

The Impact of Post-Conflict Peacebuilding Mechanisms on Reconciliation in Africa:

A Case Study of Côte d'Ivoire

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Abstract

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The dissertation analyzed how adopting multiple peace-building mechanisms and their implementation affects national reconciliation and social cohesion in post-conflict societies in Africa, with Côte d'Ivoire as a case study. In what ways do multiple peace-building mechanisms and their implementation affect reconciliation? First, I sought to discover how adopting liberal and indigenous peace-building mechanisms could impact reconciliation. My findings show that a hybrid peace-building approach would provide synergy because both mechanisms have their strengths and weaknesses. Second, Côte d'Ivoire adopted both retributive and restorative justice concurrently, and I wanted to examine the impact on reconciliation and whether sequencing them would have provided a different outcome. Third, this research analyzed whether reconciliation challenges stem from the fact that the justice and amnesty processes are naturally incompatible or were due to poor implementation. Overall, there is elusive peace and reconciliation in Côte d'Ivoire even though the country adopted the holistic approach of implementing trials, truth commissions, reparations, and amnesties. My data demonstrate that the problem was due to poor implementation and not the simultaneous adoption of the mechanisms. However, some participants preferred sequencing and the political will to apply the basic tenet of each mechanism.

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DEDICATION

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CHAPTER I: INTRODUCTION

Côte d'Ivoire is not reconciled. According to the final report of the Dialogue, Truth, and Reconciliation Commission (DTRC, hereafter TRC), the Ivorian TRC is a particular case because it was constituted and its activities started when positive peace was not attained (TRC, 2014). It is obvious that during violent conflict and political tensions, perpetrators and victims will feel unsafe talking to members of the TRC. The TRC was formed before the public was consulted, whereas, in other TRCs, public consultation formed the basis of the TRC (TRC, 2014). The mandate of the TRC was from the president and not from parliament, which is the people's representative. The TRC did not enjoy legitimacy because some Ivorians believe it was manipulated by the president. The claim could be valid because I interviewed a former commissioner, and they told me that the original report was censored. The lack of transparency could impede the realization of the TRC and reconciliation. A TRC of this nature could only lead to 'patching up the past with bandages that leave the underlying wounds unhealed and ready to break out again.'

Despite the TRC, there has yet to be any severe dialogue regarding reconciliation between the government and the opposition. Both of them continue to play the blame game about the wars that took place. Gbagbo's camp believes that Ouattara's side attacked a legitimate government in 2002 and should apologize since the latter was the potential beneficiary though Ouattara was not officially associated with the coup.

However, Ouattara's camp believes that if Gbagbo had accepted defeat in 2011, there would have been no war. The entrenched position of each side is perhaps the biggest challenge to the reconciliation efforts.

There is a general feeling that the trials were selective, and that justice was aborted. The denial of justice can devastate a victim who knows well that the perpetrator is guilty of the crime, but the latter lives freely. There is nothing more heartbreaking to an expectant victim than an injustice. This is an ascription for resentment and division in the community and might be a harbinger of retaliation when there is a change in power status. For instance, some Pro-Gbagbo supporters in Côte d'Ivoire use a retaliatory mantra that, "When six (6) becomes nine (9), we shall see" in their discourses which are elaborated in subsequent sections. In the Ivorian case, the perception among pro-Gbagbo supporters is that the prosecutions in both local and international courts have been biased as there have not been any indictments from Ouattara's camp.

Chapter II examines peacebuilding mechanisms in contemporary conflict resolution in Africa. Using Côte d'Ivoire as a case study, this chapter explores hybrid as a peacebuilding strategy to ensure sustainable reconciliation. I argue that contextual and local understanding of armed conflicts before designing hybrid transitional justice mechanisms is critical for peacebuilding because of the peculiarities of every post-conflict society. Employing the *Toukpè*—interethnic alliances, one of the indigenous peacebuilding mechanisms in Africa, I examine how they can be incorporated into the transitional justice mechanisms. The mechanism is geographically limited in applicability and culturally distinct but similar in practice across many countries in sub-Saharan Africa. The hybrid model is not currently widely used in peacebuilding, especially in African contexts. The chapter concludes that the nature of contemporary conflicts in Africa necessitates a hybrid peacebuilding approach.

In Chapter III, I examine the challenges of transitional justice processes and how they impact reconciliation and social cohesion in post-conflict societies in Africa, with Côte d'Ivoire as a case

study. Different causal factors of conflicts have an enormous impact on peacebuilding mechanisms and reconciliation. To restore peaceful relations, transform conflict, and repair societal fracture, post-conflict communities adopt punitive or truth commissions/amnesty measures for social recalibration and cohesion. There are academic debates about whether governments should implement atomistic—single or holistic—multiple mechanisms in societies recovering from human rights violations and whether sequencing is essential in transitional justice. My findings show that Côte d'Ivoire has not achieved reconciliation because of how the country implemented the mechanisms and not because of the multiple mechanisms that the country adopted. While some agree that the concurrent adoption of these mechanisms could work if they are implemented well, others nuanced their responses by noting that when trials and the TRC are adopted simultaneously, it could negatively affect the outcome of either mechanism, especially the latter. Adopting prosecutions with TRC could potentially derail the reconciliation process unless these mechanisms are sequenced. I demonstrate with empirical evidence that concurrently using the TRC and trials will likely prevent perpetrators from telling the truth for fear of indictment.

Chapter IV analyzes how adopting multiple peacebuilding mechanisms and their implementation strategies affect national reconciliation and social cohesion in post-conflict African societies, with Côte d'Ivoire as a case study. In what ways does the poor implementation of multiple peacebuilding mechanisms affect reconciliation? Countries adopt mechanisms such as prosecutions, truth commissions, reparations, and amnesties to build peace after wars. These mechanisms are meant to create durable peace, but scholars and policymakers do not understand which one is effective and in what context. This chapter examines transitional justice processes' implementation, successes, and challenges and how they affect reconciliation after armed conflicts. To achieve this goal, I study post-conflict reconciliation attempts in Côte d'Ivoire from

2002 to 2022. The country presents a unique example of a post-conflict society where different peacebuilding mechanisms — restorative justice and retributive justice have been employed simultaneously but imperfectly. This research seeks to discover why there seems to be no reconciliation in Côte d'Ivoire, although the holistic approach is considered a panacea to reconciliation issues.

Finally, the analysis of the core chapters has provided valuable insights into the mechanisms that Côte d'Ivoire adopted and the challenges. I summarize these key findings of my research and the practical implications of my work for policymakers.

CHAPTER II: OPPORTUNITIES AND CHALLENGES OF HYBRID PEACEBUILDING IN CÔTE D'IVOIRE

INTRODUCTION

A: "You know, you are a pastor, but as an Attié, you are my small boy. Tomorrow, when I return to Abidjan, I will take a car, and you will carry my luggage on foot and follow me. As your boss, I want to see my luggage at my house when I arrive. Whatever you do to let me have my luggage is your problem."

B: "And you want all your things intact."

A: "Yes."

The above conversation ensued between my collaborator, who assisted me in some interviews, and a religious leader during an interview. The subtle humor is a mechanism for ensuring social cohesion, building relationships, and dealing with relationships appropriately through an understanding that might not be obvious to someone who does not know the system. This story helps us understand interethnic alliances through humor, subtlety, and playing with language. In West Africa, joking relationships are within the home sphere. However, my focus is on how that social practice becomes part of inter-ethnic alliances between individuals of different ethnic groups and communities. My collaborator is a Dida, an ethnic group in the center-west of Côte d'Ivoire, and the pastor belongs to the Attié ethnic group, also in the center-west. The story's significance is the belief that alliances play an instrumental role in fostering social cohesion among their people, but an outsider might not consider it a peace-building mechanism. I will demonstrate how this small story could be scaled to the national level for reconciliation. This story shows an indigenous peacebuilding could be effective in attenuating conflicts that would not be more effective than the

standard liberal model but could be built upon to create a hybrid form of peace that would make an impact in Côte d'Ivoire.

The study examines how liberal peace and indigenous African conflict resolution mechanisms can work to produce synergistic peacebuilding. The chapter seeks to study the impact of employing liberal peace and local mechanisms in Côte d'Ivoire. My goal is not to privilege one mechanism approach over the other but to examine how the two systems of peacebuilding can work together to produce positive peace. Instead, the two mechanisms must work side by side, a point Osiemo et al. (2021) make in their study of the role of youth in indigenous African peace-building interventions. They argue that indigenous peacebuilding "approaches are people-centered and in sync with modern peace-building methods" (Osiemo et al., 2021, para. 68) and should therefore be integrated to obtain the benefits of both mechanisms. The hybrid peace-building model in Africa has become imperative because neither liberal peace nor African peace-building mechanisms are well-positioned to bring reconciliation separately unless they work together. My research finds that many Ivorians believe returning to indigenous peace-building mechanisms will resolve many conflicts. Therefore, my research addresses the following: Why does liberal peacebuilding seem not to be working in Côte d'Ivoire, and how will a hybrid model incorporating indigenous reconciliation mechanisms work better? I argue that Côte d'Ivoire needs a hybrid peace model. My research suggests that harnessing synergistic strength has the potential to build sustainable peace because the strengths of both liberal peace and traditional mechanisms are adopted. The chapter seeks to demonstrate the challenges of adopting liberal peace or local peace models separately and contribute to how we can incorporate a practice that is not the worldview of everyone. Nevertheless, their mechanisms are inadequate to address contemporary conflicts. My contribution highlights the dearth of policy relevance and practical applications of liberal peacebuilding in Côte

d'Ivoire. I argue that local mechanisms and liberal peacebuilding must complement each other since both approaches if implemented alone, are incapable of solving the Ivorian conflicts.

Therefore, my work contributes to knowledge in three critical ways. First, with empirical findings, the chapter challenges the established notion of the universal applicability of liberal peacebuilding and demonstrates how it might not work in Côte d'Ivoire. My findings indicate that African indigenous peace-building mechanisms are inadequate in providing solutions to the myriad conflicts due to nuances in cultural practices among the different ethnic groups, political expediency over tradition, and inadaptability to contemporary conflicts. Second, context and sociocultural practices matter in peacebuilding. The chapter discourages "cookie-cutter solutions" (Call & Cousens, 2008, p. 15). Finally, the chapter proposes a reinvention of local mechanisms to meet the demands of contemporary peacebuilding. This innovation involves streamlining ethnic practices of inter-ethnic alliances to achieve uniformity to ensure national applicability. Ultimately, the chapter's central thesis favors hybrid peacebuilding since it mitigates the insufficiencies of liberal peace and indigenous mechanisms and advocates for leveraging their strengths.

Background: Triggers of the recent conflicts

The birth of multiparty democracy in the early 1990s has been tumultuous in Ivorian politics. Since 2000, the country was ruled by former President Laurent Gbagbo, a member of the Bété ethnic group from center-west Côte d'Ivoire, who ran on the ticket of the Ivorian Popular Front (FPI), a party he founded. When elections in 2010 resulted in the victory of opposition leader Alassane Ouattara, a Senufo from northern Côte d'Ivoire, Gbagbo declared the results invalid, declaring himself president. Ouattara of the Rally of the Republicans (RDR), whose election

victory was validated by various election observer groups, was also sworn in as president. Consequently, conflict erupted between Gbagbo's and Ouattara's forces, eventually leading to the Second Ivorian War in 2011. Gbagbo was arrested on April 11, 2011, which led to relative peace since active combat was halted.

In both the first and second Ivorian armed conflicts, the liberal peace intervention was multisectoral. The first war involved the United Nations and France deploying troops to end hostilities, paving the way for the many peace accords, with the Ouagadougou Peace Accord facilitating the 2010-2011 elections. At the same time, numerous humanitarian interventions and international support for rebuilding the infrastructure for economic recovery. Despite the assurance of stability, the 2010-2011 election spiraled the country into yet another bloody war that warranted the continued intervention of liberal peace. Peacebuilding must consider local sensitivity and regional conflict dynamics (Osiero et al., 2021). The liberal peace intervention in Côte d'Ivoire excluded local peace processes. The Ivorian conflicts have attracted many interventions from the international community, but none of these incorporated local peace-building mechanisms. The failure of these interventions is an invitation to local processes.

Methods

I employ a qualitative research design with a descriptive case study approach to elicit a detailed description of the transitional justice process following the Second Ivorian armed conflict. Every Ivorian has a vital role to play in the peace-building process. However, it is logistically impossible to carry out such an ambitious project. Therefore, I adopted a purposive sampling of categories of people and snowballing to interview people engaged in the peace process. I conducted nine months of fieldwork in 2018 and 2019 in Côte d'Ivoire. I visited eight of the 31 regions where the conflict

was most intense and interviewed different actors, including victims, ex-combatants, political figures, former commissioners of the TRC, chiefs, youth, ordinary citizens, and civil society leaders. I used semi-structured interviews and recorded most of them. The average interview would be about 1 hour and 30 minutes. Additionally, I ran focus group discussions in six regions with participants of different social classes. I tailored my questions to the specific groups to help answer my puzzle.

To better understand the level of reconciliation, I interviewed victims and perpetrators. I uncovered the victims' and perpetrators' perspectives on the "success and challenges" of reconciliation and suggestions for improvement. The discovery enabled me to get first-hand accounts of how victims and perpetrators have perceived the transitional justice period. Ex-combatants and victims are the first and the most crucial category since they were directly involved or suffered the consequences of the wars. Reconciliation between victims and perpetrators at this level could indicate that national reconciliation is achievable. Much research on African reconciliation has focused on quantitative surveys (Brounéus, 2010; Mendeloff, 2009; Humphreys & Weinstein, 2008; Gibson, 2004, 2006). Humphreys and Weinstein (2008) propose a novel way of conducting post-conflict research in Africa. They observe that in most cases, researchers predetermine their independent variables, such as combatants. However, their survey sample includes ex-combatants and non-combatants to understand what motivates people to join armed groups. They use a sample size of 1, 043 ex-combatants and 184 non-combatants to obtain robust data to bolster its validity. Nonetheless, they acknowledge the shortcomings of their method, such as reliability issues, modeling decisions, size of the sample, analysis of a single case study, and call for the "refinement of measures and precision" of their estimates (Humphreys & Weinstein, 2008, p. 453). Similarly, for his multi-country study of armed rebellions, Weinstein's (2007) target

group was both combatants and civilians, but he adopted ethnographic research and interviewed about two hundred participants. Both qualitative and quantitative methods have their pros and cons in research, but ultimately, it depends on the question researcher wants to answer. To understand why victims and perpetrators reconcile or otherwise, it is essential to assess this through their expressive views. For instance, one question that I sought to elicit this response was to find out how their feelings changed over time since reconciliation is a long-term process. The more one was affected, the less one was inclined to accept reconciliation, and the less one was affected, the more they are likely to accept reconciliation. For this group, I sought to find out their understanding of reconciliation and if they are reconciled with their (former) enemies.

I interviewed political elites and traditional leaders because they are key decision-makers and play an essential role in the reconciliation process. Political elites' reconciliation will likely guarantee national reconciliation in Côte d'Ivoire, as my interviews indicate that many Ivorians identify themselves with their political leaders. Described as "personalized antagonisms" (Bayart, 1993, p. 210), these conflicts at the onset seem to be inter-elite. However, they would degenerate into ethnic conflicts because the elite usually gets their followers from the ethnic base. These elites, according to Bayart (ibid, p. 211), "organize themselves in factions in order to win or conserve power at the various echelons of the social pyramid, and this competition is the very stuff of political life." As discussed later, Ferme (1999) reports that the 1986 Sierra Leonean election in the Bo South Constituency was a case of inter-elite rivalry which permeated into chieftaincy and ethnicity. Political elites weaponize ethnic and religious identities for their benefit McCauley (2017). Interviewing this group, I sought to find out the state of reconciliation in Côte d'Ivoire and what can be done to ensure reconciliation and improve social cohesion. What roles are they playing in this process? As architects of armed conflicts, it is crucial to understand if their involvement in

the peace-building process is genuine or merely a façade for their parochial strategic political interests. I had access to former ministers, including the former First Lady under Gbagbo's regime. It was, however, difficult to get current government officials to interview. The senior-most official I interviewed was the Ministry of Solidarity and Social Cohesion director. The inaccessibility was partly due to a government shutdown in 2018 and the preparation for the 2020 elections in 2019. However, as I discussed elsewhere, one gets the impression that the government side was not interested in sharing information, probably due to how the transitional justice mechanisms were carried out. Nonetheless, this did not affect the reliability and robustness of my data since I interviewed different categories of actors and participants from both sides of the conflict.

Moreover, institutional informants and experts were other essential groups in my data collection. I term the informants here as participants who worked with the two TRCs and therefore have ample knowledge of how these institutions functioned. The second subgroup is academics, mostly sociologists, scholars, and legal experts who have expertise in transitional justice, reconciliation, and social cohesion. A few of them were found in the two subcategories. This group seemed to be the most balanced in their analysis of the peace processes in Côte d'Ivoire primarily because it is an intellectual community.

In the case of the focus groups, there were no specific criteria for their selection. They were serendipitously selected. Generally, there were mixed and single-gender groups. Generationally, there were groups comprised uniquely of youth, some of whom were middle-aged participants. In terms of structure, they were divided into three categories. There were organized cooperative groups with the primary goal of engaging in economic activities. They comprised people from different ethnic groups from different regions of the country. The second category was civic, religious, and political-related groups. Their goal was to advocate for social change or gain

political power. The third category was unorganized people within a locality and only assembled for the focus group interviews. I had eight different focus groups with at least six participants. There was a mixture of structured and unstructured focus groups. One of the unstructured groups was called *Les Grins*, a pro-government mid-career man in Abidjan, gathered around a pot of tea in the evening while they discussed politics and played games.

Theoretical Framework

Liberal peacebuilding

This section reviews the relevant literature on liberal peacebuilding, indigenous, and hybrid peacebuilding. Liberal peacebuilding is a set of peace-building initiatives predicated on institutions based on economics and democracy (Newman et al., 2009). They maintain that the theoretical underpinning of liberal peacebuilding is liberal peace: "the idea that certain kinds of (liberally constituted) societies will tend to be more peaceful, both in their domestic affairs and in their international relations, than illiberal states are" (Newman et al., 2009, p. 11). Liberal peacebuilding transforms a postwar country or post-repressive regime into a democracy where there is trust for state institutions, and the latter will tend to protect the fundamental human rights of the citizens (Gibson, 2004). According to Paris (2004), liberal peacebuilding is guided by the liberalization theory and its political and economic realms. He notes that:

In the political realm, liberalization means democratization, or the promotion of periodic and genuine elections, constitutional limitations on the exercise of governmental power, and respect for fundamental civil liberties, including freedom of speech, assembly, and conscience. In the economic realm, liberalization means marketization, or movement toward a market-oriented economic model, including measures aimed at minimizing

government intrusion in the economy and maximizing the freedom for private investors, producers, and consumers to pursue their respective economic interests (Paris, 2004, p. 5). Practitioners of liberal peacebuilding believe that when the two realms are adopted, armed conflicts associated with political and economic grievances will reduce (Humphreys & Weinstein, 2008; Akindès, 2004; Paris, 2004). The ultimate goal of liberal peacebuilding is the establishment of democratic norms and institutions that serve as the bedrock of peace. Therefore, liberal peacebuilding is considered a panacea to 'all' armed conflicts and the 'golden standard' of peacebuilding. However, some scholars argue that liberal societies are not immune to war against each other (Zambakari, 2016; Mearsheimer, 1990; Van Evera, 1990). The approach might be problematic because of differences in cultural and historical contexts.

Mac Ginty defines liberal peace "as the dominant form of peacemaking and peacebuilding favored by leading states, international organizations, and international financial institutions" (Mac Ginty, 2010, p. 391). Doyle (2005, p. 463) notes that liberal peace has three pillars: republican representation, an ideological commitment to fundamental human rights, and transnational interdependence, and argues that the absence of one causal mechanism will likely lead to illiberal peace. The liberal peace model has dominated state reconstruction and peace-building efforts after armed conflicts and the fall of dictatorial regimes. The elements of liberal peace in most post-conflict settings or autocratic transitions today are ubiquitous and unquestionable, albeit with their blind spots. In post-conflict peacebuilding, the machinery of liberal peace-building is deployed, in many cases, with minimal inclusion of local content. The characteristics of liberal peacebuilding include promoting good governance, democracy, security sector reforms, human rights, the rule of law, and a market economy. These indicators hold the promise of stability and a return to pre-conflict peace. Newman et al. (2009) describe the characteristics of liberal peace as:

Supporting ceasefires and peace processes; demobilization and disarmament of former combatants and reintegrating them into society; stabilizing the economy; employment creation and economic development; repatriation (or resettlement) of refugees and internally displaced persons; responding to food insecurity; responding to acute health concerns; strengthening law and order; promoting and facilitating democratic practices; strengthening institutions of justice and legislation; resuming and strengthening public service delivery; promoting human rights and reconciliation; addressing land reform claims; and constitutional drafting or amendments.

