**African Experiences of National Reconciliation.**

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The concept of reconciliation is diverse in Africa. Countries exiting conflicts or oppressive regimes use different ways to achieve peace. Hence, no global definition can be given but a trend can be highlighted: African countries initiating a transitional justice process focus on guaranteeing non-repetition of systematic violations of human rights, as well as the resolution of conflict and achievement of sustainable peace.

1. **Conceptual issues of reconciliation**

* Reconciliation is fundamentally the “acknowledgement of the past, the acceptance of responsibility and steps towards (re-) building trust”[[1]](#footnote-1). It involves promotion of truth, justice, mercy and peace,[[2]](#footnote-2) and it is about guaranteeing the prevention of conflicts and ensuring peaceful co-existence. Without reconciliation, conflicts can be resolved but there is no guarantee that society will not replace, since the belligerents are not provided the opportunity to confront the roots of the animosity between parties to address them. Reconciliation is thus part of and can also be the outcome of the general methods of performing resolution of conflicts- along with mediation, adjudication, arbitration and negotiation.
* Several examples of conflict resolution in African countries show that trend to favor reconciliation and forgiveness over punitive measures for perpetrators of human rights.

1. **Experiences of National Reconciliation in African countries**
2. **The Mataput in Uganda**

Mataput-or Mato Oput used in Northern Uganda among the Acholi People: is voluntary process and consists of the parties drinking a bitter root from a common cup. The idea is that individuals “ accept their mistakes and take responsibility for that individuals “ accept their mistakes and take responsibility for their actions”[[3]](#footnote-3) Mataput is based on five Acholi principles of justice, which are to :

* Never commit offense,
* Nevere tell lies nor accuse someone falsely,
* Ask for forgiveness and learn to gorgiven,
* Accept wrongdoing and
* Take responsibility for your action[[4]](#footnote-4)

Mataput thus promotes “ forgiveness and restoration rather than revenge”. The Acholi believe that “ Mato Oput ‘ can bring true healing in a way that formal justice system cannot’’’[[5]](#footnote-5). Thereby, the process is about reconciliation as a guarantee of non-repetition of the conflict: since the perpetrator takes responsibility for his/her actions without telling lies, the truth is established. Forgiveness is closely linked to mercy and enables the perpetrator to fully reintegrate the community , contributing to the achievement of peace.

1. **Gacaca in Rwanda**

After the 1994 genocide in Rwanda and aside from the International Criminal Tribunal for Rwanda set up by the UN, Rwanda Government established Gacaca, traditional popular jurisdictions. These instances were designed to deal with cases related to the 1994 genocide and suspects awaiting trial before national jurisdictions. Gacaca aims at reconciliation by using traditional mechanisms according to which judges were elected within a community. Perpetrators could give their versions of the events in exchange of a reduction of their sentence[[6]](#footnote-6). Although Gacaca were criticized , the fact remains that it was the best option comparing to the eventuality of imprisoning 125,000 genocide suspects, which would have not been possible given the State’s capacities[[7]](#footnote-7).

1. **Fambul Tok in Sierra Leone**

In Sierra Leone, Fambul Tok focused on reconciliation through restorative measures rather than punitive justice as well.

Inspired by cultural tradition and in compliance with the population’s wishes, Fambul Tok proceeding is based on each community’s traditions and beliefs but following the general pattern of truth-telling and asking for forgiveness.

* These traditional systems do not address impunity per se and often create an expectation on victims to forgive.
* Furthermore, ancestral practices may have developed for correcting or addressing individual crimes or incidents. They are not fit to respond to massive gross violations of HR and serious violations of humanitarian law. Even the codified domestic legal frameworks are very often insufficient.
* While we work on the principle that justice is a pre-requisite for reconciliation, these methods push parties to reconcile whether or not a satisfactory degree of justice is provided to the victims.
* Informal/ traditional justice systems are led and inevitably impose the decision or inclination of the most powerful members within the community: (women and youth).

As illustrated by those examples, African countries facing transitional justice processes have put the emphasis on reconciliation as a guarantee of non-repetition of the conflict, sometimes at the detriment of justice and the fight against impunity. However , the fight against impunity and the non-repetition of violence remains essential for a sustainable peace, as stated by the African Union.

1. **African Union views on National Reconciliation**

Learning from the different experiences from across the continent, the African Union (AU) has emphasized the use of reconciliation as a tool for conflict mitigation and resolution. In 2009, the African Union High –Level Panel on Darfur (AUPD) recommended in its report the AU takes stock of Africa’s diverse experience and develops a transitional justice policy framework. As a result, a panel was established to draft the African Union Transitional Justice Policy Framework (AUTJPF).

The AU’s Transitional Justice Policy Framework revolves around four key normative areas:

* First, the link between transitional justice and accountability;
* Second, the goals of transitional justice;
* Third , balancing competing transitional justice goals; and
* Finally, sequencing.[[8]](#footnote-8)

This Framework seeks to deepen the links between transitional justice, governance, human rights, development, and peace and security.

While acknowledging that African counties have often put reconciliation before justice matters when entering a transitional justice process, the Panel of the Wise underlines the necessity of having strong structures enabling to fight impunity, by using restorative measures as a complement to restorative methods. Indeed, the objectives of justice and reconciliation are not opposed but must be balanced for peace to be lasting.

A punitive justice model based on foreign ideals is then likely to create lack of understanding and resentment, which could be factors for a new conflict. This is why the High-Level Panels are used by the AU to promote transitional justice, reconciliation and peace. These panels undertake mediation and negotiations efforts to encourage militant factions to respect human rights. They also collaborate with **Regional Economic Communities and Mechanisms to** ensure compliance with peace agreements.

National reconciliations is not opposed to justice, but it is important to keep in mind those specific African concerns. African countries have sometimes used both punitive and reconciliation measures, as illustrated by Rwanda, Sierra Leone, Uganda and Kenya, showing that reconciliation is not the only way to enter transitional justice processes.

1. **Conclusion**

To conclude, African traditional conflict resolution mechanisms are not based on retributive justice alone as conceived in classical transitional justice theories. Due to African history and based on traditional organizations of African peoples, there is usually a preference for restorative measures, such as forgiveness and reintegration, when it comes to resolving conflict. These traditional methods have been favored by states who entered transitional justice processes and put an emphasis on national reconciliation measures such has the establishment of truth commissions, amnesty in exchange for confession of crimes, and ceremonies of cleansing the land from past crimes-among others.

However, despite the tendency to subscribe for reconciliation at national level over retributive justice, regional and international obligations compel states to ensure accountability for past crimes. Africans stated have shown their commitments to strengthen national structures and institutions to fight against impunity. All societies need is peaceful co-existence. The pursuit of societal cohesion in a post conflict context is not only limited to reconciliation, it also ensure accountability and acknowledgement, which subsequently guarantee non-repetition.

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