

Democratisation and Post-conflict State-building in Sierra Leone and Rwanda

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Democratisation and Post-conflict State-building in Sierra Leone and Rwanda: An Assessment according to the International IDEA Framework for Democracy Assistance

The scepticism, implied by the question of whether post-conflict transitions can be democratic, is far from unfounded. The poor empirical record of peacebuilding missions succeeding in the establishment of democracies is one piece of evidence for it; of the countries where the United Nations (the UN onwards) undertook its missions between 1988 and 2002, 72 percent (13 out of 18) were classified as a form of authoritarian regime in 2002 (Call and Cook, 2003, p.233). However, as this paper will attempt to prove, the difficulty of conducting democratic reforms in countries transitioning from conflict does not render the democratisation project impossible or undesirable (de Zeeuw and Kumar, 2006). Rather than a question of either-or, the notion of democratisation I will adopt in the course of the paper is one of a matter of the degree to which democratic principles can be realised (Beetham, 1999, p. 96; IDEA 2008).

The success of transitions will be understood in terms of the extent to which they fulfilled the goals of peacebuilding: the achievement of a positive and sustainable peace (Haugerudbraaten, 1998; Galtung, 1996). The positive peace aims at eradicating not only direct violence, but also its indirect forms: political exclusion, discrimination, and disempowerment (Roberts, 2008), which often lie at the core of the conflict (Kaldor and Luckham, 2001, p.59). It is therefore a progress toward peace that permeates all levels of society and consolidates with time that is on this account a yardstick of success of a post-conflict transition.

The choice of Sierra Leone and Rwanda as case studies was dictated by the similarity in the experience of conflict in these countries as well as by the different approach taken to transitions to peace in each of them. Both countries experienced long civil wars, the corruption of the political system, lawlessness, pervasive violence at all levels of society and purposeful targeting of civilians which led to a high degree of social disruption (Howard, 2008, p.303; Ingelaere, 2008, p. 31; Longman, 1999, p. 340). Also, both countries are listed as Least Developed Nations in the UN system (UNDESA, 2009). Although both cases were characterised by conditions highly inimical to democratisation, in one of them the international community supported democratic transition, and in the other it did not. Before I turn to examining the two transitions, I will further explain the framework within which I will assess them.

Democratic Principles and Positive Peace: A Direct Correlation

The International IDEA framework emerged as a response to policy developments among international organisations and donors, which increasingly prioritised good governance and accountability. Creating an alternative to categorical measures of democracy (democracy vs. non-democracy) and scale measures (numerical ratings), it provided a model that derives the criteria for the assessment of democracy from democratic principles. The model has already been applied in post-authoritarian and post-conflict countries for the assessment and promotion of democracy alike (IDEA, 2008, p.16). It is furthermore noteworthy that a broader set of principles essential to a general commitment to democracy emphasised by the IDEA is congruent with the broader aims of positive peace (Barash, 2000, p. 129). In the course of the analysis I will focus on two of the principles: accountability and participation.

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The democratic principle of accountability aims at institutional reforms which improve mechanisms preventing the misuse of power, unaccountable decision-making or actions of the state bodies that could be detrimental to civil, political, economic or cultural rights (IDEA, 2008, p.21). It involves establishing institutions such as ombudsman offices, transitional justice mechanisms, anticorruption agencies, or more traditional legislative and judicial bodies if these are non-existent or malfunctioning. Accountable domestic capacity is vital for the stabilisation of security and to avoid the resumption of violence which would preclude the possibility of positive peace. The principle of accountability also envisages the existence of state authorities which do not only enforce the rule of law but are also subject to it (DCAF, 2005, p.4), hence providing the means of democratic control.

