



Traditional African and Religious Approaches to Reconciliation

CHAPTER 9

This chapter explores some traditional African and religious approaches to reconciliation, and looks at how these may influence local views on the ICC and efforts to bring peace and justice after conflict. Insight into the indigenous perspectives on these issues, and the context in which the prosecutions of the ICC can be better understood, will hopefully lead to better cooperation and results.

9.1 Justice from different African perspectives

Although there is no uniform African perspective, some common traditional approaches need to be understood. Such traditional approaches have long been practiced, often in the absence of modern justice systems, and influence the perspectives of local people concerning issues of justice and peace. It is important to be aware and sensitive to local perspectives as they may clash with Western legal perspectives – and it is important that they can co-exist. To fully understand the context, the values and beliefs, fears and suspicions, interests and needs, and relationships and networks need to be explored.

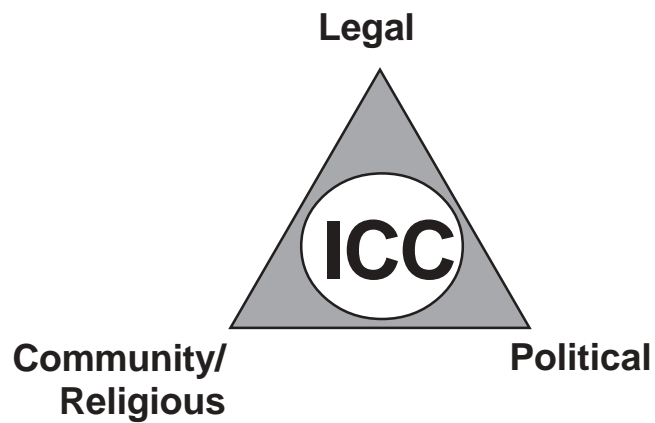


It is important to be realistic about community-based reconciliation as well as international prosecutions. Both have opportunities as well as limitations.

Western approaches tend to focus on the rule of law (even in parts of the world where such rule of law does not exist because of war). A harsh



Context of the ICC



reality is that the majority of Africans do not benefit from a modern system of justice which they would describe as fair or just. A sad consequence is that the majority of Africans still see the law as an oppressive tool of the powerful. These very different experiences of law are the main reasons for the wide differences in attitude between local leaders and (international) lawyers.

Western traditions of justice emphasise establishing individual guilt and punishment through physical and material penalties and prison sentences. Here, in practice, limited attention is paid to healing and the re-integration of the offender in the community.

Traditional approaches to reconciliation on the other hand are commonly inclusive, and involve the identification of root causes and solutions through meetings involving family and community members from both sides in a dispute. Although it is important not to romanticise, the role of religious and community elders is crucial, as are the use of rituals, symbols and interpretation of myths to bring conflicts to an end. Thereafter, decisions are made to repair and compensate for loss of life and property, and cattle, sheep or a goat may be sacrificed to cleanse the evil spirits of conflict.

In general, to achieve a successful resolution of a dispute in Africa, the parties must:

- acknowledge guilt and responsibility for harming the other
- repent and be truly sorry



- ask for forgiveness and be open to forgiving the other
- pay compensation
- participate in ritual ceremonies with the other party and their family, to show reconciliation.

A key element of many African approaches is the centrality of the family and collective responsibility of the community for resolving disputes. This sense of interdependence is referred to e.g. as 'Karakor' in Sudan, and 'Ubuntu' in South Africa. Interesting is that the Maasai (Kenyan) word for 'peace' means 'relationship'. When a problem arises, priority is given to restoring relationships. An approach used by African mediators (often elders or religious leaders) is to move away from an adversarial approach (win/lose), by taking a longer-term perspective which can take into account both sides, and seek an amicable solution where both parties feel understood and respected (win/win).

Some of the weaknesses of traditional approaches that have been identified include the lack of women's involvement in the decision-making process, and the difficulty in applying such community-based approaches to widespread atrocities and conflicts that transcend national boundaries. The scope of many community-based processes is also limited to one

particular ethnic or religious group, meaning that not all people in a given area are able to participate.

