiative Rwanda has enjoyed the longest running period of relative peace and impressive economic growth within their borders. The increased reliance by other states in the region on international law and dispute channels is also testimony to the importance of establishing a rule of law that is universal a point of reference for the punishment of abuses. The region has evolved in approach and scope in matters relating to building peace and the increased use of justice mechanism is testimony to the regions gravitation towards building a cooperative region in the interest of building peace.

Regionalism as a project requires a great measure of political will from concerned parties and a hegemon to steer the project to its desired destination, as the political leadership of any given state will be vital in determining the success or failures of such a project (Wallace and Sentego, 2011). Furthermore it is a project that aims to approach issues in a collective manner to the benefit of its member states. Though it is not a perfect system and endures plenty of its own shortcomings, its successes make it worth pursuing.

In regions such as the Great Lakes Region sustainable peace has become a long overdue necessity which should be pursued at all costs. With the use of Transitional justice mechanisms, highly favoured and engaged in the region a link has emerged between that initiative as a peacebuilding mechanism and promises to yield sustainable peace for the Region. Though much still has to be achieved before peace is sustained in the region, embracing Regionalism is a step in the right direction.

The Great Lakes Region has over the years being a case study for humanitarian intervention as well as a classroom for the exploration of efforts to tackle the root causes of interlinked conflicts. In particular the region has been site of experiments in the pursuit of international justice, from the International Criminal Court's (ICC) probes in the Democratic Republic of Congo and Uganda, to the prosecution of crimes against humanity and genocide in internationalised justice for Rwanda through the International Criminal Tribunal of Rwanda ICTR (Shadows of return, no date). At the regional level, the International Conference on the Great Lakes Region has begun to lay the framework for peace, stability and greater regional integration, through the adaptation of the Pact on

Security, Stability and Development in December 2006 which entered into force in June 2008 (Shadows of return).

Each country in the region post 2010 has also enjoyed improved relative stability compared to the years prior and are in a position to monitor events around and beyond their territories in the interest of building stability and peace in the region. This was recently evidenced when Rwanda issued a warning of Genocide to Burundi following the latest civil unrest which had engulfed the country post its 2015 highly contentious polls (Aljazeera, 2015). Even more so the common respective and upholding of international law and treaties between the countries is testimony to the political will to engage in the regionalisation project in the spirit of sustainable peace, security and economic prosperity of the countries involved. This is evidenced by Rwanda's withdrawal from the DRC following a ruling by the International Court of Justice after Kinshasa laid a complaint against Kigali as well as the recent initiative to repatriate Congolese refugees who had exiled to Rwanda following Africa's World War.

The attempts are commendable in building peace in the region. However there continues to be a potential threat to stability and peace because of the structural violence and colonial legacies that have marred all six countries. For a concerted effort to work, these countries need to re-structure their state institutions or aim to build a regional body that is inclusive of its citizens and very much designed and managed by the locale. This will go a long way in ensuring that peace and stability prevails as the regionalisation project will not only serve to collectively correct the wrongs of the past but will should also provide platforms for the fostering relation between states and ultimately address the grand challenges which continue to threaten the Region's instability and conflict. Furthermore the region should continue to seek judicial methods as a way to achieve and foster peace as it has demonstrated to be effective in building lasting peace

Perhaps the most salient argument for the regional cooperation in the region is deeply embedded in the benefits the region stands to benefit from the process. For scholars such as Mamdani a regional approach to the core issues of the region provides the respective countries with three notable advantages which are as follows it would allow scholars and peacebuilding practitioners to 'contrast the process of identity formation of political identities when Rwanda is juxtaposed to the DRC and Uganda' (Mamdani, 2001:36). Basically the State and Non State actors in the region will be able to fathom the process of identity formation through the examination of different scenarios provided by each country. In Rwanda the Hutu-Tutsi political identities were designed by Belgium as

a divide and rule strategy to conquer Rwanda. These identities formed to become intrinsic to the Rwandan society. However the very same people of Hutu-Tutsi descent who have exiled or immigrated to the Congo or Uganda cease to be identified as either Hutu-Tutsi rather as BanyaRwanda, which is considered a political identity in these respective countries.

Secondly the regionalisation process will provide for a comparative understanding of post-colonial citizenship (Mamdani, 2001:37) by providing a lens into the various processes engaged by State and Non State actors in the region to address the crisis. Having exhibited both the top down and bottom up approaches in creating political identities relevant to each State, the region can easily deduce and learn from the Rwandan immigrants who has settled in South Kivu DRC changed their political identity from that of Banyarwanda to Banyamulenge so as to server ties with Rwanda and cement their newly acquired nationality by being identified as those from the mountains as opposed to those from Rwanda. Though citizenship in this context was shaped by immigration and resettlement it is important to note that it differed in the sense that it was more of a self-determination strategy as opposed to the colonial legacy of divide and rule. The top down approach can be illustrated through the initiatives implemented by the Rwandan and Ugandan governments under the leadership of Habyaramana and Museveni respectively. Both governments attempted to address the Hutu-Tutsi divide, in the case of Rwanda deracialising the Hutu-Tutsi divide as it was originally promulgated by the Belgians. For Uganda it promised amended its citizenship status laws from ancestry to ten years residency in the country

Lastly regionalisation will allow the region to understand the regional consequence of the Rwandan Genocide (Mamdani. 2001:39) as the regionalisation processes will reveal the stark difference in political identities existent in the region within and across state borders. As it currently stands, each respective state in the region continues to operate in isolation when it comes to issues of security and maintaining law and order, the perspectives for the above therefore remain structured to suit a particular context without necessarily addressing the bigger picture. Had for instance Rwanda been able to regionally express its concern on the threat of invasion posed by the rebel refugees harboured by the DRC post 1994, perhaps concerted efforts would have been engaged to ensure the threat is contained, assuming that the DRC itself was a country able and willing to create a cohesive environment for the region.

The interconnected nature of the conflicts in the region as well as the spill over effects they embody continue to date to destabilise the region. In May 2015, the region found itself in the wake of another potential violent conflict which prompted large human movement due to displacements. Aljazeera stated that 'The UN's refugee agency reported more than 110,000 Burundians have escaped to neighbouring Tanzania, Rwanda and the Democratic Republic of Congo' (Aljazeera, 2015). In any other regions the refugees would have been hosted without the anticipation of immense socio-economic destabilisation, but for Rwanda, the DRC and Tanzania the new influx of refugees originating from Burundi have the potential to offset further violence. In Rwanda for instance the Hutu-Tutsi divide has been banned and made illegal and citizens can only describe themselves as Rwandans (Brown, 2015). However this disbarment has not served to completely eradicate ethnic tensions among the Hutus and Tutsis, rather it has only served to drive the tensions underground (Brown, 2015). The influx of refugees particularly from Burundi, a country that has the exact dynamics as Rwanda has the potential to reverse the gains Rwanda has made for instance in rebuilding peace and stability within their borders.

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