Examples of such peacebuilding in Africa include Sierra Leone, Côte d'Ivoire, Rwanda, Burundi, Chad, Somalia, and South Sudan, with varying degrees of success and failure. In "Saving liberal peacebuilding," Paris (2010) argues that though there are shortcomings of liberal peacebuilding, there is a need for a balanced approach by continuously challenging and analyzing the ways liberal peacebuilding should be implemented.

Interethnic alliances as local peacebuilding

Interethnic alliances are Africa's oldest conflict resolution mechanisms for ensuring peace, stability, and social cohesion within the same or different ethnic groups. Interethnic alliances, variously referred to as kinship alliances widely practiced in Africa, and the following are terms among some ethnic groups across the continent: *Utani* in Tanzania, *Senankuya* in Mali, *Banungwe* in Zimbabwe, *Toukpè* in Côte d'Ivoire, *Rakiire* in Burkina Faso, *Gammu* in Senegal (Canut & Smith, 2006). Joking relationships and interethnic alliances exist to prevent or resolve conflicts at multiple scales because they solidify intra- and inter-ethnic relations.

Radcliffe-Brown (1940) notes that the practice is observed in indigenous communities in Africa, Oceania, Asia, and North America. However, his analysis is focused more on

intergenerational and familial joking relationships within families and clans. Interethnic alliances and joking relations are used interchangeably and loosely to express similar ideas. However, for this chapter, I will use the interethnic alliance to examine the relationship among ethnic groups and their ability to resolve conflicts since joking relations are limited mainly to domestic and clan affairs. Interethnic alliances are social pacts of non-aggression instituted following bitter experiences by ethnic groups in contact. Wars undoubtedly caused casualties and necessitated the warring factions to form mutual alliances to prevent future occurrences. Interethnic alliances serve as peace treaties (Zaoro, 2015).

Interethnic alliances are established at multiple levels, but many scholars have identified four types (Gonnin, 2004; Radcliffe-Brown, 1940). The four types have different nomenclatures, but Gonnin (2004) identifies the following: intra-ethnic group, inter-clan, inter-ethnic, and international levels of relationships (author's translation). I categorize them into two types of alliances: internal and external. The internal, also called a joking relationship, is established between grandparents and grandchildren within the extended family or in-laws, excluding the biological parents of the couple. The grandparents-grandchildren relationship extends to grand-in-laws. Within an ethnic group are clans and inter-clan joking relationships exist. External alliances are established between different ethnic groups within a country, but alliances exist internationally with the creation of borders. For instance, the Senufo of Côte d'Ivoire has alliances with the Bambara in Mali and the Dagari in Burkina Faso. External alliances were formed mainly through wars. The nature of contemporary warfare makes indigenous mechanisms inadequately suited to address the former. I will return to this theme in the following section.

Hybrid peacebuilding models

There is a growing body of literature on the challenges of liberal peace and indigenous peacebuilding approaches separately, offering durable peace and the need to hybridize peacebuilding (Osiero et al., 2021). This chapter is an empirical case study of hybrid peacebuilding in Côte d'Ivoire. In the Ivorian case, there was no deliberate design of hybridity, but the government adopted and implemented a liberal peace model with mixed results. Some scholars have begun to question the effectiveness of liberal peace in proffering solutions to conflicts in every society (Osiero et al., 2021; Funk, 2012; Autesserre, 2009). Many Ivorians believe that genuinely revisiting ancient practices alone or combining them with liberal peace could have produced better results in reconciling Ivorians with the caveat that politicians were honest. In several cases, liberal peace has failed to take actors' local customs and lived experiences into its agenda and has received backlash. "The chances and capacities of indigenous methods in peacebuilding are yet to be explored in many different conflict settings" (Osiero et al. 2021, para. 63). With the shortcomings of liberal peace, there is a large body of work by scholars advocating for hybrid peace (Paalo, 2021; Autesserre, 2009, 2017; Belloni, 2012; Funk, 2012; Kwarkye, 2021; Mac Ginty, 2008, 2010; Mac Ginty & Richmond, 2013; Millar, 2017; Osiero et al., 2021; Richmond, 2013; Tiekou, 2012; Tschudin, 2018; Zvaita & Mbara, 2019). Hybrid peace is an integrative approach to peace-building involving actors, institutions, culture, indigenous epistemes, and resources at local and international levels, working together to achieve durable peace. It has become imperative to consider local actors as agents of peace-building because of the growing consciousness and resistance exhibited by their exclusion. Richmond (2013) observes that hybrid peace is the interaction between international norms, local agencies, and identity. Often, the liberal peace approach prioritizes the reconstruction of infrastructure, revamping the democratic institutions,

and security sector reforms—macro indicators at the expense of indigenous systems and sociocultural and political dynamics of societies in transition. Nevertheless, hybrid peace promises a common ground for the two systems to build synergy. The most elaborate definition is provided by Mac Ginty (2010). According to him:

"Hybrid peace is the result of the interplay of the following: the compliance powers of liberal peace agents, networks, and structures; the incentivizing powers of liberal peace agents, networks, and structures; the ability of local actors to resist, ignore or adapt liberal peace interventions; and the ability of local actors, networks and structures to present and maintain alternative forms of peacemaking" (Mac Ginty, 2010, p. 391).

Hybrid peace is the belief that achieving positive peace involves intentionally incorporating different approaches to peacebuilding, namely Western and non-Western, to promote accountability and local ownership. The concept of hybrid peace is to "localize peace"—that is, to partner with local actors to tap into indigenous peace resources and energize context-specific peace processes—as a central goal of 21st-century peace-building effort" (Funk, 2012, p. 392). According to Belloni (2012, p. 21), "In hybrid peace governance, liberal and illiberal norms, institutions, and actors exist alongside each other, interact, and even clash." Belloni's conception does not only look at synergy but also at potential antagonism. Hybrid peace presents a fairer and even deal (Richmond, 2015). Succinctly, it can be described as the domestication of peace to local realities using local epistemes while retaining elements of liberal peace. The section discussed the challenge of adopting liberal peace unilaterally, invigorates dynamism in the peace-building literature, and calls for democratizing peacebuilding. However, Táíwò contends that the two systems can hardly cohabit. In his book *Can a Liberal be a Chief? Can a Chief be a Liberal?* He answers that "No, a chief *cannot* be a liberal; and a liberal *cannot* be chief" (Táíwò, 2021, p. 95)

and concludes that "it is time to chuck chieftaincy as a political institution in the continent" (ibid, p. 96). Táíwò reopens that debate for us to critically examine the role of traditional leadership and peace-building mechanisms on the continent.

Interethnic Alliances in Côte d'Ivoire

Interethnic alliances were born out of wars and were mutually established to prevent future wars (Diallo, 2006; Gonnin, 2004). These were usually wars of conquests, slave raiding, and expansions of territorial holds. Historically, so-called "matrimonial wars" were also fought. These conflicts were resolved not simply through cessation of hostilities but by forming alliances intended to secure against the resumption of hostilities in the future. One of the particular strengths of inter-ethnic alliances is that they are future-oriented, in contrast to the liberal model that presumes good internal governance among all parties will prevent future conflicts. Diallo noted that his:

"Informants in western Burkina Faso invariably repeat that in all instances in which the custom of joking exists between members of two particular ethnic groups, it had originated in an initial conflict between the legendary ancestors of the partners involved in the joking. These ancestors voluntarily agreed to resolve their conflict by making a pact, becoming ritual partners (sananku or senanku), cooperating, and helping each other (Diallo, 2006, p. 781).

The interethnic alliances are the legacies of violence. One of the reasons why interethnic alliances might help mediate a post-war Côte d'Ivoire is that the foundation of an interethnic alliance has almost always been blood. The recent wars have also shed blood. We could relook at interethnic alliances beyond the community level and consider the nation as a unit of analysis. The alliances

were not formed during peacetime, but wars were the foundation of their negotiations and establishments. When warring ethnic groups ceased hostilities and signed peace accords, blood covenants were sometimes used to seal the alliance. There were two degrees of these non-aggression pacts; blood drawing and human sacrifice. In the first scenario, blood would be drawn from members of the two belligerent parties, and rituals were performed (see Paulme 1939). In the second scenario, a human being was sacrificed to establish the alliance, which was the basis for the Dida-Attié alliance in Côte d'Ivoire. These pacts require living descendants and future generations to maintain the alliances and live in harmony with one another (Diallo, 2006). The fact that human sacrifice can be the foundation of an alliance makes the stakes so high, and whether the belief is literal or metaphorical, it helps prevent conflicts.

There are consequences for breaking an alliance. One of my interviewees told me that in a strict sense of the alliance, misfortunes befall the party that breaches the covenant, which signifies that the covenant is efficacious. Another interviewee indicated that if the breach results in a war, the defaulting party loses the war to show the reproach of the ancestors. Some people believe that transgression can lead to significant consequences and even the death of the instigator of a war with the allied party (Diallo, 2006, p. 790). The belief in the negative consequences of flouting the alliance, whether real or imagined, sustains the peace accords while ensuring this passes down from generation to generation.

Geography is one of the critical determinants of interethnic alliances. Wars were fought by neighboring groups or those who came in contact with each other. I use the proximity hypothesis (Roncek et al., 1981; Solomon & Serow, 1979) to discuss how these alliances were formed. A critical examination of the alliances in Côte d'Ivoire shows that most allied groups are contiguous

neighbors, indicating that they had some form of contact in the past. The map below shows some ethnic groups and their alliances in Côte d'Ivoire.¹



Thanks to Dr Phil Hurvitz for helping with the map work.

All the ethnic groups and their alliances on the table have contiguous borders with each other, validating the proximity hypothesis. The alliances were predicated on the legacy of violence and

¹ Kotto, Rolyvan. 2019. Chez Nous Pays : Découvrez les Alliances Inter-Ethniques En Côte D'ivoire. Life Mag. <https://lifemag-ci.com/chez-nous-pays-decouvrez-les-alliances-inter-ethniques-en-cote-divoire/>

the proximity of the protagonists. Ethnic groups without proximity do not have alliances with each other. For instance, the Krumen in the south cannot have alliance with the Senufo in the north because they are not close to each other.

Interethnic alliance is similar to a peace accord in liberal peacebuilding, but the former goes beyond formal and administrative structures to enable the parties to live their daily experiences. This alliance reminds members of a promise to keep and live at peace with one another. Nevertheless, liberal peacebuilding provides stability for people to enjoy their experiences in a post-conflict setting, fostering the synergistic relationship between liberal peacebuilding and interethnic alliances. Some scholars describe an interethnic alliance as preventive diplomacy (Yoro, 2009; Radcliffe-Brown, 1940) peacekeeping institution (Canut & Smith, 2006; Diallo, 2004). In his study of the Lobi people of north-eastern Côte d'Ivoire, Soro (2019) provided an interesting analysis of how interethnic alliances play a role in conflict resolution. His ethnographic fieldwork expounds that:

When there is a conflict between individuals, families, and villages, an ally comes to resolve the conflict and reunite the belligerents. The protagonists go before the village priest to renounce curses they pronounced on each other, after which the ally performs a ritual of using ash, shea tree leaves, and a calabash of water. The ash is poured on the ground to symbolize atrocities committed by persons who have accepted their culpability and promised to re-live their lives like the pre-conflict period. They invoke the ancestors to carry the evil spirits away through the wind and purify the belligerents through the calabash of water. The water is then poured onto the ground to signify that the conflict has been buried (Soro, 2019, p. 139).

The ritual is believed to have cleansing prowess that drives away evil forces responsible for the conflict. "The purification function of the protagonists, hence the name "cathartic alliance" (Griaule, 1948, as cited in Canut & Smith, 2006, p. 694). In some cases, when the first stage is concluded, belligerents ultimately reconcile in honor of the alliances, ancestors, the village priest, and societal peace. There are other stages the conflict resolution in case belligerents refuse to accept culpability. However, this aspect will not be discussed here. The involvement of the alliances and the invocation of ancestors help manage and attenuate conflicts among the Lobi people. Among the ethnic groups that Lobi alliances with are the Koulango and Koyaka. Interethnic alliances are usually between two ethnic groups; however, what is nuanced in the Lobi society is that they use interethnic alliances as a tool for negotiation by bringing a third party to mediate the conflict. What is unclear is what happens when the allies themselves go to war. Indigenous mechanisms like alliances have been effective at resolving conflicts on a small scale because of their highly flexible, improvisatory, and uncodified nature. These characteristics make it challenging to deploy the mechanism on a national stage, which I will elaborate on in the next section.

Four Challenges to expanding the inter-ethnic alliance as a hybrid form of peacebuilding in Côte d'Ivoire.

In this section, I examine the participants' perspectives on traditional peacebuilding mechanisms and discuss four specific kinds of challenges – religion, national political parties, the decline of the power of chieftaincy, and the way that a more youthful, urban population is alienated from systems associated with the village way of life in Côte d'Ivoire.

Religious compatibility with the interethnic alliance

I interviewed religious leaders and members of the four major ethnic groupings who spoke mainly about the interethnic alliances since the conflicts have been national and involve different ethnic groups. For the monotheist religions, traditional mechanisms seem less problematic in a local peacebuilding mechanism. While some religious leaders believe in their potential to promote peace, others believe that at least some practices are incompatible with their beliefs and need modification.

I interviewed a pastor who noted that, in their view, religion does not prevent the practice of interethnic alliances. These alliances were established in the past and are non-repetitive in contemporary times and using them to resolve conflicts does not constitute a sin. Some of the alliances were established under blood covenants. He sees no problem with that by alluding to similar practices in the Old Testament where animal blood was shed. He acknowledges that just as in the Bible, these blood covenants exist for a memorial. However, it is unacceptable to establish an alliance today using a blood covenant. The pastor's delineation indicates that though similar, culture and religion are nuanced such that the former can contribute to peacebuilding in this context without affecting religious beliefs. In sum, alliances formed based on blood covenants do not affect religion today, but politics does and weakens interethnic alliances.

The past has something to offer for social cohesion and building resilience after armed conflicts. Côte d'Ivoire might not enjoy reconciliation, but traditional practices still offer peaceful co-existence. They try to resuscitate the pacts of non-aggression that bonded them together to fill the void created by the wars. I interviewed two religious leaders, and they believe that:

"If today there seems to be peace and social cohesion, people resorted to the old social relations to live together forcefully. We had come conviviality before the wars. Many

people talk today because of these alliances. If not, a Wè would not even say hello to a Senufo, given what happened here. We could not renounce this link if we did not adopt trials and resorted to local mechanisms as it was in South Africa and ask why allies fight each other. Let us reconcile based on alliances. We bring the older people to talk about the foundation of alliances. They will ask why ethnic group X sheds the blood of ethnic group Y? You are sanctioned. It is taboo. If the alliances were correctly applied without hypocrisy, the conflicts would not have endured this way.

They disagree with critics that participating in practices where bloodshed was a constraint to once religious piety unless it involved present-day human sacrifices to establish the alliances. They aver that:

The alliances established on blood covenant by our forefathers do not affect our Christian beliefs today. They were done to prevent a repetition of bloodshed. I cannot kill Jesus Christ on the cross again. They already sacrificed one person to establish the alliance, it is finished, and once the alliance is established, it is done. It is only to bring back the memory; we recall treaties such as the Rome Treaty, but we do not rewrite them. As a pastor, I will accept if they ask me to lead a delegation to resolve a conflict based on a blood covenant that established the alliance.

The belief by religious leaders that revisiting local practices can resolve conflict in Côte d'Ivoire is in contrast with Pentecostalism in Sierra Leone, where Shaw (2007) demonstrates that Pentecostals believe local practices are likely associated with the devil and must be combated. "Pentecostal leaders and the youth of GP [Gospel Prayer] Ministries reject such personal religious pluralism as signs of demonic influence, however" (Shaw, 2007, p. 69). The armed conflict has

mainly shaped the believers' experiences, and their worldview about the local practices could have been viewed differently without the horrendous experiences of the war.

Generally, the participants were almost unanimous that their religious beliefs were not inconsistent with the traditional beliefs on interethnic alliances since the pacts were conducted and concluded. They admit that the invocation of traditions to resolve contemporary conflicts should instead be lauded as good values to preserve human life. However, the pastors indicate they will not participate in practices that shed blood today to initiate alliances and indulge in rituals. In Côte d'Ivoire, my interviews with Christian and Islamic religious leaders show that their religions do not impede the practice of interethnic alliance; however, the practices must not involve the performance of rituals and the invocation of deities.

Now, I turn to local agency and ownership in peace efforts in Côte d'Ivoire. To ensure that peace initiatives are durable, they must not be far-fetched as referents to the people. While some participants do not object to external support—mostly the liberal peace model—in any form (Call & Cousens, 2008), they prefer local agency and ownership of the peace efforts. External interventions with ulterior motives derail the opportunity to achieve consensus-building towards accepting peacebuilding mechanisms. In an interview with a high-ranking former minister of the Gbagbo's regime observed that:

The two mechanisms [trials and TRC] you mentioned, we can internalize the solutions. We can convoke the actors, independent of the external pressure, discuss the root causes seriously and find solutions. However, often, they [the international community] want to impose the solutions...There are internal mechanisms. For example, interethnic alliances among different populations exist to solve our problems. We can deploy them and see how they work.

In his analysis, the international community dominated the peacebuilding apparatuses and sidelined local actors who knew more about the causes of their conflicts and had the capacity to address them. According to him, the international community needed to be neutral and altruistic to enjoy support from both factions of the conflict. However, some powers had vested interests and predicted the outcome of the peace processes. The international community needed to work with local structures that already exist. The approach makes local actors resist (Funk, 2012; Mac Ginty, 2010). Local participation is critical to any attempts at a reconciliation process because non-compliance will disintegrate the efforts. This was the Ivorian case because pro-Gbagbo supporters boycotted the reconciliation process. However, the non-participation was primarily due to the perception of the unjustness of the liberal peace implementation process and less fixation on the content. Therefore, peacebuilding must involve local actors, governance structures, and conflict resolution processes.

Challenges that national African political systems pose to the interethnic alliances.

In Côte d'Ivoire, just as in many African countries, the cost of losing power is high, and this system of 'winner takes all' is a disincentive for politicians to compromise and cede power (Cheeseman et al., 2019; Gyampo 2015; Collier and Vicente 2014). Political leaders worldwide appoint people who share their political ideologies and vision of governance. However, if government appointments are based mainly on the ethnic or regional origin and determine who gets a government appointment, the stakes become high and make less room for compromises. Losers often seem punished for relinquishing power and face "political ostracism." According to Akindès (2004), the concept of *Ivoirité* that former President Henri Konan Bedie, who is from the center-south, initiated was meant to exclude mainly politicians from the north, notably Alassane

Ouattara. Former Presidents Robert Guéï and Laurent Gbagbo from the west and southwest criticized it but later benefited from Ivoirité, a concept both criticized. Current President Ouattara talked about his government doing "*rattrapage ethnique*" (see Bi Loukoù et al. 2012), meaning ethnic 'catch-up'. This profound statement is based on a claim by northern Ivorians that they have been excluded from national politics for a long time and now is their turn. The appointment of government is reflective of the statement. Ivorian politics were formed mainly along ethnic lines; winning and controlling the government apparatus is not just the lust for power but how resources are allocated (Koffi, 2014). Therefore, the quest for political power trumps traditional practices such as interethnic alliances, making them less effective in resolving conflicts. Instead of people identifying with only ethnic groups, they have many identities, including political parties and competition for power, which has a substantial and iconoclastic effect on traditional practices.

I interviewed a former warlord turned pastor about the role of local peacebuilding mechanisms in the Ivorian reconciliation efforts and their compatibility with Christian beliefs. He provided a convincing analysis of circumstances under which local mechanisms can work synergistically with liberal peacebuilding. He noted:

Yes, it is possible; interethnic alliances can help reconcile people. Nevertheless, before this can work, we must denounce our political affiliations. Because if it [politics] takes over [local mechanisms], nothing is considered [important]. Yes, we are allies, all right, I am Wè /Gérré, and you are a Senufo, but if I see you as RDR and you see me as FPI, pro-Gbagbo, it is difficult. In the past, when our parents practiced it, there was no [national] politics at stake, which is why they were successful. Soro Guillaume is Senufo, and I am Wè, so we are allies, but when I see him as a Senufo rebel who contributed to my region's mourning yesterday, you want us to use the mechanism. It will not work. I should see Soro

Guillaume, as a Senufo, and he should see me as Wè, but the sad thing is that politics trumps.

