

March-April 2009

## Wanted: Omar Hassan al-Bashir

By Emmanuel Adebo

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On the 4<sup>th</sup> of March 2009, the International Criminal Court (ICC) based in The Hague, Netherlands, issued an arrest warrant for the President of Sudan, Omar Hassan al-Bashir. This makes Bashir the first sitting head of state to be indicted by the ICC. According to Luis Moreno-Ocampo, the chief prosecutor, Bashir and other senior political and military leaders are directly responsible for killing, raping, and forcibly transferring large numbers of civilians from their homes in western Darfur. Bashir is therefore wanted for war crimes and crimes against humanity. The United Nation estimates that up to 300,000 people have been killed and 2.7 million others have been uprooted in Darfur since 2003.



Sudanese President Omar al-Bashir

But where does the idea of ICC come from and what authority does the ICC have over Sudan and its President? In 1998 many countries decided to subscribe to the idea of establishing an international justice system that will have jurisdiction over the most serious crimes which are of concern to the international community as a whole. The thinking behind this concept is that over the centuries millions of children, women, and men have been subjected to unimaginable atrocities that deeply shock the conscience of humanity and threaten the peace, security, and well being of the world. Such grave crimes often go unpunished, so a Statute was drafted in Rome and introduced for signature and ratification by all countries to facilitate the establishment of the ICC. Sixty countries needed to sign and ratify the Rome Statue before it could enter into force. This was achieved in 2002.

The ICC depends on the countries (108 of them, 30 of them African countries) that have ratified the Rome Statute to arrest Bashir and hand him over to The Hague. This means that Bashir should be arrested if he steps foot on the soil of any of the ICC signatory

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countries. Although Sudan is not a signatory of the Rome Statute, the ICC asked the Sudanese government to hand over their commander in chief for prosecution, something that has been rejected and condemned as an attempt to usurp the sovereignty of their nation.

Opposition to the ICC indictment of the Sudanese President is led by Bashir himself. Thousands poured into the streets in Khartoum soon after the ICC’s announcement that it decided to issue the arrest warrant for Bashir. Bashir addressed the enraged crowds in the capital city as well as in Darfur and in Juba, Southern Sudan. The Sudanese seem to be relatively united in opposition to the warrant, apart from a few diaspora groups. In retaliation, Bashir expelled 13 foreign aid agencies, accusing them of undermining the stability of Sudan. At a rally in El Fasher, the capital of north Darfur, Bashir threatened to expel more foreign aid agencies and security forces as well as any diplomatic missions that go against Sudanese laws.

the Comprehensive Peace Agreement between Northern and Southern Sudan and ensure a peaceful end to the Darfur crisis.

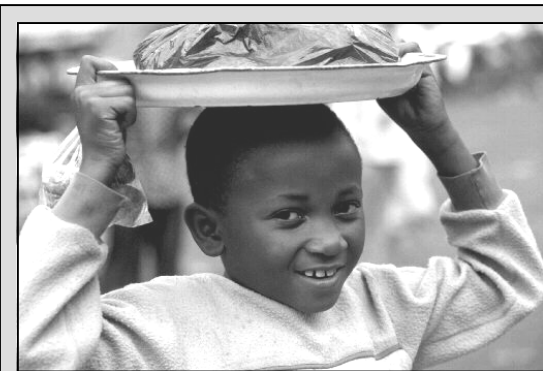
Apart from Hassan al-Turabi (the veteran Sudanese opposition leader), the Darfur rebels, and the retired South African Anglican Bishop Desmond Tutu, there are few voices from the African continent that support the arrest of al-Bashir. Most Africans are against the arrest warrant not because they think Bashir is innocent or does not deserve to be tried but because they view the arrest warrant as another contemptuous, counterproductive action directed against Africa. They argue that the ICC is hell bent on dealing with alleged criminals from the Congo, Central African Republic, Sudan, and Uganda but closes their eyes to war crimes in Iraq, Afghanistan, and Gaza.

So what is the way forward? The ICC should not ignore the sentiments of the African heads of States and the AU, but it should also look at ways it can enhance its effectiveness. If the international community is incapable of executing the warrant, the Security Council should defer the indictment until justice can be truly dealt. This is not to say that the ICC was wrong to raise a case against Bashir or that he does not deserve the most stringent penalty for his actions, it simply means that the situation should be reexamined in the interest of peace.

