

African Potentials

Preface to the Volume 2

## **Beyond Armed Conflict: Complexity and Diversity in People's Strategies and Peace-Building Institutions**

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### 1. Introduction

Several conflicts broke out on the African continent during the 1990s. However, the forms of conflict involved have undergone a major change in recent years. First of all, there has been a decrease in the type of political violence characterized by large-scale massacres, as seen most notably in the Rwandan genocide. Note, however, that this may be nothing more than a trend: the conflict that arose in the South Sudan in December 2013 over political dominance has now also turned into an ethnic conflict, so we are not likely to see an end to this particular conflict soon. Second, other forms of political violence have now also emerged, forms that have not yet been sufficiently analyzed, such as an increase in electoral violence and the occurrence of numerous local conflicts over land or water. Third, there are forces that oppose the rules of the game by which democracy operates and aim to make fundamental transformations, as well as forces linked to terrorism based on extremist philosophies. As I will discuss later, these conflicts are accompanied by the rise of what may be called counter-system insurgent forces. We cannot, therefore, exclude the possibility of the continual occurrence of small-scale, local conflicts marked by violence and criminality in the future.

It is generally accepted that most of these conflicts are linked to the nature of nationhood in Africa, and that ways of dealing with the “post-conflict” stage do not always follow the same path. For example, even though successfully concluding ceasefire agreements and peace agreements aimed at ending a conflict can lead to pacification, these measures can also make it impossible to deal with crimes committed during the conflict, and it has been suggested that this may lead to a form of transitional justice in which “unpunished crimes” are tolerated. It has also been pointed out that various dilemmas can arise in connection with approaches to nation building based on the concepts of liberalism and democracy.

This volume will discuss recent problems with conflict in Africa in terms of its characteristics (or diversity), ways of dealing with it (after the conflict), and national formation, as well as focusing on efforts to bring about post-conflict reconciliation and justice. In other words, it is an attempt to examine various aspects of the potential for dealing with conflict in Africa.

### 2. Armed Conflict in Africa and Dealing with Conflict: Transformation and Trends

The processes contributing to the eruption of conflict in Africa are deeply linked to the characteristics of the various African states, since independence, and the transformations they have undergone. The states of Africa often have a noticeable materialistic aspect in which the political elites who wield power use this power as a means of accumulating wealth (Lonsdale 1981). This has a significant connection to the extremely multi-layered patron-client relationships that have developed as means of distributing the resources accumulated. These patron-client relationships may in some cases provide a certain degree of protection from violence, while at the same time possibly also involving actors of violent acts and violence directed towards those outside the relationship. Note, however, that the basis for forming these patron-client relationships is not limited to ethnicity, alone, and we cannot dismiss the possibility of their being based on other identifiers, such as common regional origins or religions. Moreover, the ties that hold these relationships together are not stable but are characterized by the potential for being broken off and reorganized, based on factors such as the patron's ability to distribute resources. Takeuchi (2000) summarizes this point with respect to the conflicts of the 1990s in particular as follows:

In the era of one-party, military rule, or other highly centralized political systems that prevailed until the 1980s, patron-client relationships in the African states were formed along the lines of the national hierarchy with the political leaders at the top. The economic crises and economic liberalization policies of the 1980s became the occasions for moves toward fragmentation. Then, as a result of the political democratization process of the 1990s, networks were reformed after being broken up. In other words, it is believed that the break-up and reorganization of these networks, leading to more intense power struggles among the political elites who sat at the top of these networks, were a factor that brought about multiple outbreaks and "popularization" of conflict in the 1990s. (Takeuchi 2000: 26)

In order to consider the phenomenon of frequent conflicts in almost every part of Africa, Takeuchi (2000) points out that we need to look at socioeconomic structures in addition to the logic of power struggles and popular mobilization. In Rwanda, in particular, there was both a sudden worsening of the agricultural village economy, due to a land shortage, and insufficient demand for labor in the cities after 1980. We need to observe and analyze the ways in which this forced young people in the rural villages into a state of hopelessness and increased stress.