The analysis of the pastor does not mean that politics and alliances did not exist in the premodern state. Indeed, they existed, albeit with their problems. The difference between politics and alliances of the premodern era and postcolonial is that the former likely had low stakes and was geographically limited. In contrast, postcolonial politics is relatively competitive and national in scope. These stakes mean that observers will likely examine actions, including peacebuilding mechanisms, with political lenses. It also means that the reward of engaging in partisan politics could lead to actors disregarding pacts of non-aggression—alliances. For instance, during the 2017 mutinies in Côte d'Ivoire, a section of the military alleged that President Ouattara, then opposition leader in the armed conflict, promised each FCFA 12 million (approximately \$19,400), of which part would be used to buy a house.² The RDR, now RHDP (Rally of Houphouëtists for Democracy and Peace), is composed of people predominantly from the north, the bastion of the Senufo people, and the majority of the Wè from the southwest are FPI.

In the past, traditional and political power was concentrated in the hands of the overlord of a particular ethnic group. However, this might seem undemocratic as ascension to power was hereditary. Even when alliances were made, there was no competition over who controlled the allied groups; the leaders were co-equals and maintained control of their respective groups. Of course, these conflicts could resume, but political control could have been reduced without an ordinary object of contention. As noted above, the winner-takes-all phenomenon in African

² Jeune Afrique. 2017. Mutineries en Côte d'Ivoire : qui sont les 8 400 soldats qui défient régulièrement le pouvoir depuis 2014 ? <https://www.jeuneafrique.com/mag/440544/politique/mutineries-en-cote-divoire-qui-sont-les-8400-soldats-qui-defient-regulierement-le-pouvoir-depuis-2014/>

politics makes the stakes high and often turns violent. In her study of elections in the Bo South of Sierra Leone, Ferme (1999) observes that a supporter of an opposition candidate pointed out that if they won the parliamentary election, they would change the area's paramount chief of the area because he openly campaigned for the incumbent. When the opposition candidate won, they changed the chief, and the loser's supporters were also shamed and harassed, and some were forced to leave the community.

Similarly, in some parts of Liberia, election seasons usually bring "anxiety and even terror" (Moran, 2013, p. 104). State politics complicates alliances and political mechanisms that govern ethnic-based alliance building. For instance, the Wè and the Senufo are allies, but they broke protocol and went to war in 2011, where hundreds of people lost their lives in Duékoué, western Côte d'Ivoire, over political power. The International Committee of the Red Cross (ICRC) reported that 800 were killed in a day.³ Guillaume Soro, who led the rebellion, did not seek to reestablish the broken relations until he wanted to run for the 2020 elections. A former warlord of the Wè group described how politics severed the relationship between his group and the Senufo. According to him:

Guillaume Soro is a Senufo. There is an alliance between the Wè and the Senufo people. They do not shed each other's blood, but Soro does not consider us allies. When he led the rebellion, he shed blood at Carrefour [a suburb of Duékoué] and other places. For him to come here, he should have come to ask for forgiveness. The Wè people are not proud; they are unhappy about it.

³ ICRC. 2011. Côte d'Ivoire: hundreds of civilians killed in Duékoué.
<https://www.icrc.org/en/doc/resources/documents/news-release/2011/cote-d-ivoire-news-2011-01-04.htm>

The former combatants of the Wè barred Soro from campaigning in their territory because he needed to acknowledge the loss of lives and the breach of the alliance that binds the two groups. However, one of the leaders indicated that they would have accepted an apology from Soro in the name of the alliance that ties the two ethnic groups. The fact that the Wè are willing to accept an apology is a testament to the belief that interethnic alliances can play a role in conflict resolution in Côte d'Ivoire. The simple act could reset the relations, but the mechanism requires the political will of the elites to inure it by setting examples for their followers for broad base adoption. In Ivorian politics, from Houphouët-Boigny to the current leadership, political leaders have always adopted paternalism but also what Bayart (1993) called the reciprocal assimilation of elites, a strategy where politicians consolidate power by controlling influential figures, groups, and institutions vertically—ethnic groups and horizontal—professional associations because the former has access to state resources and the metropole. I interviewed a civil society leader who observed, "In Côte d'Ivoire, there are three gods and a demi-god. Whatever they say, the people listen and follow." The three gods refer to Laurent Gbagbo and Henri Konan Bedie, both former presidents: and Alassane Ouattara, the current president. Furthermore, the demi-god is Guillaume Soro who is a powerful and influential politician. The statement shows that reconciliation is attainable if politicians commit to peace in words and actions. Unfortunately, I interviewed a conflict resolution researcher and a former staff of the TRC who noted, "Some Ivorians see political parties as their religion, forgetting that politicians think of their interests first." The discussion is indicative that political interests take precedence over other considerations.

One of the reasons why adopting local mechanisms is challenging today is because there are national-level politics that did not exist in the past. Interethnic alliances' shortcomings as they existed before is that they did not include the capacity to build alliances across groups that did not

have contiguous borders. One innovation that has to happen in the future is how to use this model in order to mediate between noncontiguous groups. We cannot adopt the Lobi example wholesale because it has always been predicated on the idea that people are neighbors. Furthermore, now the nation-state, in some way, means that they are neighbors, even if they do not live next to each other, but that is precisely why national reconciliation has yet to work at this point; therefore, the need to innovate.

Nevertheless, people still have confidence in the power of traditional mechanisms to resolve conflicts. In their research about African peacebuilding, Osiemo et al. (2021) conclude that "It is therefore evident that traditional African conflict resolution and peacebuilding mechanisms have a place in today's world" (Osiemo et al., 2021, para. 47). Many interviewed indicated the efficacy of ancient peacebuilding mechanisms, such as interethnic alliances, which effectively resolve conflicts and could contribute to recent peace initiatives if revisited. However, these mechanisms are losing their creditability as alternatives for resolving African conflicts. In an interview with a philosopher and member of the current government, he noted that:

The alliances facilitate many things... When you have an alliance with someone, it does not allow you to fight. In classical practice, fighting your ally brings misfortune, but do our children know this, or even those younger than us? That is the problem the traditional norms cannot help us to make progress.

Corroborating the philosopher's assertion, another participant opined that:

The interethnic alliance has a great value, and if we can revive it, it can relieve many problems. It will reduce problems, complaints, deaths, and injuries and is healthy. It is constructive that politicians want to be listened to, which is why they bring new banknotes to the campaign. If we consider the alliances, politicians cannot confuse us.

The participants seem to recognize the power of traditional mechanisms and the need to revive them to address the myriad of conflicts that have plagued Côte d'Ivoire in the recent past.

Shifting Values of Chieftaincy

The third challenge to the interethnic alliance model is the relative loss of the power of chiefs and a sense of the eroding value of tradition. It is vital to understand how interethnic alliances were practiced and how they can play a role in contemporary peacebuilding. The elders and chiefs served as peacemakers and guardians of the tradition of the people. They settled conflicts by going back to history; elders with knowledge about alliances were asked to mediate for the allies to reconcile in case of a breach of alliances. They also educated the younger generation about the circumstances that led to the formation of the alliances, their importance, and the need to keep them sacred. When elders could not resolve the impasse, they transferred such cases to the chief, and perpetrators were punished for flouting the laws of tradition. The payment ranges from rendering simple apologies to paying animals based on the seriousness of the crime. No matter the gravity of the crime, perpetrators were not confined to the walls of prisons but were made to take oaths of non-repetition. Socio-legal scholars Ghebretেকে and Rammala assert, "In Africa, the philosophy in conflict resolution is community-oriented" (Ghebretেকে & Rammala, 2019, p. 328). Alemie and Mandefro (2018) espouse the communitarian and rehabilitative tenet of indigenous peacebuilding by noting that the goal is not punitive but to create a sense of harmony, solidarity, and dialogue among the parties. Some of the Ivorians I interviewed assert that politics is the bane of reconciliation because they believe that if traditional mechanisms were employed devoid of political cleavages, the mechanisms would have facilitated reconciliation.

The trend has changed over the years due to a clash of cultures. One elderly interviewee noted that "We are losing our African values... We do not know our values any longer. There are bad practices we did not know and must get rid of, but there are practices [used] to resolve problems... We are losing our values." For instance, custodians of inter-ethnic alliances have less power to ensure adherence. Today, the authority of the chief is being challenged in two ways. Because fewer indemnities are paid as compensation at the chief's palace, some plaintiffs prefer to lodge their cases with the courts for redress, preferring material reliefs to adherence to traditional practices. In some cases, chiefs have been dragged before the courts because they engage in illegal land sales, creating mistrust with the people. When chiefs engage in practices that do not conform to traditional values, they lose their moral authority to settle disputes since people will not trust their judgment.

Similarly, the challenge to local mechanisms is compounded by chieftaincy crises, cultural diversity, and the younger generation's lack of appreciation of traditional cultures. The youth are more likely to appreciate urban and cosmopolitan lifestyles, therefore paying less importance to cultural norms and traditions. An interviewee observed that:

There are two or three reasons why we have not been able to resort to our local conflict resolution mechanisms. First, Africa is no longer what it was before. We must be cognizant of this. When you look at the composition of Africa today, we have urban and rural areas. Even in the villages, applying the local mechanisms is difficult because there is a moral authority crisis. Today in Côte d'Ivoire, chieftaincy conflicts abound. 'We want this chief; we do not want the other.' The second is the problem of the norm. In the city, it will not work because you have a mosaic of ethnic groups. Diversity does not allow us to use one mechanism to resolve a conflict between two people from different ethnic groups, for

example, a Senufo and a Baoulé. The third problem is that the youth do not have sufficient knowledge of these local mechanisms, so there is a communication problem around these values.

Contrary to the belief that the chieftaincy institution, guardian of the traditional mechanisms, is in crisis, some disagree. I interviewed a community linguist and organizer. He is skeptical about the overstatement of modern institutions to bring peace to Côte d'Ivoire. He quizzed:

What is the function of the key mediator or the ombudsman? What tangible results have such a high-budget office produced (all at the state's expense)? Let us appoint local mediators who are knowledgeable and who can address situations where necessary. Let us not appoint someone because he has a degree, but does he have charisma? When he talks, do people listen? Let us not apply gerontocracy but rather *cheftocracy*—leadership by traditional chiefs. That is my approach, and I believe that resorting to traditional leaders will produce the best results, as opposed to politicians, since no politician has a solution to resolve a conflict in Côte d'Ivoire.

Choudree supports the interviewee's claim by noting, "The headmen or chiefs who preside over traditional courts are generally charismatic and familiar with the populace that uses the courts, are revered to the extent that judges are not..." (Choudree, 1999, p. 4). The interviewee traced the origin of the concept of cheftocracy to Burkina Faso, where the chieftaincy system is well-developed and functioning. The Moro Naba, the chief of the Mossi people, the largest ethnic group in the country, is highly revered. The people always respect his verdict, and he is credited for brokering many tough political and diplomatic impasses in his country by combining both cheftocracy and gerontocracy since the latter is usually associated with culture and

sageness.⁴ Corroborating the role of chiefs in attenuating conflicts, some religious leaders indicated:

If the chiefs could stand firm to the tradition and not be influenced by the politicians, it [reconciliation] will work. For instance, when there was an arising, and the Moro Naba spoke in Burkina Faso, the guns were silenced; it was not his personality but respect for the tradition.

However, recent coup d'états and terrorism seem to challenge the rallying authority of the Moro Naba. Notwithstanding, local engagement is essential, as Funk (2012) noted:

Ideally, peace ought to be built under a locally negotiated plan using as many local materials and skills as possible so that the population in question acquires a sense of ownership, satisfaction, and capacity for continued upkeep. In other words, international peacebuilders need to build on what is already there (Funk, 2012, p. 299).

Liberal peacebuilders must always incorporate local knowledge and expertise and ensure that local actors have internalized liberal norms and can implement them after the former. The capacity of the local actors is rarely built on the tenets of liberal peace. Nevertheless, the international community cannot stay permanently, and the phenomenon makes reconciliation unachievable in the long run.

Youth, Modernity, and Local peacebuilding

The fourth complicating factor for local mechanisms is urbanization and a youth demographic that does not hold the same respect for value systems and social processes associated with the rural folk. Interethnic alliances have been challenged as effective conflict resolution mechanisms.

⁴ BBC. 2015. Mogho [Moro] Naba: Burkina Faso's mediator monarch. [Mogo Naba: Burkina Faso's mediator monarch - BBC News](#)

Cultural hegemony has ultimately eroded certain practices of local cultures (Ghebretkle & Rammala, 2019). Relatedly, some educated elites distance themselves from their cultures (Konadu, 2019). However, some scholars argue that contact with cultures leads to the assimilation and appropriation of elements of cultures in both ways (Moran, 2013).

Another challenge that threatens local peacebuilding mechanisms is modernization and socioeconomic demands. We live in a materialistic world, and cultural practices rarely bring monetary benefits for the youth to expend their energy. Additionally, many people are born and bred in urban areas and lose touch with their traditions. An older man summarized the impact of modernization on Ivorian society as follows:

The crises have created mistrust. If not, the interethnic alliances were effective. The young ones today do not know the alliances; many of us do not know our villages. We think that the aged are witches and wizards. Someone born and bred in Abidjan [economic capital], and you want to talk about an interethnic alliance, and they will do what with it? They will tell you they do not eat alliances.

The older generation believes in the efficacy of indigenous peacebuilding systems but acknowledges the changing realities of peacebuilding. The participant suspects modernization of losing African values, arguing that due to urbanization, children born and raised in the cities rarely visit their hometowns. The absence of cultural values in their upbringing anchored in the appropriate setting deprives them of the cultural norms. This sometimes makes them either dismissive or ignorant of concepts such as interethnic alliances. This theme came up many times in my interviews and focus groups. It would be expected that one must seek redress in practices with more knowledge and trust. The interviewee recommends the reinvention of traditional practices to revitalize these mechanisms to serve as alternative strategies for resolving conflicts.

Revisiting and leveraging indigenous concepts like interethnic alliances and deploying them with the standard liberal peacebuilding will allow the youth to appreciate the former and promote it as a viable alternative to African peacebuilding. Studying youth and the Sierra Leonean conflicts, scholars agree that the youth are usually considered actors or victims depending on how they are viewed, how their lives and experiences have been shaped, and the implications for their reintegration and re-socialization matter in reconciliation (Ferme, 2018; Boersch-Supan, 2012; Peters & Richards, 1998; Richards, 1996).

The interviewee noted that during the war in Duékoué, Wè and Malinké, and aged from the latter, well versed in the tradition and knowledge of interethnic alliance, and leveraging it to attenuate the carnage that was going on, asked for forgiveness from the Wè but nearly lost his life from his people. According to his children, asking for forgiveness meant that the Malinké attacked the Wè, and they were at fault and would not accept responsibility. The action of his children meant that they did not know the significance of the alliance between the two groups, or they valorized political expediency over tradition. Winning the war could improve their socioeconomic situation because the rebels were promised money. As I noted in this work, material rewards and tradition could not be a stumbling block against power and influence. The children's rebuke of their father indicates the dearth of authority crisis as the aged were less challenged in the past because they embodied knowledge and served as custodians of the tradition. Politics and power have challenged many rich traditional values and practices, including peacebuilding mechanisms. Commenting on child soldiering in *Sweet Battlefields*, Utas (2003) observes that the decision to join rebel armies in the Liberian armed conflict and possess an AK47 rifle provided not only agency for them to pass from childhood to adulthood but also a symbol of Modernity. The access to these weapons is chiefly due to inexpensive technology (Peters & Richards, 1998).

Towards hybrid peacebuilding possibilities

As I have shown, liberal peace and local mechanisms have shared commonalities despite some critics favoring the latter. Konadu (2019, 237) proposes that "we need African ideas and institutions to heal a wounded world." African systems alone are inadequate to deal with the myriad of challenges, such as large-scale armed conflicts that we witness today. Even Gacaca, which some scholars argue was a success, had its challenges (Brounéus, 2010; Mendeloff, 2009; Rettig, 2008). Instead, an integrated system with the potential to have a robust methodology and cultural sensitivity to design and implement peacebuilding strategies will likely ensure sustainable reconciliation. In Côte d'Ivoire's case, crimes committed within specific geographic regions during the armed conflicts could adopt indigenous approaches like interethnic alliances and other mechanisms to identify perpetrators and victims. In an interview with a former staff of the TRC, they advanced their argument in the same vein noting that:

[E]ven if we do not have ubuntu or Gacaca here, we can still use the experience of experts who have worked on inter-ethnic crises to try and activate these philosophies, even if not nationally, in the various regions. If it is at the regional level, we can already get to work because, for instance, if I am from the south, I would hardly identify with the practices and culture of people from the north. It would be difficult.

Ultimately, liberal and indigenous models aim to correct past wrongs and facilitate a non-repetition. Crimes committed on allied territories could apply the rules of inter-ethnic alliances to settle conflicts. Grave crimes beyond the ambit of these local institutions could be transferred to courts and granted amnesty in the name of reconciliation and social cohesion. African mechanisms

need to be reinvented to adapt to modern conflicts since they were not designed to handle significant-scale conflicts, and this will mean borrowing elements of liberal peace.

I argue for adopting a hybrid model at all levels while taking advantage of the strengths of both liberal and indigenous mechanisms. It may be easier to implement a hybrid model at the local level because of the historical and cultural importance of the proximity hypothesis, but what is novel and innovative worth considering is how hybrid peacebuilding could be expanded nationally.

Conclusion

I have explored the potential for hybrid peacebuilding in this article and highlighted the challenges of liberal peace and local peacebuilding mechanisms in Côte d'Ivoire. I argued that liberal and indigenous peacebuilding mechanisms complement each other, and no single mechanism is sufficient to address the Ivorian conflicts. Widespread human rights violations raise large practical difficulties. According to the International Center for Transitional Justice (ICTJ) a country's political balance may be delicate, and a government may be unwilling to pursue wide-ranging initiatives, or it may be unable to do so without putting its stability at risk (ICTJ, n.d., para. 3). Sarkin (2001) concurs with the ICTJ that,

The need of victims and the society as a whole to heal from the wounds inflicted upon them by the former regime often has to be balanced against the political reality in which the new government may have limited political power and in which it may have inherited a fragile state (Sarkin, 2001, p. 143).

The discussion demonstrates that there is no one-size-fits-all approach to peacebuilding because each case has a different socio-political background, and its post-conflict society's strategy must conform to the norms. Similarly, "Not all civil wars are the same. Conventional wisdom suggests

that each war is as different as the society that produced it" (Sambanis, 2001, p. 259), so we must avoid the "cookie-cutter" solutions (Call & Cousens, 2008, p. 15). I emphasize that transitional justice mechanisms must conform to international standards and meet the local needs of the people.

I have also argued for the contextual and local understanding of armed conflicts before designing transitional justice mechanisms. The ethnic composition, culture, political history, and religious makeup of a post-conflict state are essential factors to consider when designing transitional justice mechanisms. Call and Cousens (2008, 14) and Funk (2012, 397) employ the term "context-sensitive peacebuilding" to describe this knowledge production. Call and Cousens (2008, p. 14) critique how the United Nations' professionalization of the peacebuilding field produces "templates" and "doctrines," and these are counterproductive to peacebuilding because they are not "case specific." Similarly, "Human rights are expressed in documents drafted by global elites and endorsed by the United Nations" (Archibald & Richards, 2002, p. 340). The authors advocate for "the making of local cultures of human rights...the invention of human rights from below" (ibid.). Scholars and policymakers must envision the preponderance of context over mechanisms. No matter how efficacious those mechanisms are, if the critical issues and the local socio-political dynamics are overlooked, the mechanisms are likely to be moribund from the outset. Post-apartheid South Africa is relatively stable due to a deep understanding of the local political context. Tutu (1999) argues that given the prevailing political situation at the time, they would have ignored it at their peril. The country could have witnessed a bloody armed conflict if it had taken the path to retribution. Even though some people still have grievances about this arrangement, given the power imbalance, the prosecution could have ushered in a democratic

retrogression and unachievable justice. Kelsall (2005) contends that the Sierra Leonean TRC and the Special Court for Sierra Leone hardly achieved similar relative results.

In addition, in Rwanda, when prosecutions failed to expedite justice with 120,000 accused (Corey & Joireman, 2004) languishing in jails, the government revisited the ancient practice of Gacaca not only to augment the capacity of the formal trials but to provide restorative and community-based justice. However, some scholars have expressed mixed feelings about the inequitable justice, re-traumatization of victims, and politicization of justice in Rwanda (Brounéus, 2008; Corey & Joireman, 2004; Tiemessen, 2004).