AFJN believes in the concept of an international justice system, but it must be supported by local communities and structured in such a way as to encourage international ownership of the Court. In this case, the world knew what would happen when the ICC issued the warrant, and yet it went ahead without an adequate response mechanism or a clear means of executing the arrest. As pointed out by a Sudanese Bishop, “what we need is more sincerity from the leaders and the rebels, and more dedication from the international community to save the Sudan.”

“... as much as [the African Union] supports the fight against impunity and believes that perpetrators of crimes should not go unpunished, the search for justice should be made in a way that does not impede or jeopardize the promotion of peace.”

Before it was issued, even the African Union (AU) expressed their concern about the warrant against Bashir and the possible repercussions. Jean Ping, the Chairman of the African Union Commission, argued that, as much as they support the fight against impunity and believe that perpetrators of crimes should not go unpunished, the search for justice should be made in a way that does not impede or jeopardize the promotion of peace. The AU wants the arrest warrant to be deferred to facilitate the completion of



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Save the date for our 2010 Conference and Meeting in Rosslyn, VA, April 17-19th!

Also, check the AFJN website for 2009 meeting updates!

## If It Isn't Local, It Isn't Justice

By Beth Tuckey

The longer I stayed in Burundi and Uganda, the more I noticed that there was a common theme to our interviews and conversations. It seems fairly obvious now, but nearly everyone with whom we spoke emphasized that taking a local approach to justice in post-conflict societies is the only way to achieve lasting peace. In other words, people want to be in charge of their own futures. As believers in social justice, we must view this as an integral part of the pursuit of universal human dignity and use it to shape our advocacy around restorative justice.

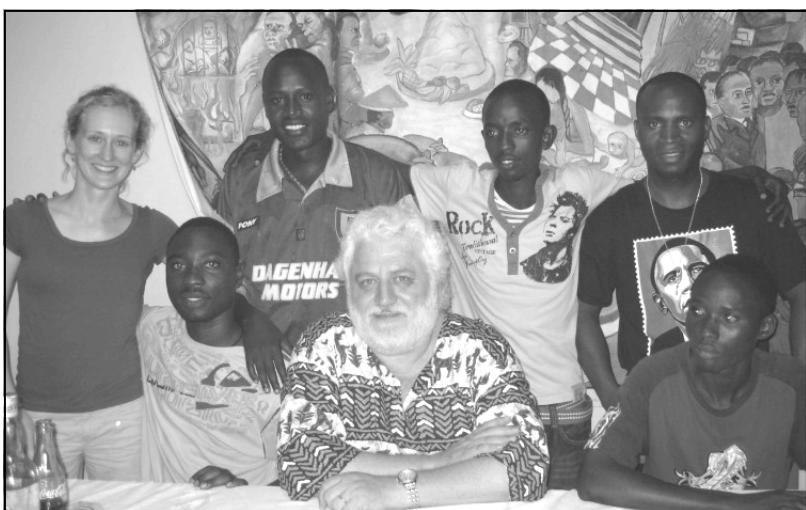
has had on the peace process in Uganda. By and large, northern Ugandans stood firmly against the warrant, believing that it was a deterrent for Kony in signing the Final Peace Agreement. Others, particularly in the international community, believed that there can be no peace without justice and that even if the warrant was dropped, Kony would not come out of the bush. That may be true, but it misses the point. Ultimately, it is not about what the international community wants, it is about what northern Ugandans want.

No matter what we may believe about international justice and accountability, those affected by the violence must make the final call. The Acholi people in northern Uganda have a powerful traditional justice system that is now being employed with former LRA combatants and communities affected by the war. Time and again, Bahati and I heard about the strength of Acholi tradition and the necessity of allowing local communities to deal with their criminals.

In northern Uganda, the communal nature of life is very strong, so much so that when someone commits a crime, it is the responsibility of the community to take on the guilt of that transgression. Clans and tribes then work together to resolve the conflict, utilizing a series of justice mechanisms, truth-telling, and symbolic ceremonies. As outsiders to this culture, the West must respect the desire to resolve problems locally. At a very basic level, we must understand that even if we believe an ICC indictment is justice, if it is not perceived as such in the affected community, it isn't really justice.

