Constitutional Engineering and Ethnic Conflict

By Benjamin Reilly

The past decade has seen an explosion of creative institutional design in new democracies. From Indonesia to Iraq, scholars and policymakers interested in the management of ethnic conflict have engaged in overt ‘political engineering’ with the aim of promoting stable democracy in deeply divided societies.

Amongst advocates, several contrasting approaches to political engineering for the management of social cleavages have been evident. One is the scholarly orthodoxy of *consociationalism*, which relies on elite cooperation between leaders of different communities, as in Switzerland. Under this model, specific democratic institutions — grand coalition cabinets, proportional representation elections, minority veto powers and communal autonomy — collectively maximize the independence and influence of the main ethnic communities in a given society.

Taken to an extreme, entire political systems can be structured around ethnic interests, thereby becoming examples of *communalism*, in which explicit ethnic criteria of representation such as ethnically pre-determined seat ratios or voter rolls are used, as in Lebanon. Today, as I will discuss below, Iraq has adopted elements of this model too, with highly problematic results.

The Libyan Political Isolation Law: The Victors’ Vision of Transitional Justice

By Kamal Showaia

*Introduction*

The concept of Transitional Justice refers to the set of judicial and non-judicial processes of addressing the human rights violations committed by totalitarian and oppressive regimes in the democratic transitional phase. Transitional Justice has gained much support by the academia and international organizations in order to establish effective mechanisms that can assist post-conflict states to come to terms with their past atrocities and transition to democracy. In recent decades, and learning from past transitional justice experiments, the transitional justice frameworks have expanded to include the establishment of international tribunals, national truth commissions, settlement on reparations, reconciliation and cultures of memory to ensure a comprehensive and efficient transition and healing processes.¹

There has been an increase in the need for sustainable and common international standards to rally the sources necessary to promote justice ²
This issue of Democracy and Society is dedicated to the pertinent topic of democracy, conflict, and peace building. The topic seems especially relevant given the extensive recent global news coverage of localized conflicts. Since 2010 there have been four new major civil conflicts in Africa (Central African Republic, Côte d’Ivoire, Mali, and South Sudan), while attacks by Al-Shabaab and Boko Haram in Kenya and Nigeria continue to grab global headlines. In the Middle East and Central Asia there are ongoing and devastating conflicts in Afghanistan, Iraq, Libya, and Syria. Violence in Eastern Ukraine, drug cartels run amok in Mexico, and in 2013 yet another round of violence between Israelis and Palestinians also drew attention this past year. With the humdrum of a never-ending news cycle, it is often easy to forget that by many measures there is actually less conflict today than there was 20 years ago.

The literature on civil war, insurgency, non-state violent actors, and political violence has produced numerous volumes of insightful research. Scholars and practitioners today have much more systematic knowledge about conflict than ever before. For instance, we know that social identity is an essentially malleable category that can be very instrumental during conflict, rather than the inherent basis of divisive conflict. We know that at times violence has an inherent logic and efficacy, especially as compared to other means of contention available to groups. We know that competition over natural resources and geography are important determinants of civil conflict. There are ongoing debates regarding the right balance of transitional justice in post-conflict societies, and important discussions regarding the right institutional configurations that might mitigate future outbreaks of violence.

In this edition we bring together some more insights regarding the relationship between conflict and democracy, and the broader literature on conflict. We asked, how are democratic institutions to be forged in the aftermath of conflict? Can democracy serve as a tool of conflict resolution, or in certain contexts does it lay the seeds for more conflict? Should democratic institutions reinforce or mitigate social divisions? What tools have been most effective in promoting stability in peace following conflict? Our responses were diverse, both in terms of their substance and their geography.

Our key submission comes from Dr. Benjamin Reilly of Murdoch University. Prof. Reilly has been at the forefront of discussions regarding institutional design in divided societies, and the ways in which institutions can promote political stability and resolve entrenched conflict. Reilly contrasts “consociational” and “centripetal” models of institutional design, while advocating for the greater value of the latter. In centripetal models the emphasis is on creating incentives for parties and candidates to create wider coalitions that transcend ethnic divisions. These might include majoritarian electoral systems, or vote-distribution requirements. However, it is also a model that is difficult to implement and perhaps requires much more international engagement in order to overcome inherent local reluctance to these forms of institutional design.

Our other submissions reflect the Democracy and Governance Program’s commitment to a truly global program, with submissions from Turkey, India, Spain, and Libya. Selma Bardakçı, Ertuğrul Genç, and Dilara C. Hekimci from Bahçeşehir University in Turkey provide some important detail on the evolution of the Syrian conflict and the role of sectarianism. Kiran Bhatia of Maharaja Sayajirao University (India) provides an analysis of news framing and the Israel-Palestinian conflict, examining how media shapes perceptions of the “other” and reinforces common narratives. Jara Cuadrado, a Ph.D. candidate at the Instituto Universitario Gutiérrez Mellado in Madrid studies West African countries and looks at the relationship between state weakness and violence, and the challenge of effective governance. Kamal Showaia, a lawyer from Tripoli, Libya discusses the Libyan Political Isolation Law and its relevance to visions of transitional justice. Abosede Babatunde, faculty at the University of Ilorin (Nigeria) discusses the challenge of democratic reform in Nigeria in the shadow of Boko Haram. Finally, Liz Alarcon, an MA student at Georgetown, writes about minorities in contemporary Colombia.

We are also happy to announce many new developments in our program, several of which are highlighted in this edition. We welcome Sam Maynard, a first year MA student in Democracy and Governance to the editorial team at Democracy and Society. This past semester we launched a new website dedicated to the East Timor Popular Consultation, which is a tremendous historical repository and resource for scholars (https://government.georgetown.edu/cdac/projects/EastTimor). Our program also forged new partnerships with USAID and the OAS, which will provide new opportunities for student engagement and research. Our program continues to thrive, and provide the leading education in the field of democracy and governance.

We hope you enjoy this edition and please also visit us at www.democracyandsociety.com.

YONATAN L. MORSE (Ph.D., Georgetown University) is the associate director of the Democracy and Governance program.
Alternative constitutional prescriptions for divided societies do exist. One is what I have called centripetalism. Advocating political systems or strategies designed to focus electoral competition at the moderate center rather than the extremes, centripetal approaches try to encourage aggregative, centrist and inter-ethnic politics in divided societies. To ‘political engineers’ interested in questions of institutional design, this approach has important implications: it accepts that institutions change outcomes, and hence that changing formal political institutions will likely result in changes to political behavior and political practice. As Donald Horowitz of Duke University puts it: “Where there is some determination to play by the rules, the rules can restructure the system so the game itself changes.”

In this article, I argue that the international community generally and the United States in particular have erred in privileging consociational and communal solutions over more risky but potentially more rewarding centripetal approaches. The result is a new generation of weak and unstable multiethnic states that are unlikely to consolidate democracy. By contrast, diverse societies in which the international community’s role has been more limited — such as Indonesia — have been much more successful in building centripetal incentives for inter-ethnic cooperation.

The importance of electoral systems

Electoral systems are often seen as the single most important institutional reform, as they shape behavioral incentives for candidates. For example, rules requiring successful candidates to gain support across different regions of a country can help to break down the appeal of narrow parochialism or regionalism, as in Indonesia and Nigeria. Campaigning politicians can seek the second-choice votes of electors from rival ethnic groups under some other electoral systems, which allow the expression of a gradation of political preferences, as in Papua New Guinea and Fiji. Some countries even mandate some degree of multiethnicity within political parties and other representative bodies, via requirements that compel parties to put forward heterogeneous candidate lists or organize on a cross-regional basis, thus making parties themselves a potential site for multiethnic bargaining. While very different, these strategies all represent examples of institutional designs that seek to nudge the basis of representative democracy in divided societies away from the politics of ethnic solidarity and towards greater inter-ethnicity.

The ‘distribution requirement’ applied at presidential elections in Nigeria, Kenya and Indonesia is an example of the first kind of approach, which seeks to encourage cross-regional politics by requiring winning presidential candidates to gain not just a majority of the vote, but a spread of votes across different parts of the country, in order to be elected. Distribution requirements have been mostly used for presidential elections in large, ethnically-diverse states in order to ensure that winning candidates receive a broad cross-national spread of electoral support, rather than drawing their votes from one region only. Nigeria, for instance, requires a president to win a majority overall and at least one-third of the vote in at least two-thirds of all states. The Kenyan constitution provides a similar threshold, requiring successful candidates to win a plurality of the vote overall as well one-quarter of valid votes cast in at least five of the eight provinces. In Indonesia, candidates for president must gain over 50 percent of all votes nationally as well as at least 20 percent in half of all provinces to avoid a second-round runoff.

Some schemes can become Byzantine in their complexity. In Africa, a variety of schemes to ameliorate ethnic divisions have been proposed over the years. An elaborate racial cross-voting scheme was included in the 1961 Rhodesian constitution to allow black voters to cast a vote in white electoral units and vice versa, as a means of moderating the potential election of extremists in either camp. There is also the intriguing case of the ‘constituency pooling’ model proposed (but never implemented) in Uganda. Under this proposal, candidates would stand for election in four different electoral districts at the same time: their ‘basic’ district and three ‘national’ districts. The candidate receiving the largest overall percentage of votes, combining both the ‘basic’ constituency and ‘national’ constituencies, would win the seat. Unfortunately for comparative purposes, Idi Amin seized power in a military coup and cancelled the elections.

Fiji provides another, even more complex, example of mandated cross-voting in the shape of the political system which existed there from independence in 1970 until the ethnically-motivated coup of 1987. As in Lebanon, the ethnic balance of the 52-seat parliament was pre-determined, with seats split between native and Indo-Fijians, with the remaining electorates designated as ‘national’ seats which required voters from one ethnic community to vote for candidates from a different community. Like the abortive Ugandan cross-voting model, the Fijian system required each elector to cast no less than four votes: one for their communal (co-ethnic) representative, and one each for a ‘national’ candidate from each of the other three designated communal groups, in order to ensure cross-ethnic voting.

Other schemes provide a mix of political incentives. Lebanon’s ‘confessional’ political system, in which both parliamentary seats and key executive offices are allocated on a sectarian basis, is perhaps the best-known example. To do this, Lebanon’s 128-seat national assembly is pre-ordained according to communal ratios, with an even split between Christians and Muslims, as well as specified seat balances for Sunni, Shi’a, Maronite, Druze, and other confessional groups within each religious community. Key executive offices such as the presidency, prime-ministership, and the parliamentary speaker are also allocated on a confessional
basis. Elections are contested by inter-confessional electoral alliances, which must match the pre-ordained confessional structure of each multi-member electoral district. In practice, this requires electors to engage in a degree of cross-voting by choosing candidates who hail from outside as well as within their own confessional identity group. But the Lebanese model also has real drawbacks, fixing ethnic identities in place and making communal affiliation the basis of the entire political system.

Similarly complex schemes for cross-voting have been a part of peace agreements in Cyprus, Bosnia, Northern Ireland and elsewhere. In addition, a number of ethnically-plural states in Asia, ranging from Papua New Guinea to Sri Lanka, use versions of such systems, often employing preferential voting systems. Despite a mixed record of success, the fact that so many different countries and conflicts have made recourse to the basic ideas of cross-ethnic voting, often without reference to or apparent knowledge of the experience of others, is a testament to the recurring appeal of this idea. Indeed, schemes for cross-voting featured in 18th century constitutional debates in France and the United States as a means of tempering the “interests and passions” of different social groups and classes in representative bodies.

