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Review

Keys to sustainable and enduring societal peace in intractable conflicts: A theoretical and empirical justification in apartheid South African peace process

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The perpetual search for solutions to societal conflicts, particularly those tagged intractable, that is, irresolvable, took a dramatic turn when South Africa, one of such age-long conflicts, bowed to mediation after about 48 years of fierce existence. Until now, no rigorously deep insight that is capable of accurately and adequately accounting for the dialectics of history that brought apartheid to such an abrupt end. South Africa became a new model of a democratic society in a transition that did not involve an external third-party and bloodshed. A rigorous study of the South African conflict, using critical discourse analysis and navigating through the political theory of nation-building, reveals that a set of theoretical paradoxes may have underlain the peace process as teased out in this paper.

Key words: Apartheid, de-escalation, intractable conflict, transition, sustainability, deconstruction, societal peace.

INTRODUCTION

This article addresses the transition from Apartheid in South Africa and the puzzle of how it occurred relatively peacefully, given the intractable or seemingly insurmountable nature of the situation. The research is primarily pitched against finding lasting solutions to intractable conflicts, or better still, new approaches for de-escalating prolonged intractable societal conflicts such as the one in South Africa between 1947 and 1995 under the apartheid regime. In this case, about 48 years of deadlock was broken through some theoretically rigorous contraption that structurally brought an end to apartheid. Seeking to understand the how and rudiments involved in unpacking this so-called "miracle" cannot be overemphasized. There are no doubts that there were sufficient international pressures that did not mince words

at emphasizing that apartheid was a philosophy that had gone out of fashion (Oguntuwase, 2018:245), yet there was no direct external participation in the mediation process. They were wholly home grown. Besides, politically speaking, apartheid may have ended substantially, but the gullies created by its erosion do not seem to have been filled with the passage of time, which again reaffirms the need for this research.

This research is further necessitated by the apparent failure of traditional methods of third-party mediation, which is why conflicts become prolonged, causing incalculable damage to society. Similarly, a number of mixed-method, quantitative and qualitative approaches have been employed by researchers in the analysis of this problem, and yet the solutions to intractable conflicts

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INTRACTABLE CONFLICTS These maelstroms of grievance and mistrust can go on and on. Below is a sample of those that have emerged since the Second World War.
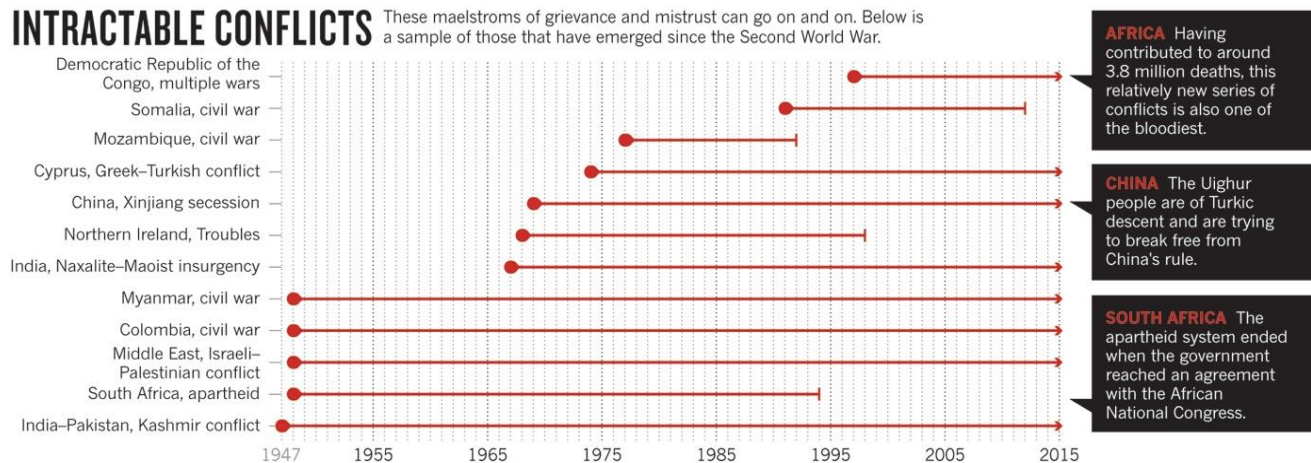
Figure 1. Intractable conflicts.
Source. http://www.nature.com/news/conflict-resolution-wars-without-end-1.17070.

still seem far away (Bercovitch and Derouen, 2004). Furthermore, scholars believe that this monumental failure could not be unconnected to using the wrong approaches, thereby giving credence to the argument that Internationalized ethnic conflicts are generally acknowledged as the most difficult and complex conflicts to manage. Yet, these conflicts too can be de-escalated, or be made less violent; especially if the right form of conflict management is chosen (Bercovitch, 2003:1). This paper seeks to do just that as it is concerned with identifying the different conflict management models employed by South Africa through the rigorous analysis of the underlying theoretical foundations of conventional approaches. By so doing, conflict resolution strategies have "moved beyond traditional diplomacy with top-level leaders and short-term objectives to holistic and integrated approaches emphasizing multiple levels of actors, long-term objectives, and the healing of relationships and people through an integrated framework for sustained peace-building and reconciliation" as emphasized by scholars such as Lederach (1997) and Wall et al. (2001). They similarly argue that in recent years, researchers investigating conflict resolution processes have developed various problem-solving workshops, as a result of the belief that conventional methods of third-party intervention in international disputes were not very successful. Hence, they maintained that in order to make progress, there is a need to move from "pre theories" to "theories of conflict and its resolution" (Oguntuwase, 2018: 5), which is precisely the goal of this paper and that partly explains why a different theoretical, philosophical approach, using CDA was adopted in this research.

Furthermore, despite the end of the Cold War, approximately 900 million people (one-sixth of the world's population, as of 2001) belong to disadvantaged communal groups that are in or on the verge of conflict

(Coleman, 2003; Oguntuwase, 2018:3). Similarly, Isseroff (2003) argues that seemingly intractable conflicts end up with series of resolutions and failed accords, as evidenced in the Israeli-Palestinian conflict that often dated back to 1948 and even beyond. Isseroff maintains that despite the UN resolution 242 of 1967 and 338 of 1973, among others, today, the conflict is far from being over. Bremer (1992), Goertz and Diehl (1992) Other scholars equally argue that 'intractable conflicts account for about 45% of all militarized disputes between 1816-1986 and half the wars since 1816 occurred between enduring rivals (Bercovitch and Regan, 1999). Seeking new ways of de-escalating them becomes imperative. This includes understanding the new approach that broke the South African deadlock after 48 years which is why it was worth researching.

Similarly, this work is essential because the South African Conflict was regarded as one of the worst conflicts in human history and often predicted to end up in a civil war of unprecedented magnitude (Tutu, 2004). However, contrary to these popular predictions, South Africa ended in an amicable settlement that did not involve a third-party mediator through negotiations and the institution of the Truth and Reconciliation Commission. The underlying elements for such success were worth investigating. More so, the South African situation is not a familiar feat. A quick comparative look at a cross-section of intractable conflicts represented in Dan Jones' diagram (Figure 1) further creates a compelling reason for this investigation, especially as South Africa is the only country on the list that has achieved this level of peaceful de-escalation as well as societal peace and stability.

In this diagram, Jones (2015) reveals that a large number of conflicts regarded as intractable are on-going conflicts that do not seem to have an end in sight. Although there are other conflicts equally considered

intractable, yet they seem to have terminal dates. In other words, some degree of respite or de-escalation has been achieved. According to Dan Jones, intractable conflicts by definition are the conflicts that are resistant to all the mainstream techniques of dispute resolution, says Robert Ricigliano, a mediation expert at the University of Wisconsin Milwaukee. Typically, they are plagued by a history of "fixes that fail," he says peace agreements that collapse within days or weeks. "We mediate agreements, change leaders, arbitrate boundaries," he says. "But those things don't necessarily get at the underlying dynamics fuelling conflict." He and a growing chorus of other conflict researchers have therefore been pushing for a fresh approach, one that views intractable conflicts as dynamic, complex systems similar to cells, ant colonies or cities, and analyses them…" (Jones, 2015:1). This need for a fresh approach seems to have worked in South Africa, which ultimately necessitated this research.

In a more detailed analysis, Bercovitch maintains that "when we use the term "intractable" to describe conflicts, we have in mind long-standing conflicts such as the one in Northern Ireland, the conflict between Israel and its neighbours (including the Palestinians), or the conflict between India and Pakistan...There are many intractable conflicts in international relations. Some take place within states (and often spill over to the external environment), some take place between states. Either way, there is no doubt that they are amongst the most dangerous conflicts in the world today. They threaten not only their immediate environment but entire regions and large parts of the world too. These conflicts have dominated the international arena and have spawned much of the violence and terrorism that we witness today. Clearly, we have to understand these conflicts, and more importantly, learn how best to manage them, before they cause further damage to a fragile international system" (Bercovitch, 2003:1).

The phenomenon of intractable conflict becomes quite apparent in the work of Dan Jones, who affirmed that South Africa (SA) falls accurately into this bracket of intractable conflicts. On this diagram, a total of 12 intractable conflicts were listed, out of which only four seem to have terminal ends while the rest were on going. Incidentally, South Africa, which provides the empirical evidence for this research, happened to be among the four intractable conflicts with terminal dates.

The indisputable fact is that South Africa has achieved a greater level of tractability than all the others in the bracket. This paper aims to identify why and how only an infinitesimal number of intractable conflicts ever achieves this. Besides, scholars have argued that such intractable conflicts are considered the deadliest on the globe. They not only cause humanitarian crises worldwide, but they are also essentially the sources of terrorism that are currently threatening man's existence on the planet today. This is especially so with the emergence of chemical weapons of mass destruction, which would be calamitous if it finds its way into the hands of terrors such as ISIS, Al-Qaida, or Boko Haram, to mention just a few.

Hence, this work seeks to examine not just what South Africa has been doing wrongly in the previous 48years but what it did rightly and differently this time around. Our concern is understanding the fundamental elements involved in the successful de-escalation of the South African conflict (Oguntuwase 2018:71) to ascertain precisely, how from a conceptual/theoretical perspective, the process played itself out to such an extent that the predictions that South Africa was inevitably going to end up with a civil war of unprecedented magnitude did not happen.

It is interesting to note that SA is one nation whose age-long intractable conflicts seem to have succumbed to some degree of respite and tractability. Hence, knowing what catalytic elements in the mediation processes and the socio-political peculiarities within the society instrumental to the South African success story becomes imperative. Harness the elements together in creating a new model for the de-escalation of other intractable conflicts on the globe largely necessitated this research.

It is important to note that despite the worldwide condemnation of apartheid, there seem to be no visible signals that the 48 years old conflict was likely to come to an abrupt end. Instead, scholars predicted that it would probably end up in a civil war of unprecedented magnitude (TRCR, 1998, vol.1, p., 16). This prediction was why Desmond Tutu says, "Had the miracle of the negotiated settlement not occurred, we would have been overwhelmed by the bloodbath that virtually everyone predicted as the inevitable ending for South Africa "(TRCR, 1998, vol.1, p.16; Oguntuwase 2018:82). The success of the conflict de-escalation processes in SA was considered a miracle mainly because it defies popular prediction. However, SA resolved its intractable conflict amicably without a third-party mediator. (Adrian Guelke, 2005:188), by so doing, proved bookmakers wrong when in 1994/95, the Pretoria regime entered into a series of home-grown intellectually rigorous negotiations and consultations hinged on explicit and implicit theoretically contradictory narratives that were inconsistently consistent in an Agamben/Derridean fashion. The Agamben/Derridean philosophy usually presents propositions that appear paradoxical or out rightly contradictory at first glance and until it is further subjected to rigorous analysis before it is understood differently. At face value, not much could be seen literarily outside the narration and cosmetic reconciliation at the sittings of the TRC; nevertheless, the facts remain that all the principles guiding the conduct of the entire process from conception to implementation were founded on carefully fabricated and exegetically contrived narratives that were theoretically rigorous, some of which this paper will make explicit.

It involved an intellectually complex but rigorous, sophisticated deconstruction of absolutist ideas,

subsumed in rigorous interpretation and application, within political theory's purview. Within this, South Africa gave the world a new unique model and recipe of societal peace and nation-building that is admirably intellectually sophisticated upon analysis.

The rest of this paper deals with the mechanics of how the theory was synchronized and translated into practice to achieve complementary contradictions that manifest in seven fundamental forms that produced a new democratic South Africa with little or no hostilities at all. This paper delves into the unique 360° turnaround of the South African Apartheid society. While it was a society where all the indices show that it was heading towards an abyss of phenomenal magnitude, it suddenly emerged from the throes of anarchy with compromising resolve on both ends of the struggle for power and dominance into a commodious and harmonious relationship. Cooperation and partnership supplanted racism and the odious institutionalized inequality. Furthermore, this paper demonstrates what South Africa did differently to achieve this revolutionary change in history, which it did not do in the preceding 48 years that the conflict subsisted. South Africa is one of the few nations that, despite being listed among the worst countries riddled with conflicts and schisms that the world has known; it came up with a masterpiece recipe that brought the 48-year-old feud to an abrupt end. The modus operandi involved here is significant. Especially if there are lessons, principles, and ideas to be learned that may be useful in de-escalating other similar conflicts globally, particularly for nations yet to get such respites.

POLITICAL/HISTORICAL BACKGROUND

Historically, South Africa is a multi-ethnic society comprising about 53 million people with various cultures, languages, and religions (Oguntuwase, 2018:8). It is this pluralism that made the country's constitution to recognize eleven official languages. Eighty percent of this multi-ethnic society is black. The remaining 20% spreads among whites, Asians, and other fair-skinned people of other ethnic backgrounds, usually referred to as "coloured" (Giliomee and Mbenga, 2007; Oguntuwase, 2018:8). The country runs a parliamentary system of government that recognises nine provinces. Even though it is one of the few countries in Africa that has never had a military *coup d' état,* it remained largely undemocratic for nearly half a century. The society was ruled mainly by the white minority ethnic group known as the "Boers." Mixed-race elections were taboo in South Africa until 1994. Racism dominated and dictated the socio-political and economic life of the people. The constant racial, social, and political strife between the white minority (rulers) and the black majority (ruled) was the central contradiction that activated forces of antagonism. A new

development of the South African conflict was instituted in 1948 when the white minority ruling National Party instituted apartheid, which officially legalised racial segregation and discrimination. The term 'apartheid' is often used to designate practices of governance and control originating 300 years ago and referring, more usually, to the laws and policies inaugurated by the National Party from 1948. As similarly argued by Norval (1996: 1) and Oguntuwase (2018:8), the effect of this dual usage is primarily to make the history of apartheid 'coincide' with that of South Africa. The point being made here is that the National Party was not the progenitor of apartheid. It actually transcends it. Hence the monster called apartheid was not created by the National Party; they only found it fashionable for adoption because it will facilitate its objective.

Apartheid succeeded in producing anti-apartheid activism as personified by the black majority party, the African National Congress (ANC), led by Dr. Nelson Mandela. This activism sent Mandela and the ANC leaders into incarceration, while most anti-apartheid voices brought unprecedented pressure on the apartheid regime from all around the world. In turn, the mechanism of apartheid began to unravel when discriminatory laws were repealed or abolished in 1990. The continuous and constant clashes between these two oppositions led gradually to the collapse of apartheid in 1994 (Oguntuwase, 2018:9) and ushered in a new constitution and the first democratic election in South Africa, in which Dr. Nelson Mandela was released from jail after 27 years of incarceration to become the first black majority president of democratic South Africa (Oguntuwase, 2018:9). Under the new arrangement, it became necessary for South Africa to deal with its "dark history" to establish a future of peace and stability. To achieve this, South Africa was confronted with two choices: criminal tribunals or a truth commission. They chose the latter for expedient reasons (Oguntuwase, 2018:9), bothering the skewness of the balance of power, which seemed to be pointing away from "retributive/punitive justice "to the direction of "restorative/non-punitive justice. Hence, Criminal Tribunals operate on the principles of retributive/punitive justice. This is the basis of the contemporary criminal justice system operated all over the world. It is founded on the principle of "retaliation," which is synonymous with the balance scale and sword narrative. It operates strictly based on legality. It was the choice used to try the German Generals after World War II.

On the other hand, Truth Commission operates on the principles of restorative/non-punitive justice. It is founded on the basis of restoring the dignity of persons that was lost. Rather than legality, it is based on morality. Moreover, that is why it is incompatible with retaliatory principles in favour of compromise. It appeals more to conscience than fear and pain, as it is with retributive justice.

Seven principles of operationalisation

In order to understand these principles, it is imperative to be mindful that there were three main stakeholders whose interests determined the emerging narratives upon which the peace process and nation-building mechanism were hinged during the peace process in SA. They are are first, the architects of the South African peace process (ASAPP) comprises mainly of both leaders of the National Party and that of the African National Congress. These two were, for almost half a century, protagonists and antagonists in the South African stage. However, both parties have now resolved at changing the statuesque in response to world pressure from within and without, in recognition that apartheid was a philosophy that had not only gone out of fashion but embarrassingly obsolete in the face of 20th-century democratic values (Oguntuwase, 2018:245). Secondly, the black South Africans (BSA) was mainly at the receiving end of the atrocities of apartheid and has suffered significant harm and untold dehumanisation and human rights violation under the bosom of apartheid. Thirdly, the white South Africans (WSA) who held the economic power and were in the ruling class and held the society down in dominance by the brute force of arms, terror, and propaganda.

Peace and reconciliation

These were the first elements that these stakeholders needed to achieve. The ASAPP desired a kind of peace that was full-fledged, all-encompassing, sustainable, and enduring, which will transcend all the past divisions. It was nothing short of what may be literarily classified as absolute peace. To arrive at this, proper and genuine reconciliation that satisfies the oppressed and victimized inner yearnings was necessary and a primary condition as far as the BSAs was concerned. Anything short of this was unacceptable, even if it would be at the expense of peace. For the WSAs, Peace was sufficient even if reconciliation in the real sense of it was unachievable (Oguntuwase, 2018:83). Hence, the ASAPP evoked and adopted the economic concept of "Opportunity Cost" to sacrifice Reconciliation for Peace mainly because it seems peace eluded SA for 48 years mainly because its focus was on a "perfect" kind of peace that evolved from reconciliation. Unfortunately, this kind of peace proved unattainable. The consequence was that the society remained stagnant as it insisted on this impossibility. Interestingly, there was a shift in 1994 with the emergence of the new order, hinged on "Peace without Reconciliation" for the expedient reason that peace may forever elude SA if this sacrifice was not made. The evidence of this was all over the SA TRC report from which we shall quote copiously in the latter part of this paper to justify this principle among others.

