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Editors' Introduction

This special issue, titled *Rethinking Genocide, Mass Atrocities and Political Violence in Africa*, presents new approaches and perspectives on the study of genocide in Africa. The issue was made possible by the hard work and contributions of our guest editors, Laura Collins, Terrence Lyons, and Wale Adeboye. The guest editors worked diligently over the last year and a half to put together a diverse and compelling group of authors, ensuring the issue includes authors based in African universities, and that each article was peer reviewed by an African scholar. This issue of GSP is intended to deepen the scholarly conversation in Genocide Studies with new voices and perspectives, and one theme that ties together every article is that each author is critical of the way "genocide" is deployed in analyzing violence and conflicts in Africa. A great deal of scholarship on violent conflict in Africa is often conceptualized through the lens of terms such as "genocide," "civil war," "mass atrocities," "religious violence," "ethnic violence," or "terrorism." While these concepts are important, they often conceal more about conflict than they reveal. These concepts focus our analytical gaze on society-wide or country-wide sociological and political events and processes, but they often lead us to overlook the finer-grain local dynamics of conflicts as well as the role of global economic systems and regional competitions. Within this context, the issue as a whole forces us to ask whether the traditional paradigms of understanding violence and peace are still relevant to understanding conflict in African contexts? As several authors imply, it might be that the word genocide is an entirely unhelpful analytical framework.

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Christian Gudehus, Susan Braden, Douglas Irvin-Erickson, JoAnn DiGeorgio-Lutz, Lior Zylberman, Fiza Lee, and Brian Kritz. "Editors' Introduction" *Genocide Studies and Prevention* 13, 2 (2019): 1. ©2019 *Genocide Studies and Prevention*.
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Guest Editorial: Rethinking Genocide, Mass Atrocities, and Political Violence in Africa

Are conflicts dynamic processes? Though seemingly answered with a simple yes, the tendency at times to analyze and thereafter market complex conflict processes based on discrete categories of violence exposes a shortcoming in current analyses of conflict throughout the African continent. This not only suggests the need to problematize the very analytical frames employed to understand conflicts and how we respond to violence, but also interrogate why certain frames are applied selectively despite cross case similarities or why particular violence metanarratives are superimposed on conflict dynamics with little regard for how subnational processes may "map onto" or undermine macro conflict dynamics over time.[1] While conflict framing is critical for building and developing theory as well as informing conflict prevention and resolution strategies, it has the potential to narrow our vision, obscuring the evolving nature of conflicts, and impeding peacebuilding efforts. Concealing pertinent factors driving conflict may not be the only unintended consequence of conflict framing. Perhaps more pressingly, the way in which conflict and violence are framed, and the approaches taken, thereafter, may function to facilitate violence escalation rather than mitigation. This poses a critical challenge to scholars and practitioners studying political violence.

In spite of an initial downward trend in political violence in the form of internal armed conflict to capture control of the state and replace incumbent governments, and an increase in varying levels of democratic governance on the continent throughout the beginning of the new millennium,[2] notable challenges persist as others have increased in significance. Of note is not only the shift over the past ten years of this downward trend in violent armed conflict in the opposite direction, but how this shift has been coupled with a revival and evolution of violence in African states from Central African Republic to Mali to Libya, and elsewhere with links to past occurrences of instability and insurgency.[3] Manifestations of political violence in the form of electoral violence, riots, repression, and various forms of lethal economic predation remain. What cannot be overlooked when discussing the dynamics of violence in each of these cases however, as in many others, is the matter of varying external and militarized forms of intervention in each of their histories (on Libya, see Kuperman, this issue). Nor can we overlook the ambiguity that can exist between peace and wartime contexts within the same country case. As such, it is not only important to consider the socio-economic and political processes fostering a resurgence and evolution of violence, but to do this in a way that is neither blind to nor blinded by history.[4] (See Purdeková, this issue). Relatedly, the continued presence, yet increasingly diverse conglomeration of violent nonstate actors on the continent from Nigeria, to Somalia, to DRC, and elsewhere has been connected to an upward trend in transborder conflict and violence.[5] While these sub-state armed entities move cross border from statal peripheral areas for a variety of reasons from securing material resources from financing to

[1] Stathis Kalyvas, *The Logic of Violence in Civil War* (New York: Cambridge University Press, 2006), 6, 374.

[2] For a more in-depth discussion of trends during the post-colonial period through 2012, see, Scott Straus, "Wars Do End! Changing Patterns of Political Violence in Sub-Saharan Africa," *African Affairs* 111, no. 443 (2012), 179-201. DOI: 10.1093/afratf/ads015; for an in-depth discussion of trends during the period from 2010 onwards, see, Paul D. Williams, "Continuity and Change in War and Conflict in Africa," *Prism* 6, no. 4 (2017), 32-45, accessed December 12, 2018, https://www.jstor.org/stable/10.2307/26470480.

[3] Williams, Continuity and Change, 32-45; Christian von Soest and Alexander De Juan, "Dealing with New Security Threats in Africa," GIGI Focus Afrika 2 (2018), 2, Hamburg: GIGA German Institute of Global Area Studies – Leibniz-Institute für Globale und Regionale Studien, Institute für Afrika-Studien, accessed December 12, 2018, https://www.ssoar.info/ssoar/bitstream/handle/document/57825/ssoar-2018-soest_et_al-Dealing_with_New_Security_Threats.pdf?sequence=1&isAllowed=y&lnkname=ssoar-2018-soest_et_al-Dealing_with_New_Security_Threats.pdf; Barbara F. Walter, "Why Bad Governance Leads to Repeat Civil War," Journal of Conflict Resolution 59, no. 7 (2015), 1242-1272. DOI: 10.1177/0022002714528006

[4] See, Tatiana Carayannis and Louisa Lombard, eds., *Making Sense of the Central African Republic* (London: Zed Books, 2015). Carayannis and Lombard make the point that the 'crisis' moniker given to the more recent resurgence in violence in the Central African Republic at the end of 2012 was misleading. Rather than an aberration, the violence was and continues to be connected to deeper, more persistent structural and historical dynamics.

[5] Von Soest & De Juan, *Dealing with New Security*, 3-4; Straus, *Wars Do End*, 190-191.

Laura Collins "Rethinking Genocide, Mass Atrocities, and Political Violence in Africa" *Genocide Studies and Prevention* 13, 2 (2019): 2-13. ©2019 *Genocide Studies and Prevention*.
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support, what is apparent is the devastating effects on civilians. From the effects of transborder violence more generally and direct targeting more specifically, militarized statal responses to certain non-state agents have also had devastating and lasting consequences (see Loadenthal, this issue). While identity variables from ethnicity to religion continue to be relevant in analyses of conflict and violence, with some pointing to the increased importance of religion in conjunction with the activities of certain non-state armed actors,[6] others point to the increasing significance of violence throughout the continent emanating from farmer-pastoralists dynamics.[7] Lastly, from Algeria to Sudan most recently, the African continent as a whole is witnessing an increasing rate of nonviolent uprisings, successfully deposing of entrenched authoritarian regimes. As scholars of civil resistance have suggested and, particularly in reference to Sudan, where international indictments for mass violence and arrest warrants failed, mass mobilization triumphed in unseating a brutal leader.[8]

Yet, it is against this backdrop of some of these emerging trends across the continent that the term "genocide" has also been employed to characterize violence or the risk of violence in Sudan, South Sudan, Central African Republic, Nigeria, Democratic Republic of Congo, and Burundi. In addition to considering the applicability of the genocide frame, we must also ask if the application of the word genocide to understand political violence has been more of a help or a hindrance to conflict resolution and peacebuilding efforts in these countries? Has the word genocide over-emphasized the role of identity and, particularly ethnicity and religion in conflict, concealing the role of powerful international actors or structural drivers of conflict in each of these cases? Has the word genocide concealed conflicts over governance, and access to economic opportunities and resources? Does the focus on sovereign actors obscure the roles played by local, non-state, and transnational actors in the production of violence?

Relatedly, terms such as atrocity crimes and the responsibility to protect were developed purposefully over the last decade to downplay the implications of terms such as genocide and crimes against humanity, and shift international political discourse from one of "prevention as intervention" to a positive discourse of "prevention as a responsibility." How have these concepts shifted our frames of reference, in terms of practice, politics, and scholarship? And what has been the impact, if any, of this shift? Has the Rule of Law, Responsibility to Protect, and Early Warning and Early Prevention movements helped foster peace, or have they deflected blame from powerful global actors to local actors? Elsewhere the labels of "extremism" and "terrorism" have been applied by international observers and national governments in Nigeria, Libya, Tunisia, Uganda, Somalia, Mali, and elsewhere. Have these concepts served to facilitate or hinder peace efforts in these countries? Have the descriptors of "violent extremism" and "terrorism" created a false narrative that these dynamics are characteristics of African conflicts and their conflict actors in particular? Have these terms focused our analytical gaze on religion or ideology, while concealing other important political and economic aspects of political struggles and conflict? In other words, does labeling an actor a "terrorist" or extremist" depoliticize their actions and reify a category that makes conflict resolution more difficult.

Genocide, (Political) Violence, and Conflict

Genocide and conflict, or more specifically varying forms of political violence have been increasingly brought into conversation theoretically. Scholars have not merely sought to understand the differences, but also the nexus between these forms of large-scale violence. To that effect, studies have examined the occurrence of genocide against the backdrop of war and developed cross-case, multi-leveled comparisons of genocide and likely genocidal violence to expose critical mechanisms

[6] William, *Continuity and Change,* 40.

[7] Straus, *Wars do End,* 192-195; Juliana Nnoko-Mewanu, "Farmer-Herder Conflicts on the Rise in Africa," *Human Rights Watch*, August 6, 2018, accessed April 12, 2019, https://www.hrw.org/news/2018/08/06/farmer-herder-conflicts-rise-africa; "Farmer-pastoralist conflicts cause more deaths than Boko Haram," *The Nordic Africa Institute*, June 26, 2017, accessed April 12, 2019, https://nai.uu.se/news/articles/2017/06/26/113908/index.xml.

[8] Zoe Marks, et al, "How Protest Movements Are Succeeding Where Even Global Arrest Warrants Can't," *Foreign Affairs,* April 25, 2019, accessed April 26, 2019, https://www.foreignaffairs.com/articles/africa/2019-04-25/people-power-rising-africa.

of restraint and escalation. Elsewhere, examinations of multi-party conflicts have pointed to a connection between negotiating peace in the context of multi-party civil wars and escalation toward genocide as mediated by a large number of negotiating veto players.[9] Notwithstanding these theoretical advancements in our understanding of the logic of contemporary genocidal violence, in many ways, the concept of genocide does not provide a helpful analytical frame for understanding the dynamics of violent conflict in African contexts. Part of the reason for this is the term is often used in highly politicized discourses around issues of naming and responding to political violence. And, when applied, genocide determinations can serve to shape conflict analyses and what is understood to be evolving on the ground rather than the reverse. That is -still embedded within the concept of genocide, then, is a logic predetermining our understanding of the genesis and motivation for violence, the protagonists and their (absolute) agency (or lack thereof), and the ultimate trajectory and necessary means of action.

Of note in this regard is Dirk Moses' work that speaks of a continued oversimplification in how mass violence is conceptualized and analyzed.[10] Citing the interconnected intellectual development of Holocaust studies and Genocide Studies respectively, Moses points to the way in which the concept of genocide was gradually reframed in the image of the Holocaust as a strict policy of mass killing enacted by a totalitarian or authoritarian state and propelled exclusively by an exclusionary (identity centric) ideology.[11] By extension, non-genocidal occurrences of extreme violence are understood more conventionally as inherently political, fought over tangible concerns (access to land, resources, power), and violence is more restrained than absolute.[12] Conceptually framed as such, genocidal violence is at once decontextualized and a-political.[13] Moreover, when the motivating logic of genocidal violence is anchored within specific regime types and their associated ideologies, as Irvin-Erickson observes, this serves to anchor the occurrence of genocide exclusively (and erroneously) "within unfamiliar non-western, non-liberal, or non-democratic ideologies."[14] The application of this genocide frame to the violence in Darfur, Sudan in the 2000s served to shape analyses toward a singular focus on the state, obscuring the micropolitics and dynamics of the genocidal violence. As such, policy and advocacy discussions over the violence in Darfur, Moses writes, "were preoccupied with the Islamism of the Khartoum regime rather than the logic of counter-insurgency and civil war, a potential in all societies."[15]

It is from here that the nexus between violence and issues of actor and agency are influenced by these assumptions embedded in this framing of genocide. More specifically, homogenized portrayals

[9] For a general conversation over the need to bring genocide into conversation with the study of political violence, see, Ernesto Verdeja, "On Situating the Study of Genocide within Political Violence," *Genocide Studies and Prevention* 7, no. 1 (2012), 81-88. DOI: 10.3138/gsp.7.1.81; on mechanisms of restraint against and escalation toward genocide, see, Scott Straus, *Making and Unmaking Nations: War, Leadership, and Genocide in Modern Africa* (New York: Cornell University Press, 2015); on issues of war and genocide, see, Martin Shaw, *Genocide and International Relations: Changing Patterns in the Upheavals of the Late Modern World* (Cambridge, UK: Cambridge University Press, 2013); Martin Shaw, *What is Genocide*? (Cambridge, UK: Polity, 2007); on issues of civil war, negotiating peace, and escalation toward genocide, see, David E. Cunningham, *Barriers to Peace in Civil Wars* (Cambridge, UK: Cambridge University Press, 2011).

[10] Dirk A. Moses, "Paranoia and Partisanship: Genocide Studies, Holocaust Historiography, and the 'Apocalyptic conjecture'," *The Historical Journal* 54, no. 2 (2011), 555. DOI: 10.1017/S0018246X11000124

[11] Ibid; Dirk A. Moses, "Revisiting a Founding Assumption of Genocide Studies," *Genocide Studies and Prevention* 6, no. 3 (2011), 289, accessed January 20, 2019, http://scholarcommons.usf.edu/gsp/vol6/iss3/10; Dirk A. Moses, "Toward a Theory of Critical Genocide Studies," *Online Encyclopedia of Mass Violence, [online],* Mass Violence and Resistance – Research Network, Sciences Po, April 18, 2008, accessed, January 20, 2019, https://www.sciencespo.fr/mass-violence-war-massacre-resistance/en/document/toward-theory-critical-genocide-studies.

[12] Moses, *Revisiting a Founding Assumption*, 292-293.

[13] Mahmood Mamdani, "The Politics of Naming: Genocide, Civil War, Insurgency," *London Review of Books* 29, no. 5 (March 8, 2007), 5-8, accessed March 12, 2019, https://www.lrb.co.uk/v29/n05/mahmood-mamdani/the-politics-of-naming-genocide-civil-war-insurgency.

[14] Douglas Irvin-Erickson, "Genocide Discourses: American and Russian Strategic Narratives of Conflict in Iraq and Ukraine, *Politics and Governance* 5, no.3 (2017), 133. DOI: 10.17645/pag.v5i3.1015. On hidden genocides and, particularly colonial genocides, see, Alexander L. Hinton, et al, eds., *Hidden Genocides* (New York: Rutgers University Press, 2014).

[15] Dirk A. Moses, "Why the Discipline of "Genocide Studies" has Trouble Explaining how Genocides End," *The Social Science Research Council*, accessed January 20, 2019, http://howgenocidesend.ssrc.org/Moses.

of the perpetrator group and the victim group are pervasive discourses around contemporary cases of mass violence. Further still, narratives encompassing genocide framings can operate to label the perpetrator social group as collectively evil, while the victim group is moralized collectively as good.[16] The logic of genocide labeling processes encompassing these binaries is, therefore, largely for the purpose of generating a specific course of political action to prevent or mitigate genocidal violence, namely, interventionism[17] It was this course of action that was ultimately the desired end of the advocacy campaigning on the violence in Darfur through the Save Darfur movement.[18] The application of the genocide descriptor uncritically by those associated with the campaign along with scholar-practitioners and journalists reduced the Darfur conflict theatre and complex politics of violence to a "primordial struggle"[19] between two monolithic identity groups with 'Arabs' occupying the role of perpetrator and collectively "demonized" and 'Africans' occupying the role of victim.[20] As a consequence, this framing inaccurately portrayed social groups in Darfur (as would be the case elsewhere) as unified collectives and ignored the shifting and diverse roles individuals from within these social identity groups had in relation to violence. Moreover, as Mamdani further highlights, it also critically served to obscure the contentious politics around belonging in Sudan and claims embedded in struggles over how meaning is made of these identities.[21] Beyond Darfur, Irvin-Erickson has observed similar discursive frames employed in debates in the United States over the genocidal violence of Islamic State and how to respond.[22] Taken together, labeling violence as genocide, therefore, is not an analytically neutral act, but rather takes a position in a particular conflict suggesting discourses on genocide can play a generative role in conflict not only from advocating military interventionism,[23] but for how they have the potential to obscure the micropolitics of violence, or, indeed, an entirely different violence trajectory (see Purdeková, this issue).

Reverberations of simplistic perpetrator/victim binaries embedded in such framings of genocidal violence are not bound by time but can have broader peacetime implications. The legacy of crude, moralistic binaries embedded in central genocide studies narratives of the Rwandan genocide that resulted from an analytical propensity toward prioritizing the 1994 genocide of the Tutsi, Jones argues, have not merely afforded the Kagame administration political legitimacy. So too have they insulated the government from international pressure over its record of perpetrating past acts of mass violence and current human rights abuses.[24] Compounding many of these issues, Jones further observes, is a "pervasive sense of shame," felt in Western capitals over international political inaction in 1994.[25] Elsewhere, in her examination of Rwandan state implemented policies to promote national unity and reconciliation that have been much lauded internationally, Thompson underscores the pervasive reach of state power into the lives of ordinary Rwandans, but also the ways in which these same individuals subtly resist. By doing so, Thompson illustrates a critical disconnect between what reconciliation policies are thought to be achieving on the ground and what is actually transpiring.[26]

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[16] Irvin-Erickson, *Genocide Discourses*, 133-135; Mamdani, *The Politics of Naming*, 5-8.

[17] Ibid.

[18] Don Cheadle & John Prendergast, *The Mission to End Genocide in Darfur and Beyond* (New York: Hachette Books, 2007); see also, Eric Reeves, "Sudan: Research, Analysis and Advocacy," accessed May 20, 2019, http://sudanreeves.org.

[19] Irvin-Erickson, *Genocide Discourses*, 136.

[20] Mamdani, *The Politics of Naming*, 5-8.

[21] Mamdani, *The Politics of Naming*, 5-8.

[22] Irvin-Erickson, *Genocide Discourses*, 135-140.

[23] Ibid., 133-135.

[24] Adam Jones, "The Great Lakes Genocides: Hidden Histories, Hidden Precedents," in *Hidden Genocides*, ed. Alexander L. Hinton, et al (New York: Rutgers University Press, 2014), 130-131.

[25] Ibid.

[26] Susan Thompson, *Whispering Truth to Power: Everyday Resistance to Reconciliation in Postgenocide Rwanda*, (Madison: University of Wisconsin Press, 2013).

The Responsibility to Protect

Adopted at the 2005 United Nations World Summit by heads of government and state, the Responsibility to Protect (R2P) is the principle now most invoked in contemporary political discourse, guiding how the international community perceives its commitment and response to large scale violence.[27] Culminating in the development of the R2P normative framework, the intellectual history of reconceptualizing state sovereignty finds its roots in Africa and, particularly over concerns around mass violence in southern Sudan and Khartoum's unwillingness to act on its responsibilities to its own people.[28] It was from Francis Deng's concerns here that he and colleagues - Sadikiel Kimaro, Terrence Lyons, Donald Rothchild, and William Zartman – argued for "sovereignty as responsibility."[29] State sovereignty, they argued, entailed obligations whereby it is incumbent on sovereign states to domestically safeguard the welfare of all those living within their territories.[30] From its foundation in intellectual debates on sovereignty, the R2P norm, thereafter, evolved through the International Commission on Intervention and State Sovereignty in 2005[31] and, later, through the UN Secretary General's report on the application of R2P.[32] With its evolution came a disaggregation of the notion of responsibility[33] and a specification of broader categories of violence incumbent upon states to prevent that importantly included genocide[34] To that effect, not only do individual states have a national responsibility to safeguard their domestic populations from the threat and commission of genocide, crimes against humanity, war crimes, and ethnic cleansing, so too do they have an international responsibility to ensure other sovereign states work to fulfill their domestic obligations to protect their populations under R2P.[35] Embedded in the normative framework, therefore, is not only the notion of prevention and protection, at least rhetorically, as collaboration, but also as one of responsibility.[36]

The shift in international political discourse from conceiving of mass violence prevention as singularly done through military intervention to a more positive discourse on prevention through a variety of mechanisms (non-militarized and militarized respectively) was much needed. However, the political discourse and application of the R2P framework and, particularly the international element of responsibility in contexts where it is perceived states are reneging on their sovereign responsibilities has drawn sharp criticism. From voices in the global south arguing the imperialist undertones of the framework divide the world between those states whose populations are secure from mass violence and, therefore, concerns around their domestic responsibilities under R2P are of little import, to those states innately incapable of safeguarding against mass violence and their populations requiring external efforts, as a result, to protect them. To the global north where it is argued the discourse around prevention as responsibility is not immune from likely exploitation by powerful states seeking to simultaneously legitimize and detract attention from their interventionist

[27] Philip Cunliffe, "Introduction: Critical Perspectives on R2P," *Journal of Intervention and Statebuilding*, 4, no. 1 (March 2010), 35-37. DOI: 10.1080/17502970903541655

[28] For a clear early articulation of responsibility to protect as applied to Sudan, see, Francis Deng and Larry Minear, *Challenges of Famine Relief: Emergency Operations* (Washington, DC: Brookings Institution Press, 1992).

[29] Francis Deng, et al, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, DC: Brookings Institution Press, 1996).

[30] Ibid., 211.

[31] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001), 4, accessed March 12, 2019, http://responsibilitytoprotect.org/ICISS%20Report.pdf.

[32] United Nations, *2005 World Summit Outcome Document*, October 24, 2005 (UN Doc. A/RES/60/1), paras, 138-140, accessed March 12, 2019, https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf.

[33] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, xi.

[34] United Nations, *2005 World Summit Outcome Document,* para 138-140.

[35] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect,* xi.

[36] For a review of strong advocates for the responsibility to protect, see generally, Sheri Rosenberg, "Responsibility to Protect: A Framework for Prevention," *Global Responsibility to Protect* 1, no. 4 (2009), 442-477; Louise Arbour, "The Responsibility to Protect as a Duty of Care in International Law and Practice," *Review of International Studies* 34, no. 3 (2008), 445-458; Gareth Evans, *Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Washington DC: Brookings Institution Press, 2008).

political exploits abroad.[37] Others, (see Kuperman, this issue; see Idris Erameh, this issue) have illustrated the devastating consequences of the uncritical application of R2P in complex wartime contexts. Ultimately, the norm of R2P with its prioritization on state driven protection from mass violence somewhat functions to conceal how we understand the nature of peace and, particularly fostering sustainable peace. That is, rather than employing R2P in the pursuit of strengthening state securitization whereby populations are repeatedly protected from mass violence, as Irvin-Erickson observes, the emphasis must be toward sovereignty as responsibility as embodied in state institutions operating to preserve the safety of those within the territories of states.[38] This is all the more imperative given how central statal structures have been and will continue to be in the commission of large-scale mass violence, including genocide.[39]

The Drivers of Conflict

Violent conflicts in Africa are largely driven by the same economic, political, and social forces as conflicts elsewhere around the world. Yet, African states are among the newest in the world. We know that poverty and conflict are correlated, and the continent is poor. As eluded to previously, policy, advocacy, and media accounts emphasize various cultural attributes of conflict and mass violence, often relying on long discredited notions of ancient tribal hatreds fueling violence while ignoring the overwhelmingly peaceful interactions among ethnic groups.

The case of the Central African Republic (CAR) and the most recent increase in violence toward the end of 2012 is illustrative not merely for its complexity, but also for the way in which much of the violence has been portrayed as running almost exclusively along religious fault lines. Determining whether the violence in the CAR is religious or not is largely unhelpful as is, in many ways, the uncritical application of monolithic (monotheistic) religious descriptors to sub-state armed elements and movements in the CAR. A simplistic, religiously dichotomous violence narrative of Christians against Muslims obscures how religion, as a key element in the socio-political fabric of the CAR, has long functioned within identity centric narratives over issues of belonging and citizenship. So too can it function to divert attention away from seeking to understanding more critically how religion has, in the case of the CAR and in other African conflict contexts, shaped the dynamics of violence more overtly over time. Conflict de-escalatory and reconciliatory efforts in the case of the CAR are needed to address both the overt and more historically discrete socio-political positioning of religion.[40]

In sum, violent conflicts in Africa are at times protracted but what seemed like impossible to resolve civil wars in Liberia and Sierra Leone or the struggles in Mozambique and Angola have ended. Rather than thinking of "African Conflict" as a category containing various discrete forms of political violence, it is more useful to recognize the micro-dynamics within each conflict. By doing so, it becomes possible to analyze the complex socio-economic and political processes through which violence evolves in diverse and varied ways. Without such an understanding of the nature of conflicts in African contexts, analyses – academic or otherwise - will be stymied by two-dimensional understandings of what is evolving on the ground. As a consequence, the frameworks and policies adopted by various actors may do anything but mitigate conflict and large-scale violence.

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[37] See, for example, Mahmood Mamdani, "Responsibility to Protect or Right to Punish?" in *Critical Perspectives on the Responsibility to Protect: Interrogating Theory and Practice,* ed. Philip Cunliffe (London: Routledge, 2011), 125-138; on the likely manipulation of R2P, see, Douglas Irvin-Erickson, "Protection from Whom? Tensions, Contradictions, and Potential in the Responsibility to Protect," in *Rethinking Security in the Twenty-First Century*, ed. Edwin Daniel Jacob (New York: Palgrave Macmillan, 2017), 105-123.

[38] Irvin-Erickson, *Protection from Whom,* 117-118.

[39] Ibid., 121.

[40] For the most comprehensive English language volume of the dynamics of violence in the Central African Republic see, Tatiana Carayannis and Louisa Lombard, eds., *Making Sense of the Central African Republic* (London: Zed Books, 2015); on religion and wartime violence in the CAR, see, Laura C. Collins, "Guns and Prayers: Religious Organisations and Wartime Violence in the Central African Republic," (PhD diss., George Mason University, forthcoming).

Rethinking Concepts, Deepening Scholarship

This special issue, "Rethinking Genocide, Mass Atrocities, and Political Violence in Africa: New Directions, New Inquiries, and Global Perspectives" represents an attempt to critically investigate the conceptual labels used to make meaning of conflicts across Africa. In doing so, this special issue does not start from a position that assumes one form of conflict is inherent to the African continent or that conflicts throughout Africa are uniform or unchanging. Nor is it understood that the continent is uniquely inclined toward outbreaks of violent conflict or that when there is an outbreak of conflict it is markedly different from how conflict and violence unfold elsewhere.[41] Rather, it is premised on an understanding that conflict and violence in Africa are often (and perhaps disproportionally) conceptualized through the prism of terms as "genocide," "civil war," "mass atrocities," "religious violence," "ethnic violence," or "terrorism." These frames serve to focus our analytical gaze on society-wide or national level events and processes but conceal both the fine-grain local dynamics of conflicts as well as the role of regional competitions, and transnational dynamics facilitated by porous borders or diaspora communities. Within this context, the special issue asks whether the traditional paradigms of understanding violence and peace, and how we seek to prevent, mitigate, and resolve violence are still relevant to understanding conflict in African contexts.

To answer this call, the papers included in this special issue examine a variety of cases throughout the African continent from Libya to Burundi and have been written from different epistemological approaches and disciplinary backgrounds. Many of the contributions seek not merely to critically analyze the application and applicability of conflict frames employed by international observers and national governments, but also to examine the conceptual, theoretical, and practical consequences of conflict framing on the politics of violence, conflict prevention and mitigation, and peacebuilding efforts. Moreover, from negotiating peace to considerations of amnesty, others critically engage these conventional conflict resolution approaches to end violence and secure peace.

In her contribution opening this special issue, Andrea Purdeková seeks to further problematize the notion of "preventive framing" and, specifically employing the genocide label as a mechanism for prevention. Purdeková's paper, "#StopThisMovie and the Pitfalls of Mass Atrocity Prevention: Framing of Violence and Anticipation of Escalation in Burundi's Crisis (2015-2017)," draws on a wealth of data to trace how the recent dynamics of violence in Burundi and its escalation were characterized for broad consumption using the genocide descriptor – explicitly and implicitly – for the purposes of persuading, effecting, and ultimately to prompt interventionist preventive action. Framed by an understanding of labeling is an essential element of conflict rather than a phenomenon that operates above the conflict fray, Purdeková examines the unspoken and inadvertent consequences of raising the specter of likely genocide in Burundi. Though activists may lament the ultimate ineffectiveness of deploying the genocide frame to garner swift and decisive regional or international preventive action, it was effective, Purdeková argues, in obscuring pertinent variables undergirding violence and instability in Burundi, and the more likely and pressing escalation trajectory toward civil war. Specifically, analyses tended toward drawing similarities uncritically between Rwanda and Burundi's pasts as determining the only likely trajectory to be genocide. Consequently, while invoking the genocide frame overemphasized the role of ethnicity, failure – at a result – to imagine or recognize an alternative possible trajectory for the crisis in Burundi, Purdeková observes, was perhaps the most detrimental unintended consequences of how the conflict was framed. Rather than mitigate abuses and deepening repression, determinations of impending genocide facilitated a political standoff in which, Purdekovà argues, violence became more hidden and organized. Moreover, a preoccupation with preventing an impending genocide, in turn, prevented steps toward broader considerations of a political solution to the violence. Compounding this was the way in which these uncritical determinations of the evolution of the crisis contributed to the government turning inward and distancing itself from international influence.

If Purdeková's paper serves as a critical entry point to broader considerations of the unintended consequences embedded in the preventive agenda, Alan Kuperman's contribution takes this

[41] See, Straus, *Wars Do End*, 187.

theme one step further by testing the moral hazard of humanitarian intervention hypothesis in the Libyan case. In his, "Did R2P Foster War in Libya," Kuperman examines the 2011 Libyan uprising to explicate whether the decision to instigate, escalate, or sustain the rebellion was done based on a belief held by those involved that a counteroffensive launched by the Qaddafi regime would provoke an external humanitarian military intervention that would, in turn, advance their revolutionary agenda. By tracing of the chronology of events and decisions made around the instigation and perpetuation of the Libyan rebellion, Kuperman provides an alternative reading of its onset. For Kuperman, the rebellion unfolded from the east and, particularly from pre-planned violence perpetrated by Islamist militants in the region. This violence, Kuperman argues, co-occurred with protest events in Benghazi rather than emerging in their wake as conventional narrations suggest. Concurrently, Kuperman draws upon new documentary sources to reveal the positions, interests, and ultimately illustrates the shifting strategic calculus of the rebel forces and, particularly their leadership from the point of initiating rebellion to deciding to continue it. Taken together, while it was self-belief alone in their ability to triumph over the Qaddafi regime that propelled militants to initiate rebellion, external intervention was increasingly understood by their leadership as essential for not merely the continuation of their struggle, but to facilitate an eventual victory. Strong intimations in support of humanitarian military intervention given by NATO members heightened the belief among the rebels that such assistance was not only a possibility, but forthcoming. Rebel leadership, Kuperman further suggests, also attempted to actively court such assistance by overstating the state-sponsored threats to civilians. With the eventual arrival of the NATO-led intervention, the otherwise short-lived rebellion continued for several months. Yet, violence escalated and the civilians the humanitarian military intervention had ostensibly been launched to protect were subjected to widespread and persistent violence. The Libyan case, Kuperman argues, is yet further evidence of the need to critically assess how R2P is approached in order to grapple more seriously with moral hazard. Atrocity prevention, Kuperman concludes, demands intervention strategies be informed and controlled.

Interwoven throughout the contributions offered by Purdeková and Kuperman is a commitment to highlighting the complexity of the African wartime environment; a complexity that is often at best obscured and at worse dismissed in favor of a tendency toward reductionist and misleading portrayals of conflict dynamics, actors, and their interests much to the detriment of civilian protection, mitigating violence, and fostering paths toward a cessation of hostilities and peace. In doing so, they expose to varying degrees how the local matters and select actors in conflicts are not passive recipients of frames employed by external agents in understanding their context. It is not that Africans fight over different things than those in other parts of the world. But deeply embedded assumptions generate analytical conclusions that often overlook political dynamics and highlight identity, hence making genocide appear more likely.

Building on this, Nicolas Idris Erameh, in "The Practices, Pitfalls, and Prospects of the Responsibility to Protect (RtoP) in Africa," argues for more importance to be given to understanding localized conflict dynamics and how R2P is understood locally in contexts where the R2P normative framework is applied, and particularly prior to engaging in militarized forms of intervention encompassed under the third pillar of the framework. Efforts, Idris Erameh argues, are required to rethink the notion of last resort pertaining to militarized interventionism in conjunction with more active and tangible engagement in the pursuit of political and diplomatic solutions for conflict throughout the continent. The importance, Idris Erameh suggests, of developing more contextually attuned understandings of conflict lies in the ability, thereafter, to shift discourse and action on R2P in Africa from militarized to non-militarized mechanisms for prevention. Concurrently, Idris Erameh contents the prospects of R2P in Africa demand a re-examination of what unfolds during the interactions between those who intervene and those who are intervened upon. Specifically, renewed considerations of the varying power dynamics between these parties are vital. In consideration of the enduring issues of power embedded in discourses surrounding R2P and, particularly at the level of practice, Idris Erameh not merely underscores the relative and continued marginalization of African states in vital decision-making processes and measures taken under the auspice of R2P, but also the manner in which past intervening states have appeared unencumbered by the spirit of the framework. One possible solution, he suggests, lies in critically engaging the

notion of "responsibility while protecting" and its associated elements of proportionality on the part of states intervening militarily, on the one hand, and offsetting the implications of external intervention, on the other.

Along with considerations of genocide framing and the responsibility to protect, other contributors to this special issue engage the framing politics of terrorism. Michael Loadenthal, in "Othering Terrorism: A Rhetorical Strategy of Strategic Labeling," turns our attention to rhetorical processes of othering as captured through an examination of print and film media coverage. The analysis draws upon the film, Black Hawk Down, media reports of Boko Haram in Nigeria, non-state media productions generated by actors such as Al-Shabab in Somalia, and rightist violence. Loadenthal illustrates how framings of political violence and, particularly 'terrorism,' acts of 'terroristic' violence, and whom is considered to be a 'terrorist,' vary sharply from those surrounding notions of 'extremism' and 'extremists.' Specifically, Loadenthal contends that through the production and reproduction of discourse, notions of 'terrorism' are constructed in such a way whereby they are deeply tied to notions of foreign, non-white and, non-western identities. Conversely, white, Christian actors operate outside of these discursive frames of othering, and rightist violence committed by these actors are omitted from 'terrorism' determinations. Framing violence as 'terroristic,' Loadenthal illustrates, has little to do with the tactics employed by sub-state entities. Loadenthal then connects these observations over how political violence and, particularly terrorism is framed to broader issues of denials of political legitimacy and empathy. The descriptor 'terrorist' applied to brown and black bodies lends legitimacy to state-enacted mass violence while the lives of persons marked as terrorists are deemed unmournable and ultimately disposable. Loadenthal concludes that these racialized discourses of otherness will continue to be used to justify state violence until we are able to extend dignity, legitimacy, and empathy to armed resisters around the world.

Turning to the Nigerian case specifically, Chinonye Alma Outonye's contribution, "The Fight for Language: An Exploration of the Nigerian State's Response to Protest Groups in Southeastern Nigeria," examines how a state's use of language and, specifically categorizing certain forms of collective action subversive, acts as a strategy through which to dominate and discredit certain groups' grievances within wider public discourse. The Nigerian state, Outonye argues, cloak their rational for deploying direct violence against resurgent pro-Biafra movements in security imperatives and, particularly arguments couched in their legitimate right to use force to defend against perceived threats to the territorial integrity of the state. Within this framework, linguistic determinations of these movements as 'extremists' and 'terrorists' serve to position them and their demands as irrational and illegitimate. Nigerian state-sponsored violence in Biafra, thereafter, is at once rationalized and normalized. This labeling strategy not merely shapes how these protest groups experience state violence, but, as Outonye contends, such determinations also function to disconnect these movements from their local context and, in turn, the broader issues undergirding their emergence. Further still, given the perceived illegitimacy of these movements, such labels work to obscure a range of possible alternative mechanisms, including dialogue in preference for violence to address pro-Biafra movements. Taken together, Outonye critically illustrates how the strategic application of these labels by the Nigerian state not only obfuscates the legacy of the Nigeria-Biafra war on the Eastern region, including persistent marginalization and discrimination, but the entrenched lack of addressing the history of the war. By underscoring the importance of bringing Nigeria's past into conversation with understanding the present, Outonye provides a deeper understanding of the intricacies of the contemporary Nigeria landscape, which are hidden behind tactics of dismissal and violence employed by the state. The latter of which serves to both deepen tensions and feeds the central freedom and recognition by secession narrative of these movements.

Moving to considerations of how peace is approached, Nathaniel Dominic Danjibo and Owonikoko Babajide Saheed's contribution, "Buying Peace or Building Peace: Rethinking Non-Coercive Approaches to the Management of Non-state Armed Groups Involved in Mass Atrocities," examines the contentious issue of amnesty in conflict contexts. Drawing upon the case of the Nigerian state-sponsored amnesty program implemented in the Niger Delta, Danjibo and Owonikoko illustrate how the use of this particular strategy to address the existence and

activities of non-state armed actors, and their associated violence served as little more than a mechanism to placate violent agents. Much of the failure of the amnesty program, the authors contend, can be attributed to the way in which this approach was not embedded in a larger process toward peace embarked upon by the state in conjunction with armed nonstate actors in the Delta. Specifically, despite the inclusion of a disarmament, demobilization, and reintegration component, there was neither an initiation of dialogue nor broader considerations of either the structural violence propelling instability in the Delta, or the legacy of the direct violence perpetrated by both the state and non-state armed groups. Bringing the lessons of granting amnesty in the Niger Delta into conversation with the conflict context in North East Nigeria, Danjibo and Owonikoko argue an amnesty provision alone would be inadequate to bring an end to Boko Haram violence. Moreover, as the authors highlight, questions persist as to whether the group's leadership would be receptive to amnesty. Rather, there is a need for more contextually attuned, non-violent strategies to building peace in the region. This, for the authors, is part of a larger imperative to integrate peacebuilding approaches into atrocity prevention efforts and negotiating peace – that is, there is a continued need for holistic peacebuilding to promote sustainable peace in Nigeria and elsewhere on the continent.

From Nigeria to the Great Lakes region, Jonathan Belof and Samantha Lakin in, "Peace and Compromise, Idealism and Constraint: The Case of the Arusha Peace Accords in Rwanda and Burundi," draw on data collected from elite interviews to illustrate the complexities of negotiating peace, charting not only the enduring consequences of these processes, but their unintended effects. Rather than facilitate peace, the Rwandan Arusha Accords failed to counteract the civil war continuing and had the unintended effect of affording the political space and time for genocide preparation. It was this, Belof and Lakin argue, that had the further unintended effect of an RPF-led retightening of the domestic political arena in the aftermath of the 1994 genocide to prevent a resurgence of extremist views. A move that has effectively eviscerated competitive party-politics in Rwanda, which persists today. Beyond domestic politics, Belof and Lakin illustrate how the experience of the failed Arusha Accords and genocide have broader implications for how Rwanda engages in international politics, and particularly their involvement in regional peacekeeping missions. Presenting a somewhat alternative understanding, the authors suggest, Rwandan state motivation is in part driven by their own experience with genocide. In Burundi, by foregrounding the composition of the negotiation process and, particularly the actors involved, they illustrate how parties engaged in negotiation processes and, thereafter, are at once structurally and behaviorally dynamic, and politically strategic. As such, in spite of the comprehensive power-sharing framework that emerged based on multi-ethnic political inclusion and initial multi-ethnic posturing, ethnicity, Belof and Lakin argue, continued to be salient for power holders and, particularly the ruling party in the mid 2000s. The continued prevalence of identity-based politics gradually permitted abuses of power and a re-emergence of varying forms of violence. Compounding this issue, the authors suggest, has been repeated institutional failure and a failure to enforce and oversee the agreement. Despite the Arusha Accords in Burundi having successfully ended the civil war, they have ultimately failed to avert a continuation of direct violence and address more ingrained structural violence.

Taken together, a major theme emanating from the contributing discussions is the way in which some of the frames used to understand violence and contribute to peace may in fact facilitate violence or a violent response to conflict. To that effect, the contributors of this issue form a timely and important collective voice in the advancement of the critical agenda around how we conceive of and thereafter seek to resolve violent conflict in Africa and elsewhere.

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Transnational Advocacy: Genocide or Terrorism?

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In recent decades globalization has made transnational networks critical to understanding conflict dynamics and how diaspora political activities shape policy outcomes. Why did Tibet become an international controversy while the similar struggle by the Uyghurs received far less attention from the media and transnational advocacy networks?[1] How have transnational advocacy networks led to the diffusion of global norms on human rights?[2] On many issues, such as LGBT rights, competing networks of activists mobilize and contend with each other to shape global narratives and specific policy outcomes.[3] Transnational networks and diaspora also contribute to what some reference as the "dark side" of globalization and serve to support hyper-nationalist movements, international criminal syndicates, and arms trafficking.[4]

International policy toward genocide is shaped in part by how transnational advocacy groups frame the message and how competing networks push alternative approaches. Scholars have pointed out the ways that transnational networks play key roles in how issues are framed. Bob has emphasized the roles of gatekeepers in the construction of issues for advocacy networks.[5] The process through which Darfur was labelled as genocide was deeply contentious and raised deep issues about how the world should position itself with regard to violence, particularly in Africa and the Islamic world.[6] As Irvin-Erickson argued, "genocide discourses" are a type of strategic narrative that shapes the way that individuals and groups position themselves.[7]

In many cases one set of actors seeks to portray a conflict as genocide while another seek to label one or another parties to the conflict as terrorist. The genocide and terrorism frameworks both work to make conflict fundamentally apolitical and to make one set of actors innocent victims and the other perpetrators. Alex Bellamy has argued in the context of the Responsibility to Protect (R2P) doctrine "counter-terrorism and R2P are simply different ways of talking about the same problem: violent attacks on civilian populations."[8] While The Convention on the Prevention and Punishment of the Crime of Genocide has specific legal language on the components of genocide, in the political realm the label is used in response to transnational advocacy and mobilization.

This article will examine the efforts by the Ethiopian government and its allies on one side and the Ogaden National Liberation Front and its supporters in the diaspora on the other to shape whether the violence in the Somali region of eastern Ethiopia should be regarded as "genocide" or "terrorism." In other words, the determination of what kind of conflict was taking place in the Somali region of Ethiopia was shaped by transnational political processes. Conflict between highland Ethiopians and the Somali-speaking people of eastern Somalia (often called the Ogaden, after the largest Somali clan that lives there) has a long history. A low level insurgent war between the Ogaden National Liberation Front (ONLF) and the Ethiopian government escalated sharply

[1] Clifford Bob, *The Marketing of Rebellion: Insurgents, Media, and International Activism* (New York: Cambridge University Press, 2005).

[2] Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998).

[3] Clifford Bob, *The Global Right Wing and the Clash of World Politics* (New York: Cambridge University Press, 2012).

[4] Jorge Heine and Ramesh Thakur, eds., *The Dark Side of Globalization* (New York: United Nations University Press, 2011).

[5] Bob, *Marketing of Rebellion*. While Bob emphasizes NGO networks, the argument here extends the same logic to diaspora networks. See also, R. Charli Carpenter, "Setting the Advocacy Agenda: Theorizing Issue Emergence and Nonemergence in Transnational Advocacy Networks," *International Studies Quarterly* 51, no. 1 (2007), 99-120. DOI: 10.1111/j.1468-2478.2007.00441.x

[6] Mahmood Mamdani, "The Politics of Naming: Genocide, Civil War, Insurgency," *London Review of Books* 29, no. 5 (March 8, 2007), 5-8.

[7] Douglas Irvin-Erickson, "Genocide Discourses: American and Russian Strategic Narratives of Conflict in Iraq and Ukraine," *Politics and Governance* 5, no. 3 (2017), 130-145. DOI:10.17645/pag.v5i3.1015

[8] Alex Bellamy, "The Islamic State and the Case for Responsibility to Protect," *OpenCanada.org*, April 20, 2015, accessed June 1, 2018, https://www.opencanada.org/features/the-islamic-state-and-the-case-for-responsibility-to-protect/.

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https://doi.org/10.5038/1911-9933.13.2.1702

in 2007 following a rebel attack on a Chinese facility exploring for natural gas.[9] The ONLF and its supporters in the diaspora community demanded that the international community recognize this violence as a genocide and respond appropriately. At the same time, the regime in Addis Ababa and its allies insisted that the ONLF was a terrorist organization working in collusion with Ethiopia's regional rival Eritrea and al-Shabaab Islamists in Somalia and therefore should be designated as a foreign terrorist organization, which would cut off funding sources in the diaspora. This transnational advocacy contest took place in Europe, North America, and involved governments and diaspora populations making claims on behalf of populations to which they were linked through global networks.

The Ethiopian Diaspora

In Ethiopia, as in many parts of the world, political dynamics have been transformed by globalization and the development of innovative transnational social networks. These new political processes are rooted in communities that are increasingly less restricted by geographic location or by the notion that actors outside a state are not members of communities rooted within a specific jurisdiction. These new transnational politics of diaspora networks are often intensely focused on specific locations, identities, and processes of contention.[10] In the Ethiopian case, as in other cases of "conflict-generated" diasporas such as the Tamil, Armenian, or Irish, diaspora communities have a tendency to frame homeland struggles in categorical, hard-line terms that strengthen locally based confrontational leaders and movements.

The Ethiopian diaspora in North America has its origins in Ethiopia's violent political transitions and protracted conflicts. Many key leaders in the diaspora had engaged in the radical student politics of the early 1970s and have remained active in Ethiopia's politics from abroad ever since. The diaspora played a crucial role in the political opening of 2005 and the subsequent crisis and crackdown. The EPRDF regime vigorously criticized what it labeled as "extremists" in the diaspora and insisted that the diaspora had no legitimate role in Ethiopia's domestic politics. In Ethiopia, as in many parts of the world, local politics are transnational, as power, constituencies, and ideas in diaspora communities influence political outcomes at home.

Transnational Politics and the Ogaden National Liberation Front

The importance of transnational processes involving diaspora politicians will be illustrated in this article through the case of advocacy around the war between the Ethiopian regime, led by the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF), and the Ogaden National Liberation Front (ONLF) in the late 2000s. The two opposing sides sought to embed their advocacy within powerful global narratives. The EPRDF used the language of the global war on terrorism and sought to have the ONLF classified and treated internationally in the same way as al-Qaeda, the Islamic State, or al-Shabab. The ONLF and its allies in the diaspora, however, activated the powerful frames around genocide and sought to have the war in the Ogaden understood in the same way as Darfur or Rwanda. One facet of the war in the Ogaden, therefore, was a transnational battle to shape international understanding and therefore policies of the conflict as either terrorism or genocide.

The ONLF initially participated in the Transitional Government of Ethiopia established by the EPRDF after it assumed power in 1991 and the ONLF won the 1992 local elections. After demanding self-determination, however, the party was deposed and replaced by a non-Ogadeni alliance of clans. The ONLF then engaged in a relatively low-level armed conflict, but the war escalated dramatically in 2007. In April, an ONLF attack on Chinese workers developing natural gas operations in the Ogaden threatened Ethiopia's relationships with important international investors. Ethiopian armed forces responded with a ferocious counter-insurgency campaign

[9] For context see, Abdi M. Abdullahi, "The Ogaden National Liberation Front (ONLF): The Dilemma of Its Struggle in Ethiopia," *Review of African Political Economy* 34, no. 113 (September 2007), 556-562.

[10] Terrence Lyons and Peter Mandaville, eds., *Politics from Afar: Transnational Diasporas and Networks* (Oxford: Oxford University Press, 2011).

that generated massive displacement and allegations of widespread human rights violations.[11] Addis Ababa perceived the ONLF as part of a regional network of threats that linked the Ogadeni movement to Eritrea, the Islamic Courts in Somalia, and the Oromo Liberation Front.

The conflict in the Ogaden region led the regime in Addis Ababa as well as the ONLF to mobilize different groups to mobilize transnationally. These competing transnational campaigns sought to shape the policies of governments and international organizations, and the ONLF further sought to influence prominent international advocacy groups and human rights organizations. Diaspora supporters sought to frame the conflict in the Ogaden in terms of human rights and international law:

> We are also extremely concerned with the ongoing and widespread violations of human rights in the Ogaden, specifically the right to life, the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, the right to liberty and security, the right to a fair trial and the rights to freedom of assembly, association and expression.[12]

The ONLF and its supports emphasized that violence in eastern Ethiopia should be understood as "war crimes" and urged the UN to "halt the unfolding of yet another preventable African genocide."[13] The Ethiopian government, in turn, claimed that the ONLF was a terrorist organization and therefore a legitimate target for security forces. The ONLF response alleged that the ruling party was guilty of "war crimes" and that the "real terrorists are the Ethiopian government."[14] The ONLF and its supporters intentionally borrowed the framing used by activists who sought to mobilize the international community around the violence in Darfur. Both the ONLF activists and the Ethiopian government recognized the importance of framing the issue to actors outside of Ethiopia and that external understandings might shape the outcome of the conflict.

These dynamics were illustrated by a particular episode in August 2009 when a government-led delegation from the Somali National Regional State visited diaspora leaders in Sweden and North America to brief them on current developments and to encourage investment. The ruling authorities sought to characterize the ONLF as an "instrument of other anti-peace elements in Somalia and Eritrea who have been playing a game with the blood of the innocent civilians in Somalia for the last eighteen years and who want to import the same game into the people of the Somali region of Ethiopia."[15] The Ogadeni diaspora leaders mobilized to counteract this narrative and to challenge the tour. The diaspora recognized the delegation's visit as an opportunity to educate and influence the international community and leaders. The diaspora issued a press release noting their "shock" that visas would be issued to these "perpetrators of crimes against humanity in the Ogaden Region."[16] An editorial on the diaspora-run Ogaden.com website named specific individuals within the visiting delegation and insisted that all were "directly responsible

[11] "Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden Area of Ethiopia's Somali Region," *Human Rights Watch,* June 12, 2008, accessed June 1, 2018, https://www.hrw.org/report/2008/06/12/collective-punishment/war-crimes-and-crimes-against-humanity-ogaden-area-ethiopias.

[12] "The Arrival of Perpetrators of Crimes Against Humanity in the Ogaden," (press release, August 16, 2009, accessed June 1, 2018, http://rasaasa.com/your-excellencies/.

[13] Wangui Kanina, "Ethiopia's Ogaden Rebels Warn of 'African Genocide'," *Reuters*, September 13, 2007, accessed March 31, 2019, https://www.reuters.com/article/us-ethiopia-rebels/ethiopias-ogaden-rebels-warn-of-african-genocide-idUSL1385784520070913.

[14] Brian Kennedy, "Ethiopia: Ogaden Leaders Accuse Government of 'Genocide'," *allAfrica,* September 13, 2007, accessed June 1, 2018, https://allafrica.com/stories/200709130518.html. Quote from ONLF Chairman Mohamed Osman.

[15] See, "Somali-Ethiopian Officials Visit Ogaden Diaspora in Sweden" (press release, Ethiopian Embassy, Stockholm, 18 August 2009), accessed June 1, 2018, https://www.hiiraan.com/news2/2009/aug/somali_ethiopian_officials_visit_ogaden_diaspora_in_sweden.aspx. For a press release that emphasizes diaspora protests in Stockholm see, "Accomplices of the Ethiopian Army War Criminals Visits Sweden and Met the Wrath of the Ogaden Community in both countries," (Statement by the Ogaden Somalia Communities Abroad, Sweden, August 25, 2009), accessed June 1, 2018, http://www.dehai.org/archives/dehai_news_archive/jul-sept09/0540.html.

[16] *The Arrival of Perpetrators.*

for the genocide that has, and continues to date, taken place in Ogaden."[17] The statement went on to urge those whose relatives are victims of the "Ogaden genocide" to lodge criminal complaints in Sweden and elsewhere against members of the delegation. "We beg these victims to use the European, American, or African legal systems to bring these perpetrators to justice."[18]

Recognizing that that the legal and political systems in northern Europe and the US offered opportunities for certain strategies that were not available in the homeland, the ONLF and its sympathizers deployed the diaspora to protest, demonstrate and generally increase the profile of the liberation movement. An October 2008 demonstration in front of the State Department delivered a letter protesting "widespread human rights violations"[19] and a November 2008 protest in Parliament Square in London was advertised as a "protest against genocide and crimes against humanity in Ogaden."[20] Working with transnational advocacy networks, protestors targeted Prime Minister Meles Zenawi whenever he visited Europe or North America. Diasporic Ogadeni advocates took advantage of the opportunity of Meles' participation in the global summit on climate change in Copenhagen in December 2009 to accuse him of committing genocide in Ogaden[21] and then again protested Meles when he gave a talk in September 2010 at Columbia University in New York.[22]

The Ethiopian government explicitly named the ONLF, along with the Oromo Liberation Front and Ginbot 7, as terrorists groups alongside international groups like Al-Qaeda and Al-Shabaab. Deputy Prime Minister (and later Prime Minister) Hailemariam Dessalegn noted that the international community asked for cooperation from the developing states to support the global war on terror but refused to recognize groups active in places like Ethiopia as terrorist. He complained of a "double standard" in the fight against terrorism and pressured Washington to place these opposition groups on its terrorist list.[23] "Terrorists who targeted Africans were not treated as seriously as terrorists who targeted Americans."[24] A pro-EPRDF website even asked why

[17] "Bring Ogaden Genocide Perpetrators to Justice," *Ogaden online* editorial, August 16, 2009, accessed June 1, 2018 ,https://web.archive.org/web/20090819151209/http://ogaden.com/editorial/409-bring-ogaden-genocide-perpetrators-to-justice. The editorial stated: "There is no doubt that the extrajudicial killings, rape, and gruesome maiming reported in Ogaden perfectly fit the legal definition of genocide. There is also a consensus of opinion as to who the Ogaden genocide perpetrators are. These genocidal criminals include those who plan, direct, and carryout genocidal crimes against the Ogaden citizenry. Individuals such as Da'ud (Amhar), the head of the so-called Somali administration, Abdi Iley, the head of the Security Bureau, the heads of the Woyane militias and their marauding militias including the local militias, and the head of the current Tigrian clique in Addis Ababa Mr. Meles Zenawi are now part of what is locally dubbed as the Ogaden genocide marshals (OGM)."

[18] *Bring Ogaden Genocide Perpetrators to Justice*. The editorial stated: "There is no doubt that the extrajudicial killings, rape, and gruesome maiming reported in Ogaden perfectly fit the legal definition of genocide. There is also a consensus of opinion as to who the Ogaden genocide perpetrators are. These genocidal criminals include those who plan, direct, and carry out genocidal crimes against the Ogaden citizenry. Individuals such as Da'ud (Amhar), the head of the so-called Somali administration, Abdi Iley, the head of the Security Bureau, the heads of the Woyane militias and their marauding militias, and the head of the current Tigrian clique in Addis Ababa Mr. Meles Zenawi are now part of what is locally dubbed as the Ogaden Genocide Marshals."

[19] "Ethiopians Protest at the US State Department against Human Rights Violations in the Ogaden," (press release, October 26, 2008), accessed June 1, 2018, http://abbaymedia.com/News/?p=1890.

[20] "UK-Mass Demonstration Planned in Front of UK House of Parliament" (press release, October 29, 2008), accessed June 1, 2018, http://mareeg.com/fidsan.php?sid=8587&tirsan=9.

[21] See, "Members of the Europian [sic] Ogaden Community Demonstrate Againist [sic] Meles Zenawi," *Ogaden.com*, December 18, 2009, accessed June 1, 2018, https://web.archive.org/web/20091231030556/http://www.ogaden.com/hornnews/ethiopia/563-members-of-the-europian-ogaden-community-demonestrate-againist-meles-zenawi

[22] See, Resolve Ogaden Coalition, "Ogaden-Ethiopia: Open Letter from Resolve Ogaden Coalition to Columbia University," (statement, New York, September 17, 2010), accessed June 1, 2018, http://gadaa.com/oduu/5670/2010/09/17/ogaden-ethiopia-open-letter-from-resolve-ogaden-coalition-to-columbia-university/.

[23] H. E. Mr. Hailemariam Desalegn, statement at the General Debate of the 66th Session of the United Nations General Assembly (statement, New York, September 26, 2011), accessed June 1, 2018, http://aigaforum.com/news/DPM-statment-to-UNGA-66.pdf

[24] "Terrorism, Double Standards, and the International Community," *Ethiopian Ministry of Foreign Affairs,* November 21, 2008, accessed June 1, 2018, http://www.aigaforum.com/articles/MFA_international_double_standarad_terrorism_112108.htm.

"Ethiopia's most wanted terrorist roam America freely!"[25] Classifying ONLF, OLF, or Ginbot 7 as terrorist groups would make the important fund raising that each of these groups did in the United States illegal. Washington, however, did not place these groups on the list and therefore political activities and most importantly fundraising in the United States continued.[26]

Other opposition groups active in the diaspora followed the ONLF's example and sought to demonstrate to Western policy makers and advocacy networks that the Ethiopian regime was engaging in genocide. Opposition to the EPRDF's policies was expressed in terms of genocide in part to mobilize the broader international community. The Human Rights League of the Horn of Africa, for example, noted that the regime in Addis Ababa engaged in "genocide and ethnic cleansing" in the name of development. The statement went on to express deep concern that if the international community fails "in responding to the merciless killings presently taking place in Oromia Regional State as soon as possible, this could lead to a genocide comparable to those in Rwanda (1994), in Yugoslavia (1998) and in Darfur, Sudan (2003)."[27] US-based scholars published articles on "clandestine genocide" and "genocide denial" in Ethiopia.[28]

The Amhara diaspora in particular followed the Ogadeni diaspora in its use of the genocide frame. The Moresh Wegenie Amara Organization issued a report that characterized political violence in the Benishangul-Gumuz as "Genocide Committed against the Amhara."[29] A documentary film on the "Genocide of Amharas" was posted on YouTube in 2016.[30] These reports circulated widely on diaspora media sites, radio stations, and served as the basis for petition drives on change.org.[31] The transnational advocacy efforts by many political actors in the diaspora saw powerful leverage in the genocide framing. Activists used comparisons to Rwanda in their efforts to influence how the international community understood violence in Ethiopia[32] and used Facebook to mobilize against Secretary of State Hilary Clinton and President Barack Obama for their silence on the issue.[33] Activists built upon the power of the genocide label in their strategies to lobby policy makers.

Ethiopian transnational advocacy did help shape perceptions in the United States and elsewhere. The global advocacy organization Genocide Watch issued a Genocide Alert and considered conditions in Ethiopia "have already reached Stage 7, genocidal massacres, against many of its peoples, including the Anuak, Ogadeni, Oromo, and Omo tribes."[34] In 2017, Tewodrose G. Tirfe, a Board Member of the Amhara Association of America, testified before the US House of

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[25] Dag Dange, "Would the US Immigration Grant Asylum for Al Qaeda or Ginbot 7?" April, 28, 2009, accessed, June 1, 2018, http://www.aigaforum.com/articles/Dag_on_Ginbot7.htm.

[26] Brian Kennedy, "Ethiopia: Advocate Says Ogaden Crisis Strikingly Similar to Darfur," *allAfrica*, October 3, 2007, accessed June 1, 2018, https://allafrica.com/stories/200710031116.html.

[27] The Human Rights League of the Horn of Africa, "Ethiopia: The TPLF Hidden Agenda of Reducing the Oromo Population Must be Stopped," (press release, Washington, DC, April 17, 2016), accessed June 1, 2018, http://oromoliberationfront.org/en/ethiopia-the-tplf-hidden-agenda-of-reducing-the-oromo-population-must-be-stopped/.

[28] Asafa Jalata and Harwood Schaffer, "The Ethiopian State: Authoritarianism, Violence, and Clandestine Genocide," *Journal of Pan African Studies* 3, no. 6 (March 2010), 160-189. Asafa sees 19th century Abyssinian imperialism as genocidal with regard to the Oromo; Habtamu Dugo and Joanne Eisen, "The Politics of Genocide Denial in Ethiopia," *Africology: The Journal of Pan African Studies* 11, no. 4 (March 2018), 61-89.

[29] Moresh Wegenie Amara Organization, *Genocide Committed against the Amara (Amhara) in Ethiopia, specifically the Benishangul-Gumuz Regional State, Metekel Zone,* Special Report on Genocide against the Amara (Amhara), August 18, 2015, accessed June 1, 2018, http://genocidewatch.net/wp-content/uploads/2016/01/MWAO_Genocide-Report_V3-No1_Tue0Aug2015_Genocide-Committed-Against-the-Amara-Amhara-in-Benshangul-Gumuz-Regional-State-Metekel-Zone-1.pdf.

[30] "The Genocide and Deportation of the Amharas," Youtube video, August 16, 2016, accessed June 1, 2018, https://www.youtube.com/watch?v=lnP-o7vpVko.

[31] "Stop State-sponsored Genocide of Amhara People in Ethiopia," petition, accessed June 1, 2018, https://www.change.org/p/stop-state-sponsored-genocide-of-amhara-people-in-ethiopia. (video content no longer available)

[32] Teshome M. Borago, "Is Ethiopia a Rwandan Genocide in the Making?" *Madote,* March 2018, accessed June 1, 2018, http://www.madote.com/2017/10/ethiopia-is-slowly-sleepwalking-into.html.

[33] Haileyesus-Adamu Broadcasting Network, "Protest Hilary Clinton and Stop the Amhara people Genocide," Facebook event, Washington, DC, September 17, 2016, accessed June 1, 2018, https://www.facebook.com/events/198667490538792/.

[34] See, Genocide Watch, "Genocide Alert: Ethiopia," December 6, 2012, accessed June 1, 2018, http://genocidewatch.net/2012/12/06/genocide-watch-emergency-ethiopia/.

Representatives Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations on the "horrendous act of genocide and ethnic cleansing" being committed by the Ethiopian government against the Amhara.[35] Not all opponents to the Ethiopian regime favored the genocide frame but the label is so powerful that it played a major part in how key organizations understood Ethiopia.

Conclusion

Neither the Ethiopian government's goal of having the ONLF and other opposition groups classified as terrorist groups nor the goal of the ONLF's supporters to have the regime labeled as engaging in genocide succeeded. However, the advocacy campaigns each had some role in preventing the other side's campaign from successfully shifting international policy toward the conflict in the Ogaden. Challenging the adoption of a label that disadvantages your policy agenda is an important goal. Furthermore, what we see through this case study is that questions around what is genocide are recognized by all parties to a conflict as a key arena of the larger contention. The ONLF would have suffered a severe setback if Addis Ababa had succeeded in having them placed on the list of terrorist organizations. The Ethiopian government would have experienced significant hurdles in its efforts to retain strong relations with global partners if the international community had determined that it was engaging in genocide. The outcome of this kind of contentious transnational advocacy work is shaped in significant measure by diaspora networks and their ability to engage in lobbying from their positions outside of Ethiopia.

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[35] Tewodrose G. Tirfe, Board Member, Amhara Association of America, (hearing statement, Democracy Under Threat in Ethiopia hearing, Washington, DC, March 9, 2017), U.S House of Representatives Committee on Foreign Affairs, Africa, Global Health, Global Human Rights, and International Organizations Subcommittee, accessed, June 1, 2018, http://docs.house.gov/meetings/FA/FA16/20170309/105673/HHRG-115-FA16-Wstate-TirfeT-20170309.pdf.

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#StopThisMovie and the Pitfalls of Mass Atrocity Prevention: Framing of Violence and Anticipation of Escalation in Burundi's Crisis (2015-2017)

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Introduction

The unforgotten[1] and oft reminisced[2] reluctance to name the 1994 violence in Rwanda as genocide has left a mark on public conscience, and Burundi's recent crisis represents the inversion of sorts of this political economy of labeling violence. If in 1994 the label was a scarce resource, in 2015 it became a currency widely spent, and arguably, devalued as a result. And whilst in 1994 the politics revolved around labels triggering international obligations, today we deal with a whole gamut of actors drawing on the label, some to trigger obligation in anticipation, as a preventative mechanism (e.g., IOs and AU), some in search of close-enough comparators and familiar frames (e.g., media), others to score political credit through the delegitimation of opponents (domestic actors, whether opposition or the incumbents). Altogether, these dynamics offer rich insights into the changing political economy of deployment of the 'ultimate crime' label. The deep politicization also forces us to reflect on the status and continued usefulness of genocide as a dominant frame to activate in times of crisis, and today as a distinctly anticipatory device to raise alarm rather than a post-facto designation (such as with UN ICOIs).