A related approach to political engineering attempts to shape political parties and party systems. In particular, efforts to foster large, aggregative parties, and discourage sectional or minority ones, have been a distinctive feature of the “third wave” of democratization. Again, one of the clearest examples is to be found in Indonesia — the world’s most populous emerging democracy and largest Muslim country. There, parties must establish an organizational network across a set proportion of provinces (initially one-third, then two-thirds and now 60 percent of all provinces), as well as offices in at least half of the districts or municipalities within these provinces, before they are allowed to contest the election, while a separate threshold has also been introduced to limit splinter parties. These rules are intended not just to make it difficult for regionally-based or secessionist movements to organize (although an exception has been made for local parties in Aceh under the terms of the 2005 peace deal there), and seek to promote the development of nationally-focused political parties. As such, the party law shares a common centripetal logic with Indonesia’s presidential electoral system, which also includes cross-regional support requirements.

Party reforms are also popular in other regions. In Africa, some twenty-two countries include requirements that parties have a national presence, often accompanied by overt bans on ethnic parties. In Latin America, ethnic parties are not a major issue, but there have been similar attempts to encourage aggregative and nationally-oriented parties with a cross-regional organizational base in Colombia, Ecuador, Guatemala, Nicaragua, Honduras, Mexico, and Peru. In Mexico, for example, parties must have at least 3000 affiliates in ten out of the thirty-two states, or one-third of federal districts, while in Ecuador and Peru, parties must meet officially-inscribed membership levels in at least half of all provinces. However, Ecuador, which introduced spatial registration rules in the 1970s to combat party fragmentation, also provides a cautionary tale. There, the introduction of spatial rules helped consolidate the party system, but at the cost of wiping out parties representing the country’s indigenous minority, which relied on regionally-concentrated Amerindian support.

The role of international actors

In contrast to these kinds of devices, elections in which the international community is heavily involved — particularly those conducted under United Nations auspices — typically follow a more directly consociational song-sheet. Rather than trying to engineer political aggregation, they tend to favor simple models of proportional representation and unconstrained party formation, a combination that facilitates minority inclusion but poses major challenges for post-conflict governance.

Virtually all the major post-conflict elections since the end of the Cold War — including Namibia (1989), Nicaragua (1990), Cambodia (1993), South Africa (1994), Mozambique (1994), Liberia (1997), Bosnia (1996), Kosovo (2001), East Timor (2001), Iraq (2005, 2010, 2014), Burundi (2005), Rwanda (2008), and the Democratic Republic of Congo (2006) — have used under some form of party-list proportional representation (PR), sometimes with the entire country forming a single electoral district. This model has some very clear advantages and disadvantages. One the one hand, PR can play an important role in ensuring inclusion and sharing of power between different groups once in government. On the other hand, because large-district PR systems allow both minority and majority parties to form and compete freely, they often feature parties which are ethnically-based or thinly-veiled versions of former warring armies.

But irrespective of these political strengths and weaknesses, in practice the adoption of PR systems for UN-administered elections has frequently been dictated more by technical concerns, such as the desire to avoid demarcating individual electoral districts and producing separate ballot papers, than deeper issues of political development. In war-torn environments, national PR systems are sometimes argued to be the only feasible way to hold credible elections. The reasons for this are essentially administrative in nature: national party-list systems enable a uniform national ballot to be used, do not require electoral districts to be demarcated, and greatly simplify the process of voter registration, vote counting and the calculation of results. Problems of population displacement and the lack of accurate census data also work in favor of a proportional system with a single national constituency, which does not tie voters to specific electoral districts.

The problem with this approach is that such systems also have very specific political effects, particularly on a
country’s emerging party system. As one recent survey noted, nationwide PR is “the most permissive system … politicians can join small parties, establish new ones, or split an existing one, safe in the knowledge that even a small percentage of the votes will bring some seats in the legislative assembly. For the same reason, voters feel safe to vote for such parties, and their votes make the minimal success of small parties a sort of self-fulfilling expectation.”

Compounding this problem, such systems necessarily provide little geographic link between voters and their representatives, creating problems of political accountability and responsiveness. Many new democracies — particularly those in agrarian societies — have much higher demands for constituency service at the local level than they do for representation of all shades of ideological opinion in the legislature. Yet most PR systems undercut incentives for local representation and service delivery.

Iraq’s transitional 2005 elections are a good example of these problems. There, international experts initially favored an electoral system based around provincial boundaries. However, this would have entailed a lengthy national census. In the interests of time, it was therefore decided to fall back on a single, nationwide district elected by PR in which 1/275th of the vote was sufficient to gain a seat. While this doubtlessly facilitated the administration of the election itself, it also had the effect of fragmenting the legislature, marginalizing numerically smaller groups like the Sunni and doing nothing to prevent ethnic polarization amongst the electorate. When combined with a presidential and quasi-federal system of government, the result was a proliferation of political veto-points which quickly led to deep problems of governability (stalemate, instability, balkanization) and public policy (rent seeking, regional inequality, and lack of public goods delivery) — all familiar and indeed predictable outcomes according to the political science literature.

In 2010, this system was replaced by a regional PR model along the lines of that initially recommended by external experts, enabling the resurgence of a nominally non-sectarian political party, Iraqiya, which included many Sunni politicians. But by most parties were tied to religious identities, with the Sunni-Shi’ite division the key political cleavage in Iraqi electoral politics. Compounding this problem was the power-sharing arrangement between Iraq’s two largest parties signed under U.S. pressure in 2010, which rapidly degenerated into a bitter stand-off between the country’s two most powerful politicians, Prime Minister Nouri al-Maliki and the leader of the Iraqiya bloc, Ayad Allawi.

As Lise Howard of Georgetown University has argued, the introduction of a sectarian political system in Iraq echoed previous efforts by US negotiators in Bosnia and Northern Ireland to introduce “ethno-democratic” political systems, in which cultural or religious affiliation would form the building blocks of a new political settlement. Given the United States’ own history as an ethnic melting pot held together by strong individual rights and liberties, this is a curious penchant, to put it mildly. To quote Paul Salem of the Carnegie Endowment: “Because the U.S. is not familiar with deeply divided societies and is not familiar with power-sharing systems, I would say, it made many grave mistakes and made the situation much worse. In other words even in implementing a power-sharing system it didn’t do it all the way and it didn’t do it properly.”

Iraq also provides another example of the kind of impasse that can be created when an array of ethno-religious parties needs to arrive at a consensus to enshrine a new government: simply put, they do not. Today, some local observers argue that Iraq is veering towards a “Lebanonisation” of its political system, with power permanently distributed along strict ethnic and sectarian lines. For two governments in a row, the posts of president, premier and parliament speaker have been parcelled out to a Kurd, a Shiite and a Sunni, all with deputies drawn from the other two groups, a practice that now appears to have spilled over into civil service appointments and the security forces.

Advocating political systems or strategies designed to focus electoral competition at the moderate center rather than the extremes, centripetal approaches try to encourage aggregative, centrist and inter-ethnic politics in divided societies.

Unsurprisingly, this sectarianization of politics has led to acute political sclerosis. In October 2010, Iraq set what the Washington Post claimed was a new record for the country that had gone longest between holding parliamentary elections and forming a government, at over 208 days without a government. The eventual formation of a power-sharing government, under heavy U.S. pressure, did little to solve the underlying problems of mistrust, as key parties repeatedly broke prior commitments to cooperate. Today, Iraq’s government remains effectively paralyzed, with analyst Kenneth M. Pollack noting that the national unity government “took all of Iraq’s political problems and put them into the government ... There is widespread recognition now among American officials that inclusiveness over effectiveness was a mistake.”

In conclusion, it must be noted that building representative institutions in post-conflict environments is fraught with problems. Even with the best will in the world, it has often proved impossible to construct stable parliaments and broad-based parties. Representative democracy means that politics necessarily focuses on and forms around whichever issues are salient, and in war-torn societies it is hard to escape the centrality of “conflict” cleavages, be they inter-ethnic, inter-religious, or inter-regional.
But international actors can help or hinder this process. I believe the preference for hyper-representative political architecture in some of the most prominent cases of post-conflict peace-building is a retrograde development. This trend has been encouraged to a significant degree by the United Nations and international donor agencies, and by elite concerns with issues of social exclusion, descriptive representation of women and minorities, and political representation more generally. While the normative preference of the international aid industry for inclusion and representation of all groups, especially women, is a laudable goal, it is less defensible when used as a donor-driven ‘natural experiment’ conducted upon aid-dependent new democracies. In addition to creating huge problems of day-to-day governance, this model risks producing a generation of weak polities and parties which are unable to take even routine political decisions, let alone difficult ones.

Professor Benjamin Reilly is Dean of the Sir Walter Murdoch School of Public Policy and International Affairs at Murdoch University. He is a political scientist specializing in democratization, comparative politics and political development. Formerly Professor of Political Science, head of the Policy and Governance program and Director of the Centre for Democratic Institutions in the Crawford School of Public Policy at the Australian National University (ANU), Prof Reilly has also worked with the Australian government, the United Nations and other international organizations, and held visiting appointments at Harvard, Oxford, and Johns Hopkins universities.

Endnotes
5 “Still struggling to form government, Iraq breaks a world record,” Washington Post, 1 October 2010, p.11.

The West Africa region nowadays plays a key strategic role in the international community. On the one hand, it has gained importance due to its commercial and economic growth, and demographic potential in the last years. As stated in the African Economic Outlook 2014, the growth rate is likely to accelerate to above 7 percent in 2015 in the region. On the other hand, it encompasses a series of threats to security, which must be seen in a wide, transitional way. In this region, violence and conflict have become a constant threat, as demonstrated by the fact that it is the area with the highest number of peacekeeping operations in the history of the United Nations. Most of these countries share a series of features, such as weak state authority, social inequalities, tensions between communities, and privatization of violence as a result of the lack of capacity to protect monopoly on force. In a globalized and interconnected world, the importance of crisis management and armed conflicts has considerably increased. The area of West Africa is relevant for the European Union, due to its geographic proximity and historical relations. Migratory movements, terrorist and rebel groups acts, trans-regional illicit trafficking networks with Europe, and internal convulsions in those weak African states directly affect European countries.

It is also very important to value the role of natural resources in the region, which has increased the attention of great powers (mainly China and India followed by South Korea and Turkey, competing with the traditional ones).

West African countries — as it occurs in most of the other countries of Sub-Saharan Africa — face huge challenges concerning state fragility and violence. The international community considers these challenges a threat to global peace and security, as demonstrated by the fact that some international organizations (like the United Nations, the European Union, the World Bank and the OECD) have produced an increasing number of documents dedicated to the implementation of governance improvement in fragile countries as a required condition to combat violence.

This paper examines the state fragility and assesses some of its consequences in the West African region, which is composed of the following countries: Benin, Burkina Faso, Cape Verde, Ivory Coast, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo. The main thesis of the article is that there are strong links between state fragility and violence in the region:
those countries lacking institutional capacity are prone to suffer from violence and security threats. Accordingly, these nations are in urgent need to strengthen their political institutions in order to be able to prevent violent conflicts and provide higher levels of security for their citizens.

Threats and Roots of the Weaknesses in West African Countries

West Africa shows some substantial signs of recovery from the instability that had plagued the area mainly in the 1990s. Nevertheless, there are still big challenges ahead. In countries like Liberia or Sierra Leone, which experienced destructive conflicts after the end of the Cold War, they “have tended to be followed by notable rebounds after hostilities ceased.”

The region has had some successes in democratic governance and economic prosperity with a rise of middle classes, better standards of education, and political transparency such as in Liberia. However, as the Ebola crisis has showed, social and economic structures are still not strong enough. The fact that most of the states ranking in the lowest positions of the Human Development Index are in West Africa enlightens that poverty and underdevelopment can be allies of violence.