Truth and justice

This principle emerged from the fact that most BSAs who suffered untold dehumanisation wanted to know the Truth behind the falsehood that had characterised the apartheid regime. People wanted to have closures to their loved ones that have disappeared mysteriously with denials from the government about their whereabouts. Not only were BSAs clamouring for truth, correspondingly, they were also clamouring for justice. They wanted every human-right abuser to face the full weight of the law. On the other hand, WSA, who perpetrated these heinous crimes, were unwilling to divulge the Truth as long as they were made to face the music. To resolve this impasse, the ASAPP decided that justice has to be sacrificed if the Truth will have to be known. This was why in setting up the SA TRC, all truths, no matter how ugly, so revealed, enjoy the ouster clause in which such perpetrator cannot be prosecuted for it. Hence, it does appear that for close to half a century, BSAs had been clamouring for both Truth and Justice, which explains why both had hitherto eluded SA for so long. Under the new dispensation, backed by rigorous theoretical analysis, justice was disguisedly excluded to allow for Truth to thrive.

Confession and remorse

This particular principle closely follows that of truth because what was being confessed is the Truth. Interestingly, unlike Truth which is the substance, content, or subject matter, in this case, the concern is on the manner in which the confession was delivered. The BSAs were interested in not just the confession of the hidden truths about the atrocities of apartheid by the WSA perpetrators. They were equally interested in the manner in which such truths were delivered. To the BSAs, the manner of delivery would show how genuinely repentant, sorry, and regretful the WSA perpetrators were. It is this that will, in the long run, determine the extent to which the BSAs are willing to either insist or let go of justice or "bury the hatchet." However, some of the WSAs believed that they were fighting a just cause (Oguntuwase, 2018:146), especially against the evil forces of communism. Hence most confessions substantially lack all the elements of true repentance. It was nothing short of fulfilling all righteousness, to just meet the requirement of amnesty. This was largely unacceptable to BSAs who desired both confession and remorse, and this was not forthcoming. For the BSAs, only those who deserve to be acquitted should be discharged. Simultaneously, the WSAs perpetrators desired to be discharged even if they did not deserve to be acquitted. Again, it is reasonable to infer that the age-long irresolvable South African apartheid conflict may not have been unconnected with this mutually exclusive narrative. In the new dispensation,

acting within the purview of the theoretical analysis of Agamben, the ASAPP decided to exclude remorse as confession was considered sufficient; otherwise, the entire peace process stands threatened. This is consistent with Agamben, who would often exclude that element in the couplet that threatens the main objective in his Homo Sacer.

Amnesty and forgiveness

Closely associated with the above is the element of amnesty and forgiveness. The BSAs believe that only those WSA perpetrators who truly deserve forgiveness should get amnesty. Forgiveness is at the individual victims' level, while amnesty is at the state level. In other words, to BSAs, if any perpetrator does not deserve first to be forgiven by the direct victims themselves, such individuals do not deserve state pardon, which is "Amnesty," and to do so will technically promote impunity. Again, it may not be illogical to conclude that previous insistence by BSAs on smooth perfection as it relates to the fact that amnesty must necessarily flow from forgiveness may have made peace to elude SA for over 48 years. Hence the ASAPP, operating within the rigorous theoretical analysis of Agamben, excluded forgiveness where such inclusion might be counterproductive in the overall agenda for peace and nation-building. To that extent, amnesty was possible even if their direct victims did not forgive such perpetrators.

Unification and harmony

The BSAs were interested not just in the cosmetic corporate existence of South Africa (Oguntuwae, 2018:80) as one indivisible political entity or nation. They were equally interested in a perfect arrangement where the internal contradictions of injustice are amicably resolved in the drive towards peaceful coexistence and harmonious living within the polity. Unfortunately, the WSAs were not as deeply entrenched as any such arrangement might tamper with the social, political, and economic advantage it enjoyed. To them, a political arrangement that guarantees minimum peace and stability was sufficient. Hence the ASAPP saw how unrealistic the perfection sought by the BSAs is in the face of practical reality, which may have robbed the society of peace for so long and, as such, theoretically eliminated harmony in the overall interest of unification or the corporate existence of South Africa as one indivisible country (Oguntuwae, 2018:80).

Tolerance and friendship

This principle has a close affinity with unification and harmony. The BSA desired a nation characterised by not just tolerance, which is artificial and elastic, but also friendship, which goes farther in promoting peace and stability. Since this kind of arrangement must necessarily be founded on social justice, which may tamper with the already lopsided economic hold favouring whites at the expense of the blacks, the WSAs were satisfied with just tolerance. ASAPP consistently and judiciously eliminated friendship for tolerance. The unrealistic objective of friendship over tolerance may have kept the nation bound for such a long time, which is consistent with Agamben.

Healing and forgetting

The BSAs who were mainly at the receiving end of apartheid after knowing the Truth needed to heal in order to eschew from all forms of bitterness that could be detrimental to the peace and stability of SA and its corporate existence thereafter. To achieve this, they needed to forget all the tales of woes and harrowing experiences that befell them during the apartheid years, especially as further revealed during the hearings of the TRC. Unfortunately, forgetting was out of the equation as this was practically and realistically unachievable. This is because the relics and aftermath of the evils of apartheid were still evident around them as accurate painful reminders. Hence the ASAPP had to eliminate forgetting so that healing can take place. It was a process of deconstruction in which healing can fester despite not forgetting. The remembrance will be for immortalisation of some sort rather than of bitterness.

Intractable conflicts: the South African experience

For almost half a decade, South African upheaval was classified as one of the world's worst intractable conflicts (Jones, 2015:148-149). Intractable conflicts (ITC) are those conflicts that have remained with the world for so long, having failed to succumb to mainstream conflict mediation approaches, particularly that of third-party diplomacy. In simple terms, it refers to unresolvable conflicts. A conflict that has stubbornly refused to bow down to intervention efforts for almost half a century would expectedly qualify to be in this classification which is why it is not surprising to find South Africa on Jones's list. There is no universally accepted definition of intractable conflicts amongst scholars because they come in different shades and forms with various traits. Nonetheless, different scholars define it as it does appear to them, but not without the common denominator of age-long resistance to resolution or mediation, which had remained continuously and consistently. Perhaps a few of such conceptions would elucidate, more precisely, what intractable conflict entails.

Bercovitch, a world-renowned conflict scholar, argues that intractable conflicts are among the world's most

dangerous conflicts today. The reason for this, according to him, is because they threaten not only their immediate environment (Oguntuwase, 2018:3) but also the entire globe and have been responsible for much of the violence and terrorism that we witness today. Hence the need to understand these conflicts and learn how best to manage them before they degenerate (Bercovitch, 2003:1; Oguntuwase, 2018:3) SA seems to have transcended this level with the capitulation of apartheid in 1994/95. This paper aims to understand the nitty-gritty of how this was achieved after 48 years of trying all sorts of mix-grill and failing.

Another scholar whose voice was equally loud on this subject matter is Colman, who argues that "Conflicts that endure despite repeated good faith attempts to resolve them are considered intractable. Such conflicts can exist at the family, organisational, community, and international levels and present conflict resolution practitioners with extraordinarily difficult challenges. Over time, they can become highly complex, mercurial, and malignant, and render standard methods of conflict resolution such as negotiation and mediation less effective" (Colman, 2006:1).

There is, therefore, no doubt that all the indices above featured prominently in the South African situation. Hence, in this work, the author identifies the complexity of societal development and current world order as a critical catalyst in evolving a practical approach to cope with modern conflicts. These were why he advocated for a new method as South Africa did by reiterating that, "Our world is becoming increasingly complex. Due in large part to physical, biological, and human cultural evolution, we are confronted with progressively more complex ecological, political, economic, and social problems. These problems place extreme demands on our capacity to comprehend and react adaptively. Thus, our work for peace and constructive conflict resolution in this emerging world will require new methods" (Coleman, 2006: 346).

Hence, defusing such a conflict is tantamount to eliminating the perceived incompatibility and creating conditions that foster common goals and values (Vallacher et al., 2011). The South African situation was a reverse, in which perceived incompatibilities were not eliminated yet, creating conditions that foster common goals and values. It is a weird situation of contradiction or paradox that could only be understood in the light of the theoretical framework upon which the work is based, and it is that which makes it a significant contribution to the body of knowledge.

These scholars' argument is key to the resolution adopted by South Africa; a significant element involved here is "compromise." According to them, a conflict that has become intractable should be especially easy to resolve through such interventions. After all, a conflict with no end in sight serves the interests of very few people, drains both parties' resources, wastes energy,

and diminishes human capital in service of a futile endeavor. Even a compromise solution that only partially addresses the salient needs and interests of the parties should be embraced when they realise that such a compromise represents a far better deal than pursuing a self-defeating pattern of behavior that offers them nothing but aversive outcomes with a highly uncertain prospect of goal attainment (Coleman et al., 2010: 262).

At this point, it may suffice to mention that this phenomenon of compromise and partial fulfilment necessitated deconstruction of all absolutist ideas that may feature in all facets of the intervention and resolution processes in Apartheid South Africa. The narratives and paradoxes that emerged in de-escalating the South African conflict reflect the impotence of absolutist ideas and principles consistently for 48 years. Rigorous theoretical analysis necessitated a step-down of the ideal through the negation of perfection and the adoption of a midway, moderate philosophy, and an ideology of moderatism that is neither of the two extremes but a combination of both that produced the respite that came to SA. Hence, absolutist ideas were deconstructed to achieve societal peace and transformation in SA. These ideas were not superimposed but delicately handled in line with the underlying theoretical narratives beneath the objectives.

Other more significant contributions came from conflict scholars who similarly gave a profound statistical overview of how enormous and challenging the problem of intractable conflicts can be, which lends credence to why the South African situation was significant. They extensively argued that 'as the world enters the 21st century, protracted social conflicts represent pressing issues undermining societies' security and wellbeing worldwide. According to them, today, there are over 30 wars and violent conflicts being waged around the globe; approximately 40% of intrastate armed conflicts have lasted for 10 years or more, and 25% of wars have lasted for more than 25 years (http://globalsecurity.org/military/world/war; Marshall and Gurr, 2005). Arguing further within the same geometry of analysis, they maintained that Israel's enduring conflicts–Palestine, Kashmir, Cyprus, Sudan, and the Democratic Republic of Congo are just a few examples. Hence, a study of international conflicts between 1945 and 1995 identified 18 cases of intractable interstate relationships that produced 75 militarized and violent conflicts that resisted hundreds of attempts at resolution and posed severe threats to regional or international security (Bercovitch, 2005; Vallacher et al., 2010: 263).

The consequences of all these are that 'entire generations of youths are socialized into conflict, a condition we know to entrench destructive conflict. These circumstances often lead to incalculable human suffering, including destruction of vital infrastructure, division of families and communities, and extreme violence, dislocation, and trauma to individuals (Cairns and Darby,

1998; Coleman, 2000). It is just impossible for the world to be satisfied with such a debacle. It is interesting to note that scholars have linked the events of September 11, 2001, to the sociopolitical conditions that fester in hot zones of intractable conflict (Crocker et al., 2005).

Indeed, enduring conflicts have been linked to one-half of the interstate wars since 1816, with 10 out of 12 of the most severe international wars emerging from protracted destructive relations (Bennett, 1996). The seeming immunity to resolution has led many scholars to label such conflicts intractable (cf. Coleman, 2003). The need to be on top of this necessitated this research.

Research design and data collection

The data sources, information gathering methods, and analysis used in this research are reliable, effective, and relevant. It is "Critical Discourse Analysis" (CDA), which falls within the qualitative research method's purview. The bulk of literature accessed includes written and electronic materials, including online video clips, media prints, journals, books, and other forms of documentation covering the entire peace process in the RSA. However, of all these, the particular document analysed and subjected to CDA was the South African Truth and Reconciliation Commission report, which came in seven massive volumes, and this was done well over two years of rigorous study. This document's choice for analysis was based on being the most profound and most detailed of all the documentations because it covers the entire peace process and is available in the public domain.

These materials were accessed, and assessed, examined, and subjected to CDA within a theoretical purview. Carla's Willig's analysis of CDA seems to provide sufficient justification for the TRC report's choice for analysis. According to Willig, CDA involves a situation where "a researcher generally selects a wide range of possible data sources including transcripts of recorded interviews, movie scripts, advertisements, or a company's internal documents" Willig (2008:1). Arguing further, Carla maintains that "Discourse analysts usually select texts that are as complete as possible – an interview transcript may be written up including all of the pauses, errors, and corrections." Willig (2008:1). Hence, discourse analysis, according to Carla Willig, is based on the understanding that there is much more going on when people communicate than simply the transfer of information. It is not an effort to capture literal meanings; rather, it investigates what language does or what individuals or cultures accomplish through language. This area of study raises questions such as how meaning is constructed, and power functions in society (Willig 2008:1). In other words, according to Oguntuwase (2018:56), it goes beyond descriptive analysis to evaluation and extrapolation of unapparent facts that are underlying the phenomenon of investigation and interpretation which is a departure from the traditional descriptive approach to conflict resolution. The central tenets of CDA include:

1. That CDA addresses social problems;
2. Power relations are discursive;
3. Discourse constitutes society and culture;
4. Discourse does ideological work;
5. Discourse is historical;
6. The link between text and society is mediated;
7. Discourse analysis is interpretative and explanatory;
8. Discourse is a form of social action (Fairclough and Wodak, 1997: 271-80; Oguntuwase, 2018:56).

In the process of analysis, it was discovered that some dominant themes and sub-themes were crisscrossing all over the volumes of the TRC report that created some interplay between the peace processes. During the analysis of the available data, some narratives that are consistently inconsistent in some systematic way were unravelled. Oguntuwase (2018:77) argues that 'The emerging rhetoric shifted at various stages of the narratives as they reveal themselves in paradoxes of contradictions and complements. First, the zeal to bring about peace and stability on the part of the members of the TRC tend to produce a sort of binary fusion of complements, but that soon changed with the reality of pain and trauma of years of violations of human rights to the binary fusion of opposites. It became apparent that a better understanding of the dynamics at play could only be revealed within Agamben's philosophy of Homo Sacer, which seems to be an extension of Derridean supplementary logic' (Oguntuwase, 2018:77). This is the basis of the next level of rigorous analysis against which the derived frameworks were examined.

THEORETICAL FRAMEWORK

Oguntuwase (2018:10) argues that this article adopts Agamben's transitional ideas about the entire life and death of the Homo Sacer and its bare life as its theoretical framework. This paper attempts to give a clear and well-structured explication of Agamben's discussion of exclusive inclusion in his seminar work, Homo Sacer: Sovereign Power and Bare Life and a clear articulation of how the arguments deployed by Agamben can, in principle, be extended to an analysis of concepts extended beyond the figure of Homo Sacer to an analysis of a series of concepts derived from the South African Truth and Reconciliation Commission, via Critical Discourse Analysis (CDA) (Oguntuwase, 2018:10).

The Homo Sacer: Sovereign Power and Bare Life (1995, 1998), is a 127 pages book divided into three parts. The first part dealt with what he calls the logic of Sovereignty, the second part dealt with the Homo Sacer, and the third part dealt with what he calls the camp as a biopolitical paradigm of the modern. Our interest is in the

second part, which runs between pages 47 and 73. Here Agamben discusses the entire life of the Homo Sacer, taking note of the significant landmarks and characteristics of the Homo sacer viz-a-viz his sojourn from society to exile (Oguntuwase, 2018:10).

Oguntuwase (2018:10) further maintains that Agamben's Homo Sacer is a transitional philosophy that starts with one element or entity composed of two distinct opposing units. One of the two units must necessarily be removed in the transformation process because it was inimical to the entire entity's success. However, after it was removed or dropped, the remaining unit, which is no longer complete, still had relics of elements removed or dropped. This is what is excluded yet inclusive but in some limited forms. The other features and characteristics of this entity have paradoxical and seemingly contradictory postures until viewed critically. In this paper, we found that ideas at the base of the collapse of apartheid share similar features with Homo Sacer (Oguntuwase, 2018:10). It is such a perfect fit that one could almost accurately argue that it would not be surprising if it is discovered that the South African peace process architects essentially had Agamben in mind, among other theorists, while drawing up the peace plan. It seems indisputable that this particular peace process must have been founded on a rigorous theoretical foundation that made the difference between a series of failed mediation/resolution in the past and success after almost half a century. Identifying what specific theory or combination of theories involved remains the snag.

In his book, Homo Sacer: Sovereign Power and Bare Life (1995,1998), Agamben presented an archaic image of the Roman law in which, as a consequence of a serious crime, an individual citizen is stripped of his citizenship and exiled. The Sovereign action turns the individual from being a free citizen in the Polis to a Homo Sacer in exile. When he was a citizen, the individual human being has two elements whose separability is subject to philosophical debate. However, theoretically, Agamben tries to separate them. These two elements are nature and nurture or what Agamben calls zoe and bios or the animalistic/biological nature of a man and his social/political nature. One was acquired at birth due to being born just like any other animal, while the other was acquired due to training, political participation, and societal orientation (Oguntuwase, 2018:11).

Nevertheless, for Agamben, when a citizen commits a severe crime, the Sovereign protection he enjoys as a full citizen is withdrawn and sent to exile. Oguntuwase (2018:11) further argues that this ban removes his social nature through exclusion, leaving just the natural, animalistic nature. This is quite a worthless kind of life, which accounts for why the Homo Sacer amounts to nothing and cannot be sacrificed to any deity, or else the shrine will be profaned. Hence, the social cannot be removed entirely from the natural in a strict sense, having merged at birth. There will always be relics of the "social"

left in the animal as the pure animal is now unachievable (Oguntuwase, 2018:11).

Interestingly, Oguntuwase (2018:11) argues that it is this defective animal-dominant nature that Agamben calls "sacred." His sacredness lies within two contradictions. One of such contradictions is that he has lost the state's protection and, by so doing, is exposed to the danger of sudden death by an attacker who is rightly permitted to do so. On the other hand, his sacredness entails its worthlessness and, as such unfit for ritualistic sacrifice (Oguntuwase, 2018:11).

Nevertheless, the complete and, so to say, "perfect" nature of the citizen under the Sovereign was incapable of societal peace. What could guarantee peace interestingly is this state of imperfection called "sacred?" We found equivalent ideas that brought about societal peace in Apartheid South Africa in this relationship between the "perfect" idea and the "imperfect" one (Oguntuwase, 2018:11).

Although we know that there may be no perfect ideas in the real sense of the word, it only exists in relative terms. Within Agamben's philosophy, the so-called "perfect" gave way to the "imperfect," and it should be further reemphasised here that it was this "imperfection" called "sacred Idea" that was instrumental to the smooth transition in Apartheid South Africa. The Homo Sacer or Sacred man is the impurity left after the "complete" and pure citizen has been excluded (Oguntuwase, 2018:11).

Agamben developed new interpretations of traditional concepts whose modern meaning was not initially obscure or ambiguous. For instance, the term "sacred man" or "homo Sacer" is used by Agamben to denote that which anyone can kill without committing homicide but cannot be sacrificed in a religious ceremony (Oguntuwase 2018:11).

