

**Post-Conflict Peacebuilding:
Meeting Human Needs for Justice and Reconciliation**

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*Peace agreements ... do not in themselves end wars or bring about lasting peace. In most cases, prewar continuities and the war mentality jeopardize the prospects of a consolidated peace and postwar reconciliation.*¹

The ending of overt violence via a peace agreement or military victory does not mean the achievement of peace.² Rather, the ending of violence or a so-called 'post-conflict' situation provides "a new set of opportunities – that can be grasped or thrown away".³ The international community can play a significant role in either nurturing or undermining this fragile peacebuilding process. The United Nations, individual states and international non-government organizations (INGOs), have become increasingly involved in trying to rebuild peaceful societies in the aftermath of violent conflict. The dilemmas currently being faced in Iraq are only the latest in a line of learning experiences in this complex task of post-conflict peacebuilding. In Namibia and Cambodia, for the first time, the UN launched expanded peacekeeping operations which included not only military security but the coordination of elections. In East Timor, the UN mandate broadened even further to include the establishment of a functioning government and society through comprehensive development, law and order, security and governance objectives. In both Afghanistan and Iraq, extensive reconstruction activities have also been pursued, including an emphasis on establishing security, democracy and good governance.

In this paper I argue that both justice and reconciliation are fundamentally significant goals that need to be addressed in the design of successful post-conflict peacebuilding processes and mechanisms, especially in the aftermath of genocide. This argument is based on Burton's human needs theory of conflict resolution, Lederach's theories on conflict transformation, and Volkan and Montville's theories of the need to overcome enmities through acknowledgement of chosen traumas and developing shared histories and empathy with the other.⁴ These

¹ David J. Francis, "Tortuous Path to Peace: The Lomé Accord and Postwar Peacebuilding in Sierra Leone", *Security Dialogue*, 31:3 (September 2000), p. 357.

² Licklider concluded that only one-third of the negotiated settlements of 'identity civil wars' (or ethnic conflicts) between 1945 and 1993 that lasted for at least five years resulted in lasting peace. Roy Licklider, "The Consequences of Negotiated Settlements in Civil Wars, 1945-1993", *American Political Science Review*, 89:3 (September 1995), pp. 685-687.

³ Robert L. Rothstein, "Fragile Peace and its Aftermath" in *After the Peace: Resistance and Reconciliation* (Boulder, Colorado: Lynne Rienner, 1999), p. 224.

⁴ John W. Burton, "Human Needs Theory"; John Paul Lederach, *Preparing for Peace*; John Paul Lederach, "The Challenge of the 21st Century"; John Paul Lederach, "Journey from Resolution"; John Paul Lederach, *Building Peace*; Vamik D. Volkan, *The Need to Have Enemies and Allies: From Clinical Practice to International Relationships* (Northvale, New Jersey: Jason Aronson, 1994); Vamik D. Volkan, Demetrius A. Julius & Joseph

theories suggest the importance of reconciliation as a means to conflict resolution and transformation. My argument is supported by the results of my field research in Cambodia and Rwanda, and preliminary analysis of experiences in Sierra Leone and East Timor, explored below.⁵

Defining Peacebuilding

Peacebuilding is difficult to define and even more difficult to achieve in practice.⁶ I define post-conflict peacebuilding as “strategies designed to promote a secure and stable lasting peace in which the basic human needs of the population are met and violent conflicts do not recur”. This definition takes a long-term focus⁷ and incorporates the goals of both negative peace (absence of physical violence) and positive peace (absence of structural violence), a distinction first outlined by Galtung.⁸ My analysis is also informed by the more comprehensive and normative definition of peacebuilding provided by Spence:

those activities and processes that: focus on the root causes of the conflict, rather than just the effects; support the rebuilding and rehabilitation of all sectors of the war-torn society; encourage and support interaction between all sectors of society in order to repair damaged relations and start the process of restoring dignity and trust; recognize the specifics of each post conflict situation; encourage and support the participation of indigenous resources in the design, implementation and sustainment of activities and processes; and promote processes that will endure after the initial emergency recovery phase has passed.⁹

These definitions assume that, to be successful, post-conflict peacebuilding must address the underlying causes of conflict in addition to the surface manifestations such as the military culture and proliferation of weapons.¹⁰ As argued by Evans “at the heart of the notion of

V. Montville (eds), *The Psychodynamics of International Relationships, Volume 1: Concepts and Theories* (Lexington, Massachusetts: Lexington Books, 1990).

⁵ Wendy R. Lambourne, “Justice and Reconciliation”.

⁶ Elisabeth M. Cousens, “Introduction” in Elisabeth M. Cousens & Chetan Kumar (eds), *Peacebuilding as Politics: Cultivating Peace in Fragile Societies* (Boulder, Colorado: Lynne Rienner, 2001), pp. 1-20.

⁷ Long-term follow-through has been identified by a number of researchers as important to the success of post-conflict peacebuilding (see, for example, Stephen J. Stedman & Donald Rothchild, “Peace Operations: From Short-Term to Long-Term Commitment”, *International Peacekeeping*, 3:2 (Summer 1996), pp. 17-35; C.-P. David, “Does Peacebuilding Build Peace? Liberal (Mis)steps in the Peace Process”, *Security Dialogue*, 30:1 (March 1999), pp. 25-41.

⁸ Johan Galtung, “Violence, Peace and Peace Research”, *Journal of Peace Research*, (1969), pp. 167-191.

Galtung distinguished between negative peace as the outcome of efforts to stop physical or personal violence (direct violence), and positive peace as the goal of efforts to end indirect structural and cultural violence (indirect violence) that threaten the economic, social and cultural well-being and identity of individual human beings and groups.

⁹ Rebecca Spence, “Post-Conflict Peacebuilding: Who Determines the Peace?” in Bronwyn Evans-Kent & Roland Bleiker (eds) *Rethinking Humanitarianism Conference Proceedings*, 24-26 September 2001. (St Lucia: University of Queensland, 2001), pp. 137-8.

¹⁰ I disagree with Cousens (“Introduction”, p. 10) who claims that in some cases, such as El Salvador and Bosnia, the conflict “may have evolved in ways that make retrospective attention to root causes unnecessary and even counterproductive.” Addressing root causes is fundamental to the resolution of any violent conflict, according to Burton’s human needs theory of conflict resolution. While it might be perceived as necessary to ignore root causes in the process of achieving a peace settlement, once the immediate goal of stopping the

peacebuilding is the idea of meeting needs: for security and order, for a reasonable standard of living, and for recognition of identity and worth”.¹¹

This focus on satisfying human needs is derived from the conflict resolution theories of John Burton.¹² According to Spence, “the process of peacebuilding calls for new attitudes and practices: ones that are flexible, consultative and collaborative and that operate from a contextual understanding of the root causes of conflict”.¹³ The approach is transformative: it is based on terminating something undesired (violence) and the building of something desired through the transformation of relationships and construction of the conditions for peace.¹⁴ It is consistent with the perspective enunciated by Ryan that the task of peacebuilding “involves a switch of focus away from the warriors, with whom peace-keepers are mainly concerned, to the attitudes and socio-economic circumstances of ordinary people ... So whereas peace-keeping is about building barriers between the warriors, peace-building tries to build bridges between the ordinary people”.¹⁵

Justice and Reconciliation

Justice and order are important aspects of peacebuilding in a post-conflict situation where there is a need to end violence, disarm combatants, restore the rule of law, and deal with the perpetrators of war crimes and other human rights abuses. The need to overcome or transform the enmities developed during a violent conflict and “build bridges between ordinary people” suggests a need for reconciliation. This paper is concerned with the challenges and dilemmas of meeting these human needs for justice and reconciliation in the aftermath of violent conflict.