The article analyses the vagaries of prevention[3] and "preventative framing"[4] of violence, focusing both on how different actors portrayed points of "critical escalation" and the nature of violence (mass atrocity) predicted in Burundi between 2015-2017.[5] The #StopThisMovie prevention campaign referenced in the title, aiming to prevent the crisis escalating to a genocide, reflects the broader trend whereby observers have been consumed with anticipation and the framing of "Burundi's great fear."[6] The veritable genocide reticence-turned-logorrhea witnessed in this crisis is directly tied to the perceived close resemblance of Burundi and Rwanda and hence the pressure not to repeat the mistakes of the past, if not to make up for them. But, there is also the oft cited "given the country's history" clause.[7] The pervasive analysis-by-analogy, however, is problematic. It will be argued that the portrayal— the intimations that the recent crisis can lead to genocide, the invocations of the ethnic frame, and the repeated comparisons with Rwanda and Burundi's own past— serves to obscure the core drivers of the recent violence and the dynamics of escalation on the ground.

The paper then proceeds to investigate whether such representation might nonetheless be used as currency to garner greater visibility and international involvement. In other words, can costs in terms of accuracy be redeemed by greater attention? The argument that emerges here is that conflict prevention has come at the cost of conflict resolution. Not only has attention failed to translate into

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[1] Hayes Brown, "The Inside Story Of How The U.S. Acted To Prevent Another Rwanda," *Think Progress*, December 20, 2013, accessed March 15, 2017, https://thinkprogress.org/the-inside-story-of-how-the-u-s-acted-to-prevent-another-rwanda-e91beac73aca.

[2] The failure to intervene and the silent by-stander status of the international community in 1994 is the cornerstone of political narratives in Rwanda and is often highlighted during commemorative periods by the President and the political class more broadly. The guilt, argues Filip Reyntjens, has been turned into 'genocide credit.' See, Filip Reyntjens, "Rwanda, Ten Years on: From Genocide to Dictatorship," *African Affairs* 103, no. 411 (2004), 200. Beyond Rwanda, the lack of international effort to prevent and later stop the genocide has left a deep imprint on international conscience and has made genocide a cornerstone of the R2P norm and accompanying architecture developed since 1994.

[3] Early warning specifically, rather than risk assessment.

[4] See, David Scheffer, "Genocide and Atrocity Crimes," *Genocide Studies and Prevention* 1, no. 3 (2006), 229. Scheffer argues that analysts should use the 'G' word freely to "publicly describe precursors of genocide and react rapidly."

[5] The year 2015 marks the beginning of the crisis and 2017 is when this article was finalized but also when much of the international attention has petered out.

[6] Fred Bridgland, "Burundi's 'Great Fear,'" *The Sunday Herald*, January 3, 2016, accessed March 20, 2017, http://www.heraldscotland.com/news/14178785.Burundi_s__great_fear_/?ref=rss.

[7] "Burundi Crisis: from Disputed Polls to 'Genocide' Fears," *JusticeInfo.net*, October 12, 2016, accessed, March 15, 2017, http://www.justiceinfo.net/en/resources/burundi-crisis-from-disputed-polls-to-genocide-fears.html.

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https://doi.org/10.5038/1911-9933.13.2.1700

effective action in Burundi, the labeling practice might have produced some unintended, even perverse effects. The greater international and regional resolve to act has in fact met with radical rebuttals from the government, including the withdrawal from the ICC and pronouncement that any international force would be seen as an invading force and engaged militarily.

But we cannot simply argue that the increased attention has been ineffective. Instead, we must seriously consider the possibility of unintended effects. The article explores three propositions in this regard: First, genocide-label-driven interventionism in Burundi has increased regime isolationism and emboldened the regime to resort to sovereignty as an effective last resort measure to shore up impunity. It has effectively lowered the government's willingness to bow down, cooperate and negotiate with its critics, arguably the opposite of the intended effect. Second, in terms of violence, we must consider whether the genocide frame and campaigning has not merely contributed to decreased *visibility* of violence and repression, which has now moved offstage. Perhaps more seriously, we need to consider whether the campaigning has taken away energy from civil war focus as a more pressing threat. Third, in terms of the genocide label, we must consider that protracted alarm sounding devalues not only the G-word as currency, but strategic labeling as a preventative device in general. Over two years of troughs and peaks of deployment of the most powerful label, Burundi is no closer to an inclusive political dialogue. In the case of Burundi at least, the mislabeling of the crisis has fueled the political standoff rather than helping to resolve it.

The analysis serves as an opening to broader reflections on labeling of conflict in Africa. The paper foregrounds the contested nature of labeling on the ground whereby labeling and representation act as resources feeding political and conflict dynamics themselves, rather than being analytical devices separate from the ongoing crisis. The recent (mis)characterization of conflict in Burundi in fact enters a long-standing historical process of local contestation over conflict labels— including over the term of genocide— that feed the cycles of metaconflict and conflict on the ground.[8] The paper concludes with reflections on whether/how the labels of "genocide" and "ethnic conflict" are still useful to our understanding of conflict in a region where they have been typically intensely deployed. The paper also cautions against the unbridled use of the label of genocide for prevention and makes a call for a more self-reflective and politically conscious preventive framing.

Labeling Conflict: The Uses, Manipulations and Impacts of Crisis Portrayal

The present paper unpicks the tensions between two frameworks that see labeling as a representational resource. The first focuses on labeling as a potentially positive resource garnering preventive action. As such, this conception of labeling is embedded within the problem-solving framework of conflict management. The second offers a more politicized reading of labeling as a "symbolic technology"[9] opening the space for contested forms of potentially self-defeating interventionism. As such, it presents a more critical frame of conflict transformation. The difference is important. While the former framework implicitly treats labeling as separate from the unfolding conflict, the latter sees it as part and parcel of the conflict (struggle over dominance) and metaconflict (conflict over the meaning of the confrontation). Adopting but expanding the latter framework, the current paper looks not merely at the intended effects of intervention, but rather the unstated and unintended effects of increased attention unmatched by effective preventative action.

It is now a well-established dictum that the way we talk about violence affects the way we respond to it, affectively and collectively. "Recognised severity of political problems – including government-organized or sanctioned mass killings is a function of the socio-linguistic processing

[8] For a discussion of a 1995 COI on Burundi and the impacts of its designation of 'acts of genocide' on the broader metaconflict, see Andrea Purdeková, "Fact-Finding as a Conflict Resource? The Political Anatomy of International Investigative Missions on Burundi (1993, 1995, 2015)," Unpublished Manuscript, 2017.

[9] Roland Marchal, "Warlordism and Terrorism: How to Obscure an Already Confusing Crisis? The Case of Somalia," *International Affairs* 83, no. 4 (2007), 1091-1106.

and naming of them."[10] The "power to define"[11] revolves around labels' potential to catalyze outrage and mobilize action, but also their propensity to structure "hierarchies of concern."[12] In this respect, the label of genocide trumps other characterizations, in general, and especially in Africa and the Great Lakes Region. While "there is no hierarchy of crimes in international law… popular understanding of genocide as the "ultimate crime" generate obvious incentives for victims and their advocates to invoke the "G word" to rally support for intervention, even when the objective criteria for genocide are not met."[13] The existence of a purpose-made genocide convention also "reinforces the public acknowledgment of genocide's special status, not only as a matter of criminal law, but as a moral outrage to humanity."[14] After the 1994 Rwandan genocide, the label has indeed been widely invoked by political actors and civil society alike across a broad range of conflict and countries in Africa, ranging from Sudan/Darfur to Kenya, Zimbabwe, and beyond.

But the recent, and much more intense and sustained, deployment of the label in Burundi cannot be seen outside of the country's physical and perceived social proximity to Rwanda. It is the status of Burundi as the "false twin"[15] of its neighbor that gives the G word particular traction in this case.[16] The recent case of Burundi then wedges open the pressing query of what impacts ensue when the G word is applied intensely and aggressively, rather than cautiously or half-heartedly as in the past, and in anticipation rather than after the fact.

In its study of impacts, the current paper opens up beyond the two dominant analytical tendencies, in line with its more critical take on labels' role in an unfolding conflict. First, the paper does not paint a simple story of "reductionist media," a mislabeling borne of benevolent outsiders looking from the outside in. Instead, the paper foregrounds the constellation of different actors that co-produce the narrative on Burundi, foreign and local, and the ways in which the G label permeates political dynamics on the ground. The participants in the commentary on the Burundi crisis include academics attempting to be relevant by blogging and contributing quotes for news coverage, news correspondents attempting more in-depth political analysis, and experts and government officials "cybertimately" exchanging fire on twitter. To understand the political economy of the genocide label and its impacts, we first must acknowledge and understand this complex configuration of actors and interests.

Second, understanding impacts means moving beyond the study of intended effects to unintended, even potentially counter-intuitive ones. The difficulty of translating increased attention and resolve triggered by the G label into effective action has been highlighted before,[17] and seems painfully to be the case in Burundi again, where international attempts at intervention and criminal investigation have not borne their desired results. But a frame focused on effectiveness is limiting. It obscures other effects borne of action and inaction.

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[10] William F.S. Miles, "Labeling 'Genocide' in Sudan: A Constructionist Analysis of Darfur," *Genocide Studies and Prevention* 1, no. 3 (2006), 251-263.

[11] Ibid., 254.

[12] Ibid.

[13] Kate Cronin-Furman and Michael Broache, "Should We be Using the G-word in Burundi?," *Washington Post*, December 15, 2015, accessed March 21, 2017, https://www.washingtonpost.com/news/monkey-cage/wp/2015/11/15/should-we-be-using-the-g-word-in-burundi/?utm_term=.d684c4a4cd67.

[14] Miles, *Labeling Genocide in Sudan*, 261.

[15] René Lemarchand, *The Dynamics of Violence in Central Africa* (Philadelphia: University of Pennsylvania Press, 2012).

[16] "The events in Burundi [after all] are unfolding in the long shadow of Rwanda [its neighbor]. Observers – whether political figures, UN representatives, journalists, or non-governmental organizations – have the vocabulary of modern genocide prevention at their disposal because of the lessons their respective organizations endeavored to absorb over the past two decades following the genocide in Rwanda." In Conor Gaffey, "Burundi Must Learn the Lessons of Rwanda to Avoid Genocide," *Newsweek*, December 11, 2015, accessed March 20, 2017, http://europe.newsweek.com/burundi-must-learn-lessons-rwanda-avoid-genocide-336428. It is not only vocabulary, however, that Rwanda bequeathed onto the international community, but a new moral impulse to act, translated into the R2P doctrine and a new policy and institutional architecture such as the Atrocity Prevention Board (APB) in the US or the United Nations Special Adviser on Prevention of Genocide.

[17] The examples are Darfur in Sudan or the Central African Republic (CAR). In the latter case, 'while [the APB] has certainly helped formulate policy, it hasn't been a silver bullet to end the crisis in the CAR,' see, Haynes, *the Inside Story*.

There is now a budding literature exploring the unintended effects of conflict portrayal in the African context. Perhaps most prominently, Séverine Autesserre[18] has traced the effects of "dangerous tales" – dominant conflict narratives— on the actual dynamics of violence in the DRC. She shows how the portrayal of causes, impacts and solutions of the crisis has been reduced to three powerful but reductive frames focused on natural resources, sexual violence and state-building, respectively. The "danger" inherent in the tales is not simply them obscuring the key causes of violence and its complexity, the variety of impacts beyond rape, and the problems of the unquestioned embrace of central state-building. The danger also lies with the perverse effects – the tales' tendency to increase the very violence they were meant merely to depict. Autesserre shows how the intense focus on rape has elevated sexual violence' saliency among armed actors, some of whom have deployed it to gain attention and a seat at the negotiating table.[19]

Last but not least, a broader conception of actors and impacts needs to be matched by a closer reading of the historical record. The little-observed fact in the ongoing coverage of the crisis is that this is not the first time that controversy arises over the labeling of violence in Burundi and the label of genocide in particular. Neither is this the only chapter in Burundi's story of an interaction between conflict portrayal and the actual conflict on the ground.[20] We need to understand that Burundi has made a transition from decades of imposed silence on state-perpetrated violence and the manipulations of portrayal of the conflict by successive governments, and largely international oblivion, to selective application of the genocide label through the 1995 Commission of Inquiry (COI) on Burundi,[21] to an intense discourse surrounding the label and the international spotlight of today. We also see a move from post-facto designation or management of conflict labels to the anticipatory framing of today. This longer history and politics surrounding the G word are not merely 'context' but again help shape the label's deployment and impact today.

Portraying the Crisis in Burundi: Analogy, Intimation, and Imminence

The present section outlines the anatomy of portrayal of the crisis in Burundi, from its inception in early 2015 to early 2017, exactly two years later, paying particular attention to the ways in which violence and its escalation is described and/or intimated to a wider audience, often in order to influence it, create impact and garner action. The paper analyzes available commentary on the crisis produced by a variety of actors and a range of published sources, including news outlets, UN and other international and regional organizations' releases, academic blogs and news interventions, social media commentary, speeches by foreign and domestic dignitaries and organizations, and beyond. Study of primary and secondary sources is matched by original fieldwork carried out in Burundi in both 2013 and at the inception of the current crisis in 2015.

The study grew out of an observed systematic pattern in the style of reporting on the crisis. Importantly, I did not choose 'genocide' as a search filter as this could introduce two forms of bias.

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[18] Séverine Autessere, "Dangerous Tales: Dominant Narratives on the Congo and their Unintended Consequences," *African Affairs* 111, no. 443 (2012), 202-222.

[19] A number of other authors have explored the strategic nature of labelling and its potential to obscure the drivers of conflict and hence to potentially undermine prospects of resolution. Scorgie-Porter in her study of the Allied Democratic Forces (a Uganda-born but DRC-based rebel group) demonstrates how the globally potent label of terrorism and Islamic extremism came to take dominance in describing this militant group, thus obscuring important aspects of the group's constitution and the drivers underpinning mobilization into the group and its persistence. Scorgie-Porter shows that the Ugandan government has been actively framing the group in line with the global discourse on terrorism "in order to draw resources, military, diplomatic and otherwise that stem from participation in the war on terror." See, Lindsay Scorgie-Porter, "Militant Islamists or Borderland Dissidents? An Exploration into the Allied Democratic Forces' Recruitment and Constitution," *The Journal of Modern African Studies* 53, no. 1 (2015), 1-25. Similarly, in their study of the Lord's Resistance Army (LRA) framing, Titeca and Costeur try to understand and explain the divergent portrayals of the same armed actor by different governments (Ugandan, Congolese and US) through the lens of their strategic objectives. See, Kristof Titeca and Theophile Costeur, "An LRA for Everyone: How Different Actors Frame the Lord's Resistance Army," *African Affairs* 114, no. 454 (2015), 92-114.

[20] See, Purdeková, *Fact-Finding*.

[21] The 1995 International Commission of Inquiry on Burundi concluded the 1993 killings of Tutsi civilians amount to 'acts of genocide.' No comparable commission has been launched to investigate and qualify the genocide of 1972. See, United Nations, *Letter Dated 25 July 1996 from secretary-General Addressed to the President of the Security Council*, August 22, 1996 (UN Doc. S/1996/682), 74, accessed March 30, 2017, https://undocs.org/S/1996/682.

First, it would run the risk of skewing findings by excluding alternative portrayals, or conversely other dominant labels.[22] Second, it would obscure a dynamic whereby the notion of 'genocide' is very effectively implied without being directly mentioned. The latter aspect is much more than a methodological consideration and in fact turns out to be a key finding of the paper. The research presented here shows the power of insinuation, and how ambiguity can still communicate specificity. "Every instance of language and action," writes Edelman, "resonates with the memory, the fear or the anticipation of other signifiers, so that there are radiating networks of meaning."[23] The paper will show that intimation and anticipation can be powerful techniques of building affect and, indeed, forms of very specific labeling. This is what can be called "silent labeling" or "implicit labeling."

A close reading of a wide array of text reveals systematic comparison of Burundi to Rwanda and a repeated insinuation that the current crisis is an ethnic conflict that can result in genocide. This is the case even in articles that clearly mention that political cleavage is key. Three discursive strategies arise and will be demonstrated below: i) analysis by analogy (proof by indirect parallel); ii) intimation without mention (implicit labeling); and iii) insinuation of imminence of escalation (momentum building). In terms of the analysis-by-analogy, this is two-fold: parallels are rendered with events in neighboring Rwanda, and with events in Burundi's own past. These rhetorical strategies are pervasive. But analysis-by-analogy is not only logically problematic. It generalizes and lumps countries into the same basket (Burundi is largely like Rwanda and hence faces the same fate of genocide) and builds a distinctly primordial and unchanging notion of African societies centered around ethnicity as the main cleavage (i.e., Burundi's conflict in the past and hence today is about ethnicity). The ethnic frame is so powerful that it is inconceivable that, should mass violence occur, it could fall across other-than-ethnic (i.e., political) lines. Genocide in press is squarely "ethnic genocide." Interestingly, even in reporting that highlights the changing nature of conflict centered today around political loyalties, the analysis inevitably leads to claiming there are risks of ethnic polarization and/or that the ethnic aspect remains important.

Already very early on in the crisis, on April 28, 2015, just after President Pierre Nkurunziza announced his intention to run for a controversial third term and vast protests were met with (and in fact preceded by) sustained intimidation by the *Imbonerakure* youth wing of the ruling party, the New York Times reproduced the dominant discourse rather faithfully: "

> As Burundi edges towards a precipice, parallels with 1994 Rwanda are not unfounded. Like in Rwanda's genocide, the Imbonerakure— or at least the more radical elements— appear ready to target civilians en masse. Although Burundi's crisis is primarily one of politics, with antagonisms crossing ethnic boundaries, there is also an ethnic dimension.

Drawing on analogies is met with ambiguity of the target group, portrayal of imminence, and the underlining of an "ethnic dimension," opening the possibility of "ethnic genocide."[24]

A year later, on April 10, 2016, another major news outlet reproduced a strikingly similar discourse, this time though putting the dominant discursive frame on ever clearer display: "Burundi neighbors Rwanda and has a similar ethnic make-up to the country whose genocide in 1994 still casts long shadows of shame and fear. Like Rwanda, Burundi has also seen bitter, genocidal wars between Hutu and Tutsi."[25] Both strands of analysis-by-analogy are present here (invocation of neighboring Rwanda and Burundi's own past), as well as intimation without mention (the current crisis is never explicitly labeled as genocide but this is very effectively implied), the dominance of the ethnic frame in understanding Burundi's conflict and ethnic essentialism.

This last excerpt faithfully reflects the narrative techniques witnessed elsewhere whereby numerous articles on the crisis would incorporate (usually end with) precisely this clause,

[22] As a strategic resource, 'genocide' enters a list of other high profile and strategic labels such as 'terrorism' or 'insurgency' used by the government to delegitimize the opposition forces and garner attention and resources. Even if notable and offering opening to interesting analyses, these labels are limited to the domestic political level, and have not seen the exposure and intensity of deployment that 'genocide' did.

[23] Miles, *Labeling Genocide in Sudan,* 254.

highlighting parallels with Rwanda and the ethnic make-up of the country. To give a sense of the systematic nature of the portrayal, I include additional excerpts from a range of news outlets, with the proviso that this is far from exhaustive. On February 3, 2016, Reuters reported that "Nkurunziza's re-election for a third term last year sparked the country's crisis and raised concerns that there could be a bloody ethnic conflict in a region where memories of Rwanda's 1994 genocide are still fresh."[26] The clause combines analogy, intimation, and ethnic framing. Another article from the Star on November 11, 2015, suggests "the moral failure to boldly challenge [the Rwandan] genocide haunts us still. This time we should name it for what it is, and confront it."[27] Here we again see both analysis-by-analogy and intimation. Telegraph's piece from November 10, 2015, entitled "We are powerless to stop Rwandan-style genocide in Burundi, admits UN" again draws on analogy and intimation: "Burundi ended a 12-year civil war in 2005, when Hutu rebels fought the army led by Tutsis, the same ethnic divide that led to Rwanda's 1994 genocide in which 800,000 people were massacred." This excerpt is interesting because it proceeds through a two-step analogy. It suggests that past conflict in Burundi is defined by ethnicity (implicitly assuming it still is, suggesting analogy with the past), and that this very same ethnic cleavage has led to genocide in a neighboring country (intimating fear of genocide).

But as mentioned at the outset, this is not simply a story of reductionist media as this sort of portrayal is reproduced by other actors and for a number of motives, demonstrating the different facets of the broader political economy of crisis labeling. Nonetheless, media often pick up and quote from these other sources and actors. One of the prominent voices has been the UN, acting through its office of the Special Adviser to the UN Secretary-General on the Prevention of Genocide, Adama Dieng. The office is geared towards mobilizing early action and the rhetoric reflects this. On November 9, 2015, Dieng urged the Security Council to intervene in Burundi "to prevent a replay of past horrors,"[28] warning inaction risks Burundi "slid[ing] back into an all too familiar chaos… No one should underestimate what is at stake, he said, recalling that the country's own history and that of its neighbor, Rwanda, has shown the tragic consequences of failing to act when leaders incite violence."[29] The 2016 UN report of the Independent Investigation on Burundi suggests "given the country's history, the danger of the crime of genocide also looms large."[30] Analogies and intimation re-appear.

The genocide label has been applied quite explicitly by national and international NGOs. The International Federation of Human Rights (FIDH) and the Burundian Ligue ITEKA have perhaps been the most vocal, co-authoring a 200 page report at the end of 2016 entitled "Repression and Genocidal Dynamics in Burundi."[31] The report concludes that "all criteria and conditions for the perpetration of genocide are in place: ideology, intent, security institutions, mobilization via militias, identifying populations to be eliminated and using historical justifications." The report concludes that there is evidence of intent to destroy, in whole or in part an ethnic group, that of the Tutsi.[32] The lengthy and detailed reasoning might seem to contrast starkly with the snippets of

[26] Michelle, Nichols, "U.N. Expert Find Bid to Smuggle Congo Arms via Rwanda to Burundi Rebels," *Reuters*, February 4, 2016, accessed April 5, 2017, http://uk.reuters.com/article/uk-burundi-rwanda-congodemocratic-idUKKCN0VD2HM.

[27] "Burundi Crisis Resembles Run-up to Rwanda Genocide: Editorial," *The Star*, November 11, 2015, accessed March 15, 2017, https://www.thestar.com/opinion/editorials/2015/11/11/burundi-crisis-resembles-run-up-to-rwanda-genocide-editorial.html.

[28] "Burundi Experiencing 'Deep Political Crisis' with Hundreds Dead Since April, Security Council told," *United Nations News Centre*, November 9, 2015, accessed March 20, 2017, http://www.un.org/apps/news/story.asp?NewsID=52503#.WQT8yKWRpuY3.

[29] Ibid.

[30] United Nations Human Rights Council, Report of the United Nations Independent Investigation on Burundi (UNIIB) established pursuant to Human Rights Council resolution S-24/1, September 20, 2016 (UN Doc. A/HRC/33/37), 19, accessed March 12, 2017, https://reliefweb.int/report/burundi/report-united-nations-independent-investigation-burundi-uniib-established-pursuant.

[31] International Federation for Human Rights (FIDH) & Ligue ITEKA, "Repression and Genocidal Dynamics in Burundi," *Report No. 685a*, November 2016, accessed March 12, 2017, https://www.fidh.org/IMG/pdf/burundi_report_english-2.pdf.

[32] Ibid.

text incorporated into news reports, but close scrutiny suggests that the analytical process is in fact similar and revolves around the notion of "mirroring."

"Voices from within the AU and elsewhere are warning that Burundi today mirrors the pre-April 1994 situation in Rwanda,"[33] suggests the Scotland Herald. The FIDH-ITEKA report proceeds through a similar analysis-by-analogy but in a far greater detail. The projection through mirroring carries with it its own logical problems as one might read into divergent phenomena a convergent purpose such as when distribution of machetes, distribution of mobile phones to *chefs de colline* or construction of latrines in the countryside are cited as evidence of a genocidal plan.[34] The mirroring logic has it that such implements were used in 1994 in a neighboring country to facilitate genocidal killing, *ipso facto* these events spell a preparation for a possible genocide in Burundi. The text on latrine construction demonstrates the mirroring analytics well:

> On 1 May 2016, President Nkurunziza announced that community work, which takes place every Saturday, would henceforth focus on installing latrines […] alongside all roads, in all local communities (collines), at marketplaces and in all other public spaces. Our organizations are concerned that these latrines may be used as mass graves, as has been the case during the current crisis and in 1994 at the time of the genocide of Tutsi in Rwanda. Some months before the genocide there, the Rwandan authorities had ordered the construction of latrines throughout the country and these were transformed into pits for bodies between April and July 1994.[35]

Importantly, labeling here (calling the crisis "repression with genocidal dynamics"[36]) has the potential to create anxiety and a resurgence of traumatic memory. Fear thrives on analogies. It is Burundians themselves who start seeing familiar patterns in the happenings around them. The worried observations of surging numbers of phones in hands of local authorities and machete distributions after all come from "sources on the ground."[37] Others such as refugees might use genocide as a ready-made frame they know has impact. A young arrival at the refugee Mahama camp, claiming he was assaulted by the Imbonerakure militias, explained that "we fled because they said they were going to do a genocide of Tutsis that don't accept the views of Nkurunziza."[38] The genocide frame must be seen as mutually constituted and its impacts as reaching beyond problematic analysis.

On the level of domestic politics, the opposition has used the term to garner action against the government, while the government has used different outlets to counter these claims. "Indeed, members of the political opposition in Burundi began invoking the risk of genocide as early as February 2014."[39] More recently in April 2017, the Spokesman of the opposition umbrella CNARED has suggested with reference to the *Imbonerakure* chants inciting members to sexual violence that "what is going on is a copy-paste of what happened in Rwanda before the Genocide of 1994."[40]

Meanwhile, "Government officials in Burundi bristle at the comparison [with Rwandan genocide]. Presidential spokesman Willy Nyamitwe said 'There will be no war or genocide,' while maintaining the government was trying to suppress 'acts of terrorism (…).'"[41] Interestingly, the

[33] See, Bridgland, *Burundi's 'Great Fear*.'

[34] International Federation for Human Rights (FIDH) & Ligue ITEKA, *Repression and Genocidal Dynamics in Burundi*, 41.

[35] Ibid. An important caveat is due here: The report's claim that latrines were being built en masse prior to the Rwandan genocide has not been corroborated in the literature. It does not feature in one of the most detailed accounts, and namely Alison Des Forges, '*Leave None to Tell the Story:' Genocide in Rwanda*, Human Rights Watch and International Federation of Human Rights, 3169, no. 189 (New York: Human Rights Watch, 1999).

[36] Ibid., 11.

[37] Ibid., 40. The sources here (in reference to phone distribution) are not actually detailed. The sources on machete distribution are mostly national and international human rights organisations.

[38] Philip Kleinfeld, "Burundi: Time is Running Out," *New Internationalist*, January 24, 2017, accessed March 15, 2017, https://newint.org/features/web-exclusive/2017/01/24/burundi-time-is-running-out/.

[39] Cronin-Furman and Broache, *the G-word in Burundi.*

[40] "Video of CNDD-FDD Youth Causes a Scandal in Burundi," *The Citizen*, April 10, 2017, accessed April 12, 2017, http://citizen.co.za/news/news-africa/1483356/video-of-cndd-fdd-youth-causes-a-scandal-in-burundi/.

[41] Gaffey, *Burundi Must Learn.*

government has resorted to the label when it proved profitable. The government accused its neighbor Rwanda of arming refugees in camps, thus fomenting genocide in Burundi. Pascal Nyabenda, the President of the ruling CNDD-FDD party has accused Paul Kagame of "recruiting and training young Burundians in refugee camps in Rwanda, so that they can return home to commit acts of genocide."[42] This was a clear provocation to a government that styles itself as a liberator and one that ends genocide rather than exports it, pointing at the strained bilateral relations between these two countries. Indeed, Kagame did not abstain from further bolstering this symbolic capital by announcing that Burundi "should have learned from our history." He called on Burundi "not to repeat the ethnic violence that ended in genocide in his country in 1994."[43]

Overall then, we cannot see the prominence of the label simply through the lens of the press, but rather the constellation of actors that have together embraced its renewed value in order to influence action by external actors and the course of the conflict on the ground. But as shown, the label's power seeps beyond politics of intervention and legitimization, being appropriated as a ready-made and useful frame, and with the all-too-real potential to affect the sense of security and contribute to anxiety by resuscitating memories of a violent past.

But some caveats are due to the story of the label's prominence as drawn up thus far. First, it is questionable whether ordinary Burundians resort to the label of genocide at all. In my research between 2013 and 2015, this term seemed to pertain mostly to international and national civil society and organizations, with ordinary people choosing ambiguous and general ways of describing past events of violence in the country, including the "selective genocide" of 1972. With the crisis and intense deployment of the term its salience has surely increased and people interfacing with the humanitarian architecture might choose it as a way to render their situation intelligible to them. Second, we must acknowledge a level of heterodoxy and the dissenting voices. A number of blogs, reports and most academics have been disputing the ethnic portrayal of the crisis and the rush to label the crisis as genocide.[44] Despite these important caveats, it remains the case that genocide as a label has gained traction and has been intensely deployed in reference to Burundi, in ways that alternative framings of the crisis have not. The effects of this are explored in the next section.

Last but not least, the way in which the dominant portrayal works with time and across time is interesting. The temporal dimension here refers both to how the genocide discourse builds expectation and utilizes anticipations of escalation, and to its own endurance across time. In terms of anticipation, the portrayal works with the notion of imminence. FIDH's #StopThisMovie campaign is a good example. The organization has been promoting a fake movie trailer "Genocide in Burundi, by Pierre Nkurunziza" with the tagline "the only movie you don't want to see." The short clip shows screaming Burundian children running for their lives through windings red paths crisscrossing verdant valley floors. The camera chases after them, closing up on them like a predator, while rhythmic, ominous music plays in the background. Fake media clips flash across the screen: "Huge Bloodshed," "Climate of Fear," "Deadly Violence," "Mass Atrocities." The last screen entirely bathed in red announces: "As you are reading this, the risk of genocide in Burundi is imminent. Act together and prevent this fiction from becoming reality #StopThisMovie."

The language of imminence is a systematic feature of the discourse hoping to garner preventive action. In April 2015, NYT speaks of Burundi "on the brink," "edg[ing] towards a precipice."[45] In November 2015, Adama Dieng speaks of a "tipping point"[46] and so does France's deputy ambassador to the UN, Alexis Lamek:[47] "The escalating violence in Burundi has reached a very

[42] "Burundi Accuses Rwanda of Trying to Export Genocide," *The Telegraph*, March 27, 2016, accessed, March 12, 2017, http://www.telegraph.co.uk/news/2016/03/27/burundi-accuses-rwanda-of-trying-to-export-genocide/.

[43] "Rwandan President Urges Burundi not to Repeat Genocide," *The Guardian*, November 8, 2015, accessed March 30, 2017, https://www.theguardian.com/world/2015/nov/08/rwandan-president-urges-burundi-not-to-repeat-genocide.

[44] See for example, Cronin-Furman and Broache, *the G-word in Burundi.*

[45] Jean Claude Nkundwa and Jonathan W. Rosen, "Burundi on the Brink," *The New York Times*, April 28, 2015, accessed April, 6, 2017, https://www.nytimes.com/2015/04/29/opinion/burundi-on-the-brink.html?_r=0.

[46] Un News, *Burundi experienced 'Deep political crisis.'*

worrying stage, maybe a tipping point," he suggested, "If we let the tensions escalate without doing anything, the whole country could explode." In January 2016, Minority Rights International warns of "a tipping point."[48] Most recently, in an article from January 2017 entitled "Burundi: Time is Running Out," the author describes an "escalating crisis."[49] The situation in Burundi is indeed dire, both in terms of repression, human rights violations and unmet basic needs. But the repeated referral to tipping points clashes with what is instead a gradual yet pervasive entrenchment of a new and worrying status quo. The repeated evocations of imminent and irreversible escalation are nonetheless interesting, and the next section will ask what sort of effects are borne when repeated alarm isn't met with the desired response.

Bearing Effects: How Genocide Alarm Interacts with the Ongoing Conflict

In the present section, I want to make three key arguments about the unintended effects of sounding the genocide alarm on Burundi for over two years in the context of failing international action. First, the 'ethnic genocide' frame obscures the political drivers of the crisis and the anatomy of likely escalation – that of civil war— which is no less serious. But the intensity of focus makes this more than a story of misrepresentation as the framing takes away energy from an alternative approach (i.e., missed representation). Second, genocide prevention driven interventionism has in fact emboldened and radicalized regime isolationism, and by extension, narrowed the leeway of the regional and international community in fostering government cooperation and dialogue. Genocide is a radical accusation leveled at the government and due to its known impact, has been eagerly taken up as resource by actors ranging from the opposition to international media and civil society. But radical accusations have tended to radicalize the government's own stance. Third and last, protracted crying wolf has devalued the G word as currency in Burundi, raising questions about its usefulness as a preventive frame over time.

Taken together, these findings suggest that i) genocide framing cannot be disconnected from the conflict dynamics on the ground; and that ii) rather than preventing escalation, the genocide framing has potentially further entrenched the political standoff in Burundi. It has not averted the entrenchment of repression in the country and has failed to open up key channels of political solution to the crisis, raising the risk of return to civil war.

The ethnic genocide frame obfuscates the nature of the conflict in Burundi today and how conflict dynamics have changed over time. More broadly, it maintains African conflict in the representational straightjacket of ethnic conflict, a familiar but flawed paradigm. This paradigm has a tendency to i) conflate cause and description (people might be targeted based on ethnicity, which is different from ethnic fear or hate causing the violence), ii) to conflate cause and effect (cleavages and polarization often result from conflict rather than being caused by it), and iii) to obscures change over time (underlying causes and even descriptives change).

The misrepresentation in the case of Burundi results from the failure to draw these important distinctions and from the ease of reading the past into the present. Burundi has indeed seen genocides of both Hutu and Tutsi in the past (1972 and 1993, respectively). Its neighbor Rwanda is indeed deceptively similar in its ethnic make-up and has seen a genocide as well— that of the Tutsi in 1994. But even Rene Lemarchand's seminal book entitled "Burundi: Ethnic Conflict and Genocide" does not argue ethnicity is a cause of protracted violence across Burundi's post-independence history. While the conflict certainly fell across ethnic lines (with other important lines of cleavage, including intra-ethnic/regional also playing their part), at heart it tied to systematic political exclusion of the Hutu from power and the ruling ethnocracy's escalating repressive measures against any political and military challenge mounted by the majority.

[47] Colin Freeman, "We are Powerless to Stop Rwandan-style Genocide in Burundi,' admits UN," *The Telegraph*, November 10, 2015, accessed, March 21, 2017, http://www.telegraph.co.uk/news/worldnews/africaandindianocean/burundi/11987055/We-are-powerless-to-stop-Rwandan-style-genocide-in-Burundi-admits-UN.html.

[48] "Burundi at tipping point, government and international community must do more to prevent escalation of conflict, warns MRG," (Press Release, January 22, 2016), Minority Rights International, accessed March 12, 2017, http://minorityrights.org/2016/01/22/burundi-at-tipping-point-government-and-international-community-must-do-more-to-prevent-escalation-of-conflict-warns-mrg/.

[49] Kleinfeld, *Burundi: Time is Running Out.*

But today, we cannot read the crisis in these same terms, the Hutu are no longer excluded from power. The protest movement and opposition that emerged in reaction to the President's decision to hold on to power and the regime's increasing authoritarianism are decidedly cross ethnic, as are the refugees, and the casualties. This is not to deny that ethnic animosities linger on or that some people on the ground do in fact read the past through an ethnic lens. Violence has a tendency to harden inter-group boundaries and that violent past has not been ever dealt with through a functional transitional justice mechanism. But this simply cannot explain the onset of the current crisis, its more structural drivers, the nature of the escalation, or even the descriptives – who is targeted, who is intimidated, who flees. Both the causatives and the descriptives are distinctly political today. The conflict in Burundi has transformed.

In fact, we need to highlight two rather counter-intuitive dynamics. First, we can argue that what stubbornly remains a form of "success" amidst crisis is Burundi's power-sharing architecture set up under the 2000 Arusha peace accord, a complex consociational arrangement carefully distributing power among the two dominant ethnic groups. As Reyntjens has argued, this has effectively resulted in "ethnic pacification" in Burundi.[50] Second, the increased attention to and alarmism regarding "ethnic genocide" might, in a self-fulfilling prophecy fashion, perversely contribute to the very dynamics the discourse is trying to avert. In a tense political environment, hyperbole has the potential to fan fear and suspicion, and to contribute to ethnic polarization.

But if the ethnic frame is ill fitting, and if what is at stake is political partisanship – with perceived opposition being the target of violence and repression— could we still argue that genocide could result? Strictly speaking, the UN definition does not allow for political opinion (stated or imputed) as a basis of genocide, a limitation critiqued by the likes of Leo Kuper and Helen Fein who propose alternative concepts such as politicide. Interestingly, this option – targeting based on political opinion aiming for categorical extermination— is extremely difficult for many observers of the current crisis to fathom. Even as they highlight the political nature of the conflict, the risk of genocide is read almost invariably on an ethnic basis.

But is Burundi at risk of politicide being committed? Arguably, neither ethnicity nor collective targeting for annihilation is correct as an analytical lens. The government has indeed targeted its opponents *en masse* and systematically. By and large, the method has not been physical violence but effective intimidation. The casualty counts remain relatively low, even as human rights abuses in detention have ballooned. The *Imbonerakure* militias together with the memories of a violent past have performed most of the labor, producing widespread anxiety, fear and lending believability to the threats. The result is mass outflows of people, and though not all leave because (or solely because) of political intimidation, a large portion of the opposition, including civil society and human rights watchdogs have fled abroad. Almost 400,000 Burundians have fled their country, which matches the peaks of displacement during its civil war and after the 1972 genocide. But we also know that opposition abroad means opportunities for mobilization and potentially armed struggle if political platforms for resolution do not work. Based on the available evidence then, the threat of escalation in Burundi is not to genocide, but an insurgency (or insurgencies) and/or a full-scale civil war.

Certainly, it can be argued that different forms of violence can and do co-occur. But it is important to look at the relationship between them. As Scott Straus has shown, civil war involving a collectively framed opponent –typically ethnically framed but could be otherwise- is what really heightens the risk of genocide.[51] This has been the case in Rwanda in 1994, and in Burundi in 1972 and 1993. This causality chain suggests that, properly speaking, what needs attention and needs to be prevented is escalation to civil war, which under some circumstances can lead to genocide. This means that what needs to be promoted is a political solution and dialogue, rather than military interventionism and policing of the regime, the effects of which can range from ineffective to counter-productive.

[50] See, Filip Reyntjens, "Burundi: Institutionalizing Ethnicity to Bridge the Ethnic Divide," in *Constitutions and Conflict Management in Africa,* ed. Alan Kuperman (Pennsylvania: University of Pennsylvania Press, 2015), 49.

[51] Scott Straus, *Making and Unmaking Nations: War, Leadership and Genocide in Modern Africa* (Ithaca: Cornell University Press, 2015).

Looking at the inside of the country, our analysis does not render too dissimilar a set of conclusions. Between years 2015-2017 (the latter year marking the finalization of this draft), we have seen a significant democratic rollback: systematic repression and human rights abuse, the dismantling of freedoms and liberties, attack on the free press and civil society. The economic and humanitarian situation is dire. As the country implodes, the government chooses to repress grievances rather than to open up inclusive dialogue and search for a political solution. This directly contributes to escalation of the conflict as sections of the opposing forces might consider military solutions as the only viable ones. We have seen precisely these dynamics unfold in real time, first with an unsuccessful military coup, increasingly violent protests, and formation of militant groups abroad.[52] The discourse of tipping points and a precipice also largely missed what were more gradual but steady and hard-to-reverse escalations. Overall then, what is at stake with genocide labeling is not simply misrepresentation, but missed representation— the focus on genocide prevents another, more appropriate frame from being applied and driving action.

The logic of violence in the crisis has itself evolved, with genocide labeling playing its own part. After an acute phase of protest and repression in the streets, the government has managed to crush domestic public enough to assure a level of submission. The government calls this "peace" and "stability" when what we witness is a cementing of a new status quo based on effective intimidation and repression that has now moved offstage to detention, policing, intimidation and selective assassination. Though evidence for genocidal violence was not present at any point during the crisis, the intense alarm sounding and salience of genocide has certainly assured that the government would not try any of the sort. Again, labeling produces endogeneity effects – it is not an "independent" variable in the crisis. This effect and government's carefulness should not be read as a form of "paradoxical success," however. The type of violence that might actually come about and that the genocidal framing overlooks might be as deadly, if not more widespread.

Why has a misfitting frame been so vigorously embraced? One reason is certainly the weight carried by the G word and hoped-for ability to garner action. But this is not the full story; the nature of analysis is key as well. The anatomy of the Burundi crisis portrayal reveals the distinct logics of analysis-through-analogy, mirroring, and correlation. One could attribute this solely to the ease with which an untrained eye sees parallels in a region whose past has seen a number of genocides unfold. But there is also the broader issue of enduring and reductive metanarratives on Africa's conflict and identity, their nexus, and their unchanging character. Finally, and importantly, prevention diagnostics can themselves mislead. Early warning is based on identifying a set of indicators that typically precede genocide, working essentially on a correlative basis rather than an in-depth study of causalities.

Verdejo reviewed multiple frameworks and compiled a rather exhaustive list of the indicators that feature on them.[53] The list approach does not give guides as to causal combinatorics, it does not identify what aspects are essential, in what combinations and under what conditions. It might also inflate threat because a number of indicators might have divergent possible outcomes or causes (i.e., repression or transfer of weapons to security forces). But most importantly, a lot of the indicators, when assessed closely, simply do not apply to Burundi. They all revolve around the notion of targeting of a specific group, and the stepping up of that targeting such as rallies against the group; stripping of rights and citizenship, hate rhetoric, or physical segregation. The genocide frame implies that such targeting of Tutsi in Burundi exists, but the targeting that does exist is of opposition, of which Tutsi are a part, rather than of the group per se. It does not revolve around denaturalization and dehumanization in its varied forms, rather around repression and its tactics. If we were to follow the mirroring/parallels frame, we would also see key ingredients missing that were present in the three regional genocides—a context of an armed insurgency or violent coup (both in Rwanda 1994 and Burundi 1972 and 1993) and the killing of political leaders (in Rwanda 1994 and Burundi 1993).

[52] Two armed opposition forces have already emerged: Republican Forces of Burundi (FOREBU) and Resistance for the Rule of Law in Burundi (RED Tabara).

[53] Ernesto Verdeja, "Predicting Genocide and Mass Atrocities," *Genocide Studies and Prevention* 9, no. 3 (2016), 13-32.

To conclude, if the genocide frame is limiting, could the recently popularized "mass atrocity" frame be more fitting? It is David Scheffer who has called for the introduction of the new term "atrocity crimes" and a new field of international law ("atrocity law") to describe serious human rights abuses including genocide, crimes against humanity, and war crimes in "a single term that is easily understood by the public."[54] The attempt is then usefully to move beyond the narrow frame of genocide and call attention to a range of serious crimes without elevating one as the ultimate violation. Hence the new phrase "mass atrocity prevention." The Burundi context certainly fits better with the rubric of crimes against humanity as we have witnessed torture in detention, disappearances and widespread persecution. But there are two important caveats. As a call to action, persecution and even torture remain weak grounds, as evidenced in case after case of such "peace crimes." In fact, here it is much more effective to argue for the risk of civil war and insurgency, as these bear a high risk of crimes against humanity, war crimes, and in fact heighten the risk of genocide being committed.[55] Connected to this, while mass atrocity better captures the nature of crimes perpetrated by the Burundian government, it does not get to the core of what drives conflict escalation in the country, and hence what can drive increased incidence of mass atrocity. It is largely a descriptive tool rather than a predictive one.

If "missed representation" is perhaps the most important impact of the genocide framing, others cannot be neglected, including the argument that attempts at genocide-prevention-driven interventionism have radicalized the Burundi's government's stance towards international and regional cooperation. Though regional and international bodies allow intervention into third states against their will on R2P grounds (if genocide, crimes against humanity and war crimes occur), in Burundi such intervention force has failed to materialize.

In December 2015, at the heels of a mass government crackdown in response to attack on army bases and a surge in the genocide rhetoric and framing, the AU announced that it would create a 5,000-troop strong force (MAPROBU) to protect civilians in Burundi. Almost immediately, the government threatened that any unauthorized force would be engaged militarily. The AU force would be considered, the government stated, "an attack on the country and every Burundian will stand up and fight against them."[56] The very aim of the genocide framing then—decisive action—was thwarted. Not only did AU fail to send in a peacekeeping force, the UN failed to send in an unarmed police force of 228 in July 2016.

But the story is not simply one of failed intervention. It is also a story of how radical accusation (of the ultimate crime) and threats of intervention interacted with the government's willingness to cooperate at all. The government has closed in on itself. There has been a visible effect over time. Two years of close scrutiny and high-level pronouncements on genocide signals, pointing of fingers to hate speech, accusations of ethnic profiling and incitements to ethnic violence have been matched by extreme measures from the side of the government in the form of ever-greater isolationism buttressed by time-proven arguments of sovereignty. The threats emboldened the regime to resort to sovereignty as an effective last resort to shore up impunity, and merely contributed to decreased visibility of violence and repression, which have now moved offstage.

The rejection of international monitors, a civilian protection force and police observers has been extended to investigative missions as well. "Angered by the scrutiny, the Nkurunziza government on October 11, 2016, stopped cooperating with UN agencies, including the UN Human Rights Council and the International Commission of Inquiry on Burundi."[57] This quote is one demonstration of the fact that the counterargument "the government would have behaved the same regardless of international attention" does not hold. Surely, it has taken a radical stance of no-deals with the opposition (branded as subversives, even terrorists) early on in the crisis and has

[54] Scheffer, *Genocide and Atrocity Crimes*, abstract.

[55] See, Straus, *Making and Unmaking Nations*, 11, 17-88.

[56] "Burundi crisis: Pierre Nkurunziza Threatens to Fight AU Peacekeepers," *BBC*, December 30, 2015, accessed March 15, 2017, http://www.bbc.co.uk/news/world-africa-35198897.

[57] "Dismantling the Arusha Accords as the Burundi Crisis Rages On," *Africa Centre for Strategic Studies*, March 13, 2017, accessed April 6, 2017, http://africacenter.org/spotlight/dismantling-the-arusha-accords-as-the-burundi-crisis-rages-on/.

hardly budged since. But dramatic foreign coverage spilling into local crossfire did play its part in a broader pattern of 'closing off,' even if this cannot be quantified.

The government works the international accent on "genocide" into a broader international conspiracy to undermine the current government. In an informal discussion with a Burundian civil servant in the summer of 2017, the paranoia of the government was palpable and a major change from the past. Aside from new scrutiny and even intimidation of researchers (and application of the friend/enemy labels on them in line with the broader political sphere), it became clear through the discussion that the international society inclusive of diplomats, NGOs and academics is seen with suspicion for its potential role in subversion and "covert operations" with the aim to undermine the government. The government was demonstrating siege mentality.

The increased isolationism and rejection of outside scrutiny has had the opposite effect to what effective prevention requires, accurate and timely access to vital information. Perhaps paradoxically, the threats of intervention have also eroded regional and international community's leverage in creating the grounds for a workable political dialogue. Genocide is a strong indictment, and accordingly, such sharp accusations have tended to radicalize the government's own stance. The case of Burundi teaches us that genocide framing, when turned into a powerful accusation married to empty threats, is not simply ineffective but can be counterproductive to the de-escalation and resolution of the crisis.

Last but not least, we need to return to temporal dynamics once again and consider the proposition that protracted sounding of alarm devalues the G word as currency in prevention. If the genocide label is seen as a representational resource, then the case of Burundi opens important questions about its changing value over time, and the possible impacts of this. The case is unique as we can observe the genocide label being "spent" intensely for over two years, with the result of increased attention but failed intervention. In the case of Darfur, Miles has argued that "avoidance of the signifying label of 'genocide' in the media leads to a downgrading of attention to, and salience of Darfur among the public at large, their elected representatives, and policy makers."[58] But could the reverse—protracted embrace instead of avoidance— equally downgrade attention and the broader traction of the label? Since the price of a "false negative" is so high, denying or withdrawing the label is risky and thus unlikely. But only a more systematic and longer-term study can provide satisfactory insights and validation.

Conclusion

The recent Burundi crisis has offered us a unique laboratory to observe and better understand the changing political economy of preventative labeling, and the effects that ensue when the genocide label is embraced actively in attempts to avert escalation of a conflict in a region "known" and "branded" by its past of genocide. But dominant frames and "lessons of the past" do not always bode well for prevention, even if these frames carry much weight in terms of alarm. The reading of genocide into the Burundi crisis, as shown in the paper, has mischaracterized both the causatives and the descriptives of the unfolding conflict, as well as the nature of actual and likely escalation. More broadly, the labeling demonstrates the continued traction of certain problematic characterizations of African conflict as ethnic at its core, and as unchanging over time. The Burundi case carefully challenges these enduring conceptions and suggests that prevention must be anchored in a closer reading of conflict and its transformation over time, embracing historicity, change and complexity and discarding easy analogies and parallels.

Preventive analysis and action must also pay careful attention to its own imbrication in the dynamics on the ground from which it is far from isolated. Political actors, the opposition, civil society and sections of the population in Burundi have been attuned to the salience of genocide as a label and have used it to further their own positions and interests. But the alarmism caused by the framing has equally the potential to raise anxiety and evoke the traumas of a violent past. By speaking of and repeatedly highlighting "signals" of imminent genocide, it can also certainly serve to harden precisely those cleavages that it wants to prevent. Preventative action needs to take into account such unintended effects.

[58] Miles, *Labeling Genocide in Sudan*, 260.

But as shown, the effects of labeling Burundi crisis as genocide are wider reaching yet. The portrayal wasn't accurate and wasn't productive of preventive action, but more than this— it has proven counter-productive. The mislabeling of the crisis as genocide has contributed to the political standoff. First, the genocide frame and campaigning has over time seen (not necessarily caused) decreased visibility of violence and repression in Burundi, which has now moved offstage and been more systematized. This is not an uncommon pattern as open violence is costly in multiple ways, including political, and economic. The relative "quiet" on the streets merely demonstrates that repressive control has been successfully exercised. Rather than diffusing grievances, a solidifying status quo might sharpen them. The mass atrocity campaign misses these dynamics wholly as it is continually on the search for "signs" of impending mass atrocity, and specifically genocide. Connected to this then, the genocide labeling has diverted initiative from a civil war focus as a more pressing threat in terms of escalation.

Second, accusations of genocide have contributed to a broader trend whereby the government feels besieged by foreign and domestic parties intent to subvert it and responds with closing off and turning away from cooperation and disposition to engage international pressure. The verve with which the international community in particular applies what the government sees as an exaggerated and misfitting label merely confirms its suspicion of a "grand subversion." In this manner, the labeling plays its part in the increased retreat of the government from meaningful dialogue and its intent to entrench the status quo. Reversal in this attitude might come soon; but rather than being a function of genocide campaigning, it is primarily a function of the dire economic situation and the regime's vulnerability vis-à-vis foreign aid and funds.

Last but not least, protracted alarm sounding devalues not only the G-word as currency but, arguably, strategic labeling as a preventative device in general. Over time, "demonstration effects" bear their fruit as actors on the ground learn that even intense campaigning is followed by inaction, repeatedly. The effects of long-term labeling are thus an interesting new chapter in the study of the political economy of preventative frames and genocide more specifically, and a promising area of future research. More generally, further research is certainly needed to understand preventive (as opposed to post-facto) genocide labeling. Nonetheless what is clear already is that all actors in the enterprise need to think more carefully about their strategies and the full gamut of their impacts. The sense of uncertainty in an unfolding crisis is real, but a quick deployment of powerful frames might not prove useful in bringing the crisis to a quicker and less violent close, as Burundi shows.

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Did the R2P Foster Violence in Libya?

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In the early 1990s, the relationship between genocidal violence and international humanitarian intervention was understood simplistically. Such intervention was viewed as always a response to, and never a cause of, inter-group violence. Well-intentioned intervention was expected reliably to reduce harm to civilians. Thus, the only obstacle to saving lives was believed to be inadequate political will for intervention. This quaint notion was popularized in mass-market books,[1] and it later gave rise to the "Responsibility to Protect" norm.[2]

By the mid-1990s, however, scholars had discovered that the causal relationship between intervention and genocidal violence was more complicated. The prospect of intervention sometimes incentivized violence by parties expecting to attract intervention to help their side in a domestic struggle. For example, a relatively weak faction might launch a rebellion or armed secession to provoke a government crackdown, in hopes of triggering intervention to help them achieve independence or control of the state.

Since the late 1990s, I have labeled this dynamic the "moral hazard of humanitarian intervention,"[3] because the prospect of intervention is analogous to an imperfect insurance policy. It may backfire by encouraging irresponsible or fraudulent risk-taking, thereby increasing the likelihood of the negative outcome that the insurance was intended to avert. My publications have documented this dynamic in several cases, including Bosnia, Kosovo, and Darfur.[4] Timothy Crawford rightly calls for specifying clearly the cause and effect of moral hazard in each case.[5] The cause could be a diffuse norm of intervention, or previous intervention in a related instance, or a specific call for intervention in an ongoing situation. The effect could be the initiation of rebellion, or the escalation or perpetuation of an ongoing rebellion that otherwise might subside.

The moral hazard of humanitarian intervention is not responsible for all initiation, escalation, and perpetuation of rebellion. Nor is rebellion the cause of all state violence against civilians. However, moral hazard has been demonstrated in several cases to incentivize rebellion and thereby foster escalatory violence that harms non-combatants. The scope of this pathology must be investigated to inform a rational reassessment and potential reform of the R2P. Accordingly, this article examines what role if any the moral hazard of humanitarian intervention played in Libya's 2011 rebellion that resulted in widespread and persistent suffering of civilians.

Background to the Rebellion

The question of why some Libyans rebelled in 2011 is especially interesting because they produced an unmitigated disaster. Over ten thousand Libyans have been killed, and violent anarchy persists while three different governments and hundreds of militias still vie for power and wealth. Fighting has sharply reduced Libya's oil production, strangling its economy and draining its foreign-currency reserves. A country that traditionally had the highest standard of living in all of Africa,

[1] Most prominently, Samantha Power, *"A Problem from Hell:" America and the Age of Genocide* (New York: Basic Books, 2002), awarded the 2003 Pulitzer Prize in General Nonfiction.

[2] International Commission on Intervention and State Sovereignty, "The Responsibility to Protect," 2001, accessed November 7, 2018, http://responsibilitytoprotect.org/ICISS%20Report.pdf; United Nations, A *More Secure World: Our Shared Responsibility*, High Level Panel on Threats, Challenges and Change, 2004, accessed November 7, 2018, http://www.un.org/en/events/pastevents/a_more_secure_world.shtml. United Nations, *World Summit Outcome*, 2005, UN Doc. A/RES/60/1, accessed November 7, 2018, http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf; Alan J. Kuperman, "The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All," *Political Science Quarterly* 124, no. 3 (Fall 2009), 590-591.

[3] For example, Alan J. Kuperman, "The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans," *International Studies Quarterly* 52, no. 1 (March 2008), 49-80.

[4] Alan J. Kuperman, "Darfur: Strategic Victimhood Strikes Again?" *Genocide Studies and Prevention* 4, no. 3 (December 2009), 281–303.

[5] Timothy W. Crawford, "Moral Hazard, Intervention and Internal War: A Conceptual Analysis," in *Gambling on Humanitarian Intervention: Moral Hazard, Rebellion and Civil War*, ed. Timothy W. Crawford and Alan J. Kuperman (New York: Routledge, 2006), 26-44.

Alan Kuperman. "Did the R2P Foster Violence in Libya?." *Genocide Studies and Prevention* 13, 2 (2019): 38-57. ©2019 *Genocide Studies and Prevention*.
https://doi.org/10.5038/1911-9933.13.2.1705

according to the UN's Human Development Index, now cannot provide electricity in its major cities for most of the day. Human rights abuses have increased, and terrorist groups including al Qaeda and the Islamic State have established footholds.

Libya admittedly had flaws prior to the 2011 rebellion, which partly explain why some Libyans sought revolutionary change. Libya had gained independence in 1951 under King Idris al-Sanusi, whose roots lay in northeast Libya, so he favored that zone with resources including after the 1959 discovery of oil in central Libya. In 1969, Col. Muammar Qaddafi led a coup that overthrew Sanusi, establishing an eclectic dictatorship. Qaddafi hailed from the western coast of Libya, so he instead favored that region in distributing oil proceeds, breeding resentment in the formerly favored northeast.

Although Qaddafi sponsored and employed military force elsewhere in Africa, at home he typically relied on oppression and exemplary punishment rather than large-scale violence to defeat multiple challenges to his authority. In 1975, he blocked an army coup and two years later executed 22 of its alleged leaders.[6] In 1978, nonviolent pan-Islamists attempted to coopt Qaddafi's revolution, so he quashed them by targeting their leaders in Libya and abroad.[7] In 1980, Qaddafi crushed a rebellion by Air Force officers in the eastern city of Tobruk, resulting in an estimated 400 combat deaths.[8] In the 1980s, an expatriate-led, CIA-sponsored armed opposition group, the National Front for the Salvation of Libya (NFSL), attempted to overthrow Qaddafi several times, including by attacking his compound in 1984, but he neutralized them via widespread arrests in Libya and select assassinations abroad. In 1989, Qaddafi suppressed a Salafist Jihad by imposing restrictions on beards and niqabs. In 1993, members of the Warfala tribe from the western Libyan city of Bani Walid led an army revolt, but Qaddafi defeated it and then executed the ringleaders.[9]

In 1995, Libyan *Mujahedin* – having returned from fighting in Afghanistan – launched a low-level insurgency in eastern Libya under the banner of the Libyan Islamic Fighting Group (LIFG), but Qaddafi declared martial law and suppressed the movement within a few years, imprisoning hundreds of its members.[10] In March 1996, an exiled former army officer launched another rebellion in eastern Libya, but it was crushed quickly, resulting in about two-dozen deaths.[11] The only known instance of the regime perpetrating large-scale killing of Libyans occurred in June 1996, when Qaddafi's security chief responded to an uprising in Abu Salim prison by massacring approximately 1,200 inmates,[12] allegedly Islamist militants from eastern Libya.

Pivoting sharply in the late 1990s, however, Qaddafi started liberalizing his domestic and foreign policy. He shared intelligence with the United States about international Islamist terrorists, even prior to the September 11, 2001, attacks on the United States. In 2003, he surrendered his nuclear-weapons program and paid reparations for the Lockerbie terrorist airplane bombing that Libya had been implicated in 15 years earlier. At home, he anointed one of his sons, the western-educated Saif al-Islam, to spearhead economic, social, and political reform.

Saif convinced his father that the regime should admit culpability for the notorious 1996 prison massacre and pay compensation to families of hundreds of its victims. In 2008, Saif published testimony documenting torture committed by Libya's Revolutionary Committees, the regime's zealous but unofficial watchdogs, and he demanded they be disarmed. From 2009 to 2010, Saif persuaded his father to release nearly all of Libya's political prisoners, including LIFG insurgents, creating a deradicalization program for Islamists that Western experts cited as a model. Amnesty International, in its 2010 annual report, notably did not cite any major abuses in Libya after 1999.[13]

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[6] George Joffé, "Civil Activism and the Roots of the 2011 Uprisings," in *The 2011 Libyan Uprisings and the Struggle for the Post-Qadhafi Future*, ed. Jason Pack (Palgrave Macmillan, 2013), 24.

[7] Noman Benotman, et al., "Islamists," in *The 2011 Libyan Uprisings and the Struggle for the Post-Qadhafi Future*, ed. Jason Pack (Palgrave Macmillan, 2013), 195.

[8] "Libya Denies Report of Military Revolt," *New York Times*, August 19, 1980, A7.

[9] Joffé, *Civil Activism*, 30.

[10] Benotman, et al., *Islamists*, 201.

[11] "Unrest Reported In Eastern Libya," *Washington Post*, March 26, 1996, A9.

[12] "Libya: June 1996 Killings at Abu Salim Prison," *Human Rights Watch*, June 28, 2006, accessed November 7, 2018, https://www.hrw.org/news/2006/06/27/libya-june-1996-killings-abu-salim-prison.

Saif also advocated abolishing Libya's Information Ministry to foster growth of independent media. He flew in renowned American scholars – including Francis Fukuyama, Robert Putnam, and Cass Sunstein – to lecture on civil society and democracy. In 2010, Saif declared that, "everyone should have access to public office. We should not have a monopoly on power." He added that, "I will not accept any position unless there is a new constitution, new laws, and transparent elections." He also brought into the government leading Libyan liberals, who later ironically became the first officials to defect to the rebellion.[14]

Despite this gradual liberalization, in early 2011 the contagion of the emerging "Arab Spring" spurred the most serious challenge yet to Qaddafi's authority. Across Libya's western border, Tunisia's longtime president stepped down on January 14, 2011, acquiescing to demands from largely peaceful protesters. To the East, Egypt's president resigned on February 11, 2011, when security forces abandoned him following a failed crackdown on protesters. Seizing the momentum, Libyan opposition expatriates announced a "Day of Rage" to be held in the country on February 17, 2011. As detailed below, Libya's uprising actually started two days earlier and escalated quickly, so that by February 20, militants had captured the main army garrison in the eastern half of the country, in Benghazi, the second largest city. On that day and the next, top Qaddafi officials defected, including the Minister of Interior, Abdel Fattah Younes – who assumed leadership of rebel forces – and the Minister of Justice, Mustafa Abdul-Jalil, who became the founding head of the rebels' political wing known as the National Transitional Council (NTC). The official whom Saif had appointed to head Libya's National Economic Development Board, Mahmoud Jibril, also defected and became the rebels' *de facto* foreign minister.

Catching Qaddafi by surprise, the eastern rebels moved rapidly west along the coast for nearly two weeks, reaching about halfway to the capital Tripoli. Qaddafi then mobilized his vastly superior security forces, however, and in just ten days defeated the rebels in most parts of the country, driving their main formation all the way back to Benghazi. The rebellion appeared on the verge of failing, as had all previous challenges to Qaddafi's authority. The death toll after a month of fighting – including rebels, government forces, and civilians – was approximately 1,000.[15] But the rebellion did not end in Benghazi as expected. Instead, based on erroneous media reports that Qaddafi's forces had slaughtered thousands of civilians and were poised to commit a "bloodbath" in Benghazi, the UN Security Council on March 17, 2011, authorized military intervention to establish a no-fly zone and protect Libya's civilians. Two days later, NATO states and other intervening countries, interpreting their mandate broadly, started a campaign of bombing Qaddafi's forces while arming, training, advising, and coordinating with his opponents, which continued until the rebels captured the country and killed Qaddafi in October 2011.

Consequences of the Rebellion

Although many Libyans especially in the east initially were ecstatic to end Qaddafi's rule, the consequences of the rebellion have proved overwhelmingly negative throughout the country. Fighting has killed more than 10,000 Libyans.[16] Six months after Qaddafi's demise, Human Rights Watch declared that abuses by the victorious rebels "appear to be so widespread and systematic that they may amount to crimes against humanity." In October 2013, the UN Human Rights commissioner reported that under the victorious rebels the "vast majority of the estimated 8,000 conflict-related detainees are also being held without due process." Amnesty International revealed that these "detainees were subjected to prolonged beatings with plastic tubes, sticks, metal bars or cables. In some cases, they were subjected to electric shocks, suspended in contorted positions

[13] "Libya: Amnesty International Report 2010," (Amnesty International, 2010), accessed November 7, 2018, https://www.amnestyusa.org/reports/annual-report-libya-2010/.

[14] Ethan Chorin, *Exit Qaddafi: The Hidden History of the Libyan Revolution* (New York: Public Affairs, 2012), 124, 154, 200.

[15] Alan J. Kuperman, "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign," *International Security* 38, no. 1 (Summer 2013), 118-121; Alan J. Kuperman, "Obama's Libya Debacle: How a Well-Meaning Intervention Ended in Failure," *Foreign Affairs* 94, no. 2 (March/April 2015), 69-72.

[16] The citations for the data in this paragraph can be found in Kuperman, *A Model Humanitarian Intervention*?; Kuperman, *Obama's Libya Debacle*.

for hours, kept continuously blindfolded and shackled with their hands tied behind their backs or deprived of food and water." Due to pervasive violence, the UN also estimated that roughly 400,000 Libyans had fled their homes, a quarter of whom were seeking refuge in other countries.

Libya's experiment in democracy also has proved unsuccessful so far. Following the rebellion, Libyans experienced a merry-go-round of seven prime ministers in less than four years. In 2014, civil war reignited between two competing Libyan governments: a secular one backed by Egypt and the UAE, and an Islamist one backed by Qatar. In 2016, the United Nations sponsored a so-called unity government, but that only succeeded at expanding the chaos to a three-way conflict.