This and many more seemingly contradictory or opposing terms that often appear in couplets help unfold the ideas espoused in this paper's next stage. Nevertheless, there are salient facts that seem consistent throughout the interpretations of this research. It is the fact that it reinforces the existence of simplified complications in Agamben's ideas. The ideas appear in couplets of contradictions. They seem, at first glance, contradictory until subjected to further critical analysis (Oguntuwase, 2018:12).

Hence, to achieve clarity and authenticity, Oguntuwase (2018:13) maintains that we must lay out a full explication or description of Agamben's overall project in HOMO SACER: Sovereign Power and Bare Life, "what is Homo Sacer." Michael Peter (2014) attempted a panoramic and chronological study of Agamben's Homo Sacer project, drawing the following conclusions. He maintains that 'The structure of Agamben's Homo Sacer project began in 1995/98 and ran through a series of other works, apart from The Homo Sacer: Sovereign Power and Bare Life (1998,1995). The others include State of Exception (2003); The Kingdom and the Glory: For a Theological

Genealogy of Economy and Government (2007); The Sacrament of Language: An Archaeology of the Oath (2008); Opus Dei. Archeologia dell'ufficio (2013/2012); Remnants of Auschwitz: The Witness and the Archive (2002); The Highest Poverty (2013, 2011) (Peters, 2014:329). Nevertheless, for this research, our scope will be mainly limited to the first one, which, at any rate, is directly relevant to this research (Oguntuwase 2018:13). Oguntuwase (2018:13) further argues that in the Homo Sacer (1998), Agamben first examines the logic in the idea of Sovereignty and that of Homo Sacer and famously maintained that the concentration camps are bio political paradigms of the modern states, which he nevertheless got round to analyse. He identifies this as a kind of missing link that could only be filled by turning to Hannah Arendt's studies of totalitarian regimes as a form of total domination but quickly maintained that neither of them showed any link with either the camps or its relationship with bare-life. It is for this reason that Michael Peter (2014:330) rightly argues that Agamben traces bare life as the new political subject as implicit in the 1679 writ of habeas corpus and highlights the new centrality of the 'body' in the politico-juridical model: in Descartes and Newton, and in Hobbs' Leviathan but also in the 'thanatopolitics' and eugenics of the Nazis death camp that places it outside 'the normal juridical order' (p. 97) and linked to the concept of state of exception. He concludes with three theses: the original political relation is the ban (the state of exception as zone of indistinction between outside and inside, exclusion and inclusion); the fundamental activity of sovereign power is the production of bare life as originary political element and as threshold of articulation between nature and culture, zoe and bios.; today it is not the city but rather the camp that is the fundamental biopolitical paradigm of the west (p. 102). (Peter, 2014:330).

Hence, the principles and narratives that translate into peace in Apartheid South Africa resonate within the first two above. In his analysis, Oguntuwase (2018:13) affirms that the precise analysis for the first item above is that the original political relation is the ban (the state of exception as a zone of indistinction between outside and inside, exclusion and inclusion). Hence, Agamben focused on an obscure figure of archaic Roman law, as briefly mentioned above, in which, as a consequence of some "juridical" decisions, a citizen is put under a ban and, as such, exiled from the society. This development transformed the citizen from being a citizen to what he calls the Homo Sacer. While within the society, he is a citizen and following the ban that expunged him from society and now exists outside the society as Homo Sacer. Our interest is in the consequences of this individual's travails and his relationship with the state or power that banished him. Agamben used some terms in explicating this transition. Some of these terms include the state of exception, the zone of in distinction between outside and inside, exclusion and inclusion from being a free citizen

in the Polis to being bare life in exile (Oguntuwase, 2018:14).

According to Oguntuwase (2018:14), what we have found out in this research is that there seems to be a kind of parallel between the ideas underlying the transition of apartheid to democratisation in South Africa and what transpired in the life of the Homo Sacer during his transition from being a free citizen in the Polis to being a bonded person in exile. This parallel is seen in the logic of ideas at the base of the South African apartheid conflict resolution in the course of its transition from a deeply divided conflict-ridden society to a peaceful and stable one. Our goal in this paper is to identify these parallels (Oguntuwase, 2018:14).

What is Homo Sacer?

In an elaborate exposition, Oguntuwase (2018:16) maintains that Giorgio Agamben(1995:47-48), in this original text, Homo Sacer (1995:47-48) gave a vivid and extensive account of the contradictions in the term "Homo Sacer" as well as a graphic description of the paradoxical complications and complexities involved in the phenomenon. This detail is so important to warrant an extensive quote as part of the foundational text to prepare the ground for a clear analysis of this complex philosophy. According to him, "Pompeius Festus, in his treatise On the Significance of Words, under the heading sacer mons preserved the memory of a figure of archaic Roman law in which the character of sacredness is tied for the first time to a human life as such. After defining the Sacred Mount that the plebeians consecrated to Jove at the time of their secession, Festus adds, the sacred man is the one whom the people have judged on account of a crime. It is not permitted to sacrifice this man, yet he who kills him will not be condemned for homicide; in the first tribunian law, in fact, it is noted that "if someone kills the one who is sacred according to the plebiscite, it will not be considered homicide." This is why it is customary for a bad or impure man to be called sacred. The meaning of this enigmatic figure has been much discussed, and some have wanted to see in it "the oldest punishment of Roman criminal law" (Bennett, "Sacer esto", p. 5). Yet every interpretation of homo sacer is complicated by virtue of having to concentrate on traits that seem, at first glance, to be contradictory. In an essay of 1930, H. Bennett already observes that Festus's definition "seems to deny the very thing implicit in the term" (ibid., p. 7), since while it confirms the sacredness of a person, it authorises (or, more precisely, renders unpunishable) his killing (whatever etymology one accepts for the term parricidium, it originally indicated the killing of a free man). The contradiction is even more pronounced when one considers that the person whom anyone could kill with impunity was nevertheless not to be put to death according to ritual practices (neque fas
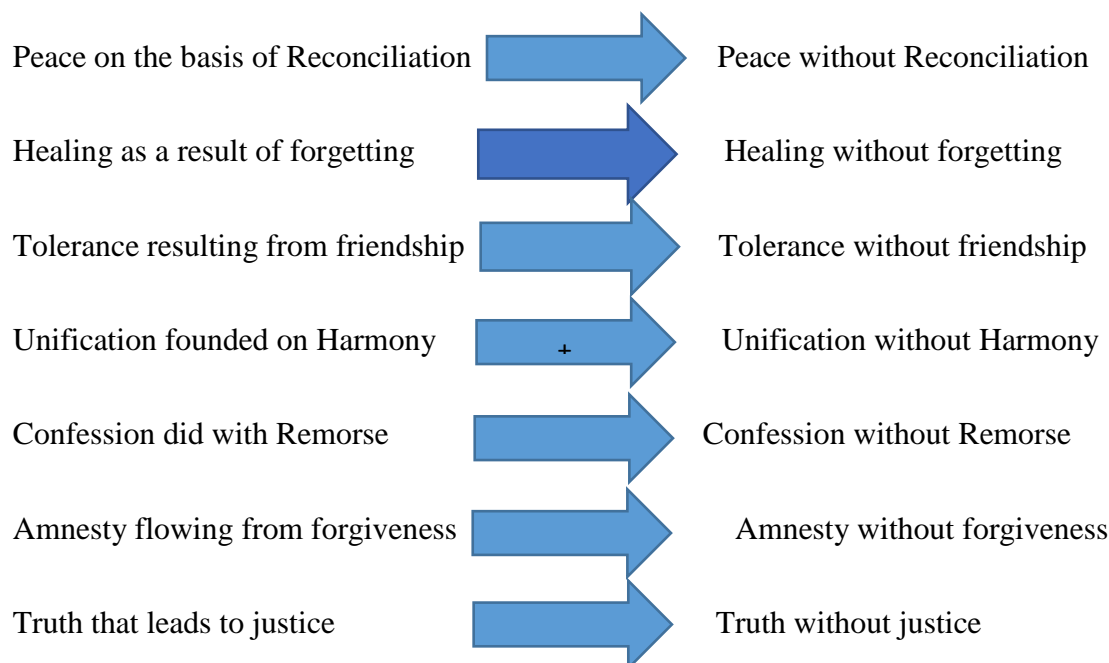
Peace on the basis of Reconciliation → Peace without Reconciliation

Healing as a result of forgetting → Healing without forgetting

Tolerance resulting from friendship → Tolerance without friendship

Unification founded on Harmony + → Unification without Harmony

Confession did with Remorse → Confession without Remorse

Amnesty flowing from forgiveness → Amnesty without forgiveness

Truth that leads to justice → Truth without justice

Figure 2. Summary of emerging results from the theoretical analysis.
Source. Oguntuwase (2018:40).

est eum immolari: immolari indicates the act of sprinkling the mola salsa on the victim before killing him). In what, then, does the sacredness of the sacred man consist? And what does the expression sacer esto ("May he be sacred"), which often figures in the royal laws and which already appears in the archaic inscription on the forum's rectangular cippus, mean, if it implies at once the impune occidi ("being killed with impunity") and an exclusion from sacrifice? That this expression was also obscure to the Romans is proven beyond the shadow of a doubt by a passage in Ambrosius Theodosius Macrobius Saturnalia (3.7.38) in which the author, having defined sacrum as what is destined to the gods, adds: "At this point it does not seem out of place to consider the status of those men whom the law declares to be sacred to certain divinities, for I am not unaware that it appears strange [mirum videri] to some people that while it is forbidden to violate any sacred thing whatsoever, it is permitted to kill the sacred man." Whatever the 47 value of the interpretation that Macrobius felt obliged to offer at this point, it is certain that sacredness appeared problematic enough to him to merit an explanation" (Agamben, 1995:47-48).

Looking closely, what Agamben calls sacred is a state of imperfection. Ordinarily, "sacred," according to Oguntuwase (2018:17), should, within that context, be relatively a perfect condition. Within Agamben's philosophy, a complete man who lives in the Polis and has both zoe and bios in him is not sacred. The moment this individual loses one of the elements, which is akin to his social nature, he in this incomplete half measure state

is considered sacred, and that is the situation of the life of the Homo Sacer. Interestingly, the ideas that form the bedrock of the South African peace process are akin to those of the Homo Sacer, especially as they similarly came in two forms: one part of the element later got lost, and the remaining half exists as incomplete. It is this partial or half-measure one that is in the position of the Homo Sacer. As such, Oguntuwase (2018:17) affirms that the "sacred idea." which interestingly formed the basis of the resolution and peace process in the RSA, is not the complete idea but the defective one. Space and scope can only permit so much though necessary explication of this theory (Oguntuwase, 2018:17).

Theoretical Model Underlying the TRC's Report of South Africa (Oguntuwase, 2018:39) (Zoe + bios; Nature + Nurture; Deconstruction level; Zoe only; Nature only) and Summary of emerging results from the theoretical analysis is shown in Figure 2 (Oguntuwase, 2018:40). An important fact that must be mentioned here is that after the seven paradoxical couplets were derived, the entire peace process of South Africa was drawn against these principles, starting with the negotiations, various consultations, including the crafting of the new constitution, setting up of the TRC, and its modus operandi (Oguntuwase 2018:40).

The emerging results from this theoretical stage reveal that "truth" often leads to justice under the criminal justice system. However, in SA, the Truth was volunteered in anticipation of amnesty, which makes it Truth without justice because confessing the Truth could not lead to

punishment or prosecution. It was already negotiated out to accommodate amnesty; unfortunately, amnesty is no justice. Also emerging is the confession of gross violation without remorse; thus, such truths could only elicit a state pardon called amnesty, but it is amnesty without the victim's forgiveness. Another emerging result is that confessing to gross violation itself helped heal wounds of the heart of victims of apartheid, but not without creating permanent impressions that remained indelible in their hearts, never to be forgotten. Also emerging is the fact that such un-forgetfulness only leads to elastic tolerance but not friendship. It has equally emerged that such artificiality could only promote societal unification to the extent that SA remains one unified political structure but lacking sustainable harmony.

Such is the character of the fragile peace delivered in South Africa on its way towards nation-building. Perhaps it was a choice of a better evil to accept the current injustice in order to be able to lay the foundation of a much more solid futuristic societal justice (Oguntuwase, 2018:40).

DISCUSSION AND ANALYSIS

Empirical evidence of theoretical paradoxes in the democratisation process in apartheid South Africa

Peace based on reconciliation transformed into peace without reconciliation

Oguntuwase (2018) argues that shortly before the collapse of apartheid, the contradictions that threw themselves up from the severe racial tension between the blacks and whites reached their highest peak. The dominant narrative that emerged from all quarters was how to prevent full-scale hostilities and also maintain the corporate existence of South Africa as one indivisible unit. To achieve this, it became imperative that the warring parties must be reconciled in order for peace to reign. The implication is that once the people are reconciled, peace will automatically follow. This was the desire of the founding fathers of the South African peace process. They were after "peace derived from reconciliation." The question now is, is this attainable, given the level of acrimony that already took place within the past 48 years? If it is unattainable or difficult to attain, what then is possible? What alternatives exist, and how do we achieve them? (Oguntuwase, 2018:80).

To find a way out of this puzzle, Oguntuwase (2018) maintains that 'we turn to CDA and Agamben's exclusive inclusion philosophy'. The principle allows one to pick any binary phenomenon where one part poses a threat to that phenomenon's main goal or objective. The one half of the volatile concept is excluded and pushed into the realm of complacency that Agamben calls "bare life," where its potency is reduced as the phenomenon loses one of its

vital elements for an "invalid" one. This process inevitably creates seemingly contradictory narratives that are paradoxical. Hence peace with reconciliation became "peace without reconciliation". (Oguntuwase 2018:80). The main objective here is to achieve the primary goal of peace, even if it is at the expensive cost of being without reconciliation. The question that immediately comes to mind is the contradictions that seem to be manifest in this equation. This fact is already spotted by Agamben himself, who sees such derivation as inconsistent at first glance. In simple terms, it means achieving peace even if it is without reconciliation. This is equivalent to the life of the Homo Sacer, who can be killed but not sacrificed (Oguntuwase, 2018:81).

The above paradox is one of the seven elements derived in the course of the transition from apartheid to democratic rule. The whole process of negotiations and the subsequent institution of the TRC and its working were precipitated on one primary principle, and this principle is the "deconstruction of absolute ideas" or what we may call "deconstruction of the ideal" and replaced with a "relative" or a "lesser ideal" (Oguntuwase, 2018:81). To achieve this in the realm of Agamben involves stripping the original idea of its bios and reducing it to bare-idea. It was through this mechanism that the South African peace process thrived. This was against popular logical predictions that envisaged the South African societal ship was destined for a "Titanic" sink. Fortunately, these predictions did not happen mainly because the South African peace process was hinged on the above principle and the already outlined seven paradoxical couplets. These couplets were not arbitrarily imposed. They were rigorously and theoretically derived from the narratives that emerge in analysing the interactions between all the stakeholders during the mediation process (Oguntuwase, 2018:81).

As we can see that the above paradox, like all the others, has two essential elements, namely, "Peace" and "Reconciliation", if we are allowed to borrow the language of quantitative research method, for clarity, the concept "Peace" above will be the independent variable, while reconciliation is the dependent variable. Peace is the constant denominator that remains and needs to be fulfilled at all costs; it is the most crucial element in the couplet since it carries the weight as an umbrella concept under which we can subsume reconciliation, while the subordinate one is reconciliation. Reconciliation helps to actualise "peace. In essence, reconciliation is that part of the couplet that needs to be deconstructed if it poses any threat to attaining the primary objective, which is peace. It is a logic derived from Agamben. To make it clearer, the basic idea, arguing from the point of CDA, was that the possibility of perfect peace, tailgating from a true and genuine reconciliation, had effectively been excluded from the political by a sovereign act which Agamben calls the "ban." That simultaneously founded peace at the heart of the "political." In the subsequent section, we shall

show how in concrete terms, the events and dynamics in South Africa replicated and actualised these theories with evidence from the main document subjected to CDA (Oguntuwase, 2018:82).

Looking at the concept of Peace without Reconciliation, Oguntuwase (2018:82) affirms that 'we observed that reading between and beyond the TRC report lines; we can infer that the commission's intention would have been absolute perfection to deliver a kind of peace borne out of genuine reconciliation; the kind that transcends the division and strife of the past (TRCR, 1998: vol.1: 48). This is nothing short of "absolute Peace" and is evident in the excerpt below:

I have the privilege and responsibility to introduce today a Bill which provides a pathway, a stepping stone, towards the historic bridge of which the constitution speaks whereby our society can leave behind the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and commence the journey towards a future founded on the recognition of human rights, democracy and peaceful coexistence, and development opportunities for all South Africans irrespective of colour, race, class, belief or sex. Its substance is the very essence of the constitutional commitment to reconciliation and the reconstruction of society. Its purpose is to provide that secure foundation which the constitution enjoins: '...for the people of South Africa to transcend the divisions and strife of the past, which generated gross human rights violations... and a legacy of hatred, fear, guilt and revenge'. Dullah Omar, Minister of Justice introducing the Promotion of National Unity and unfortunately, this holistic and absolute ideal kind of reconciliation and peace was unrealisable for the fact that "if reconciliation and unity are to become a reality in South Africa, the energy and commitment of its entire people will be required." (TRCR1998 vol.1: 306) However, this is not the only obstacle to genuine reconciliation. It includes the fact that "People were victimised in different ways and a range of gross human rights violations was committed. The result demands extensive healing and social and physical reconstruction at every level of society. Sometimes these different needs themselves compete with one another, leading to fresh conflicts. This makes reconciliation a complex and long-term process, with many dimensions" (TRCR, 1998 vol.1: 350).

Oguntuwase (2018:102) argues that the implication of the above submission is a confirmation of some of the reasons why a balanced, straightforward reconciliation based on complementary narratives was unrealisable; hence the paradoxical, contradictory ones. It is again for the same reason that the South African conflict remained intractable for such a long time. The complexity and difficulty in achieving peace through reconciliation were further espoused in the excerpt, which confirms that

reconciliation is a never-ending process that is costly and often painful. For this process to develop, human rights and democratic culture must be entrenched. Reconciliation is centered on the call for a more decent, more caring, and juster society. It is up to each to respond by committing ourselves to concrete ways of easing the burden of the oppressed and empowering the poor to play their rightful part as citizens of South Africa (TRCR., 1998, vol.1: 349). Another confirmatory narrative that shows the impossibility of peace based on reconciliation, according to Oguntuwase (2018:102) is that which argues that "while Truth may not always lead to reconciliation, there can be no genuine, lasting reconciliation without Truth. Certainly, lies, half-truths, and denial are not a desirable foundation for building the new South Africa. Second, it is readily conceded that it is not possible for one commission, with a limited life-span and resources, on its own to achieve reconciliation against the background of decades of oppression, conflict and deep divisions" (TRCR,1998 vol.1:306).

