

## PREVENTIVE DIPLOMACY AND CONFLICT RESOLUTION: A CASE STUDY OF NIGERIA AND RWANDA

By

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### **Abstract**

*This article looks at the rise of peace building and state building in diplomatic practices using the preventive diplomacy and conflict resolution to resolve some state problems that have emerged. Preventive diplomacy remains highly relevant along the entire conflict spectrum. There is a relation between preventive diplomacy and conflict prevention. The purpose of both preventive diplomacy and conflict prevention is to stop armed conflicts before they escalate. This work uses the case study of Nigeria and Rwanda conflict. The boundaries of present-day Nigeria were created by the British colonial administration in the late nineteenth and early twentieth centuries. For Rwanda the colonizers were first the Germans but after the World War 1, Belgium took over the colonization of Rwanda. During the pre- colonial days, there were many principles guiding conflict resolution in the traditional African societies. Those who want their conflicts resolved must have confidence in the tribunal that would resolve the dispute. These include elders, chiefs, priests, priestesses, secret cult Indigenous law derives essentially from customs and traditions. Literacy was not associated only with the written word, but also very essentially, with verbal art and remembrance. Rwanda could have been an impossible country, in 1994, a large number of people were slaughtered while even a greater number fled the country. This work explain the conflict resolution method applied before the European dominance and after their dominance. Peace is one of the fundamental prerequisite for development therefore there is need for a consideration of an alternative strategy is now inevitable. Therefore, for a peaceful and cordial relationship between the various ethnic groups in the country, the principle of cultural pluralism should not only be seen to be preached, but should be the order of practice in the country it should be a guiding document of practice for all.*

**Keyword (s):** Conflict, Conflict Resolution, Preventive diplomacy, Transitional Justice

### **1.0 Introduction**

Preventive diplomacy has remained a continuing idea at the United Nations for many years. Dag Hammarskjöld former UN Secretary General first expressed the theory in 1960<sup>1</sup>, it has

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<sup>1</sup> E. F Babbitt, *Preventive diplomacy by intergovernmental organizations: Learning from practice. International Negotiation*, (2012). 17, 352

continued to advance in response to new challenges. Preventive diplomacy refers specifically to diplomatic action taken, at the earliest possible stage, to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur. Preventive diplomacy remains highly relevant along the entire conflict spectrum. There is a relation between preventive diplomacy and conflict prevention. The purpose of both preventive diplomacy and conflict prevention is to stop armed conflicts before they escalate. Preventive diplomacy includes activities such as good offices, facilitation, mediation, conciliation, adjudication and arbitration, whereas conflict prevention is broader. Conflict prevention includes activities such as the strengthening of human rights oversight mechanisms and efforts to address the root causes of conflict such as improvements in governance, social and economic well-being, equality, and the management of common resources.<sup>2</sup>

## **2.0 Conceptual Clarification**

Key concepts will be critically expatiated upon for better understanding of the paper which includes:

### **2.1 Conflict**

Conflict is a term used to mean a variety of things, in a variety of contexts under the mantle of conflict are words such as, serious disagreement, incompatibilities, fight, argue, contest, debate, combat, clash and war etc. These are the equally evocate terms to understand the term conflict or to know which description of behavior fit under the title of conflict. Bercovitch, who is a situational thinker defines conflict as a situation which generates incompatible goals or values among different parties<sup>3</sup>. Lewis Coser an American sociologist defines conflict as the Clash of values and interests, the tension between what is and what some groups feel ought to be<sup>4</sup>.

### **2.2 Conflict Resolution**

The word “resolution” means, The quality of being resolute, A firm decision, An expression of opinion or intensions agreed on by a legislative body, The action of solving a problem or dispute, The process of reducing or separating something into components<sup>5</sup>. Researches into the sources and categories of conflict has usually centered around two conflict approaches: the subjectivist and the objectivist approach. The objectivist approach, looks for the origin of

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<sup>2</sup> R., Muggah, and N White, *Is there a preventive action renaissance? The policy and practice of preventive diplomacy and conflict prevention*. (2013). NOREF. Retrieved from:  
<[http://www.peacebuilding.no/var/ezflow\\_site/storage/original/application/00175abccdb1df5f006c8e40da206643.pdf](http://www.peacebuilding.no/var/ezflow_site/storage/original/application/00175abccdb1df5f006c8e40da206643.pdf)>

<sup>3</sup> B, Jacob “*Social Conflict and third parties*” (Boulder, Co: “Wesview Press. 1990) P-6