African peacebuilding mechanisms have challenges in delivering justice in contemporary contexts. However, they can be used with liberal peacebuilding to produce synergy. Because of the complexity of modern-day conflicts and the high stakes, local actors need to adopt innovative initiatives that will transcend beyond ethnic borders for parties to the conflict to feel inclusive. They can do this by merging standard practices among the different ethnic groups.

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CHAPTER III: SEQUENCING TRANSITIONAL JUSTICE MECHANISMS: THE CASE OF CÔTE D'IVOIRE

INTRODUCTION

The Cold War ended with its politics of patronage in developing countries (McMahon, 2021). Several countries tried to adopt democracy as a system of governance, and the process led to elite conflicts. These conflicts and the atrocities committed by dictatorial regimes bolstered by the Cold War produced post-conflict and post-regime transitional justice processes on the African continent. Since no two contexts are the same, political leaders and policymakers should imperatively adopt mechanisms that best apply to their specific contexts. My goal is not to answer whether TRCs or trials enhance human rights but how these mechanisms' concurrent adoption and strategies affect reconciliation. Some scholars argue that prosecutions promote human rights culture (Olsen et al., 2010; Sikkink, 2011). However, adopting prosecutions with TRC could negatively affect the reconciliation process unless these mechanisms are sequenced. In my findings, I provide evidence that concurrently using the TRC, and trials will likely prevent perpetrators from telling the truth because the Court could use their statements against them.

In Africa, about twenty countries have implemented transitional justice processes, and these countries are either transitioning from wars to peace or authoritarian rule to democracy (Mindzie, 2015). The latest to establish a TRC in 2018 is The Gambia after Yahya Jammeh's 22-year rule with various degrees of human rights violations. Countries adopt mechanisms such as prosecutions, truth commissions, reparations, peace accords, and reconciliation to build peace after armed conflicts or post-repressive regimes to address past human rights violations. Governments adopting all these are meant to create durable peace, but we must understand which one is effective and in what context. In addition, in some cases, countries adopt multiple processes, and we are still

determining how one process might affect the success of another. South Africa and Rwanda adopted amnesty and prosecutions, respectively, while Côte d'Ivoire is experimenting with the two models concurrently. Sierra Leone has adopted concurrent mechanisms with varying failures and successes. This chapter examines transitional justice processes' compatibility, successes, sequencing, and challenges and how they impact reconciliation after armed conflicts. In order to achieve this goal, the chapter studies post-conflict reconciliation attempts in Côte d'Ivoire during the period from 2002 to 2022. The country presents a unique example of a post-conflict society where all the transitional justice instruments have been employed simultaneously, yet reconciliation seems elusive.

In Africa, Uganda and Zimbabwe were among the first countries to create TRCs. However, the South African TRC, by far, received the most scholarly attention (Roper & Barria, 2009), and almost every post-conflict country and those in transition from authoritarian regimes adopted the South African model because of its relative success (Tutu, 1999; Boraine, 2006; Gibson 2006, 2004; Wilson, 2004), even though some scholars contend that it had mixed results (van der Merwe et al., 2022). The Ivorian TRC emulated the South African one (TRC, 2014), and some commissioners went there to study its model. The Ivorian model differed markedly from the South African TRC, as the literature and some of my interviewees indicated. However, I will return to discuss this in detail in subsequent sections. The trials followed the Rwandan model, where prosecutions focused solely on the loser. It seems to be a norm that in every trial, perpetrators from the victor's side live in impunity, in some cases protected by law unless the tables are overturned. In Rwanda, even the Gacaca court system, which was supposed to be a community healing mechanism rooted in tradition, was politically motivated (Tiemessen, 2004). Tiemessen argues that the modernization and the state sponsorship of the Gacaca courts have threatened the

community and restorative principles of Gacaca while serving the interests of the victor-led government.

Scholars and practitioners of international relations have devoted increasing attention to how cease-fires, once achieved, may be translated into sustained peace (Call & Cousens, 2008). The concept of reconciliation after armed conflicts is a major debacle for policymakers and governments. At the same time, scholars are divided on the best mechanism to adopt to ensure durable peace, a return to everyday life, and a transformation of the conflict.

I examine the competing claims by proponents of restorative and retributive justice in seeking reconciliation. The work is divided into three main parts. Part I examines the theoretical frameworks of the different mechanisms. In part II, I provide empirical evidence of the tensions in some countries and my fieldwork in Côte d'Ivoire. In part III, I discuss the factors influencing the type of mechanisms leaders adopt and in what context and illustrate the rationale for sequencing.

Background to Ivorian conflicts

Côte d'Ivoire has experienced significant political crises since the introduction of multiparty democracy in 1990. Political leaders formed parties along ethnic lines. The winner-takes-all phenomenon in African politics compounded the problem because the stakes are always high, and losing elections is the least expected (Cheeseman et al., 2019; Gyampo, 2015; Collier & Vicente, 2014). In an interview with an official at the ICTJ about Ivorian politics, he observed: "These are the existing challenges which are difficult to address because there are many political issues at stake, while some fear losing power; others fear their supporters will turn against them." The demise of the first President, Felix Houphouët-Boigny, deepened the political rivalries among his successors and plunged the country into internecine armed conflicts for many decades. Notably,

the first coup d'état that overthrew the Bedie-led government in 1999, the 2002 failed coup d'état turned rebellion that divided the country into a rebel-controlled north and the government-held south, and the 2010-2011 post-electoral violence that claimed the lives of over 3,000 people.

The country has made several attempts to bury the past and forge a shared future, but bad faith by political leaders has affected efforts at genuine reconciliation. In 2001 the Gbagbo-led government initiated the National Forum for Reconciliation (NFR) and the TRC under President Ouattara. During the NFR in 2001, the four prominent political actors for the past three decades, Henry Konan Bédié, late Robert Guéï, Laurent Gbagbo, and Alassane Ouattara, spoke publicly about what they considered their sides of the truth about the causes of the political conflicts that engulfed the country and pledged for peace.⁵ However, the forum did not manage to resolve the conflict among the leaders. In the aftermath of the 2011 war, the Ouattara administration set up the TRC and trials concurrently to prosecute perpetrators.

During the 2010-2011 war, both forces committed atrocities varyingly. Although reconciliation efforts ensued after that, Côte d'Ivoire is still largely divided. There have been challenges to implementing restorative and retributive justice in the country. While some observers questioned the motive of the concurrent implementation, others criticized how these mechanisms were implemented and advocated for sequencing them. Most Ivorians support the concurrent implementation of the mechanisms if only leaders follow the tenets of each mechanism. For instance, trials are equitable, and amnesty foregrounds truth-telling. However, some of my interviews argue that the two mechanisms needed to be sequenced. Sequencing allows both perpetrators and victims to fully participate in each mechanism at a time if there is political will

⁵ Gnahoua, Ambroise. Côte d'Ivoire ; forum pour la réconciliation nationale : GBAGBO, BÉDIÉ, GUEÏ ET OUATTARA (1/4). <https://www.youtube.com/watch?v=NTtFqiDZHA4>

on the part of leaders. Proponents believe that equitable prosecutions could lead to convictions for victims to feel that justice has been delivered and amnesty given to reconcile perpetrators and victims. Besides the lack of truth revelation, wrong timing for the amnesty, and opaqueness of the compensation program, prosecution efforts have been viewed as selective because the courts have convicted only pro-Gbagbo perpetrators and none from the pro-government side. After the War, the Ouattara-led government set up the TRC on May 13, 2011, and simultaneously prosecuted some alleged perpetrators at the national courts and the International Criminal Court at The Hague. The government extradited Gbagbo to The Hague on November 29, 2011, and in 2018, President Ouattara gave amnesty to eight hundred prisoners, excluding the pro-Gbagbo military officials. These simultaneous initiatives raised suspicions and doubts regarding the justness of the process among the citizens, who began to wonder why the government gave amnesty to some war criminals and prosecuted others. In 2019, the International Criminal Court gave a provisional release of Gbagbo and his former youth minister Blé Goudé and a definitive acquittal in March 2021. Gbagbo and Blé Goudé finally returned to the country on June 17, 2021, and November 26, 2022, respectively. Calm has returned, but it does not disarm hearts, and the situation makes the country sit on tenterhooks.

Methods

I employed qualitative interviews for my research. I spent three months in 2018 and six months in 2019 and interviewed over 120 participants of different social status, ethnic, religious, and political affiliations to understand their perspectives on the causes of the Ivorian conflicts, conflict resolution mechanisms adopted, challenges, and the way forward. In addition, I ran focus groups with people with political interests, religious creeds, social and civic-minded, and serendipity. For

anonymity, I use the pronoun 'they' to describe the interviewees to hide their identities and provide more non-identifying details whenever necessary. My semi-structured questions were to elicit detailed information about their understanding of the post-conflict situation and the timing of these mechanisms that the government initiated. I sought to determine potential tensions between restorative and retributive justice mechanisms when Côte d'Ivoire implemented them concurrently.

Indeed, the type of data the researcher hopes to obtain informs the choice of methodology. Even though some researchers describe qualitative methods as subjective and challenging their reliability, it gives more voice to the interlocutors to share their experiences. I conducted semi-structured interviews because they helped to discover participants' behaviors, assumptions, and expressive views on issues that concern them. By doing so, the researcher observes both verbal and non-verbal cues from them. Meaningful observations can be drawn from these cues that are absent in surveys.

Literature review

This section reviews the existing literature on transitional justice and current trends and situates my work in the ongoing academic and policy debates. Transitional Justice (TJ) has become a mechanism for ensuring that atrocities committed in previous repressive regimes and armed conflicts are held accountable while balancing stability. Andrieu (2012) observes that TJ has become a tool for any country recovering from the atrocities of a dictatorial regime or a war and aiming to establish a pacified political and civic life. Tracing the genealogy of TJ, Teitel (2014), one of the leading scholars in the field, dates it to the aftermath of World War II at the Nuremberg Trials. She delineates the evolution of TJ into three phases: postwar, post-Cold War, and steady-

state transitional justice. In these phases, at least one TJ mechanism punishes perpetrators, restitutes victims, or both. However, the term "transition" is traceable to the fall of dictatorial regimes in Latin America and Eastern Europe in the 1980s and 1990s as they moved from autocracy to democracy (Sikkink, 2011). The countries implemented mechanisms to hold leaders in dictatorial regimes accountable for their abuse of power. Since Nuremberg, the TJ incorporated non-judicial mechanisms and considered victim-centered approaches to complement justice delivery through truth revelation and rehabilitation. TJ seeks to establish the truth in whichever form to the victims and requires the perpetrators to account for the atrocities committed in retrospect. The TJ provides a "semblance of justice and closure" to past wrongs (Jeng, 2014, p. 49). The author observes that the concept "has become procedurally unavoidable, morally imperative, and, above all, a political absolute" (ibid.). TJ has gained universal acceptance and usage partly because of the inability of the criminal justice system to hold perpetrators to account. In some cases, the courts are destroyed and nonexistent to try them (Roht & Gibson, 1998, as cited in Olsen et al. 2010). In authoritarian regimes, the executive could wield too much power and weaken the judiciary so that the latter cannot function effectively and, in armed conflicts, incapacitate the judiciary in prosecuting human rights violations. In the past, it was common for leaders to commit crimes with impunity, but accountability is inescapable with the cascade of justice (Sikkink, 2011).

TJ is associated with periods of political change and the legal responses to abuses of past regimes (Teitel, 2014). Similarly, Jeremy Webber observes, "Transitional justice is about situations in which a society is moving from a state of injustice to justice, from the oppressive government to government that respects the rule of law, from authoritarianism to democracy" (Webber, 2012, p. 98). Although both authors focus on political transition, their definition could

be more straightforward as they exclude armed conflicts, which also employ TJ mechanisms to restore peace. The interpretation suggests that TJ, in their view, does not account for localized conflict resolutions, yet we have countless conflicts which are not national in scale. Armed conflict is conspicuously absent in their conception of TJ; however, one might infer that those issues of injustice are a recipe for violent conflicts and regime change. In fact, over time, the concept of TJ has evolved to encompass not only states in transition but also states recovering from armed conflicts and other non-conventional insurgencies within states, making it a normative approach to modern conflict resolution. According to the ICTJ, TJ refers to the ways countries emerging from periods of conflict and repression address large-scale or systematic human rights violations, so numerous and so severe that the standard justice system will not be able to provide an adequate response.⁶ The ICTJ observes that a list of approaches, though inexhaustive, a successful TJ requires, among other things, criminal prosecutions, truth commissions, reparations programs, gender justice, security system reform, and memorialization. The fact that a country adopts all of these mechanisms only guarantees success if the mechanisms are well implemented, as I demonstrate below. The choice of several mechanisms depends to a considerable extent on the socio-political context and nature of the conflict. In the same vein, with the African experiences of local peace-building mechanisms, the African Union defines TJ as:

The various (formal and traditional or non-formal) policy measures and institutional mechanisms that societies, through an inclusive consultative process, adopt in order to overcome past violations, divisions, and inequalities and to create conditions for both security and democratic and socio-economic transformation (African Union, 2019, p. 4).

⁶ ICTJ. [Homepage | International Center for Transitional Justice \(ictj.org\)](https://www.ictj.org/)

The African Union conception of TJ goes beyond retributive and restorative justice to include distributive justice. The definition supposes that truth-seeking and accountability alone are not enough to address societal challenges and the economic needs of victims; therefore, we need a holistic approach to achieve the full benefits of the TJ. Besides, the inclusion of non-formal mechanisms and broad base consultation help societies appropriate and adopt elements suited for their local context, ensuring that TJ is locally owned. The former Secretary-General of the United Nations (UN), Kofi Annan, perhaps provides a comprehensive definition of the TJ as a concept:

Comprising the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses to ensure accountability, serve justice, and achieve reconciliation. These may include judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting, dismissals, or a combination thereof (Annan, 2004, p. 4).

Reform is at the core of the TJ agenda. Leebaw (2008, p. 98) identifies three primary roles for TJ institutions: to counter denial and promote accountability, to expand dialogue and open political space to previously marginalized or silenced people, and to alleviate volatile emotions associated with trauma and the desire for revenge. Olsen et al. (2010) add that TJ has contributed to reducing human rights violations and strengthening democracy. However, van der Merwe et al. (2022) contend that TJ is a contested field. Indeed, there are debates about whether adopting TJ mechanisms should be atomistic or holistic.

The preceding discussions illustrate that there needs to be a consensus on the meaning of TJ and how it should be implemented. My work contributes to the existing literature in two ways. First, the gap I seek to fill is that more is needed to adopt one or multiple mechanisms but how

they are implemented is essential. Second, some scholars support the holistic approach but argue that leaders should implement amnesties and TRC first to establish stability (Olsen et al., 2010). However, my findings indicate that trials can come first, and amnesties can follow.

Atomistic argument

The atomistic school of thought holds that a holistic approach is not without challenges; therefore, the route must be thread cautiously (Cohen & Lipscomb, 2012; Evenson, 2004). Only some of the mechanisms will react the same way when adopted concurrently, as some play complementary roles, and others might impede the mutually reinforcing roles. Scholars who support the atomistic implementation of peacebuilding argue that adopting multiple mechanisms is likely counterproductive because they are incompatible (Evenson, 2004). In their study of TJ processes in Timor Leste, Cohen and Lipscomb (2012) argue for the implementation of a limited number of mechanisms because societies recovering from wars or repressive regimes hardly have the resources to implement the paper; therefore, adopting few and implementing them well is the key to a successful TJ. Interestingly, their argument is less about theoretical tension between TJ mechanisms but needs more adequate resources to conduct the requirement of each mechanism. They conclude that:

[o]ur job may be best redefined to create more modest transitional justice systems that are streamlined, realistic, competently implemented, and able to do at least one job well—in all areas of evaluation—whether in the form of a tribunal, a truth commission, an investigative body, or some other mechanism (Cohen & Lipscomb, 2012, p. 304).

For Cohen and Lipscomb (2012), limited resources require a single mechanism to maximize outcomes. What needs to be clarified is which mechanism and criteria to use so that both sides of the conflict agree and trust. Similarly, Evenson (2004) observes that the two institutions will likely

compete for resources under scarcity, which usually characterizes post-conflict societies. Besides the resource constraints, as Cohen and Lipscomb note, some participants raised practical challenges with the holistic approach. However, in their findings, Olsen et al. (2010, p. 996) assert that "The single mechanism approaches simply do not hold up to empirical testing." Proponents of the holistic approach might seem to believe in idealism and ignore pragmatism. Nevertheless, given that each mechanism has its strengths and weaknesses, how can the latter be addressed in a single mechanism? The holistic argument promises to provide a solution.

Furthermore, proponents of the atomistic argument contend that it saves time and potentially avoids dilemmas related to coordination and information sharing between the two institutions (Evenson, 2004). Suppose the goals of both institutions are clear, and they are required to complement each other. In that case, it could facilitate coordination escape the Sierra Leonean case where the coordination challenges could have affected the smooth functioning of both mechanisms.

Holistic argument

This segment examines the synergistic argument and the practical challenges of the TRC and trials. The concurrent adoption of TRC and trials might be counterproductive in seeking reconciliation when implemented together. However, scholars are increasingly advocating for a holistic approach but are still deciding how the pairing will be done (Olsen et al., 2010). This section examines the theoretical and empirical arguments for the synergistic approach of employing trials and the TRC concurrently. The objective of deploying the two is to maximize the strengths of each mechanism. The fundamental goal of the TRC is to lead to reconciliation, and that of trials is justice for deterrence. It might not be mutually exclusive to have reconciliation and

justice. According to Fletcher et al. (2009), the type or number of mechanisms is not crucial to the benefits to people who suffered under those repressive regimes or atrocities of the War.

There needs to be more than one mechanism to address wide-ranging human rights violations. Some scholars and institutions argue for a holistic approach when using transitional justice in post-regime change or post-conflict settings (African Union, 2019; Fletcher et al., 2009; Boraine, 2006; ICTJ, n.d.; Annan, 2004). They argue that trials and TRC have their merits and demerits; as a result, concurrent implementation of the mechanisms will complement each other. Achieving the two goals is desired, but how can the TRC and trials cohabit concurrently? Will the revelations by perpetrators be used by the courts to indict them, or will the fear of prosecution prevent perpetrators from telling the truth? However, Olsen et al. (2010, p. 996) argue that "none of the transitional justice mechanisms on their own reduce human rights violations or improve democracy." Even though this is a robust finding, it does not establish a relationship between TJ mechanisms and reconciliation. Proponents of the holistic argument maintain that it is not just about putting mechanisms together but knowledge of the context, current needs of the society, and local and external factors (Fletcher et al., 2009; Boraine, 2006). Policymakers must assess society and identify the pressing needs, including the urgency and capacity of society to handle the dilemmas.

There is a theoretical tension between adopting trials and TRC concurrently.

Before my fieldwork, I thought adopting trials and TRC in Côte d'Ivoire would be theoretically infeasible because of the seemingly distinct goals and people involved. Later, President Ouattara gave amnesty to the perpetrators. The primary goal of trials is to ensure accountability and deterrence, whereas the TRC aims to ensure truth revelation, rehabilitation of victims, and stability. In contrast, trials involve attorneys and judges as actors, whereas TRC deploys commissioners. In

trials, the concentration is on perpetrators and arguments by defense lawyers and less on victims, but in TRC, both victims' and perpetrators' perspectives are vital for true revelation.

In her theoretical analysis of the goals of TJ, Leebaw (2008) states that should be efforts to ensure the convergence of these goals, but the tension still exists; however, she does not identify what the tension is when we are implementing TRC and trials concurrently. Sarkin (2001) seeks to establish the tension and complementary role of justice and reconciliation in post-genocide Rwanda. He also investigates the effectiveness of the Gacaca court system as a local TRC. The author advocates for the application of both strategies, arguing that "Neither a truth commission nor a process focusing on prosecutions can succeed in isolation. Using both strategies in combination will have a much better effect" (Sarkin, 2001, p. 172). However, the author emphasizes an impartial application of the two mechanisms, which is usually impracticable in many cases, including the Ivorian one. It would be a mere dream to believe that justice dispensation will be equitable because self-indictment is suicidal, especially since both sides of the conflict committed crimes in Côte d'Ivoire. Sarkin's argument has both theoretical and empirical tensions. The concurrent adoption of TRC and trials in Sierra Leone, Timor-Leste, and to a lesser extent, Rwanda have had to encounter differing challenges. In his theoretical framework of the interaction between amnesty and trials, Dukalskis finds that "the relationship between the two institutions has received scholarly attention, much of it justifiably optimistic about simultaneous trials and truth commissions, but often has not acknowledged that there may be deeper theoretical issues at work" (Dukalskis, 2011, p. 443).