All these and many more in the TRCR were the compelling narratives that clearly show that "Peace with Reconciliation was unrealistic and hence needed to be deconstructed and reconstructed to "peace without reconciliation." This means that despite the unattainability of reconciliation in its absolute sense, the goal of societal peace in South Africa remained non - negotiable. Therefore, the compelling narrative is that with or without reconciliation, the goal of peace was nonetheless imperative. The difficulty now is how then do we achieve peace without reconciliation? This is only possible if situated within Agamben's inclusive, exclusive philosophy of the Homo Sacer. Hence, the narratives have clearly shown that pursuing reconciliation in the absolutist sense of what reconciliation should be would be a sort of "wild goose chase" that is unattainable considering years of animosity and gross cruelty of human rights violation that have contributed immensely to the unrealizability of peace, and yet, the goal of societal peace remains imperative. The only option would be a deconstruction that would ensure peace without that element that disturbs it, and in this case, it is reconciliation (Oguntuwase, 2018:100-101).

Oguntuwase (2018:103) further maintains that in the light of Agamben's philosophy, "Peace without reconciliation" does not necessarily mean peace with no reconciliation at all. It only means peace with only the reconcilable traits, which is the bit of reconciliation possible in light of the rough and rugged journey towards attaining peace. It is a limited fragment of reconciliation; the type that would not tamper with the process of peace. Hence, when Reconciliation like Agamben's Citizen is stripped of its bios, which is the disturbing elements, the remaining zoe nevertheless still has in it the elements, or traits of the excluded bios, which is why the Homo Sacer in banishment, is still under the command of the sovereign power that banished him, to the extent that he

could determine what death befalls him. In other words, he is excluded yet included in some limited senses. To that extent, in concrete terms, therefore, peace without reconciliation manifests itself in South Africa as this principle underlies the entire peace process. This paradox is reflected in some ways. For instance, amnesty was granted to people who committed gross violations for reeling out the Truth irrespective of the manner in which it was done, without regret or with arrogance. A move that was incapable of ensuring genuine reconciliation, yet he is guaranteed at least temporary peace. This geometry of analysis pervades the entire work of the commission. For this same reason, implicated people who did not apply for amnesty were not pursued vigorously and forcefully brought to book. It is to ensure peace even though there may be no genuine reconciliation. The same logic of analysis made Judge Frankel advice against casting the net too wide because, that way, we can infer that it could proverbially catch crocodiles and hippopotamus, which may proverbially tear the net and even pull the fisher into the water (Oguntuwase, 2018:103). According to Judge Mahomed, then Deputy President of the Constitutional Court and now Chief Justice quoted Judge Marvin Frankel. In his book, Out of the Shadows of the Night: The Struggle for International Human Rights, Judge, Frankel wrote, the soldiers and police may be biding their time, waiting and conspiring to return to power. They may be seeking to keep or win sympathisers in the population at large. If they are treated too harshly or if the net of punishment is cast too widely - there may be a backlash that plays into their hands (TRCR, 1998, vol.1:6).

For instance, the critical point with Agamben, according to Oguntuwase (2018:104), especially in a recent study on Guantanamo Bay, seems to reaffirm that this concept of exclusion is fused with inclusion such that there is still a hold on whatever is excluded by inclusion in some forms. Hence the excluded thing is not allowed to wander off somewhere unmonitored because even in its exclusion, its part and role within the excluded circuit remain actively relevant as its traits would always remain functional in some forms (Agamben, 1995:10).

Similarly, Michael Peters equally presented Agamben's thesis in a more practical sense by aligning it with the "originary" violence, which is the Sovereign ban that necessitated the exception in the first place, linking theory with application (Peters, 2014:330-331). In other words, according to Oguntuwase (2018:105), every element that tends to promote a lack of reconciliation is downplayed by being stripped of its bios. However, if this act of reconciliation becomes a threat that will disturb the peace, in any shape or form, it is stripped down to its "bare" form, where it becomes less lethal or potent. This, in a way, is the "originary" violence that provokes the ban in the narration above. At this point, it is in the position of the Homo Sacer in exile. This form of geometry strips reconciliation of its absoluteness. Hence, the extent to which non-reconciliation becomes compatible with peace,

in the final analysis, determines the extent of peace achievable (Oguntuwase 2018:105). This boils down to the fact that even though there is peace, there is no real reconciliation because real reconciliation was capable of opening up some other new and complex dimensions of justice, which would make peace itself unattainable. However, for peace to be attained, some level of reconciliation is necessary. Nonetheless, if reconciliation becomes a threat to peace, it must be fundamentally pushed to the background, leaving only those elements and traits (Reconciliation) compatible with peace (Oguntuwase 2018:105). This means that even though reconciliation is excluded in order for peace to thrive, its traits remain, because no reconciliation at all is in itself a threat to peace. This is why, as mentioned above, those perpetrators of gross human violations who did not come forward to confess were not vigorously pursued as doing that would be inimical to the overall intention of Peace and Reconciliation. Even though this had often been explained away, yet reading holistically, the report reveals that in the overthrow of apartheid, caution was exercised, mainly because the forces of apartheid still had the monopoly of the use of force through the control of state apparatus and machinery. According to Oguntuwase (2018: 106), this was why at the beginning of the report Desmond Tutu said that if it were not for the amnesty provision, this same dominant class of oppressors would have "scuppered" the mediation process. It is this action of pushing disturbing elements to the background that Desmond Tutu refers to here without explicitly admitting it when he said, "the precise question of motives of perpetrators was often not fully canvassed by amnesty panels, nor by special hearings of the commission. These shortcomings should be attributed to partial failings of the commission itself, rather than to systematic bias" (TRCR, 1998: vol.1:260).

From the above narrative, according to Oguntuwase (2018: 106), it is reasonable to disagree with Desmond Tutu as this is neither an error of omission nor commission. It seems part of the general design to gloss over issues that, if dug into, could be detrimental to the overall objective of societal peace, which again is why "the net must not be cast too wide," in Desmond's words. However, we know that following Agamben, it is systematic to exclude anything that would stand against peace. This is why Tutu remarked that the idea of absolute reconciliation that requires cosiness was not what was required in South Africa. Instead, it is a deconstructed and excluded reconciliation whose elements entail tolerance that is required (TRCR, 1998: Vol.1,17).

However, Oguntuwase (2018:106) further maintained that reconciliation had been variously equated with justice, Truth, forgiveness, and a host of other such concepts. Nevertheless, for the avoidance of repetition as much as possible, it will suffice to end the analysis in this section on the note that from the manner in which the

narratives emerged and developed the concept of "peace" was projected as superior and should take precedence over the concept of "reconciliation." Hence, according to Oguntuwase (2018:107), any act capable of derailing peace was pushed to the realm of Agamben's "bare life," where its relevance and strength are considerably reduced but not terminated. However, it remains selectively valuable for contributing to societal peace's overall agenda in its reduced or inactive state. This act of degeneration into bare life is the essence of Agamben's exclusive, inclusive philosophy of the Homo Sacer (Oguntuwase, 2018:107).

Besides, Oguntuwase (2018) maintained that there was no consensus on what reconciliation is among the members of the TRC. Phillips (2008) insinuated that this could have been deliberate to allow for fluidity in its application and manipulations in the commission's overall interest, mainly societal peace and stability. In Phillips (2008), "*a politically workable solution to allowing people to live side by side and in a way which negates the need for violence"* is another way of advocating for peace without reconciliation; because "a politically "workable" solution is not an absolute ideal, but peace of some sort. Whereas living side by side in a way that negates violence is also not necessarily reconciliation; it connotes more tolerance in the interest of peace and not friendship. This is the key to peace in South Africa. The key issues that brought about criticism of the commission at various levels were particulars and manifestations of this peace objective without reconciliation (Oguntuwase, 2018:107).

Oguntuwase (2018: 107) further argues that even the case of top leaders of apartheid that were left off the hook while their subordinates were indicted is a pointer not just to the fact that "truth was exposed, yet justice was denied" for the same overriding interest of societal peace and stability. Again, this is why some have argued that these apartheid leaders were treated with kid gloves. It was possible to have treated them differently in the pursuit of justice because it could be counterproductive to derail the entire peace process. Hence, it was better to be reconciled by allowing criminals off the hook than jeopardise the entire process of societal peace altogether (Oguntuwase 2018: 107). The phrase used by David Phillips to describe it as would be seen below is *"political prudence"* It is this same geometry of argument that Desmond Tutu was pushing when he said, in the TRC report that: We have the luxury of being able to complain because we are now reaping the benefits of a stable and democratic dispensation. Had the miracle of the negotiated settlement not occurred, we would have been overwhelmed by the bloodbath that virtually everyone predicted as the inevitable ending for South Africa (TRCR, 1998: vol.1:5).

The impression given here, argues Oguntuwase (2018), is that of a delicately managed transition where moderation is applied in order to guard the process

carefully to prevent an imminent derailment, given the balance of power at that time. It is this same caution that Desmond Tutu was referring to when he said, as variously cited above, that 'the net should not be cast too wide' in the pursuit of human rights violators. It gives the impression of compromise and complicity of some sort in the pursuit of societal peace, which is why there is no vigorous and absolute pursuit of those who perpetrated injustices in different forms and shapes through gross violations of human rights. Hence, we must understand that some of the criticisms against the commission in those respects were essentially not errors but part of the grand design to bring back peace through the various paradoxes of inconsistency, or contradictions, and irregularities. This, again, can only be understood after careful dissection of the web of narratives that ensued in line with the theoretical backgrounds against which these narratives were pitched (Oguntuwase, 2018:119).

In the words of Philip (2008), the TRC was assigned a massive political, social, and moral role. Natural justice suggested that victims and their families had a right to expect both prosecution and reparation. International Human Rights Law demanded that, as with Pinochet in Chile, the leaders of the apartheid regime such as P.W. Botha, should be punished, to deter others from running similar regimes. Yet political prudence suggested that all the conflicting groups in South Africa should try to live together in the future, hence the need for national reconciliation. Perhaps it was the most sensible course to take – to trade amnesty for perpetrators in return for their putting their misdeeds on the public record. This could be rationalised as an essential reconciliation to which was added a gloss of religion and morality, by invoking the virtues of Christian forgiveness and indigenous Ubuntu. Many South Africans are not happy at the thought that many of the guilty perpetrators (White ones, in particular) have escaped prosecution. But, in its favour, the TRC has also left a permanent historical record of detailed disclosures by some of the perpetrators of atrocities which the forces of 'law and order' committed in defending Apartheid South Africa, thus at last confirming what many people claimed in the face of repeated official denials during the apartheid years. The TRC did not and cannot satisfy all the high hopes placed on it by both South Africans and the international community. Its brief was to produce both 'truth' and 'reconciliation'. But perhaps you cannot have both at once, and it may have served Truth at the expense of reconciliation (Phillips, 2008: 3).

Reading between the above excerpt lines, Oguntuwase (2018) maintains that we could rightly infer that a couple of the derived paradoxes key to the return of peace to South Africa was reflected here. The first is that of "peace without reconciliation" as we have argued earlier, there is also the connotation in the use of the word "try" in the expression, "*all the conflicting groups in South Africa should try to live together in the future",* is a reference to

the paradox of tolerance without friendship. Moreover, closely associated with this narrative is the paradox of "unification without harmony" amnesty without forgiveness is fused with Confession without Remorse in the expression, "– to trade amnesty for perpetrators in return for *"putting their misdeeds on the public record."*They merely "*put their misdeeds on public records"* by confessing it to fulfil all righteousness, not in repentance or remorse of any kind and consequently unable to elicit forgiveness in any shape and form. Underlying all these is the fact of the paradox of "Truth without justice," as can be seen in the excerpt, that "*Its brief was to produce both 'truth' and 'reconciliation,"* not Truth and justice. Hence, of the seven paradoxes upon which the South African peace was based, the only one that did not feature explicitly in this excerpt is "healing without forgetting," which again can be subsumed under the canopy of peace as a whole (Oguntuwase, 2018:109).

CONCLUSION

Oguntuwase (2018) concludes that it is clear that the kind of peace originally desired in Apartheid South Africa was one that results from reconciliation. Unfortunately, the damage done to the relationship between the oppressors and the oppressed for almost half a century has been too extensive that such absolute reconciliation was impossible, yet the attainment of peace was not negotiable. The option available was to create a narrative in which even though the kind of peace desired was not possible, attaining some sort of peace must inevitably be achieved. Perhaps it is reasonable to infer that in the long years of seeking Peace in SA, the society had remained rigid about attaining peace on the platter of reconciliation which is why it was never achieved until the narratives changed against the rigorous theoretical base of Agamben. It must also be mentioned that other couplets followed the same geometry of analysis with variation only in particularity (Oguntuwase 2018:121).

From the bulk of literature available to this research, especially as it applies to the intractable apartheid conflict, it is rational to conclude that the emerging key to sustainable and enduring societal peace requires primarily, the following:

1. A careful and rigorous study of all original materials documented about the conflict and emphasis must be based on direct imputes of key players and stakeholders rather than interpretations and reported accounts.
2. It must be largely homegrown or at least made to look so even if externally inspired and motivated
3. It must be precipitated on theoretically rigorous principles.
4. The conflicts must be dissected appropriately and understood in all their ramifications, while all prevailing themes must be identified, collated, isolated, and synthesised for categorisation and analysis.

5. It must be based on the sincerity of purpose, honesty, willingness for peace on all sides.
6. Key players must be of high calibres intellectually, morally, and publicly acceptable to all sides by being transparently and democratically selected meritoriously.
7. The ripeness theory must be carefully considered and brought to bear despite its limitations.
8. The principles of mutually exclusive contradictory want and conflicting demands should not be understood as tending towards stalemate but that of resolution within theoretical narratives as evident in Agamben, Marx, and Derrida, to mention but a few.
9. Proceedings must be in public and televised live with documentation that is available in the public domain.
10. It must be precipitated on the principles of deconstructing absolutist ideas.
11. The legal justice system tools could be applied to the extent of their compatibility with morality and ethics, over and above legalism.
12. Exclusive inclusive, contradictory and complimentary inconsistent consistencies must be harnessed together in manners that reflect a deep understanding of infinite possibilities and manifestations of divergent ideas in convergent manners that generate peace within war and unity within disunity.
13. Complexities and complications must be constructed in manners that convert impotence to potency within theoretical narratives that achieves peace outside the box.

The extent of fragility and sustainability of the South African peace accord

It may not be very reassuring to say that there is a high degree of probability that such narratives under which the South African peace process was construed can most probably guarantee only immediate peace; the type whose sustainability thereafter is suspect and not immediately determinable. It is a kind of sophisticated peace capable of ending an intractable conflict, though founded on antagonistic realities within the ensuing paradoxical inconsistencies, where one part of the narrative couplet upon which peace was founded was deconstructed to accommodate peace at all cost. This amounts to some compromise of some sorts in which the disturbing elements are superficially suppressed and prescriptively discursive to accommodate the mutual inclusivity within the exclusivity.

Hence, such peace's futuristic fate would largely depend on the continuous recognition of the arrangement's fragility and delicate nature with which peace was attained, and to that extent, ensure it is regularly serviced with the focus on that consciousness that must be tailored towards the state's national policies. A deviation from this would probably spell doom. The reason is that those disturbing elements that were swept under the carpets are not dead. Any atmosphere that

tends to create enabling conditions for them would see them blossom. Why? The reason is that apartheid was not just a systematic phenomenon of creating inequality, imbalance, oppression, and repression of its victims; it involved a systemic dehumanisation and dichotomy whose multiplying effect would probably remain potent for centuries to come. For example, the creation of Bantu education that probably existed for about 48 years had probably produced over 48 years of unemployed youths and unemployable youths. These youths would remain so for multiple years to come but sadly must engage in something they knew. If one asks the question, "what did they know?" the answer is simple: A culture of violence, the harsh reality of oppression, repression, and inequality that lends credence to violent resistance. The sudden end of apartheid does not immediately obliterate this. Poverty, hunger, unemployment in the life of a career Jobseeker who is probably unemployable will most certainly produce nothing short of inexplicable violence and tension, as the end of apartheid only seems to redirect who the oppositional target is. These elements would manifest in forms such as xenophobia, land expropriation, and "Malemaism" in all its forms at the slightest provocation. This view is corroborated by Jan Hofmeyr, Jaynisha Patel and Mikhail Moosa (2021), who argues that at the time of South Africa's political transition in 1994, it was clear that the major challenge of the post-apartheid state would be to ensure a more just distribution of resources among the people of South Africa. Faced with acutely racialised patterns of poverty, and income and access inequality, the measure of such state's success was always going to be the extent to which it would be able to address deeply structural challenges. While this mandate required a redistribution of resources, as well as preferential access to previously denied opportunities, it also demanded the creation of a resilient economy which offered agency and opportunity to all that sought to participate in its activities. While some gains have been made in terms of redistribution and access, ours is still a fragile economy, with vulnerability still having a strong racial character. Since 1994, the ruling African National Congress (ANC) has stood at the centre of efforts to address apartheid's economic legacy. Yet, policy incoherence, weak oversight institutions, and maladministration, particularly of key state-owned enterprises (SOEs), have resulted in a widening chasm between what is required of the state and what it can reasonably offer" (Jan Hofmeyr et al., 2021:4).

Furthermore, impossible contradictory mutually exclusive narratives only produced fragile Peace in South Africa. The principle of excluded inclusion was classically that of an unfinished business in which certain catalytic elements had to be temporarily and consciously suppressed or stepped/watered down to attain immediate peace and stability. Nevertheless, its sustainability depended largely on continuous recognition of this

rhetoric and its cautious management to continue to hold down the deconstructed element. Otherwise, it can render or lay waste the dividends of peace achieved through rigorous theoretical and philosophical expedition if allowed to rear its ugly head. This prediction seems to be justified by contemporary happenings in South Africa during the pandemic under President, Ramaphosa. According to Hofmeyr et al. (2021), there is a critical need for the restoration of trust in South Africa's democratic system. The COVID-19 pandemic has revealed the extent to which the country has been rendered vulnerable by the blurring of the interests of the ruling party and the state. It has also underlined the urgency regarding the reform of the country's oversight institutions that are meant to provide checks and balances in respect of state power. Such institutions exist but have proved to be ineffective against the onslaught of those that have sought to appropriate the state for themselves at the massive expense of citizens" (Jan Hofmeyr et al., 2021:8).

Similarly, Maistry (2021) embarked on an extensive argument towards demonstrating that there is a causal relationship and continuum between the relics of apartheid and the socio-political problems of contemporary South Africa, especially as it affects the overall wellbeing of the society, particularly the impact of Covid 19 on the society. To buttress this argument, Maistry alluded to many scholars whose work corroborated his arguments which is to the effect that apartheid in its "finished" form remains an "unfinished" business in the futuristic fate of South Africa that could manifest in endless forms. According to Maistry (2021), the South African socio-political-economic context remains plagued by residual racism, a serious social challenge facing the country. While one may argue that South Africa is in a "post-race "era, given the nation's liberation from apartheid, racism has transmuted in the post-liberation era, with South Africans still trapped in "racial cages" (Pillay, 2015). South Africa in the post-apartheid era has taken on a uniquely "nuanced "racism, one that is supported by fundamental neoliberal principles that have rendered the country inept at addressing the liberation movement's promise of economic justice (Van Niekerk and Padayachee, 2019). South Africa, like all other nations of the world, has in the last year experienced the devastating impact of the COVID-19 pandemic. The economy shrunk by 7% in 2020, the worst performance since 1946 (Stats SA, 2021). While COVID-19 might well be blamed for this economic contraction, arguably the pandemic simply exacerbated what was already a dire local economic outlook and endemic features of precarity (Satgar, 2020). While the country is riding out the second wave of infections, many nations in the west are beginning to experience a third wave (Maistry, 2021:2).