Burundi is in a very different position politically and culturally, but the centrality of a local resolution to conflict is no less clear. Bahati and I had a hard time finding out what justice mechanisms existed in Burundian culture before the war, even from village elders. Nonetheless, people do remember what it was like before the Hutu-Tutsi massacres, when neighbors saw one another as family rather than foe.

As Burundi looks toward the future, it is clear that restoration will come from local communities, regardless of whether the local judicial tradition is strong. The Burundian government provides few social services for those affected by the war, so NGO's, churches, and village leadership must do most of the heavy lifting. The Centre Jeunes Kamenge (Kamenge Youth Center) in the northern



AFJN staff members Beth Tuckey (left) and Bahati Ntama (standing, right) with Fr. Claudio Marano (center) and youth from the Kamenge Center in Bujumbura, Burundi.

AFJN's Bahati Jacques and I set out to research community-based justice in Burundi and northern Uganda as part of our ongoing project on restorative justice. We felt we had prepared well for the three-week trip - each of us had a fairly exhaustive knowledge of the conflicts, we had contacts in each of the places we stayed, and we went with an eye toward transitional justice. But there were some things we simply could not prepare for, and at least on my part, I came out of the experience with a very different understanding of community-based justice and the role of the international community in pursuing justice in Africa.

The International Criminal Court (ICC) has been in the news a lot lately for its indictment of Sudanese President Omar al-Bashir (*see front page article*). Contentious as this issue is, controversy is not new to the ICC. For years, AFJN has followed the indictment of Lord's Resistance Army (LRA) rebel leader Joseph Kony and the affect it

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## Changing the Structure and Ideology Behind U.S. Foreign Aid

By Meghan Mattern

Few can argue with the fact that U.S. Foreign Aid policy needs some serious revision. The official legislation determining the implementation and direction of foreign assistance was written 48 years ago, and since then has undergone very little modification in a constantly changing world. The result is a US foreign aid policy that is outdated, disorganized, and largely ineffective. The need for foreign aid reform has been widely recognized - USAID, the U.S. House Committee on Foreign Affairs and various NGOs and interest groups have all called for a re-write of the original legislation within recent months. All agree that reform is needed, but the more difficult question of "how?" remains a point of contention.

### Problems With the Current System

Foreign aid is often used as a tool of U.S. strategic interests, rather than simply generous support. According to the Congressional Research Service, "Peace and Security" objectives and bilateral development assistance to countries of strategic interest account for the two largest areas of assistance expenditure in fiscal year 2008. The U.S. is also somewhat notorious as one of the biggest contributors of tied aid. The Foreign Assistance Act even includes a section known as the "Buy America" provision - which limits the expenditure of foreign assistance funds to companies or governments outside of the U.S.

In addition to these self-interested policies, the methodology and organization of U.S. foreign aid programs is in disarray. Various agencies, directives, departments, and government offices oversee the disbursement of aid with little communication, resulting in costly overlap and ineffective spending. Agencies like USAID have an ambiguous development strategy with few clear goals, while they also lack effective monitoring and evaluation programs.

### Challenges to Reform

While the problems with current foreign aid policies are clear, the solutions appear less so. Various think tanks and coalitions of scholars (like the Modernizing Foreign Assistance Network) have proposed several recommendations for a new Foreign Assistance Act, which they believe

should include a greater focus on development. USAID calls for consolidation of efforts between many government initiatives, with better communication and clear strategies so that more aid money can reach the people for which it is intended. These goals seem worthwhile, but it is inevitable that any government agency will hold U.S. interests at the center of its policy. These strategies often include short-term solutions to long-term problems which can be damaging from a sustainability standpoint.

### Foreign Aid does not Equal Development

Reforming the Foreign Assistance Act is only part of the equation. It is important to remember that foreign aid does not necessarily equal effective development. While foreign assistance can be a valuable tool for development, its implementation is highly politicized and can discourage grassroots efforts led by local people.

While the need for a rewrite of the Foreign Assistance Act is obvious, the debate over the process will surely continue. It is crucial for civil society organizations concerned about developing nations (in Africa and elsewhere) to make known the necessity of what Ray Offenheiser (President of Oxfam America) refers to as "smart development" - which involves "letting go of our preconceptions of what people need and letting them tell us what they need." It should be (but is often not) obvious to policy makers that the recipients of foreign assistance are better able to determine what constitutes development in their own countries.

"It is important to remember that foreign aid does not necessarily equal development. While foreign assistance can be a valuable tool for development, its implementation is highly politicized and can discourage grassroots efforts led by local people."

