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INTERVIEW

Inside the Labyrinth: Nigeria's Unending Conflicts

An Interview with Dr Sadeeqe Abubakar Abba

Jack Shaka

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Overview

Nigeria is among the most dangerous places on earth at the moment. It is ranked number 14 on the Failed States Index 2011 by the Fund for Peace, just after Iraq, Pakistan and the Ivory Coast. The Islamist radical group, the Boko Haram is on the news, maiming and killing innocent people in Nigeria. The Joint Task Force (army) to repel the Boko Haram is being accused of gross human rights violations. The 2011 elections were marred with violence. Hundreds died in the pre- and post- election period. The offices of the Independent National Electoral Commission (INEC) were bombed. During the celebrations to mark Nigeria's 50 years of independence in 2010, there were explosions, gifts from the MEND guerrillas. Nigeria is a country torn apart by conflicts, from the Niger Delta to the northeast states. The United States and European nations continue to issue travel warning to Nigeria's southeast, Niger Delta and northeast states. Is this a troubled democracy or a troubled presidency for Goodluck Jonathan? Is Nigeria a failed state? Is there an ongoing war between the Christians and the Muslims? Dr Sadeeqe Abubakar Abba, a political scientist in Nigeria, takes us into the labyrinth that is modern day Nigeria.

Keywords

conflict, Nigeria, elections, Boko Haram, ethnicity, religion

THE INTERVIEW

Question: There is tension in Nigeria at the moment. Nigeria's 50th birthday in 2010 was marred by bombs that killed many people. The Boko Haram is now in the forefront of the chaos dogging Nigeria. They are maiming and killing people. Is it prudent to say that Nigeria is one of the most insecure countries in Africa at the moment? And if so, is the Nigerian government doing something or nothing - in your opinion?

Dr. Abba: Yes, in all honesty, Nigeria is one of the most insecure places in the African continent at the moment. The

Nigerian Government is helpless and the situation is getting out of control. The identity and mantra of the Boko Haram are not properly defined. Some call it a Radical Islamist Group, others refer to it as a sect. The Federal Government has been caught off guard and is unable to do anything tangible. The people of Nigeria see virtually no difference between the Federal Government and the Boko Haram in terms of their actions on the masses. The Boko Haram, like the Government, does not care. So far, the army (Joint Task Force) in the crackdown of the Boko Haram is responsible for unlawful killings of innocent people. Just like the Boko Haram.



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Question: There are migrations from the city of Maiduguri where the Boko Haram attacked and killed at least 40 people in early and late June, 2011, in Abuja. The attacks seemed well coordinated. Who do you think is/are the main target(s) of the Boko Haram's fury? And what can be done to avert all these?

Dr. Abba: So far, the target of the Boko Haram is clear and concise. They are the elite who, by virtue of their official positions, compromise the interest, aspirations and welfare of the citizenry. In their thinking (Boko Haram), their aim is to create an attitudinal change through the use of Islamic teachings as an instrument to get rid of the burdening liabilities imposed on the country. Since their destination is socio-economic and political justice, only that can avert their fury.

Question: Looking at the modus operandi of the Boko Haram, do you think they are a radical Islamist group with ties in Somalia and Afghanistan? And are there links with Al-Qaeda?

Dr. Abba: I am sure they are a radical Islamic group. Boko Haram is a Hausa translation of their original name (Jama'atu Ahlis Sunna Lidda'awati wal-Jihad) which partly got lost in translation. In Arabic it simply means they are 'devoted to disseminating the teachings of the Prophet and Jihad.' But speaking as a political scientist, I don't think there is any linkage between the Boko Haram and Al-Qaeda. At the same time, I am not overlooking the willingness of the Boko Haram to accept help, aid or assistance from Al-Qaeda. In my opinion, their motives are similar to those who want to see Nigeria divided by 2015.

Question: You mentioned aid/assistance to the Boko Haram. So, is it possible that the Boko Haram have funding from somewhere that enables them to launch attacks on innocent civilians? Any suggestions?

Dr. Abba: Funding is relative, it could be internal or external, but certainly such an organisation operates on a solid financial and logistical platform. My opinion is that they were created by local politicians for obvious reasons, but got hijacked by external forces for economic reasons.

Question: The Boko Haram continues to cause mayhem in Nigeria even today. What's your opinion of the August 26th, 2011, suicide car bombing of the UN headquarters in Abuja where 18 people died and scores got injured?

Dr. Abba: What happened in Abuja is unfortunate and most regrettable. I think that either the Boko Haram intends to go international or the UN wants to go deep into Nigeria's local politics (that's why it was targeted). Alternatively, the

UN suicide car bombing event was just one in the chain of events planned to destabilise the country in the interest of foreign capital.

ETHNICITY, SECTIONALISM AND RELIGION IN NIGERIA'S APRIL 2011 ELECTIONS

Question: During the April 2011 elections, there were explosions at the Independent National Electoral Commission (INEC) offices killing several people and maiming others. Looking back at previous elections, they were no different. Is this the norm during elections in Nigeria?

Dr. Abba: As a norm, no. Because we have had violence-free elections in the past. 1959, 1979, 1993, 1999, 2007 were all elections that pass the best of judgements. What happened in 2011 was an isolated case, and it can happen anywhere. Kenya set the stage in 2002 with free and fair elections but look at what happened in 2007/8. The same for the Ivory Coast and many other countries.

Question: How open were the 2011 elections to the media, the people of Nigeria and the rest of the world?

Dr. Abba: Yes, the media never had it so good, the citizens never had it so fair and the outside world could not have bargained for anything better in terms of openness.

Question: The government of Nigeria deployed the army to various parts of the country just before the elections. What role did the army play in the elections?

Dr. Abba: The security situation in Nigeria was volatile and it still is. That's why the Federal Government deployed the army all over the country for security purposes. To ensure that the people of Nigeria are safe.

Question: Rigging has played a significant part in past elections. Were the 2011 elections also marred by rigging allegations? And if so, how?

Dr. Abba: Both the domestic and international observers gave Nigeria affirmation for the 2011 elections. Generally speaking, the volumes of cases at the various election tribunals indicated the frivolity of some of the results.

Question: President Goodluck Jonathan was declared the winner of the 2011 Nigerian elections by INEC. Immediately after, there was unrest in the north over the election results.



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What do you think this meant and was there an ethnic dimension to it?

Dr. Abba: The April 2011 elections were contested on the platform of ethnicity, sectionalism and religion. The post election violence in the north, initially, was targeted against the political elites of northern extraction as well as Muslims. It was a common man's response to the elite's political mischief and election rigging. However, it was later manipulated and turned into a religious and ethnic crisis.

Question: Looking at the political climate and voting patterns of the 2011 elections, was this a religious war between the Christians and the Muslims? President Goodluck Jonathan (People's Democratic Party [PDP], President of Nigeria, May 2010 till now) being a southern Christian while General Muhammadu Buhari (Congress for Progressive Change [CPC], Former President of Nigeria, December 1983-August 1985) a northern Muslim?

Dr. Abba: Religion certainly played a prominent role in the elections. But President Jonathan's victory was mainly given to him by the Muslim north. Twenty-three out of the 36 states of the federation are predominantly Muslims, and most of them voted for the PDP. The campaigns were purely religious, but the voting took a party dimension.

Question: Over the years, there has been mounting tension over the border dispute with Cameroon in the region called Bakassi. The Bakassi region was finally handed over to Cameroon on the 14th August 2008. Before and during the election; there was ethnic tension in the Bakassi region. What's the status of the dispute and how was INEC able to determine who is legible to vote and who is not?

Dr. Abba: INEC covered villages that are in the Nigerian territory (New Bakassi) and not the Bakassi in Cameroon. Both Nigeria and Cameroon are abiding to the agreements made regarding the former disputed Bakassi territory. It was the Nigerian Bakassi people with Nigerian identity and voter's cards that were allowed to vote.

Question: The Niger Delta region remains volatile. The United States Institute for Peace (USIP) published a report on the Niger titled 'Conflict in the Niger Delta' in June 2011. It says that the government of Nigeria and foreign donors are not doing enough to end the violent conflict in the Niger Delta. Is this true?

Dr. Abba: It is a lie. What is the source of their data? In the 2011 Nigerian budget alone, the Niger Delta got more than enough money. A single state in the Niger Delta gets in a month, the equivalent of what six states in the north get in the same period. What does that say? USIP has its own agenda.

NIGERIA: PRESIDENT GOODLUCK JONATHAN'S FUTURE

Question: President Goodluck Jonathan's victory was deemed free and fair by the domestic and international observers. But not General Muhammadu Buhari (CPC candidate. Lost the presidential elections to President Goodluck Jonathan), who was also running for the presidency. Is this going to be a difficult presidency considering the post-election violence that erupted after President Jonathan's win?

Dr. Abba: The only difficulty he will have as President is not from General Buhari or the CPC. Rather, from his lack of programmes and vision for his tenure. Observers are political tourists who will do anything to justify their stay. Often their judgement runs counter to the citizen's judgement.

Question: At the centre of it all are the Nigerian people. What are their views, hopes and expectations about the presidency, politicians and the future of Nigeria?

Dr. Abba: Our views are varied, very polarised. Our hopes dashed, especially due to the fact that the first bill President Jonathan sent to the National Assembly was on tenure elongation. This alone reminds us of presidents like Paul Biya of Cameroon, Yoweri Museveni of Uganda, Abdou Wade of Senegal, Robert Mugabe of Zimbabwe and many other despots around the world. Our expectations are suspended for now, until we get a leader that is Nigerian at heart and in mind. A leader who is capable of solving the multitude of challenges Nigeria is facing. Nigeria's future is dependent on good leadership and proper governance/management of Nigeria's vast resources. The hawks and hyenas preying on Nigeria's resources and hoping to divide the country by 2015 should be stopped in order for Nigeria's future to be guaranteed.

BIOGRAPHY

Dr Sadeeqe Abubakar Abba is a political economy scholar at the University of Abuja in Nigeria. He is also a political party specialist with the International Republican Institute (IRI) in Nigeria. He previously worked as a Senior Legislative Aide at the National Assembly Service Commission and also as Special Adviser (Political) to the Deputy Speaker, Federal House of Representatives at the National Assembly in Nigeria. He has published papers and book chapters on democracy, diplomacy and terrorism. Dr Abba holds a PhD and Master's degree in Political Economy and Development Studies from the University of Abuja. ■



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Jack Shaka is an international affairs expert focusing on peacebuilding, conflict resolution and democratic governance. He is a reporter for Africa News, run by Africa Interactive based in Amsterdam, the Netherlands, and covers social issues.

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ARTICLE

The Sapir-Whorf Hypothesis and the Conceptualisation of Peace Using Adjectives

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Abstract

The importance of peace to human civilisation has raised peace to a somewhat universally essential condition. Since peace means different things to different people, there is a void in the debate on the conceptualisation of peace. Galtung (1969, 1990) views peace as being either negative or positive and Richmond (2007) adopts a liberal standpoint, arguing that the concept of peace itself is ontologically unstable and essentially contested. The issue of conceptualisation has been met with much hesitation on the part of the research community. Explanations giving reasons for the increasing use of adjectives to qualify peace are lacking in previous research. This article contributes to filling this gap in the peace research literature by attempting to use linguistic theory to provide reasons why there are many variations in the usage of the peace concept constructed mostly through the help and use of adjectives. It is argued that the idea behind the Sapir-Whorf hypothesis can assist our understanding of the reasons for this growing use of adjectives in the context of present day globalisation of the peace concept.

Keywords

peace adjectives, peace, conflict, Sapir-Whorf hypothesis

INTRODUCTION

In an attempt to conceptualise peace, scholars employ codability and rule-governed creativity to give appropriate clarity to words and expressions which capture the meaning. Because of what peace means to our globalised world, scholars in the field have difficulty finding just a single word to describe peace. Two distinct approaches are easily discernable: conceptualising peace as a condition and conceptualising peace as a process. To achieve this, the use of adjectives for peace therefore becomes not only needful but helpful. The need to rely on adjectives is due to the different understandings of the meaning of peace. Previous research has dealt with conceptualising and operationalising non-rivalry and peace using the peace

scale (Klein, Goertz & Diehl, 2008), as well as providing operational definitions (Galtung, 1969, 1990, 1996; Rapoport, 1992; Boulding, 1978). In this study, we use a methodology borrowed from linguistics – the Sapir-Whorf hypothesis – that allows one to move beyond the debate over conceptual and operational styles to an explanation of the possible reasons behind the evolving use of adjectives to define peace.

The concept of peace is technical, posing a methodological challenge which calls for a multidisciplinary approach for its understanding. Language is one of those disciplines that can provide us with the tools needed to tackle this methodological challenge. The study of language has assisted us in understanding that language influences, and to an extent shapes, thought as well as concepts which are relevant to our existence. The limit of language is more or less a determinant



of the limit of thought and the perception of our world (Yule, 2006). Over the years, peace scholars have worked hard to find a prime definition, and by extension conceptualisation, of the word peace, but this has not only been tedious but also largely unsuccessful as a result of what peace means to different people. The use of adjectives to qualify peace has turned out to be the best approach, and a host of qualifying adjectives appear in the literature in an effort to use the words we possess to better conceptualise our understanding of peace. This article first explores the difficulty in the conceptualisation of peace and the need to employ adjectives. It then examines the use of some of the peace adjectives such as precarious peace (George, 2000; Nilsson, 2006), adversarial peace (Bengtson, 2000), pre-peace (Bayer, 2005), conditional peace (George, 2000), warm peace (Miller, 2001), positive peace (Bayer, 2005; Kelman, 1999; Galtung 1990, 1969), permanent peace, comprehensive peace, sustainable peace (Beilin, 2006) in different peace zones. The article proceeds with the argument that the increasing usage of these peace adjectives is not an academic colouration but an application of the moderate form of the Sapir-Whorf hypothesis which suggests that perception and thought is influenced by the availability of appropriate words and expressions defined by the cultural importance of the concept or object considered.

THE SAPIR-WHORF HYPOTHESIS

The Sapir-Whorf hypothesis, named after the American linguist Edward Sapir and his student Benjamin Lee Whorf, can be described as consisting of two associated principles. According to the first, linguistic determinism, our thinking is determined by language, and according to the second, linguistic relativity, people who speak different languages perceive and think about the world quite differently as there is no limit to the structural diversity of languages (Lyons, 1981). The hypothesis sometimes referred to as the Whorf hypothesis states that language is not simply a way of voicing ideas, but is the very thing which shapes those ideas. The result of this process is different world views by speakers of different languages (Romanine, 1994).

Since its inception in the 1920s and 1930s, the Sapir-Whorf hypothesis has caused controversy and spawned research in a variety of disciplines including linguistics, psychology, philosophy, anthropology and education. To date it has not been completely disputed or defended, but has continued to intrigue researchers around the world. The moderate form of the hypothesis which incorporates linguistic relativity explains that perception is affected by the availability of appropriate words and expressions. Sapir and Whorf maintained that culturally essential objects, conditions and processes are usually defined by a plethora of words, while things that the culture perceives as unimportant are usually assigned one or two words. These differences influence the

way in which humans experience the universe (Hall, 1959). According to Sapir (1929):

“No two languages are ever sufficiently similar to be considered as representing the same social reality. The worlds in which different societies live are distinct worlds, not merely the same world with different labels attached.”

In Whorf's words:

“We dissect nature along lines laid down by our native language [...] the world is presented in a kaleidoscope flux of impressions which has to be organised by our own minds – and this means largely by the linguistic systems of our minds. We cut nature up, organise it into concepts, and ascribe significances as we do, largely because we are parties to an agreement to organize it in this way – an agreement that holds throughout our speech community and is codified in the patterns of our language [...]” (Whorf, 1956).

The Sapir-Whorf hypothesis states that thoughts and behaviour are determined (or are at least partially influenced) by language. The hypothesis argues that human beings do not live in the objective world alone, or alone in the world of social activity as ordinarily understood, but are very much at the mercy of the particular language which has become the medium of expression in their society. To this extent, it would be unconceivable to imagine that one could adjust to social reality essentially without the use of language. The hypothesis refutes the view that language is merely an incidental means of solving specific problems of communication or reflection and projects the view that the real world is to a large extent unconsciously built on the language habits of any given society (Kay & Kempton, 1984). One strong piece of empirical evidence used to support this hypothesis is the number of words the Inuit people have for snow. Whorf claimed that because snow is a crucial part of their everyday lives and they have many different uses for it, the Inuit people perceive snow differently than someone who lives in a less snow-dependent environment. However, other languages could transmit the same idea using phrases instead of single words.

In all, the Sapir-Whorf hypothesis endorses that language reinforces as well as influences cultural patterns and social concepts, but their hypothesis was not without criticism. Franz Boaz (1940) challenged the reasoning and argued:

“It does not seem likely that there is any direct relationship between the culture of a tribe and the language they speak, except in so far as the form of the language will be moulded by the state of the culture, but not in so far as a certain state of the culture is conditioned by the morphological traits of the language.”



How can one ascertain whether (if at all) language has affected thought, or if thought has affected language? Some scholars argue that the arguments of the hypothesis on Hopi character are based on Hopi language, making the argument circular. Moderate Whorfianism, when applied solely to linguistics, is a form of linguistic relativity. Opponents of the hypothesis argue that the relativity argument does not subscribe to Sapir and Whorf's view of language as a prison, but as something that has the potential to affect and enable mind, thought and reality, allowing the possibility to adapt and evolve (Pinker, 1994). As such, moderate Whorfianism, opponents argue, has some validity in language, but is hardly of central importance. Be that as it may, it could be argued that the diversity of language is not a collection of signs and sounds, but a diversity of views of the world, and the hypothesis of Sapir and Whorf still has a valid although contested role in our understanding of this perception.

EXPLORING THE DIFFICULTY IN THE CONCEPTUALISATION OF PEACE

The study of conflict (polemology) compared to that of peace (irenology) has received greater attention from scholars and researchers in various fields. This appears to be in tandem with Howard's view that peace, unlike conflict, is a modern invention and a relatively new idea (Howard, 2001). People tend to have more knowledge about conflict than peace because of how prevalent conflict has been in most human societies. A fact that discloses this tendency is Quincy Wright's *A Study of War* which devoted five out of 1495 pages to the meaning of peace. Galtung (1990) argues that this unusual attraction is because most people are more likely to be drawn to negative deviation (such as mental illness) than positive deviation (such as creativity) when dealing with psychology.

History shows that war and peace have continuously followed each other in an endless, though irregular cycle (Gray, 2007). To this end, the study of peace has been largely dependent on the proper study of conflict (especially its most extreme form - war). In part, this involves efforts to analyse how conflict can be managed in such a way as to bring lasting peace. In Cicero's view, war "should always be undertaken in such a way that one is seen to be aiming only at peace" (Cicero, 44 BC). Scholars in Cicero's school of thought contend that better peace should be the sole object of victory in war. This idea formed the foundation of the bellicose Roman precept: "*Si vis pacem, para bellum*" (If you want peace, prepare for war). Aristotle also stressed several centuries ago that "we make war that we may live in peace", and George Orwell coined the phrase "war is peace" in his satire *Nineteen Eighty-Four* (Orwell, 1949). The prominent

military strategist and historian Liddell Hart extends the frontier of these positions to conclude that "the object in war is a better state of peace" (Hart, 1967). On the other hand, Tzabar argues against this misguided relationship and posits that the end of any conflict and consequent victory by any side does not mean peace (Tzabar, 1972).

The above conceptualisations reveal the defining relationship between conflict and peace, and explain why we often hear of conflict and peace being two sides of the same coin. Peace in this view is defined as the absence or opposite of conflict, a situation where there is no violence (Beilin, 2006). By logical extension, conflict then is the absence or opposite of peace (Ibeanu, 2006), which led Raymon Aron (2003) to submit that "peace is said to prevail when the relations between nations do not involve the military forms of struggle". Apart from being an attractive but inadequate way of conceptualising peace (Klein, Goertz and Diehl, 2008), such an approach tells us little about peace. It instead reduces the understanding of peace to, first and foremost, the understanding of conflict. Allan and Keller (2006) classified the view of peace as non-war or non-violence as Hobbesian peace and Galtung (1969, 1990) calls it negative peace. Peace and war can co-exist since war, in Clausewitz's view, does not entail the cessation of relations, interaction or cooperation. Examples abound, contrary to the position of scholars who support and promote the approach of conceptualising peace as the absence of war or violence, to show that there can be peaceful interactions between countries that are engaged in violent conflict. For instance, the Palestinians and Israelis have been able to establish peaceful use of water resources, even as war raged between them. Also, during the Nigerian Civil War (1967-1970), federal soldiers and Biafran soldiers at various intervals exchanged drinks, cigarettes and even had 'light parties' across enemy lines (Madiabo, 1980).

Collin Gray, using the relationship between Britain and Germany in 1938 and 2007 as an illustrative example, asserts that *peace* is a word with two principal meanings. On the one hand, it is a simple description of non-war. In its second definition, *peace* refers to a political relationship in which war is all but unthinkable (Gray, 2007). While Britain could be said to be at peace with Germany in both years, in 1938 there was serious strain in their relationship (caused by Germany's post WWI militarism and aggression), a description of non-war situation, but in 2007, war between Britain and Germany had become unthinkable. Most scholars are of the opinion that few countries in the world currently enjoy a situation where war is unthinkable. These countries, mostly in the northern hemisphere, are in peace zones as opposed to those in conflict zones, mostly countries in the southern hemisphere (Singer & Wildavsky, 1993). The world's peace zones are more stable than the conflict zones. However, it would be misleading to conclude that the conflict zones portray a perennial form of violence or, to use Hobbes' words, a "war of all against all".



From this, it may be argued that conceptualising peace as the absence of conflict could be very misleading since conflict could either be violent or non-violent (MØller, 2003). The non-violent expression of conflict is what Galtung calls “structural violence” (Galtung, 1990). It includes poverty, exclusion, sexual and racial discrimination, intimidation, oppression, want, fear, terrorism, marginalisation, victimisation, unemployment and other types of psychological bellicosity that challenge the realisation of people’s potential. Any society experiencing one or more of these indicators cannot be said to have attained a state of peace even though there is an absence of violent conflict. This is based on the understanding that there is more to conflict than the absence of direct violence.

A bold attempt to overcome the perceived limitation of the conceptualisation of peace as the absence of war was made by Galtung (1996, 1990, 1985, 1981, 1971, 1969, and 1964). According to Galtung (1969), positive peace is viewed as “the creation of systems (based on social justice and equality) where violence is unlikely to arise”, whereas negative peace is viewed as “the prevention of violence”, for example through arms control, crisis manipulation, and deterrence. Galtung (1990) submits that peace is the absence of direct (personal), structural and cultural violence. Put simply, peace is the elimination or absence of violence in a negative sense, while it entails cooperation among individuals and groups for goals that promote justice and freedom, in a positive sense. When peace is said to be negative, it means that the existing peace only implies the absence of direct violence, war, fear and conflict. On the other hand, when peace is said to be positive, it means that the existing peace, in addition to the qualities of negative peace, also includes the absence of unjust structures and unequal relationships. Noting that negative and positive peace are contiguous, peace can only be fully attained when the negative and the positive poles are brought together, while retaining their context and assumptions.

This understanding provoked the need to abandon the traditional view of peace as the absence of conflict and extend our intellectual horizons to other fields and disciplines which would assist in gaining an in-depth understanding of the concept of peace. This approach is necessary since the traditional conceptualisation of peace is not only imprecise but depends on the proper conceptualisation of conflict which is still undergoing serious scholarly debate. Conflict is one of the fluid and infinitely elastic concepts which can be twisted to suit a variety of explanations, and has been described by Lederach (1997) as being dynamic and dialectical. One is the apparent confusion between war, conflict and crisis which are usually used interchangeably. Conflict should not be limited to wars and the manifestation of violent behaviour alone. War is the highest rung on the ladder of conflict. Crisis is only a step short of war and marked by a rapid succession of violent behaviour under the pressure of fast changing

conditions. Differences, dispute (disagreement), opposition, antagonism, tension, crisis, and war are the various stages in the escalation dynamics of any conflict. At the same time, all these stages could be described as conflict. Whatever the stage being considered, conflict is a result of incompatibility of interests, positions, values or needs between or among actors. The ambitions, aspirations and intentions of actors differ and as such are incompatible within and across societies. It is very difficult, if not impossible, not to pursue these goals and the need to pursue these goals against all odds generates conflict. Simple as the concept of conflict might be presented, scholars in the field are still divided along lines of economic, religious, social and political operationalisations of the concept. However, while there is no agreement among conflict scholars on an embracing conceptualisation, there is no disagreement among them on its manifestation.