It must be remarked that the nature of the arrangement that created the "impossible peace" in Apartheid South

Africa necessarily has in its trail endless possibilities and dimensions of other accompanying problems that South Africa might not be able to shake off in many centuries to come. This is why we argue that apartheid may have ended substantially, but the gullies created by its erosion do not seem to have been filled with the passage of time; the evidence abounds in SA today. Nevertheless, South Africa, in its worse state today, is still better than if apartheid subsisted.

CONFLICT OF INTERESTS

The author has not declared any conflict of interest.

REFERENCES

Agamben G (1995). Homo Sacer: Sovereign Power and Bare Life. Trans. Daniel Heller-Roazen.Palo Alto: Stanford University Press. pp 1-160.

Bennett DS (1996). Security, bargaining, and the end of interstate rivalry. International Studies Quarterly 40(2):157-183.

Bercovitch J, Regan PM (1999). The structure of international conflict management: An analysis of the effects of intractability and mediation. International Journal of Peace Studies 4(1):1-19.

Bercovitch J (2003). Characteristics of Intractable Conflicts. Beyond Intractability. Conflict Research Consortium. Boulder, University of Colorado. Texto en línea disponible en:< http://www.beyondintractability. org/essay/Characteristics_IC/>(consulta: 13 de agosto de 2014).

Bercovitch J (2003). Managing Internaitonalized Ethnic Conflict: evaluating the role and relevance of mediation. World Affairs 166(1)56-68. http://www.jstor.org/stable/20672677

Bercovitch J (2005). Mediation in the most resistant cases. Grasping the nettle: Analyzing cases of intractable conflict, pp. 99-121.

Bercovitch J, DeRouen JrK (2004). Mediation in internationalized ethnic conflicts: Assessing the determinants of a successful process. Armed Forces and Society 30(2):147-170.

Bremer SA (1992). Dangerous Dyads: Conditions affecting the likelihood of interstate war, 1816-1965. Journal of Conflict Resolution, 36(2):309-341.

Cairns E, Darby J (1998). The conflict in Northern Ireland: Causes, consequences, and controls. American Psychologist 53(7):754.

Coleman PT (2000). Fostering ripeness in seemingly intractable conflict: An experimental study. International Journal of Conflict Management. https://www.emerald.com/insight/content/doi/10.1108/eb022843/full/html?skipTracking=true

Coleman PT (2003). Characteristics of protracted, intractable conflict: Toward the development of a metaframework-I. Peace and Conflict: Journal of Peace Psychology 9(1):1.

Coleman PT (2006). Conflict, complexity, and change: A meta-framework for addressing protracted, intractable conflicts—III. Peace and Conflict 12(4):325-348.

Coleman PT, Vallacher RR, Nowak A, Bui-Wrzosinska L (2010). Rethinking intractable conflict: The perspectives of dynamical systems. American Psychologist 65(4):262-278.

Crocker CA, Hampson FO, Aall PR (2005). Grasping the nettle: Analyzing cases of intractable conflict. US Institute of Peace Press.

Fairclough NL, Wodak R (1997). Critical discourse analysis. In TA van Dijk (Ed.), Discourse Studies. A multidisciplinary introduction. Vol. 2. Discourse as social interaction London.

Giliomee HB, Mbenga B (2007). New History of South Africa. Tafelberg.

Goertz G, Diehl PF (1992). The empirical importance of enduring rivalries. International Interactions 18(2):151-163.

Guelke A (2005). Rethinking the Rise and Fall of Apartheid: South Africa and world politics. Palgrave Macmillan.

Hofmeyr J, Patel J, Moosa M (2021). State of the Nation: Insights on South African Society, Economy and Politics.

Isseroff A (2003). The peace process is dead, long live the peace process. Mew News, pp. 7-9.

Jones D (2015). Conflict resolution: Wars without end. Nature News 519(7542):148.

Lederach JP (1997). Washington United States Institute of Peace. (1997). Building peace: Sustainable reconciliation in divided societies (p. 26). Washington, DC: United States Institute of Peace Press.

Maistry S (2021). South Africa's Comorbidity: A Chronic Affliction of Intersecting Education, Economic and Health Inequalities. Education as Change 25:21. https://doi.org/10.25159/1947-9417/8677

Marshall MG, Gurr TR (2003). Peace and Conflict 2003: A global survey of armed conflicts, self-determination movements, and democracy. Center for International Development and Conflict Management.

Norval AJ (1996). The politics of homecoming? Contending identities in contemporary South Africa or identité à venir. Angelaki: Journal of the Theoretical Humanities 1(3):157-170.

Oguntuwase OJ (2018). Making the intractable conflict tractable: a critical discourse analysis of the philosophy underlying the South African Truth and Reconciliation Commission (Doctoral dissertation, Nottingham Trent University). IREP.

Peters MA (2014). Giorgio Agamben's Homo Sacer Project, Educational Philosophy and Theory 46:(4)327-333. DOI: 10.1080/00131857.2014.900313

Phillip D (2008). South Africa: A Re-Assessment of The Truth and Reconciliation Commission in the international online cultural magazine (part 1,2and3) available at https://londongrip.co.uk/2007/08/politics-society-south-africa-the-truthreconciliation-commission-part-1-a-reassessment-by-david-philips/

Pillay K (2015). South African Families of Indian Descent: Transmission of Racial Identity. Journal of Comparative Family Studies 46(1):121-135. https://doi.org/10.3138/jcfs.46.1.121.

Satgar V (2020). The South African Precariat, COVID-19 and #BIGNOW". Global Labour Journal 11(2):173-177. https://doi.org/10.15173/glj.v11i2.4328.

Stats SA (2021). "GDP: Quantifying South Africa's Performance in 2020". Stats SA, March 9, 2021. Accessed April 8, 2021. http://www.statssa.gov.za/?p=14074.

Truth and Reconciliation Commission South Africa (TRCR) (1999). Truth and Reconciliation Commission of South Africa report: [this edition includes a guide to using the report and an index of principal references]. Macmillan.

Tutu DA (2004). South Africa, Africa and the World. Conflict, Security and Development 4(2):199-205.

Vallacher RR, Coleman PT, Nowak A, Bui-Wrzosinska L (2011). Rethinking intractable conflict: The perspective of dynamical systems. In Conflict, interdependence, and justice. pp. 65-94. Springer, New York, NY.

Vallacher RR, Coleman PT, Nowak A, Bui-Wrzosinska L (2010). Rethinking intractable conflict: The perspective of dynamical systems. In Conflict, interdependence, and justice. pp. 65-94. Springer, New York, NY.

Van Niekerk R, Padayachee V (2019). Shadow of Liberation: Contestation and Compromise in the Economic and Social Policy of the African National Congress 1943-1996. Johannesburg: Wits University Press.

Wall Jr JA, Stark JB, Standifer RL (2001). Mediation: A current review and theory development. Journal of conflict resolution 45(3):370-391.

Willig C (2008). Phenomenological psychology: Theory, research and method. Existential Analysis 19(2):429-433.

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African continental free trade area (AfCFTA) trade vs. security dilemma: From borders' perspective

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Africa embarked on an ambitious and promising free trade area agreement. If applied fully, it can inject a magical potion into the lives of the African economies which currently seem doomed to economic ICU. The agreement is expected to induce intra-continental trade, industrialization, integration all mainly because of free movement of people and goods. Meaning, lowering border controls and checkpoints, but, here the free movement of people and goods can be problematic for the continent. As we all know, the availability of porous borders in the continent is one of the main causes of peace and security challenges of the continent. The article show the dilemma the continent will face to choose between security and economic advancement.

Key words: African Continental Free Trade Area (AfCFTA), free movement, porous borders, dilemma.

INTRODUCTION

Regional integrations and regional trade areas are one of the main instruments for fighting poverty and promoting economic development. According to the handbook of the World Bank on Preferential Trade Agreement (PTA) Policies for Development (2011), *no low-income country has managed to grow and sustainably reduce poverty without global or regional trade integration.* According to the handbook, in the short time, the regional trade will allow countries to expand their market for goods and services contributing to growth then, in the long term, the trade will result in integration contributing to furthered

growth through experience, increased productivity and competition.

According to CFI (2021), there are different kinds of regional trade agreements. They range from Preferential Trade Areas which involves reducing trade barriers to full economic integration which is the final level of trading agreements. According to the institute, the free trade area is one type of regional trade agreements which involves the removal of all forms of trade barriers so that goods and services can move freely among themselves, i.e. relaxing border controls.

Borders in Africa are alien in the continent. According to Asiwaju (2015), much of the borders encompassed similar ethnic groups into two or more contrived citizenships, inflicting a huge blow to the social and economic endeavors of these very people. The words of Lord Salisbury describe the situation clearer:

"*We have been engaged in drawing lines upon maps where no white man's foot ever trod; we have been giving away mountains and rivers and lakes to each other, only hindered by the small impediment that we never knew exactly where the mountains and rivers were*"(Ibid).

After independence, the continent was divided into two camps regarding the artificially created borders; Revisionists and Anti-revisionists, based on the idea of revising or keeping the borders inherited from colonialists respectively. Only four states rejected the idea of Anti-revisionists. Somalia, Togo and Ghana refused to inherit the alien boundary and forwarded their interests to unify their divided ethnic groups under one political rule. The rest was Morocco; it demanded boundary revision (Ibid).

Nonetheless, the OAU decided to keep the statusquo and continue using the already demarcated boundaries, avoiding conflicts and contestations as the main reasons. But, the results show in contrary; the continent had several border conflicts in almost every region. These conflicts range from the war between Ethiopia and Eritrea on the contested area of Badme in the east, the territorial disputes on the Island of Mbanié between Gabon and Equatorial Guinea in the west, the dispute between Algeria and Morocco (the Sand War) in the north to the tension between Swaziland and South Africa in the southern part.

In addition to the above conflicts, borders in the continent are causes of insecurity because of their porosity. A lot of researches indicate that the borders of Africa are porous; they are ill-controlled. As a result, it is very easy for people to cross into the territory of neighboring state/country and cross back out. The various political and administrative institutions in particular and the states, in general, are weak in a way that their penetration power diminishes as one goes from the center to the periphery (Wairagu, 2004). The borders are so leaky that they are causes of different peace and security challenges; small arms and light weapons circulate highly, human and drug traffickers thrive upon them and various clandestine violent criminal groups find them safe haven. Therefore, it is believed that tightening border controls among other things will be a remedy to curb these social evils.

On the contrary, most of the AU member states are planning to lower border control in the name of trade and free movement of people and trade. In 2018, forty-four African heads of states and governments signed a treaty which establishes the African Continental Free Trade Area (AfCFTA). It is the biggest free trade agreement since after the establishment of the World Trade Organization and is likely to host 1.2 Billion people and a total of GDP worth more than 2 Trillion Dollars a year. According to Apeh (2018), It has four main objectives:-

1. To create a single market; this will help facilitate the free movement of persons, goods and services, and investments which will help fast-track the creation of African customs union,
2. To reinforce intra-African trade. This will better harmonize the coordination of trade liberalization and facilitation regimes and instruments across the Regional Economic Communities (RECs) and Africa in general,
3. To accelerate regional and continental integration procedures, and resolve multiple and overlapping memberships challenges,
4. To augment industrial competitiveness through production, market access and resource relocation.

As indicated in the first objective of the agreement, it is likely for increased free movement of people and goods across borders to happen. This major phenomenon is clearly a driver of increased trade and economic advancement, but as discussed in the first section of the paper, free movement of people and goods across borders is also problematic. Thus, this article will try to show how the continent is faced with the dilemma of whether to put a stronger border and checkpoints control in place to curb the spread of illicit activities; this will have an adverse effect on the AfCFTA as it puts tough restrictions on the free movement of peoples and goods, or to lower their (states) guards in the name of free movement of people and goods which might compromise their national security.

TRADE (INTRA-CONTINENTAL) IN AFRICA

Schmieg (2016) says Africa has an insignificant share of world trade. It has only 2.4% of the share of the global export, with Sub-Saharan Africa only accounting for just 1.7 %. But, world trade has huge importance for the continent in terms of import as their economy is heavily reliant on it.

When we look into intra-continental export only in 2017 UNCTAD (ND), the number plummets to 16.6% compared to the 68.1, 59.4, and 55% in Europe, Asia and America, respectively. This is reiterated by Songwe (2019): intra-African exports have increased from about 10% in 1995 to around 17 % in 2017, but it remains low compared to levels in Europe, 69% and Asia, 59%. According to UNCTAD (2019)'s report, the total amountof trade from Africa to the rest of the world averaged US$760 billion from 2015-2017. This is higher compared to Oceania's $481 billion, Europe's $4,109 billion and America's $5,140 billion. This shows how the

In 2017, intra-regional trade made up 17 percent of Africa's exports, far lower than the 59 percent in Asia and 69 percent in Europe. This indicates an absence of regional value chains and challenges of cross-border trade in Africa. Intra-regional trade is expected to increase with the upcoming implementation of the Continental Free Trade Agreement. Also, manufactured goods make up a smaller share of Africa's intra- and extra-regional exports. This reflects the region's limited integration into global value chains.
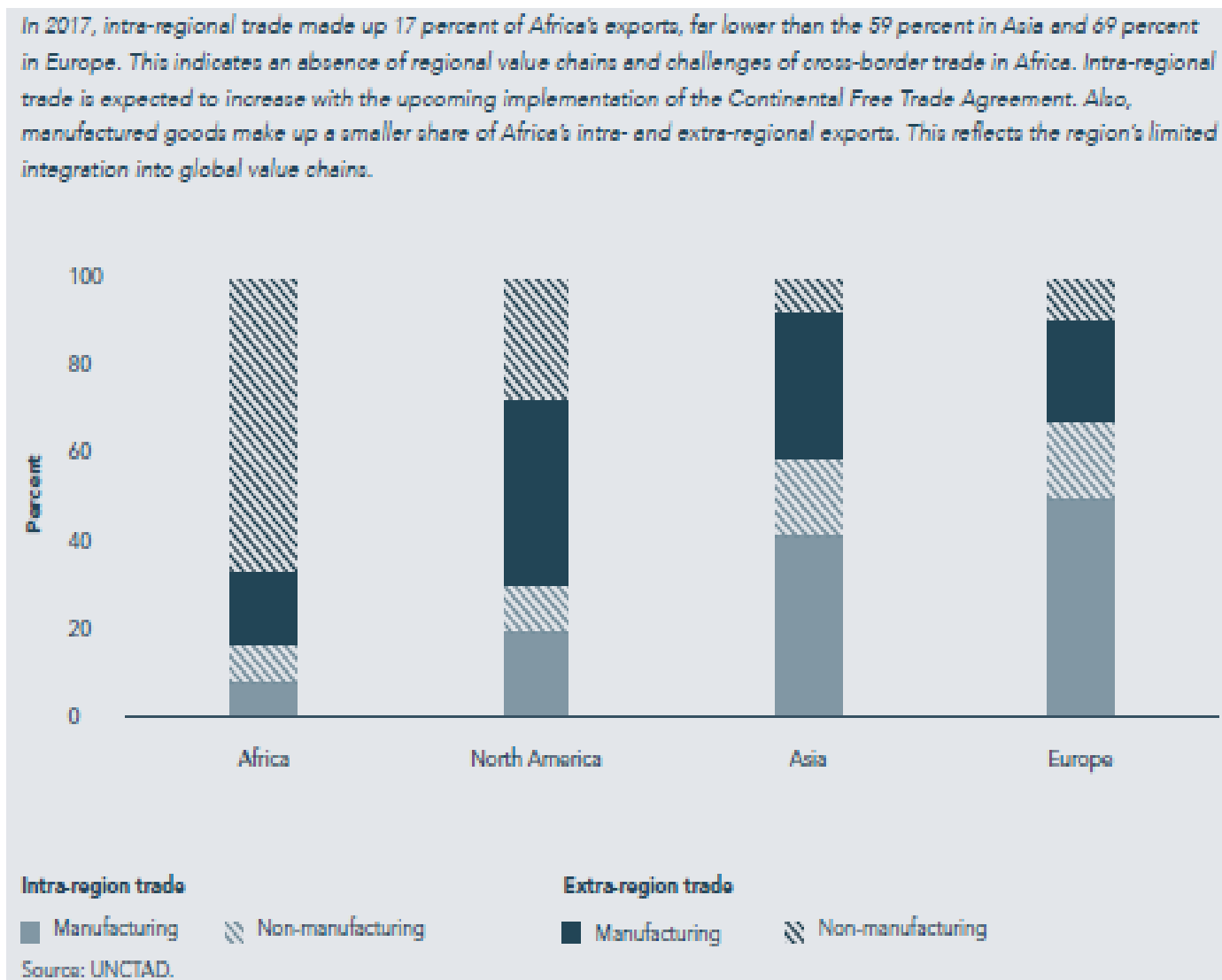

Figure 1. Intra-regional trade and manufacturing exports in Africa. Source: Brookings Institution.

continent is export-dependent on the rest of the world, not on other African countries.

In terms of intra-continental trade (both import and export among domestically), the numbers are far more unimpressive compared to other continents. Africa had a total of 2% of intra-continental trade between the years 2015-2017 (UNCTAD, 2019). According to the African Development Bank (2017), even though there is a sign of increase, trade within the continent is low. The bank strengthens its argument by indicating the amount of petroleum export and import in the continent. From 2010 up to 2015, Africa exported around US $85 billion worth petroleum to the world, yet the continent imported petroleum worth between US $63 billion to US $84 billion from the rest of the world.

One can observe in Figure 1 by Songwe (2019), how intra-regional trade is low compared to other regions of the world. The figure also shows that the continent is not only lagging behind the rest of the other regions in terms of trade within itself, but also regarding extra-regional trade.

Much of the trade existing in the continent is in the form of informal cross border trade (ICBT). For instance, in the Southern African Development Community (SADC) region ICBT constitutes about 30-40% of trade within the region and 40% in the Common Market for Eastern and Southern Africa (COMESA) region (Sommer and Nshimbi, 2018). If we take Uganda specifically, more than 86% of its exports are in the form of ICBT in 2006; the same is true for Rwanda as its ICBT was more than 50%

higher than formal exports in 2011. Not only is the amount of trade significant, also a large number of vulnerable people are employed in it. In the lack of formal economic prospects (like employment opportunities) and in fragile and conflict-affected states, ICBT comes in and fills the gap by giving desperate people jobs and incomes, especially women and youths (Stuart, 2020). For example, in the West and Central Africa women comprise 60% of the informal traders and in the Southern part of the continent women have a higher share of the ICBT trade; compared to the above regions, they comprise 70% of the informal traders. The UNCTAD (ND) even refers to ICBT as 'female-intensive sector' because of the high involvement of women.