Very few researchers have considered the roles of justice and reconciliation in the success or failure of peace agreements and peacebuilding processes in sustaining a long-term peace. For example, neither David nor Stedman and Rothchild mention the role of transitional justice

violence has been achieved, then attention needs to turn to methodologies designed to resolve the underlying issues and deal with the root causes in order to minimise the chances of a return to violence. Unfortunately, the limited focus on root causes during peace negotiations can undermine the potential for long-term peacebuilding, as we have seen in Cambodia where the failure to pursue accountability for the Khmer Rouge has had a lasting impact on peace in that country.

¹¹ Gareth Evans, *Cooperating for Peace: The Global Agenda for the 1990s and Beyond*. (Sydney: Allen & Unwin, 1993), p. 39.

¹² John W. Burton, “Human Needs Theory” in *Conflict: Resolution and Provention* (London: Macmillan, 1990), pp. 36-48.

¹³ Rebecca Spence, “Post-Conflict Peacebuilding”, p. 145.

¹⁴ John Paul Lederach, “Journey from Resolution to Transformative Peacebuilding” in Cynthia Sampson & John Paul Lederach (eds), *From the Ground Up: Mennonite Contributions to International Peacebuilding* (Oxford/New York: Oxford University Press, 2000), pp. 45-55.

¹⁵ Stephen Ryan, *Ethnic Conflict and International Relations* (Aldershot: Dartmouth, 1990), pp. 61-2.

in their analysis of post-conflict peacebuilding.¹⁶ Nor do they include any reference to the role of psychological reconciliation between former enemies in the quest for peace. Cousens and Kumar do not discuss justice or reconciliation in their overall conclusions, although one of the contributors, Orr, does mention the absence of justice as a root cause of the conflict in El Salvador and the role of improvements in human rights protection and administration of justice in supporting peacebuilding in that country.¹⁷ Another researcher, Hartzell, also acknowledges the role of justice in peacebuilding, but declines to include it in her analysis.¹⁸ Bertram, by contrast, highlights the dilemma of how to deal with those accused of past human rights abuses and the question of “amnesty or reconciliation”. She describes it as “one of the most troubling quandaries for peace builders” and claims that a policy of impunity or blanket amnesty creates “ominous implications for UN efforts to build democracy and a sustainable peace”.¹⁹

Justice and reconciliation have often been seen as competing objectives in the process of making and building peace. In the interests of reaching a settlement, alleged perpetrators of human rights abuses have been included in the negotiations, and even in the new governments in some cases, with Cambodia being a prime example. This process not only perpetuates a culture of impunity that fails to deter future war criminals, it also fails to produce a just peace. A peace agreement that allows power-sharing with criminals and amnesties for their crimes is perceived by the victims or survivors as an “unjust peace” and therefore “detrimental to postwar stability and reconciliation”.²⁰ I agree with Francis that “issues of justice and accountability for war crimes and gross violations of human rights should not be glossed over in the civil war peace settlement”.²¹

It seems that international interveners are increasingly recognising that short-term pragmatism is not a recipe for long-term peace and stability. As observed by Kritz, there has been a paradigm shift in terms of attitudes towards acknowledgement of past human rights violations and international involvement in the implementation of accountability mechanisms

¹⁶ C.-P. David, “Does Peacebuilding Build Peace? Liberal (Mis)steps in the Peace Process”, *Security Dialogue*, 30:1 (March 1999), pp. 25-41; Stephen J. Stedman & Donald Rothchild, “Peace Operations: From Short-Term to Long-Term Commitment”, *International Peacekeeping*, 3:2 (Summer 1996), pp. 17-35.

¹⁷ Elisabeth M. Cousens & Chetan Kumar (eds), *Peacebuilding as Politics: Cultivating Peace in Fragile Societies* (Boulder, Colorado: Lynne Rienner, 2001); R. C. Orr, “Building Peace in El Salvador: From Exception to Rule” in Elisabeth M. Cousens & Chetan Kumar (eds), *Peacebuilding as Politics*, pp. 157 & 165-7.

¹⁸ Carolyn A. Hartzell, “Explaining the Stability of Negotiated Settlements to Intrastate Wars”, *Journal of Conflict Resolution*, 43:1 (February 1999), pp. 3-22.

¹⁹ E. Bertram, “Reinventing Governments: The Promise and Perils of United Nations Peace Building”, *Journal of Conflict Resolution*, 39:3 (September 1995), pp. 387-418.

²⁰ David J. Francis, “Tortuous Path to Peace”, p. 364.

²¹ David J. Francis, “Tortuous Path to Peace”, p. 372.

in the pursuit of justice and reconciliation.²² The extent of violence (and failure of the international community to prevent the escalation of this violence) in the former Yugoslavia and Rwanda triggered the establishment of the first *ad hoc* international war crimes tribunals since Nuremberg, and in July 1998 diplomats and international lawyers from about 150 countries negotiated the text of an agreement for the establishment of the world's first permanent International Criminal Court.²³ In Sierra Leone and East Timor, the international community supported the establishment of both criminal tribunals and truth commissions to deal with the aftermath of violent conflict and gross human rights violations. In Iraq a war crimes tribunal is being established to prosecute the former leaders of the oppressive regime.

Members of the international community increasingly refer to the need to promote national reconciliation, but few actually define what they mean by reconciliation. Most of the writing on international law and transitional justice does not include any analysis of the various types of justice and their relationship to reconciliation or conflict resolution.²⁴

In the shift from peacekeeping to peacebuilding, and the increasing focus on international justice, the international community has taken on the goals of justice and reconciliation without adequately analysing the concepts and how they are best achieved in different conflict circumstances and cultural contexts. There is a lack of discussion in policy circles and the international relations literature of the relationship between mechanisms and desired outcomes in terms of justice and reconciliation. There are many assumptions made about the role of justice in achieving reconciliation, such as the assumption that the International Criminal Tribunal for Rwanda would somehow automatically contribute to reconciliation in Rwanda.²⁵ This is particularly true in the context of peacebuilding:

²² Various national transitional justice mechanisms (including criminal tribunals, truth commissions, administrative reforms and reparations) have been invoked both during and after the end of the Cold War to deal with human rights abuses and crimes against humanity in many countries (including those of the former Soviet bloc, Africa and Central America) but generally with little or no involvement of the international community. Priscilla B. Hayner, "Fifteen Truth Commissions - 1974 to 1994: A Comparative Study", *Human Rights Quarterly*, 16 (1994), pp. 597-655; Neil J. Kritz (ed.), *Transitional Justice: How Emerging Democracies Reckon With Former Regimes*, 3 volumes (Washington, DC: United States Institute of Peace Press, 1995).