Libya's economy and quality of life have plummeted in the wake of rebellion. Oil production has averaged barely one-third of previous levels. Consequently, the World Bank reported in 2016 that, "GDP per capita fell by almost two-thirds of its pre-revolution level, to $4,458." Fighting has closed airports and seaports for long periods in Libya's two biggest cities, Tripoli and Benghazi. Foreign exchange reserves have depleted rapidly from over $100 billion to barely one-fifth that amount. As the World Bank concluded gloomily in 2016, "The Libyan economy is near collapse as political stalemate and civil conflict prevent it from fully exploiting its sole natural resource: oil."[17]

The rebellion also greatly increased the terrorist threat in Libya and its neighbors. Al-Qaeda's affiliate, Ansar al-Sharia, established itself in eastern Libya where, in September 2012, it attacked a U.S. diplomatic compound in Benghazi, killing U.S. Ambassador Christopher Stevens and three colleagues. In Mali, former Qaddafi soldiers of Malian descent launched a rebellion that quickly became hijacked by radical Islamist forces, so that by December 2012, the northern half of that country had become "the largest territory controlled by Islamic extremists in the world," according to the U.S. Senate Subcommittee on Africa.[18] By 2015, in Libya, the Islamic State had gained control of the coastal city of Sirte.[19] Renewal of U.S. bombing the following year succeeded at scattering these terrorists but failed to purge them from the country.[20]

Theory & Methodology

As I have explained in previous work, all potential explanations of decisions to rebel despite risks of failure and retaliation can be grouped into five categories (Table 1). Rebels may not expect the state to retaliate, so they perceive little to lose by rebelling. They may expect the state to punish their group anyway, and so perceive little to gain by not rebelling. They may expect to defeat the state without assistance from humanitarian intervention. Or they may expect to defeat the state because they anticipate that humanitarian intervention will enable their victory. Lastly, rebels may be driven by emotional impulses such as frustration, rather than by strategic calculation.

Table 1. Five Explanations for Rebellion.

1	Do not expect retaliation
2	Perceive victimization as inevitable
3	Expect victory without humanitarian intervention
4	Expect humanitarian intervention to enable victory
5	Driven by emotion, not strategic calculation

The analysis below assesses which of these five hypotheses explains two critical junctures in Libya's rebellion. The first is the launching of the rebellion in mid-February 2011, despite Qaddafi's

[17] "Libya's Economic Outlook," World Bank, October 2016, accessed November 7, 2018, http://www.worldbank.org/en/country/libya/publication/economic-outlook-fall-2016, which also reports that "Foreign reserves will average around $26 billion during 2017-2019." Patrick Wintour, "Libya's government faces forced currency devaluation," *Guardian*, November 20, 2016.

[18] Craig Whitlock, "Pentagon Helping Organize Multinational Operation in Mali," *Washington Post*, December 6, 2012.

[19] David D. Kirkpatrick, et al., "ISIS' Grip on Libyan City Gives It a Fallback Option," *New York Times*, November 29, 2015.

[20] Missy Ryan and Sudarsan Raghavan, "U.S. begins airstrikes on ISIS in Libya," *Washington Post*, August 2, 2016; Eric Schmitt, "ISIS Remains Threat in Libya Despite Surt Defeat, U.S. Officials Say," *New York Times*, December 9, 2016.

history of crushing such challenges and killing or imprisoning their leaders. The second is the perpetuation of the rebellion after early-March 2011, despite Qaddafi's overwhelming counter-offensive and the rebels' opportunities to end the uprising without facing retribution. Sources include the following: contemporaneous news reports, videos, and social media; retrospective interviews with Libyans involved in the revolution; and secondary material including books, scholarly articles, and reports by national governments, the United Nations, and non-governmental organizations.

Launching the Rebellion

The conventional narrative of the outbreak of rebellion in Libya, depicted in both scholarly and media accounts, is based largely on misleading propaganda from the rebels' small liberal wing that was well connected in the West. It claims that Libyans launched exclusively peaceful demonstrations on February 15, 2011, in Benghazi, and that Qaddafi's forces responded by killing unarmed protesters on that day and the next. The peaceful demonstrators then held a funeral procession along a street adjacent to Benghazi's main army garrison. Troops inside the base shot and killed peaceful marchers, which spurred even bigger funeral processions and additional massacres by the security forces in subsequent days.[21] An army commander, who had been deployed to reinforce the Benghazi garrison but who was outraged by Qaddafi ordering the killing of peaceful protesters, defected with his forces and thereby transformed the uprising from nonviolent resistance to rebellion on February 21. Radical Islamist militias did not join until late February, after the rebellion had already gained momentum.

The actual events, however, were starkly different. Libya's rebellion in reality emerged from premeditated violence by Islamist militants in eastern Libya, starting the same night as the ostensibly peaceful protests in Benghazi. These rebels attacked a series of increasingly important security installations, obtaining materiel from each target to use against the next. They first attacked police stations with rocks and petrol bombs to get firearms, which they used to attack internal-security forces to acquire higher-caliber weapons, which they employed to attack a military base to acquire heavy weapons and armored vehicles, which they used to capture the Benghazi garrison and four air bases in eastern Libya – all during the week of February 15-21, 2011. At each installation, some of the defending forces defected to the rebels, out of fear or sympathy, thereby bolstering the rebels for their next attack. The regime – hoping to avoid escalation, and surprised by the speed and intensity of the uprising – was slow to mobilize its key military forces and thus failed to avert these initial rebel gains.

Planning of the rebellion was facilitated by the widespread calls of Libya's political opposition, via at least three online efforts in early-February 2011, for a "Day of Rage" to be held February 17, 2011.[22] Although these appeals emerged mainly from liberal groups, especially expatriate Libyans in Europe, they inspired militants inside the country to plan violence for that week.[23] In Derna, the epicenter of Libya's militant Islamism, "plans were in place from 14 February" to attack security

[21] This false narrative infects even scholarly treatments, such as Youssef M. Sawani, "The February 17 Intifada in Libya: Disposing of the Regime and Issues of State-Building," in *Revolution, Revolt, and Reform in North Africa: The Arab Spring and Beyond*, ed. Ricardo Laremont (London and New York: Routledge, 2014), 78, which asserts the following: "On the 19th and the 20th [February] the youth attacked the headquarters of Al-Fadhil Abu Omar Special Battalion [the Katiba] in Benghazi, which resulted in many deaths. This particular incident [was] led by unarmed youth."

[22] On February 1, domestic Libyan activists were detained for online advocacy of demonstrations. By February 4, three online campaigns were reported as calling for a "Day of Rage" on February 17; M. Cherif Bassiouni, ed., *Libya: from Repression to Revolution: A Record of Armed Conflict and International Law Violations, 2011-2013* (Leiden: Martinus Nijhoff Publishers, 2013), 126, 154, footnote 180; Jason E. Strakes, "The Arab Spring Through a Libyan Prism: Contagion, Cleavages and Adverse Transition," in *The Arab Spring, Civil Society, and Innovative Activism*, ed. Cenap Çakmak (New York: Palgrave Macmillan, 2017), 152-153; "Libya Protests: Second City Benghazi Hit by Violence," *BBC*, February 16, 2011, accessed November 7, 2018, http://www.bbc.co.uk/news/world-africa-12477275.

[23] According to Noman Benotman, a former LIFG leader who had helped negotiate the 2009 deradicalization deal with Qaddafi, many of the group's members inside and outside of Libya rejected that deal as surrender. By late 2010, they also viewed the emerging Arab Spring as their opportunity to relaunch an Islamist revolution under a new name, so when violence broke out in Libya on February 15, they quickly held a press conference in London the same day to announce the new Libyan Islamic Movement for Change (LIMC). Interview with author, March 16, 2018.

institutions, according to Yasser Ben Halim, a longtime Libyan Islamist militant who participated in the planning of rebellion and then fought his way to the capital, eventually becoming head of the Tripoli Military Council's protection forces after the war.[24]

Qaddafi's regime tried to preempt the February 17 Day of Rage by arresting a protest leader, Fathi Terbil, in Benghazi on February 15.[25] However, this only fueled public outrage, triggering a premature start to the peaceful and militant uprisings that evening. Though international media attention initially focused on Benghazi, the more consequential events centered on two smaller cities in eastern Libya – Derna and Beida – both hotbeds of militant Islam.



Figure 1. Map of Northeast Libya. Source: Adapted from Nations Online Project.

Benghazi

Contrary to the conventional narrative, even some protesters in Benghazi employed violence from the beginning. They provoked a rapid escalatory spiral with government forces but failed initially to acquire sufficient firepower to capture the city's garrison. On the night of February 15, and the following evening, these militants threw petrol bombs and rocks at police and at a Revolutionary Committee building, and they set cars on fire, according to local reports.[26] Police initially responded only with rubber bullets and water cannon, so that most of the thirty-eight injured in Benghazi on that first day were security officials, explained a local hospital director.[27] Indeed, the future rebel leader Mustafa Jalil was still Qaddafi's Justice Minister, and he later acknowledged that at the time he participated in "intense meetings" with the heads of Public Security, Foreign Affairs, External Security, Internal Security, and Intelligence, and "every person present said that we needed to deal with the events without using force, regardless of whether the protesters called for looting or burning or anything else."[28] A Libyan commander later testified to UN investigators that, "only after demonstrators acquired arms did the Qaddafi forces begin using live ammunition."[29]

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[24] "Top Tripoli Military Council official wants Sharia law: interview with Yasser Ben Halim," *Libya Herald*, May 22, 2012, accessed November 7, 2018, https://web.archive.org/web/20120601084346/http://www.libyaherald.com:80/interview-with/.

[25] William C. Taylor, *Military Responses to the Arab Uprisings and the Future of Civil-Military Relations in the Middle East: Analysis from Egypt, Tunisia, Libya, and Syria* (New York: Palgrave Macmillan, 2014), 147. The Libyan government said the grounds for arrest were that he had falsely claimed Abu Salim prison was on fire, which incited unrest. "Senior Libyan security official gives details on unrest in Benghazi," *BBC Worldwide Monitoring*, February 23, 2011.

[26] "Libyan police stations torched," *Al Jazeera*, February 16, 2011, accessed November 7, 2018, https://www.aljazeera.com/news/africa/2011/02/201121670514224444.html; *Libya Protests: Second City Benghazi Hit by Violence*; تفجر اشتباكات في مدينة١٤ بنغازي الليبية وأنباء عن اصابة؛," February 16, 2011, accessed November 7, 2018, https://www.turess.com/alfajrnews/45727.

[27] "Violent protests rock Libyan city of Benghazi," *France24*, February 16, 2011, accessed November 7, 2018, http://www.france24.com/en/20110216-libya-violent-protests-rock-benghazi-anti-government-Qaddafi-egypt-tunisia-demonstration, citing a local Libyan newspaper that Reuters says is "Libya's most reliable media outlet." See "Death toll in fighting for Libya's Zawiyah 23-paper," *Reuters*, February 24, 2011, accessed November 7, 2018, http://uk.reuters.com/article/libya-protests-toll-idUKLDE71N2BY20110224.

[28] Libyanfreepress, "Mustafa Abdul Jalil, Head of False Libyan Revolution, Admits Ghadafi did not Kill Protesters," translation by Patrick Harned, YouTube video, May 31, 2014, accessed November 7, 2018, https://youtu.be/Jjf5MTKHbqw.

[29] United Nations Human Rights Council, *Report of the International Commission of Inquiry on Libya*, March 2, 2012, advance unedited version, UN Doc. A/HRC/19/68, 53.

On February 17, the Benghazi protesters attacked and burned additional police stations, security installations, and Revolutionary Committee buildings.[30] They seized AK-47s and machine guns from a military base in Benghazi's al-Rahba neighborhood.[31] In the city center, they also launched their first unsuccessful attack on the *Katiba* Al-Fadhil Abu Omar, the biggest army garrison in eastern Libya and a base of the regime's internal security 32nd Brigade, led by Qaddafi's son Khamis.[32] Government forces responded with their first live fire in Benghazi,[33] but aimed to wound rather than kill on this day, according to a French doctor working in a city hospital.[34] By February 18, all police stations in Benghazi reportedly had been burned. Militants also set ablaze two internal security buildings, freed the prisoners within, and seized weapons and "ammo for various arms."[35] Police officers fled for shelter to Benghazi's public security headquarters, where militants attacked them again and set the building on fire.

Qaddafi reinforced the Katiba with an additional security unit,[36] which employed deadly force against the attackers and thereby also killed or injured some unarmed protesters intermingled with them. The militants used construction equipment in attempts to breach the walls of the garrison, and "the young people were making human shields for the drivers of the bulldozers," according to a doctor who treated casualties in the city's trauma ward.[37] Qaddafi's son Saadi, who also was in the garrison, justified the government's use of force: "when those guys came with weapons and wanted to attack the Katiba, of course they were gonna get in and kill the soldiers. So [the soldiers] had to defend."[38] By contrast, when the security forces confronted unarmed protesters at the main courthouse on February 18, they reportedly fired only teargas.[39] The regime survived these violent and peaceful protests in Benghazi for five days, until the arrival of better-armed Islamists from the east.

Derna

Derna was long known as Libya's militant Islamist heartland. It was the center of the LIFG rebels in the 1990s and, a decade later, the world's most concentrated source of al-Qaeda foreign fighters to Iraq.[40] Derna was also the first place in Libya where rebels reportedly obtained military weapons to confront the regime in 2011.[41] On February 16, less than a day after the Benghazi protests started,

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[30] "ثورة 17 فبراير المباركة," *Revolutions and Changes around the World 2011* (blog), 2011, accessed November 7, 2018, http://amr333-revolutionsaroundtheworld.blogspot.com/2011/11/17.html.

[31] "شريفة الفسي: دور معسكر الدروع الرجمة في ثورة 17 فبراير" ["The Role of the Rahbat Military Base in the February 17 Revolution"], *Libya-al-Mostakbal*, April 1, 2012, accessed November 7, 2018, http://archive2.libya-al-mostakbal.org/news/clicked/20842.

[32] Bassiouni, *Libya: from Repression to Revolution*, 156.

[33] UN Human Rights Council, *Inquiry on Libya*, 52.

[34] Gérard Buffet, "French Doctor Recounts 'Apocalyptic' Scenes in Libya," interview, *Agence France-Presse*, February 2011, accessed November 7, 2018, http://www.youtube.com/watch?v=JwHUqPflEPs; François Malye, "Libye: 'C'était un carnage absolu,'" *Le Point*, February 23, 2011.

[35] Translated transcript of contemporaneous phone account, indicated as recorded on February 18, 2011. Gahgeer,"Benghazi 'unde people control'- Transcript of Libyan Call through Feb17 voices," *Gahgeer* (blog), February 19, 2011, accessed November 7, 2018, https://gahgeer.blogspot.com/2011/02/benghazi-under-people-control.html.

[36] Taylor, *Military Responses*, 148.

[37] Paul Schemm, "Battle at army base broke Gadhafi hold in Benghazi," *Washington Post*, February 25, 2011, accessed November 7, 2018, http://www.washingtonpost.com/wp-dyn/content/article/2011/02/25/AR2011022505021_pf.html.

[38] "The Battle for Libya: Killings, Disappearances, and Torture," Amnesty International, September 8, 2011, accessed November 7, 2018, https://www.amnesty.org/en/documents/MDE19/025/2011/en/, 42. A Libyan government spokesman, on February 22, 2011, similarly justified the use of lethal force in defense of the Katiba: "When it gets to breaking into an army camp, which has huge stockpiles of ammunition, there was no alternative but to fire [at assailants]. As a result, many were killed from both sides." See, *Senior Libyan Security Official*.

[39] Evan Hill, "The day the Katiba fell," *Al Jazeera*, March 1, 2011, accessed November 7, 2018, http://www.aljazeera.com/indepth/spotlight/libya/2011/03/20113175840189620.html.

[40] Joseph Felter and Brian Fishman, *Al-Qa'ida's Foreign Fighters in Iraq: A First Look at the Sinjar Records*, US Military Academy, January 2, 2007, reports that Derna "has far and away the largest per capita number of fighters in the Sinjar records," accessed November 7, 2018, https://ctc.usma.edu/al-qaidas-foreign-fighters-in-iraq-a-first-look-at-the-sinjar-records/, 10.

Derna's "Islamist gunmen... assaulted an army weapons depot and seized 250 weapons, killed four soldiers and wounded 16 others," *Agence France Presse* reported.[42] These militants were assisted by defection of an army colonel, who "joined them and provided them with a rocket-propelled grenade launcher, three pieces of anti-aircraft artillery, and 70 Kalashnikov" rifles, according to a Libyan security official.

Two days later, following Friday prayers on February 18, Derna's Islamist militants launched a broader offensive. They attacked the port and seized 70 military vehicles,[43] and set fire to the general security directorate, internal security directorate, and Revolutionary Committee building. As security forces fled, the militants seized control of these installations and the city.[44] In one case, they captured Libyan officials, locked them in a jail cell, and then burned the building with the officials inside, according to a pro-rebel activist.[45]

The Islamist militants had planned these attacks on February 14, even prior to the outbreak of Benghazi's protests, according to Ben Halim,

> we had all agreed to set off from the mosques, which we coordinated with area residents. So on Friday [February 18], we went out immediately after prayers and headed for all security departments in the city. We took control of them. We were also joined by the police force and guards. That lasted for about four hours, then we headed for Beida where there was one of Qaddafi's brigades called al-Jareh. We managed to overpower them. After that we went to Benghazi – that's where the real battle started.[46]

Another key figure in Derna's uprising was Abdul Hakim al-Hasadi. An LIFG member, he had evaded the Libyan government's pursuit in the 1990s, ending up in Afghanistan at the time of the September 11, 2001 terrorist attacks, then fled to Pakistan, and later returned to Libya where he was arrested and eventually released in 2007 under Qaddafi's ill-fated reconciliation with Islamist militants. On February 16, 2011, according to a reporter who interviewed him soon afterwards, "His military training kicked in. Over the course of the next two days, Hasadi helped protesters organize attacks on military facilities and other government buildings in town."[47] In a February 20 news report, a Libyan security official claimed the Derna attacks were being led by Islamists who previously had fought for al-Qaeda before being arrested and released from Libyan prison, and who now were calling themselves the "Islamic Emirate of Barqa."[48]

Beida

Events around Beida, a city larger than Derna and closer to Benghazi, were crucial to the militants' success. By February 16, hundreds of protesters in the city had attacked and set fire to police

[41] It is not known who led these attacks, but Derna was home to at least two veteran Islamist commanders. Abu Sufian bin Qumu fought in the LIFG, then joined al Qaeda in Afghanistan in the 1990s, was captured in Pakistan in 2001, held in Guantanamo until 2007, and released by Qaddafi in 2008. Salem Derby was a legendary LIFG fighter who had successfully evaded Qaddafi by hiding in the mountains of eastern Libya from the 1990s until 2011. After the revolution he was killed in Jihadi infighting in 2015 by the Islamic State. Benotman, interview.

[42] "Libya Islamists 'seize arms, take hostages,'" *Agence France Presse*, February 20, 2011.

[43] Ibid.

[44] Akram San, "February 17th Libyan Revolution, The City of Derna from the 16th to the 23rd of February," February 27, 2011, accessed November 7, 2018, https://youtu.be/i7r138VQdbs.

[45] Ian Black and Owen Bowcott, "Libya protests: massacres reported as Qaddafi imposes news blackout," *Guardian*, February 18, 2011, accessed November 7, 2018, https://www.theguardian.com/world/2011/feb/18/libya-protests-massacres-reported.

[46] *Top Tripoli Military Council.*

[47] Babak Dehghanpisheh, "America's Islamist Allies in Libya," *Daily Beast*, April 9, 2011, accessed November 7, 2018, https://www.thedailybeast.com/americas-islamist-allies-in-libya; Dan Murphy, "Why the West need not fear Libya's Islamic warriors," *Christian Science Monitor*, April 22, 2011, accessed November 7, 2018, https://www.csmonitor.com/World/Middle-East/2011/0422/Why-the-West-need-not-fear-Libya-s-Islamic-warriors.

[48] *Libya Islamists seize arms*; Two days later, a Libya government spokesman said that two Islamic Emirates had been established: one in Derna led by Hasadi, and the other in Beida led by Khayrallah Barasi. See, *Senior Libyan Security Official.*

stations, shouting "People want the end of the regime."[49] That evening, security forces responded forcefully, allegedly killing the first three civilian victims of the rebellion.[50] As the mob of protesters grew, some police and soldiers defected to their side,[51] enabling the militants the next day to launch armed attacks and overrun Beida's internal security directorate.[52] In so doing, on February 17, the rebels obtained heavy weapons including 105mm (known as "106") anti-tank guns.[53]



Figure 2. Beida militants transport anti-tank weapons to attack Shahat barracks, February 18. Source: https://youtu.be/Jz2ZkHP1s-I, accessed November 7, 2018.

That night and the following day, February 18, the triumphant Beida militants transported their new weapons ten miles east to Shahat to attack the region's al-Jareh army barracks, home of the Hussein Juweifi 165th battalion, which had been reinforced by elements of the Khamis Brigade including ethnic African troops. Since February 16, protesters at the barracks had been throwing petrol bombs and rocks, but they had been unable to penetrate the base. This changed when the Beida militants arrived with their heavy weapons and machine guns, supplemented by armed Islamists from nearby Derna. Inside the barracks, a deputy commander and some soldiers from the 165th battalion defected, providing the rebels with additional weapons and fighters.[54] The militants used construction vehicles to knock holes in the perimeter wall to infiltrate, then engaged in a

[49] *Libyan police stations torched*; "Libya, Middle East rocked by protests," *CBC News*, February 16, 2011, accessed November 7, 2018, http://www.cbc.ca/news/world/libya-middle-east-rocked-by-protests-1.1029900; "Libya Protests: Second City Benghazi Hit by Violence." Videos of these events are available at https://www.youtube.com/watch?v=EEePa6fUdw0&index=15&list=PLCE6A19CF14D5F514, accessed November 7, 2018.

[50] "أنباء عن ثلاثة قتلى بمظاهرات ليبيا." *Al Jazeera*, February 16, 2011, accessed November 7, 2018, http://www.aljazeera.net/news/arabic/2011/2/16/أنباء-عن-ثلاثة-قتلى-بمظاهرات-ليبيا. Skeptics cite evidence that rebel snipers may have committed the early killings of protesters in Beida. See Ola Tunander, "Geopolitics of the Libya Crisis: The Use of Rhetoric and Deception to Destroy a State," 25th draft, 2017, 51 (personal communication to author), a revised version of which was later published in Norwegian, as *Libya Krigen: Bruken av retorikk og bedrag for å* ødelegge *en stat* (Oslo: Sirkel Forlag, 2018).

[51] "Protesters battle security forces in eastern Libya; at least 40 reported dead," *France24*, February 18, 2011, accessed November 7, 2018, http://www.france24.com/en/libya-violence-crackdown-escalates-protest-benghazi-gadaffi-obama-tripoli-demonstrations; طرابلس-د ب أ، أ ف ب، رويترز، "الجيش الليبي ينتشر في بنغازي ومشاركة القذافي في مظاهرة مؤيدة له." صحيفة الوسط البحرينية, February 18, 2011, accessed November 7, 2018, http://www.alwasatnews.com/news/527947.html.

[52] "القذافي يقصف المحتجين بالأسلحة المضادة للطيران," *Nahar*, February 18, 2011, accessed December 5, 2018, https://www.ennaharonline.com/القذافي%E2%80%AE-%E2%80%ACبالأسلحة-ال-المحتجين-يقصف/; Amnesty International, *The Battle for Libya*, 37.

[53] Coffeeaddict99, "شباب مدينة البيضاء متوجهون للهجوم على معسكر شحات," YouTube video, February 19, 2011, accessed November 7, 2018, https://youtu.be/Jz2ZkHP1s-I, shows the weapon and reports that, "This is one of a group of 106 anti-tank guns used in the battle." بوابة الأهرام: "مقتل القذافي .. نهاية محتومة لطاغية كان يريد أن يحرق ليبيا بأكملها", accessed November 7, 2018, http://gate.ahram.org.eg/News/128895.aspx.

[54] Patrick Haimzadeh, "Libye: Le Miracle De La Reconstruction Nationale," *Politique Internationale - La Revue* 149 (Winter 2015), footnote 2, accessed November 7, 2018, http://www.politiqueinternationale.com/revue/read2.php?id_revue=149&id=1433&content=texte. Collaboration between defectors and rebels at the perimeter can be seen in this video: Hobby Libya, "Shabab Youth, Battalion and RBG 'Speed of Mindfulness'," YouTube video, September 11, 2011, accessed November 7, 2018, https://youtu.be/UZC5j3mOt1Q.

fierce firefight.[55] During the battle, they captured and summarily executed at least 15 dark-skinned soldiers, suspected as foreign mercenaries but who may have been Libyan dual-nationals.[56]



Figure 3. Militants with heavy machine guns and ammunition at Shahat barracks, February 18-19. Source: https://youtu.be/3nPg1YThjdo, accessed November 7, 2018.

Shahat to Benghazi

The following day, February 19, the militants captured the Shahat barracks and its equipment, including armored vehicles and heavy weapons,[57] and then drove some of this hardware three hours to Benghazi, which decisively bolstered the attack on the Katiba, according to multiple sources. The *Associated Press* reported

> a mob descended on a local army base on the outskirts of town and forced the soldiers to give up their weapons, including three small tanks. Truckers drove them into town and rammed those too into the Katiba's walls. Days later, the burned hulks of the armored vehicles can still be seen, stuck halfway into the breaches they made.[58]

U.S. intelligence veteran William C. Taylor reports similarly that, "protesters had also ransacked the local arms depot from the Hussein Juweifi battalion [in Shahat] and were turning the depot's machine guns at the al-Fadhil base" in Benghazi.[59] Amnesty International also documents the escalation at the Katiba on February 19-20, observing that, "by then protesters in Beida had overrun the Shahat military base and looted the weapons and munitions there."[60] The attack on Benghazi's Katiba culminated on February 20, reportedly led by rebel Gen. Ahmad Qatrani and his Faileq 36 battalion,[61] and "joined by people from the eastern towns of Derna and Beida, who had liberated weapons from local security bases."[62] In addition to armored vehicles, heavy weapons, petrol bombs, light weapons, and bulldozers, the attackers' munitions included a suicide vehicle bomb. In preceding days, the Katiba's troops had worried that funeral processions along the perimeter

[55] See video: Hobby Libya, "Shahat Battalion," YouTube video, October 28, 2011, accessed November 7, 2018, https://youtu.be/6mPaafU-IEg.

[56] Abigail Hauslohner, "Among Libya's Prisoners: Interviews with Mercenaries," *Time*, February 23, 2011, accessed November 7, 2018, http://content.time.com/time/world/article/0,8599,2053490,00.html; Black and Bowcott, *Libya protests*.

[57] The first armored vehicle that the rebels seized can be seen emerging from the barracks in this video: Hobby Libya, "February Revolution of the city of Shahat... Directed by the first tank February 19," YouTube video, November 7, 2011, accessed November 7, 2018, https://youtu.be/vSa-oE91rEQ.

[58] Schemm, *Battle at army base*.

[59] Taylor, *Military Responses to the Arab Uprisings*, 149.

[60] Amnesty International, *The Battle for Libya*, 42, 102.

[61] Paolo Sensini, *Sowing Chaos: Libya in the Wake of Humanitarian Intervention* (Atlanta: Clarity Press, 2016), 109.

[62] Schemm, *Battle at army base*.

were a security threat, so they had used force to disperse them, which aroused international condemnation. On February 20, however, the soldiers' security concerns were vindicated when a vehicle, loaded with propane tanks and explosives, diverged from a funeral procession and detonated at the Katiba's gate, leaving a fiery breach that enabled militants to enter and compelled the troops to retreat further inside.[63]



Figure 4. Militants emerge with armored vehicles from Shahat barracks and parade through town, February 19. Source: https://youtu.be/3nPg1YThjdo, accessed November 7, 2018.

Aware that the Katiba was crucial for control of eastern Libya, Qaddafi ordered his Interior Minister, Abdel Fattah Younes, to lead a special-forces battalion to reinforce the garrison on the afternoon of February 20.[64] Upon arriving, however, Younes realized the tide already had turned in favor of the attackers. As other Libyan officers had done in preceding days at installations across the east – police, military, internal security, and Revolutionary Committee – he chose to defect rather than fight a deadly and potentially losing battle against the now well-armed rebels, to whom he surrendered the Katiba.[65] The next day, February 21, militants seized four regional air bases: Abraq near Shahat, Benina near Benghazi, Adem near Tobruk, and Bombah near Derna.[66] In one week, the rebels had conquered the eastern part of the country, setting the stage for a full-blown civil war. Although Qaddafi's explanation of the rebellion as an Islamist plot was ridiculed at the time by western media, in retrospect it was quite accurate in many respects.[67]

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[63] Ibid.

[64] Two days later, a Libyan government spokesman claimed that a deal had been reached beforehand with representatives of the Benghazi protesters for Younes's unit on February 20 to replace the Katiba troops implicated in the killing of attackers, presumably to alleviate public outrage and deescalate the Katiba protests. Instead, militants at the Katiba escalated their attacks that day using armored vehicles, heavy weapons, construction equipment, and a vehicle bomb. See, *Senior Libyan Security Official*.

[65] Hill, *The day the Katiba fell*; Schemm, *Battle at army base*. Younes permitted the escape of soldiers who remained loyal to Qaddafi. It is unclear if this contributed to the decision by Islamist rebels five months later to kill Younes. "Libyan Rebel Military Leader Is Killed," *Sky News*, July 29, 2011, accessed November 7, 2018, https://archive.is/20120715083554/http://news.sky.com/home/world-news/article/16039491.

[66] Sensini, *Sowing Chaos*, 110. Hasadi apparently assisted in the capture of Abraq and Bombah, the air bases closest to Derna; "مصرس.:القيادي الإسلامي عبد الحكيم الحصادي في درنة," *Al-Ahram*, March 3, 2011, accessed November 7, 2018, http://www.masress.com/ahram/65773.

[67] Qaddafi defended his actions in a televised live speech on March 2, 2011, as follows: "How the story began? There are small sleeper cells affiliated with Al-Qaida…. Suddenly, this sleeper cell in Beida attacked the battalion in the city. It opened fire and seized weapons. It seized weapons from police stations. This was the first fight. It was between these elements and Hussein Juweifi Battalion.... The number of deaths on both sides was 150 or 200… Half of the dead were from the police force and the soldiers who were surprised by the sudden attack on their barracks… The people were killed at the gates of the battalion and outside the police center. This shows that the police and the battalion did not go out to the street to kill them, but the people were the ones who came to the battalion and were killed at the gate… After that, the same thing happened in Benghazi. The Fadhil Abu-Omar Battalion was attacked… After that, the world

Other regions of Libya also experienced unrest during the week of February 15-21, 2011, including demonstrations and the setting of fires at government buildings.[68] However, these actions were not as militarized and do not appear to have been led by militant Islamists. Qaddafi managed to suppress these other protests by early March,[69] so they probably would have been insufficient by themselves to foment full-blown civil war and trigger humanitarian intervention.

Explaining the Armed Uprising

The outbreak of Libya's rebellion in mid-February 2011, led by Islamist militants in the eastern cities of Derna and Beida, cannot be explained by four of the five hypotheses proposed above. These Islamists could not have been surprised that Qaddafi responded to their armed uprising with forceful retaliation, because they had lived through a similar crackdown on their LIFG rebellion in the mid-1990s. Neither could they have feared that the regime would attack them if they refrained from rebellion, given that Qaddafi was pursuing reconciliation with the Islamists by releasing them from prison and paying reparations to the families of the 1996 Abu Salim victims. Nor is there any reason to believe that the Islamists rebelled because they expected sympathetic western intervention. These militants viewed the West as the enemy, and vice-versa, and some had even been detained or renditioned by U.S. forces in Iraq. Moreover, during the first week of Libya's uprising, the militants openly perpetrated atrocities – including summary executions of government forces in Derna, Beida, and Benghazi – seemingly incompatible with any potential strategy to attract western support. Finally, Libya's rebellion was not a spontaneous emotional response to a government crackdown on nonviolent protesters, as widely reported in the West, because Ben Halim reveals that he and fellow Islamist militants plotted the uprising in Derna on February 14, one day before an opposition leader's arrest in Benghazi triggered the violent protests that prompted the regime's forceful response.

This leaves only one plausible explanation. Libya's Islamist militants launched their rebellion because they hoped to prevail on their own, without any anticipation of humanitarian intervention. Their hopes likely had been raised by the recently successful revolutions in neighboring Tunisia and Egypt, and by Qaddafi's release from prison of Islamist veterans of insurgencies in Libya, Afghanistan, and Iraq. Foreign Islamist groups, such as Al-Qaeda or Egypt's revived Muslim Brotherhood, may have promised or provided resources that further encouraged Libya's uprising, but there is no evidence of such aid prior to the rebellion.

Perpetuation of Rebellion

Another explanation is required, however, for the continuation of the rebellion after early March 2011. By then Qaddafi had responded with a massive counter-offensive that compelled the rebels into abject retreat, while he offered them ways to end the rebellion without punishment. Compared to the initial uprising, key rebel decisions were now made by different actors, under different circumstances, for different reasons. The decisive factor in this period was the expectation of humanitarian military intervention, as demonstrated by examining the five hypotheses in turn.

Retaliation Unforeseen?

By the first week of March 2011, Qaddafi had mobilized his security forces, which during the next ten days drove the rebels back rapidly, reversing their trajectory of the preceding two weeks. From March 5 to 15, government forces re-took all but one of the major rebel-held cities – including Ajdabiya, Bani Walid, Brega, Ras Lanuf, Zawiya, and most of Misurata – and converged on the final one, Benghazi. If it had not been obvious before, by early March it was clear that rebellion would provoke an overwhelming government response. Thus, the rebels' decision to continue fighting in March, rather than to flee or pursue amnesty, cannot be explained by failure to expect retaliation.

started talking about peaceful demonstrations coming under fire and about thousands of deaths." See "Libyan leader vows to fight to last man and woman; text of speech on 2 Mar," *BBC Monitoring Middle East*, March 4, 2011.

[68] *Libyan police stations torched*; "القذافي يغادرُ طرابلس كُرهًا نحوَ سبها.. خوفًا من وصولِ انتفاضةِ بنغازي إلى العاصمة،" الدولية" (blog), (blog), February 16, 2011, accessed November 7, 2018, http://www.doualia.com/2011/02/16/kadhafi-quitte-tripoli-pour-sabha-regret-craignant-larrivee-de-linsurrection-dans-la-capitale-de-benghazi/.

[69] Kuperman, *A Model Humanitarian Intervention*?, 119-120.

Victimization Inevitable?

The conventional narrative suggests that the rebels kept fighting in March because they expected Qaddafi to commit widespread massacres, so they had little to lose by continuing their rebellion. Proponents of this view cite Qaddafi's threats in speeches during the first month of the rebellion. On February 22, he promised to "cleanse Libya inch by inch, house by house, home by home, alley by alley, person by person, until the country is cleansed of dirt and scum," and urged his fellow Libyans to "get rid of the rats."[70] On March 2, he warned that, "We will fight to the last man and last woman in defense of Libya."[71] On March 17, he threatened that, "We will have no mercy on them. We will remove the walls around them one by one in search of them."[72] These statements, when quoted out of context by western politicians and media, suggest that Qaddafi was threatening to kill anyone associated with the rebellion, who thus had every reason to keep fighting as their best hope of survival.

That is the opposite, however, of what Qaddafi actually said. His speeches repeatedly pledged to hold harmless any Libyan rebel who gave up the fight. Indeed, his threats explicitly aimed to encourage rebels to disarm or flee the country to ensure their well being. On March 2, he explained, "the amnesty that we are offering them amounts to permitting them to leave the country," so they don't "fight to the bitter end." Qaddafi offered escape routes on both sides of the country: "Whoever leaves Benghazi, Beida, or Derna, they will be able to leave safely via Tobruk [into Egypt]. As for those who seek to leave western Libya, they would move to Tunisia...They can leave safely." Alternatively, Qaddafi offered the militants the option of remaining in Libya, if they abandoned their rebellion: "We ask our Libyan people to pardon all our children who hand over their weapons and go back to their families as if nothing has happened. They will be completely pardoned."[73]

In his March 17 speech, Qaddafi reiterated this amnesty pledge: "anyone who throws away his weapon and stays at home peacefully will be pardoned no matter what he did in the past." This offer appeared credible, because it reflected what his forces actually had been doing as they recaptured cities from the rebels in March. Qaddafi underscored this point: "Throw away your weapons, exactly like your brothers in Ajdabiya and other places did. They laid down their arms and they are safe. We never pursued them at all."[74]

This makes clear that in the first half of March 2011, the rebels had two plausible options to protect themselves other than continuing to fight. They could lay down their weapons and accept Qaddafi's amnesty, if they believed he would continue to exercise restraint as he had in other recaptured cities. Alternatively, they could flee to neighboring countries. Not only had Qaddafi offered free passage, but the rebels controlled the Libyan coast east of Benghazi, so they had a clear escape route to Egypt. Thus, the rebels' decision to keep fighting cannot be explained by them supposedly believing they were otherwise doomed to victimization.

Win on Their Own?

By early-March 2011, the rebels knew they could not prevail without international assistance. Qaddafi had successfully mobilized his counter-offensive, so it was now a lopsided fight. The rebels possessed only a few thousand poorly trained troops armed with light weapons and a few armored vehicles and artillery pieces. Qaddafi, by contrast, had several battalions of his best forces – with superior training and equipment – supplemented by air power. The rebels put up little to no resistance as they retreated along hundreds of miles of Libya's coastline during the first two weeks of March 2011, surrendering their gains and leaving them in control of only one major city, Benghazi, as Qaddafi's forces approached rapidly. The rebellion's end appeared nigh.

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[70] "Libyan leader says 'will fight until the last drop of blood,'" text of February 22 televised address, *BBC Worldwide Monitoring*, February 23, 2011.

[71] "Libyan leader vows to fight to last man and woman; text of speech on 2 Mar," *BBC Monitoring*, March 4, 2011.

[72] "Qadhafi Promises 'No Mercy with Traitors' in Address to Benghazi, 17 Mar 2011," *BBC Monitoring*, March 19, 2011.

[73] *Libyan leader vows.*

[74] *Qadhafi Promises*.

It might be argued that the rebels' persistence at this point was fostered by military aid from neighboring countries motivated by self-interest rather than humanitarianism. For example, by early March, Libya's rebels had obtained weapons from Egypt, following the fall of Mubarak.[75] Two other potential suppliers were Sudan, which resented Qaddafi's past support of Darfur rebels, and Qatar, which habitually supported Islamist militants.

However, such aid from Arab countries to the rebels at the time comprised mainly light weapons, clearly inadequate against Qaddafi's elite forces. The rebels could not have expected to prevail without more substantial intervention, including crucially air power. On March 16, Saif Qaddafi proclaimed, "everything will be over in 48 hours."[76] In the absence of humanitarian intervention, that prediction appeared credible, including to the rebels as documented next.

Moral Hazard?

The weight of evidence indicates that within two weeks of the initial uprising, the rebels' political leadership had come to view humanitarian intervention by NATO as vital to the rebellion's survival in the face of Qaddafi's counter-offensive. On February 28, 2011, in a television interview, NTC leader Mustafa Abdul-Jalil appealed for international imposition of a no-fly zone: "what we want is an air embargo to stop Qaddafi bringing in mercenaries."[77] Foreign officials had already raised the rebels' hopes of such intervention. Six days earlier, on February 22, the UK's former Foreign Secretary, Lord David Owen, called for a no-fly zone on *Al Jazeera*.[78] On February 26, the UN Security Council punished Libya's regime by imposing an arms embargo and referring it to the International Criminal Court.[79] On March 2, the rebels' military commander spoke by telephone to the UK's Foreign Secretary "about planning for a No-Fly Zone."[80]

On March 4, the UK announced it was deploying military experts to advise the rebels in eastern Libya, which the media rightly characterized as "a clear intervention on the ground to bolster the anti-Qaddafi uprising."[81] The next day, British Special Forces and intelligence agents clandestinely attempted to meet with rebels in eastern Libya.[82] On March 10, France's President Nicolas Sarkozy recognized the rebels' political wing as Libya's legitimate government and promised military strikes against Qaddafi's air force bases, during a meeting with the top rebel diplomat, Mahmoud Jibril.[83] The same day, as the rebels retreated rapidly, their political leader Mustafa Abdul-Jalil appeared on *CNN* to plead again, this time in desperation, for a no-fly zone: "It has to be immediate action."[84]

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[75] Charles Levinson and Matthew Rosenberg, "Egypt Said to Arm Libya Rebels," *Wall Street Journal*, March 17, 2011, accessed November 7, 2018, https://www.wsj.com/articles/SB10001424052748704360404576206992835270906; Kareem Fahim and David D. Kirkpatrick, "Libyan Rebels Repel Qaddafi Forces Near Tripoli," *New York Times*, February 25, 2011, cites a claim that "$75,000 in automatic weapons" had been imported from Egypt in the early days of the rebellion.

[76] "Libyan Army Calls for Benghazi to Surrender as Saif Qaddafi Says Town Will Fall within 48 Hours," *Telegraph*, March 16, 2011.

[77] Alex Rossi, "Libya: Rebels 'Will Use Force to Take Tripoli,'" *Sky News*, February 28, 2011, accessed November 7, 2018, http://oceanpark.com/webmuseum/2011/libya-2011-02-27c.html.

[78] "Live Blog—Libya Feb 22," *Africa*, *Al Jazeera* (blog), February 22, 2011, accessed November 7, 2018, https://www.maltatoday.com.mt/news/national/9035/libya-live-blog-february-22#.W-OgjPZFxPY. He repeated the call on *BBC* the next day. See Michael White, "Libya Crisis: Too Late for UN Military Intervention?" *Guardian*, February 23, 2011.

[79] "UN Security Council slaps Libya with sanctions," *CNN*, February 26, 2011.

[80] "Foreign Secretary Speaks to General Abdul Fattah Younis al Obidi," Foreign and Commonwealth Office, London, United Kingdom, March 2, 2011, accessed November 7, 2018, http://www.fco.gov.uk/en/news/latest-news/?view=News&id=559394982.

[81] Patrick Wintour and Richard Norton-Taylor, "Libyan Opposition Leaders to Get Advice from UK Military," *Guardian*, March 4, 2011, accessed November 7, 2018, http://www.guardian.co.uk/world/2011/mar/04/libyan-opposition-leaders-advice.

[82] Martin Chulov, et al., "'SAS Unit' Captured in Libya," *Guardian*, March 6, 2011, accessed November 7, 2018, http://www.guardian.co.uk/world/2011/mar/06/liam-fox-sas-unit-libya. On March 3, some rebels initially captured the British officials, misunderstanding their intent.

[83] Renaud Girard, "La campagne libyenne de Bernard-Henri Lévy," *Le Figaro*, March 18, 2011, reports that on March 10, "Sarkozy, alors, annonce aux Libyens éberlués et ravis le plan qu'il a concocté . . . frappes ciblées sur les aéroports militaires du pays." See also, Steven Erlanger, "By His Own Reckoning, One Man Made Libya a French Cause," *New York Times*, April 1, 2011.

[84] "Rebel Leader Calls for 'Immediate Action' on No-Fly Zone," *CNN*, March 10, 2011.

These facts indicate that by the third week of the uprising, the rebels had come to believe that their only hope was humanitarian intervention, which they expected imminently. Strong signals of support from NATO members, starting in February, encouraged the otherwise feeble rebels to continue fighting Qaddafi's vastly superior forces in early March, rather than accepting his offers to flee the country or lay down arms in exchange for amnesty. The rebels also sought to attract humanitarian intervention by exaggerating the regime's threat to civilians, as previously documented.[85]

Although the UN Security Council authorization of March 17 was nominally limited to protecting civilians, in practice it opened the floodgates of military assistance. In mid-March, U.S. President Barack Obama signed an intelligence "finding" to allow covert aid to the rebels.[86] By early-April, British military and intelligence officials in Benghazi were helping the rebels establish a command structure and defense ministry.[87] In mid-April, Qatar shipped French antitank missiles to rebels in eastern Libya,[88] and "the Obama administration secretly gave its blessing" to such arms transfers.[89] In early-May, France began airdropping weapons to militants in western Libya, trained by operatives from France, Italy, and the UK.[90] Without such foreign assistance, the rebels would have been quashed by late-March, so that their continued rebellion after that point, and the disastrous consequences for Libyans, stem directly from the NATO-led humanitarian intervention. The rebels also repeatedly rejected generous power sharing and constitutional reform offers from Qadaffi – which could have ended the violence – because they anticipated that intervention would enable their outright victory.[91]

Emotion Not Calculation?

The compelling evidence of a rebel strategy by early March 2011 that was based on expecting to benefit from humanitarian intervention and seeking to expedite such aid is inconsistent with the final hypothesis, that the rebels persisted due to emotion rather than calculation. It is possible and even likely that individual militants were motivated by feelings such as revenge, but the rebel leadership's decisions to continue fighting were driven by strategy.

Lessons

The outbreak of Libya's 2011 rebellion was not caused by the moral hazard of humanitarian intervention but rather by domestic Islamist militants, emboldened by the recent "Arab Spring" revolutions and fortified by Qaddafi's release of veteran Islamist fighters under an ill-fated reconciliation effort. The rebellion was timed to coopt a planned Libyan "Day of Rage" that ironically had been devised by non-militant, liberal expatriates.

After Qadaffi's counter-offensive forced the rebels into rapid retreat, however, their persistence is best explained by the moral hazard of humanitarian intervention. Had it not been for the expectation, and then actuality, of NATO-led intervention, the rebellion would have ended about a month after it started, as the rebels either fled to neighboring countries, accepted Qaddafi's amnesty offer, or were crushed in battle. The death toll of such a brief war without humanitarian intervention would have been about 1,000 – including rebels, government forces, and civilians.

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[85] Kuperman, *A Model Humanitarian Intervention*?, 134.

[86] Mark Hosenball, "Obama Authorizes Secret Help for Libya Rebels," *Reuters*, March 30, 2011, accessed November 7, 2018, http://www.reuters.com/article/2011/03/30/us-libya-usa-order-idUSTRE72T6H220110330.

[87] Mark Urban, "SAS on Ground during Libya Crisis," *Newsnight*, *BBC*, January 18, 2012, accessed November 7, 2018, http://www.bbc.co.uk/news/world-africa-16624401.

[88] Ian Black, "Libyan Rebels Receiving Anti-Tank Weapons from Qatar," *Guardian*, April 14, 2011, accessed November 7, 2018, http://www.guardian.co.uk/world/2011/apr/14/libya-rebels-weapons-qatar.

[89] James Risen, et al., "Militant Forces Got Arms Meant for Libya Rebels," *New York Times*, December 6, 2012.

[90] Samnia Nakhoul, "Special Report: The Secret Plan to Take Tripoli," *Reuters*, September 6, 2011, accessed November 7, 2018, http://www.reuters.com/article/2011/09/06/us-libya-endgame-idUSTRE7853C520110906; Colum Lynch, "U.N. Panel Documents Military Shopping List That Helped Topple Qaddafi," *Turtle Bay, Foreign Policy*, April 4, 2012, accessed November 7, 2018, http://turtlebay.foreignpolicy.com/posts/2012/04/04/un_panel_documents_military_shopping_list_that_helped_topple_qaddafi; Michael Birnbaum, "France Sent Arms to Libyan Rebels," *Washington Post*, June 29, 2011.

[91] Kuperman, *A Model Humanitarian Intervention*?, 115; Kuperman, *Who Lost Libya*?, 158-159.

Regrettably, the moral hazard of humanitarian intervention perpetuated the war for seven more months, creating anarchy that persists seven years later. At least 10,000 more Libyans were killed, Mali was destabilized, weapons proliferated throughout the region, international terrorists gained footholds in Libya, and migrant flows magnified to Europe.

The Libya case thus provides additional grounds for reforming the R2P to address moral hazard. I have previously proposed five such reforms,[92] most importantly to refrain from intervening on humanitarian grounds in ways that benefit rebels unless government forces are targeting civilians. For such a reform to be effective, however, potential interveners must sift through propaganda to assess whether civilians actually are being targeted. Qaddafi's regime was focused on fighting militants, not unarmed protesters, who were caught in the crossfire. Rebel leaders falsely portrayed this as Qaddafi massacring civilians and preparing to commit a genocidal bloodbath, which duped western countries into intervening on humanitarian grounds.[93] Future prevention of atrocities will thus require not only a more enlightened and restrained intervention policy but also more competent acquisition and processing of intelligence. That could prove even harder than building "political will" for intervention, but it also might accomplish more good.

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[92] Alan J. Kuperman, "Why the R2P Backfires (And How to Fix It)," in *Last Lectures on the Prevention and Intervention of Genocide*, ed. Samuel Totten (New York: Routledge, 2018), 121-126; Alan J. Kuperman, "Rethinking the Responsibility to Protect," *Whitehead Journal of Diplomacy and International Relations* 10, no. 1 (Winter/Spring 2009), 33-43.

[93] Kuperman, *A Model Humanitarian Intervention*?, 134; Tunander, *Geopolitics of the Libya Crisis*, 35-37, notes that Sliman Bouchuiguir, who was simultaneously the General Secretary of the Libyan League of Human Rights and a rebel official based in Switzerland, claimed on March 1, 2011, that 6,000 Libyans already had been killed, and on March 14, 2011, that "there will be a real bloodbath, a massacre like we saw in Rwanda." White House official Dennis Ross soon afterwards justified the intervention on grounds of "the real or imminent possibility that up to 100,000 people could be massacred." See also, Laura Rozen, "Averting 'Srebrenica on steroids': White House defends Libya operations," *The Envoy*, March 23, 2011. Such propaganda to justify intervention may be pervasive, notes Douglas Irvin-Erickson, "Genocide Discourses: American and Russian Strategic Narratives of Conflict in Iraq and Ukraine," *Politics and Governance* 5, no. 3 (2017), 130-145.

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The Practice, Pitfalls, and Prospects of the Responsibility to Protect in Africa

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Introduction

Scholars have argued there is increasing concern from the international community concerning its response to various humanitarian catastrophes that threaten humanity.[1] Yet, violent conflicts in developing countries and, particularly in Africa have led to the death of thousands of civilians. Nearly 600,000 civilians in twenty-seven African countries have been massacred in the past two decades, while tens of millions more have been displaced, killed in battles, or perished from the indirect causes of such attacks and armed conflicts.[2] It is within this context that the Responsibility to Protect (RtoP) resonated as a necessary framework to respond to the problematic challenges of the twenty-first century. However, just like its forerunners, RtoP has generated much debate among states, policymakers, and even International Relations scholars.

On one hand, scholars such as Teson, Wheeler, Weiss, Arbour, Bellamy and Luck,[3] have declared support for RtoP, as a moral framework, to respond to humanitarian catastrophes. On the other hand, scholars such as Mandani, Chandler, Branch, and Wai[4] view RtoP with great suspicion, while submitting the doctrine seeks to bypass state sovereignty in justification of humanitarian intervention.

Since its adoption, RtoP has been applied in Kenya, South Sudan, Libya, Mali, and Cote d'Ivoire, as well as in other ongoing cases. While the doctrine remains largely contested, the nature of conflict with grave consequences for humanity justifies the continuous application of the doctrine. However, the practice of the RtoP doctrine has not escaped seemingly persistent questions of who, why, when, and how interventions should be carried out in the affairs of another state by a state or group of states. This article seeks to explore the glaring and inescapable challenges associated with the doctrine within the ambits of the use of force as articulated in Pillar three of RtoP. It interrogates those cases where RtoP has been invoked in Africa, the emerging challenges of those interventions on the humanitarian intervention discourse, and the future of the RtoP doctrine. It is argued that the use of military force to protect civilians in conflict situation remains shrouded in controversy and unpredictable consequences. This is evident in the way and manner the Libyan, Mali and Cote d'Ivoire interventions played out. In essence, these interventions lead to the death of more lives than expected, which contradicts the fundamental argument used to justify many interventions: to protect civilian life.

Notably, the Libyan debacle only serves to underscore how the NATO led intervention was not only used as a fig leaf for Western powers, but also led to greater violations of human rights as well as the death of thousands of civilians.[5] While it may seem the reviewed cases of the RtoP in Africa have generated a series of criticisms, the need to protect civilians remains persistently compelling. Hence, it is critical to monitor future interventions to ameliorate the operational challenges associated with their practice, emphasize the role of local dynamics when contemplating interventions, as well as consider the power relations between interveners and those intervened upon before authorizing intervention under the auspice of the RtoP doctrine. More importantly, efforts should be geared towards soft power diplomacy such as preventive diplomacy, negotiations, initiating and supporting peace agreements, and greater investment channeled into building peace through infrastructural development.

Theoretical Considerations

The protection of civilians and civilian populations in armed conflict remains a cornerstone of International Humanitarian Law (IHL). Among other roles, IHL seeks to set and monitor the expected duties, obligations or rules of engagements that guide parties to a conflict. Though early experiences of war assumed an interstate dimension, the period after the cold war witnessed a flourishing of intrastate conflict, which had a significant impact on the civilian populations. Since

[5] Douglas Irvin-Erickson, "Protection from Whom? Tensions, Contradictions, and Potential in the Responsibility to Protect," in *Rethinking Security in the Twenty-First Century*, ed. Edwin Daniel Jacobs (London: Palgrave, 2016), 106.

Nicholas Idris Erameh. "The Practice, Pitfalls, and Prospects of the Responsibility to Protect in Africa" *Genocide Studies and Prevention* 13, 2 (2019): 58-73. ©2019 *Genocide Studies and Prevention*.
https://doi.org/10.5038/1911-9933.13.2.1703

then, the international community has engaged in different forms of activities aimed at protecting civilian populations. In practice, this has included the wide range of consensual and non-consensual activities embarked upon by the international community to protect civilians outside the contexts of armed conflict.[6] Within this context, Williams lists five reasons why the need to protect civilians remains vital in Africa.[7] First, the wider implications in terms of human cost as a result of armed conflicts; second, the consistent nature of various United Nations Security Council resolutions to protect civilians in armed conflict situations; third, the understanding that failed or collapsed peace deals greatly impact governance structures; fourth, the necessity to protect civilians from atrocity crimes as stipulated in the RtoP doctrine; and fifth, the belief that civilian protection remains a sine qua non to addressing the security and development challenges facing Africa. Undoubtedly, these persistent and protracted conflicts witnessed in and around Africa provoke both local and international concerns. It is within this context the global RtoP doctrine resonated. Since its adoption, however, the doctrine has been confronted with a series of criticisms and counter criticisms.

For instance, in separate studies, Alex Bellamy sought to explore the context of its adoption, the intricacies surrounding the doctrine, and its positive or negative impact on the instutionalization of the RtoP doctrine five years after its establishment.[8] For Bellamy, while the doctrine has been successfully applied by the various United Nations Security Council resolutions, RtoP remains enmeshed in conceptual ambiguity and abuse. Though these interventions have led to moral hazards, evidence abound suggests the doctrine remains vital for the prevention of atrocity crimes in conflict situations. Similarly, Gareth Evans draws our attention to what he considers as attacks on the RtoP due to misconception and misinformation. In particular, Evans frowns upon narrow comparisons between RtoP and humanitarian intervention. While humanitarian intervention emphasizes the use of force, for Evans, RtoP promotes a wide range of activities aimed at civilian protection, and force should always be considered as a last option. Moreover, for Evans RtoP marks a conceptual victory in the protection discourse in and around Africa.[9] Elsewhere, Tim Murithi pays critical attention to the emergence of RtoP and the extent to which the African Union (AU) - through its Constitutive Act - has sought to complement the R2P doctrine. Murithi notes that the expanding gatekeeping role played by the AU in a series of RtoP interventions in such places as Burundi, Darfur, and Somalia, and points to the fact that the AU is committed to global peace. Despite this commitment, the AU seems to be confronted with both operational and institutional challenges, which have hampered its quest for peace throughout the continent. Therefore, to bolster RtoP, there is an urgent need for Africa leaders to reorient themselves toward their understanding of the doctrine, their disposition to conflict, and conceptualizing new avenues to address armed conflict.[10]

There is little doubt these emergent challenges and the need to protect civilians from violence opens a new chapter in the humanitarian discourse in and around Africa. To that end, Martha Finnemore has examined the changes over why Western countries continue to devote resources to conflicts in Africa, and the causes, nature, and consequences of these conflicts. Finemmore concludes humanitarian intervention is not a new phenomenon in Africa. Rather, what seems confusing and controversial is the perception of the justification for the use of force for the

[6] Cristina C. Carmen, "Protecting Civilians in Armed Conflict: International Framework and Challenges," *European Parliamentary Research Service (EPRS) Briefing*, 2016, 2, accessed January 12, 2017, Http//www.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2016)573917.

[7] Williams, *Enhancing Civilian Protection*, 5-6.

[8] Bellamy, *Five Years On*, 166; Alex J. Bellamy, *Global Politics and the Responsibility to Protect: from Words to Deeds* (Abingdon: Routledge, 2011), 24.

[9] Gareth Evans, "Implementing the Responsibility to Protect: Lessons and Challenges," (Alice Tay Lecture on Law and Human Rights, Australian National University, Canberra, Australia, May 5, 2011), accessed January 12, 2017, http://www.gevans.org/speeches/speech437.html.

[10] Tim Murithi, "The Responsibility to Protect, as Enshrined in Article 4 of the Constitutive Act of the African Union," *African Security Review* 16, no. 3 (September 2007), 20-24.

purpose of civilian protection.[11] For Anne Orford, scholars, experts, and practitioners who throw their weight behind liberal Western interventionism ignore the imperial motives of such external interventions. This has been made worse by the false understanding among Western nations of the potency of international institutions and the ability of human rights advocacy groups to rally around the victims of atrocity crimes. Orford concludes these interventions, regardless of how they are conceived, remain shrouded in the long running adventurism of Western nations in relation to power and politics.[12]

Focusing on the RtoP intervention in Libya, Mathias Dembinski and Theresa Reinold observe how the RtoP intervention has led to mixed reactions. First, criticisms against the AU for its inability to adopt a proactive stance towards the Libyan conflict in the face of glaring and continuous atrocity crimes against the civilian population. On the other hand, the apparent misunderstanding and subsequent misinterpretation of the United Nations Security Council Resolution 1973 by NATO not only led to the killings of more civilians, but also the eventual ousting and death of Ghaddaffi. Undoubtedly, the inability of the international community to effectively monitor the Resolution 1970 before pronouncing Resolution 1973 has raised some suspicions about liberal western interventionism.[13] Thus, for them, the Libyan intervention raised a critical challenge of who should be saddled with the responsibility of carrying the burden of civilian protection in conflict situations. While this question remains unresolved, African nations will continue to raise their suspicion about the practice and objective of RtoP, particularly when it is executed by a coalition of willing (Western) states. This, for them, has the potential to undermine both the global consensus surrounding the RtoP doctrine and its chances for future use.[14]

Drawing from the Libyan experience, Roland Paris itemizes some of the consequences of the intervention into what he refers to as five structural problems: Mixed motives, counter factualness, conspicuous harm, end state crisis, and the problem of inconsistency. Mixed motive problems: Though the sole aim of humanitarian intervention is to save lives, various cases have suggested otherwise. Military intervention in armed conflict situations has been conducted based on economic and geopolitics calculations and these calculations are premised on the grounds that the very idea of establishing RtoP resonates largely around self-interest. The Counterfactual Problem: One of the difficulties in civilian protection is the puzzle of measuring the extent to which an intervention can be judged successful. When compared to other types of military engagement or operations and, particularly those carried out with the aim to capture territories, defeat or disarm opposing forces, and counterinsurgency, the chances of success of humanitarian intervention remains relatively low (Paris 2014). The Conspicuous Harm Problem: In this case, it has become increasingly clear that no matter how well planned, military operations are associated with collateral damage. Though associated with many military operations this harm is felt more with military operations that base their legality on the strict belief of preventing harm (Paris 2014). Such was the case with the NATO intervention in Libya. The indiscriminate aerial bombardment of Libya led to the death of civilians. The End State Problem: Noble as the intention of intervening countries may be, ensuring that civilians in protected areas remain safe withdrawal has often been a problem in conflict zones. On the other, the issue of persistent political instability, lack of coordination, and relapsing into conflict in the state intervened upon and neighboring states remain additional issues of the end state problem. Problem of Inconsistency: Intervening in conflict situations has been largely inconsistent, and at most times depends on the interests of intervening states. The problem of balancing moral authority and adhering to the procedures of intervention has further increased the tension of

[11] Martha Finnemore, *The Purpose of Intervention: Changing Beliefs About the Use of Force* (Ithaca: Cornell University Press, 2003), 134-135.

[12] Orford, *Reading Humanitarian Intervention,* 20.

[13] Spencer Zifcak, "The Responsibility to Protect After Libya and Syria," *Melbourne Journal of International Law* 13, no. 1 (2012), 8; Mohammed Nauruzzmaan, "The 'Responsibility to Protect Doctrine: Retrieved in Libya, Buried in Syria," *Insight Turkey* 15, no. 2 (2013), 63; Murithi, *Enshrined in Article 4*, 20-24.

[14] Matthias Dembinski and Theresa Reinold, "Libya and the Future of the Responsibility to Protect – African and European Perspectives," *PRIF report*, no. 107 (Frankfurt: Peace Research Institute Frankfurt, 2011), 24, accessed January 18, 2019, https://www.hsfk.de/fileadmin/HSFK/hsfk_downloads/prif107.pdf.

inconsistency. Though inaction in the face of atrocity crimes discredits RtoP, the indiscriminate use of military force underscores the seeming inconsistency in responses to armed conflict. For Paris, the emergence of the aforementioned problems in the Libyan intervention further deepened the negatively perceived push for liberal Western interventionism, sovereignty, and the human rights protection dilemma. Hence, the application and consequent failure of RtoP in this case point to the fundamental flaws that remain with the doctrine and its expected benefits. As such, rather than the failures of the RtoP addressing future interventions, Paris concludes that such cases will only serve to expose RtoP.[15] Furthermore, some critical scholars have focused more on the proliferation of interventions in Africa and their consequences for the continent and global security. Zubarui Wai remains prominent among this set of scholars. For Way, though interventions in Africa qualify the just cause criteria, the way and manner the RtoP doctrine has been used differs sharply from what the doctrine was actually fashioned to address. This argument is premised on the outcomes of both the Libyan and the Mali intervention respectively. Thus, noble as the intentions of the intervening countries may have been, the main idea behind this humanitarian upsurge remains nothing but economic imperialism clothed in humanitarian intentions. Moreover the global war on terror has equally provided a golden opportunity for Western imperialists to advance their economic pursuits violently. Wai concludes that more worrisome is the fact that apart from the Libyan and Mali interventions, Cote d'Ivoire, Central African Republic have the trappings of Western adventurism as a disguise for human rights protection.[16]

On the contrary, counter restrictionists, experts, and advocates of the RtoP doctrine have argued that the Libyan intervention marks a defining moment for the doctrine. Though the use of force, as experienced in Libya was not generally consisted with the pronouncements of the United Nations Security Council, the international community needs to make sure that whenever interventions are authorized, it must strictly focus strictly on civilian protection.[17] Consequently, by reassessing the interventions in Libya and Côte d'Ivoire, Thakur argues RtoP underscores the need to balance state sovereignty and human rights protection, the dilemma between interests and values, as well as striking a balance between unilateral interferences and instutionalized indifference in conflict situations. He concludes that the RtoP doctrine remains beneficial to intervening states as well as those intervened upon. The doctrine comes with assurances of due process, which stipulates how, when, and who should carry out interventions for civilian protection.[18] On a similar note, Francesco Francioni and Christine Bakker argue the international intervention in Libya and Mali implies Western countries have demonstrated their preparedness to avoid the mistakes of Rwanda. This, for them, is further demonstrated in the leadership position the United States has assumed in these interventions.[19] Though Western countries have been at the forefront of the propagation of RtoP, many African countries have continued to throw their weight behind the doctrine. Therefore, in drumming up support for the doctrine, Jeremy Sarkin[20] examines the milestones that have been achieved and the extent to which R2P has received wide or mass support. For Sarkin, while human rights violations persist, sovereignty and issues of non-interference remain a stumbling block to addressing this dilemma. However, the ugly events witnessed in the nineteenth and twentieth centuries suggested the need for a framework for the protection of civilians. Such led to the process and final adoption of the RtoP doctrine, which was expected to put the duty of protection at the door steps of the states and the inevitably of the international community to intervene should

[15] Roland Paris, "The 'Responsibility to Protect' and the Structural Problems of Preventive Humanitarian Intervention," *International Peacekeeping* 21, no. 5 (October 2014), 572- 578.

[16] Wai, *The Empire's New Clothes*, 494- 495.

[17] Ramesh Thakur, "Libya and the Responsibility to Protect: Between Opportunistic Humanitarianism and Value-Free Pragmatism," *Security Challenges* 7, no. 4 (2011), 24- 25.

[18] Ibid.

[19] Francesco Francioni and Christine Bakker, "Responsibility to Protect, Humanitarian Intervention and Human Rights: Lessons from Libya to Mali," *Transworld*, Working paper no. 15 (April 2013), accessed January 18, 2019, http://www.iai.it/sites/default/files/TW_WP_15.pdf.

[20] Jeremy Sarkin, "The Responsibility to Protect and Humanitarian Intervention in Africa," *Global Responsibility to Protect* 2, no. 4 (2010), 387.

states fail. The major problem of the RtoP is that, as compared to other international frameworks that are situated within the ambits of international law, the doctrine remains a norm. This has made to the doctrine vulnerable to diverse interpretations, criticisms and counter criticisms.