However, by the end of the 1990s, United Nations peacekeeping operations began to enjoy some success and there was a tendency for conflict to be limited to smaller areas. In Rwanda and the Republic of the Congo, internal conflicts were decided by armed strength, while in countries such as Liberia and Sierra Leone, peace agreements were concluded through various intermediaries. Through a series of events, such as the establishment of provisional governments and the holding of elections, these states reached a point where it appeared as if their respective conflicts had been settled. However, despite these trends, conflict then arose in the Darfur region of Sudan and in Somalia, particularly in the southern part which became increasingly unstable despite the establishment, in November 2012, of the country's first new government in 21 years. In addition, in 2013, ethnic conflicts erupted as a

result of political power struggles in South Sudan, which had only achieved independence from Sudan in 2011. Even when it appears that a conflict has settled down, an ill-defined state between war and peace often remains and it continues to be difficult to describe these situations as ones where conflict has been “solved” (Takeuchi 2008). The globalized economy can also cast a long shadow over the underlying causes of these conflicts. One additional problem faced by some of the weaker African states is that regional authorities and actors of conflict, known as “warlords,” can sometimes take the place of the actual governments by means of their management of natural resources, and then use this position to maintain their power and enforce public order. Conflict in Africa can also occur in the midst of national transformation and the continual transformations that often mark the nature of a country’s relations with the outside world.

The introduction of multi-party elections in Africa has led to many cases of the phenomenon known as “electoral violence” (e.g., Bekoe 2012) or “the curse of elections” (Motsamai 2009). Doubts have arisen about whether holding elections in Africa always contributes to stability based on democracy. Electoral violence is not limited to Africa, having been observed in various Asian countries such as the Philippines and Thailand, but it has become an especially important electoral governance issue in Africa (Norris 2014: 18-9). Electoral violence can be defined as “harm or violence or intimidation of people by force, as a direct result of an upcoming election or published election results” (Straus and Taylor 2012: 19) and is, therefore, more focused on elections than on ordinary conflict or violence. Furthermore, it has been noted that elections in Africa are often intimately connected with problems regarding a shortage of available land under government control (Boone 2014). This form of violence also gives rise to societal fissures motivated by ethnic political movements, and it has become a new issue in that it can sow the seeds of latent antagonism. A classic example of this is the post-electoral violence (PEV) that arose in Kenya at the beginning of 2008. In that case, there were suspicions that powerful politicians had systematically contributed to the outbreak of violence and the International Criminal Court, established in 1998 under the Rome Statute, launched an investigation which resulted in moves to indict several politicians.

Furthermore, Scot Straus (2012) has referred to the rebel forces in many of Africa’s long-term conflicts as “counter-system rebels.” Examples include Al Qaeda Islamic Maghreb (AQIM), which was both the driving force behind the incidents in Algeria at the beginning of 2013 and is known for its activities in southern Algeria and northern Mali; Somalia’s Islamic force Al-Shabaab, and the Lord’s Resistance Army (LRA), which has long been active in northern Uganda but has now moved its bases to neighboring countries. The aims of the leaders of these forces are to oppose the “rules of the game” based on the existing systems of democracy and institute radical transformations. Since the political environment that these forces seek to establish does not involve any of the internationally recognized forms of democracy, what they have in common is an inability to assert themselves by electoral means. The areas in which these rebel forces remain active, despite the overall decrease in conflict since the 1990s, include the eastern part of the Democratic Republic of the Congo, Sudan, Somalia, Mali, and northern Niger, which collectively comprise the Sahel region. It is believed that the characteristics of

these rebel forces are having an effect on the long-term nature of the conflicts in these regions.

### 3. An Approach to Replace State Building

#### 3.1. State Building and Associated Issues

The September 11, 2001, terrorist attacks on the United States mainland at the beginning of the twenty-first century were one of the turning points for the way in which the international community has pursued policies, in an extremely realistic way, directed towards countries that are acknowledged to be politically fragile states. A fragile state is defined as a nation with weak governance and systems and a low level of ability to implement appropriate policies. Such a nation is considered a suitable object for nation building, and should be supported in developing governance and constructing systems, even though the most effective means to provide support for such countries is still being debated.

However, it has been noted that this kind of state building, based on outside involvement and certain concepts of liberalism, can give rise to a variety of dilemmas (Paris and Sisk 2008). As Sato (2012: 11-2) states: “Efforts at state building promoted on the basis of a certain image of what the state should be rarely work themselves out on their own. They tend to mutate, based on interactions with the realities of the country that is the object of intervention.” He also points out the need to “consider the problems of conflict and the state without being held captive by notions of how to proceed with state building.” This is one of the cautions that he has proposed, based on research into the relationship between conflict and statehood. Moreover, a major issue remains: In African countries that have not always had sufficient experience in administering a modern state, massive costs will often be incurred in projects that aim to reconstruct a state with policies that promote democratic systems and sufficient governance (Engelbert and Tull 2008).