<sup>4</sup> C, Lewis A “*Social Conflict and the theory of Social Change*, *British Journal of Sociology*, 1957, PP.197-207

<sup>5</sup> T.W.C. Alan “*Conflict Resolved? A Critical Assessment of Conflict Resolution*.” *Continuum Publication*, London, (1998) pp.30-36

conflict in the social and political make-up and structure of society, and considers that the goals at stake can be thoroughly compatible<sup>6</sup>. While the subjectivist point of view focuses primarily on the perceived incompatibility of goals and differences<sup>7</sup>. Where the conflicting parties enter into an agreement that solves their central incompatibilities, accept each other's continued existence as parties and cease all violent action against each other<sup>8</sup>. Conflict resolution refers to a range of process aimed at alleviating or eliminating sources of conflict. Conflict resolution is an umbrella term for a whole range of methods and approaches for dealing with conflict: from negotiation to diplomacy, from mediation to arbitration, from facilitation to adjudication, from conciliation to conflict prevention, from conflict management to conflict transformation, from restorative justice to peacekeeping. The conflict resolution also points out strategies that could be employed to find an exit from the conflict's destroying dynamic and that aim toward achieving satisfying solution for all parties involved. Here, security, justice and recognition are to be mentioned among the others needs and values. These values are regarded universal, they are not to be suppressed and are consequently indivisible. In accordance to this conflict resolution intends not to end the conflict as such, but to transform it into a nonviolent conflict<sup>9</sup>.

### **2.3 Peacemaking**

Peacemaking is a complicated concept because peace can be defined in so many different ways. Peacemaking creates relational and structural justice that allows for social and personal well-being. This is an ideal objective, perhaps not attainable in all conflicts. Nevertheless, peacemaking implies the use of cooperative, constructive processes to resolve human conflicts, while restoring relationships<sup>10</sup>. Peacemaking does not deny the essential need for adversary processes, but peacemaking places adversary processes into a larger perspective. Litigating disputes is not seen as a primary dispute resolution mechanism, but as a last-resort process. Peace can be understood in two ways. First, there is negative peace. Negative peace means the absence of violence, typically through coercion rather than cooperation. This form of peace is often imposed by U.N. peacekeepers. Again, peace is defined as an absence of war and is imposed coercively. Our law enforcement mechanisms, euphemistically called criminal justice, create another form of negative peace. The law enforcement officials are called "peace" officers even though they use extremely coercive and sometimes violent means to achieve their ends. Finally, the legal system perpetuates a form of negative peace. At best, the civil justice system renders a fair and impartial decision. However, the result is just a decision, not a resolution to or transformation of the conflict. Upon judgment, the legal conflict is finished and people are expected to get on with their lives.

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<sup>6</sup> S. Herman, "Peace Research and Politics", *Journal of Peace Research*, (1968), 5/3, pp. 217–232

<sup>7</sup> Deutsch, Morton "Subjective feature of conflict resolution: psychological, social and cultural influences", (Vayrynen edn, 1991), *New directions in conflict theory*, (London), pp. 26-56

<sup>8</sup> P. Wallensteen, *Understanding Conflict Resolution, War, Peace and the Global System*, Sage Publications, London, 2002, p. 8

<sup>9</sup> B.W John., "Systems, states, diplomacy and rules", (1968), Cambridge

<sup>10</sup> Douglas Noll, what is peace making

<<http://www.mediationtools.com/articles/ART%20Noll%20What%20is%20Peacemaking.pdf>>

The second peace is as positive peace. Positive peace implies reconciliation and restoration through creative transformation of conflict, a lawyer as peacemaker looks at conflict not just as an abstract, intellectual exercise in analysis and persuasion, but as an opportunity to help people reconcile. So peacemaking concerns a deeper way of looking at conflicts than just winning or losing. It looks at conflicts as opportunities for people to grow, to accept responsibility for the relationships they are in, and for the potential of apology and forgiveness<sup>11</sup>.

## **2.4 Armed Conflict**

A generally accepted definition of armed conflict is far-fetched. However, the International Committee of the Red Cross (ICRC) in its commentary to the Geneva conventions described an armed conflict to mean: “Any difference arising between two states and leading to the intervention of members of the armed forces is an armed conflict within the meaning of Article 2 of the United Nations Charter even if one of the parties denies the existence of the state of war. It makes no difference how long the conflict last or how much slaughter takes place.<sup>12</sup> Armed conflicts within states are political conflicts involving citizens fighting for internal change. Some are secessionist movements, generally spearheaded by a group of people, more often than not a minority within a community, who take up arms to fight for the establishment of either an autonomous entity within an existing state or an entirely new and independent state of their own. Such struggles have taken place in nearly all parts of the world. In recent times, Africa has been a brooding ground for these armed conflicts which have in turn caused massive displacement internally and internationally<sup>13</sup>. The unauthorized access to and handling of firearms and ammunitions have, in turn, fueled communal conflicts, insurgency, criminality, and threatened lives as well as political stability<sup>14</sup>.