Historicizing RtoP and its Practice in Africa

Building on Francis Deng and colleagues' thesis on sovereignty as responsibility,[21] and the shameless inaction of the international community in the Kosovo and Rwanda, Kofi Annan, former UN Secretary-General, challenged world leaders on the need for proactive steps concerning the protection of civilians. The ideal RtoP would be of great importance to the international community, as a human rights framework, was first articulated by Kofi Annan. He believed RtoP had the potential to resolve the broader justice and human rights protection conundrum. For Anna, this objective had merit over his earlier thought of creating consensus around state sovereignty and individual sovereignty.[22] Precisely, RtoP challenges the normative Westphalia approach to sovereignty by attempting to reconceptualize sovereignty from being a right of states to a responsibility of states. Conceived as such, this responsibility can be withdrawn from the moment a state reneges on its obligation to protect its citizens. Furthermore, the doctrine empowers the international community to sideline state sovereignty in a bid to protect civilian populations from war crimes, ethnic cleansing, genocide, and crimes against humanity. This might also include the use of military force if need be.[23] After much deliberation, parley, consultation, and consideration among world leaders and practitioners, experts, and concerned states, the International Commission for Intervention and State Sovereignty (ICISS) released a report in 2001 on RtoP. The report aimed to redirect the focus on intervention from a "right to intervene" to "a responsibility" and a new understanding of sovereignty. Central to RtoP is the manifest role of states in the protection of its citizens from war crimes, genocide, ethnic cleansing crime against humanity, and the international community's role should a state fail. Accordingly, the ICISS identified three fundamental components of the RtoP doctrine: responsibility to prevent, responsibility to react, and the responsibility to rebuild.

A. The responsibility to prevent: Within this component, the doctrine stipulates that to address both the root causes and direct causes of internal conflict and other man-made crises putting populations at risk, preventive measures must be put in place.

B. The responsibility to react: In violent situations, there must be an adequate response in situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention.

C. The responsibility to rebuild: RtoP equally emphasized the need for post-engagement obligations, and these may include full assistance with recovery, reconstruction, and reconciliation, and addressing the causes of the harm the intervention was designed to halt or avert.[24]

[21] Francis M. Deng, Sadikel Kimaro, Terrence Lyons, Donald Rothchild, and I. William Zartman. eds., *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, DC: Brookings Institution Press, 2010), 33.

[22] Gareth Evans, "From Humanitarian Intervention to Responsibility to Protect" *Wisconsin International Law Journal* 24, no. 3 (2006), 708- 709.

[23] Alan J. Kuperman, "Rethinking the Responsibility to Protect," *The Whitehead Journal of Diplomacy and International Relations* 33, no. 4 (2009), 19.

[24] Greg Puley, "The Responsibility to Protect: East, West, and Southern African Perspectives on Preventing and Responding to Humanitarian Crises," Working paper no. 05-5 (Ontario: Africa Peace Forum, African Women's Development and Communication Network, Africa Institute of South Africa, and Project Ploughshares, 2005), 12, accessed January 18, 2019, http://www.responsibilitytoprotect.org/files/ploughshares.pdf.

Furthermore, the ICISS listed some precautions or conditions that must be met before contemplating intervention in a conflict situation.[25] This included: just cause, right intention, proportional means, reasonable prospects and last resort.

- ✓ Just Cause: Intervention can be justified when there is an immediate or actual threat to civilians, and this includes killing, forcible expulsion, acts of terror, large scale violation of rights.
- ✓ Right intention: The primary purpose of the intervention must be to halt or avert human suffering.
- ✓ Proportional means: Within principle, the scale, duration, and intensity of the planned military intervention should be at best the minimum required to secure the defined human protection objective.
- ✓ Reasonable prospects: Whenever interventions are contemplated, there must be a reasonable chance of success in halting or averting the suffering that with which the consequences of action is not likely to be worse than the consequences of inaction.
- ✓ Last resort: The use of military force is only justifiable when it is apparent that other non-military options for the mediation, prevention, or peaceful resolution of the crisis have been explored.

Since RtoP was adopted, there have been a series of attempts to institutionalize the doctrine at the international, regional, and sub-regional levels respectively. Unlike humanitarian intervention, Ramesh Thakur posits the ICISS argued RtoP would put the needs and interests of the victims of atrocities ahead of intervening powers.[26] It is a victim and people centered, while humanitarian intervention privileges the perspectives, preferences, and priorities of the intervening states. Since the initiation of the doctrine, it has generated a heated debate among scholars and practitioners. For scholars such as Evans and Bellamy, the RtoP doctrine is not only timely, but it also goes a long way in addressing the long-standing problem of humanitarian catastrophes.[27] While for others, including Mandani, Branch, and Kuperman, the RtoP doctrne negates the norm of non-intervention, the prohibition on the use of force, and RtoP plainly remains nothing but a smoke screen for Western imperialism disguised by a humanitarian pretext.[28] While other have argued that in spite of the challenges of RtoP, the doctrine is here to stay.[29]

Libya and the 2011 Uprising

The Arab spring that led to a series of protest in Tunisia, Egypt, Yemen, and Bahrain amongst others, spread to Libya on February 15, 2011. On February 16, 2011 a group of lawyers staged a peaceful protest in the front of the North Benghazi Court calling for political and democratic reforms. Following the initial, minor, and peaceful protest against the Ghaddaffi regime, a violent crowd set ablaze three police stations, the headquarters of the internal security force, and the public attorney's office. In the cities of Al- Baida and Benghazi, police stations and security headquarters

[25] Gareth Evans and Mohammed Sahnoun, "The Responsibility to Protect," *Foreign Affairs* 81, no. 6 (Nov – Dec 2002), 99-110. DOI: 10.2307/20033347

[26] Ramesh Thakur, "Emerging Powers and the Responsibility to Protect after Libya," *NUPI*, Policy Brief no. 15 (Oslo: Norwegian Institute of International Affairs, January 2012), 1- 4, accessed December 18, 2018, https://brage.bibsys.no/xmlui/handle/11250/224065.

[27] Gareth Evans, "The Responsibility to Protect: An Idea Whose Time Has Come and Gone?," *International Relations* 22, no. 3 (2008), 285; Bellamy, *Five Years On*, 143- 144.

[28] Mamdani, *Saviors and Survivors*, 25-29; Adam Branch, *Irresponsibility*, 109; Alan J. Kuperman, "False Pretense for War in Libya?," *The Boston Globe*, April 14, 2011, accessed January 12, 2017, http://www.boston.com/bostonglobe/editorial_opinion/opedi/articles/2011/04/14/false_pretense_for_war_in_libya.

[29] Gareth Evans, "The Consequences of Syria: Does the Responsibility to Protect Have a Future?," *E- International Relations*, 2014, accessed January 18, 2019, https://www.e-ir.info/2014/01/27/the-consequences-of-non-intervention-in-syria-does-the-responsibility-to-protect-have-a-future/.

were also attacked.[30] Thereafter, a series of protests continued, calling for the resignation of Ghaddaffi, and began to take on a violent dimension. A furious Ghaddaffi showed no sign of giving into the activities of the protesting civilians. Instead, he ordered his security forces to go after those he termed "criminals," influenced by western conspirators to overthrow him. From that point, the uprising, which had begun peacefully, turned violent as a result of Gadhafi's brutal response to the protesters.[31]

An obstinate Ghaddaffi not only threatened to deal with the protestors, but called them "rats and cockroaches," while threatening to go house by house sniffing them out. In what looked like wording similar to that used in Rwanda, Bellamy and Williams argue that in words that bore resemblance to the Rwanda genocide of 1994, Ghaddaffi told the world how his security officers would deployed throughout the country to purify the surrounding towns from the cockroaches and Libyan rebels who took up arms against the regime.[32] Upon hearing this, the international community passed United Nations Security Council resolution 1970 in reference to Libya in a bid to pacify the Ghaddaffi's regime. Not satisfied with the situation in Libya and, particularly regarding allegations of further clamp downs on civilians by the Ghaddaffi regime, and the plan to take over Benghazi, the United Nations Security Council passed resolution 1973, which authorized the use of every means necessary to protect civilians. Resolution 1973 began with a call for "the immediate establishment of a ceasefire." It reiterated "the responsibility of the Libyan authorities to protect the Libyan population" and reaffirmed that "parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians." The resolution authorized UN Member States "to take all necessary measures to protect civilians and civilian populated areas" of Libya.[33]

However, as Cohn points out with respect to the Libyan intervention, the military force exceeded the bounds of the "all necessary measures" authorization.[34] "All necessary measures" should have first comprised peaceful measures to settle the conflict. Yet, peaceful means were not exhausted before the military invasion began. A high level international team – consisting of representatives from the Arab League, the African Union, and the UN Secretary General – should have been dispatched to Tripoli in an attempt to negotiate a real cease-fire, and establish a mechanism for elections and for protecting civilians. Moreover, after the passage of the resolution, Libya immediately offered to accept international monitors and Ghaddaffi offered to step down and leave Libya, but the demonization of Ghaddaffi meant the offers were immediately rejected by the opposition and the international community.

Ultimately, the North Atlantic Treaty Organisation (NATO) led intervention not only threw up emerging challenges for the RtoP doctrine, the ousting and eventual killing of Ghaddaffi led to more criticism of the doctrine. The RtoP consensus underpinning Resolution 1973 was damaged by gaps in expectation, communication, and accountability between those who mandated the operation and those who executed it.[35] Indeed, the effects of the Libya intervention continue to act as a barrier to the future application of RtoP especially in Syria where millions of civilians have been killed.

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[30] S. Awan, "The Libya Conspiracy: A Definitive Guide to the Lies of the Libya 'Intervention' and the Crime of the Century," interview by William Ramsey, *William Ramsey Investigates*, January 28, 2017, accessed January 18, 2019, https://www.youtube.com/watch?v=gCySEiOdUEk.

[31] Alex J. Bellamy and Paul D. Williams, "The New Politics of Protection: Cote d'Ivoire, Libya and the Responsibility to Protect," *International Affairs* 87, no. 4 (2011), 838. DOI: 10.1111/j.1468-2346.2011.01006.x

[32] Ibid., 838.

[33] United Nations Security Council, *Resolution 1973*, adopted March 17, 2011, (UN Doc. S/RES/1973), accessed December 15, 2018, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Libya S RES 1973.pdf.

[34] Marjorie Cohn, "The Responsibility to Protect – The Cases of Libya and Ivory Coast," Global Research: Centre for Research on Globalization (May 2011), accessed March 22, 2017, http://www.globalresearch.ca/the-responsibility-to-protect-the-cases-of-libya-and-ivory-coast/24799.

[35] Thakur, *Emerging Powers*, 4.

2011 Post Election Crisis in Cote d'Ivoire

Ethnic and political tensions in Cote d'Ivoire facilitated the outbreak of electoral violence between the period 2010- 2011, posing a risk to populations throughout the country. The conflict in Cote d'Ivoire emerged due to the disputed results of a long postponed presidential election on November 28, 2010. As a result, there were clashes between the supporters of the incumbent President, Laurent Gbagbo, and the main opposition candidate, Alassane Quattara. Within days of Gbagbo claiming victory, there was a heavy military crackdown on civilians by security forces loyal to Gbagbo, leading to the death of several. This prompted the Economic Community of West African States (ECOWAS) and the United Nations Secretary General to call for external actions to halt the senseless killings.[36] Increasing violence in the country led to a series of Security Council resolutions, with resolution 1975 authorizing the use of all necessary means to protect civilians.[37] The RtoP experiment in Libya supported the Cote d' Ivoire scenario. Resolution 1975 can be viewed in tandem with resolution 1973 in Libya. Both Security Council resolutions undoubtedly represents the international community's willingness to authorize the use of force to protect civilians from war crimes, crimes against humanity, ethnic cleansing, and genocide, while also affirming the role of the national state to protect its citizens.[38] Though the intervention remains timely, and to a large extent helped to avert further atrocities against civilians, it again raises the question about if RtoP should be used as a cover for regime change.

Mali and the Tuareg Rebellion of 2012

The roots of the Mali crisis can be found in a long history of marginalization and distrust among Bamako and the various tribes in Mali. In 2011, the flight of thousands of Tuaregs from Libya following the ousting of Ghaddaffi by the NATO forces gave rise to regional fears of a new Tuareg insurgency throughout Mali, Niger, and other countries within the Sahel region. Having fled Mali after long exclusion policies of successive Malian governments, the Tuarge rebels returned to Mali after the fall of Ghaddaffi, their main benefactor. In 2011, they joined with other former rebels to form a new force, the National Movement for the Liberation of Azawad (MNLA), which claimed to be fighting for an independent state in the north. Unlike other conflicts that have taken place in Mali, the political and security crisis that erupted in 2012 undoubtedly took the world by surprise as the Tuareg rebels almost overran the entire country. Initially in early 2012, the rebellion in the north of the country was led by conventional local separatists who wanted to set up an independent state for the area's native Saharan Tuareg people.[39] In early 2012, the MNLA, supported by a nascent Tuareg-led Islamist group, Ansar al Deen, embarked on a series of attacks on the Malian military outposts. The challenges of elite corruption, mismanagement, and the deepening activities of the rebels that led to the capture of major towns throughout Mali not only demoralized the Malian troops, but also undermined their support for the Toure regime. Moreover the inability of the Toure regime to address these long held grievances eventually led to several Tuareg soldiers deserting the national army and joining MNLA.[40] The Islamists hoped to take control of Mali in its entirety - not just the Tuareg north - and transform the country into a Islamic state. This internal crisis led to food shortage and greater insecurity in Mali and her neighboring countries.

Even though the crisis in Mali did not witness the urgent response such a conflict would herald, evidence abounds to suggest that both regional organizations and neighboring states responded in varying ways. Prominent among those who intervened was ECOWAS, which showed keen

[36] ECOWAS, "Extraordinary Session of the Authority of Heads of State and Government on Cote d'Ivoire," December 24, 2010. Press release, no. 192/2010 (Abuja: Economic Community of West African States (ECOWAS), 2012), accessed December 10, 2018, http://news.ecowas.int/presseshow.php?nb=192&lang=en&annee=2010.

[37] "Populations at Risk in Cote D' Ivoire," *Global Centre for the Responsibility to Protect*, last modified December 15, 2012, accessed March 22, 2017, http://www.globalr2p.org/regions/ca_te_divoire.

[38] Cohn, *The Responsibility to Protect.*

[39] Yonah Alexander, "Terrorism in North Africa and the Sahel in 2012: Global Research and Implications," (Arlington: International Center for Terrorism Studies, Potomac Institute for Policy Studies, February 2013), 10, accessed January 19, 2019, http://www.potomacinstitute.org/images/TerrorismNorthAfricaSahelGlobalReach.pdf.

[40] Alexis Arieff, "Crisis in Mali," CRS Report R42664 (Washington, DC: Congressional Research Service, January 14, 2013), 1-18, accessed January 20, 2017, https://fas.org/sgp/crs/row/R42664.pdf.

interest in the worsening situation and condemned March coup in strong terms. It equally warned the military Junta of the consequences of not returning power to civilians, while also urging the MNLA rebel groups to lay down their arms without delay. Not satisfied with the process toward ensuring peace and stability returned to the country, ECOWAS further embarked on a series of steps aimed at persuading the various actors in the Mali conflict to work for peace. These included: economic and diplomatic sanctions, encouraging its members to close their borders to Mali. It was expected that these initiatives would force Mali to engage in a comprehensive peace process. ECOWAS, thus, choose not shut its door to a possible political solution to resolving the crisis. President Blaise Compaoré of Burkina Faso was selected as lead negotiator and an agreement was reached in April 2012 outlining a transition to civilian government under an interim president, parliamentary speaker, Dioncounda Traoré.[41] ECOWAS was not alone in this intervention. The UN Security Council adopted a series of resolutions to bolster this intervention: Resolutions 2056 (July 2012), 2071 (October 2012), and 2085 (December 2012). In resolution 2071, the Security Council declared its readiness to respond to the Mali crisis through a request for an international military force to assist the Malian army in recovering the key rebel held cities in the north. Consequently, the Security Council authorized the deployment of the proposed African-led International Support Mission to Mali (AFISMA) for an initial period of one year in Resolution 2085. Thereafter, it also called on its member states to effectively contribute troops to the international force and on regional and international organizations to provide training, equipment, and other logistical support to Mali.

Emerging Challenges of the Practice of the Responsibility to Protect in Africa

While the application of RtoP in Africa might have been hailed in some quarters to have saved civilians from "imminent attack," particularly in Benghazi, the practice has, however, thrown up some challenges. These challenges have manifested themselves both in the decision-making and intervention processes and post-intervention periods. Evidently, while RtoP remains a noble idea that – at face value -seeks to protect civilians, its practice in a host of Africa countries has shown the doctrine tends to compound the problems it was designed to solve. The most counterintuitive aspect of RtoP is that it has contributes to the tragedies it intends to prevent. For instance, in spite of the international community assurances in Libya, the country is worse off today. As is evidently the case, neither the removal and nor the eventual killing of Ghaddaffi restored peace in Libya. The country is now largely characterized by social banditry, insurgency, sectionalism, and an almost total absence of a central authority.[42] Libya is not alone in this characterization. Mali has also shown how deeply flawed external interventions can end. Today, the insurgency has increased tremendously with great consequences for people of Mali and its neighbors.

Even though mediation and prevention remain central to the RtoP doctrine, these instances suggest the aforementioned were not adequately employed. There is little doubt there has been a concentration on Pillar III- the use of force- by intervening states. This has ultimately led to the misuse, misapplication, and misinterpretation of security resolutions, particularly in Libya and Mali. A careful reading of the UN Security Council Resolution 1973 in Libya underscores how the use of force or eternal intervention was never explicit. Rather, it reminded the Libyan authorities of its duty to protect its citizens. For Loiselle and Morris, the most fundamental concern with UN Security Council resolution 1973 was the inclusion of only a suggestion of Pillar I of RtoP, and this was strictly about the responsibility of the Libyan state to protect its citizens from war crimes, genocide, crimes against humanity and ethnic cleansing.[43] Furthermore, Loiselle critically observes that the mere mentioning of the international community, as demonstrated in resolution 1973, does not in any way constitute an Opinio juris giving approval to the duty or role of the international

[41] ECOWAS, *Final Communiqué*, Extraordinary Summit of ECOWAS Heads of State and Government, Abuja, Nigeria, March 27, 2012. No. 083/2012, accessed January 22, 2017, http://news.ecowas.int/presseshow.php?nb=083&lang=en&annee=2012.

[42] Kuperman, *Rethinking*, 22.

[43] Maria-Eve Loiselle, "The Normative Status of the Responsibility to Protect After Libya," *Global Responsibility to Protect* 5, no. 3 (2013), 341.

community within the ambits of customary international law.[44] Also, an African led mission was proposed for the intervention in Mali, however, as events turned out, the French led intervention held sway with the international community.

Furthermore, even though some scholars like Arbour, Welsh and Banda,[45] have argued RtoP enjoys customary appeals, which grounds it in international law, the continuous condemnation and rejection of the doctrine shows that far from this being the case, RtoP is yet to be accommodated within international law. The subjective evaluation of humanitarian crises without any clear criterion has been established in international law, the subjective decision making on the type of human action to be adopted, and, in the worst case, unauthorized humanitarian intervention remains irreconcilable with the foundations of international law. Not only that, RtoP is still far from being rooted in international law. The way and manner in which interventions have been carried out without due regard for the basic rules of engagement also remains an outrage to international law. Interestingly, the four crimes – genocide, war crimes, crimes against humanity, and ethnic cleansing- all of which are grounds the international community can use to authorize international action, have remained fluid and ambiguous. More so, RtoP -far from being a protective framework- has rather focused so much on civil conflicts without paying attention to other humanitarian challenges such as famine and poverty that also threaten human life. This has led to further criticisms of RtoP. For Shin-Wha, the problem of RtoP relates to its heavy emphasis on the protection of civilians in situations of violent conflict and its failure to properly address crises induced by extreme poverty and famine.[46]

At the decision-making level, RtoP has been confronted with the question of who has the authority to intervene and how should the intervention be carried out. Specifically, in the wake of the Libya crisis, the immediate problem that arose was not a problem of intervention, but rather how and who had the duty to intervene. This was made worse by the fact that the RtoP doctrine was not affirmative in terms of placing such a duty at the doorstep of a state; neither has the doctrine been able to resolve the ambiguity of RtoP as it concerns the four crimes upon which an intervention can be justified. Rather, the doctrine employs the term "international community" as those who can intervene should states fail to protect their citizens. The problem of who has the authority to intervene lingers from the cases of Libya, Mali, and Côté d'Ivoire, among others that are ongoing. In addition, though RtoP places regional organizations in a better position to carry out interventions, visible evidence suggests, at best, these regional bodies continue to play a mere gatekeeping role. Also, regional bodies, such as the Africa Union (AU) and the Economic Community of West Africa States (ECOWAS) have not lived up to expectations in terms of responding promptly to conflict situations. For instance, in Libya, the AU was deeply divided on how to respond, while in Mali, the response to the conflict was largely incoherent and haphazard. This ultimately led to setting aside an Africa led mission in favor of an internationally organized mission. The controversy surrounding the question of authority has remained one with no resolution in sight. Yet, more and more interventions have continued to be sanctioned by the United Nations Security Council with Africa nations playing little or no role in making vital decisions on issues around the continent. The absence of a unified method of arriving at how to apply the doctrine has led to misconceptions and the misinterpretation of various UN Security Council resolutions, especially in Libya.

Reflecting on the conceptual ambiguity that has surrounded RtoP, Edward Luck argues that nine years after the doctrine was initiated by the International Commission for Intervention and State Sovereignty (ICISS), and five years after it was unanimously adopted in a World Summit Document of 2005, emerging issues such as; whether, where and how the RtoP has fared.[47] Though he admits these emerging challenges emanate mainly from scholars who are unconvinced by the

[44] Ibid., 341.

[45] Arbour, *Duty Care*, 445; Jennifer M. Welsh & Maria Banda, "International Law and the Responsibility to Protect: Clarifying or Expanding States' Responsibilities?,"*Global Responsibility to Protect* 2, no. 2 (2010), 230.

[46] Lee Shin-Wha,"The Responsibility to Protect (RtoP) in Humanitarian Emergencies: From Libya to North Korea?," Asia Security Initiative, working paper no. 22 (Seoul: East Asia Institute, 2012), 13.

[47] Edward Luck, "The Responsibility to Protect: Growing Pains or Early Promise?," *Ethics and International Affairs* 24, no. 4 (December 2010), 356.

RtoP doctrine, Luck suggests RtoP is yet to demonstrate it possesses the ability to protect civilians from atrocity crimes.[48] For this reason, Luck goes on to provide four caveats about the RtoP doctrine that remain fundamental: (1) it is be too early to makes assumptions about the future of RtoP, (2) the doctrine is still evolving, which means that some of the conceptual and operational challenges are still being considered by member states, (3) it is important to distinguish between RtoP as principle and RtoP as a guide, and (4) comparative case are essential to evaluate RtoP. Luck concludes there is need to avoid the conventional thinking of critics who once predicted a bleak future for human rights.[49]

Furthermore, in spite of assurances from World leaders as to the differentiation between RtoP and humanitarian intervention, the way in which RtoP has been applied, as an interventionist framework in armed conflict situations, suggests the doctrine remains nothing but a mere change in nomenclature. This has been made worse by the fact that while intervening states acknowledge the various principles enshrined in RtoP continue to place an emphasis on direct military action. For Stahn, even though RtoP may gradually replace the doctrine of humanitarian intervention, at present, many of the propositions as well as the practice of the concept remains largely uncertain from a normative point of view.[50] The RtoP doctrine is, thus, in many ways still a political catchword rather than a legal norm, which will need further fine-tuning and commitment from states for it to develop into an organizing principle for international society. Particularly, even though resolution 1970 passed, the international community did not allow the resolution to see the day of light before resolution 1973, which was used as a justification for the Libyan intervention. This was made possible through the demonization of Ghaddaffi. It is, therefore, not surprising Ghaddaffi's offer of a ceasefire was not given any real consideration.

More importantly, the apparent and the unending question of when intervention is necessary, or how many civilians must be killed to provoke intervention, how do we quantify rights that are violated warranting external intervention, have remained a difficult task for the RtoP doctrine to achieve. Fascinatingly, since states have within their residual powers the ability to quell internal rebellion using a minimal level of force, the puzzling question of when, therefore, remains more controversial. Thus, the question that requires clarification at what point or how we measure the justification for intervention within the context of quelling internal rebellion to uphold law and fundamental rights. Looking at the nature of the protests and the characters involved in the Libya uprising, it would be difficult to arrive at the conclusion that those civilians Ghaddaffi clamped down on were helpless civilians. There was nothing about the situation in Libya that bared resemblance to civilians organizing mass protests given that none of the locations where the protests took place where typical protest locations in Libya. Instead, these confrontations took place at police stations, security offices, or military barracks, resulting in the taking of large amounts of weaponry.[51] Hence, while it could be successfully argued that Ghaddaffi threatened to kill those protesting against him, what remains unclear is the existence of evidence suggesting an imminent massacre in Benghazi, which led to UN Security Council Resolution 1973. It must equally be observed that Libya is not alone in this problem, just as the case of Syria becomes more complicated with every passing year of conflict. In fact, the nature of the protests from their onset to date assumed a violent dimension and this accounted for the brutal response from the Assad regime. Hence, what was initially termed a public protest has gradually snowballed into a civil conflict. This has, therefore, created a dilemma for the international community regarding how to respond, if at all.

[48] Luck, *Growing Pains or Early Promise?,* 366.

[49] Edward Luck, "The Responsibility to Protect: The First Decade, Global Responsibility to Protect," *Global Responsibility to Protect* 3, no. 4 (2011), 388-391.

[50] Carsten Stahn, "Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?," *The American Journal of International Law* 101, no. 1 (2007), 120.

[51] Awan, *The Libya Conspiracy*.

Prospects for the Responsibility to Protect in Africa

Admittedly, the practice of RtoP in Africa has remained controversial and largely counterproductive. Yet, the need to protect civilians in conflict situations remains. This underscores the need to reevaluate the emerging challenges confronting the doctrine with a view of correcting the emerging challenges associated with its practice. Undoubtedly, the question of framing RtoP, as a concept and a human rights framework for the prevention of atrocity crimes, is long overdue and, particularly if the doctrine is to remain relevant for the protection of civilians. There is a need to situate RtoP properly within in the context of situations in which the doctrine is applied and vice versa. More specifically, the doctrine needs to extend to those humanitarian catastrophes that are not prevalent in political discourse. The act of framing the doctrine opens ground for shared space, as is becoming the generally accepted framework for responding to the protracted conflict and crimes against humanity.[52]

Secondly, if RtoP is to live up to its expectations, intervening countries must reassure the world that genuine step towards avoiding the past mistakes of Rwanda and Kosovo are being taken. While Libya suggests the international community was prompted to avoid such mistakes, similar conflict situations have proved otherwise. In other words, it is safe to argue the national interest of intervening states continues to influence their decisions to intervene in conflicts. Conflicts on the African continent in the wake of the Libyan crises as well as the long-protracted conflicts in Syria underscore that RtoP continues to be entangled; caught between responding to humanitarian needs and national interest. The international community must begin to demonstrate a real commitment towards addressing this problem through establishing or strengthening existing security frameworks such as early warning mechanisms, a panel of the wise, and the United Nations General Assembly to draw the attention of world leaders to cases of humanitarian catastrophe as well as how to respond.

Another area upon which the doctrine of RtoP could be improved is through critical reflection on the idea of "responsibility while protecting" (RWP), as championed by Brazil. The idea behind this concept is that, even if military intervention is a last resort, then those countries that intervene militarily under the doctrine of the RtoP should exercise proportionality and balance the consequences of their external interventions. This has become imperative, especially given the backlash in the wake of the Libyan intervention. Even though the guiding principles for intervention put forth by ICISS specify some of these criteria, adequate attention have not been paid to them and this has brought about post intervention challenges such as acute challenges associated with rebuilding. Specifically, there is a need to rethink, if not reconceptualize, the question of last resort in connection with external intervention and, particularly in light of prevention remaining vital to RtoP. The extent to which diplomacy, negotiations, and political settlement should be applied to conflicts in Africa must be purposeful.

Since the adoption of RtoP, civil society organizations have struggled with some important issues surrounding RtoP. They are concerned about the advantages, the disadvantages, and abuse of the doctrine. This has not only influenced the internalization of the doctrine, it has equally led to varied interpretations of UNSC mandates and implementation processes. More often, civil society organizations have only focused on the state under international scrutiny, while paying little attention to international actors and, particularly those intervening states. For instance, while civil society organizations played a crucial role in calling for intervention in Libya, they have, however, been mute on the question of the responsibility to rebuild societies where intervention has taken place. Positively, civil society needs to increase the rate at which they engage both with international and national governments, international and regional organizations, the media, and other relevant stakeholders to reach of the objectives of the duty to protect.

Evidently, from the application of RtoP in places such as Libya, Mali, and Côté d'Ivoire, intervening countries have - over time - continued to show a preference for military options despite prevention remaining key to RtoP. Preference must be given to non-military methods such as peace building, preventive diplomacy, mediation, referring cases to the international criminal court and

[52] Christof Royer, "Framing and Reframing R2P—a Responsibility to Protect Humanity From Evil," *Critical Review of International Social and Political Philosophy*, (2018), 3. DOI: 10.1080/13698230.2018.1479818

the Africa court of human rights, the use of respected envoys, implementing convincing sanctions, as well as the condemnation of atrocities by international organizations, regional organizations, along with human right bodies and the media. The RtoP toolbox consists of instruments that, depending on the local context, non-sequentially, but often simultaneously contribute to the prevention of mass atrocities, the protection of civilians during ongoing conflict, and the stabilization of countries emerging from conflict. Structural tools to prevent react, or rebuild include the promotion of membership in international organizations, support of equitable development, and security sector reform; examples of direct tools are preventive diplomacy, criminal prosecution, and humanitarian engagement.[53]

In summary, though the application of RtoP has exposed challenges, opportunities abound for the doctrine in Africa and a host of other countries where human rights violations and crimes against humanity continue to take their toll. While it could be argued the application of RtoP, at present, remains divided among states and actors in the Global North and Global South, they do unanimously attest to the reality that crimes against humanity should not be tolerated in any manner. This was demonstrated by ECOWAS involvement in the Gambia issue and the continuous condemnation of the Syria crisis, even though the world has yet to take proactive steps towards civilian protection in Syria. In essence, while the application of RtoP in a host of African countries, as demonstrated in this study, has exposed some fundamental challenges with the doctrine, it should, however, not deter the international community from its future application. Well-monitored RtoP application in terms of the use of diplomacy, envoys, sanctions, regional solutions, political solutions, and judicial inquiries should all be encouraged. And, in the event of the use of Pillar III of RtoP, such intervention must be monitored strictly, just as intervening states must also commit themselves to the dictates of the doctrine, the local dynamics of the conflict as well as well as engaging locals in resolving their conflicts is essential.

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[53] Abiodun Williams, "The Responsibility to Protect and Peacemaking," in *The R2P: Challenges and Opportunities in Light of the Libyan Intervention*, ed. Thomas G. Weiss et al. (E-International Relations, August 2011), 31-33, accessed January 18, 2019, https://www.e-ir.info/publication/the-r2p-challenges-and-opportunities-in-light-of-the-libyan-intervention.

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Othering Terrorism: A Rhetorical Strategy of Strategic Labeling

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Reel Bad Africans[1] & the Cinema of Terrorism

Throughout Ridley Scott's 2002 film *Black Hawk Down*, Orientalist "*othering*" abounds, mirroring the simplistic political narrative of the film at large. In this tired script, *we* (the West) are fighting to help *them* (the East Africans) escape the grip of warlordism, tribalism, and failed states through the deployment of brute counterinsurgency and policing strategies. In the film, the US soldiers enter the hostile zone of Mogadishu, Somalia, while attempting to arrest the very militia leaders thought to be benefitting from the disorder of armed conflict. Thus, from their strategic inception, the West is using legal, measured, state violence to create a space for the rule of law to flourish; the Africans are using *para*military, *sub*-state violence in their beastly fights over food, and bloodthirsty pursuit of US soldiers who are just trying to help. In the climactic scene where the American protagonists eclipse their central challenge, we follow Sgt. Ruiz—and are reminded of his humanity and individual hopes and dreams—while helicopter-mounted mini guns strafe a rooftop killing scores of Somali citizens. In the epilogue, we are told "During the raid over 1000 Somalis die and nineteen American soldiers lost their lives." This is followed by the names and ranks of the nineteen Americans. Of course, the Somali militia and civilians are unnamed, undifferentiated, and delegitimized as members of a regimented fighting force.

The film is an emblematic reminder of the Oriental construction of political violence enacted by the other, famously diagrammed by Palestinian theorist Edward Said, in his 1979 book, *Orientalism*.[2] When an actor is readily othered, their violence is easily portrayed as terrorism. The Somali fighters are denied any semblance of (potential) political legitimacy—while the film portrays foreign intervention as ethically guided, brave, humanitarian patriotism. However, the film does not tell the story of the populist Somali militias that fought foreign invaders and expelled a potentially occupying force. In the simplified narrative of nation-state armies versus irregular militias, the indigenous population attacked foreign military forces using conventional (i.e., non-terroristic) guerrilla warfare methods, while the outsiders led an armed incursion (including the abduction of militia-affiliated individuals) into an area known to be hostile to foreign presence. In such conditions, it is conceivable (if not an outright obligation) to interpret Somali action as justified, if not strategic. As we are reminded in the final line of the film's epilogue, "Two weeks [after the release of the US pilot captured after the crash] President Clinton withdrew Delta Force and the Rangers from Somalia." Ironically, while *Black Hawk Down* remains Orientalist, intervention-justifying, patriotic cinema, the historical record, and specially the relatively large loss of life for US forces and Clinton's rapid withdrawal, is still invoked as a mark of prideful victory by modern day violent jihadists who seek to craft a narrative of their triumphs against Western-aligned forces. As the jihadi narrative goes: "We drove the French out of Algeria, the Russians out of Afghanistan, the Americans out of Somalia and Iraq, the Israelis out of Gaza…"

Despite frequent instances of terrorism in Western Europe, and despite protracted armed conflicts in a variety of locales (e.g., Northern Ireland, Basque region of France), when Hollywood chooses to use non-state political violence as a backdrop, it continually draws upon the exotic landscapes of an imagined Arabia.[3] From Ironman's (2008) genesis in an Afghan cave after being captured by Taliban-like fighters, to prominent battles in the Middle Eastern sand dunes featured in *Transformers* (2007), and the equally sandy landscape of Pakistan in *G.I. Joe: Retaliation* (2013), the pattern remains the same. As has been well documented in the 2006 documentary *Reel Bad Arabs*,[4]

[1] I would be remiss if I did not mention that this section heading is directly taken from Jeremy Earp and Sut Jhally, *Reel Bad Arabs: How Hollywood Vilifies a People* (Northampton: Media Education Foundation, 2006) documentary.

[2] Edward W. Said, *Orientalism* (New York: Vintage Books, 1979).

[3] These themes are explored at length in Shaheen's book and the subsequent film, see: Jack Shaheen, *Reel Bad Arabs: How Hollywood Vilifies a People*, 3rd ed. (Northampton: Olive Branch Press, 2014); Earp and Jhally, *Reel Bad Arabs*.{\ \i{}Reel Bad Arabs: How Hollywood Vilifies a People}, 3rd edition (Northampton, MA: Olive Branch Pr, 2014.

4 Earp and Jhally, *Reel Bad Arabs*.

Michael Loadenthal. "Othering Terrorism: A Rhetorical Strategy of Strategic Labeling." *Genocide Studies and Prevention* 13, 2 (2019): 74-105. ©2019 *Genocide Studies and Prevention*.
https://doi.org/10.5038/1911-9933.13.2.1704

these popular films continue to portray the Arab/Muslim villain as incompetent, mustached, keffiyeh-clad, Kalashnikov-wielding bandits shouting in an incomprehensive, yet distinctly non-Western tongue. This is true in films where an imagined Arabia is the subject (e.g., *Black Hawk Down*), as well as those where it is used to show foreign locales of exotic intrigue (e.g. *Iron Man, Transformers, G.I. Joe*). The portrayal of a chaotic Libya in the film *13 Hours*—which was filmed in Malta nonetheless—plays heavily upon the mob mentality frame, displaying the savage viciousness of unnamed jihadists seeking to kill Americans. This is similar to the film *Rules of Engagement* (2000), which portrays the murder of Yemeni civilians by US forces protecting their embassy. Other recent films can be added to the list of fantastical, archetypical portrayals of the Middle East including (but certainly not limited to) *Three Kings* (1999), *Jarhead* (2005), *Munich* (2005), *Syriana* (2005), *Charlie Wilson's War* (2007), *The Kingdom* (2007), *The Hurt Locker* (2008), *The Devil's Double* (2011), *Special Forces* (2011), *The Dictator* (2012), *Zero Dark Thirty* (2012), *Lone Survivor* (2013), *American Sniper* (2014), and *The Wall* (2017). In these films, not only is an exotic Arabia the setting, but its seemingly inseparable violence is the main attraction. Thus, while *Black Hawk Down* is exemplary of the othering, exoticized narrative frame, it is far from rare. These constructions are dynamic, fictionalized projections that change with the times.

In a variety of films, not only is the othered, Orientalist landscape the *setting*, but it also forms the tone of that which is readily demonized. In the 2013 third installment of the Iron Man franchise, the Western, mechanized protagonist is seen hunting an archetypical terrorist villain known as the Mandarin, played by Ben Kingsley. The Mandarin blows up buildings, speaks through videotaped threats, and is seen traversing sandy landscapes holding a Kalashnikov amid brown individuals wearing turbans, hijabs, and other Eastern iconography. The Mandarin is quite literally wrapped in the trapping of Orientalism, costumed in a long flowing robe, wiry beard, and ponytail. He is undeniably sinister and Eastern; more Osama bin Laden-meets-sorcerer than one might imagine possible. In the original construction of the Mandarin, as seen in a 1964 comic book, he maintains the flowing green robes, and features a prominent Fu Manchu mustache and goatee optimizing a cartoonish evil.

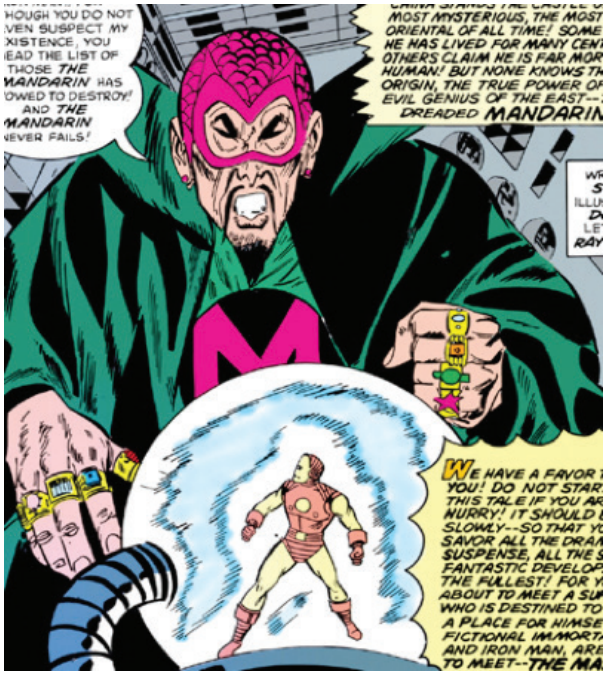


Figure 1. The Mandarin as drawn in 1964, from Marvel's "Tales of Suspense #50."

In the film's development of the modern Mandarin's image, a fictionalized reel of jihadist propagandais shown which includes what appears to be *actual* shots from Osama bin Laden-era al-Qaeda films, likely taken at the al-Farouq training camp near Kandahar before June 2001.



Figure 2. The Mandarin walks through a crowd of men in turbans and scarves holding AK-47s (1st Mandarin video).



Figure 3. The Mandarin fires an AK-47 next to men in turbans and scarves (2nd Mandarin video).

This seamless mixing of the historical (i.e., ~2001 bin Laden footage) and the fictional borrows the aesthetics of actual Salafi militants (e.g. weaponry, dress, rhetorical style), and repurposes them to create a villain who is part al-Qaeda (AQ) and part Taliban, but wholly evil. The viewer quickly learns that the Mandarin is actually an actor impersonating a terrorist, which makes his portrayal as an Asiatic mystic wrapped in an Orientalist costuming even more troubling. The Mandarin is quite simply a phony terrorist brought to life and made foreboding through the Oriental.

The Orient, by its very nature, is a construction, yet it is a dynamic space rife with contradictions and irregularities. Though uncommon, there *are* some exceptions to this flattened portrayal of the politically violent other in Hollywood film. The 2016 film *Eye in the Sky* takes place in an area outside

of Nairobi, Kenya, and dramatizes a drone strike by US-UK forces.[5] The film's central conflict surrounds the decision to fire missiles targeting a meeting between an al-Shabab (AS) "facilitator," "trafficker," two new recruits, and a woman described as a "senior al-Shabab operations planner, recruiter and trafficker." The woman is a Caucasian, British citizen, and the wife of the trafficker. When the AS meeting is observed by intelligence sources, and the drone-based Hellfire airstrike called, the operation is challenged by the proximity of a nine-year old Kenyan girl from the town, who wanders into the blast range while selling bread outside the wall of the terrorists' safe house. The film manages to create three-dimensional African characters while also avoiding scenes of sand dunes, mosque speakers, ululating niqabis, and the like. The filmmakers do this by contextualizing the daily life of the victims of state violence, and showing competent and professional African allies to the Western forces, including an informant, and a local military commander. Certainly, the film maintains the larger narratives of a white, Western, military force enacting necro/biopolitical power through extrajudicial killings, though it avoids the Orientalist mystique that is central to the aesthetic of *Black Hawk Down* and the common use of the Middle Eastern landscape as a site of intrigue for the West.

This is not to claim a monopoly on Orientalist othering of African deaths by some Western monolith. The April 2014 kidnapping of 276 schoolgirls by Boko Haram (BH) demonstrates the ability of Africans to do the same to their own communities. The kidnapping of the female school students in Chibok, Nigeria was popularized by Tweets originating from a Nigerian lawyer in Abuja, quickly amounting to the #BringBackOurGirls clicktivist campaign, complete with celebrity endorsements. Certainly, the kidnapping was a horrific crime by BH, and while religious communities, national governments, organizations, and individuals were quick to call for action, the age and sex of the victims (i.e., *girls*) was understood in a paternalism (i.e., *our* girls) reminiscent of an Orientalist other, one who is denied agency, identity, and dignity.

Black Hawk Down, Orientalism & the Subaltern

In Ridley Scott's *Black Hawk Down*, the viewer is presented with a war narrative that exemplifies the means through which political violence is understood and given context. Throughout the film, while the viewer follows along the mission of US soldiers acting as a peacekeeping force in Mogadishu, the viewer is urged to emotionally connect to the many soldiers who carry out

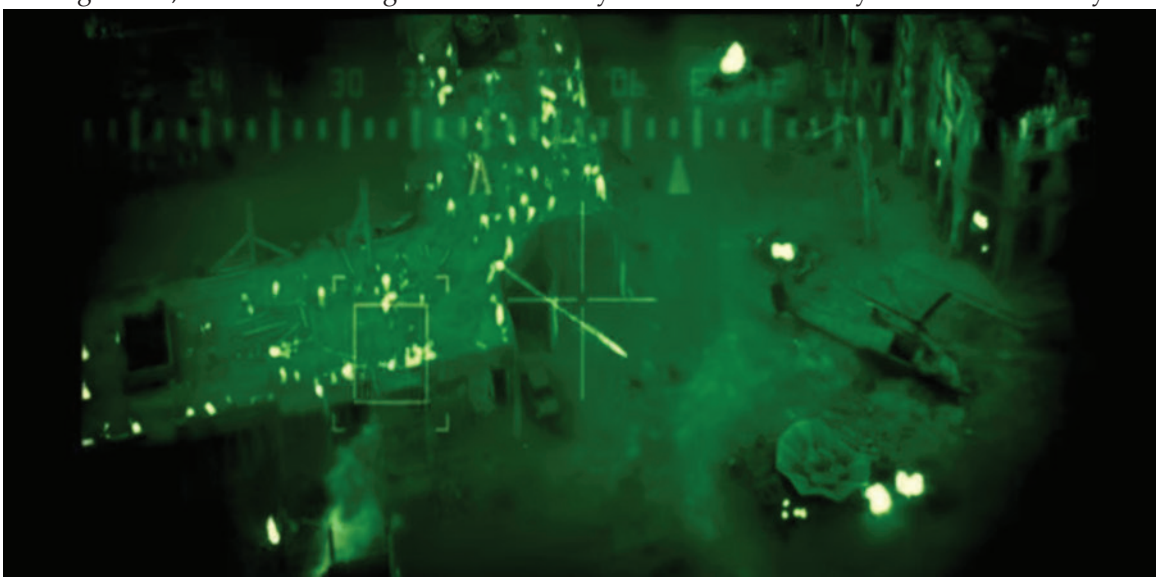


Figure 4. US air support spots the rooftop of Somali gunmen, shown as bright green spots, prior to strafing run.

This depiction, however revolting one may find it, serves as an exemplary representation of the way in which non-white, non-Western, and non-Christian subjects are *othered* in the discourse of violence. In this frame—the dominant frame adopted in depictions of non-state violence—political violence broadly, and terrorism specifically, becomes something external; something the *subaltern*[6] does *to* the colonial power, hegemon, power holder, and/or nation-state. Through repetition as a mechanism of naturalization, those viewing the products of Hollywood are accustomed to films that urge the viewer to identify with the white protagonist, while those archetypically cast as the villain are presented in a vastly different light. A postcolonial framework, informed by a scholar such as Franz Fanon,[7] would understand the Somalian violence directed at US and multinational forces as the enacting of a shared identity—that of the colonized—in violent response to colonial domination. Fanon argued that the 'violence of the colonized' was inherently opposite from that of the colonizer;[8] as the former was concerned with protecting and preserving life and liberty, and the latter, reproducing domination and death.

The presence of Western forces in Somalia is rationalized as interventionism for the sake of the Somali people; a mechanism to prevent bloodshed, genocide, and warlordism. The rhetoric deployed by advocates of such interventionism is often based in the rationality of a benevolent (white Christian) savior, such as former US President George W. Bush, who presented the US invasions of Afghanistan (2001) and Iraq (2003) as necessary for the protection of human rights in those nations.[9] Similar arguments, based in a colonial, savior mentality were mobilized to justify the NATO bombing campaign in Serbia (1995) and the maintenance of a "no fly zone" in Libya during the ousting of Muammar Gaddafi (2011). These forms of *humanitarian* intervention recast colonial power structures as altruistic assistance. In his discussion of how interventionism can mirror this savior mentality, journalist and author Jordan Flaherty writes

> Today's saviors are kinder and gentler than the era of the Crusades. They are no longer launching mass genocide and calling it a gift. But they still hold on to that inherited tradition by believing in their own superiority and refusing to listen to those that say they want to serve.[10]

Thus, the soldiers flying in their Black Hawk above Mogadishu are not foreign invaders, colonists, or unwelcome interveners, but rather, they are warriors for human rights and justice that seek to save the citizens of Somalia from their own backwardness, brutality, and non-Western-ness.

It is this reasoning which is inherently authoritarian, paternalistic, and devoid of any semblance of agency or self-determination for those being *saved*. The colonial motivation towards interventionism promotes a notion of security that is limited to *state* security, seeking to disrupt and discontinue the human-level, patchwork social safety nets established by communities existing within failing states. Critical conceptions of security[11] can provide an anti-colonial challenge to a hegemonic rationality that places state security at the center. This further problematizes alternative approaches to security such as those based in environmental security,[12] feminist security,[13] or human

[6] Antonio Gramsci, "History of the Subaltern Classes: Methodological Criteria," in *Selections from the Prison Notebooks of Antonio Gramsci*, ed. Quentin Hoare and Geoffrey Nowell Smith (London: Lawrence & Wishart/ElecBook, 1971), 202; Gayatri Chakravorty Spivak, "Can the Subaltern Speak?," in *Marxism and the Interpretation of Culture*, ed. Cary Nelson and Lawrence Grossberg (London: Macmillan, 1988), 271–311.

[7] Frantz Fanon, *The Wretched of the Earth*, trans. Constance Farrington (New York: Grove Press, 1963).

[8] Achille Mbembe, *Critique of Black Reason*, trans. Laurent Dubois (Durham: Duke University Press Books, 2017), 165–166. trans. Laurent Dubois (Durham, NC: Duke University Press Books, 2017

[9] Jordan Flaherty, *No More Heroes: Grassroots Challenges to the Savior Mentality* (Chico: AK Press, 2016), 15–16.

[10] Flaherty, *No More Heroes*, 17.

[11] For example see: Paul Williams and Alex J. Bellamy, eds., "Critical Security Studies," in *International Society and Its Critics* (Oxford: Oxford University Press, 2004), accessed October 16, 2018, http://www.oxfordscholarship.com/view/10.1093/0199265208.001.0001/acprof-9780199265206; Nick Vaughan-Williams and Columba Peoples, *Critical Security Studies: An Introduction* (London: Taylor & Francis, 2010); Mark B. Salter and Can E. Mutlu, ed., *Research Methods in Critical Security Studies: An Introduction* (New York: Routledge, 2012).

[12] For example see: Thomas F. Homer-Dixon, *Environment, Scarcity, and Violence.* (Princeton: Princeton University Press, 2001); Simon Dalby, *Security and Environmental Change* (Cambridge, UK: Polity, 2009).

security,[14] or as Ken Booth urges, focusing on not securitizing issues but politicizing security.[15] The presence of US troops in the Horn of Africa constitutes a securitizing endeavor, wherein Western military forces spearhead a multinational program of pacification and stabilization—known as *peacekeeping* in the parlance of the United Nations. If we understand this interventionism and its motivational logic as a persistent yet obscured manner of colonial domination, then anti-colonial "counterviolence"[16] is legitimate and just within the logic of Fanonian self-determination. Such efforts to expel a foreign oppressor are typically enshrined in righteous legitimacy as the indigenous citizenry battles against a Goliath. If this frame is maintained—one that understands US peacekeeping efforts as a prong of Western colonialism—violence that aims to expel these foreign soldiers must be framed as appropriate.

However, this does not address the critical role of *African perceptions* of African violence as an integral feature of decolonization. If, in the case of Somalia, the anti-interventionist militias morph into a network of African jihadists (i.e., AS) frequently targeting other *Africans*, what does this say about how the colonial subject interprets violence enacted from within? If colonial logic allows anti-Western Somali violence to be understood as illegitimate, does this logic extend when that violence is redirected at *Somali* police, *Somali* soldiers, and *Somali* citizens? Within this classification—one which separates the colonized from the colonizer, the indigenous from the foreign—the most pervasive binary distinction is between the white and the non-white. Through this reasoning, the white, interventionist, inserts itself into a pre-pacified locale, and through military might directed by the state, seeks to remake the host society in rapid, violent surges towards a system based in the Western rule of law. In his discussion of the racialized enacting of colonialism and the resistance it fosters, Fanon notes this binary which encodes power *through* race, writing:

> Looking at the immediacies of the colonial context, it is clear that what divides this world is first and foremost what species, what race one belongs to…The [non-white] serf is essentially different from, the [white] knight, but a reference to divine right is needed to justify this difference in status. In the colonies the foreigner imposed himself using his cannons and machines. Despite the success of his pacification, in spite of his appropriation, the colonist always remains a foreigner…The ruling species is first and foremost the outsider from elsewhere, different from the indigenous population, 'the others.'[17]

What is recurrent throughout the logic of colonialism and interventionist exceptionalism is the othering of the uncivilized hoards that constitute the black, unnamed bodies resting in piles in the streets of Mogadishu or other sites of non-white*ness*, non-Christian*ness*, and non-Western*ness*.

Despite occurring in East Africa, Said's Orientalist narrative is ever-present, as the enemy of the colonizing interventionist is shown as exotic and pre-modern due to their Muslim*ness*, blackness, and their location within the so-called anarchy of Somalia's warlord-driven society. This is not to claim originality in interpreting Scott's film nor the larger counterinsurgency discourse through Said's Orientalism. Numerous scholars have presented such arguments in other regional and nationally specific contexts such as those dealing with African,[18] South Asian,[19] Southeastern

[13] For example see: Annick T. R. Wibben, *Feminist Security Studies: A Narrative Approach* (New York: Routledge, 2011); Wendy Stokes, "Feminist Security Studies," in *International Security Studies: Theory and Practice*, ed. Peter Hough, et al. (London: Routledge, 2015), 44–56.

[14] For example see: Fen Olser Hampson et al., *Madness in the Multitude: Human Security and World Disorder* (Oxford: Oxford University Press, 2001); Mary Kaldor, *Human Security* (Oxford: Polity, 2007).

[15] Ken Booth, "Critical Explorations," in *Critical Security Studies And World Politics*, ed. Ken Booth (Boulder: Lynne Rienner Pub, 2005), 1–25.

[16] Fanon, *The Wretched of the Earth*, 46.

[17] Fanon, *The Wretched of the Earth,* 5.

[18] For example see: Katherine T. Roseman, "The Africa Command: How the Department of Defense Has Continued America's Ad-Hoc Foreign Policies in Africa through Neo-Orientalism" (DePaul University, 2015); Lauren E. Wyszomierski, "Boko Haram and the Discourse of Mimicry: A Critical Discourse Analysis of Media Explanations for Boko Haram's Improved Video Propaganda Quality," *Critical Studies on Terrorism* 8, no. 3 (September 2, 2015), 503–515.

[19] For example see: Pavan Kumar Malreddy, *Orientalism, Terrorism, Indigenism: South Asian Readings in Postcolonialism* (Thousand Oaks: SAGE Publications Pvt. Ltd, 2015); Santhosh Chandrashekar, "Un/Desirable Subjects: South

Europe/Ottoman,[20] and Afghan[21] analyses. Said's analysis of the romanticized mystification of the Middle East fits the Somali theater, as the audience of *Black Hawk Down* is treated to distant muezzins chanting the name of Allah, and wild bazars where goods are traded in chaotic exchanges through bargaining. This Aladdin-like aesthetic recalls Scott's other film, *Kingdom of Heaven* (2005), released four years after *Black Hawk Down*, and capitalizing on the civilizational clash between the Muslim armies of Saladin and their capture of Jerusalem from the European Christians.

In *Black Hawk,* the landscapes are brutal, uninhabitable scenes of smoky, sun-bleached disorder and poverty, shown through either the overwhelming commotion of overcrowded cities, or the mystical vistas of the uninhabited African deserts. Scott's film is "particularly paradigmatic"[22] of a hegemonic, Africanized, urban, *other*. The film serves as a George W. Bush-era update to the Viet Nam War-era film, *Apocalypse Now*—drawn in part from Joseph Conrad's *Heart of Darkness*—a book frequently lamented by advocates of the postcolonial.[23] Throughout Scott's film, the viewer is shown a crowded and difficult cityscape inhabited by caricatures. In his review of Patrick Porter's book *Military Orientalism*, Thomas Rid carefully deconstructs the image of the Easterner as "deceitful, cunning, irrational, emotional, chaotic, and spiritual [as] their violence [is] seemingly triggered by primordial ethnic or tribal hatred."[24] From the start of the film, as the camera pans outward from sand, the heavily color-saturated landscape is shown to host a shirtless man wrapping a body in a burial shroud while a musical score features intonations in a foreign tongue. The dead body is literally faceless, as it is shown sitting upright, wrapped in a white cloth and rope.

The Somalian characters in *Black Hawk Down* are shown repeatedly as a hoard, a mob, and a savage enemy. They are shown moving in a herd-like fashion towards a Red Cross Food Distribution Center in the first few minutes of the film, and later moving through foreboding streets to kill the besieged US soldiers. When the crowd reaches the food trucks, they are shown brutally competing and fighting while grain spills from bags and hungry men are beaten with large sticks by local guards. The scene is awash with shouting, and soon a man in a keffiyeh, working alongside Mohamed Farrah Aidid—a major leader of the paramilitary militia associated with the United Somali Congress—fires a truck-mounted machine gun into the crowd, killing and injuring around a dozen individuals. This violent brutality directed upon the African subjects *by an* African warlord acts to signal the domestic threat inherent in the East, and the challenges to deciphering good (African) from bad (African) for the external, Western actor. As John Hobson notes, drawing on Said, "In this Eurocentric imaginary, then, the line of civilizational apartheid separates the Western heart of light from the Eastern heart of darkness."[25] The Orientalist portrayal of the African protagonist imagines them as an other, battling against a Eurocentric, Christian, white hegemon who understands their invasion as an act of liberation. While the US soldiers have

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Asian Racialization in the Age of Terror" (The University of New Mexico, 2016), accessed October 16, 2018, http://digitalrepository.unm.edu/cj_etds/92.

[20] For example see: Felix Konrad, "From the 'Turkish Menace' to Exoticism and Orientalism: Islam as Antithesis of Europe (1453–1914)? From the 'Turkish Menace' to Orientalism," *EGO*, March 14, 2011, accessed October 16, 2018, http://ieg-ego.eu/en/threads/models-and-stereotypes/from-the-turkish-menace-to-orientalism; M. Hakan Yavuz, "Orientalism, the 'Terrible Turk' and Genocide," *Middle East Critique* 23, no. 2 (April 3, 2014), 111–126.

[21] For example see: Ayla Gol, "The War on Terror and the Rise of Neo-Orientalism in the 21st Century," *E-International Relations* (March 18, 2010), accessed October 16, 2018,http://www.e-ir.info/2010/03/18/the-war-on-terror-and-the-rise-of-neo-orientalism-in-the-21st-century/; Maryam Khalid, "Gender, Orientalism and Representations of the 'Other' in the War on Terror," *Global Change, Peace & Security* 23, no. 1 (February 1, 2011), 15–29.

[22] Ashley Dawson, "The Visual Economy of Urban Empire," *Uneven Developments* (blog), accessed January 3, 2017, https://ashleydawson.info/tag/orientalism/.

[23] For example see: Chinua Achebe, "An Image of Africa: Racism in Conrad's 'Heart of Darkness,'" in *Heart of Darkness, An Authoritative Text, Backgrounds and Sources, Essays in Criticism*, ed. Robert Kimbrough, 1st ed., *Massachusetts Review* 18 (London: W. W. Norton & Company, 1977), 251–261, accessed January 3, 2017, http://kirbyk.net/hod/image.of.africa.html; Edward W. Said, "Two Visions in Heart of Darkness," in *Culture and Imperialism*, Reprint ed. (New York: Vintage, 1994), 19–31.

[24] Thomas Rid, "Review of Patrick Porter's, Military Orientalism: Eastern War Through Western Eyes," *Journal of Strategic Studies* 33, no. 5 (2009), 785.

[25] John M. Hobson, "Is Critical Theory Always for the White West and for Western Imperialism? Beyond Westphilian towards a Post-Racist Critical IR," *Review of International Studies* 33, no. S1 (April 2007), 94. DOI: 10.1017/S0260210507007413

individual subjectivities, motivations, world views and personal histories, their opponents do not. They are cast as an undifferentiated, nonwhite subject, recalling the opaque crowd descriptors of disorganized bandits seen in the notion of Eric Hobsbawn's "primitive rebel."[26] When the US soldiers hover above the embattled Somali crowd competing for Red Cross food rations, they express frustration that they are unable to protect the "unarmed civilians" from the "militia," a display of the lawless and unruly nature of Somali life, versus the classically-liberal, rule of law, and careful diplomacy of the West. Such a frame serves to presumptively justify US-led interventionism in the Somali conflict, and to reinforce the "support the troops" narrative through "[a] now dominant form of Hollywood military myth making."[27]

The African Jihadist, English-Language Film Machine

In one sense, it is quite easy to cast critique in Scott's film, as well as Hollywood in general. But it may surprise some to learn that while the Somali AS is the fictionalized subject in the 2016 film, *Eye in the Sky*, the organization's most notable foray into film is actually through its own real-life productions. AS maintains one of the most sophisticated and discursively nuanced digital media platforms in the history of modern political violence. Al-Kataib Foundation for Media Productions, the media wing of AS, produces lengthy, high-definition, documentary-style videos crafting AS's desired narrative. Between 2010-2017, I have documented at least seventy videos produced either in English, or with English subtitles by Al-Kataib. Many of these high-quality films are well over a half hour in length, and use modern methods of video manipulation (e.g., filters, effects), including high-definition, drone-based, and mobile-mounted (i.e., GoPro) cameras, multiple camera angles edited into a continuous shot, slow motion, manipulated color saturation and exposure, computer-generated images (CGI) overlaid atop video, and visually complicated, animated transition and title sequences. AS's videos typically cover specific events (e.g. the attempt to free Denis Allex by DGSE Special Forces in January 2013, or the Westgate shopping mall attack in Kenya in September 2013) through their discursive reality. Film titles include "Mogadishu the Crusaders' Graveyard" (2010), "Come to Glory" (2011), "Under the Shade of Shari'ah" (2012), "The Path to Paradise: from the Twin Cities to the Land of Two Migrations" (2013), "Beyond the Shadows: The Failed French Raid" (2014), "Westgate Siege: Retributive Justice" (2015), "An Urgent Plea: Message from a Ugandan POW" (2016), and "They Are the Enemy, So Beware of Them #8" (2017).



Figure 5. Al-Kataib advertisement, "The Westgate Siege Retributive Justice."

[26] Eric Hobsbawm, *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries*, 3rd ed. (Manchester: University of Manchester, 1971).

[27] Dawson, *The Visual Economy of Urban Empire*.

In one of these films produced in 2016 and titled "The Path to Paradise: From the Twin Cities to the Land of Two Migrations, Episode 2," the filmmakers utilize well-known discursive markers, such as Malcolm X's denouncement of pacifism, and American AQ spokesman Anwar al-Awlaki's invoking of the Ku Klux Klan. These powerful speakers are introduced in the first few seconds, before leading the viewer through a rough history of African American resistance to recent police killings, highlighting uprisings in Ferguson, Missouri, and Baltimore, Maryland. Through the narrative formulated by social movements such as Black Lives Matter, AS adopts this social movement's analytical and rhetorical frames using them to justify why Somali-Americans will never be truly accepted by the American state, and should thus return to Africa and join the jihad. One should consider what it means when a Somali jihadist group assembles the voice of Malcolm X calling the US a "racist society that was controlled by racists from the federal government right down to the local government" overtop images of Michael Brown, the beating of Rodney King, and other iconic images of police brutality directed against African American men. What does this mean for the future of a (discursive and rhetorical) battle for the "hearts of minds" of potential recruits for terrorism and their potential victims?



Image 6. Al-Kataib advertisement, "the path 2 paradise."

In this film, AS discusses US race relations as the narrator calls the country a home of "injustice, intolerance and institutionalized racism," referring to the "historical injustices [done to] the African American community," adopting a vernacular and tone far more similar to social justice and progressive journalism than jihadist propaganda. The film continues:

> The Black Codes and the Jim Crow Laws that justified racial discrimination, in the 19th and 20th century still exist today in more subtle forms, giving rise to consistent policies of discrimination, where black people are racially stigmatized, and often suffer a wide range of social injustices. Black people are often disproportionally targeted by law enforcement agencies, and are subject to racial profiling and police brutality; the consequences of which have had a devastating impact on the African American community and hindered their progress.[28]

The 50+ minute film includes footage from riots responding to police killings of African American men in 2014. The film then profiles several black men who made the trek from the US,

[28] Al-Kataib Foundation for Media Production, *The Path to Paradise: From the Twin Cities to the Land of Two Migrations,* episode 2, 2016.

showing them fighting and dying in Somalia. Abu Muslim, the first man profiled, left Minnesota in 2008 to join AS. In the video, his journey is described as "from the basketball courts to the mosques of Minneapolis…for the lands of jihad [Somalia]…[as] For Abu Muslim, a man who has been through some troubled times, jihad was the door towards forgiveness, and thus he took his first steps towards sincere repentance."[29]

This is a recurrent and central aspect of the narrative crafted and directed to target African Americans and those of African dissent residing in the US. The message is clear, '*America does not welcome you or treat you justly, so you should return to the African continent to live a truer existence beyond the confines of racism and colonialism. And, as a bonus, the decision to join this holy fight forgives you of any prior transgression and guarantees you a place next to God and paradise in the afterlife*.' When Abu Muslim is shown in Somalia, he is in training, wearing a military uniform and holding a rifle. The film then shows him speaking, along with a second man named Mohammed, whom he reports to have "grown up with" and played basketball with in the US, about his time with AS, stating:

> we're out here, I used to be [Mohammed's] point guard but now, I'm his bodyguard! We're having fun and everybody back home thinks we're having a bad life and having bad dreams. But they got it all wrong because we're living the best life and having the best dreams because all we dream about is attaining *shuhada* [martyrdom] and meeting Allah the Exalted.[30]

In the story crafted by the narrator, both men achieved their goal of martyrdom soon after fighting on the front, and in doing so, completed their worldly existence to begin their existence in Paradise alongside Allah. This is a powerful, transformative, and redemptive narrative, made louder by an on-the-ground reality that increasingly understands the US as structurally biased against African American citizens. The direct recruitment of US residents by a foreign organization on racial, heritage, and ethnic lines is not new, as the Irish Republican Army would draw supporters from the US Catholic community for decades,[31] but it *is* unique in that it offers participation in jihad as a means of overcoming—through a recuperation of social emancipation—institutionalized marginalization, and in doing so, intentionally conjures an anti-colonialist politic shrouded in terrorism.

