

The Military Role in Reconciliation

**A Monograph
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Abstract

THE MILITARY ROLE IN RECONCILIATION by MAJ Terrence H Buckeye, U.S. Army, 73 pages.

Reconciliation remains an elusive concept in both domestic and international contexts as well as academic and governmental contexts. The military role in reconciliation remains even more elusive. As such, this monograph seeks to clarify what the appropriate role is for the US military in a reconciliation process. Moreover, it seeks to discount the role of the military as an enforcer of a reconciliation process. To do so, it first defines reconciliation and establishes a framework for understanding the process. Next, it assesses the adequacy of reconciliation's treatment in current US government doctrine. Finally, it evaluates three case studies of different reconciliation methods to illustrate the application of reconciliation and demonstrate the appropriateness of military force in these methods.

The primary finding of this monograph is that military force plays a very small role in a reconciliation process beyond providing a secure environment. Neither military forces, nor any external actors for that matter, can force a divided society to reconcile. External actors who wish to facilitate a reconciliation process must predicate intervention on a clear understanding of the opposing sides' intentions regarding reconciliation. The secondary finding is that the US government's understanding of reconciliation is unclear and its treatment of reconciliation is inconsistent. Current US government doctrine on stability operations only addresses "post-conflict states" and does not make the critical distinction between "post-interstate" conflict and "post-intrastate" conflict. Without this distinction, reconciliation will remain a neglected aspect of future stability operations. Moreover, continued misunderstanding of reconciliation will encourage some to advocate that reconciliation be a military responsibility, which could potentially undermine the success of future stability operations.

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Introduction

My interest in reconciliation began on July 7, 2005 when I crossed the Tigris River into Iraqi Kurdistan. I was leading a simple convoy escort mission to the Turkish border from our squadron forward operating base in Northern Iraq. I knew very little about Kurdistan other than that the area was permissive, so I expected the long convoy to be tedious and boring. Instead, what I saw over the subsequent two days in Dahuk Province stunned me. The streets, bridges, buildings, and roads were not just intact and undamaged, but they were well maintained and clean. Commerce was vibrant in both traditional open air bazaars and new, Western style supermarkets. The people looked healthy, well-dressed, and strangely happy. Security was ubiquitous with local police on every street corner inside the towns and regular *peshmerga* (Kurdish militia) checkpoints along highways outside the towns. The notable absence of coalition oversight for these Kurdish security forces was dumbfounding. The stark contrast between the Kurdish society north of the Tigris and the Arab society south of the Tigris was simply astounding.

How were these stark differences possible inside the same state? Conventional explanations attribute the relative success of the Kurds to their religious and ethnic homogeneity as well as de-facto independence from Saddam's regime since 1991. While these explanations are certainly valid, they overlook the ideological rift that tore apart Iraq's Kurdish society from 1992 to 1998 between the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). The power struggle between the conservative, tribal KDP and the socialist, urban PUK resulted in a civil war that killed thousands and dislocated tens of thousands. Although the armed struggle between the *peshmergas* of the KDP and PUK ended in September, 1998 with the Washington Agreement, the two groups remained separated both physically and politically for another five years. Following the US invasion of Iraq in 2003, the KDP and the PUK began to work more closely at the national level by forming a national coalition to advance Kurdish

interests in the new government. In 2006, they began a gradual reunification process between their two governments, and by the 2009 Kurdish election, a pan-Kurdish third party, *Gorran* (Change), had emerged to contest the KDP and PUK. How had the Kurds been able to overcome their bitter, ideological rivalry to forge a prosperous society north of the Tigris while the Sunnis and Shias south of the Tigris had not? Answering that question is beyond the scope of this monograph, but a critical piece of the answer lies in the concept of reconciliation. In short, by 2005 the Kurds were reconciling while the Arabs were not.

The term “reconciliation” began to proliferate throughout US policy statements of political and military leaders regarding Iraq in 2007. The Samarra mosque bombing in February 2006 and the subsequent collapse of Arab Iraq into sectarian violence necessitated a strategy shift in US policy that addressed the Sunni-Shia divide. In January 2007, while explaining the upcoming “surge” of forces to stabilize Iraq, President Bush stated, “Most of Iraq’s Sunni and Shia want to live together in peace -- and reducing the violence in Baghdad will help make reconciliation possible.”¹ That same month the National Security Council outlined its eight objectives for the new Iraq strategy. The fifth objective stated, “Foster the conditions for Iraqi national reconciliation but with the Iraqi Government clearly in the lead.”² In reports and testimonies before Congress in September, 2007 and April, 2008, Ambassador Ryan Crocker and General David Petraeus repeatedly stressed that national and political reconciliation were instrumental to the long term stability and success of Iraq.³ Speaking at the Iraq Neighbors’

¹ George W. Bush, “President’s Address to Nation, January 10, 2007,” The White House Archives, <http://georgewbush-whitehouse.archives.gov/news/releases/2007/01/20070110-7.html> (accessed March 10, 2010).

² National Security Council, “Highlights of the Iraq Strategy Review, January 2007,” The White House Archives, <http://georgewbush-whitehouse.archives.gov/nsc/iraq/2007/iraq-strategy011007.pdf> (accessed March 10, 2010).

³ Ryan C. Crocker, “Testimony of Ambassador Ryan C. Crocker before the Senate Armed Services Committee, April 8, 2008,” U.S. Senate Armed Services Committee, <http://armed-services.senate.gov/statemnt/2008/April/Crocker%2004-08-08.pdf> (accessed March 10, 2010); David H. Petraeus, “Report to Congress on the Situation in Iraq,” (April 8-9, 2008) <http://www.centcom.mil/images/petraeusarchive/16-%2008-09%20april%202008%20gen.%20petraeus%20opening%20remarks%20to%20congress.pdf> (accessed March 10, 2010); John J. Kruzel, “Petraeus Cites Encouraging Examples of Iraqi

Conference in Sharm el-Sheikh, Egypt in May 2007, Secretary of State Condoleezza Rice stated, “It is quite clear that Iraq needs a process of national reconciliation. It needs a successful and urgent process to bring all Iraqis into the belief that Iraq will be an Iraq for all Iraqis.”⁴ Additionally, major military commands in Iraq began applying the term “reconciliation” to several initiatives for integrating Sunnis into political, economic, and social aspects of Iraqi society. Reconciliation had effectively become a prominent theme in the new US strategy to address the foundational fissure between Sunnis and Shias in Iraqi society.

In 2003, William Long and Peter Brecke of the Sam Nunn School of International Affairs at the Georgia Institute of Technology explored the effect of reconciliation in conflict resolution in *War and Reconciliation: Reason and Emotion in Conflict Resolution*. Long and Brecke examined 430 violent civil conflicts in 109 countries from the last century. Of those, they identified eleven cases (ten countries) where a reconciliation event had occurred.⁵ They then determined which of those eleven cases had experienced a violent civil conflict after the reconciliation event. They found that 64 percent (seven cases) had not experienced a subsequent violent conflict while only 9 percent of the conflicts without a reconciliation event avoided a return to violent conflict.⁶ They advanced a thesis that reconciliation substantially reduces the rates of recidivist violence within and between states.⁷ They further argued that successful conflict resolution must incorporate emotional and cognitive techniques that are

Political Reconciliation,” *American Forces Press Service* (September 11, 2007) <http://www.defense.gov/news/newsarticle.aspx?id=47401> (accessed March 19, 2010).

⁴ ArabicNews.com, “Rice on Iraq conference: internal reconciliation needed,” Iraq-Regional-USA, Politics, (May 7, 2007) <http://www.arabicnews.com/ansub/Daily/Day/070507/2007050716.html> (accessed March 10, 2010).

⁵ William J. Long and Peter Brecke, *War and Reconciliation: Reason and Emotion in Conflict Resolution* (Cambridge: The MIT Press, 2003), 6-8. Long and Brecke defined a “reconciliation event” as “one that includes the following elements: direct physical contact or proximity between opponents, usually senior representatives of respective factions; a public ceremony accompanied by substantial publicity or media attention that relays the event to the wider national society; and ritualistic or symbolic behavior that indicates the parties consider the dispute resolved and that more amicable relations are expected to follow.”

⁶ Ibid., 8, 159-162.

⁷ Ibid., 2-3.

grounded in human evolution to ensure survival.⁸ In essence, they called into question the efficacy of current conflict resolution strategies that focus solely on structural changes in a post-conflict society's political, legal, and economic systems while neglecting to address its far more complex social, emotional, and psychological issues.

Marina Ottaway echoed concerns similar to Long and Brecke's in 2003 with *Democracy Challenged: The Rise of Semi-Authoritarianism*. In it, she questioned the efficacy of democracy promotion programs by "donor" nations in light of the growth of semi-authoritarian regimes. She contended that the failure of donor nations to address the underlying problems of these societies has undermined their programs' effectiveness and inadvertently encouraged the growth of semi-authoritarian regimes.⁹ She specifically cited the area of societal polarization along perceived ethnic and religious lines and noted that democracy promoters have been reluctant to acknowledge the serious obstacles that polarized and divided societies pose to democratic transitions. Singling out the US, she observed:

The United States refuses to entertain the possibility that deeply divided societies require special institutional solutions, and it has consistently taken the position that as long as all citizens are guaranteed the right to vote and the protection of their individual rights, ethnic minorities do not need special protections and other distinctive provisions – a position consistent with its domestic policies toward minorities.¹⁰

Ottaway employed the term "Donor's Model" to describe the practice of fixating on rapid democracy implementation while neglecting to address root social issues.¹¹

War and Reconciliation and *Democracy Challenged* suggest two related ideas. First, current conflict resolution and democracy initiatives are attempting to stabilize and develop states by building democratic structures on weak social foundations. This approach is a

⁸ Long and Brecke, 157-158.

⁹ Marina Ottaway, *Democracy Challenged: The Rise of Semi-Authoritarianism* (Washington: Carnegie Endowment for International Peace, 2003), 199.

¹⁰ Ibid., 201.

¹¹ Ibid., 12-14.

reductionist one that neglects social complexity and, consequently, has not worked very well. Second, reconciliation has emerged as a process for dealing with the complex problems underlying these weak social foundations. Thus, reconciliation warrants further study as an approach to addressing the underlying social issues of post-conflict and developing states. Moreover, the stark contrasts between Kurdish Iraq and Arab Iraq in 2005 further support the need to scrutinize reconciliation and its implications.

Research Question

This monograph initially seeks to answer what reconciliation is and how it is best understood conceptually. Next, the monograph examines how the US Government (USG) treats reconciliation in its civilian and military doctrines for stability operations. Does the USG's current treatment of reconciliation suggest that it understands what reconciliation is? Does the USG appreciate reconciliation's potential benefit to stabilization and development operations? Finally, the monograph assesses the role of military forces in three case studies on reconciliation processes in South Africa, Rwanda, and Northern Ireland. All three areas ultimately seek to answer the greater question of what the appropriate role is for a US military force in a reconciliation process in a post-civil conflict state.

Literary Review

Reconciliation is an emerging concept between the fields of International Relations and Conflict Resolution studies. John Lederach laid the foundation for current studies in reconciliation with his 1997 book, *Building Peace: Sustainable Reconciliation in Divided Societies*. Lederach's conceptual framework for understanding reconciliation became the foundation for several subsequent frameworks. One leading organization that incorporated much of his reconciliation framework was the Stockholm-based International Institute for Democracy and Electoral Assistance (IDEA). IDEA is an intergovernmental organization of 25 member

nations that supports sustainable democracy worldwide.¹² In 2003, it published *Reconciliation after Violent Conflict: A Handbook*, one of the clearest and most comprehensive discussions of reconciliation currently available. IDEA codified Lederach's conceptual framework for reconciliation into a process that is culturally adaptable and contextually sensitive to its environment. In 2004, Yaacov Bar-Siman-Tov, a professor of International Relations at the Hebrew University of Jerusalem and director of the Leonard Davis Institute for International Relations, published his edited volume, *From Conflict Resolution to Reconciliation*. Bar-Siman-Tov's work incorporates ten essays from the leading thinkers in the fields of conflict resolution and reconciliation. Many of the essays provide specific methods for effecting the reconciliation process as well as further discussions on the contextual factors affecting the process.

Current treatment of reconciliation in US policy and doctrine resides in the two primary documents for civilian and military stability operations. The civilian doctrine that addresses reconciliation is the recently published *Guiding Principles for Stabilization and Reconstruction* for the Department of State's Office of the Coordinator for Reconstruction and Stabilization. The military doctrine is the Army's FM 3-07, *Stability Operations*. This monograph extensively scrutinizes both documents in the section on US government civilian and military doctrines. In November, 2007, Dr. Michael Mosser, a former assistant professor of international relations at the US Army Command and General Staff College's School of Advanced Military Studies, published an article in *Military Review* titled "The 'Armed Reconciler': The Military Role in the Amnesty, Reconciliation, and Reintegration Process." In it, he described reconciliation as a subcomponent of a larger "AR2" process (Amnesty, Reconciliation, Reintegration) and advocated the role of the military as an "armed reconciler" performing a "forcing function" in the process.

¹² IDEA's member states include Australia, Barbados, Belgium, Botswana, Canada, Cape Verde, Chile, Costa Rica, Denmark, Finland, Germany, Ghana, India, Mauritius, Mexico, Namibia, the Netherlands, Norway, Peru, Portugal, South Africa, Spain, Sweden, Switzerland and Uruguay. Japan has observer status.

Significance

For the US military, future operating environments will likely involve states with divided populations. For many states of the developing world, foreign governments, usually European, drew state boundaries that either split religious, linguistic, ethnic, or cultural groups between multiple states, or placed multiple groups under a single state.¹³ With the vast majority of armed conflicts taking place in the developing world within an intrastate context, the likelihood of future US involvement in states with a divided society remains high.¹⁴ As such, this monograph is specifically concerned with large-scale, intra-state, societal conflict involving national, ethnic, religious, or ideological groups.

Acknowledging this potential future environment, some see it as an opportunity to facilitate the integration of the developing world into the modern world and view the military as the primary instrument for effecting such a transition. Thomas Barnett's 2004 book, *The Pentagon's New Map*, refines the old paradigm of the first-world and the third-world through a new paradigm of the "Functioning Core" and the "Non-Integrating Gap."¹⁵ The Non-Integrating Gap consists of such traditional third-world areas as the Caribbean Rim, Africa, the Balkans, the Caucasus, Central Asia, the Middle East and Southwest Asia, and much of Southeast Asia, but its classification centers on connectivity to the rest of the world and integration into the global economy. Barnett sees the military's role in this environment as a stability-peacekeeping force that helps to integrate the Non-Integrating Gap into the Functioning Core.

In November 2005, the Department of Defense (DoD) established that stability operations were a core mission of the US military and should be conducted "with proficiency

¹³ The Berlin Conference of 1885 established most of the current state boundaries that exist today in Africa. The British partitioned much of the defeated Ottoman Empire following WWI into the current states of the Middle East as well as their former colonies in South Asia, to include Afghanistan, Pakistan, and India.

¹⁴ John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington: United States Institute of Peace Press, 1997), 11.

