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Articles

Internal Displacement in Africa – a New Convention for an Old Problem

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From the late 1990s the number of internally displaced persons has increased by 17 million – to over 27 million today. So far, no legal instrument on the international level dealt directly with internal displacement. Since internally displaced persons remain within the borders of their own country, this seems hardly surprising. However, in October 2009, African States adopted a continent-wide convention that addresses the issue. Accordingly, the region hardest hit by internal displacement possesses the first instrument specifically dealing with the problem. This article illustrates causes and consequences of internal displacement in Africa. It explains how the international community approached this phenomenon and finally discusses some aspects of the new convention. While the convention does contain provisions of particular relevance for internally displaced persons, the chances that it will lead to significant changes seem slim.

Religion as a Conflict Factor? A Systematic Survey of Religious Dimensions of Violence in sub-Saharan Africa *Matthias Basedau / Johannes Vüllers*

Does religion incite violence in sub-Saharan Africa? A new database reveals that this is more frequently the case than commonly assumed. In almost all countries, religious violence such as attacks on clerics or clashes between religious groups can be detected. In 15 violent conflicts, religious affiliations distinguish warring factions. Theological incompatibilities form partial causes of violence in nine countries. In 13 countries violent religious groups exist. Regarding causal links, preliminary results suggest that religious violence is particularly likely, when ethnic and religious boundaries run parallel, religion is politicized and elites make use of religious ideas to legitimize violence.

Diasporic Engagement in Civil War and Reconstruction: Examples from Somalia and Somaliland *Markus Virgil Hoehne*

This article deals with the roles and chances of the Somali diaspora in the collapsed state of Somalia, the autonomous region Puntland (that officially still belongs to Somalia) and the de facto state Somaliland. It illustrates the complexity of the Somali diaspora and highlights its agency with regard to the context of origin. Separate sections deal with diaspora and conflict escalation / perpetuation, the economic role of the diaspora, the social and cultural influence of the diaspora, and diaspora in politics and peacebuilding. The article concludes that diasporic activities in the Somali context are influenced by social factors (for example, the clan system), divisions within Islam, differences in living conditions in the countries of residence, developments 'at home' as well as by global developments (for example, the unfolding 'war on terror').

Open War-Economies as Driving Forces for Persistent Civil Wars in Developing Countries: Of Coltan and Blood Diamonds in the Democratic Republic of the Congo and in Liberia *Johannes Muntschick*

Since the end of the Cold War the number of intrastate armed conflicts has significantly increased. It is puzzling why these civil wars are often particularly persistent in less developed countries although one would assume an alleged lack of financial means and equipment in those peripheral regions. The paper argues that the systems of open war-economies are responsible for the persistence of these conflicts at the first place, while conditions of fragile statehood and natural resource reserves facilitate their emergence. War-economies fuel a civil war significantly since they enable violent actors to accumulate financial means and hence provide them with freedom of (military) action. These assumptions are illustrated and corroborated by a detailed analysis of two empirical case studies: The war in the Democratic Republic of the Congo (1996-2003) and in Liberia (1989-2003).

Transitional Justice and Development in Africa *Susanne Buckley-Zistel / Friederike Mieth / Julia Viebach*

In the 1990s, in particular, a large part of violent conflicts took place on the African continent. After their ending, the legacy of often extreme violence is being addressed by truth commissions, tribunals and so-called traditional mechanisms – all referred to under the umbrella of transitional justice. Against the backdrop of extreme poverty in many parts of Africa the article raises the questions, if and how development aspects need to be considered when dealing with massive violence. In response, it analyses the cases of South Africa, Rwanda and Sierra Leone. It argues that in cases where social injustices and ensuing poverty were amongst the structural causes of the conflict, as well as in cases where economic crimes formed part of the forms of violence, transitional justice needs to include development aspects. It however cautions against considering the concept more generally as a motor for social change and to overburden it with the unreflected inclusion of development aspects.

Africa – A Fertile Soil for the International Criminal Court? *Philipp Kastner*

This article aims to critically assess from a legal perspective why, since the entry into force of the statute of the International Criminal Court (ICC) in 2002, situations arising exclusively from African contexts have been brought before the ICC. This phenomenon will be analysed in light of the ICC Statute by examining the preconditions to the exercise of the ICC's jurisdiction, the mechanisms triggering its jurisdiction over specific situations, the principle of complementarity, as well as the strategy of the Prosecutor. Related key aspects, such as state cooperation and non-cooperation with the ICC as well as its contribution to achieving justice and peace in Africa, will also be addressed.

Protection of Human Rights in Theory and Reality: The Case of the African Court on Human and Peoples' Rights *Markus Löffelmann*

The African Court on Human and Peoples' Rights (AfCHPR – „Court“) was operationalized in July 2006 with the swearing-in of the first eleven judges. In December 2009 it pronounced its first judgment. The institutional development of the Court faces numerous challenges that derive from the legal framework under which the Court operates, the complexity of the human rights protection mechanisms in Africa, and, on a daily basis, the shortcomings of technical infrastructure. The primary future challenges for the Court are to attain more visibility and receive more cases.

ECOWAS' Contribution to Regional Political Order in West Africa *Christof Hartmann*

Since the early 1990s the West African economic regional arrangement ECOWAS has become one of the central security actors in the region. Protracted violent conflicts in member

states and the decisive action of hegemonic member state Nigeria were responsible for this role change. The necessary institutional adaptation to this new role occurred only in a second phase via organisational reforms and norm change. The article asks to what extent ECOWAS has indeed been able to achieve peace and security in the region as well to promote and guarantee human security and democratization of member states' political regimes. Its capacity to achieve this is hampered less by a lack of political will than by weak capacities both at the regional and state level.

Documentation

„Afrika ist voller Schmetterlinge“ Laudation of the retired Federal President Horst Köhler on Henning Mankell delivered at the awarding of the Erich Maria Remarque peace prize on September 18, 2009