The principle of participation acknowledges the centrality of active and empowered citizens to the democratic processes (IDEA, 2008, p. 9). As the two cases considered will exemplify, the damage inflicted upon the social fabric in the course of conflict is particularly difficult to rectify (Barkad and Chard, 2005, p. 177). Given that the targeting of civilians is increasingly a characteristic of modern conflicts (Kaldor and Luckham, 2001), peacebuilding actors not only aim at re-building institutions but also consider the populations who are the main stakeholders of the process. A culture of violence, corruption, a sense of impunity and injustice pervade all levels of the society, rather than being purely institutional, and therefore require solutions at the societal level (Stover and Weinstein, 2004, p.5). The democratic principle of participation and its programmatic interventions, such as civic education and civil society assistance, are of great importance in addressing the above mentioned problems. Also, as the study of Gizelis and Kosek demonstrates (2005), there is a positive relationship between local involvement and successful post-conflict reconstruction. Consulting local populations and actively engaging them increases the responsiveness of the peacebuilding process to their needs and increases its legitimacy, which undermines the criticism of democratisation as an overly top-down form of Western imperialism (Paris, 2002).

A Case Study: Sierra Leone

Sierra Leone's ruthless civil war came to an end after a decade in 2001. The settlement was shortly followed by parliamentary and presidential elections in 2002 (Sarage and Rahall, 2003, p.37). To demonstrate how the commitment to democratisation and its immediate inception in the aftermath of conflict contributed to the success of the transition, I will focus on two elements of democracy assessment suggested by the International IDEA framework: accountability and participation (IDEA, 2008).

Accountability

Following its independence from Britain in 1961, Sierra Leone has increasingly been plagued by maladministration, corruption and politicisation of all state institutions, such as the judiciary (Sarage and Rahall, 2003, p.49). The collapse of the rule of law which followed and the complete lack of order enabled the thriving of profitable, criminal and violent activities long before the eruption of conflict (Smillie, 2000). The contribution of these factors to the outbreak of the civil war highlights the importance of addressing them in the course of transition.

The sustained effort at rule of law reform was carried out by the UK Department for International Development and the World Bank in their joined Law Development Project in 2001-2004, which were the first years of transition (Sriram, 2011, p.127). Apart from creating the indispensable physical infrastructure of Higher and Magistrates Courts in the capital and provincial capitals, which was non-existent after the years of conflict, it also provided legal training to the staff at all levels in key functions. It furthermore assisted in the amending of the Legal Code, in accordance with the previously agreed upon areas of priority for the Ministry of Justice, drafting among others the Electoral Laws Act, Political Parties Act and National Security and Central Intelligence Act (World Bank, 2004, p. 46). This has capacitated the performance of basic state functions, such as the legislative process and provision of justice, as well as enabled the democratic measures of control and strengthened the security framework of the state. Furthermore, the Special Court of Sierra Leone, established by the government of Sierra Leone and the United Nations, not only contributed towards addressing the legacies of the collapse of the rule of law during the conflict, but also left many organisational structures, legal precedents as well as trained staff, strengthening the state's basic legal capacity in the long term (Sriram, 2011, p.131). According to the Freedom House Report from 2013, "the judiciary has demonstrated a degree of independence, and a number of trials have been free and fair" (Freedom House, 2013).

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The actions taken to implement the democratic principle of accountability, by strengthening the rule of law, have led to increased citizen security and strengthened the state's accountability. Furthermore, diminishing corruption and lawlessness, which were two of the main causes of conflict, contributed to the success of the transition in Sierra Leone and diminished the possibility of the relapse of violence (Bah, 2012, p. 113; Sesay and Hughes, 2006, p.159).