With this seemingly bloated nature of the concept of conflict wrapped in a tissue of unending debate, it would amount to conceptual distortion and reductionism to continue defining peace as the opposite of war or violence. Consequent with this, peace scholars like Ibeanu have tried to consider the philosophical, sociological and political definitions of peace (Ibeanu, 2006). David Francis upholds that the following six meanings of peace have been agreed upon by peace researchers:

- 1) Peace as the absence of war (absence of direct violence);
- 2) Peace as justice and development (absence of structural violence);
- 3) Peace as respect and tolerance between/among people;
- 4) Peace as ‘Gaia’ (balance in and with the ecosphere);
- 5) Inner peace (spiritual peace); and
- 6) Peace as ‘wholeness’ and ‘making whole’ (being complete). (Francis, 2006).

Furthermore, the United Nations University for Peace defines peace as “a political condition that makes justice possible” (Miller, 2003). However, regardless of the position adopted by scholars in their definition of peace, the end result must be the state of comfort of a system and this explains why justice, freedom, security, fairness, harmony, satisfaction and development appear in the conceptualisation of peace (Akpan, 2011). They are needed for human beings, groups and states to fully actualise their goals. The plethora of definitions of peace affirms Galtung’s assertion that “nobody has the monopoly on defining peace” (Galtung, 1969). In the final analysis, peace is the sacrifice made to make an unjust world just.

While the concept of peace continues to undergo a thorough introspection of its core assumptions, it is important to stress that the state of peace lacks a universal denominator. What may be peace to one society may not be peace to another. For example, a society fragmented and polarised by perpetual war and armed conflict will interpret peace as the



absence of war. Similarly, a political community driven by unjust structures and policies will equate peace with justice and freedom. People suffering material deprivation and poverty will inevitably perceive peace in terms of equity, development and access to existential necessities of life (Francis, 2006). Also, problems abound in operationalising peace using the themes mentioned above. What is readily perceived as justice, fairness and security to one group can be perceived by another as injustice, unfairness and insecurity. While the 9/11 attacks on the USA were readily perceived as justice on the side of the terrorists, it was perceived as injustice by the United States. Peace to the United States would be the complete eradication of global terrorism, while peace to the terrorist would be the complete destruction of the United States. Also, while Israel seeks to strengthen its security by increasing military budgets and cutting-edge weapon technology, its neighbouring Arab states, like Palestine, perceive it as a threat to their own security.

PEACE ADJECTIVES AND THE CONCEPTUALISATION OF PEACE

As a result of the difficulty in giving an all-embracing and satisfactory definition of peace, scholars in the field have come to understand peace by working with adjectives. Scholars recognise, through adjectives, that there is a range of peaceful relationships (Klein, Goertz and Diehl, 2008). For easy identification and analysis, peace scholars have classified these adjectives into negative and positive peace zones (Klein, Goertz and Diehl, 2008).

The classification provides the positive and negative poles of the concept of peace (Goertz, 2006). Within the negative peace zones are: armed peace (Booth, 1975), negative peace (Galtung, 1969, 1990; Boulding, 1978), cruel peace, guided peace, elusive peace (Zartman, 1995), precarious peace (George, 2000), conditional peace (George, 2000), adversarial peace (Bengston, 2000), cold peace (Miller, 2001), hot peace, tenuous peace, turbulent peace (Crocker, Hampson & Aall, 2001), fragile peace (Collier, Elliot, Hegre, Hoeffler, Reynal-Querol & Sambanis, 2003), pre-peace (Banger, 2005), partial peace (Nilsson, 2008), rentier peace (Basedau & Lay, 2009) etc. Classified within the positive peace zones are: stable peace, lasting peace (Boulding, 1978; Kacowicz & Bar-Siman-Tov, 2000; George, 2000; Vayrynen, 2000; Elgstrom & Jerneck, 2000), unqualified peace (Galtung, 1990), total peace, good peace (Ray, 1995; Chan, 1997, Erik, 1998; Goenner, 2007), positive peace (Galtung, 1969, 1990; Kelman, 1999; Bayer, 2005), warm peace (Miller, 2001), virtual peace (Richmond, 2007), real or complete peace (Bakut, 2007), durable peace (Nilsson, 2008), civil peace (Fjelde and de Soysa, 2009), just peace (Beilin, 2006; Allan & Keller, 2006), active peace (Akpan, 2011, 2012), etc.

These two peace zones could be easily identified even without their classification. For negative peace, one or both actors are not satisfied with the status quo. For positive peace, both sides are satisfied with the status quo. As such, Howard's view, that peace is artificial, intricate and highly volatile (Howard, 2001), satisfactorily captures negative peace since the relationship under negative peace is close to conflict. On the other hand, the relationship under positive peace moves away from the tendency towards conflict and hostility. Positive peace is characterised by a high level of functional interdependence and strong institutions. Countries that have established a condition of positive peace have compatible domestic institutions and norms that provide expectations for peaceful (non-violent) international conflict resolution (Kacowicz and Bar-Siman-Tov, 2000; Miller, 2001).

A large number of peace adjectives can easily be placed on Goertz's peace scale. Others, however, like technological peace (Lieber, 2000), capitalist peace (Gartzke, 2007), liberal peace (Richmond, 2007; Hegre, 2000; Keshk, Reuveny & Pollins, 2010), economic peace (Lektzian & Souva, 2003; Hafner-Burton & Montgomery, 2008), democratic peace (Russett, 1993; Ray, 1995; Chan, 1997, Erik, 1998; Bueno de Mesquita, Morrow, Siverson & Smith, 1999; Mousseau, 2000; Goenner, 2007; Harrison, 2010) etc. lack a proper placement. Technological peace is peace enforced through the effective use and manipulation of global technology; capitalist peace is achieved through global capitalism; liberal peace is peace brought about by the consolidation of liberalism; economic peace is consequent upon uninterrupted economic relations, ties and trade dependency; and democratic peace is achieved through worldwide democracy, upholding the contested view that democracies rarely go to war against each other. This set of peace adjectives projects peace as a process rather than a condition. Much more complex is the fact that, buried beneath some of these peace adjectives, there are others. For example, Richmond (2007) sees liberal peace as being composed of four strands: victor's peace (derived from, among other things, Europe's experiences with fascism in WWII); constitutional peace (emphasising the importance of democracy, trade and cosmopolitanism); institutional peace (derived from normative and legal frameworks of international institutions that regulate the behaviour of entities); and civil peace (which focuses on citizens and human rights as conditional for peace) (Richmond, 2007).

Peace as a process rests on the realisation that it is a function or an outcome of social, political, technological, religious or other forces such as trade, economic interdependence, democracy, international institutions, globalisation, etc. Wright (1964) asserted that "peace is an equilibrium among many forces". These forces of democracy, economic interdependence through trade, and international organisations formed the cornerstones of the Kantian tripod which is a strand of the democratic peace the-



ory (Oneal & Russett, 1999; Ward, Siverson & Cao, 2007; Choi, 2010). These forces were also the basis of Russett and Oneal's idea of triangulating peace around democracy, interdependence, and international organisations (Russett & Oneal, 2001). If peace is dependent on certain forces for its conceptualisation, it leads us to infer that changes in any of the forces can greatly alter the peace. A strain in economic ties between dyads or economic rivalry among actors could greatly alter the peace equilibrium. The 18th century events between Great Britain and the Netherlands, and those between Japan and the United States in the 1930s are clear examples. In the conceptualisation of peace, it is therefore important to sieve through the thin membrane that captures both the condition and the process. The technical demarcation of these two magnetic peace fields informs the general deplorable dilemma in the attempt to conceptualise peace. Synthesising Sen's (1996) "development as freedom" with Galtung's theory of peace, Barnett (2008) defines peace as "the goal and process of expanding people's freedoms". In his view, peace is more or less present, depending on the degree to which considerable freedom and opportunity are present separately and collectively (Barnett, 2008).

Do all these classifications of peace using adjectives really tell us what peace is or what it should be? The fact that a particular concept of peace is within the positive zone of the peace scale does not guarantee its effectiveness or success. Whatever the concept of peace one intends to consider, there is a compelling need for it to be nurtured if it is to succeed (Hampson, 1996). At this point it is important to distinguish between peace and peaceful conditions. Peace manifests itself in the form of a peaceful state, a peaceful relationship or peaceful trade, all representing different things but sharing a common quality which is peace itself. Peace itself should never involve violence, whereas, peaceful trade could become violent. On several occasions, there have been extended conflicts in the peaceful trade relations between the United States and the European Union, but they have been settled through institutional means for the non-violent management of conflicts, such as World Trade Organisation (WTO), without recourse to military means. Moreover, as noted earlier, peaceful commercial relations can contain the seeds of armed conflict, as between the British and Dutch in the 18th century and Japan and the United States in the 1930s. Peaceful relationships can also break down and become violent as happened in Nigeria and Cameroon in the 2002 conflict over the Bakassi Peninsula. Thus, the use of peace adjectives to categorise peace is only an attempt to describe the various levels of peaceful relations and not peace itself. Furthermore, the positive/negative peace conceptualisation limits thinking about peace by reducing its diverse and contingent nature to another dualism (Barnett, 2008). Since peace is a social reality as well as a social construct, reliance on the Sapir-Whorf hypothesis would serve as a good

foundation for understanding how the concept of peace can be framed.

THE SAPIR-WHORF HYPOTHESIS AND THE CONCEPTUALISATION OF PEACE USING ADJECTIVES

Although the Sapir-Whorf hypothesis may be inadequate in many areas, it fits well into the picture of a globalised world. Through theories like this, we can identify ways in which a social concept like peace can be understood universally. As globalisation has helped to spread the culture of violence, it has also helped to spread the need for global peace, the more so since, in recent times, the cost of violence has exceeded the cost of peace at least in relative terms. A globalised world is one in which political, economic, cultural and social events become more and more interconnected. Societies are more greatly affected by events taking place in other societies. In Baylis and Smith's view, globalisation is a process of "increasing interconnectedness between societies such that events in one part of the world more and more have effect on people and societies far away" (Baylis and Smith, 2001). Since the world has shrunk considerably, the Sapir-Whorf hypothesis could provide an explanation why certain social concepts (like peace) have cross-cultural relevance but collective interpretations. These might not be expressed by a single word but by the use of phrases as well as adjectives.

The various adjectives for peace draw on the essential nature or the importance of peace for the global society in the 21st century. So important has the drive for peace become, that the pre-WWII strategy which was aimed at winning the war at all costs has been replaced with a post-WWII strategy aimed at securing peace at all cost. The need for peace requires terms to describe it. The Sapir-Whorf hypothesis can provide an understanding of such usage. According to Edward Sapir and Benjamin Whorf, Eskimos unlike other groups of people have many words to describe snow. Snow that is falling, snow on the ground, snow in blocks, snow in wavy patterns, each explained through the use of separate words. Furthermore, the Australian aborigines have no word equivalent to *sand*, but several words which denote various kinds of sand (Lyons, 1981). It was hypothesised that this was because sand has the same importance in the day-to-day life of the Aborigine as snow has for the Eskimo, and creates the need for specific references to and descriptions of it, thereby generating extensive vocabulary. However, those who may be interested in the various kinds of snow or sand can add adjectives to describe it, such as *powdery snow*, *spring snow*, or *quicksand* or *sharp sand*. Studies have also revealed that Japanese lacks a general word for *water*. It must be specified as being either hot or cold. Also, Russians have traditionally



used two words for *blue* and the Hopi Indians have one word for everything that flies, including insects and planes (Hall, 1959). Applying this analysis, we could say that, since peace is a central feature in global society, adjectives offer sufficient vocabulary to specifically describe it. Peace scholars do not understand the concept of peace without it being within the two peace zones discussed earlier: peace must be specified as positive or negative for it to have any meaning. This does not necessarily have to be based on the vocabulary of a single culture or a particular society, but the cultural manifestation of a globalised world society which has come to view peace as a rule rather than an exception in international relations.

Although convincing evidence does not exist to prove whether the classification and identification of peace through adjectives stems from the culture of a particular group of people or a society (most likely Scandinavian), they have generally reflected the culture of a globalise society interested in the climate of freedom and development which peace can best provide. While the Sapir-Whorf hypothesis might not be completely true in its extreme form, it could help to explain the usage of such peace terminologies, with the peace adjectives being a type of rule-governed codability for the concept of peace.

Furthermore, if the use of these adjectives of peace requires a generic translation, it is a common, necessary practise to provide a phrase rather than a word. The use of these peace adjectives is way to convey thought and qualify the categories of peace thoughts among scholars in the 21st century. This suggests that meaning arises in interpretation, and interpretation is shaped by socio-cultural contexts. Our contemporary globalise society forms that socio-cultural context in which a common understanding and interpretation of peace is attempted by peace scholars. Thus, the meaning

of peace, if intended to attain a general or universal meaning must be understood and explained with the use and help of adjectives. This explains why the concept of peace has been burdened with the use of adjectives.

CONCLUSION

Since the shocking horrors of Hiroshima and Nagasaki which ended WWII in 1945, the search for peace has been a predominant aspect of global intellectual discourse and debate. The proliferation of centres for peace research after WWII is an indicator of this development. In the globalised world of today that integrates thought and perception, peace has come to be defined, identified and categorised with the help of adjectives. Using adjectives is an attempt to find appropriate expressions for peace which increase the possibility of linguistic codability.

The difference between one kind of peace and another (e.g. negative peace and positive peace) is of great importance to the community of peace researchers in their bid to find common ground. Peace scholars lack a single definition for the word peace, and this can be better understood by leaning on the Sapir-Whorf hypothesis. The hypothesis can be used to explain why adjectives are needed to qualify and define peace, so could form the basis for our interpretation and understanding of the expanding definition and conceptualisation of peace. By this analysis of the Sapir-Whorf hypothesis, we conclude that examining the discourse of peace is an excellent way to look at the limits of our thoughts, knowledge and actions. ■

■ References

- AKPAN, Otoabasi (2011). *The Niger Delta question and the peace plan*. Ibadan: Spectrum Books Ltd.
- AKPAN, Otoabasi (2012). *The seven practical steps to active peace in Nigeria*. Calabar: Three Star Press (forthcoming).
- ALLAN, Pierre; KELLER, Alexis (eds.) (2006). *What is just peace?* London: Oxford University Press.
- AQUINAS, Thomas (1988). *On law, morality and politics*. Edited by William P. BAUMGRARTH and Richard J. REAGAN. Indianapolis: Hackett.
- ARISTOTLE (330 BC). *The politics*. Translated by T. A. SINCLAIR. London: Penguin, 1962.
- ARON, Raymond (2003). *Peace and war: A theory of international relations*. New Brunswick, NJ: Transaction Publishers.
- BAKUT, B. Tswah (2006). "The environment, peace and conflict in Africa". In: Shedrack Gaya BEST (ed.). *Introduction to peace and conflict studies in West Africa*. Ibadan: Spectrum Books. Pp. 234-251.
- BARASH, David (2000). *Approaches to peace*. Oxford: Oxford University Press.
- BARNETT, Jon (2008). "Peace and development: Towards a new synthesis". *Journal of Peace Research*. Vol. 45, issue 1, pp. 75-89.



- BASEDAU, Matthias; LAY, Jann** (2009). "Resource curse or rentier peace? The ambiguous effects of oil wealth and oil dependence on violent conflict". *Journal of Peace Research*. Vol. 46, issue 6, pp. 757-776.
- BAYER, R.** (2005). "Reconciliation, democracy and external threats". Paper presented at first Global International Studies Conference, World International Studies Committee, Bilgi. University, Istanbul, 24-27 August.
- BAYLIS, John; SMITH, Steve** (2006). *The globalization of world politics: An introduction to international relations*. London: Oxford University Press.
- BEILIN, Yossi** (2006). "Just peace: A dangerous objective". In: Pierre ALLAN; Alexis KELLER (eds.). *What is just peace?* London: Oxford University Press.
- BENGTSON, R.** (2000). "The cognitive dimension of stable peace". In: A. M. KACOWICZ (ed.). *Stable peace among nations*. Lanham, MD: Rowman and Littlefield. Pp. 92-107.
- BENNETT, D. S.** (1997). "Measuring rivalry termination, 1816-1992". *Journal of Conflict Resolution*. Vol. 41, issue 2, pp. 227-254.
- BOAS, Franz** (1940). *Race, language, and culture*. ISBN 0-266-06241-4.
- BOOTH, Ken** (1975). "The evolution strategic thinking". In: John BAYLIS; Ken BOOTH; John GARNETT; Phil WILLIAMS (ed.). *Contemporary strategy: Theories and policies*. London: Croom Helm. Pp. 22-49.
- BOULDING, Kenneth** (1977). "Twelve friendly quarrels with Johan Galtung". *Journal of Peace Research*. Vol. 14, issue 1, pp. 75-86.
- BOULDING, Kenneth** (1978). "Future directions of conflict and peace studies". *The Journal of Conflict Resolution*. Vol. 22, issue 2, pp. 342-354.
- BOULDING, Kenneth** (1978). *Stable peace*. Austin, TX: University of Texas Press.
- BOULDING, Kenneth** (1988). "Moving away from unstable to stable peace". In: Martin HELLMAN; Anatoly GROMYKO (ed.). *Breakthrough: Emerging new thinking. Soviet and American scholars issue a challenge to build a world beyond war*. New York: Walker.
- BOULDING, Kenneth** (1991). "Stable peace among nations: A learning process". In: E. BOULDING; C. **BRIGAGAO; K. CLEMENTS** (ed.). *Peace, culture and society: Transnational research and dialogue*. Boulder, CO: Westview Press.
- BUENO DE MESQUITA, Bruce; MORROW, James D.; SIVERSON, Randolph M.; SMITH, Alastair** (1999). "An institutional explanation of the democratic peace". *American Political Science Review*. Vol. 93, issue 4, pp. 791-807.
- CARR, Edward H.** (1942). *Conditions of peace*. London: Macmillan.
- CHAN, Steve** (1997). "In search of democratic peace: Problems and promise". *Mershon International Studies Review*. Vol. 41, issue 2, pp. 59-91.
- CHOI, Seun-Whan** (2010). "Beyond Kantian liberalism: Peace through globalisation?" *Conflict Management and Peace Science*. Vol. 27, issue 3, pp. 272-295.
- CLAUSEWITZ, Carl von** (1832). *On war*. Edited and translated by Michael HOWARD and Peter PERET. Princeton University Press, 1976.
- COLLIER, Paul; ELLIOT, V. L.; HEGRE, Havard; HOFFFLER, Anke; REYNAL-QUEROL, Marta; SAMBANIS, Nicholas** (2003). *Breaking the conflict trap: Civil war and development policy*. London: Oxford University Press.
- CROCKER, Chester A.; HAMPSON, Fen Osler; AALL, Pamela** (eds.) (2001). *Turbulent peace: The challenges of managing international conflict*. Washington, DC: United States Institute of Peace Press.
- ELGSTROM, O.; JERNECK, M.** (2000). "From adaptation to foreign policy activism: Sweden as a promoter of peace". In: A. M. KACOWICZ (ed.). *Stable peace among nations*. Lanham, DM: Rowman and Littlefield. Pp. 179-199.
- FRANCIS, David J.** (2006). "Peace and conflict studies: an African overview of basic concept". In: Shedrack Gaya BEST (ed.). *Introduction to peace and conflict studies in West Africa: A reader*. Ibadan: Spectrum Books Ltd. Pp. 15-34.
- GALTUNG, Johan** (1964). "An editorial". *Journal of Peace Research*. Vol. 1, iss. 1, pp. 1-4.
- GALTUNG, Johan** (1969). "Violence, peace and peace research". *Journal of Peace Research*. Vol. 6, iss. 3, pp. 167-191.



- GALTUNG, Johan** (1981). "Social cosmology and the concept of peace". *Journal of Peace Research*. Vol. 17, iss. 2, pp. 183-199.
- GALTUNG, Johan** (1985). "Twenty-five years of peace research: Ten challenges and some responses". *Journal of Peace Research*. Vol. 22, iss. 2, pp. 141-158.
- GALTUNG, Johan** (1990). "Cultural violence". *Journal of Peace Research*. Vol. 27, iss. 3, pp. 291-305.
- GALTUNG, Johan** (1996). *Peace by peaceful means: Peace and conflict, development and civilisation*. OSLO: PRIO.
- GALTUNG, Johan; HØIVIK, Tord** (1971). "Structural and direct violence: A note on operationalization". *Journal of Peace Research*. Vol. 8, iss. 1, pp. 73-76.
- GARTZKE, Erik** (1998). "Kant we all just get along? Opportunity, willingness, and the origins of the democratic peace". *American Journal of Political Science*. Vol. 42, iss. 1, pp. 1-27.
- GARTZKE, Erik** (2007). "The capitalist peace". *American Journal of Political Science*. Vol. 51, iss. 1, pp. 166-191.
- GEORGE, A. L.** (2000). "Foreword". In: A. KACOWICZ (ed). *Stable peace among nations*. Lanham, MD: Rowman and Littlefield. Pp. xi-xvii.
- GOENNER, Cullen F.** (2007). "Economic war and democratic peace". *Journal of the Peace Science Society*. Vol. 24, iss. 3, pp. 171-182.
- GOERTZ, G.** (2006). *Social science concepts: A user's guide*. New Jersey: Princeton University Press.
- GRAY, Collins** (2007). *War, peace and international relations: An introduction to strategic history*. London: Routledge Publishers.
- HAFNER-BURTON, Emilie M.** (2008). "The Hegemon's purse: No economic peace between democracies". *Journal of Peace Research*. Vol. 45, iss. 1, pp. 111-120.
- HALL, Edward T.** (1959). *The silent language*. Greenwich: Fawcett Publications Inc.
- HAMPSON, Fen O.** (1996). *Nurturing peace: Why peace settlements succeed or fail*. Washington, DC: United States Institute of Peace.
- HARRISON, Ewan** (2010). "The democratic peace research program and system-level analysis". *Journal of Peace Research*. Vol. 47, iss. 2, pp. 155-165.
- HART, Liddell B.** (ed.) (1967). *Strategy: the indirect approach*. London: Faber and Faber.
- HAUSS, Charles** (2010). *International conflict resolution*. New York and London: Continuum Publishers.
- HEGRE, Havard** (2000). "Development and the liberal peace: What does it take to be a trading state?" *Journal of Peace Research*. Vol. 37, iss. 1, pp. 5-30.
- HOWARD, Michael** (2001). *The invention of peace: Reflections on war and international order*. London: Yale University Press.
- IBEANU, Oke** (2006). "Conceptualizing peace". In: Shedrack Gaya BEST (ed.). *Introduction to peace and conflict studies in West Africa: A reader*. Ibadan: Spectrum Books Ltd.
- JENKINS, Robin** (1969). "Peace research: A perspective". *Political Studies*. Vol. 17, iss. 2.
- KACOWICZ, A. M.; BAR-SIMAN-TOV, Yaacov** (2000). "Stable peace: A conceptual framework". In: A. M. KACOWICZ (ed). *Stable peace among nations*. Lanham, MD: Rowman and Littlefield. Pp. 11-36.
- KANT, Immanuel** (1795). *Perpetual peace*. Edited, with introduction, by Lewis White BECK. New York: Liberal Arts Press, 1957.
- KANT, Immanuel** (1795). *Toward an eternal peace*. Jerusalem: Magnes, 1976
- KAY, P.; KEMPTON, W.** (1984). "What is the Sapir-Whorf hypothesis?". *American Anthropologist*. Vol. 86, iss. 1, pp. 65-79.
- KELMAN, H.** (1999). "Transforming the relationship between former enemies: A social-psychological analysis". In: R. ROTHSTEIM (ed). *After the peace*. Boulder: Lynne Rienner Pub. Pp. 193-206.
- KLEIN, James P.; GOERTZ, Gary; DIEHL, Paul F.** (2008). "The peace Scale: Conceptualising and operationalizing non-rivalry and peace". *Journal of the Peace Science Society*. Vol. 25, iss. 1, pp. 67-80.
- LEDERACH, John Paul** (1997). *Building peace: Sustainable reconciliation in divided societies*. Washington, DC: United States Institute of Peace.
- LEKTZIAN, David; SOUVA, Mark** (2003). "The economic peace between democracies: Economic sanctions and democratic institutions". *Journal of Peace Research*. Vol. 40, iss. 6, pp. 641-660.