Case study from Uganda

The Acholi tribe has a long-standing tradition of reconciliation which has been used as a basis for the national Amnesty Law in Uganda.

As the majority of the Acholi people of Northern Uganda are Christian, the five steps are Christian and traditional in approach:

1. acknowledge the mistake (within own family)
2. accept responsibility for the wrong committed (mediation between the two families involved)
3. ask for forgiveness from the other party and the community as a whole
4. receive mercy from God
5. rituals and ceremony – to mend the broken relationship.

Traditionally, it involves the sacrifice of a goat, then the drinking of herbs shows that conflict is bitter.

9.2 Religious approaches to justice and reconciliation

In Africa, traditional perspectives on religion have been incorporated into the more recent or 'imported' religions such as Christianity and Islam; therefore it is often difficult to separate what is a religious perspective and what





is African tradition. In many cases, African values are found to be important irrespective of the faith of the religious leader(s).

The teachings and practices of major world religions reveal spiritual and moral formulations that support reconciliation and harmony within and between humanity and divinity. The philosophical basis of reconciliation can best be captured if one is acquainted with the scriptures and teachings of the

major world religions. The following sections highlight the teachings of Hinduism, Buddhism, Judaism, Christianity, Islam, Africa Traditional Religions and Africa Independent Churches. Each of these religions refers to reconciliation as a tool for conflict prevention, transformation and resolution.

Hinduism

Hinduism followers constantly reflect inward and make a commitment to achieve subjugation of desire, renunciation of petty desires and personal motives, upholding of practical interests, tranquillity, self-control, patience, peace of mind, and movement toward liberation from the concerns of this world. Hinduism teaches its followers to practice truth-seeking, and upholds moral purification as a constant practice in renewing one's conduct and behaviour. Reconciliation starts with individuals who analyse themselves, reach out to others, and then build a community or society in which they can live in harmoniously.

Buddhism

Buddhism exhorts followers to seek enlightenment. Enlightenment is found through exercising "right view, right aspiration, right speech, right conduct, right endeavour, right sound-fullness, and right contemplation." This calls upon a person's decisions to emanate from informed judgment and deep reflection. Extremism is discouraged in Buddhism; instead, Buddhists strive to find the middle way in conflict resolution.



As part of moral living, Buddhists are prohibited “from taking life, from what is not given, from misconduct, from false speech and from intoxicants that lead to clouding the mind.” They are exhorted to maintain good relations, behaviour, and conduct within the community.

Judaism

Judaism emphasises a covenant relationship between God and His chosen people. Pertaining to relations between people, Judaism emphasises “justice, love, kindness and a humble walk with your God.” Living harmoniously with God requires harmonious relations with fellow humans. Furthermore, every member of the faith should be responsible for the moral conduct of those neighbours one is able to influence.

The words of Hillel summarise the profound teaching about relationships between man and man: “What is hateful unto you do not do unto your neighbour. The rest is commentary, now go and study.” Reconciliation can be taken to mean: taking responsibility for harmonious living with God and neighbours.

Christianity

According to Christianity, reconciliation is an act of God and was initiated by Him through the death of Jesus Christ. God is reconciling the world to Himself. All Christians are children of God. God has written the law in their hearts and they are commanded to love God and their fellow humans.

Where disputes arise, the offended is commanded to take initiatives to reach out to the offender and sort out the differences. If no agreement is reached, the next step is to involve a third party, and if this does not work, seek support from the whole community. Christians are not to keep anger for the entire day; instead, they should seek reconciliation. The offended party is therefore commanded to forgive an indefinite number of times. Christians should love God and their neighbour as God loved them by saving them through Jesus Christ.

Islam

Islam connotes the attainment of peace through submission to Allah or through conformity to His will. Perhaps one of the



most important observations to make is that God or Allah in Islam is often referred to as Merciful. He is also compassionate. The Qur'an teaches order, orderliness, morality and human betterment. This can be achieved through the guidance of "God the Most Merciful and Compassionate who has the power to lead men into the straight path". The power for people to reconcile comes from God and can thus be achieved. Muslims should keep and promote peace and justice with all, including enemy, keep the greeting "peace be on you", and exercise tolerance.