²³ William Schabas, *USIP Special Report: The Genocide Convention at Fifty* (Washington, DC: United States Institute of Peace, 1999).

²⁴ Howard Ball, *Prosecuting War Crimes and Genocide: The Twentieth Century Experience* (Lawrence, Kansas: University Press of Kansas, 1999); Steven R. Ratner & Jason S. Abrams, *Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy* (London: Clarendon Press, 1997); Naomi Roht-Arriaza (ed.), *Impunity and Human Rights in International Law and Practice* (New York: Oxford University Press, 1995).

²⁵ See Shinoda who discusses the lack of explicit articulation of the role of international tribunals in contributing to national reconciliation and peacebuilding. H. Shinoda, "Peace-building by the Rule of Law: An Examination of Intervention in the Form of International Tribunals", Paper presented to the 2001 Annual Convention of the International Studies Association, Chicago, Illinois, 22 March 2001. See also Aleksandar Fatia, *Reconciliation via the War Crimes Tribunal?* (Aldershot, England: Ashgate Publishing, 2000).

Justice and reconciliation are fundamental to peace-building, but there is no adequate theorising of how these relate to each other or even a common language of what they all mean in the context of post-conflict peace-building.²⁶

It is now being argued by some that justice is a necessary component of reconciliation,²⁷ although in practice the two are often seen as mutually incompatible (for example, in Bosnia).²⁸ There seems to be widespread lack of agreement, if not confusion, about the relationships between justice, reconciliation, conflict resolution and peace.

One of the conceptual confusions revolves around the various definitions of justice. Until now in this article, when I have referred to the importance of justice in the peacebuilding process, the meaning of legal justice has been assumed. However, this is not the only type of justice that is important in peacebuilding. As outlined by Lederach, socioeconomic justice is also critical to peace. He identifies what he calls the “justice gap” in peacebuilding: “we have not adequately developed a peace-building framework that reduces direct violence and produces social and economic justice”.²⁹ As a result, he advocates a broadening of our understanding of peacebuilding to include conflict transformation, restorative justice and socio-economic development. Mani similarly advocates three categories of justice which are necessary for reconciliation and peacebuilding: legal justice, rectifying justice and social justice.³⁰

Justice is a complex concept which has substantive and symbolic, economic and social, legal and psychological meanings. It may be retributive, restitutive or restorative. A schema outlining the various types of justice is provided in Table 1.

²⁶ Donna Pankhurst, “Issues of Justice and Reconciliation in Complex Political Emergencies: Conceptualising Reconciliation, Justice and Peace”, *Third World Quarterly*, 20:1 (1999), p. 254.

²⁷ International Peace Academy, *Civil Society and Conflict Management in Africa*, Report of the IPA/OAU Consultation, Cape Town, South Africa, 29 May – 2 June 1996; John Paul Lederach, *Preparing for Peace: Conflict Transformation Across Cultures* (Syracuse, New York: Syracuse University Press, 1995).

²⁸ The Prosecutor for the International Criminal Tribunal for the Former Yugoslavia (ICTY), Justice Louise Arbour, was quoted as saying that a truth commission for the Balkans and the ICTY “couldn’t exist together” (N. Dyson & M. Spencer, “Prosecuting War Criminals”, *Peace Magazine*, 16:2 (Spring 2000), p. 22). Boraine and Hayner report that both the former ICTY president, Gabrielle Kirk McDonald, and prosecutor, Louise Arbour, argued at a conference in Belgrade in November 1998 that the establishment of a truth commission would confuse people and would undermine the work of the Tribunal. On the other hand, Judge Richard Goldstone, the first ICTY prosecutor, said publicly that he regarded the Tribunal and a truth commission as complementary rather than contradictory. Alex Boraine, *A Country Unmasked: Inside South Africa’s Truth and Reconciliation Commission* (Oxford: Oxford University Press, 2000), p. 389; Priscilla B. Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001), pp. 207-8.

²⁹ John Paul Lederach, “The Challenge of the 21st Century: Justpeace” in *People Building Peace: 35 Inspiring Stories from Around the World* (Utrecht: European Centre for Conflict Prevention, 1999), p. 32.

³⁰ Rama Mani, “Conflict Resolution, Justice and the Law: Rebuilding the Rule of Law in the Aftermath of Complex Political Emergencies”, *International Peacekeeping*, 5:3 (Autumn 1998), pp. 5-8;

When people have been wronged they express a desire for justice, which can be interpreted as a human need to feel a sense of justice. But what type of justice is necessary varies with individual circumstances and predispositions, the type of wrong and the local context. To state the obvious, different people have different priorities and needs in relation to justice.

Similarly, people have different priorities in relation to reconciliation. For some people an apology is a critical first step, while for others forgiveness and even reconciliation may be possible without such acknowledgement of the harm perpetrated. Whether or not justice is required for reconciliation is a matter of some debate, and different people will regard different types of justice as more relevant for reconciliation. An undertaking to avoid the harmful acts of the past and build a new relationship built on trust and respect is another step which is normally seen as essential to the reconciliation process. Table 2 identifies some of the components of reconciliation.³¹ The requirement for the presence or absence of each of these components contributes to the meaning of reconciliation to individuals and societies in different contexts.

Approaches to reconciliation are affected by cultural differences often underpinned by religious beliefs as well as social customs.³² In Rwanda and Cambodia, for example, we can