Empirically, in examining the Sierra Leonean TJ process, Horowitz (2006) offers a better understanding of this tension when he affirms that, "Ultimately, the two institutions were not able to secure some of the advantages that nonsimultaneous sequencing would have achieved, leading

some to reconsider the virtues of coterminous operation" (Horovitz, 2006, as cited in Dukalskis 2011, p. 443). Similarly, Rodman (2014) identifies the challenges of the Sierra Leonean dilemma. "When they adopted an impartial consent-based approach to ending the war, retributive forms of transitional justice were not possible because success depended upon the cooperation of the individuals responsible for criminal violence" (Rodman, 2014, p. 43). Rodman observes that the Sierra Leonean trials involved the Revolutionary United Front (RUF) rebels and those who fought on behalf of the government. Though they managed to set up the two mechanisms concurrently, they faced coordination challenges between the respective institutions. However, in the Ivorian trials, locally and internationally, the target has been only Gbagbo and his supporters. In the Sierra Leonean case, the judgment was not the best of justice delivered; there was an attempt to prosecute both sides of the conflict. In Côte d'Ivoire, not only did local courts and the International Criminal Courts (ICC) prosecute only pro-Gbagbo perpetrators but the amnesty law in 2018 by Ouattara meant that no crimes committed during the 2010–2011-armed conflict would be prosecuted either locally or internationally anymore. However, military officials who took orders from Gbagbo and committed crimes did not benefit from the amnesty law. In addition to the military officials, though acquitted by the ICC on March 31, 2021, Gbagbo and Blé Goudé were still facing twenty years in prison, each relative to the said War. Gbagbo has been given amnesty while Blé Goudé's case is still indeterminate. Observers have questioned the motive of granting amnesty while others are still in prison. Côte d'Ivoire did not escape the Sierra Leonean debacle. In an interview with an Ivorian researcher and former staff of the TRC, they observed that:

The perpetrators did not want to come and reveal the truth and be convicted. While they reveal the truth at the Commission, the Court may still arrest them based on their testimony because they also follow the proceedings. There was no immunity from the conventional

courts. So, these perpetrators were afraid to reveal certain truths because there was no guarantee of freedom after they had revealed a truth that would contribute to healing the social fabric and, thus, reconciliation.

Even though Côte d'Ivoire chose the holistic approach, the climate did not enable perpetrators and victims to express themselves freely as in other TRCs. Applying retributive and restorative justice seems to negate either mechanism's benefits in Côte d'Ivoire. Theoretically, one cannot grant amnesty to *person A* and prosecute *person B* and vice versa if both committed the same or similar crimes. One cannot also grant amnesty to *person B* and prosecute *person C* concurrently, all things being equal. If policymakers strictly follow the basic tenets of both mechanisms, achieving one objective with the two mechanisms is untenable. Therefore, it will be reasonable and theoretically feasible to adopt one mechanism and find ways to mitigate its disadvantages or adopt both but at separate times—sequencing. During my fieldwork, participants strongly recommended sequencing as an alternative to the impasse. The participants suggested that perpetrators of both sides of the conflict should be tried for victims to feel a sense of justice, and, for reconciliation and social cohesion, amnesty can help perpetrators. In the second sequencing phase, victims participate in the process by having the power to forgive. Because it is usually impracticable to prosecute everyone, only perpetrators with the highest crimes, such as war crimes and crimes against humanity, should be prosecuted.

Court versus TRC dilemma

The dilemma stems from evidence from the testimony at the TRC that could be admissible in Court. Can the TRC use rulings from the Court as part of truth revelation? Which institution has primacy over the other? The following paragraphs discuss the empirical debate with case studies

from South Africa and Sierra Leone. The application of the holistic approach has many practical challenges with the potential to discourage truth-telling and reconciliation (Rodman, 2014; Dukalskis, 2011; Evenson, 2004; Schabas, 2003; Tutu, 1999). The much-cited example is the concurrent TRC and the Special Court for Sierra Leone. Evenson (2004) cogently argues that the concurrent adoption of trials and the TRC raises legal questions about whether information obtained by the TRC should be admissible in criminal prosecutions and whether it is permissible for the TRC to have access to evidence from the prosecution in Court. She emphasizes, "Where trials will be pursued in conjunction with truth commissions and the absence of amnesty provisions, it may be unrealistic to expect offenders to expose themselves voluntarily to prosecution by giving testimony before a truth commission" (Evenson 2004, p.732). The complexity of the two mechanisms to hold perpetrators accountable and attain reconciliation seems to attract less attention.

Writing on the South African TRC after the grisly episode of apartheid, Desmond Tutu recounts the trials and TRC conundrum in the case of Dr. Wouter Basson, who was facing criminal prosecution, and the TRC requested for him to testify. The vicious physician alias 'Dr. Death, responsible for many Black protesters' deaths, used the 'admissibility dilemma' espoused by Evenson. When the TRC wanted him to testify, he argued that "there was already a criminal case pending against him. He could not testify before us for fear that he might incriminate himself" (Tutu, 1999, p. 141). As exhibited in South Africa, the classic obstacle to having accountability and truth revelation was inadvertent. The TRC and the criminal prosecution had issues; as a result, the TRC was less equipped to oversee the case. However, to bestow blanket amnesty to perpetrators, commissioners had to be convinced beyond reasonable doubt that the perpetrator merited full amnesty. To be set free and pardoned, one needed to reveal the 'objective' truth. The

South African example is not isolated but one of many other cases. Even though he testified before the TRC and was tried, it always presents a dilemma and a complex route.

Another classic example of the concurrent application of the two mechanisms, not without the common dilemma, was Sierra Leone following the decade-long armed conflict. The Lomé Peace Accord of 1999 envisioned the establishment of the TRC. The agreement instituted the Commission in 2000; however, following a relapse of the conflict, the government requested the UN to establish a Special Court to hold perpetrators accountable for serious human rights violations (Evenson, 2004; Schabas, 2003). The UN and Sierra Leone created the Special Court in 2002 amid the TRC hearings, which generated confusion about the roles and authority of the institutions. The simultaneous adoption of trials and the TRC made some perpetrators unwilling to cooperate with the latter because of inculpatory evidence that could apply in criminal prosecution (Tejan-Cole, 2003; Schabas, 2003). Both studies report that the former combatants were willing to appear before the TRC because the information divulged was confidential and inadmissible in the trials. One of the potential fundamental problems was information sharing between the institutions. Schabas (2003, p. 1054) explains that:

The real issue is that the defense counsel will request materials in possession of the TRC, including evidence given in confidence, to challenge the credibility of prosecution witnesses, primarily victims. The Defense will insist on having access to TRC testimony to verify that a witness is saying the same thing before the Special Court. If the TRC refuses to divulge such evidence, the Defense will apply for a stay of proceedings, arguing a violation of fundamental rights.

Though not explicit, the Special Court wielded more power than the TRC (Tejan-Cole, 2003). The Commission and its staff were not answerable to any entity or authority in the performance of their duties. Schabas (2003, p. 1060) expresses, "No order from the Special Court can breach such

confidentiality." Nevertheless, legally speaking, the Special Court could use the "doctrine of subsequent legislation" to extract information from the TRC, rendering the latter's confidentiality of perpetrators violable. Similarly, Tejan-Cole (2003, p. 153) observes that:

Section 14 (1) of the TRC Act makes the Commission an independent institution "in the performance of its functions under this Act, not...subject to the direction or control of any person or authority. "...The doctrine of subsequent legislation supports the Special Court's primacy over the TRC...Since the local enabling legislation giving the TRC independence was enacted in February 2000, and in 2002 the government and the United Nations passed the Special Court Agreement (Ratification) Act, the latter will arguably take precedence. The antagonistic relationship between the two institutions started when the TRC invited Samuel Hinga Norman to appear before it. He was in the custody of the Special Court, and though he was ready to cooperate with the TRC, the Court refused to allow him to testify before the TRC. The refusal of the Court to permit Norman to appear before the TRC demonstrates that the former trumped the latter. What is worrisome about the conflictual situation is that Norman died in prison and deprived the TRC of vital information that could have assuaged the victims' hearts. The concurrent implementation of the two reconciliation mechanisms could have worked better in Sierra Leone. It could work if adopted differently, but we need to find out. It is ethically and theoretically challenging not to break the confidentiality code and the possibility of using inculpatory evidence by one institution.

The cases of contradiction and power displayed above might be the beginning where there is a clash between trials and TRC regarding which institutions have primacy over the other. Even though there were plans about how the two institutions would work, eventually, they needed to collaborate as envisioned. The concurrent application of the two mechanisms implies that some perpetrators will have to appear before the two institutions simultaneously, which raises serious

ethical issues about how much information to divulge and how much to withhold to avoid incrimination.

Empirical Findings in Côte d'Ivoire

The two central debates in academic and policy cycles in post-conflict or post-dictatorial regimes contexts are to adopt a single mechanism or multiple mechanisms that will ensure the revelation of the truth about the past, justice delivery, and reparations to victims or amnesty to perpetrators. Context matters, as what works in one context does not necessarily guarantee success in another. Despite the challenges illustrated above, many Ivorians believe that reconciliation problems have more to do with the implementation strategies and not the theoretical tensions. Côte d'Ivoire adopted the holistic approach, and this section analyzes its challenges and impact.

The majority of the people I interviewed favor the holistic approach but generally agree that there were challenges with the implementation that negatively impacted the reconciliation process. Even though we do not know the outcome of the perfect implementation of the mechanisms in Côte d'Ivoire, the findings show that most Ivorians are not opposed to the holistic approach. I interviewed one political actor, and they noted that:

These two mechanisms are consistent. Those we considered torturers should have been made to come forward to speak and admit their wrongs, the authorities included. However, unfortunately, that has not been adequately done in Côte d'Ivoire. I say this as a political actor. Once I lived in a crisis, one way or the other, I became an actor. Moreover, I am also an actor whose decisions affect the people [Ivorians].

The above quote is important because it confirms that, in theory, the two mechanisms could complement each other, but the implementation failed. Another interviewee demonstrated that:

Tensions may arise if the TRC had the chance to present the case to the Court. There are commissions tasked with discovering the truth as it happened in Sierra Leone. Once a file is deemed worthy of being presented before the Court, it should present before the Court. So, they are two complementary mechanisms and not contradictory.

I interviewed a youth activist, and they noted that the atomistic argument could have worked in Côte d'Ivoire because:

Granting a general amnesty would have been a step in the right direction. Of course, human rights activists talk about impunity, and putting people in prison has a lot of negative impacts. I have always said there is a general pardon, or all concerned parties must go before the Court. I say this because a group cannot win a war only to file a case against itself in Court. Some personalities of the [Ivorian] ruling government participated in the War. It will be difficult to prosecute them before a court. There are commanders whose actions are known.

The problem that the interviewee identified is implementational and not theoretical. Perhaps, it could have worked in a different context, but in Côte d'Ivoire, the exercise seemed mainly elusive because of a lack of political will, as noted in most interviews. We must know that a single machine does not guarantee success, but if implemented well, it will likely promote reconciliation, whether atomistic or holistic.

Theoretically, the holistic approach has a high chance of reconciling a divided society because it leverages the strengths of each of the mechanisms. Ivorians believe the holistic approach can be a solution, but only when implemented according to each mechanism's tenet. In an interview with a senior lawyer and scholar, they opined, "I do not think either one can be singled out given that justice and reconciliation are complementary." In their assessment, TRC and trials have the same

goal and must work together to accomplish it, but they emphasize the legal system being fair to both sides of the conflict. Their analysis shows that there is no potential theoretical tension but judicial constraints on implementing the two mechanisms, which can shortchange the advantages of the holistic approach.

One of the interviewees supports the holistic argument and adds a variable but cautions against the implementation strategy by noting that:

Nevertheless, holistic could include finding the truth, compensation, and reconciliation. However, let us look at it as an approach that combines the judiciary and non-judiciary systems. Perpetrators can appear before the courts – but even when they use both approaches, we are not against it. How it is done [in the Ivorian case] is problematic.

Côte d'Ivoire chose the holistic approach, but it was perhaps poorly implemented because none of the mechanisms strictly applied their tenets, making it the chief suspect of why reconciliation is elusive in Côte d'Ivoire. The holistic approach goes beyond retributive and restorative justice to include distributive justice, a characteristic of the Ivorian TRC.

A prominent civil society leader and now part of the government described the holistic approach as comprising four pillars: trials, truth commissions, compensation, and reform. The participant noted:

[I]t comprises four pillars that go together. There is the judicial aspect, which is criminal justice and forms part of transitional justice. People often ignore this. To them, transitional justice is only about non-judicial mechanisms: truth commissions, compensation, and reform. Justice is part. So, coming back to the question, the two approaches, judicial and non-judicial, must go together for reconciliation.

The reform component is futuristic and a stamp against a repetition of similar crimes. Proponents of amnesty contend that actors must bury vestiges of the past; TRC advocates only see the past as a guide but are future-oriented, while the non-repetition element finds solace with proponents of retributive. These approaches work on the assumption that the basic tenets of each mechanism are strictly applied. However, as I argued in this chapter, policymakers often face resource constraints or theoretical challenges, thus making it difficult to implement the holistic approach religiously.

Although most Ivorians support the holistic approach, they are still determining which mechanism should form the core. The analysis of the interviews reveals that pro-government participants support retributive justice while the opposition supporters prefer restorative. The findings are in line with theories of war termination and the preferences for post-conflict peace-building mechanisms (Dukalskis, 2011; Gibson, 2006). An interviewee endorsed prosecutions because: "Ignoring justice will only end in frustration, and there is a possibility of recurrence," one participant argued. In addition, another participant was unequivocal about their stance:

"I am against amnesty. I am against it. Nevertheless, the two mechanisms used in Côte d'Ivoire were the best. I do not find them contradictory. I belong to the school of thought that there is no peace without justice." Similarly, a legal scholar concurred: "Others, like me, believe that once justice is delivered, offenders are scared, the laws are respected, and there is an end to wars, then there is reconciliation." These participants believe prosecution is the antidote to future wars with their attendant atrocious consequences. The second hypothesis is plausible if there is a robust judiciary system to settle cases equitably without manipulating justice or applying the victor's justice phenomenon. However, as noted in this work, in many post-conflict situations, the judiciary apparatus is either destroyed or under-resourced to carry out its constitutional mandate of ensuring

equitable justice delivery. However, in the Ivorian case, the argument was different as the legal scholar furthered that:

In the beginning, President Ouattara stated that justice would make way for reconciliation and that all guilty would get their due, and no one would escape the law. However, once he granted the pardon [in 2018], he stated that to promote reconciliation, he must forgive perpetrators, and then reconciliation takes place. So, you see that it is a hard pill to swallow to which each country and each group has its reaction.

The President might have employed these strategies to ensure stability, but most Ivorians and observers argue that he gave the amnesty to protect perpetrators from his camp. When perpetrators do not face human rights prosecution (Sikkink, 2011), or their appearance before the TRC, it could mean that perpetrators get a rain check of impunity because they have not faced justice in any form. We deny victims access to justice and the opportunity to express their loss, bodily harm, and frustrations, which can constitute a significant obstacle to reconciliation. The denial of retributive or restorative justice could constitute an antithesis of reconciliation. Similarly, a key government official stated, "When people commit crimes, the courts prosecute them, and when found guilty, they are convicted. Nevertheless, amnesty comes with conditions. We do not grant amnesty to everybody." Most observers find this statement contradictory: some perpetrators faced political trials instead of human rights prosecutions. For one participant, we need to grade the crimes to determine whether a perpetrator is prosecuted or granted amnesty by explaining that:

I think that for economic crimes, we can grant amnesty. However, the crimes involving bloodshed, if a perpetrator has killed someone, or a perpetrator is responsible for the death of 20, 30, or 40 people, they cannot be allowed to go scot-free just like that just because it

is a reconciliation process such people have to be tried and sentenced. The justice delivery could also appease those whose parents were victims.

Analyzing the quote, the participant advocates for selective prosecutions not based on the side that the perpetrator belongs to but the type of crime since it is impossible to prosecute all the perpetrators, which is the rationale. One of the interviewees articulated this beautifully when they said:

However, because we cannot arrest leaders of the ruling side cannot, the others should be released so that each side is even, and we can move on. What we should not do is only seek justice for the winners of the War because that is what is going on now.

Contributing to the preceding discussion, an official of the ICTJ proposed a two-tier approach similar to but not the same as the Gacaca model in Rwanda. Due to the impracticability of a comprehensive prosecution of every single crime, they proposed that:

It is a fact that we cannot take everyone to Court. In a small community, for example, people could commit crimes at the instigation of their leaders. It is those higher persons who pushed them to commit those crimes. They [leaders] must face trials in Court, but we must also be aware of the limited resources at the disposal of the state. Then from there, the dialogue between communities will step in.

As is the case for countries recovering from wars of the Ivorian scale, resources are limited and have competing priorities. It will not be prudent to prosecute everyone, but those who commanded the major atrocities must face justice equitably. Nonetheless, at the community level, people, especially victims, must have the right to the truth and dialogue to heal from the trauma. This truth is essential because they live together and see each other daily, the conflict can lay dormant, and a slight issue will reignite it.

Justice balance and sequencing in TJ

The justice balance theory prioritizes trials and amnesties, but I use trials and TRC in the Ivorian context since the amnesty law was adopted several years later. Olsen et al. (2010) conclude that the justice balance approach—a combination of trials and amnesties with or without truth commissions contributes to human rights and democracy. They argue that this pairing is significant since it achieves accountability and stability because if either is missing, it will be challenging to improve human rights and democracy. The justice balance theory, therefore, entails adopting multiple mechanisms that can hold perpetrators accountable and ensure stability. The finding is essential in encouraging policymakers to embrace the holistic approach, but sequencing remains inconclusive. Which mechanism comes first and why? The context and outcome of the post-conflict regime will largely determine the pairing of the mechanisms. In seeking reconciliation after armed conflicts or repressive regimes (Fletcher et al., 2009, p. 218) content that "Timing and sequencing are critical variables." I examine the sequencing of the mechanisms in the Ivorian context. My working definition of sequencing theory is that adopting two or more mechanisms will likely pose political or resource constraints and, therefore, need to implement one mechanism at a time to achieve accountability, stability, and reconciliation. According to Fletcher et al. (2009, p. 170), "sequencing is first to gain a comprehensive understanding of the local context and then to ask what, whether, and when transitional interventions should be initiated." For them, local context matters. Sequencing reduces the tension between trials and TRCs/amnesties if any. In an interview with a conflict expert, the participant noted that:

[w]hether it is within the framework of a truth commission or a conventional court, the judgment given to perpetrators helps to know the truth and heal the society. After the judgment, we can grant amnesty to those sentenced for a crime. At this point, we may write

their crimes off because, in any case, we cannot jail all the perpetrators. The issue involves making them appear before the commission or the classic judiciary system, and there is no problem. Nevertheless, the aftermath of the crisis generally determines whether people will be happy with implementing the holistic approach.

The participant envisions that TRCs, and trials can reveal the truth and heal the fractured society. Instead of ensuring stability to consolidate the democratic gains before trials, the interviewee and other Ivorians believe that prosecutions should precede amnesties. They argue that once the courts prosecute and punish the perpetrators and establish the truth, it will appease victims because they know what happened. They acknowledge that true revelation and justice are not enough to promote reconciliation. At this point, the government can enact an amnesty law to liberate the perpetrators in prison to facilitate reconciliation. Trials first and amnesty second were recurring themes during my interviews. The liberation of prisoners is necessary because for reconciliation to occur, both the victim and the perpetrator must talk. Similarly, a senior attorney and human rights advocate stressed the need for trials first because there cannot be reconciliation without justice. In their words:

There are two schools of thought. One side will say that the country needs reconciliation to enable development, amongst other things, before considering justice. The second side, like me, will say that justice needs to prevail for reconciliation to occur.

However, an emblematic leader and a significant actor in the War who was imprisoned and acquitted proposed a non-punitive approach first by noting that:

The discussion has to be at various levels. I encourage a confrontation of ideas, first of all, within an agreed framework that is non-judiciary but where the judiciary would still follow

the discussions and intervene if necessary. So, I think, firstly, victims and perpetrators have to sit and talk.

The proposal follows the stability first argument, where the new government's priority attempts to prevent potential spoilers and may include the opponent in the government to ensure a sense of inclusivity. Ultimately, the number of factors determine which mechanisms are to be adopted. The nature of conflict termination largely determines what mechanisms would be adopted and how they are sequenced (Dukalskis, 2011; Olsen et al., 2010). An outright victory of one party will likely lead to trials, and amnesties or TRCs will likely follow a negotiated settlement. In the case of the latter, the justice balance advocates that "Trials sequenced after initial amnesty laws provide the time to strengthen democratic governance and judicial institutions to permit delayed justice" (Olsen et al., 2010, p. 999). This sequence sounds reasonable; however, when precedence is set and becomes normative, spoilers will likely reject the approach and not testify at the onset because the courts will use their testimonies against them in the future. In the trials before the amnesty scenario, if the conflict/regime transition is not an outright victory, elements of the old regime can sabotage and destabilize the process. The victorious side might not want to prosecute their own.