State institutionalization processes that began in these countries after decolonization and independence movements have illustrated how difficult is to consolidate institutional capacity. One of the main problems in African fragile states is that they must be constructed not only on common interests but also on a specified common identity in which competent political leaders are fundamental. Without a capable government to deal with problems, social and economic inequalities trigger tensions. Conflict is more likely to occur in places where political and horizontal socioeconomic inequalities are relatively higher. These internal conflicts are frequently prompted by ethnic or religious cleavages: identity quarrels are common in multicultural (or heterogeneous) societies. In Africa the vast majority of armed conflicts since the end of the Second World War have been societal (ethnic, communal, and revolutionary) wars.

There are some main stress factors in West African countries, which increase their vulnerability to violence. Take for instance youth unemployment, economic and social diversity, severe income inequality, discrimination and social exclusion, impunity to corruption, gross violations of human rights, and the situation of many social groups that remain non-integrated in the central governance systems.

These threats and gaps must be framed within a regional and integral approach. Tensions and violence in West African borders turn into regional problems, thus it requires a common strategy. That is the case of the conflict that took place in Liberia in the 1990s; it began as a conventional political conflict and spread across the neighboring countries of Sierra Leone and Ivory Coast. It is also the case of the effects of drug trafficking in Guinea-Bissau (now referred to as Africa’s first narco-state), which has been decisive on the corrosion of the country’s legitimate institutions. As stated in a recent International Alert’s report, in the last years there has been a “displacement of Colombian-sourced drug smuggling from its earlier transit route of the Caribbean to the West Africa coast.”

Armed violence is often geographically concentrated in borders and West Africa is increasingly vulnerable to drug trade and organized crime. The report mentioned above highlights the fact that “political actors can be complicit in organized crime as part of their strategy of rule, whereby...
crime proceeds finance patronage settlement systems.” Sub-Saharan Africa is also a region, after Latin America and the Caribbean, of rising homicides and crimes. Without achieving the levels of the Latin American region, it is the area where crimes have increased the most in the last decade (2001-2010), comparing with the 1990s (1991-2000). The strengthening of institutions and state legitimacy is a main challenge in these countries, indispensable to eradicate violence and its roots.

**Links between State Weakness and Violence**

Another main problem in West Africa is state fragility. This failure is partly explained by the outbreak of conflicts and tense situations, as it is the case of crime and illicit traffic.

Fragile states are those unable to provide basic security, maintain the rule of law and justice, or provide basic services and economic opportunities to their citizens. In fragile states violence easily takes place, regardless of the causes. This creates a vicious cycle of weak institutional legitimacy and violence.

Recent research supports the finding that fragile states fall strongly into the risk of violence, particularly to the recurrence of civil war and to extreme levels of crime. As highlighted by the World Development Report 2011, vulnerability to violence tends to occur where stresses are combined with weak and illegitimate institutions: “sustained over time, fragility is almost always associated with violence.”

Different indicators support this statement about the links between state weakness and violence, such as by the Worldwide Governance index, elaborated by the World Bank. It includes levels of political stability, absence of violence/terrorism, control of corruption, and government effectiveness. Most of West African countries are at the lowest positions in the different ranks of that index. There are other indicators that reflect the dangerous situations in West Africa as well. For example, the Fragile States Index of the Fund for Peace shows that government deficits are a main cause of armed conflict recurrence in West Africa.

**Challenges to governance in West Africa**

The West African countries are experiencing a period of state development challenges towards pacific transitions after destructive historical moments. Governments have to overcome tense situations and to deal with the causes of the latent conflict in these societies. Transitional experiences and peacebuilding processes in West Africa include countries combatting fragility and conflict, while dealing with the challenge requires achieving a combination of economic, social, cultural, military, humanitarian and political changes.

These transformations are better accepted and more peaceful in societies with strong governance institutions. However, reform processes are constrained by weak capacities of states or poor governance. Those countries with weak governance, fragile social relations, frail feelings of trust, and absence of common values are prone to be involved in political and social violence. Hence a country’s transition to solid institutional frameworks and the rule of law may take place in the long run, at least over a generation (between fifteen to thirty years), yet it seems to be a prerequisite for combating violence.

The case of state development in Europe, despite the differences, shows that “violence, war, military expansion, social exclusion and economic exploitation lie at the heart of the processes of state formation.” That process in Europe has been a rough ride with many obstacles. Consequently, it is crucial bearing in mind that transitional processes towards democratization in West Africa are not going to be an easy task, and they must include democratic institutions, engaged political leaders, and proactive civil societies.

Electoral processes are a reflection of the difficulties present in democratic transition and institutional consolidation. An observer has noted, with a pessimistic tone that “presidents in sub-Saharan Africa may well have the highest reelection rate in the world: 75 percent of the presidential elections in the region since 1990 have been won by sitting incumbents or their chosen successors.”

Countries that have eliminated fragility and conflict experienced different paths of transitional moments. Political transformation is often followed by repeated cycles of violence. It is also common in these periods that new forms of violence (as it is the case of crime) arise, threatening the sustainability of development activities and the legitimacy of state institutions.

This article concludes that West African countries face a very important challenge: the development of institutional legitimacy. Political institutions have a significant role in societies, preventing or reducing violence. The quality of political institutions prevails over other important factors in determining risks of political crises and civil wars, not to mention the economic development. For this reason, investment in the legal system and state's capacity can reduce...
the incidence of violence. In other words, “the best response to the anticipation of conflict is the building of governance institutions”. Transparency, accountability, inclusion, and technical competences are some of the characteristics needed in a democratic transition.

Many African citizens, mainly in North African countries, but also in others like Burkina-Faso, have recently manifested their rejection of political leaders and corrupt institutions through popular protests. Achieving political success, restoring confidence and breaking repeated cycle of violence by building inclusive coalitions and transforming the institutional network that provide citizen security, justice and jobs are the keys to a successful political transition in the region. These are the main societal challenges most West African countries face nowadays.

**Jara Cuadrado** is a Ph.D. candidate in the International Security program at Instituto Universitario Gutiérrez Mellado (UNED). Her research interests include the West African conflicts, conflict prevention, and early warning.

**ENDNOTES**

1. It is the case of Spain, where there are frequently news about Sub-Saharan irregular immigration and terrorist cells.

2. West Africa is rich in oil and gas.

3. That interest has increased due to the construction of the major gas pipeline from Nigeria to Algeria.


5. These are the fifteen countries which integrated ECOWAS (the Economic Community of West African States).


7. According to a recent study of the Development African Bank, African middle class has risen a 5% this year in opposition to a 4.7% last year. In West Africa, middle class represents a 34% of the population, in opposition to a 77% in North Africa. http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/07/18/financing-africas-democratic-opposition/.

8. Five West African countries were in the last ten positions of the HDI in 2013. This is also linked to the fact that some of the countries in West Africa are highly dependent on external aid (Liberia, Sierra Leone or Guinea-Bissau are three of the 10 most aid-dependent countries in the world).


10. See the Uppsala Conflict Data Program.


12. One of these problems is statelessness. According to the current report of the UN Refugee Agency, at least 750,000 people in West Africa are statelessness. http://www.irinnews.org/report/100348/statelessness-invisibility-in-west-africa


15. Data can be checked at the following link: http://info.worldbank.org/governance/wgi/index.aspx#home

16. This Index, in the last five years, has classified, as alert and high alert situations countries like Guinea, Ivory Coast, Nigeria, Niger, Guinea Bissau, Sierra Leone or Burkina-Faso.

17. Based, for instance, on the UCDP/PRIO Armed Conflict Database, the Conflict Barometer or the Armed Conflict Database of the ISS.


24. In the recent case of Burkina-Faso, the president has been overthrown by the end of October 2014 after citizen’s protests.
In December 2010, Tunisia erupted into mass protest. After weeks of unrest, President Ben Ali was ousted from power and forced into exile. The quick and unprecedented ousting of Ben Ali fueled mass protests that spread across the Middle East and gave rise to what became known as the “Arab Spring.” Several Middle Eastern countries succumbed to some sort of uprising shortly thereafter. One important and notable case of the Arab Spring was the conflict that turned into a civil war in Syria. Protests first erupted in Damascus, Aleppo and the southern town of Daraa in March 2011. People’s demands were simple: they wanted the release of political prisoners; but what grew out of a simple mindset in the beginning quickly spiraled out of control into a full-blown civil war. The initial protests were swiftly and violently subdued by the Syrian armed forces under the command of the President Bashir al-Assad. After government forces killed dozens of protestors, the rest of the country ballooned into days of violent unrest, which quickly encompassed the entire nation. While the rest of the world condemned Syria’s violent crackdown against the protestors, the violence quickly grew out of hand and the death toll began to rise. Meanwhile, the Syrian government justified its use of brutal force with a narrative positing that criminal and armed groups were responsible for the protests and had the driving goal of creating radical separation between sects. Overall, the Syrian conflict has become an atrocious war, resulting in over 191 thousand dead as of fall 2014 and over 2.5 million people displaced, as of fall 2014.

This study will address how peaceful protests in two cities enflamed a country of roughly twenty-three million into a brutal and enduring civil war, which has lasted for over three years, and has forced an international response from the West and other Gulf countries, which have recently intervened militarily to help quell the conflict and ensure regional stability.

Sectarianism in Syria

To understand what happened in Syria, it is important to acknowledge what the underlying conflicts are: What sectarianism is from a theoretical standpoint, and what crucial role it has played in the conflict? It is also important to review ethnic and religious demographic data as it plays an important role in illustrating and understanding the conflict as a whole.

Sectarianism may be defined as bigotry, discrimination, or hatred arising from attaching importance to perceived differences between subdivisions within a group, such as between different denominations of a religion, class, regional or factions of a political movement. This definition is often vague, and varies in degree with different regions. In its most extreme form, sectarianism includes the conversion of other groups — with the belief that in order to succeed, “others” must be purged and eliminated. Sectarian conflict is not new to the Middle East and has been the underlying aspect of almost all regional conflicts for the past several centuries, however it has increased dramatically in recent times with the rise of the regional powers such as Saudi Arabia and Iran. Indeed, the rivalry between those two “manifested in competitive interventions with a pronounced sectarian tone.”

Syria has been ruled by Bashir al-Assad who emerged as the leader of Syria after his father Hafez al-Assad’s death in 2010. Functioning as an authoritarian regime, the Syrian regime, however, is disguised as a democratic one — since they hold elections — even though their seemingly democratic processes normally adhere to a single party rule. Both father and son Assad represented the Ba‘ath Party, which has ruled Syria’s single-party regime.

One reason that the al-Assad family has been able to maintain its long-term grip on power is its close alignment with the military and police, which have always backed the Assad government and differentiated it from the others in the region. Assad’s close ties with the military and police explain why they responded unlawfully and violently when the protests first erupted and why they have continued to combat against civilians and any group in opposition.

Even further, the Assads and other prominent members of the Ba‘ath Party are from Alawite origin, which is a religious sect similar to Shia Islam. Alawites compose only 13 percent of the Syrian population but dominate the Syrian bureaucracy and military, while the rest of the population is mostly Sunni dominated, which accounts for roughly 65 percent of the population. Clearly, the minority rule of Alawites over a majority Sunni population has created ethnoreligious grievances, adding a lot of fuel to the conflict. The situation is such that the rebellion “is a largely Sunni Arab bid to overthrow that ‘coalition of minorities’ regime.”