³¹ Sources of inspiration for this model include: Hizkias Assefa, *Peace and Reconciliation as a Paradigm* (Nairobi, Kenya: Nairobi Peace Initiative, 1993); Alice Ackermann, "Reconciliation as a Peace-Building Process in Postwar Europe: The Franco-German Case", *Peace & Change*, 19:3 (July 1994), pp. 229-250; John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, DC: U.S. Institute of Peace Press, 1997); Peter Brecke & William J. Long, "War and Reconciliation", Paper presented to the 38th Annual Convention of the International Studies Association, Toronto, Canada, 18-22 March 1997; Norman C. Habel, *Reconciliation: Searching for Australia's Soul* (Sydney: HarperCollins Publishers, 1999); Ron Kraybill, "From Head to Heart: The Cycle of Reconciliation", *Conciliation Quarterly*, 7:4, (1998), pp. 2-38; Donald W. Shriver, *An Ethic for Enemies: Forgiveness in Politics* (New York: Oxford University Press, 1995); Eileen Borris, "Forgiveness, Social Justice and Reconciliation", A paper presented at the Fifth International Symposium on the Contribution of Psychology to Peace, University of Melbourne (July 1997); Ronald J. Fisher, "Social-Psychological Processes in Interactive Conflict Analysis and Reconciliation" in Ho-Won Jeong (ed.) *Conflict Resolution: Dynamics, Process and Structure* (Aldershot, England: Ashgate Publishing, 1999), pp. 81-104; Mervyn T. Love *Peace Building Through Reconciliation in Northern Ireland* (Aldershot, England: Avebury/Ashgate Publishing, 1995); Kader Asmal, Louise Asmal, & Ronald Suresh Roberts, *Reconciliation Through Truth: A Reckoning of Apartheid's Criminal Governance* (Cape Town: David Philip Publishers, 1996); Louis Kriesberg, "Paths to Varieties of Inter-Communal Reconciliation", Paper presented to the Seventeenth General Conference, International Peace Research Association, Durban, South Africa, 22-26 June 1998; Susan Dwyer, "Reconciliation for Realists", *Ethics & International Affairs*, Volume 13, (1999), pp. 81-98; Christopher Mitchell "Intractable Conflicts: Keys to Treatment?" ("Conflictos Cronicos: Claves de Tratamiento"), Keynote Address given at the VI Jornades Internacionales de Cultura y Paz, Gernika, Spain, April 22-26 1996; Johan Galtung, "After Violence, Reconstruction, Reconciliation, and Resolution: Coping with Visible and Invisible Effects of War and Violence" in Mohammed Abu-Nimer (ed.), *Reconciliation, Justice, and Coexistence: Theory and Practice*. (Lanham, Maryland: Lexington Books, 2001), pp. 3-23.

³² M. Hurley (ed.) *Reconciliation in Religion and Society*. (Belfast: Institute of Irish Studies, Queens University, 1994), pp. 163-188; David W. Augsburger, *Conflict Mediation Across Cultures: Pathways and Patterns* (Louisville, Kentucky: Westminster John Knox Press, 1992).

see the influence of Buddhism and Christianity on attitudes towards justice and reconciliation.³³

Exploring the multiple meanings of justice and reconciliation and using this analysis to critically examine existing peacebuilding mechanisms can help to identify improvements which could more successfully promote justice and reconciliation and thereby be more likely to lead to a more stable and lasting peace. This approach is illustrated by my research with genocide survivors in Cambodia and Rwanda.³⁴

Cambodia: Genocide with Impunity

Following the genocidal Pol Pot regime that controlled Cambodia from 1975-1978, there were no significant or effective official public processes of acknowledgement, apology or legal justice implemented in Cambodia, despite the numerous initiatives proposed by the international community and Cambodian government. Nor were there any official international acts of condemnation or prosecution.³⁵ Once the Cold War was over, the United Nations played a significant role in rebuilding peace in Cambodia, but the issues of justice and reconciliation were not addressed in the final peace agreement. During peace negotiations, the Hun Sen government apparently stressed the issue of genocide and the need to bring the perpetrators to justice, but the United States and China supported the Khmer Rouge in blocking any moves in this direction.

The final peace agreement did not preclude the Khmer Rouge from participating in the Cambodian elections, nor did it prevent former officials of the Khmer Rouge associated with the genocide from holding office in the future. There was a reference to ensuring “the non-return to the policies and practices of the past” but there was no provision made for war crimes trials or other means of achieving justice.³⁶ Numerous Khmer Rouge leaders subsequently defected and joined the Cambodian government and military. In the interests of ‘national reconciliation’, the Hun Sen government accepted the former Khmer Rouge and, in some cases, offered them immunity from prosecution.

³³ Wendy R. Lambourne, “Justice and Reconciliation: Post-Conflict Peacebuilding in Cambodia and Rwanda”, PhD Thesis, University of Sydney, 2002.

³⁴ Wendy R. Lambourne, “Justice and Reconciliation”.

³⁵ See Etcheson for a thorough analysis of the various attempts at redress or justice over the first 20 years following the fall of the Khmer Rouge regime. Craig Etcheson, “Putting Pol Pot in Jail: Dilemmas of Accountability in Cambodia”, Paper presented to the Annual Meeting of the American Anthropological Association, Washington, DC, 19-23 November 1997.

³⁶ Trevor Findlay, *Cambodia: The Legacy and Lessons of UNTAC* (Oxford: Oxford University Press, 1995), p. 10.

The UN began negotiations with the Cambodian government for a tribunal to prosecute the former Khmer Rouge leaders in 1997, but efforts were delayed by Hun Sen's inconsistent attitude and his desire to maintain domestic control over the tribunal despite international concerns about the ability to produce fair trials without international involvement. Finally in May 2003 after five years of negotiations the UN General Assembly approved an agreement with the Cambodian government for prosecutions under Cambodian law of the surviving former leaders of the Khmer Rouge.³⁷

When I visited Cambodia in October 1999 I interviewed survivors of the Pol Pot era who expressed their desire for international legal justice. For example, a female survivor of the genocide who heads a Cambodian human rights NGO, told me that “almost the whole Cambodian population would like a tribunal”. Another of my interviewees, a 30 year-old survivor, said that “if they [former Khmer Rouge] are still detained and there is no tribunal, then all Cambodian people will be unhappy because they want the UN to find the justice for Cambodian victims”.

Further evidence showing widespread Cambodian support for an international tribunal has included a rally of 5000 people during the visit of a UN delegation to Phnom Penh in August 1999,³⁸ and the results of a number of surveys that have been conducted in recent years. These include surveys by the Khmer Journalists' Association in 1995 or 1996³⁹ and the Institute of Statistics and Research on Cambodia (IFFRASORC) in 1999, both of which reported that over 80% of Cambodians wanted the surviving Khmer Rouge leaders to be prosecuted.⁴⁰ Also in 1999, the Cambodian Human Rights Action Committee presented to the UN Secretary-General, Kofi Annan, a petition signed by nearly 85,000 Cambodians which called on the UN to establish an international tribunal.⁴¹

Although at least some Cambodians are aware of the potential limitations of a tribunal for the Khmer Rouge, the Cambodians I interviewed still believe some justice would be better than none. For example, one of my interviewees said: “The government agree [*sic*] with US

³⁷ United Nations General Assembly Press Release GA/10135, 13 May 2003; Edith M. Lederer, “U.N. Approves Cambodia Tribunal Agreement”, Associated Press, 13 May 2003.

³⁸ *The Australian*, 27 August 1999, p. 6

³⁹ The existence of this survey was reported to me by former CGP Director, Ben Kiernan (personal interview, Melbourne, 2 July 1999). Despite personal approaches to both the Khmer Journalists' Association (through a former member of the now disbanded organisation) and The Asia Foundation (the funding agency), I was unable to find any written reports of the survey results. My former-KJA informant remembered the survey, but not any of the findings. He remembered only that there was “lots of conflict over the methodology” and that “many Cambodians didn't want to answer”.(Lambourne, 2002).

⁴⁰ “Most Cambodians Want Trial for K. Rouge – Poll”, Reuters, 27 January 1999.