¹⁵ Thomas P. M. Barnett, *The Pentagon's New Map: War and Peace in the Twenty-first Century* (New York: G. P. Putnam's Sons, 2004), 4.

equivalent to combat operations.”¹⁶ Stability operations doctrine, however, did not address how to resolve an intrastate conflict. In November, 2007, *Military Review* began a series of articles advocating the role of the military as an “armed reconciler” in the AR2 process. The presumed inspiration for the series was the US military “surge” in Iraq in 2007 and its preliminary success. Although one cannot argue that the improved security from the surge facilitated a reconciliation process between the Sunnis and Shias, it is doubtful that the surge by itself was sufficient to start and perpetuate the process. The extreme measures of Al Qaeda in Iraq and its subsequent alienation of Sunni tribal leaders in Al Anbar were more likely the real impetus behind reconciliation. Nonetheless, many, like Thomas Barnett, viewed the Iraqi surge as the model for dealing with intrastate conflict.

While this monograph is not concerned with the appropriateness or inappropriateness of the military role in stability operations, it is concerned with whether or not the objectives, end state, and termination criteria for such stability operations are feasible. US government policy makers who are considering armed intervention in a state with a divided population must assiduously scrutinize the nature and context of those divisions as well as the society’s potential for reconciliation. They should understand what reconciliation is and acknowledge that it is a long, difficult, and expensive process whose price may make it prohibitively costly and consequently unfeasible.

Claim

While a military role may be necessary to support the initial conditions for reconciliation, namely security, it is by no means sufficient to effect reconciliation. The fundamental condition for a society to reconcile is the desire for and commitment to reconciliation among opposing groups. The protracted need for an external military presence to enforce security, in fact, suggests

¹⁶ DoD Directive 3000.05, “Military Support for Stability, Security, Transition, and Reconstruction (SSTR) Operations,” November 28, 2005.

that this fundamental condition is absent. Without mutual commitment to reconciliation, military forces who try to force reconciliation will likely fail. While military forces may coerce a society into a temporary peace, it will be unsustainable and will not achieve the ultimate US policy objective of an enduring peace.

A Framework for the Modern Conception of Reconciliation

The concept of reconciliation has really only emerged as an area of interest in peace studies and conflict resolution in the last ten to fifteen years.¹⁷ It has evolved through an ongoing dialogue between the International Relations community, who viewed reconciliation in realist terms of political and economic structural reforms, and the Conflict Resolution community, who viewed reconciliation as integrating emotional and substantive concerns.¹⁸ What has emerged through this dialogue is an integrated conceptual framework of reconciliation based on a multidisciplinary foundation of history, international relations, philosophy, psychology, sociology, and political science.¹⁹

Definitions

Because the concept of reconciliation has developed through several disciplines, consensus has not yet formed around a standard definition. Spiritual interpretations tend to focus on the aspects of forgiveness and apology while psychological interpretations analyze past narratives to synthesize future narratives. Political scientists and international relations experts explain reconciliation as a restructuring process of negotiation, mediation, and arbitration oriented on the political, legal, security, and economic systems of a society.²⁰ Further debate concerns whether reconciliation is a process or an outcome and whether the term is

¹⁷ Yaacov Bar-Siman-Tov, "Introduction: Why Reconciliation?," in *From Conflict Resolution to Reconciliation*, ed. Yaacov Bar-Siman-Tov (Oxford: Oxford University Press, 2004), 4.

¹⁸ Lederach, 24-25.

¹⁹ Bar-Siman-Tov, "Introduction: Why Reconciliation?," 3.

²⁰ Daniel Bar-Tal and Gemma H. Bennink, "The Nature of Reconciliation as an Outcome and as a Process," in Bar-Siman-Tov, 11-12.

interchangeable with “stable peace.”²¹ This monograph will follow the IDEA framework and treat reconciliation as a process that leads to the outcome of stable peace.²² As subsequent sections will address, the IDEA framework is more comprehensive of current reconciliation theories and clearer in its organization. Moreover, reconciliation’s definition and process can be different if it follows an inter-state conflict (Germany and France following WWII) or an intra-state conflict (South Africa following the end of apartheid).²³ This monograph will focus only on reconciliation following intra-state conflict (hereafter referred to as civil conflict).²⁴

Perhaps no institution has cohered the multiple aspects of reconciliation as well as IDEA. It defines reconciliation as a process through which a society moves from a divided past to a shared future.²⁵ IDEA further elaborates, “Reconciliation prevents, once and for all, the use of the past as the seed of renewed conflict. It consolidates peace, breaks the cycle of violence and strengthens newly established or reintroduced democratic institutions.”²⁶ Although this definition is general, it nonetheless captures the essence of reconciliation the most effectively. Building on IDEA’s definition, this monograph will further define reconciliation as a comprehensive process that recognizes the need to balance reason and emotion. Reconciliation recognizes the value of structural changes in political, legal, economic, and security systems while also embracing the social complexity of conflicting narratives within a society. Lastly, reconciliation is a nonlinear, holistic process that is acutely sensitive to the environmental contexts in which it occurs.

²¹ Bar-Tal and Bennink, 22-23; Yaacov Bar-Siman-Tov, “Dialectics between Stable Peace and Reconciliation,” in Bar-Siman-Tov, 61-80. Bar-Tal and Bennink contrast reconciliation as both a process and an outcome. Bar-Siman Tov contrasts reconciliation with stable peace.

²² David Bloomfield, “Reconciliation: An Introduction,” in *Reconciliation after Violent Conflict*, ed. David Bloomfield, Teresa Barnes, and Luc Huyse (Stockholm: International Institute for Democracy and Electoral Assistance, 2003), 12, 122.

²³ Lois Kriesberg, “Comparing Reconciliation Actions within and between Countries,” in Bar-Siman-Tov, 81.

²⁴ Bar-Siman-Tov, “Dialectics between Stable Peace and Reconciliation,” 72. Bar-Siman-Tov states that “Reconciliation is not a requirement to end every international conflict, probably only those conflicts that are characterized as protracted and zero-sum and similar to internal conflicts and civil wars.”

²⁵ Bloomfield, “Reconciliation: An Introduction,” in Bloomfield, Barnes, and Huyse, 12.

²⁶ Luc Huyse, “The Process of Reconciliation,” in Bloomfield, Barnes, and Huyse, 19.

Who Reconciles?

Situations that require reconciliation are those where the conflict is deemed intractable. As Daniel Bar-Tal and Gemma Bennink relate, societies involved in an intractable conflict “...evolve widely shared beliefs, attitudes, motivations, and emotions that support the adherence to the conflictive goals, maintain the conflict, de-legitimize the opponent, and thus negate the possibility of peaceful resolution and prevent the development of peaceful relations.”²⁷ Bar-Tal and Bennink are essentially describing the power of conflicting narratives within a divided society.

Reconciliation is a process that can take place between individuals and groups at the grassroots level, the middle-range level, and the top-level.²⁸ Grassroots level leaders are local leaders, community developers, local health officials, refugee camp leaders, or leaders of indigenous NGOs. Middle-range level leaders are respected regional or provincial leaders, ethnic or religious leaders, academics and intellectuals, or humanitarian leaders. Top-level leaders are military, political, or religious leaders who are well known throughout the state.²⁹ Because all reconciliation situations are unique, the process may only need to focus on one level with particular individuals, on all levels with all groups and individuals, or, as is most common, on a mix somewhere in between.

The Reconciliation Process

Reconciliation is a complex, nonlinear social process that one cannot reduce to a simplistic checklist of steps to be accomplished in a set order over a given time. Nor can it be a one-size-fits-all process. Each society undergoing reconciliation is uniquely complex in its social, political, economic, and historical context and must be understood as such. That said, historical

²⁷ Bar-Tal and Bennink, 13.

²⁸ Huyse, “The Process of Reconciliation,” 22-23; Lederach, 44-55.

²⁹ Lederach, 38-55.

analysis of reconciliation case studies has shown several stages, categories, and dimensions of reconciliation that enables one to better understand the process.

The Three Stages

As stated, reconciliation is not a linear process. During any stage of the process, a relapse into violence remains a constant threat. Not only do the stages not always follow a sequential order, but they can also occur simultaneously. With these considerations in mind, IDEA has defined three stages for the reconciliation process.³⁰

The first stage is “Replacing Fear by Non-Violent Coexistence.” This stage establishes the absolute precondition of a safe environment for reconciliation to proceed. While individuals, groups, and communities continue to be adversaries, they agree to employ non-violent means to redress their grievances.³¹ Another necessary condition for the first stage is communication between the two sides of the conflict. The type and degree of communication can distinguish between a cessation of hostilities whose intent is reconciliation as opposed to cessation of hostilities whose intent is reorganization for the resumption of hostilities. This stage is critical in that it indicates that both sides have abandoned the strategy of attaining their objectives through violent means.

The second stage is “When Fear No Longer Rules: Building Confidence and Trust.” This stage centers on the restoration of a perception of humanity by the opposing sides to each other. Between victims and offenders, this entails the ability to distinguish degrees of guilt among the perpetrators and to disaggregate individual and community.³² Justice mechanisms, such as courts of law, can individualize guilt in order to detract from a generalized perception of guilt for entire groups. During the second stage, a post-conflict society must either restructure or establish fair

³⁰ Huyse, “The Process of Reconciliation,” 19-22.

³¹ Ibid., 20.

³² Ibid.

and impartial institutions, such as a non-partisan judiciary, an effective civil service, and an appropriate legislature.³³

The third stage is “Towards Empathy.” This stage entails the victims and perpetrators of both sides showing the willingness to listen to one another. Truth commissions have been the most common venue for distinguishing fact from fiction and truth from myth. The move to empathy hopes to accomplish the recognition that victims and offenders share a common identity through their mutual humanity.³⁴

A Framework for Understanding the Reconciliation Process

The framework for understanding the reconciliation process employed in this monograph is a hybridization of several different authors and institutions within the field of reconciliation studies (See Appendix A).³⁵ From these studies, two general categories emerge: structural reconciliation and psychological reconciliation.³⁶

Structural reconciliation concerns the structural aspects of a society’s political, legal, economic, and security systems. These are aspects of the society that a government may change or affect through the implementation of a constitution, the passing of laws, the allocation of funds, the formation of organizations, or the decisions of leaders. While structural reconciliation methods are relatively straightforward and necessary, they usually cannot effect a successful reconciliation process that leads to a stable peace by themselves.³⁷

³³ Huyse, “The Process of Reconciliation,” 21.

³⁴ Ibid.

³⁵ The author chose the methods for this monograph’s reconciliation framework from those discussed in Bar-Tal and Bennink (28-35), Louis Kreisberg (98-106), and Chapters 6 (Healing), Chapter 7 (Justice), and Chapter 8 (Truth-Telling) in IDEA’s *Reconciliation after Violent Conflict*.

³⁶ Bar-Tal and Bennink, 23-28; Tamar Herman, “Reconciliation: Reflections on the Theoretical and Practical Utility of the Term,” in Bar-Siman-Tov, 44. Tamar Herman contends that there are three major kinds of emphasis – cognitive, emotional-spiritual, and practical-procedural.

³⁷ Bar-Tal and Bennink, 23.

Psychological reconciliation involves the more complex domain of emotional healing, spiritual considerations, cultural identities and narratives, and cognitive perceptions.³⁸ Daniel Bar-Tal suggests that psychological reconciliation occurs through an environmental reframing that involves five themes of societal beliefs: societal beliefs about the group's goals, societal beliefs about the rival group, societal beliefs about one's own group, societal beliefs about the relationship with the past opponent, and societal beliefs about peace.³⁹ Bar-Tal notes that psychological reconciliation usually begins before the cessation of hostilities "...when the parties in conflict start to change their beliefs, attitudes, goals, motivations, and emotions about the conflict, each other, and future relations – all in the direction of reconciliation."⁴⁰ The next section will address the specific methods for both psychological and structural reconciliation.

The current conception of reconciliation attempts to bridge a divide that previously existed between the fields of International Relations and Conflict Resolution. While the International Relations field tended to focus on the structural aspects of reconciliation and the Conflict Resolution field tended to focus on the psychological aspects, current reconciliation theory attempts to integrate and highlight the interdependence of the two areas.⁴¹ While most reconciliation frameworks do not distinguish between the two categories, this monograph does make such a distinction in order to draw attention to reconciliation approaches that still focus on one category while neglecting the other.

The framework for the reconciliation process in this monograph relies on four dimensions of reconciliation: security, justice, truth, and healing. These dimensions help to better organize and understand the methods employed in reconciliation. In his 1997 work *Building Peace: Sustainable Reconciliation in Divided Societies*, John Lederach first introduced the foundation for

³⁸ Bar-Tal and Bennink, 23.

³⁹ Ibid., 20-22.

⁴⁰ Ibid., 26.

⁴¹ Lederach, 24-25.

these dimensions with four concepts: truth, justice, mercy, and peace. He defined reconciliation as the social space where the four concepts met.⁴² In 2003, IDEA's *Reconciliation after Violent Conflict* refined Lederach's four concepts into the four instruments of truth-telling, restorative justice, healing, and reparation.⁴³ In 2004, Lois Kriesberg continued to build on Lederach's concepts and IDEA's instruments with his four dimensions of truth, justice, regard, and security.⁴⁴ The four dimensions chosen for this monograph incorporate justice and truth because both dimensions were common to all three frameworks. Healing, mercy, and regard all addressed similar, if not identical, concepts with the term "healing" capturing the essence of the concept more precisely than the others. Lederach's peace and Kriesberg's security address similar and important concepts that were missing from IDEA's framework. While IDEA chose to address reparation, the author felt it was more appropriately a subordinate component of both justice and healing. The following section on reconciliation methods will elaborate on the meaning of the terms security, justice, truth, and healing.

Reconciliation Methods within the Framework

The methods for reconciliation discussed here are by no means prescriptive. No two reconciliation approaches will be the same, and, according to context and culture, each will require a different combination of methods. Because one needs a comprehensive environmental understanding to effectively employ the appropriate methods in a reconciliation process, home-grown processes usually produce the most effective reconciliation processes.⁴⁵ Outsiders naturally do not understand a complex social system like a society as well as those who are part of that system. Additionally, different dimensions will receive more or less emphasis at different

⁴² Lederach, 28-31.

⁴³ Huyse, "The Process of Reconciliation," 24.

⁴⁴ Kriesberg, 82-85.

⁴⁵ Huyse, "The Process of Reconciliation," 23.

points in the process.⁴⁶ Some societies will not be able to progress in any other dimension until Justice has been fully resolved. Other societies will be able to progress in all four dimensions at once with nuanced emphasis oscillating between the four. Appendix A summarizes the following discussion of methods.

Security is a general prerequisite for most reconciliation processes.⁴⁷ Fear can serve as a major impediment to any peace process and must be removed before a reconciliation process can even be feasible.⁴⁸ At one end of the spectrum, security begins with the cessation of hostilities through a cease-fire agreement or separation of the conflicting groups by the establishment of a demilitarized zone. The process culminates with an integrated military and an impartial law enforcement that the public generally trusts.⁴⁹

Structurally, justice requires the implementation or revision of a constitution and legal system that abolishes discrimination and guarantees all individuals equal protection under the law. The establishment of an impartial judiciary is not only essential but exceptionally difficult in a divided and polarized society. Also critical is the restructuring of government to a representative system with an eventual goal of democracy.⁵⁰ While many reconciliation experts believe that democracy is a first-step or pre-condition in the reconciliation process, aggrieved parties in a divided society who feel that justice and truth have not been adequately addressed may simply resume their power struggle through the ballot box. Without adequate progress in reconciliation, the losing party may not be able to accept political defeat and return to armed conflict. Economically, the structure of the new state must ensure equitable economic development and opportunity as well as provide reparations or restitution to people who had

⁴⁶ Kriesberg, 85.

⁴⁷ Huyse, "The Process of Reconciliation," 19-20.