These AS films serve to elevate the voice of the subaltern, though in this case, the Fanonian black body is engaging in terrorist-styled violence against the Somalian, Kenyan, Ethiopian, Ugandan forces, and the multi-national, African Union Mission in Somalia (AMISOM). According to Achille Mbembe, a Cameroonian theorist discussing Fanon, such violence constitutes "the only way for the colonized to restore themselves to life was to use violence to impose a redefinition of the mechanisms through which death was distributed."[32] In this case, AS serves to *redistribute* death through terroristic and guerrilla-styled violence, and in doing so, allows the colonized a voice through bombs and bullets. Though it requires quite a bit of unpacking, one could consider the discursive realities constructed in the AS film a form of anti-Orientalism; a method of presenting a narrative style which appeals to a Western, English-speaking audience, while remaining distinctly Somali. The films are able to adopt a narrative structure and voice similar to classic documentaries, and in doing so, are less intimidating and alienating than Islamic State (IS) videos which remain decidedly exotic and Eastern—with frequent Quranic recitations, slow motion shahada [Muslim profession of faith] flags flying in the breeze, and through gunfire and brutal gore—justified through stark religious logics.

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[29] Ibid.

[30] Ibid.

[31] James Brooke, "A New Yorker Backing I.R.A.'s Armed Struggle," *The New York Times*, August 14, 1984, accessed October 16, 2018, http://www.nytimes.com/1984/08/14/world/a-new-yorker-backing-ira-s-armed-struggle.html; Warren Richey, "On the Trail of US Funds for IRA," *Christian Science Monitor*, January 14, 1985, accessed October 16, 2018, http://www.csmonitor.com/1985/0114/anor1.html; Jonathan Duffy, "Rich Friends in New York," *BBC News*, September 26, 2001, accessed October 16, 2018, http://news.bbc.co.uk/2/hi/americas/1563119.stm.

[32] Mbembe, *Critique of Black Reason*, 166.

In a May 2014 video produced by Al-Kataib titled "Mujahideen Moments 5" (the fifth film in the series), groups of masked, armed, AS fighters carry flags and proselytize through rhyming couplets, reminding the youths in conclusion, "who's missing [here] is you." The poem reads, in part:

> This is a message to the youth in the West,
> A caring brother sends you a friend request,
> A life full of struggle, complete test,
> To choose the following options, which is the best.
> Put your trust in Allah and take a *shahada*-fest.
> A lone wolf mission, you know the rest.
> Second option, you leave it all,
> Your whole *dunya* [world] and backpack,
> What do you need more?
> *Hijrah* [migration to Somalia] and jihad is the smart call,
> Just like the brothers at the Westgate Mall.[33]

The masked speaker reads his poem from a sheet of paper, offering the listener an explicit choice: either make hijrah, or stay in the US and organize your own attacks, referencing the Westgate siege, where over seventy were killed, as a model. The film ends by displaying an image of an airplane ticket issued by Al-Kataib Airlines, flying from Minnesota to Mogadishu. The ticket bearer's name is listed as "you." and the date written as 1435, from the Islamic calendar (this is 2014 in the Gregorian calendar). Above the ticket, the screen reads, "Next Flight to Mogadishu the only one missing is you."



Figure 7. Screenshot from Al-Kataib video, "Mujahideen Moments 5."

In this less than three-minute film, AS uses video to empower and activate individual Africans (i.e. African Americans, Somali-Americans residing in the US), linking their anger to engagement with an international armed conflict. In a postcolonial context, this serves as "rehabilitating"[34] power denied to the othered, African, precariat. The film offers a typically disempowered community of adherents a shared identity. The decision offered to the audience is thus: Emigrate to Somalia and join the fight, or, stay in the land of racism and *kuffar* [unbeliever] and fight in *our* name, but justified through *your* lived experience of discrimination and state violence.

[33] Al-Kataib Foundation for Media Production, *Mujahideen Moments 5*, 2014.

[34] Achille Mbembe, *On the Postcolony* (Berkeley: University of California Press, 2001), 14.

Though with less sleek professionalism and frequency, BH, has also recently been active producing English-subtitled videos, with at least six videos and one audio statement subtitled in English 2015-2017. This follows a larger trend in the production of jihadist video propaganda. The prolific video propagandists within the IS network have been generating video material with English subtitles since their rise in 2014. Other Syrian-Iraqi factions such as Al Muhajirun, Jabhat al-Nusrah/Jabhat Fatah al-Sham (AQ's faction), and the Turkistan Islamic Party in Syria, have regularly produced videos designed for English speakers. Of these, Al Muhajirun, which represents itself as an umbrella front for foreign fighters entering the region, produced thirteen videos subtitled into English 2015-2016, and the Turkistan Islamic Party in Syria, an AQ-allied Uyghur jihadist faction, has produced thirteen English-subtitled videos 2016-2017. These Uyghur films possess a distinct aesthetic when compared to the videos produced by Sunni, Middle Eastern, and North African, Arab-led factions, and are an apt site for further research and inquiry.

Political Violence & the African Precariat

What defines the political violence of those in the so-called Oriental Third World resisting colonial domination, foreign occupation, and multinational intervention? In *Black Skin, White Masks*, Fanon argues that colonial and racial violence functions to deny Africans recognition and human dignity, and in doing so, constructs them as "abnormal,"[35] "inferior,"[36] and thus precarious. With such a precarious subject, can we ascribe individualistic, rational motivations to those who are denied a unique identity? Is it possible to produce cultural artifacts, such as movies, that contain a white hero and a black villain, both of which are constructed through textured and nuanced portrayals? Is it even possible, to have a black-skinned hero when the subject is the African continent?[37] Moreover, when examining policy implications, one can ask: What conditions must be met to provoke a US-led intervention if the colonized is consistently a black body enveloped in a colonial script? How does this constrain and limit not only representationism but action? Certainly, the killing of eighteen US soldiers in Somalia during the early days of Bill Clinton's presidency soured American support for similar activities in Rwanda, despite the administration's knowledge of the genocide. It is typically presumed that the aggressive, belligerent force will be dark and local, and the outside, *liberating* force will be white and foreign. Examples of such framing are common throughout *Black Hawk Down*, yet are sometimes challenged. In one such notable example, the Muslim, African, Arab liberators portrayed in the 1966 film *The Battle of Algiers* are cast against a villainous other, who in this case, happened to be a white, Christian, foreign army of French occupiers.

Despite rare exceptions, the general pattern remains the same. The audience is led to sympathize with white (Western/European) invaders portrayed as liberators, and cheer the deaths of brown and black "savages."[38] This patterned performance reinforces the notion of what constitutes the "precarious life,"[39] put forward by Judith Butler. Butler invites the reader to consider a central question: Whose deaths are we allowed to mourn, and which deaths are we expected to accept without acknowledgement? Butler explains this philosophical uncertainty with a series of rhetorical questions, asking, "Who counts as human? Whose lives count as lives? And, finally, *What makes for a grievable life?*"[40] Are we allowed to mourn those killed as a result of natural disasters or in apolitical criminal acts? What about those killed in acts of terrorism? Are we able to mourn the deaths of suicide bombers, airplane hijackers, and those killed in airstrikes carried out in response to sub-state aggressions? In his 1996 fatwa entitled "Declaration of War Against the Americans Occupying the Land of the Two Holy Places," jihadist figurehead Osama bin Laden

[35] Frantz Fanon, *Black Skin, White Masks*, trans. Charles Lam Markmann (London: Pluto Press, 1991), 175.

[36] Ibid., 178.

[37] Though this author has not yet seen the film, the release of *Black Panther* (2018) may provide just that, as the film is said to take place in a fictionalized, African country known as Wakanda.

[38] A term used repeatedly in such postcolonial texts as: Achebe, "An Image of Africa: Racism in Conrad's 'Heart of Darkness'"; and its conceptual usage has been studied in film and literature, such as the work of: M. Daphne Kutzer, *Empire's Children: Empire and Imperialism in Classic British Children's Books* (London: Taylor & Francis, 2004).

[39] Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (New York: Verso, 2006).

[40] Ibid., 20.

claims that "more than 600,000 Iraqi children have died due to lack of food and medicine as a result of the unjustifiable aggression (sanction) imposed on Iraq and its nation."[41] The fatwa summons the deaths of Muslims globally, claiming that "the Muslim blood became the cheapest" and noting that "their blood was spilled in" Palestine, Iraq, Lebanon, Tajikistan, Myanmar (i.e., "Burma"), Kashmir, India (i.e., "Assam"), the Philippines, Indonesia (i.e., "Fattani"), Ethiopia (i.e., "Ugadin"), Somalia, Eritrea, Chechnya, and Bosnia-Herzegovina.[42] Here it appears that bin Laden is invoking a discourse reminiscent to Butler's, as a precarious existence translates to the ease through which Muslim lives are taken in violent conflicts; conflicts which the besieged understand as a war to "defend their existence against real or fancied threats of extermination."[43] Interestingly, though bin Laden rejects the ease through which his enemies take Muslim lives without cause or distinction, in his second fatwa, he calls on supporters to "kill the Americans and their allies—civilians and military—is an individual duty for every Muslim who can do it in any country in which it is possible to do it."[44]

It is not uncommon for sub-state conflicts occurring in Africa to be understood as aged, intractable, *wars*, and yet the African continent is not without traditional forms of terrorism. In 2016 alone, groups affiliated with the AQ network carried out at least 257 attacks occurring in Mali, Burkina Faso, Niger, the Ivory Coast and Algeria[45] through the networks of al-Qaeda in the Islamic Maghreb (AQIM), al Murabitoon, Ansar Dine,[46] and the organizations' respective battalions and fronts.[47] In 2017, this number grew to 276.[48] Terrorist violence has frequently spilled over these borders as well, and can be linked to the killings in many additional nations. The academic discourse and media coverage of terrorism occurring in Africa is often less frequent than scholarship focused on the Middle East, Asia, or Europe. While some networks are frequently discussed within the standard terrorist discourse—such as AS in Somalia and BH in Nigeria—those that transgress ethic, clan, and tribal identities are often ignored politically or classified broadly as ethnic conflicts or civil wars.

This is not to downplay the effects of ethnic division, as armed groups are routinely "fragmented along ethno-political lines"[49] such as in the case of the newly formed AQ umbrella organizations in the region of Mali. Causal analysis of these sub-state conflicts is often encumbered with a framing which sees African conflicts displaying ethnic identity as inherently-complex and intractable, or as the US Army reports in the case of BH, "persistent ethnic, regional, and religious divisions;

[41] Osama bin Laden, "Declaration of War Against the Americans Occupying the Land of the Two Holiest Sites.," trans. Azzâm Publications (Hindukush Mountains, Khurasan, Afghanistan, August 23, 1996), Wikisource, accessed October 16, 2018, http://www.actmemphis.org/usama-bin-laden-1996-declaration-of-war-against-the-americans.pdf.

[42] Ibid.

[43] Richard E. Rubenstein, *Resolving Structural Conflicts: How Violent Systems Can Be Transformed* (New York: Routledge, 2017), 40.

[44] Shaykh Usamah Bin-Muhammad bin Laden et al., "Jihad Against Jews and Crusaders," trans. Federation of American Scientists February 23, 1998, accessed October 16, 2018, https://fas.org/irp/world/para/docs/980223-fatwa.htm.

[45] Caleb Weiss, "Al Qaeda Linked to More than 250 West African Attacks in 2016," *Long War Journal* (blog), January 7, 2017, accessed October 16, 2018, http://www.longwarjournal.org/archives/2017/01/over-250-al-qaeda-linked-attacks-in-west-africa-in-2016.php.

[46] In March 2017, many of these organizations including Ansar Dine, Al Murabitoon, Katiba Macina, and AQIM Sahara branch announced a merger and reaffirmed their loyalty to the AQ franchise. The new organization is headed by a senior figure in Ansar Dine and is called Jama'at Nusrat ul-Islam wal-Muslimeen (Group for the Support of Islam and Muslims).

[47] "Analysis: Al Qaeda Groups Reorganize in West Africa," *FDD's Long War Journal* (blog), accessed March 15, 2017, http://www.longwarjournal.org/archives/2017/03/analysis-al-qaeda-groups-reorganize-in-west-africa.php. This figure includes only those networks aligned with AQ, and excludes attacks carried out by non-AQ networks such as IS, which remain active in Libya (Wilayah Barqa), Egypt (Ansar Bait al-Maqdis/Wilayat Sayna), Algeria (Jund al-Khilafah), Somalia (AS, Jabha East Africa), Nigeria, Cameroon, Niger and Chad (BH).

[48] Caleb Weiss, "Al Qaeda Maintains Operational Tempo in West Africa in 2017," *FDD's Long War Journal* (blog), January 5, 2018, accessed October 16, 2018, https://www.longwarjournal.org/archives/2018/01/al-qaeda-maintains-operational-tempo-in-west-africa-in-2017.php.

[49] Héni Nsaibia, "Jihadist Groups In The Sahel Region Formalize Merger," *Jihadology* (blog), March 27, 2017, accessed October 16, 2018, http://jihadology.net/2017/03/27/guest-post-jihadist-groups-in-the-sahel-region-formalize-merger/.

corruption; and poverty gave [BH] rise."[50] Conversely, while some forms of political violence are *depoliticized* through the lens of Orientalism, other forms of criminal (i.e., non-political) violence are infused with radical politics precisely because the actors are black, Muslim, and marginalized. For example, consider the conflation of the actions of Somali pirates understood to be AS, or more generally, as an element of AQ. This transference of the fear of terrorism onto black-bodied pirates from a terrorism-prone region has been noted discursively by academics,[51] media editorials,[52] and other investigations.[53] Furthermore, media coverage of actual African jihadists can reflect a double bias—one exhibiting both Orientalist *and* colonialist discourses. In one study of news coverage of BH, the author argues that descriptions of the group's alliance with IS perpetuates a discursive construction of *mimicry*, where the subaltern (i.e., BH) is denied a sense of agency andself-determination, and instead presented as subordinate to a larger force (i.e., IS).[54]

In many of these African, jihadist conflicts, the death tolls are high and the attacks frequent. Sites such as the Egyptian Sinai, Mali's Azawad, Somalia's Mogadishu, and Kenya's Garissa University and Westgate Mall have been sites of mass violence. Atop such sites are a multitude of cities and towns in Nigeria and Niger where BH has reportedly killed hundreds, such as in Gamboru Ngala, Nigeria in 2014 (315 killed),[55] Maiduguri, Nigeria in 2014 (212 killed), Konduga, Nigeria in 2014 (201 killed), Karamga, Niger in 2015 (230 killed), and so on. Of course, BH is not alone in its targeting of Africans. A truck bomb which detonated in Mogadishu in October 2017 allegedly by AS produced more than 500 causalities, including more than 300 deaths.[56] These large-scale killings further complicate the discussion concerning where mass terrorist violence ends, and genocidal violence begins. If a non-state actor kills on the basis of religion or ethnicity in mass, what separates these from more systematized "crimes against humanity" such as those seen in Cambodia, Bosnia, Rwanda and Darfur?

It should be noted that although not on the African continent, the conflict in Yemen is grossly underreported, misunderstood and othered.[57] Many have stated this is due to the conflict being overshadowed by the war in Syria, calling Yemen the "forgotten war."[58] The fighting is largely framed as a civil war between two factions: Sana'a-based Houthi forces loyal to former President Ali Abdullah Saleh, and the Aden-based forces loyal to Abdrabbuh Mansur Hadi, and supported by the militaries of the United Arab Emirates, Qatar, Bahrain, Egypt, Kuwait, Jordan, Morocco, Senegal and Sudan (i.e. the Saudi-led coalition). The Houthis (officially known as Ansar Allah), are an Iranian-backed, Zaidi Shia-led, political and religious movement that emerged in the 1990s and

[50] Rick Burns et al., "Threat Tactics Report: Boko Haram," Threat Tactics Report (Leavenworth: TRADOC G-2 ACE Threats Integration, October 2015), 2, accessed October 16, 2018, https://info.publicintelligence.net/USArmy-BokoHaram.pdf.

[51] Anna Stavrianakis et al., "War on Piracy: The Conflation of Somali Piracy with Terrorism in Discourse, Tactic, and Law," *Security Dialogue* 47, no. 5 (October 1, 2016), 440–58. DOI: 10.1177/0967010616665275

[52] John S. Burnett, "The Next 9/11 Could Happen at Sea," *The New York Times*, February 22, 2005, accessed October 16, 2018, http://www.nytimes.com/2005/02/22/opinion/the-next-911-could-happen-at-sea.html; Douglas R. Burgess Jr., "Piracy Is Terrorism," *The New York Times*, December 5, 2008, accessed October 16, 2018, http://www.nytimes.com/2008/12/05/opinion/05burgess.html.

[53] Der Spiegel, "Terror on the High Seas: Somali Pirates Form Unholy Alliance with Islamists," *Spiegel Online*, April 20, 2009, accessed October 16, 2018, http://www.spiegel.de/international/world/terror-on-the-high-seas-somali-pirates-form-unholy-alliance-with-islamists-a-620027.html.

[54] Wyszomierski, *Boko Haram and the Discourse of Mimicry*.

[55] Fatality data taken from the "Global Terrorism Database," the University of Maryland, USA, accessed October 16, 2018, https://www.start.umd.edu/gtd/.

[56] Jason Burke, "Mogadishu Truck Bomb: 500 Casualties in Somalia's Worst Terrorist Attack," *The Guardian*, October 16, 2017, accessed January 5, 2018, http://www.theguardian.com/world/2017/oct/15/truck-bomb-mogadishu-kills-people-somalia.

[57] Jared Malsin, "Why Almost No One's Covering the War in Yemen," *Columbia Journalism Review*, May 13, 2015, accessed October 16, 2018, http://www.cjr.org/analysis/why_almost_no_ones_covering_the_war_in_yemen.php; Charlene Rodrigues, "The World Needs to Know about Yemen's War. But Journalists Are Being Silenced," *The Guardian*, October 26, 2015, accessed October 16, 2018, https://www.theguardian.com/commentisfree/2015/oct/26/yemen-war-journalists-silenced-conflict-reporters-activists-abduction-torture.

[58] Hakim Almasmari and Angela Dewan, "Yemen: The 'forgotten War Cloaked' in the Shadow of Syria," *CNN*, October 9, 2016, accessed January 3, 2017 http://www.cnn.com/2016/10/06/middleeast/yemen-conflict/index.html.

took state power in 2014. In addition to the Saudi-backed forces of Hadi, and the Iranian-backed forces of Saleh, both al-Qaeda in the Arabian Peninsula and IS have a presence, with the former controlling up to thirty-six percent of the country, and the latter claiming to have established a province there (i.e. Wilayah al-Yemen). The conflict has claimed an estimated 10,000 lives since 2015, and wounded 40,000.[59] UNICEF estimates that 2.2 million children require humanitarian aid to prevent fatal malnutrition and disease, while more than three million Yemenis have been displaced. Many of these deaths have been the result of airstrikes targeting Houthi rebels carried out by the Saudi-led international coalition, which support from the US, UK, France and China. As these airstrikes have led to scores of civilians' deaths—including the killing of 140 civilians attending a funeral in October 2016—at least one Yemeni official has called the actions "genocide" perpetuated by the Saudi-led coalition. The irony of identifying Yemen as a site of underreporting and misunderstanding in a brief aside, has not escaped this author, however it is beyond the scope of this article to expand the analysis further into the Arabian Peninsula.

These inquiries—from Somalia to Nigeria, and from Mali to Yemen—raise a key question: when does mass killing becomes genocide?, returning us to Butler's argument, and the question of whose deaths we are expected to mourn. While *victims* of war and terrorism are labeled in such a way that presumes they *will* be mourned, the victims of genocidal violence are *often not*. Of course, we are expected to mourn the 224 individuals killed in the 1998 US embassy bombings in Kenya and Tanzania, but what about the 15,000-22,000[60] Tamil Tigers killed during the fourth phase of the Eelam War (2006-2009), or the estimated 80,000-100,000[61] killed in the larger 26-year conflict? What about the 167 Palestinians killed in 2012's Operation Pillar of Defense, the 1,391 killed Operation Cast Lead (2008-2009), or the 2,104 killed in the 2014 Operation Protective Edge?[62] What about the 200 Kurdish fighters killed in a single Turkish airstrike as they battled IS forces in northern Syria?[63] What can these communities say about their own experiences? If one aspect of the violence is discursive—the construction of *them* by a white, Western *us*—how can understanding this relationship elevate the voices of those most afflicted; to recall Spivak's question, *Can the subaltern speak*? Moreover, what role does such a discursive analysis (one which positions the subaltern as the colonial victim), play within the process of decolonization?

If those questions do not contain obvious answers, consider the scores of BH militants killed by national armies. Below is a short list documenting ten incidents (2013-2016) where large numbers of individuals labeled as BH terrorists were killed as reported by international press:

- October 2013: At least ninety-five BH fighters killed by Nigerian Army.[64]
- September 2013: Approximately 150 BH fighters killed by Nigerian Army.[65]
- June 2014: More than 100 BH fighters killed by Nigerian Army.[66]

[59] Al Jazeera, "Death Toll in Yemen Conflict Passes 10,000," *Al Jazeera*, January 17, 2017, accessed October 16, 2018, http:// www.aljazeera.com/news/2017/01/death-toll-yemen-conflict-passes-10000-170117040849576.html.

[60] BBC, "Sri Lankan Army Deaths Revealed," *BBC News*, May 22, 2009, accessed October 16, 2018, http://news.bbc.co.uk/2/hi/south_asia/8062922.stm.

[61] Al Jazeera, "Sri Lanka Reveals Battle Losses - Al Jazeera English," *Al Jazeera News*, May 22, 2009, accessed October 16, 2018, http://www.aljazeera.com/news/asia/2009/05/200952234658947 13.html; BBC, *Sri Lankan Army Deaths Revealed*.

[62] BBC, "Gaza Crisis: Toll of Operations in Gaza," *BBC News*, September 1, 2014, accessed October 16, 2018, http://www.bbc.com/news/world-middle-east-28439404.

[63] Jason Hanna, Isil Sariyuce, and Max Blau, "Turkish Airstrikes Hit Kurdish Fighters in Syria," *CNN*, October 20, 2016, accessed October 16, 2018, http://www.cnn.com/2016/10/20/middleeast/turkey-syria-air-raid/index.html.

[64] Associated Press, "128 Dead in Islamic Extremist Attack on Nigeria State Capital in State of Emergency," *Fox News World*, October 29, 2013, accessed October 16, 2018, http://www.foxnews.com/world/2013/10/29/128-dead-in-islamic-extremist-attack-on-nigeria-state-capital-in-state.html.

[65] "Raid Kills 150 Boko Haram Islamists, Nigeria Says," *France 24*, September 18, 2013, Online edition, sec. Africa, accessed October 16, 2018, http://www.france24.com/en/20130918-raid-kills-150-boko-haram-islamists-nigerian-army.

[66] Elisha Bala-Gbogbo and Daniel Magnowski, "Nigeria Militant Camps Raided After Abuja Bombing Killed 21," *Bloomberg.Com*, June 27, 2014, accessed October 16, 2018, http://www.bloomberg.com/news/articles/2014-06-27/nigeria-militant-camps-raided-after-abuja-bombing-killed-21-1-.

- December 2014: Several raids by Cameroonian Army kill a least 94 BH fighters.[67]
- January 2015: At least 227 BH fighters killed by Chadian Army in a series of *two* raids (120 killed in on raid[68] and 207 killed in the second).[69]
- February 2015: More than 300 BH fighters killed by Nigerian Army.[70]
- September 2016: Approximately 123 BH fighters killed by Chadian-Nigerian Army.[71]
- February 2016: Approximately 100 BH fighters killed by Cameroonian-Nigerian Army.[72]
- June 2016: Approximately 130 BH fighters killed by Chadian-Nigerian Army.[73]

In sum, from amongst these ten offenses targeting BH fighters, the armies of Nigeria, Cameroon, and Chad killed at least 1,319 persons. If we accept estimates put forth by the US intelligence services, this could constitute more than twenty-five percent of BH's total troop strength.[74] In these killings, the individuals are rarely named, and their individual crimes are not mentioned, nor likely known. In death, they constitute a subaltern hoard, and the contents of unmarked graves. These persons serve as undifferentiated causalities of war, not unlike the "docile bodies"[75] discussed by Michel Foucault, though in the African case, the *utility* of these bodies is precisely situated in their disposability, their ability to be utilized and discarded. For Foucault, the bodies of BH "soldiers" can model how the sovereign's might is written atop the "pliable" terrorist body, "manipulated, shaped, [and] trained"[76] via the discourse of state power. As Foucault reminds us, war can be a continuation of politics,[77] and in the case of BH's war with Nigeria, this politic ensures the continued devaluation of bodies which are denied security and marked for death.

Incalculably Precarious African Lives

Returning to Butler's notion of a precarious life, she notes that those collectivities deemed to be dangerous—for examples on the basis of race or factional affiliation—are exempted from legalistic protections as well as affective mourning. In the case of aerial bombings targeting BH encampments, the need to individualize and distinguish combatants from noncombatants is disregarded. Butler writes that these "who are deemed dangerous" are

> [excluded from] the jurisdiction of the law, depriving them of the legal protections to which subjects under national and international law are entitled. There are surely populations that are not regarded as subjects, humans who are not conceptualized within the frame of a

[67] South African Press Association, "Boko Haram Slaughter Dozens in Cameroon Village," *News24*, December 28, 2014, Online edition, sec. Africa-News, accessed October 16, 2018, http://www.news24.com/Africa/News/Boko-Haram-slaughter-dozens-in-Cameroon-village-20141228; Reuters, "Boko Haram Militants Stage Attacks in Northern Cameroon," *Yahoo! News*, December 29, 2014, accessed October 16, 2018, http://news.yahoo.com/boko-haram-militants-stage-attacks-northern-cameroon-062425446.html.

[68] Reuters, "Chad Army Says Kills 120 Boko Haram Militants in Cameroon," *Reuters*, January 31, 2015, accessed October 16, 2018, http://www.reuters.com/article/us-nigeria-violence-chad-idUSKBN0L40X920150131.

[69] Reuters, "Chadian Soldiers Kill 207 Boko Haram Fighters in Nigeria: Army," *Reuters*, February 25, 2015, accessed October 16, 2018, http://www.reuters.com/article/us-nigeria-violence-chad-idUSKBN0LT0Y520150225.

[70] BBC, "Air Strike 'kills Dozens of Mourners' in Niger," *BBC News*, February 19, 2015, accessed October 16, 2018, http://www.bbc.com/news/world-africa-31521279.

[71] Reuters, "Chad, Niger Forces Kill 123 Boko Haram in Crackdown: Niger," *Reuters*, October 1, 2016, accessed October 16, 2018, http://www.reuters.com/article/us-nigeria-security-niger-idUSKCN1212SJ.

[72] Voice of America, "Cameroon: Hundreds of Hostages Freed, 100 Boko Haram Killed," *VOA*, February 27, 2016, accessed October 16, 2018, http://www.voanews.com/a/cameroon-hundreds-hostages-freed-boko-haram-killed/3211041.html.

[73] Maina Maina, "Boko Haram: 130 Killed as Niger, Chad Troops Fight Insurgents in Bosso," *Daily Post Nigeria*, June 10, 2016, accessed October 16, 2018, http://dailypost.ng/2016/06/10/boko-haram-130-killed-as-niger-chad-troops-fight-insurgents-in-bosso/.

[74] This calculation is based on the estimation that BH maintains 4,000-6,000 troops, according to: Burns et al., *Threat Tactics Report: Boko Haram*, 4.

[75] Michel Foucault, *Discipline and Punish* (New York: Vintage Books, 1977), 136–169.

[76] Ibid., 135, 136.

[77] Ibid., 168.

> political culture in which human lives are underwritten by legal entitlements, law, and so humans who are not humans.[78]

Disregard for the deaths of those labeled as African terrorists is not confined to the ranks of BH. The jihadist forces raging against the Egyptian state and citizenry in the Sinai—most notably Wilayat Sinai/Ansar Bait al-Maqdis/Ansar Jerusalem—have faced a similarly precarious framing.

In news and social media accounts, the deaths of hundreds of Sinai-based jihadist fighters are reported triumphantly, and devoid of empathetic concern. In December 2015, this network carried out a series of coordinated attacks involving reportedly more than 300 fighters, resulting in the death of twenty-one Egyptian soldiers. The fighting in the Sinai was said to be the biggest battle since the 1973 Yom Kippur War.[79] During the Egyptian army's counter-attack, army spokesman Mohammed Samir reported that 241 "terrorists in North Sinai" had been killed, many by artillery fire, in a five-day period.[80] This statement, distributed by Samir on Facebook, included graphic images of the men's slain bodies, many of which were disfigured, and according to media coverage, "mangled."[81] In recalling Butler, not only are these individuals denied rhetorical legitimacy in their deaths, but with their bloodied flesh displayed for the world to see, they are further disregarded as complete human beings deserving of dignity and the rites afforded to those who have died. Egyptian authorities later reported that the army had killed "nearly 500 militants in Sinai"[82] in less than two years (July 2015-February 2017), providing yet another undifferentiated accounting of large-scale killing.

From BH in Nigeria, the many-named jihadists of the Sinai, and those in Somalia, the cheapening of African lives continues. In a final example, we can examine the March 5, 2016 airstrike carried out by US forces targeting AS's Raso training camp, located about 120 miles north of Mogadishu. The Department of Defense described the strike—which involved drones and conventional air forces—as being carried out "in self-defense," noting that the attack targeted "fighters who were scheduled to depart to camp [and thus] posed an imminent threat."[83] While the press statement does not give a death toll (or even an estimate), it notes the "removal of these fighters."[84] Despite not providing a causality number in the official release, in statements to media, the Pentagon is quoted as stating the figure as 150, "about 150," or "more than 150" killed.[85] AS for its part, reports that the 150-person claim is exaggerated, citing their losses at less than one hundred. An AS spokesman, Sheikh Abdiasis Abu Musab stated to Reuters: "The U.S. bombed an area controlled by al Shabaab. But they exaggerated the figure of casualties. We never gather 100 fighters in one spot for security reasons. We know the sky is full of planes."[86] Despite the factuality of either the US or AS's reports, the malleability of such a figure and the unimportance with which fifty lives

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[78] Butler, *Precarious Life*, 77.

[79] Roi Kais and Yoav Zitun, "F-16 vs. ISIS: Biggest Battle in Sinai since Yom Kippur War," *Ynetnews*, July 2, 2015, accessed October 16, 2018, http://www.ynetnews.com/articles/0,7340,L-4675467,00.html.

[80] Roi Kais, "Egypt: Nearly 250 ISIS Terrorists Killed in Sinai, over 60 Arrested," *Ynetnews*, July 8, 2015, accessed October 16, 2018, http://www.ynetnews.com/articles/0,7340,L-4677587,00.html.

[81] Ahram Online, "241 'terrorists' Killed in North Sinai in 5 Days: Military," *Ahram Online*, July 6, 2015, accessed October 16, 2018, http://english.ahram.org.eg/NewsContent/1/64/134680/Egypt/Politics-/-terrorists-killed-in-North-Sinai-in--days-Militar.aspx.

[82] Ahram Online, *241 'terrorists' Killed*.

[83] Peter Cook, "Statement from Pentagon Press Secretary Peter Cook on Airstrike in Somalia [Release No: NR-076-16]" (statement, Washington, DC, March 7, 2016), Department of Defense, accessed October 16, 2018, https://www.defense.gov/News/News-Releases/News-Release-View/Article/687305/statement-from-pentagon-press-secretary-peter-cook-on-airstrike-in-somalia/.

[84] Ibid.

[85] For example see: Helene Cooper, "U.S. Strikes in Somalia Kill 150 Shabab Fighters," *The New York Times*, March 7, 2016, accessed October 16, 2018, https://www.nytimes.com/2016/03/08/world/africa/us-airstrikes-somalia.html; Thomas Gibbons-Neff, "U.S. Airstrike Kills More than 150 at Somalia Terrorist Camp, Military Says," *Washington Post*, March 7, 2016, accessed October 16, 2018, https://www.washingtonpost.com/news/checkpoint/wp/2016/03/07/u-s-drone-strike-kills-more-than-150-in-somalia/.

[86] Feisal Omar and Abdul Sheikh, "Somali Islamists Confirm U.S. Strike, Say Casualties Exaggerated," *Reuters*, March 8, 2016, accessed January 3, 2017, http://www.reuters.com/article/us-usa-somalia-idUSKCN0WA0NE.

are recorded or disregarded speaks to the precariousness of black deaths. This case shows that whether it is over reporting or underreporting, the rule remains the same; black lives do not matter when it comes to accurate reporting of armed conflicts.

Within these historical vignettes, the slain black and brown bodies represent justified killings, as they are understood to be practitioners of unsanctioned, anti-state, terroristic violence, and as such, their deaths are *not* to be mourned, as their lives existed in a perpetual state of precarious insecurity. Within the discourse of terrorist-belligerent v. civilian-victim, the public is taught that to mourn the jihadists, is to displace empathy for their victims. We *are* expected to mourn the victims of the 2015 Baga massacre,[87] in which BH fighters killed "over 2,000 people,"[88] (January 3-7, 2015) in the state of Borno, according to Nigerian government spokesman Musa Alhaji Bukar.[89] Thinking beyond the fighters presented as unmournable fatalities, what about those killed in the crossfire, or when civilian sites are confused for militant strongholds? On January 17, 2017, the Nigerian air force dropped bombs on a refugee camp in Borno, confusing it for a BH encampment. The attack occurred as aid workers were distributing food to residents. Exact numbers on fatalities were unclear, varying from fifty,[90] to seventy-six,[91] to ninety,[92] and the highest being 236.[93] According to early reporting by the International Committee of the Red Cross and Doctors Without Borders, the dead included six Red Cross workers. This example presents an interesting aside, as aid workers and refugees are killed precisely because they were perceived to be terrorists, and through this mistaken identification, their deaths are reimagined as tragic and deserving of recognition and empathy.

Reading the precarious lives discourse through the story of the African precariat demonstrates that those advocating (African) jihad are undeserving of mourning, yet their targets must be understood inherently as innocent, agency-less victims. This is true for individuals slain in the confusion; presuming they turn out to be unaffiliated with terrorism. Despite this standard frame, are there moments of exceptionality and destabilization to these roles? What about the suicide bomber who killed nineteen in a northeastern Nigeria marketplace? Does the life of that individual become more mournable when the reader learns the bomber was a ten-year-old female?[94] When the issue of an actor's *agency* is further muddied by accusations that child bombers are coerced and drugged, does this denial of self-determination allow the death of a child to be deemed sacrosanct and deserving of a spiritual peace? In the last few years, BH has rapidly adopted the use of child bombers,[95] estimating an eleven-fold increase 2014-2016. Current research estimates that children

[87] This number is highly contested, but the inability for reports to come to a common agreement exemplifies the flexibility of reporting on African deaths.

[88] Aminu Abubakar and Faith Karimi, "2,000 Feared Killed in 'deadliest' Boko Haram Attack in Nigeria," *CNN*, January 12, 2015, accessed January 3, 2017, http://www.cnn.com/2015/01/09/africa/boko-haram-violence/; BBC, "Boko Haram Crisis: Nigeria's Baga Town Hit by New Assault," *BBC News*, January 8, 2015, accessed January 3, 2017, http://www.bbc.com/news/world-africa-30728158; Monica Mark, "Boko Haram's 'Deadliest Massacre': 2,000 Feared Dead in Nigeria," *The Guardian*, January 10, 2015, accessed January 3, 2017, https://www.theguardian.com/world/2015/jan/09/boko-haram-deadliest-massacre-baga-nigeria.

[89] This 2,000 person fatality claim is repeating in the US Army report detailing the activities of BH, see, Rick Burns et al., *Threat Tactics Report*, 8.

[90] Al Jazeera, "MSF: Nigeria Air Strike on Refugee Camp Kills Dozens," *Al Jazeera News*, January 27, 2017, accessed October 16, 2018, http://www.aljazeera.com/news/2017/01/msf-nigeria-air-strike-refugee-camp-kills-dozens-170117162652808.html.

[91] Reuters, "At Least 76 Killed in Air Strike on Nigerian Refugee Camp: ICRC," *Reuters*, January 18, 2017, accessed October 16, 2018, http://www.reuters.com/article/us-nigeria-security-idUSKBN1512KY.

[92] Rick Gladstone, "Death Toll Escalates in Mistaken Bombing of Nigerian Camp," *The New York Times*, January 20, 2017, accessed October 16, 2018, https://www.nytimes.com/2017/01/20/world/africa/nigeria-refugee-camp-bombing.html.

[93] Chika Oduah, "Death Toll in Nigeria IDP Camp Bombing Climbs to 236," *Voice Of America*, January 24, 2017, accessed October 16, 2018, http://www.voanews.com/a/nigeria-idp-camp-bombing-death-toll-adjusted/3689824.html.

[94] BBC, "Nigeria: 'Girl Bomber' Kills 19 People in Maiduguri Market," *BBC News*, January 10, 2015, accessed October 16, 2018, http://www.bbc.com/news/world-africa-30761963; Rachel Roberts, "Nigerian Girl, 10, Used in Suicide Bomb Attack on New Year's Eve," *The Independent*, January 2, 2017, accessed January 3, 2017, http://www.independent.co.uk/news/world/africa/girl-suicide-bomber-aged-around-ten-seriously-injures-one-person-in-new-years-eve-attack-a7504596.html.

[95] Burns et al., *Threat Tactics Report: Boko Haram*, 16–17.

made up approximately twenty percent of BH's bombers during this period, according to UNICEF.[96] As BH's attacks continue, and their use of child and female suicide bombers continue to increase, does this change the means through which their violence can be read and their death's quantified? Operating under traditionalist mores for recognizing and interpreting political violence, one is expected to mourn those killed by BH's sieges, mourn but not empathize with the child bombers, and avoid recognizing the tragedy of slain adult-aged militants.

The Non-Precarious: When Terrorism is White and Christian

The discourse of the precarious subaltern, othered by their African-ness exists in stark contrast to the way in which this legalistic and corporeal reality is constructed in a white Western context. Shifting to a place closer to this author's home, one can examine a host of incidents rife with definitional ambiguity. Within a US context, what sense can we make of the slain terrorist and the anti-colonial subaltern that is strangely familiar yet undeniably African? In testing the limits of such an analysis, one is tempted to interrogate the 1969 murders of Black Panthers leaders Fred Hampton and Mark Clark by Chicago police, or the Philadelphia police's 1985 bombing of the MOVE Organization—an act which killed eleven Afro-centric revolutionaries including five children, and left more than 250 homeless. Of course, one could easily extend such an analysis into the realm of the Movement for Black Lives, and its efforts to create public space for the mourning of African Americans killed by police. In these cases, one's willingness to mourn the dead is a likely predictor of that individual's subjective political position vis-à-vis notions of identity politics and solidarity—in other words, it is the individuals who acknowledge that the patterned killing of young African American men by police is *systemic* who view these deaths as mournable.

Despite the regularity with which police murder African Americans, the vast majority of violence, both political and apolitical, is carried out by white American males, targeting other white American males.[97] In a recent comparative analysis conducted by the Department of Homeland Security's National Consortium for the Study of Terrorism and Responses to Terrorism (START), "far-right extremists have killed twice as many people (272) as Islamist extremists (130)" from 1990-2016.[98] This trend holds true for the killing of police as well. The report notes that during that period, right-wing militants killed fifty-seven officers (in forty-six attacks) while jihadists killed seven officers (in five attacks).[99] This simple comparison demonstrates the oddity of the state's insistence that its largest enemy is an Arab, Asian, or brown/black-skinned, Muslim; as an examination of the historical record shows the patterned lethality of white, Christian, American-born, males.

The influence of Orientalism, saviorism, colonialism, and endemic white supremacy are key elements in understanding the means through which political violence is labeled abroad, but they fail to explain the asymmetric manner through which it is applied in the West, when the terrorist embodies a *non*-precarious life, namely that of a white, (presumably) heterosexual, Christian, American-born, male, citizen. The questions of what forms are violence are deemed terroristic, and which slain persons can be termed *victims*, are largely matters of discursive construction. The decision to label a particular act, individual, or movement as *terroristic*, is more a question of

[96] Al Jazeera, "Boko Haram Attacks with Children 'Suicide Bombers': UN," April 12, 2016, accessed October 16, 2018, http://www.aljazeera.com/news/2016/04/boko-haram-children-suicide-bombers-160412093755915.html; BBC, "Boko Haram Crisis: 'Huge Rise' in Child Suicide Bombers," *BBC News*, April 12, 2016, accessed October 16, 2018, http://www.bbc.com/news/world-africa-36023444.

[97] For example see: Jennifer L. Truman and Lynn Langton, *Criminal Victimization, 2014*, Annual Report (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, August 2015), accessed October 16, 2018, http://www.bjs.gov/content/pub/pdf/cv14.pdf; Jennifer L. Truman and Rachel E. Morgan, *Criminal Victimization, 2015*, Annual Report (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, October 2016), accessed October 16, 2018, https://www.bjs.gov/content/pub/pdf/cv15.pdf.

[98] This calculation controls for the right-wing and jihadist atypical outlier attacks which yielded high fatalities—the Oklahoma City bombings and the 9/11 hijackings.

[99] William Parkin et al., "Threats of Violent Islamist and Far-Right Extremism: What Does the Research Say?" (College Park: National Consortium for the Study of Terrorism and Responses to Terrorism, February 22, 2017), accessed October 16, 2018, http://www.start.umd.edu/news/threats-violent-islamist-and-far-right-extremism-what-does-research-say.

politics, than the means through which a particular non-state actor chooses to strike. The decision to label is dependent on how that violence is constructed vis-à-vis systems of power, such as the state's need to maintain a Weberian monopoly on violence.[100] The discursive shift that occurred in the West in the period after the 9/11 attacks highlighted this trend. Not only did the FBI, the premier US federal policing agency, reframe its "primary function" *from* one of "law enforcement" *to* "national security,"[101] but throughout the post-9/11 era, state-level rhetoricians described their ideological enemies (that we able to be othered) as *terrorists*, while others who adopted violent means of socio-political change were considered *extremists*.

In practice, when jihadists attack Americans they are terrorists, but when white, Christian, militia members host an extended armed standoff with US federal authorities—as Cliven Bundy and supporters did in 2014, and Ammon Bundy in 2016—they are termed *extremists*. This was not an isolated occurrence or the result of a rouge rhetorician. Consider the case of Frazier Glenn Miller, who attacked two Kansas City-area Jewish sites in 2014. Miller opened fire outside of a Jewish Community Center and a Jewish retirement home, killing three people, none of whom were Jewish. Miller is a former leader of the White Patriot Party (also known as the Carolina Knights of the Ku Klux Klan), and was found guilty in 1986 of operating a paramilitary training site for white supremacists. At that time, Miller produced up to 5,000 copies of a Declaration of War wherein he stated, "I Glenn Miller now this 6th day of April, 1987 do hereby declare total war…I declare war against Niggers, Jews, Queers, assorted Mongrels, White Race traitors and despicable informants."[102] In this declaration, Miller encouraged supporters to kill individuals, and awarded different points for each target class. African Americans were worth one point, Jews ten points, "influential Jews" twenty-five points, abortion providers twenty points, judges fifty points, and "informants and government witnesses" fifty points.[103] In FBI and Department of Justice documents, Miller is described as an "active shooter"[104] or "gunman,"[105] and the attack, an "anti-Jewish hate crime."[106] In *neither* report is the word "terrorism" or "terrorist" used. Miller's lethality, incitement to others, and explicit strategy of intimidating a segment of the civilian population defined by race, religion, and sexuality seems to evoke *terrorism* without much thought. However, Miller was charged with first-degree murder, aggravated assault, and discharging a firearm into an occupied building. Though he was outwardly political in his motivation, his actions were *not* contextualized as such, and in doing so, they failed to meet the discursive standard to be judged as terrorism. Furthermore, Miller is labeled through a descriptive account of his actions—"gunman" or "active shooter"—not based on a value judgment of those means, such as through the term terrorist. The use of a label that describes an action (e.g. bomber, gunman, arsonist) rather than one that denotes a value judgment (e.g. terrorist, freedom fighter, extremist) is common in state accounts of right-wing violence, and absent in their accounts of similar actions by Muslims, Arabs, Asians, Africans, and those able to be discursively othered.

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[100] Max Weber, "Politik als Beruf (Politics as a Vocation)" (lecture, Munich, January 1919), Free Students Union, Munich University, accessed October 16, 2018, http://www.ne.jp/asahi/moriyuki/abukuma/weber/lecture/politics_vocation.html.

[101] John Hudson, "FBI Drops Law Enforcement as 'Primary' Mission," *Foreign Policy*, January 5, 2014.

[102] Frazier Glenn Miller, "ARCHIVE: April 6, 1987 Letter from Frazier Glenn Miller," April 6, 1987, accessed October 16, 2018, http://www.news-leader.com/story/news/local/ozarks/2014/04/14/archive-april-6-1987-letter-from-frazier-glenn-miller/7708641/.

[103] Ibid.

[104] Katherine W. Schweit, "Active Shooter Incidents in the United States in 2014 and 2015," Unclassified (U.S. Department of Justice, Washington, DC: Federal Bureau of Investigation, 2016).

[105] United States Department of Justice, "Following Mass Shooting Incidents, Attorney General Holder Urges Congress to Approve $15 Million to Train Law Enforcement Officers for 'Active Shooter' Situations," *Justice News* (Washington, DC: U.S. Department of Justice, Office of Public Affairs, April 15, 2014), accessed October 16, 2018, https://www.justice.gov/opa/pr/following-mass-shooting-incidents-attorney-general-holder-urges-congress-approve-15-million.

[106] United States Department of Justice, *Three Anti-Jewish Hate Crimes Prosecuted in April In Texas, Utah and New Mexico*, Religious Freedom in Focus, Volume 60 (Washington, DC: Civil Rights Division, Department of Justice, May 2014), accessed October 16, 2018, https://www.justice.gov/crt/three-anti-jewish-hate-crimes-prosecuted-april-texas-utah-and-new-mexico.

Compare Miller's case to the arrest and prosecution of Christopher Cornell, a white, Christian-born, Muslim convert, and resident of Ohio, found guilty of conspiring to attack President Barak Obama's 2015 State of the Union Address. Cornell was arrested after purchasing two semi-automatic rifles and 600 rounds of ammunition, reportedly bound for DC. Because Cornell was labeled as an agent of the IS, a State Department-designated Foreign Terrorist Organization, he was convicted of attempting to murder government employees and officials, possessing a firearm in furtherance of a crime of violence, *and* attempting to provide material support of a designated foreign terrorist organization. His sentencing memorandum discursively labels him in its first sentence, which reads: "Beginning in 2014, Defendant Christopher Cornell…became a sworn follower and supporter of a foreign terrorist organization, the Islamic State of Iraq and the Levant."[107] The document uses the words "terrorism" and "terrorist" twelve times in thirty-two pages including calling Cornell's plans "a homeland terrorist attack"[108] and comparing them to the bombing of the Boston Marathon in 2013; perpetrated by foreign-born jihadists, one of whom was a naturalized citizen and the other, a legal permanent resident whose citizenship was in process. While Cornell's *terrorist* labeling and Miller's "active shooter" labeling may be a matter related to the status of IS, it is reflective of an intentional rhetorical logic. Cornell's case is therefore an interesting middle point, where a white, American defendant is charged with a terrorist-related infraction. However, while Cornell may be white-skinned and Christian-born, by converting to Islam and professing an allegiance with IS, he surrenders his white, Western privilege, allowing the state to frame him as the exotic other. In this logic, Miller and the Bundys remain extremists, despite their proven readiness to engage in violence targeting "government employees and officials."

It is precisely Cornell's desire to associate and align politically with a foreign, Oriental, othered entity that facilitates his labeling as a terrorist. In fact, the vast majority of those convicted of terrorism-related crimes by the US are Muslim non-citizens. In 2016, the Department of Justice Subcommittee on Immigration and the National Interest concluded that "at least 380 of the 580 [~66%] individuals convicted of terrorism or terrorism-related offenses between September 11, 2001, and December 31, 2014, were born abroad."[109] In reviewing the raw data used to draw these conclusions, it is easy to note the affiliation patterns of those convicted—jihadists from locations in the Middle East, North Africa, and Asia dominate the list. Commonly listed affiliations include IS, AS, various AQ and Taliban factions, Hezbollah and other Iranian-backed Shia forces, and Palestinian Islamists (e.g., Hamas) and their support structures. These networks are readily understood as terroristic as they are foreign (i.e., Middle Eastern, Asian, or African), and non-Christian. Rarely mentioned in the list of convictions are the many non-Muslim organizations engaged in terrorism, though the Revolutionary Armed Forces of Colombia (FARC) and Tamil Tigers (LTTE) do occur with relative frequency. In this study, with nearly sixty-six percent of terrorism convictions being delivered to foreign-born individuals, it certainly appears well-patterned that terrorism is something *they* do to *us*, not something *we* do to *them.* For the state, terrorism is something Muslims, Arabs, Asians, and Africans born outside of the US do to Americans. In rare cases, it is something traitorous Americans do to their countrymen, but these terrorist citizens are essentially stripped of their American*ness* via their Muslim*ness*, Arab*ness*, Asian*ness*, and African*ness*. In this extensive listing of 580 terrorism cases,[110] there are no individuals listed with associations to Aryan Nations, the Ku Klux Klan, various militia, sovereign citizen, or other neo-Nazi/white supremacist movement,[111] and none associated with the anti-abortion assassin network known as the Army of God, who have

[107] United States District Court For the Southern District of Ohio Western Division and Judge Sandra Beckwith, *United States of America v. Christopher Cornell*, Sentencing Memorandum, Southern District of Ohio Western Division, United States District Court, November 21, 2016, 1.

[108] Ibid., 7.

[109] Jeff Sessions III, "At Least 580 Individuals Convicted In Terror Cases Since 9/11, At Least 380 Are Foreign-Born," Jeff Sessions, United States Senator for Alabama, June 22, 2016, accessed October 16, 2018, http://www.sessions.senate.gov/public/index.cfm/news-releases?ID=C3C77E87-904C-404D-9593-405C07D5B939.

[110] This calculation controls for the right-wing and jihadist atypical outlier attacks which yielded high fatalities—the Oklahoma City bombings and the 9/11 hijackings.

[111] For example, groups of this nature include: the Posse Comitatus, 3 Percenters, Citizens for Constitutional Freedom, Minuteman Project, Hutaree, FEAR militia, White Patriot Party, The Order and Oath Keepers.

been responsible for a campaign of violence dating back nearly forty years. In January 2018, in a report published by the Department of Justice and Department of Homeland Security, authorities repeated this claim, summarizing that "three out of four individuals convicted of international terrorism and terrorism-related offenses were foreign-born."[112]

Terrorism as Labeling

The way in which the *other* is constructed, and the prefigurative labeling which establishes the colonized as an *illegitimate* user of violent means, is a practice that finds its embodiment in the actions of soldiers, police, courts, prisons, and the rhetoric of politicians. Though non-state violence has never received the praise of the state, the post-9/11 environment highlighted this rhetorical process within a larger push towards the language of securitization. Butler notes how the labeling of terrorism in a post-9/11 environment amounts to the establishment or denial of legitimacy towards those who utilize violent means to create change. For Butler, terrorism is not a tactic nor a strategy, but rather a discursive fabrication, grounded in a rhetorical construct which dictates who can and who cannot resist within statist logic. Butler writes,

> in the present climate…various forms of political violence are called 'terrorism,' not because there are valences of violence that might be distinguished from one another, but as a way of characterizing violence waged by, or in the name of, authorities deemed illegitimate by established states…The use of the term 'terrorism,' thus works to delegitimate certain forms of violence committed by non-state-centered political entities at the same time that it sanctions a violent response by established states.[113]

While previous discussion has examined this asymmetry is effected by ethnicity, citizenship and religion, this irregular deployment of defamatory labeling is also present when actions are understood in terms of political ideology, especially in the case of the US. In this national context, the actions of the "left" and "right" demonstrate even more of an unbalanced practice than the labeling of foreign versus domestic-born individuals. To briefly explore this, one can examine numerous recent cases receiving international attention and discussion.

The self-described white supremacist Dylann Roof, was convicted in a thirty-three count indictment for the June 2015 killing of nine African American parishioners, shot inside of a church in Charleston, South Carolina, while attending a Bible study group. Roof maintained a white supremacist website, glorified the unrecognized state of Rhodesia (i.e., Zimbabwe), and claimed that he carried out his actions to initiate a race war. As Roof's actions were by his own admission racially-motivated (similar to Miller), and designed to terrorize a community on that basis, they are clearly *terroristic* in nature, highlighting a rare exemplary use of such a definition. According to the criminal indictment, Roof "wanted to increase racial tensions across the Nation, and sought retribution for perceived wrongs he believed African-Americans had committed against white people."[114] The thirty-three charges levied against him are related to civil rights, hate crimes, and the use of a firearm. His charges include "Obstruction of Exercise of Religion Resulting in Death," "Obstruction of Exercise of Religion Involving an Attempt to Kill and Use of a Dangerous Weapon," "Use of a Firearm to Commit Murder During an In Retaliation to a Crime of Violence," "Hate Crime Act Resulting in Death," and "Hate Crime Act Involving an Attempt to Kill."[115] This frame, which presents Roof's attack as employing racial-discrimination to violate religious freedom, is notable, as his crimes could have just as easily been framed as white supremacist terrorism in

[112] U.S. Department of Homeland Security and Department of Justice, *Executive Order 13780: Protecting the Nation From Foreign Terrorist Entry Into the United States Initial Section 11 Report*, Department of Justice, January 16, 2018, accessed October 16, 2018, https://www.justice.gov/opa/press-release/file/1026436/download.

[113] Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (New York, NY: Verso, 2006), 87–88.

[114] United States District Court for the District of South Carolina Charleston Division et al., *United States of America v. Dylann Storm Roof.*

[115] Ibid.

rhetorical as well as legal terms, though at present.[116] This presents its own legal challenges. While legislation has been created which links some manners of political violence as *terroristic* (e.g., see the discussion of the AETA which follows), at present, according to the Department of Justice's counsel for domestic terrorism matters, there is no criminal statute outlining what acts can be charged.[117]

In a discussion of labeling, it is important to recall related histories of right-wing political violence, such as those targeting abortion providers. Since 1993, there have been eleven abortion providers murdered in the US, as well as twenty-six attempted murders by anti-abortion militants, largely claiming attacks under the Army of God moniker.[118] In the most recent killing, Robert Lewis Dear opened fire inside of a Colorado Springs Planned Parenthood, killing two civilians and a police officer, and wounding nine others. Despite Dear's frequent proclamations that his violence was motivated to "protect the babies," and his self-description as a "warrior for the babies,"[119] Dear was charged with 179 felony counts of murder and attempted murder, and was later found incompetent to stand trial due to his frequent outbursts of anti-abortion rhetoric. In an unusual example, Joseph Stack III deliberately crashed a small aircraft into a building in Austin, Texas that housed the Internal Revenue Service (IRS). Stack died in the attack, and the crash killed an IRS manager while injuring thirteen others. Stack authored a political suicide note prior to the crash, which blamed the IRS and used rightist conspiratorial language. Since he died in the attack, he was not charged, but imagine the discourse if he had survived. Now imagine that instead of Joseph Stack, a man named Mohammed or Khalid piloted *their* plane into a federal building in a suicide mission. Would they have been called a terrorist or an extremist? In 1997, when Timothy McVeigh was convicted of bombing the Oklahoma City federal building and killing 168 people, he was not charged under a terrorism statute, but was convicted of "destruction by explosive of a federal building, causing death and injury," as well as multiple counts of murder, conspiracy, and the use of a "weapon of mass destruction."

The "weapon of mass destruction charge" used again McVeigh's is housed under the section of US law dealing with terrorism (Title 18, Part 1, Chapter 113B), yet the above mentioned cases beg the question: If the legislature and judicatory can work in tandem to enact a law like the Animal Enterprise Terrorism Act (AETA),[120] which prosecutes acts of vandalism by animal rights activists as federally-prosecuted acts of *terrorism*, why were the deaths of 168 people in Oklahoma City, or the murder of churchgoers, not juridically sanctified through similar means? The AETA has been used to prosecute activists accused of a variety of crimes including arson, vandalism, harassment, conspiracy, and the release of captive animals from breeding and slaughter sites. If state and federal versions of the AETA can be authored and passed criminalizing certain forms of political action—in this case any protest which financially damages an "animal enterprise"—why are similar means not used to discursively mark the actions of Miler, Bundy, Roof, Dear, or McVeigh? While it *is* true that US law does not charge individuals simply with "terrorism," the case of the AETA, and the use

[116] It is worth noting that such rhetorical maneuvers have functioned differently in closely related political contexts. For example, the January 29, 2017 shooting inside of the Islamic Cultural Centre of Quebec City, which killed six worshipers and injured nineteen others, was immediately described by Canadian Prime Minister Justin Trudeau as a "terrorist attack on Muslims," and others, including Quebec's Premier Philippe Couillard, labeled the act as "terrorism." The shooter was charged with multiple counts of "first-degree murder" and "attempted murder," and reportedly was motivated by white nationalist and anti-Muslim politics. Friends and colleagues report he was a supporter of the French rightist Marine Le Pen as well as right-wing American populist Donald Trump.

[117] Ryan J. Reilly, "There's A Good Reason Feds Don't Call White Guys Terrorists, Says DOJ Domestic Terror Chief," *Huffington Post*, January 11, 2018, accessed October 16, 2018, https://www.huffingtonpost.com/entry/white-terrorists-domestic-extremists_us_5a550158e4b003133ecceb74.

[118] National Abortion Federation, "Violence Statistics & History," National Abortion Federation, 2016, accessed October 16, 2018, https://prochoice.org/education-and-advocacy/violence/violence-statistics-and-history/.

[119] Richard Fausset, "Suspect in Colorado Planned Parenthood Rampage Declares 'I'm Guilty' in Court," *The New York Times*, December 9, 2015, accessed October 16, 2018, https://www.nytimes.com/2015/12/10/us/colorado-planned-parenthood-shooting.html.

[120] 109th Congress, "Animal Enterprise Terrorism Act - S. 3880," 2006, accessed October 16, 2018, http://www.govtrack.us/congress/bills/109/s3880/text.

of "Terrorism Enhancements"[121] to add additional penalties to leftist defendants, demonstrates the state's ability and willingness to use such means when it serves their interests.

There is no correlation between cases where prosecutors utilized the AETA, and crimes that resulted in injury or death, though the AETA tends to be used in cases where actions are claimed under the Animal Liberation Front (ALF) moniker. According to FBI statements and Senate Hearings,[122] the ALF and its allied networks (i.e., "eco-terrorists") constitute the "number one domestic terrorist threat."[123] Throughout the entirety of AETA prosecutions, no victims were injured or killed, though property was damaged. Despite the non-lethality of their attacks, at least three individuals[124] imprisoned for animal liberation actions have been incarcerated in Communications Management Units[125]—maximum-security prisons with enhanced restrictions for *terrorist* entities. Eco-saboteur Daniel McGowan was sentenced with "terrorism adjustments"[126] added onto his sentence as authorized by the USA PATRIOT ACT. Walter Bond was charged with violating the AETA for his animal rights-motivated arsons, and Andrew Stepanian was charged with an earlier version of the AETA, known as the Animal Enterprise Protection Act.[127] In all of these cases, the men were juridically cast as terrorists, either through their charging statutes (e.g., AETA), sentence modifications (e.g., terrorism adjustments), and/or incarceration (e.g., in Communication Management Units). If the state has the willingness to create legislation and convict activists guilty of vandalizing an animal breeder's home or setting fire to a leather retailer as *terrorism*, then why not the actions of Roof, Miller, Dear, Stack, or McVeigh? What does terrorism mean when it is applied between the words Animal and Enterprise, and not following apt descriptors such as "white nationalist" [terrorist], "anti-abortion" [terrorist] or "anti-tax" [terrorist]. How does this measured irregularity reflect larger trends in the application of terrorism as a label meant to *other* and deny the target empathy, political legitimacy and the ability to be mourned?

Conclusion

Critically, what fundamentally distinguishes the shooting of parishioners in Charleston or clients of a reproductive healthcare center in Colorado Springs, from an AQ or IS plot to open fire at a party in San Bernardino, or a gay nightclub in Orlando? The San Bernardino shooters consisted of an American-born citizen of Pakistani dissent, and a Pakistani-born, lawful permanent US resident. Though they were lawful residents of the country, and *not* directed by a foreign terrorist

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[121] Karin J. Immergut et al., "Government's Sentencing Memorandum in the United States District Court for the District of Oregon [Case Numbers CR 06-60069-AA, CR 06-60070-AA, CR 06-60071-AA, CR 06-60078-AA, CR 06-60079-AA, CR 06-60080-AA, CR 06-60120-AA, 06-60122-AA, 06-60123-AA, 06-60124-AA, 06-60125-AA, 06-60126-AA]," United States District Court for the District of Oregon, May 4, 2007.

[122] For example see: John Lewis, "Animal Rights Extremism and Ecoterrorism," FBI/ Senate Judiciary Committee, May 18, 2004, accessed October 16, 2018, http://www.fbi.gov/news/testimony/animal-rights-extremism-and-ecoterrorism.

[123] 109th Congress, "Oversight on Eco-Terrorism Specifically Examining the Earth Liberation Front ('ELF') and the Animal Liberation Front ('ALF')," United States Senate Committee on Environmental and Public Works, May 18, 2005, accessed October 16, 2018, http://epw.senate.gov/hearing_statements.cfm?id=237836, 17; Will Potter, *Green Is the New Red: An Insider's Account of a Social Movement Under Siege* (San Francisco: City Lights Publishers, 2011), 44–45.

[124] Daniel McGowan, Abdul Haqq (also known as Walter Bond), and Andrew Stepanian.

[125] Daniel McGowan, "Tales from Inside the U.S. Gitmo," *The Huffington Post*, July 9, 2009, accessed January 3, 2017, http://www.huffingtonpost.com/daniel-mcgowan/tales-from-inside-the-us_b_212632.html; "The Balancer: Animal-Rights Activist Andrew Stepanian Talks About His Time Inside 'Little Gitmo,'" *Daily Intelligencer*, accessed January 3, 2017, http://nymag.com/daily/intelligencer/2011/07/little_gitmo_author_speaks_to.html; Center for Constitutional Rights, "CMUs: The Federal Prison System's Experiment in Social Isolation," 2012, accessed October 16, 2018, http://ccrjustice.org/cmu-factsheet; Daniel McGowan, "Court Documents Prove I Was Sent to Communication Management Units (CMU) for My Political Speech," *The Huffington Post*, April 1, 2013, accessed January 3, 2017, http://www.huffingtonpost.com/daniel-mcgowan/communication-management-units_b_2944580.html; Carrie Johnson and Margot Williams, "'Guantanamo North': Inside Secretive U.S. Prisons : NPR," *NPR.org*, March 3, 2011, accessed January 3, 2017, http://www.npr.org/2011/03/03/134168714/guantanamo-north-inside-u-s-secretive-prisons; Will Potter, *The Secret US Prisons You've Never Heard of Before*, TED Talk, TED Fellows Retreat, 2015, accessed January 3, 2017 https://www.ted.com/talks/will_potter_the_secret_us_prisons_you_ve_never_heard_of_before.

[126] Immergut et al., *Government's Sentencing Memorandum*, 50–60.

[127] 102nd Congress, "Animal Enterprise Protection Act - S. 544," 1992, accessed October 16, 2018, http://www.nal.usda.gov/awic/legislat/pl102346.htm.

organization—FBI Director James Comey described the couple as radicalized by the Internet, not directed by IS. President Barak Obama called the attack an act of "terrorism" in an Oval Office address. In his December 6, 2015 speech, Obama stated

> …we have no evidence that the killers were directed by a terrorist organization overseas, or that they were part of a broader conspiracy here at home. But it is clear that the two of them had gone down the dark path of radicalization, embracing a perverted interpretation of Islam that calls for war against America and the West. They had stockpiled assault weapons, ammunition, and pipe bombs. So this was an act of terrorism, designed to kill innocent people.[128]

In the case of the shooting at the Pulse nightclub in Orlando, Florida, the FBI similarly called the shooting an "act of terrorism and a hate crime."[129]

In these cases, the crimes were *called* terrorism and the perpetrators *terrorists*, but since the individuals were killed in the attacks, there were no charges filed, and no opportunity to judge how such a rhetorical frame translated into a juridical or corporeal reality. Compare this to the frame used to portray Stack, the airplane suicide attacker who was similarly killed in his assault. If the San Bernardino and Orlando shooters had been caught, would they have been charged and sentenced like Roof, or reframed as somehow different, because their manner of violent extremism was foreign-born, Eastern, and non-white? If the state is able to capture future shooters alive, will we see their conviction based on newly crafted legislation styled after the AETA? From the case history demonstrating the asymmetric manner through which the label of domestic terrorist is applied in the US, it appears that in a *legal* sense, terrorism is something that animal rights and environmental activists do, yet *rhetorically* and *discursively*, it is something Muslims do, while the violent politics of white Christian rightists is called varying forms of extremism.