As the Chair of the House Committee on Foreign Relations, Rep. Howard Berman has convened a series of hearings dealing with Foreign Assistance reform, and will be leading the charge in rewriting the Foreign Assistance Act later this year. We can only hope that he and others involved will heed the call for responsible reform, and that the new Foreign Assistance Act will seek to serve the interests of people of developing nations, instead of focusing solely on furthering U.S. interests abroad.

## Pursuing Climate Justice and Evaluating AFJN's Work: 2009 Ecumenical Advocacy Days

By Rocco Puopolo, s.x.

From March 13<sup>th</sup> to 16<sup>th</sup> over seven hundred and thirty advocates from around the nation gathered in Alexandria, Virginia for the 7<sup>th</sup> Annual Ecumenical Advocacy Days. The theme of climate change and our faithful concern for the environment and the people of the world were summed up in simple title: "Enough for All." As Kenyan Professor Eunice Kamaara pointed out, there really is enough for all in our world, whether it is land for agricultural development or water, but there is not enough for greed. Prime factors that challenge the health of the environment and humanity are greed and the marginalization of many of the world's people, especially the poor.

The Africa Track fleshed out this challenge in a number of workshops and plenary sessions. One creative plenary linked the situation of those who were victims of Hurricane Katrina in Louisiana to victims of global warming in the Niger Delta. The second plenary focused on water. Water is a vital resource, a basic and indispensable necessity for health, socio-economic well being and the existence of life on our planet. But access to water is highly unequal between and within countries. Water scarcity – natural or imposed by decision – and inequities in access and use can threaten or diminish the quality of life and impede human development. Climate change affects us all, but communities living in poverty, in the U.S. and beyond, face the most devastating and direct impacts on their lives and livelihoods, especially when the interests of industry trump those of the local people. With much creativity and little external support, these vulnerable populations are struggling to adapt to shifting weather patterns and other challenges posed by global warming.

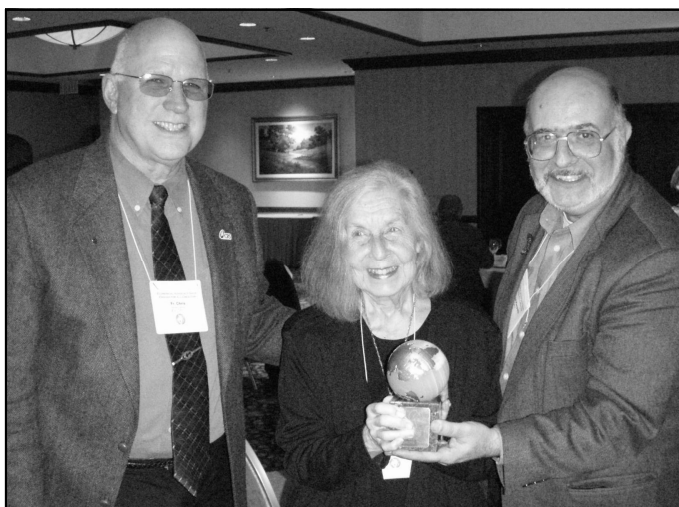
There were four workshops on topics that helped participants understand the complexity of challenges to the peoples of the continent. A workshop on the Democratic Republic of Congo examined the political and economic

roots of the conflict in the East and encouraged participants to take action against injustice in the heart of Africa. There was a specific workshop on "climate wars," looking at how global warming could heighten Africa's vulnerability to conflict because many African communities depend on stable weather patterns and natural resources. Environment, food security, and climate change were addressed by both agriculturalists and advocates in a third workshop that offered some practical examples as well as some current legislative agendas on Capitol Hill. There was also a workshop that emphasized the need to hold corporations and governments accountable in African countries which suffer from a "resource curse." And of course there was the practical workshop on how to translate all of these issues into direct advocacy, either through congressional visits here in Washington or at home in the district.

These plenaries and workshops were just one part of a larger series of prayer experiences, workshops, "conversation gatherings," and denomination meetings that revolved around the theme of climate change. On Saturday afternoon during a session reserved for denominational discussions, AFJN held its annual member meeting.