⁴⁸ Daniel Bar-Tal, "Why Does Fear Override Hope in Societies Engulfed by Intractable Conflict, As It Does in the Israeli Society?" *Political Psychology* 22, no. 3 (2001): 601-628.

⁴⁹ Bar-Tal and Bennink, 23; Kriesberg, 85.

⁵⁰ Bloomfield, "Reconciliation: An Introduction," 10-12; Bar-Tal and Bennink, 24.

property confiscated or destroyed unjustly during the conflict. Lastly, like security, impartial law enforcement must enforce justice.

The psychological aspects of justice are even more difficult and contextually sensitive than structural aspects. Whether to engage in a process of retributive justice, amnesty, restorative justice, or a multifaceted approach depends entirely on the sensitivities of the situation's context. Retributive justice seeks to punish perpetrators of crimes. Advocates of retributive justice say that retributive justice avoids unbridled revenge, protects against the return to power of perpetrators, fulfills an obligation to the victims, individualizes guilt, strengthens legitimacy and the process of democratization, and breaks the cycle of impunity.⁵¹ Critics of retributive justice contend that it may be unfeasible due to political circumstances, risks destabilizing a fragile peace, orients on the perpetrator and ignores the feelings and needs of victims, may have crippling effects on governance, and may thwart the reconciliation process if done without an impartial judiciary.⁵² If national tribunals are impractical due to the absence of an impartial judiciary, international tribunals in the United Nation's International Criminal Court provide an alternative. On the other extreme from retributive justice is amnesty. Amnesty may be appropriate in situations where conflict followed law of war guidelines and predominantly occurred between uniformed forces. In most intra-state conflicts where civilian atrocities occurred, amnesty is an inappropriate method for justice. As IDEA notes, "Reconciliation processes are ineffective as long as the vicious circle of impunity is not broken."⁵³ If a state does choose to employ an amnesty approach, it should be a conditional amnesty (for example, child soldiers).⁵⁴ As a middle approach between retributive justice and amnesty, IDEA advocates restorative justice.

⁵¹ Luc Huyse, "Justice," in Bloomfield, Barnes, and Huyse, 98.

⁵² Ibid., 97, 103.

⁵³ Ibid., 108.

⁵⁴ Ibid., 110.

As opposed to retributive justice that focuses on punishing the offender, restorative justice is more concerned with the restoration of the victim and the victimized community through reparations, restitution, and rehabilitation. Restorative justice relies on the traditional approaches of a society to justice and seeks to involve the entire community in the process. It also places greater emphasis on offenders accepting responsibility for their actions than it does on the severity of the punishment.⁵⁵ While restorative justice nicely complements reparations and truth commissions, it does not have an established history of use to assess its utility yet. In limited cases, states have used it successfully for resolving minor crimes and issues. The optimal approach should probably involve an appropriate combination that employs retributive justice for individuals responsible for human rights atrocities, conditional amnesty for specific groups, and restorative justice for remaining victims and communities. Lastly, although truth commissions are not legal entities, they do serve the important purpose of establishing historical justice.

A post-conflict society can only build a shared future upon the foundation of a commonly shared past. The dimension of truth attempts to discern fact from fiction in order to deconstruct negative narratives while reconstructing positive narratives. Perhaps no other dimension seeks to reframe individuals' and groups' societal beliefs as truth does. Its aim is to "prevent, once and for all, the use of the past as the seed of renewed conflict."⁵⁶ The truth commission is the central method in the dimension of truth with the media and public education playing important secondary roles. The decisions to implement truth commissions, broadcast their proceedings, and codify their final reports through scholarship, education, and media are all structural aspects of truth. The objective of a truth commission, however, is a psychological one. According to IDEA, truth commissions generally:

- are temporary bodies, usually in operation from one to two years;
- are officially sanctioned, authorized or empowered by the state and, in some cases, by the armed opposition as well as in a peace accord;

⁵⁵ Huyse, "Justice," 111.

⁵⁶ Huyse, "The Process of Reconciliation," 19.

- are non-judicial bodies that enjoy a measure of de jure independence;
- are usually created at a point of political transition, either from war to peace or from authoritarian rule to democracy;
- focus on the past;
- investigate patterns of abuses and specific violations committed over a period of time, not just a single specific event;
- complete their work with the submission of a final report that contains conclusions and recommendations; and
- focus on violations of human rights and sometimes of humanitarian norms as well.⁵⁷

The final goal of the truth commission process is the shared acknowledgement of past deeds and misdeeds by victims, perpetrators, communities, and society that enables the trust and confidence necessary to move forward together.

While justice and truth focus on the past, healing focuses on the present. Individuals and communities that have experienced protracted conflict have typically endured violence, theft, and trauma that damage people psychologically. IDEA defines healing as:

...any strategy, process or activity that improves the psychological health of individuals following extensive violent conflict. Strategies, processes or activities aimed at rehabilitating and reconstructing local and national communities more broadly are also integrally linked to this process.⁵⁸

Two important points to bear in mind for healing are that all strategies should grow out of a local context and that most healing processes will require multiple methods.⁵⁹

Structural methods for healing center largely on reparation and restitution for those who had property lost, stolen, or destroyed during the conflict. Relocation of IDPs is another essential healing method. NGOs may further assist communities by training local counselors on psychosocial support skills.⁶⁰ Because healing is intimately tied to truth and justice, media coverage of trials and truth commissions as well as subsequent apologies, forgiveness, and

⁵⁷ Mark Freeman and Priscilla B. Hayner, "Truth-Telling," in Bloomfield, Barnes, and Huyse, 125.

⁵⁸ Brandon Hamber, "Healing," in *Reconciliation after Violent Conflict*, ed. David Bloomfield, Teresa Barnes, and Luc Huyse (Stockholm: International Institute for Democracy and Electoral Assistance, 2003), 77.

⁵⁹ Ibid., 82.

⁶⁰ Bar-Tal and Bennink, 33.

punishments is paramount. Lastly, memorials and monuments serve an important healing role, both in the initial public dedication as well as a point for emotional pilgrimage to commiserate with others who are dealing with the same healing process.

As mentioned, psychological methods for healing rely heavily on justice and truth. Reparations and restitution are also critical in healing psychological trauma from loss of property. The effect of apologies and forgiveness depends largely on the religious context of the situation. While most religions recognize and accept the importance of apologies or repentance, conceptions of forgiveness can be quite different. External players in a reconciliation process must base their expectations for issuing forgiveness in this context.⁶¹ While forgiveness is a central characteristic in Christianity, it is not necessarily viewed in the same manner in other religions. Lastly, much of the most difficult work in healing occurs in rehabilitative efforts that include psychosocial programs, individual counseling and support interventions, self-help support groups, and eventually joint programs involving victims and perpetrators from the conflict.⁶² The ultimate goal of healing is to enable individuals and communities to overcome the psychological trauma of past violence in order to reach the point where they can empathize with their former adversaries.

Critical Factors of the Environmental Context

The following section focuses on six critical factors that assist in understanding an environment in order to assess its potential for reconciliation. These factors are historical context, the transition and peace settlement, societal activism and interests, the international context, geography, and culture.

Historical context is not simply history. For external facilitators of reconciliation, understanding the past of a divided society is not nearly as important as understanding how the

⁶¹ Yehudith Auerbach, "Forgiveness and Reconciliation: The Religious Dimension," *Terrorism and Political Violence* 17, no. 3 (October, 2005): 469-485; Kriesberg, 84.

⁶² Hamber, 82; Bar-Tal and Bennink, 33-34; Kriesberg, 102-103.

people within that society interpret their pasts to shape their narratives.⁶³ The length of the conflict in history can make divisions within a society especially deep.⁶⁴ While some conflicts may have their roots in the 20th century, others, like the Israeli-Palestinian conflict, can stretch back over millennia. Following the collapse of Yugoslavia in the 1990s, many readers of Robert Kaplan's *Balkan Ghosts* were surprised to learn that events, which occurred hundreds of years ago, remained contentious issues in the present. The nature, scale, and degree of past violence also affect the depths of division within a society. For example, the intensity of violence in Northern Ireland, where around 3,000 people were killed over 30 years, is significantly different to the intensity of violence in Rwanda, where 1,000,000 people were killed in about 100 days.⁶⁵ In Rwanda, the effect of that intensity is far more profound on that society. The longevity and violence of a conflict will entrench deep and widespread beliefs and attitudes about one's own community and the rival community.⁶⁶ These attitudes and beliefs evolve into mythologies and histories that can become the core of a group's identity and narrative. Equally important, one must understand how leaders or groups have invented or manipulated ethnic identities to redress grievances among competing economic, political, and security interests.⁶⁷

Both transitions and peace settlements establish the initial conditions for reconciliation. Non-violent transitions generally facilitate any subsequent reconciliation processes whereas violent transitions complicate a subsequent reconciliation process. While the trauma will be greater in oppressive regimes that have historically used state violence to suppress dissension, the clear distinction between oppressive regime and oppressed people is relatively clear and actually

⁶³ David Bloomfield, "The Context of Reconciliation," in Bloomfield, Barnes, and Huyse, 40.

⁶⁴ Ibid.

⁶⁵ Ibid., 41.

⁶⁶ Ibid., 42.

⁶⁷ Stuart J. Kaufman, *Modern Hatreds: The Symbolic Politics of Ethnic War* (Ithaca: Cornell University Press, 2001), 5-13; V.P. Gagnon, Jr., *The Myth of Ethnic War: Serbia and Croatia in the 1990s*, (Ithaca: Cornell University Press, 2004), 31-32, 178-181.

facilitates reconciliation.⁶⁸ Oppressive regimes that voluntarily cede power to a representative government can engender goodwill and, in so doing, facilitate reconciliation. The most difficult and common transitions are those involving a violent and protracted armed opposition against an oppressive government. The violence perpetrated against one another makes reconciliation an exceptionally complex undertaking.⁶⁹

The nature of the peace settlement can also predetermine the viability of a reconciliation process.⁷⁰ Peace settlements that serve merely as a truce to gain time for reorganization before the resumption of hostilities are obviously bound to fail. Both sides must perceive the peace settlement as fair and must back it with a mutual and genuine desire to settle their differences through non-violent means.⁷¹ The Treaty of Versailles, and its treatment of Germany, is a frequently cited example of a peace settlement that laid the foundation for future conflict. Additionally, intrastate peace settlements must address the path of reconciliation and at a minimum specify communication and structural mechanisms to initiate the process.⁷²

Societal activism and interests can be instrumental in establishing the civil institutions to advance reconciliation. Both societies must actively support reconciliation. Leaders must be committed to the success of the process and work to build good and trustful relations with their counterparts.⁷³ Groups and individuals who support reconciliation must be active proponents of the process in order to encourage the growth of a societal consensus in favor of reconciliation. Institutional groups with cross-cutting interests can also reach out to their counterparts to pursue

⁶⁸ Bloomfield, "The Context of Reconciliation," 42.

⁶⁹ Ibid.

⁷⁰ Bar-Tal and Bennink, 35.

⁷¹ Ibid.

⁷² Bloomfield, "The Context of Reconciliation," 43-44.

⁷³ Bar-Tal and Bennink, 35.

common interests.⁷⁴ Such groups include labor organizations, women's groups, socio-economically disadvantaged groups, or religious communities.

The international context and its actors can significantly encourage or impede a reconciliation process. In the case of the Iraqi Kurds during their civil war in the 1990s, the competing interests of Saddam Hussein's Iraq, Turkey, Iran, and the United States both impeded and helped the ability of the warring sides in the Kurdish civil war to reconcile. Third party countries can provide the disinterested, neutral venue necessary in an environment characterized by distrust for adversaries to discuss differences and negotiate solutions. Conversely, regional actors can help or sabotage a reconciliation process according to its relative interests in the region. Because many state boundaries in Africa and the Middle East divide tribal and ethnic groups, regional actors in those areas will typically influence any reconciliation process that involves shared groups. The greater international community can aid reconciliation through NGOs that support and facilitate the truth and healing dimensions of reconciliation, like IDEA, as well as third parties, such as the United Nations or International Criminal Court, that facilitate the security and justice dimensions of reconciliation.

Like the international context, geography has an indeterminate influence on reconciliation. While adversary groups that are clearly separated may have an easier time of establishing initial security early in the process, the separation may severely inhibit the truth and healing dimensions of the process. As IDEA notes, "It is virtually impossible for people to challenge their negative images and stereotypes of a former enemy if they do not encounter them as a human reality."⁷⁵

Perhaps the most critical factor of the environmental context affecting reconciliation is culture. As mentioned in the discussion on healing, a society's cultural outlook regarding forgiveness or retribution can significantly impact not just the pace of reconciliation, but the

⁷⁴ Bloomfield, "The Context of Reconciliation," 44.

⁷⁵ Ibid., 47.

feasibility of the entire process. Many scholars have noted that African societies have a tendency for forgiveness embodied in the concept of *ubuntu*. Archbishop Desmond Tutu describes someone with an *ubuntu* world-view as “...open and available to others, for he or she has a proper self-assurance that comes from knowing that he or she belongs in a greater whole and is diminished when others are humiliated or diminished.”⁷⁶ Other cultures, however, may be extremely concerned with maintaining honor through revenge or abiding by the retributive principle “an eye for an eye.”

In order to be successful, reconciliation processes must be culturally astute and seek to exploit indigenous cultural methods for facilitating the process. Western models of mediation and justice are frequently inappropriate in a non-Western cultural context. Indigenous people may perceive such methods as alien, irrelevant, or externally imposed.⁷⁷ The Rwandan *gacaca* tribunals are an example of a culturally appropriate justice mechanism. Besides Rwandan’s familiarity with the *gacaca* tribunal, it also includes a healing element in the process that complements reconciliation more effectively than the separate Western approaches.⁷⁸

Lastly, a culture’s view on tolerance is another important factor affecting reconciliation. Religious or social dogmas that expressly prohibit tolerance of differing viewpoints or positions can be insurmountable obstacles in a reconciliation process. While some leading authorities on reconciliation claim that there is never a cultural context where the process cannot work, cultures centered on entrenched concepts of intolerance may make the process impractical or infeasible.⁷⁹ Moreover, groups that ostensibly express a desire to reconcile within a state while still embracing a culture of intolerance must raise suspicions about the sincerity of their desire to reconcile.

⁷⁶ Bloomfield, “The Context of Reconciliation,” 46.

⁷⁷ Ibid.

⁷⁸ Ibid., 47.

⁷⁹ Ibid., 46. Bloomfield asserts, “...culture never supersedes the need for a reconciliation process.”

Principles of Reconciliation

From a broad study of reconciliation, several recurrent themes begin to emerge as general principles of reconciliation:

First, the desire to reconcile must be genuine, and it must be mutual among conflicting groups. The parties involved must abandon “zero-sum” mindsets and desist from any desire to subjugate the opposing party. They must accept changing their conflict from one based on violence to one based in politics.

Second, reconciliation must be an internally driven, home-grown process. External actors cannot impose or force it. External actors may facilitate the process by helping to create the conditions for reconciliation, but the conflicting groups must drive the process. There must be a shared perception by both groups that a shared future is more advantageous than a divided future.

Third, not all states with divided societies can reconcile. If there is not a widespread desire to reconcile and little to no perception of advantage in a shared future, then separate states may be a more appropriate solution.

Fourth, the contextual factors of a divided society can indicate whether reconciliation is feasible or not. Contextual factors also indicate whether the process’s length will be measured in years, decades, or generations.

Fifth, there is no universally applicable reconciliation process. Each situation involves unique and complex social systems. The methods employed and the dimensions addressed must be sensitive to the factors of the environmental context.