What differentiates the framing of "extremists" like Miller and Roof from "terrorists" like the San Bernardino shooters appears to be the way the perpetrators' ideology and subjectivity is made to appear foreign, exotic, and fanatical. White supremacists or militant anti-abortionists are understood to be simply hardcore believers disregarding the law in favor of tactical efficacy, while jihadists appear as apocalyptic savages who love to kill for a Godly reward—a logic we are told is unredeemable and devoid of legitimacy. While the normative discourse on radicalism condemns both ideological camps, it places white rightist violence on a continuum of force—ranging from the legitimate to the illegitimate—and frames jihadists as myopically-religious to the point of irrationality. The racial and ethnic undertones of this should be obvious. When the perpetrator is non-Christian, non-white, Arab, Asian, African, or not American born, this completes the explanation for most, and no further evidence is needed for a wholesale denial of the actors' legitimacy. Through the histories of discourse, law, and rhetoric, this pattern is repeated with near perfection: A neo-Nazi opens fire at a Jewish community center is termed an "extremist" or "gunman," while Arab, Asian, and Muslim practitioners of political violence are deemed terrorists, especially when those individuals are understood to be *foreign* despite their place of birth, immigration or citizenship status.

Finally, we return to the question of what constitutes a mournable life, and how have entire segments of the human population been denied this grieving? Why do filmmakers lead viewers towards emotional investment with white, Christian, protagonists who apprehend, maim, and kill African, Asian, and Arabs with near universality? From the capturing of Iron Man by desert-dwelling Muslims to Ridley Scott's portrayal of the utter disposability of Somali bodies, the West has adopted a decidedly distorted interest in the Oriental other. While the governmental rhetoricians and corporeal stakeholders are quick to broadly defame, it is precisely these unmournable undesirables spoken of with voyeuristic vitriol that hold our fascination. As we continue to consume a never-

[128] Barack Obama, "President Obama Addresses the Nation on Keeping the American People Safe" (Oval Office address, Washington, DC, December 7, 2015), accessed October 16, 2018, https://medium.com/@ObamaWhiteHouse/president-obama-addresses-the-nation-on-keeping-the-american-people-safe-b4cfa8a0f143 - .hi8iwhgym.

ending stream of dramas cast in Africa, Asia, and the Middle East, and storytellers continue to expropriate armed conflicts as engaging backdrops for action sequences, we remain complicit in the co-construction of a narrative which is colonial, Orientalist, othering, and grounded in white supremacy. Until we can prefigure a world where the armed precariat can be understood as legitimately resisting with dignity, and those killed by the state can be mourned, the discursive construction of terrorism will continue to be reproduced in furtherance of state violence, relying firmly on an exoticized other.

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The Fight for Language: An Exploration of the Nigerian State's Response to Protest Groups in Southeastern Nigeria

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"Remember Biafra!" These are the chants that can be heard along the unpaved dirt roads of small Southeastern villages in Nigeria; a region abundantly prosperous in oil, but simultaneously underdeveloped. People are tired. They are tired of corrupt officials siphoning off their wealth to line their own pockets. People are tired of feeling forgotten and most of all people are tired of feeling voiceless. The contemporary call for Biafra is more than a vocal memorial to the past; it is a form of defense, for some, against what they perceive as a failing Nigerian state.

The Biafran-Nigerian War, predominately against Igbos, was largely unacknowledged by the Nigerian state, ended fifty years ago. While only lasting three years, it left a scar on a nation and on a people that has never fully been allowed to heal. It reinvigorated and politicized the significance of the Igbo identity within a people who understood the numerous barriers facing them due to perceived discriminatory practices and interactions. For a struggle grounded in the superficial construction of the Nigerian state and the forced cohesion of a multiplicity of ethnic groups, its end sought to ignore fundamental issues and instead forge a united path on a crumpled foundation. Fifty years later, a secessionist state that failed to survive has found its way out of the mangles of the past and into the forefront of a Nigerian present that is riddled with threats of terror and on the brink of an unquestionable future. The question of why Biafra has been revived has failed to register adequately with both local and federal Nigerian government officials. To ask that question assumes a prioritization of an understanding of the people's needs and a means of resolution towards a growing discontent. Rather, Nigerian forces have engineered a forceful push towards action to remedy what they understand as a threat to the nation.

The resurgence of pro-Biafra movements led by the likes of the Movement of Sovereign State of Biafra (MOSSOB) and the Indigenous Peoples of Biafra (IPOB) for more than a decade is a testament to the failed accountability of the Nigerian government to address the trauma of the Biafran war. The need to organize around a historical moment speaks to the presence of the past for a generation failed by Nigeria's democratization process. It speaks to cleavages within ethnic groups between the elite and non-elite and begs the question of whether historical memory is integral to the legitimization of violence. Nigeria's choice to ignore particular aspects of its history showcases its inadequacy to address the impact of state violence on its people. The labeling of and crackdown on these groups, as extremists that pose a threat to Nigerian security, disregards the core issues that allows these groups to exist. While an acknowledgement of the need's of Biafra vary between the present and past context, the underlying tension between the state and these secessionists groups remains the same: the protection of Nigerian security remains more important than the people who comprise the state.

This article aims to understand the ways in which language serves as a tool to invalidate the claims of citizens, which, in turn, fosters further tension between the state and minority groups rather than ameliorating them. I will focus on the ways in which the use of language, inclusive of "extremists" or "criminals" by the Nigerian government in labeling various protest groups in the Southeastern region, functions to assert control over the resource rich areas as well as public perception. This, thereafter, functions to justify violence towards these groups in the name of national security.

Language and Power

In the fight for a nationalistic identity, language plays a significant role in determining who controls and maintains power and how power can be used to exercise violence. The words chosen by political leaders have meaning that in many ways bypass that of everyday language, given the established power associated with these figures. The words we choose are purposeful in order to attain a goal. Whether we aim to persuade, command, flatter, or deceive, the words that help facilitate those ends, matter. With regards to the political arena, words have even larger significance. They have an influence on policy, resource distribution, development, and may have an implicit influence on security. As noted by Michaela Mocanu's article focusing on the use of political language, language

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in the political arena highlights a power hierarchy between those who speak and those forced to listen. As the speaker, there is a presumption of power in that one is afforded the *right to* speak thus relegating the listener to silence.

> The relationship between word and power in this context becomes one of interdependence, thus having one means conquering the other. The powerful individual is not the only one who speaks, but the only one entitled to do it, the efficiency of a political discourse depending not only on the degree of transparency and intelligibility, but also on the status of the people mentioned.[1]

The speaker then can be understood as an authority figure whose words need to be adhered to and respected. The speaker is, therefore, the powerful part. As noted by Coates and Wade in their 2007 article on "Language and Violence,"

> in democratic societies, political power is linked to the management of information and the power of rhetoric. The ability of any group to advance its interest hinges in part on the groups' ability to publicize its perspectives as more truthful or reasonable than others.[2]

Whose voice matters? Individuals outside the network of institutions in which credibility is given must fight for their voices to be heard beyond that of state institutions that have an inherent power in the lives of the masses. While Nigeria has seen itself move from a colonial to a military state to a democracy, it has been riddled with corruption and mismanagement. Its credibility and monopoly on influence through narrative is derived from an inherent belief among the populace in the capacity of the Nigerian state, as a moral authority that must be adhered to, but has rather been established as a result of who has power [wealth] and who has access to that power.

That is not to say that outside of institutions, individuals are voiceless and, therefore, powerless, but that institutions often times have the ability to "use language strategically in combination with physical or authority-based power to manipulate public appearances, promote their accounts in public discursive space, entrap victims, conceal violence, and avoid responsibility."[3] The issue of language is, thus, also inextricably linked to how marginalized groups experience violence and how that violence is reduced.

Words serve a purpose and the discursive space is always used as a means through which to achieve a goal. With democratically elected political institutions which are supposed to speak for the people, protect the people, and fight for the people, there is an assumption the language of a country's political arena will be employed to ensure the safety of its people. There is an assumption that upon discontent, those in positions of power will pull back from language that is dismissive, alienating, and divisive. In the Nigerian context, however, we see time and time again the ways in which language is used as a tool to disregard the dialogic space and maintain power and control.

A History of Biafra

From its inception, Nigeria, as a nation-state, has been built around struggles for power and an underlying refusal towards the right of self-determination. As a product of colonialism, Nigeria found itself and its boundaries delineated by powers outside itself. Its people were refused a voice in its conception and forced under the directive of the British colonial powers. The land, its peoples, and its resources were used without consent. In this sense, Nigeria has seemingly known no other narrative than that of power, greed, and a disregard for the voices of its people. The story began with an assumption among colonial authorities of the impossibility of black self-rule. Following Hegelian modes of thought, the black mind could only be ruled by emotions, seemingly the most basic of human capabilities. This perceived lack of ability of black beings to evolve towards the rationality of their white counterparts necessitated the imposition of white bodies in a black space. The colonial administrators perceived it as their moral duty to civilize the barbarian.

[3] Ibid.

The *race for* Africa saw the greed of European nations breaking apart and putting together the nation states of the African continent at their will. The amalgamation of the Nigerian state saw the combining of its Northern, Southwestern, and Southeastern sections into one unified whole. Nigeria was to be Britain's brain child. Upon its independence in 1960, it would showcase the ways in which diversity need not be an impediment to progress; Nigeria, despite its numerous ethnic and linguistic enclaves, was to transcend difference. However, independence brought with it an exacerbation of ethnic tensions. For peoples grounded in identification through ethnic understanding, British colonization served to complicate the issue of identity; an independent Nigerian state found itself imposing a Nigerian identity that its people had yet to fully integrate into their own understandings of self.

With colonial powers increasingly losing control over their territories, Nigeria's independence was thus an inevitability, or, as Achebe would later note, "Nigeria was given her freedom 'on a platter of gold.'"[4] Nigeria's independence then was more a result of changing times than an overwhelming struggle that ended British imperialism. This is not to negate the overwhelming actions taken by the peoples towards their political liberation, but to note the ways in which Nigerian independence functioned as a replacement of bodies in power. Freedom is always a struggle; it is a fight that necessitates a change of systems that function as oppressive to the overall progress of its people. If freedom is then not gained but "given on a plate"[5] then it follows that the hegemonic powers that led to the creation of the Nigerian state and the power differentials that permeated Nigerian society remained. British officials were replaced by a Nigerian elite and the establishment of sectarian governments in the North and South, distinctly separated by three major political parties (the Northern People's Congress (NPC), the Action Group (AG), and the National Council of Nigerian and Cameroons (NCNC)) that functioned as safeguards for the three major ethnic groups (Hausa/Fulani, Yoruba, and Igbo),[6] only perpetuated a nation's struggle towards unity and a real freedom from years of colonial oppression. As a newly independent nation, Nigeria's elite aimed to secure power through galvanizing its peoples through ethnic identity rather than a united national identity. In other words, "the weakness of the Nigerian political system, was that it never developed centripetal forces capable of counteracting the centrifugal ones."[7] In this manner, Biafra was a war of inevitability; a foreseeable catastrophe.

Biafra's story begins in 1966, with a coup lead by Igbo military personnel. As noted, independence brought with it fragmentation and continued corruption that saw its answer in rising resentment. General Ironsi, an Igbo man, took power and fearing an Igbo government take-over, a countercoup occurred leading to the killings of a hundred Igbo officers and pogroms forcing millions of Igbos refugees back east.[8] Biafra's existence was one that was not merely of its own wanting but a necessity for peoples fleeing to the east with stories of violence, death, and fear.

> A sergeant ordered that all Easterners should raise up their hands…The sergeant asked us whether we could remember what happened on January 15th when the prime minister [Balewa] and the premier of the North [the Sardauna of Sokoto] lost their lives and the Ibos were all very happy. We said, "No, Sergeant." Paying no heed to that he asked us to give our names and addresses and send any messages we have for our people because we were going to die…They drove us five miles away to the Katsina road, brought us down and started shooting us. I felt my leg shattered and I fell down…I managed to crawl into the bush.[9]

In 1967, under the leadership of Cornel Chukwuemeka Odumegwu Ojukwu, Biafra declared itself a state. Using the language of liberation, it took the fear and need for survival of its people and used both to propel its cause, as a fight, towards black liberation and full decolonization. In a

[4] Chinua Achebe, *There Was a Country: A personal History of Biafra* (New York: Penguin Press, 2013), 52.

[5] Ibid.

[6] Arthur Aguwuncha Nwankwo and Samuel Udochukwu Ifejika, *The Making of a Nation: Biafra* (London: C. Hurst & Company, 1969), 24-25; Chima J Korieh, "Biafra and the Discourse on the Igbo Genocide," *Journal of Asian and African Studies* 48, no. 6 (2013), 729.

[7] K.W.J. Post, "Is There a Case for Biafra?," *International Affairs* 44, no. 1 (1968), 30.

[8] Ibid.

[9] Ibid.

moment of deep-seated fear, Ojukwu and his political officials were both able to use the language of state liberation, as a means to rally their constituents around the existence of Biafra, and belief in its preservation.

Though this present Biafran resurgence can be understood as a new struggle against Nigeria, the Nigerian forces' response is not unique to this present context. As the Nigerian administration maintains their goal remains national unity, the impetus of the original war, as vocalized by the Nigerian government, was that of unity. The necessity of General Gowon's tactics against the seceded Biafra nation was necessary under the premise that "Biafra wrecked the unity of a happy and harmonious state."[10] As noted on the second anniversary of Biafra, Ojukwu's Ahiara Declaration set the tone for the ways in which Biafra would engage in their violent struggle as a result of what could be understood not only as a fight against the colonial construction of Nigerian rule but also the very present danger of the loss of a people. However, in thinking about the responses of both the 1967 Nigerian and Biafran governments, the recognition of oil that made Biafra an international struggle of sorts needs to be contextualized. British involvement in their former colony as a result of oil relations that they had established and maintained through their colonial administration highlights how Biafra was not simply a struggle for national unity as put forth by the 1967 Nigerian government.

> Moreover, the political project of Biafra could well have broken up the oil and banking connections which helped to feed the British economy. In the crunch, the British looked to their Northern clients, whom they had had to persuade, time and again, to the idea of Nigerian unity, but who had always proved easy to manipulate, in part because the federation provided the North with access to the sea. Biafra, then, was an economic threat to England…[11]

Ojuwku, on the other hand, sought to ground Biafra in a history that superseded that of Nigeria and, therefore, any such requirement towards Nigerian unity. Fighting against a belief in Africa ahistoricity, Ojukwu's "Introducing the Republic of Biafra" sought to formulate an existence for Biafra grounded in the notion of it as a pre-colonial state that necessitated post-colonial recognition and devotion from its citizens.

> It is a country inhabited from very early times by much of the same people as live there today. The people evolved a political system which for hundreds of years allowed each of the small component groups to manage its own affairs but all the same time to regain certain cultural and economic links that bound the country into a relatively peaceful homogeneous unit.[12]

However, despite efforts to showcase the ingenuity of Biafrans to the eastern region in response to ongoing violence, Biafran political leaders understood their cause as embedded in black liberation struggles. As described in the Ahiara Declaration, they understood their proclamation for a state as a physical manifestation of anticolonial rhetoric. The Ahiara Declaration, released on the second anniversary of the establishment of the Biafran state, sought to revive a people that had regularly knew the trauma of starvation and death. It was a declaration proclaiming Biafra could not lose and Biafrans could and should not lose hope; after all Biafra needed them just as much as they needed Biafra. While Nigeria was engaging in its own propaganda strategies, Ojukwu's Ahiara declaration worked to retell the story of Biafra. It detailed the ways in which the Biafran cause was not simply a product of civil strife, but of a colonial rule that refused to extricate itself entirely.

> But what do we find here in Negro Africa? The Federation of Nigeria is today as corrupt, as unprogressive and as oppressive and irreformable as the Ottoman Empire was in Eastern

[10] Frederick Forsyth, *The Biafra Story* (Barnsley: Pen & Sword, 1977), 1.

[11] Stanley Diamond, "Who Killed Biafra," *Dialectical Anthropology* 31, no. 1/3 (2007), 353.

[12] "Introducing the Republic of Biafra." Enugu: Government of the Republic of Biafra, May 30, 1967, accessed May 20, 2015, http://www.biafraland.com/Biafra history.htm.

> Europe over a century ago. And in contrast, the Nigerian Federation in the form it was constituted by the British cannot by any stretch of imagination be considered an African necessity. Yet we are being forced to sacrifice our very existence as a people to the integrity of that ramshackle creation that has no justification either in history or in the freely expressed wishes of the people. What other reason for this can there be than the fact that we are black?[13]

Assuming that Biafra functioned, as a cure for the black man towards a true independence, its survival, thus, became a necessity in order to provide a nation to a people allowed to rule themselves, protect themselves, promote themselves, and benefit themselves.

While the Ahiara Declaration was a reinvigoration of what Biafra stood for and why it was needed; the idea of what its existence would mean could not coexist with the reality of what its existence would cause. In 1970, Biafra became no more and with a motto "no victors, no vanquish" the east was reintegrated back into Nigeria. Biafran survivors, regardless of socio-economic status were stripped of their former lives. Their Biafran currency became null and void in Nigeria and some were given 20 pounds each regardless of their previous lives. Preferential treatment for government jobs was given to Yoruba and Hausa despite policies toward equal ethnic representation and equality. Such government mandated policies encouraged a silencing of the horrors of war, a disregard for the violence the war caused to the Igbo ethnic group, and perpetuated distrust among the ethnic groups the reintegration was aimed to bring back together.

Government and Secessionist Groups

Twenty years later, the silence lives on. Monuments and memorials remain largely unmade, a small yet significant aspect of the Nigerian story remains untaught in schools; the youth largely remain unaware of the intricacies of a war that left its mark on Nigeria as whole. Yet, despite a formalized silence by the government, there exists a renewed interest in Biafra. Groups like MASSOB and IPOB have popped up over the past two decades in response to what they believe to be as ongoing discrimination against the Eastern part of Nigeria. In a post-1999 Nigeria, a prevalent feeling of exclusion from Nigeria politics and the overall making of a new Nigeria remains; whether this is understood, as a result of governmental corruption or Igbo elite led corruption, for MASSOB and IPOB these have worked towards the detriment to Igbo progress.[14]

The idea of intergenerational trauma is one that cannot be ignored when thinking about the impact of the Biafran-Nigerian war on a new generation that is mostly calling for the same end. While Biafra remains largely in the rearview mirror of the older generation, a younger generation is bringing the wounds of the war back into public discourse.[15] With the inception of groups like MASSOB and IPOB, there is a clear divide within an older Biafran generation wishing never again to see the horrors of war and this new generation who view reclaiming Biafran sovereignty as a continued fight towards the right to self-rule they were denied. They are a generation who view the legacy of violence influencing their ability to adequately lead the lives owed to them.

> However, prevailing sociopolitical and economic context and the emergence of new actors and forces in the Nigerian public space have served to strengthen manifestations of Igbo nationalism as it went through processes of change and renewal in the post-1970 era.[16]

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[13] Chukwuemeka Odumegwu Ojukwu, *The Ahiara Declaration: The Principles of the Biafran Revolution* (Geneva: Markpress, 1969), 10.

[14] Daniel Smith, "Corruption Complaints, Inequality, and Ethnic Grievances in Post-Biafra Nigeria," *Third World Quarterly* 35, no. 5 (2014), 791.

[15] Daniel Smith in his work on corruption in the context of a post-Biafra Nigeria notes that outside of the Diasporic Igbos who have made prevalent the fight for Biafra, the local activists exist seemingly within the poor populations (particularly men) in urban spaces. These men are often Okada drivers who seem to symbolize the complexities, risks, and precarity of the Nigerian urban landscape. While the older generation are sympathetic towards pro-Biafra sentiments, they are aware that Biafra, at least for them, is a lost past.

[16] Godwin Onuoha, "Contesting the Space: The "New Biafra" and Ethno-Territorial Separatism in South-Eastern Nigeria," *Nationalism and Ethnic Politics* 17, no. 4 (December 2011), 408.

They are a generation that invoke memories of the Abandoned Property Edict of 1969 that left their grandfathers/mothers' abandoning their homes and businesses during the war and without any compensation after the war's end.[17] Despite their acknowledgement of corruption among Igbo elite, there is a steadfast belief that recompense is owed to them.

In an attempt to bring Biafra back into conversation, MASSOB and IPOB have been organized young Easterners, particularly Igbos living in the East, together to make their voices heard; they aim to unravel the sense of secrecy that has become normalized within Nigerian public and private life.[18] However, in an attempt to silence the voices of the Eastern youth, the Nigerian government has engaged in dismissal tactics, which has allowed for the continuation of challenges to state legitimacy.

> …different ethnic groups have continued to challenge the legitimacy of the Nigerian state, demanding a radical restructuring of the federal project in a manner that would accommodate their aspirations, interests, and desires.[19]

Nigeria has a rich history of struggle in response to what is understood as government repression against peoples. With movements such the Ogoni oil crisis, which sparked an international inquiry into the role and responsibility governments have over private companies, and the corporate responsibility of private companies in ensuring and maintaining human rights practices, Nigeria has struggled to find the necessary language that promotes *engagement with* rather than *distrust of.*

MASSOB started in 1999 under the relatively auspicious leadership of Chief Ralph Uwazuruike. With the inadequacies of post-civil war reconciliation, MASSOB represented a rebirth of a nationalist movement towards Igbo self-determination grounded in the idea of unequal treatment of Igbos socially and politically.[20] With an understanding of the horrors and consequences of war and examples of methods towards nonviolence in the fight for freedom, MASSOB understands itself as a movement that follows the likes of India and the US.[21] With flashbacks of the past, its aim is to remove violence from a freedom agenda. In a declaration concerning their demands, Uwazurike continually claimed to use the language of peace and dialogue in advancing his movement. For him, the overall aim is not to harm anyone, but the complete freedom of an Igbo people who have faced unrecognized trauma and discrimination.

> MASSOB has therefore packaged about 25 stages for the actualization of the sovereignty of the new Biafra State through Non-violence and Non Exodus. By this process, no single life is expected to be lost in the realization of our new Biafra State. This method has worked in various countries, including India. The process admits of negotiations, dialogue and consultation. It also admits of non co-operative and passive resistance to oppressive and obnoxious laws of the authorities. Having hoisted the flag of our new Biafra today, we wish to declare our resolve to demand and pursue the realization of our sovereignty from the Federal Republic of Nigeria. We therefore call on the Federal Government of Nigeria to open up negotiation with MASSOB without any further delay for the realization of the new Biafra State.[22]

MASSOB, therefore, purports to represent a liberation struggle for the youth. With an Eastern region that is struggling with adequate access to education, structural improvements, and the lack of a fully representative federal government, MASSOB understands the reality of Biafra as a necessity to protect the Igbo youth of today and the future.

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[17] Smith, *Corruption Complaints*, 792.

[18] Chimamanda Ngozi Adichie, "Hiding From Our Past," *The New Yorker*, May 1, 2014, accessed March 21, 2016, https://www.newyorker.com/culture/culture-desk/hiding-from-our-past.

[19] Onuoha, *Contesting the Space*, 408.

[20] Ibid.

[21] Ralph Uwazuruike, "Declaration of Our Demand for a Sovereign State of New Biafra," *Biafra Nation*, May 21, 2000, accessed April 4, 2016, http://www.biafraland.com/Declaration Of Our Demand For A Sovereign State Of New Biafra.htm.

[22] Ibid.

Yet, despite the use of nonviolent language and civil disobedience tactics, Biafra elicits a reference to a past that many believe should be long forgotten. With a public that does not fully understand the weight of the war on the present situation of Easterners and a Nigerian government with a tendency towards violence as a response, the narrative around a renewed Biafra has changed the story that the likes of MASSOB and IPOB have tried to create.

Simply put, for the Nigerian administration, Biafra is a tangible threat to national unity. A 2008 report by the US State Department on human rights abuses and practices in Nigeria noted the Nigerian government's response to groups they believed to be a threat. Such responses included the multiple arrests of MASSOB leader Ralph Uwazuruike, random arrests and detentions of those believed to be members of such groups.[23] In other words, the Nigerian government has made efforts to systemically silence the voices they do not like. Those voices only serve to open up past wounds and possibly garner support for their cause. They have accused MASSOB members of violence and labeled them "common criminals" and "armed robbers."[24] MASSOB has maintained it is a nonviolent organization whose members have been subjected to human rights abuses at the hands of Nigerian forces.[25]

MASSOB is not alone, however, in being on the receiving end of maltreatment. The Indigenous People of Biafra (IPOB), led by Nnamdi Kanu, has increasingly become the face of pro-Biafra movements over the past several years. As with its predecessor in MASSOB that "drew from a collective sense of Igbo heroics and achievements in the past, and a perception of deprivation, marginalization, and injustice against Igbo in the Nigerian state," IPOB and Kanu have propagated imagery to illicit a strong sense of Igbo identity.[26] Their website states that IPOB are the "original inhabitants and owners of the Lands and Communities of Biafra and Biafraland spanning centuries of tradition and historical ancient cultural ties."[27] This serves as a reference to the Ahiara Declaration that outlined the existence of Biafra long before colonial rule.

However, despite its appeals to an older time, IPOB has yet to receive full support from the Eastern community. Though they understand them and their Eastern brothers and sisters to be "slaves" in a government run by the Hausa-Fulani,[28] their inability to have the backing of the majority of Easterners (both young and old) and outside international support towards their causes has provided space for the Nigerian government to shape them as a violent organization terrorizing the Eastern region and disregarding the values of a democratic society. In an effort to neutralize such a threat, the violence used by Nigerian forces is justified through the use of rhetoric likening groups such as MASSOB and IPOB to a threat against Nigeria and its peoples.

> IPOB campaigners say they are committed to peaceful protests, but their demonstrations prompted the military to issue an "unequivocal warning" that efforts to bring about the "dismemberment of the country" would be crushed.[29]

The campaign against dissent waged by the Nigerian security forces has seen them justify the deaths of hundreds as this movement towards self-rule continues. The use of violent language has given way to the use of violent action. A June 2016 Amnesty International news report found "that between 29-30 May 2016, the Nigerian military opened fire on members of the Indigenous people

[23] United States Department of State. "Nigeria." Country Reports on Human Rights Practices for 2008, February 25, 2009, accessed April 4, 2016, https://www.state.gov/j/drl/rls/hrrpt/2008/af/119018.htm.

[24] Senan Murray, "Reopening Nigeria's Civil War Wounds," *BBC*, May 30, 2007, accessed March 22, 2016, http://news.bbc.co.uk/2/hi/africa/6657259.stm.

[25] "Nigeria: Government Cracks Down on Biafra Separatist Resurgence," *Integrated Regional Information Networks (IRIN)*, September 2006, accessed April 15, 2016, http://www.irinnews.org/report/53971/nigeria-government-cracks-down-biafra-secessionist-movement.

[26] Onuoha, *Contesting the Space*, 412.

[27] Indigenous People of Biafra (IPOB), "About Us," *ipob.org* (blog), accessed March 22, 2016, http://www.ipob.org/p/blog-page_18.html.

[28] Ibid.

[29] Alex Akwagyiram, "Decades after Nigeria's War, New Biafra Movement Grows," *Reuters*, November 30, 2015, accessed April 3, 2016, https://www.reuters.com/article/us-nigeria-politics-biafra-insight-idUSKBN0TJ1WM20151130.

of Biafra (IPOB), supporters and bystanders at three locations in [Onitsha, Anambra state]."[30] To Nigerian security, however, the force and deaths were justified in that they were result of self-defense.[31] Though they have claimed less people were killed and that members of IPOB murdered two policemen, Amnesty international could find no proof of such claims.[32] In Amnesty's annual report on Nigeria, it found that "on 9 February, soldiers and police officers shot at about 200 IPOB members who had gathered for a prayer meeting at the National High School in Aba, in Abia state."[33] With the 50th anniversary of the Nigerian-Biafran War coming up, there was mounting worry that Nigerian security forces would engage in the same behavior that lead over 60 people being gun down last year. In response, Osai Ojigho, Director of Amnesty International Nigeria, called on Nigerian security forces "to conduct themselves in a manner that [would] ensure public order without resorting to force."[34] Though little is done in the name of justice for those killed by Nigerian forces, Nigeria has now thrust itself further into the international spotlight with its treatment of dissenting voices.

Following this logic and in the name of protecting the unity of Nigeria, separatist groups need to be done away with. However, the voices of its members (the most vulnerable) fail to reach the ears of those in power. Groups like MASSOB and IPOB have been able to live on despite continued governmental threats and repression because they reach an audience who already felt excluded. With growing unemployment, numerous college graduates, and an Eastern region that has yet to be adequately developed, young Easterners are the targets of a pro-Biafra message that promises better days ahead. "Of course I'm in support of Biafra," said a 28-year-old wholesale food trade, Uchenna Ede. "If we are freed, the eastern part of Nigeria would have a huge turnaround."[35]

Voices like Uchenna are the ones most hurt. Living within the current moment and in such precarious times, voices like Uchenna represent the worries of a younger generation who feel abandoned. MASSOB and IPOB have capitalized on these feelings of discontent and have worked to mobilize around history and memory. However, while this cry for Biafra calls for the creation of an Igbo majority state, this feeling is not necessarily shared. The lack of unity on the topic of Biafra among Igbo while important should not dismiss other concerns that pro-Biafra sentiments bring up. Biafra, while understood as an Igbo struggle in particular, is an area that encompasses a multiplicity of minority identities. However, this connotation of Biafra with Igboness provides little room for other claims of sovereignty within the area. Biafra is, thus, created as a nation using Igbo nationalism that hinges upon Igbo identity formation. The nationalism functions to overshadow the ways in which minority groups within the East engage in their own identity formations.[36] Originally Biafra channeled notions of Pan-Africanism and was, as such, meant to be an inclusive state that recognized the multiplicity of identities within it. However, newer thinking on the issue can be understood to be predominately Igbo led as well as centralized under Igbo emotive ethnic understandings of self. This nexus between minority rights and the implications of creating of Biafran state needs to be considered seriously, however, Nigeria's response is not that of protection mechanisms for minorities against Igbo hegemonic dominance, but rather one that seemingly functions to maintain Nigerian control.

The forces being used against young and frustrated Easterners only further perpetuates the idea that Biafra's secession is a real necessity to the Eastern region's ability to flourish. The Biafra of

[30] "Nigeria: Killing of Unarmed Pro-Biafra supporters by military must be urgently investigated," *Amnesty International,* June 10, 2016, accessed July 15, 2017, https://www.amnesty.org/en/latest/news/2016/06/nigeria-killing-of-unarmed-pro-biafra-supporters-by-military-must-be-urgently-investigated/.

[31] Ike Okonta, "Biafra of the mind: MASSOB and the mobilization of history," *Journal of Genocide Research* 16, no. 2/3 (2014).

[32] Ibid.

[33] Amnesty International, *Amnesty International Report 2016/2017-Nigeria*, February 22, 2017, accessed April 18, 2018, https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/. DOI: 10.1111/j.1467-825X.2018.08279.x

[34] "Nigeria: Security Forces Must Avoid Repression of Biafra Day Protest," *Amnesty International*, May 30, 2017, accessed July 21, 2017, https://www.amnesty.org/en/latest/news/2017/05/nigeria-security-forces-must-avoid-repression-of-biafra-day-protests/.

[35] Alex Akwagyiram, "Decades after Nigeria's War, New Biafra Movement Grows," *Reuters,* November 30, 2015, accessed April 3, 2016, https://www.reuters.com/article/us-nigeria-politics-biafra-insight-idUSKBN0TJ1WM20151130.

[36] Smith, *Corruption Complaints*, 794.

old was a stance against the power of the colonial experience in the functioning of African politics. Biafra is not simply a threat to Nigerian existence, but to the hegemonic powers that brought Nigeria about to begin with. Fifty years later, this call for Biafra is a recycled stance towards freedom etched with the bitterness and disappointment of youth that have yet to see how their lives have been made better by Nigerian unification; of youth who are aware of the violence their parents and grandparents faced, and who feel as though justice has never been delivered.

On a continent that had its fate decided for it rather than by it, its peoples are still navigating what is means to have emerged from within a conception of the state in which they had zero voice. The cry for Biafra and the response by Nigerian forces highlight a tension between a need to remain and a need to reexamine. The inability to see the violence perpetrated against a people some fifty years past and the implications of the violence to the power and strength of their voice further undermines a group that already feels systematically oppressed and neglected. Rather than engage in dialogue towards understanding, the Nigerian government has waived a dismissive hand at their claims and only further proved their point…that they live within a nation that has no regard for their fears and wounds. Instead, Nigerian forces continually seek to alter the narrative of the Biafran story in the hopes that if they can change the story they can change people's minds. They have used a language of security as a means of justifying violence and in the process shown how disposable they view their own people.

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Buying Peace or Building Peace: Rethinking Non-Coercive Approach to the Management of Non-State Armed Groups involved in Mass Atrocity

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The commission of mass atrocities by non-state armed groups (NSAGs) is becoming increasingly rife in contemporary armed conflicts. As the agent with a monopoly on the legitimate use of force, the state has a responsibility to engage NSAGs for peace and security. Although, there is an intensive academic debate on how best to engage NSAGs; either to use a coercive approach, a non-coercive approach or a combination of both, contemporary reality suggests states often opt for a non-coercive approach. This paper interrogates the utility of a non-coercive approach in the engagement of NSAGs by using the amnesty programs implemented in the Niger Delta and North East regions of Nigeria. This paper holds that it is not just enough to adopt a mono-dimensional non-coercive approach in engaging NSAGs. Any non-coercive approach that seeks to foster sustainable peace must promote society-wide reconciliation and address the root causes of the grievances that morphed into hostility and armed conflict.

Introduction

Since the end of the Cold War, there has been a significant change in the security architecture of the modern state. Armed conflicts are no longer triggered by external threats; rather they are the result of tensions, animosities, and confrontations between or among actors and forces from within the territories of countries. Therefore, the security challenges facing modern states have changed from the prevention of external aggression to the management of internal security crises, which often emerge in different forms, including sectarian violence, ethnic conflict, resource-based conflict, communal clashes, and other forms of militancy and insurrection against the state. The emergence of this "new conflict" is typically referred to in extant literature as internal or intra-state conflict.[1] It has also been given several other descriptors by scholars. These include: low intensity armed conflict,[2] small wars,[3] uncivil war,[4] new war,[5] Hobbesian war,[6] war of the third

[1] Jeronimo Delgado Caicedon, "Paramilitary Groups and National Security: A Comparison Between Cambodia and Sudan," African Centre for the Constructive Resolution of Conflict, *Conflict trends* 4 (2009), 3-12.

[2] Grant T. Hammond, "Low Intensity Conflict: War by another name," *Journal of Small Wars and Insurgencies* 1, no. 3 (1990), 226-238; Max G. Manwaring, ed., *Uncomfortable War: Toward A New Paradigm of Low Intensity Conflict* (Boulder: Westview Press, 1991); David J. Dean, ed., *Low Intensity Conflict and Technology* (Alabama: Air University Press, 1986); Graham H. Turbiville, Jr, "Preface: Future Trend in Low Intensity Conflict," *Low Intensity Conflict and Law Enforcement* 11, no. 2-3 (2002), 155-163. DOI: 10.1080/09662840420002799 57; Stephen Blank, et al., *Low-Intensity Conflict in The Third World* (Alabama: Air University Press, 1988); Avi Kober, "Low-intensity Conflicts: Why the Gap between Theory and Practice?," *Defense and Security Analysis* 18, no. 1 (2002), 15-38; Michael L. R. Smith, "Guerrillas in the Mist: Reassessing Strategy and Low Intensity Warfare," *Review of International Studies* 18, no. 1 (January 2003), 19-37. DOI: 10.1017/S0260210503000020; Stuart Kinross, "Clausewitz and Low intensity Conflict," *Journal of Strategic Studies* 27, no. 1 (2003).

[3] Tarak Barkawi, "On the Pedagogy of 'small wars,'" *International Affair* 80, no.1 (January 2004), 19-37. DOI: 10.1111/j.1468-2346.2004.00363.x; Charles E. Callwell, *Small Wars: Their Principles and Practice,* 3rd ed. (Lincoln: University of Nebraska Press, 1994); William J. Olson, "Preface: Small Wars Considered," *Annals of American Academy of Political and Social Science* 541, no. 1 (September 1995), 8-19.

[4] Donald M. Snow, *Uncivil War: International Security and the New Internal Conflicts* (Boulder: Lynne Rienner Publishers, 1996).

[5] Mary Kaldor, *New and Old Wars: Organized Violence in Global Era* (Oxford: Polity Press, 1999).

[6] Martin Van Creveld, *The Transformation of Wars* (New York: The Free Press, 1991).

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https://doi.org/10.5038/1911-9933.13.2.1701

kind,[7] irregular war,[8] and fourth generation armed conflict[9] among others. These usually pit the state against organized armed groups. Armed groups play significant roles in the perpetration and sustenance of this kind of conflict and one of the consequences of this new form of conflict is there is a significant increase in mass atrocities targeted - directly or indirectly – at civilian populations. Ramsbotham and Woodhouse cited in Harris and Kelly note these horrendous manifestations when they observed that during the First World War, only five percent of casualties were among the civilian population, while in the Second World War, the number of casualties from among civilian populations was fifty percent.[10] Since the 1990s however, they observed the number of civilian population casualties has increased to an astonishing eighty percent. Although, these scholars were referring to the late 1990s, the situation has not changed. Globally, civilians continue to be the main casualties in situations of armed conflict.

There are at least two reasons for increased civilian casualties in contemporary armed conflict contexts. First, the nature of contemporary armed conflict. Contemporary warfare is internal, involves elements from within the state against the state, and often lacks a designated battlefield. This makes communities the new battlefield. Furthermore, armed groups are not easily identifiable. Moreover, because of the asymmetrical nature of their power compared to the state, armed groups engage in hit-and-run tactics. They target state security forces and become mixed up with civilians. In the process, civilians are caught in the crossfire. In 2010, Congolese civilians in the millions were killed in the crossfire of the civil war between the national army and the various rebel groups in the state.[11] This gives credence to the popular African adage among the Yoruba of Southwestern Nigeria, which states when two elephants fight, it is the grasses that suffer.

Second, civilians are increasingly targeted in contemporary armed conflict situations by non-state armed groups. Armed groups, however, are not the only element involved in mass violence against civilian populations in armed conflict. Civilians can, and are, targeted deliberately and strategically by states either through the state's security forces or deliberate policies. For instance, during the Nigerian Civil War, the Nigerian military government led by General Yakubu Gowon strategically imposed a policy of starvation on Biafran civilians in order to force the Biafran army into submission.[12] Furthermore, the Assad regime in Syria has been repeatedly identified as having used chemical weapons on its own civilians in the on-going civil war. On the other hand, a state may sponsor non-state armed groups to do its bidding, including killing civilians considered a threat to the state. The oft-cited example of the Sudanese government's use of the Janjaweed militia to fight the Justice and Equality Movement is a key example. In the process, this led to the Darfur genocide where between 200,000 and 400,000 black African civilians were murdered and millions displaced in the space of three years.[13]

However, the mass violence perpetrated by armed groups can often be more barbaric and horrendous in magnitude and severity. The armed conflict in Sierra Leone is one such example of the atrocities perpetrated by some non-state armed groups on civilians. The atrocities and mass violence directed at civilians over the course of the conflict were used as both a military

[7] Kalevi J. Holsti, *The State, War and the State of* War (Cambridge, UK: Cambridge University Press, 1996).

[8] Stathis N. Kalyvas and Matthew Adam Kocher, "Ethnic Cleavages and Irregular War: Iraq and Vietnam," *Politics and Society*, no. 2 (June 2007), 35. DOI: 10.1177/0032329207302403

[9] Williams S. Lind, Keith Nightengale, John F. Schmitt, Joseph W. Sutton and Gary I. Wilson, "The Changing Face of War into the Fourth Generation," *Marine Corp Gazette* 85, no. 11 (October 1989), accessed November 25, 2018, https://www.mca-marines.org/gazette/2001/11/changing-face-war-fourth-generation.

[10] Peter Harris and Ben Reilly, eds., *Democracy and Deep-Rooted Conflict: Options for Negotiators* (Stockholm: International Institute for Democracy and Electoral Assistance, 1998), accessed November 25, 2018, http://eprpinformation.org/files/peaceprocesses/negotiations/ddrc_options-for-negociators-1of4.pdf.

[11] Robert I. Rotberg, "Deterring Mass Atrocity Crimes: The Cause of Our Era," in *Mass Atrocity Crimes: Preventing Future Outrages*, ed. Robert I. Rotberg. (Washington DC: Brookings Institute Press, 2010).

[12] For a detailed discussion of this recent literature see Chinua Achebe, *There was a Country: A Personal History of Biafra* (London: Penguin Books, 2012).

[13] Glenn Kessler and Colum Lynch, "U.S. Calls Killings in Sudan Genocide: Khartoum and Arab Militias are Responsible," *Washington Post*, September 10, 2004, accessed October 28, 2018, http://www.washington.com/wp-dyn/article/A8364-2004sep9.html.

and political weapon/strategy. Those amputated, gang-raped, mutilated, and abducted were deliberately targeted to send a message to the Sierra Leonean government under Pa Tejan Kabbah. During her field trip to Sierra Leone, Martha Foy narrated the story of a 50 year old widow who was raped by a teenage rebel called commander "Don't blame God" and subsequently had her two legs amputated.

> I pleaded but commander "Don't blame God" said he was going to kill me if I don't lie down. I told him it had been such a long time since I had sex. During the rape, I was pleading with him saying, "Don't kill me, please don't kill me." He was so rough with me. Then he took me up a big dune above Mattru village. As we were walking, he said he was going to kill me. I pleaded with him and he said he was going to kill me, and then again said, "I have changed my mind, I'm going to give you a letter." When we got there I saw many more women, and I was stripped naked down to my underwear. It was humiliating, then they asked me to sit down and wait. Commander "Don't Blame God" said, "I have a letter for you but wait for the cutlass man to come." Then the one with the matchet came and told me to put out my left leg. It took them three chops with the cutlass to cut off my leg. After this, I beg them not to cut my other leg but they struggled with me and a rebel held it down and cut it off...[14]

The quote above is a typical example of the mass atrocity crimes deliberated directed at civilians by armed groups in armed conflict situations. Reason for this magnitude of atrocity committed by armed non-state groups is that most members of armed groups are youths and children who are not bounded by international conventions on armed conflict and war. Furthermore, unlike states that are easily recognized in the international arena and can be sanctioned by the international community when unregulated violence is used and, particularly against civilians, members of NSAGs are usually faceless and unrecognized in the international arena.[15]

The previous explanation highlights a strong link between armed conflict and violence and the commission of mass atrocities.[16] In his study on the link between mass atrocities and armed conflicts, Alex Bellamy lends credence to this point by bringing the linkage to the fore more succinctly with statistical figures to show that armed conflict contexts provide a suitable environment for mass atrocities. Accordingly, Bellamy highlights that out of 103 episodes of mass killing defined as involving a minimum of 5000 civilians intentionally killed between 1945 and 2010, sixty-nine cases - totaling sixty-seven percent -occurred within the context of armed conflict, and thirty-four cases – totaling thirty-three percent -occurred in "peacetime." Bellamy further notes that four of the "peacetime mass atrocity cases out of the 34 occurred as post-war retribution in countries that had recently experience armed conflict in which mass atrocities were committed."[17] The conclusion that can be drawn from establishing a link between atrocities and armed conflict is that efforts made to prevent, reduce, or address mass atrocity crimes must start with preventing, reducing, or addressing armed conflict situations globally. By the same token, efforts at addressing armed conflict must also take into account effective engagement with armed groups. Apart from the use of crude violence, the presence or existence of these groups has the potential to undermine state

[14] Martha Nsen Foy, "The Plight of Women and Children in Africa's Armed Conflict Theatre with Special reference to Sierra Leone" (PhD diss., University of Ibadan), 134.

[15] The point being made here is that controlling the mass violence perpetrated by armed groups against civilians is more difficult than that of the state because while the state may be forced, through the threat of sanctions, to use reasonable violence by the international community, this does not apply to armed groups in most cases because they are not recognized in the international community. For Instance, President Donald Trump bombed a military base in Syria to retaliate the alleged Assad's use of chemical against Syria civilians by Assad. This may have been difficult to carry out on armed groups.

[16] Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Washington, DC: The Brookings Institution, 2009), 1-369; Lawrence Woocher, "The Responsibility to Prevent: Towards a Strategy," in *Routledge Handbook on the Responsibility to Protect*, ed. Andy Knight and Frazer Egerton (London: Routledge, 2011), 22–35.

[17] Alex Bellamy, "Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications for the Responsibility to Prevent," *Policy Analysis Brief: Innovative Approaches to Peace and Security from the Stanley Foundation* (Muscatine: The Stanley Foundation, February 2011), 1-20, accessed November 25, 2018, https://www.stanleyfoundation.org/publications/pab/BellamyPAB22011.pdf.

and peacebuilding efforts. Therefore, effective engagement with armed groups by states is not only necessary to prevent the commission of mass atrocities by armed groups against civilians, but to also promote effective state- and peace-building in conflict and post-conflict societies.

There are three fundamental ways to respond to armed groups within a state. One is the use of coercive power. In this case, the state uses its security forces and, particularly the military to crush any uprising from NSAGs. This appears to have been the most popular state response to armed groups especially since the 9/11 attack on the United States. However, this approach has proven to be bloody with the potential to escalate violence and facilitate grave humanitarian costs for civilian populations. Second, the use of a non-coercive approach such as the use of dialogue, amnesty programs, or negotiating with armed groups. The third way involves the implementation of an eclectic approach or what has been have referred to as the carrot and stick approach. This is a blend of both coercive and non-coercive approaches. The question then is which of these approaches is best to engage armed groups? In a study carried out in 2008 by Audrey Curth Cronin entitled *Ending Terrorism: Lessons for Defeating Al Qaida*, Cronin opined that the best approach to ending the activities of armed groups is the non-coercive approach.[18] She underscores the counterproductive nature of a military approach because it has the result of driving armed groups underground and propels them to use guerrilla tactics against the military. As a consequence, a coercive approach prolongs armed conflict because armed groups are rarely defeated by the military in such situations. Cronin ended up by advising the United States of America to use non-coercive approach in her engagement with al Qaida. Similarly, in 2008, Seth, Martin and Libicki carried out a study on how armed groups have ended from 1968 to 2006.[19] The research concluded that all armed groups eventually end, but how they end differs based on the goal sought by the group. The study discovered the ways in which armed groups leave armed violence have followed similar patterns, which include joining the political process of the state,the arrest and killing of key members of the group by local police and the intelligence agencies of the state, the victory of the armed group over the state, and the use of military force of the state against the group. The study held that the use of military force is the least productive avenue and the use of a non-coercive approach is the most productive. Other studies, such as the worl of Crenshaw,[20] Stedman,[21] Dudouet,[22] and Hofman and Schneckener,[23] have also pointed to the effectiveness of a non-coercive approach in the engagement of NSAGs to reduce or totally end non-state armed groups' violent action. The world continues to witness an increase in the use of a non-coercive approach to state engagement with armed groups. Even the United States of America, which has been promoting a global war against terrorism, began to apply a non-coercive approach, particularly under the previous administration of President Barrack Obama. Nigeria, too, has used a non-coercive approach (referred to as the Amnesty Program) in her engagement of Niger Delta militant groups while also considering doing the same to the Boko Haram militants in the North East. The problem, however, is that if the state must use a non-coercive approach, how should it be implemented so as to promote sustainable peace? This remains a critical question yet to be answered comprehensively. This paper will answer this question by using the case study of the Nigeria and her use of a non-coercive approach in the engagement of armed groups in the Niger Delta region. The central argument of the paper

[18] Audrey Kurth Cronin, *Ending Terrorism: Lesson for Defeating Al-Qaeda* (Oxon: Routledge, 2008).

[19] Seth G. Jones and Martin C. Libicki, "How Terrorist Group End: Lesson for Countering Al Qa'ida" (Santa Monica: RAND Corporation, 2008), accessed November 25, 2016, https://www.rand.org/content/dam/rand/pubs/monographs/2008/RAND_MG741-1.pdf.

[20] Martha Crenshaw, "Why Violence is Rejected or Renounced: A Case Study of Oppositional Terrorism," in *A Natural History of Peace*, ed. Thomas Gregor. (Nashville: Vanderbilt University Press, 1996).

[21] Stephen John Stedman, "Spoiler Problem in Peace Process," *International Security* 22, no. 2 (1997), 5-53. DOI: 10.2307/2539366

[22] Veronique Dudouet, "Mediating Peace with Proscribe Armed Groups," USIP Special Report 239 (Washington, DC: United States Institute of Peace, May 2010), accessed October 28, 2018. https://www.usip.org/sites/default/files/SR239Duduoet.pdf.

[23] Claudia Hofmann and Ulrich Schneckener, "How to engage Armed Groups? Reviewing Options and Strategies for Third Parties," in *Security and Peace: Security Apparatuses in fragile and Authoritarian States*, ed. Michael Brzoska, et al (Bonn: Simon Koschut, 2011), 57-72.

suggests that adopting a non-coercive approach in engaging armed groups in situations of armed conflict is not enough to promote sustainable peace in post-conflict situations. The adoption of a non-coercive engagement must comprise society-wide peacebuilding that is not only integrative, but also promotes reconciliation and addresses the core problems and root causes of the grievances, which morphed into open hostility and armed conflict.

A Non-Coercive Approach and Peacebuilding: Establishing the Link

The concept of peacebuilding can be traced to Boutros Boutros-Ghali's *Agenda for Peace*, which was released in 1992. In the piece, Boutros-Ghali introduced what he called Post-Conflict Peacebuilding. Post-Conflict Peacebuilding was simply defined as any effort to construct a new environment that makes a relapse back to conflict impossible. Boutros-Ghali tried to differentiate Post-Conflict Peacebuilding from other concepts such as peacekeeping and peacemaking and also linked them together, opining

> peacebuilding should be viewed as counterpart of preventive diplomacy which seeks to avoid the breakdown of peaceful conditions. When conflict breaks out, mutually reinforcing effort at peacemaking and peacekeeping come to play. Once these have achieved their objectives, only sustained, cooperative work to deal with underlying economic, social, cultural and humanitarian problems can place an achieved peace on a durable foundation.[24]

For Boutros-Ghali, peacebuilding was efforts to make a fragile peace durable through peacemaking and peacekeeping. This is why he termed the phrase post-conflict peacebuilding. However, John Paul Lederach outlines the concept of peacebuilding more clearly. In his book titled *Building Peace: Sustainable Reconciliation in Divided Societies*,[25] Lederach notes the essence of peacebuilding is to promote sustainable peace, which is not only limited to brokering a ceasefire, negotiating a peace agreement or implementing a multifaceted peace accord, but also involves making sure long time antagonists lay down their arms, and achieving an enduring reconciliation framework by crafting a society-wide network of relationships and putting in place mechanisms that promote justice and address the root cause of enmity. Lederach began his explanation by looking at contemporary armed conflict globally and examining the characteristics of deeply divided societies. He observed that contemporary armed conflicts are often caused by the failure of governing structures to address the fundamental needs of the people, to ensure the equitable distribution of wealth and benefit, which make identification with a particular group so attractive and salient in a given setting. This can result in the formation of armed groups by aggrieved parties to pursue their demands after several periods of peaceful agitation have not yielded any meaningful results. More specifically, the political structures within which people operate often provide little opportunity for the non-violent pursuit of socio-economic and political objectives. Lederach also detailed the characteristics of deeply divided societies that often promote armed conflict. These characteristics include a narrowing of identity couched in clan, ethnicity, religion or geographic/regional affiliation, or a mixture of these that promote distrust, hatred and fear, which often fuel conflict and, particularly between conflicting groups living in close proximity. What Lederach was seeking to underscore is the issues that lead to the outbreak of armed conflict are typically related to injustice, inequality, and unmet needs. In order to address these issues, therefore, conscientious efforts must be made that involve employing a non-coercive approach such as dialogue and reconciliation. Dialogue and reconciliation processes facilitate truth (acknowledgment of wrongs and validation of painful loss and experiences leading to clarity); mercy (acceptance, forgiveness, compassion, healing); justice (the search for individual and group rights, for social restructuring, and for restitution), all of which are linked to sustainable peace.[26] Rwanda and South African can be highlighted as success stories of how reconciliation and dialogue processes have been used to bring about peace in situations of intense armed conflict. In these two countries, acknowledgement

[25] John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, DC: United States Institute for Peace Press, 1998).

[26] Ibid., 29.

of wrong doing, healing by those affected by violence, and restitution through dialogue ushered in peace.

The point being made here is that contemporary armed conflicts are caused by the structural problems of contemporary societies and, particularly deeply divided ones. These problems cannot be addressed through the implementation of a one-dimensional non-coercive approach. Rather, it is essential a multidimensional non-coercive approach is employed that promotes dialogue and negotiation to address the roots of the conflict. These are also necessary attributes that promote reconciliation and peacebuilding. Any move short of this, even if it is non-coercive to the extent that it does not involve the use of military force, is a false attempt to build peace. Crucially, any such non-coercive engagement that is not premised on holistic peacebuilding may have the potential to deepen a conflict situation, making it worse. The only way to address mass violence is through policies that advance reconciliation and comprehensive peacebuilding.

The Development of the Niger Delta Armed Conflict in Nigeria

The Niger Delta crisis, that later developed into an armed confrontation, began as agitation for political recognition within the Nigerian state during the pre-colonial period. Political elites from the region used party politics, dialogue, and several other peaceful means to convey their dissatisfaction. As Nigeria was moving towards independence, the British colonial authorities set up a commission of inquiry known as the Henry Willink Commission to look into the fears of minorities and make recommendations. However, the recommendations made by the commission- the need for fundamental human rights and the establishment of the Niger Delta Development Board- did not address the central concern of the Niger Delta people, which was adequate political representation. In 1963, the Mid-Western region was carved out of the then Western region, but it was not enough to address the issue of political recognition of the Niger Delta people as the Igbo-controlled political party, National Council of Nigerian Citizens (NCNC) dominated the greater part of the core Niger Delta region.

The discovery of oil in commercial quantity in the 1970s further escalated the perceived negligence and persistent development problem of the Niger Delta, which was compounded by issues of environmental degradation that threatened the survival of the region's people. The discontent of the people of the Niger Delta increased because while the benefits of crude oil exploration go to the federal government, the associated consequences of oil exploration are borne solely by the people. The livelihood of the people, especially land (farming) and rivers (fishing) have been destroyed as a result of oil exploration. This intensified the agitation of the people which was expressed in non-violent forms of engagement, including negotiation, meetings, litigation, and peaceful protest.[27] However, all of these methods of engagement by the people were met with a scorched earth approach by the government. This resulted in the development of a radical response and the adoption of violent confrontation as the preferred means of engagement. Armed confrontation in the Niger Delta crisis started in 1998 when the Ijaw Youth Council convened a meeting of Ijaw youths at Kaiama to discuss the impoverishment of the Niger Delta region by the federal government and oil companies.[28] In 2006, armed struggle for resource control took on another dimension with the establishment of the Movement for the Emancipation of the Niger Delta (MEND), as the umbrella body for all militant groups in the Niger Delta region, especially of Ijaw extraction. The aim of the group was to carry out increased and coordinated attacks on oil installations with the view to crippling Nigeria's oil-dependent economy. Between 2006 and 2009, the armed groups wreaked havoc on oil installations leading to a significant drop in oil exploration and a fall in the revenue profile of the Nigerian state.

[27] For extensive discussion of these non-violent approaches and how they have failed, see Christopher B.N. Ogbogbo, "Niger Delta Peoples and the Resource Control Conflict, 1960-1995: An Assessment of Conflict Handling Styles," in *Perspectives on Peace and Conflict in Africa: Essays in Honour of General (Dr.) Abdulsalami A. Abubakar*, ed. Isaac Olawale Albert (Abuja: John Archers Press, 2005), 170-181.

[28] Saheed Babajide Owonikoko, "Kidnapping in Pre- and Post- Amnesty Niger Delta, Nigeria," *International Journal of Peace and Conflict* 3, no. 2 (2016).

Amnesty Program: The Non-Coercive Approach to Armed Conflict in the Niger Delta

Since 1998, when armed struggle was declared on the Nigerian state by Niger Delta armed groups, the federal government has responded by deploying heavily armed military personnel to the region. Most of these military outfits have been coded as Joint Task Forces. However, armed insurrection continued to be intense with serious implications on oil exploration and revenue for the Nigeria state. By 2009, oil exploration had drastically plummeted. As a result of the concerted efforts of the armed groups, oil exploration fell from 2.6 million barrels per day to about 700,000 in the third quarter of 2009 prior to the implementation of the amnesty program. This made the federal government consider an alternative approach to the management of the Niger Delta crisis. The alternative approach taken by the government was the implementation of an amnesty program on the Niger Delta militants. There were several problems with the implementation of the amnesty program by the federal government in the Niger Delta region. Apart from deliberate attacks on oil installations, militant groups were involved in a series of other anti-state activities such as kidnappings, illegal oil bunkering, the drug trade, piracy, and attacks on government security agents. The target of the federal government was to increase oil exploration and revenue. The thinking of the Nigerian federal government was if armed groups ceased to exist, all other activities associated with them would disappear. Thus, the amnesty program was couched in disarmament, demobilization and reintegration (DDR). Disarmament meant every militant was required to submit their weapons and demobilization referred to the disengagement of militant from their various armed groups, while reintegration involved training them, and returning them to their communities. A total of 30,000 militants were disarmed during the three phases. The total number of militants disarmed and the caliber of weapons submitted gave the impression the program was successful.

There were many problems with the implementation of the amnesty program. First, the program was imposed on the armed groups from the federal government. As Albert[29] has argued, the concept of amnesty suggests a state of asymmetry in power relations between conflict parties, in which the victorious side delivers an amnesty package as part of post-conflict peacebuilding strategies. On the other hand, it can also come when both sides to the conflict acknowledge they have been hurt by the conflict and require restitution. Therefore, to restore healthy relations, all the parties will confess what they did to each other and ask for forgiveness. Forgiveness was supposed to be the amnesty. In this case, however, those who introduced the amnesty program (the Nigerian federal government) were not victorious over the militant groups. Nor were there any feelings of guilt or hurt or the need for restitution felt by either the Niger Delta militants or the federal government. However, the federal government packaged the amnesty program as something benevolent towards the militant groups. Secondly, there was no any clarity (truth), healing (mercy), and restitution (justice) sought before the implementation of the amnesty program. There were many occasions when both government security forces and militants were involved in mass atrocities, which have imbued hatred and distrust among civilians. The most obvious example was the sacking of Odi, a small Ijaw village in Kolokuma/Opokuma, a local government area of Bayelsa State, by government military forces in 1999. Report suggested members of Egbesus Boys of Africa (EBA) abducted seven policemen, including a deputy commissioner dispatched to Odi on an official assignment. Subsequently, they abducted and killed three soldiers traveling along East-West road. The inability of the government of Bayelsa state to find and charge the culprits led the President, Chief Olusegun Obasanjo, to deploy military personnel. The deployed military personnel wreaked havoc on the residents of the village in a manner so unprecedented in the history of Nigeria that it was deemed to have constituted genocide against the Ijaw people. The report of twenty-nine human rights organizations, environmental rights groups, and civil society movements that had visited the village on December 8, 1999, read

> so ruthless, savage and thorough was the operation that it could have been intended to achieve a genocidal outcome...We received reports of mass burial, mass cremation, and the

[29] Isaac Olawale Albert, "Stakeholders' Engagement with the First Phase of the Niger Delta Amnesty Deal in Nigeria," *Peace Studies and Practice* 1, no. 4 (2015), 388-402.

> disembowelment and mass dumping of corpse in River Nun. Two weeks after the operation, the stench of decomposing bodies dumped into various creeks could still be perceived from one kilometer to the town. We saw so many corpses as we drove along. The body of an old man, still clutching firm to a copy of the Holy Bible, lay decomposing in a pond behind the Anglican Church, a chilly testimony to the scorch-earth objective of the invading troops contrary to the officially declared objectives of the mission: to arrest the hoodlums who allegedly killed some policemen.[30]

The report added,

> so complete was the destruction that crops were razed, yam barns were burnt, garri processing plants were willfully wrecked, canoes were set ablaze, and every house in the entire community with the exception of the First Bank, a Community Health Centre and the Anglican Church, were burnt down. No aspect of the Community's existence was spared. Places of worship and other sacred places, including sacred forests and groves, churches, ancestral homes and burial places were demolished. We received report that the soldiers looted many of the buildings and made away with valuables before setting them ablaze. We saw no single livestock, poultry and other domestic animal except a stray cat. The community of 60,000 inhabitants had fled into the forest or been arrested or killed.[31]

The graffiti inscriptions left behind by the military personnel showed that the act was deliberately orchestrated and targeted at the Ijaw. Such inscriptions include: "we will kill all Ijaws," "Shame to the Ijaw people," "Odi where is your pride?," "learn a lesson, visit Odi," "Where is Egbesu," "So Odi youths, is this the end of Egbesu in Odi Village?," "Thou will serve God the maker of Heaven and Earth and not Egbesu," "This land is for Soja, not for Ijaw," "You bagers of Odi (Egbesu) should be very careful with the living God," "The wicked shall never go unpunished," "The bible said what shall an Odi man gain after losing his soul, lost the world and his home," "Hi what is going on? Man, how far? What about Odi, the HQ of the so called Egbesu?" "Who born Odi, Na Egbesu," "Silence! No noise. Egbesu is dead," "Next time, even the trees will not be spared," "Say no to Egbesu, yes to Soldiers," "Who is more important? Egbesu or Soldier? Soldier," "Bayelsa will be silent forever," among others.[32] This had created hatred between the people and the government that needed to be addressed before amnesty was declared.

Third, the amnesty program was not preempted by any form of negotiation between the Niger Delta people and the federal government. As a matter of fact, the implementation of amnesty was supposed to be the concluding part of the reconciliation program implemented to address the Niger Delta crisis. As Ledum Mittee commented,

> the amnesty was supposed to be the end and not the beginning... I have my difficulty with the way they have presented amnesty as a solution in itself. They seem to be saying that we are not going to prosecute some people if they drop their arms and then that will bring peace. Anybody who thinks that way, must be dreaming. We have got to a situation where people do not trust the government when it comes to the issue of Niger Delta. And to change this view, you must do something dramatic.[33]

Fourth, the program did not address the many problems of the Niger Delta region that had fueled the Niger Delta crisis, inclusive of unemployment, poverty, environmental degradation, and so forth. The thinking of the government was that the greater challenge to peace and security was militant group activity and that once they were removed from the equation, peace would return. Therefore, the government concentrated on the militants that emerged from the Niger Delta crisis, while the core issues and root causes of the Niger Delta crisis were ignored. Even the DDR

[30] Constitutional Right Journal cited in Owonikoko, *Kidnapping*, 242.

[31] Ibid., 242.

[32] Saheed, *Kidnapping*, 276.

[33] Cited in Albert, *Stakeholders' Engagement*, 391.

program organized for the militants was implemented haphazardly. The initial phase of the DDR program, disarmament, was successful due to the large turnout of militants who submitted their arms. The second and third phases of the DDR agenda, especially the reintegration stage, which is an essential component of the program, was not implemented effectively.[34] The way and manner in which the amnesty program was implemented underscores that peace was bought, but not built. The leadership of the various militant groups were given huge contracts running in the billions of naira (Nigerian currency) to accept the amnesty program, to submit their arms, and encourage their followers to do same.[35] On the other hand, militant group foot soldiers enrolled in the amnesty program have been given a monthly stipend of hundred and eighty dollars from 2009 to date. This has encouraged militants to accept amnesty and submit a fraction of their arms to the state.

What effect did this have on peace and security in the Niger Delta and Nigeria more broadly? The introduction of the amnesty program reduced armed conflict- the confrontation between state security personnel and the militant group. It also led to an immediate increase in oil exploration and the revenue profile of the Nigerian state. However, there was a significant increase in crimes, including piracy, kidnapping, armed robbery, and oil bunkering, among others.[36] Looking at the circumstances under which the militant warlords increased their personal wealth through the awarding of contracts and the manner in which their foot soldiers have been paid stipends without any corresponding assignment, in the midst of many poor and unemployed youths, the implementation of amnesty made militancy attractive to the youths of the region and promoted a sense of impunity. In the words of one student from the Niger Delta University, [jokingly] "... after my first degree I will go and join a militant group in my village. After all, there are no jobs out there and one has to make a living. Maybe [the] government will call me, too, for amnesty...."[37] This statement is simple but loaded and shows the perception of many non-militants, but unemployed youths in the Niger Delta region. Firstly, it highlights how the implementation of the amnesty program was more of an incentive to indulge in violence than a solution to armed violence in the Niger Delta region. Secondly, it also shows in spite of the implementation of the amnesty program, militancy and militant groups still remain in the Niger Delta region. What kept militancy low in the early period of the program was the then President of Nigeria, Dr. Goodluck Ebele Jonathan, was from the Niger Delta. As soon as he was defeated in 2015, militancy and armed conflict resumed. Between January 2016 and July 2016, a new militant group calling itself the Niger Delta Avenger (NDA) carried out thirty-four deadly attacks on oil installations. These attacks crush the Nigerian oil-based economy and pushed the country back into recession.[38]

Ending Boko Haram Atrocities: Lesson from the Niger Delta Amnesty

As the tempo of armed insurrection was abating in the Niger Delta in 2009, Boko Haram commenced its atrocities in the North East region of Nigeria. Although insurgency in the Niger Delta has been largely motivated by resource control, the Boko Haram insurgency is motivated by religious (especially Islamic) fundamentalism.[39] The Boko Haram insurgency and responses to

[34] For an extensive review of the DDR process of the amnesty programme, see Judith Burdin Asuni, "Consequences of the Forgotten (or Missing) 'R'," in *Monopoly of Force: The Nexus of Disarmament, Demobilisation and Reintegration (DDR) and Security Sector Reform (SSR)* ed. Melanne A. Civic and Michael Miklaucic (Washington, DC: Progressive Management Publication, 2011), 155-172.

