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Book Review

SRIRAM, Chandra Lekha and Suren PILLAY. Eds. 2010. Peace versus Justice? The Dilemma of Transitional Justice in Africa. Rochester, NY: James Currey. + 370 pp. ISBN:9781847010216. (pb) Price: \$34.95.

By Richard B. Dadzie (31 August 2011)

This book is very informative and recent upheavals in North Africa and the Middle East heighten its importance. Using the experiences of several African countries as a backdrop, the successes, challenges, and prospects of achieving peace and justice in transitional and post-conflict societies are discussed in five parts to shed light on the issue in the African context.

Part I provides an excellent overview. An important assertion in this part is that “justice, peace and democracy are not mutually exclusive objectives but are mutually reinforcing imperatives” and that “any transitional justice approach should include both judicial and non-judicial mechanisms and should seek to encompass broadly the various dimensions of justice that can heal wounds and contribute to social reconstruction based on the fundamental belief in universal human rights” (pp. 21-22). Although the focus of the discussion is on Africa, the authors highlight important insights from transitional justice experiences in Latin America, particularly from Argentina, Chile, and El Salvador. Gendered perspectives on justice are discussed to stress the “need to be vigilant and critical about how the transition [processes] integrates women” (p. 110).

Part II focuses on truth and reconciliation processes. The famous processes in post-apartheid South Africa and post-conflict Sierra Leone are discussed along with the unique experiences of Nigeria and Ghana. Alex Boraine, the former vice-chair of the South African Truth and Reconciliation Commission (TRC) provides a very informative insider analysis of that country’s experience. He showed that local buy-in was an essential component to the general success of the commission. He added that in TRCs, victims and perpetrators must feel that the goals of the process are genuine and not a witch-hunt. He noted that in South Africa, the controversial issue of amnesty proved vital in getting perpetrators to willingly participate and to divulge information that helped the national healing process. He also notes that for victims to truly heal, recommendations such as reparations for pain and suffering must be implemented so as to not only remunerate victims but also to help restore a sense of dignity to their humanity. The case of Nigeria is very interesting since the TRC there was established by a former military leader, and the military that had committed human rights violations seemed to have immunity at various stages of the process. The author of the piece on Nigeria makes a very important observation when he notes that “there is no such thing as a ‘good’ or ‘bad’ TRC ... we must appreciate the fact that, as a heuristic device, TRCs have helped many nations to pause for a moment and get what athletes refer to as a ‘second wind’ ” (p. 182). I find this realization very powerful since in nations like Nigeria and Ghana, this “second wind” is exactly what is needed to undo the deepening of ethnic, religious, and social divisions. TRCs can be an important part of grappling with the stabilization of countries marred by decades of interruption of peace and the rule of law by civil war, coup d’états and/or persistent ethnocentrism.

Part III discusses war crime tribunals using the examples of Sierra Leone and Rwanda. Chapters 11 and 12 focus on Sierra Leone and highlight the difficulties that occur when tribunals do not have strong local buy-in. Ad hoc development and underfunding, limited local input, the infusion of international staff, and the restricted interpretation of the mandate of the court all contributed to the failure of the court to achieve many of its goals. The legacy of this court has been deemed as a missed opportunity because it failed to legitimize the importance of having international parties involved in transitional processes in Africa. Chapter 13 shows that poor relations between the International Criminal Tribunal for Rwanda and the Rwandan government hampered the ownership of the transitional process in that country and thereby limited its overall effectiveness.

Part IV explores indigenous justice systems. The example of such practices in Mozambique is of particular interest. After decades of conflict, the nation decided to proceed into the future without a TRC. Rather, “practices of rupture” by Magamba spirits and traditional healers in the Gorongosa region of Central Mozambique have played an important role in bringing closure to many Mozambicans affected by the long drawn-out conflict between FRELIMO and RENAMO. “Magamba spirits and healers offer one example of the ways in which local worlds mediate between broader political forces and the responses of individuals. Politically, magamba spirits represent a rupture between the needs and interests of local communities and those of the central government on matters of justice, healing and peace

in the aftermath of civil wars” (p. 297). These spirits present a grassroots solution to transitional justice, and similar traditions can be found in many parts of Africa.

Part V concludes this book. The discussion here centers on the International Criminal Court. The problems and prospects of this court in Africa range from the lack of legitimacy attached to the court by major international players like the United States and China to the perception that this court has a bias toward trying only cases from Africa. The challenge the court has faced in Darfur is carefully discussed to show that until important international players ratify the resolution that brought the court into existence its activities will continue to be limited.

All in all, I find the essays in this book to be very informative and practical. Even though they focused on Sub-Saharan Africa, their applicability in the wake of the so-called Arab Spring is tremendous. Important insights for Egypt, Tunisia, and Libya as they transition to newer forms of government could be gleaned from this book. I find proceedings in Egypt regarding the trial of Hosni Mubarak very interesting. The swiftness with which legal proceedings have begun and the virtual absence of amnesty in the trials of members of the deposed Mubarak regime present fascinating questions on peace and justice for Egypt. The only weakness I find with this book is that it appears to over-emphasize the importance of the TRC in South Africa. South Africa continues to suffer from deep-seeded divisions along racial lines and more needs to be done in that country to ensure that underprivileged members of society have greater access to the wealth generated in that country. This critique is not meant to undervalue the importance of the events in that country’s TRC, but rather to note that focusing on finding indigenous methods of healing as in Mozambique and Rwanda could also be beneficial and should be further explored. I strongly recommend this book for individuals interested in the politics of transition in post-conflict as well as deeply divided societies.

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