Africa Traditional Religions

In African Traditional Religions (ATR), people have deep and firm faith in the existence of a creator God who is unseen and is the nodal point of peace, social justice, and harmony. People have responsibility to God, other members of the society, the living, the dead, the unborn, and nature. People should contribute toward the welfare of the community rather than considering their own rights and self-interests.

In ATR, good morality is living in appropriate relationships with other people, high and low, young and old. The sanctions to uphold morality include approval and disapproval of the social group expressed in rewards and punishments. Wrongdoing is a contravention of moral codes and could consequently attract afflictions.

In case of conflicts and strife, reconciliation is considered necessary to restore peace and harmony. Everyone is expected to be a peacemaker. People are discouraged from showing anger, pride, practicing injustice. The process of reconciling broken relations often involves the ritual slaughter of animals and offers made to the ancestors and the community.

African Independent Churches

African Independent Churches (AICs) manifest a response of Africans to Christianity as they understand it in their own cultures and perspectives. In doing so, AICs have embraced values that are meant to keep good relationships and order. "Life, relationships, participation and community are the larger important realities." Social, spiritual and environmental dimensions are interrelated. Solidarity, harmony, fellowship, sharing, and mutual caring are important aspects in



maintaining good relations. This community of believers are the People of God, who is their Father.

Bahá'í Faith

Bahá'í believe in the oneness of God, the oneness of religion and in the oneness of humanity. The Bahá'í faith teaches that the “well-being of mankind, its peace and security, are unattainable unless and until its unity is firmly established.” Justice is the basis upon which the unity of the human family is preserved.

Individuals are enjoined to promote harmonious relations by upholding a high rectitude of conduct, with its implications of justice, equity, truthfulness, fair-mindedness, reliability and trustworthiness. On the collective level, Bahá'í promote reconciliation through a distinctive method of non-adversarial decision making, known as “consultation”, as one means through which unity and harmony may be restored among individuals divided through conflict.

9.3 Working for peace and justice

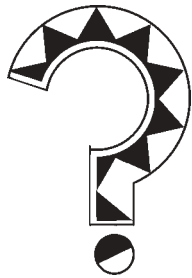
Overall, the ultimate responsibility for peace and justice is that of the community and religious leaders from Africa itself. International organisations like the ICC can play an important part – but should not be relied on to lead the overall process. In times of conflict and insecurity, ordinary people look to religious organisations for safety and guidance, and play an important role in any effort for justice and reconciliation. Religious leaders can provide moral leadership, and can work to provide reconciliation at the individual and community levels and thus enable people to live together.

Religious leaders can also be involved in the mobilisation of ordinary people which can lead to broader ownership of the process. Religious leaders have access at both the elite and grassroots levels and can provide a credible voice in such processes. In Sierra Leone, for example, a group of people did not trust the Truth and Reconciliation Commission, but religious leaders have acted as a link to ordinary people and increased trust in the process. There is a need to articulate the vision where efforts for justice and reconciliation can work in harmony, and the different perspectives (legal/traditional)



can complement each other. There is also a need for a credible voice to provide overall leadership, particularly in terms of popular participation for reconciliation. As one religious leader from Uganda put it: “The idea of justice is legal, but reconciliation is religious and traditional”.

The concept of reconciliation lies at the heart of teachings and practices of world religions. These teachings and practices can be referred to in developing reconciliation programs, and they can be used as tools to persuade individuals and communities to embrace reconciliation as a means to conflict transformation, resolution and prevention.



9.4 Key questions

1. What are some of the religious and traditional approaches to reconciliation in your context? Who is involved and how are conflicts dealt with?
2. How could traditional and religious approaches to justice and reconciliation be used to deal with war crimes? What examples do we have in Africa? What are some of the strengths and weaknesses?
3. How can the prosecutions of the ICC work in harmony with local efforts for justice and reconciliation? How can the legal and community/religious perspectives work together for peace and justice?