- LIEBER, Keir A.** (2000). "Grasping the technological peace: The offensive-defensive balance and international security". *International Security*. Vol. 25, iss. 1, pp. 71-104.
- LYONS, John** (1981). *Language and linguistics: An introduction*. Cambridge: Cambridge University Press.
- MADIEBO, Alexander** (1980). *The Nigerian revolution and the Biafran war (1967-1970)*. Enugu: Fourth Dimension Press.
- MILLER, Christopher** (2003). *A glossary of terms and concept in peace and conflict studies*. Geneva: University for peace.
- MØLLER, Bjørn** (2003). *Conflict theory*. DIR and Institute for History, International and Social Studies. Aalborg University, Denmark.
- MOUSSEAU, Michael** (2000). "Market prosperity, democratic consolidation, and democratic peace". *Journal of Conflict Resolution*. Vol. 44, iss. 4, pp. 472-507.
- NADER, Laura** (2004). "Two plus two equals zero: War and peace reconsidered". In: Roberto J. GONZALEZ (ed.). *Anthropologist in the public sphere: Speaking out on war, peace, and American power*. Austin: University of Texas Press.
- NILSSON, Desireé** (2006). *In the shadow of settlement: Multiple rebel groups and precarious peace*. Uppsala University: Department of Peace and Conflict Research, Uppsala University.
- NILSSON, Desireé** (2008). "Partial peace: Rebel groups inside and outside of civil war settlements". *Journal of Peace Research*. Vol. 45, iss. 4, pp. 479-495.
- ONEAL, John; RUSSETT, Bruce M.** (1999). "The Kantian peace: The pacific benefits of democracy, interdependence, and international organisations". *World Politics*. Vol. 52, iss. 1, pp. 1-37.
- ORWELL, George** (1949). *Nineteen Eighty-Four*. New York, NY: New American Library.
- PINKER, Steven** (1994). *The language instinct*. Harmondsworth: Penguin.
- RAPOPORT, A.** (1992). *Peace: An idea whose time had come*. Ann Arbor, MI: University Michigan Press.
- RAY, J. L.** (1995). *Democracy and international politics: An evaluation of the democratic peace proposition*. Columbia, SC: University of South Carolina Press.
- RICHMOND, Oliver P.** (ed.) (2006). *Challenges to peacebuilding: Managing spoilers during conflict resolution*. Tokyo: United Nations University Press.
- RICHMOND, Oliver P.** (2007). *The transformation of peace*. Palgrave Macmillan.
- ROMANINE, Suzanne** (1994). *Language in society*. Oxford: Oxford University Press.
- RUSSETT, Bruce** (1993). *Grasping the democratic peace: Principles for a post cold war world*. Princeton, NJ: Princeton University Press.
- RUSSETT, Bruce; ONEAL, John R.** (2001). *Triangulating peace: Democracy, interdependence and international organisations*. New York: Norton.
- SAPIR, Edward** (1929). "The status of linguistics as a science". *Language*. Vol. 5, iss. 4, pp. 207-214.
- SAPIR, Edward; SWADESH, Morris** (1946). "American Indian grammatical categories". *Word*. No. 2, pp. 103-112.
- SAPIR, Edward** (1983). David G. MANDELBAUM (ed.). *Language, culture and personality: Selected writings of Edward Sapir*. University of California Press.
- SCHMID, H.** (1968). "Peace research and politics". *Journal of Peace Research*. Vol. 5, iss. 3, pp. 317-232.
- SEN, Amartya** (1999). *Development as freedom*. New York: Anchor.
- SINGER, M.; WILDAVSKY, A.** (1993). *The realist world order: Zones of peace/zones of turmoil*. London: Chatham House.
- TZABAR, Shimon** (1972). *The white flag principle: How to lose a war and why*. New York: Simon and Schuster.
- VAYRYNEN, R.** (2000). "Stable peace through security communities? Steps toward theory building". In: A. M. KACOWICZ (ed.) *Stable peace among nations*. Lanham, MD: Rowman and Littlefield. Pp. 108-129.
- WARD, Michael D.; SIVERSON, Randolph M.; CAO, Xun** (2007). "Disputes, democracies and dependencies: A re-examination of the Kantian peace". *American Journal of Political Science*. Vol. 51, iss. 3, pp. 583-601.
- WHORF, Benjamin L.** (1956). John B. CARROLL (ed.). *Language, thought, and reality: Selected writings of Benjamin Lee Whorf*. MIT Press.



WHORE, Benjamin L. (1956). *The relations of habitual thought and behavior to language*. Edited by John B. Carrol.

WIBERG, H. (1981). "JPR 1964-1980 – What Have We Learnt about Peace?" *Journal of Peace Research*. Vol. 18, iss. 2, pp. 111-148.

WRIGHT, Quincy (1964). *A study of war*. Chicago: University of Chicago Press.

YULE, George (2006). *The study of language*. London: Cambridge University Press.

ZARTMAN, William (1995) *Elusive peace: Negotiating an end to civil wars*. Washington, DC: Brookings Institution.

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**CAMPUS
FOR PEACE**



ARTICLE

The Feature Film as a Vehicle for Disseminating Principles of Conflict Resolution

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Abstract

In modern societies, feature films play a profound role in the formation of beliefs, attitudes, and behaviours. The mainstream entertainment media industry currently relies heavily on methods of dehumanising the other and glorifying violence, which nurtures a fear of the other and a belief in the legitimacy of violence as a means of resolving conflict. This article argues that the opposite, nurturing a belief in universal humanity and the efficacy of peaceful alternatives to violence, can be achieved by modelling such behaviours, beliefs and attitudes in mainstream film. The resulting films would be 'humanising' as opposed to 'dehumanising' and thus constitute a positive contribution to society. Deconstructing the necessary elements of 'successful' mainstream films, the author further suggests that humanising films have the potential to be more successful than dehumanising films because they resonate on a deeper level with audiences. Providing specific suggestions of how to develop humanising elements within films, this article is an initial step towards establishing a framework for transferring conflict resolution's advanced knowledge of conflict dynamics to professionals in the film industry.

Keywords

peace studies, conflict resolution, film studies, film production, cinema

INTRODUCTION

This article constitutes an initial step towards linking the field of conflict resolution with the film industry, presenting arguments and methods for incorporating conflict resolution theory and principles within cinema. Beyond the pursuit of theoretical, academic exploration, this paper also aspires to generate a practical framework for creating 'humanising films' which, as this paper argues, can contribute to a culture of peace.

More than merely a form of entertainment, the author purports that cinema plays a profound role in the formation of human beliefs, attitudes, and behaviours. Various fields of study have recognised opportunities associated with embedding persuasive content in entertainment, most

notably in the areas of advertising and marketing, but also in the humanitarian fields of promoting democracy, women's rights, and health. One area of study that is noticeably absent in existing literature on entertainment-based persuasion, however, is conflict resolution. This article aims to fill this gap by exploring the potential dissemination of conflict resolution principles to the public through dramatic entertainment – in particular, via feature films.

Although there have been several attempts to include the public in the various theoretical undertakings within the field of conflict resolution, little progress has been made towards incorporating conflict resolution techniques and values into mainstream culture. In this paper the author identifies a recent notion from various conflict resolution theorists that the arts are an underutilised tool for



peacebuilding. While a significant body of the field's literature has suggested linking music and fine arts with conflict prevention and post-conflict reconstruction, curiously, the potential of film remains virtually unexplored.

Modern mainstream entertainment media, a force that permeates cultures worldwide, wields tremendous potential for positive social change. This paper's thesis is that filmic messages that humanise the other and explore alternatives to violent resolution of conflict are valuable tools for conflict transformation, conflict prevention, and for nurturing the development of what conflict resolution theorist John Paul Lederach calls a "moral imagination" (Lederach, 2005).

The first section of this paper explores the feasibility of spreading conflict resolution principles through film. It identifies various principles that are appropriate for the medium, anticipates potential obstacles, and suggests a framework for this new field of study and practice. In the following section this framework serves as the basis for a case study in which the author performs a conflict analysis of three highly successful recent mainstream films. The conclusion provides a comprehensive summary of, and further suggestions for the linking of film production with conflict resolution.

PART 1: CONFLICT RESOLUTION AND FILM

"Logic will get you from A to B.
Imagination will take you everywhere."
Albert Einstein

Contemporary Conflict Resolution – A Shift Towards 'Creative Modes of Knowing'

Conflict resolution is a field of study that has grown out of a wide spectrum of disciplines to produce various theoretical frameworks and approaches for peacefully managing conflict at all levels, from personal to international. Emerging from an obvious and urgent need for alternatives to warfare in the nuclear age of post-WWII, conflict resolution initially focused on methods of averting the global nuclear holocaust that human ingenuity had made possible. Traditional realist approaches to international relations had to be re-examined, and concerned professionals from biology, to psychology and political science began searching for, and developing new ideas that eventually gave birth to this new field of study.

A core premise of the young field was that there are alternatives to 'zero-sum' conflict outcomes, where one party 'wins' and the other 'loses', or the even more prevalent outcome of violent conflict where both sides lose. (Ramsbotham, Woodhouse and Mial, 2005). When the 'needs' of conflicting parties are assessed rather than their 'positions', conflict resolution theory argues that it is often possible to find solutions where both parties can gain, thus generating a 'positive-sum' (Ramsbotham, Woodhouse and Mial, 2005).

In the early 1990s, conflict resolution pioneer Adam Curle began to argue the importance of empowering individuals in peace processes (Curle, 1994). The idea that peacebuilding should be done from 'below', i.e., by the general public instead of strictly by elites, became an idea that gained substantial acceptance in the field of conflict resolution. The relationship proved to be reciprocally beneficial: the field of conflict resolution being substantially enriched by the traditional and cultural expertise that the grassroots community had to offer.

Recognition of the value of creativity within conflict resolution theory has paved the way for the inclusion of the creative arts in contemporary conflict resolution processes and research. For example, in the forthcoming third edition of the seminal text for teaching conflict resolution, *Contemporary Conflict Resolution*, Tom Woodhouse contributes a new chapter: "Conflict Resolution and Peace Culture: Conflict Resolution in Art, Theatre, Music and Sport". In this work he describes the evolution of the concept of peace culture and explores how art, culture and sport provide "a powerful source of peacebuilding energy and passion that is not always apparent in the formalised processes of political conflict resolution" (Woodhouse, 2011). This new direction has gained momentum to the point where the United Nations have adopted terms such as 'culture of peace' into their official rhetoric and have begun including the arts in many of their agencies' peacebuilding programmes (United Nations, "Culture of Peace", 2010).

Toward Combining Conflict Resolution with Film

The notion of the "powerful source of peacebuilding energy" (Woodhouse, 2011) that the arts can generate is the basis for the following arguments for combining the field of conflict resolution with the film industry. While the abovementioned examples indicate that conflict resolution is ready to incorporate the creative power of imagination and the arts, as yet, the possibility of exploring the inverse of this relationship, of using the creative arts as tools for the widespread dissemination of conflict resolution principles, has been minimal. Instead, the valuable lessons of conflict resolution have remained confined within the limited sphere of academics and have not been shared with those who could benefit most from their wisdom – the general public.



The following sections of this paper present (1) the arguments for including conflict resolution principles in film, (2) the goal of rebalancing modelled approaches to conflict in film, (3) various methods of consciously creating humanising elements in films, (4) the necessity for collaboration and (5) the obstacles that the process faces. As a whole, these arguments and proposals represent the first steps towards creating a framework that would facilitate transfer of conflict resolution's advanced knowledge of conflict dynamics to the creators of mainstream entertainment films.

Arguments and Support for Conflict Resolution Principles in Film

Nurturing what Louise Boulding calls the “creative modes of knowing” (Boulding, 1990) and what John Paul Lederach describes as a “moral imagination” (Lederach, 2005) can be beneficial for everyone, since coming up with creative solutions to the conflicts that we inherently confront on a daily basis increases productivity, decreases stress and creates pleasant working and social environments. One way of nurturing such processes is by modelling examples of people successfully employing moral imagination, their resulting behaviours, and peer reactions. Film, an art form which has the power to depict human behaviour more lucidly than any other, has the potential to portray conflicting parties respecting one another and creatively finding peaceful win-win solutions to conflicts.

Contemporary research from the fields of sociology, psychology, neurobiology, and neurophysiology purports that humans do indeed learn beliefs and attitudes observationally.¹ Either through personal role-models, or modern society's more prevalent media-generated role-models, people learn beliefs, attitudes and behaviours through observing those who they respect and aspire to emulate. If a film's plot is sufficiently engaging, and its characters are believable, likeable, and capable of inducing empathy in audiences, the ‘modelled behaviour’ in the film can cultivate similar beliefs, attitudes and behaviours in audiences through observational learning processes.

The academic field of film studies has long acknowledged this influential power of cinema. In his most recent publication, film theorist Douglas Kellner claims that dramatic cinema shapes our world more profoundly than we may realise:

“There is an aesthetic, philosophical, and anticipatory dimension to films, in which they provide artistic visions of the world that might transcend the

social context of the moment and articulate future possibilities, positive and negative...” (Kellner, 2010)

Some theorists believe that the ‘future possibilities’ that films provide have tended to be more negative than positive (Boggs & Pollard, 2007). However, a framework for intentionally creating positive influences, currently lacking in the film production industry, can be of tremendous value to society. Film professionals, as members of an industry that inspires the imaginations of countless viewers, have a unique potential, and perhaps even a moral responsibility, to spread positive, conflict resolution-oriented messages through their films.

Recently, this subject has been confronted by an initiative at the UN Department of Public Information. The aim of the Creative Community Outreach Initiative (CCOI), mandated by Secretary-General Ban Ki-moon, is to connect film industry professionals with UN staff in order to nurture a mutually beneficial relationship between the UN and filmmakers. The UN provides stories, advice, and exclusive access to UN information and property in exchange for filmmakers “promoting peace and raising awareness of critical global issues” (United Nations, About CCOI, 2010). To date, several films and television programmes including *The Interpreter*, *Law & Order*, and *Ugly Betty* have taken advantage of this opportunity. While this initiative seems to point to progress towards this paper's thesis, the implementation of the CCOI has been piecemeal and so far lacks comprehensive and transparent access protocols for filmmakers.² Also, there is still no practical framework available for guiding film professionals who may want to create conflict resolution-oriented content that has no direct relation to the UN. The subsequent sections are an initial attempt to develop such a framework.

Rebalancing Modelled Approaches to Conflict in Film

Just as conflict is ubiquitous in our lives, it is at the core of every film. Whether internal, personal, or extra-personal conflict, the essence of film is the exposition of people attempting to resolve some conflict in their lives. Unfortunately, resorting to violence to resolve conflict is common within contemporary mainstream films (Kellner, 2010; Plantinga, 2009; Rosenbaum, 2000). In order to make audiences comfortable with this violence, filmmakers often find it necessary to ‘dehumanise’ or ‘infrahumanise’³ one side of the conflict. They accomplish this by framing conflicts dualistically, as good-versus-

1 Chapter One of the dissertation from which this article is extracted is entirely devoted to an exploration of this topic.

2 This observation is based on the author's first hand experience of working for the CCOI at the United Nations Headquarters in New York from June to August 2010.

3 ‘Infrahumanisation’ is a term that refers to the lessening of one's humanity, while literally, ‘dehumanisation’ infers the complete removal of one's human qualities. In common discourse, however, the latter term is used in both senses. Following this trend, this paper will employ the term ‘dehumanisation’ for both the both the reduction and removal of one's humanity. For more information on the concept of infrahumanisation see: Castano and Giner-Sorolla (2006) and Motyl, Hart and Pyszczynski (2010).



evil, thus diminishing one party's humanity. To utilise conflict resolution terminology, such polarised conflicts are frequently presented as 'zero-sum' situations where the only potential outcomes are one side 'winning' and the other 'losing'. When one party has been dehumanised, violence against them becomes a reasonable and justifiable course of action. Sometimes described in terms of 'destructive' versus 'constructive' storytelling (Senehi, 2002), this paper refers to the dichotomy as 'dehumanising' versus 'humanising' films.

While dehumanising films that portray 'good' triumphing over 'evil' are surely intended as positive messages, the underlying assumption that evil is omnipresent, generates a conscious fear of the other in audiences, rather than striving to find their humanity. While there are indeed countless real-life examples of humans performing horrific deeds, many researchers believe that such behaviour is over-represented in entertainment media:

"In addition to modeling violent behaviour, entertainment media inflate the prevalence of violence in the world, cultivating in viewers the 'mean world' syndrome, a perception of the world as a dangerous place." (American Academy of Pediatrics, 2001)

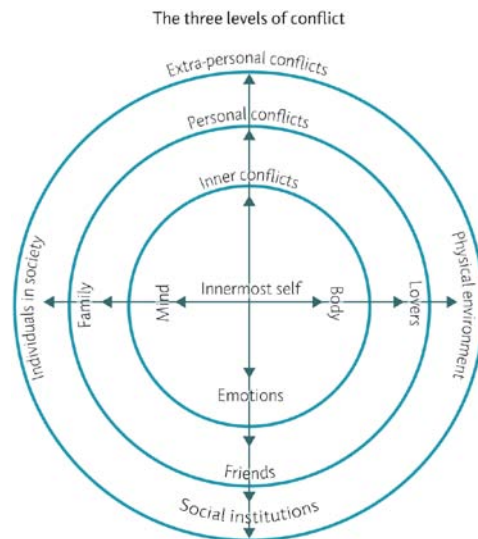
Assuming positive messages are of greater benefit to society than negative messages, the challenge for film professionals is to frame conflicts as positive-sum and to be conscious of dehumanising behaviours, while maintaining compelling narratives that will absorb audiences. The following section identifies the obstacles for doing this, and suggests ways in which film creators can borrow from conflict resolution to contribute to a global civic culture by opening audiences' imagination to the possibilities of non-polarised conflict, and of the non-violent resolution of conflict.

The Conscious Creation of Humanising Elements in Films

While it is important to acknowledge that creative processes such as filmmaking require freedom from excessive directives, and indeed it is the unique imaginations of the filmmakers themselves that is the most valuable tool for bringing scenes 'to life', this section identifies specific techniques that can be used to create humanising content.

Drama theorist Robert McKee's theory of effective narrative revolves around the notion, often explored in conflict resolution, that "to be alive is to be in seemingly perpetual conflict" (McKee, 1999). According to McKee, internal, personal, and extra-personal conflicts are at the core of the human experience and as far as storytelling is concerned, "nothing moves forward in a story except through conflict" (McKee, 1999) (see figure 1).

Figure 1. Robert McKee's "The Three Levels of Conflict" (McKee, 1999).



McKee argues that a good story requires complexity, which can only be achieved by developing conflict on all three levels. Narratives that shy away from conflict, or deal with it in an unauthentic manner, miss the opportunity to connect with audiences and thus fail to achieve what psychologist Michael Slater refers to as "absorption". Narratives that do achieve absorption, however, touch audiences at a deep emotional level, making it possible to effectively transmit stories, or 'messages', about ways of thinking and behaving that may not have occurred to them before.

Audiences are full of anticipation to see how the characters act and react to conflicts in a story, particularly at the climax of the central conflict, because it gives them a rare glimpse at human nature – the aspect of story that has intrigued audiences throughout human history (Aristotle, 1996). It is in these moments that audiences subconsciously learn appropriate behaviours for when they find themselves in similar situations. If a character decides to show mercy or respect for their counterpart, the story can take on this 'humanising nature'.

The climax alone, however, cannot make a film resolutely humanising. Instead, humanising elements must be established throughout a film; not only for positive messaging considerations, but for the overall effectiveness of the film. If, for example, the potential for a humanising action in the climax has not been nurtured throughout the story, it may seem unauthentic or unrealistic⁴ to the audience. This will cause them to be pulled out of their state of absorption, so the opportunity to influence them is lost: to create an effective humanising climax, filmmakers must build the potential in the earlier, 'character development', sections of a film.

There are many places in a script where filmmakers committed to contributing to a culture of peace can develop characters that model positive, humanising behaviours.



Subtle acts of kindness for example, or depicting characters showing disdain for racist, sexist, xenophobic or any other dehumanising behaviours of other characters, could contribute to a consciousness of tolerance and respect for the other in audiences. It could be as simple as a disapproving look towards dehumanising behaviour, or it could be as complex as the script's thematic structure revolving around challenging an institutionalised process of dehumanisation. An example of the latter would be the anti-racism message of Paul Haggis' Academy Award-winning film *Crash* in which the lives of fourteen different characters intertwine to present a scathing critique of a society divided by racism (Haggis, 2004).

Although depicting humanising behaviour or disdain for dehumanising behaviour is valuable for generating positive messages, it is important to acknowledge that a crucial aspect of a good story is characters going through change, or what film theory refers to as a 'character's arc' (McKee, 1999). The arc that a character goes through can potentially change them from being despicable, exhibiting violent and dehumanising behaviours, into a character who grows past these hurdles to see and respect the humanity in the other characters. However, this arc cannot materialise from nothing: it must result from events or the actions of others. Just as Newton's laws of motion teach us that "for every action there must be an equal and opposite reaction" (Tait, 1971), dramatic theory teaches us that, to be believable, a character's arc must stem from a cause that is proportional to the change in the character (Aristotle, 1996).

This necessary element of storytelling presents a significant conundrum for film creators: How can they avoid depicting violence or dehumanising behaviours, which by their mere presence could inspire similar behaviour in audiences, while creating powerful and effective character arcs. The answer must come from the filmmakers' intuition of balance. Their use of violent or dehumanising behaviour should be with cautious apprehension and with a conscious effort to resist glamourising or sensationalising the behaviour. Films such as Steven Spielberg's *Saving Private Ryan* (Spielberg, 1998) and Danis Tanovic's *No Man's Land* (Tanovic, 2001) that treat violence as what it really is – "a human behaviour that causes suffering, loss and sadness to victims and perpetrators" (American Academy of Pediatrics, 2001), affect audiences deeply precisely because the violence seems real. This is in stark contrast to the violence depicted in films where dehumanised characters are killed and fall from the frame without a second thought. Both types of films teach viewers attitudes; the former that violence is terrible, and the later that violence is normal.

Humanising films are difficult undertakings that require skilled craftsmanship to effectively develop characters

and provide authentic insight into the human condition. Dehumanising films, on the other hand, are comparatively simple undertakings that rely heavily on violent spectacle and stereotypes. While the depiction of some violent or dehumanising behaviour may be necessary to fully develop a character's arc, with the conscientious use of craft and imagination, this can be framed in a negative light so as to offset unintended dehumanising-behaviour learning in audiences. The next section of this article explores the difficulty of finding this balance, and the danger of the unnecessary utilisation of, and glamourisation of violent and dehumanising modelling.

Framework for Creating Humanising Films: A Collaborative Process

Films are essentially the manifestation of the imaginations of many people. This section attempts to establish who exactly the creative-content contributors of a film are, and proposes ways in which they, if so inclined, can adopt the non-polarising, non-violent and non-dehumanising principles of conflict resolution in their work while maintaining effective and engaging narratives. There are six key roles on a filmmaking team that can do this, here referred to as the 'key creatives': writers, directors, actors, cinematographers, editors, and producers.⁵

While there is indeed a clear power hierarchy on a film team, where producers can fire anyone, and directors can refuse to move on from a scene they feel has not been shot, lit, or acted in accordance to his or her 'vision', typically there is a significant amount of respect of craft given to each of the key creatives. There is an understanding that the people hired for the job are hired because they are the best people for the job, and in order for a film to be made on schedule and within budget, the importance of cooperation and mutual respect is regularly reiterated by producers.

Scriptwriters create the original story and structure of a film either from personal experience, the experience of others, directly from their imagination or by adapting an existing work. As the original creator then, the writer is responsible for framing the story's actions and conflicts, and thus plays a principal role in the fate of a film being either humanising or dehumanising. Nevertheless, it is common practice in the film industry for a script, once sold to a producer or studio, to go through several changes in the pre-production stage based on input of the producers, the director, and sometimes also the actors. The resulting 'shooting script' is used during the production stage, however, what is actually shot is rarely identical to what is

4 This ironic notion that there can be anything 'real' in a fictional film stems from the drama theory phenomenon of 'suspending disbelief'.