Finally, like democracy, successful reconciliation requires tolerance. Cultures whose identities prohibit the acceptance of heterogeneous societies may be unreceptive to the concept of reconciliation.

Reconciliation in US Civilian and Military Doctrines

Over the last ten years, reconciliation has become increasingly prominent in the US government's policies and doctrines. Within the USG, reconciliation falls under the purview of stability operations. National policy implicitly recognizes the greater role of political efforts in achieving stability by designating the Department of State (DoS) to lead stability operations for the USG. In 2004, DoS established the Office of the Coordinator for Reconstruction and Stabilization (S/CRS) to coordinate USG efforts in stability operations.⁸⁰ As such, S/CRS coordinates with the Department of Defense (DoD), US Agency for International Development (USAID), Department of State, Department of Justice, Department of Homeland Security, Department of Agriculture, Department of Commerce, Department of Health and Human Services, Central Intelligence Agency, and Department of Treasury.⁸¹ Moreover, DoD explicitly recognizes DoS and S/CRS as the lead agencies for USG sponsored stability operations.⁸²

The civilian and military doctrines for stability operations have evolved from an amalgamation of disconnected policies, strategies, goals, frameworks, and doctrines among several agencies into a relatively coherent strategy with nested and supporting doctrine. In April 2005, S/CRS published "Post-Conflict Reconstruction Essential Tasks," which established five sectors for stability operations: Security, Governance and Participation, Humanitarian Assistance and Social Well-Being, Economic Stabilization and Infrastructure, and Justice and Reconciliation. S/CRS further subdivided those sectors into a number of sub-sectors with hundreds of supporting short-term, mid-term, and long-term tasks and goals.⁸³ (See Appendix B)

⁸⁰ FM 3-07, *Stability Operations*, October 2008, 2-5.

⁸¹ Office of the Coordinator for Reconstruction and Stabilization, "The S/CRS Interagency Team," Department of State, <http://www.crs.state.gov/index.cfm?fuseaction=public.display&shortcut=CKIH> (accessed March 19, 2010).

⁸² FM 3-07, *Stability Operations*, October 2008, 2-5.

⁸³ Office of the Coordinator for Reconstruction and Stabilization, "Post-Conflict Reconstruction Essential Tasks, April 2005," Department of State, <http://www.crs.state.gov/index.cfm?fuseaction=public.display&shortcut=J7R3> (accessed March 19, 2010).

S/CRS’s “Post-Conflict Reconstruction Essential Tasks” was exceptional in that it was the first S/CRS document to explicitly address psychological reconciliation methods, such as truth commissions, public outreach programs, ethnic and intercommunity confidence building, and remembrance projects. In May 2007, DoS and USAID published their joint “Strategic Plan: Fiscal Years 2007-2012” which established five strategic goals that clearly correlated with S/CRS’s five stability sectors.⁸⁴ In October 2008, the US Army published FM 3-07, *Stability Operations*, which defined five primary stability tasks for military forces that directly supported S/CRS’s stability sectors. (See Figure III-1)



Figure III-1⁸⁵

Finally, in 2009, the United States Institute of Peace (USIP) and the US Army Peacekeeping and Stability Operations Institute published *Guiding Principles for Stabilization and Reconstruction* (hereafter *Guiding Principles*). As USIP notes:

For decades, militaries have been equipped with doctrine that guides their decisions and actions. Civilian actors, however, still operate today without any unifying framework or shared set of principles to guide their actions in these complex environments... The

⁸⁴ U.S. Department of State and U.S. Agency for International Development, “Strategic Plan: Fiscal Years 2007-2012, May 7, 2007,” <http://www.state.gov/documents/organization/86291.pdf> (accessed March 19, 2010), 10-11. In 2007 *Strategic Plan* originally listed the following seven strategic goals: 1) Achieving Peace and Security, 2) Governing Justly and Democratically, 3) Investing in People, 4) Promoting Economic Growth and Prosperity, 5) Providing Humanitarian Assistance, 6) Promoting International Understanding, 7) Strengthening Consular and Management Capabilities. Since then, DoS has dropped strategic goal six and seven and currently only lists goals one through five.

⁸⁵ FM 3-07, *Stability Operations*, October 2008, 2-5.

Guiding Principles seeks to fill this gap... the manual offers two important contributions: 1) a comprehensive set of shared principles and 2) a shared strategic framework.⁸⁶

In October, 2009, Ambassador John Herbst, head of S/CRS, endorsed *Guiding Principles* as S/CRS's doctrine for guiding civilian interagency efforts in stability operations.⁸⁷ Like FM 3-07's stability tasks, *Guiding Principles* explicitly integrated its framework with the S/CRS's stability sectors.⁸⁸ (See Figure III-2) Thus, S/CRS's five stability sectors (or USG Technical Sectors) were supported by a military doctrine in FM 3-07 and a civilian doctrine in *Guiding Principles* and "Post-Conflict Reconstruction Essential Tasks."

Guiding Principles End States	U.S. Government Technical Sectors
Safe and Secure Environment	Security
Rule of Law	Justice and Reconciliation
Stable Governance	Governance and Participation
Sustainable Economy	Economic Stabilization and Infrastructure
Social Well-Being	Humanitarian Assistance and Social Well-Being

Figure III-2⁸⁹

The remainder of this section will assess how well USG civilian and military doctrines for stability operations address reconciliation by first scrutinizing the civilian doctrine and then the military doctrine. The section will conclude by assessing the potential impacts of these doctrines' shortcomings.

⁸⁶ United States Institute for Peace, "Guiding Principles for Stabilization and Reconstruction," (November 2009) <http://www.usip.org/resources/guiding-principles-stabilization-and-reconstruction> (accessed March 19, 2010).

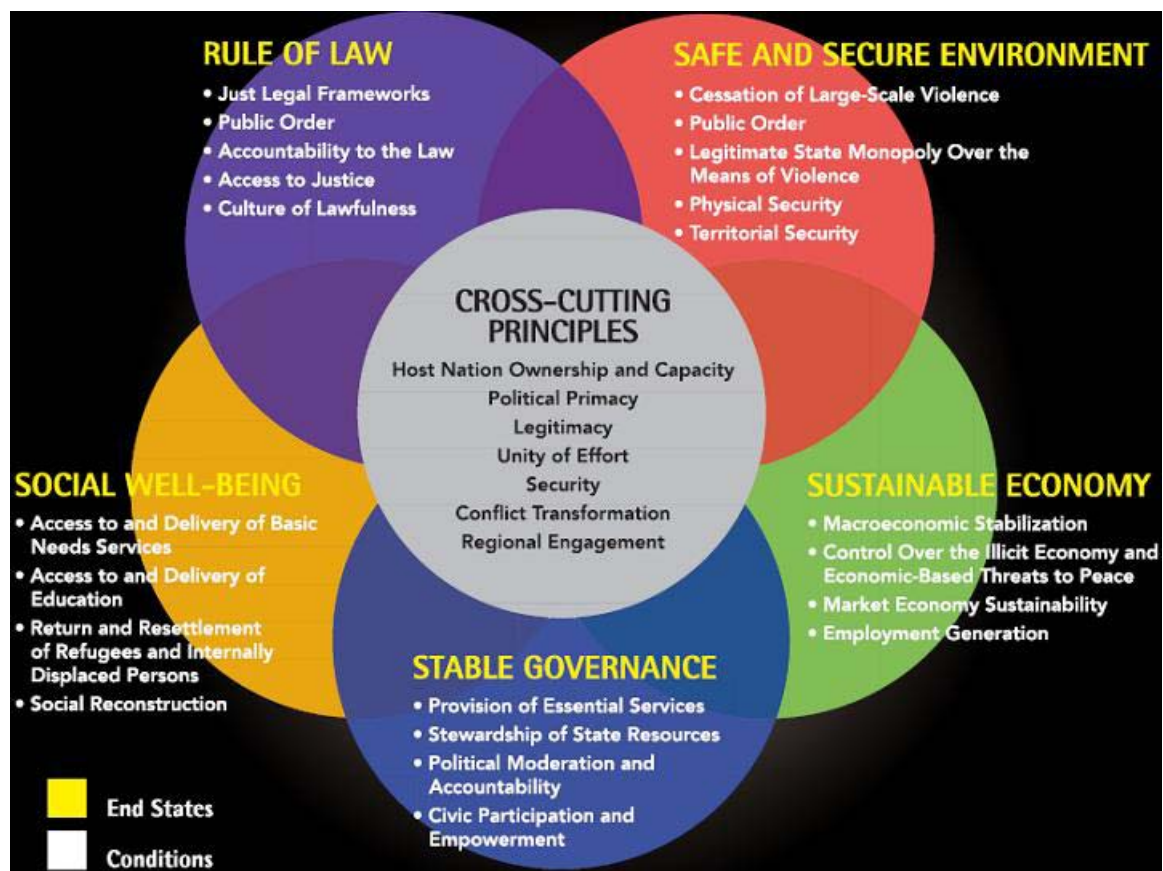
⁸⁷ John Herbst, "'Guiding Principles for Stabilization and Reconstruction': A Strategic Roadmap for Peace," U.S. Department of State, Dipnote Blog, entry posted October 7, 2009, http://blogs.state.gov/index.php/entries/strategic_roadmap_for_peace/ (accessed March 19, 2010).

⁸⁸ United States Institute of Peace (USIP) and United States Army Peacekeeping and Stability Operations Institute (USAPSOI), *Guiding Principles for Stabilization and Reconstruction* (Washington, D.C.: United States Institute of Peace, 2009), 1-6.

⁸⁹ Ibid.

USG's Civilian Doctrine for Stability Operations

Guiding Principles is a remarkably lucid, pragmatic, and comprehensive document. Reflecting some of its authors' military backgrounds, its "Strategic Framework for Stabilization and Reconstruction" identifies five major "end states" that are supported by several "conditions." (See Figure III-3) Moreover, numerous approaches support each condition. (See Appendix C) The framework elaborates several "cross-cutting principles" that are pervasive throughout every end state. Unlike many DoS strategies and policies from the last ten years, *Guiding Principles* does not advance democracy as the primary means for stabilizing all societies. Instead, it acknowledges the complexities and cultural variations within societies and views representation and eventual democracy as one of hundreds of possible approaches for stabilizing a society.⁹⁰



⁹⁰ USIP and USAPSOI, 8-118, 8-127 to 8-128.

Figure III-3⁹¹

In one of many nods to complexity, *Guiding Principles* emphasizes that stability operations occur in environments of social complexity and are not linear operations.⁹² Nearly every section of the document reminds readers of the critical importance of understanding the cultural and social context of the societies in which stability operations occur. Additionally, each chapter concludes with a section titled “Trade-offs” and a section titled “Gaps and Challenges.” The former addresses how different approaches can conflict with one another or how short-term solutions can undermine long-term objectives. The latter frankly addresses the capabilities shortcomings of both the USG and international actors in executing some of the prescribed approaches. In short, *Guiding Principles* departs from the reductionist and simplistic approach to stability operations that characterized many previous USG approaches to stability operations.

While USG policies and doctrines regarding stability operations in the past addressed many of the structural aspects of reconciliation – establishing a judicial-legal system, training police, holding elections – they neglected to address the more complex and nuanced methods of psychological reconciliation. *Guiding Principles* covers both structural and psychological reconciliation methods. In Chapter 7, “Rule of Law,” the approach to transitional justice cites several psychological reconciliation methods to include special courts or tribunals, truth and reconciliation commissions, customary or traditional indigenous approaches, reparations, public apologies, commemorations, or the International Criminal Court.⁹³ *Guiding Principles* lists the majority of reconciliation specific methods in the end state “Social Well-Being” under the necessary condition “Social Reconstruction.” Augmenting some of the transitional justice approaches, “Social Reconstruction” addresses approaches to include inter- and intra-group reconciliation, indigenous practices for acknowledging wrongdoing, truth telling via truth

⁹¹ USIP and USAPSOI, 2-8.

⁹² Ibid., 5-32.

⁹³ Ibid., 7-82 to 7-84.

commissions, peace commissions, retributive justice, restorative justice, lustration, reparations, mass media, healing, memorialization, and community-based development.⁹⁴ In a refreshing departure from the short-term “quick-fix” approaches of Ottaway’s “Donor’s Model,” the chapter cautions stability practitioners that “reconciliation is an ongoing process – not an end goal – that may last for generations.”⁹⁵ Thus, both the structural and psychological pieces for a reconciliation strategy are all clearly present in *Guiding Principles*.

Despite the enormous progress in the USG approach to stability operations reflected in *Guiding Principles*, the doctrine nevertheless suffers from some fundamental shortcomings. First, neither *Guiding Principles* nor its predecessor document, “Post-Conflict Reconstruction Essential Tasks,” attributes responsibility to any agencies for achieving the listed end states, conditions, or goals. S/CRS is currently building a “Civilian Response Corps” (CRC) from the USG agencies and departments with whom it coordinates. This CRC, once stood up, would presumably be responsible for achieving those end states, conditions, and goals by executing an S/CRS-devised strategy of approaches and essential tasks appropriate to the environmental context.⁹⁶ For the specialized methods required in psychological reconciliation, it is unclear where S/CRS could find such expertise within the USG. Either the USG would have to build the capabilities within one of its agencies or the S/CRS would have to out-source the expertise from international NGOs. Regardless, failure to clearly delineate responsibility for end states, conditions, or goals either invites neglect of those aspects of the strategic framework or creates a vacuum for which the US military becomes responsible.

⁹⁴ USIP and USAPSOI, 10-186 to 10-191.

⁹⁵ Ibid., 10-188.

⁹⁶ John Herbst, “‘Guiding Principles for Stabilization and Reconstruction’: A Strategic Roadmap for Peace,” Dipnote Blog, entry posted October 7, 2009, http://blogs.state.gov/index.php/entries/strategic_roadmap_for_peace/ (accessed March 19, 2010). Ambassador Herbst stated in his blog announcing the S/CRS’s adoption of *Guiding Principles*: “Together, the [strategic] framework and shared principles offer a critical tool for educating and training the hundreds of officers in the Active, Standby and Reserve components of the U.S. Department of State’s Civilian Response Corps.”

Second, reconciliation's treatment in *Guiding Principles* and "Post-Conflict Reconstruction Essential Tasks" suggests that the experts who wrote the doctrine did not consider reconciliation especially important or significant. Despite the deliberate effort to integrate the five end states in *Guiding Principles* with S/CRS's five stability sectors, the one clear mismatch is with reconciliation. In the stability sectors, S/CRS has grouped it with justice in the "Justice and Reconciliation" sector while *Guiding Principles* groups it with essential services, education, and IDPs in the "Social Well-Being" end state. In fact, *Guiding Principles* does not even list reconciliation as a necessary condition, but merely an approach to the necessary condition of "social reconstruction." (See Appendix C) Of the 22 necessary conditions listed in *Guiding Principles*, only two ("Social Reconstruction" and "Accountability to the Law") address the unique psychological methods of reconciliation. Additionally, of the 68 approaches listed, only three ("Inter- and Intra-Group Reconciliation," "Community Based Development," and "Transitional Justice") address psychological methods of reconciliation. The situation is much the same in "Post-Conflict Reconstruction Essential Tasks." Of the 54 sub-sections listed in "Post-Conflict Reconstruction Essential Tasks," only the last three address reconciliation. (See Appendix B) The sparse treatment and disjointed categorizing of reconciliation suggest that US stability experts do not fully understand it or appreciate it.