#### 3.2. Criticism of the State Convergence Thesis

It has been argued that M. Weber’s image of a nation, namely a state that suppresses violence through a monopoly on violence or reverts to an administration based on Western democratic principles, is not necessarily appropriate for all African states that have experienced conflict. For example, we may cite the arguments of geographer Tobias Hagmann and anthropologist Markus V. Hoehne, who have criticized the state convergence thesis, which some have assumed to be a precondition for solving the problems of state failure (Hagmann and Hoehne 2009). What they criticize and see as a problem is the view that the transformation of African nations diverges from the accepted vision for “ordinary” states. Hagmann and Hoehne present the argument that these countries are exploring possibilities for new political authority that goes beyond the image of a typical nation state with popular sovereignty, which is seen as one of the goals of territorial integration in modern international relations. In other words, this argument views “state failure” in African states not so much as a problem to be dealt with but

more proactively as an opportunity for a process of transformation of the state. This view also puts a more positive spin on the fact that new political entities (alternative or provisional administrations or systems for them) are in the process of formation. This view can be read as a positive acknowledgment of the resilience and potential for a society to achieve local order, even if no government with the capacity for internal integration exists, and that what actually happens in a real society needs to be proactively reflected in any vision for state formation in Africa. Martin Doornbos (2006) also argues, with reference to the situation in Somalia, that rather than being seen as merely a lamentable weakening of the functions of a modern African state, these developments should instead be interpreted as new points of departure in a long-term state re-formation process that relates to the birth of new public authority.

The discourse that Hagmann et al. have developed is noteworthy in that it requires a rethinking of the concept of state failure. It draws attention to society's resilience, takes "bottom-up" alternative efforts into consideration, and thereby presents a valuable perspective when looking at dynamic moves in failed states or in nations that are in the process of recovery from failure. A related stance is the argument about "negotiating statehood" (Hagmann and Péclard 2010). They present "an analytical framework that seeks to better understand how local, national and transnational actors can forge and remake the state through processes of negotiation, contestation and bricolage" (Hagmann and Péclard 2010: 543-4). A more specific approach to investigating and analyzing the question of how and by whom domination is constructed would be to ask about the actors, resources and repertoires involved and about how the negotiation arenas and tables for these processes are set, as well as about the nature of the objectives of negotiations brought about through the negotiation processes. Moreover, they present this as a framework for understanding the dynamism and complexity of the vision for African states, not as a framework for the construction of a rigorous theory (Hagmann and Péclard 2010: 544). In that sense, the aim is not to realize any politically clear objectives, but rather to focus on and understand tendencies observed within the extremely complicated experiential realities of contemporary Africa (Doornbos 2010: 751-2). Within this approach lies the possibility of viewing African potential as the dynamics of creating order from the bottom up. If we consider state formation as an incomplete project, this viewpoint can be thought of as echoing Nyamnjoh's concept of "conviviality", namely the process of negotiation between the incompleteness of the past and the present regarding the oncoming future (Nyamnjoh 2015).

### 3.3. Possibilities and Pitfalls of Hybrid Governance

Arguments about hybrid governance as a counter-proposal to nation building and the achievement of order in Africa have attracted much attention in recent years. Hybrid governance is being explored by policymakers as a possibility for bringing about new order in regions that have experienced conflict. In these kinds of political responses, in the context of a presumed failed state, order can be achieved not only by formal national (or governmental) means but also through informal, traditional order and other forces, so that the nation or government is by no means in the privileged position of being the

sole provider of safety, order and welfare. The concept of hybrid governance is an attempt to have informal organizations and systems, each equipped with a certain amount of authority, legitimacy and capability in each society, share these functions in order to bring about political order in the territory governed by the nation - in a form that differs from Weber's concept of nationhood. This view sees a new nation emerging from a kind of hybrid environment, and proposes that the emergence and formation of a new nation can be supported by a serious political response that takes into consideration the circumstances of the region in question (Boege et al. 2008).