⁴¹ Letter to H. E. Kofi Annan from the Cambodian Human Rights Action Committee, Phnom Penh, 20 January 1999.

proposal for a tribunal – it’s good – will help in Cambodia. Can do justice – but not for all.” Another said that trying the Khmer Rouge leaders could have a good impact on impunity: “not a magic wand, but can show to criminals or bad people that even the Khmer Rouge who are powerful must be punished”. One survivor said he thought the leaders responsible for the genocide should be in prison for their whole lives, and that he “wouldn’t stop all people involved in the killing fields from standing in front of court and being brought to justice”. Another survivor said she thought that there should be a tribunal because so many were killed during the Khmer Rouge regime: “somebody should be brought to court”. She said she was still angry but if the Khmer Rouge were in jail that would help her to feel better. A woman interviewed by journalist, Adam Piore, in the 1990s said “as tears streaked her wrinkled face” that: “They killed my children. That’s why I am like this”.⁴²

Until recently, Cambodian Prime Minister Hun Sen, has promoted a policy of ‘national reconciliation’ which effectively means a policy of compromise and accommodation rather than the truth, acknowledgement and accountability sought by Cambodian survivors. The Cambodians I interviewed expressed dissatisfaction with Hun Sen’s approach of welcoming and reintegrating the former Khmer Rouge leaders, and treating their former torturers like national heroes. For example, one survivor said she was “not happy to see those criminal people sitting in good chair ... Even though we forgive him for peace, we shouldn’t let him live with special treatment. He should live as ordinary people; he should work.” Another said: “Why should the former Khmer Rouge live so freely and be received by Hun Sen in a five star hotel? This makes a lot of people angry”.

Pol Pot never acknowledged his guilt and Cambodians were reportedly angry that he died without facing trial.⁴³ Two other former senior Khmer Rouge leaders, Khieu Samphan and Nuon Chea, apologised to the people of Cambodia during an international press conference.⁴⁴ However, Cambodians reacted with some scepticism in response to Khieu Samphan’s apology because it was delivered in English in front of the foreign media. For example, one survivor said the apology “didn’t mean anything ... we don’t know if it comes from his heart, whether it’s true or not – and besides – it was in English”.

It is clear that the legal justice needs of the Cambodians were not considered an important part of the peacebuilding process, at least until recently. The failure to pursue accountability for human rights violations perpetrated by the Khmer Rouge has not only failed to meet the

⁴² Adam Piore, “Cambodia’s Killers Win Again”, *Newsweek International*, 25 February 2002.

⁴³ “Death of Pol Pot: Public Cheated of Justice”, *camnews.v001.n590.15*, 17 April 1998.

legal justice needs of ordinary Cambodians, it has also created a culture of impunity and lack of respect for the rule of law. Human rights continue to be abused with impunity in Cambodia, thereby undermining the experience of peace and security for Cambodians. Cambodians still harbour resentment against the former Khmer Rouge leaders who live freely and with a good standard of living, unlike many of the Cambodians who survived the Pol Pot regime and now live in poverty.

Meeting these legal and socioeconomic justice needs might help promote long-term peace and reconciliation in Cambodia, at least from the point of view of the survivors. It is possible that a tribunal that offered some hope of retributive justice might help heal the sorrow and trauma still suffered by Cambodians 30 years after the Pol Pot regime. But what about the perpetrators, the former Khmer Rouge?

Very little research has been conducted to determine the desires and needs of the former Khmer Rouge in terms of justice and reconciliation. It might be expected that these needs would be very different to the survivors and other Cambodians. Indeed, it has been reported that the former Khmer Rouge, many of whom still live in their former stronghold of Pailin, have threatened a return to war and violence if legal accountability were pursued.⁴⁵ However, surprisingly, a majority of the participants in a public forum on “National Reconciliation and the Former Khmer Rouge” which was held in Battambang near Pailin (and included a large contingent of former Khmer Rouge cadre) voted in a secret ballot in favour of a Khmer Rouge tribunal.⁴⁶ Also, one of my interviewees told me how he went with an Italian journalist to a Khmer Rouge stronghold and observed that “people want peace, to be included back in Cambodian society, and for the leaders to be tried.” It is possible that further research might reveal that a majority of the population, including both former Khmer Rouge cadre and survivors, favour a tribunal for the former Khmer Rouge leaders.

Rwanda: International Justice – and Reconciliation?

Both the international community and the Rwandan government regarded legal justice as crucial to the peacebuilding process in the aftermath of the 1994 genocide in Rwanda, and yet Rwandans have not necessarily experienced justice as a result of the trials implemented locally and at the international level. The Rwandan domestic courts are trying those accused

⁴⁴ Seth Mydans, “Under Prodding, 2 Khmer Rouge Apologize for the Reign of Terror”, *New York Times*, 30 December 1998.

⁴⁵ “Cambodia: Defectors warn of revenge if trials proceed”, *camnews*, 25 January 1999; “Former Khmer Rouge official warns against tribunal”, *Reuters*, 4 February 2000.

of genocide and crimes against humanity committed since October 1990, while the UN established the International Criminal Tribunal for Rwanda (ICTR) to prosecute those accused of genocide, crimes against humanity and war crimes committed during 1994.

The domestic trials of genocide suspects in Rwanda have been marred by an inadequate justice system and the large numbers of accused. In order to speed up trials and sentencing, as well as revealing the truth about the genocide and fostering reconciliation, the Rwandan government has introduced *gacaca* courts based on traditional community justice to try those accused of all but the most serious crimes. It is too early to assess the contribution of the *gacaca* system to justice and reconciliation in Rwanda, although some preliminary observations have been made by writers such as Vandeginste and Harrell.⁴⁷

The Rwandan government sees legal accountability as an integral part of the reconciliation process: “there can be no reconciliation without justice”.⁴⁸ This attitude was reflected by many of the Rwandans whom I interviewed in Kigali and Arusha in July 1998, as well as by those I interviewed in Toronto, Canada, in June 2000. According to one Tutsi survivor, “justice is also important for reconciliation because someone will feel lighter if the man who killed her husband is punished.” Another Tutsi survivor, said that “justice will resolve problems. It is a condition for reconciliation.” She also said that “we need justice before forgiveness. Forgiveness is not possible without justice. Too many people were involved. Rwanda does not have enough money and human resources to prosecute all those in jails. But the people behind it all – the leaders – must be punished even if not everyone. They must accept that they did wrong, then ask for forgiveness, then be forgiven.” Another Tutsi survivor who had become a Catholic priest since the genocide, maintained that:

Some people think that justice is just about revenge, if they haven’t travelled their own suffering and mourning. Some outside see the Tutsi government as a group getting justice, but they should see them as a group healing their own wounds. Corrective justice is important as a way of reconciliation. The church’s role is to help people to understand what is justice and to

⁴⁶ “Cambodians Talk About the Khmer Rouge Trial”, *Phnom Penh Post*, 4-17 February 2000; personal email communications with the Centre for Social Development which organised the public forum.