AFCFTA AND PROSPECTIVE BENEFITS

AfCFTA is expected to benefit member states by lowering costs for both producers and consumers as it lowers and reduce tariffs and non-tariff barriers. The agreement is also expected to propel the volume of intra-African trade by 81% in 2035, and the amount of total African exports by 29 % (World Bank, 2020).

Other studies and reports also indicate different yet very close figures regarding the intra-trade of the continent as a result of the free trade area. One another advantage of the agreement, according to Songwe (2019), is that when African countries trade with themselves, they exchange more manufactured and processed goods, have more knowledge transfer, and create more value.

As we all know, Africa mainly exports raw materials and agricultural produces. Between the time 1990 and 2014, Africa heavily relied on the income generated from the extractive industry except for Rwanda, Senegal, and Sudan. But, by the successful implementation of the agreement, it is possible for the economies of the continent to diversify their production and export which will enhance productivity and it will also incorporate small and medium-sized enterprises (*Ibid*).

Another main area where the continental free trade area comes in handy is regarding employment. The continent has a large percentage of unemployed people. For instance, if we look at Eswatini, Botswana, Namibia and South Africa, they have 56, 36, 46 and 54 % rate of unemployment respectively at the national level (Lungu, 2019).

Most of the economies of African countries are dependent on extractive industries producing primary products. These industries, according to Lungu (2019), are capital intensive yet they generate few jobs for the youthful continent in general. But, as discussed earlier, with the coming of the CFTA, production diversification is expected; countries will be able to shift from producing primary products to trade in manufactured products ultimately leading to industrialization. Lungu refers to this shift as a "structural change" that will bring economic growth and better employment opportunities.

According to the World Bank report (2020), agriculture will provide one-quarter of the employment opportunities in the continent by 2035. The figures vary across regions; it is projected that in North Africa it will employ 10.7%, in East Africa 47.8%, in southern Africa 29.8% and West Africa 26.7%.

According to the bank, the second significant employer in the continent by the year 2035 is the wholesale and retail trade sector. The sector is projected to have 21.1% employment across the continent with different figures among countries. The next big employer is the public service sector. The sector includes education, health, electricity, water, and public administration. It is expected to have an employment share of 15.2%. Subsequently, other sectors like recreation and communication take 2.5 and 2.2% of employment respectively.

415 million people live in extreme poverty in 2018; meaning the continent comprises 57 % of the total figure; the situation is severe in Sub-Saharan Africa. The bank also estimated that the rate of poverty is going to decline by 10.9% in 2035 as a result of the distributional effect of the agreement and also the full implementation of the CFTA will allow the continent to lift 30 million people or 1.5 % of the continent's population out of poverty by the above time. Additionally, the bank also predicted that the free trade area, if applied fully will allow the continent to lift another 67.9 million people out from moderate poverty (the state in which one can survive by meeting the basic need for the minimum standard of well-being but cannot meet the other aspects of life adequately).

There is also going to be an increase in the amount of wage that the average African will receive after the full implementation of the agreement. According to Madden (2020), AfCFTA will boost regional income by $450 billion. There are going to be numerical disparities across regions and individual countries, that is countries and regions with few barriers to trade will tend to benefit more from improved market access. According to the World Bank report (2020), in general, there will be a positive wage change in the continent. If we look at the numbers deeply, for instance, the wage for skilled labor will be higher than that of the unskilled one. If we also look at the figures in terms of sex, female wages would grow faster than that of their male counterparts.

SECURITY AND BORDERS IN AFRICA

As discussed earlier in the introductory section, borders are not homegrown phenomena for Africa, rather they are imposed by colonial masters irrespective of the social, political and economic realities of peoples and societies of the continent. Borders, according to Thomson (2016),

Table 1. The number of illegal small arms confiscated by the federal police in the area.

Year	Pistol	Pistol ammunition	Kalashnikov rifle	Kalashnikov ammunition
2015	128	4194	45	5851
2016	131	7827	5	6658
2017	43	4905	32	5435
2018	46	2792	82	5857
Mid-2019	91	5356	-	16946
Total	439	25,074	164	40,747

Source: Federal Police Metema Woreda Division.

are arbitrary in their nature and are the inheritances of colonialism in Africa. To make matters worse, they are not monitored effectively. This idea is supported by Adetiba (2019); Adetiba argues, *"Stumpy border control, in addition to corruption and the weak governments' structure, provides a conducive environment for transnational crime syndicates to emerge".*

Borders in the continent are hubs for violent and extreme groups. Islamic State in the Greater Sahel can be taken as an example here. According to Le Roux (2019), in 2018 the group was linked to 26% of all events and 42% of all fatalities and in 2019 more than 570 fatalities, more than any group in the region. The group is operating along the border areas of Burkina Faso, Mali and Niger.

One can also take Boko Haram as an additional example for the above cause. According to Salifu (2020), the group which is based in Nigeria is carrying out attacks in the neighboring countries such as Benin, Cameroon, Chad and Niger, because of the presence of porous borders along with the listed countries.

If we look at the porosity of borders from the lens of illicit Small Arms and Light Weapons (SALW) movement, we can also observe how the borders are posing a real danger to the peace and security of states of the continent. SALW is circulating the continent in huge number. Arms proliferation on the African continent poses a threat to the security of lives and properties. It is estimated that there are 100 million small arms in Africa, especially around the horn of Africa in countries like Somalia, Ethiopia, Southern Sudan the violent belt of Central Africa and many areas of West Africa (McCullum, 2016). But, according to Gramizzi (2014), the number of SALW in the continent is further increased to 150 million and most of them are in the hands of civilians.

We can also take the following figures from Metemaworeda of the Amhara Regional State in north-west Ethiopia, which is a bordering region with the neighboring Sudan. According to the Ethiopian Herald (2016), along with other major areas, the Sudan-Metema-Humera is the major entry point of illicit SALW in Ethiopia (Table 1).

The above figures are fairly large, but according to the woreda Federal Police division, the number is still low compared to the severity of the illicit flow of small arms in the area. the Federal Police division on the area estimates that tens of thousands of firearms and their ammunition make their way into the country through this point, but they are only tracing out a quarter of them.

To make matters worse, these large numbers of SALW are weapons of choice to galvanize existing conflicts across the continent; one can take the conflicts in DRC, Libya and the pastoralist conflicts in the eastern part of the continent as an example.

Additionally, these leaky borders between states of the continent are thriving grounds for organized trans-boundary criminal groups. Especially, the eastern part of Africa is actively used by these groups to smuggle weapons in large number, conduct trafficking in persons, drugs and natural resources. They are carrying out their operations using modern and advanced technologies and are committing organized crimes (UNODOC, 2021). Accordingly, it is evident that the continent's borders are putting the security of nations and their citizens at stake.

AFCFTA AND SECURITY: DILEMMA

As discussed in the earlier sections of this paper, the continental free trade area will bring an unprecedented economic boost in the continent as a result of increased trade and movement of people. On the other hand, the continent is paying a huge price in different forms because the easiness of borders and checkpoints for people and groups with hidden intentions (ranging from informal traders to organized crime syndicates) to cross-in to other country and cross-out again.

AfCFTA is a double-edged sword which is very capable of striking both ways. As thoroughly discussed, it brings positive economic impact for the continent in a range of ways; starting from employment to industrialization. On the contrary, it can be an issue to reckon with, if states put their guard down and allow them to be engulfed with a scourge of people and goods.

It is almost impossible for any regional economic integration to thrive if people are not entitled to freely move. According to the IOM (n.d.), in West and Central Africa, intra-regional movement of people represents a large part of cross-border movements and has been widely recognized as a driver to the region's economic growth and stability.However, according to the socio-political realities of the continent, the free movement of people can be a distressing phenomenon. In the same report, IOM indicated that because of the recent regional security challenges, countries in the region are reconsidering their approach regarding migration which can be taken as a movement of people.

The presence of similar ethnic groups in different sovereign administrations and irredentist claims is also another point of dilemma. African borders are arbitrary and after independence Africa's borders continued to be feeble. Moreover, they became causes of social insecurity and irredentism. It has been almost impossible to have viable stability and long-term peace and security within and between many African states and the porous African borders have resulted in the regionalisation of conflicts, resulting in chaos in areas such as the Mano River in West Africa, the Great Lakes region and the Horn of Africa (Nguendi, 2012). One can take the Ogaden war between Ethiopia and Somalia and the Western Sahara conflict as examples. This major phenomenon will have a decisive effect in the success of the agreement

On the contrary, this situation can be an advantage in facilitating trade. As people speak and understand the language and traditions of people living at the other side, it will allow them to interact easily and be engaged in trade and other economic activities, which ultimately will result in increased personal, national and continental economic gains and benefits. Moreover, it can be the much needed crucial cornerstone to a politically integrated Africa.

CONCLUSION

The continent came up with the long-awaited agreement to establish one of the biggest free-trade regions in the world. The agreement is going to thrust the continents' economy into a more integrated and sophisticated one as it increases employment opportunities, lowers trade and commodity costs and advances industrialization or specialization and mainly the free movement of people and goods will be the main character of the agreement.

Against this backdrop, the continent is infamous for the prevalence of different types of conflicts and problems; among the many, the presence of porous borders is responsible for being fertile ground for the mushrooming of various organized crime syndicates and extreme groups. Besides, borders in Africa are mainly used for illegal cross border trading activities, illicit smuggling of

weapons and human trafficking activities. Thus, AfCFTA might be used by these groups for their own advantages compromising the already weak and fragile peace and security of the continent.

Hence, the continent is faced with a situation that can have a detrimental effect on its development aspirations on one hand and on its peace and security, on the other hand.

CONFLICT OF INTERESTS

The authors have not declared any conflict of interests.

REFERENCES

Adetiba T (2019). Transnational Syndicates and Cross-border Transfer of Small Arms and Light Weapons in West Africa: A Threat to Regional Security. Journal of African Union Studies (JoAUS) 8(1):93-113.

African Development Bank (2017). Intra-African trade is key to sustainable development – African Economic Outlook. Retrieved at https://www.afdb.org/fr/news-and-events/intra-african-trade-is-key-to-sustainable-development-african-economic-outlook-17022.

Apeh C (2018). The AfCFTA Objectives, Concerns and Opportunities. Africa Center for International Trade and Development (ACINTAD). Retrieved at https://www.acintad.org/the-afcfta-objectives-concerns-and-opportunities/

Asiwaju A (2015). Borders in Africa; an Anthology of the Policy History. Institute for Peace and Security Studies, pp. 255-261.

CFI (2021). Regional Trading Agreements. Retrived at https://corporatefinanceinstitute.com/resources/knowledge/econmomics/regional-trading-agreements/

Gramizzi C (2014). Tackling Illicit Small Arms and Light Weapons (SALW) and Ammunition in the Great Lakes and Horn of Africa. Africa Peace Forum, China Arms Control and Disarmament Association and Safer World, pp. 6-7.

IOM (n.d.). Immigration and Border Management. Retrieved at https://rodakar.iom.int/immigration-and-border-management

Le Roux P (2019). Exploiting Borders in the Sahel: The Islamic State in the Greater Sahara, Africa Center for Strategic Studies. Retrieved at https://africacenter.org/spotlight/exploiting-borders-sahel-islamic-state-in-the-greater-sahara-isgs/

Lungu I (2019). A Fresh Chance for Africa's Youth, Labour Market Effects of the African Continental Free Trade Area (AfCFTA). GIZ-AU Briefing Paper. Econstore pp. 1-3.

Madden P (2020). AFRICA IN FOCUS Figure of the week: The AfCFTA's effects on trade and wages in Africa. Brookings institution. Retrieved at https://www.brookings.edu/blog/africa-in-focus/2020/09/02/figure-of-the-week-the-afcftas-effects-on-trade-and-wages-in-africa/

McCullum H (2016). Small arms: the world's favourite weapons of mass destruction, Africa Files 5:2-5.

Nguendi F (2012). Africa's international borders as potential sources of conflict and future threats to peace and security. Institute for Security Studies (ISS) 233:1-11.

Salifu U (2020). Border porosity and Boko Haram as a regional threat. Institute for Security Studies (ISS). Retrieved at https://issafrica.org/amp/iss-today/border-porosity-and-boko-haram-as-a-regional-threat

Schmieg E (2016). Global Trade and African Countries Free Trade Agreements, WTO and Regional Integration. German Institute for International and Security Affairs. Retrieved at https://www.swp-berlin.org/publications/products/arbeitspapiere/Afrika_Globalisierung.pdf

Sommer L, Nshimbi C (2018). The African Continental Free Trade Area: An Opportunity for Informal Cross-Border Trade, (Crosby A, ED.). Bridges Africa 7(4):7-10.

Songwe V (2019). Intra-African trade: A path to economic diversification and inclusion. Brookings Institution. Retrieved at https://www.brookings.edu/research/intra-african-trade-a-path-to-economic-diversification-and-inclusion/

Stuart J (2020). Informal Cross Border Trade in Africa in a Time of Pandemic. Trade Law Centre (TRALAC). Retrieved at https://www.tralac.org/blog/article/14487-informal-cross-border-trade-in-africa-in-a-time-of-pandemic.html

The Ethiopian Herald (2016). Ethiopia: Government Set to Control Illicit Arms Possession. All Africa. Retrieved at http://allafrica.com/

UNCTAD (2019). Economic Development in Africa Report 2019: Made in Africa: Rules of origin for enhanced intra-African trade. UNCTAD. UNCTAD/ALDC/AFRICA/2019/Corr 1:13-48.

UNCTAD (ND). Informal cross-border trade for empowerment of women, economic development and regional integration in Eastern and Southern Africa. UNCTAD. Retrieved at https://unctad.org/project/informal-cross-border-trade-empowerment-women-economic-development-and-regional-integration

UNODOC (2021). Transnational Organized Crime in Eastern Africa. UNODOC. Retrieved at https://www.unodc.org/easternafrica/what-we-do/transnational-organized-crime/

Wairagu F (2004), The Proliferation of Small Arms and Their Role in the Escalating Conflicts in East Africa, In Nhema A. (Ed), The Quest for Peace in Africa; Transformations, Democracy and Public Policy, OSSREA, Addis Ababa.

World Bank (2020). THE AFRICAN CONTINENTAL FREE TRADE AREA: Economic and Distributional Effects. The World Bank Group. DOI: 10.1596/978-1-4648-1559-1

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Review

Sexual violence against women during the Rwandan genocide: A narrative review

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The Rwandan genocide was characterized, in addition to brutal killings, by equally brutal acts of sexual torture, mutilation, and enslavement as weapons against Tutsi women and girls on a mass scale. Existing scholarship on sexual violence has enhanced a general increased understanding of the contexts and challenges confronting survivors. Though the raping of women in combat and occupation zones is very common, it is never justified and will always be a serious human rights violation. This is a narrative review of sexual violence against women during the Rwandan genocide. Sexual violence was an intentional strategy of genocide. The study relied on literature review to analyze the sexual violence cases that were committed during the Rwandan genocide.

Key words: Rwandan genocide, sexual violence, rape, gender violation, sexual assault, genocidal rape, opportunistic rape.

INTRODUCTION

Though scholars over the past decades have paid relatively greater attention to sexual violence than before, its existence during conflict has been a bit neglected (Mullins, 2009b). The Rwandan genocide was characterized, in addition to brutal killings, by equally brutal acts of sexual violence on a mass scale. Existing scholarship on sexual violence has enhanced a general increased understanding of the contexts and challenges confronting survivors (Denov et al., 2020). Though the raping of women in combat and occupation zones is very common, it is never justified and will always be a serious human rights violation. Sexual violence, during and after the genocide, was characterized by acts of sexual molestation, mutilation, rape and sexual enslavement. Tutsi women and girls were the main victims and rape was a tool to humiliate and annihilate the ethnic Tutsi population (Amnesty International, 2004; Hamel, 2016).

The rape occurred in all sorts of weird places such as on the streets, at checkpoints, in cultivated plots, in or near governmental offices, hospitals, churches, and other public buildings (Nowrojee, 2005). Even some Hutu women who could not prove their identities and looked like Tutsi were raped as they were regarded as Tutsi women in disguise (Nowrojee, 2005). An estimated 250000 -500 000 Rwandan women were raped (Banyanga et al., 2017; Haffajee, 2006). Rape during the Rwanda genocide was well organized and encouraged by those with military and political power and was part of the broader genocide event (Mullins, 2009b).

On the 6th of April 1994, the Rwandans woke up to the the news that Rwandan President Habyarimana's plane had been shot down. Militia members set up roadblocks throughout the streets of Kigali and began house-to house searches, killing anyone who was deemed an

enemy (Awoh and Nkwi, 2017). Victims were carefully selected and early killings were being carried out from a list of Tutsis that had been prepared months in advance. The list expanded to all Tutsis and any Hutu sympathizers (Reyntjens, 2016). The killings spurred the Rwandan Patriotic Front (RPF), a Tutsi rebel group operating in exile, to re-start war. This led to a government encouraged 100 days of mass slaughter. Hutus and Twas across the country began to slaughter their Tutsi neighbours, along with Hutu and Twa that were married to, sympathetic, or just friendly with Tutsi (Reyntjens, 2016). Sexual violence, especially against women was also rife.

The act of rape is often violent, humiliating and causes immense psychological trauma to victims and affected families. It does not matter if the rape occurred during conflict or not. Rape survivors struggle to accept their fate and need a lot of psychological and social support to promote their reintegration into society and give them a chance of, once again, living a normal life. Bringing these cases of rape to light through publication and encouraging disclosure by victims are some ways of helping rape victims heal and move on in their lives. The purpose of this narrative review is to discuss the rape that occurred during the Rwandan genocide, the motive behind it, the perpetrators, its effects, attempts of justice, and to suggest opportunities for addressing the sequel to promote normal living among survivors. As has been said, literature focused on sexual violence during the Rwandan genocide. Literature was narrative synthesized and findings were presented under various topics relating to sexual violence namely; the magnitude of violence, forms of sexual violation, possible causes, perpetrators, effects of violence, any attempts at justice, and opportunities for rehabilitation of survivors. This study focuses on sexual violence against women, causes of sexual violence, effects of sexual violence, challenges to justice and reparation, and opportunities for healing.

Sexual violence against women

As the general state of security in the country declined, members of the Interahamwe and Impuzamugambi militias, the Rwandan Armed Forces (FAR), and others took advantage of the chaotic conditions to commit acts of sexual violence with impunity. Local government officials advised women to wear both shorts and underwear beneath their skirts as an impediment to rape rather than wearing nothing per custom (Burnet, 2012). While official reports of rape were almost non-existent, Human Rights Watch reported in 1993, 'Rwandan soldiers frequently rape women, but because they are never punished for the crime, victims rarely report the attacks. Women know that to accuse soldiers is futile and may well lead to further harassment or even death' (Human Rights Watch, 1993).