In addition, the Syrian regime could be better described as “Alawite” than anything else, unlike Iraq where the sectarian divide gradually — and to a limited extent — faded away and where the regime could be called “Ba‘athist” rather than “Sunnī.” While previously the Alawite were less educated and wealthy compared to Sunnis, the picture started to change after 1970s, as Hafez Al-Assad became the first Alawite president in Syria in 1971. On the other hand, the tension between Alawites and Sunnis go back at least to the beginning of the 20th century, during which the French administered Syria.
While these statistics suggest an internal conflict in Syria, there were other external elements that helped fuel the conflict. Most important was the general role of sectarianism, which is dominant throughout the entire region, proving that it was only a matter of time before sectarian onslaughts would emerge on the forefront of the Syrian conflict. Another very important aspect is the role of regional actors, turning popular uprisings into proxy wars throughout the Arab Spring. In line with their long-term goals, Saudi Arabia and Gulf States supported the Sunni populations, and Iran supported the Shia populations. Thus, Syria merely served as another battleground for these sectarian proxy wars. Consequently, the conflict in Syria “exceeded the brutality and casualty toll of Iraq’s decade-long conflict in just three years, has amplified sectarian tensions to unprecedented levels.”

**Opposition in Syria**

The main opposition group, the Free Syrian Army (FSA), was initially a secular militia with the primary goal of ousting Bashar al-Assad and replacing the government with one that better represented and addressed the wants and needs of the Syrian people. There were many failures on the part of the international community to support the FSA. Firstly, the West was weary and unwilling to intervene any further into the conflict, even though NATO had previously intervened in Libya, toppling Muammar Gaddafi. The other problem was the failure of the United Nations to intervene to remove Bashir al-Assad. This was in part due to vetoes in the United Nations Security Council regarding military intervention by China and Russia, as the latter still maintains close economic, diplomatic, and military ties to Syria and continues to support Assad. The lack of logistical, financial, and military support from the international community, coupled with the militia’s weak organization and slow and inefficient progress severely hindered the morale and motivation that the FSA and its allies were able to take advantage of the vast and open Syrian borders, becoming refugees.

As briefed upon by this study, the turmoil brought about by the radicals has been indirectly created by the Syrian regime. Some of the atrocities committed by the Assad regime include randomly arresting protestors, summary executions, torturing prisoners, and also targeting civilians with air strikes. These factors are not only crimes against humanity in itself, but also crimes of war.

The chief outcome of the conflict in Syria and the surrounding region is the rise of rogue non-state actors, of which the most infamous currently under the spotlight is the ISIS, which operated in Iraq under the name Al-Qaeda in Iraq. The ISIS officially broke away from Al-Qaeda in February 2014. Although the two groups shared common visions, their methods in achieving their goals were different, as the ISIS preferred to use tactics, which even the Al-Qaeda considered too barbaric and distasteful. The power vacuum brought about from instability throughout war-torn Iraq and Syria has assisted the Islamic State to gain influence and power throughout the region. With the abysmal economic conditions in the region combined with the extremely high rate of unemployment and lack of education, ISIS faces no difficulties in recruiting young and hungry warriors to fight for their cause.
Conclusion

In conclusion, the regime’s sectarian foundation presented a fragile structure that could be challenged when the opportunity arises. As expected, the underlying sectarian divides and affiliations quickly resurfaced after the 2011 protests and so far dominated the conflict, becoming the only fault line that has an effective power over various warring factions as well as the government itself. It is hard to predict when and how the ongoing civil war will end, however casualties and civilian loss, not to mention total devastation of the country’s infrastructure and its production capacity, which already reached enormous amounts. Thus, the conflict in Syria is likely to be one with no ultimate winner, as even if one of the factions or the regime might establish control and come to a ceasefire, the country it will inherit will be destructed, ridden with sectarian violence. Therefore, one cannot simply urge the warring sides to denounce their sectarian practices and adopt a more inclusive approach, even if that had been practically possible for them. Offering policy implications and methods for ending the war is beyond the scope of this study, yet, the group, organization or faction that will ultimately prevail will need to craft a delicate discourse and practice, having witnessed how sectarian divide and unresolved issues might fuel civil conflict and make a polity vulnerable to all sorts of influences detrimental to state capacity and governance. In other words, the future for Syria lies in the ability to form a develop a discourse and practice focusing on creating unity among various ethnic/religious denominations, the lack of which clearly showing how things might escalate to the point of full scale civil war that will not benefit any sides in the end.

Selma Bardakci has an MA degree in Political Science and International Relations at Bahçeşehir University, Turkey (selma.bardakci@rc.bahcesehir.edu.tr). • Ertuğrul Genç is a PhD Candidate at Bahçeşehir University Political Science and International Relations (genc.ertugrul@gmail.com). • Dilara C. Hekimci is a PhD Candidate at Bahçeşehir University Political Science and International Relations (dilaracanfeda.hekimci@gss.bahcesehir.edu.tr).

Endnotes


4 Curtis R. Ryan, “Inter-Arab politics and international relations in the Middle,” Internet, http://pomeps.org/2014/11/04/inter-arab-politics-and-

5 We see a strong correlation with will and capacity arguments. For details, E. Bellin, “Reconsidering the robustness of authoritarianism in the Middle East,” Comparative Politics, January (44), 2012.


11 Carpenter, Ibid. p.2

12 To avoid misperceptions, this article defines radicalization as ‘the process by which individuals – usually young people – are introduced to an overtly ideological message and belief system that encourages movement from moderate, mainstream beliefs towards extreme views.’ Mobina Jaffer, “The Difference Between Radicalization and Terrorism,” Internet, http://www.huffingtonpost.ca/senator-mobina-jaffer/canadian-terrorist-acts_b_3581236.html (Date accessed: 14 October 2014).


News-Framing and War: Analyzing the Israel-Palestine Conflict

By Kiran Bhatia

Introduction

As the Israel-Palestine conflict surfaces with a surging increase in the violent attacks launched by each side on the other, the theory of media and war finds prominence. The recent fallout is a result of both the parties being adamant about the fulfillment of their goals if any peace agreement has to be initiated. Israel continues the expansion of settlements in East Jerusalem and Hamas continue launching attacks. Their demands revolve around two core issues i.e. removal of the blockade in the Gaza strip and reclamation of lost territories to form a free state. Israel has refused considering these demands for innumerable reasons. It fears that the leadership in Palestine is far from being representative of a shared consensus as it only furthers its fascist ideology. In the wake of complete autonomy being granted to such an extreme section, the incidents of terrorist activities will rise and deter any possibility of peace prevailing in the Middle East. Palestine, on the other hand, has claimed that Israeli occupation of Palestinian land is against international law and illegal. It has had detrimental effects on the economy and peace of the region that is currently vying for “statehood.” As both sides legitimize their claims, a violent war has disrupted and devastated lives of civilians in both countries. Israel continued to destroy tunnels in the Gaza strip when peace talks were on. Eventually, “peace establishment” becomes too idealistic an idea as neither side settles for a shared consensus as it only furthers its fascist ideology. In the wake of complete autonomy being granted to such an extreme section, the incidents of terrorist activities will rise and deter any possibility of peace prevailing in the Middle East. Palestine, on the other hand, has claimed that Israeli occupation of Palestinian land is against international law and illegal. It has had detrimental effects on the economy and peace of the region that is currently vying for “statehood.” As both sides legitimize their claims, a violent war has disrupted and devastated lives of civilians in both countries. Israel continued to destroy tunnels in the Gaza strip when peace talks were on. Eventually, “peace establishment” becomes too idealistic an idea as neither side settles for a shared consensus as it only furthers its fascist ideology.

News-Framing During War

According to John Galtung, “Violence is a form of avoidable behavior which hurts or harms the ‘other’ on whom it is inflicted. Direct violence can be mapped on a sentence with the subject (perpetrator), verb (action) and object (victim).” Language serves as a tool to perpetuate, aggravate or sustain an already tense situation. Discourses staged by the media are guided by latent motives to create apartheid between the self and the other and polarize the attitude held by people in favor of the “self” by dehumanizing the “other.”

Israel justifies its repetitive brutal attacks on Palestine and its illegal encroachment of their lands under the cloak of eradicating “terrorism” manifest in the form of the “Hamas.” On the other hand, the Palestinians regard “Hamas” as a part of their society and deem them to be protectors of the rights of millions of Palestinians. The term “terrorism” has several connotations and each nation uses the definition, which best meets, the requirements for justifying their acts of violence against innocent civilians. Terrorism is conventionally related to the question of legitimate political activity. The semantic war over words and definitions is part of the wider ideological battle over the legitimacy of the resort to force. Thus, referring to killing of people during an act of political violence as an execution, conveys a far different image than if it is referred to it as murder.

The repetitive attacks launched by the ‘Hamas’ even while Israel was gradually withdrawing its forces from the Palestinian cities led to fallout of peace initiatives with the ‘Hamas’ being labeled as terrorists. The killing of people in both the countries has been justified either under the garb of eradication of terrorism or protection of human rights and national territories. The coverage of terrorist activities, such as the ones carried out by Hamas, often exists in isolation of its historical and political context, which makes the acts look mindless, cruel and frantic. This builds consensus and support for extreme counter-terrorist measures, which would have been questioned otherwise.

Israel can progress better with support from its neighbors in the Middle East, and Palestine will be granted ‘statehood’ only if it resorts to peaceful ways of securing what rightfully belongs to the Palestinians.

Victimization is a theory, which dominates media discourses on war. Palestine projects itself as a victim of ‘war crimes’ committed by the Israeli Defense Forces (IDF) and yet never discusses about its own role in the escalation of the conflict. War discourse generated by the Israeli media is topped only to provide an equally extreme version of the reality. ‘Blame game’ emerges as a dominant strategy to obtain support of its own people as well as from the global community. The Palestinians who are already filled with hatred for the Israeli government due to its constant engagement in war with Israel are fed with biased pro-establishment ‘media narratives’ which demonize the ‘other’ and exalt the ‘self’ as vulnerable entities fighting for their existence. This leads to attitude polarization as their hatred for Israel is reinforced and fuelled with an extremely negative vision of the reality.

Seeking Alignment Through Legitimization of Violence as an Act of Justice

During conflict situations, media coverage is accrued by the representation of the elite political ideology to en-
Victimization is a theory, which dominates media discourses on war. Palestine projects itself as a victim of ‘war crimes’ committed by the Israel Defense Forces (IDF) and yet never discusses about its own role in the escalation of the conflict.

‘Hamas’, Khaled Mashaal, is portrayed as the one rejecting an initiative that called for ceasefire without divulging the reasons behind the alleged refusal to co-operate thus presenting only half the truth. In most of the articles such as ‘Booby trap bomb kills three paratroopers’ (July 24, 2014), ‘PM: Gaza campaign continues in full force’ (July 25, 2014) and ‘At least 15 dead in UN facility in northern Gaza’ (July 25, 2014) stress is laid only on the ‘Hamas’ who were killed by the Israeli attacks. Not even a single article mentions the civilians being killed and injured as a result of the indiscriminate efforts of the IDF to kill all the ‘Hamas’ and by doing so eradicate ‘terrorism.’ Here, the other side of the story is omitted in a bid to legitimize Israel’s actions as they are projected as being guided by the intent of winning ‘war against terrorism’ and so by virtue against Palestine. Statistical figures have often been used to claim objectivity, which further justifies the actions taken against the ‘other’. The article ‘PM: Gaza campaign continues in full force’ includes the result of a poll conducted by Channel 2 to emphasize that the offensive has brought Netanyahu massive support as 82 percent said they were satisfied with his performance during the crisis. Similarly in the article ‘Stage three looms’ (July 25, 2014), the sentence ‘a deeper presence of ground forces inside Gaza is necessary’ tries to justify the constant intrusion and penetration into the Palestine territories under the pretext that Palestine is manifest with terrorist groups which need to be killed for the safety of the citizens in both the countries.