For example, the social anthropologist Kate Meagher discusses a variety of problems in Africa and raises several issues concerning hybrid governance (Meagher 2012). In particular, Meagher examines the role of armed forces as non-state security forces. If we assume that the concept of hybrid governance is efficient and desirable, the key question then becomes "for *whom* is it desirable?" Meagher conducts a comparative study of two separate groups from the perspectives of legitimacy and power: the RCD-ML (Rally for Congolese Democracy - Movement for Liberation), one of the paramilitary organizations in the eastern part of the Democratic Republic of the Congo, and the Bakassi Boys, a vigilante group that operates in eastern Nigeria. To summarize her conclusions, she has found that even though the RCD-ML has power in the form of regulatory authority over a variety of resources, it has not been able to achieve popular legitimacy among the people in the local regions where it is active. On the other hand, even though the Bakassi Boys have achieved a certain degree of legitimacy in the areas where they operate, they, in contrast, are caught up in political games concerning the policing of authority, which has in turn prevented them achieving power. As a result, the non-state armed forces that are expected to bear part of the burden of hybrid governance lack either legitimacy or power, with the result that they cannot succeed in effectively ensuring public order. This discussion highlights the fact that the conditions prevailing in the time periods studied by the major researcher on the history of national formation, Charles Tilly, and the conditions of national formation in contemporary Africa are vastly different<sup>1</sup>. This, in turn, raises doubts about whether conflicts in Africa will actually end up leading to national formation in Africa in the future.

Given this analysis, Meagher raises several points that are worth bearing in mind. Thus, while researchers who raise the issue of hybrid governance have asserted the importance of informal systems in the context of contemporary nation building or national formation, Meagher's analysis of the two cases of the RCD-ML and the Bakassi Boys shows that the question of *who* reaps benefits from these new informal systems for providing public order is determined by mechanisms in which informal systems or non-state forces acquire formal approval for their operation from the nation and by changes in the locus of power and accountability arising from this process (Meagher 2012: 1096). In that sense, while it is possible for systems that have social legitimacy to come into being through the informal systems and associations of hybrid governance, in other contexts there is a dangerous risk that they may be used for political purposes and actually hinder the achievement of political order. In fact, Meagher points to cases in which (hybrid) ties between national and non-state forces did not result in the achievement of more effective and socially legitimate political order but rather resulted in violent

and illegitimate forces being embedded in the nation's administrative mechanisms (Meagher 2012: 1097). For that reason, she points out that, in the context of a failed state, we need to carefully re-examine the appropriateness of "outsourcing" any of the functions that a government ought to assume to informal systems.

#### 4. Interfaces with the International Community: Aspects of Transitional Justice

##### 4.1. Systems of Transitional Justice and Associated Issues

The establishment of the Truth and Reconciliation Commission (TRC) in South Africa and the establishment of the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania, in 1994 meant that Africa became an experimental venue for "transitional justice." Moreover, since the investigations and indictments of the ICC have essentially been limited to African states up till now, Africa has also effectively become a frontier for transitional justice and of research on this topic (Anders and Zenker 2014). Actually, with the exception of violations of human rights under the apartheid system in South Africa, the social background that called for the development of transitional justice mechanisms in Africa has only arisen out of conflicts that occurred in the 1990s and later. It is anticipated that some sort of similar action will eventually be taken with regard to those conflicts that are currently underway, so we need to take a long-term view in considering this issue.

In societies that have experienced armed conflict, how best to face up to the crimes committed during those conflicts has become a central issue in many arguments over transitional justice. This kind of process demands the realization of extremely liberal values, and situations can readily emerge in which either outside intervention is seen to pursue goals such as democracy, human rights and the rule of law, or efforts are undertaken in extremely local contexts. Note, however, that there have been a number of critical discussions about visions of statebuilding based on liberal concepts, as stated above, and there is a history of major disputes about the problem that peace or social stability and order are not necessarily always achievable at the same time as justice (based on punishment). For that reason, there is a tendency to emphasize the localization of transitional justice, which includes efforts to construct new systems to bridge any potential divide between the concepts of "peace" and "justice" specific to one particular state or the region (Anders and Zenker 2014: 401). However, it is certainly also true that several doubts have been raised about *who* speaks of localization. In other words, researchers have presented a variety of arguments against moves on the part of outside donors to promote neo-traditional systems of justice, which are alternative and localized systems in traditional garb (Anders and Zenker 2014: 401). What various authors have emphasized here is the importance of experiential knowledge of the region or land in question, and the importance of taking a critical position towards mechanisms of transitional justice that seek uniform systems and universal values. In addition, the boundaries between aggressors and victims are not always clear cut when viewed in terms of the complexities of actual

events, where people do not always tell the truth and some may choose to remain silent (Anders and Zenker 2014: 402). Therefore, people in Africa can act in a variety of ways amidst the framework assumed for transitional justice, and there is a pressing need to reassess their actions from the point of view of African potentials.