As mentioned earlier, acts of genocide and sexual violence were committed by men of varied classes and professions. Rape became a hegemonic aspect of society; Hutu men used rape as a routine tool to dominate and destroy Tutsi women. The overwhelming majority of men who participated in the Rwandan genocide were ordinary men who did not have a history of violence or military involvement (Straus, 2006, p96). Many Hutu men joined militia groups out of fear of the punishment they could face for not getting involved (Straus, 2006). However, this was not the only reason Hutu men became involved in attacks. Others chose to join the attacks to counter the advancement of Tutsi rebels, to steal goods from houses being ransacked, or due to deep loyalism to the Hutu ethnicity (Straus, 2006). Although ordinary Hutu men made up the largest group of perpetrators of violence against women during the Rwandan genocide, Hutu women also played a key role as agents of violence against Tutsi women.

Violence in genocides most clearly manifests itself in the methodologies used to destroy the intended group. According to the United Nations (2002, p3) definition, genocidal acts include "causing serious bodily or mental harm to members of the group [and] imposing measures intended to prevent births within the group". Genocidal rape is defined as a systemically organized military tactic of terror and genocide. It is used to generate fear in a subdued population, humiliate the population (both men and women), derogate women (through spoilage of identity), and create a cohort of mixed-ethnic children to maintain the humiliation/spoilage/domination. Such use of sexual assault is an orchestrated tactic of warfare (Mullins, 2009a).

Some common tactics of genocide are public executions, mass killings, and starvation. Within the Rwandan genocide, the Hutu militia, also called the *Interahamwe,* used such methods to kill Tutsi men, women, and children. However, there was one method of genocide that existed within Rwanda that stood out: rape. Rape as a tool of genocide was present prior to the Rwandan genocide, such as in Armenia in the early twentieth century, but it was not used systematically and extensively until the Rwandan genocide (Mangassarian, 2016).

Fear of rape is a common emotion that all women near or within a combat zone experience; the widespread existence of this type of assault clearly enhances the stresses and anxieties already experienced by civilians (Mullins, 2009b). Genocidal rape capitalizes upon this and elevates assaults to a tactic of terrorism. Another primary motivation for mass rape is the humiliation of male community members. In Rwanda men were made to watch as their wives and daughters were assaulted; isolated reports of soldiers forcing men to rape their own daughters have also emerged (Chang, 1997). Such actions are vivid demonstrations of the newfound powerlessness of men in the combat zone.

Interahamwe militiamen often raped or sexually tortured Tutsi women before killing them. Perpetrators sometimes mutilated women during the rapes or before killing them by cutting off their breasts, puncturing the vagina with sharp objects, or disfiguring body parts that looked 'Tutsi' such as long fingers or thin noses (Alison, 1999). In other cases, Tutsi women were gang-raped, sexually enslaved, or 'married' by *Interahamwe* militiamen in exchange for having their lives saved.

Within the Rwandan genocide, rape specifically targeted women. Rwanda's patriarchal, the militaristic society reinforces the notion that women are property and, therefore, are part of the plunder of war (Kantengwa, 2014). The use of rape in Rwanda went deeper than just men satisfying their sexual needs "in a forceful demonstration of hyper-masculinity," which often underlies rape in a domestic setting (Mullins, 2009b, p721). Instead, rape was used to dehumanize and terrorize Tutsi women, by both common Hutu men and members of the Hutu militia (Totten and Ubaldo, p 2011: 31, 111). The UN Special Rapporteur on human rights in Rwanda, stated "rape was the rule and its absence was the exception," emphasizing the fact that almost all Tutsi women and girls were raped during the genocide.

Research on sexual violence in Rwanda has emphasized rape and other forms of sexual violence as conscious strategies on the part of the perpetrators to terrorize and control women, girls, and other civilians (Brunet and Helal, 1998). Sexual violence includes forcible sexual penetration of the vagina, anus, or oral cavity by a penis and/or of the vagina or anus by some other object, and sexual abuse, such as forced nudity. Sexual violence goes beyond physical as it includes offenses such as forced nudity and the mental torture associated with it (Askin, 1999).

METHODOLOGY

This study is based on a narrative review of previous researches on the Rwandan Genocide. A number of scholars and non-government agencies have published extensively on the Rwandan Genocide. This study specifically targeted previous studies that focused specifically on the effects of the genocide on women and girls.

FORMS OF SEXUAL VIOLENCE

Mullins (2009a) argued that there were three broad types of assaults during the genocide, namely: opportunistic assaults, episodes of sexual enslavement; and genocidal rapes, which were framed by the broader genocidal endeavours occurring at the time.

Opportunistic rape

Opportunistic rape is defined as "sexual assaults that arise out of general chaos and confusion of military engagement" (Mullins, 2009b, p726). This type of rape presents itself not just in instances of genocide, but also in many wartime conflicts. In the context of the Rwandan genocide, opportunistic rape occurred least frequently. Opportunistic rape relates closely to the "pressure cooker" theory of rape during wartime. According to this theory, men's instinctual sexual aggression mixed with the chaos of war and combat creates a "pressure cooker" which causes rape (Gottschall, 2004, p133). Opportunistic rapes were motivated by individualistic drives and arose out of the general chaos and confusion of a military engagement. They were the least frequently occurring and were not necessarily part of the military campaign. The relatively lower incidence of this type of assault can be an artefact of data because only the most severe and specifically genocidal assaults were more likely to be included at the International Criminal Tribunal for Rwanda (ICTR). A number of cases could have just gone unreported (Mullins, 2009b).

Sexual enslavement

Sexual enslavement describes situations in which one woman would experience multiple sexual assaults over a brief period of time while being confined, usually in the house of an *Interahamwe* soldier (Mullins, 2009a, p727). This confinement separates sexual enslavement from other forms of rape. Additionally, sexually enslaved women were threatened with intense violence unless they gave in to the will and requests of the soldiers. For example, one woman was threatened with being pierced by a spear after initially refusing sex (Mullins, 2009b, p727). Sexual enslavements also referred to cases where a woman was detained, typically in the house of an *Interahamwe*, and subjected to repeated sexual assaults over a period of days (Sitkin et al., 2019). Genocidal rapes were more brutal and their motivation and consequences went beyond mere sexual assault. They were one of many broader attempts to eliminate the Tutsis and typically arose out of the direct involvement of local leadership.

Genocidal rapes

Genocidal rapes are those whose motivation and consequences go beyond more mundane catalysts for sexual assault. These violations are part of a broader attempt to eliminate a category of people in whole or in part, with sexual violence being only one of many tactics used. In the Rwandan genocide of 1994, genocidal rapes typically arose out of the direct involvement of local leadership. One case such as this was presented in the case against Alfred Musema. Leading a group of 30 *Interahamwe*, Musema flushed six women out of their hiding place in some bushes off the road. As the witness recounted to the ICTR, "we thought we were going to be

killed in the bush," so they revealed themselves to the Hutu forces. After forcing them into a line, Musema selected a 25-year-old Tutsi woman who was eight months pregnant. Telling his troops that "he would give them an example as to what to do with the women…the young men should take the Tutsi women and see how they are made," he raped the woman then stabbed her in the throat. After their leader was finished, the militiamen fell upon the rest of the women, "raping them and after raping them, they stuck some pointed sticks into their private parts…those who did not die were finished off either with clubs or with machetes." After the initial sexual assault, Musema spent the time his men were raping the other five women shooting at men trying to flee into the hills. Sexual violence took many forms, some of them very humiliating. While some women were raped behind closed doors, some were raped in very public places. Other victims were forced to parade nude in front of their perpetrators (Nduwimana, 2004; Nowrojee, 1996). Some mothers were made to watch while their daughters were being raped, while some fathers and brothers were forced to rape their own daughters. Genital mutilation was also very rife. There were also incidences of anal and forced oral sex. Moreover, victims were denied health care if they contracted sexually transmitted illnesses and abortions if they had unwanted pregnancies (Nduwimana, 2004). Some women were also forced to abort their babies in unsafe environments and quite a number died from obstetric complications. Some had their pregnant bellies cut open in full view of their families and loved ones. Some young girls were forced to marry people who had raped them or even killed their parents. Even older women were forced into marriages (Nowrojee, 1996).

Justification for sexual violence against women

Sexual assaults on women and girls increased dramatically following the advent of the civil war in 1990. While it is almost certain that rape and sexual violence existed before then, they were not widely recognized as problems, and women's organizations did not mobilize on the issue. There are a number of factors that perpetuate sexual violence against women during conflicts. This ill-treatment relates to issues of property rights and women are regarded as men's property. Women have also been historically considered as spoils of war. During war times, women are abducted and become sexual and domestic servants (Mullins, 2009b). The subordinate and unequal status of men and women in society persist during conflict times and it puts them at risk for sexual violence. Many African governments promoted an ethos of restorative masculinity, and political culture in the new nations expressed authoritarian and militarist legacies (Gallimore, 2008). Moreover, cultural beliefs in most African societies reinforce male beliefs about sexual

privileges and access by perpetuating sexual assault that organized and regulated such behaviour as occurred in Rwanda. Sexual assault is also a form of derogation and identity spoilage of the rape victims (Mullins, 2009b). Genocidal rape was an organized military tactic of terror and genocide used to generate fear in a subdued population. Moreover, the creation of a cohort of mixed-ethnic children also served to maintain the humiliation and will always serve as an unpleasant reminder of the genocidal events. Fear of rape is a common emotion that all women near or within a combat zone experience; the widespread existence of this type of assault clearly enhances the stresses and anxieties already experienced by civilians. Genocidal rape capitalizes upon this and elevates assaults to a tactic of terrorism (Mullins, 2009b). Mass rape also served to humiliate male community members. Tutsi men and to some extent Hutus were made to watch as their wives and daughters were assaulted and some were even forced to rape their own daughters. This resulted in powerlessness among the Tutsis and having to be forced to participate in violation of their own women and girls was great torture (Mullins, 2009b).

According to Day (1994), rape is commonly defined as 'non-consensual sex' or 'non-consensual sexual intercourse.' This definition raises some significant conceptual problems when used in Rwanda (and many other African countries) because women in these cultures usually do not give explicit, verbal consent to sexual intercourse. Among Rwandans as well as many other African groups, modesty is a feminine ideal and unmarried girls and women are expected to uphold a cultural model of the 'modest virgin' devoid of any sexual knowledge or urges (Jefremovas, 1991). Since explicit expressions of sexual desire are considered immodest, female consent is usually signalled implicitly through non-verbal cues or 'situational consent,' that is, a woman or girl's willingness to be in a particular place, at a particular time, with a particular person.

Leaders were also responsible for the mass violence as they made frequent calls to rape. This was the highest level of harm and shame done to victims, their families, and communities, as Hutu killers were incited to commit greater and more atrocious levels of violence against Tutsi women (Sitkin et al., 2019). Long-standing ethnic squabbles between the Hutus and Tutsi were escalated by these calls. Some scholars have proposed the substitution argument that maintains that combatants with irregular access to prostitutes, camp followers, or willing civilians, often turn to rape. In such instances, rape becomes a recreational activity (Wood, 2009). Some have also proposed that military people often do not have enough resources to hire sex workers. However, during the Rwandan genocide, rape was more ethnically motivated and might not have had anything to do with the availability of money to pay for sexual favors. There was a targeting of particular groups of women, especially the

Tutsi, and in some cases, non-rape sexual torture (Wood, 2009).

Perpetrators of sexual violence

There were a number of different perpetrators of sexual violence during the Rwandan genocide (Mullins, 2009a; Nowrojee, 1996). The major culprits were the militia and other law enforcement agents. Thousands of women were raped and sexually tortured by Hutu extremists in an effort to eliminate the Tutsi population (Sitkin et al., 2019). Other perpetrators were the *Interahamwe*, a Hutu paramilitary organization backed by the Rwandan government, Rwandan soldiers and officers, National Police, and elite soldiers of the Presidential Guard (Nowrojee, 1996). Leaders were too powerful within their communities and were also major culprits (Sitkin et al., 2019). Individuals with other personal motivations were also involved in rape. In some instances, Hutus who had failed to get a chance of marrying a Tutsi woman saw it as their opportunity to "taste" a Tutsi. Some Hutu women were sexually abused by soldiers from the Rwandan Patriotic Front (RPF) in revenge for what Hutu men had previously done to Tutsi women (Banyanga et al., 2017). Women were also involved in abuses of other women (Brown, 2014; Jessee, 2015). The ICTR established sexual violence as an explicit strategy of the genocide and yielded the first judgment of rape as a genocide crime in an international court. The ICTR convicted Jean-Paul Akayesu, Burgomaster (Mayor) of Taba commune, of using rape as a weapon of genocide even though he did not participate in sexual violence (Mullins, 2009a). Instead, he ordered others to rape and engages in sexual violence as part of the genocide (Mullins, 2009b). Other leaders ordered militiamen and other community members to rape and also committed rape themselves. In 2011, the ICTR found Pauline Nyiramasuhuko, a woman and Minister of Women's Development in the interim government in power during the genocide, responsible for aiding and abetting rapes and ordering the rape of Tutsi women during the genocide. Unfortunately, due to errors committed during the trial by the prosecutor's office, the court did not find her guilty of rape as a crime of genocide (Mullins, 2009).

EFFECTS OF SEXUAL VIOLENCE

Physical violence

The rape resulted in a lot of unwanted pregnancies. Between 2000 and 20000 children were born as a result of forced impregnation during and after the genocide (de Brouwer et al., 2009; Mukangendo, 2007). Besides pregnancy, rape in the long term can result in HIV and AIDS and Sexually Transmitted Infections (STIs)

(Banyanga et al., 2017). There was a dramatic increase in HIV and AIDS cases after the genocide with some studies reporting prevalence as high as 66.7% among female victims (Amnesty International, 2004). Much of the dramatic increase was attributed to intentional transmission by HIV-positive Hutu men while a significant number of Tutsi women were given as gifts to Hutu men who had excelled at killing Tutsis. In 2001, 70% of the 25000 members of a group called Association des Veuves du Genocide d'Avril, were HIV positive (African Rights, 2004). Brutal rapes and killings also left many women maimed for life, while some sustained physical injuries arising from rape, mutilation, battering, and being forced to live in unhygienic spaces especially where rape involved enslavement (Nowrojee, 1996). Even incidences of diseases such as Malaria rose. Some communicable diseases such as tuberculosis affected women the most since they were caregivers.

Psychological

Wartime rape potentially results in mental and neurotic disorders, somatic disorders, post-traumatic stress, psychological distress, and major depressive disorder. It can also lead to social dysfunction, concentration difficulties, and generalised anxiety disorder (Zraly et al., 2011). Victims were left with psychological wounds and psycho-social challenges (Zraly et al., 2011). Even physical problems such as unwanted pregnancies exert a huge psychological burden on the victim. Rape trauma syndrome is real (African Rights, 2004). Alarmingly high rates of HIV and AIDS and persistent psychiatric suffering were reported among Tutsi women survivors in Rwanda (Nduwimana, 2004). Tutsi women were constantly living in terror. The overall extent of the sexual violence was not known and women often left their hiding places in the hope of some protection, and in most cases their judgment was wrong. Somatic anxiety, depression, and post-traumatic stress disorder can render a victim powerless (Cohen et al., 2009; Neugebauer et al., 2009; Zraly et al., 2011). In some instances, a vicious cycle was started where victims manifested risky behaviours such as poor health-seeking, risky sexual behaviour, non-initiation, delay or defaulting of Antiretroviral Therapy (ART), and reduced ART adherence (Walstrom et al., 2013).

Beyond physical brutality, sexual violence in the genocide consisted of symbolic and psycho-social violence. Perpetrators targeted the normally privileged role of Rwandan women as mothers. They disembowelled pregnant women while still alive and cut their foetuses out of their wombs (Human Rights Watch, 1999). They raped and sexually mutilated women and then told them bullets should not be 'wasted' on them because they would 'die of AIDS,' presumably contracted during the rapes (de Brouwer et al., 2009). Extremist rhetoric

targeted Tutsi beauty and desirability, militiamen were promised the opportunity for sexual intercourse with Tutsi women as a reward for their 'work,' that is killing Tutsis and others identified as enemies of the state. Survivors frequently reported that perpetrators said that they wanted to see if 'Tutsi women were like Hutu women' (Human Rights Watch, 1999). Many perpetrators raped Tutsi women as punishment for 'their supposed arrogance' since Tutsi women were 'said to scorn Hutu men' (Human Rights Watch, 1999).

Rape is violent and destabilizing (Fallon, 2018; Walstrom et al., 2013). Stigma is real and also influenced by cultural factors. In the context of war, it becomes even worse as rape victims may raise suspicion within their communities. They tend to get abandoned by their communities and are accused of collaborating with the enemy (Mukangendo, 2007). As a result, they are marginalized and are prone to more human rights abuses. Some women were forcibly displaced from their homes and this put them at even more risk of sexual assault as refugees. Unmarried women who have been raped are typically no longer considered desirable for marriage. In most cases, they have nowhere to turn for survival, resulting in them starving or marginalized in society (Mullins, 2009b).

The Rwandan women who were raped are ignored and marginalized by their families and communities, and the children born as a result of rape were not accepted in their communities, instead, they were considered as social burdens (Mukamana et al., 2018). The use of sexual violence in war and genocide leaves an entire society with long-term suffering (Clark, 2014). A woman who has been raped may be left with horrific bodily injuries that impair her sense of what it means to be a woman, and the act of being raped may rob her of the opportunity of ever finding a husband or of having a family of her own. Thus, some raped Rwandan women and girls have found it harder to find a partner (Banyanga et al., 2017). Some raped Tutsi wives of imprisoned Hutu men were denied access to genocide survivor organizations because they were not perceived as real survivors (Burnet, 2012).

Political-economic weapon

Rape during the genocide also became a political-economic weapon. The Rwandan state sought to eliminate the Tutsi ethnic group through the destruction or systematic stripping of assets. Tutsi homes and businesses were looted and burned; soldiers, militiamen, and civilian perpetrators were 'rewarded' for their work with property taken from Tutsis. Within this context, Tutsi women and girls were often treated as war booty or property (Turshen, 2001). For example, Rwandan soldiers ordered the Director of a nursing school to hand over female students and raped female employees of a

Roman Catholic seminary as 'a contribution to the war effort' (Human Rights Watch, 1999). In some communities, local authorities worked to keep the Tutsi wives of Hutu men alive only because 'depriving a man of the productive and reproductive capacities of his wife harmed his interests' and could diminish his willingness to support the genocide. Women's land rights were sometimes part of the 'reward' for militiamen. One survivor recounted how the head of the local militia gave her and her sisters to militiamen as 'wives and their father's land were split among the 'husbands' (Des Forges, 1999). Women and girls' greater survival rates can in part be explained through this use of women and girls as economic pawns to acquire land and property through so-called 'marriages'.