## **2.5 Migration**

The concept of migration is multifaceted. People choose to move from their places of residence either by land, water or air from one place to another for various economic, political, social or cultural purposes. This movement could be voluntary or involuntary and legal or illegal (irregular).

Migration is simply the movement of people across a specified boundary with the intentions of settling temporarily or permanently in the new location. If the movement is typically over long distances and from one country to another country, it is referred to as international migration.

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<sup>11</sup> D. Noll, *what is peacemaking*,

<<http://www.mediationtools.com/articles/ART%20Noll%20What%20is%20Peacemaking.pdf>>

<sup>12</sup> J S Pictet, et al, *The Geneva Conventions of 12 August (1949): Commentary* (Geneva; International Committee of the Red Cross, 1952)32 <<https://www.loc.gov/.../Geneva...>> Accessed 17<sup>th</sup> June, 2021.

<sup>13</sup> A classic instance is the Boko Haram Insurgency crisis in the Lake Chad Region currently playing Nigeria, *Niger, Cameroon and Chad*

<sup>14</sup> M Gebremichael, *‘Nigerian Conflict Insight’, Conflict Analysis and Insight Institute for Peace and Security Studies*, (Addis Ababa University 2018) 3

Nevertheless, migration within the same country or geographical location without crossing international boundaries is referred to as internal migration.

There are different reasons why people migrate. These are known as push and pull factors. Push factors are forces that draw people away from a place such as food shortages, crime, war, flood, lack of services while pull factors are forces that draw people to move into a place for example political stability, nicer climate, job opportunities, safety etc.<sup>15</sup>

Migratory movements in which elements of coercion exists including threats to life and livelihood, whether arising from natural or man-made causes occur both internationally and internally, the casualties being refugees and internally displaced persons.

## **2.6 Secession**

The word “secession” in English- as well as cognates in many other Indo-European languages – originate in the Latin word “secessio” meaning “to go away” or “to depart”. James Crawford defines secession “as the creation of a State by the use or threat of force without the consent of the former sovereign<sup>16</sup>. If a state, without a threat of force, consents to a withdrawal of a part of its territory and recognizes the new state formed on that territory, other states can and do follow suit (and the new state gains membership in the UN); if this consent is lacking, international recognition becomes problematic.

## **2.7 Self-Determination**

Self-determination and secession constitute central issues of international law. Peoples and minorities in many parts of the world assert a right to self-determination, autonomy, and even secession which conflicts with the respective mother states’ sovereignty and territorial integrity. Apart from its practical relevance, this conflict also demonstrates how modern visions of international law, promoting rights of individuals and groups against the state, might clash with older visions that emphasize the role of the sovereign state for the protection of stability and peace.

After the Advisory Opinion of the International Court of Justice concerning the Declaration of Independence of Kosovo, rendered in 2010, many questions of self-determination and secession remain open. The principle of self-determination<sup>17</sup> is generally considered to be too vague to provide a right to self-determination, subsequent developments led to the acknowledgement of such a right in customary and treaty law, as evidenced by the following documents: the 1960 *Declaration on the Granting of Independence to Colonial Countries and Peoples* of the UN General Assembly states that all peoples have a right to self-determination<sup>18</sup>

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<sup>15</sup> S. Comenius, “*A definition of migration.*” (2015) <<http://www.glusmhde/migration/projects/define.htm>> accessed 19th May, 2018.

<sup>16</sup> A Pavković and P Radan, *The Ashgate research companion to secession*. Ashgate, Farnham, (2011) 45–80

<sup>17</sup> UN Charter Art.55 (2) (1)

<sup>18</sup> UN General Assembly, *The 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples*, No. 5

and laid the legal foundation for the decolonization policy of the UN; The two Covenants on Civil and Political and on Economic, Social and Cultural Rights (1966) established the right to self-determination as a treaty right<sup>19</sup>; and, finally, the *Friendly Relations Declaration* of the UN General Assembly (1970) confirms the right to self-determination, which entails the right of all peoples 'freely to determine, without external interference, their political status and to pursue their economic, social and cultural development'<sup>20</sup>. However, the exact contents of the right remain a matter of dispute<sup>21</sup>.