We looked at AFJN's work over the past year, suggested some creative growth to our outreach (such as the continued interest in local Africa Summit meetings in various parts of the States), as well as a new power-point presentation that members can use to stir more interest and invite a wider membership for AFJN. Like many NGOs today, AFJN finds our income diminishing as many people are hard hit by these challenging financial times. If AFJN is to survive, we need membership contributions and donations to increase.

The highlight for AFJN was the Saturday evening reception where 60 AFJN members and their friends gathered to honor Ms. Jennifer Davis. Jen has been an advocate for



AFJN Board Chair Chris Promis, CSSp (left) and AFJN Director Rocco Puopolo, s.x. (right) with Jennifer Davis (center), 2009 recipient of the Faith and Justice Award.

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## Evaluating AFRICOM

By Jason Bongiovanni

Two months into the Obama Administration, the U.S. military is still acting under a mandate by President Bush. According to the AFRICOM website, their mission is simple: "United States Africa Command, in concert with other U.S. government agencies and international partners, conducts sustained security engagement through military-to-military programs, military-sponsored activities, and other military operations as directed to promote a stable and secure African environment in support of U.S. foreign policy." While this statement may sound appealing to African countries suffering from violence and instability, it is hard to ignore the main reasons for the U.S. to show more interest in Africa. As discussed in previous issues of *Around Africa*, the U.S. seeks greater access to Africa's oil as well as a means through which it can counter terrorism and compete with China's increasing presence on the continent. Apart from having motives that are far less than noble, it is easy to see by looking at recent events that AFRICOM is clearly not functioning as it should.

In our last newsletter, we detailed a Ugandan military attack against the Lord's Resistance Army (LRA) in DR Congo. Since then, it has been revealed that AFRICOM played a significant role in planning and supporting the failed mission to capture or kill members of the LRA high command. The United States gave the Ugandan People's Defense Force (UPDF) 17 military analysts to plan the mission, satellite phones, intelligence, and \$1 million dollars in fuel, according to the *New York Times*. The U.S. military did not seem to realize the consequences of their actions if they failed and were not prepared to respond and prevent the LRA's retaliatory strikes. According to a Kenyan News source, *The East African*, "The carnage occurring now in Congo will be seen by critics as confirmation of their view that AFRICOM is unlikely to play a positive role in Africa." Indeed, it is clear that even in pursuing its military mission, AFRICOM is incapable of creating the peace and stability it purports to provide.

In a recently released paper, Clement Ochan from Tufts University speculates that it is not in the best interest of the Ugandan government to pursue the LRA into the Congo. The United States has made Uganda a partner in its global war on terror and might only continue to give military aid so long as President Museveni pursues anti-

terrorist operations. Furthermore, the government of the Congo only decided to let the UPDF cross their borders after being pressured by the U.S. One could argue that the United States is using Uganda as a pawn to fight their own war on terror, but if Museveni falls out of favor, Uganda will be left to clean up a mess that the U.S. helped create.

While operation "Lightning Thunder" was one of the more recent failures of AFRICOM, we cannot forget that the U.S. also backed Ethiopia's invasion and occupation of Somalia beginning in 2006. The operation was met with failure and the military operations only encourage the extremist sect of the Islamic Courts Union. Though AFRICOM had yet to be created, the U.S. military was already well-established in the region, housing its operations at the Combined Joint Task Force – Horn of Africa in Djibouti. This serves as a precursor for AFRICOM's future endeavors, and is yet another example of the United States pushing its agenda and leaving countries to deal with the real struggles of food insecurity, lack of jobs and healthcare, and inadequate education.

"Politicized aid is often cited as ineffective and even detrimental to development – certainly military aid should be thought of in a similar way."

The U.S. pours money and hardware into military operations only to see them crumble, and then realize they did not consider what would happen should their operation fail, as in the cases mentioned above. Yes, they have set up health clinics all over the war zone and have even recently dropped supplies into Rwanda, but we must ask ourselves if this is just a front to try and keep African nations happy while the U.S. pushes its military objectives.

Politicized aid is often cited as ineffective and even detrimental to development – certainly military aid should be thought of in a similar way. While there are technically two deputy commanders for AFRICOM, Ambassador Mary Yates and Vice Admiral Robert T. Moeller, in the absence of General Ward, command would pass first to the Vice Admiral and not the Ambassador. This further shows that the military mandate of AFRICOM supersedes the authority of civilian aid institutions. Military might cannot bring about a peaceful solution to these problems. Instead of pumping more money into AFRICOM, the U.S. should be investing more in its diplomacy initiatives and finding new ways to mediate between warring parties.