5 This is not to undermine the important creative work of wardrobe, make-up, lighting (electrics) and shading (grips) professionals, but when speaking of the building blocks of a film's 'story', these five are the most influential.

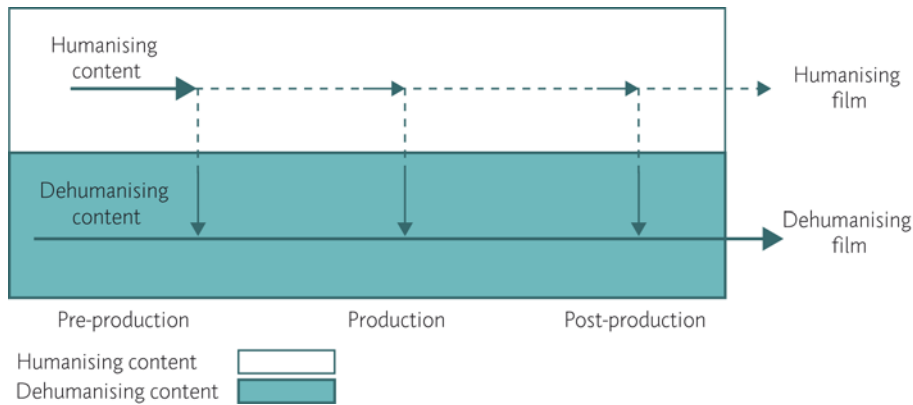


written in the shooting script. Subsequently, the story and dialogues go through even further changes in the editing, or post-production stage (Murch, 2001). Responsibility for the messages in the final product is thus clearly dispersed amongst all key creatives.

Since each of the key creatives contribute to the outcome of a film, it is logical to put the onus of contributing humanising aspects on each of them. Breathing life into a vile antagonist by showing a glimpse of his humanity, or creating a tense mood in reaction to a bigoted comment, are tools at the filmmak-

ers' disposal for creating humanising content. However, while a writer may imagine and create a perfectly humanising scene, if the director is not thinking in terms of humanisation, he may not direct it in a way that captures the writer's vision. Likewise, a cinematographer might frame the shots in a way that does not optimise the opportunity, or an actor might contribute a different emphasis or motivation if they are not thinking in humanising terms. Finally, the editors and producers have the power to cut shots or scenes and to select takes, so having them on board is also essential (see figure 2).

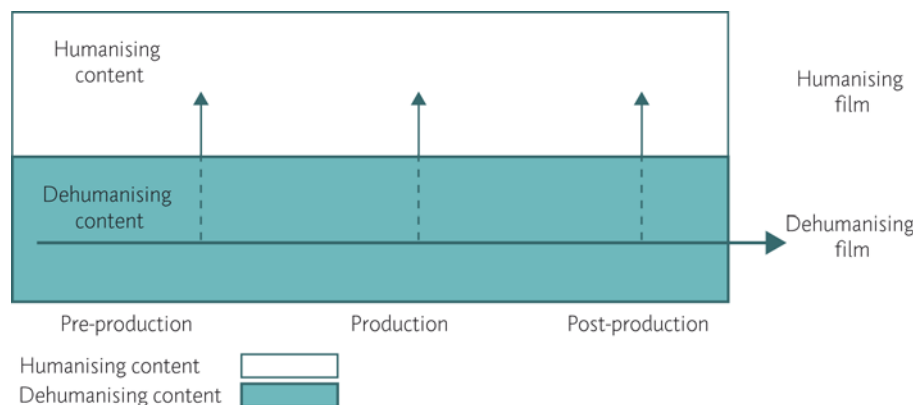
Figure 2. Creation of humanising and dehumanising films. (Bryan Nykon)



Unfortunately, the inverse of this process, the creation of a humanising film from a dehumanising script is not feasible. If the director, actors, cinematographer, and editor have a commitment to creating humanising content, but the writer and producer have not supplied a humanising core to

the story, short of a complete re-write, it not possible to create a humanising piece. There could be successful creation of humanising moments, but the core, dehumanising message of the film would not be changed (see figure 3).

Figure 3. Humanising elements in dehumanising films. (Bryan Nykon)





In summary, to borrow from conflict resolution terminology again, each of the key creatives could potentially be a 'spoiler' of a humanising scene or film, as graphically depicted with the vertical lines in figure 2. Creating a humanising film is thus a fragile collaborative process that requires the commitment of all the key creatives. It has to begin with a humanising script and the humanising intention should be clearly communicated to, and supported by, all of the key creatives at every stage of production.

If the key creatives are successful at framing conflict as 'non-polarised' and portraying creative, non-violent solutions to the problems that arise in the story, filmmakers can create humanising content without sacrificing narrative value. On the contrary, such films are quite often the ones that are celebrated by audiences and critics because of their obvious value to society. For better or worse, filmmakers have the tremendous power of being able to influence the way people see the world, and have an impact on their beliefs, attitudes, and behaviour. This great power should be taken seriously as the implications are substantial: humanising films contribute to a culture of peace while dehumanising films fuel a culture of violence.

PART TWO: CASE STUDY

"With great power comes great responsibility."
Stan Lee (Spiderman, 2002)

Case Study Introduction

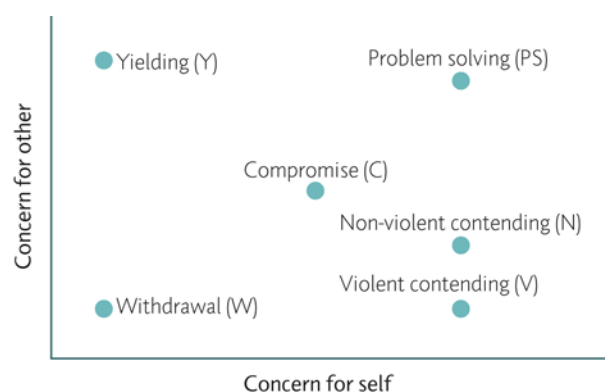
The previous sections explored the possibility of the film medium being a vehicle for proliferating humanising, conflict resolution-based attitudes and behaviours. This premise leads us to this examination of three of the world's most popular and most critically acclaimed⁶ contemporary films: *Up* (Docter & Peterson, 2009), *District 9* (Blomkamp, 2009), and *Avatar* (Cameron, 2009). Employing an original framework for performing a 'conflict analysis' of films and scripts, this chapter surveys the framing of and approaches to conflict in each of these films. Subsequently, the author provides suggestions for how each film could have taken on a more humanising perspective, thus further contributing to a culture of peace.

Conflict Analysis Methodology

An overall assessment of whether a film is humanising or dehumanising is to some extent subjective because, as examined in the previous sections, there are a multitude of factors to consider. It is, however, possible to assess specific humanising and dehumanising elements of scripts and films by gathering data regarding the characters' approaches to conflict. This requires an in-depth contextual assessment of (1) the type of conflicts, (2) the framing of the conflicts, (3) the methods that characters use to resolve the conflicts, (4) the outcomes of the conflicts, and (5) the characters' reactions to the outcomes. The author designed and utilised a conflict analysis form to record these data for the three films of this case study.

The categories for the various components of the form were derived from the concepts presented earlier in this paper. The type of conflict was taken from McKee's work on narrative conflict which defines conflict as internal, personal, or extra-personal (see figure 1). Furthermore, as in McKee's dramatic theory, the conflicts were categorised as either central or secondary; the former reserved for conflicts that form a film's thematic basis. The framing and outcome components of the conflict analysis form were derived from the conflict resolution theory which employs either a zero-sum (-), or a positive-sum (+) categorisation. Finally, the categories for the method-of-resolution component were derived from a modified version of the "Approaches to Conflict" graph (Ramsbotham, Woodhouse, & Miall, 2005), where the x-axis indicates 'concern for self' and the y-axis indicates 'concern for the other' (Figure 4).

Figure 4. Methods of Resolving Conflict in Films.⁷



⁶ All three films were nominated for the coveted "Best Motion Picture" award at the 82nd Academy Awards ceremony on 7 March, 2010.

⁷ This figure is a modified version of Ramsbotham, Woodhouse and Miall's "Approaches to conflict" and was designed by the author specifically for this paper. 'Contending' in the original model was divided into 'Violent contending' and 'Non-violent contending'; sub-categories in the author's model. The original is from Ramsbotham, Woodhouse and Miall (2005).



As shown in figure 4, the conflict analysis form categories for possible methods of resolving conflict were: (1) violent-contending, (2) non-violent-contending, (3) compromise, (4) withdrawal, (5) yielding, and (6) problem-solving. Violent-contending is the approach commonly modelled in Hollywood films, while problem-solving is the less-frequently modelled approach that conflict resolution advocates.

A formal analysis process was used in this methodology, in which I and an assistant screened and assessed the three films. The conflict analysis data constitutes the basis for the summaries and arguments below. The conflict resolution-based assessments which follow were a result of comprehensive examination of all the central conflicts and a selection of secondary conflicts, for each film. From these assessments, suggestions are given for ways in which each film could have (1) humanised the characters more effectively, and (2) employed conflict resolution principles for framing and resolving the character conflicts.

Up – Conflict Analysis Summary

The conflict analysis for *Up* revealed two central conflicts and eight secondary conflicts. The two central conflicts, which are the focus of this section, are (1) protagonist Carl Fredricksen's internal struggle to come to terms with the death of his wife, and (2) a personal conflict between Carl and his antagonist, Charles Muntz.

This initial central conflict is at first framed as zero-sum, where Carl appears to feel that there is no way of both honouring the memory of his wife and continuing his life. However, through well-constructed narrative progression, this framing evolves into a positive-sum perspective, culminating when Carl discovers that his wife had wanted him to "have a new [adventure]".⁸ From this point, Carl realises he can cherish the memory of his wife and also live in the present. What starts as a non-violent-contention method of resolution (Carl resisting change), evolves into a problem-solving method (Carl finding a win-win solution), so the initial central conflict represents an excellent example of conflict resolution-oriented principles in a film. The second central conflict however, which emerges from the resolution of the initial central conflict, does not have a conflict resolution approach.

Carl's problem-solving approach to the first central conflict, choosing to carry on with his life, segues into the second primary conflict: saving his friends from the film's antagonist, an evil explorer named Charles Muntz. This personal conflict is framed as zero-sum: either Carl or Muntz can prevail, but not both. Muntz's motivation to capture Carl's friend Kevin⁹ is well established early in the

film in a humanising manner that encourages the audience to sympathise with Muntz's plight.¹⁰ However, when Muntz is re-introduced to the story, he is progressively dehumanised. He is presented as a deranged and irrational person to whom violent-contention is the only feasible course of action.

In the ensuing showdown, the film's climax, both men use violent weapons against one another and Muntz ultimately meets his death by falling out of a floating house while fighting Carl. As McKee purported, this moment facilitates a glimpse into Carl's true nature. As the audience waits in anticipation to see Carl's reaction to Muntz's demise, rather than expressing concern, regret, or remorse for the death of Muntz, Carl immediately rejoices in his victory: this is an example of a missed opportunity to create a humanising message.

Up contains various examples of both humanising and dehumanising belief, attitude, and behaviour modelling. However, assessing the overall value of the film from a conflict resolution perspective, it unfortunately fails to retain any significant merit because of the climax. This is unfortunate because it was completely unnecessary. The film constructs an excellent character arc for Carl, changing him from miserable and violent, into a caring and compassionate character – until the point of his violent and fatal battle with Muntz. There are several ways in which the key creatives of this film could have prevented the film from taking on a dehumanising nature. If, for example, Carl had attempted to employ a problem-solving approach instead of a violent-contending approach with Muntz, regardless of the effort's success or failure, it would have generated a message to audiences that such attempts are of value. No such attempt was made in *Up*.

Although a problem-solving approach was not modelled in *Up*'s second central conflict, it is important to reiterate the fact that violent-contending solutions are extremely common in mainstream films. Filmmakers frequently seem to feel obliged to demonise villains, polarise conflict, and have one side definitively 'lose', perhaps in order to prevent counter arguing in an audience base that expects such framing. Nevertheless, as argued above, even such polarised scenarios can maintain a humanising nature if the filmmakers simply show the 'winner' expressing remorse or regret for the tragic outcome of the 'loser'. In *Up*, a moment of Carl looking down at Muntz' disappearing body with regret, or perhaps a reaction of lament rather than rejoicing may have been sufficient. Instead, one of the key messages that audiences take away from the film is that the death of your opponents is reason for celebration. For this reason, *Up*'s key creatives narrowly missed a tremendous opportunity to contribute to a global civic culture with this film.

8 At 1:13:07 in *Up*, Carl finds a note from his deceased wife that says: "Thanks for the adventure – now go have a new one!"

9 Kevin is a personified, yet non-speaking, nearly extinct bird.

10 At 00:02:07 in *Up*, the audience learns that Muntz had been defamed by the National Explorers Society when they deemed his skeleton of Kevin's species a fake.



District 9 – Conflict Analysis Summary

The analysis of *District 9* revealed two central and six secondary conflicts. The two central conflicts employ both violent-contending and problem-solving methods of resolution, and one of the secondary conflicts utilises predominantly problem-solving methods. These three conflicts are the primary focus of this summary.

The two central conflicts in *District 9* are (1) alien society versus human society, and (2) the protagonist versus his own body. The first has been described as a satirical critique of the contemporary, real-world issues of refugees, mass immigration, and prejudice (The Canadian Broadcasting Corporation, 2010). In the back story development of the film, the audience learns that when the aliens first arrived on earth, twenty years earlier, the humans had attempted humanising measures of inclusion and integration by providing “proper status and protection” for them. However, the two cultures ultimately clashed in what was framed as irreconcilable differences, and the humans’ problem-solving methods gave way to violent-contending methods.

The humans dehumanise the aliens¹¹ both verbally, by referring to them derogatively as “prawns”, and physically, through forced segregation and internment. The film begins with a government-hired company, Multi-National United (MNU), attempting to evict the aliens from their slum, District 9, to an internment camp far from any human settlements. This extra-personal conflict thus shifts from having a potential positive-sum framing (peaceful co-existence) to a contending approach with zero-sum framing. Despite a multitude of commonalities, and the apparent ability of both sides to understand the other’s language, the humans consciously decide to use their monopoly of violence to strip the aliens of the few freedoms and rights they had initially been given – clearly a dehumanising transition. This central conflict is not resolved by the end of the film.

The second central conflict is the main human protagonist, Wikus Van De Merwe’s battle with his own body. Following McKee’s narrative development theory, the story puts Wikus through a steadily escalating series of challenges. First, as a result of exposure to an alien fluid, Wikus experiences an embarrassing confrontation with his colleagues, and then begins to notice his body metamorphosing – a literal dehumanisation. Next, he is separated from his wife, quarantined and subjected to medical experimentation without anaesthetic, emotional torture, and eventually starvation. The effect of these escalating challenges is that the audience sees, and empathises with, a non-violent individual who is gradually stripped of his humanity. All of

these dehumanising elements facilitate a character arc that turns Wikus from a kind and light-hearted worker into a ruthless, half-alien murderer fighting for survival.

The conflict of Wikus versus his own body is initially framed as zero-sum. At first he considers employing a violent-contending method of resolution by cutting off his alienised arm, but realising the futility of this action, he shifts to a creative problem-solving approach by turning to the aliens for help. When he learns that the aliens have the technology to reverse the metamorphosis, he gains hope that he will ‘win’ against the transformation. This hope drives his motivation to carry on with his struggle and to further cooperate with the aliens. Through this cooperation, Wikus comes to realise that the aliens are intelligent and compassionate beings, and that there is a positive aspect to the metamorphosis, i.e., that he can operate their advanced weapons and technology. This realisation shifts the conflict’s framing from zero-sum to positive-sum, as win-win solutions emerge.

The third conflict in *District 9* which models problem-solving approaches is a secondary, extra-personal conflict of the aliens versus oppression. The film’s central alien protagonist, Christopher Johnson (CJ), has been peacefully scavenging technology scrap yards near District 9 for twenty years trying to find enough fuel to power a control ship, under his shanty, back to the mother ship. His goal is to return to his home planet to get help for his oppressed species.

CJ consistently employs problem-solving approaches in his plight. By cooperating with Wikus, and with the help of his young alien child, CJ manages to obtain the necessary fuel, survives various violent attacks on his life, and makes it to the mother ship. While this conflict is framed as zero-sum because of the extreme situation to which the humans have subjected the aliens, CJ’s character models refrain from violent behaviour, and shows expressions of love for his son, compassion for Wikus, and desire to liberate his species from oppression. These factors ironically frame CJ as the most humanised character in the film.

In the various other secondary conflicts, *District 9* portrays a world trapped in a cycle of violence. Greed, selfishness, and sadism (“I love watching prawns die!”) depict a human world devoid of humanity. While the aliens are shown cooperating with one another, the humans, in contrast, are obsessed with violence and with amassing personal wealth and power. Although this film models countless dehumanising behaviours, attitudes and actions, it manages to do so without glorifying them. On the contrary, these beliefs, attitudes and behaviours are framed as deplorable, and do not seem remotely fair or justified.

Nevertheless, contrary to using violence sparingly, as suggested earlier in this paper, the amount of violence in

¹¹ The author acknowledges the apparent contradiction of referring to a non-human being in ‘humanising’ and ‘dehumanising’ terms, but argues that the humanistic traits attributed to the aliens effectively personifies them, and thus justifies the terminology.



District 9 verges on the absurd, and at times could indeed be categorised as gratuitous. If the key creatives of *District 9* had been so inclined, they could have made an equally powerful film without modelling excessive violence. Although the gore and violence makes this film inappropriate for sensitive viewers, those who are willing and able to overlook it, and to employ a broader, contextual understanding of the filmmaker's critical message, paradoxically receive a positive message of the importance of maintaining our humanity. For this reason, on a certain level this film can be considered a humanising film which, through contrast and hyperbole, transmits conflict resolution principles to desensitised audiences, and thus contributes to a peace praxis.

Avatar – Conflict Analysis Summary

The conflict analysis of *Avatar* revealed two central conflicts and six secondary conflicts. The central conflicts are the primary focus of this summary; (1) the extra-personal conflict of humans versus the Na'vi people, and (2) a personal conflict between the protagonist, Jake Sully, and the antagonist, Colonel Quaritch.

Avatar is set in 2154 A.D. when, according to the narrative, humans have destroyed all nature on Earth and have begun to exploit resources on the planet Pandora. Pandora's human-like inhabitants, the Na'vi, are initially portrayed as 'savages' that are impeding, what at first seems to be, a reasonable human quest for economic security. As the audience learns more about the Na'vi, however, it becomes difficult to see them as any less than 'human'.¹² They are honourable, dignified, and always act respectfully towards one another, the animals they hunt, and the plant life that abundantly surrounds them. In contrast, humans are gradually exposed as self-centred, greedy, arrogant, and lacking any connection whatsoever with nature. In a conscious process of dehumanisation, the filmmakers metaphorically liken the humans to parasites; they steadily extract life from Pandora and give nothing in return. Thus, similar to the first central conflict in *District 9*, this one is between two extra-personal groups, one alien and one human, where the alien characters are humanised and the humans are dehumanised.

The film's protagonist, Jake Sully, a paraplegic ex-US Marine, is hired to take part in a scientific programme of plugging human minds into man-made versions of Na'vi bodies, or 'avatars'. The purpose of the programme is to facilitate human infiltration of Na'vi society. While the human scientists working on the program seem to respect the Na'vi, and have a genuine interest in their biological connectedness to the planet, the profit-motivated management of the human corporation, RDA, ultimately control the op-

eration. The management's initial objective with the avatar program is to be able to communicate with the Na'vi when they need them to move from their homes to make way for new mining sites. This is not out of concern or respect for the Na'vi, but instead because "killing the indigenous looks bad". Thus their declared commitment to a non-violent-contending method of resolution is merely a disingenuous public relations tactic. In private, RDA's manager tells Sully that: "There is one thing that the shareholders hate more than bad press, and that's a bad quarterly statement." The implied meaning is that if their non-violent relocation initiative is unsuccessful, they are perfectly willing to turn to a violent-contending method of resolution.

Although the Na'vi are portrayed as a peaceful people, they are prepared to do everything within their power to protect their homes and their planet. Their commitment to this cause requires them to engage in combat with the military forces that RDA has hired to support the mining project. The Na'vi's low-tech weaponry is no match for the military's high-tech helicopters, bombers and robot 'suits'; but the alternative, of surrendering and betraying their planet, is not an option for the Na'vi. When reflecting upon the situation, Sully aptly notes that there is no point in negotiation because "there's nothing we have that they want". Thus, this film portrays an asymmetrical conflict clearly framed as zero-sum because the two parties' interests and needs are entirely incompatible. There is no possibility of a peaceful outcome that will satisfy both parties, and the violent-contending solution of war is framed as the only feasible option.

While this notion of inevitable war is contrary to the fundamental principles of conflict resolution, it also embodies the complexities of the conflicts that our world regularly confronts. Nevertheless, while this central conflict in *Avatar* does, perhaps inadvertently, succeed in accurately depicting the complexity of deep-seated conflict, it does not display an ideal conflict resolution framing.

At the film's climax, Sully leads the Na'vi into battle with the humans, and the previously explored extra-personal conflict evolves into a personal conflict between Sully and the RDA military leader, Colonel Quaritch. This second central conflict is prototypically framed as good versus evil. The filmmakers methodically portray Quaritch as a diabolical antagonist who completely lacks humanity. He does not show kindness, compassion, or caring towards anyone, and instead, clearly enjoys destruction and murder. In this polarised framing, as in all traditional heroic stories, the audience is urged to sympathise with the protagonist and despise the antagonist. Quaritch's obstinacy, even in the face of certain defeat, results in the death of countless human soldiers, Na'vi warriors, and animals. In the final confrontation, Sully's Na'vi mate, Neytiri, kills

¹² Similar to the case study of *District 9*, once again the filmmakers' personification of alien characters lead the author to, somewhat ironically, refer to the 'humanity' of non-human characters.



Quaritch with two arrows to the chest. Unlike previous scenes where Neytiri had taught Sully that taking the life of even a vicious animal is “very sad only”, there is no sense of remorse or sadness when Quaritch dies. The filmmakers effectively dehumanise Quaritch to the point of his life being worthy of less respect than that of an animal.

The intended overarching message that *Avatar* seems to attempt to transmit to audiences is that respect for nature is virtuous, and that greed and environmental exploitation is loathsome. While this can be seen as a positive message, the other, likely unintended, message that *Avatar* conveys to audiences is that violent-contention is an appropriate method of conflict resolution against dehumanised adversaries. When the humans in *Avatar* cannot convince the Na’vi to peacefully leave their habitat, their solution is violence. Likewise, when the Na’vi cannot convince the RDA management to abandon their destructive methods, their solution is also violence. The two central conflicts culminate in an all-out war that results in the celebrated death of the antagonist and the unconditional surrender of the surviving humans to the morally superior Na’vi. The lesson that audiences likely take from such an approach to conflict is that violence is necessary, exciting, and effective.

Had the creators of *Avatar* opted for non-violent solutions to the film’s central conflicts, they may have disappointed an audience base that has, through conditioning, come to expect extravagant portrayals of violence.¹³ However, if they had been concerned with creating an overarching humanising message, they could have shown the characters being affected by the destruction and tremendous loss of life that their violent behaviour had caused their adversaries. This could have been achieved even within the zero-sum framing and violent-contending method established in *Avatar* by way of a few additional scenes or reaction shots.

It should be noted that there were indeed glimpses of human soldiers hesitating to kill Na’vi, and ultimately the Na’vi acted magnanimous in victory by peacefully expelling the surviving humans from Pandora; however, similar to the climax of *Up*, there was no sense of regret for loss of either human or Na’vi life during *Avatar*’s climactic battle. Unlike the early message in the film that killing is “sad”, there was no such feeling for the fallen soldiers of either side, and instead, battle was glamourised. This is in stark contrast to the approach of the creators of humanising war films such as *Saving Private Ryan*, *Crash*, and *No Man’s Land*, mentioned earlier in this article.