Applying sequencing in the Ivorian peacebuilding

The participants' preference is trials first and TRC second, aligned with President Ouattara's rhetoric when he took over as the new leader. On several occasions, he maintained that no one would escape justice and raised the hopes of victims and human rights organizations. Political commitment is critical in determining reconciliation's sequencing, content, and success (Fletcher et al., 2009). One of the interviewees recalled that:

Initially, Côte d'Ivoire's position was that we try perpetrators to establish justice. Nevertheless, then the President decided on amnesty. However, Ouattara gave amnesty did not reduce the tension. It was contrary because those who were scared to share their stories felt that the legal system would not be fair to them.

Although trials and the TRC were adopted first, they did not enjoy the acceptance of both sides of the conflict. Some perpetrators were imprisoned without trials and later benefited from amnesty. A common theme shared by most of the interviewees indicated that the President's decision to grant amnesty instead of equitable justice as he initially proposed was a political one. Observers questioned the impact of the amnesty law because others were still in prison at the time of this writing. One interviewee provided specific names of some perpetrators still in prison: "Afterwards, when we can get amnesty, we were informed that it applied to all these groups of people. Meanwhile, some soldiers such as Séka Séka and Doblo Gbé continue to be in jail." The criteria of the amnesty were opaque and lacked consensus. The director at the Ministry for Solidarity and Social Cohesion vaguely explained that:

Now within the political context, we need to look at politicians who were not too involved and did not commit brutal acts that undermined social cohesion. Only the President and the Minister for Justice have this information concerning the criteria for amnesty.

Generally, my findings reveal that most Ivorians preferred the holistic model and sequenced with fair trials first and amnesty second. After the trials—amnesty pairing, participants also suggested amnesty—TRC pairing. The following quotes illustrate the trials—amnesty pairing by a member of the government: "Although I said I am against amnesty, after someone is tried and comes out to plead guilty out of remorse, there could be a process later that will culminate in him/her being set free." In the same vein, one participant proposed that:

I would have wished for us to allow the law to take its course independently; for everyone to face trials – whether they were a commander under Gbagbo or Ouattara, everyone must face trials; if found guilty, be sentenced. Then in the spirit of reconciliation, if Ouattara wants to reconcile, the constitution gives him the power to pardon. So, he could come out with a decree that "the courts have tried everyone; we know the truth; we know who what did; but in the name of reconciliation, I am taking this decision to grant pardon to everybody." That would have been genuine reconciliation. However, there was no trial or justice, and then we are talking about reconciliation and amnesty. The idea is that fair trials will lead to justice, acceptance, and forgiveness by victims, leading to reconciliation.

Based on the interview data, two possible ways of sequencing the mechanisms that would have provided justice are truth revelation and reconciliation. The first order is:

Trials—> Conviction and Justice—> Amnesty—> Reconciliation.

The second order is amnesty—> Truth-telling—> Forgiveness—> Reconciliation.

The second order follows the theory of James Gibson (2004). Many Ivorians express a shared belief that the holistic model followed by either of the above schemas would have led to better results and reconciled the country. Some participants believe that following the basic tenets of each mechanism is enough to reconcile the Ivorians. Fletcher et al. (2009) support sequencing, but which mechanism comes first, they suggest, should be determined by local needs. For instance, a country that wants trials but is recovering from War might need to reform and build the judiciary before prosecuting perpetrators.

However, the amnesty was not the basis for truth revelation from the onset, perpetrators were apprehensive that if they divulged inculpatory evidence, the courts could use it against them, and because the prosecutions were one-sided, they felt they would not receive a fair hearing and

justice. It was difficult for reconciliation to occur at any level in this atmosphere. The vanquished side especially was apathetic to the entire process. Generally, people did not feel the impact of sequencing in Côte d'Ivoire. The government defended the initiative and the impact it has made. The director defied criticisms and made the case: "But we at the Ministry for Solidarity and Social Cohesion know that this amnesty has significantly contributed to appeasement." What is left unanswered is whether the appeasement has translated into national reconciliation.

Conclusion

In this chapter, I discussed the concurrent adoption of the TRC and trials, the determinants of their successes, and the associated challenges. A review of the literature reveals that in as much as no single mechanism can resolve disputes and reconcile victims and perpetrators, concurrent application of the TRC and trials can pose practical challenges and do not guarantee success. Sierra Leone served as a laboratory for us to appreciate the theory and empirical outcomes of the concurrent application of trials and the TRC. The results indicate that the simultaneous application could not withstand the litmus paper test of the tension between them. Similarly, the concurrent mechanisms did not work in Côte d'Ivoire. However, Côte d'Ivoire presented different challenges from the Sierra Leonean case. Côte d'Ivoire adopted all the mechanisms, but none was well implemented. While some interviewees believe that the concurrent application of retributive and restorative justice could work and advance reconciliation if leaders implement them well, others suggest that sequencing will allow victims and perpetrators to participate fully in each mechanism.

There are two questions we still need to learn. First, would the outcome have been different if implemented differently? Second, would they have succeeded in a different context? Sometimes

new governments may not have the capacity to address large scale human rights violations and in some cases may be unwilling due to do the political realities (ICTJ, n.d.; Sarkin, 2001).

The discussion demonstrates that there is no one-size-fits-all approach to peacebuilding because each case has a different socio-political background, and its post-conflict society's strategy must conform to societal norms. Similarly, "Not all civil wars are the same. Conventional wisdom suggests that each war is as different as the society that produced it" (Sambanis, 2001, p. 259), so we must avoid the "cookie-cutter" solutions (Call & Cousens, 2008, p. 15). Transitional justice mechanisms must conform to the local needs of the people and sequence TRC and trials if they must be employed together.

In the case of Côte d'Ivoire, trials were pursued concurrently without amnesty to protect potential perpetrators; as noted by one interviewee, "In fact, perpetrators did not appear before the TRC." Even though Ouattara later gave amnesty in 2018, it did not help in truth revelation and could not protect perpetrators for them to appear before the TRC.

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CHAPTER IV: ELUSIVE PEACEBUILDING AND RECONCILIATION IN CÔTE D'IVOIRE

INTRODUCTION

The issue of reconciliation after armed conflicts is a major debacle for policymakers and governments worldwide. There are different mechanisms that leaders adopt to rebuild post-conflict societies. These mechanisms are broadly grouped into restorative justice—non-punitive and retributive justice—punitive measures. Besides determining which mechanism(s) to adopt, there is rarely consensus on the criteria for measuring success and what success means in the first place. Porciuncula (2021) notes that there is a contested debate about the success of the process and the different claims that can be made.

After the 2010–2011 post-electoral conflict in Côte d'Ivoire, in which thousands of people lost their lives, and others sustained various degrees of physical and psychological harm, the government set up the TRC. The goal of the TRC was to appease victims, uncover the truth about past human rights violations, promote reconciliation, and provide recommendations on how to prevent future abuses and provide reparations to victims, and at the same time, prosecute some alleged perpetrators locally and internationally. Pro-Gbagbo supporters refuse to collaborate with the TRC for various reasons (Adou Djané, 2018).

Côte d'Ivoire adopted the holistic approach, which includes trials, TRC, amnesty, and reparations; favored by scholars and policymakers and believed to be effective in promoting reconciliation, yet there seems to be no reconciliation in the country because of poor implementation of the multiple mechanisms that the country adopted. My study's central question

is, to what extent do post-conflict peacebuilding mechanisms affect national reconciliation? What impact does the poor implementation of different mechanisms have on reconciliation?

Background

Côte d'Ivoire attained independence in 1960 and adopted a one-party regime under the leadership of Félix Houphouët-Boigny, who ruled the country until he died in 1993. He attenuated potential crises before they could degenerate into violent conflicts. Houphouët-Boigny strategically doled out political positions to those who opposed him. The demise of the first President created a political vacuum and led to succession struggles that opened the floodgate of political crises. The power struggle culminated in the first coup d'état in December of 1999, where a democratically elected President, Henri Konan Bédié, was ousted from office. The development set the stage for more political upheavals leading to two armed conflicts. These conflicts laid the foundation for this research.

Following the coup d'état, elections were organized in 2000, and Laurent Gbagbo won, but not without disputes about fraud and irregularities. The unresolved electoral disputes led to a failed coup d'état in 2002 that partitioned the country; rebels-controlled sixty percent of the north and government forces controlled the rest. After numerous failed peace accords, the Ouagadougou Peace Accord facilitated the 2010-2011 elections. Gbagbo and Ouattara progressed to the second round, and the latter won, certified by the United Nations Observer Mission and other observer missions, but Gbagbo refused to step down. The two leaders were sworn in as presidents of the country, making the second armed conflict inevitable. The arrest of Gbagbo by the rebels with the support of French forces led to relative peace since active combat stopped.

Although reconciliation efforts ensued after that, Côte d'Ivoire is still divided. During the armed conflict, both forces committed atrocious crimes. However, prosecution efforts have been highly selective as only pro-Gbagbo perpetrators have been convicted so far, and none from the pro-government side. Gbagbo was extradited to The Hague. The pursuit of trials and the TRC simultaneously, albeit their mode of implementation, raised suspicions and doubts regarding the justness of the processes among the citizens, who began to wonder why some war criminals were prosecuted while others were not. Amnesty was given to the prisoners, and the release of Gbagbo and Blé Goudé did not escape the criticism of human rights and victim organizations and civil society in particular. For instance, government attorneys proposed that Gbagbo should not be allowed to return to Côte d'Ivoire after the 2020 elections. They argued that his return would reignite violence during the elections, and he eventually returned to Côte d'Ivoire in June 2021. The lack of consensus at the societal and political levels is so telling that we cannot ignore its impact on reconciliation.

Methodology

There were moments of joy and challenges during the fieldwork phase. One of the strategies I adopted, which worked well, was using networks. When I arrived in the country in 2018, I quickly developed a robust network of primarily academics and graduate students at the Universities of Félix Houphouët-Boigny in Abidjan and Alassane Ouattara in Bouaké. First, I presented my prospectus at the Laboratoire de Sociologie Economique et d'Anthropologie des Appartenances Symboliques (LAASSE), a research center for a group of scholars at the University of Félix Houphouët-Boigny for their feedback and they connected me with relevant informants. The

director of the center wrote me a recommendation letter in French in addition to the one from my supervisor. These letters boosted my credibility as a researcher in conducting my interviews.

Secondly, the strategic use of assistants, but I prefer collaborators, was equally important to the fieldwork's success. In West Africa, last names indicate the ethnic group one belongs to or one's region. Equipped with this ethnographic knowledge, I purposefully selected the collaborators when I had to visit specific communities, especially for focus groups. When I interviewed some pro-government supporters or communities, I would go with someone from the north, and with pro-opposition supporters (pro-Gbagbo), I would opt for someone from the southwest. This strategy facilitated being viewed without suspicion and allowed participants to talk because they saw me as one of them. In one focus group, a participant was pleased because my collaborator shared her last name. I used the services of the collaborators mostly in focus group settings to reassure participants and coordinate discussions. I also conducted some focus groups and many individual interviews without collaborators.

Challenges

The major obstacle I encountered during my fieldwork was access to government officials. In 2018, I sent letters to six government ministries and made follow-ups to no avail. During my stay, there was a government shutdown for a couple of weeks, making it impossible to meet with the officials. In 2019, I sent letters to the same ministries and made numerous follow-ups in some of these highly militarized ministries. The ministries I visited the most were the Ministries of Justice and Human Rights, Defense, and Interior and Security, but I was not granted any interviews. I was tempted to believe that they were busy preparing for the 2020 presidential elections and would only entertain people who could help them win political power. This

observation was also accurate with some political parties I sent letters to for interviews without success. However, I interviewed officials at the Ministry of Solidarity, Social Cohesion, and the Fight against Poverty (formerly the Ministry in charge of reconciliation) and the Ministry of Employment and Social Protection. I was also able to interview some top officials of the former government, including the former First Lady, a former Presidential candidate, the former Minister of Reconciliation, the former Minister of Defense, and the son of the former President.

In addition, there were instances of sheer fear and mistrust by some officials. I interviewed some ex-combatants in Bouaké, the headquarters of the 2002 rebellion, and most of them told me that they only played auxiliary roles during the crisis, for instance, serving as a cook instead of a combatant. Meanwhile, some ex-combatants were believed to have played critical roles in the rebellion. They were afraid because, in 2017, there was a mutiny in Bouaké by the ex-combatants. The ex-rebels were seen in the streets, shooting in the air and threatening money or death.⁷ The government had to negotiate with them and later repressed them. Every one of the ex-combatants was vigilant and skeptical of researchers. They did not know whom to trust and who not to trust. It posed a real challenge for them to open up during interviews. Generally, some of my participants declined to speak on the record, and a few shared vital information post-interviews. Also worth mentioning is that on two occasions, a participant was unable to speak French in focus groups, but that did not affect the quality of my data.

Another critical dimension to analyze my data is the urban-rural perspective. My data shows that geography plays a role in how people perceive and understand the mechanisms adopted for reconciling Ivorians. There are two categories of people, and their perceptions of what reconciliation means to them. The first category (predominantly urban-educated elites) believes

⁷ Sylvestre-Treiner and Vincent, Duhem. 2017. Côte d'Ivoire : retour sur une étrange .mutinerie. <https://www.jeuneafrique.com/mag/440562/politique/cote-divoire-retour-mutinerie-reussie/>

that the ideal implementation of the TRC and trials will lead to reconciliation. This belief is what the transitional justice literature talks about; however, the second group (mostly rural uneducated people) believes what their leaders tell them to do, as I observed earlier. Most uneducated city dwellers belong to this category. I must also emphasize that there are educated fanatics of ethno-politics who play the ethnicity card. Following this logic brings to the fore the particularity of the Ivorian case. Côte d'Ivoire is ethno-politically polarized, so the political actors have much influence on the lives of their followers. This phenomenon was evident throughout my fieldwork in 2018 and 2019.

Literature review

This section examines the conceptual framework of reconciliation and its implementation. I draw case studies from post-conflict settings and post-dictatorial regimes—apartheid. In South Africa, the TRC was reasonably considered a success, while Sierra Leone employed the TRC, and trials had mixed results mainly due to implementation challenges. Like the Sierra Leonean case study, Côte d'Ivoire adopted the TRC and trials in addition to amnesties and reparations, yet reconciliation is less than desired. Even though there has been a significant development in the field of transitional justice, there are still significant challenges and contestations regarding the criteria for defining and measuring its implementation, success, and failures (Elcheroth & de Mel, 2022; van der Merwe et al., 2022; Porciuncula, 2021; Rettberg & Ugarriza, 2016; Gibson, 2006; Menkhaus, 2004). To ensure a successful reconciliation, TJ must involve one or all of the four pillars of justice, search for the truth, reparations victims, and institutional reforms (ICTJ) and, depending on the mechanism adopted, include amnesties. Gibson (2006, p. 82) contends that there

is "No rigorous and systematic assessment of the truth and reconciliation process has ever been conducted" (in South Africa).

According to van der Merwe et al. (2022, p. 283), reconciliation is defined as "party-political relations, national versus ethnic identities, public perceptions of trust or numerous other dimensions that are often prioritized very differently by different actors even in the same community." The definition shows the controversial nature of the concept of reconciliation and the lack of a normative approach to defining and measuring it. Van der Merwe et al. (2022) identify some of the challenges of measuring reconciliation as international versus national versus local goals (deductive and inductive) and whether quantitative or qualitative data should be used in assessing it. Given the diverse experiences and expectations, it might be unrealistic to have a universally accepted way of measuring the successes and failures of reconciliation.

In a survey of 1,843 Colombian citizens, Rettberg and Ugarriza (2016) found that people's perspectives on reconciliation are just as diverse as those of scholars. The authors note that:

Nevertheless, significant proportions of respondents seem to understand reconciliation to be primarily a psychological and political process that aims to achieve the re-establishment of quotidian or day-to-day relations and cooperation, which should be preceded by the cessation of violence, dialogue, goodwill, and attitudinal and emotional change; and which should be accompanied by social welfare and security (Rettberg & Ugarriza, 2016, p. 517).

The "attitudinal and emotional change" in the above definition supports Gibson's (2004) that attitudinal change is crucial in reconciliation. In his seminal work on the South African TRC, Gibson (2004) proposed a theoretical framework that amnesty leads to truth leads to reconciliation, which leads to Democratization. The theory excludes trials and reparations as mechanisms for reconciliation but is still relevant in assessing the TRC component of the Ivoirian TJ.

According to the Ivorian Ministry of Solidarity, Social Cohesion and Compensation of Victims (2016-2020):

National reconciliation is defined as an inclusive process by which formerly antagonistic social and political entities achieve, through mechanisms such as dialogue and mediation, the search for truth and justice, the obligation of reparation to victims and guarantees of non-repetition, a state of mutual acceptance, the resolution of differences and harmony.

In this definition, my analysis's key terms worthy of attention are truth, justice, reparations, guarantees of non-repetition, and a state of mutual acceptance. In fact, for Menkhaus (2004), the difficulty in conducting impact assessments on these terms is that they are usually described as processes rather than outcomes or products. Besides the fact that 'processes' make the terms murky to assess, getting to a consensus is usually problematic. Van der Merwe et al. (2022) argue that TJ usually happens in a time of broader social and political changes, and these changes can facilitate both the TJ process and the peace outcomes. The question is how to distinguish between outcomes that result from the 'natural' changes from the conflict or dictatorial situation and the mechanism-induced change.

I will use the Ivorian TRC's definition and Gibson's theory of reconciliation as benchmarks to analyze the state of reconciliation in Côte d'Ivoire, albeit the similarities and nuances between them. Both definitions are mainly based on the tenets of TRCs, but Côte d'Ivoire adopted additional mechanisms, which I will analyze against their basic tenets.

Côte d'Ivoire is far from Reconciliation.

Côte d'Ivoire is among the few countries to have adopted the classic model of the holistic approach of implementing trials, truth commissions, providing amnesties, and reparations.

However, the results surprised scholars and practitioners who support this approach. Fingers point to poor implementation of all the mechanisms the country employed. However, the analysis below will shed light on why positive peace is still elusive in the country despite the comprehensive approach.

According to the final report of the TRC, the Ivorian TRC is a particular case. However, it was modeled after the South African one because it was constituted, and its activities started when the conflict had not ended (TRC, 2014). A former official of the TRC distinguished the two by noting that:

Nevertheless, the difference was that the South African commission was vested with so much more power. It could lay injunctions and summon suspects to appear before them. It could declare amnesty for the truth that was revealed. However, the commission had limited powers in Côte d'Ivoire, although the same model was followed.

The TRC was formed before the public was consulted, whereas in other TRCs, as in South Africa, broad public consultation formed the basis of the TRC (TRC, 2014). Presumably, the hasty decision to set up the TRC amid chaos would have been delayed. It is obvious that during ongoing violent conflicts and political tensions, perpetrators and victims would feel unsafe talking to members of the TRC. A member of the current government corroborates that "It is possible victims do not want to speak because they are afraid, but some confidence had to be built, and therefore I think we should not neglect the work that has been done so far." An initial amnesty could have provided safety for perpetrators and victims to appear before the TRC and express themselves freely, but I will return to this later.

The mandate of the TRC was from the President and not from parliament, which is the people's representative. Therefore, it did not enjoy legitimacy because many Ivorians believed that the

President manipulated it. The claim might have an iota of truth and is difficult to refute because the original report was censored in an interview with a former commissioner. Even though the voluminous report was on the commissioner's desk, I could not make photocopies of some portions. This final report was many times bigger than the one I received from the Ministry of Solidarity and Social Cohesion. Similarly, a lawyer and human rights activist said, "It is the summary. Nevertheless, the TRC claims that what is online is not its summary even with the summary." It is widely believed that the TRC's report is different from the original. Physically examining the original TRC report and the copy from the Ministry, it is evident that the latter was an abridged version of the former. Ouattara's side committed most of the crimes, which is why he has censored the original report.