Legitimization is claimed through the process of ‘victimization.’ When a party claims the status of a ‘victim’ it inevitably vies for legitimacy for the violent actions taken by the party in response to the enemies’ extended threats to their existence. In various articles related to ‘Operation Protective Edge’ only the positive dimensions of the operation have been highlighted. It emphasizes that its operations are crucial for ensuring that peace can be established. Various articles in The Palestine Telegraph have blatantly demonized Israel and the IDF officials, as they are held responsible for massacring many innocent Palestinians. In many articles, the headlines contain the word ‘massacre’ to emphasize that the ‘other’ is a demon and the ‘self’ is the vulnerable weak victim who has been oppressed and subjugated throughout. The photograph in the article ‘Another massacre committed by Israel in central Gaza, Khuzzaa town’ (July 24, 2014) depicts seemingly a constructed ‘brutal’ side of the Israeli soldiers who are seen aiming their guns at unarmed men.

A critical analysis of this photograph raises a very intriguing question: Who are the men being targeted at, civilians, suspects or prisoners of war? Without adequate information, the photograph portrays only one side of the reality while omitting the other part so as to legitimize the stand taken by the Palestinians against Israel. Similarly, ‘Innocent Children, Israel’s main target in Gaza’ (July 24, 2014) is a photo-story in which each picture depicts ‘wounded children’ as the main subjects. These photographs evoke such intense emotions towards the sufferings of the ‘victims’ that it blinds a reader towards many other obvious observations and facts. The photographs of the children in particular proved to be the best means to accrue the ‘victim’ status and magnify the worsened conditions to such an extent that any possibility for establishing ‘peace’ seemed unachievable.

Occasional articles contain ‘hateful statements’ from the opposite side for which neither are the official sources quoted nor are the sources identified. This reflects that the news story is not authentic and has been brought into the public domain only to incite people and cause attitude polarization. The article ‘Slaughter of the innocent’ by Jafar Ramin in The Palestine Telegraph contains extremely hateful sentences, which are projected to have been quoted by well-known political personalities in Israel from the recent past. Relevance of the context in which the statements might have been spoken is neglected as the sentences are quoted in isolation. The author writes, “Israeli military men who participated in the slaughter of the Lebanese civilians said that the attack was justified… that those killed were just ‘a bunch of Arab’ whose lives were not important.” This is a statement filled with spite for which no source has been identified. Such statements create in the minds of the media consumers an image about the Israelis as those who are out there to kill and murder the Palestinians mindlessly. It indirectly posits the ‘Arab World’ and implicitly ‘The Muslims’ against the ‘Jews’ and the ‘Christians’ to bring to the surface a war for cultural identity.
Apartheid thus created gives birth to ‘Manichean binaries,’ which serve as an ideal way to legitimize the ‘self.’9 A line that connects most of the articles in the Palestine Telegraph is related to the concept of a shared identity (Islam) as it has been positioned against the Israeli state. The article ‘Exclusive: Baroness Jenny Tonge: Sanctions must be put on Israel’ (July 24, 2014) evokes an anti-Israel ideology which might lead to a desire for revenge on either side through the process of attitude polarization. An info-graph attached with this article is extremely biased as it only reflects the losses incurred by people in Palestine in terms of people killed and wounded, properties damaged and economic losses. The title given to the info-graph ‘Info-Graph of Israeli war against Gaza civilians’ is highly manipulative as it places the unarmed, harmless civilians against the brutal Israeli forces as an image of ‘genocide’ being carried out is created. Such drastic portrayals of reality only arouse feelings of revenge and vengeance and banish all scope available for peace. The framing plays a very crucial role in attitude polarization, which can be evaluated through this article. When it discusses about ‘economic losses’ incurred by the Gaza civilians, it uses an undertone of sympathy and grief to highlight their plight. Contrarily, when the article ‘Israeli aviation and tourism losses exceed $150 millions’ (July 25, 2014) discusses about the flights cancellation from polish, Korean, French, and German airlines to Israel’s airport due to security reasons and the losses suffered subsequently by the aviation industry, it portrays the situation as a consequence of Israel’s misdemeanor and cruelty towards the Gaza civilians.

Towards an Alternative Paradigm

Stanley Cohen10 has studied the denials used by perpetrators of violence and official reactions to allegation of human rights violation. The media and government sources share a structural relation through which every action of the government is legitimized and attention is drawn towards those select details, which might favor the government’s decisions. Reality is viewed through the prism of legislative politics that place the ‘civil rights’ at stake. Contestation is an important process, which ascertains if the discourse being put in the public domain is evaluated by the media consumers rationally and unstained by the influence of the imposed ideology as they have many other perspectives to consider. It is then that the masses are capacitated to question the logic behind waging a war by their government and putting their lives at stake.

Media should provide a platform for such alternative voices to emerge and challenge the hegemonic structure of the society. Deconstruction of the set apartheid between the ‘self’ and the ‘other’ is initiated as the consumers relate to the members of the ‘other’ group who share in their experiences of insecurity, terror and loss during a conflict situation. This new group of ‘civilians’ from both the countries may then decide to protest against their respective governments to stop the war and end the conflict. Israel can progress better with support from its neighbors in the Middle East, and Palestine will be granted ‘statehood’ only if it resorts to peaceful ways of securing what rightfully belongs to the Palestinians. Both the nations may evolve into developed regions given their abundance in natural resources provided they learn to collaborate through co-operative strategies. Instead of igniting hatred through the portrayal of unbearable pain and helplessness, media should give hope to peace processes and generate knowledge systems that would cultivate minds to create a healthy world in which compassionate humanity flourishes in the spirit of equality and unity in diversity. In a world torn by violence and conflict the media should ensure that a balance between the truth and reality is achieved.

Kiran Bhatia is a Master’s student at the Faculty of Journalism and Communication Studies at the Maharaja Sayajirao University, Vadodara. Her areas of specialization are gender studies, postcolonial theory, global media and communication studies. She is working on ‘Politics of Media Narratives’ for her dissertation project.

(kirambhatia16@yahoo.in)

Endnotes


3 Galtung, Ibid.

4 P. Schlesinger, “From Production to Propaganda,” in P. Scannell, P. Schlesinger, & C. Sparks (Eds.), Culture and Power: A Media, Culture & Society Reader (Sage, 1992), 293-315.

5 P. Taylor, In G. M. Peter Golding, Communicating politics: mass communications and the political process (Leicester University Press, 1986), 211-221.

6 S. Carruthers, The Media at War (Basingstoke: Palgrave, 2000).


Violent Extremism and the Challenges of Democratic Consolidation in Nigeria

By Abosede Omowumi Babatunde

Introduction

In recent years, Nigeria has been facing various incidents of ethno-religious and communal violence with serious negative implications for national stability and its fledgling democracy. The country has witnessed numerous ethnic, religious, and communal acts of violence. The activities of an extremist group, Boko Haram alone has continued to threaten the national co-existence of ethnic groups in Nigeria. Boko Haram, otherwise known as the Jamaatu Ahli Sunna Lidawali wal jihad, is the most destructive form of radical religious extremism in Nigeria. Boko Haram gained recent notoriety because of its transition from being a local radical Salafist group, which until 2009 had a largely quietist nature, to a Salafi-jihadi group that has demonstrated the capacity to carry out major operations. These have included suicide attacks in central Nigeria, which some argue have the tendency to destabilize the country for the foreseeable future.

The violence insurgence of Boko Haram has been attributed to the environment of mass poverty, social dislocations and associated intense religiosity in Nigeria, which reflects the deep malaise and frustration with the Nigerian state. Many of the factors that have fuelled Boko Haram’s attacks are common across Nigeria. Particularly, the political manipulation of religion and ethnicity in order to gain access to public resources, as well as deep-seated economic have all combined to further, destabilized the country. Northern Nigeria, where Boko Haram emerged from, suffers from pervasive poverty and unequal distribution of public resources. A survey carried out by the Federal Ministry of Education in collaboration with the National Population Commission in 2010 attested to the high rate of poverty and illiteracy in the North in comparison to the South. The large group of poor and unemployed youths in the North became easy tools that are susceptible to be exploited and recruited into any movement that promises improved living condition provided it carries the banner of Islam.

The violent insurgency continues to escalate as a result of the inability of the security agencies to effectively tackle the security challenges. The inability of the government to adopt a nuanced approach that combines aggressive but consistent law enforcement efforts with nonviolent political options continues to undermine solution efforts. This largely accounts for the escalation of violence to kidnappings, killings, bombings, and attacks on civilian and military targets in northern Nigeria, which have resulted in thousands of deaths, injuries, and significant destruction of property. The failure of the government to effectively counter the violent extremism has serious implications for the sustainability of Nigeria’s fledgling democracy. This paper examines the effect of the violent extremism on democratic consolidation in Nigeria. Drawing of extant studies on the religious extremism, it can be argued that the violent activities of Boko Haram and the seeming incapacity of the government to tackle the challenges may jeopardize the forward trajectory of democratic consolidation in Nigeria.

Nigeria’s present fourth republic, which began in 1999, is the longest period of democratic rule experienced within the country. However, the political crises that have undermined the Nigerian democracy persisted. Before the most recent democratic transition, Nigeria had experienced three interrupted governments due to military coups. During the long years of military rule, there were hardly any ethnic-nationalist movements or radical Islamic groups to challenge the authority of the armed forces for fear of brutal repression. The transition to the fourth democratic rule which provided the citizens freedom to express their loyalties more openly, seems to have become a threat to the central control of power.

In Northeastern Nigeria, Yobe and Borno states are the epicenter of Boko Haram activities. However, the extremists have extended their activities to Bauchi, Gombe, Kaduna, Katsina, Kano, Taraba, Kogi, Adamawa, Plateau, Sokoto and Niger states as well as the Federal Capital Territory, Abuja. In June, 2013, the government declared a state of emergency in Borno, Yobe, and Adamawa that involved massive deployment of security forces in this region. The Nigerian government also proscribed the Boko Haram sect and authorized the official publication of an order declaring their activities illegal and acts of terrorism. Despite government action, Boko Haram has escalated their violence, particularly with the recent kidnapping of over 200 schoolgirls in Chibok, Borno state. Thousands of lives and properties are lost in the affected Northern part of the country leading to economic paralyses. The security challenges undermine development in the North and indeed Nigeria. As a consequence, Nigeria is now regarded as a terrorist nation and included in the list of countries to be avoided by tourists and foreign investors.

The intricate networks of politics, governance, corruption, poverty and violence coupled with the relative fragility of state institutions in Nigeria make the fight against violent religious extremism a huge task.

The Boko Haram Extremism and the Challenges of Democratic Consolidation in Nigeria

The massive electoral fraud and violence, which accompanied the elections and ushered in the democratic rule in
1999, undermined the quest for national unity and stability in Nigeria. Nigeria has been battling the challenges of electoral malpractices and violence such that the 1999, 2003, and the 2007 elections were globally adjudged by local and international observers to be marred by electoral fraud and violence. Both local and international observers to be a marked improvement to previous elections in Nigeria have adjudged the 2011 election.

After three flawed elections, the success of the 2011 polls was critical for Nigeria’s fledgling democracy and overall political health. According to the U.S. Ambassador to Nigeria, the election provided a historic opportunity for Nigeria to consolidate its democracy and further expand its voice on the world stage. Yet, after the election, in which the Northern candidate, General Buhari lost the Presidency to Goodluck Jonathan, a southerner from the Ijaw minority ethnic group in the Southern part of Nigeria, violence broke out in the Northern region. This resulted in thousands of deaths and severe property damages, making the election one of the bloodiest ever in Nigeria.