## 2.8 Transitional Justice Reform

A philosopher Ruti Teitel explained that truth commission is 'an official body, often created by a national government, to investigate, document, and report upon human rights abuses within a country over a specified period of time'. Another philosopher Priscilla Hayner argues that truth commissions are: Bodies that share the following characteristics: (1) truth commissions focus on the *past*; (2) they investigate a pattern of abuse over a period of time, rather than a specific event; (3) a truth commission is a temporary body, typically in operation for six months to two years, and completing its work with the submission of a report; and (4) these commissions are officially sanctioned, authorized, or empowered by the state (and sometimes also by the armed opposition, as in a peace accord. Truth commissions therefore must complete a report 'seems needlessly limiting'.<sup>22</sup>

At the same time, the South African Truth Commissions (TRC) also affirmed the healing potential of storytelling, of revealing the truth before a respectful audience and to an official body. In particular, the Chair of the TRC, Archbishop Desmond Tutu was fond of the claim that there is no healing without truth. Since then, the notion that revealing is healing has become both a common justification for the institution of TRCs and a source of significant controversy. As Brandon Hamber explains, this theory suggests that in psychological terms past traumas do not simply pass or disappear with the passage of time. Instead, he explains that psychological restoration and healing can only occur through providing space for survivors of violence to be heard, and for every detail of that traumatic event to be re-experienced in a safe environment.<sup>23</sup>

In legal terms, it is founded on the notion that both the victims of human rights crimes and their families possess the right to know the circumstances surrounding the perpetration of acts proscribed in international law. In moral and practical terms, the pursuit of the truth in the aftermath of human rights abuses is underpinned by the arguments that truth is a prerequisite

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<sup>19</sup> Art. 1 of the two Covenants on Civil and Political and on Economic, Social and Cultural Rights (1966)

<sup>20</sup> UN General Assembly, *The Friendly Relations Declaration* of the Principle (1970), 5

<sup>21</sup> Christian Walter, Antje Von Ungern-Sternberg, And Kavus Abushov, *Self-Determination and Secession in International Law*, Oxford University Press, UK, 2014, 1

<sup>22</sup> R Jeffery, *Transitional Justice in Practice: Conflict, Justice, and Reconciliation in the Solomon Islands* by Nature America Inc. Palgrave Macmillan imprint is published by Springer Nature. New York Plaza, New York, U.S.A 2017, 8

<sup>23</sup> Renée Jeffery, *Transitional Justice in Practice: Conflict, Justice, and Reconciliation in the Solomon Islands* by Nature America Inc. Palgrave Macmillan imprint is published by Springer Nature. New York Plaza, New York, U.S.A 2017, 9



for reconciliation and that truth-telling has a cathartic, healing effect for individuals. On these bases, several post-conflict states have followed the South African model and instituted TRCs.<sup>24</sup>

### **3.0 Nigeria Preventive Diplomacy**

The boundaries of present-day Nigeria were created by the British colonial administration in the late nineteenth and early twentieth centuries<sup>25</sup>. While political boundaries often coincide with physical boundaries such as bodies of water or mountain ranges, or are established by mutual agreement between societies over generations, the boundaries adopted to create the modern state of Nigeria never had any geophysical or social significance to the indigenous peoples of the region. The only geophysical boundary of Nigeria is the Atlantic Ocean, which forms the southernmost border of the country<sup>26</sup>. Nigeria's western, eastern, northern, and southern borders are all relatively arbitrary, having been negotiated at drafting tables in Europe rather than through local processes of societal development. The first Europeans to arrive on the West African coast were the Portuguese.

#### **3.1 Preventive Diplomacy before the Arrival of the British Colonialist.**

In the pre-British colonial days, there were many principles guiding conflict resolution in the traditional African societies. Those who want their conflicts resolved must have confidence in the tribunal that would resolve the dispute. These include elders, chiefs, priests, priestesses, secret cult etc. The disputants must have confidence in them. They (disputants) must be ready to submit themselves to the constituted authorities. These conflicts could be interpersonal conflicts and inter- communal conflicts. These may range from person – person to person – community, nation – nation<sup>27</sup>. Conflicts were also put under control by traditional rulers who were seen as the living representatives of their ancestors and believed to possess their authority from the spirits of the Supreme Being or God. It is interesting to note that, the vast knowledge of custom, myths and the history of the communities; and the skills as orators as well as the social capital which the traditional leaders had as leaders of these communities, empowered them to put conflict to a conclusive resolution.