The final report took over two years before it was made available to the public. Critics believe that during this period, the report was modified to lessen the gravity of the revelations and complicity of Ouattara's government in the conflict. The lawyer claimed that the TRC produced six final report volumes, but the summary is accessible. The TRC contested report is available online and in print. It is difficult to dispel the doubt because a separate interview with an assistant of the commissioner confirmed the censorship of the final report, validating people's perception of the manipulation of the truth by the government. A youth leader does not believe that the report was ever made available. They argue, "There are recommendations included in the report, which may help to achieve reconciliation in the country, but the report was never made public." The negative impression by people that the truth was hidden could have worked against reconciliation, the very purpose for which the TRC was set up. Some Ivorians wonder if the original report is not inculpatory and why the government will censor its release to the public. The lack of accessibility and transparency surrounding the report's originality could impede realizing the TRC's goals and

social cohesion. Gibson (2006) argues that a TRC produces a collective memory that contributes to reconciliation. In Côte d'Ivoire, one could argue that there are collective memories according to winners and losers of the war. A commission lacking public confidence could only lead to a patchwork of the past with bandages that leave the underlying wounds unhealed and ready to break out again. An interview with a sociology scholar at the University of Bouaké noted that the TRC was used as a political instrument and not a societal project, depriving it of massive participation from parties to the conflict. According to them, Ouattara's vision of reconciliation was economic prosperity where every Ivorian would have enough money in their pockets and forget about what happened in the past.

Besides, the timing seemed problematic because reconciliation is a process; however, the TRC was mandated to produce its findings and reconcile Ivorians. I interviewed a farmer and community organizer. Furthermore, an official of the ICTJ in Abidjan of them agreed that the timing put on reconciliation was unattainable. The farmer noted, "When you are a consultant, the TRC dictates the pace to you. For example, you will interview ten people at Guiglo." Moreover, this is what an ICTJ official observed:

The TRC could not have reconciled Côte d'Ivoire within the time they were given. They had a 2-year mandate which was extended for a while. The TRC could not reconcile [Ivorians] in 2 or 3 years, a country that has seen close to ten years of instability.

Reconciliation is non-linear and must not be dictated by time because every individual is different, and how long the process and accepting life-changing events vary.

Why there is no reconciliation in Côte d'Ivoire.

"Côte d'Ivoire tried, but I think what was missing was the political will," an interviewee.

The mechanisms that post-war Côte d'Ivoire adopted have not managed to secure lasting peace and reconciliation. One of my interviewees summarized why peace is elusive in the country despite several efforts: "I think these are the two options we have. We either forget everything or proceed to a fair and transparent trial." The quote illustrates the fundamental problem of the reconciliation process in Côte d'Ivoire. The holistic approach had the potential to make a significant contribution to reconciliation, but each mechanism was implemented poorly, had wrong timing, or lacked transparency. 'Forgetting about everything' means providing amnesty at the beginning to perpetrators of both sides to reveal the truth about what happened to whom, how, and why or ensuring impartial trials of perpetrators. Of course, some people would still have problems with these mechanisms, but the goal is that whatever mechanism(s) are adopted must be implemented well so that people trust the process.

Contrary to the notion that a TJ must have all four elements—a holistic approach to be successful, the Ivorian case demonstrates that it is crucial not only to adopt these mechanisms but how they are implemented and interpreted by the people in securing reconciliation. Adopting the holistic approach does not automatically translate into successful reconciliation, as noted by some of my interviews. A senior official at the Ministry of Solidarity and Cohesion maintained that the Ivorian model differs from previous models on the continent. They asserted, "So, I think if the first leaders of the TRC drew inspiration from the experience in South Africa and then Rwanda, they took out what would apply to Côte d'Ivoire." What is interesting is the perceived uniqueness of the Ivorian model from that of South Africa and Rwanda by the general public and the Ministry of Solidarity. The two countries essentially adopted TRC and trials, respectively.

In contrast, the Ministry believes that the novelty of the Ivorian model is the introduction of compensation to victims; the public critique it for its opaqueness and lack of transparency.

Nevertheless, there was a general lack of political will on the part of the political leadership. For instance, my interviewees from both sides indicated that the implementation of the mechanisms was flawed for several reasons to be discussed. Another participant observed, "We still hear of inter-ethnic conflicts among communities, and they continue to look at each other with distrust. Due to this, I think that we have not reached reconciliation." For this interviewee, a reconciled Côte d'Ivoire would have fewer intercommunal conflicts. The pattern of these conflicts demonstrates that many efforts are still required to reconcile Ivorians not only concerns relative to the 2010–2011-armed conflict but also to address deep-seated latent conflicts. Regarding the national reconciliation, a participant who is close to the Gbagbos provided a list of conditions to be met before we could begin to talk about reconciliation. The person proposed that, "In terms of reconciliation, we are still at level zero in the hearts of Ivorians. However, in terms of goals, we need equitable justice, fair compensation, the release of political prisoners, and a safe return of those in exile." A student of Ivorian politics will notice that not most of these conditions have been implemented in a manner that enjoys majority acceptance. While the government can still address some of these conditions, like the release of prisoners and the return of those in exile, equitable justice and reparations might be unattainable. The amnesty law ends any pursuit of an Ivorian who committed crimes relative to the war. A leader of a victims' organization observed that:

There is still mistrust among people. There is still hatred. First, knowing the truth is very important when it comes to reconciliation. Today, high-ranking army officers are in jail. These were executing orders from above. While they are being tried, the ones giving the orders are free. This [injustice] does not sit well with the people.

The compensation condition is feasible to re-establish the list, make it public, and compensate victims of both sides of the conflict if there is political will.

Thus far, I have elaborated on the mechanisms the Ivorian government adopted in its post-war rebuilding efforts and the challenges of these mechanisms. Today, the situation in Côte d'Ivoire could be described as no war, no peace. This youth leader measured their response to the question of indicators of reconciliation or otherwise in Côte d'Ivoire and Duékoué in particular. They noted that:

Among the Dioulas (pro-Ouattara), for example, if a person associates with a Guéré—Wè (pro-Gbagbo), some people will have issues with it. They believe that any association with a Guéré is terrible and vice versa. Nothing will change the minds of such people, but most people have embraced reconciliation because they know it is in their interest. They know that all actions taken at the national level are beyond them, so they embraced reconciliation.

Some people, though, are still not ready for reconciliation.

In analyzing the interviewee's assessment of the reconciliation situation in Duékoué, it is fair to conclude that reconciliation is relative. This emblematic city is critical in the reconciliation discourse in Côte d'Ivoire because it suffered the worst crimes committed in the war. While some participants, like the leader quoted above, believe that progress has been made on reconciliation, others argue that there is still hatred, desire for vengeance, and resentment among a section of the population. The quote below illustrates that none of the mechanisms addressed the problem of non-repetition of past atrocities. “Currently, the people [Ivorians] observe each other cautiously. Is it possible that the Dioula folks who attacked us in the past will not be able to do it again? In this case, reconciliation is being forced on us.” Reconciliation is a consensus-building process agreed upon by parties to the conflict but not forced on any party. When actors disagree on the reconciliation agenda, it will likely be unsustainable. Nevertheless, even in some places, it might

be challenging to talk about reconciliation. Corroborating the preceding interviewee, another participant unequivocally affirmed that:

I will say that Duékoué is far from returning to a normal situation. It looks peaceful, but we are not yet out of danger. I am very sure of that. There is still fire under the ashes. So, we must not cover the ashes but put them aside and extinguish the fire.

The damning observation of the reconciliation situation is arguably the most affected region in the country bolsters my argument that the conflict is in hibernation, and political leaders must show good faith in addressing the underlining issues that undermine the peace process. The country enjoys negative peace—no peace, no war situation. This region is a stronghold of former President Gbagbo, and I noted elsewhere in this work about some pro-Gbagbo slogans of 'when the six becomes nine, we shall see.' People might be forced to work together and use public goods, but deep within them, they still harbor revengeful feelings. The power reversal insinuations by the opposition receive an equal measure from the pro-government supporters, creating a situation of precarious peace. The following quote implies that the country has fragile peace:

I even have some friends who worked for the Gbagbo government who always echo the saying. Their opponents [pro-Ouattara supporters] dare them, reminding them that despite all they had at their disposal, they were still ousted, so the opponents do not fear the Gbagbo supporters for any reason.

Discourses like the above make some observers conclude that little to nothing has changed despite the various initiatives at reconciling Ivorians. Once there is no change in the attitude of politicians and their followers, reconciliation is a mirage and unattainable. One interviewee is categorical about their study of the Ivorian peace process. According to them:

I do not think there is any reconciliation in Côte d'Ivoire today. I say this because the prevailing situation before 2011 is no different from what we have seen after 2011. There has not been any change in the attitude of politicians; the same belligerent speeches, the same insults, and the same conduct tend to destabilize the country. We still see all that today in 2019.

In the same vein as noted above, a human rights lawyer observed, "So today there is peace, but it has been imposed on us by the authorities because they are more prominent than the other political groups. As a result, the situation could get out of hand at any point." The imposition of peace indicates that people's hearts are not disarmed. The peace is maintained using security forces to police it. The securitization of peace means that the rhetoric of reconciliation is a façade, which poses a real danger because an explosion will plunge the country into yet another vicious cycle of armed conflict. Some people 'coil in their shells' as any attempt to vent their dissatisfaction will attract the wrath of the law enforcement agents of the securitized state. Even though one might feel the negative peace in the atmosphere, speaking to individual people, especially the vanquished side, one appreciates the precarious peace in Côte d'Ivoire.

For some participants, the reign of impunity blocks the path to reconciliation. The absence of equitable prosecution or confessions negatively affects people, especially victims, because they are not in a position of power. An interviewee voiced their concern in the following manner, "We should not forget that the specificity of the Ivorian crisis is that most of the people accused of being perpetrators are rebels. These people attacked Côte d'Ivoire, and many rebels are now big men." This statement underscores that some perpetrators are untouchable because they still wield much power. One of the most significant weaknesses of the Ivorian TRC was its inability to subpoena perpetrators, especially the "big men," and the fact that it could not send perpetrators to regular

courts for the prosecution made it weak. Perpetrators could choose to appear at will and decide what they wanted to tell the commissioners even though no one will voluntarily inculcate themselves. Essentially, there was no incentive for perpetrators to appear before the TRC as a perpetrator. The least was for victims to see the perpetrators confess publicly, admit their crimes, and ask for forgiveness; instead, the perpetrators are seen as promoted because of their 'heroic' acts. The victim might seem to reconcile or forgive because there is no alternative but to hope that one day the wheels of justice will turn in their favor.

Imperfect implementation of the holistic approach and how it hampered the reconciliation process in Côte d'Ivoire.

Imperfect implementation of the TRC

The TRC consisted of the President, ten commissioners, and 350 officers in direct contact with the population. Some coordinators worked with the local authorities and chiefs. There were regional and local TRC offices. The work of the TRC was to promote dialogue, search for the truth, and reconcile Ivorians. Most people agree that the TRC was trying to create an atmosphere of dialogue and reconcile individuals without establishing the truth about what happened. The effort was also directed at victims and ordinary Ivorians and less engaged with the ruling class and perpetrators. The TRC registered a low participation rate, and one of the former commissioners provided a detailed answer:

There were various reasons for that. Some people thought it would not lead to anything, that there was no need going for hearing, going to narrate whatever they went through; so, some of those people saw it as a waste of time, and others had some doubt whether they

would be compensated, so we needed to assure them first. We had to convince them that they would be compensated. We ensured they had confidence in what we were doing to enable them to come and give their side of the story. However, you sometimes go to places, and people ignore you.

The central thesis of Gibson's (2009) argument is that the effectiveness of truth commissions depends upon two crucial factors: 1) whether the commission can attract the attention of its constituents and 2) whether the commission is perceived as legitimate among members of the mass public. Besides, the TRC President of the TRC, Charles Konan Banny, suffered credibility crisis of because was actively involved in the elections that led to the war, so people seemed not to have confidence in the TRC. The quote reveals both the intentions of the victim, which was to get compensation, and nothing else, eliding the reconciliation component of the TRC. The TRC sanctioned this as they had to assure the victims of not what reconciliation would bring them but compensation. Perhaps victims would have trusted the TRC process if the process included the perpetrators. The sad reality for the victims was the unfulfilled assurance by the TRC to compensate all victims. As of conducting these interviews in 2019, many of the victims had not been compensated. The delusion added to the frustrations of victims and vindicated those who did not want to face the TRC.

People did not want to attend the hearings because of potential physical harm and genuine legal reasons and to them. The conditions were not congenial for the TRC to operate and ensure the safety of participants who appeared before it. It was an added task for them to protect people who attended hearings. Both victim and perpetrator were insecure because amnesty was not the foundation of the TRC, resulting in additional challenges for the TRC to prioritize the safety of the victim. The fear of being seen by a perpetrator could significantly affect the willingness of the

victims to unpack the burdens of their hearts, and the fear of being discovered motivates the perpetrator to commit more crimes to hide what they already committed. The quotes below from a former TRC official highlight the insecurity of the perpetrator and victim:

We were also in charge of protecting victims because if a victim in Bouaké goes to the TRC office, the victim may be afraid that the perpetrator may see him or her. So, there was a telephone number put in place. So, there was a toll-free number or a green number to call, and when the victim does not feel safe coming to our office in their locality, they can call that number, and we will plan to meet them elsewhere, a place they will feel safe; that was very important.

This approach only produced a one-sided truth from the victim, not the perpetrator. The perpetrators and victims must be at the hearing to construct the objective truth. The victims were denied the opportunity to hear from the perpetrators and what motivated them to cause those atrocities. The fact that victims feared when they appeared before the TRC could be a factor of non-reconciliation because there was no guarantee that what happened to them would not be repeated. It was a significant concern for victims since nothing prevented the perpetrators from inflicting atrocities in the future. The action of the perpetrators was in self-defense, as the commissioner testified:

I was pressured to reveal or share their whereabouts, but I refused. A perpetrator who knows that a victim is coming to give their side of the story can kill the victim if the perpetrator knows where the victim is. Because he is afraid that his name will be revealed, he will not appear.

This approach to the hearing process was not productive as both perpetrator and victim lived in fear of divulging the truth about what happened during the dark days of the armed conflicts. It

means the two groups did not get to talk to each other, hence sweeping the ordeals under the carpet and patching reconciliation. It revealed the lack of legal instruments supporting the work of the commission.

Along with the fear of physical harm, there were potential legal implications for the perpetrator since prosecutions were going on locally and internationally. As much as victims needed a guarantee of non-repetition, perpetrators needed amnesty protection from prosecutions in order for the TRC to obtain the perpetrator's perspective. The double jurisdiction of both TRC and trials presented similar dilemmas in Sierra Leone and South Africa, where perpetrators who faced trials refused to appear before the TRC because of inculpatory evidence. The holistic approach did not manage to escape this dilemma. To avoid this situation, it might be helpful to sequence the mechanisms I proposed elsewhere or provide a threshold of crimes that cannot benefit from any amnesty from the onset but are pardonable after conviction. My experience in Bouaké proved that the TRC could not have expected truth revelation without amnesty to protect perpetrators. I was introduced to some ex-combatants the population knew as active fighters who played a pivotal role in the war. However, to my disappointment, when I interviewed them, they evaded most of my questions and reduced their roles to auxiliary staff for obvious reasons.

Notwithstanding the unwillingness of perpetrators to appear before the TRC, a few accepted the risk of disclosing the crimes they committed. However, people question the impact of those revelations in the healing and reconciliation process. The commissioner who oversaw this dossier told me that:

Before the TRC was dissolved, we had a ceremony at the Golf Club [in Abidjan]. It was a ceremony that took place over several days. We brought together the victims and the perpetrators. I am the one who went to bring the perpetrators, people who clearly said they

had killed others, people who admitted they had raped others; it is not easy for people to admit that. I did not get many people; I think I got five people.

The number of perpetrators who attended the grand ceremony at the TRC's dissolution is indicative of the failure of the commission to provide a comprehensive report of the truth by both perpetrators and victims. Indeed, the five perpetrators could not have been responsible for the death of over 3,000 people in the war. The pertinent question that demands an answer is if perpetrators were not part of the hearing process, with whom would victims be reconciled? Indeed, people are doubtful if the perpetrators appeared before the TRC. The entire process could be likened to compiling a list of victims' names for compensation or reparation. Nevertheless, they admitted their shortcoming as a commission.

Furthermore, some individuals appeared before the TRC for personal reasons. A few perpetrators who appeared before the TRC confessed to assuage their guilt to be free from being haunted. The following quote illustrates that confessions were not on mutual grounds; to help heal both the victim and the perpetrators.

A confident man said he killed two children, but since then, he could no more sleep; he said that when he closed his eyes, he saw the faces of the two children he had killed. So, he admitted it so that that picture would leave him for him to be free.

We can infer that the admission did little to promote reconciliation because if the alleged spirits of the children did not haunt the perpetrator, nothing would have compelled him to confess. The admission of guilt did not support the victim(s) in overcoming their suffering, resulting in forgiveness and reconciliation. In South Africa, people got to know some notorious perpetrators and their crimes since the hearings were public. However, in Côte d'Ivoire, victims did not have access to the names of perpetrators and the crimes they committed.

After the TRC presented its work to President Ouattara, he congratulated the members publicly. I asked a former commissioner if he told the nation about their work, and they responded, "No, when we submitted the report, there were about three to four years without us hearing anything about it. We were worried because we submitted it to the presidency, and it got locked up." People suspected that it was during this period that editions might have been made to the original report. In an interview with another former commissioner, I wanted to photocopy some portions of the report, but she said it was censored. The censorship raises many questions about the transparency and originality of the available report to the public, adding to the opaqueness in which the TRC operated limited public hearings. These factors invariably affected the credibility of the work of the TRC since people needed to learn more about the process and its outcome. It shows that their recommendations were not taken seriously. The commissioner continued, "But have the recommendations been applied? Have they been taken into consideration? That is another question that I cannot answer." One of the shortfalls of the TRC report is that most of the recommendations were largely ignored and not implemented. An official of the ICTJ suggested what would have been an ideal TRC report that could have impacted positively on reconciliation. If there were an official report from the TRC, a detailed report accepted by all, at least we would know who did what. Everyone would accept responsibility for their part of the truth because the report would have pointed all that out. However, the TRC could not do anything of this sort. As a result, we cannot say that the TRC achieved reconciliation.

What is considered truth and how to name the past is still contested after the work of the TRC. Duékoué, a town in the west, arguably had the worst impact of the post-electoral violence, but both opposition and pro-government leaders disagreed on what happened there. A prominent opposition leader's quote below stresses the disagreement on the truth:

I met the joint forces where I spoke about the Wè Genocide [in Duékoué] because there was a Wè Genocide. When I returned, I was summoned by the Interior Minister, who was furious that I had mentioned the term 'Wè Genocide.' It means they do not want the truth to be told out there. He told me that if I talked about the Wè Genocide, I would be reigniting bitterness in people's hearts, which could lead to the war restarting.

Admission of crimes by perpetrators is the starting point of forgiveness and reconciliation. However, if the perpetrator is intransigent, as if nothing occurred, and shows no remorse, we can be assured that efforts at reconciliation will be thwarted. Based on data from the interviews, the TRC had limited powers to accomplish its work. Even though some victims know their perpetrators, they do not know why the perpetrators committed the crimes, and the latter never appeared before the TRC to tell their version of the story. The truth never came out of the TRC process, and that is why the truth is contested to date.

Imperfect implementation of trials

The pursuit of justice for victims ended with the amnesty law in 2018. The amnesty came after some people were prosecuted locally and internationally while others were released from detention for many years without trials. The victims' hopes were quashed; however, an official at the Ministry of Solidarity insists that justice will be delivered, though it may tarry. They explained:

I go with what the President said no matter the situation, those who committed atrocities will face prosecution. It could be during his administration or after, or the ICC could ask. So, the options are still open. There is no special interest in prosecuting only a particular person or people.

What the President said about every perpetrator facing justice is no longer applicable. What is important and worthy of note is the possibility of opening the case in the future when another administration is in power. The possibility is a vindication of the GOR's rhetoric of when six becomes nine, a sign of vengeance. Perhaps the new administration could repeal the amnesty law and retroactively pursue some of the perpetrators currently shielded by the amnesty. It raises pragmatic questions about the democratic and peaceful transfer of power from one political party to the other, and the implication is that the stakes of political competition would be more Machiavellian. Similarly, to the GOR, in my interactions with some pro-government sympathizers, they indicated that they would make it impossible to flip the number six.

The adoption of the holistic approach in Côte d'Ivoire was hailed by scholars, policymakers, and human rights organizations as a demonstration of willingness to address the root cause of the Ivorian conflicts and reconcile Ivorians. However, justice delivery is one of the poorly implemented mechanisms. Proponents of the holistic approach seemed to be disappointed. The following quote is the view of a civil society official whose organization worked with the TRC.

So, in Côte d'Ivoire, we went by the four pillars. Nevertheless, when we evaluate justice at the national level, there was some selective justice, a form termed 'the victor's justice'... The ICC keeps finding how far investigations on Ouattara's camp have gone. However, to date, there have not been any arrests or trials.