#### 4.2. Modes of Action Viewed in Terms of African Potentials

In a recent special issue that Anders and Zenker (2014: 402-7)<sup>2</sup> compiled concerning transitional justice in Africa, they presented the following points of view. They noted that the scales that define justice can move back and forth among the global, national and local levels and that, in fact, we cannot deny that the processes of contestation and negotiation involved in the formation of mechanisms for transitional justice can also be used control the actual scales (Anders and Zenker 2014: 402). As a result, there is a potential risk that the vision of justice being pursued may, in reality, vary considerably. They mention three key issues that should be looked at and understood. The first of these relates to the problem of “a new beginning.” This problem may be best understood as a paradox concerning the basis for legitimizing novelty in a society that has experienced conflict and is now making a decisive departure from the past. This means that even if a Truth and Reconciliation Commission or a court that specializes in judging crimes committed during the conflict is set up, neo-traditional measures are instituted, and the state adopts systematic procedures for facing up to its crimes (and assigning blame for violence), it may still not be able to actually overcome issues of violence or injustice.

The second problem is related to the first: the problem of discrepancies between the lofty promises of transitional justice and messy realities. Often, the abstract ideals and visions of justice pursued in the processes adopted to achieve transitional justice are actually influenced by various political power struggles and bureaucratic practices that can arise on a day-to-day basis. For these reasons, the degree of justice achieved is often inevitably extremely limited (Anders and Zenker 2014: 405-6).

The third issue is that of the dialectic between the logic of the exception and the logic of the ordinary used when either legitimizing the mechanisms of transitional justice or resisting them (Anders and Zenker 2014: 406-7). When exceptional measures are established to deal with the extreme and unique problems related to transitional justice, they are intended to temporary. The ICC itself is a permanent organization, but its specific participation is limited to temporary handling of extremely unusual crimes against humanity. However, the term “transitional period” has a very vague meaning, and there is no way of clearly delineating a “transitional period” from a “normal period.” Therefore, the circumstances for carrying out transitional justice can be perceived as involving complex entanglements between the logic of the exception, applied in the special circumstances of the transitional period, and the logic of the ordinary, as seen in everyday practices, that aim to realize a just future for all (Anders and Zenker 2014: 409).

Considering these perspectives, the practice of transitional justice in African societies that have



experienced conflict, as discussed in Part 3 of this volume, can be characterized by the limits to and possibilities for multiple, multi-level patterns of compromise, which Matsuda has shown to be important components of African potentials, as well as the varied nature of the bricolage process, which also deserves study and observation (Matsuda 2013). To put it simply, various kinds of logic related to transitional justice are applied, in their respective contexts, straddling the boundaries between peace and justice. I believe that clarifying these various aspects of transitional justice will help to demonstrate the many possibilities and issues related to African potentials in the context of African politics.

This volume has been organized so as to investigate these issues further. It is composed of the following articles:

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Chapter 2: “Aspects of Potential for Reconciliation,” Hideyo Kurimoto, Osaka University

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##### Part 2: Possibilities of Dealing with Local Conflict

Chapter 4: “Dealing with Conflict on the Local Level: Ethiopia,” Toru Sagawa, Keio University

Chapter 5: “Dealing with Conflict at the Middle Range Level: Nigeria,” Shuhei Shimada, Tokyo University of Foreign Studies

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Chapter 7: “The TRC in South Africa and Transitional Justice,” Toshihiro Abe, Otani University

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Chapter 10: “Post-Conflict Violence in Kenya and Relations with the ICC,” Miwa Tsuda, Institute of Developing Economies

Conclusion: Shinichi Takeuchi, Institute of Developing Economies

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Notes

<sup>1</sup> It has been pointed out that we need to acknowledge that the context is different from that of Europe in terms of its stage of national formation at the beginning of the modern era, given the additional factors of fixed national boundaries, the advance of globalization, the breakdown of administrative capacity, reliance on outside financing, and forced regional devolution. Please refer to an excellent discussion of this issue by A. Leander in "War and the Un-Making of States: Taking Tilly Seriously in the Contemporary World," in S. Guzzini and D. Jung, eds. *Copenhagen Peace Research: Conceptual Innovation and Contemporary Security Analysis*, London: Routledge, 2004, pp. 69-80.

<sup>2</sup> This is a special issue of the journal *Development and Change* (vol. 45, no. 3) titled "Transition and Justice: Negotiating the Terms of New Beginnings in Africa," an extended version of a paper with the same name presented at the Fourth Meeting of the European Association of African Studies, held in Uppsala, Sweden, in 2011.