⁴⁷ Stef Vandeginste “Rwanda: Dealing with Genocide and Crimes Against Humanity in the Context of Armed Conflict and Failed Political Transition” in Nigel Biggar (ed.), *Burying the Past: Making Peace and Doing Justice after Civil Conflict* (Washington, DC: Georgetown University Press, 2001); Peter E. Harrell, *Rwanda’s Gamble: Gacaca and a New Model of Transitional Justice* (New York: Writers Club Press, 2003). For further details about the procedures, inadequacies and achievements of the domestic trials and the development of the *gacaca* alternative see also: Paul J. Magnarella, *Justice in Africa: Rwanda’s Genocide, Its Courts, and the UN Criminal Tribunal* (Aldershot, England: Ashgate Publishing, 2000); Peter Uvin, “Difficult Choices in the New Post-Conflict Agenda: The International Community in Rwanda After the Genocide”, *Third World Quarterly*, 22:2 (April 2001), pp. 177-189.

⁴⁸ Rwandan government website (<http://www.rwanda1.com/government/justice.htm>).

help people to give mercy and forgiveness. If legal justice is done well, then it is one step towards reconciliation.

The ICTR, meanwhile, has been plagued by mismanagement and lack of resources, and has been criticized by the Rwandan government for failing to provide justice because of the slow trials and inadequate sentencing. The non-government sector has further criticized the ICTR for its lack of concern and protection for witnesses, and the inaccessibility of its proceedings to the great majority of Rwandans. While the ICTR is an international legal instrument, its mandate is to provide justice for Rwandans, not just the international community. It is only justice experienced by Rwandans that will contribute to peace and reconciliation in that country, which is the goal of the Tribunal as outlined in UN Security Council Resolution 955 which set up the ICTR. One of the genocide survivors whom I interviewed in Arusha echoed the sentiment that “reconciliation occurs between people, not governments. People need to see the ICTR working on the ground.”

As a result of my interviews and observations in Arusha and Kigali I concluded that the Tribunal would need to make itself more accessible and relevant to the expressed needs and perspectives of the Rwandan people if it were to fulfil its mandate to promote justice and reconciliation. The increasing use of Kinyarwanda and radio transmissions of the Tribunal proceedings are steps in the right direction. Also important would be the holding of trials in Kigali as the ICTR is currently planning.⁴⁹

Another area needing addressing is the lack of compensation or restitution which has been a significant area of dissatisfaction experienced by genocide survivors in relation to the ICTR. Many of my Rwandan interviewees stressed the importance of compensation or socioeconomic justice to promote reconciliation. For example, a Tutsi survivor whom I interviewed in Arusha told me that “women in Rwanda want compensation. They don’t understand that the ICTR is not a social institution so they are not fulfilled; their expectations are not being met.” Another genocide survivor said that:

In practice it is very difficult compared with theory. People still need material things to reconstruct houses and replace stolen or burnt things. Therefore they can’t forget and live peacefully together with others. They need some compensation. If their material needs are met, they are more able to reconcile.

⁴⁹ Payam Akhavan, “Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?”, *American Journal of International Law*, 95:1 (January 2001), p. 25.

This approach was echoed by another Tutsi survivor who said that “the government is asking us to forget – but how? ... The government should try to reduce poverty, especially for the survivors, because it is hard to forget when living in such conditions”.

According to Francoise Ngendahayo, women need restitutive justice more than retributive justice, and are more interested in rehabilitation than criminal justice.⁵⁰ Two years after my visit, the new Chief Prosecutor, Carla del Ponte, announced that efforts were underway to make compensation payments available to the victims.⁵¹ It is hoped that these and other improvements in the functioning and operations of the ICTR in recent years and the increased rate of prosecutions will have a positive impact on reconciliation in Rwanda.

After focussing primarily on justice in the immediate aftermath of the genocide, the Rwandan government in 1999 created a National Unity and Reconciliation Commission with a mandate to encourage a culture of peace, unity and reconciliation and to monitor government programs to ensure their observance of policies of national unity and reconciliation.⁵² As described by Staub and Pearlman, the Commission has conducted discussion meetings with Rwandans to ask what they need in order to reconcile.⁵³ For example, according to Staub, women at a meeting organised by the Commission “expressed the need for a better economic situation for their families as part of the kind of justice that will help with reconciliation”.⁵⁴ Staub and Pearlman argue that the advantages of this elicitive process include: giving Rwandans an opportunity to engage with the idea of reconciliation; helping them to identify what they need for reconciliation to take place; and giving them an opportunity to express their views and actively engage with each other.⁵⁵ Focusing on the needs expressed by the survivors (as well as perpetrators) is a process that could be supported more by the international community in an effort to promote justice and reconciliation as part of post-conflict peacebuilding.

⁵⁰ Personal interview with Francoise Ngendahayo, Adviser on Gender Issues and Assistance to Victims, ICTR, Arusha, 30 June 1998.

⁵¹ “Compensating victims with guilty money”, Interview with Carla del Ponte, The Hague, June 9, 2000, reported in *Judicial Diplomacy: Chronicles and Reports on International Criminal Justice* (<http://www.diplomatiejudiciaire.com/UK/Tpiruk/Prosecutor13.htm>).

⁵² *National Unity and Reconciliation Commission: Background Functions, Structures & Responsibilities*, Government of Rwanda, Kigali, [April 1999]. See also Prendergast & Smock (1999).

⁵³ Ervin Staub & Laurie Anne Pearlman, “Healing, Reconciliation, and Forgiving after Genocide and Other Collective Violence” in Raymond G. Helmick. & Rodney L. Petersen (eds), *Forgiveness and Reconciliation: Religion, Public Policy, & Conflict Transformation* (Philadelphia: Templeton Foundation Press, 2001), pp. 206-7.

⁵⁴ Ervin Staub, “Genocide and Mass Killing: Origins, Prevention, Healing and Reconciliation”, *Political Psychology*, 21:2 (June 2000), pp. 379.

⁵⁵ Ervin Staub & Laurie Anne Pearlman, “Healing, Reconciliation, and Forgiving”.

It is important to recognise that most of the above observations relate only to the responses and needs of the survivors, primarily Tutsi. The dilemmas of promoting reconciliation and justice in Rwanda are complicated by the divisions evident in the community, not only between Hutu and Tutsi, but also within each population: between the Hutus who killed and those who didn't; between Hutu extremists and moderates; between Tutsi who lived in Rwanda their whole lives and those who returned after the genocide; between Francophones and Anglophones; and so on.

The majority Hutu, the accused and their relatives would have understandably different attitudes towards justice and reconciliation. For example, the Rwandan official, politically correct approach to justice and reconciliation is reflected by my interviewees who were almost all Tutsi survivors and returnees. This view is contested by members of the Hutu majority who are critical of the lack of justice for the alleged atrocities perpetrated against the Hutu by the Tutsi army, and of the arrest and detention without trial of many Hutu civilians. The legal justice and reconciliation needs of the Hutu majority are thus not being met by this process. Furthermore, the prolonged incarceration of family breadwinners has a detrimental effect on economic justice for Hutu families which further undermines the quest for reconciliation.

