

The Questions

What compromises do we make for peace?

Is it ethical to give amnesty to war criminals?

Is it acceptable to sign away territory to end conflict?

What violent actions can be taken in order to establish peace?

Does peace equate to justice?

Are the two mutually exclusive?

How effective are truth and reconciliation commissions?

How easy is it to shed 'crocodile tears'?

How do we 'heal?' post-conflict?

What happens when victims demand punitive justice?

Who is leading the negotiations?

Which groups are being included in reconciliation efforts?

Who is benefitting the most from the treaties?

Issues in Contemporary Ethics: Peace

At a Glance

When conflict ends, we are faced with the problem of *jus post bellum*, the correct action to be taken after war. Sometimes there are formal, negotiated armistices or peace treaties alongside the provision of protection and humanitarian aid. Other times, there are forced regime changes with peace being found through subjugation of aggressors. Regardless, there are winners and losers of conflict and peace needs to account for both. This brief explores this through the case study of the Truth, Reconciliation and Reparations Commission in Gambia.



Gambian reporters manage a live feed of the nation's Truth, Reconciliation and Reparations hearings (Emezi 2019)

Case Study: Gambia's Truth, Reconciliation and Reparations Commission

After 20 years of dictatorship under Yahya Jammeh, President Adama Barrow won the Gambian election and took leadership with the aid of West African regional powers. He promised a truth, reconciliation and reparations commission (TRRC) for Gambia with a clear message: "Before you can act, you have to get the truth, to get the facts together" (Ateku 2019). During Jammeh's rule, the country was subject to extrajudicial killings by the National Intelligence Agency as well as Jammeh's own Junglers. These Junglers, which were essentially hitmen for the President, have been brought to trial to confess their crimes. Some hitmen, however, are released at the conclusion of their trial provided they were honest in their testimonies and confessions. They are not granted formal amnesty, but there are no restrictions on their travel to flee the country (Mules 2019). This, along with the fact that Jammeh is now in exile rather than face trial, has sparked discontent among some Gambian citizens, especially the loved ones of those who have been assassinated by the Junglers or experienced abuse from Jammeh and his government.

Implications

Truth and Reconciliation Commissions (TRCs) are a form of justice that is not all that uncommon around the world with nations such as Rwanda, Mauritius, Canada and most famously, South Africa implementing them. Some aggressors go unpunished, which can be argued as an injustice. What does this say about the relationship between peace and justice? How can leaders balance the politics of peace and the feelings of the citizens? While peace may be formally established, what can be done to ease the unrest of people and community leaders?

Further Reading

Abdul-Jalilu Ateku

[How West Africa built the muscle to rout dictators and keep the peace](#)

Abdoulie John and Carley Petesch

[Truth and Reconciliation Hearings Grip Gambia as Past Atrocities Emerge](#)

Ayenat Mersie

[Truth First, Reconciliation Later](#)

Desmond Davies

[Irony of Ironies](#)

Lesley Connolly

[Sustaining Peace in the “New Gambia”](#)

Robert E. Williams

[Just post Bellum: Justice in the Aftermath of War](#)

Sigal Ben-Porath

[Care Ethics and Dependence: Rethinking Jus Post Bellum](#)

Annika Björkdahl

[A Gendered Reading of Peace](#)

James H. Herrera

[On Peace: Peace as a Means of Statecraft](#)

Logan Cochrane with

Abdoulie Fatty

[A Gambian Perspective on The Gambia V. Myanmar Case on the Crimes of Genocide at the ICJ](#)

Comparing Perspectives

In this series of Briefs, one rationalist and one alternative are explored to present contrasting views on an issue.

Discourse Ethics

Discourse Ethics outlines that ethical conclusions are drawn from inclusive, detailed discussion involving all those affected by an issue. From these negotiations, a consensus must take place and all parties must agree on the solution. The process is lengthy and faces logistical issues, but it is more inclusive and considerate of minority opinions than other traditional theories like utilitarianism. For peace, discussions are paramount for reaching a conclusion that leaders, interest groups, and citizens can agree to. The deal moving forward needs to keep everyone happy (or to the best it can). TRCs, for example, seek to involve the victims and aggressors in a truthful, emotional setting where all cards are on the table to achieve justice. Discourse ethics, however, heavily relies on consensus from relevant parties. In the case of Gambia, where the victims' loved ones are not satisfied with the decision to let Junglers walk free and the fact that Jammeh is currently in exile, it is unclear how consensus will be reached. Therefore, under discourse ethics, the current situation is not adequate and requires revision. New approaches and combinations of justice may be required to reach consensus.

Virtue Ethics

Virtue ethics says righteous and virtuous values determine what is ethical with solid principles being put in place by the social context. There are no excuses to diminish virtues like peace and justice. This poses a dilemma for the Gambian TRRC to diminish 'justice' by allowing criminals to escape punishment. This raises questions as to what precedent this sets for the future of human rights; some may see this as an opportunity to commit more crimes without accountability. Of course, peace and justice are not mutually exclusive. There are hybrid solutions like punishing leaders and excusing those lower down the command chain. Virtue ethics, however, would have to decide which virtues to emphasize, such as justice or compassion. One principle that Gambia has prioritized at the current stage of the commission is the 'truth' and thus all efforts are spent towards finding it. This emphasis on truth is only the first step, however, and Gambia must decide what to do next and which virtue to emphasize within their own justice system.

Questions for Reflection

What is the future for peace? Should the world follow in Gambia's footsteps with more TRCs in spite of possible civil unrest? Or, should peace be enforced through intervention and hard regime change? What of the assumption that peace must come after war? If war is the last resort, why is there more discourse about the rules of war and outlines for peace? There is always a cost for peace. One should be mindful of how peace is achieved and who are the 'losers' from conflict. What are some examples of peace being handled poorly? Lastly, formal peace can be signed in an instant whereas social peace takes time and effort. What measures can be taken for that peace without compromising our values?

Yagazie Emezi (Photograph). (2019). [Gambian reporters manage a live feed of the nation's truth and reconciliation hearings](#) [digital image].

Ateku, Abdul-Jalilu. "How The Gambia is Going about its Search for Truth and Reconciliation." *The Conversation*, Commonwealth Sponsorship Commission, 27 Jan. 2020.

Mules, Ineke (2019, August 6). [The Gambia: Three former hitmen released after admission at reconciliation commission](#)