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neighborhoods of the capital Bujumbura is a shining example of what a community can do to heal itself. Though the Center was established by the Xaverian missionaries and is still run by an Italian missionary, it is very much a local initiative. Over 31,000 youth are enrolled in programs at the Center, ranging from sports to language classes, and the emphasis is on living together peacefully. Most of the class leaders are Burundian and the Center has wide support throughout Bujumbura.

Many individuals we spoke with in Bujumbura lamented the overwhelming presence of international NGO’s and their endless workshops on peacebuilding. Of course, NGO’s can and should play a role in rebuilding after violent conflict, but it seemed clear that the locals had better

methods for achieving peace. In many cases, youth are at the very heart of restorative justice, having been central to the waging of war in the 1990’s, and also central to future reconciliation. As such, the Center works to provide services that enhance youth cooperation, engagement, and support for one another as a means of achieving peace.

Archbishop John Baptist Odama from Gulu, northern Uganda, is known for saying that he is part of a tribe called “humanity.” Practically, this means that he views equality and the common good as more important than individual desires. It also means that he holds deep appreciation for local traditions and values the opinion of those at the grassroots. The Archbishop has long been a champion of restorative justice – it is our job to ensure that his cries, and the cries of citizens both in northern Uganda and Burundi, do not fall on deaf ears.

(“EAD” continued from page 5)

Africa since her high school days, fighting apartheid as a student in South Africa. In DC, she has been the glue in the EAD Africa Track and it was fitting that in the context of this conference, AFJN honor her for her work to promote peace and justice throughout Africa.

March 16<sup>th</sup> was a lobby day on the Hill for many who came for EAD. The “asks” that we presented during our congressional visits were that there be: (1) a reduction in greenhouse gas emissions; (2) financial support included in

any climate change bill that would support vulnerable communities, both domestic and international; and (3) adaptation funding in the form of grants to assist developing countries as they deal with climate fluctuations. Lastly, (4) we appealed for assistance to people fleeing the effects of climate change, now called climate migrants. Many people in Africa may find themselves in these last two categories, so at AFJN we will follow this issue and rely on your local advocacy to promote climate justice. You can read the full text of the “asks” on our web site.

### “Never Again” — Honoring Jennifer Davis with the 2009 Faith and Justice Award

“Never again”... words we often hear in the face of tragedy and horror, holocaust, and genocide. Words Ms. Jennifer Davis heard from her German grandmother and parents as they recalled the horror of the Nazi Holocaust. This young Jewish girl, born in South Africa from a German mother and a South African father, was able to transfer the passion and power of those words to the tragedy and pain of apartheid in her country during her formative years. For Jen, “never again” meant that every Jewish person should be an activist, resisting religious and racial oppression wherever it occurred.” During her years in secondary school and university studies, she engaged in organizing efforts to rid South Africa of this injustice. After she married and her young family moved to New York, she became the research director and later the second executive director of the American Committee on Africa, based in New York. She retired from that in 2000.

Now that she is in Washington, she has been engaged with many other African activists, continuing the task of advocating in clear and uncompromising language that justice be done in Africa. Yet, she still keeps ties with colleagues in New York and South Africa, monitoring events as they unfold. She stays connected, and through her, we are connected.

Through her work with the Washington Office on Africa, on its board and as interim director, she became involved in the planning and execution of the Africa Track at Ecumenical Advocacy Days each year. So it was within the context of this year’s EAD that AFJN honored and publically acknowledged Jen with the 2009 Faith and Justice Award at a special reception on Saturday evening, March 14th. She prophetically embodies characteristics of faith, collaboration, and being “an instrument of education and advocacy on behalf of justice for Africa.” No one can doubt her conviction to seek secure relief from systemic injustice in any form. Her indomitable spirit has been a gift to all of us involved in the preparation of the Africa Track each year at EAD. She is our memory (she keeps us from repeating ourselves year after year), she keeps us focused (lest we stray from what really needs to be offered in a workshop or plenary), and she holds us together. The bestowal of this award is AFJN’s way of offering our admiration and gratitude to Jen for her passion and work.

—Rocco Puopolo, s.x.

The **Africa Faith and Justice Network**, inspired by the Gospel and informed by Catholic Social Teaching, educates and advocates for just relations with Africa.

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