Third, none of the current civilian or military doctrines recognizes some critical foundational principles of reconciliation. Specifically, none acknowledges that reconciliation must be a voluntary, internally-driven process by the conflicting groups or that it cannot be externally imposed. Moreover, neither doctrine acknowledges that some divided societies may be irreconcilable and require permanent separation.

Finally, while the pieces for an effective reconciliation strategy are present in *Guiding Principles*, the doctrine does not integrate them into a coherent reconciliation strategy. This is due largely to the most fundamental shortcoming of the doctrine: it does not distinguish between the nature of the conflict in post-conflict societies. It treats a "post-international war" society the

same as a “post-civil war” society. Although a post-conflict society that suffered a civil war may look much like a society that suffered an international war, the similarities end there. While the writers of *Guiding Principles* certainly intended to provide a flexible array of options for stability operators, and not a prescribed strategy, it nonetheless fails to address this critical distinction. In a state traumatized by widespread, inter-group violence, reconciliation must rise from one of 68 approaches to become the unifying strategic approach and purpose of the stability operation. US failures in stability operations in Iraq and Afghanistan throughout the last decade do not afford the USG the luxury of ignoring the importance of reconciliation. In both countries, the USG squandered thousands of lives and billions of dollars attempting to rebuild societies on foundations that were cracked and unsound. In both countries, the foundations invariably faltered, and years of work were lost.

USG’s Military Doctrine for Stability Operations

As aforementioned, DoD has integrated its five “stability tasks” with S/CRS’s five stability sectors. (See Figure III-1) FM 3-07 lists the five stability tasks as:

- Establish Civil Security
- Establish Civil Control
- Restore Essential Services
- Support to Governance
- Support to Economic and Infrastructure Development⁹⁷

Like S/CRS’s “Post-Conflict Reconstruction Essential Tasks,” DoD has identified sub-tasks under its “stability tasks” which it calls “essential stability tasks.” DoD supports S/CRS’s stability sector “Justice and Reconciliation” with the essential stability task “Establish Civil Control.”

Under “Establish Civil Control,” DoD lists the following essential stability tasks:

- Establish Public Order and Safety
- Establish Interim Criminal Justice System
- Support Law Enforcement and Police Reform
- Support Judicial Reform

⁹⁷ FM 3-07, *Stability Operations*, October 2008, 2-5.

- Support Property Dispute Resolution Processes
- Support Justice System Reform
- Support Corrections Reform
- Support War Crimes Courts and Tribunals
- Support Public Outreach and Community Rebuilding Programs⁹⁸

Of these, all except the last one address either security or the structural aspects of justice. The essential stability task “Support Public Outreach and Community Rebuilding Programs” comes closest to addressing some of the psychological aspects of reconciliation, but its description in FM 3-07 notes the military’s limited involvement in this aspect of stability operations:

Public outreach and community rebuilding programs are central to the reconciliation process and to promoting public respect for the rule of law. They provide the local populace with a means to form a cohesive society. *While these programs generally do not involve substantial military involvement, some activities require the force’s support to achieve success.*⁹⁹ [emphasis added]

The section goes on to note that military involvement in this essential stability task might involve establishing broad public information programs to promote reconciliation efforts, developing public access to information, or assessing the needs of vulnerable populations.¹⁰⁰

FM 3-07 and its five stability tasks clearly reflect the recognition that the military’s role in stability operations is a supporting one to the civilian effort. FM 3-07 correctly understands that the military’s responsibility in stability operations is to create the conditions for other stability approaches and methods by creating and maintaining a safe and secure environment. Except for security, current military organizations do not possess the institutional capabilities to effectively lead in other stability sectors.

Filling the Void: The “Armed Reconciler”

Throughout 2007 as the surge in Iraq brought a swift decrease in violence and an increase in security, US political leaders and military leaders increasingly employed the term

⁹⁸ FM 3-07, *Stability Operations*, October 2008, 3-5 to 3-9.

⁹⁹ Ibid., 3-9.

¹⁰⁰ Ibid.

“reconciliation” to describe the subsequent operations. Since then the term’s usage has grown in national policy doctrine relating to stability operations. As discussed in this section, however, there still appears to be a considerable degree of confusion about what reconciliation is, how it should shape or influence stability operations, and who performs reconciliation methods. Indicative of this confusion was an article published in *Military Review* by Dr. Michael Mosser in November 2007 titled “The ‘Armed Reconciler’: The Military Role in the Amnesty, Reconciliation, and Reintegration Process.”

In the article, Dr. Mosser proposes that the amnesty, reconciliation, and reintegration (AR2) process occurs in a model of political, economic, and security dimensions surrounded by a societal and cultural context. (See Figure III-4) Dr. Mosser states that amnesty, reconciliation, and reintegration are “distinct phases” in which amnesty “must be in place as a foundation before reconciliation or reintegration can take place.”¹⁰¹ The order for reconciliation and reintegration, however, are interchangeable.

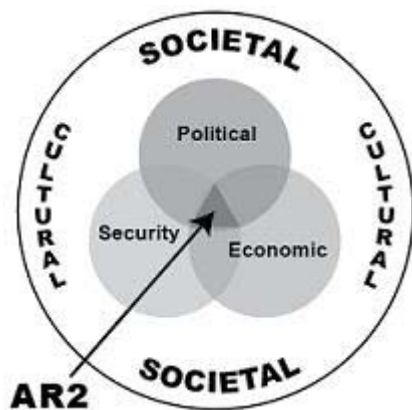


Figure III-4¹⁰²

Dr. Mosser’s AR2 process and dimensional model reflect several shortcomings. First, he does not offer a definition for either reconciliation or reintegration nor does he provide examples of what these processes might look like in their respective political, economic, or security

¹⁰¹Michael Mosser, “The ‘Armed Reconciler’: The Military Role in the Amnesty, Reconciliation, and Reintegration Process,” *Military Review* LXXXVII, no. 6 (November-December 2007): 14.

¹⁰² Mosser, 14.

dimensions. Equally unclear is where psychological reconciliation methods like truth commissions, apologies and forgiveness, restorative justice, and intra-community counseling would fit within the three dimensions. Although he acknowledges that “...cultural concerns and idiosyncrasies clearly have to be taken into account when attempting to structure any AR2 process from the outside,” the processes and the dimensions seem to preclude the flexibility necessary to structure a culturally-appropriate process.¹⁰³ Dictating distinct phases for a process like reconciliation is a reductionist approach to a complex problem. Additionally, current reconciliation theorists do not support the underlying assumption that amnesty is an essential precondition for all reconciliation processes. The nature of the conflict, the degree of violence against civilians, the cultural disposition toward forgiveness, and indigenous conceptions of appropriate justice are a few of the critical variables that may or may not support an amnesty approach. Besides the absence of a definition for reconciliation, the AR2 concept belies a failure to understand reconciliation by listing amnesty and reintegration as separate phases rather than subcomponents of an overarching reconciliation process.

Perhaps the greatest shortcoming in Dr. Mosser’s AR2 process and dimensional model is the role he envisions for the military as “armed reconcilers.” In the opening of his article, he states:

The process of reconciling a fractured and fragmented society after any conflict – or better yet before a conflict can erupt – is tortuously complicated... Sometimes, it may require military force to make that happen. And so, when the US Government finds itself helping rebuild the social structure of a failed state, a “quasi-state,” or some ungoverned space, it should consider using the military as a “forcing function” to bring aggrieved populations together.¹⁰⁴

Throughout the article, Dr. Mosser repeatedly advances the notion of armed reconcilers who “can push a society toward reconciliation” or are “instigating change and pushing a society into

¹⁰³ Mosser, 14.

¹⁰⁴ Ibid., 13.

AR2.”¹⁰⁵ While he acknowledges that a society must be receptive to reconciliation and its constituent actors have to be amenable to it, he nevertheless envisions the military as the drivers of the process. He justifies the armed reconciler concept with some questionable logic. He correctly cites the Army’s FM 3-0 and DoD Directive 3000.05 in asserting that stability operations are a core mission for the military and that the military has become responsible for setting the conditions for stable, viable post-conflict environments. He then attempts to make the doctrinal justification for the armed reconciler concept by stating:

According to US Army Field Manual (FM) 3-0, *Operations*, were the military to engage in the process of encouraging societal reconciliation, it would do so only as part of a “stability” operation, where “Army force presence promotes a stable environment.” Although FM 3-0 does not say so explicitly, we can reasonably assume that stability operations carry forward until the society can stand on its own, so by implication the military takes on the role of armed reconciler.¹⁰⁶

Dr. Mosser’s logic here is confusing. He seems to suggest that because the military is present during the reconciliation phase, and because the military is responsible for promoting “a stable environment,” it is therefore responsible for serving as a “forcing function” in the reconciliation process, despite the lack of explicit language saying anything of the sort in military doctrine. In addition to his poor logic, this passage again suggests failure to understand reconciliation. Reconciliation processes are measured in decades and generations, not months or years. Military forces marching into a village, lining up the opposing parties, and then ordering them to shake hands at gunpoint is not reconciliation. In short, the concept of the armed reconciler is utterly invalid because it contradicts the most fundamental principle of reconciliation: The conflicting parties must desire reconciliation enough to drive the process from within.

US Civilian and Military Doctrine Synopsis

US doctrine on stability operations and its growing treatment of reconciliation have made tremendous improvements over the last three years with the publication of the Army’s FM 3-07

¹⁰⁵ Mosser, 16, 17.

¹⁰⁶ Ibid., 16.

Stability Operations and the S/CRS's adoption of *Guiding Principles* for its civilian doctrine. The doctrines, however, do not appreciate the difference between a post-civil war society and a post-interstate war society, and thus fail to recognize the importance of reconciliation. While the pieces for a reconciliation strategy are present, the doctrines have not formed them into a coherent strategy based on reconciliation. This presents the future danger of stability approaches that do not address the root problems of a society while risking years of wasted lives and money. Additionally, current doctrine is unclear about who is responsible for reconciliation methods or how they would accomplish those methods. This void in doctrine, coupled with a general misunderstanding of reconciliation, has led some to advocate a growing role for the military in stability operations beyond just security. Besides Dr. Mosser's armed reconciler concept, other authors and military commentators, like Thomas Barnett and John Nagl, continue to advocate for the military to increase its focus and responsibilities in stability operations.

Reconciliation in South Africa, Rwanda, and Northern Ireland

This section scrutinizes three prominent examples of psychological reconciliation methods in South Africa, Rwanda, and Northern Ireland to illustrate two points. First, psychological reconciliation methods are intricately complex, and second, a military forcing function would be utterly inappropriate in those methods. This section does not intend to be an exhaustive assessment of the roots of conflict in those situations or the overall effectiveness of that country's reconciliation process. Instead, it examines a particular method of psychological reconciliation and the role of the military in each case. The selection of the South African, Rwandan, and Northern Ireland case studies stemmed from Dr. Mosser's use of these three case studies in subsequent articles in *Military Review* to validate his AR2 process and the armed reconciler concept. Additionally, reconciliation experts have scrutinized all three cases extensively and have provided abundant literature on each. While the AR2 process is an imperfect framework with some notable shortcomings, this section is not concerned with

assessing its applicability to the given case studies. Rather, it focuses primarily on a particular psychological reconciliation method and the applicability of the armed reconciler concept in each case study.

This section consciously does not make conclusions about the effectiveness of the social reconciliation methods due to the constraint of time. All three cases experienced their primary conflict resolution events after 1993 - South African elections in 1994, Paul Kagame and the Rwanda Patriotic Front's seizure of Kigali in 1994, and the Good Friday Agreement in 1998. Moreover, reconciliation processes are still under way in Rwanda and Northern Ireland. Although South Africa did submit its final report on its Truth and Reconciliation Commission in 2001, it is still grappling with issues surrounding economic disparity between its Xhosa and European peoples. As emphasized previously, reconciliation processes are measured in generations, and not enough time has passed to make a conclusive assessment of the effectiveness of these reconciliation processes. An early and positive indication, however, is the fact that none of these societies has degenerated into armed conflict since its conflict resolution. Only the passage of time, however, will provide the perspective to determine if these reconciliation processes were largely effective or largely ineffective in sustaining the peace.

South Africa and the Truth and Reconciliation Commission

Under the legal system of segregation called apartheid, South Africa was a deeply divided society between the native Xhosas, led by the African National Congress (ANC), and the European descended English and Afrikaners who controlled the government and economy. Following the killing of 69 anti-apartheid protesters in Sharpeville in March, 1960 by the South African security forces, the ANC initiated a campaign of civil disobedience characterized by protests, strikes by urban workers and students, and numerous acts of sabotage that lasted through the 1980s. In 1989, under the economic pressure of internal strikes and international divestment, the South African government began negotiations with the ANC to end apartheid. From these

negotiations, the ANC and the ruling National Party produced the Interim Constitution of November 1993. The constitution was a compromise that agreed to make South Africa a majority-ruled state so long as the new government granted a full pardon to members of the government for actions taken during the fight against the ANC.¹⁰⁷ In April 1994, South Africa held elections in which the ANC won an overwhelming majority, and Nelson Mandela was elected president.

Although the new constitution and the subsequent elections signified the acceptance of defeat by the ruling white minority, 45 years of apartheid and nearly 30 years of armed resistance by the ANC had left tens of thousands of South Africans with the scars of human rights violations and war crimes.¹⁰⁸ To redress these grievances, the South African Parliament passed the Promotion of National Unity and Reconciliation Act that established the Truth and Reconciliation Commission (TRC) in 1995. The government appointed Archbishop Desmond Tutu to lead the process with 17 supporting commissioners. The TRC had the power to grant individualized amnesty, search premises and seize evidence, subpoena witnesses, and run a sophisticated witness protection program.¹⁰⁹ The TRC was charged with cataloging the human rights abuses of the past through the Human Rights Violations Committee, assessing perpetrators eligibility for amnesty through the Amnesty Committee, and compensating victims for their suffering through the Reparations and Rehabilitation Committee.¹¹⁰ Conducted across South Africa and frequently televised, TRC hearings consisted of public disclosures of human rights violations by the victims or their families. If the perpetrator was willing to testify, his testimony would follow the victim's testimony. If the perpetrator made a full confession of his actions and the TRC deemed his crime

¹⁰⁷ Timothy Bairstow, "Amnesty, Reintegration, and Reconciliation: South Africa," *Military Review* LXXXIX, no. 2 (March-April 2009): 89, 92.

¹⁰⁸ Mark Freeman and Priscilla Hayner, "The Truth Commissions of South Africa and Guatemala," in Broomfield, Barnes, and Huyse, 140.

¹⁰⁹ Freeman and Hayner, "The Truth Commissions of South Africa and Guatemala," 140.

¹¹⁰ Bairstow, 92.

“politically motivated,” the TRC would grant the perpetrator amnesty.¹¹¹ The granting of amnesty was particularly contentious since the TRC could pardon even murder or torture with amnesty so long as the TRC deemed the crime “politically motivated.” The TRC completed its hearings and submitted its final report in 1999. The TRC took testimony from 23,000 victims and witnesses, 2,000 of whom appeared in public hearings.¹¹² Although over 8,000 South Africans applied for amnesty, the TRC only granted it to a few hundred.¹¹³

The South African TRC was controversial in several aspects. The intent of a TRC is to facilitate healing through a restorative justice approach that brings together the dimensions of truth and justice.¹¹⁴ The admissions of guilt and the granting of amnesty in many ways embody the concepts of apology and forgiveness. Although the South African TRC did not require perpetrators to apologize, President de Klerk did apologize in August 1996 to the country’s black majority for the brutal violations of their rights during apartheid.¹¹⁵ Observers of the TRC process in South Africa asserted that the need to grant forgiveness can be empowering to victims, who ultimately can choose whether or not to forgive the perpetrators of violence and other crimes.¹¹⁶ While many apartheid victims skeptically equated forgiving with forgetting, Desmond Tutu argued, “In forgiving, people are not being asked to forget. On the contrary it is important to remember, so that we should not let such atrocities happen again. Forgiveness does not mean condoning what has been done.... Forgiveness is not being sentimental...”¹¹⁷

¹¹¹ Bairstow, 93.