In order to fully assess the international and domestic legal processes, the *gacaca* courts and the National Unity and Reconciliation Commission, as strategies for promoting justice and reconciliation, this preliminary study of the needs of the victim group would have to be expanded to include other sectors of the population, most notably the *génocidaires* and their families.

Mamdani criticizes the Rwandan government for following a line of “victim’s” rather than “survivor’s” justice.⁵⁶ Survivor’s justice would embrace all Rwandans as survivors of the civil war who must work together against the political system of discrimination and power imbalance that created the entrenched hatreds and genocide. He advocates a truth commission that would enable Rwandans to reconcile with their history and contribute to this sense of political justice. By contrast, as discussed, the victims have pursued a form of justice that blames and alienates the majority Hutu population. While this may be seen as inimical to long-term peace and security, it is also a process which meets the needs of the Tutsi as well as the international community for accountability for international crimes including genocide.

⁵⁶ Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton, New Jersey: Princeton University Press, 2001), pp. 266-273.

A Tutsi returnee and lawyer whom I interviewed in Kigali, similarly argued for a more victim-oriented justice that would foster reconciliation by addressing social and economic justice as well as legal justice. She maintained that the current “lack of rehabilitation [of prisoners] and reparations and communication can’t help in the process of national reconciliation”. Economic justice could not, however, replace legal justice, she said: “economic empowerment won’t break impunity”. In the face of the “problem of poverty, money is not all that the survivors need. They also need visibility of the crimes and recognition of the genocide”.

How to balance the needs for different types of justice and reconciliation in post-genocide Rwanda, only some of which are identified above, is a challenge which requires further attention if peacebuilding is to succeed in that country.

Comparative Analysis

The meanings of justice and reconciliation suggested by my interviewees reflected broad and complex understandings as well as needs in the aftermath of violent conflict. Some of the differences noted were the greater emphasis placed on fairness and impartiality by Cambodians describing justice, while Rwandans were more likely to mention the role of punishment in their definitions of justice. Cambodians more often commented on the importance of respect for human rights when talking about justice. Both Cambodians and Rwandans emphasized the importance of legal justice while Rwandans also identified the importance of socioeconomic justice in order to promote reconciliation, as discussed below. Cambodians were more likely to regard reconciliation as some kind of political compromise, presumably because of their experience with the Hun Sen government’s use of the term ‘national reconciliation’ to describe the process of accommodation of the former Khmer Rouge. Nevertheless, Cambodians did make the link between reconciliation and peace. Rwandans, meanwhile, focused on the need for reconciliation as an interpersonal process requiring forgiveness.

The relationship between justice and reconciliation was seen as interdependent by both Cambodians and Rwandans, but the issue of what type of justice and how to prioritise these processes varied both within and between the two groups. Cambodians were focussed very much on wanting justice because they had already experienced ‘national reconciliation’ as defined by Hun Sen, while in Rwanda the focus was on achieving justice ahead of reconciliation. In Cambodia the emphasis was on human rights and procedural justice, as well

as punishment for the former Khmer Rouge, while in Rwanda retributive and restitutive justice were prioritized.

Again, it should be borne in mind that the attitudes towards justice and reconciliation in the whole populations of these two countries would be expected to vary even more than is indicated by this preliminary study of members of the victim groups.

What are the lessons that can be learnt from these two case studies in relation to priorities for peacebuilding?

The Way Forward

Post-conflict peacebuilding is evidently not a simple process. There are significant limitations and complications that need to be addressed, including political and resource constraints, lack of political will, and lack of capacity to implement terms of the peace agreement.⁵⁷ The efforts of the international community to promote peace in societies recovering from violent conflict are further complicated when there has not been a negotiated end to the violence involving the international community, as in Rwanda after the genocide in 1994. Boutros-Ghali draws the distinction between post-conflict peacebuilding in the context of a comprehensive peace settlement, and peacebuilding activities where the UN does not already have a peacemaking or peacekeeping mandate.⁵⁸ In the latter situation, it is not clear who has the responsibility for implementing, monitoring and co-ordinating peacebuilding activities, and the parties to the conflict are not bound by any agreement as to their part in the peacebuilding process. If the violence has ceased because of a military victory, as in Rwanda, then there is the problem of an imbalance of power between the victors and losers to deal with in the reconstruction of society and the implementation of justice mechanisms.

This situation is different again and even more challenging when the victor in the military conflict is an outside intervener, such as the US in Iraq and Afghanistan. The US and coalition have the moral and legal responsibility to provide assistance in the rebuilding effort, but do not have the moral credibility nor practical experience to manage the process. The UN has the experience, but is lacking credibility in Iraq, and has limited resources to tackle such an

⁵⁷ E. Bertram, "Reinventing Governments".

⁵⁸ Boutros Boutros-Ghali, *Agenda for Peace*.

enormous and complicated task. How can either the US or UN effectively implement justice and reconciliation processes in this situation?

Previous studies have concentrated on evaluating post-conflict peacebuilding as part of the implementation of peace agreements and have generally not included cases without a negotiated settlement.⁵⁹ This is a limited approach as many conflicts ‘end’ as the result of military victory, as in Rwanda and Iraq, which has significant implications for the consideration of transitional justice issues.⁶⁰

In the aftermath of genocide, the peacebuilding process faces even greater challenges in dealing with the total devastation of societies and individuals physically, psychologically, structurally, politically, economically, socially and spiritually. However, researchers have generally not drawn the distinction between peacebuilding in the aftermath of genocide and peacebuilding following other civil wars or ethnic conflicts. Hartzell concluded from her study of 23 civil wars (of which 16 were defined as identity-based) that there was no significant relationship between identity conflicts and the stability or otherwise of peace agreements.⁶¹ However, her analysis seems somewhat simplistic as each conflict was defined as either identity-based or politico-economic “based on the motivating concern of the actors involved in the civil war”,⁶² even though many conflicts are actually mixed in motivation. For example, the Rwandan conflict is generally characterised as ethnic, and yet the grievances of the Hutu majority were based on socioeconomic disadvantage, and the primary targets of the genocide (at least initially) were political opponents of the governing regime.

In Cambodia, post-conflict peacebuilding occurred as a component of a comprehensive peace agreement (the Paris Peace Accords) while in Rwanda the international community’s involvement in post-conflict peacebuilding after the genocide occurred following the military defeat of the Hutu government by the Tutsi-dominated Rwandan Patriotic Front.⁶³ In the

⁵⁹ See for example: Stephen J. Stedman & Donald Rothchild, “Peace Operations”; Carolyn A. Hartzell, “Explaining the Stability”; Fen Osler Hampson, *Nurturing Peace*.