In addition to glamourising violence, in *Avatar*, both sides were guilty of dehumanising the other to the point of murder seeming fair and reasonable. If the filmmakers had chosen not to model dehumanising attitudes, beliefs, and behaviours, they may have been able to generate a posi-

tive, humanising message with this film. Unfortunately this was not one of their priorities. Instead they employed the classic, simplistic, and non-conflict resolution oriented plot of good versus evil. In this way, although the intended messages of *Avatar* may have been pro-environment and pro-social, the effective message, from a conflict resolution perspective, contributes more to a culture of violence than to a culture of peace.

Case Study Conclusion

This case study has analyzed three popular mainstream films for their value to the goals of the field of conflict resolution. While the hypothesis that film can contribute to the dissemination of the principles of conflict resolution, was not ‘proven’ by the chosen examples, the analysis and suggestions provided are an attempt to demonstrate how each film *could* have taken a more humanising perspective without sacrificing the quality of the narrative or the film’s commercial success.

This section has offered several ideas on the framing and portrayal of conflict in mainstream films, but it is the decisions of the industry’s key creatives that can translate these ideas into a positive contribution to society. The decision to make humanising content must stem from their consciences, and should be guided by a sincere consideration of the impact their work has on the minds of millions of human beings. The quote at the beginning of part 2 of this article, taken from a scene in the popular film version of the Marvel comic-book hero, Spiderman, was originally intended for a young man with newfound superpowers. Perhaps it could also be read as a message to the filmmakers of the world.

CONCLUSION

There is currently no framework to assure that the messages contained within films are of benefit to society. Instead, the glamourisation of violence and the dehumanization of entire groups of people has unfortunately become common fare in mainstream entertainment media. Films which contain positive modelling, or at least show negative reactions to dehumanising behaviours, can positively affect audiences by reducing racist and xenophobic attitudes, and instilling a sense of shared humanity. ‘Dehumanising films’, on the other hand, divide people and instil a sense a fear of the other.

This paper identifies three core ideas from the field of conflict resolution that advocate peaceful human relations and delegitimize violence as a means of bringing peace:

¹³ As noted earlier, the phenomena of audience expectations of, and desensitisation to violence are issues demand a thorough inquiry that would go beyond the scope of the current paper.



(1) that there are viable alternatives to violent-contending methods of conflict resolution, (2) that positive outcomes for both parties can often be created, and (3) that all parties are worthy of being treated humanely. What is often needed to activate these ideas in people affected by conflict is creativity and imagination. The author argues that once a person can imagine a peaceful resolution to a conflict, that option becomes real. The role that filmmakers can play in this process is to stimulate such thought processes in audiences by modelling problem-solving approaches to conflict and humanising beliefs, attitudes, and behaviours in the content they create.

Humanising messages are especially crucial in difficult times – such as the current global economic recession. History has shown that extreme right-wing and fascist groups enjoy their highest popularity in times of economic hardship as people look for simple reasons and solutions to their

immediate problems. Minority groups can become scapegoats, and xenophobia can replace appreciation of cultural diversity if the narrative is twisted in that direction.

A conscious effort to counteract messages of hatred and fear of the other with messages of a common struggle and creative solutions to problems is crucial in such situations. The author argues that humanising films constitute such an effort and can be a source of positive inspiration leading to an increase in cooperation and creative problem-solving. It is feasible that humanising the other, framing conflict as positive-sum, and the adoption of creative problem-solving approaches to conflict are concepts that could infiltrate our collective aspirations. Until this occurs, the creative, humanising messages of conscientious filmmakers will be there to remind us of what the world *could* be like. ■

■ Bibliography

- AMERICAN ACADEMY OF PEDIATRICS - COMMITTEE ON PUBLIC EDUCATION** (2001). "Media Violence". *Pediatrics*. Vol. 108, iss. 5, pp. 1222-1226.
- ARISTOTLE**. *Poetics*. M. Heath (trans.). London: Penguin Books, 1996.
- BLOMKAMP, N.** (Director) (2009). *District 9* [motion picture].
- BOGGS, C.; POLLARD, T.** (2007). *The Hollywood War Machine: U.S. Militarism and Popular Culture*. London: Paradigm Publishers.
- BOULDING, E.** (1990). *Building a Global Civic Culture: Education for an Interdependent World*. New York: Syracuse University Press.
- CAMERON, J.** (Director) (2009). *Avatar* [motion picture].
- CASTANO, E.; GINER-SOROLLA, R.** (2006). "Not Quite Human: Infrahumanization in Response to Collective Responsibility for Intergroup Killing". *Journal of Personality and Social Psychology*. Vol. 90, iss. 5, pp. 804-818.
- CURLE, A.** (1994). "New Challenges for Citizen Peacemaking". *Medicine and War*. Vol. 10, iss. 2, pp. 96-105.
- DOCTER, P.; PETERSON, B.** (Directors) (2009). *Up* [motion picture].
- HAGGIS, P.** (Director) (2004). *Crash* [motion picture].
- KELLNER, D.** (2010). *Cinema wars: Hollywood film and politics in the Bush-Cheney era*. Malden: Wiley-Blackwell.
- LEDERACH, J. P.** (1997). *Building Peace: Sustainable Reconciliation in Divided Societies*. Washington, D.C.: United States Institute of Peace.
- LEDERACH, J. P.** (2005). *The Moral Imagination: The Art and Soul of Building Peace*. New York: Oxford University Press.
- LEDERACH, J. P.; NEUFELDT, R.; CULBERTSON, H.** (2007). *Reflective Peacebuilding: A Planning, Monitoring, and Learning Toolkit*. Mindanao: University of Notre Dame / CRS.
- MCKEE, R.** (1999). *Story: Substance, Structure, Style, and the Principles of Screenwriting*. London: Methuen.
- MORROW, Martin** (n.d.). "District 9. South African-Canadian director Neill Blomkamp crafts a smart sci-fi thriller" [article online]. *CBS News / Arts & Entertainment*. [Retrieved 12 November 2010]. <<http://www.cbc.ca/arts/film/story/2009/08/13/f-district-9-review.html>>
- MOTYL, M.; HART, J.; PYSZCZYNSKI, T.** (2010). "When animals attack: The effects of mortality salience, infrahumanization of violence, and authoritarianism



- on support for war". *Journal of Experimental Social Psychology*. Vol. 46, iss. 1, pp. 200-203.
- MURCH, W.** (2001). *In the Blink of an Eye: A Perspective on Film Editing*. Los Angeles: Silman-James Press.
- PLANTINGA, C.** (2009). *Moving Viewers: American Film and the Spectator's Experience*. Berkeley: University of California Press.
- RAIMI, S.** (Director) (2002). *Spider-Man* [motion picture].
- RAMSBOTHAM, O.; WOODHOUSE, T.; MIALL, H.** (2005). *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflict*. Cambridge: Polity Press. Second edition, p. 15.
- ROSENBAUM, J.** (2000). *Movie Wars: How Hollywood and the Media Limit What Movies We Can See*. Chicago: Chicago Review Press.
- SENEHI, J.** (2002). "Constructive Storytelling: A Peace Process". *Peace and Conflict Studies*. Vol. 9, iss. 2, pp. 41-64.
- SPIELBERG, S.** (Director) (1998). *Saving Private Ryan* [motion picture].
- TAIT, P. G.** (1971). *Newton's Laws of Motion*. New York: Readex Microprint.
- TANOVIC, D.** (Director) (2001). *No Man's Land* [motion picture].
- UNITED NATIONS** (2010). *About CCOI* [online]. United Nations – Department of Public Information. [Retrieved 10 July 2011].
<<http://www.un.int/wcm/content/site/creative/cache/offonce/pid/9480;jsessionid=21A8>>
- UNITED NATIONS** (26 June 1945). *Charter of the United Nations* [online]. [Retrieved 30 November 2010].
<<http://www.un.org/en/documents/charter/index.shtml>>
- UNITED NATIONS** (n.d.). *Culture of Peace Initiative (CPI)* [online]. [Retrieved 1 November 2010].
<<http://www.cultureofpeace.org/>>
- WOODHOUSE, T.** (2011). "Conflict Resolution and Peace Culture: Conflict Resolution in Art, Theatre, Music and Sport". In: O. RAMSBOTHAM; T. WOODHOUSE; H. MIALL. *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflict*. Cambridge: Polity Press. Forthcoming 3rd ed.

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ARTICLE

Transitional Justice's Expanding Empire: Reasserting the Value of the Paradigmatic Transition

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Abstract

Transitional justice studies increasingly apply to processes of truth, restoration and accountability in contexts far removed from the paradigmatic transitions from authoritarianism or war to relatively liberal democracy on which the field was initially based. At a time when transitional justice is being evaluated with greater stringency, it is worrying that assessments of its worth might be unduly coloured by reliance on non-transitional circumstances of established democracies or ongoing conflicts or authoritarianism. A systematic empirical understanding of the value of transitional justice is skewed when undue weight is given to mechanisms applied in favourable contexts. This may be where political or economic circumstances are so advanced that the mechanisms have little causal significance to an ongoing process of political, civil and (possibly) economic reform, or in contexts too inimical to anything approaching a liberalising or peace-building conclusion (e.g. when it takes place while war is ongoing or within an authoritarian regime). The article accepts that transitional justice mechanisms can be used to improve conditions under authoritarianism or war and can augment the rule of law, development and human rights in states that are already committed to liberal democracy. However, its impact in these non-paradigmatic circumstances will be limited because of the weakness of the state's commitment to improving societal conditions in the former and the pre-existing strength of the commitment in the latter. It argues that there is a distinction between transitional justice and the use of transitional justice mechanisms.

Keywords

transitional justice, war, authoritarianism, transition, trial, truth commission

INTRODUCTION

Transitional justice (TJ) can be defined as the “full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.¹ These may include both judicial and non-judicial mechanisms [...] individual prosecutions, reparations, truth-seeking, institutional

reform, vetting and dismissals, or a combination thereof” (UN Secretary-General, 2004.) From this definition, the ‘justice’ element is clear in terms of the crimes to which it is directed (mass repression, civil war, genocide etc., though there is increasing emphasis on socio-economic and gender-based crimes), while the mechanisms used have become commonplace (trials, truth commissions, purges, restorative local justice mechanisms, etc). Over time, the concept of TJ has been reframed in an expanding

1 The author is grateful for the reviewer's comments which helped considerably in tightening up the argument.



literature (Teitel, 2003; Roht-Arriaza, 2006, Bell, 2009) to include agendas that were disregarded in its earliest days, most notably restorative justice, which followed the recognition that intimate violence may require intimate forms of justice, and that community-level conflict requires community-level solutions (Gready, 2005, p. 14). As applied concepts of justice expand, TJ has become a complex of inquiries incorporating development studies, economics, semiotics, anthropology, political science and many other disciplines. The debate has shifted from one centred on competing institutions to a holistic approach incorporating diverse mechanisms and values without a clear normative hierarchy. This diversification has been in response to the variety of contexts where human rights, broadly understood, have been denied and replaced by the supposedly one-size-fits-all approaches that marked the truth versus justice era of the 1990s.

The expansion of the conception of justice, while commendable, has placed some strain on the conception of what is 'transitional'. This element of the field has always been somewhat elusive, its very liminality making it adverse to precise definition. The scope of TJ has always been contested spatially in terms of geographical area and type of injustice. As the mechanisms and contexts it applies to proliferate, it is also contested temporally, to the degree that to label certain processes 'transitional' risks conceptual incoherence. The focus on crimes of the past opens up the possibility of retrospective accountability in the democratic future far beyond a point which can truly be said to be transitional or, at the other end of the spectrum, immediate accountability for crimes of the past before a transition is reached or even in view. Of course, one can argue that this is merely a semantic point and that 'transitional justice' has perhaps outgrown its composite words and no longer simply refers to justice during transition, but rather to processes aimed at dealing with the past generally. Terminological inconsistency, it might be argued, should not concern us if the concept of TJ provides a platform and rallying point for positive action in redressing past injustices of all types, and can be adjusted to cope with the infinite variation of transitional exigencies. That the expansion of TJ has occurred in response to pressing necessities and blind spots is beyond question. However, at a time when scholars, activists and (perhaps most importantly) funding agencies increasingly question whether TJ can actually justify claims of being able to satisfy those necessities, there may be some advantage in re-examining the elasticity in the conception of transition catalysed by the wider scope of justice.

After a period of rapid growth, scholars are now attempting to systematise what has been published about the causal relationships between TJ and its overarching aspirations (peace, democracy, socio-economic justice, human rights, rule of law) and the micro-goals which contribute to them (retribution, restoration, redistribution, deter-

rence, reconciliation, social pedagogy). The literature has been dominated by anecdote, analogy and hypothesis, and it is assumed that more solid empirical research will be able to substantiate claims of how well TJ can achieve the ambitions ascribed to it (Kritz, 2009, p. 16; Olsen, Payne & Reiter, 2010, p. 4). However, as Lutz (2006, p. 339) notes, there are so many independent variables in a transition process that it is hard to isolate the role of accountability or restorative justice measures. The nature of the transition itself differs. This is in terms of the old regime or conflict (authoritarian, civil war, authoritarian civil war, democratic civil war, a regime of criminals or a criminal regime, secession or ethnic conflict,) and the new regime (strongly democratic, weakly democratic, pseudo-democratic, participation or exclusion of old regime). It also depends on the way transition arrived (negotiation, victory); the scale and duration of past crimes (number of victims, years of war/repression); the history of the state (autocracy and war are anomalous or commonplace); the autonomy of law; and political economy (institutions of governance, political environment, and economic wealth and distribution). It matters significantly what a given transition is *from* as well as what it is *to*, when the time comes to evaluate TJ.

It is important, therefore, to clarify which types of TJ mechanisms can have the biggest impact on and for which it has little hope of success, given the numerous variables a change in political regime incorporates. Simply put, a systematic empirical understanding of the value of TJ is skewed when undue weight is given to processes applied in two different contexts. This may be when the situation is too favourable to a positive outcome, for example, while accountability that occurs long after successful political transition is much easier it is also less likely to have a significant bearing on the direction of the state. Alternatively, the situation may be too inimical to anything approaching a liberalising or peace-building conclusion, such as when TJ mechanisms are applied while war is ongoing or within an authoritarian regime. This article questions whether a process should be called TJ or judged as such simply because it aims to deal with the past generally, to draw a line though what may be distant history, or pursue a peace which has no prospect of emerging. It criticises the persistent and increasing emphasis in studies on the use of TJ mechanisms in societies which radically depart from the traditional type of transitions where it is most useful.

There is an easily recognisable, but frequently ignored, distinction between TJ and the use of what are generally regarded as the mechanisms. While this article accepts that TJ mechanisms can be used to improve conditions during authoritarianism or war, the overall impact of TJ in these non-paradigmatic circumstances will be limited because of the weakness of the state's commitment to human rights and the rule of law in the former, and the pre-existing strength of the commitment in the latter. What may be left in these non-paradigmatic transitions are a series of discrete micro-



projects which are so far removed from, and causally insignificant in, any macro process of changing from one type of society to another, that to label them 'transitional' is both contrived and unhelpful in wider debates on the phenomenon. This is not to say that they are not beneficial to their target communities. However, it has become too easy for critics to undermine TJ as a whole by pointing to the relatively paltry nature of the output of projects in contexts where there are no other national processes of large-scale socio-political transformation. Similarly, it is too easy for advocates to justify TJ generally with reference to projects which blossom in states where already consolidated peace and democracy are highly propitious for any type of social project. In merely augmenting an existent regime rule of law and human rights, the incorporation of TJ at the tail end of a narrative of success signals socio-political advances made elsewhere rather than its inherent utility. Somewhere in-between is the battleground on which the debate on the general usability of TJ should occur, between its advocates and detractors. This territory is the paradigmatic transition.

Part I outlines what we consider the paradigmatic transition, part II examines the application of TJ to contexts far removed from these conditions, and part III outlines why the success or failure in mediating paradigmatic transition is the most pertinent factor in judging the worth of transitional accountability.

PART I: THE PARADIGMATIC TRANSITION

Transition defies comprehensive definition. While the word connotes change, and within the present context clearly connotes political transformation, change is endemic in politics: resisting it, debating it or contesting the degree of change needed (Du Bois and Czarnota, 1999, p. 9). Transition can be negative, for example the pluralist republics of the former Yugoslavia becoming ethnically exclusionary entities or Haiti's recurrent shifts from democracy to anarchy. Roht-Arriaza (2002, p. 1) has argued that the term 'transitional' has always been slippery because TJ debates have never clearly articulated what the state is transitioning to. She may overstate the case - the initial conception of transition in TJ was one which emerged from political science studies of the Southern Cone, such as that of O'Donnell and Schmitter (1986) who focussed on elite models of transition which brings agency and choice to the foreground. Here, transition was conceived as the interval between two regimes without necessarily incorporating a normative democratic direction. This in itself is quite a broad and mutable concept. Eventually, definitions of transition adopted in the literature adapted this paradigm to concentrate on transition of a regime to democratic, peaceful, rights-respecting polities. For example, Henkin

(1989, p. 1) argued that discussions on TJ arise "when a government that has engaged in gross violations of human rights is succeeded by a regime more inclined to respect those rights." Teitel used the term transition to cover "the move from less to more democratic regimes" (Teitel, 2000, p. 5), while Smiley considered transition from a regime whose norms are bad to one whose norms are good (Smiley, 2001, p. 1336). Over time, the link to liberal democratic transition was questioned. For example, Lundy and McGovern (2008, p. 273) remind us that the assumed virtue of Western formulations of democracy can mask the fact that human rights abuses may continue in states where the norms of liberal democratic accountability prevail. Similarly, Nagy criticises the preoccupation with bringing illiberal regimes into the liberal scheme as this treats liberal democracies as benevolent models (Nagy, 2008). Admittedly, even a reasonable conception of democracy is but the tip of the democratic iceberg and can obscure any number of dangerous contingencies below the water line. However, the focus on transition to liberal democracy in the literature may be explained by its greater capacity to rectify such problems than competing constitutional models.

Though there is a considerable degree of flexibility in such definitions, the paradigmatic transition was generally framed by two modes of transition, compact (understood as negotiated compromises between antagonists) or rupture (understood as the overthrow or defeat of one side to a political or military conflict) (Ní Aoláin and Campbell, 2005, p. 180).

Two types of paradigmatic transition fit within this concept. The first, typical of the Latin American and Eastern European transitions which spurred the development of TJ as a self-conscious policy-making process in the late 1980s, is that of a non-democratic or authoritarian state moving to democracy. This type of transition has seen a recent revival with elective regime change in Tunisia, while, at the time of writing, it is unclear whether or to what degree Egypt will follow. While truth commissions and modern instantiations of the successor trial initially dealt with the problem of the legacy of authoritarian rule, a second paradigmatic transition became more common as the 1990s progressed from the wars in the Balkans and Great Lakes region to more recent transitions as in Cote d'Ivoire (and possibly Libya). Here, a state transitions from war or a prolonged period of structured political violence to a peace which reaffirms, modifies or creates democratic governance. Many changes will of course contain elements of the two paradigms. Most peace agreements provide for renewed or modified democratic measures, while most transitions from authoritarianism to democracy attempt to place controls on military or non-military actors who could threaten violent conflict.

Definitions of TJ that adopted this model, such as Teitel's (2003, p. 69) interpretation of it as "the concep-



tion of justice associated with periods of political change, characterised by legal responses to confront the wrongdoings of repressive predecessor regimes”, have fallen out of favour. Roht-Arriaza (2006, p. 1) argued that this definition is “problematic” in that it implies a defined period of flux after which a post-transitional state sets in, whereas in practice transition might span decades. This argument appears to have been accepted uncritically in the literature, but it should be questioned. There are periods when a state of war, autocracy or repression is on the wane or when the end may look inevitable, and there may be periods in democratisation where liberalising programmes have been consolidated but not finalised. However, to conceive of these as transitional requires degrees of mental deftness that conceptualise transition so elastically as to deny it any independent value. Transitions are still politically defined by pacts, agreements, elections, referenda, constitutions, and peace treaties. It may take decades of weakening in a war or autocracy to reach this point, or decades afterwards for the new polity to become fully consolidated, but it strains credibility to describe all of that period as genuinely transitional. The transition itself is a finite and contained phenomenon, with temporal limits at the undemocratic and democratic ends of the interregnum between regimes (indeed, much of the debate concerns how residual power of the old elite constrains what can be done). But, perhaps paradoxically, the field of what we call TJ has become divorced from these moorings and appears to have no limits to its field of application.

The term ‘transition’ is now routinely applied to contexts where no such process is apparent. It is something conceived of as a natural and inevitable development in a globalised, “steady-state” phase of TJ, departing from the preoccupation with past violence to treat conditions of persistent conflict, laying the foundation for a normalised law of violence where TJ has become commonplace as opposed to exceptional (Teitel, 2003, p. 89-93). It is worth pondering how natural and coherent this development is; it may owe more to the popularity of TJ as fashionable vocabulary for funding applications and academic attention than to any coherent correspondence between available human or institutional resources and a socio-political context. Given the boundless pliability of inherently ad hoc mechanisms like special tribunals, truth commissions, commissions of inquiry or lustration committees, it should come as no surprise that they have been employed in human rights work in many different types of societies beyond the merely transitional. Another explanation for the use of TJ mechanisms in non-paradigmatic transitions is the laudable desire to include gender and structural issues, hitherto ignored due to the concentration in the 1980s and 90s on liberal legalist issues in paradigmatic transitions (Mani, 2007, p. 151). However, this has gone a step further to the extent that mechanisms are now being used in states in the developing

world where there has been little or no discernible political change or increased domestic willingness to tackle these issues, attempting to initiate an economic transition instead of capitalising on a political one. There can be little doubt that TJ mechanisms are potentially of great use in human rights and developmental work such as justice issues. If any TJ mechanism improves human rights, broadly understood, making society fairer or more tolerant, it is to be welcomed. However, it is highly questionable whether it is in any way coherent or sensible to consider every truth commission, trial or purge as inherently transitional, if the state in which they occur has undergone no significant change, unless one accepts the bland assertion that “every society is in transition” (Kiss, 2000, p. 92). What makes TJ distinctive is not the value of its aims, but the fact that it occurs in times of heightened, epiphenomenal opportunity when a state is re-evaluating or re-establishing the norms on which it is based. The significance of this essential liminality is being lost in an era where a “do everything, engage everyone” (Gready, 2005, p. 7) ethos is paramount.

In much TJ discourse, therefore, a highly tractable definition of ‘transitional justice’ now includes accountability before a peace agreement is finalised (or even mooted): processes in long-established Western democracies to address historic injustices against marginalised groups, processes in non-democratic states where there is no regime change and mechanisms adopted when there is a significant change from one civil democratic government to another. As Bell (2009, p. 23) notes, “little attempt has been made to define a concept of transition that would place limitations on when transitional justice can legitimately be applied.” TJ no longer appears to require an observable period of liberalising political change. This is troubling as the discipline reaches maturity and attempts are made to undertake more systematic and comparative analysis of its record in order to move away from the faith-based discussions which have dominated the debate to more measured, fact-based ones (Thoms, Ron and Paris, 2010, p. 329). As Schauer (2003, pp. 12-13) points out, “there is always a risk that, by defining the problem [of transition] so broadly, we lose a crisp sense of what the problem is and where it has its most significant bite.” It is necessary therefore to clarify the types of transition in which TJ mechanisms are employed. It should be borne in mind that they may be used in contexts whose dilemmas (if indeed there are any) are radically different in material terms from the type of situations addressed in earlier debates, such as the peace-versus-justice or truth-versus-trial issues which dominated the topic in earlier times.

First, however, it is necessary to look at the application of TJ mechanisms in four areas that depart from the democratic/post-conflict transition paradigm, namely TJ in mature democracies and in civil-civil transitions at the more permissive end of the spectrum, and in authoritarian regimes and ongoing conflicts at the more restrictive end.



PART II: A TYPOLOGY OF QUASI-TRANSITIONAL JUSTICE

a) Transitional Justice in Mature Democracies

TJ mechanisms have ceased to be applied solely to post-authoritarian regimes or post-conflict situations. Truth commissions, restoration projects, historical inquiries and trials are increasingly employed in mature democracies attempting to repair instances of past abrogation of the universalistic ideas on which they claim legitimacy (Torpey, 2003, p. 9). These are used long after the democracy has been established and consolidated, but are nevertheless referred to as instances of TJ. For example, the German government has apologised and paid money to Namibians for the Herero genocide in the first decade of the last century (Huysse, 2009, p. 34). In the United States, the Greensboro Truth Commission and reparations processes for Japanese-American internees are further instances of historical justice viewed through the transition lens (Olsen, Payne & Reiter, 2010, p. 2). The International Center for Transitional Justice (2008, p. 1) reports on the settlement package awarded by the Canadian Government to the estimated 80,000 survivors of the indigenous children forcibly assimilated in church-run Indian Residential Schools and the Truth and Reconciliation Commission whose mandate was to investigate it.