Since the present government’s rise to power, Nigeria has been facing serious security challenges. The most difficult challenge has been the rise of Boko Haram and its use of violent extremism. This situation poses risks not only to the country’s fragile democracy, but also to internal security, stability, and development. With the 2015 elections on the horizon, there is palpable fear that the Boko Haram insurgency and the associated violence can have a polarizing effect on the wider country. Indeed, the 2015 general election is very crucial for the sustainable of the Nigeria’s democratization process bearing in mind the prevailing insecurity in the polity.

The bloody assault on civilians and security agents by radical Islamic elements in the North suggests a deepening disenchantment with the state. Because the government cannot contain the monopoly of violence, security challenges continue to escalate, causing some to classify Nigeria as a failed state. Nigerians have lost confidence in their government due to its failure to provide basic needs and guarantee. This spate of suicide killings by the Boko Haram is direct attacks on the core values of democratic governance. Moreover, the accusation of human rights abuse leveled by the local people and international organizations against the security forces deployed to contain the violence is a violation of the rule of law and democratic tenets. The activities of the violent extremism have further widened the fault lines that have existed since independence. Some analyst have projected that Nigeria will break up in 2015, given the present turbulent period of Boko Haram insurgency in the North, deepening ethnic mistrust, widespread poverty, and vestiges of political bitterness.

It has been argued that if the Boko Haram sect succeeded in their quest to impose strict Sharia law in the country, then Nigeria could become another Somalia where the Al-Shabab jihadists control a large portion of the country. The spate of bombings targeting churches has been perceived as an attempt to provoke violent reactions that may spiral into an all-out war that may dismember the country. This has become a possibility as the government has failed to halt the insurgents from causing instability in the country. There are genuine fears that the bombings may spread all over the country. If the government could not demonstrate the capacity to arrest the terrorism in the North, it may find it difficult to stop violent reprisal across the country.

Indeed, the prediction by the US National Intelligence Council and other think tanks that Nigeria may break up in the nearest future is a metaphor of the tragedy of a country living on a borrowed time. Given the inability of the government to effectively manage the insurgency, there is little doubt that the security challenges constitute a dire threat to democratic consolidation such that Nigeria’s serious internal instability may be fatally aggravated.

Conclusion

Nigeria’s democratization process, which recorded a major improvement arising from the widely lauded 2011 election, is threatened. The government institutions are collapsing as democracy in Nigeria has only ushered in election, not responsibility and accountability. Therefore, given the weakening of the institution of government and the state lost of the monopoly of legitimate violence, there is dire need for long term engagement and sustained efforts while maintaining respect for human rights and the rule of law for Nigeria to succeed in countering Boko Haram extremism and the attendant threat to the fledging democratic process.

The government’s focus on the use of the military, while applying less of dialogue in solving the Boko Haram insurgency might be flawed. The use of military measures involving the militarization of the affected northern states will not halt the terrorist threat as the present situation indicated. The insecurity continues to spiral without showing any sign of abating because of the government inability to tackle the violent extremism. Moreover, the accusation of human rights abuse leveled by the local people against the security forces deployed to contain the Boko Haram violence is a violation of the rule of law and democratic tenets. The security agencies
should be checked to prevent further human rights abuses and those found culpable should be sanctioned.

The government needs to summon the political will towards greater engagement with communities that are vulnerable to extremist violence. It is crucial to strengthen civil institutions and rule of law while addressing the underlying political and socioeconomic problems that fuel terrorism and violent extremism in the North and Nigeria as a whole. Economic reforms should be introduced to reduce poverty and create jobs for restless young school-leavers and graduates who are readily mobilized as agents of political violence and electoral malfeasance.

The issue of corruption has been widely identified as the bane of development in Nigeria. Government needs to be accountable and curb the rampant mismanagement of the oil wealth. Corruption, sectionalism, and bigotry are identified as the bane of national unity in Nigeria. Therefore, building strong institutions is the only viable way to fight against corruption; and the political class must not interfere with the functions of such anti-graft institutions.

Despite the progress made in the 2011 elections, government needs to prepare ahead of the 2015 elections by instituting a combination of electoral, constitutional and economic reforms in order to make the 2015 polls truly free and fair and to ensure they are not tainted by blood. Indeed, crucial reforms should be done with a more holistic, less piecemeal approach, with the full involvement of the Nigerian people, who have been at the receiving end of the security challenges.

Dr. Abosede Omowumi Babatunde lectures at the Centre for Peace and Strategic Studies, University of Ilorin, Nigeria. She is a member of the Society for Peace Studies and Practice, Nigeria and the International Peace Research Association (IPRA). She is a recipient of the African Humanities Postdoctoral Fellow (2010), American Council of Learned Societies as well as Peace Fellow and Visiting Scholar at the Consortium of Peace Studies (2013), University of Calgary, Alberta. (base_babatunde@yahoo.co.uk)

ENDNOTES


Georgetown University | The Center for Democracy and Civil Society
The Afro-Colombian Question

By Liz Rebecca Alarcon

Colombia is a country rich in culture, history and natural resources. After the World Cup this summer, we were reminded that it has come a long way from the days where it only made headlines for being one of the most violent countries in the world. Now, people recognize Colombia for its soccer Gods; the country of the past is a distant memory. But, still, there is much to discover. Most people are unaware of the diversity of the Colombian populace and that Colombia has the largest Afro-descendant population in Latin America after Brazil.

Official figures dating to 2005 estimate that around 10 percent of the country's total population is Afro-Colombian. But being black is still heavily stigmatized in Colombia and a significant proportion of the population cannot be traced using official data given the mixed ethnic backgrounds. This stigma associated with being of African descent is said to have caused mixed-race individuals to identify away from their Afro roots, leading unofficial figures to estimate that the Afro-Colombian community may actually be as high as 30-40 percent of the total population. The stigma is most obvious when one observes the upper echelons of power in Colombia. There are currently no black ministers in President Juan Manuel Santos's cabinet, nor are there any black generals in the armed forces.

From the beginning of the 19th century the Colombian government actively pursued a policy of ‘blanqueamiento,’ or ‘whitening’ of society. This was based both on a white supremacist ideology that believed that to whiten the race was to improve the race and, on a xenophobic policy that feared the eventual political empowerment and influence of black and indigenous peoples if their numbers were allowed to increase. The idea of mestizaje or the unified mestizo Colombian nation, which never experienced social tensions based on race or ethnicity, evolved as an outcome of such policies.

The 1990s saw a resurgence of black political consciousness, which in turn sparked internal debates among Afro-Colombians and intellectuals on what it meant to be black in the predominantly mestizo nation in which they had been traditionally marginalized and discriminated against. Such debates led to the birth of movements, which aspired toward black political, economic and social empowerment.

During the 2004 visit of the United Nations Special Rapporteur on Racism, Racial Discrimination and Xenophobia, ethnic minority communities expressed the persistence of an ethnocentric culture that places an emphasis on a Hispanic heritage while ignoring the cultural contributions made by the indigenous, Afro-Colombian and Gypsy communities to the present constitutionally declared multicultural nation.

**Constitutional Reform**

The new constitution that names Colombia a multi-ethnic and multi-cultural country was drafted in 1991 marking the first major change to the country's Magna Carta since 1886. This marked an important moment in history for Afro-descendants, as this was the first time that this ethnic group was officially recognized in the country's most important document. Decades of activism seemed to be paying off.

Along with the new inclusion of minority groups, the constitution included a new law, Law 70, which designated a quota system giving two seats to Afro-Colombian representatives in the House and also gave them the right to claim ancestral lands along the Pacific coast. The law also established government programs to improve education access and protect cultural identity.

This new law did not come without backlash. There were no Afro-Colombian representatives between 1998 and 2002. This is because in 1996, a private citizen sued the Colombian government, challenging the constitutionality of Law 70. He won the case and the Constitutional Court eliminated the seats during the 1998–2002 session. The seats were reinstated in 2001 through Law 649, which amended Article 176 of the Constitution to explicitly create two seats in the Chamber of Deputies for Afro-Colombians.

The backlash to the law is representative of the challenges Afro-Colombians have faced in order to begin to make permanent gains in the Colombian political system. Whether using the official or the speculated figures, the fact is that Afro-descendants have not been proportionally represented. Congress, comprised of 102 seats in the Senate and 166 seats in the House of Representatives, has allotted only two of those seats for Afro-Colombians.

Not only have their political rights been minimal, but also more importantly, the Afro-Colombian community continues to suffer disproportionately from issues such as poverty, violence and poor social services. At the local level, most municipalities today do not have adequate resources to provide even the most basic public services to Afro-Colombian communities. Structural and institutional racism has resulted in a lack of state presence, infrastructure development, and significant investment in predominately Afro-Colombian regions. Even the Department of Ethnic Affairs, which has a section dedicated to the needs of Afro-Colombians, remains severely deficient.

Precisely so, the territories where Afro-Colombians live, mainly the Pacific and Caribbean coasts, are at the nexus of drug trafficking and the internal armed conflict between the state, paramilitaries and the rebel group Revolutionary Armed Forces (FARC) that has ravaged the country for over 50 years. It is not a coincidence that these communities are located in areas rich in resources and well-known for
their biodiversity, fertility and in the case of the Caribbean, great mineral wealth.

Despite the strong presence of the Afro-Colombian community in these regions, there has not been meaningful progress in terms of political rights, economic development and security concerns. To date, Afro-Colombians are among the highest numbers when calculating those that have been internally displaced by the conflict. According to the Information System for Displacement (SISDES) of the Human Rights and Displacement Consultancy (CODHES), 33 percent of displaced people in Colombia are Afro-Colombians.\textsuperscript{14}

Perhaps the best example of the lack of political clout that the Afro-Colombians have gained is the quality of life in the major port areas of their territory. The most important

\begin{center}
\textbf{When a particular group is not accurately represented then laws and initiatives to improve that given community are not written and voted upon.}
\end{center}

\begin{center}
\begin{figure}[h]
\end{figure}
\end{center}

port on Colombia’s Pacific coast, the port of Buenaventura, just experienced a prolonged power outage this summer due to a dynamite attack on several electric towers caused by the FARC. Incidences like this one are commonplace.\textsuperscript{15}

The lack of resources allocated to Afro communities, even in regions where the population is particularly prominent, is in part due to the lack of people in power that can vie for their interests.

Thus, the two-seat minimum in Congress that the government has allotted the Afro-Colombian community is not enough. Firstly, having just two reserved seats in the house does not cover the actual proportion of the Afro-Colombian population. This initiative has thus undermined its own stated goals, limiting participation of Afro persons to the limited spaces guaranteed them by law and not allowing those that may want to run the ability to easily move into the political arena apart from the two designated spots. It sends the message that since they have two spots already; no other representatives need or deserve to be elected. Secondly, the reserved seat policy has not helped the communities integrate into the national party structures they have been traditionally excluded from. Because the seats are set aside and not included as part of the total seats in both the House and Senate, the candidates can run on their own. They are not required to forge alliances or coalitions either with larger institutionalized parties to gain legitimacy, or with smaller minority parties to gain representation. This then hampers their overall integration into the national political system.

Thirdly, by establishing designated seats, those aspiring for political office and the organizations that support them are facing dangerous levels of electoral competition. Having only two seats for a population that can range anywhere from five to twenty-five million people is a disservice. It assumes that the entire ethnic group is homogenous and that two seats are enough to convey their diverse opinions, needs and realities.