¹¹² Freeman and Hayner, “The Truth Commissions of South Africa and Guatemala,” 140.

¹¹³ Bairstow, 93.

¹¹⁴ Herman, 45.

¹¹⁵ Yehudith Auerbach, “The Role of Forgiveness in Reconciliation,” in Bar-Siman-Tov, 149.

¹¹⁶ Marc Howard Ross, “Ritual and the Politics of Reconciliation,” in Bar-Siman-Tov, 206.

¹¹⁷ Desmond Tutu, *No Future Without Forgiveness* (New York: Doubleday, 1999), 271.

Critics also allege that the TRC circumvented justice by denying victims a punitive trial and allowing perpetrators to walk free.¹¹⁸ This common criticism of TRCs and similar reconciliation methods neglects to recognize that there is more than one side to the reconciliation process. While a retributive justice process may have satisfied members on the Xhosa side, it could have further alienated the white minority and possibly encouraged them to resort to armed resistance, thereby completely undermining the entire reconciliation process. Desmond Tutu further explained that a “Nuremberg” option of retributive justice was not possible because the political compromise that allowed the ANC to gain political power was predicated on a pardon for government officials. Violating that compromise would have led to civil war. On the other extreme, however, “national amnesia” was unconsciousable. So the TRCs provided an option between “Nuremberg and national amnesia.”¹¹⁹

It is still too soon to assess the effectiveness of the South African TRC toward effecting reconciliation. James Gibson, an American researcher who worked with the South African Institute for Justice and Reconciliation, interviewed nearly 4,000 South Africans across the country and found that more than half of the whites and “colored” South Africans expressed some form of reconciliation, while only one third of black South Africans did.¹²⁰ Supporters of the TRC argue that it played an important role in bringing about interpersonal and intergroup reconciliation.¹²¹ Additionally, most agree that the TRC did advance the truth, however inconsistently, and did contribute to building a shared South African narrative that clearly

¹¹⁸ Bairstow, 93.

¹¹⁹ Tutu, 13, 20-24.

¹²⁰ James L. Gibson, “Does Truth Lead to Reconciliation? Testing the Causal Assumptions of the South African Truth and Reconciliation Process,” *American Journal of Political Science* 48, no. 2 (April 2004): 201-217.

¹²¹ Bairstow, 93; David Batgal and Emmanuel Sivan, “Leadership and Reconciliation,” in Bar-Siman-Tov, 126.

acknowledges apartheid's atrocities.¹²² Conversely, critics charge that public opinion data indicate that the TRC did not fundamentally change the views of many who had supported apartheid.¹²³ Among English, Afrikaner, and Xhosa respondents, one survey found that no Afrikaners and only 25 percent of English felt the TRC was effective in bringing about reconciliation while 63 percent of Xhosa felt the TRC was effective in bringing about reconciliation.¹²⁴ Although these results seem to contradict James Gibson's findings, it is important to note that Gibson was assessing progress while the Vora survey was assessing successful completion. More telling in the Vora survey was the question regarding the TRC's effectiveness in bringing about truth. 81 percent of Xhosa, 60 percent of Afrikaners, and 86 percent of English all felt the TRC had been effective in advancing the truth about the atrocities of apartheid.¹²⁵

The criticism of the TRC's effectiveness toward reconciliation belies the common misunderstanding of reconciliation as a short, discrete process that can quickly produce measurable results. As Desmond Tutu notes,

Reconciliation is liable to be a long-drawn-out process with ups and downs, not something accomplished overnight and certainly not by a commission, however effective. The Truth and Reconciliation Commission has only been able to make a contribution. Reconciliation is going to have to be the concern of every South African. It has to be a national project to which all earnestly strive to make their particular contribution...¹²⁶

The progress of reconciliation and the TRC's contribution to it must be assessed over generations. In the short term, however, the absence of a civil war in South Africa since 1994 would suggest that TRC has been effective in supporting South Africa's greater reconciliation process.

¹²² Jay A. Vora and Erika Vora, "The Effectiveness of South Africa's Truth and Reconciliation Commission: Perceptions of Xhosa, Afrikaner, and English South Africans," *Journal of Black Studies* 34, no. 3 (January 2004): 308-310.

¹²³ Kriesberg, 106.

¹²⁴ Vora and Vora, 310.

¹²⁵ *Ibid.*, 309.

¹²⁶ Tutu, 274.

Finally, military force played little to no role in the TRC. There were no foreign forces introduced to facilitate the process. The South African Defense Force's (SADF) role in the greater reconciliation process was simply to acquiesce to the political decisions made between 1989 and 1993. They did not get in the way or obstruct the process, and they were cooperative in integrating the armed wing of the ANC into the SADF. The subsequent *Military Review* article on AR2 in South Africa conceded, "...the South African military did not serve the 'forcing function' of an armed reconciler but instead merely allowed the process to occur."¹²⁷ In short, there were no armed reconcilers performing a forcing function in South Africa's TRC process.

Rwanda and the Gacaca Courts

Between April and July 1994, Hutu extremists in the Rwandan Army and local militias (*interahamwe*) killed more than 700,000 Tutsi in the Rwandan genocide. Tens of thousands Hutu were also killed either by Hutu extremists for being Tutsi sympathizers or by vengeful Tutsi for real or perceived complicity in the genocide. After Paul Kagame and the Tutsi Rwanda Patriotic Front (RPF) seized Kigali in July 1994, Ugandan-born Tutsi returnees dominated the Rwandan government. Tutsi control of the government in a country with a large Hutu majority (80-85 percent) presented another complicating dimension to an already difficult situation. With a society deeply divided by genocide, the new government confronted the daunting task of rebuilding and reconciling its devastated country.

The RPF-led government initially sought a retributive justice approach to end what it called the "culture of impunity."¹²⁸ This approach, however, had two significant problems. First, most of Rwanda's legal professionals - lawyers, judges, civil administrators - had been Tutsis who had either fled the country or been killed during the genocide. Second, the government had over 130,000 suspected criminals in makeshift prisons. Despite heavy investment in the justice

¹²⁷ Bairstow, 89.

¹²⁸ Peter Uvin, "The *Gacaca* Tribunals in Rwanda," in Bloomfield, Barnes, and Huyse, 116.

sector by the Rwandan government and the international community, only 3,500 persons were judged between 1996 and 2001.¹²⁹ Critics charged that at that rate it would take over a century for Rwanda's justice system to prosecute its remaining prisoners.¹³⁰ With amnesty viewed as completely unacceptable and the current justice system inadequate, Rwandan leaders began discussing the traditional community-based conflict resolution mechanism called *gacaca* in mid-1997 as a compromise approach. The Rwandan National Assembly passed the law establishing the *gacaca* court system in October 2000, and the following year Rwandans elected 255,000 judges to head the *gacaca* tribunals. Judges received training in April and May of 2002 on types of genocidal crimes, punishment, and interpretation of laws.¹³¹

Gacaca tribunals exist at four levels within Rwandan society: province, district, sector, and cell. Each level is authorized to hear different types of genocide crimes based on the four categories of crimes designated in Rwanda's 1996 genocide law:

Level	Number	Competence
National Courts		To judge Category I crimes: Planners, organizers, and leaders of the genocide
Province	12	To judge appeals for Category II crimes
District	106	- To judge Category II crimes: People guilty of voluntary homicide - To judge appeals for Category III crimes
Sector	1,531	- To judge Category III crimes: People who committed violent acts without intent to kill - To judge appeals for Category IV crimes
Cell	9,189	To judge Category IV crimes: People who committed crimes against property

Figure IV-I¹³²

¹²⁹ Uvin, 116.

¹³⁰ Jeffrey H. Powell, "Amnesty, Reintegration, and Reconciliation in Rwanda," *Military Review* LXXXVIII, no. 5 (September-October 2008): 88.

¹³¹ Uvin, 117.

¹³² Ibid.

National courts retain the jurisdiction to judge Category I crimes while *gacaca* tribunals only hear Category II through IV crimes. According to the Rwandan government, the five objectives of the *gacaca* tribunals are:

1. To reveal the truth about what has happened
2. To speed up the genocide trials
3. To eradicate the culture of impunity
4. To reconcile the Rwandans and reinforce their unity
5. To prove that the Rwandan society has the capacity to settle its own problems through a system of justice based on the Rwandan custom.¹³³

With *gacaca* meaning “grass,” the *gacaca* tribunals are literally grassroots, community-based justice mechanisms that combine aspects of restorative and retributive justice to promote reconciliation within the community. Prisoners are brought before a *gacaca* tribunal in the community where they were alleged to have committed their crime. In front of the community, prisoners, victims, and witnesses all provide testimonies that the community (referred to as a “general assembly”) and its elected bench of 19 discuss and debate. *Gacaca* judges are empowered to assess guilt or innocence as well as punishment. An innovative aspect of the *gacaca* tribunals is the confession procedure, whereby prisoners who confess can receive greatly reduced sentences. Repentant prisoners, however, must accompany their confessions with detailed accounts of what happened, an apology to the victim(s), and implication of all co-conspirators.¹³⁴ Like the TRC of South Africa, the *gacaca* tribunals aim to heal both victims and communities through a combination of truth-telling and justice.

With the *gacaca* tribunals still on-going, it is too early to assess their effectiveness. Predictably, critics alleged that the *gacaca* tribunals do not meet Western standards of due process regarding evidence, legal representation, and impartiality of judges.¹³⁵ Unfortunately Western legal standards are neither feasible given the current magnitude of the problem nor are

¹³³ Government of Rwanda, “The Objectives of the GACAC Courts,” <http://www.inkiko-gacaca.gov.rw/En/ObjectivesDetails.htm> (accessed March 19, 2010).

¹³⁴ Powell, 89.

¹³⁵ Eugenia Zorbas, “Reconciliation in Post-Genocide Rwanda,” *African Journal of Legal Studies* 1, no. 1 (2004): 36.

they entirely appropriate for the indigenous culture. Other critics allege that the *gacaca* tribunals are a form of “victor’s justice” that is ignoring Tutsi crimes against Hutus that occurred both during the genocide, but especially so after the genocide. (article) This valid criticism, however, has less to do with the method of the *gacaca* itself and more to do with the overall conduct of the Rwandan reconciliation process. A process where a victorious side is attempting to force the defeated side to accept the conditions of its defeat is not a true reconciliation process. In the end, however, the Rwandan government’s approach has averted another civil war. Only time will tell if peace endures in Rwanda and whether the *gacaca* tribunals were instrumental or only incidental to preserving that peace.

Finally, neither the Rwandan army nor any UN forces have played a role in the *gacaca* tribunals. UN forces did play a brief role in stabilizing the country following the genocide, but their role was restricted to a security function. Because of pervasive regional instability, the Rwandan military’s primary task is securing the country’s borders against external threats. As with the South African TRC, there was no armed reconciler performing a forcing function in the *gacaca* tribunals.

Northern Ireland and the Glencree Centre

The conflict between Northern Ireland’s Catholic minority and Protestant majority is a centuries-old antagonism. In the late 1960s, inspired by the American civil rights movement, Catholics began expressing their frustration with Northern Ireland’s systemic discrimination of them and exclusion from the Protestant dominated Northern Irish state through massive civil rights demonstrations and acts of civil disobedience.¹³⁶ After nearly thirty years of conflict, the Catholic Nationalists and the Protestant Unionists ended their military conflict with the Good Friday Agreement (GFA) in April, 1998. The conflict claimed over 3,700 people killed and tens

¹³⁶ Lesley McEvoy, Kieran McEvoy, and Kirsten McConnachie, “Reconciliation as a Dirty Word: Conflict, Community Relations and Education in Northern Ireland,” *Journal of International Affairs* 60, no. 1 (Fall/Winter 2006): 84.

of thousands injured while directly affecting large numbers of working class families throughout Northern Ireland.¹³⁷ These thirty years of conflict exacerbated and deepened the existing divisions within an already divided society.

Besides the societal divisions, reconciliation in Northern Ireland faced another significant challenge. Reconciliation had become a pejorative term for both Unionists and Nationalists by the 1990s. In 1969 the British Parliament passed an act establishing the Community Relations Commission (CRC) for cross-community contact initiatives alongside community development strategies, intended to raise the self confidence of the Catholic and Protestant communities and to encourage them to increase contact with each other.¹³⁸ In their article “Reconciliation as a Dirty Word: Conflict, Community Relations and Education in Northern Ireland,” Lesley McEvoy, Kieran McEvoy, and Kirsten McConnachie ascribe several reasons to the mishandling of reconciliation by the British government. First, the Nationalists viewed the Community Relations Commission as an attempt to avoid meaningful legislation that outlawed discrimination based on religion. The British government and the Unionists in Northern Ireland were neglecting the real issue – systemic societal discrimination of Catholics in Northern Ireland. Second, community relations approaches suggested to both Unionists and Nationalists that their identities were impediments to progress. Any process that suggested deconstruction or reconstruction of identities was unfeasible and quickly loss creditability. Finally, because the CRC was a British government initiative, Nationalists felt the British government was dictating the process when they should have been participating in it. Moreover, they felt the process was not a genuine attempt at reconciliation, but rather an effort to assimilate Catholics.¹³⁹

With civil rights secured and the military conflict ended through the GFA, Northern Ireland was still a divided society the long-term stability of which would require a reconciliation

¹³⁷ McEvoy, McEvoy, and McConnachie, 82.

¹³⁸ Ibid., 85.

¹³⁹ Ibid., 87.

effort. With the term and process viewed with skepticism and the governments viewed with distrust, non-governmental organizations (NGOs) emerged as impartial third parties who could garner the requisite trust from both sides to advance the process. An illustrative example is the Glencree Centre for Peace and Reconciliation.

Established in 1974 as a response to the Northern Ireland situation, the Glencree Centre focuses on peacemaking within and between communities in Northern Ireland, Ireland, and Britain. In the post-GFA context, its methods entail dialogue facilitation, mediation, negotiation, peacemaking, and peace education. In discussing its approach to peace and reconciliation, the Glencree Centre notes:

As a non-governmental organisation (NGO) we remain flexible, to ensure that our programmes reflect the changing political, cultural, societal and religious environment in which we work. Cultivating peace and reconciliation is long-term work, where there are no quick and easy solutions. The basic building blocks of our efforts are fostering and developing relationships between people within communities and between communities. Engaging people to learn from their own experiences, and then to understand the experiences of others, we strengthen the social fabric that holds communities and societies together.¹⁴⁰

This statement suggests that the Glencree Centre genuinely understands the inherent complexity of reconciliation as well as some of its more critical underlying principles.

Glencree has sponsored a number of completed programs as well as on-going programs that reveal the nature of its work. Some of its completed programs include Peace Education, Ex-Combatants, Let's Involve the Victims Experience (LIVE), and Churches.¹⁴¹ The Peace Education program offered learning opportunities about peace building and reconciliation to primary, secondary schools and youth groups through a series of one or two-day programs. The Ex-Combatants program brought together former military and para-military combatants to meet, build relationships, exchange views, and address issues important to them. The LIVE program

¹⁴⁰ Glencree Centre for Peace and Reconciliation, "How Peace is Cultivated in Glencree," <http://www.glencree.ie/site/profile.htm> (accessed March 19, 2010).