These processes do valuable work and constitute an appropriate response to earlier arguments that a better understanding of reparation politics would consider crimes committed by liberal regimes as well as authoritarian ones. Responding to the treatment of aborigines (Ratner, Carroll and Woolford, 2003), damage the slave trade did to Africa (Conley, 2003) or restitution of art stolen by the Nazis (O'Donnell, 2011) may be what Olick and Coughlin (2003, pp. 49-50) call "responsible politics of regret" or what De Brito et al (2001, p. 1) call "the politics of memory". However, these situations are far removed from that of a paradigmatic transition. The TJ mechanisms, designed for post-authoritarian and post-conflict situations, perform the standard functions of legitimisation and national reconciliation because they enjoy the full weight of an industrialised liberal state and there are decades between the wrongdoing and the application of TJ. The problems they face, however, are less intractable, and the political context less volatile, than the transitions that characterised the field in the rush of post-Cold-War democratisation and the wars of the 1990s. Dramatic failure, or indeed complete success, of these processes will have almost no bearing on the functioning of domestic polity.

b) Transitional Justice in Civil-Civil Transitions

A notable recent development is the extension of TJ to instances of quasi-transition from a civil government where human rights violations occurred to another where this is less likely to occur. Prime examples include the change in Mexico, in 2000, from decades of PRI hegemony to greater political openness (Seils, 2004) and the civil-civil transition in Nigeria in 2007 (Yusuf, 2010, p. 92). These are analogous to transitions in long-established 'conflicted democracies' which experience prolonged political violence from deep-seated societal division, the paradigmatic example being Northern Ireland. While only South Africa has attracted more TJ studies than Northern Ireland, Ní Aoláin and Campbell note that the imperative in such societies is to reform rather than transform, although the typology will depend on how far the state was compromised during the violence and how far it has gone to acknowledge it (Ní Aoláin and Campbell, 2005, p. 187). These quasi-transitions are radically different from the paradigmatic transition from which the field emerged: given that there is usually significant public acceptance of the government and the rule of law, human rights abuses are considered exceptional long before political change and there is little incentive to further dismantle or reconstruct the state (Ní Aoláin and Campbell, 2005, p. 188). Again, the problems faced are less intractable, and the political context less volatile, than in the paradigmatic transition, begging the questions of whether they are reforming or transitioning, and whether it is worthwhile maintaining a distinction between the two.

c) Transitional Justice in Ongoing Conflicts

As noted above, one of the two paradigmatic transitions in the literature are state transitions from war or from a prolonged period of mass, organised political violence to peace. There is no problem in applying the paradigm in cases like Sierra Leone's Special Court, Kosovo's Regulation 64 Panels and East Timor's Special Panels, which were established after the guns went silent, and likewise to ongoing or mooted Arab trials of figures from the Gaddafi, Ben Ali and Mubarak regimes *after* their removal. However, the first and probably most examined instance of this TJ genus, the International Criminal Tribunal for the former Yugoslavia (ICTY), was established when there was no transition to speak of. Established in May 1993, the Tribunal preceded the Dayton accords which established the Office of the High Representative for Bosnia-Herzegovina, by three-and-a-half years and the removal of Milosevic from power by six (UN Security Council 1993). Teitel (2005a, p. 291) notes that, after the Cold War era, TJ institutions were



not necessarily developed in the aftermath of conflicts alone, but as part of a process of resolving ongoing conflicts. However, this position elides the extent to which accountability to the ICTY jeopardised the resolution of the conflict at Dayton (Mégret 2002, p. 1278), proved ineffective in preventing the later Kosovo war and boosted the electoral prospects of revanchist candidates (Sloan, 2007, p. 88; Subotic, 2007, pp. 370, esp. footnote 35). On a similar line, the International Criminal Court (ICC) Chief Prosecutor Luis Moreno-Ocampo (2007, pp. 8-9) argues that:

“The International Criminal Court is part of the transitional justice project because it aims to confront centuries-old methods of behaviour – those of conflict and war, the abuse of civilians, woman and children – and to reshape the norms of human conduct while violence is still ongoing, thus aiming, as stated in the Rome Statute, to contribute to the prevention of future crimes.”

However, if one looks at where the ICC is active, most notably Sudan and Libya, at the time he commenced his activities there was no certainty of transition or even a peace agreement. Many argue that the investigations in Uganda are hampering peace (Apuuli, 2006; Branch, 2007), but the very existence of a debate demonstrates how far the state is from anything resembling peace or transition. The failure of the Bashir indictment and the death threats against witnesses in DRC proceedings demonstrate (Kerr and Mobekk, 2007, p. 120) that these processes face even more problems than the paradigmatic transition, as they lack the opportunity for accountability that the victor's justice or a solid peace-settlement would allow (Teitel, 2005b, p. 858). Certainly, the gathering of documentation and evidence can and should start before the end of violence. However, given the possibility that a Bashir, Gaddafi or a Kony might have ultimately emerged victorious at the time of indictment, it strains credibility and consistency to describe these activities as in any way transitional.

Much like the use of truth commissions and historical justice in mature democracies combine TJ with politics of regret, the use of TJ mechanisms in ongoing conflicts (at least to the extent that it is intended to help resolve the conflict) is better characterised as a type of conflict transformation. Conflict transformation is a “process of engaging with and transforming the relationships, interests, discourses and, if necessary, the very constitution of society that supports the continuation of violent conflict” (Miall, 2004, p. 4). It involves transforming the relationships that support violence, implicitly acknowledging the violence is potentially long-term instead of presupposing its termination (Fischer, Giessmann and Schmelze, 2004; Lederach, 2003). This fits better with the potential for a tribunal like the ICTY to stigmatise and physically contain antagonists

(Akhavan, 2009) while avoiding the theoretic artfulness inherent in perceiving these actions as transitional. The position of amnesty in peace agreements or pacts has long been debated in TJ, but pre-peace talk amnesties introduced before such agreements, to reduce the number of combatants in a conflict transformation or to bring parties to the negotiating table at the end of authoritarian rule in Uruguay, Brazil and South Africa, have long been accepted as the “carrot” in conflict transformation. Trials and truth commissions before peace (or even the prospect of peace) are better seen as a conflict transformation “stick” than using tortured (and possible illusory) logic to label it transitional. Similarly, in Columbia, the 2005 *Ley de Justicia y Paz* proposed effective amnesty for the right-wing paramilitary group United Self-Defence Forces for beginning, as opposed to concluding, a peace process. It has been challenged by human rights commentators and politicians who rejected President Uribe's presentation of legislation as restorative TJ (Diaz, 2008). By linking demobilisation to pardon and reduced prison sentences, it is a clear instance of attempted conflict transformation in a situation where meaningful political change is as far away as ever. TJ is a form of peacebuilding in transition, not a form of peace-making long before it.

d) Transitional Justice in Authoritarian Regimes

In the early days of TJ discourse, Cohen (1995, p. 41) argued that the “forget the past” rhetoric used by the old regime when handing over power to liberalising agents constituted “an attempt to avoid accountability by using liberal slogans in bad faith.” The last twenty years have also seen regimes tactically adopt the liberal antithesis of “forget the past”, namely TJ, in situations (a) where the transition is from one form of authoritarianism to another, and (b) where there is no transition but an authoritarian regime adopts mechanisms of TJ without simultaneously undergoing a process of political reform. Regarding the former category, a prime example is the truth commission established by Chad's new President Idriss Déby to expose the venality of the previous Hissene Habré regime and to bolster the standing of the new government, while he relied on the same violent tactics and personnel during his rule (Snyder and Vinjamuri, 2003/4, p. 33). Yoweri Museveni's truth commission in Uganda, in 1986, similarly maintained the façade of liberal accountability in the service of legitimising an undemocratic regime (Quinn, 2004). Probably the most comprehensive attempts at transitional accountability ever have occurred in Rwanda and Ethiopia where there have been thousands of trials of genocidaires and the Derg respectively. In both countries, domestic trials were used as “a political tool in order to try to create a decisive breach with the past and the old political order,



concomitantly giving legitimacy to this new system of governance" (Tronvoll, 2009, p. 85). Both sets of domestic trials have been criticised for shortcomings in their human rights records, but the fault must lie far more in the failure of the majority Kagame and Zenawi regimes to undertake genuinely liberal transition than the inquiries, trials and TJ mechanisms (Longman, 2011, Pausewang, 2004). Though academics are content to consider these episodes within the canon of TJ even where they criticise them, in the interest of consistency and clarity perhaps the argument of De Brito et al (2001, p. 11) is more suited to reasoned appraisal of the merits and demerits of TJ generally:

"By 'transition' is meant the shift from a non-democratic regime type to a democratic one, not merely a change of government or a process of liberalisation within an authoritarian regime."

This is a useful definition to bear in mind in a new normative milieu where normalised and globalised TJ may confer a hollow legitimacy to the exercise of power. Compromised TJ in ostensibly democratic transitional regimes that retain autocratic features may testify to the precarious nature of their liberalisation, most notably Cambodia's hybrid Extraordinary Chambers and Indonesia's ad hoc tribunals, which have served in large part to shield their current ruling party and military, respectively, from accountability (McAuliffe, 2010; Cohen, 2003).

III. THE PARADIGMATIC TRANSITION REVISITED

Unlike decolonisation or the radical metamorphosis of the French or Russian Revolutions, modern transitions are rarely revolutionary, in the sense of a substantial displacement in a short space of time of existing political and economic structures, or a psychology which imagines a novel culture whose traditions and history are largely being made anew (Schauer, 2003, p. 12). Societies can rarely completely remake themselves and there will be greater continuity than those at the vanguard of change would like – geography, language and ethnicity will usually remain constant, while the endurance of the peace versus stability debate testifies to the unlikelihood of entirely eradicating the previous regime or removing a defeated antagonist. In a transition, on the other hand, the state makes organisational, systemic changes in the functioning of the polity, but it is in many respects a more superficial process. The motivation for the change may not be the result of widespread rejection of the regime, but something altogether more desultory and shallow. For example, the Argentine Junta was prosecuted less because of the thousands of deaths in the internal Dirty War, but rather

because they lost the Falklands conflict (Zalaquett, 1992, p. 1428).

In many pacted transitions from authoritarian rule, it is possible to identify a key transitional moment such as the fall of the Berlin Wall, the resignation of Mubarak or the release of Mandela (Teitel, 1997, p. 2021; Mendez, 2007, p. 482). Given that positive change is an incremental process, one can point to more complex, multistage transitions like the fall of Salazar in Portugal or democratisation in Serbia, but there will be an identifiable tipping point where transition can be said to have become irreversible. Even if there is no 'big bang' at the start and the final point in democratic consolidation is years or even decades away (Ní Aoláin and Campbell, 2005, pp. 209 & 213). Transition after war will rarely subvert previous political arrangements even when the previous regime is defeated. Peace agreements, generally, do not outline in detail the precise form of institutional change required but merely pronounce the need for change and delineate the targeted institutions (Bell, 2000, p. 182). As Ní Aoláin and Campbell (2005, p. 182) put it, the paradigmatic transition "sees itself as a process of closure... There is typically a 'deal' followed by a period of constitutional and institutional change", at which point transition ends. These moments are "superficial legal ruptures," more in the nature of turning points in the nation's history where values are reconsidered and revised rather than complete transformation (Osiel, 1997, pp. 27 & 166).

Transition tends to be uniform throughout the state, a natural by-product of the uniformity of prior authoritarian rule or the national basis of peace agreements, and rarely attracts widespread resistance once necessary change in the political order begins (Ní Aoláin and Campbell, 2005, pp. 180 & 182). It should as a preliminary matter be clarified that the paradigmatic transition does not include transition to Isaiah Berlin's "liberal-minded despot[ism]" where the new regime may be "unjust... encourage the wildest inequalities, care little for order, or virtue, or knowledge" but leaves the citizenry "a wide area of liberty... or at least curb it less than other regimes." (Berlin, 1969, p. 129). De Greiff (2011, p. 23) is correct to argue that transitional redress instigated by this polity against its predecessor should be considered progress, but equally notes that it can easily be derailed. Even where it is not, even the most benign autocratic regime is too far removed from the normative foundations of peacebuilding in the UN Charter and the pillars of the modern international legal system, most notably in areas of human rights law, humanitarian law and criminal law, to constitute an environment conducive to productive interactions of TJ and rule of law reform (UN Secretary-General, 2004, para.9).

Falling short of revolution, transition can range from the radical to the conservative, and accountability measures here can have a significant effect on this transformation, for better or for worse. The paradigmatic, or genu-



ine, transitions by which the phenomenon of TJ should be judged are located on a sliding scale of democracy, from merely procedural to fully substantive, but at either end of the scale, justice initiatives will be of limited utility on a macro-level, even if there are beneficial, discreet micro-level projects. A Schumpeterian notion of transition to democracy, defined as one where "individuals acquire the power to decide by means of a competitive struggle for the people's vote", is a useful starting point (Schumpeter, 1950, p. 269). On the conservative end of the scale is a transition to a state meeting the minimum requirements of a procedural democracy based on majoritarian principles, but which lacks the substance of liberal democracy. It may not enjoy the consent of significant minorities, it may repress them, or have little commitment to the rule of law or to human rights. Osiel (1994, p. 44) argues against the 'fashionable' disparagement of the procedural republic, contending that it is significantly better than the fratricide which may have typified the preceding regime, but such a context is unlikely to yield a genuine, sustained effort to pursue TJ, rule of law reconstruction, reconciliation etc. For example, throughout the 1990s, the military asserted control over elected civilian governments in Guatemala, Haiti, El Salvador and the Philippines. Honduras became a democracy in 1982, but the military enjoyed effective control over policy for another decade (Leonard, 2010, pp. 156-166; Hayner, 2001, pp. 64-66).

In merely nominally democratic societies, the revanchist or illiberal forces can occupy a large realm of autonomous power and exert more power over the civilian government than the government over them. In such situations TJ is severely limited in any case, but such situations must be distinguished from cases such as Argentina or the Eastern Bloc republics, where the government is not immune from instability that accountability might occasion, but still retains functional authority. Though the previous regime will often attempt to maintain some power, situations where spoilers can destabilise a reasonably settled government must be distinguished from procedurally democratic regimes still effectively controlled by revanchist or undemocratic elements. In even the shakiest of transitions to liberal democracy, fruitful interaction of rule of law reconstruction, reconciliation and development with TJ (however limited) is possible if the government has at least a minimal commitment to these ends. The failure or success of TJ to complement, assist or even define the liberalisation process in such contexts is something it can fairly be judged on. On the other hand, TJ mechanisms should not be criticised for their lack of impact on democratisation, human rights or the rule of law at the other end of the transformative scale. In states like Rwanda, the DR Congo or Ethiopia, where victorious armies with little commitment to human rights take power (with or without electoral assent), Cambodia, where elections are rigged (St. John, 2005) or Indonesia, where the army retains significant influence (Schneier,

2009), the political climate is not conducive to the wider social legacy of trials or truth commissions.

Conscious of these limitations, TJ literature moved away from a Schumpeterian definition based primarily on elections, towards a broader normative idea incorporating liberal institutions and commitments, most notably the rule of law (Teitel, 2000, p. 5). The ideal transitional democracy is a liberal, fully constitutional polity where governments are elected by a majority and with a rule of law that serves to protect minorities, but, arguably, the only instances of such a transition in a single jump are East Germany's subsumption into the German Federal Republic and Northern Ireland's enduring existence within the UK. TJ and rule of law reconstruction can usefully be integrated in such conditions, but the macro-level contribution of this interaction will rarely determine the success of transition as it might in some weaker states, for the simple reason that the state already delivers human rights, democracy and rule of law. In the former category of cases, positive reform can successfully proceed independently of TJ and vice-versa.

Transitions like those in East Germany and Northern Ireland are hardly typical. A more representative transition is one to a state which rules with the consent of the people through free and fair elections, with a monopoly on the use of legitimate force and a commitment to human rights. This is where TJ might have a significant bearing on the success or failure of political reform and rule of law transformation, even if this democracy falls some way short of popular engagement with politics, is not fully free of terrorism or violence and even if the commitment to human rights lacks full compliance by all public and private actors. Though limited, this type of democracy goes beyond what Bhargava (2000) labels "minimally decent" societies which merely avoid relapse into past atrocities. Semi-stable democratic transitions like those in Bosnia, East Timor, South Africa, Tunisia and Cote d'Ivoire obviously fit within this schema. However, as Bell (2009, p. 25) reminds us, transition is not the same as post-conflict, but merely constitutes a post-settlement phase where violence is translated into a set of political and legal holding devices that enable old disputes to take place less violently. It is always somewhat precarious – even the clearest transitional political arrangements and mechanisms will not automatically bring peace, security or end human rights violations; passionate disagreement over politics may exist even within democratic institutions. As the UN Rule of Law and Transitional Justice Report puts it:

"And yet, helping war-torn societies re-establish the rule of law and come to terms with large-scale past abuses, all within a context marked by devastated institutions, exhausted resources, diminished security and a traumatised and divided population, is a daunting, often overwhelming, task. It requires attention to



myriad deficits, among which are a lack of political will for reform, a lack of institutional independence within the justice sector, a lack of domestic technical capacity, a lack of material and financial resources, a lack of public confidence in Government, a lack of official respect for human rights and, more generally, a lack of peace and security." (UN Secretary-General, 2004, para.3).

Even countries labelled "post-conflict" manifest great insecurity and volatility, while problems will also persist in authoritarian handovers to liberal opposition. Carothers (2002, p. 17-18) even advocates the removal of the "transition lens" in such contexts, arguing that it does more to confuse analysis of policy than to clarify it, by presuming a democratic outcome. He argues that those interested in democratisation:

"should start by assuming that what is often thought of as an uneasy, precarious middle ground between full-fledged democracy and outright dictatorship is actually the most common political condition today of the countries in the developing world and the post-communist world. It is not an exceptional category... it is a state of normality for many societies"

Nevertheless, rule of law reformers and TJ actors are justified in being more ambitious than Carothers in believing their activities can make a firm contribution to moving beyond the circumstances. As such, the potential of TJ to effect or catalyse positive change is best judged in relatively shaky transitions in countries such as Cote d'Ivoire and Iraq, despite their persistent insecurity. Success or failure in such circumstances will say much for transition justice's liberalising and rule of law-affirming potential, because the political context in which they operate does not make their accomplishment or frustration foregone conclusions. By comparison, TJ mechanisms may be applied in situations where any potentially positive legacy will be so overshadowed by political instability as to be of limited utility. Notable examples include states which move to democracy and undertake TJ but remain embroiled in war, such as Sri Lanka after the Kumaratunga election in 1994 (Sriram, 2002), or the complicit mass human rights abuses that took place in Indonesia in Aceh and West Papua (International Center for Transitional Justice & KontraS, 2011).

CONCLUSION

The tendency to include TJ mechanisms employed in long-consolidated or deeply unstable/authoritarian states under the rubric of TJ obscures its value in achieving various macro-aspirations (peace, democracy, human rights, development, rule of law) and the micro-goals which contribute to them (retribution, deterrence, reconciliation, social pedagogy).

In the proposed situations, the mechanisms are almost irrelevant due to pre-existing conditions favourable to positive outcomes, or ongoing war or the balance of illiberal power are too inimical to their success. When evaluating TJ as a general phenomenon, both its advocates and detractors draw the most relevant conclusions primarily from the paradigmatic transition from authoritarianism or war to democracy because it is here that it has the greatest potential and is most needed to catalyse change. Unlike TJ in mature democracies or civil-civil transitions, transitional politics is open-ended in a way that steady-state politics is not. As DuBois and Czarnota (1999, p. 9) put it:

"Whereas ordinary politics, even ordinary politics about politics, takes place in accordance with the 'rules of the game' which inevitably foreclose certain outcomes, transitional politics, in seeking to fundamentally change the rules of the game, is subject to no such limitations"

In contrast to TJ in authoritarian regimes or in ongoing conflicts, measures of accountability can proceed and effect change without the very real possibility of being undermined by arbitrary authoritarian whim or reversal on the battlefield. In the paradigmatic transition, the possibility for the army or previous regime to do this is severely weakened (Mendez, 1997, p. 11). This potential may be limited, contingent as it is on numerous conditions such as political will, funding and international support. Indeed, the history of TJ is blotched by the failure to realise the claims of its greatest advocates. However, a return to evaluating TJ mechanisms primarily on the basis of how they work in situations where they can genuinely affect political settlement for good or ill is a necessary step if we are to credibly assess their value in situations where resources are limited, foreign aid stretched and socio-political arrangements under strain. TJ has a number of convenient fictions – that it can 'heal' those who have suffered rape and torture, that it can generate a publicly acceptable record of past abuse, that it can deter the savagery of war – but none is more convenient than labelling non-transitional circumstances as transitional to advocate or criticise the phenomenon. A back-to-basics focus on the paradigmatic transitions is the clearest way for domestic governments and international donors to assess the very open question of whether the ever-increasing plethora of TJ mechanisms are the "centrepiece of democratic transition" (Orentlicher, 2007, p. 15) or constitute a "costly luxury" (Mani, 2008, p. 253). Humanitarian projects that deal with past violence in undemocratic states and consolidated democracies are of course to be welcomed, but considering these actions as 'transitional' justice serves only to muddy the debate. A necessary step is to distinguish between TJ on the one hand and the application of the mechanisms traditionally associated with it on the other. ■



Cited Works

- AKHAVAN, Payam** (2009). "Are International Criminal Tribunals a Disincentive to Peace? Reconciling Judicial Romanticism with Political Realism". *Human Rights Quarterly*. Vol. 31, iss. 3 pages 624-654.
- APUULI, Kasaija Phillip** (2006). "The ICC Arrest Warrants for the Lord's Resistance Army Leaders and Peace Prospects for Northern Uganda". *Journal of International Criminal Justice*. Vol. 4, iss. 1, pages 179-187.
- BELL, Christine** (2000). *Peace Agreements and Human Rights*. 1st edition. Oxford: New York. 432 pages.
- BELL, Christine** (2009). "Transitional Justice, Interdisciplinarity and the State of the 'Field' or 'Non-Field'". *International Journal of Transitional Justice*. Vol. 3, iss. 1, pages 5-27.
- BERLIN, Isaiah** (1969). *Four Essays on Liberty*. 1st Edition. Oxford: Oxford University Press. 286 pages.
- BHARGAVA, Rajeev** (2000). "Restoring Decency to Barbaric Societies". In: Robert I. ROTBERG; Dennis THOMPSON (eds.) *Truth v. Justice*. 1st edition. Princeton, New Jersey: Princeton University Press. Pages 45-67.
- BRANCH, Adam** (2007). "Uganda's Civil War and the Politics of ICC Intervention". *Ethics & International Affairs*. Vol. 21, iss. 2, pages 179-198.
- CAROTHERS, Thomas** (2002). "The End of the Transition Paradigm". *Journal of Democracy*. Vol. 13, iss. 1, pages 5-21.
- COHEN, David** (2003). *Intended to Fail: The Trials Before the Ad Hoc Human Rights Tribunal in Jakarta*. 1st edition. New York, International Center for Transitional Justice. 118 pages.
- COHEN, Stanley** (1995). "State Crimes of Previous Regimes: Knowledge, Accountability, and Policing the Past". *Law & Social Inquiry*. Vol 20, iss. 1, pages 7-50.
- CONLEY, Dalton** (2003). "Calculating Slavery Reparations: Theory, Numbers, and Implications". In: John TORPEY (ed.). *Politics and the Past: On Repairing Historical Injustices*. 1st edition. Lanham, MD: Rowman & Littlefield Publishers. Pages 117-126.
- DE BRITO, Alexandra Barahona; GONZALEZ-ENRIQUEZ, Carmen; AGUILAR, Paloma** (2001). "Introduction". In: *The Politics of Memory: Transitional Justice in Democratizing Societies*. 1st edition. Oxford / New York: Oxford University Press. Pages 1-39.
- DE GREIFF, PABLO**. "Theorizing Transitional Justice". Unpublished Paper to be published in: Melissa WILLIAMS; Rosemary NAGY; Jon ELSTER (eds.). *Transitional Justice*. 1st edition. New York: New York University Press. Page numbers not yet known (copy on file with author).
- DUBOIS, Francois; CZARNOTA, Adam** (1999). "The Transitional Rule of Law". *Alternative Law Review*. Vol. 29, iss. 1, pages 9-16.
- DÍAZ, Catalina** (2008). "Challenging Impunity from Below: The Contested Ownership of Transitional Justice in Colombia". In: Kieran McEVOY; Lorna MCGREGOR (eds.). *Transitional Justice from Below: Grassroots Activism and the Struggle for Change*. 1st edition. Portland, Oregon: Hart Publishing. Pages 189-215.
- FISHER, M; GIESSMANN, H. J. ; SCHMELZE, Beatrix** (eds.) (2004). *Berghof Handbook for Conflict Transformation*. 1st edition. Berlin: Berghof Research Center for Constructive Conflict Management. 252 pages.
- GREADY, Paul** (2005). "Reconceptualising Transitional Justice: Embedded and Distant Justice". *Conflict, Security & Development*. Vol. 5, iss. 1, pages 3-21.
- HAYNER, Priscilla** (2001). *Unspeakable Truths: Confronting State Horror and Atrocity*. 1st edition. New York: Routledge. 368 pages.
- HENKIN, Alice H.** (1989). "Conference Report". In: *State Crimes: Punishment or Pardon: Papers and Reports of the Conference*. 4-6 November 1988: Wye Centre, Maryland. 1st edition. Queenstown, MD: Aspen Institute. Pages 1-30.
- HUYSE, Luc** (2009). *All Things Pass Except the Past*. 1st edition. Leuven: Van Halewyck. 203 pages.
- INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE** (2008), "Canada's TRC: Special Challenges" [online article]. <<http://ictj.org/sites/default/files/ICTJ-Canada-Truth-Reconciliation-2008-English.pdf>>



- INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE; KONTRAS** (2011). "Derailed: Transitional Justice in Indonesia Since the Fall of Soeharto" [online article].
<<http://ictj.org/sites/default/files/ICTJ-Kontras-Indonesia-Derailed-Summary-2011-English.pdf>>
- KERR, Rachel; MOBEKK, Eirin** (2007). *Peace & Justice: Seeking Accountability After War*. 1st edition. Cambridge: Polity Press. 256 pages.
- KRITZ, Neil** (2009). "Policy Implications of Empirical Research on Transitional Justice". In: Hugo VAN DER MERWE; Victoria BAXTER; Audrey CHAPMAN (eds.). *Assessing the Impact of Transitional Justice: Challenges for Empirical Research*. 1st edition. Washington, DC: USIP Press. Pages 13-22.
- LEDERACH, John Paul** (2003). *The Little Book of Conflict Transformation*. 1st edition. Intercourse, PA: Good Books. 64 pages.
- LEONARD Thomas M.** (2010). *The History of Honduras*. 1st edition. Westport Connecticut: Greenwood Publishing. 208 pages.
- LONGMAN Timothy** (2011). "Limitations to Political Reform: The Undemocratic Nature of Rwandan Democracy". In: Scott STRAUSS; Lars WALDORF (eds.). *Remaking Rwanda: State Building and Human Rights After Mass Violence*. 1st edition. Madison: University of Wisconsin Press. Pages 25-47.
- LUNDY, Patricia; McGOVERN, Mark** (2008). "Whose Justice? Rethinking Transitional Justice From the Bottom Up". *Journal of Law & Society*. Vol. 35, iss. 2, pages 265-292.
- LUTZ, Ellen** (2006). "Transitional Justice: Lessons Learned and the Road Ahead". In: Naomi ROHT-ARRIAZA; Javier MARRIZCUENA (eds.). *Transitional Justice in the Twenty-First Century: Beyond Truth Versus Justice*. 1st edition. New York: Cambridge University Press. Pages 325-340.
- MANI, Rama** (2008). "Dilemmas of Expanding Transitional Justice, or Forging the Nexus between Transitional Justice and Development". *International Journal of Transitional Justice*. Vol. 2, iss. 3, pages 253-265.
- McAULIFFE, Pádraig** (2010). "The Limits of Co-Operation: Resolving the Question of 'How Low Do You Go?' in the Khmer Rouge Trials' Bicephalous Prosecution". *University of Tasmania Law Review*. Vol. 29, iss. 2, pages 111-141.
- MÉGRET, Frederic** (2002). "The Politics of International Criminal Justice". *European Journal of International Law*. Vol. 13, iss. 5, pages 1261-1284.
- MENDEZ, Juan** (1997). "In Defence of Transitional Justice". In: James A. McADAMS (ed.). *Transitional Justice and the Rule of Law in New Democracies*. 1st edition. Notre Dame, London: University of Notre Dame Press. Pages 1-26.
- MENDEZ, Juan** (2007). "Lou Henkin, Transitional Justice, and the Prevention of Genocide". *Columbia Human Rights Law Review*. Vol. 38, iss. 1, pages 477-485.
- MIALL, Hugh** (2004). "Conflict Transformation: A Multi-Dimensional Task". In: M. FISHER; H. J. GIESSMANN; B. SCHMELZE (eds.) (2004). *Berghof Handbook for Conflict Transformation*. 1st edition. Berlin: Berghof Research Center for Constructive Conflict Management. Pages 1-20.
- MORENO-OCAMPO, Luis** (2007). "Transitional Justice in Ongoing Conflicts". *International Journal of Transitional Justice*. Vol. 1, iss. 1, pages 8-9.
- NAGY, Rosemary** (2008). "Transitional Justice as Global Project: Critical Reflections". *Third World Quarterly*. Vol. 29, iss. 2, pages 275-289.
- NÍ AOLÁIN, Fionnuala; CAMPBELL, Colm** (2005). "The Paradox of Transition in Conflicted Democracies". *Human Rights Quarterly*. Vol. 27, iss. 1, pages 172-213.
- O'DONNELL, Guillermo; SCHMITTER, Philippe** (1986). *Transitions From Authoritarian Rule: Tentative Conclusions About Uncertain Democracies*. 1st edition. Baltimore: Johns Hopkins University Press. 96 pages.
- O'DONNELL, Therese** (2011). "The Restitution of Holocaust Looted Art and Transitional Justice: The Perfect Storm or the Raft of the Medusa?". *European Journal of International Law*. Vol. 22, iss.1, pages 49-80.
- OLICK, Jeffrey; COUGHLIN, Brenda** (2003). "The Politics of Regret: Analytical Frames". In: John TORPEY (ed.). *Politics and the Past: On Repairing Historical Injustices*. 1st edition. Lanham, MD: Rowman & Littlefield Publishers. Pages 37-62.
- OLSEN, Tricia; PAYNE, Leigh A; REITER Andrew G.** (2010). *Transitional Justice in Balance*. 1st edition. Washington, DC: United States Institute of Peace Press. 213 pages.



- ORENTLICHER, Diane F.** (2007). "Settling Accounts' Revisited: Reconciling Global Norms with Local Agency". *International Journal of Transitional Justice*. Vol. 1, iss. 1, pages 10-22.
- OSIEL, Mark** (1997). *Mass Atrocity, Collective Memory and the Law*. 1st edition. New Brunswick, New Jersey: Transaction Publishers. 317 pages.
- PAUSEWANG, Siegfried** (2004). *Local Democracy and Human Security in Ethiopia: Structural Reasons for the Failure of Democratisation*. 1st edition. Johannesburg: South African Institute of International Affairs. 42 pages.
- QUINN, Joanna R.** (2004). "Constraints: The Un-Doing of the Ugandan Truth Commission". *Human Rights Quarterly*. Vol. 26, iss. 1, pages 401-427.
- RATNER, R. S.; CARROLL, William K.; WOOLFORD, Andrew** (2003). "Wealth of Nations: Aboriginal Treaty Making in the Era of Globalization". In: John TORPEY (ed.). *Politics and the Past: On Repairing Historical Injustices*. 1st edition. Lanham, MD: Rowman & Littlefield Publishers. Pages 217-248.
- ROHT-ARRIAZA, Naomi** (2006). "The New Landscape of Transitional Justice". In: Naomi ROHT-ARRIAZA; Javier MARRIZCUENA (eds.). *Transitional Justice in the Twenty-First Century: Beyond Truth Versus Justice*. 1st edition. New York: Cambridge University Press. Pages 1-16.
- SCHAUER, Frederick** (2003). "Legal Development and the Problem of Systemic Transition". *Faculty Research Working Papers Series 6*. Cambridge: John F. Kennedy School of Government (Harvard University).
- SCHNEIER, Edward** (2009). "Reformasi and the Indonesian 'War on Terror': State, Military and Legislative-Executive Relations in an Emerging Democracy". *Journal of Legislative Studies*. Vol. 15, iss. 2-3, pages 294-313.
- SCHUMPETER, Joseph** (1950). *Capitalism, Socialism and Democracy*. 1st edition. New York: Harper & Row. 456 pages.
- SEILS, Paul** (2004). *A Promise Unfulfilled? The Special Prosecutor's Office in Mexico*. 1st edition. New York: International Center for Transitional Justice. 42 pages.
- SLOAN, Robert** (2007). "The Expressive Capacity of International Punishment: The Limits of the National Law Analogy and the Potential of International Criminal Law". *Stanford Journal of International Law*. Vol. 43, pages 39-94.
- SMILEY, Marion** (2001). "Democratic Justice in Transition". *Michigan Law Review*. Vol. 99, iss. 6, pages 1332-1347.
- SNYDER, Jack; VINJAMURI, Leslie** (2003/4). "Trials and Errors: Principle and Pragmatism in Strategies on International Justice". *International Security*. Vol. 28, iss. 3, pages 5-44.
- SRIRAM, Chandra Lekha** (2002). "Dilemmas of Accountability: Politics, the Military and Commissions of Inquiry During an Ongoing Civil War, The Sri Lanka Case". *Civil Wars*. Vol. 5, iss. 2, pages 96-121.
- ST. JOHN, Ronald Bruce** (2005). "Democracy in Cambodia – One Decade, US\$5 Billion Later: What Went Wrong?" *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*. Vol. 27, iss. 3, pages 406-428.
- SUBOTIC, Jelena** (2009). "The Paradox of International Compliance". *International Journal of Transitional Justice*. Vol. 3, iss. 3, pages 362-383.
- TEITEL, Ruti G.** (1997). "Transitional Jurisprudence: the Role of Law in Political Transformation". *Yale Law Journal*. Vol. 106, iss. 7, pages 2009-2049.
- TEITEL, Ruti G.** (2000) *Transitional Justice*. 1st edition. Oxford: Oxford University Press. 404 pages.
- TEITEL, Ruti G.** (2003). "Transitional Justice Genealogy". *Harvard Human Rights Journal*. Vol. 16, iss. 1, pages 69-94.
- TEITEL, Ruti G.** (2005a). "Transitional Rule of Law". In: Adam CZARNOTA; Martin KRYGIER; Wojciech SADURSKI (eds.). *Rethinking the Rule of Law after Communism*. 1st edition. New York: CEU Press. Pages 279-294.
- TEITEL, Ruti G.** (2005b). "The Law and Politics of Contemporary Transitional Justice". *Cornell International Law Journal*. Vol. 38, iss. 1, pages 837-862.
- THOMS, Oscar; RON, James ; PARIS, Roland** (2010). "State-Level Effects of Transitional Justice: What Do We Know?" *International Journal of Transitional Justice*. Vol. 4, iss. 3, pages 329-354.



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TORPEY, John (2003). "Introduction". In: *Politics and the Past: On Repairing Historical Injustices*. 1st edition. Lanham, MD: Rowman & Littlefield Publishers. Pages 1-36.

TRONVOLL, Kjetil (2009). "A Quest for Justice or the Construction of Political Legitimacy?" In: Kjetil TRONVOLL; Charles SCHAEFER; Girmachew ALEMU ANEME. *The Ethiopian Red Terror Trials: Transitional Justice Challenged*. London: James Currey. Pages 84-97.

UN Security Council Resolution 814. UNSCOR 3188th Meeting. U.N. Doc. S/Res/814 (1993) of 26 March 1993.

UN SECRETARY-GENERAL. *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*. UN Doc. S/2004/616, of 3 August 2004.

YUSUF, Hakeem O. (2010). *Transitional Justice, Judicial Accountability and the Rule of Law*. 1st edition. New York: Routledge. 216 pages.

ZALAQUETT, José (1992). "Balancing Ethical Imperatives and Political Constraints: The Dilemma of New Democracies Confronting Past Human Rights Violations". *Hastings Law Journal*. Vol. 43, iss. 6, pages 1425-1438.

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**CAMPUS
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POLICY BRIEFING



Increasing Interest in Infrastructures for Peace

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Abstract

A global network has been established to enhance infrastructures for peace internationally in 2011. Most countries lack the capacities and structures to deal adequately with ongoing and potential violent conflict. These peace structures have a real impact: several times in the last two decades, they have proven to be effective tools for preventing or reducing violence, as in South Africa prior to the elections in 1994 and during recent elections in Ghana and Kenya. There is an increasing interest in infrastructures for peace, which is important because experts expect an increase in violent conflict.

The article describes some experiences of peace structures in South Africa, Ghana and Kenya; gives a definition of a peace infrastructure; a rationale for advancing it and the need for a multi-stakeholder dialogue on infrastructures for peace. It draws some conclusions and also proposes some research questions.



Keywords

infrastructures for peace, long-term peacebuilding, peacebuilding, conflict prevention

1. INTRODUCTION

In June 2011, the High Commission of Ghana to the United Kingdom (UK) hosted a meeting on infrastructures for peace in cooperation with the Global Peace Building Strategy. One of the outcomes of this meeting was the establishment of an International Steering Group to enhance infrastructures for peace internationally. The governments of Ghana, Kenya, Kyrgyzstan, and South Sudan joined it directly, together with the United Nations Development Programme-Bureau for Crisis, Prevention and Recovery (UNDP-BCPR).

Establishing infrastructures for peace could be a useful strategy for those countries lacking the capacities, mechanisms and structures to deal adequately with ongoing and potentially violent conflicts.

Establishing a national infrastructure for peace could include:

- adopting a cooperative, problem-solving approach to conflict, based on dialogue and non-violence, which includes all stakeholders;
- developing institutional mechanisms, appropriate to each country's culture, which promote and manage this approach at local, district and national levels.

Enhancing infrastructures for peace is urgent, because violent conflict is a widespread, global problem, affecting around 90 countries.

Peace structures have been shown to work, as the following cases illustrate:



South Africa

South Africa successfully pioneered a peace structure during the troubled years preceding elections in 1994, building mechanisms at local, regional and national levels that effectively stopped the escalation of violence.

Ghana

A National Peace Council was established in Ghana in 2005 which played a major role at national and local levels in ensuring peaceful elections in 2008 and helped lead to a smooth transfer of power.

Kenya

In Kenya, highly destructive, violent conflicts took place in the Wajir district on the border with Somalia and Ethiopia over a period of many years. Led by civil society actors, the Wajir Peace and Development Committee brought peace to the region towards the end of the 1990s, leading to the use of the model in other districts in the northern provinces of Kenya. When post-election violence broke out in Kenya at the end of 2007, there was far less violence where there was a District Peace Council than in those districts without one.

The process of building infrastructures for peace has been advanced and expanded in many countries by the invaluable work of the UNDP Bureau for Crisis Prevention and Recovery.

These three cases demonstrate how peace structures before and after elections prevented violent conflicts or reduced violence. Recent years have demonstrated many times how elections were contested, triggering the potential for violent conflict. The post-election violence in Kenya in 2007/08 was a wake-up call for the international community: if this can happen in Kenya, a country perceived as stable and peaceful, it can happen in many more countries.

Often situations are polarized along political or ethnic divides. There is a need for mechanisms and structures that bridge these divides and respond fast if violence erupts.

Experts expect an increase in conflicts. Therefore, peace structures or long-lasting mechanisms and structures for adequately dealing with conflicts in society, have to be established urgently.

These peace structures are inexpensive and cost-effective. In the last decade, the UN has contributed to the establishment of infrastructures for peace in ten countries, and given support for national capacities to prevent conflicts and build peace. The funds provided are, on average, 2 to 3 million US dollars per country.

Outside interventions are frequently ineffective and very costly. Thus, we have to support and strengthen national capacities to deal with their potential for conflicts.

Responses to conflicts are often reactive, based on law and order, implemented from top to bottom and aimed more at managing the conflict than solving it. The infrastructures for peace approach, on the other hand, is proactive, participatory, inclusive and transformative. It is positive in character and stimulates working together. It makes the connection between the capacity and the conflict: people trained in conflict resolution and transformation are given a role in transforming the conflict. Without peace structures, those people often do not have a role or function to assist in solving the conflicts in their country.

This approach includes all stakeholders at all levels. Peace and peacebuilding are complex processes and need a platform where different stakeholders meet. This approach acknowledges that sustainable peace needs a collaborative institutional framework between state and non-state actors.

There is an increasing interest in infrastructures for peace. Several countries have recently established Ministries of Peace or infrastructures for peace, with peace structures at different levels of society, involving the main stakeholders.

2. CONTEXT

Many countries have a great potential for violence, are locked in permanent stalemate or are liable to return to violent conflict in the coming years. If one considers indicators such as those used in the Failed States Index, some ninety countries are facing these serious problems. The current structures and mechanisms in many countries are not adequate to deal with those tensions and conflicts.

Development in itself generates new conflicts, by changing economic and power relations which can come on top of already existing root causes of conflicts in many countries, such as land, resources, ethnicity, exclusion, chieftaincy, to name a few.

In the cases of Ghana and Kenya described in section 3, the rationale for establishing a peace structure in regions that were neglected by the central government, was the fact that the violent conflicts broke out because the central government did not deliver justice or security.

Experts expect an increase in violent conflicts: "Although there is solid evidence that efforts by the United Nations and our partners have made an impact in reducing the number of conflicts around the world, new dangers are on the horizon. Competition for scarce resources is a powerful driver of conflict, especially when added to existing grievances between groups. As a result of the economic downturn, climate change and the growing depletion



of resources, from arable land to water and oil, disputes within and between states may become more common in the future.”¹

Another factor that has regularly contributed to violent conflict in recent years is electoral violence. Fair and peaceful elections have become a benchmark for a stable government, but elections are also a focal point for all the tension within a society, and furthermore, fraud and corruption can make the situation worse. Elections can therefore be contested.

Besides the traditional, technical electoral assistance, a longer term package of assistance and support is needed to build infrastructures for peace, as the UN has done in recent years in several countries, thereby strengthening national capacities for conflict prevention and transformation. For example, during the post-election violence in Kenya in 2007/2008, far less violence happened in those districts with a peace council, than in the regions without such a council.

3. EXAMPLES OF INFRASTRUCTURES FOR PEACE

One of the first countries to begin constructing an infrastructure for peace was South Africa.

South Africa

Local peace committees (LPCs) were a product of the National Peace Accord signed in 1991 between the principal protagonists in South Africa’s conflict. The main reason for the accord was the escalation of violence in the country, and it was hoped that formation of LPCs would reduce the violence. The main objectives of the committees were to create trust and reconciliation between community leaders, to prevent violence and to resolve disputes. In each region of the country, regional peace committees were established in addition to local ones.

Observers agree that, in the two years prior to the historic 1994 elections, this peace infrastructure contributed substantively to containing the spiral of violence occurring at that time. While the LPCs were unable to prevent all violent incidents, it is widely agreed that the situation would have been far graver if they had not existed.²

Now, relying in part on the success of the South African model, the governments of Ghana and Kenya are pioneering the implementation of their own infrastructure for peace.

Ghana

In Ghana, 23 major conflicts were recorded in the three northern regions of the country between 1980 and 2002. Many community-based and inter-ethnic conflicts appeared intractable, in part because the justice system was not functioning at full capacity and many judicial cases remained unaddressed. When violence erupted, official Commissions of Inquiry were established, but their recommendations were not implemented and several ongoing conflicts remained unresolved.

After the slaying of the King of Dagbon and many of his elders in 2002, the regional government established the Northern Peace Advocacy Council as a mediation and conflict resolution mechanism to deal with the issues of trust among the factions and restore confidence and relationships. During that time, the United Nations Development Programme was asked to provide advice and thus a process was initiated to establish a peace infrastructure.

With the success of this council, the government decided to explore the possibility of extending the peace council concept to the rest of the country. A National Peace Council (NPC) was established in Ghana in 2005. This council played a major role, at national and local levels, in ensuring peaceful elections in 2008 and helped lead to a smooth transfer of power through a series of meetings with stakeholders that pro-actively diffused tensions.

In March 2011, the National Peace Council Bill was unanimously adopted by Parliament. The functions of the NPC are:

- to harmonize and coordinate conflict prevention, management, resolution and build sustainable peace through networking and coordination;
- to strengthen capacities in relation to the objectives;
- to facilitate the amicable resolution of conflicts through mediation and other connected processes;
- to monitor, report and offer indigenous perspectives and solutions to conflicts in the country;
- to promote understanding about values of reconciliation, tolerance, confidence building, mediation and dialogue as responses to conflict.

The NPC is independent and has a board, consisting of thirteen eminent members appointed by the President in consultation with the Council of State. Six are representatives from religious bodies.

The NPC also has regional and district peace councils, with thirteen members, whose activities involve, among others, public education, sensitizing and raising awareness of conflict indicators within the region.

1 UN Security Council (2009).

2 Literature on infrastructures for peace in South Africa: Odendaal (2011); Ball & Spies (1998); Collin Marks (2000)



Executive Secretaries operate in each region and district. They are the secretaries of the peace councils with experience in conflict resolution and peacebuilding.³

Kenya

Kenya provides a fascinating example of a bottom-up process to establish a peace structure. The process started in 1993 with an initiative by a group of women of the Wajir district of Kenya, bordering Somalia and Ethiopia. There was a highly destructive cycle of violent conflict in that region, combined with an insufficient governance presence, resulting in the failure of state institutions to regulate conflict, provide security and promote development in these regions.

The initiative consisted of civil society actors working together to sensitize the population to the need and possibility for peace. They engaged the elders of different clans and set up a mediation process between them. In this process, civil society actors worked with and involved representatives of formal authority, particularly the District Commissioner and a Member of Parliament. After some time, some formalization was needed and the peace initiatives were integrated in the District Development Committee, becoming the Wajir Peace and Development Committee, with the District Commissioner as chairperson.

The success of the Wajir Peace and Development Committee in bringing and maintaining peace in the district led to the spread of the model to other districts in the northern part of the country. In 2001, the government established a National Steering Committee on Peace Building and Conflict Management which, with the Office of the President, embarked on a process for the development of a national policy in 2004. The National Policy on Peace Building and Conflict Management, published by the Office of the President at the end of September 2009, included lessons learned from the post-election violence in late 2007 and early 2008.

Following this post-election violence, the National Accord and Reconciliation Act of 2008 recommended the establishment of district peace committees in all of Kenya's districts. When post-election violence broke out in Kenya, far less violence occurred in the districts where there was a district peace council than in those districts without such a council.

Further progress has been made by a recent constitutional referendum and the adoption of a new Constitution in the autumn of 2010.

Prior to the referendum, the UNDP provided support for successful national efforts to reach a political agreement on the new draft constitution and helped government and civil society implement an early warning and response system – the Uwiano Platform – that prevented over a hundred potential incidents of violence in the volatile Rift Valley region alone. LPCs were strengthened in all of the country's districts and played a critical peacemaking role during the referendum. All of this was accomplished without a single incident of violence thanks to the role of the committees.⁴

Costa Rica

In 1948, Costa Rica became the first country to formally abolish its armed forces; the Constitution forbids a standing military. In 1980 Costa Rica established the United Nations University for Peace, approved by the General Assembly of the UN.

Together with the United Kingdom, Costa Rica proposed a UN resolution for an International Day of Peace in 1981. In 2001, a resolution was adopted for peace to be commemorated on 21 September every year. The International Day of Peace is now celebrated around the world.

In September 2009, the Costa Rican legislature passed a law changing the name of the country's justice ministry to the Ministry of Justice and Peace. The new Ministry is working with NGOs to implement a national plan for peace promotion.