⁶⁰ Previous studies have looked at post-conflict peacebuilding in Rwanda following the Arusha Accords that were negotiated in 1993 but were abruptly curtailed by the start of the genocide in April 1994, rather than what has occurred since the RPF victory that halted the genocide in July 1994. E. Bertram, “Reinventing Governments”; Carolyn A. Hartzell, “Explaining the Stability”.

⁶¹ Carolyn A. Hartzell, “Explaining the Stability”.

⁶² Carolyn A. Hartzell, “Explaining the Stability”, p. 16.

⁶³ It should be noted, however, that the UN did already have a presence in Rwanda in the form of its peacekeeping mission prior to the genocide (UNAMIR), and although there was a follow-up mission in the dying days of the genocide (UNAMIR II), this was not fully translated into a UN peacebuilding mission. The task of post-genocide peacebuilding was managed by the new Rwandan government rather than by the United Nations, although of course UN bodies were involved (such as UNCHR and the ICTR) as well as other international

former case, the UN opted for a pragmatic peace settlement that did not prioritise reconciliation or justice, while in the latter the road of international legal justice was followed with little regard for its impact on reconciliation. In both cases, the needs of the Cambodians and Rwandans for reconciliation and justice were not considered; instead the focus in Cambodia was on geopolitical considerations and in Rwanda on the implementation of international law to satisfy the needs of the international community.

There will be no lasting peace and stable democracy in war-torn societies without truth, justice, and reconciliation. Mass killing, ethnic cleansing, rape, and other brutal forms of conducting war in ethnic, religious, and similar types of conflict render reconciliation extremely difficult. Although it is a long-term process, it has to be started as soon as the peace operation and peacebuilding are initiated.⁶⁴

In the international community's past peacebuilding practice, the focus on the political rather than the personal has tended to mask the underlying psychosocial processes that contribute to the willingness and readiness of people to choose a path of peace and reconciliation rather than engaging in further mass violence and/or abuse of human rights. As argued by Rasmussen, the concern with "hard-nosed" *geopolitics* needs to expand to include the realm of *geosocial politics* in which relationship-building and reconciliation take centre stage.⁶⁵

Lederach's theories on peacebuilding also identify relationships as a central component. He argues that one of the most important needs is for peacebuilders to "find ways to understand peace as a change process based on relationship building".⁶⁶ He goes further to say that we need to reorient our peacebuilding framework "toward the development of support infrastructures that enhance our capacity to adapt and respond to relational needs rather than being defined and driven by events and agreements".⁶⁷ In other words, rather than focussing on the political and legal aspects of peace agreements, truth commissions and criminal tribunals, we need to focus on the task of relationship-building and how that may be enhanced through these various processes.

interveners including many NGOs. In fact, after the genocide the 'land of the thousand hills' was given a new nickname: the 'land of the thousand NGOs'.

⁶⁴ Winrich Kühne, "From Peacekeeping to Postconflict Peacebuilding" in Luc Reyhler & Thania Paffenholz (eds), *Peacebuilding: A Field Guide* (Boulder, Colorado: Lynne Rienner Publishers, 2001), p. 386

⁶⁵ J. Lewis Rasmussen, "Negotiating a Revolution: Toward Integrating Relationship Building and Reconciliation into Official Peace Negotiations" in Mohammed Abu-Nimer (ed.), *Reconciliation, Justice, and Coexistence: Theory and Practice* (Lanham, Maryland: Lexington Books, 2001), pp. 101-127.

⁶⁶ John Paul Lederach, "The Challenge of the 21st Century", p. 35.

⁶⁷ John Paul Lederach, "The Challenge of the 21st Century", p. 35.

As Rasmussen points out, the conflict resolution community's concern with psychosocial issues and emotional problems has been regarded with suspicion and too easily dismissed as irrelevant to the realities of peacemaking and peacebuilding by traditional international relations practitioners.⁶⁸ However, as Rothstein argues: "Since there is obviously an important psychological component of protracted conflicts, there is surely likely to be an equally important psychological or emotional component to their resolution".⁶⁹ Consistent with conflict resolution theory's emphasis on the need to address underlying human needs, international interveners need to address the underlying causes, as well as the effects, of the broken relationships manifested in violent conflicts. As Rothstein points out, this emphasis on psychological needs does not mean that other political interest-based approaches to peacebuilding are irrelevant or less important.⁷⁰ Concerns with power, security, resources and structural issues need also to be addressed. My argument is that psychological, relationship-based aspects of peacebuilding have not been considered sufficiently in the implementation of post-conflict peacebuilding: there needs to be a questioning of *realpolitik* assumptions and a redress in the balance of priorities and understanding. Focussing on responding to people's expressed needs in relation to justice and reconciliation is one step in this direction which can contribute to the long-term success of peacebuilding.

⁶⁸ J. Lewis Rasmussen, "Negotiating a Revolution", p. 119.

⁶⁹ Robert L. Rothstein, "Fragile Peace", p. 239.

⁷⁰ Robert L. Rothstein, "Fragile Peace", p. 239.

TABLE 1: A TYPOLOGY OF JUSTICE

Substantive Justice

Legal Justice

Retributive justice (or retribution)

- settlement of one's accounts involving punishment or revenge

Restitutive justice (or restitution)

- recovery of losses, reparations or compensation to rectify harms

Restorative justice

- emphasis on restoring or healing relationships between conflicting parties

Procedural justice

- fair treatment in making and implementing court decisions or other outcomes

Socioeconomic or Distributive Justice

- fair distribution of conditions and goods that affect individual well-being

Economic justice

- gives parties their proper share and achieves a fair outcome

Social justice

- gives parties the means to achieve social equality

Symbolic Justice

provides parties with a sense of justice by acknowledging verbally or with symbolic actions that an injustice has occurred or has been experienced, or that a party has been wronged

TABLE 2: A MODEL OF RECONCILIATION

Truth

acknowledgement of past injustices and wrongs committed
official accounting of the past
public telling of suppressed stories
listening to the pain of the other
validation of pain and suffering
apology or repentance for harm caused (mutually)

Mercy

forgiveness and letting go: ending cycle of revenge
releasing the past with its pain
identification with the pain of the other
rituals of healing and joint sorrow

Justice

reparation or compensation for damage inflicted
restoration for past losses
moral and political restitution
social, economic and cultural restructuring
sharing power, responsibility and resources

Identity

policies of inclusiveness and unity
recognition of interdependence
rediscovering the humanity of the other
replacing enmity and animosity with mutual acceptance and respect
accepting the other's identity and autonomy

Recommitment

commitment to risk and trust
genuine commitment to change behaviour
assurance that hurtful actions will not be repeated: anticipation of mutual security

commitment to a new relationship
reopening the future

Peace

ending of violence and destructive conflict
security
sustainability
inner calm and tranquility

Reconciliation

to be friends again after an estrangement
transformation of relationship
restoration of broken relationships to create community again
returning to peace, cooperation and harmony after a conflict
values the justice which restores community rather than justice which destroys it
conflict resolution with more profound implications