Thus, in the case of Colombia, the institutionalization of the two seats in the house has not only failed to improve the tensions and divisions they already face from the rest of the population, but it has in many ways increased the divisions among them. Afro-related movements and parties suffer from political fragmentation making it difficult not only to establish a common political agenda to make sure their two seats are the most representative they can be, but also, small Afro-Colombian parties tend to have a limited political voice.

\begin{center}
\textbf{Solutions}
\end{center}

When a particular group is not accurately represented then laws and initiatives to improve that given community are not written and voted upon. Between 2002 and 2010, only two bills proposed by Afro-Colombian representatives directly affecting the Afro-Colombian community were approved. Within this period, Afro-Colombian legislators proposed twenty-five such bills.\textsuperscript{16}

In the case of Colombia, democratic institutions and practices have actually hindered the ascension of Afro-Colombians. Law 70 as it stands has contributed to further institutionalizing segregation, tensions and divisions between Afro-Colombians and the rest of the country.

The challenge is then to devise a system that effectively promotes Afro participation throughout the country in an institutionalized manner.

A feasible scenario would be to increase the quota. Lawmakers should look to adopting a system similar to the quota law that exists for women and their political representation in other countries in Latin America. The key is to make sure that Afro-Colombians have a place on the voting ballot as part of the general candidates list, not just a list of candidates for their allotted two seats. That way they would become more integrated into national party channels. Under this proposal, the idea is also for the quota to be tied to the larger Afro-Colombian population and to be proportional in order to avoid them having simply two ‘assigned seats’ that are neither territorially nor representatively proportionate.

Another important step forward is for political parties to devise a plan where each of the parties, by obligation, would have a certain percentage of Afro representatives. This would give a more institutionalized option that ensures political participation of Afro-Colombians is present at the national, regional and local lists.

The Colombian state has assuredly come a long way in terms of acknowledging and including the Afro-Colombian population in the decision making process. This has especially improved since the adoption of the new constitution in
What is certain, though, is that for the country's Afro-
population to no longer be marginalized, a more concerted 
effort from the government must be adopted. Measures 
that ensure they are proportionally represented at the local, 
municipal and national levels are a good start.

Liz Rebecca Alarcon is an M.A. Candidate in Latin American 
Studies at Georgetown University's School of Foreign Service. Her 
interests include Journalism, Venezuelan politics, Democratization, 
US Foreign Policy particularly with Latin America, Human Rights, 
Education, Globalization and Biculturalism in the United States.

Endnotes

1 “The Afro Colombian Community,” World Directory of Minority 
   and Indigenous Peoples http://www.minorityrights.org/5373/colombia/
   afrocolombians.html,
2 Ibid.
3 Ibid.
4 Ibid.
5 Ibid.
6 Ibid.
7 Ibid.
8 Jake Rollow, “Colombia’s Conflict Lessons,” World Policy Institute http://
   www.worldpolicy.org/journal/fall2014/colombia-conflict
9 Political Representation an Social Inclusion, Colombia Case Study, 
   Americas Society, pg. 8 http://www.as-coa.org/sites/default/files/
   ColombiaFINAL.pdf
10 Ibid.
11 Ibid.
12 Cristal Downing, “Armed Conflict and Ethnic Diversity: Colombia,” 
   Center for Latin American and Caribbean Studies, New York University, 
   2010.
13 Ibid.
14 Ibid.
15 R. Vega Cantor, “Colombia: entre la democracia y el imperio : 
   aproximaciones históricas a la turbulenta vida nacional del siglo XX,” 
16 Ibid.
in the world. Efficient reforms require effective strategies to subsidize both technical capacity and political will. Such efforts, spearheaded by the United Nations Security Council, encourage the international community and the United Nations member states in particular, to enhance domestic reforms, assist in building the capacity needed for national justice institutions, and provide consultations on national justice reforms in order to fill the rule of law void in many post-conflict societies. The United Nation’s approach to justice sector reform suggests the need for comprehensive efforts in order to ensure the implementation of effective transitional justice mechanisms in nations dealing with their violent pasts. The UN’s role must focus on the necessary assistance to building domestic justice capacity without replacing the national structure and taking the lead to accomplish its objectives.

Since the 1980s, transitional justice strategies were developed in a number of countries. In each case, measures such as criminal justice, truth seeking, reparations, and liberalization, have evolved to be an essential component of peace-building efforts in post-conflict contexts. The current Libyan case is a vivid example of democratic destabilization. A hasty and uncharted democratization process has led the country into a political, economic, and social crisis. Instead of establishing mechanisms to address past atrocities, the transitional authority has focused more on the political structure and top-down policy adopting exclusionary measures such as the Political Isolation Law.

Adopting such judicial solutions, as a mainstream strategy of transitional justice may indirectly lead to instability as well. Individuals accused of past abuses or their political loyalists seek to shun trials and subsequently may stage unrest or a coup against the new order. New governance structures are often too vulnerable and incapacitated to manage such turmoil. Nevertheless, even if the unrest has yet to occur in post-conflict states, the pursuit of legal accountability of past violations may work counterproductively to the reconciliation process and deepen the divide in societies.

Transitional justice mechanisms are deemed to be imperative to the process of re-establishing the rule of law and institutional reform strategies in a post-conflict environment. Sriram (2007) views that all post conflict parties will see such endeavors as a necessary part of stabilizing societies, but the parties will also attempt to reform old institutions in order to ensure future power arrangements to serve their own interests. Therefore, all parties will strive to have some level of control over these arrangements and ensure that they will be able to participate in key institutions. Beyond garnering political power through elections, parties might even try to use violent means, as in the case in Libya. In the aftermath of conflict, the level of trust amongst parties is often enormously low. This is evident in Libya, where each party greatly mistrusts the other and attempts to acquire power through violent and coercive means, often by discrediting and isolating the other. Such violent and isolating measures are illustrated in the adoption of the Political Isolation Law by the political Islamist parties against the moderate/secular parties and the more recent instigations of violent conflicts that led to a greater destabilization and insecurity in Libya.

The Political Isolation Law adopted by the Islamist party that came into power shortly after the Qaddafi’s fall and composed the majority of the General National Congress (GNC) paralleled the Denazification set of transitional justice measures implemented by the allied powers after the World War II in Germany. The Denazification set the precedent for the political exclusion of government personnel without judicial procedures. Influenced by Denazification and other similar mechanisms, the former Libyan Congress adopted the Political Isolation Law to eliminate the Qaddafi regime’s personnel from the public office of the new Libya, a process that much like in Germany backfired and caused even further political conflict to occur.

This paper will analyze the Political Isolation Law in Libya and its effects on the transitional justice process in post-Qaddafi era and it highlights the influence of the Denazification framework that was implemented in the process of rebuilding Germany after the death of Hitler and a similar process being implemented in Libya after the death of Qaddafi. I argue that the exclusionary policy of the broad Political Isolation Law in Libya is not the best solution to eliminate the actors of the former regime from playing any role in the current political and public arenas. Instead, I suggest a careful vetting process should be implemented if Libya is truly to transition to a democratic state.

Denazification Law

In 1945 the Denazification Law was adopted by the American Military Government in Germany as one of the crucial responsibilities and jointly accepted by both the United States and quadripartite occupation policy statement. The United States supposed predominant responsibility for promoting and leading the German Denazification program, first through the creation of a comprehensive Denazification mechanism in the American occupied zone, and later by prompting the other occupying powers — UK, France, and USSR — to adopt most of this mechanism. The Control Council in Berlin approved the proposed mechanisms and outlined its implementation in the Potsdam Agreement. The American Military Government desired to ensure a full implementation of Denazification in the four occupied zones.

Based on The Potsdam Agreement, the Occupational Forces shall arrest Nazi leaders, high officials, and supporters of Nazi organizations as they were deemed to be hazardous to the Denazification process. This liquidation of Nazism was already stipulated in the Military Government Law No.5 in the U.S Zone. Accordingly, the Nazi Party organization was swiftly dissolved without indications of its revival in a large-scale organization. Denazification also revoked the
Nazi legislations that established discrimination on bases of race, belief and political opinion.\(^7\)

Although the general framework and ideology of the Denazification process was shared among the Allied powers, each of the four countries approached its implementation differently. The U.S and Britain perceived it as a mere method to achieve justice, whereas Russia and France saw it as a political solution to end the German aggression. This confused the judicial procedures and trials based on political aim.\(^8\) This law also required the arrest and internment of the Nazi supporters and sympathizers based on political accountability not criminal accountability. This type accountability made the judiciary decide based on what the occupying powers deemed politically dangerous, not based on what the judiciary believed was criminal acts.

Although the concept of a Denazification process seemed necessary in order to contain the movement's ideological threat, the complexities associated with the Denazification mechanism demonstrated the deficiency in the Allies experimenting with transitional justice.\(^9\) Herz sees that Denazification has not been successful because of the theoretical extremity of the process itself. There are a number of claims that this lustration mechanism has jeopardized the healing of Germany.\(^10\) Herz suggested that the comprehensive purge of the administration and other fields was over-mechanical; meaning persons who had played an important role under the Nazis could escape the purge because of the deficient framework of the law. On the other hand, there were large numbers of merely nominal Nazis who, because they happened to have occupied a certain rank or position, would be deprived of jobs and livelihood.\(^11\) Furthermore, due to the large influx of people placed on trials and proceedings in local communities, Nazis and their sympathizers often saw the trials as intimidation techniques imposed by the victorious powers. This made them less cooperative with the process of prosecuting war criminals and implementing justice in the society.\(^12\)

As a consequence of the Denazification program, large numbers of well-trained people were excluded from the public service and replaced with inefficient ones. It was almost impossible for a person to be a civil servant in Germany without being, in one way or another, affiliated to Nazism at the time. Consequently, a colossal problem arose after hundreds of thousands of administrative professionals were ousted, which resulted in creating a significant gap in the public offices in Germany. Denazification was extremely complicated and the mass political purge created further resentment among Germans.\(^13\)

**Political Isolation Law in Libya**

On May 5th 2013, under the threat of some Islamist militia groups, the interim General National Congress (GNC) adopted a similar mechanism and passed the Political Isolation Law No 13 (PIL). Resembling the Denazification Law, the PIL excludes a wide range of key members and state officials who were under the Qaddafi regime from participating and serving in the political and public offices. For example, the first article of the law states:

"The standard requirements for holding any public positions, refers to the restrictions that must be applied in the cases of those assuming any of the public positions stipulated in these legislations from the Sept 1st 1969 to the Liberation date of Oct 23rd, 2011, such as:

"Anyone served as an ambassador, secretary at any Public Office, held the position of a permanent representative of Libya at any International or Regional organization of any types, held the position of charge de affairs or consul. Anyone who held the position of a chancellor or deputy chancellor at a University or was a chairman of a People's Committee of a university or served as the general registrar of a university.

Anyone who served as the head of the interior and exterior security agencies, military intelligence, security brigades, or served as the head of department of any of these institutions, or served as the head of any of the quarter security offices or the head of any political office at one of the military or security institutes.

Heads of student unions in and outside the country affiliated with the General Union of Libyan Students."\(^14\)

Such arbitrary law, of course, is a huge obstacle towards an effective and smooth transitional justice and national reconciliation in the country. This law establishes the notion of selective justice that endeavors to achieve the objectives of a specific group of the Libyan society, and thus it serves the agenda of, at that time, the predominant party in the GNC, which is the Political Islam Party. Indiscriminate and broad ousting of a wide range of the state autocrats without following inept and precise vetting criteria will surely create a massive vacuum in the public institutions and undoubtedly allow for criminal oriented groups to penetrate into the public system.