¹⁴¹ Glencree Centre for Peace and Reconciliation, "Glencree Programmes," <http://www.glencree.ie/site/programmes.htm> (accessed March 19, 2010).

brought together survivors from within a single community as well as from among separate communities in Northern Ireland, Britain, and Ireland to engage in dialogue and build relationships. The LIVE program also offered the opportunity for survivors to meet with ex-combatants to help build understanding. Lastly, the Churches program sought to examine the role of churches in combating sectarianism and facilitating peace.¹⁴²

Glencree's on-going programs include Training, Sustainable Peace Network, Irish Peace Centres, Women's Programme, Political Dialogue, International Programme, Youth Exchange – Palestinian, Israel, Ireland, Northern Ireland.¹⁴³ The Training program involves group or individual training in areas such as conflict resolution, alternative dispute resolution, peacebuilding, and reconciliation work. The Sustainable Peace Network grew from the LIVE program and seeks to promote dialogue and sustainable relationships between victims/survivors, former combatants and the wider society in Ireland and Britain. The program's overall goal is to cultivate a growing network of leaders in sustainable peace work, within and between the United Kingdom and Ireland. The Irish Peace Centres project is a partnership among several NGOs that conduct similar work to Glencree. Its goal is to embed reconciliation with a joint regional project that includes training, learning, interface and interfaith dialogues, and creating outreach work. The Women's Programme seeks to enhance understanding among women in Northern Ireland and Ireland to facilitate the future development of equality, pluralism, and multi-culturalism. The Political Dialogue program seeks to cultivate relationships at the sub-leadership level within each party in order to facilitate the informal exploration of unresolved issues. The International Programme works to extend the lessons learned from the Northern Ireland peace process to other conflict areas of the world, such as Haiti, Sri Lanka, Israel/Palestine, and Colombia. Lastly, the

¹⁴² Glencree Centre for Peace and Reconciliation, "Glencree Programmes," <http://www.glencree.ie/site/programmes.htm> (accessed March 19, 2010).

¹⁴³ Ibid.

Youth Exchange organizes exchanges with 20-25 year olds from Ireland, Northern Ireland, Palestine, and Israel to promote active citizenship.¹⁴⁴

The Glencree Centre is one of several NGOs working in the post-GFA context of Northern Ireland to promote reconciliation.¹⁴⁵ Due to the history and nature of past reconciliation approaches, the peoples of Northern Ireland, Britain, and Ireland could not accept governmental entities as impartial facilitators of reconciliation. Thus, NGOs like the Glencree Centre emerged to facilitate the process. Like Rwanda and South Africa, it is still too early to assess the effectiveness of the NGO-led reconciliation efforts in Northern Ireland. The separate identities and their narratives are still very strong there. Parades, particularly the ones in Portadown and South Belfast, continue to play a divisive role as iconic symbols of the separate identities. Those that suggest that these public proclamations of identity prove that reconciliation has failed and renewed conflict is an eventuality belie their misunderstanding of reconciliation.¹⁴⁶ The fact that Northern Ireland has not degenerated into renewed conflict in over a decade indicates that reconciliation there is an on-going process. The continued affirmations of divisive identities only indicate that the process will be on-going for decades to come.

Like the South African TRC and the Rwandan *gacacas*, military force has not played a role in the reconciliation process in Northern Ireland outside of a security function. In fact, genuine reconciliation did not really begin until after the 1998 GFA, which contained the stipulation that Northern Ireland would be demilitarized and British Forces would withdraw. From 1969 until 1998, the British army conducted a counter-insurgency and counter-terrorism

¹⁴⁴ Glencree Centre for Peace and Reconciliation, "Glencree Programmes," <http://www.glencree.ie/site/programmes.htm> (accessed March 19, 2010).

¹⁴⁵ Other NGOs involved in reconciliation efforts in Northern Ireland include The Donegal Peace Centre at An Teach Bán, The Corrymeela Community, and Cooperation Ireland.

¹⁴⁶ John Clark, "Northern Ireland: A Balanced Approach to Amnesty, Reconciliation, and Reintegration" *Military Review* LXXXVIII, no. 1 (January-February 2008): 45-46.

campaign that employed a strategy of containment and attrition.¹⁴⁷ While the British army was absolutely instrumental in creating the security conditions for conflict resolution and the Good Friday Agreement, it has not acted as an armed reconciler providing a forcing function for reconciliation.

Conclusion

Reconciliation is not a new phenomenon. As Long and Brecke argue, it is actually a natural, almost instinctive social process for resolving human conflicts.¹⁴⁸ What is new, however, is applying reconciliation to conflict resolution at the state level. Reconciliation is a nonlinear, holistic process that recognizes the value of structural changes in political, legal, economic, and security systems while also embracing the social complexity of conflicting narratives within a society. It aims to forge a common future between conflicting groups within a state by fusing divergent narratives grounded in the past into a unified narrative focused on the future. Reconciliation employs culturally appropriate methods throughout the dimensions of security, justice, truth, and healing to move a society from divided past to shared future. It further employs these methods within an environmental context that considers history, peace transitions, societal interests, international actors, geography, and culture. Rather than seeking a reductionist, checklist approach for stabilizing a divided society through rapid democratization, the reconciliation process accepts and embraces the social complexity underpinning the root issues of a divided society.

As reflected in its civilian and military doctrines for stability operations, the USG is beginning to recognize the potential application of reconciliation to both its conflict resolution and development initiatives. With the relatively novel application of reconciliation to conflict resolution at the state level, the USG is still wrestling with how to treat and incorporate

¹⁴⁷ S. E. Snedden, "Northern Ireland; a British Military Success or a Purely Political Outcome," (master's thesis, Joint Services Command and Staff College, 2007), 32.

¹⁴⁸ Long and Brecke, 1-5.

reconciliation into its doctrine and policy. Unfortunately, the USG doctrinal concept of “post-conflict” states does not make the critical distinction between “post-civil conflict” states and “post-interstate conflict” states. This omission relegates reconciliation in a post-civil conflict state to a secondary or tertiary consideration when it should really be the overarching, unifying strategy. Moreover, current USG doctrines do not clearly assign responsibility for many of its reconciliation methods, especially those involving complex, psychological reconciliation methods. This, coupled with confusion over what reconciliation is, has led some to advocate the US military as a potential proponent for any reconciliation process in future stability operations. Dr. Mosser and his armed reconciler concept are indicative of this position. Most advocates of a military-led reconciliation process do not appreciate the social complexity involved in reconciliation processes, do not understand the limitations of current military force structures, and do not recognize that “armed reconcilers” cannot force a reconciliation process to occur.

The case studies of South Africa, Rwanda, and Northern Ireland illustrate the diversity and complexity of specific reconciliation methods within very different contexts. They also demonstrated the practical application of the dimensions of security, justice, truth, and healing in real world reconciliation processes. More importantly, they validated the underlying principles of reconciliation while discounting the concept of militaries performing forcing functions in the process.

The purpose of this monograph is not to argue for or against military involvement in a reconciliation process greater than its doctrinally prescribed role of security. It does argue that the application of military power to coerce opposing parties to reconcile will be ineffective, unsuccessful, and contradictory to the foundational principles of reconciliation. Currently, the US military does not possess the organizational capabilities or doctrine to effectively execute a reconciliation process alone. While the US could certainly transform its military to do so, its elected leaders would have to make such a decision with a clear appreciation for the trade-offs in degraded capabilities in other areas of full spectrum operations.

This monograph also does not argue that reconciliation should be the new strategy for US stability operations, supplanting democratization as the new panacea for the development of the third world. Rather, this monograph argues that reconciliation must be a consideration for future policy makers and leaders well before applying military power to a future operating environment in a divided society. Political leaders and the public must understand that stabilizing a divided society will be an expensive and lengthy endeavor. Moreover, if the conflicting groups within that state have not accepted defeat and do not genuinely desire reconciliation, that stability operation will likely require a counter-insurgency effort that will be even more expensive, lengthy, and, unfortunately, bloody.

Recommendations

First, civilian and military leaders should promote a greater understanding of reconciliation for their policy makers and doctrine writers. The inconsistent treatment of reconciliation in USG doctrines and inappropriate recommendations for implementing it generally derive from ignorance on what reconciliation is. An improved and standardized understanding of the process would eliminate well-intentioned, but misguided concepts like “armed reconcilers.” A better understanding would facilitate improved integration of reconciliation into existing doctrines as well.

Second, reconciliation’s embrace of social complexity contains several clear linkages to the US Army’s approach to Design. Facilitating the structure of a reconciliation process would in many ways be applying Design to a stability operation in a divided society. FM 3-07, *Stability Operations*, should contain a section on reconciliation that integrates the process with the concept of Design. While the military role in reconciliation would still remain primarily a security one, military staffs applying Design could more effectively support civilian facilitators of a reconciliation process.

Third, doctrines for stability operations must explicitly distinguish between post-civil conflict societies and post-interstate conflict societies. The current doctrines are appropriate for post-interstate conflict societies, but are not appropriate for post-civil conflict societies. More specifically, separate doctrines for post-civil conflict societies should be developed and based on an overarching reconciliation strategy.

Fourth, political leaders, policy makers, and military leaders must severely scrutinize the internal, social dynamics of any future operating environments where the United States might be considering armed intervention. Early identification of a society as "divided" is paramount. Political leaders must candidly and publicly acknowledge the costs of intervention in such an environment prior to committing military force. Any future surprises, like the Sunni-Shia one in Iraq, would be inexcusable in light of US experiences in Iraq and Afghanistan.

Lastly, once political leaders have decided to intervene in a divided society with military force, they must assess whether reconciliation is feasible. While policy makers may assess that reconciliation is possible, US public support may not exist at the level required to support a protracted intervention. Separating a divided state into separate states should always remain an option, especially when the costs of a reconciliation effort are too high.

APPENDIX A: Framework for the Reconciliation Process

FRAMEWORK FOR THE RECONCILIATION PROCESS				
	RECONCILIATION METHODS		OBJECTIVES	ENDSTATE
	Structural	Psychological		
Security	- Cease Fire Treaty or Truce - Establish Demilitarized Zones or Areas - Conflict Resolution Mechanisms - Demobilization or De-arming of Militias or Militaries - Impartial Law Enforcement - Integrated Centrally Controlled Military	- Removal of Existential Fear - Trust in Law Enforcement - Prerequisite for establishing conditions for Justice, Truth, and Healing - Harmony	Peaceful Coexistence	STABLE PEACE WITH A SHARED FUTURE
Justice	- Establish institutions, policies, and mechanisms for impartial Judiciary - Establish representative form of government - Abolish discrimination through laws or constitution protecting individual rights - Equitable economic development, policies, and opportunity - Impartial law enforcement - Reparations, Restitutions, and Redistribution	- Retributive Justice - Trials and Punishment - Amnesty - Blanket Amnesty - Conditional Amnesty - Restorative Justice - Reparations, Restitution, and Redistribution - Truth Commissions	A Culture of Democracy	
Truth	- Establish Truth Commissions - Codification of a common narrative/history from Truth Commission Final Reports: - Scholarship/Official History - Public Education Curriculum - Mass Media distribution - Radio/TV/Internet/Newspapers - Documentaries - Published Reports	- Truth Commissions - Public Hearings - Research and Investigation - Results of Trials - Statement Taking - Data Processing - Final Reports	Trust and Confidence	
Healing	- Reparations, Restitution, and Redistribution - Reintegration of IDPs - Training Local Communities with Psychosocial Support Skills - Media Coverage - Public Apologies - Trials and Truth Commissions - Public Issuance of Forgiveness - Monuments and Memorials	- Justice - Truth - Reparations, Restitution, and Redistribution - Official Apologies - Forgiveness - Rehabilitation for Victims and IDPs - Psychosocial Programs - Support Groups for Individuals with Common Issues - Joint Programs between Victims and Perpetrators - Individual Counseling and Support Interventions	Empathy	

APPENDIX B: S/CRS Post-Conflict Reconstruction Essential Tasks

Contents:¹⁴⁹

I. SECURITY

- Disposition of Armed and Other Security Forces, Intelligence Services and Belligerents
- Territorial Security
- Public Order and Safety
- Protection of Indigenous Individuals, Infrastructure and Institutions
- Security Coordination
- Public Information and Communications

II. GOVERNANCE and PARTICIPATION

Governance:

- National Constituting Processes
- Transitional Governance
- Executive Authority
- Legislative Strengthening
- Local Governance
- Transparency and Anti-Corruption

Participation:

- Elections
- Political Parties
- Civil Society and Media
- Public Information and Communications

III. HUMANITARIAN ASSISTANCE and SOCIAL WELL-BEING

- Refugees and Internally Displaced Persons (IDPs)
- Trafficking in Persons
- Food Security
- Shelter and Non-Food Relief
- Humanitarian Demining
- Public Health
- Education
- Social Protection
- Assessment, Analysis and Reporting
- Public Information and Communications

IV. ECONOMIC STABILIZATION and INFRASTRUCTURE

Economic Stabilization:

- Employment Generation
- Monetary Policy
- Fiscal Policy and Governance

¹⁴⁹ Office of the Coordinator for Reconstruction and Stabilization, “Post-Conflict Reconstruction Essential Tasks,” (April 2005) <http://www.crs.state.gov/index.cfm?fuseaction=public.display&shortcut=J7R3> (accessed March 19, 2010).