Indigenous law derives essentially from customs and traditions. Literacy was not associated only with the written word, but also very essentially, with verbal art and remembrance. Although, the legal traditions were largely unwritten, their preservation and survival were done through performance to make them lively and easily understood. The elders sit under a tree, and talk until they agree, the elders (old age or seniority) as the force behind order or decorum in traditional society. This indicates that elders, within the culture, are the power house of

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<sup>24</sup> *Ibid*

<sup>25</sup> T Falola and M. M Heaton. *A History of Nigeria*, (Cambridge University Press, 2008, 16)

<sup>26</sup> *Ibid* 17

<sup>27</sup> H. Poku, *African Ethnicity; History, Conflict Management, Resolution and Prevention*, (University Press of America, Inc.,) pp 106.

wisdom and knowledge<sup>28</sup>. Cases of fighting among adolescents or young people were in the past accorded an impromptu settlement by the passers-by who normally ensured restoration of peace and harmony.

There existed various community associations and guilds saddled with the responsibility of maintenance of peace and order in marketing operations include, stealing, debt and fraud. In certain circumstances, gods and ancestors (the living dead) are called upon, their spirit invoked and every one especially the disputants are reminded of the aftermath of their wrath if they refuse to say the truth. In the markets, and the palace (court) spirit is present. The spirit could be malevolent / benevolent. There were levels or phases of conflict resolution, there were dispute resolutions at the inter-personal or family level, the extended family level and village or town level (chief in council). These tiers represent the political units making up the community<sup>29</sup>. In the pre-colonial Africa, the use of various mechanisms to settle and to mediate all sorts of conflicts as well as violent hostilities helped to maintain a semblance of order and stability in an otherwise hostile environment created by social relations.

For Igbo people, the Okpara system (Family Head/Eldest male), The Umuada (female born in a town but married out), The Village Tribunal/Council of Elders (Amala), Age Grades, assembly of the people, Ohanaeze (assembly of the people and the king/ Chiefs), hunters' Association, and Agbara (local deities or oracles)<sup>30</sup>, are the six indigenous legal institutions that had authorities to serve as mediators, facilitators, negotiators, and peace makers over their domain, especially, when the issues are conflict ridden. However, the internal organization of the Igbo groups rested upon patrilineal clans and lineages. These Igbo groups were autonomous with regards to governmental processes, but social bonds were strong among them.<sup>31</sup>

Family head mediates certain marital disputes, cases of delinquency, and boundary disputes between households and presides in the resolution of other cases between family members. If a member defies the family head or a leadership crisis arises, the married daughters (Umuada) of the family or village are invited to resolve the dispute or to force compliance with the decision. Moreso, matters affecting outsiders or threatening to disrupt a family and intra-village disputes are usually referred to the Amala (village tribunal) which was composed of 10 to 15 lineages.

Finally, If the facts of a case are unclear or the offender's identity uncertain, Igbo resort to an oracle. Divination is used to identify mysterious causes, heal diseases, and manage both

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<sup>28</sup> O.B. Olaoba, *An Introduction to Africa Legal Culture*. Ibadan, *Hope Publications*, 1-2. (2001).

<sup>29</sup> *Ibid*

<sup>30</sup> E., Uwazie, "Modes of Indigenous Disputing and Legal Interactions among the Ibos of Eastern Nigeria" *An article based on doctoral dissertation research at Arizona State University. Presented at the 6th Commission on Folk Law & Legal Pluralism conference, Ottawa, Canada, (August 14-18, 1990)*

<sup>31</sup> V. A Olorunsola, *The Politics of Cultural Sub-nationalism in Africa*. (Anchor Books, 1<sup>st</sup> edn 1972). 157.



individual and group conflict. When defaulter is found among the conflicting parties as revealed by the diviner who sees beyond the ordinary and explains the supernatural aspect of events, he is sanctioned. Sanctions are confined to the social realm (shaming, stigmatizing) and the supernatural (cursing, sorcery) – if one does not want to take recourse to violence. Parties have the power to reject any settlement that they are not happy with. Hence conflict solution is based on voluntary consensus and agreement. Everybody has to agree to a solution, including god(s) and the spirits of the ancestors. In other words: Traditional conflict transformation is consensus-based.<sup>32</sup>