The acquittal of Gbagbo and Blé Goudé at the ICC has left observers and critics to wonder who the actual perpetrators of the victims are because thousands died in the war. President Ouattara refused to send Simone Gbagbo to the ICC and said no Ivorian would be extradited anymore. Ivorians believe that pro-government perpetrators are the ultimate beneficiaries of this decision. The irony is that while some perpetrators are absolved of wrongdoing, others are still in jail. The

main challenge is that no side agrees that they are guilty of the crimes committed during the war, and that already makes justice a one-sided affair, according to one participant in the quote below:

If we had the same mode of application here where everyone is guilty somehow, we would have an impartial process. However, when you look at things from the angle that only the opposing side is wrong, justice from the word go would already be leaning against this opponent. This [bias] is what we need to avoid.

The person argues that the perpetrators, the military officials carrying out orders, should at least be released, which is within the current government's powers. Moreover, because we do not see it happening, "We do not see the will to reconcile." It is not obvious that everyone will subscribe to them even if no one remains in jail, but it is more so when families have their members imprisoned and are asked to reconcile. A former presidential candidate shares the same opinion that when some are in prison, it mars the reconciliation efforts when they noted that "There are some who are still in prison over there just because of political issues. As long as there are still people in detention, it will impact the reconciliation process." They further propose jailing everyone who is forgiven or culpable of wrongdoing. Everyone agrees that if a post-conflict society or post-dictatorial regime adopts trials, equitable justice is a panacea to the problem of non-reconciliation. One participant summarized the general sentiment of many Ivorians as, "For me, I think people are not satisfied; the victims are not satisfied because they did not see their oppressors prosecuted." Equity in justice delivery ensures trust by perpetrators and victims alike, but this seems far-fetched. Another interviewee proposed that:

However, because leaders of the ruling side cannot be arrested, others should be released so that each side is even, and we can all move on. What we should not do is only seek justice for the winners of the war because that is what is going on now.

The participant advances two arguments here. Either there is equitable justice for every perpetrator or, in the current context, release of all prisoners regardless of their crimes, especially following the amnesty law. The lack of equitable justice is synonymous with what Sikkink (2011) calls political rather than human rights prosecution, and it does not contribute to democracy and reconciliation. Elcheroth and de Mel (2022, p. 5) summarize unfair trials and TJ as follows: "But, again, it seems unfair to judge the impact of transitional justice without looking at societies where there is no full-hearted attempt to hold perpetrators accountable or to memorialize the collective trauma." The ill-hearted and non-commitment is what happened in the Ivorian case.

Imperfect implementation of amnesties

In Côte d'Ivoire, amnesties have been part of the political bargaining and compromises. In 2002 and 2007, Gbagbo's government passed two amnesty laws that exculpated rebels who committed any crimes. However, the amnesty law in 2018 did not escape criticisms from opponents and a section of the public about the real intentions of Ouattara. While some argue that the process was not inclusive, others claim the list of beneficiaries was not made public, hence the perception that it was meant to give a false impression of the government's commitment to reconciliation. The Ministry of Solidarity believes that the amnesty has contributed to reconciliation. The director I interviewed believes that "This amnesty has contributed to appeasement, peacebuilding... Simone benefiting from this amnesty for us is a strong signal." I followed up with a question to know if the release of the prisoners contributed to revealing the truth in Côte d'Ivoire, and they responded, "Well, I have always said, if you have never been to prison before, you cannot know what fresh air is." I analyzed this response as an evasion of the question explicitly about truth revelation.

However, the opposition contends that more efforts are needed to materialize the contribution of amnesty to reconciliation. A leading member of the former regime and an actor in the war stressed the lack of good faith in the amnesty law because of the following reason:

Nevertheless, since he wanted to grant pardon without pardon, he chose to go by the text, which stated that he was pardoning people and had no actions. However, amnesty is granted for actions. He listed those to be granted amnesty. We requested the list; to date, we have yet to be able to get the list of the 800 people who were granted amnesty. So, it is just a scheme that, unfortunately, will not help the situation. It also falls within political marketing.

The participant noted that just as the demand for a victims' list has not been granted, the list of perpetrators benefiting from the amnesty was not made public. When the President announced the date for the release of the prisoners, I visited the MACA (maximum prison) in Abidjan and witnessed some of them being released. I interacted with one of them, and they saluted the initiative and indicated that it was a step towards reconciliation but wanted the release of everyone. Perhaps prominent personalities like Simone Gbagbo and other key figures are known, but the lack of a comprehensive list raises doubts about the actual number of beneficiaries.

The general sense of amnesty law is that it was meant to appease the population and far from truth revelation, which is the foundation of forgiveness and reconciliation, as noted in this work. Scholars argue that the timing of amnesty provisions is critical to peacebuilding, noting that amnesties that are part of peace negotiations positively affect reconciliation (Dancy, 2018; Fortna, 2003). However, there was no peace agreement in the Ivorian context, and the amnesty law was granted years after the TRC, and trials were implemented. In an interview with a researcher, they observed that:

Also, the amnesty declared recently in Côte d'Ivoire, seven years after the President first took office, did not contribute to revealing the truth because it was an amnesty meant to please those who sponsored certain crimes, just for a little while. Unlike in South Africa, this was not an amnesty that contributed to the revelation of the truth.

In analyzing the quote, not only did the amnesty have less impact on reconciliation, but also there are two insights to highlight. The reference "to please those who sponsored certain crimes" are the pro-government perpetrators who won the war and helped bring Ouattara to power. Many of these ex-combatants have been promoted in the army, and amnesty provides another layer to insulate them. Second, the expression "just for a little while" speaks to the temporality of amnesty and the potential for repeal in different administrations. These factors could affect the reconciliation process in the long term since one party might only be in power for a while.

Besides the local implications of amnesty, international pursuits are proscribed. The ICC demanded the extradition of Simone Gbagbo and claimed it was investigating crimes committed in the pro-government camp, but Ouattara refused to extradite Simone. The refusal to extradite Simone leaves some observers to believe that Ouattara did not want to send her to The Hague because he would be compelled to send perpetrators from his camp who also committed crimes and were requested by the ICC. Therefore, taking this decision prevented everyone else from going there. When I asked the director at the Ministry of Solidarity about their opinion on the subject, they responded, "I have nothing to say." The silence is loud since it failed to disabuse the minds of critics about the decision not to extradite Simone Gbagbo.

Generally, my results show that most Ivorians wanted either of two approaches to granting amnesty. First, the prosecution of perpetrators equitably for victims to see that justice has been done because there would be convictions. Then in the spirit of reconciliation, amnesty is given to

all the convicted. One quote illustrates this proposal. For "[t]hose who were not prosecuted before the amnesty was granted, this could encourage them to commit other crimes in the future." According to this school of thought, prosecution provides deterrence, and amnesty promotes reconciliation (Olsen et al., 2010). Second, some Ivorians suggested the provision of a general amnesty for perpetrators to confess, which will appease victims to forgive and reconcile with the former, and this argument supports the general theory of reconciliation (Gibson, 2006). I interviewed an activist, and they concur that "My view is to give amnesty because jailing perpetrators can have a negative consequence on reconciliation." Various forms of the two proposals were implemented but did not follow the basic tenets prescribed by scholars and the interviewees.

Imperfect implementation of TRC II—National Commission for Reconciliation and Compensation of Victims (CONARIV) and Reparations

While some scholars advocate that reparations promote reconciliation (van der Merwe et al., 2022), other studies found that reparations cause conflicts (See Crawford-Pinnerup, 2000). Most of the participants I interviewed in Côte d'Ivoire agreed that transparency in reparations and not compensations help in reconciliation.

The primary goal of the CONARIV was to provide a list and roadmap for giving reparations to victims. Ivorians lauded the initiative, giving victims hope that, in addition to the potential of true revelation and justice delivery, the reparations program could enhance healing and empower them to relive their lives. Generally, there is a debate about whether the government instituted a relief/compensation program or reparations. While relief/compensation involves money given to

victims to compensate for their loss in the war, reparations include an apology from perpetrators or the government. Based on the interviews, the government provided relief packages to victims instead of reparations. My interviews with staff of the TRC and CONARIV, as well as the general public, indicate that the initiative was a good one that could complement the efforts of other mechanisms; however, it had severe challenges that affected its smooth functioning. The victims did not know the criteria used to determine their victimhood for compensation. The quote from the former staff of CONARIV explains the frustrations of victims.

The last time the victims told the Minister that they wanted to understand the criteria she used for the compensation; they said they wanted to have the list of all the victims and the victims who have been compensated; there is a problem there because the victims wanted to understand on what basis some people received 1,000,000 CFA francs [~\$1,700] and others 1,500,000 CFA francs [~\$2,400]. We must explain to people well so the victims will trust the system. Right now, the victims do not trust the process; even though the Minister is trying, she is making many efforts, but certainly, it is not enough.

Another episode that dented the credibility of the transitional justice process is the inaccessibility and criteria for selecting and compensating victims. Civil society organizations and victims have advocated for a comprehensive list of all the different categories of victims to ensure transparency and trust in the process. Some victims have submitted their names and are still waiting to know their fate. Ultimately, knowledge of one's eligibility or otherwise conditions people's minds instead of creating uncertainty. Victims should know from the onset whether they are in or out of the reparation program to organize their lives because if they wait for long and get disappointed, they could likely be unwilling to forgive.

The TRC adopted measures to ensure the fraudulent people did not unduly take advantage of the compensation to benefit at the expense of genuine victims. One of the ways was a rigorous document verification process to ascertain that those claimants were indeed victims. However, this approach seemed counterproductive since it proved extremely difficult to obtain all the necessary documentation for the TRC. A former commissioner described the verification process.

Because when you say your father died, you must be able to bring a paper that proves that he is indeed dead; that is the death certificate. If you say your sister was raped, you must be able to bring all the necessary evidence.

The proof of victimhood also deterred supposed victims from approaching the TRC because they either did not have those documents due to the war or could not afford to pay for them. We must note that during periods of war, most government offices were dysfunctional, and people could not have the luxury of time to take photographic evidence with the hope that there would be compensation in the end. I agree that the TRC/CONARIV needs to be thorough to prevent unscrupulous people from taking advantage and benefiting unduly. During my interviews, participants told me that some people fabricated victims—faked or lied to benefit, while others charged victims to pay to be registered. One former commissioner explained that:

As soon as you speak of compensation, everybody is expecting money. Furthermore, because people think of money, many pretend to be victims, producing fake papers to get money. That was a severe problem with CONARIV. There were all sorts of unscrupulous people who were going to villages and asking people for money, saying to them: "If you give me 500,000 CFA francs [~\$ 805], I will write your name; or I will write your name, but you will sign an agreement that you owe me so that when the money is released, you will give me part or give me half of the money you will receive.

A victim confirmed, "Some people came to take our names but asked us to pay money." Though the requirement was necessary, it excluded many people from registering to benefit from the compensation. The CONARIV could have explored other means of authenticating the veracity of what the victim was saying, such as providing reliable witnesses. An official of an organization that worked closely with the TRC and CONARIV observed that "The victim verification was so involving that there were true victims who could not fulfill the requirements and had to abandon the process." A list of victims could help community members identify who the actual victims were or not, but the absence of a list made it impossible.

Besides the fact that there was no list of victims, another criticism is the politicization of the program, and did not have a well-structured way of executing the compensation. I interviewed an official of the ICTJ, and they critiqued the process by noting that:

The Ministry of Solidarity has started compensating victims, but the list they are using has not been made public. We would be here, and suddenly, we would hear that the Ministry was at Duékoué yesterday to compensate people. Then two days later would hear that they are at Abobo – a suburb of Abidjan that is often linked to political activities. When a political event is ongoing, they take advantage of it to go and compensate people. So, the compensation process is politically engineered, one thing that marred the process.

Some observers allege that the government compensated party-affiliated victims. However, I interviewed some victims who claimed to be pro-government in Ouattara's stronghold of Abobo, and they said they did not receive any compensation. Other victims in pro-Gbagbo's support base in Duékoué also acknowledged receipt of compensation. A leader of a victim organization with a membership of about 513 affirmed that the rate of compensation was around 25%. Overall, victims

of both sides have received some form of compensation, but the timing of donations raised questions about whether compensation was a national or a political agenda.

Apart from the inaccessibility to the list of victims, another problem was access to registration centers for victims. Some victims had to travel several miles to register, and while they did not have money for transportation, others were physically weak to travel. "I know people who were in no condition to make the journey. They could do nothing to get captured on the list, but these people were victims," one participant told me. Similarly, a victim's organization leader said that some victims wanted to participate in the hearings and compensation process, "Yet there are others who cannot even afford transportation of 200 CFA [~4 cents] to go and listen to the one coming to speak on reconciliation." There were some barriers to victims' access to information about activities of the TRC and CONARIV in the countryside. However, this problem was not reported in the major cities I visited.

Last but not least, the TRC/CONARIV faced a lack of therapists for rehabilitating traumatized victims. The government prioritized providing free medical services to some victims and material support to others. However, a conflict resolution scholar argued that some victims needed psychological reparations, not material compensation. They reechoed Yusuf (2022) about the need for victims' right to the truth, which has the potential to heal. They noted that:

We are indeed planning to compensate them all. However, if the victims knew the truth about who perpetrated the crimes against them and why they were committed, they probably would have been healed, more or less. Healing is not always material things but also psychological and moral. We would have at least been able to heal victims, and society psychologically did not get that because the truth was not revealed.

A youth organization leader agrees that money alone is not enough for victims. They advised, "Usually, people here are given material compensation and money. Nevertheless, that is not what people here need now. They need psychological support. It is serious psychologists that Duékoué needs, not money." They argue that money cannot heal people who saw their family members killed.

Conclusion

In Côte d'Ivoire, results of the TRC, trials, reparation, and amnesty are mixed and debatable by the government on the one hand and the opposition as well as the general public on the other. Based on my findings, none of the four mechanisms applied their basic tenets, leading to their flawed implementations. The ultimate aim of any mechanism is to prevent the recurrence of violence and human rights violations in the future. When this is not guaranteed, people, especially victims, live in perpetual fear that future atrocities are possible, which will likely hamper any reconciliation efforts. Because amnesty was not the basis for truth revelation from the onset, pro-Gbagbo perpetrators were apprehensive that if they divulged inculpatory evidence, it could be used against them in court. Because the prosecutions were one-sided, they felt they would not receive a fair hearing and justice. The government seemed to have insulated perpetrators from its side, and the TRC did not have the power to subpoena any perpetrators to testify. The absence of perpetrators in the hearing process made it like profiling victims for reparations, which is what some believed and not about reconciliation. Seeking truth-telling without establishing amnesty is at variance with reconciliation.

The amnesty the President granted certainly appeased people but did not lead to truth revelation. The amnesty might have been a strategy to ensure stable peace but the fact that

perpetrators are forgiven without human rights trials or appearing before the TRC means they have been given a rain check of impunity because justice in any form has not been served. The victims have been denied access to justice, a significant obstacle to reconciliation. Denying victims of retributive or restorative justice constitutes an antithesis of reconciliation.

The laudable reparation program ended up being a compensation scheme where the criteria for determining victims were never public, and the names of victims not published. The opaqueness of the program marred its credibility.

The findings have implications for the future of peacebuilding and reconciliation. Contrary to the holistic approach as a panacea to reconciliation problems, what is essential is faithfully applying the basic tenets of the mechanism(s). It is not how many mechanisms are used but how well they are used, especially in the Ivorian context. Policymakers must prioritize the process over outcomes because the former will ultimately influence the latter.

Political will is as important as the decision to establish a TJ mechanism. In the Ivorian case, it is evident that the government did not make a genuine commitment to reconciliation. Some participants describe the lack of commitment to political marketing of reconciliation, appropriating it whenever it favors them without concrete actions.

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LIMITATION OF THE RESEARCH

One of the limitations of the research is the exclusion of the land question. The Ivorian conflicts cannot be resolved completely without a depoliticized land reforms because it is a source of livelihood for many people. The land conflicts in the southwest have become intractable and a major ingredient that politicians weaponize to foment national conflicts in order to advance their interests. However, my research has not included the land variable.

Another significant variable is the exclusion of Disarmament, Demobilization, and Reintegration (DDR) of ex-combatants and the presence of *Dozos* in certain parts of the country. The *Dozos* are traditional hunters from the north believe to have magical powers. They played a critical role in the war by supporting the rebels and still move freely with their weapons. Some ex-combatants do not feel safe surrendering their weapons so long as the *Dozos* exist, so both the *Dozos* and many ex-combatants still have their weapons, and this creates a sense of insecurity. Though I have data and analysing the DDR program would have provided significant insights; however, it would have made my topic too broad.

The third limitation was the methodology. I acknowledge that both qualitative and quantitative research methods have their strengths and weaknesses. I wish I had adopted a mixed method to benefit from the strengths of both methods. However, the absence of the quantitative method did not affect the quality of my findings.

CHAPTER V: GENERAL CONCLUSION

In Côte d'Ivoire, the results of the TRC, trials, reparation, and amnesty are mixed and debatable by the government on one hand and the opposition as well as the general public on the other. Based on my data, none of the four mechanisms applied their basic tenets and this has led to their flawed implementations. The ultimate aim of any mechanism is to prevent recurrence of violence and human rights violations in the future and when this is not guaranteed, people especially victims live in perpetual fear that future atrocities is possible, and this will likely hamper any reconciliation efforts. Because amnesty was not the basis for truth revelation from the onset, pro-Gbagbo perpetrators were apprehensive that if they divulged inculpatory evidence, it could be used against them in court and because the prosecutions were one-sided, they felt they would not receive fair hearing and justice. The government seemed to have insulated perpetrators from its side and the TRC did not have the power to subpoena any perpetrators to testify. The absence of perpetrators in the hearing process made it like profiling of victims for reparations and that is what some of them believed and not about reconciliation. Seeking truth-telling without establishing amnesty is at variance with reconciliation.

My findings have implications for the future of peacebuilding and reconciliation. Contrary to the believe of holistic approach as a panacea to problems of reconciliation, what is important is faithfully applying the basic tenets of the mechanism(s). It is not how many mechanisms are used, but how well they are used especially in the Ivorian context. Policy makers must prioritise process over outcomes because the former will ultimately influence the latter.

The government did have to rush in setting up the TRC and initiating prosecutions when the war did not completely end. Fletcher et al. (2009) warns against making hasty decisions to select a mechanism immediately following the aftermath of war or repression but deciding based on the needs of the affected society. It was obvious that some victims and perpetrators were apprehensive of talk to staff of the TRC. Evenson (2004) argues that the non-participation of offenders could lessen the quality of the truth that the TRC collects.

Furthermore, the appointment of Charles Konan Banny as the President of the TRC whether by design or mistake was the biggest mistake. The departure of Banny due to political conflict between him and Ouattara as both politicians wanted to run for the 2015 elections brought an abrupt closure of the commission's work. During the hearings, people accused Banny of using the platform to prepare for his political ambitions and conflict jaundiced the outcome of the report. People anticipated this outcome because of the personality of Banny, his thirst for power, and his political partisanship in the war. One respected Ivorian academic told me that from day one, Banny was destined for failure because he was not a neutral actor. In delicate and contentious positions like this, 'neutral', actors must be selected.

The amnesty that Ouattara granted certainly appeased people but did not lead to truth revelation. The amnesty might have been a strategy to ensure stable peace but the fact that perpetrators are forgiven without human rights trials or appearing before the TRC means they have been given a rain check of impunity because justice in any form has not been served. The victims have been denied access to justice and this can constitute a major obstacle to reconciliation. Denying victims of retributive or restorative justice constitutes an antithesis of reconciliation.

The laudable reparation program ended up being a compensation scheme where the criteria for determining victims were never public and names of victims were not published. Many victims

and civil society organizations requested the list of victims for compensation, but the government refused to grant the request, while others claim that they politicized the process. The opaqueness of the program marred its credibility. Indeed, the introduction of distributive justice—compensation of victims was different from many TRCs or a combination of mechanisms but not novel. Compensation seems compatible with any of the mechanisms because it is the only mechanism that receives minor criticism.

In addition, the prove of victimhood also deterred supposed victims from approaching the TRC because either they did not have those documentations as result of the war, or they could not afford to pay for them. We must note that during periods of war, most government offices are dysfunctional, and people could not have the luxury of time to take photographic evidence with the hope that there will be compensation at the end. I agree that the TRC/CONARIV needed to be thorough to prevent unscrupulous people from taking advantage and benefitting unduly. During my interviews, participants told me that some people fabricated victims—faked or lied in order benefit while others charged victims to pay be registered. Government transparency would have prevented or reduced these nefarious activities.

Above all, political will is as important as the decision to establish any TJ mechanism. In the Ivorian case it is obvious that the government did not make genuine commitment to reconciliation. Some participants describe the lack of commitment to political marketing of reconciliation; appropriating it whenever it favors them without concrete actions.