[35] Ibid., 159.

[36] Saheed Babajide Owonikoko, "An Assessment of Government Engagement with Armed Groups in the Niger Delta Region" (PhD diss., University of Ibadan, Nigeria, 2016).

[37] Ibid., 74.

[38] Saheed Babajide Owonikoko, ""Mutual Hurting Stalemate and Sense of a Way Out": Interrogating the Niger Delta Presidential Amnesty Programme in Yar'Adua's Nigeria," in *Governance, Security and Peacebuilding in the Niger Delta: Essays in Honour of Kingsley Burutu Otuaro,* ed. Jarikre Mathias et al. (Ibadan: Zenith Book House, 2018), 133.

[39] Dominic Nathaniel Danjibo, "Islamic Fundamentalism and Sectarian Violence: The 'Maitatsine' and 'Boko Haram' Crises in Northern Nigeria" (paper presentation, IFRA Conference, University of Ilorin, Ilorin, Nigeria, 2010; Mohammed Kyari, "The message and methods of Boko Haram," in *Boko Haram: Islamism, Politics, Security and the State in Nigeria*, ed. Marc-Antoine Pérouse de Montclos, West African Politics and Society Series, Vol. 2 (Leiden: African Studies Centre, 2014).

it (both government and local) have resulted in the commission of atrocities. While Boko Haram attacks on Christians have caused inter-religious rivalry in most communities in the North East,[40] government security agents have also alleged been involved in unlawful killings, illegal detentions, dragnet arrests, intimidation, extortion, and other human rights abuses and atrocities. Various reports from Amnesty International and Human Right Watch have accused Nigerian security agencies, especially the army, of extra-judicial killings and torture of both Boko Haram and non-Boko Haram members.[41] These have contributed significantly to an escalation of the conflict. Local responses to the insurgency, including the formation of civilian joint task forces, vigilante groups, and the hunters are not helping the matter. While people see these security outfits as necessary and have applauded their actions against Boko Haram, their activities have only served to promote retaliation, vengeance, and self help as most people who join these groups are those whose relatives have been killed or maimed by members of Boko Haram. Their aim of joining is not only to protect themselves and their immediate community, but to avenge attacks on their relative.[42]

Taking a cue from the perceived success of the use of a non-coercive approach in the Niger Delta region, the federal government of Nigeria has shown the readiness to also grant amnesty to the members of Boko Haram to end insecurity, terrorism, and armed conflict in the North East Nigeria. The first attempt to grant amnesty to Boko Haram members was during the presidency of Goodluck in 2013. After refusing the call from northern elites to grant amnesty to Boko Haram, citing the facelessness of the group as a reason, he later agreed. A committee was set up to look into the feasibility of the program. However, in a thirty minute video released a few days after, Shekau, the leader of the group refused amnesty noting: "FG [the federal government], not us needs Amnesty."[43] The issue reappeared in August 2015 when President Buhari was reported to have approved amnesty for Boko Haram.[44] Apart from the federal government, the Borno State government under Ibrahim Shettima has repeatedly called for the need to use a political, non-coercive approach to end Boko Haram terrorism. During the inauguration of his regime on May 29, 2015, Shettima pledged to pursue amnesty for members of Boko Haram who were ready to deradicalize, noting he would lobby the federal government to do so. However, lessons must be learned from the Niger Delta amnesty program when considering the implementation of the Boko Haram Amnesty program. The reconciliation process must be total and should not only concentrate on Boko Haram members. Furthermore, it should be preceded by dialogue focused on truth, healing, and restitution. It must be an amnesty program targeted towards building rather than buying peace in order to diminish the potential for hostilities and armed conflict to reignite.

Conclusion

As cases of armed conflict between government forces and non-state armed groups continue to increase globally and, particularly in developing countries, there may also be an increase in cases of mass atrocities committed globally. The use of a non-coercive approach will continue to be a strategic option for the modern state to reduce armed violence and mass atrocity crimes perpetrated by non-state armed groups and prevent a prolonged stalemate between conflict parties. In addition to the two cases included in this study, the Colombian case concerning the negotiated settlement between

[40] For instance, in communities and local government areas seized and controlled by Boko Haram in Adamawa State such as Mubi, Michika and Madagali, serious inter-religious disharmony is present between Christian and Muslim inhabitants. Christians and Muslims do not trade in the same markets and on the same days. While Christians trade on Saturdays, Muslims trade on Sundays.

[41] "Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria," *Human Rights Watch*, October 11, 2012, accessed January 24, 2018, https://wwwhrw.org/sites/default/file/report/nigeria1012webwcover.pdf; "Stars on their Shoulders. Blood in their Hands: War Crimes Committed by the Nigerian Military," *Amnesty International*, June, 2015, accessed January 24, 2018, https://www.amnesty.org/download/documents/AFR4416572015ENGLISH.PDF.

[42] Jude Momodu and Saheed Babajide Owonikoko, "Non-State Security Groups and Counterterrorism Campaign Against Boko Haram in Northeastern Nigeria" (paper presentation, University of Maroua, Maroua, Cameroon, May 2017).

[43] "Nigeria: FG, Not Us needs Amnesty- Boko Haram," *Vanguard News*, April 12, 2013, accessed April 19, 2017, https://www.vanguardngr.com/2013/04/fg-not-us-needs-amnesty-boko-haram/.

[44] Kayode Sesan and Kingsley Kanayo, "President Buhari Approves Amnesty for Boko Haram," *Breaking Times*, August 6, 2015, accessed April 19, 2017, https://thebreakingtimes.com/buhari-approves-amnesty-for-boko-haram/.

the government of Colombia and FARC[45] that has gradually put an end to over five decades of armed conflict is a case in point. The Colombian government accord with FARC also served as the catalyst for the government to begin negotiations with the ELN.[46] While a non-coercive approach to the management of armed groups and armed violence in contemporary contexts of armed conflict may be desirable, its implementation must be devoid of the perception that militants can be simply pacified or rewards for displays of non-state armed violence. When a non-coercive approach is implemented to pacify non-state armed groups, it may help to stem the tide of armed conflict and violence in the short term, but it may also increase crime and convey an unintended message to the people that the state is weak or rewards violence. This was the case in the Niger Delta region whereby the government imposed amnesty to pacify militants, which reduced the armed conflict, but increased crime significantly and led to the emergence of new militant groups and warlords.[47] It was also for the same reason the peace deal struck between the Colombian government and FARC was rejected by the Colombian people in a referendum as the people felt the deal was too forgiving to FARC given the atrocities perpetrated by the group that had led to more than 260,000 deaths, the disappearance of tens of thousands, and the displacement of over 6 million people over the five decades long war.[48] Evidently, a non-coercive approach implemented to pacify non-state armed groups cannot engender sustainable peace and security in countries experiencing non-state armed, internal conflict. There is a need, therefore, to rethink the implementation of non-coercive approaches to building sustainable peace. A non-coercive approach to promote sustainable peace must be conscientiously implemented to heal the wounds created during the period of violent conflict while also addressing political and socio-economic challenges undergirding grievances that fostered and promoted armed conflict. This may involve strengthening institutions and state governance structures, promoting transparency and accountability in government, tackling poverty, unemployment, and other structural problems in the polity. Without more holistic policies of reconciliation and peacebuilding, amnesty programs themselves will not end mass violence.

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[45] Known as Revolutionary Armed Forces of Colombia. It had over 7,000 fighters.

[46] Known as National Liberation Army, ELN is a guerrilla rebel group with over 1,500 fighters. It was labelled as a terrorist group by the United States and the European Union. This group is believed to have bombed the Colombian electricity and oil infrastructure, extorted and kidnapped hundreds of people during its over five decades war with the Colombian government.

[47] Owonikoko, *An Assessment of Government Engagement*.

[48] "Colombia and ELN Rebels to Return to Peace Negotiations," *Aljazeera*, May 6, 2017, accessed October 28, 2018, https://www.aljazeera.com/news/2017/05/colombia-eln-rebels-return-peace-negotiations-170507051113249.html; "Can Peace in Colombia be Saved?: Voters Reject the Historic Deal to End Half a Century War with FARC Rebels," *Aljazeera*, October 3, 2017, accessed October 28, 2018, https://www.aljazeera.com/programmes/insidestory/2016/10/peace-colombia-saved-161003182626940.html.

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Peace and Compromise, Idealism and Constraint: The Case of the Arusha Peace Accords in Rwanda and Burundi

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Peace and stability have been core challenges in the Great Lakes Region of Africa since the years of independence from European nations. State building processes have been ridden by ongoing violence, characterized by two-sided or multi-party violence perpetrated by militias, national militaries, rogue groups, and even local civilians. The international system has prioritized peace accords and negotiation processes when parties in conflict decide to move past the violence, either required by external actors, or based on the unsustainability of the situation on the ground. When warring parties and international actors sign peace accords to end conflict in an attempt to begin political dialogue, they often reinforce the international legal assumption that these negotiations will bring about positive change, including peace and stability. The cases of Rwanda and Burundi are complicated, with social, historical, political, ideological, and economic factors leading to violence on the ground. The Arusha Accords of 1993 in Rwanda and of 2000 in Burundi were followed only by short-term stability, with an eventual return to conflict. This study examines the effects of the Arusha Peace Accords signed prior to the 1994 genocide in Rwanda, and the Arusha Accords of 2000, which ended 12 years of civil war in Burundi. As shown in this paper and through our research, peace negotiations and peace processes take place in an unideal situation, yet in order for future peace to be achieved they must be attempted. The failure of Arusha in Rwanda and in Burundi show some of the complexities and challenges faced in these two case studies, and analyze why there was a return to violence in each case.

Methodology

The research on Rwanda's history and lasting effects of the 1993 Arusha Accords stems from existing scholarly literature as well as qualitative interview and observational data gathered during research periods in Rwanda. Beginning in 2008 until 2016, semi-structured interviews have been conducted with named and anonymous elite Rwandan officials involved in the negotiation of the accords as well as rebuilding the country after the 1994 genocide, also referred to as the 1994 Genocide Against the Tutsis. While interviewing Rwandan Government officials is controversial,[1] their role in the negotiation or reconstruction of Rwanda after the Arusha Accords provides unique insights and illustrates their perceptions of Arusha's effects on Rwanda. Some informants were willing to have their names attached to their statements while others, mostly mid-level officials, requested their statements be recorded, but not identified. Many explained their desire for their names to be withheld stemmed from fear of possible loss of employment from the government as some views might be considered controversial. Some Rwandan civilians working for genocide remembrance institutions also requested their names be withheld. The information was analyzed through triangulation methods to uncover major themes and Rwandan perceptions of the short and long-term effects of the accord. For the comparative research on Burundi and the 2000 Arusha Accords, the authors have conducted a robust review of secondary literature, and have also reviewed primary source newspaper articles, United Nations and African Union reports, and independent commission and governmental reports, since April 2015. In addition, interviews were conducted in June 2015, December 2016, and June 2016 with Burundian refugee leaders, including opposition members living in Rwanda, Europe, and the United States. As it was impossible to enter Burundi to conduct the research due to the lack of openness, security risks, and suspicion of foreign

[1] Phil Clark, "Must Academics Researching Authoritarian Regimes Self-Censor," *Times Higher Education,* November 28, 2013; Erin Jessee, "Conducting Field Work," *Canadian Journal of Development Studies/Revue Canadienne D'études Du Développement* 33, no. 2 (2012), 266-274.

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https://doi.org/10.5038/1911-9933.13.2.1696

researchers, we were unable to interview leaders of the current Nkurunziza regime. Therefore, the analysis of the governmental perspective is based on a review of secondary and primary source documents and reports collected by the researchers.

Case Situation within the Literature on Peace Negotiations and Compromise

It is important to consider how existing literature about peace negotiations and compromise elucidate the challenges inherent to and created during peace negotiations, specifically in complex and violent humanitarian emergencies with less than ideal realities on the ground. "On Complicity and Compromise" by Lepora and Goodin provides a significant example of a humanitarian doctor who is asked in the midst of conflict in a war-torn country if a militia soldier should use condoms when he rapes a woman. The humanitarian doctor told the young soldier, "Yes." However, the ethicist (Lepora) responds by questioning whether the doctor gave the right answer, and if she was somehow complicit in "any rape the soldier would perpetrate in the future?"[2] This dilemma shows how reality in situations like the Arusha negotiations in pre-genocide Rwanda and those peace negotiations among the ongoing atrocities in Burundi complicate the ability to make moral choices in situations that are far less than ideal. Of the book, Hugo Slim says, "in such settings, when we cannot stop wider wrongs, some level of complicity may be unavoidable, even desirable, so as to secure the limited moral goods that we can achieve. Still, such decisions always leave us with an aching sense of moral distress."[3]

The book addresses the relevant theme of complicity as political rhetoric, yet this article shows that the political sphere where the Arusha negotiations took place had real impacts on the lives of Rwandans, Burundians, and refugees in the region. According to "A post-liberal peace" edited by Oliver P. Richmond,[4]

> Liberal peacebuilding has caused a range of unintended consequences. These emerge from the liberal peace's internal contradictions, from its claim to offer a universal normative and epistemological basis for peace, and to offer a technology and process which can be applied to achieve it. When viewed from a range of contextual and local perspectives, these top-down and distant processes often appear to represent power rather than humanitarianism or emancipation.

The point is that oftentimes these top-down processes lack a real connection with the lived experiences and realities of people on the ground. This was especially the case in Rwanda in 1993, when the Arusha negotiations were taking place, but neither Habyiramana's regime nor the Rwandan Patriotic Front (RPF) truly trusted the process. Tutsis were still being killed on the ground and fear was rampant. In addition, while the RPF integrated into the government, they also continued to prepare militarily, in case Arusha fell through. This shows alternatives created by local groups, as Richmond and his colleagues state, occurring parallel to the official, top-down processes. Lastly, however, top-down processes in the Rwandan and Burundian cases are not black and white, as the liberation movements consisted of leaders who were refugees, trained in local situations, operating on the ground and not in traditional political spaces. The divulgence and mélange of the formal and informal, the elite and local become mixed and confused in these cases, a point to be addressed when discussing peace negotiations in Rwanda and Burundi.

The Road to Arusha: Brief Histories of post-independence Rwanda and Burundi

Rwanda received independence from Belgian colonial rule on July 1, 1962. Ethnic history in Rwanda began with German (1884-1926) and then Belgian (1926-1962) colonization as these colonial states converted previous socio-economic divisions within the country into ethnic identities with the minority Tutsi (15 percent of the total population) dominating over the majority Hutu population

[2] Hugo Slim, review of *On Complicity and Compromise,* by Chiara Lepora and Robert E. Goodin, *Ethics & International Affairs* 27, no. 4 (2014).

[3] Slim, *On Complicity.*

[4] Oliver Richmond, *A Post-Liberal Peace* (London: Routledge, 2012), 1-21.

(84 percent of the total population) as well as the relative few Twa residence population (only composing 1 percent of the total population).[5] Ethnic dominance was transferred away from Tutsis to Hutus during independence with the development of an extremist Hutu counter-elite that gained control of government in 1959 with the development of the PARMEUTU political party. Thousands of Rwandan Tutsis fled into neighboring countries. Pogroms, massacres, and forced immigration of mostly Tutsis led to an estimated 120,000 Rwandans to flee from Rwanda. Many of their children would later create the Rwanda Patriotic Front (RPF), which would ignite the Rwandan Civil War (1990-1994), enter negotiations and accept the terms of the Arusha Accords (1993), end the Rwandan Genocide (1994), and dominate the current Rwandan government.

During the early years of the exile, many refugees hoped for international involvement to solve their status by applying pressure on the post-independence government of Grégoire Kayibanda (1962-1973). However, the international community abandoned the refugee cause with the disappointment of the United Nations becoming a norm. From our interviews, Rwandan refugees illustrated the distrust and feeling of abandonment by the United Nations by using the United Nations as a type of lullaby sung to children. They would even call a lazy person 'someone who works for the UN.'[6] With international abandonment being accepted as the norm, many Rwandan refugees crafted ideologies to fit alongside the desire to return.

The establishment of the Rwanda's Alliance for National Unity (RANU), which later became the RPF, crafted the Eight-Point-Programme that called for a "one Rwanda" ideology rather than a nation of ethnic divisionism.[7] The refugees' desire to return to Rwanda led to the Rwandan Civil War beginning on October 1, 1990 with the RPF's military wing, the Rwandan Patriotic Army (RPA) invading the country from its Ugandan border.[8] The initial invasion failed with a combination of French intervention and the death of RPA leader, General Fred Rwigyema.[9] With the failed invasion, the RPA were able to recuperate after moving into the Virunga Volcano forest, which was adjacent to the politically influential city of Musanze. The city was at the heart of President Juvenal Habyarimana's political base. On January 24, 1991, the RPA raided Musanze for military equipment, food, as well as freeing political dissidents held in the city's jails.[10] The main goal of the surprise attack was the desire to showcase to the Habyarimana regime as well as the international community that the RPF was not defeated after the failed first invasion attempt and was going to continue to fight for the right of return for Rwandan refugees.

International pressure from Uganda, Belgium, United Kingdom, United States, and even Habyarimana's European ally of France, forced the Rwandan government to begin negotiations with the RPF on August 10, 1992.[11] Negotiations originally were initiated by political opposition parties of Habyarimana, the Democratic Republican Movement (MDR), Social Democratic Party (PSD) and the Liberal Party (PL), the government eventually took part.[12] As the Habyarimana regime began serious negotiations with the RPF, the initial parties were sidelined as they could not enforce any concessions given to the RPF. Negotiations were difficult as the RPF demanded for

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[5] Stephen Kinzer, *A Thousand Hills, Rwanda's Rebirth and the Man Who Dreamed It* (Hoboken: John Wiley & Sons, Inc., 2008), 24; Gerard Prunier, *The Rwanda Crisis: History of a Genocide* (New York: Columbia University Press, 1995), 5-9.

[6] Tito Rutaremara (Rwandan Senator) in discussion with Jonathan Beloff, July 27, 2014.

[7] Patricia Crisafulli and Andrea Redmond, *Rwanda, Inc.: How a Devastated Nation Became an Economic Model for the Developing World* (New York: Palgrave Macmillan, 2012), 52, 62; Kinzer, *A Thousand Hills*, 50-52; Prunier, *Rwanda Crisis*, 72-75, 81; Frank Rusagara, "The Spread of the 'Genocide Ideology' Within the Great Lakes Region: Challenges for Rwanda," in *Rwanda Fast Forward: Social, Economic, Military, and Reconciliation Prospects*, ed. Maddalena Campioni and Patrick Noack (New York: Palgrave Macmillan, 2012), 187.

[8] Kinzer, *A Thousand Hills*, 56-58; Prunier, *Rwanda Crisis*, 97-100.

[9] Linda Melvern, *A People Betrayed, The Role for the West in Rwanda's Genocide* (London: Zed Books, 2000), 30, 181, 213-219; Johan Pottier, *Re-imagining Rwanda: Conflict, Survival and Disinformation in the Late Twentieth Century* (Cambridge, UK: Cambridge University Press, 2002), 36; Waugh, *Paul Kagame and Rwanda: Power, Genocide, and the Rwandan Patriotic Front* (Jefferson: McFarland & Company, Inc., 2004), 46-47.

[10] Kinzer, *A Thousand Hills*, 85-89; Melvern, *A People Betrayed*, 241; Waugh, *Paul Kagame and Rwanda*, 53-54.

[11] Mahmood Mandani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton, Princeton University Press, 2001), 210; Melvern, *A People Betrayed*, 52; Prunier, *Rwanda Crisis*, 108, 148-152; Waugh, *Paul Kagame and Rwanda*, 88-89.

[12] Mandani, *When Victims Become Killers*, 210.

their inclusion in the government by being appointed ministers for five government institutions such as the Ministry of Youth and Culture and the Ministry of the Interior; composing of 40 percent of the Rwandan Armed Forces (FAR) both in terms of ground soldiers and officers; removal of French soldiers from Rwanda; implementation of a right of return for Rwandan refugees; ethnic labels removed from national identity cards as well as free elections after a twenty-two month period.[13] Participants from extremists parties such as the Coalition for the Defence of the Republic (CDR) rejected multiple debated topics as well as continual negotiations with the Tutsi RPF. However, many RPF delegates such as Pasteur Bizimungu, Theogene Rudasingwas and Patrick Mazimpaka and Tito Rutaremara persisted in achieving their desired goals. Rutaremara recounts a major difficulty experienced during the negotiations. He describes how many of Habyarimana's representatives seemingly had little interest in negotiating, but rather to engage in other recreational activities. He illustrates this by describing what each party did after a day's negotiations:

> The government of Rwanda (Habyarimana's delegates) would go drinking or partying after the day's negotiation. The RPF (delegates) instead would return to their rooms and work together on writing papers and notes of the day's events as well as new negotiating points that they wanted to discuss the next day. This added the RPF's negotiations, because when the government of Rwanda would complain and disagree, the RPF would demand to see their plans in writings, which they never had![14]

Despite difficulties, the Habyarimana government accepted a peace deal (Arusha Accord) that would keep Habyarimana as President with his political party, the National Republican Movement for Democracy and Development (MRND(D)), maintaining significant government positions, but their power would be diminished and shared. More importantly, the RPF was able to achieve nearly all of their demands.

The Arusha Accord was finally signed on August 4, 1993 after renewed pressure on the Habyarimana regime by a return to fighting by the RPF[15] in January 1992.[16] The peace agreement introduced a sense of relief for many who believed that ethnic conflict, whether between major actors such as the Rwandan Government and the RPF or more general such as Rwandan Hutus and Tutsi, would reduce and not lead to a larger mass murder. One Rwandan civilian accused of being an RPF spy in Kigali commented, "we thought the war was done. We (living in Kenya after the 1992 fighting) returned home thinking that Rwanda moved from its killing. There was such a sense of hope for tomorrow."[17] For civilians wanting an end to the violence, the agreement indicated possible peace and preventing future massacres. While few would predict a genocide erupting if conflict continued, there was a sense that the Arusha Accords prevented the nation from slipping into chaos. For many within the RPF, this was a sign of victory of their quest for the right of return for Rwandan refugees as well as transforming Rwandan society into their 'one Rwanda' ideology. Many RPF and former RPA officials viewed the accord as a great victory at the time and believed that with the inclusion of a United Nations peacekeeping force, United Nations Assistance Mission in Rwanda (UNAMIR), the international community would no longer abandon Rwanda and its refugees.

However, upon later reflection, many within the current Rwandan Government acknowledge that the accords would not be enough to prevent the impending genocide. One Rwanda Defense Force[18] (RDF) commander reflected on Arusha, "we thought we had won, because we got everything we asked for! It was a dream, but looking back now, we know it was useless."[19] His

[13] Kinzer, *A Thousand Hills*, 107-108.

[14] Tito Rutaremara (Rwandan Senator) in discussion with Jonathan Beloff, August 27, 2014.

[15] The RPF broke the previously agreed cease-fire after 300 Rwandans were killed by Hutu extremists.

[16] Melvern, *A People Betrayed*, 49, 62-63; Prunier, *Rwanda Crisis*, 174.

[17] Unnamed Rwandan (retired office worker) in discussion with Jonathan Beloff, June 2012.

[18] In 2002, the Rwanda Patriotic Army changed its name to the Rwanda Defence Force.

[19] Unnamed Rwandan (military official) in discussion with Jonathan Beloff, November 2014.

reflection was similar to Rutaremara's who heard at the end of the signing of the accord's Rwandan military commander Colonel Theoneste Bagasora's infamous words of, "preparing the second apocalypse."[20] Bagasora's comments were a direct reference to the preparation of the upcoming genocide that took place only nine months later. Reyntjens,[21] Prunier,[22] and Guichaoua[23] question RPF commitment to the accords as it was unlikely the RPF could win a majority in an election, as many Rwandans feared or held negative opinions of the RPF. Thus, only through military means could the RPF take control over the government. Dallaire[24] dismissed this assumption by stating how the RPF was in full support of the accord. The Arusha Accords might have brought a temporary peace and prospects of the end of the ethnic conflict. However, it only provided the space and timing for *genocidaires* to prepare for their massacres. The failures of the accord would affect how the RPF would perceive international engagement and corporation.

The history and culture of Rwanda and Burundi are inexorably linked, and the violence of the 1990s through the present is often treated as having stemmed from the same problems. However, post-independence violence and ethnic ideology developed differently in Rwanda and Burundi.[25] At the time of independence, also in July 1, 1962, the Burundian population was composed of a similar ethnic makeup as Rwanda, 84 percent of the total population were identified as Hutu, 15 percent as Tutsi, and less than 1 percent as Twa.[26] Popular assumption implies the patterns of and rationale for violence in both countries were virtually the same. However, in Rwanda, policies of ethnic divisionism fuelled conflict, whereas in Burundi, the suppression of ethnic identity led to a state of fear and uncertainty, leading to conflict there, as well.

Scholars, including Prunier,[27] Fujii,[28] Straus and Waldorf,[29] Uvin,[30] Lemarchand,[31] David and Catherine Newbury,[32] and Ndikumana[33] address the history and salience of ethnicity in Rwanda and Burundi, in addition to themes of ethnicization of politics, institutional capacity, and historical memory as factors that impacted violence in both countries. After independence, unlike in Rwanda, the monarchy in Burundi survived, resulting in a bi-ethnic party, UPRONA (Union Pour Progrès National), led by Prince Louis Rwagasore, who was elected after independence. Rwagasore was assassinated in October 1961, thus thrusting the political party toward internal conflict. Fighting for control of the state took place between the Tutsi-Hima, Tutsi-Banyaruguru, and a small emerging Hutu elite, where the Tutsi-Hima emerged successfully. In addition, following the Social Revolution in Rwanda, state control became the sole vehicle for Tutsi to retain their privileges in Burundi. Instead of the reinforcement of a single-ethnic country, as in Rwanda after independence, Burundian elites officially stated that ethnicity was not as important as other social factors, but underneath the official rhetoric the structural violence of ethnic identity and ethnic clientship remained.

Differences in ethnic divisions fueled competition for state power in Rwanda and Burundi, yet leadership differed in the two. Both countries sought a small elite backed by military support to

[20] Romeo Dallaire, *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (New York: Da Capo Press, 2003), 291; Kinzer, *A Thousand Hills*, 110-111.

[21] Filip Reyntjens, *Political Governance in Post-Genocide Rwanda* (New York: Cambridge University Press, 2013), 7.

[22] Prunier, *Rwanda Crisis.*

[23] Andre Guichaoua, *From War to Genocide: Criminal Politics in Rwanda, 1990-1994* (Madison: The University of Wisconsin Press, 2015), 67-76.

[24] Dallaire, *Shaking Hands with the Devil*, 66.

[25] Leonce Ndikumana, "Institutional failure and ethnic conflicts in Burundi," *African Studies Review* 41, no. 1 (1998), 29-47.

[26] Ndikumana, *Institutional Failure*, 29-47.

[27] Prunier, *The Rwanda Crisis*.

[28] Lee Ann Fujii, *Killing Neighbors: Webs of Violence in Rwanda* (Ithaca: Cornell University Press, 2009).

[29] Scott Straus and Lars Waldorf, eds. *Remaking Rwanda: State Building and Human Rights After Mass Violence* (Madison: University of Wisconsin Press, 2011).

[30] Peter Uvin, "Prejudice, Crisis, and Genocide in Rwanda," *African Studies Review* 40, no. 02 (1997), 91-115.

[31] Rene Lemarchand, *The Dynamics of Violence in Central Africa* (Philadelphia: University of Pennsylvania Press, 2009).

[32] Catherine Newbury and David Newbury, "The Crisis in Rwanda. ASA News," *African Studies Association* 27, no. 3 (1994), 9-11.

[33] Ndikumana, *Institutional Failure*, 29-47.

control the rest of the population. In Rwanda, it was the Hutu counter-elite; in Burundi it was the Tutsi elite, which garnered support from both Hutu and Tutsi citizens post-independence.

The Rwandan independence revolution, which elected Gregoire Kayibanda and the PARMEHUTU extremist regime, caused fear in Burundi, where both ethnic groups felt they needed to gain power at the other's expense. Political and ethnic groups were concerned about the conflict between Hutu and Tutsi taking place in Rwanda, and ethnic solidarity seemed too idealistic. This was a divorce from the rhetoric of ethnic solidarity and unity that had taken place before in Burundi, during the time of Price Rwagasore. Displaced Tutsi refugees arrived in Burundi from northern Rwanda and caused heightened mistrust and unease between Hutus and Tutsis. From 1965-1973, two-sided violence continued between Hutu and Tutsi political parties that trickled down to local violence among people of differing ethnicities. This stemmed from fear in the region, and knowledge of the impact that Hutu extremist rule had on Rwandan society.[34]

The Kayibanda and Habyiramana regimes created conflict by forming strong central governments that were highly ethnicized, which promoted hate propaganda against the Tutsi. These regimes made ethnicity the most important identity marker in terms of economic, social, and political opportunities in the country.[35] In Burundi, the idea of oneness was reinforced among Burundian leaders, even though political elites practiced ethnic discrimination. Therefore, ethnicity existed and was salient, but ethnic affiliation was silenced to promote an air of social cohesion. According to Ndikumana, political elites in Burundi tell "half-truths"[36] to the public about the causes and continuation of the massacres and conflict.[37] This stems from an unequal distribution of power along ethnic lines, with minority Tutsi leadership in a majority Hutu country.

While discussion of ethnicity was stifled in Burundi for many years during Tutsi military coups from 1963-1993, after the assassination of Melchior Ndadaye in 1993, the country's first Hutu leader, ethnicity became a salient factor in political discussions.[38] The resulting imbalance of power initiated by the colonial regime, Ndikumana says, has been maintained by the post-colonial governments in Burundi, and is an important cause of the violence that has existed in Burundi since the 1960s.

Rwanda and Burundi have different processes of ethnicization of politics, which have developed in reaction to initial ethnic policies and violent regimes in the two countries. In Burundi, although the importance of ethnicity is felt and grievances against the violence committed by "the other" is present in the minds of Burundians, there is nearly no forum to openly discuss violence of Hutus toward Tutsi, and violence of Tutsi toward Hutu. The Burundian government has sponsored propaganda in different spaces, including in the media and in academic institutions, to blame ethnicity on colonial imperialism. The propaganda also states that ethnic identity should not matter, and was a plot of the colonialists to create conflict in the country, to keep the Burundians repressed. According to the Burundian government, discussing ethnicity was deemed as a threat to national security.[39]

In addition, perception of the other and the neighboring country's struggles influenced the ethnicization of politics and how the main government acted. Tutsi leaders in Burundi used the example of massacres and violence in Rwanda leaders to develop a widespread fear of Hutu extremism among citizens of Burundi. This also resulted in anti-Hutu violence as fear escalated and desire to control the political situation and ensure Tutsi safety grew.

While ethnicization of politics stemmed from colonial focus on ethnic divisions, elites from both ethnicities in Rwanda and Burundi continued this system to wield power in their favor. The conflict over power affected nearly all citizens in both countries, and also perpetuated myths and

[34] Ravi Bhavnani and David Backer, "Localized Ethnic Conflict and Genocide Accounting for Differences in Rwanda and Burundi," *Journal of Conflict Resolution* 44, no. 3 (2000), 283-306.

[35] Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca: Cornell University Press: 2006).

[36] Ndikumana, *Institutional Failure*, 29-47.

[37] Ibid.

[38] Villia Jefremovas, "Treacherous waters: the politics of history and the politics of genocide in Rwanda and Burundi," *Africa* 70, no. 2 (2000), 298-308.

[39] Ndikumana, *Institutional Failure*, 29-47.

propaganda about "the other." In Rwanda, this was primarily used by Hutu extremist government, targeted at Tutsi citizens inside the country and the RPA/RPF Tutsi refugees in Uganda. In Burundi, however, the power and ethnicization of politics takes on a two-sided role. According to Uvin:

> From 1966 to 1993 political and by extension economic power in Burundi was tightly held by three military regimes (Micombero, 1966-82, Bagaza, 1982-87, Buyoya 1987-93) that used their military might to keep their privileges. All three presidents were Tutsi-Hima from the same village in the Bururi region, born within two miles of each other.[40]

At the assassination of the first democratically elected Hutu President of Burundi, Melchior Ndadaye in October 1993, civil war broke out and the situation in Burundi deteriorated into total violence.[41] During the civil war, Hutu lived in constant fear of revenge violence by the army and the militia after the massacres of 1972. Hate propaganda was a prominent form of inciting and motivating violence. According to Uvin, The Hutu inhabitants of Bujumbura, the capital, have largely been chased out of the city due to a policy reminiscent of the "ethnic cleansing" in the former Yugoslavia.[42]

The end of the civil war in Burundi concluded on August 28, 2000, when Burundian political parties signed the "Arusha Peace and Reconciliation Agreement for Burundi" (the Arusha Agreement) under the South African President Nelson Mandela, the negotiator of the Accords, although, like in Rwanda in 1993, violence was still occurring on the ground. According to the International Crisis Group:

> The agreement was not really a peace agreement: it was a deal between the government and political parties, and it urged armed groups, which did not initially sign it, to suspend hostilities and negotiate a ceasefire. It was a manifesto for a possible return to peace, including long passages on how to reorganize the security forces, which had been responsible for much of the violence in the 1990s. It included a commitment to tackle the conflict's root causes, which the agreement presciently noted were "fundamentally political" and "stem from a struggle by the political class to accede to and/or remain in power."[43]

The Arusha Accords attempted to address two main issues, first guaranteeing political parity and full participation by the Tutsi minority and Hutu majority, and second how to rebuild trust of Hutu majorities in the armed forces.[44] This resulted in four main agenda items: 1. A power sharing formula was created based on minority over-representation and coalition-building; 2. Protocols provided for the equitable participation of all parties in the three branches of government and in all national institutions including state-owned corporations; 3. Constitutional checks to discourage the concentration of power by a single party or group of aligned parties; 4. Modalities to integrate former enemies into a more representative military.[45] As a result, these provisions were written into Burundi's constitution. Accordingly, no single ethnic group holds more than 50 percent of the defense and security forces. Similarly, no ethnic group holds more than 67 percent of local, county and municipal positions. However ideal the power-sharing agreement was, as ethnicity remained central to the identities of those in power, the failure of Arusha was partly due to the continuation of identity-based politics, including entitlement and exploitation of local civilians, the military, the

[40] Peter Uvin, "Ethnicity and power in Burundi and Rwanda: Different paths to mass violence," *Comparative Politics* (1999), 253-271, 257.

[41] Uvin, *Ethnicity and Power*, 257.

[42] Ibid.

[43] "Insights from the Burundian Crisis (III): Back to Arusha and the Politics of Dialogue," *International Crisis Group*, last modified July 7, 2016, accessed October 26, 2018, https://www.crisisgroup.org/africa/central-africa/burundi/insights-burundian-crisis-iii-back-arusha-and-politics-dialogue.

[44] Paul Nantulya, "Why the Arusha Accords Are Central," *Spotlight, Africa Center for Strategic Studies* (2015), accessed October 26, 2018, https://africacenter.org/spotlight/burundi-why-the-arusha-accords-are-central/.

[45] Nantulya, *Why the Arusha Accords Are Central.*

judiciary, and other politicians along in-group lines. Despite a well-designed structure, over time, the pervasiveness of identity-based politics allowed for abuse of power and an ultimate return to violence by calling upon and reviving these same factors that aimed to protect the population from such violence in the first place.

Revolutionary Rapprochement: Non-state Movements and Arusha

Arusha Arises in Rwanda

The failure of the 1993 Arusha Accord in Rwanda is perhaps most understood by the onset of the 1994 genocide. There were multiple events before, during, and after the genocide that signaled the accords were unable to help fulfill its intensions. Prior to the genocide, the Habyarimana regime increased in political space in July 1991, as a response to economic recession, international pressure, and the RPF.[46] It was not the RPF that sparked the initial challenge to Habyarimana's rule, but rather economic factors. The decline of tea and coffee prices, the main exports of Rwanda, forced the government to ask for additional loans and increases in foreign aid and debt forgiveness. French President, François Mitterrand, the United States, and other Western nations pressed African countries, including Rwanda, to open their political space in return for continual or increased assistance.[47] This international call was coupled with an increase in domestic pressure with tens of thousands protesting Habyarimana's one-party rule in January 1992.[48] Scholars such as Prunier,[49] Kimonyo,[50] Melvern,[51] Guichaoua,[52] and others write extensively of how the opening of political space provided the foundations for Hutu extremists parties such as the CDR in 1992 alongside with the extremist elements of Habyarimana's MRND(D) to thrive and garner support. The opening of political space leading to Hutu extremism influenced RPF leaders after the genocide to restrict political space in order not to permit renewed extremism. The Arusha Accords, while continuing to open political space, also granted the environment for Hutu extremist parties to prepare for the immediate days after the start of the genocide by overthrowing the transitional government headed by Prime Minister Agatha Uwilingiyimana[53] and forcing other political moderates such as Faustin Twagiramungu and Seth Sendashonga to flee into UNAMIR protected zones. These events influenced RPF officials after the genocide to restrict public space in order to prevent a repetition of the accord's unintentional allowance of space for extremists.

While the Arusha Accords began to fail prior to the genocide, its ultimate failure was the prevention of a continuation of the Rwandan Civil War and genocide. Most notable is how the accord seemed to foster genocide ideology by granting it the space to thrive through weakening the current structures that promoted a less, but still extreme, prejudice against the Rwandan Tutsi population. The assassination of Habyarimana on 6 April, 1994 by some unknown force triggered the beginning of the genocide.[54] While some such as Reyntjens[55] believe the RPF to be responsible for the assassination, it seems much more probable the attack was committed by the Hutu extremists' groups angry at Habyarimana for agreeing to the accord and fearing its full implementation.[56] The ultimate failure of the accord is best summarized with RPA leader, General Paul Kagame refusing

[46] Prunier, *Rwanda Crisis*, 127-150.

[47] Robert Gribbin, *In the aftermath of genocide: The US role in Rwanda* (Lincoln: iUniverse, 2005), 46; Kinzer, *A Thousand Hills*, 54, 77-79, 92-95; Melvern, *A People Betrayed*, 43-49, 55, 66-68; Prunier, *Rwanda Crisis*, 90-99; 159-160.

[48] Kinzer, *A Thousand Hills*, 103; Prunier, *Rwanda Crisis*, 134-135.

[49] Prunier, *Rwanda Crisis*, 150-158.

[50] Jean-Paul Kimonyo, *Rwanda's Popular Genocide: A Perfect Storm* (London: Lynne Rienner Publishers, 2016), 84-86.

[51] Melvern, *A People Betrayed*, 39-69.

[52] Guichaoua, *From War to Genocide*, 62-105.

[53] She was a member of the more moderate Republican Democratic Movement (MDR). She was killed on 7 April 1994 by the Presidential Guard.

[54] Kinzer, *A Thousand Hills*, 1; Pottier, *Re-imagining Rwanda*, 30-35; Prunier, *Rwanda Crisis*, 213.

[55] Jane Corbin *Rwanda's Untold Story* (2014; London: BBC Two), Television series episode, accessed October 26, 2018, http://www.bbc.co.uk/programmes/b04kk03t.

[56] Jonathan Beloff, "Lies We Encounter when Facing Genocide Denial," *Times of Israel*, October 2, 2014, accessed November 3, 2016, http://blogs.timesofisrael.com/hitlers-jewish-background-and- other-lies/.

to negotiate with the interim-government, who were conducting the genocide, until they ended the massacres and instead deciding to disregard the accord and restart the war to force them out of power.[57] The justifiable causes of Kagame's desire not to hold dialogue stemmed from the *agaciro* belief that only through self-responsibility and self-reliance, especially on the part of the interim government, could the genocide end.

Humanitarian intervention was minimal during most of the genocide. At the beginning of the genocide, UNAMIR commander General Roméo Dallaire had only 2,548 troops to try to stop the massacres and save civilians. However, this number decreased to only 270 on April 21, after UN Security Council passed Resolution 912 to minimize UNAMIR's capabilities.[58] Following the collapse of the Arusha Accords, Rwanda was abandoned by the international community and between 800,000 to one million Rwandan Tutsi and moderate Hutus died between April 6 to July 19, 1994. The genocide was a major turning point in how the RPF viewed domestic and international engagement.

Little of the pre-genocide multiparty government remained. The RPF political delegates bunkered at the Parliament building in Kigali survived because of the protection of 600 stationed RPA soldiers.[59] Within the first three days of the genocide, Hutu extremists targeted and assassinated oppositional political leaders. Some members had survived such as Faustin Twagiramungu, but most other political officials were killed.[60] Despite a lack of political leaders and the introduced ban on the CDR and MRND(D), the RPF, who were the only surviving political organization and whose armed wing ended the genocide, brought back the Arusha Accord as the central legal doctrine alongside the previous 1991 Constitution. On July 19, the new post-genocide government was sworn in with much of the accord being implemented. However, there were two major differences. As Prunier describes: first, political seats designated to the now banned political parties were taken by the RPF.[61] However, this was quickly criticized by the remaining parties. Thus, each of the political parties received either one or two additional ministerial seats. Second, the President and the newly created Vice-Presidential positions were created and filled by RPF officials, Pasteur Bizimungu and Paul Kagame respectively. However, the lack of developed opposition parties allowed the RPF to cement its current rule over Rwanda.

The new implementation of the Arusha Accords faced serious problems and seemingly ended within two years after the genocide. While it no longer provided the space for Hutu extremists to develop and conduct genocide, it did not establish a continual Rwandan Government with functioning and diverse political parties. The intended political outcomes from the Arusha Accords was short lived. The broad government consisting of the RPF and other moderate parties quickly collapsed as many non-RPF Government officials felt that they were being by-passed by RPF members for new government positions. Additional claims of harassment by RPF and Tutsi officials against non RPF or Hutu Government officials led to many leaving the transitional government.[62] This indicates how RPF leaders were attempting to form a government run solely by RPF members. This assessment contradicts Gribbin's experiences working in Rwanda where he states of Bizimungu and Kagame's desire to fulfill the accord.[63] The Kibeho massacre, which witnessed an estimated 5000[64] predominately Hutu civilians massacred by RPA forces on April 22, 1995, was the end for the accord's desire of a multiethnic and multi-party government.[65] It resulted

[57] Dallaire, *Shake Hands with the Devil*, 246-248; Kinzer, *A Thousand Hills*, 148-168.

[58] Dallaire, *Shake Hands with the Devil*, 236, 245-246, 268; Melvern, *A People Betrayed,* 152-166; Prunier, *Rwanda Crisis*, 192-197, 234-235, 275.

[59] Dallaire, *Shake Hands with the Devil*, 126-127; Kinzer, *A Thousand Hills*, 122-123; Prunier, *Rwanda Crisis*, 204; Waugh, *Paul Kagame and Rwanda*, 63.

[60] Prunier, *Rwanda Crisis*, 231.

[61] Ibid., 329.

[62] Ibid., 330.

[63] Gribbin, *In the Aftermath of Genocide*, 121, 149-158.

[64] The official Rwandan Government death count was 338.

[65] Lemarchand, *The Dynamics of Violence*, 64, 73-75; Pottier, *Re-imagining Rwanda*, 98, 161; Gerard Prunier, *Africa's World War Congo, The Rwandan Genocide, and the Making of a Continental Catastrophe* (New York: Oxford University Press, 2009), 38.

in the resignation of Prime Minister Faustin Twagiramungu, Interior Minister Seth Sendashonga (one of the few RPF Hutu members) and Justice Minister Alphonse Nkubito in August 1995.[66] The Arusha Accord would be replaced with a RPF-dominated Rwandan government with the RPF believing that negotiating and cooperating with domestic and foreign actors unwise. Rather, it alone needed to lead the state in its social, political and economic development in order not to repeat the events that led to the genocide.

Arusha Arises in Burundi

The strategy of the main mediator for the Arusha Accords in Burundi, Nelson Mandela, was similar to that in Rwanda, where the RPF, as a liberation party was engaged throughout the Arusha process, with the goal of being integrated into the political system as an official political party. Mandela's decision to reengage the more moderate of extremist parties in Burundi, the CNDD. Although the CNDD did not take part in the drafting of the Arusha accord, during the Arusha negotiations the CNDD was led by Leonard Nyangoma. However, the CNDD fractured into two; thus, the creation of the CNDD-FDD by a faction of CNDD Nkurunziza after Arusha. Bringing in the CNDD, though, helped bring the spoilers to the negotiating table, ultimately resulting in an accord that was acceptable and passable for all parties involved. However, in the process of reengagement, the limitations of the CNDD became apparent. Unlike the RPF, they were not a liberation movement, and they lacked a coherent ideology for political advancement, leadership, and gain making. According to an interview with a regional expert on Peace and Security, working on issues in Burundi, "Liberation movements lacking a clear ideology often flip-flop and have trouble saying what they desire. They can be more of a liability if they don't have a clear vision or ideology."[67] Yet, they used extremist tactics to undermine the process and threaten the Burundian population. According to the United States Government Definition of Violent Extremism, two components must be present: 1) methods of violence, and 2) ideology. Lacking ideology was a major weakness of the movement turned party. Mandela's team saw this, and he used the strategy of approaching these non-violent extremists as a way to engage and secure the CNDD during the negotiations.

Since Arusha, the newly formed CNDD-FDD has used a calculus of threat, morphing from a movement that seemed interested in reintegrating into the international community, to a radicalized party. It rests on tenets of the neocolonial narrative in Burundi, a narrative that is anti-Western, anti-African Union, and anti-ICC, where its calculus of threat and calculus of survival is operating more on a survival basis rather than a long-term plan.

The CNDD was a movement formed after the assassination of Melchior Ndadaye in 1993, who was the first democratically elected Hutu president in Burundi. Originally, the CNDD-FDD was based on goals to rid the military and intellectual society of Hutu intellectuals and military leaders, in the 1960s and 1970s. However, over time and after the failed Hutu coup and subsequent violence against Hutu citizens in Burundi in 1972, the CNDD-FDD lost its ideological basis. After engaging in the Arusha process with mediator Nelson Mandela, the CNDD-FDD, now as an official political party, won elections in 2005 according to the power-sharing outcomes and ideals of the Arusha accords.[68] However, the pretense of a multi-ethnic movement changed over time, as well, and deteriorated after the 2010 and 2015 elections, when ethnic rhetoric and violence had been wielded against the citizenry, in a clear abandonment of Arusha's principles, thus, throwing the country back into daily violence and a mass atrocity situation. This was a calculation of party survival that undermined the goals of creating a stable political society and arrangement in Burundi despite ethnic tensions and legacies of two-sided violence.

The Arusha Peace and Reconciliation Agreement for Burundi had strong accountability mechanisms. However, the protagonists were keen to secure immunity from prosecution and so their implementation focused on power-sharing. This has given the government license to mobilize

[66] Filip Reyntjens, "Rwanda ten years on: From genocide to dictatorship," *African Affairs 103*, no. 411 (2004), 180.

[67] Nantulya, Paul, in discussion with the author. December 2015.

[68] Nantulya, *Why the Arusha Accords Are Central*.

against the opposition with little fear of sanction. In the process, the government has been able to tighten its grip on power.[69] Finally, external guarantors of peace agreements often pull back from the post-conflict context and have been reluctant to hold signatories accountable when they violate terms of the agreement. Agreements in Burundi provided strong regional and international monitoring mechanisms. However, these were ultimately not consistently enforced. In Burundi, regional and international actors opted not to intervene during the run-up to the 2010 elections after there were clear signs that the situation there was going to deteriorate. The pattern of atrocities leading up to the 2015 elections was eerily similar, and again, there were no effective deterrents to such behavior.

How Was Arusha Flawed? Contemplating the Outcomes of the two Arusha Accords in Rwanda and Burundi

Outcomes of Arusha in Rwanda: Peacekeeping, Ideology, and Ethnicity

The introduction of the 2003 Rwandan Constitution officially ended the Arusha Accord.[70] However, by this time the agreements in the deal were relatively ignored leaving the RPF in near complete control over the government. One Rwandan discussed the transition from the accord to the new constitution as, "Arusha gave us failed hope, but at least the RPF tried to implement it after the genocide. It helped guide us until we were ready to form our Constitution (in 2003)."[71] After nearly twenty-four years from its signing, its legacy can still be seen through how Rwanda perceives and interacts with the international community. Additionally, the accord's failed desires for domestic political transition and preventing international abandonment of civilians has influenced how the Rwandan government perceives its commitment in peacekeeping. To properly establish Rwandan perceptions, it is necessary to revisit the RPF's understanding and expectation of the accord as well as past engagement with their adversaries, i.e. the Habyarimana regime, and the international community.

The RPF viewed the Arusha negotiations within its growing understanding of international order following what can be considered akin to the international relations theory of liberalism. At liberalism's core is the expectation that negotiations between leaders can attempt to prevent or stop certain conflicts and violence that are against universal norms.[72] Many within the RPF and the RPA believed after the attack on Muzanse and the beginning of the Arusha process, that negotiations was an effective mechanism to achieve their goals.[73] The genocide shattered the RPF's understanding of the international order operating within liberalism. Most problematic to their usage of liberalism was, not how negotiations resulted in genocide, but rather how universal norms of human rights were quickly ignored by the international community. It was only the RPF who put an end to the genocide with UNAMIR only providing minimal support to safeguard victims. While the international community historically ignored the plight of Rwandan refugees, mostly Tutsis, and as Uvin[74] writes the situation of domestic Tutsis, international abandonment during the genocide undermined any belief that the world was concerned about human rights when conflicted with state security and interest. In response to Rwanda's abandonment and the RPF's responsibility, as the only entity willing to put an end to the massacres,[75] realism took center stage as the dominant

[69] Samantha Lakin, Africa Center for Strategic Studies, "Q&A: Lessons in Preventing Genocide in Africa since Rwanda," *Spotlight*, April 7, 2017.

[70] Margee M. Ensign and William Bertrand, *Rwanda: History and hope.* (New York: University Press of America, Inc, 2010), 50-51, 64-65; Anatasia Shyaka (CEO of the Rwanda Governance Board) in discussion with Jonathan Beloff, November 12, 2014.

[71] Unnamed Rwandan (retired office worker) in discussion with Jonathan Beloff, May 2013.

[72] Robert Jackson and George Sorensen, *Introduction to international relations: Theories and approaches*, 2nd ed. (Oxford: Oxford University Press, 2003), 128, 135-136; Stephan Krasner, *International regimes* (Ithaca: Cornell University Press, 1983), 2.

[73] Colonel Jill Rutaremara (Director of the Rwanda Peace Academy) in discussion with Jonathan Beloff, November 10, 2014.

[74] Peter Uvin, *Aiding violence: the Development Enterprise in Rwanda* (West Hartford: Kumarian Press, Inc, 1998), 181.

[75] General Joseph Nzabamwita (Secretary General of National Intelligence and Security Services) in discussion with Jonathan Beloff, May 2013.

understanding by Rwandan officials of how the international system operates. Realism best explains why the international community kept supporting President Habyarimana negative public policies prior to the genocide because his regime was seen by the French government as part of their nation's sphere of influence and contained state interests. Senator Rutaremara extends Habyarimana's network to the United States. "The Government of Rwanda (Habyarimana regime) was an ally of France, which was ally of the United States, so why would the US government want to remove a regime that had great support by France?"[76]

Manager of the Kigali Genocide Memorial, Honore Gatera described the failures of the Arusha Accords as leading to the rise in realism;

> I think you have to put it (the change by the RPF from a liberalist to realist perception of international affairs) into perspective. Many of us hoped that Arusha (accord) would work, but it did not and resulted in so many dead. The world left because (Rwanda) was not in their (state) interest. So, we realised that the world works based on interests and (the) power of nations.[77]

These perceptions follow alongside neoclassical realist writer Hans Morgenthau's interpretation of morality in the international community as, "Realism maintains that universal moral principles cannot be applied to the actions of states in their abstract universal formulation, but that they must filtered through the concrete circumstance of time and place."[78] The Arusha Accords created a sense within Rwanda and the RPF of how the international community, which pushed Habyarimana into negotiations, acceptance and enforcement of the accord, believed in a sense of morality that included preserving human rights. However, the inactions by the international community to stop the killings, as seen with the withdrawal of UNAMIR peacekeepers, implanted a perception of how state interests and power rather than moral consideration exists within the international order. This reality still holds true for many within the current RPF-dominated Rwandan government.

Despite realism being the dominate theory underlying Rwandan perceptions of the international system, some liberalism stemming from the Arusha period still persists. The liberal belief of universal human rights is still held by Rwandan government elites in how they set foreign policy, including participation in regional and global peacekeeping missions. Rwanda participates in peacekeeping operations in Central African Republic (CAR), South Sudan, Darfur (Sudan), Haiti, and Mali, as well as in other conflict zones.[79] RDF Chief of Staff, Patrick Nyamvumba, described the different reasons for why Rwanda participates in peacekeeping missions that both incorporate elements of realism, but also include past experiences with the failed UNAMIR mission. He says, "we deploy peacekeepers with three ideas. First, (fostering) peace resolution for local and regional interests. Most of Rwanda's peacekeepers are stationed in the region. Second, a secure environment in the region helps Rwanda. And third, participate because of the international community as a backdrop."[80] The first reason relates to human rights views held by Rwandan officials who held similar views during the signing of the accords. The last reason directly relates to Rwanda's past experiences and its responsibility to prevent other countries from experiencing what Rwanda experienced. Both these reasons share a common desire for the protection of human rights in conflict situations that were previously held by RPF negotiators during the formulation of the Arusha Accords. The failure of the accord and of the international community to defend these rights during the genocide influences Rwandan policy makers in how its own military is used in peacekeeping missions.

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[76] Tito Rutaremara (Rwandan Senator) in discussion with Jonathan Beloff, August 27, 2014.

[77] Honore Gatera (Director of the Kigali Genocide Memorial) in discussion with Jonathan Beloff, September 11, 2014 and September 6, 2016.

[78] Jackson and Sorensen, *Introduction to international relations*, 78.

[79] The Permanent Mission of Rwanda to the United Nations, "UN peacekeeping," 2014, accessed November 3, 2016, http://rwandaun.org/site/un-peacekeeping.

[80] General Patrick Nyamvumba (Rwanda Defence Force Chief of Staff) in discussion with Jonathan Beloff, September 11, 2014.

Beswick,[81] Fisher,[82] Zorbas,[83] and Reyntjens[84] differ from this explanation of Rwanda's participation in peacekeeping. Instead, they comment on how it is a mechanism to gain favor from Western states and/or to deflect criticism. Their assumptions can be applied to General Nyamvumba's first reason for Rwandan participation in peacekeeping. However, Rwandan perception of state interest is different from the current literature. Instead of promoting state interest through a secure regional neighborhood, these scholars suggest that Rwanda primarily participates in peacekeeping for broad international and mostly Western states, such as the United States, United Kingdom, and the European Union, for political or financial reasons. These assumptions are problematic for Rwandan officials. Defence Minister, James Kabarebe, disagrees with this explanation by illustrating how Rwandan troops are sent to nations close to or already experiencing genocide rather than other missions that might be more favourable to the West. He explains: "if it did (Rwanda participating in peacekeeping missions to satisfy global attention on conflict states connected to Islamic terror), if Rwanda was just sending troops for foreign policy advantages, then why have the RDF not sent troops to Somalia? Instead, the RDF sends troops when they fear genocide is going to afflict a country."[85] Rwanda's drive towards participation in peacekeeping missions includes the desire to help prevent or stop other nation's experiencing genocide. Secretary General of National Intelligence and Security Services, General Joseph Nzabamwita, describes the connection between Rwanda's participation of peacekeeping with combating genocide, "With the international community's injustices in the past when it comes to Rwanda and peacekeeping (UNAMIR's inactions), Rwanda wanted to be different and challenge the narrative of what the UN has done in the past without just criticism of the institution."[86] Nzabamwita's mention of UNAMIR connects directly with perceptions of how the Arusha Accord failed to protect Rwanda. The current Rwandan government and military are, thus, still affected by the failure of the accords to promote peace. This is best seen by how Rwanda does not want to abandon other states by allowing their accords to fail.

Outcomes of Arusha in Burundi: Hardened Ideology, Ethnicity, and Cycles of Institutional Failure

Though flawed in implementation, Arusha was historically significant because of its attempts to end violence on the ground in Burundi and create a system for post-civil war political and social arrangements in Burundi. Two world-class mediators, Nelson Mandela and Julius Nyerere, played key roles in including and engaging the CNDD-FDD in the negotiations, which ended up being successful in the short-term to end the civil war. However, 15 years after the conclusion of the Arusha negotiations in Burundi and the inclusion of the CNDD-FDD and Pierre Nkurunziza into the official governmental sphere, respect for term limits and rule of law have gone awry. As was seen in Rwanda in 1990-1994, genocidal rhetoric has resurfaced and daily massacres have resumed. The goal is to use ethnic politics to motivate a young, frustrated, impoverished, and hopeless population into the trenches of war to gain what the government cannot legitimately provide.[87]

Due to problems with the 2010 and now 2015 elections, the Arusha agreement has essentially been replaced by a de facto one-party system. This has resulted in an end to most dialogue between the opposition and the ruling party and has shifted the government into an authoritarian spiral

[81] Danielle Beswick, "Peacekeeping, Regime Security and 'African Solutions to African Problems': Exploring motivations for Rwanda's involvement in Darfur," *Third World Quarterly* 31, no. 5 (2010), 739-754; Danielle Beswick, "The Risks of African Military Capacity Building: Lessons from Rwanda," *African Affairs*, 113 no. 451 (2014), 212-231.

[82] Jonathan Fisher, "Managing donor perceptions: Contextualizing Uganda's 2007 intervention in Somalia," *African Affairs* 111 no. 444 (2012), 422-423; "Structure, agency and Africa in the international system: Donor diplomacy and regional security policy in East Africa since the 1990s," *Conflict, Security & Development* 13, no. 5 (2013), 538-539, 553-560.

[83] Eugene Zorbas, "Aid dependence and policy independence: Explaining the Rwandan paradox," in *Remaking Rwanda: State Building and Human Rights after Mass Violence*, ed. Scott Straus and Lars Waldorf (Madison: The University of Wisconsin Press, 2011), 112.

[84] Reyntjens, *Political Governance*, 72-73.

[85] James Kabarebe (Former Rwandan Defence Minister) with Jonathan Beloff, September 13, 2014.

[86] General Joseph Nzabamwita (Secretary General of National Intelligence and Security Services) in discussion with Jonathan Beloff, September 2, 2014.

[87] Kaneza, Carine, in discussion with the author. October 2016.

where violence is used to wield power and legitimacy. Challenged by armed groups and criticized by civil society and the international community, the government has resorted to repression and intimidation.[88]

Institutional failure in Rwanda and Burundi also helps explain the deterioration of power politics and ethnic manipulation into violence. Ndikumana writes that in Burundi, the failure and ethnic politicization of key government institutions resulted in a divorce between state institutions and the population.[89] This meant that, although claiming to be a democratic regime, institutions no longer represented the needs of the people, nor did they function in order to provide sustainable livelihoods, protection against discrimination, economic opportunities, and positive relations between citizens.[90] In contrast, the ethnicization of political and government institutions fueled dissatisfaction, mistrust, propaganda, and poverty among the Rwandan and Burundian populations. Without faith in the strength of government institutions, a democracy cannot function peacefully. Rwanda and Burundi are cases where this institutional failure led to violence and a lack of stability.[91]

Uvin[92] also discusses reliance on foreign and development aid as a factor that weakened institutions. Reliance on foreign and development aid reduced institutional capacity and ownership. It also negatively impacted the Rwandan and Burundian governments' political will and desire to meet citizens' needs and become self-reliant. Dependence on development aid created a cycle that demotivated both governments. They believed aid would replace institutional development and local capacity. Foreign aid essentially served as a crutch for institutions, weakening their actual ability and continuing to divorce them from the people.[93]

In addition, the desire to reach development goals was another factor that affected the strength of institutions. In the 1980s and 1990s, as donor countries emerged from the Cold War period, development aid became contingent on building democratic governments in East Africa. As many institutions were already corrupt and based on ethnic proof of power, democratization was neither a feasible or desirable option. Therefore, institutions attempted to develop according to democratic standards, which included democratic elections and the de-ethnicization of government. In reality however, the institutions were never truly democratized.[94]

Ndikumana writes specifically about institutional failure in Burundi, which was similar to Rwanda. He says:

> Because key institutions such as the military, the judiciary, and the education system are controlled by ethnic and regional entities, the population feels alienated and disappointed by the inability of the state to protect its rights and advance its interests. The ruling elite has basically 'privatized' the state: through clientism, patronage, and rent seeking, state institutions are used to accumulate wealth and to serve and protect the interests of individuals and ethnic and regional entities. Violence is created and maintained in a vicious cycle of frustration-claims and counterclaims-and repression as the rulers try to hold onto power while the oppressed categories of the population claim for their fair share in national resources.[95]

The failure of institutions resulted in the deterioration of the economy in both Rwanda and Burundi, as they failed to build confidence and opportunity for citizens, and they were unable to reduce risk, distribute wealth, and create job opportunities.[96] According to international relations

[88] "Burundi: Bye-bye Arusha?" *International Crisis Group*, October 25, 2012.

[89] Ndikumana, *Institutional Failure*, 29-47.

[90] Ibid.

[91] Francis Fukuyama, "Social Capital, Civil Society, and Development," *Third World Quarterly*, 22, no.1 (2001), 7-20.

[92] Peter Uvin, "Prejudice, crisis, and genocide in Rwanda." *African Studies Review* 40, no. 02 (1997), 91-115.

[93] Ibid.

[94] Ibid.

[95] Ndikumana, *Institutional Failure*, 29-47.

[96] Ibid.

theory, the most fundamental role of institutions is to create and facilitate a system where social exchange can exist without difficulty, ensuring that groups become better off economically and livelihoods generally rather than worse.[97] The second role is to provide stability within the governmental system and economic and physical security. In Burundi and Rwanda, the failure of the state was fueled by the privatization of goods and services, in addition to a system of patronage. Specifically, in Rwanda, President Habyiramana, favored Hutu elites from Musanze, his home region in the north, and manipulation began due to patronage occurring in his home region. In Rwanda, Hutu elites, specifically under the Habyiramana regime, targeted Tutsi civilians. There were quotas in universities, government jobs, and other sectors of society that limited Tutsi participation and leadership. Propaganda and hate radio from *Radio-Télévision Libre des Milles Collines* (RTLM) flourished under the Habyiramana regime. The RTLM linked the Tutsi living in the country to the threat of the Rwandan Patriotic Front and Army, who launched failed invasions into Rwanda from Uganda in 1990 and 1992.[98] This clear discriminatory policy from the Habyiramana party shows how institutions helped create structural and physical violence against Tutsi citizens.

Discriminatory policies in Rwanda and Burundi were present in both governments throughout the independence period. However, in Rwanda, structural and political violence was mainly one-sided. There were some killings of Hutus, specifically by the RPA during their invasion, however, politically, ideologically, and institutionally, there was clear, planned discrimination and dehumanization of the Tutsi. In Burundi, the violence was more two-sided in nature, with conflict fueling conflict between both sides. In both cases, however, power was maintained using violence. This was due to the failure of institutions to provide fair and equal access to all citizens. This analysis shows how institutional failure and a lack of democracy fueled and created a situation where patronage politics based on ethnicity and regional ties prevailed over fair institutions, aimed at aiding civilians.

Another key issue is the failure of the peacemakers to see the threat of genocide as the central issue that underlies civil strife in both Burundi and Rwanda. The label ascribed to a violent episode matters for the degree of attention paid, political will, and the level of international and regional investment given to the country in the aftermath of violence. Threats of genocide are not the only way to gain international clout, Commissions of Inquiry, investigations, and documenting human rights violations can also raise awareness nd commitment to transitional peace. For example, Rene Lemarchand claims:

> The 1972 genocide in Burundi, like the 1994 genocide in Rwanda, is indeed the cataclysmic event which lies at the root of the Hutu-Tutsi conflict. This is where the historical experience of Burundi (and Rwanda) differs markedly from that of most other war-torn societies in Africa. Dealing with 'post-conflict' situations is one thing; healing the wounds of genocide is a very different matter.[99]

In terms of healing in countries traumatized by violence including ethnic cleansing and genocide, it is important to recognize the difference between post-conflict and post-genocide peacebuilding.