Participation

The violence suffered by civilians during the conflict in Sierra Leone (HRW, 2008) has led to high levels of social disintegration. While structural reforms were greatly important for systemic change and combating the climate of impunity, local actors such as NGOs and civil society organisations (CSOs onwards) were better suited to address the concerns of communities, using more accessible methods and working closely with them (Afzali and Colleton, 2003, p. 6). Many organisations with political goals successfully fostered the public support for peace and democratisation and conducted civic education projects. The Campaign for Good Governance has worked throughout the transition to inform voters about democracy and governance by organising workshops and skills training sessions, which contributed to increased political awareness and participation (PBI, 2008), adding to the success of the peacebuilding process. Its activities, which were aimed at the inclusion and political participation of society members through capacity building, not only strengthened democratic processes, but also allowed for positive engagement of previously disempowered groups, such as youth, ex-combatants and women (CIVICUS, 2006, p. 82). Youth empowerment, reintegration and community building were identified as key areas by the Sierra Leonean government, and are key to giving to those most affected by the conflict a viable alternative to resigning to violence or criminal activities which are inimical to sustainable peace (USAID, 2006). In a survey conducted by CIVICUS among Sierra Leonean members of CSOs, 53,8% of them stated that they believed that their actions successfully promoted democracy, and 41,9% stated that they have made a significant impact in encouraging peaceful resolutions and non-violence (CIVICUS, 2006, p. 59-63). It is important to note that the work of CSOs was enabled by the state's overall commitment to the democratic principle of democratisation. Civil society representation has been allowed in many state commissions and bodies, contributing to the increasingly productive relationship between the state and CSOs (CIVICUS, 2006, p. 54). Also, the proliferation of CSOs in the years following the peace agreement would not be possible without the aid of international donors, such as the National Endowment for Democracy and the UN. Successes of civil society projects in Sierra Leone highlight the importance of building democracy and peace from within societies (IDEA, 2008, p. 8) and that participation is crucial for the consolidation of political changes, peace and security in the long-term.

Sierra Leone today is hardly an emblem of a democratic state, with many citizens unable to access or afford formal justice processes and corruption still posing a serious threat to the functioning of state institutions (Sriram, 2011), among other recognised concerns. However, it did progress towards justice and inclusivity (Bah, 2012, p. 100), improving its prospects of attaining the goal of positive peace. The fact that Sierra Leone, having been a recipient of peacekeeping assistance in the past and having been deemed '*the poster child for all that has gone wrong in Africa*' (Pham 2004, p.4, emphasis added), is now a contributor to the UN and the African Union peacekeeping efforts is one indicator of the successfulness of its transition (Bah, 2012, p.115).

A Case Study: Rwanda

The decision that holding elections in the aftermath of genocide had not been the right course of action was met with unanimous agreement among the international community (Longman, 1999, p. 341). Together with the deferral of democratic elections, the international community did not exert much pressure on the Rwandan Patriotic Front (RPF onwards) government to follow democratic principles and offered relatively little democracy assistance (Kumar and de Zeuw, 2006, p. 12), hence equating the process of democratisation with elections. Although the official end of transition was declared in 2003, with new constitution passed and national elections, I will assess the period of time that extends beyond this date, acknowledging the indeterminacy of transition and looking at its long-term repercussions. Focusing on accountability and participation, I will assess the extent to which the transition in Rwanda progressed in terms of democratic principles, and to what results.

Accountability

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Despite an employment of transitional justice mechanisms on the local, national and international levels (Ingleare, 2008), there are strong arguments that Rwanda constitutes a case of a pursuit of a 'victor's justice'. The justice processes addressed only the crimes committed by one side of the conflict, with the government denying its involvement in war crimes and human rights violations (Longman and Rutagenwa, 2004, p. 162). The perception of double standards is further strengthened by what could be described as the 'Tutsisation' of the judicial branch, with the judges being only of Tutsi origin (Ngesi and Villa-Vilencio, 2003, p.3). The criminalisation of the 'genocide discourse' by the ruling party was instrumentally used for excluding critical voices from the political arena (Waldorf, 2010, p.185). The persistence of such undemocratic organisation of power strengthens the dominance of the political elite over the majority of Rwandan citizens and does not solve the problem of systemic exclusion which previously led to the outbreak of conflict. Furthermore, contrary to the promise of progressive democratisation (de Zeeuw and Kumar, 2006, p.5), the government grew increasingly authoritarian and continues to curb democratic freedoms (des Forges and Longman, 2004, p. 63). The local elections held in 2001 were conducted in the environment of threats and coercion, with many of the government candidates running unopposed, and its opponents being victim of intimidation (HRW, 2001). The lack of international pressure on reinstatement of the rule of law and increasing accountability of the state apparatus allowed those standards to deteriorate, together with a decreasing sense of security in the country. As late as in 2012, Amnesty International reported numerous occurrences of enforced detentions, torture and unlawful imprisonment (Amnesty International, 2012). Such a situation is hardly conducive to the establishment of positive peace. Thus, although Rwanda has not yet seen a resumption of violence, the lack of accountability and real justice has led to significant political tensions, a situation highly inimical to stability and reconciliation (International Crisis Group, 2002). In this case, the short-term security situation is volatile, making a goal of positive peace too far-fetched as of yet.