CHILDREN BORN OUT OF RAPE

Many women and girls who were raped became pregnant. While abortion was illegal in Rwanda in 1994, in some hospitals and medical clinics nurses and physicians quietly offered an unknown number of these women abortions as a treatment for their physical and psychological trauma. Nonetheless, a significant number of women and girls gave birth to children who were commonly called 'children of bad memories' in Kinyarwanda (Burnet, 2012). The exact number of children born of genocidal rape in Rwanda remains unknown, but it is estimated to be between 10,000 and 25,000 (Hogwood et al., 2018). Rape also has a negative impact on the children born as a result (Kahn and Denov, 2019). Such children are especially prone to suffering from severe psychological disorders like depression and anxiety (Kahn et al., 2014), parental neglect, and have a higher chance of becoming street children and being trafficked (Hamel, 2016). There should be no reason to punish these children as they had absolutely no choice in what happened to them (Denov et al., 2020; Hogwood et al., 2018). Children also have an identity crisis as they are not identified with both the father's and the mother's families (Mukahigiro, 2019). Regardless of the increased attention for the suffering of raped women, little attention has been directed at the neglected children born as a result of rape, and their life situations in their communities (Anderson and Van Ee, 2019; Kagoyire and Richters, 2018; Mukamana et al., 2018). Male babies are at risk of being viewed as future enemies growing in the community. In many families, these children are a source of conflict and major division between their mothers and stepfathers (Hogwood et al., 2018). Some families have raised children of rape with as much love and care (Walstrom et al., 2013).

Despite these obstacles, children born of rape become central to some sexual violence survivors' agencies: these survivors redefined themselves as mothers and made decisions to protect the well-being of their children.

In Rwanda as elsewhere in Africa, motherhood is the best light in which a woman can be seen. By re-inventing themselves as mothers, although as single mothers, these rape survivors recovered their dignity and reclaimed their agency (Walstrom et al., 2013). The radically transformed social context wrought by the genocide made this option more practical. In the aftermath of the genocide, single motherhood became less stigmatized and parents became less willing to enforce customary sanctions, such as pregnant daughters' banishment or sending the infants to orphanages.

CHALLENGES TO JUSTICE AND REPARATION

Rape, like genocide, will not be deterred unless and until the stories are heard. People must hear the horrifying, think the unthinkable, and speak the unspeakable (Tompkins, 1994). There has not been any effective investigation and prosecution of perpetrators; hence, nothing deterrent is in place to protect women (Nowrojee, 2005; Price et al., 2010; Warren, 2008). There is a general disregard for the suffering of women and girls post-conflict because there are inadequate services for survivors of wartime sexual assault. There is a lack of commitment to facilitating rape survivors' reintegration into society (Abi-Falah, 2019; Jefferson, 2004). As with any court proceedings, presentations were limited to specific actions without the general depiction of the events and the sexual violence that was embedded in the broader homicidal events (Warren, 2008). Only those witnesses whom the ICTR could locate, interview, and were willing to appear in the trial had access to the judiciary. This obviously left a lot of victims with psychological wounds emanating from rape events (Mullins, 2009b). Besides some have since died, leaving the burden of the trauma on their loved ones. Some victims could not travel freely to the office of the prosecutor. The majority of Rwanda was too dangerous to allow free movement of ICTR personnel and, rather, could only travel with UN armed escorts, seriously limiting their access to survivors and information. Maintaining the secrecy of witness identities was also essential. Some women, out of shame, chose not to report (Eramian and Denov, 2018). Women could also not well articulate the horrific events due to hesitancy to use the explicit language of penis or vagina or sexual organs (Fletcher, 2021). While such linguistic semantics do not prevent facts and events from being analyzed, they present the events in a less graphic form than expected (Fletcher, 2021; Mullins, 2009a).

OPPORTUNITIES FOR HEALING

There are a number of opportunities in Rwanda for justice and reparation of the victims. The presence of women in decision-making positions should be utilized as an opportunity to pursue justice for survivors of rape victims (Abbott et al., 2018). Rwanda has more female ministers than males with women now making up 52% of the cabinet (Mogoatlhe, 2019). The rebuilding of the public health system should provide a platform for mental health care for survivors. From 1997 to 1999, the World Health Organisation (WHO, 2013) national-level program was implemented to support female victims of violence with education campaigns, and the provision of medical supplies and basic psycho-social training to health care and social service providers (Zraly et al., 2011). A number of Non-Governmental Organisations operating in Rwanda should maximize efforts to bring both physical and psychological healing to rape survivors. There are Women Genocide Survivor associations whose purpose is to support survivors (Zraly et al., 2011). These obviously need a lot of funding. There is also a need to promote the district and sector level associations composed of genocide survivors such as Abasa. Informal community health services such as support or self-help groups are available in the community but that is not part of the formal health and welfare system, need to be supported in terms of human and material resources' (Zraly et al., 2011). Youth born out of the rape that occurred during the genocide could be viewed as symbols of reconciliation rather than a source of unending suffering (Denov and Kahn, 2019).

Anderlini (2000) argued that it is important for women to participate in peace building processes because compared to men, women are likely to put gender issues on the agenda, introduce other conflict experiences, and set different priorities for peace building and rehabilitation, and may also generate wider public support for peace accords. The UN (2002) pointed out that the participation of women and men has the potential to incorporate human rights provisions in new constitutions, introduce equal participation in elections, demand participation of women and men in decision-making, institute law against gender-based violence, and special measures to set gender-sensitive police forces and other key institutions, and greater gender balance, inheritance rights and access to land, property, housing, and credit.

CONCLUSION

Social interventions in post-genocide Rwanda focused mostly on Tutsi victims, leaving other rape survivors to cope on their own. Rape survivors who do not fit the Hutu perpetrator/Tutsi-victim dyad remained mostly silent because their experiences did not fit the dominant paradigm of Rwandan history promoted by the RPF government. Hutu women raped by FAR soldiers or *Interahamwe* militiamen during the civil war or genocide did not dare speak out publicly because they risked not only disbelief (because Hutu women are not perceived as genocide targets) but also a rejection by their husbands and families because of the 'shame' of being raped. Tutsi

women who were coerced into sex or forced into marriage with RPF soldiers had little or no access to social services for sexual violence survivors unless they adjusted their narratives and called the perpetrators *Interahamwe.* Finally, an unknown number of (Hutu and Tutsi) women have remained in marriages that began as 'forced' marriages (Burnet, 2003). Many women were sexually violated during the Rwandan genocide (Costello, 2016; Denov and Piolanti, 2020; Henry, 2016; Morris, 2016; Uwizeye et al., 2021). Though they could be other motivations for the assault, it was mainly perpetrated in the context of the genocide and was fuelled by ethnic differences existing before the killing of April 6, 1994. There were various groups of perpetrators and sexual violence that resulted in immense suffering physically, psychologically, and socially. Justice denied is justice delayed. It still remains important, that victims of the assaults be identified, encouraged to come out and speak out about their experiences. This is part of transitional justice, and it brings truth-telling, prosecution, reparation, and healing to victims. There is an urgent need to institute measures to stop or reduce the exploitation of women during conflicts. Some of the measures include women empowerment through integrated multi-sectoral approaches, education to address social and cultural perspectives on gender, and promoting and implementing laws against gender violence (WHO, 2013).

CONFLICT OF INTERESTS

The authors have not declared any conflict of interest.

REFERENCES

Abbott P, Mugisha R, Sapsford R (2018). Women, land and empowerment in Rwanda. Journal of International Development 30(6):1006-1022.

Abi-Falah L (2019). Abi-Falah, L. (2019). Reintegration of Female Rape Survivors: The Overlooked Priority of Transitional Justice in the Face of Mass Wartime Rape. Available at: https://heinonline.org/HOL/LandingPage?handle=hein.journals/wmjwl 26&div=20&id=&page=

African Rights (2004). Rwanda: Broken Bodies, Torn Spirits; Living with genocide, rape and HIV/AIDS. Kigali: African Rights. Available at: www.reliefweb.int

Amnesty International (2004). Rwanda: Marked for Death, rape survivors living with HIV/AIDS in Rwanda. Available at: www.amnesty.org

Anderlini SN (2000). Women at the Peace Table: Making a Difference. New York: UNIFEM.

Anderson K, Van Ee E (2019). Mothers with children born of sexual violence: Perceptions of global experts regarding support in social care settings. Health Care for Women International 40(1):83-101.

Askin KD (1999). Sexual violence in decisions and indictments of the Yugoslav and Rwandan tribunals: Current status. The American Journal of International Law 93(1):97-123.

Awoh EL, Nkwi WG (2017). South Africa and Rwanda: Truth and Reconciliation Commissions, Peacebuilding, Religious and Local African Authorities in conflict situations. Conflict Studies Quarterly 20:21-29.

Banyanga JA, Björkqvist K, Österman K (2017). The Trauma of Women Who Were Raped and Children Who Were Born as a Result of Rape during the Rwandan Genocide: Cases from the Rwandan Diaspora. Pyrex Journal of African Studies and Development 3(4):31-39.

Brown SE (2014). Female perpetrators of the Rwandan genocide. International Feminist Journal of Politics 16(3):448-469.

Brunet A, Helal I (1998). Monitoring the Prosecution of Gender-Related Crimes in Rwanda: A Brief Field Report. Peace and Conflict: Journal of Peace Psychology 4(4):393-397.

Burnet JE (2003). Culture, Practice, and Law: Women's Access to Land in Rwanda. In Wanyeki LM (ed.) Women and Land in Africa: Culture, Religion and Realising Women's Rights. New York: Zed Books pp. 176-206.

Burnet JE (2012). Genocide lives in us: Women, memory, and silence in Rwanda: USA: University of Wisconsin Press.

Chang I (1997). The Rape of Nanking: The Forgotten Holocaust of World War II. New York: Basic Books.

Clark JN (2014). Making sense of wartime rape: A multi-causal and multi-level analysis. Ethnopolitics 13(5):461-482.

Cohen MH, Fabri M, Cai X, Shi Q, Hoover DR, Binagwaho A, Culhane MA, Mukanyonga H, Karegeya DK, Anastos K (2009). Prevalence and predictors of posttraumatic stress disorder and depression in HIV-infected and at-risk Rwandan women. Journal of Women's Health 18(11):1783-1791.

Costello E (2016). Justice for Whom?: The Gacaca Courts and Restorative Justice for Survivors of Sexual Violence in Rwanda. Available at: https://deepblue.lib.umich.edu/bitstream/handle/2027.42/120576/emc ostel.pdf?sequence=1

Day S (1994). What Counts as Rape? Physical Assault and Broken Contracts: Contrasting Views of Rape among London Sex Workers In: Harvey P, Gow P (eds.). Sex and Violence: Issues in Representation and Experience, New York: Routledge P 172.

de Brouwer ALM, Ka Hon Chu S, Muscati S (2009). The men who killed me: Rwandan survivors of sexual violence.

Denov M, Kahn S (2019). They Should See Us as a Symbol of Reconciliation: Youth Born of Genocidal Rape in Rwanda and the Implications for Transitional Justice. Journal of Human Rights Practice 11(1):151-170.

Denov M, Piolanti A (2020). Though My Father was a Killer, I Need to Know Him: Children born of genocidal rape in Rwanda and their perspectives on fatherhood. Child Abuse and Neglect 107:104560.

Denov M, Woolner L, Bahati JP, Nsuki P, Shyaka O (2020). The intergenerational legacy of genocidal rape: The realities and perspectives of children born of the Rwandan genocide. Journal of Interpersonal Violence 35(17-18):3286-3307.

Des Forges AL (1999). Leave None to Tell the Story: Genocide in Rwanda. New York: Human Rights Watch.

Eramian L, Denov M (2018). Is it always good to talk? The paradoxes of truth-telling by Rwandan youth born of rape committed during the genocide. Journal of Genocide Research 20(3):372-391.

Fallon B (2018). Violence of Mind, Body, and Spirit: Spiritual and Religious Responses Triggered by Sexual Violence During the Rwandan Genocide Rape Culture, Gender Violence, and Religion: Springer pp. 71-86.

Fletcher N (2021). Sociolinguistic Challenges of Prosecuting Rape as Genocide at the International Criminal Tribunal for Rwanda: the Trial of Jean-Paul Akayesu. International Journal for the Semiotics of Law-Revue 2021:1-18.

Gallimore RB (2008). Militarism, ethnicity, and sexual violence in the Rwandan genocide. Feminist Africa 10(4):21-34.

Gottschall J (2004). Explaining wartime rape. Journal of Sex Research 41(2):129-136.

Haffajee RL (2006). Prosecuting crimes of rape and sexual violence at the ICTR: The application of joint criminal enterprise theory. Harv. JL & Gender P 201.

Hamel ME (2016). Ethnic belonging of the children born out of rape in post-conflict Bosnia-Herzegovina and Rwanda. Nations and Nationalism 22(2):287-304.

Henry N (2016). Theorizing wartime rape: Deconstructing gender, sexuality, and violence. Gender and Society 30(1):44-56.

Human Rights Watch (1993). Beyond the Rhetoric: Continuing Human

Rights Abuses in Rwanda. New York: Human Rights Watch.

Human Rights Watch (1999). Leave None To Tell The Story. Genocide in Rwanda. https://www.hrw.org/reports/pdfs/r/rwanda/rwanda993.pdf

Hogwood J, Mushashi C, Jones S, Auerbach C (2018). I learned who I am: Young people born from genocide rape in Rwanda and their experiences of disclosure. Journal of Adolescent Research 33(5):549-570.

Jefferson LR (2004). In war as in peace: Sexual violence and women's status. Human Rights Watch World Report, 1. Available at: https://www.hrw.org/legacy/wr2k4/download/15.pdf

Jefremovas V (1991). Loose Women, Virtuous Wives and Timid Virgins: Gender and Control of Resources in Rwanda. Canadian Journal of African Studies 25(3):378-395

Jessee E (2015). Rwandan women no more: Female génocidaires in the aftermath of the 1994 Rwandan genocide. Conflict and Society 1(1):60-80.

Kagoyire M, Richters A (2018). We are the memory representation of our parents: Intergenerational legacies of genocide among descendants of rape survivors in Rwanda. Torture: Quarterly Journal on Rehabilitation of Torture Victims and Prevention of Torture 28(3):30-45.

Kahn S, Denov M (2019). We are children like others: Pathways to mental health and healing for children born of genocidal rape in Rwanda. Transcultural Psychiatry 56(3):510-528.

Kantengwa O (2014). How motherhood triumphs over trauma among mothers with children from genocidal rape in Rwanda. Journal of Social and Political Psychology 2(1):417-434.

Mangassarian SL (2016). 100 Years of Trauma: The Armenian Genocide and Intergenerational Cultural Trauma. Journal of Aggression, Maltreatment and Trauma 25(4)371-381.

Mogoatlhe L (2019). More Women Cabinet Ministers Are Helping Remake Rwandan Policy. Available at: www.globalcitizen.org

Morris MB (2016). Achieving Justice and Rights through Social Development: Suggestions from Rwandan Women Survivors of Rape during Genocide. Social Development Issues 38(1):38-52.

Mukahigiro L (2019). Psychosocial living condition of children born from women raped during the 1994 genocide perpetrated against Tutsi in Rwanda. Rwanda: University of Rwanda.

Mukamana D, Brysiewicz P, Collins A, Rosa W (2018). Genocide Rape Trauma Management. Advances in Nursing Science 41(1):41-56.

Mukangendo MC (2007). Caring for children born of rape in Rwanda. Born of war: Protecting children of sexual violence survivors in conflict zones pp. 40-52.

Mullins CW (2009a). He would kill me with his penis: Genocidal rape in Rwanda as a state crime. Critical Criminology 17(1):15-33.

Mullins CW (2009b). We Are Going to Rape You and Taste Tutsi Women' Rape during the 1994 Rwandan Genocide. The British Journal of Criminology 49(6):719-735.

Nduwimana F (2004). Women and Rwanda's genocide: What goes unsaid. Rights and Democracy 14(2):1-6.

Neugebauer R, Fisher PW, Turner JB, Yamabe S, Sarsfield JA, Stehling-Ariza T (2009). Post-traumatic stress reactions among Rwandan children and adolescents in the early aftermath of genocide. International Journal of Epidemiology 38(4):1033-1045.

Nowrojee B (1996). Shattered lives: sexual violence during the Rwandan genocide and its aftermath (Vol. 3169): Human Rights Watch.

Nowrojee B (2005). Your Justice is Too Slow: Will the ICTR fail Rwanda's rape victims?: UNRISD Occasional Paper.

Price N, Grady K, Ibreck R (2010). Injustice after sexual violence: Problems in Practice at the International Criminal Tribunal for Rwanda.

Reyntjens F (2016). (Re-) imagining a reluctant post-genocide society: the Rwandan Patriotic Front's ideology and practice. Journal of Genocide Research 18(1):61-81.

Sitkin RA, Lee BX, Lee G (2019). To destroy a people: Sexual violence as a form of genocide in the conflicts of Bosnia, Rwanda, and Chile. Aggression and Violent Behavior 46:219-224.

Straus S (2006). The Genocidaires. In The Order of Genocide: Race, Power, and War in Rwanda. UK: Cornell University Press, pp. 95-121.

Tompkins TL (1994). Prosecuting rape as a war crime: Speaking the unspeakable. Notre Dame Law Review 70:845.

Totten S, Rafiki U (2011). We Cannot Forget: Interviews with Survivors of the 1994 Genocide in Rwanda. New Brunswick, NJ: Rutgers University Press.

Turshen M (2001). The Political Economy of Rape: An Analysis of Systematic Rape and Sexual Abuse of Women During Armed Conflict in Africa' in Victims, Perpetrators, or Actors?: Gender, Armed Conflict, and Political Violence, (eds). C.O.N. Moser and F.C. Clark London: Zed Books.

United Nations (2002). Women, Peace and Security. New York: United Nations. Available at: https://www.un.org/ruleoflaw/files/womenpeaceandsecurity.pdf

Uwizeye G, Thayer ZM, DeVon HA, McCreary LL, McDade TW, Mukamana D, Park C, Patil CL, Rutherford JN (2021). Double Jeopardy: Young Adult Mental and Physical Health Outcomes Following Conception via Genocidal Rape During the 1994 Genocide against Tutsi in Rwanda. Social Science and Medicine 278:113938.

Walstrom P, Operario D, Zlotnick C, Mutimura E, Benekigeri C, Cohen MH (2013). I think my future will be better than my past: examining support group influence on the mental health of HIV-infected Rwandan women. Global Public Health 8(1)90-105.

Warren M (2008). OTP Best Practice Manual' paper presented at the Roundtable on Cooperation between the International Criminal Tribunals and National Prosecuting Authorities.

World Health Organization (WHO) (2013). 16 Ideas for addressing violence against women in the context of the HIV epidemic. Available at: https://www.who.int/reproductivehealth/publications/violence/vaw_hiv_epidemic/en/

Wood EJ (2009). Armed groups and sexual violence: When is wartime rape rare? Politics and Society 37(1):131-161.

Zraly M, Rubin-Smith J, Betancourt T (2011). Primary mental health care for survivors of collective sexual violence in Rwanda. Global Public Health 6(3):257-270.

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