Indeed, in Rwanda, the international community, INGOs, the Rwandan government, and civil society have treated the country's experience as genocide. They have been sensitive to survivors' needs as survivors of genocide, not only mass atrocities or conflict. However, in Burundi, the lack of coherence among whether the 1972 and 1993 massacres were genocide has created a different approach to peacebuilding. Rwanda has received much international attention, especially in terms of international aid, development, post-genocide education, memorialization, reconciliation, and peacebuilding programs. Burundi has not received such attention. Second, Rwanda has

[97] Bhavnani and Backer, *Localized Ethnic Conflict and Genocide*, 283-306.

[98] Prunier, *Rwanda Crisis*.

[99] Lemarchand, *The Dynamics of Violence*.

experienced more political stability than Burundi, stemming from the RPF government. This has allowed survivors to feel secure living in Rwanda, for the most part. Third, Rwanda became an experimental ground for transitional justice mechanisms after the genocide, and these efforts have been subject to much research and monetary investment. Burundi has not experienced such a surge of justice efforts, and it remains underdeveloped and in conflict today, when compared to Rwanda. According to Lemarchand and Weissman:

> Amazingly, the 1972 killings of Hutu by Tutsi-what Stephen Weissman calls 'the first clear genocide since the Holocaust'[100] have sunk into near oblivion. The most obvious explanation for this extra-ordinary case of historical amnesia is the conspiracy of silence which, to this day, surrounds the circumstances of the killings, their scale, and their impact on subsequent developments.[101]

Conclusion

The past and present conflicts in Rwanda and Burundi led to the formation of different Arusha Accords with the singular desire to foster peace. However, both accords encountered difficulties and failed to prevent mass atrocities including genocide and continued war. While Rwanda has remained relatively stable under the RPF controlled Rwandan Government, Burundi has continued to encounter violence. April 2017 has marked two years of preventable atrocities in Burundi. The resurgence of violence has captured the lives of hundreds of innocent individuals, creating a mass refugee problem, and threatening to further destabilize the Great Lakes region if no action is taken. On April 25, 2015, the ruling CNDD-FDD announced that Pierre Nkurunziza would run for a third term in the June 26, 2015 presidential election. The announcement sparked protests by those opposed to Nkurunziza and those who claimed a third term would violate the country's constitution established at Arusha in 2005. The constitution states that no President can be elected more than twice. In May 2015, Burundi's Constitutional Court ruled in favor of Mr. Nkurunziza, amid reports of judges being intimidated. Tens of thousands fled violence amid protests. In July 2015 Nkurunziza was reelected. The polls were disputed, with opposition leader Agathon Rwasa describing them as "a joke."[102]

Since December 2015 hundreds of individuals have been killed, and reports indicate that murders occur on a daily basis. According to the UNHCR, over 402,158 refugees have escaped to neighboring Rwanda, Tanzania, and Uganda, as of April 20, 2017.[103] Michael Boyce of The East African stated, "make no mistake: What keeps Burundi 'quiet' these days is not peace, but fear. Cases of arbitrary arrests, torture, and disappearances are now on the rise – both in Bujumbura and in rural areas."[104]

Just as Arusha in Rwanda did not prevent the 1994 genocide against the Tutsis, Arusha in Burundi has been reduced to a rhetorical and idealistic process that does not reflect the reality on the ground today in Burundi. The ruling party controls institutions and has blocked all options for power sharing, as stipulated in the ideals and conclusions of Arusha. Respect for rule of law and human rights has completely broken down, with a resurgence of openly ethnic rhetoric and propaganda encouraging youth militias to kill their neighbors to incite violence, which will help the ruling party maintain political control. The question remains, at what cost?

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[100] Stephen R. Weissman, "Preventing Genocide in Burundi Lessons from International Diplomacy" (Washington, D.C.: United States Institute for Peace, 1998).

[101] Ibid.

[102] British Broadcast Corporation. "Burundi's Opposition Leader Rwasa Becomes Deputy Speaker," *BBC News*, July 30, 2015, accessed October 26, 2018, https://www.bbc.com/news/world-africa-33722209.

[103] "Refugee Situations," *UNHCR, accessed April 21, 2017, https://data2.unhcr.org/en/situations/burundi.*

[104] Michael Boyce, "UN police presence in Burundi can make dialogue more attractive, violence more costly," *The East African*, May 7, 2016.

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Book Review: *Making Ubumwe: Power, State and Camps in Rwanda's Unity-Building Project*

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Andrea Purdeková offers a brilliant and unique analysis of the social and political tensions existing in Rwanda. Based on ethnographic field work conducted in 2008, *Making Ubumwe* explores the state sponsored idea of building "a social togetherness and cohesive social whole after genocide."[1] By looking at both the *Ingando*, governmental-sponsored and engineered re-education camps, and the National Unity and Reconciliation Commission (NURC), she brings to light the social control mechanisms used by the Rwandan government against its population while demonstrating how President Kagame's regime has been able to utilize international support for initiatives promoting unity, reconciliation, and justice. In post-1994, Rwandan took several steps toward not only creating a Rwandanness, which implied all Rwandans (Hutu, Tutsi, and Twa) were one, but also educating foreigners and returnees in order for them to understand and, indirectly, adhere to government controlled-narratives of Rwandan unity and reconciliation. In her own words, "Coexistence and unity among Rwandans are being narrated, implemented and overseen by a narrow elite presiding over an authoritarian regime."[2]

Divided into four sections, *Making Ubumwe*, takes its readers on a journey of rediscovery, through the eyes of Rwandans citizens, Rwandan Patriot Front (RPF) members, and governmental policies. We are able to look beyond what we know and actually understand the success and progress made since 1994 as well as acknowledge the shortcomings and systems of oppression and the silencing of voices, many books about Rwanda. She is exploring how unity has been conceptualized and institutionalized in today's Rwanda. From how the government promotes it through activities, to how everyday Rwandans understand and talk about it, we learn that unity and reconciliation are seen through performance and silence. The participatory, yet mandatory, events organized by the government have forced the population to have one voice, a voice that promotes government approved scripts.[3] In other words, public silence is structured and facilitated by the government, which holds tight control over the media, debates, platforms, and activities.[4]

In Rwanda, *Ubumwe* or building unity is politics. "Unity is a securitized concept overlaid with the notion of friend versus enemy. Unity is defined as 'against an enemy;' unity means being on the 'right side.'[5] This idea of unity implies people become one with the political regime. Those who do not conform are then seen as the enemy. Therefore, in order to promote *Ubumwe* and assure all Rwandans are 'on the right side,' the Rwandan government created the NURC, which is in charge of organizing 'unity and reconciliation' activities. These activities promote "national building, patriotism, or being together' as mutuality, exchange and sharing…"[6] Unfortunately, these activities are governmental tools that promote a single-narrative of what Rwanda and Rwandans

[1] Andrea Purdeková, *Making Ubumwe: Power, State and Camps in Rwanda's Unity-Building Projects (Oxford, Berghahn Books, 2015)*, 3.

[2] Ibid., 199.

[3] Ibid., 159.

[4] Ibid., 49.

[5] Ibid., 85.

[6] Ibid., 158.

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are. This is also seen through identity politics or the de-ethnicization ideology present in today's Rwanda. In order to promote oneness or a unity policy, the government needed to convince people a common *Rwandanness* meant omitting or suppressing ethnicity from public or political life. Yet, "ethnicity continues to matter on the ground in Rwanda in terms of how politics is interpreted, and it matters to many of those who try to 'read' Rwandan politics from the outside."[7] In other words, although the government is promoting unity by all means, Rwandans are still very much divided, often due to the government's attempts to rule with an iron fist. Consequently, the idea of unity is a form of propaganda aimed at uniting people behind the RPF ideology of post-genocide Rwanda.

The initiative Purdeková spent time exploring is the *Ingando*, which are re-education camps. She offers an in-depth analysis of the history and structure of these camps as well as the social and political aspects used to create unity and reconciliation in the post-genocide Rwanda. These camps are referred to by many names depending on who is attending them. Officially, they are referred to as either "peace and leadership camps, 'solidarity camps,' 'civic education camps' or 'reintegration camps.' Various rumors constitute *Ingando* either as 'military training,' 'making everyone Tutsi.'"[8] Following a strict schedule, these camps are meant to create obedient, almost brainwashed, new citizens. Although the Rwandan government claims they can be traced back to pre-colonial Rwanda, these camps were created by the RPF to mobilize support.[9] Throughout its history and still today, "*ingando* are ultimately about the reproduction of political power."[10]

Consequently, this book highlights the different ways in which the Rwandan government has attempted to promote unity and reconciliation as well as some of the motives behind initiatives such as *ingando*. Purdeková's book seems to have been written for the outside world, for people who have accepted the official narratives of Rwanda and have, consequently, misunderstood the Rwandan conception of the post-genocide reconciliation process. As she explains, "the Rwandan government tries to carefully manage what outside visitors learn about Rwanda; the attempt is to shape access and replicate the opinion of those in power as fact. To spread the appropriate versions of 'each and every thing.'"[11] Those working on issues related to Rwanda, justice, and reconciliation have understood the path President Kagame and his government have taken is a path of authoritarian social control. Due to this, true reconciliation has yet to come. The Rwandan idea of unity and reconciliation has given the government even more power.[12]

In conclusion, Purdeková demonstrated that Rwanda has been able to hide its shortcomings through its policy of unity and reconciliation by projecting a positive image of its post-conflict society, which has allowed the government to manipulate the conceptualization and framing of ubunyarwanda or Rwandanicity. Purdeková successfully offers a deep analysis of this imposed unity and reconciliation promoted by the Rwandan government. Based on her work, she encourages other researchers to focus on the role states and governments play in drafting and implementing interventions. This book is important because it opens up a much needed discussion by not focusing on policy, but rather on how post-conflict initiatives are created and their impact on populations. This conversation offers many lenses and encourages more research. Irrespective of the the discipline, whether it be peace and justice studies, international affairs, political science, or African studies, Purdeková's research offers important food for thought.

[7] Ibid., 83.

[8] Ibid., 176.

[9] Ibid., 179.

[10] Ibid., 23.

[11] Ibid., 46.

[12] Ibid., 245-246.

Book Review: *Ethnic Politics and State Power in Africa: The Logic of the Coup-Civil War Trap*

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Ethnic Politics and State Power in Africa: The Logic of the Coup-Civil War Trap
Philip Roessler
Cambridge, Cambridge University Press, 2016
389 Pages; Price: $32.90

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Philip Roessler's book investigates an important question within the civil war and conflict literature: what causes civil wars in Africa's weak states? While many scholars seek to understand this puzzle, few provide answers as provocative as Roessler's meso-level theory. Civil wars, according to Roessler, cannot be understood apart from their relationships to coups d'état. The two phenomena are manifestations of a security dilemma inherent in weak states. As colonization in Africa has deeply entrenched ethnic identities, as the foundation of politics, Roessler highlights, weak states rely on the inherited colonial legacy of patron-client networks for effective governance of the periphery from the capital. To do so, "big men" in power need to share government resources with rival ethnic leaders in order to garner the support of the latter's ethnic base.[1]

Herein, however, lies the dilemma for political leaders in control of the state: whether to share or not to share power with their ethnic foes. In the volatile Hobbesian world where the state is not the only power with monopoly over violence, where political rivals are also "violence specialists," political leaders weigh the risks of power-sharing. Sharing government resources with rival ethnic leaders bolsters their war-making capabilities and increases the probability these rival networks will try to usurp power via a coup d'état. On the other hand, excluding rivals increases the probability of the state facing a civil war as it loses control over the periphery where its rivals are strong.

As such, political foes in weak states are caught in what Roessler calls the coup-civil war trap, mistrustful of other violence specialists to expect genuine cooperation in a power-sharing scheme, yet wary enough of a civil war to exclude them. While states tend to risk civil war to eliminate what they perceive as an imminent threat of coup d'état if it were to share power, under certain conditions, political rulers can and do choose strategic power-sharing. Africa's more peaceful states, like Ghana, Togo, and Benin, according to Roessler, accept power-sharing when the war-making capabilities of rival ethnic groups (their size or proximity to the capital) are comparable. When the rival group is either large or strategically located near the capital, the threat of civil war is so pronounced that leaders must accept the coup threat and share power.

The book brilliantly employs an iterative mixed-method design, demonstrating the richness of coupling qualitative and quantitative approaches in elucidating complex phenomena such as civil wars. To develop his theory on ethnopolitical exclusion and power-sharing, Roessler offers a detailed case-study of Sudan, his exploratory, theory-building case. In Sudan, the National Islamic Front (NIF) regime had broad political networks that allowed it to quell the Darfur rebellion in the 1990s. In the 2000s, however, the regime dismantled the NIF in order to reduce the chances of a coup. But this left the regime more susceptible to the 2003 rebellion. Roessler uses the Darfur case to argue that temporal variation suggests an underlying political logic in which the threat of a coup leads to actions that increase the chances of large-scale violence.

[1] Philip Roessler, *Ethnic Politics and State Power in Africa: The Logic of the Coup-Civil War Trap* (Cambridge: Cambridge University Press, 2016), 5.

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Roessler then tests the generalizability of this theory and the hypotheses developed from his investigation of Sudan using the Ethnic Power Relations dataset and an original dataset. Following the statistical analyses, which confirm Roessler's coup-civil war theory, the book tests the model by offering an in-depth study of the 1998 conflict in the Democratic Republic of the Congo, convincingly illustrating how strategic uncertainty generated the breakdown of power-sharing and led to what has come to be known as Africa's Great War.

Ethnic Politics and State Power, however, raises an important unanswered question: how to escape the coup-civil war trap? The extreme ends of either coup or civil war can be violent and result in more instability. Their mid-point, peace by accommodation within the confines of the trap, is similarly unsustainable. A lasting (and positive) peace would be one achieved by dismantling the trap. How can that be done? Roessler, furthermore, notes Joel Migdal's idea of Africa's "strong societies and weak states."[2] The context of Roessler's study suggests that these strong societies are the ethnic networks that undergird political power. Is this what Africa's strong societies are? Could these very strong societies that sustain the coup-civil war trap help to break it?

Lastly, having presented an excellent in-depth study of cases illuminating the coup-civil war trap, the book leaves wanting a similarly worthy investigation of cases to explicate the intricacies of societal peace through power-sharing. Although the focus on peace through power-sharing may be secondary to Roessler's primary theoretical questions of interest, a more detailed case-study would have only further enriched this section of the book.

In conclusion, Roessler's work is an exciting and significant contribution to the field of conflict studies broadly defined. In accessible, well organized, and generously referenced chapters, Roessler unfolds an innovative and promising theory of civil war that provides students of political violence in Africa with new theoretical tools and perspectives. The book is also of great value to scholars focused on other regions, where Roessler's theory and hypotheses could further be tested. Those who are methodologically inclined will appreciate the mixed-methods design of the book and the superb weaving together of qualitative and quantitative data.

[2] Ibid,. 47.

Book Review: *The Justice Façade: Trials of Transition in Cambodia*

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The Justice Façade: Trials of Transition in Cambodia
Alexander Laban Hinton
Oxford, Oxford University Press, 2016
302 Pages; Price: 29.00€

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In his new book *The Justice Facade* Alexander Hinton addresses how the 'transitional justice imaginary'—the ideas underlying international criminal law and internationally led efforts to deal with violent pasts—is confronted by 'local' understandings and practices. In particular, it looks at how the transitional justice imaginary becomes embedded in these local understandings, is adapted to them and is used by them. The book adopts a phenomenological approach that "can help reveal the taken-for-granted assumptions (and erasures) of the transitional justice imaginary and its justice facade enactment." [1] Thus, the book is part of a broader 'critical turn' in the study of transitional justice and human rights that provides a nuanced understanding of the power relations in which 'global' or 'international' ideas are circulated globally and the resonance they experience in the spaces in which they are implemented. The book interrogates these ideas in the context of the transitional justice process in Cambodia, specifically the Extraordinary Chambers in the Courts of Cambodia (ECCC). This critical engagement with interaction between the 'global' and the 'local' provides an important contribution to the transitional justice literature that will also be interesting to broader audiences interested in international relations, international law, peacebuilding or development. Empirically, it also ties in with other recent work looking at how transitional justice is perceived by and what meaning it has for its beneficiaries in Cambodia.[2]

Hinton elegantly complexifies the ideas implied by the 'transitional justice imaginary' by engaging with local perceptions and meanings of this transitional justice process and the practices within which it becomes embedded in Cambodia. It is from this perspective that Hinton studies various individual activists, non-government organisations (NGOs) and their projects, outreach activities of the tribunal itself, as well as the stories of several of the victims of the Khmer Rouge who participated in the transitional justice process. One key strength of the book is founded on Hinton's anthropological background and the level of detail regarding the various organisations and individuals; for readers interested in the ins and outs of the Cambodian transitional justice process in the 1990s and early 2000s and certain key individuals involved in it, these descriptions are extremely useful. However, for a broader readership these details can—at times—be overwhelming or irrelevant. As such, this anthropological depth is also a weakness in terms of accessibility for readers beyond the Cambodian context as they in some parts mask the extremely valuable theoretical contributions that the book makes.

Hinton's analysis is particularly revealing and convincing with regard to how the transitional justice imaginary paints the situation country, here Cambodia, as a 'backward' space that through the transitional justice intervention shall undergo a teleological transformation to overcome its

[1] Alexander Laban Hinton, *The Justice Façade: Trials of Transition in Cambodia* (Oxford: Oxford University Press, 2016), 24.

[2] Rachel Killean, *Victims, Atrocity and International Criminal Justice: Lessons from Cambodia* (London; New York, NY: Routledge, 2018); Peter Manning, *Transitional Justice and Memory in Cambodia: Beyond the Extraordinary Chambers* (London; New York, NY: Routledge, 2017); Timothy Williams, Julie Bernath, Boravin Tann and Somaly Kum, *Justice and Reconciliation for the Victims of the Khmer Rouge? Victim Participation in Cambodia's Transitional Justice Process* (Marburg: Centre for Conflict Studies; Phnom Penh: Centre for Study of Humanitarian Law; Bern: swisspeace, 2018).

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'backwardness' and progress to the enlightened world of liberal democracy. Hinton evocatively shows throughout the book, how these tropes of backwardness and transformative zealousness are pervasive in the Cambodian transitional justice process.

Conceptually, the book is a critique of Kathryn Sikkink's *Justice Cascade* that theorises the global spread of human rights prosecution and its positive implications for democratic transformation, part of what Hinton terms the 'transitional justice imaginary.' Hinton takes up the metaphor of the cascade to structure his own book, adding to Sikkink's streams and streambeds the ideas of vortices, turbulence and eddies. While this engagement with the metaphor is intriguing, it may 'muddy the waters' a little in terms of the theoretical clarity of Hinton's arguments and these three concepts remain somewhat opaque. The book chapters are structured around a variety of theoretical ideas including progression, time, space, aesthetics, performativity, discipline, subjectivity, normativity and disposition. These theoretical anchors are discussed more in some chapters, less in others, always in interaction with the thick descriptions of NGO projects, or narratives about transitional justice entrepreneurs, individual activists, victims etc. Several of the aspects also transcend the chapter boundaries and appear across the text, particularly temporality, aesthetics and performativity, and Hinton delves into these issues again and again from different perspectives. While the theoretical ideas are most often excellently interlaced with the thick descriptions of transitional justice actors, this also renders the insights more tied to the data and less accessible to an audience who is more interested in transitional justice generally, than the specifics in Cambodia. The book has interesting insight but would have been well-served by these theoretical contributions being analytically compressed as transferable ideas at some point.

As in his previous work, Hinton emphasises the 'redactions,'as he labels them in his previous book *Man or Monster*,[3] the silences and voids that are created by the transitional justice process, aspects that are masked by the overarching justice facade. These can be lived experiences that do not fit the framework, understandings rooted more deeply in religious practice, and many other facets of meaning-making beyond the realm that can be grasped by the transitional justice imaginary. The book particularly emphasises how the transitional justice process can be understood in Buddhist terms: besides the often discussed Buddhist symbols in the tribunal's crest, Hinton also discusses the ECCC's spirit house, as well as the many meanings that participating individuals ascribe both to the justice-making process as a whole and to their place within it, for example in terms of testifying. Hinton's cultural analysis is extremely helpful in embedding the transitional justice process in the various meanings they can take on for the purported beneficiaries in Cambodia. One excerpt shall serve as an example:

> "Im [his interviewee] was making a direct link between making offerings to the dead (the dark world) and legal justice (the light world), with monks and judges serving as the conduits (the 'bridge') to a justice that was linked to karma (dark world) and law (light world). For some Cambodians, then, the ECCC trials were understood as a sort of legal *bangsokol* that yielded an offering to the dead and facilitated healing of the sort that a *bangsokol* might deliver. The trial, Im stated, 'is just like a *bangsokol*.'" [4]

As such, the book's main argument and greatest strengths is that it renders visible the processes, ideas, understandings, and practices that are masked in the justice facade by the transitional justice imaginary. By making these visible, it allows an explicit theorisation of vernacularisation processes, for example, that allow global ideas, that are purported through the transitional justice imaginary, to be 'translated' into local cultural precepts. This 'translation process' of transitional justice can mask experiences and understandings in various ways and is performed by intermediaries located between the global and the local. As such, "transitional justice may be 'hijacked' by state actors or selectively appropriated by intermediary organizations and actors to achieve different and even contrary goals."[5] Hinton richly described how the various backgrounds of these intermediaries

[3] Alexander Laban Hinton. *Man or Monster? The Trial of a Khmer Rouge Torturer* (Durham: Duke University Press, 2016).

[5] Ibid., 27.

inform their propagation of the transitional justice imaginary or counter-ideas, and how they deal with merging them in different ways, but these discussions remain less rigorously analysed and under-theorised.

Buddhist conceptions are particularly virulent in the translation of transitional justice conceptions for local understandings in Cambodia, as well as for understanding people's interactions with the tribunal. For example, Hinton argues that emotions are perceived and expressed differently by Cambodians and internationals within the tribunal. In the process of translation both linguistically and conceptually, the meanings assigned to emotion are lost. For example, suffering is rendered biomedical in the sense of Post-Traumatic Stress Disorder (PTSD), in a manner that is more fitting to the transitional justice imaginary of the 'backward' sufferer, whereas in Cambodian conceptions these emotions are tied more to Buddhist connotations of imbalance, turbulence and humoral flows.

With its *en detail* focus on individual narratives of certain experiences and the minute developments of specific projects, the book also strongly emphasises individual pathways and the agency that individual activists have in setting agendas within the transitional justice field, unsettling the universal claims of the transitional justice imaginary further. Here also the conflictual nature of competing claims of how best to 'translate' the imaginary are discussed. A notable omission in the book is the fraught relationship between DC-Cam and other NGOs, as well as its mixed relationship to the tribunal, including its predominant registering of complainants rather than civil parties. As such, the focus on cultural interactions and meanings do not render local conflicts invisible but provide a nuanced underpinning for understanding them better within the transitional justice context.

The idea of the justice facade is certainly appealing as a critique of the transitional justice imaginary's discursive power, and yet Hinton demonstrates throughout the book that this imaginary is constantly challenged and complemented. But there are many examples in the book of transitional justice actors inserting local traditions, without this juxtaposing the process itself, such as the construction of a spirit house at the ECCC and witnesses taking oaths by it. As such, of course, at times the transitional justice imaginary masks other conceptions of justice and more locally rooted practices, but it is questionable to what degree a facade indeed exists, and to what degree transitional justice processes are always a product of the globally propagated transitional justice imaginary's interaction with these local understandings and practices. Is it really a facade that is created or is what Hinton really describes a negotiation between interpretations, understandings, meanings and practices that at times compete at times complement each other in informing the transitional justice process?

As I pen this review, the ECCC is poised to announce the verdict in Case 002/02 against Nuon Chea and Khieu Samphan, much as I wrote my review of Alexander Hinton's previous book just as the ECCC Supreme Court Chamber upheld large parts of the judgement in Case 002/01 against the same defendants. I relish this parallelism in my writing schedule as Hinton himself describes the two books themselves as "companion volume[s]."[6] (vii). Both books focus more strongly on Case 001, which is naturally of particular interest as the ECCC's first case and due to the lower number of civil parties providing a more intense dynamic of victim participation. This book goes further than *Man or Monster* to include more recent dynamics, but a more sustained reflection on the how the higher number of civil parties, uncertainties about Cases 003 and 004 and the now more institutionalised processes within the NGO sector and at the tribunal impact the practices und understandings analysed in so much depth in this book, would be of great academic value. Given the *longue durée* of Hinton's engagement with the transitional justice process in Cambodia, one can only hope for a further monograph along these lines in the future.

[6] Ibid., vii.

Book Review: *The Justice Façade: Trials of Transition in Cambodia*

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The Justice Façade: The Trials of Transition in Cambodia
Alexander Laban Hinton
Oxford, Oxford University Press, 2018
304 pages; £24.99 Paperback

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"Everything that's important goes on in the darkness, no doubt about it," said Céline, author of *Journey to the End of the Night*, alluding to the vortex of one's psyche where the most important thoughts are formed, and decisions made. Alexander Hinton's *The Justice Facade* is also a book that sheds light on what's important but obscured, this time by the grand aims of Transitional Justice (TJ).

Written as a complement, rather than a rejoinder to Kathryn Sikkink's *The Justice Cascade*,[1] *The Justice Facade* brings to the fore an important and timely debate on the Greek concept of "telos". This term, which signifies "the ultimate object or aim", has long dominated the way we think, and also defined the way we present and evaluate information. In essence, the prevalence of this idea in everything we do, implies that after objectives have been set down, our focus is shifted entirely on whether, and how far these have been achieved, denoting our obsession with causal effects. It also demonstrates the superstitious belief on our part in radical changes, linear in nature, from a "Before" to an "After",[2] say from primitiveness to modernity, or authoritarian rule to a democracy, when in truth, the transformations may be more dispersed, interstitial, and rhizomic, giving credence to "variance and complexity".[3] The problem with understanding change in terms of such linearity is that considerations of all collateral effects—good and bad—are foregone, so that for the most part, our critical appraisal of the project or endeavour in question, ends up being reductive and inadequate. Along similar lines, Hinton draws our attention to the idealism inherent in the causal aims of TJ, these being articulated as "justice, national reconciliation, stability, peace, and security"[4], and then turns our attention to all that happens insidiously, surreptitiously and organically when a tribunal is set up, focusing on the study of the Extraordinary Chambers in the Courts of Cambodia (ECCC). This tribunal, he reveals, paved the way for alternative modes of peace, justice and reconciliation to be instilled among survivors and their families, in ways as simple as "the ability to forget the past, to share coffee or tea with neighbours who were once enemies, or to rebalance one's relationships to the spirits of the dead."[5] Therefore, beyond the traditional discourse on TJ and whether its aims have been achieved, the lighting of incense sticks, the holding of prayers and incantations, and the performance of cremation ceremonies,[6] should also be looked upon as attempts to instill peace, justice and reconciliation. They are after all attempts to reconnect with the dead, the tortured, and finally soothe angry and wandering souls, and "restore the equilibrium", all this against the backdrop of a predominantly Buddhist society.

But in this exercise of salvaging information which is usually discarded (or redacted), the information that Hinton restores to us is (not surprisingly) not entirely positive, in that it does not

[1] Kathryn Sikkink, *The Justice Cascade - How Human Rights Prosecutions Are Changing World Politics* (New York: W. W. Norton & Company, 2011).

[2] Alexander Laban Hinton, *The Justice Facade - Trials of Transition in Cambodia* (Oxford: Oxford University Press, 2018), 16.

[3] Michael Vickery, *Cambodia 1975-1982*, 2nd ed. (Chiang Mai: Silkworm Books, 1999).

[4] Hinton, *The Justice Façade*, 3.

[5] Ibid., 7.

[6] Ibid., 93.

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necessarily paint a rosy picture of the peace, justice and reconciliation that have been restored in Cambodia through the presence of TJ mechanisms such as the ECCC. There are also drawbacks of this attempt to meddle with the country's past. For instance, Hinton highlights the extent of "variation" among survivors who didn't all wish for, or believe in legal accountability to alleviate their suffering, preferring instead to leave things be in their own manner of making peace with the past.[7] Others, favouring a policy of non-interference, relied on the Buddhist belief of reincarnation to restore the balance of good and evil that had been upset.[8] The ECCC also purportedly camouflaged the existing inequalitiy in society, and unduly empowered the Cambodian People's Party(CPP).[9] It is equally noteworthy that the ECCC's presence in the country posed somewhat a threat to those who had already been schooled in Western thinking—hence, Hinton recounts the dissonance that survivors such as Theary Seng experienced, in trying to reconcile more "passive" Buddhist beliefs with the western values that she had been imbibed in.[10] As far as victim expressivism or participation was concerned, although many promises were made initially, especially with the ECCC being the first international tribunal of its genre to encourage it, many, including Theary Seng, were met with disappointment, as they ended up being denied the right to voice out their suffering.[11] Furthermore, those who had connections with victims of S-21, felt doubly injured by Duch's final testimony at the ECCC, where at the end of his defence, he sought to deny responsibility for the crimes he had committed on those premises, despite having initially provided all the evidence necessary to establish his guilt.[12]

One of the strengths of Hinton's *The Justice Facade* is that he goes beyond focusing on what happened through the set up of the ECCC, thereby depoliticising an event which many would misleadingly consider to have been the one and only attempt at transforming Cambodia from the rule of authoritarianism to a liberal democracy. Hinton thus explores how Khmer Rouge survivors achieved some of the ideals of TJ in the pre-ECCC years, as well as outside the ambit of the court setting after it was set up in 2007. For the former, he identifies three transitions: the first being the period when the PRK (People's Republic of Kampuchea) took over command of Cambodia after the rule of the Khmer Rouge and acknowledged the atrocities committed by the Pol Pot regime; the second through the People's Revolutionary Tribunal in 1979 which provided a forum of catharsis for survivors who testified to the suffering they had endured; and the third when the UNTAC established itself in Cambodia in the early 1990s and engaged in democratisation efforts.[13] Hinton illustrates how the presence of this international organisation in the country transformed how the Khmer Rouge atrocity was referred to by the people, from it being referred to by the euphemistic "the policies and practices of the past" to the actual terminology it merited: a genocide.[14] This in itself was an indicator of some sort of coming to terms with what had happened.

As mentioned earlier, Hinton also details the more informal forms of justice that occurred outside or beyond the premises of the ECCC, albeit triggered by its presence in the country. Thus he explains how Reach Sambath, a survivor, worked for the ECCC, where memories of the atrocities were conjured up, often depriving him of sleep, and how by continuing work at the court, it made him feel that he was acting on behalf of the victims of the Khmer Rouge.[15] Other factors also contributed to process of reforming a country suffering from the aftermaths of a war: Lao Mong Hay for example, who had lived in England during the Khmer Rouge atrocities, was to return to his native country many years later and through the "transfer of technology", adopt some of the practices and values of the more developed country he had been exposed to, introducing a

[7] Ibid., 82.

[8] Ibid., 82-83.

[9] Ibid., 92-93.

[10] Ibid., 101-04.

[11] Ibid., 27.

[12] Ibid., 129-130.

[13] Ibid., 44-48.

[14] Ibid., 50.

[15] Ibid., 150.

Proto-Ombudsman Program, among other things.[16] Nou Va, a KID (Khmer Institute of Democracy) staffer, who was a law graduate with a passion for human rights was included in a program for outreach, and in turn, had an important influence on other young jurists training them in "Western notions of law, human rights, and critical thinking."[17] At a more simple day-to-day level, Hinton also discusses strategies adopted by Cambodians to deal with the past, such as using tiger balm, "coining", "cupping", visiting monks and other persons revered by Cambodian society, or merely discussing the past with friends and relatives.[18] Hinton also recounts how another survivor, Vannah Cheah burnt incense and performed prayers in dealing with the howling of dogs—a bad omen—on premises where the skeletons of two babies had been found.[19] These examples reveal the modest but important influences of NGOs on the overall process of establishing TJ ideals. Furthermore, at a more individual level, Hinton illustrates the details of Theary Seng's life journey, where as a Khmer Rouge survivor, then later a Christian convert living as an immigrant in Southern Carolina, she experienced rehabiliation by finding peace in a foreign country and religion (Christianity).[20] Moreover Hinton avers that in Cambodia, both Buddhist and Muslim(Cham) beliefs had long before the ECCC initiated the process of making peace with the past.[21] Another key survivor, Vann Nath who was known as the Goya of Cambodia, found meaning in painting vivid scenes of the torture meted out during the Khmer Rouge—this means of expression, was where he sought and found relief.[22] These are some of the traditional or informal means of achieving peace that are almost always absent from mainstream discourses on the rehabilitation of society.

Hinton also explains how ECCC's influence on justice is also correlated with ECCC's personal jurisdictional limitations. So for example, by restricting the evaluation of guilt to the atrocities that occurred between April 17, 1975 and January 6, 1979, the tribunal sought justice only for perpetrations that happened in this period. Hinton criticises this as being a limited understanding of the plight of Cambodians, as it overlooks the greater picture of Cambodia's history of struggle, and the injustices that occurred even in the aftermath of the Khmer Rouge's fall.[23] Thus Hinton also illustrates how Thun Saray, in the aftermath of the PRK's coming to power, in 1989, was imprisoned and tortured, and oustide of the mainstream discourse on relief through TJ, he managed to come to terms with what happened by setting up the first human rights NGO in Cambodia.[24]

Method

All the examples illustrated above, which only partially reveal the breadth and depth of Hinton's actual study, testify to all other forms of justice that are sought and sometimes achieved, but which do not figure in the main discourses assessing whether the grand aims of TJ were met. True to his method of reintroducing that which is normally erased, edited out or redacted, *The Justice Facade* is one more proof of the importance of exercising caution when relegating information that does not suit our main agenda.

On deeper thought, dialectical writing and thinking, or that which forms the basis of academic exercise, is often (and rather disappointingly) about justifying pre-decided conclusions by using rationalisms or rules of logic. This implies that a lot of valuable information which does not fit "the agenda" is inevitably devalued. Hinton's modus operandi so far has been to recycle all the discarded information and restore it to its rightful status by including it within the discourse it ought to belong to. It is tempting to perceive this rather novel methodology as having seriously put into question the long-held claims of academia as being a scientific, rational, dispassionate

[16] Ibid., 66-70.

[17] Ibid., 74.

[18] Ibid., 85.

[19] Ibid., 94.

[20] Ibid., 90-91.

[21] Ibid., 114.

[22] Ibid., 140.

[23] Ibid., 38.

[24] Ibid., 52.

and objective enterprise, as Hinton's methodology serves to perceive all information and input, as having traversed through politically charged filters, and hence suffering from bias.

Book Review: *Making Ubumwe: Power, State and Camps in Rwanda's Unity-Building Project*

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Making Ubumwe: Power, State and Camps in Rwanda's Unity-Building Project
Andrea Purdeková
New York and Oxford, Berghahn Books, 2018
306 Pages; Price: $34.95 Paperback

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Umbumwe—or unity—is a central tenet in the Rwandan government's state and nation building project. Unity is used as a bulwark against the past violence and "genocide mentalities," but it equally points forward towards a promised future, Purdeková argues. According to the Rwandan government, unity promises a better future through development. In the meantime, the individual must sacrifice his/her present situation for the common good of a better future.

Purdeková is not concerned with whether unity is successfully achieved or whether it is indeed a good idea or not. Rather, she takes a strictly Foucauldian approach to explore the effects of the government's focus on unity. What do the policies on unity produce in terms of governmental effects? The result is an impressive study of power, government and state-building in this very unique and very contentious little African country.

Much has been published on Rwanda since the country got the international community's attention in 1994. The first wave of publications were concerned with documenting, witnessing, and explaining the genocide. Later a mass of studies emerged on the aftermath of the genocide in terms of justice, truth and reconciliation. In recent years a number of studies have been concerned less directly with the causes of the genocide and with its effects and have instead explored—critically—the kind of state that is emerging and in particular its authoritarian tendencies.[1] In a sense, Purdeková's book belongs to this latter category. However, her book is not yet another attack on the Rwandan government's authoritarian tendencies, the shrinking of political space, the curbing of freedom of expression and clampdown on political opposition. Her aim is not to evaluate whether these tendencies are good or not but rather to explore how the state functions and what happens. Through a mixture of first-hand experience, living in Rwanda, interviews with government officials, participant observations in government offices and in the *ingando* (civic education camps for selected populations), and interviews with Rwandans attending *ingando*, she draws a dense and complex picture of power and politics in everyday life in Rwanda.

The first part of the book is concerned with "how unity building is embedded within a broader political context."[2] She explores the legitimation of power through discourse (chapter 3), the presence of the state in all aspects of life (chapter 4) and the micro-effects this has on people's lives in terms of emotions and attitudes. The conceptual framing is sharp, as she asks "what kinds of legitimation are at work and to what effect?"[3] Being born out of a rebel movement, civil war and genocide, the Rwandan Patriotic Front (RPF) regime promises to provide physical security to the people. Therefore, threats to security must continuously be reproduced, she argues. Insecurity is linked to the external threat of the Democratic Forces for the Liberation of Rwanda (FDLR) rebels in eastern Congo, while divisionism and genocide ideologies are construed as the internal

[1] Scott Straus and Lars Waldorf, *Remaking Rwanda*: *State Building and Human Rights after Mass Violence*, ed. Scott Straus and Lars Waldorf, Critical Human Rights (Madison, Wis.; London: University of Wisconsin Press; Eurospan distributor, 2011).

[2] Andrea Purdeková, *Making Ubumwe: Power, State and Camps in Rwanda's Unity-Building Project* (Oxford: Berghahn Books, 2015), 62.

[3] Ibid., 63.

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threat that constantly needs monitoring and combating. In this friend-enemy constellation, unity is the friend and divisionism becomes its enemy. Purdeková shows how the government targets children specifically and turns them against their parents in this fight against divisionism. Such policies give connotations of DDR and Maoist China, far from the positive images of Africa's new liberal development tiger, hailed by the United Kingdom (UK) and United States of Ameica (USA). However, the two seem to go hand in hand in Rwanda, where I also met enthusiastic, open, well-educated government officials and NGO employees who happily would explain that the parent generation was beyond reach, stuck in genocide mentalities of the past, while the youth could still be reached and shaped.

The general impression one gets from Purdeková's account is of a state that, as opposed to the state most other places on the continent, is present in all walks of life, eerily resembling the strong and efficient state that made the genocide possible in 1994.[4] One of the fascinating aspects of the book is its exploration of how people embody the state's rules through emotions. Fear, is a "dominant emotional tone" in Rwanda, Purdeková argues, and it is closely linked to distrust and suspicion.[5] While scholars and Rwandan intellectuals often explain the prevalence of distrust and fear in the country as the result of genocide and conflict, Purdeková argues that they are also the result of the ever-present state. Similarly, she challenges the received wisdom that Rwandans have a "culture of obedience," often used as a partial reason for the "success" of the genocide. [6] She argues that this is a culturalist explanation that ignores political structures. She concludes that Rwandans engage in what Scheper-Hughes has termed a "bad faith economy" where secrecy, mutual suspicion and deceit are the name of the game. Peter Uvin makes a similar argument for post-conflict Burundi where he turns Putnam's concept of social capital on its head, claiming that Burundians enter a number of relations not out of trust but out of distrust. They are hedging their bets and navigating hostile waters.[7] The difference between Burundi and Rwanda may be that Burundians did so due to uncertainty, due in part to a weak government and state, while Rwandans do so against a backdrop of an ever-present state contributing to constant fear and suspicion.

The final part of the book is concerned with performing *Ubumwe* through the *ingando* camps. I find it frustrating that this part of the analysis is left so late in the book. Rather than being the centre of analysis and the point of departure for understanding the Rwandan state, it seems to serve the purpose of illustrating what has already been said. *Ingando* is an example *par excellence* of the government's unity building project—and the camps are also organised by the National Unity and Reconciliation Commission (NURC). *Ingando* camps are a means to create "ideal development citizens," she argues and points towards the general function of camps to create movement, transience and dislodgement in order to obtain the opposite; namely anchoring, locating and fixing. In other words, students, ex-combatants, members of the diaspora, and other groups that are deemed in need of *ingando*, are removed from society for a limited time in order that they can be reinserted into society as transformed and improved citizens.

The great strength of Purdeková's analysis of the *ingando* camps is the way she explores the context that they are part of and the effects that they have on broader society. Most often camps (from refugee camps to prisons) are analysed as units in themselves, exploring the mechanisms of control and correction that take place in them and/or the everyday appropriation of camp space by those who occupy them.[8] What these studies often forget is the effects of these camps on society outside. Purdeková does just that. What I miss in her account, on the other hand, is a more in-depth "feel" of what actually goes on inside an *ingando* camp. We get glimpses, when she describes a meeting or a daily routine. But not a sense of the place and its inhabitants. This is possibly due to

[4] Peter Uvin, *Aiding Violence: The Development Enterprise in Rwanda* (West Hartford, CT: Kumarian Press, 1998).

[5] Purdeková, *Making Ubumwe*, 119.

[6] Ibid., 122.

[7] Peter Uvin, *Life after Violence—A People's Story of Burundi*, (New York & London: Zed Books, 2009).

[8] Cindy Horst, *Transnational Nomads:How Somalis Cope with Refugee Life in the Dadaab Camps of Kenya*, (Oxford: Berghahn, 2006); Victoria Redclift, "Abjects or Agents? Camps, Contests and the Creation of 'Political Space'," *Citizenship Studies* 17, 3-4 (2013), 308-321.

the limitations of doing fieldwork in a tightly controlled setting, only allowing her short visits to the camps. Despite these limitations, she does manage to give us an impression of how the camps are marked by a distinctly military ethos. This goes some way to explain one of the paradoxes of *ingando*; on the one hand the organizers urge the participants to think independently and to debate openly, while on the other hand debate is de facto muted and reduced to agreeing with the instructor. There is a "military accent on immediate, unquestioning and coordinated response." [9] This echoes Sundberg's findings where it was seen as important to shout "*yego!*" (yes!) in the exact right way and to stand up and sit down in unison. [10]

When studying camps, the question of liminality always emerges. In many ways, Purdeková invokes the concept but she also explicitly claims that the *ingando* camps differ in that they are extremely structured spaces and hence not anti-structure as Victor Turner[11] would claim. In my study of refugee camps, I also found that there were attempts by the camp authorities to structure and organise the camps in detail. But I also found alternative structures emerging in the camp—beyond the reach of the official camp authorities. While this may be because I took a different approach to hers, it may also be due substantial differences in the two kinds of camps. Despite the attempts by United Nations High Commissioner for Refugees (UNHCR) to transform the refugees into democratic citizens, the main objective of the refugee camp was to contain a population that was "out of place." *Ingando*, on the other hand, has the explicit objective of transforming subjects. And while the refugee camps are open-ended and often protracted, *ingandos* have a clearly defined beginning and an end, and in that sense resemble more the classical liminal spaces that anthropologists like Victor Turner described.

By focussing on the exceptional spaces of the *ingando* camps, where unity is performed and ideal citizens are shaped, Purdeková provides great insights into the workings of the post-genocide state—a state that at once distances itself from the pre-genocide state while bearing striking resemblances to the latter.

[9] Purdeková, *Making Ubumwe*, 193.

[10] Molly Sundberg, *Training for Model Citizenship: An Ethnography of Civic Education and State-Making in Rwanda.* (Unpublished doctoral thesis. Uppsala Studies in Cultural Anthropology No 54. 2014)

[11] Victor Witter Turner, *The Forest of Symbols; Aspects of Ndembu Ritual* (Ithaca: Cornell University Press, 1967).

Book Review: *Death, Image, Memory: The Genocide in Rwanda and its Aftermath in Photography and Documentary Film*

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Death, Image, Memory: The Genocide in Rwanda and its Aftermath in Photography and Documentation
Piotr Cieplak
London, Palgrave Macmillan, 2017
230 Pages; Price: $79.99 Paperback

Reviewed by Scott Ahearn
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With 2019 marking the twenty-fifth anniversary of the genocide in Rwanda, a country haunted by unthinkable loss faces another chapter: contending with the loss of its survivors. This poses a challenge to Rwandans' remembrance, bringing urgency to attributing identity and stories to victims. Piotr Cieplak's book, *Death, Image, Memory: The Genocide in Rwanda and its Aftermath in Photography and Documentation*, is timely as an exploration of the body of documentary imagery developed since 1994 and its "uncomfortable coexistence with the genocide and its aftermath."[1] Cieplak examines what purposes are being asked of this imagery—as remembrance, as documentation, as forensic evidence—and in what contexts it has succeeded. He argues that the ability of these images to capture the genocide—already an insurmountable task—is further complicated by the mutability of their meaning depending on their context and on the individual receiving them.

The works chosen are, by his own admission, a cross section that cannot hope to be comprehensive, yet Cieplak's book benefits from offering in-depth analysis of specific collections rather than casting too wide a net. Each of his chapters is a self-contained exploration of the power of a type of imagery, and of the complexities each medium finds in attempting to contribute to remembrance. Before looking at the collections, his first chapter delves into a theoretical analysis of imagery depicting atrocity, drawing on the ideas of Susan Sontag and Roland Barthes, among others; this chapter, the most esoteric in scope and the least specific to Rwanda, will perhaps be of interest more to semioticians and filmmakers than to historians or students of global politics. With the succeeding chapters, however, Cieplak will powerfully immerse any reader into the raw horror that brought about such images.

Chapter 2 focuses on still photography, looking at Gilles Peress' photographic book *The Silence* and Sebastião Salgado's *Migrations: Humanity in Transition*. He weighs Salgado's more aesthetic compositions against Peress' more neutral, forensic style, and examines the risks of bringing an aesthetic eye into subject matter where any concept of beauty or artistry finds no place. His third chapter is devoted to pre-genocide imagery that has been collected at the Kigali Genocide Museum, departing from the work of professional photographers to examine the role of everyday snapshots in the task of documentation and remembrance. Chapter 4 segues into moving images, with a breakdown of the only widely recognized footage of actual killing in the Rwandan genocide, as well as of the 2008 documentary *Iseta* in which the cameraman who captured that footage, Nick Hughes, returns to Rwanda in an attempt to restore identity to the victims and perpetrators that he filmed. Finally, Chapter 5 looks at the growing community of Rwandan filmmakers and the issues they face in both capturing remembrance and moving into a Rwandan identity beyond that of genocide survivors.

Cieplak's examination of aesthetics in still imagery is interesting, and is perhaps the theme most evenly relevant to filmographers, ethicists, and historians, all of whom would find interest in this book. In comparing the more objective work of Peress with the more artistic composition

[1] Piotr Cieplak, *Death, Image, Memory: The Genocide in Rwanda and its Aftermath in Photography and Documentation* (London, Palgrave Macmillan, 2017), 4.

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of Salgado, he introduces a very worthwhile debate on the merits and dangers of aesthetic values when capturing atrocities. The discussion would benefit from an alignment of what is meant by "aesthetic" when addressing such images. If we think of aesthetics as a principle of satisfaction, then it is of course absurd to give it a place in this discussion. Yet the term "aesthetic" may inhabit a totally different realm here. Are aesthetics achieved when the full potential impact of an image is expressed? As the author discusses the stark horror of a body lying at the base of a church, one must wonder: Is the photographer inappropriately giving himself over to aesthetics in composing an image such that this juxtaposition is clearly seen? The discussion is complex; foreign documenters of the aftermath must check themselves against artistic opportunism. Yet a dry, forensic approach, executed in the hope of avoiding such opportunism, might not only miss impactful images but also read as a cold, perfunctory job that only exacerbates insult. Therefore judging aesthetics as a trap without adjusting for this context can lead the photojournalist down the opposite path of what would have been respectful.

Cieplak's theme of the importance of contextualization in best illustrated in his chapter on pre-genocide imagery. These images, always focused on eventual victims of the killings, have their origins in a context of either everyday life or a joyous occasion. Their present context as memorials of course delivers a cutting aspect to the innocence of their original purpose. It is in our reading of them in their newfound context that they assume a mantle of testimony and remembrance. It is significant to Rwandans' story that as they continue to contribute images even now to the KGM, many choose to preserve their originals in the security of the museum and retain only copies—an acknowledgement of their fragility as physical memories.

The author's discussion of *Iseta* reveals the complexity of readdressing a stunning cruelty, as two victims whose death became famous through filmographer Nick Hughes's lens remained powerless in life and anonymous in death. Hughes's return trip to Rwanda is an attempt to restore identity to the victims, yet finding their story risks opening tremendous wounds for the victims' family. Here Cieplak's argument is plain to see; remembrance for one person is an uninvited tug through misery for another. For the victims' family, such memorialization may have been welcome at some point in their years of coping, yet they had no say in the terms of when that memorialization would come.

Cieplak masters the material and directs the reader to a fascinating array of work. I find two issues he has downplayed in his examination of Western neglect of the genocide; the first is his contention that "the absence of the actual acts of killings from the visual representations… adds to the narrative of the genocide having been missed."[2] While the West remained shamefully absent despite ample warnings about the dire situation leading up to the genocide, his accounting for the lack of genocidal imagery seems to disregard the inherent taboo against documenting moments of death—an ethic worth considering even if to argue it was worth overcoming. This taboo, guarding against infringements on the dignity of the victim (and also on the receptivity of the viewer), severely challenges the ethics of not only saving and disseminating such an image but also capturing it in the first place, and playing the role of gawking bystander when killing is occurring. Nick Hughes's unique footage of two murders during the genocide was taken from a rooftop, affording it a sufficient distance to both render the victims anonymous and avoid (one hopes) the insult of recording within view of the dying. There is no question that the West failed Rwanda. Yet a separate failing the Western media must face in light of such horrors is the lack of resolve on how to expose tragedy without adding the element of exploitation at precisely the moment when victims are most dehumanized.

Secondly, Cieplak has chosen to downplay a key potential purpose of documenting atrocity: exposing the international community's failure in its post-Holocaust commitment: Never Again. His dismissal of this purpose is no accident, as he mentions the commitment in both his introduction and his conclusion, and his final tone concerning such a purpose is downright pessimistic, stating "how inconsequential and short-lived this outrage is."[3] With that said, the body of his book all but

[2] Ibid., 27.

[3] Ibid., 194.

refuses to engage with the idea. Though his skepticism is well-informed, the idea, given his topic, is above being ignored; as smartphones and social media make documenters of us all, these images lay bare how brittle our *Nie wieder* promise has been, and how we will continue to fail that promise unless we direct the purpose of genocide imagery toward the future as well as the past.

Death, Image, Memory is highly thoughtful and deeply researched, and has much to offer any student of history and human rights, especially as Rwanda's survivors face an era of divergent needs to memorialize and heal. Readers who are not focused on filmography and the theory of imagery may, in the first chapter, crave more tangible connection to the powerful story of Rwanda, but that discussion will come in all subsequent sections, with a rich and respectful treatment of a moving collection of imagery.

Film Review: *The Uncondemned*

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The Uncondemned
Directors: Nick Louvel, Michele Mitchell
Netherlands, Congo, Rwanda, USA, 2015

Reviewed by Jessica M. Adach
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The opening frame of the film, *The Uncondemned*, reveals a quotation from Ghengis Khan, perhaps the most notorious figure of rape and conquest in history: "The greatest pleasure in life is to vanquish your enemies… to see those dear to them bathed in tears… to clasp to your bosom their wives and daughters." The emphasis is placed on women and girls as both targets and objects of suffering. Indeed, as the film progresses we understand that women and girls were brutalized during the Rwandan genocide and forced to live with wounds that may never heal. In some cases, perpetrators refused to kill the women after their rape – regardless of how much they begged – leaving them instead to "die of sadness."

The Uncondemned masterfully documents the case of Jean-Paul Akayesu, the mayor of a small Rwandan town and perpetrator of genocide, who stands trial in the International Criminal Tribunal for Rwanda, first international criminal tribunal since Nuremberg. He is also the first person to be charged with genocide, including the charge of rape.

Through the first five minutes of the film, documentary footage and photographs flash across the screen in a compelling narration of the chronology of the Rwandan genocide: the tension between Hutus and the Tutsis who had been favoured by colonizers, widespread propaganda promoting hate, the violent warning signs identified by United Nations peacekeeping forces led by Romeo Dallaire that were rejected and ignored by the international community, and the slaughter of one million people in one hundred days while the world watched. The genocide is also situated within the broader context of the geo-political landscape of 1994 which included the conflict in Bosnia that captured the attention of the West.

The filmmakers ease into present-day Rwanda, bridging the gap between past and present by showing current memorials for those that perished. Haunting, instrumental music fills the scene as the camera leads viewers into a church where 10,000 Rwandans were killed. This site continues to be their final resting place as skulls, clothing and personal effects such as eyeglasses remain untouched. Bullet holes pepper the roof casting light onto the remains. On a medical table in the sterile basement of the church lays a large crucifix with sharpened points. We learn about Mukandori Anonsiyata, aged 26, who was held hostage and raped for days, finally being murdered with such a stick as it was forced upwards through her body into her skull. They can't preserve the memory of each woman who was raped, comments a narrator who is likely the museum curator, as there are too many. Instead Mukandori Anonsiyata represents the suffering of all women who faced sexual violence during the genocide.

We are taken to Taba, the rural community where Akayesu served as mayor. The rolling hills set the scene of the genocide, the beauty of the landscape juxtaposed with the atrocities that took place there. It is in this town that the key players of this story come together.

Pierre Prosper, the young lawyer who took charge of the case, with a background of prosecuting gang violence in Los Angeles; Sara Darehshori, a lawyer and investigator sent to build the criminal prosecution; Binaifer Nowrojee, an activist and investigator for Human Rights Watch; Patricia Sellers, legal gender advisor based in The Hague; Rosette Morrison, investigator and support to witnesses; Thierry Crubellier, journalist; Lisa Pruitt, gender consultant; Godelieve Mukasarasi, genocide survivor and founder of a women's organization in Taba; and local women from Taba who lived through the genocide.

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Each of these individuals is interviewed and featured throughout the film, their retelling of events the integral source – alongside documentary footage – of the Akayesu case. Cameras focus on the interviewees, who are typically seated against a black backdrop, drawing attention singularly to their story as they recount their experiences to unseen filmmakers.

Through Nowrojee's work with Godelieve Mukasarasi, genocide survivor and founder of a local women's organization SEVOTA, the horrific accounts of rape that occurred in Taba come to light: women who had been held naked and captive for days, gang raped, genitalia mutilated and left on display. While these stories conjure graphic images, it is important to understand the extent to which women suffered, and build the case for why rape should be added to Akayesu's indictment.

These detailed accounts also serve to illustrate how militia used sexual violence within the Rwandan genocide more broadly. Rape, sexual slavery and mutilation were used as a tool to manipulate, torture and instill fear amongst girls and women, and to threaten and degrade the Tutsi ethnic group. The sexual violence that took place in Taba was also widespread across the country, with thousands of girls and women raped during the genocide.[1]

There were many layers of complexity lawyers faced when working on this case. Fifteen members of the legal team came from eleven different countries, speaking different languages bringing experiences from their own jurisdictions, leading to debates over protocols and practices that should be applied. While the prosecutors had a background in common law, the judges each served in civil law systems. Office supplies were at a minimum; Prosper shares a story of attending a meeting to determine how the team's final stack of paper should be most effectively used. A photograph of Darehshori sitting in an empty office at a desk void of any supplies confirms how few resources were available. These anecdotes are stark reminders of the context in which the legal team was working, an international effort in a country reeling from the aftereffects of genocide.

The legal team faced a critical challenge when a witness, Emanuel Rudasingwa, was gunned down together with his daughter and nine others. Rudasingwa was the husband of Godelieve Mukasarasi, the interlocutor who had assisted in gaining evidence from the women of Taba to build the case of rape against the defendant.

Perhaps the most complex issue in formulating the legal case involving rape as a crime of genocide was around the definition of genocide itself. While rape is listed as a possible criterion to define genocide, until this point it had not been included in an international criminal charge. Genocide involves the intent to destroy a group – national, ethnic, religious – in whole or in part. A Rwandan psychologist interviewed in the film describes that rape not only shatters the life of a woman or girl, but also devastates the wider community, having long-lasting familial, social and economic implications. Through explanations from experts, filmmakers ensure the issue of rape within the crime of genocide is presented clearly, illustrating the multifaceted challenges of the case.

Through a witness statement it becomes clear that there is a strong case for adding rape to Akayesu's indictment; he knew of and allowed the rape and violence perpetrated against girls and women on the compound where his mayoral office was located.

Documentary footage is once again introduced to complement the present retelling of the trial. The case comes to life as Judges Kama, Aspegren and Pillay, the young lawyers and the accused Akayesu appear on screen and details of the case are revealed. At certain points filmmakers use subtitles – both in French and English – displayed on screen against a black backdrop, emphasizing the impact of the words, drawing the focus to their meaning.

Sellers, the prosecution's gender advisor based in The Hague, recalled a powerful message the group of witnesses repeated to themselves before entering the courtroom to testify: they would speak their truth, say only what they saw, not heard, in order to obtain justice, not revenge. These women had travelled by plane from their rural villages, where many did not have access to running water, to raise their voices against the man responsible for the violence they had endured and witnessed. On September 2, 1998, as a result of their testimony, Akayesu was found guilty of crimes against humanity including rape, along with genocide and incitement to commit genocide.

[1] Binaifer Nowrojee, *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath* (New York: Human Rights Watch, 1996), 1.

In a powerful moment, the Rwandan women who had been interviewed during the film each identify themselves as they key witnesses that had been referred to using pseudonyms throughout the case.

By focusing on the case of Akayesu, initially thought of as a minor player when considering the key figures perpetrating the Rwandan genocide, the filmmakers reinforce that genocide and crimes against humanity can manifest even in a small community, perpetrated by a seemingly ordinary man, and that these transgressions must not be deemed any less significant. In some ways, the story of Akayesu and the women of Taba may make an even more impactful statement than the case of a well-known *genocidaire*. It declares to the world that when legal frameworks and are in place and operational, there is no place where perpetrators should face impunity, where justice cannot reach. The success of this case now serves as a model, a blueprint for how to navigate indictments of genocide and rape.

Just as the church memorial safeguards the memory of Mukandori Anonsiyata who represents the women of Rwanda who experienced sexual violence during the genocide, so too does the case of Akayesu represent the legal victory of genocide and rape convictions which have laid the foundation for international justice on these charges into the future.

As the credits begin to roll, a final scene shows three former interahamwe militia – now accused of thousands of rape cases in neighbouring Democratic Republic of the Congo – waiting to be interviewed by the filmmakers. When asked if they employed rape as a tactic of war, there was silence, each man looking at the other to reply. The film ends with their silence, a symbol that they are now powerless, their voices muted against the testimony of the women who sought justice.

The Uncondemned depicts the powerful journey towards the critical achievement of rape being recognized both in the history of international criminal tribunals in cases of crimes against humanity and genocide, and also for women and girls – and men and boys as well – who have suffered sexual violence at the hands of perpetrators during conflict. It is likely that this film will have lasting relevance and go on to educate students and practitioners on both the Rwandan genocide as a whole, and how rape can be confronted in convictions of genocide.

Title of the Film: *The Uncondemned*; Directors: Nick Louvel, Michele Mitchell; Producer: Michele Mitchell; Screenplay: Michele Mitchell; Music: Nicholas Britell; Cinematography Nick Louvel; Film Editor: Nick Louvel; Countries: Netherlands, Congo, Rwanda,USA; Languages: English, French, Kinyarwanda; Year of Release: 2015; Production Company: Film at Eleven. Duration: 81 minutes.

Acknowledgments

Footnote from page 166 of the review, in reference to the thousands of women and girls raped during the Rwandan Genocide.

Film Review: *A Snake Gives Birth to a Snake*

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A Snake Gives Birth to a Snake
Director: Michael Lessac
South Africa, USA, France, Serbia and Montenegro, Rwanda, Serbia, Ireland, Bosnia and Herzegovina, 2014

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Documentaries on genocide and human rights violations have addressed the most paradigmatic cases of the 20th century, from the genocide against Armenians to the Jewish Holocaust, to the genocides in Cambodia and Rwanda. Moreover, different filmmakers have explored the subject from different angles: state violence, memory of survivors and denialism among other perspectives. However, Michael Lessac's 2014 documentary *A snake gives Birth to a Snake* from 2014 discusses a less explored topic: the relationship between the work of truth commissions (following the example of South Africa) and the ways art can help do this work of conflict resolution through a in various places where there were serious violations of human rights. The plot of the documentary revolves around the story of a South African theater company that shows its works in regions devastated by violence such as Northern Ireland, Rwanda and the former Yugoslavia. The theme of the play is reconciliation, and throughout it the actors discover that they must face the violent past of their own country and at the same time engage in a difficult dialogue between different people and their traumatic memories.

The first part of the documentary places us in South Africa itself and establishes the narrative about the process of reconciliation after Apartheid. Several referents of the political and cultural scene (both people of color and white) provide details of the South African truth commissions. The process by which different parties communicate the atrocities of the past is painful and at the same time complex. The linguistic question is fundamental in a country where different languages are spoken and different groups reside. In this way, the documentary explores the role of the various interpreters who had to listen and translate the testimonies of different people who suffered atrocities. The interpreters belong to diverse communities including both people of color and whites.

After establishing the different voices of the reconciliation process, Michael Lessac focuses on the play and its genesis. We hear about the peculiar characteristics of making a work that is performed by actors who also have had a connection with the recent traumatic experience. The director film offers images of the city of Johannesburg and the huge Soweto slum as the backdrop for the interviews to situate the narrative. We observe not only the rehearsals of the play, but also interviews to with the actors. Among the actors is the son of a former Apartheid politician.

The first place where we see the play performance is in another African country struck by violence and pain: Rwanda. The effect of seeing the dialogues of the play in a country where genocide has occurred so recently creates a powerful effect on the spectator (both of the play and the documentary). The idea of commissions of truth, reconciliation and forgiveness goes through the narrative of the play and its echoes resonate in the different rooms and regions where it is performed. The second country where the theater play is performed is Ireland. The director focuses on the challenge of mounting the play in a divided Ireland by showing images of the streets of Belfast which allude to the past of Irish armed struggle. The walls of the city still covered in the iconography of the armed organizations. The obvious contrasts are found here in a series of cleavages which evoke of the conflict between Catholics and Protestants. The discussion about political violence, the attacks of the IRA and the problem of reconciliation in the case of Northern Ireland contrast with the lines of ethnic and racial cleavages of the South African case.

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The last place where we see the performance of the play is in the former Yugoslavia. The performance of the play in the region where the systematic murder of Albanian civilians occurred -during the conflicts of the 1990s in the Balkans- is one of the most intense moments of the documentary. The dialogues between the actors and the public once again show the challenges and limits on the dissemination of ideas about the process of searching for truth, reconciliation and forgiveness. The issue of ethno-religious nationalisms in the Balkans, as well as the transition from the collapse of the Yugoslav multi-national and multi-ethnic but nationally united state to the fragmentation of the 1990s, reflects one of the most complex questions for the documentary.

From an aesthetic and formal point of view the approach of the director is successful in seeking to avoid sentimentality while at the same time evading morbid images. The documentary unfolds with a linear narrative, almost traditional, avoiding experimental explorations. On the contrary, the cumulative effect of showing the play's performance in different places shows a certain didactic angle through the idea of comparing different cases. The creation of an atmosphere where the dialogue between actors and the public prevails generates empathy in the spectator, while also of an showing the challenges associated with truth commissions as a way of resolving conflicts.

One of the problems of the documentary is the absence of a greater historical context so that the viewer can understand not only the different historical cases dealt within the documentary, but also some background of the previous history of South Africa. In that sense, it would be important to go a little deeper into the political culture and the forms of representation about Apartheid. The viewer would like to know a little more about the cultural and political scene of the country in order to understand the type of particular aesthetic created by the author of the play. On the other hand, the core of the documentary deals with the issue of memory and the representation of trauma. However, the almost prescriptive notion about the South African conflict resolution model through truth commissions eclipses the possibility of thinking comparatively about other paths of searching for truth and justice.

This last idea is perhaps one of the most complex ones to address about the documentary and refers to how each of the cases presents different stories whose cleavages seem to be simplified under the narrative of the documentary. The cleavages of ethno-nationalism in the Balkans and the ways in which they added to the problems of the post-Cold War world; the ways the wounds of the French colonial past contributed to the case of Rwanda or the discussion around the political violence and its consequences in Ireland are all included and mate to fit into the South African resolution model. Although the comparative element is interesting as an approach to explore both genocides and representations, the lack of a more complex contextualization leaves the viewer with the impossibility of thinking about conceptual differences in each case. Thus, fundamental lines of cleavage for the South African case such as the ethnic and racial question have different angles if we compare them with the case of the religious ethno-nationalism of the Balkans. The discussion on how to extrapolate models of resolution to other regions with different problems opens questions about other parts of the world and the problem of truth and reconciliation commissions in cases such as those of the Southern Cone of Latin America. The documentary, an intense and aesthetically valuable contribution, opens up questions not only about the resolution of conflicts, but also about the transmission of trauma and memory in different historical cases.

Title of the Film: A Snake Gives Birth to a Snake; Director: Michael Lessac; Producers: Jacqueline Bertrand Lessac, Michael Lessac, Emma Tammi; Cinematography: Henry Jacobson, Anastas N. Michos; Film Editor: Joel Plotch; Countries: South Africa, USA, France, Serbia and Montenegro, Rwanda, Serbia, Ireland, Bosnia and Herzegovina; Language: English; Year of Production: 2014; Production Company: Global Arts Corps; Duration: 99 minutes.