Participation

Apart from the lack of opening up of the political space and the persistence of stifled political disputes, the heavily top-down nature of transition, with very little emphasis on the democratic principle of participation, has led to a sense of disengagement among Rwandan citizens (Longman and Rutagenwa, 2004, p. 177). The criminalisation of dissent and monopolisation of the political space by the RPF-dominated government gives hardly any scope for public criticism (Ngesi and Villa-Vilencio, 2001, p. 17). The RPF rule in post-genocide Rwanda has been intent on obstructing the re-emergence of civil society, which resulted in many organisations being either brought under the state control, or dissolved (Longman, 1999, p.355). This failure to enable popular participation and engagement in decision making in post-genocide Rwanda has resulted in the absence of social transformation and reconciliation (Buckley-Zistel, 2008, p.128), the necessary elements of positive peace. The broadly negative perception of the government by the Rwandans (Longman et al., 2004, p.223) may suggest that the transition is a failure not only in the eyes of scholars (Caplan, 2006, p. 51; Sommers and McClintock, 2003, p. 35; Waldorf and Straus, 2011), but more importantly, in the eyes of those who are affected by its trajectory.

Holding the elections in the immediate aftermath of the genocide in Rwanda would not have yield much better outcomes. However, it appears that the international community, having deemed democratic elections impossible, dismissed the idea of democratisation process altogether. This may be a partial explanation for the persistence of the authoritarian form of rule and the lack of violence coupled with the lack of reconciliation or sense of justice almost two decades after the initiation of the transition. Had the international community, peacebuilding actors and donor agencies alike, exerted greater pressure on the Rwandan government to comply with democratic principles, such as accountability and participation (as suggested by the International Crisis Group in 2002 for instance- ICG, 2002), the transition could have been more successful (des Forges and Longman, 2004, p. 63). Rwanda is thus a stark example of the importance of a broader compliance with democratic principles, such as participation and accountability, which were in this case undeniably violated, for the achievement of positive and sustainable peace.

Conclusion

The fact that the practice of peacebuilding is still overly driven by the 'relief' approach (Barkat and Chard, 2005, p.173), rather than long-term planning and progressive implementation, is a significant obstacle to more transitions emulating the success achieved in Sierra Leone. Not every conflict has the potential to sustain enough donors' and

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other third parties' attention over such long period of time (Ottaway, 2003). Additionally, in many cases the democratic character of transition will have to be compromised, due to the unstable security situation and the lack of full state monopoly on violence for instance, as it was the case with Afghanistan (Mac Ginty, 2010). However, seeing democratisation as a matter of either-or, and relinquishing all efforts at establishing democratic principles altogether may be too precarious an approach, solidifying unjust power structures and social exclusion, as the case of Rwanda proves. It may seem reasonable then, based on the modest evidence presented in this paper, to ask whether non-democratic transitions may ever succeed at establishing a positive and sustainable peace, and whether a stronger commitment to democratic principles on part of the international community could possibly yield better outcomes. The case of Sierra Leone demonstrates that systematic efforts at bringing about accountability by restoring the rule of law, and fostering societal reconciliation and ownership by encouraging political participation are crucial to bringing the goal of positive peace within the realm of possibility (Afzali and Colleton, 2003, p. 5), and are of value in themselves. Thus, pursuing democratic principles in transitioning countries is integral to broader peacebuilding efforts and the achievement of positive peace in the long term, rather than a hindrance to these goals.

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