For the Yoruba, the smallest unit called *Idile* (Nuclear family) is headed by a *Bale*. The next unit is the *Ebi*, (extended family headed by *Mogaji* who is the most influential or usually the eldest person in the *Ebi*. Extended family includes all people who have blood ties. The last tier of the units is the quarter which comprises of several family compounds is headed by a *Baale*, (the chief-of-ward/quarter, while the head of household which includes the man's immediate family of wife or wives and children<sup>33</sup>. Cases resolved by *Bale* include conflicts among co-wives, brothers and sisters, truants, and street fights involving his children and his foster children or dependents'. Conflict solved immediately includes minor conflicts by scolding the trouble makers and appeasing whoever was offended. The-bale is required to visit the offended person, even to thank him/her for accepting a peaceful resolution of the conflict. It is the duty of *Bale* to call together his household and warn them to desist from making any more trouble. The court imposed no fine.

However, appeals could be made from court to the second court which is the court of the ward-chief (*Ile-ejo ijoye Adugbo*). This court tried civil cases. It could not try criminal case but it had the authority to conduct preliminary investigation into criminal cases before transferring them to the court of the king (*Ile-ejo Oba*)<sup>34</sup>. *Baale* (chiefs) also controls the relationship between members of his family and outsiders. Such cases can threaten the survival of the entire lineage or ward. Once the matter is resolved, emphasis is put on how good neighborliness can be achieved and preserved. Land dispute, lack of good care for women and children by the husband, infidelity by the women, dispute over inheritance are the commonest in this category.

However, dispute resolution by the Chief-in-council (*Igbimo Ilu*) in Yoruba land was the highest traditional institution for conflict resolution. In the pre-colonial era, the council had the power to pass a death sentence on any offender brought before it. The court of the king was the highest court. It was also the last court to which appeal could be made but, among *Egba* and *Ijebu*, however, the *Ogboni* court seemed to be the last court of appeal<sup>35</sup>. A woman is

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<sup>32</sup> L. AsmeromTree, *Approaches to the Study of African*. (New York: Free Press, Gada: 1973)

<sup>33</sup> A. O Albert, *In Perspectives on Peace and Conflict in Africa in Essays in Honor of General (Dr) Abdul Salam A, Abubakar*, (Ibadan: John Archers Ltd, ed.).

<sup>34</sup> G.O. Oguntomisin, *The processes of peacekeeping and Peace -Making in Pre-Colonial Nigeria*, (Ibadan: John Archers, 2004). pp 10.

<sup>35</sup> *Ibid* 11.

traditionally expected to be on her knees and to offer the traditional greetings unless the chief ask her permission to stand up. A man has to start by prostrating which is a way of offering traditional greeting. Whatever judgment is given is accepted.

In the traditional judiciary system in Nigeria, fines of damages are not usually awarded by the mediators in civil cases. The utmost aim is to restore peace by setting disputes amicably. In other words, restoration of harmony is what is paramount in the traditional judicial system. Sometimes, however, mediators award simple fines as a deterrent to the occurrence of particular anti-social behavior. This may be demanded in form of kola nuts or local gins both of which have ritual significance. Some of the kola nuts are broken and passed round for everyone to eat as a way of celebrating the resolution of the conflict. The drink is also passed round for all to taste. If no gin or palm wine is available, ordinary drinking water can be used. In some traditional settings, the palm wine or gin is used to pour libation to the gods and ancestors of the people involved in the dispute. These actions help to reinforce the term of the reconciliation.

### **3.2 The Nigerian Transitional Justice Concept also known as The Oputa Panel**

In 2000, President Olusegun Obasanjo set up a 7 Panel committee to handle the Transitional Justice also known as Oputa Panel, The Nigeria's transitional justice (Oputa Panel) effort was precisely intended to deal with the massive state sponsored and perpetration of violations of human rights during previous military regimes before the democratic rule was restored. The Oputa Panel, therefore, was the key feature of Obasanjo's regime, which marked a complete departure from the authoritarian military rule and consequently ushered in a democratic dispensation for Nigeria.

The Panel's findings were not without controversy. Some critics of the Oputa Panel argued that it was not an accurate representation of Nigeria's widespread national challenges (national question). This position was an understandable reaction because of the multiplicity of ethnic interest. The report of the Commission reaffirmed that Nigeria was a militarized society and as a result of the prolonged military rule human rights abuses became imminent. The report stated that the data and evidence, which the Commission gathered, very indisputably showed that the military was primarily responsible for the persistence of human rights violations in the country.