Further, not everyone who served in the Qaddafi governments throughout forty-two years was a perpetrator/ abuser and thus deserves retribution. The law's numerous opponents see that the law will not only put the former regime's institutions in jeopardy but also cause their destruction. Libyans, currently more than ever before, are in need to maintain what is left of the institutions in order to facilitate the development and transition process. The most evident example is the interim government's massive struggle to build a national army and police for the sake of stability in the country. Due to the exclusion of the former security forces, the intelligence community and army personnel who were well trained and experienced, the Libyan authorities have over the course of the last three years failed to substitute those former personnel with the new ones who lack even the basic required skills and experiences to ensure security in Libya.

Political Isolation Law in Libya is furthermore in direct violation of the International law, namely the International
Covenant on Civil and Political Rights (ICCPR) in which Libya is a state party. As such, the ICCPR requires that Libya allow all Libyan citizens to equally participate in the political and civil life in Libya without distinction or unreasonable restrictions based on political affiliations. In addition, the African Charter on Human and People’s Rights (ACHPR), which Libya ratified, emphasizes the same rights. Lastly, the Political Isolation Law lacks any guarantees for people who are subject to exclusion of minimum due process, such as the right to be heard during the hearing and the right to legal counsel.

**Concluding Thoughts**

Denazification process succeeded in demonizing the Nazi era ideologies and it forced the country to face its dark past, but it did little to truly implement justice for all layers of German society. Its principal mechanisms have created a platform for other countries to implement similar ones, such as Libya. The Libyan Political Isolation Law has left the country without thousands bureaucrats and government officials that resulted in creating complete state failure and power vacuum that we witness today.

To avoid further dangerous pitfalls in Libya, current government authorities, instead of adopting a broad exclusionary law, ought to implement an efficiently planned vetting process to administratively cast out a certain category of people who deemed to be involved in past corruption, of course after the legal cross-examinations if applicable. It is also imperative to legally deal with past perpetrators and prevent them from further serving in official positions of the new administration in order to avoid the decline of people’s trust in the new system.

The notion of absolute political isolation or exclusion, modeled after the Denazification process, will never bring justice to the society and it will stand against all transitional justice aspects and healing of Libya, primarily because it was established on unfounded and unjustified collective elimination. From all of the above, it is concluded that selective and political accountability is not always as effective and efficient, and it may destabilize societies rather than build peace. Hence, implementing similar mechanisms in Libya has really undermined the rebuilding process of the state institutions and capacity, and it led the country towards further instability and insecurity. The legal paradigms illustrated in this paper suggest the ineffectiveness of both Denazification and Political Isolation Law in establishing justice, reconciliation and democratic governance in post-conflict societies. Instead, those working on designing legal frameworks around the issues of transitional justice should engage in a careful vetting and other democratic mechanisms that are indiscriminate and more just for everyone in the society.

**Endnotes**


14 *Law no 13 of 2013 on Political and Administrative Isolation (Libya).*


KAMAL SHOWAIA received a Law degree (LL.B) from Al-Mergeb University in 2002 and Masters Degree in International Affairs at the Florida State University under the Monsignor William Kerr Fellowship in 2013. Mr. Showaia worked as a lawyer at several Law Firms in Tripoli, Libya. From 2005-2010 he worked as a prosecutor at the military general attorney office during which time he taught Military Criminal Procedure, Military Penal and Narcotics Laws at the Military Administration School of Libya. Prior to his arrival to the U.S, International Committee of the Red Cross (ICRC) trained him in the International Humanitarian Law. In 2010 Mr. Showaia was selected to participate in a two-year Diplomatic Training Program at the Intercultural Management Institute in the American University in Washington, DC.
Call for Papers: *Democracy & Society* • Volume 12, Issue 2

The Democracy and Governance Program at Georgetown University is seeking well-written, interesting submissions of 1,500 – 2,000 words for their Spring-Summer 2015 publication, *Democracy & Society*. The submissions can be new publications, summaries, excerpts of recently completed research book reviews, and works in progress. Submissions for this issue will be due by April 1, 2015. Please email all submissions along with a brief author’s bio to democracyandsociety@gmail.com.

** Democracy, International Actors, and Foreign Aid  

Since the third wave of democratization, Western donors have been following a strategy of democracy promotion to non-democratic countries that involve giving assistance to both governmental and non-governmental actors including parliaments, judicial institutions, political parties, civil society, electoral management bodies, and election observation missions. With recent backlashes in the Middle East, Africa, and Eastern Europe in mind, what do we know about the relationship between foreign aid and democracy?

We are seeking articles that address the following issues and questions:

**The Historical Development of Aid Politics and Aid Governance:** What are the origins of Western aid programs and how have they changed to remain effective and relevant in changing international contexts? How has the current aid paradigm differed from those in the past? What forecasts can we make for future adjustments to aid policy? In reaction to changes in the international political context, how have democratization efforts modified their efforts in order to maintain relevance in the short-term? Have these fixes produced favorable results for countries? Have past development paradigms produced problems for policy implementation in the present?

**The Efficacy of Foreign Aid:** How has foreign aid affected democratization efforts in non-democracies? What are the political implications of such efforts and how have they affected international relations between states? What results has foreign aid had on establishing and fortifying democratic institutions and governmental efficacy? What are some of the positive and negative impacts of funding political parties and civil society organizations abroad? What cases can we study that demonstrate successes and failures of democracy promotion? Which agencies/organizations have been innovating democracy promotion to draw more favorable results?

**Changes and Challenges for Democracy Promotion:** Not only has democracy become widely accepted as a universal norm, but also the international community is now more readily inclined to accept the legitimacy of intervention in the event of gross violations of human rights even when this transgresses state sovereignty. Likewise, recent years have seen the emergence of new actors in the democracy promotion field. It now extends well beyond the U.S. For example, the European Union has emerged as a key player, spurred by the need to consolidate democracy in its post-communist eastern periphery, especially as these states became candidates for EU accession. What is the role of the new actors? Will organizational diversity complicate democratization? What restrictions are placed on funds directed at democratic, political, and social organizations? Have these restrictions yielded positive or negative results in securing a more democratic environment for developing governments? Should there be restrictions placed on certain practices that do not currently exist? Who or what should dictate these restrictions?

**Prospects For A More Inclusive Paradigm:** Should democracy promotion be more inclusive? How can democracy promotion incorporate the perspectives of the local populations it affects? Given that governmental efforts typically work through institutional channels, does this limit the influence civilians and non-elites can have within their political systems?

Variations on these themes will be accepted. Research on democracy assistance programs is encouraged. Questions and comments are welcome.

Please visit, democracyandsociety.com for more information about Democracy & Society and http://government.georgetown.edu/cdacs for more information about the M.A. in Democracy and Governance and the Center for Democracy and Civil Society.

The Master of Arts in Democracy and Governance offers rigorous preparation for individuals interested in professional or scholarly careers in the field of democracy assistance and governance reform.

Georgetown’s M.A. Program in Democracy & Governance is the most comprehensive degree of its kind in the United States.

- **Focused and Relevant Training**
  - The program prepares students to understand the complexities of democratization and achieving accountable government.

- **Institutional Expertise and Reputation**
  - Georgetown University is recognized around the world as a leader in educating and training students in research, public service, and the non-profit sector.

- **Opportunities for Practical Experience**
  - Washington, D.C. is an ideal location to study how the theories of political change translate into the policies crucial to realizing it. Students gain first-hand experience through relevant internships, lectures, and conferences with leading policymakers and scholars in the field, and close interaction with a wide range of individuals working at the forefront of democracy assistance and political reform.
Program Highlights

✥ On September 22, 2014 Democracy and Governance program welcomed Prof. Haykel Ben Mahfoudh (University of Carthage) for a talk on the security and governance challenges in advance of Tunisia’s critical legislative elections in October 2014. Prof. Ben Mahfoudh addressed the difficulties finding balance between democratization and a conducive environment for free and fair elections.

✥ On October 20, 2014 CDACS and the MA Program in Democracy and Governance hosted its "Democracy and Governance Annual Career Panel." Guests this year included former US Ambassador Amb. Donald J. Planty (Planty & Associates), Democracy International’s co-founder and principal Eric Bjornlund, PwC’s Corporate Intelligence and Anti-Corruption department’s associate and financial crime specialist Andrea Murta (DG 13’), and Kroll’s risk analyst Eli Lovely (DG 13’). Panelists discussed the evolution of the fields of democracy, governance, and development, and how they structured their own studies and professional careers.

✥ The M.A. program in Democracy and Governance welcomed new visiting researcher, Peyman Majidzadeh. Peyman is a doctoral candidate in Politics, Human Rights, and Sustainability at Scuola Superiore Sant'Anna in Pisa, Italy. Originally from Iran, Peyman conducts research on humanitarian law, political economy, and the effectiveness of sanction programs in Iran.

✥ The Democracy and Governance Program has launched a new web site – The Popular Consultation in East Timor Information Center. This site offers a unique archive of reports, information, photographs, and interviews concerning the conduct of the August 30, 1999 balloting which led to the establishment of a new nation – Timor-Leste. There is no other such single source for the Timorese people or the research community on the conduct of the balloting. It can be found at the following link (http://easttimor.georgetown.edu/).

✥ The Government Department and the Democracy and Governance Program have established a new partnership with the Organization of American States (OAS). As part of this partnership the OAS will sponsor up to five Government Department student internships a year (including a summer term). For more information about the OAS Internship Program, please visit their website (http://www.oas.org/internships).

✥ Starting from spring 2015 semester, the Democracy and Governance program offers a series of one-credit skill courses that are open across the MA programs. These courses emphasize aspects of professional development such as grant writing, organization building, leadership, data presentation, and citizen engagement (http://government.georgetown.edu/skillcourses). They are taught by prominent people in the development, philanthropy, and non-profit fields.

✥ As part of the new partnership with USAID this coming spring semester DG program is offering a USAID research group (GOVT 548 w/ Jeff Fischer) that will count as a three-credit course (for more on the USAID partnership see here: (http://government.georgetown.edu/USAID).

Faculty Awards and Publications

✥ Prof. Daniel Brumberg published a piece for CNN - “U.S. Hard-Liners Missing Point on Iran” (October 2014).

✥ Prof. Daniel Brumberg published two pieces for Foreign Policy - “From Détente to Meltdown” (March 2014) and “A Moderate Proposal” (January 2014).

Student and Alumni News

✥ In 2014, Danielle Pearl, D&G alumni of 2010, traveled to Morocco, Nepal and Tajikistan as an independent consultant for the Independent Evaluation of the World Bank Governance Partnership Facility, a multi-donor trust fund designed to promote increased focus on governance issues, approaches and impacts in the Bank’s lending work. In mid-December, she joined the USAID Bureau for Policy Planning and Learning as the Local Solutions Monitoring and Evaluation Coordinator.

✥ Katie LaRoque, D&G class of 2015, went to Ukraine to observe the October 26 parliamentary elections as a member of the International Republican Institute’s election observation mission.
Democracy & Society

Associate Director
Yonatan Morse

Steering Committee
Jeffrey Anderson
Harley Balzer
Daniel Brumberg
Patrick Deneen
Roy Godson
Virginia Hodgkinson
Marc Morjé Howard
Carol Lancaster
Joshua Mitchell
Mark Rom
George E. Shambaugh
Clyde Wilcox

Staff
Justin Harried
Program Coordinator

Javier Pena
Webmaster

Journal Editors
Ugur Altundal
Samuel Maynard

Directors of Democracy and Governance Program
Daniel Brumberg
Eusebio Mujal-Leon