- General Economic Policy
- Financial Sector
- Debt
- Trade
- Market Economy
- Legal and Regulatory Reform
- Agricultural Development
- Social Safety Net

Infrastructure:

- Transportation
- Telecommunications
- Energy
- General Infrastructure
- Public Information and Communications

V. JUSTICE and RECONCILIATION

- Interim Criminal Justice System
- Indigenous Police
- Judicial Personnel and Infrastructure
- Property
- Legal System Reform
- Human Rights
- Corrections
- War Crime Courts and Tribunals
- Truth Commissions and Rememberance
- Community Rebuilding
- Public Information and Communications

Reconstruction and Stabilization Essential Tasks

JUSTICE AND RECONCILIATION

	INITIAL RESPONSE	TRANSFORMATION	FOSTERING SUSTAINABILITY
	Goal: Develop mechanisms for addressing past and ongoing grievances	Goal: Initiate the building of a legal system and process for reconciliation	Goal: Functioning legal system accepted as legitimate and based on international norms
Interim Criminal Justice System			
Interim International Criminal Justice Personnel—Judges	Deploy interim justice personnel to supplement indigenous criminal justice system	Dispense justice in central or sensitive jurisdictions	Transfer responsibilities to indigenous justice institutions
Interim International Criminal Justice Personnel—Prosecutors	Deploy interim justice personnel to supplement indigenous criminal justice system	Dispense justice in central or sensitive jurisdictions	Transfer responsibilities to indigenous justice institutions
Interim International Criminal Justice Personnel—Defense Advocates	Deploy interim justice personnel to supplement indigenous criminal justice system	Dispense justice in central or sensitive jurisdictions	Transfer responsibilities to indigenous justice institutions
Interim International Criminal Justice Personnel—Court Administrators	Deploy interim justice personnel to supplement indigenous criminal justice system	Dispense justice in central or sensitive jurisdictions	Transfer responsibilities to indigenous justice institutions
Interim International Criminal Justice Personnel—Corrections Staffs	Deploy interim justice personnel to supplement indigenous criminal justice system	Dispense justice in central or sensitive jurisdictions	Transfer responsibilities to indigenous justice institutions
Interim International Criminal Justice Personnel—Police/Investigators	Deploy interim justice personnel to supplement indigenous criminal justice system	Dispense justice in central or sensitive jurisdictions	Transfer responsibilities to indigenous justice institutions
Interim International Legal Code	Enact interim legal codes and procedures permitted by international law		

	INITIAL RESPONSE	TRANSFORMATION	FOSTERING SUSTAINABILITY
	<u>Goal:</u> Develop mechanisms for addressing past and ongoing grievances	<u>Goal:</u> Initiate the building of a legal system and process for reconciliation	<u>Goal:</u> Functioning legal system accepted as legitimate and based on international norms
Organized Crime	- Assess indigenous capacity to combat organized crime - Establish multidisciplinary approach to address organized crime involving international intelligence, law enforcement and criminal justice personnel	Strengthen the capacity of indigenous criminal justice institutions and personnel to combat organized crime	- Transfer responsibilities to permanent justice institutions - Support integration with international efforts to combat organized crime
Law Enforcement Operations	- Identify, secure and preserve evidence of war crimes, crimes against humanity, corruption, and transnational crimes, including terrorism, organized crime, financial crimes, trafficking in humans and narcotics - Identify and detain perpetrators of these offences	- Strengthen the capacity of indigenous criminal justice institutions and personnel to handle the investigation, prosecution and adjudication of complex criminal cases - Alternatively, help create new institutions to address the same	Assure the full integration of specialized and non-specialized criminal justice institutions and personnel into the reinigorated criminal justice system
Indigenous Police			
Indigenous Police Personnel	- Vet and reconfigure existing police forces - Train existing indigenous police in international policing standards - Deploy police monitors/mentors/trainers	(I) Establish police academies - Establish transparent entry, promotion, and retirement systems for national police	- Provide ongoing technical support and training - Encourage relationships with relevant national and international law enforcement associations
Essential Police Facilities (see ECONOMIC STABILIZATION AND INFRASTRUCTURE, General Infrastructure)	(I) Inventory police stations, police mobility capabilities, police communications systems, data management systems and police headquarters	(I) Rehabilitate or construct necessary facilities	Introduce better maintenance practices, police information management systems
Accountability /Oversight	- Assess requirements to eradicate corruption in law enforcement community - Reinforce oversight mechanisms	Establish office of Inspector General/ombudsman to investigate police corruption and abuse	Institutionalize offices of Inspector General and ombudsman by securing line-item budgetary funding

	INITIAL RESPONSE	TRANSFORMATION	FOSTERING SUSTAINABILITY
	<u>Goal:</u> Develop mechanisms for addressing past and ongoing grievances	<u>Goal:</u> Initiate the building of a legal system and process for reconciliation	<u>Goal:</u> Functioning legal system accepted as legitimate and based on international norms
Judicial Personnel and Infrastructure			
Vetting and Recruitment	- Inventory indigenous legal professionals - Identify actual and potential leaders to incorporate into restructuring process - Establish vetting criteria - Educate criminal justice personnel on interim legal codes	Vet existing judicial system personnel, including judges, prosecutors, defense attorneys, and court personnel	- Reform law school curricula and recruit new faculty - Establish professional code for the judicial system
Training/Mentoring		Develop training plan closely linked to institutional reform; identify and train local professionals who can train their colleagues	Initiate training programs based upon institutional reforms and new laws. Establish mentoring programs with both international and local professionals
Judicial Support Facilities (See ECONOMIC STABILIZATION AND INFRASTRUCTURE, General Infrastructure)	(I) Inventory courts, law schools, legal libraries, and bar associations	(II) Rehabilitate or construct necessary facilities	Introduce more transparent, efficient, and accessible court and case management
Citizen Access	- Establish liaison mechanism between civilians and judicial authorities on legal matters - Media campaigns to make citizens aware of rights, responsibilities and interim procedures and codes	- Inform indigenous population on accessing the judicial system - Carry out public consultations on justice reform - Conduct surveys - Meet with women's groups and ethnic minorities	- Extend legal representation to underprivileged community through a public defender system and legal services organizations - Conduct media campaigns on justice reforms - Support civil society organizations to monitor and provide feedback
Property			
Prevent Property Conflicts (See ECONOMIC STABILIZATION AND INFRASTRUCTURE, Legal and Regulatory Reform)	- Implement mechanisms to prevent unauthorized seizures of land/property - Publicize dispute resolution options/alternative to violence - Ensure coordination with law enforcement components to deter violence	- Establish flexible but structured mechanism for resolving property disputes - Publicize procedures - Develop roster of contested property	Implement mechanism for adjudicating property disputes

	INITIAL RESPONSE	TRANSFORMATION	FOSTERING SUSTAINABILITY
	Goal: Develop mechanisms for addressing past and ongoing grievances	Goal: Initiate the building of a legal system and process for reconciliation	Goal: Functioning legal system accepted as legitimate and based on international norms
Legal System Reform			
Legal System Reorganization	- Develop strategy to rebuild criminal justice system - Identify countries that can serve as models and sources of expertise	- Promote laws fostering judicial independence and transparency - Review role of judge and prosecutor and promote role of defense lawyer - Foster and develop ethical and independent behavior	Institutionalize new structures and responsibilities
Code and Statutory Reform	- Review current laws and resolve questions of applicability - Abolish provisions incompatible with international standards of human rights	Facilitate discussions leading to new codes	- Implement legal code reform through legislation - Establish consultative mechanism(s) with international organizations, governments and NGOs
Participation	- Create and strengthen legal aid and NGO groups - Channel citizen input into law-drafting process - Translate interim and important laws into local languages	Initiate public dialogue with all sectors of civil society on legal reform	Provide oversight and monitoring of code implementation
Institutional Reform	Assess court administration capability and resources	- Incorporate credible local leadership - Develop reform plan to strengthen court administration capabilities and resources	- Finance and implement reform plan - Resolve backlog of cases in old system so that new system has an opportunity to take root
Human Rights			
Abuse Prevention	Monitor vulnerable groups and act preemptively to deter human rights abuses; implement effective warning mechanisms	Support local capacity to resolve conflict and prevent abuses	Fold "abuse prevention" efforts into larger judicial and social programs
Capacity Building	Assess capacity of indigenous communities, human rights and other groups; engage local communities, consult leaders	Foster support for/establish mechanisms and local capacity to protect human rights and resolve conflict; support citizen advocacy organizations	Create mechanisms for organizing human rights and other NGOs; design processes for government/NGO interaction on human rights

	INITIAL RESPONSE	TRANSFORMATION	FOSTERING SUSTAINABILITY
	<u>Goal:</u> Develop mechanisms for addressing past and ongoing grievances - Establish international monitoring presence - Develop indigenous human rights monitoring capacity	<u>Goal:</u> Initiate the building of a legal system and process for reconciliation Conduct joint human rights monitoring missions with indigenous monitors	<u>Goal:</u> Functioning legal system accepted as legitimate and based on international norms Create sustainable indigenous human rights monitoring mechanism
Monitoring			
Corrections			
Incarceration and Parole	- Vet corrections personnel - Determine status of prisoners held (political prisoners and war prisoners) - Coordinate jurisdiction and handover with military as necessary	- Institute standards for case review and prisoner disposition - Reconfigure probations and parole system	- Transfer penal authority to indigenous authorities - Monitor compliance with internationally accepted corrections standards
Corrections Facilities (see ECONOMIC STABILIZATION AND INFRASTRUCTURE General Infrastructure)	(i) Refurbish prison facilities at key sites (ii) Provide emergency lock-up facilities (iii) Coordinate jurisdiction and handover	(i) Rebuild correctional institutions, including administrative and rehabilitative capacities	Ensure continued funding, oversight and management of correctional facilities
Training		Train officers according to internationally accepted standards	Establish indigenous sustainable corrections training programs
War Crime Courts and Tribunals			
Establishment of Courts and Tribunals	(i) Acquire secure facilities - Establish jurisdiction, composition and mandate of local and international courts and tribunals - Determine ratio of international to local judges and prosecutors	- Recruit court staff - Provide logistical/technical support to international courts and tribunals - Develop intelligence-sharing agreements - Second expert personnel - Ensure witness protection	Bring cases to trial and conclude as expeditiously as possible
Investigation and Arrest	- Set up an atrocity reporting system; refugee interviews - Document and preserve evidence of mass atrocities and maintain data on sites - Coordinate efforts with UN, regional organization and NGOs	Assist in investigation, arrest, and transfer of suspected war criminals to international courts	Assist indigenous forces efforts to arrest and transfer human rights violators and war criminals

	INITIAL RESPONSE	TRANSFORMATION	FOSTERING SUSTAINABILITY
	<u>Goal:</u> Develop mechanisms for addressing past and ongoing grievances • Publicize progress and work • Publish indictments and statements	<u>Goal:</u> Initiate the building of a legal system and process for reconciliation • Broadcast court proceedings • Support media access	<u>Goal:</u> Functioning legal system accepted as legitimate and based on international norms • Translate and disseminate court records and decisions
Citizen Outreach			
Truth Commissions and Remembrance			
Truth Commission Organization	• Solicit voluntary contributions from international donors • Hire indigenous and international staff to set up commission • Create indigenous dialogue on structure and mandate of commission • Involve diverse groups in establishment of court	• Determine mandate, mission, size, duration, and enforcement powers • Train international and indigenous staff • Provide infrastructure and technical assistance • Ensure indigenous involvement and ownership of the process • Ensure compatibility and coordination of commission with national and international mechanisms	• Deploy investigators; hold hearings • Collect testimony • Prepare report and recommendations • Provide restitution, reparations, and compensation
Reparations	• Identify classes of eligibility	• Identify appropriate means and levels of reparations	• Implement reparation measures
Public Outreach	• Establish broad public information programs to promote efforts for reconciliation • Develop public access to information	• Dispel myths through educational curricula • Support programs that publicize and raise awareness of truth and reconciliation activities • Secure, classify and release information to the public	• Evaluate reconciliation mechanisms; widely disseminate proceedings and documents produced by commission
Community Rebuilding			
Ethnic and Intercommunity Confidence Building	• Identify mediators with dispute resolution skills to build trust and cooperation • Enhance participation through public outreach • Identify and incorporate credible local leadership and others with moral authority in the process • Create coordinating mechanisms	• Provide reconciliation training and resources • Bring adversaries together where possible • Incorporate a wide range of stakeholders • Establish mutually beneficial resource-sharing arrangements • Organize recreational and educational	• Foster informal, indigenous mechanisms for dispute resolution • Provide resources for community development projects (including returnees, food security, housing, health, utilities, education) • Publicize successful confidence building programs

	INITIAL RESPONSE	TRANSFORMATION	FOSTERING SUSTAINABILITY
	<u>Goal:</u> Develop mechanisms for addressing past and ongoing grievances among international mission, local leaders, NGOs - Implement media campaign promoting tolerance - Insulate peace building efforts from spoilers.	<u>Goal:</u> Initiate the building of a legal system and process for reconciliation activities Provide technical and financial support to local leaders	<u>Goal:</u> Functioning legal system accepted as legitimate and based on international norms
Religion and Customary Justice Practices	- Identify customary judicial practices, religious institutions and other leaders on local and national levels - Identify role religious leaders play in reducing or promoting conflict - Design community programs to support reconciliation based on religious and traditional practices - Determine refugee, religious and legal requirements in case of birth, death or marriage	- Ensure participation of diverse religious elements - Rebuild places of worship and sacred sites - Implement traditional reconciliation mechanisms, such as purification rituals and reburial ceremonies	- Create and implement faith-based initiatives to rebuild communities - Encourage dialogue on role of customary justice and relationship with formal systems of justice
Assistance to Victims and Remembrance	- Provide localized counseling to victims - Establish missing persons initiatives - Solicit funds and technical experts for identifying bodies and running missing persons programs	- Implement counseling programs focusing on redress and post-violence trauma - Create citizens' councils to establish memorials, scholarship funds, performances, and other commemoration activities	Preserve memory through public activity and historical records (e.g., museums, archives, and oral histories)
Women	- Assess traditional role of women in society and their potential to contribute to reconciliation process - Implement rape prevention and medical treatment procedures	- Support initiatives devised by women's groups - Encourage a gender-based approach in the work of civil society and government efforts - Implement laws against trafficking	Ensure women's rights and influence
Vulnerable Populations	Assess needs of vulnerable populations (e.g., war-wounded, internally displaced persons (IDPs), refugees, raped,	- Deploy strategies for successful reconciliation of vulnerable populations - Support local initiatives for addressing	Assist communities in devising strategies for lasting integration and progress

	INITIAL RESPONSE	TRANSFORMATION	FOSTERING SUSTAINABILITY
	Goal: Develop mechanisms for addressing past and ongoing grievances	Goal: Initiate the building of a legal system and process for reconciliation	Goal: Functioning legal system accepted as legitimate and based on international norms
	tortured, disabled, orphaned youth, minority interests)	needs, developing initiatives	
Evaluating and Learning		- Engage all sectors to move forward - Debrief returned international professionals	Evaluate results and compare with similar cases
Public Information and Communications			
Disseminate Justice and Reconciliation Information	- Identify or establish outlets for international, national, and local news media - Utilize media as public information tool to provide factual information and control rumors - Issue effective press releases & timely provision of information services as needed in local languages - Assist National Transitional Administration and/or National Government to inform public regularly	- Invest in the development of indigenous capacity - Train journalists, expand capacity of outlets, and improve interaction with local population and linkages with the international community	

APPENDIX C: Guiding Principles' End States and Conditions

Safe and Secure Environment End State, Section 6, Page 6-37:



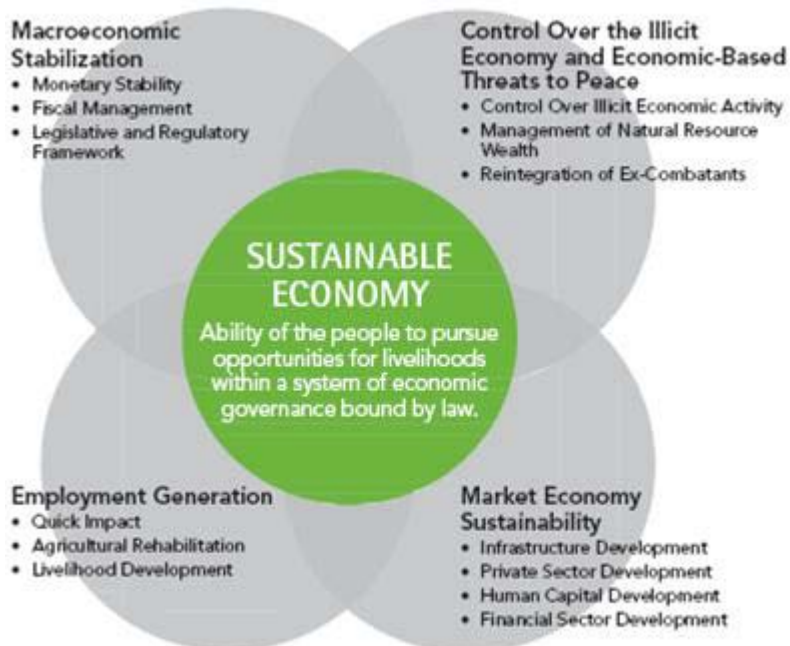
Rule of Law End State, Section 7, Page 7-63:



Stable Governance End State, Section 8, Page 8-97:



Sustainable Economy End State, Section 9, Page 9-131:



Social Well-Being End State, Section 10, Page 10-161:



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