### **3.3 Granting of Amnesty**

Amnesty is a general pardon, especially for offences against a government (or for political offenses)<sup>36</sup>. It is a period during which a law is suspended to allow offenders to admit their crime without fear of prosecution. It could also refer to a situation or initiative where individual are encouraged to turn over illicit arms to the Authority (in this case the government)<sup>37</sup>. In Nigeria, a state of Amnesty was declared by the former civilian President, Late Umaru Yar'dua

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<sup>36</sup> *The American Heritage Dictionary of the English Language*, Fourth Edition (2000)

<sup>37</sup> (n36)

in 2009 to the various militant groups operating in the Niger Delta Region whose social vices have bridged the peace of the Region in particular and the nation in general. The Federal Government made this declaration with the aim of restoring normalcy to the oil producing area. A number of activities were planned for the many repentant militants, these included, training in various skills both within and outside the country. In most cases large sums of money were paid the leaders of the various groups. A few were given contract running into billions to protect the oil pipelines from vandalization. At the end of the Amnesty, that is when the Amnesty offer was closed, over 8000 militants surrendered their arms and ammunition and pledged full allegiance to the Federal Government<sup>38</sup>.

#### **4.0 Rwanda**

Rwanda has three (3) tribes, Hutu main occupation is in agricultural activities, Tutsi main occupation is cattle rearing and Twa who are hunters and own pottery. These people share the same language and lived among each other, there was no particular location the Hutu stayed different from the Tutsi or the Twa, their major distinction was their occupation and a little of their looks.<sup>39</sup>

Germany their colonial masters worked with the Tutsi but after the World War II, Germany territories were shared among other European Nations therefore Rwanda was no longer in the control of Germans but Belgian.<sup>40</sup>

At that, the Tutsi were in power but the Belgians did not work with the Tutsi, they worked with the Hutu to remove Tutsi from power. A Hutu priest used a paper publication "Kinyamateka" a catholic publication stating that the Tutsi are not original Africans used the term "Rwanda Niyamishiri" meaning "the low people" that they originated from Arab or Syria or Israel. Between 1959 and 1972, they burnt their houses, killed their cows, the Tutsi were forced to flee for safety in Uganda, Burundi, Tanzania and D R Congo. The first election at the independence of Rwanda was carried out without the Tutsi on 1<sup>st</sup> July 1962. The new President was a journalist from the Kinyamateka. On 5<sup>th</sup> July 1973, former chief of staff Major General Habyarimana took power from the President. The Tutsi were still unwanted in the administration and civil service (1973-1990). By 1989, there were over one million exiled Rwandans.<sup>41</sup>

The new Uganda president, Milton Obote chased the Tutsi refugees who have been living in Uganda because they supported former President Idi Amin Dada. The people driven from Uganda to Rwanda were stopped in National Park and they were not allowed to enter Rwanda, so the only way for them to come was by force. In 1990, it began a violent campaign against

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<sup>38</sup> Akpan, F. & S. O. Ering "The Politics of Amnesty and Oil Related Conflict in the Niger Delta Region of Nigeria" *European journal of Social Sciences*, (2010) (17) (2) 146 – 153

<sup>39</sup> J. Sebarenzi and L.A Mullane, "God Sleeps in Rwanda" (2009) (11)

<sup>40</sup> *Ibid* 12

<sup>41</sup> Gourevitch, "We Wish to Inform You", 73

the extremist Hutu Power<sup>16</sup> regime of President Habyarimana<sup>42</sup>. The Arusha Accords, signed in 1993, theoretically led to a ceasefire and power sharing government<sup>43</sup>. The assassination, however, of Habyarimana on 6 April 1994 unleashed an organized and grass-roots campaign of violence<sup>44</sup>, with the interahamwe militia at its core<sup>45</sup>, against Tutsis and moderate Hutus. It was a genocide. Until the RPF, under the leadership of Paul Kagame, managed to gain effective control over Rwanda three months later<sup>46</sup>, 800,000 people, mostly Tutsis, were killed. Over two million refugees, mostly Hutu (and including members of Hutu Power and the *génocidaires*) had fled into neighboring countries.<sup>47</sup>

In the aftermath, Rwanda was destroyed physically and psychologically. In 1995, a team from the World Bank declared that Rwanda, economically, was a “nonviable country”.<sup>48</sup> With a per capita GDP of \$80 per year, it was the poorest country in the world<sup>49</sup>. This assessment did not even take into account the ongoing impact of the trauma upon survivors, the complexities of dealing with reconciling a society that had turned upon itself – neighbor against neighbor<sup>50</sup>, the practicalities of running a country with no finances or workable infrastructure<sup>51</sup>, and the constant violent attacks by remnants of Hutu Power and *génocidaires* from internationally financed and operated refugee camps based beyond Rwanda's borders<sup>52</sup>. Security was a constant threat. Significant and regular massacres occurred into the 2000s by *génocidaires*, with occasional reprisal attacks by Tutsis<sup>53</sup>.

#### 4.1 Rwanda Transitional Justice Concept

For so many reasons, Rwanda should be an impossible country<sup>54</sup>. In just 100 days in 1994, out of a total population of seven million, 800,000 people were slaughtered<sup>55</sup>, two million fled the country as refugees<sup>56</sup>, and more than two million have subsequently been prosecuted by international, national and traditional courts<sup>57</sup>. Yet Rwanda still exists. Indeed, arguably, it is thriving.

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<sup>42</sup> Gourevitch, “*We Wish to Inform You*”, 82, 216

<sup>43</sup> (n41)

<sup>44</sup> G. Robertson, “*Crimes Against Humanity*” (2006), 80; Gourevitch, “*We Wish to Inform You*”, 110

<sup>45</sup> *Ibid*

<sup>46</sup> *Ibid*

<sup>47</sup> *Ibid*

<sup>48</sup> Gourevitch, “*The Life After*”, 46

<sup>49</sup> *ibid*

<sup>50</sup> Gourevitch, “*We Wish to Inform You*”, 235-236, 240, 302

<sup>51</sup> (n49)

<sup>52</sup> *Ibid*

<sup>53</sup> Gourevitch, “*We Wish to Inform You*”, 223, 259, 346

<sup>54</sup> P. Gourevitch, “*We Wish to Inform You That Tomorrow We Will Be Killed with Our Families*” (1998), 224 (“Gourevitch, ‘*We Wish to Inform You*’”); Philip Gourevitch, “*The Life After*”, (The New Yorker, 4<sup>th</sup> May 2009) 37 (“Gourevitch, ‘*The Life After*’”)

<sup>55</sup> Samantha Power, “*A Problem from Hell*” (2003), 334.

<sup>56</sup> Gourevitch, “*We Wish to Inform You*”, 20-21

<sup>57</sup> BBC News Africa, 18 June 2012, at <http://www.bbc.co.uk/news/world-africa-18490348> (accessed 5 January (2013))

Twenty-seven years after the genocide, it has strong economic growth, relative political stability, and comparatively very low crime rates, and, as observed by many perplexed foreign visitors, it is impossibly clean – virtually no rubbish littering the streets and few stray dogs<sup>58</sup>. After the genocide, the incoming government, the international community and the Rwandese people have utilized a number of different transitional justice strategies to assist the country to move forward peacefully and sustainably. The Rwandan government mostly pursued accountability through criminal trials. When the numbers of genocide suspects overwhelmed the national courts, the government launched an ambitious and innovative system of 11,000 community courts (*gacaca*) that put much of the nation on trial. Transitional justice in Rwanda is almost exclusively focused on accountability for the 1994 genocide. Also, the use of National Courts and International Criminal Tribunal was applied to restore reconciliation.

## **5.0 Conclusion**

Peace is one of the fundamental prerequisites for development. The African (Nigeria and Rwanda) society has been embroiled with conflicts in the past and also in recent time and all effort to tame the trends in the conflicts has received little or brief success. Therefore, the need for a consideration of an alternative strategy is now inevitable. Although much has been done to improve the peace and security of the country there is still much to be done. The conflicts in the country may assume economic, political religious or ethnical coloration as deemed fit by the elites, the fact remains that outside the struggle for the material condition of existence, the relationship between the various groups in the country will be more of cooperation than competition, peaceful co-existence than conflict/hostility.

## **5.3 Recommendations**

In light of the above this paper suggests the following recommendations

- a. The principle of true ‘federalism should be upheld and sincerely practiced as against the federal system presently being practiced. Federalism will ensure a peaceful and cordial relationship between the constituent ethnic groups that make up the country.
- b. For a peaceful and cordial relationship between the various ethnic groups in the country, the principle of cultural pluralism should not only be seen to be preached, but should be the order of practice in the country. It should not only be enshrined in the constitution but should be a guiding document of practice for all.
- c. Continuity should be maintained; a government should continue on the good the past government did example is in education.
- d. It is important for government agencies to integrate local communities in peace building effort in conflict prone communities in the Nigeria.

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<sup>58</sup> Gourevitch, “*We Wish to Inform You*”, 147; Gourevitch, “*The Life After*”, 37; personal observations of the author in Rwanda in 2009 and 2010