The Philippines

In 1986, the People Power Revolution in the Philippines led to the fall of the Marcos dictatorship. Subsequently, peace talks with all rebel forces were initiated, the peace process as a government policy was formalized and the Office of the Peace Commissioner established under the Office of the President.

Under President Ramos, the post of Presidential Adviser on the peace process with Cabinet rank was created and charged with managing the comprehensive peace process, assisted by a full time Secretariat. The government established panels for negotiations with different rebel groups and several consultations took place with members of civil society.⁵

3 Literature on infrastructures for peace in Ghana: Ghana Ministry of the Interior (2006); National Peace Council Bill, Ghana (2011); Ojielo (2010); Odendaal (2011); Bombande (2007).

4 Literature on infrastructures for peace in Kenya: National Policy on Peacebuilding and Conflict Management (final version, June 2011); UN Development Programme (2008); Odendaal (2011); Kut (2007).

5 Office of the Presidential Adviser on the Peace Process, <http://www.opapp.gov.ph/>.



4. DEFINING INFRASTRUCTURES FOR PEACE

Establishing a national infrastructure for peace may include:

- Adoption of a cooperative, problem-solving approach to conflict based on dialogue and non-violence, which includes all stakeholders;
- Development of institutional mechanisms, appropriate to each country's culture, which promote and manage this approach at local, district and national levels.

Such an infrastructure can help a fragile, divided, transitional or post-conflict society build and sustain peace by:

- managing recurring conflicts over land, natural resources or contested elections;
- finding internal solutions, to specific conflicts and tensions through mediated consensus or multi-stakeholder dialogue;
- negotiating and implementing new governing arrangements, such as new constitutional provisions, in an inclusive and consensual manner.

The UNDP Bureau for Crisis Prevention and Recovery, in close cooperation with the UN Department of Political Affairs, currently supports the establishment of such infrastructures and conducts dialogue leading to the development of peace infrastructures in approximately thirty countries.⁶

Essential components of peace infrastructures include:

- **National, district and local peace councils** comprised of trusted and highly respected persons of integrity who can bridge political divides and who possess competence and experience in transforming conflicts;
- **National peace platforms** for consultation, collaboration and coordination of peace issues by relevant actors and stakeholders;
- **A government bureau, department or ministry of peacebuilding;**
- Passing **legislative measures** to create national infrastructures for peace with appropriate budgets;
- Expanding the **capacities of national peacebuilding institutions**, related government departments, peace councils and relevant groups of civil society organizations (CSOs);

- Renewing and using **traditional perspectives** and methodologies for conflict resolution;
- Promoting a **shared vision for society** and for a **culture of peace**.

These components are not obligatory, but are amongst possible pillars for building infrastructures for peace.

5. RATIONALE FOR ADVANCING INFRASTRUCTURES FOR PEACE

These processes are timely and urgent.

Most countries lack structures, capacities and mechanisms to deal adequately with ongoing and potentially violent conflicts.

Violent conflict is widespread and a global problem.

Inter-ethnic tensions, stalemates on key issues, insufficiently defined and changing borders, and rapid transitions with violent tensions are taking place in around 90 countries with the potential for escalating into political violence or relapsing into violent conflict. There are increasing indications of immediate and long-term conflicts due to competition for scarce resources, contested elections, energy deficits, climate change issues, migration, displacement and countless other factors. These factors are part and parcel of our civilization and will not go away on their own. They require dialogue and relevant mechanisms so that they can be skillfully and non-violently resolved.

Evidence demonstrates that peace structures work.

Mechanisms for peacebuilding have been successful in South Africa, Kenya, Ghana and several other countries. As noted, in the recent elections in Ghana and Kenya the existence of these structures aided significantly in preventing and reducing violent conflict.

Such mechanisms are inexpensive and cost-effective.

In the last decade, the UN has contributed to some ten countries for the establishment of infrastructures for

⁶ Kumar (forthcoming).



peace and has offered supported for building national capacities on preventing conflicts and building peace. The amount spent is on average 2 to 3 million US dollars per country.

Compared to the costs of civil war and the related displacement, relocation, reintegration, demilitarization, reverses in development and other consequences of armed conflict, the costs of infrastructures for peace are minute and ultimately offer tremendous rewards.

Outside intervention is frequently ineffective.

External interventions, including humanitarian, are difficult, slow and very costly. In contrast, using infrastructures that are in place within a country can be far more effective and timely, allowing societies to manage their own problems on their own terms, so promoting long term stability.

6. THE COST OF PREVENTION

Strengthening infrastructures for peace by equipping national and local actors to resolve conflicts, prevent violence and build consensus over contentious issues in an inclusive and credible manner is an efficient and cost-effective approach.

For Example, Kenya's leading business association estimated economic losses from post-election violence in 2008 at 3.6 billion US dollars. In contrast, the 2010 constitutional referendum, plagued by similar inter-ethnic tensions, did not see any violence. A UNDP-supported violence prevention effort that identified and pre-empted nearly 150 incidents of violence, and helped political parties reach consensus on the draft constitution before the vote, cost only about 5 million US dollars in comparison. Similarly, the UN Flash Appeal estimated the recovery costs from inter-ethnic violence in mid-2010 in Kyrgyzstan at 71 million US dollars, while regional and UN efforts to restore political and inter-ethnic confidence cost approximately 6 million US dollars. Subsequently, the constitutional referendum and parliamentary elections in 2010, both expected to be plagued by significant turbulence, transpired peacefully. For 2011, the IMF forecast a 4-5% growth rate for the country, significantly higher than in recent years.

According to the Ghana Investment Promotion Council, direct foreign investment in the county jumped 90% between mid-2008 and mid-2009. The intervening variable was the peaceful national poll in December 2008. The National Peace Council, with approximately 2 million US dollars financial support from the UNDP, played

a crucial, internal mediation role in averting expected turbulence. Expectations of violence had depressed investment prior to the poll.⁷

7. NEED FOR A MULTI-STAKEHOLDER DIALOGUE ON INFRASTRUCTURES FOR PEACE

Sometimes a government takes a decision to establish an infrastructure for peace. However, more often, local actors have taken the initiative in remote regions, neglected by central government and where local or regional civil society tends to use traditional conflict resolution mechanisms. They established their own platform or Advisory Committee on Dialogue on Peace, and reached out to get officials involved. This happened in the Wajir region in Kenya in the 1990s and a similar process took place in the northern part of Ghana. These bottom-up approaches seem to work best because they have a replication effect: from remote regions in a country, the peace infrastructures can spread throughout the country and ultimately become national policy.

Both in Kenya and Ghana, intense consultation processes have taken place to involve many stakeholders at national, regional, district and local levels.

The process of building infrastructures for peace has been advanced and expanded in many countries by the invaluable work of the UNDP Bureau for Crisis Prevention and Recovery and their joint efforts in conjunction with the UN Department of Political Affairs programmes on Building National Capacities for Conflict Prevention in several countries.⁸

A dialogue between the different stakeholders is a condition for establishing an infrastructure for peace at the national level.

At the international level, however, very little dialogue was taking place between the different actors: governments, the UN and civil society organizations. With the growing interest in this approach, it is crucial to further enhance and structure a dialogue on infrastructures for peace at the international level. This is a relatively new approach and a lot can be learnt from other countries' efforts just as Ghana and Kenya have learnt a lot from each other.

A first attempt at a dialogue of this nature was made by UNDP/BCPR, in cooperation with the West Africa Network on Peacebuilding, the Nairobi Peace Initiative – Africa and the Global Partnership for the Prevention

⁷ Facts and figures presented by Dr. Chetan Kumar (BCPR) at the meeting in London on 15 June 2011 where the International Steering Group to enhance infrastructures for peace internationally was established.

⁸ See note 6.



of Armed Conflict. UNDP organized, together with those partners, an experience-sharing seminar on building infrastructures for peace in Naivasha, Kenya, in February 2010, where representatives of governments, political parties, civil society and UN country teams from 14 African countries met. It was found that exchanging country experiences proved very useful for the participants, especially the dialogue that occurred between different actors.⁹

The next step was to structure such a process in enhancing infrastructures for peace internationally.

In June 2011, the High Commission of Ghana to the UK organized, together with the Global Peace Building Strategy,¹⁰ a meeting on infrastructures for peace in London, where high-level representatives from the governments of Ghana, Kenya, the Philippines and Costa Rica, together with the BCPR, presented their efforts on infrastructures for peace. It was unanimously agreed that international cooperation on this issue between different stakeholders was needed. A Steering Group of countries that will enhance the process of establishing infrastructures for peace internationally was established; Ghana, Kenya, South Sudan, Kyrgyzstan, and the BCPR joined the initiative directly. In this body, governments and local groups cooperate, in close collaboration with the UN and international peacebuilding NGOs and networks.

The main tasks of the Steering Group are the international exchange of experiences and best practices, reaching out to a broader community and advocacy work. In the next section some ideas are shared about the advocacy work. In the following section, suggestions are given on analysis of best practices and developing proposals for further research. In this vein, another task of the Steering Group is the preparation and dissemination of materials to raise more awareness on infrastructures for peace.

Some stakeholders have complementary capacities for implementing some tasks. For example, the work of peace and development advisors is a crucial task of the UN because they often have the neutrality and legitimacy in a country to advise and facilitate peace processes. Civil society actors are other stakeholders who can contribute by organizing exchanges of experience, reaching out with materials and engaging in advocacy work.

It is an important step forward that there now exists a formal international network that wants to enhance

infrastructures for peace globally, composed of different actors: governments, the UN and CSOs.

Much can be gained from a joint effort at national and international levels by various stakeholders fulfilling parallel yet complementary tasks. The newly established steering group aims to contribute to this end.

8. ADVOCACY

There is a recent history of advocacy for infrastructures for peace that can serve as a basis for moving forward. At the first Standing Conference on Stability, Security and Development in Durban, in 2002, African leaders signed a resolution in which they committed to take responsibility for setting up national institutions to manage conflict in partnership with their civil societies.

In his 2006 Progress Report on the 2001 report *Prevention of Armed Conflict*, UN Secretary-General Kofi Annan, stated the importance of creating sustainable national infrastructures for peace:

“Essentially, the aim should be the creation of a sustainable national infrastructure for peace that allows societies and their governments to resolve conflicts internally and with their own skills, institutions and resources.”¹¹

The April 2009 Report of the Secretary-General of the UN on Enhancing Mediation to the Security Council, under the heading “Strengthening National/Local capacity for conflict prevention/resolution”, indicated:

“[...] one promising approach is the development of a national architecture for dispute resolution through national, regional and district peace councils to provide mediation and prevent local conflicts from escalating and spreading.”¹²

Building on the African Union Resolution and statements such as those in the above-referred reports, the Global Peace Building Strategy and other CSO actors can work with relevant bodies on frameworks and resolutions within regional entities, and relevant UN agencies, to encourage governments to establish national institutions to manage, reduce, prevent and transform conflict, working in partnership with their civil societies.

⁹ Background documents for experience-sharing seminar on building infrastructures for peace, Kenya, February 2010.

¹⁰ The Global Peace Building Strategy is a strategy intended to systematically address the issue of violent conflict. One of its seven key objectives is facilitating the establishment of infrastructures for peace in ten countries by 2016; www.worldpeacefestival.org.

¹¹ UN (2006), p. 16.

¹² See UN Security Council (2009), report note 1, paragraph 52.



9. INCREASING INTEREST IN INFRASTRUCTURES FOR PEACE

There are some early pioneers in the creation of infrastructures for peace, as seen in Costa Rica and the Philippines.

Costa Rica abolished its armed forces in 1948, took several initiatives to enhance peace internationally and established a Ministry of Justice & Peace in 2009.

In 1986, the People Power Revolution in the Philippines led to the fall of the Marcos dictatorship. Subsequently, peace talks with all rebel forces were initiated, the peace process as a government policy was formalized and the Office of the Peace Commissioner was established under the Office of the President.¹³

The last decade has shown a steady increase in interest for peace structures based on local needs.

For example, we have seen many examples of contested elections in recent years. The Post-Election Violence in Kenya in 2007/08 in a country perceived as stable and peaceful has made a great impact on the international community. If this can happen in Kenya, it can happen in many more countries.

Experts expect to see an increase in conflicts globally. At the same time, the structures and mechanisms in place in countries are not prepared for tasks such as responding rapidly to an escalation of violence or having people and institutions with the weight and legitimacy to prevent escalation of violence.

The stories of how Ghana and Kenya successfully prevented or reduced violence by establishing an infrastructure for peace, made an impact in many countries and as a result, many foreign visitors went to Accra and Nairobi for advice.

Costa Rica established its Ministry of Justice and Peace in 2009. South Sudan established a new Ministry for Peace and CPA Implementation;¹⁴ Nepal has a Ministry for Peace and Reconstruction; Togo, Sierra Leone, Ivory Coast, Uganda and Kyrgyzstan are all taking measures to prepare for peace structures.

10. SOME CONCLUSIONS AND LESSONS

Violent conflict is widespread and a global problem.

Around 90 countries can be identified as facing the prospects of potential violence, prolonged deadlock or

a relapse into violent conflict over the next 2-3 years. The extent to which violent conflict is affecting so many countries is highly underestimated. Most of these countries lack the capacity, mechanisms and structures to deal with those conflicts.

A substantial investment in long-lasting peace structures to overcome this deficit is urgently needed.

Insider mediators are very important.

The development and application of national and local capacities requires sustained accompaniment, where specialists assist their counterparts in overcoming initial suspicion and hostility by developing relations of trust, then impart skills for negotiation and mediation, and how to apply these skills for this negotiation and mediation, understanding the need for establishing peace structures.

The strengthening of the capacities of insider mediators is very important. Peace and Development advisors of the UN can play these roles and are often seen as insider mediators.

Bottom-up processes are preferred to top-down approaches.

Meaningful experiences with regional peace councils in Wajir (Kenya) and Northern Ghana worked well and helped de-escalate the violence. In both cases, due to the success of the regional peace model, the national governments decided to spread the model throughout the country. Local initiatives are crucial.

Lessons from South Africa and Nepal illustrate that if this is not taken into account, the peace structure will fail.

Proven impact

The experiences of South Africa, Ghana and Kenya show how the existence of peace structures prevented or reduced violent conflicts.

A study of local peace councils in a dozen different countries has demonstrated that they can fill a void in dispute resolution in local governance and are particularly effective during transitional periods.¹⁵ The absence or weakness of legitimate local government structures requires a mechanism for facilitating consensus because there is a need to dialogue and create mechanisms for conflict resolution in order to forge consensus between former antagonists and other stakeholders on urgent matters of co-existence at the local level. Local peace councils offer

¹³ See <http://www.opapp.gov.ph/>.

¹⁴ CPA is Comprehensive Peace Agreement.

¹⁵ Odendaal (2008)



such a mechanism in which relevant matters are discussed in an open, inclusive and participatory manner with the objective of constructing peaceful relations and arriving at consensus.

Need for an international multi-stakeholder dialogue on infrastructures for peace

In addition to local peace structures, dialogue and cooperation between different stakeholders at the national level is essential and is a condition for successful infrastructures for peace.

Different stakeholders have different, often complementary capacities.

At the international level, governments, the United Nations and civil society organizations have different capacities and experiences, which contribute to, and further enhance infrastructures for peace internationally. This is especially relevant to the sharing of experiences, reaching out to a larger community and with advocacy work.

11. SOME CHALLENGES AND RESEARCH QUESTIONS

Relationship between the peace structure and state institutions

Governments sometimes fail in providing justice or security, as the examples of Ghana and Kenya have illustrated. Peace structures need to be independent, but they should not replace government. If the government or a party has too much influence on the peace structure, it can disable it.

The emphasis on the importance of institution-building as a primary peacebuilding activity is growing and is one of the central conclusions of the World Bank World Development Report, 2011: support relevant, legitimate institutions.

Peace structures do not contradict institution building, but rather contribute to the legitimacy of institutions by increasing their capacity to facilitate political dialogue. Peace structures find their own niche in the spectrum of state institutions by offering specialized facilitation and mediation capacity to respond to socio-political tension and conflict in a manner that is complementary to the other law and order mechanisms.

Further research on the complementary function of a peace structure is needed, including how to find a good balance between government institutions.

Composition of the peace councils

In 1992, in South Africa, all stakeholders were involved in the peace councils. In some peace structures, main representatives of different groups, clans or parties are included. In others, focus is on representation of respected religious leaders. Some argue for a balance of 'doves' and 'hawks' in a peace council: doves alone would be too soft.

Further studies on the possible composition of peace councils and the advantages and disadvantages of different approaches, would be very useful.

Impact assessments of peace structures

We need rigorous assessments of the impact of peace structures. We have some data on their success in South Africa, Ghana and Kenya, but if the infrastructures for peace approach is to be expanded substantially, more research on its impact is urgently needed. What is the best design or what are the crucial best practices?

Electoral violence

One approach could be to monitor elections in countries with existing peace structures and establish a system to study regions with and without one.

Cost-effectiveness of peace structures

What are the costs of establishing an infrastructure and what would be the costs if, without a peace infrastructure, a country collapsed or a state failed?

Authoritarian governments

Infrastructures for peace work only when governments are open for consultation and cooperation with civil society. What can be done if (authoritarian) governments are not open to cooperation and if civil society is still weak? What are potential entry-points in cases like this for working towards some peace structure? Could one of the possible approaches be to start with informal peace councils, at local and district levels?

Lessons from other infrastructures

Many sectors of society have some infrastructures with well defined policies, strategies, training and education, ministries, institutions such as hospitals and armies, etc. What can we learn from other infrastructures in the field of health, education, warfare and fire prevention among others? ■



Literature

- Background documents for the experience-sharing seminar on building infrastructures for peace, Naivasha, Kenya: 2-4 February 2010. UNDP in partnership with NPI-Africa, WANEP and GPPAC. <<http://www.gppac.net/page.php?id=1#par2544>>.
- BALL, Nicole; SPIES, Chris** (1998). *Managing Conflict: Lessons from the South African Peace Committees* [online]. Washington, DC: USAID, Center for Development, Information and Evaluation. <http://pdf.usaid.gov/pdf_docs/pnaca910.pdf>
- BOMBANDE, Emmanuel** (2007). "Ghana-Developing an institutional framework for sustainable Peace-UN, Government and Civil Society Collaboration for Conflict Prevention". In: Paul VAN TONGEREN; Christine VAN EMPEL (eds.) (2007). *Joint action for prevention: civil society and government cooperation on conflict prevention and peacebuilding*. GPPAC Issue paper 4. The Hague: European Centre for Conflict Prevention. Pages 46-54. <<http://www.gppac.net/uploads/File/Programmes/Interaction%20and%20Advocacy/Issue%20Paper%204%20December%202007%20Gov-CSO%20cooperation.pdf>>
- COLLIN MARKS, Susan** (2000). *Watching the wind: Conflict resolution during South Africa's transition to democracy*. Washington, DC: USIP.
- DRESS, Tobi P.** (2005). *Designing a Peacebuilding Infrastructure: Taking a Systems Approach to the Prevention of Deadly Conflict*. Development dossier. Geneva / New York: UN Non-Governmental Liaison Service.
- GHANA MINISTRY OF INTERIOR** (2006). *National Architecture for Peace in Ghana*. <www.gppac.net/page.php?id=1#par2544>
- KUMAR, Chetan** (forthcoming). "UN Assistance for Internally Negotiated Solutions to Violent Conflict". In: Andrea BARTOLI; Susan Allen NAN (ed.). *Peacemaking: a Comprehensive Theory and Practice Reference*. Santa Barbara: Praeger/ABC-CLIO.
- KUT, GEORGE** (2007). "Kenya: Towards the National Policy on Peace Building and Conflict Management". In: Paul VAN TONGEREN; Christine VAN EMPEL (eds.) (2007). *Joint action for prevention: civil society and government cooperation on conflict prevention and peacebuilding*. GPPAC Issue paper 4. The Hague: European Centre for Conflict Prevention. Pages 38-45. <<http://www.gppac.net/uploads/File/Programmes/Interaction%20and%20Advocacy/Issue%20Paper%204%20December%202007%20Gov-CSO%20cooperation.pdf>>
- National Peace Council Bill. Ghana Ministry of Interior. Accra: Government Printer Assembly Press, 2011.
- National Policy on Peacebuilding and Conflict Management (final version, June 2011). Kenya Ministry of State for Provincial Administration and Internal Security. Office of the President. <www.nscpeace.go.ke>
- ODENDAAL, Andries** (2011). *An architecture for building peace at the local level: a comparative study of local peace committees* [online]. Discussion paper. New York: United Nations Development Programme. <http://www.beta.undp.org/content/dam/undp/library/crisis%20prevention/UNDP_Local%20Peace%20Committees_2011.pdf>
- ODENDAAL, Andries; OLIVIER, Retief** (2008). *Local Peace Committees: some Reflections and Lessons Learned*. A study report commissioned by The Academy for Educational Development (AED), Nepal, and supported by USAID. <<http://www.gppac.net/uploads/File/Programmes/EWER/I4P/9.%20LOCAL%20PEACE%20COUNCILS.pdf>>
- OJIELO, OZONNIA** (2010). "Designing an architecture for peace: a framework of conflict transformation in Ghana". Paper presented at the first Biennial Conference and General Assembly of the Society for Peace Studies and Practice in Abuja, 22 January 2007. Legon Centre for International Affairs, University of Ghana, Lejia, 7 (1).
- VAN TONGEREN, Paul** (July 2010). *Infrastructures for Peace*. Working Paper. GPPAC. <www.gppac.net/page.php?id=1#par2544>
- VAN TONGEREN, Paul** (2011). *A Multi-Stakeholder Dialogue on 'Infrastructures for Peace'*. Paper for the International Steering Group to enhance Infrastructures for Peace internationally. Global Peace Building Strategy/World Peace Partnership.
- VAN TONGEREN, Paul** (forthcoming). "Infrastructures for Peace". In: Andrea BARTOLI; Susan Allen NAN (ed.). *Peacemaking: a comprehensive theory and practice reference*. Santa Barbara: Praeger/ABC-CLIO.



VAN TONGEREN, Paul; VAN EMPEL, Christine (eds.) (2007). *Joint action for prevention: civil society and government cooperation on conflict prevention and peacebuilding*. GPPAC Issue paper 4. The Hague: European Centre for Conflict Prevention.
<<http://www.gppac.net/uploads/File/Programmes/Interaction%20and%20Advocacy/Issue%20Paper%204%20December%202007%20Gov-CSO%20cooperation.pdf>>

UN (2006). *Progress report of the UN on the Secretary General's Report 'Prevention of Armed Conflict'* (2001).

UN DEVELOPMENT PROGRAMME (2008). *Supporting Implementation of the Peace Agreements: A Programme Framework for Dialogue and Reconciliation in Kenya in the Aftermath of Elections-related Violence, 2009-2010*. UNDP.

UN SECURITY COUNCIL (2009). *Report of the Secretary-General on enhancing mediation and its support activities* [online]. 8 April 2009. Document S/2009/189. <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/278/78/PDF/N0927878.pdf?OpenElement>>

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A Western King and an Ancient Notion: Reflections on the Origins of Ombudsing

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■ Abstract

The ombuds idea has taken root around the globe providing critical protection for citizens in public, private and social sectors. Contemporary ombudsing is a unique practice which provides a rare, often fair-minded mechanism of protection for the individual with a grievance. The seeds of this modern idea may be found in ancient world cultures as well as Scandinavian history. An early version of the idea appears in a decree creating a Highest Ombudsman signed by Swedish King Charles XII in 1713, notably while he was living in exile in Turkey, during which time Sweden was in turmoil. Sometimes mechanisms for peace emerge from conflict. The modern ombuds office is often pivotal in addressing and reducing bureaucracy and conflict. As ombudsing continues to grow worldwide, as ombudsing as a human rights mechanism expands, as visitors to the ombuds office represent many world cultures, recognizing the multicultural influences and antecedents to ombudsing may deepen the international dialogue. The aim of improving governance is integral to modern ombudsing, and this aim may even be seen in the creation of the earliest Highest Ombudsman, today in Sweden existing as the Chancellor of Justice. The shift in the ombudsing function between 1713 and 1809 and thereafter, illuminates the development of the role against the backdrop of history. Early versions of the idea included protection of individuals as well as aims of good governance. For the Parliamentary Ombudsman and contemporary models, independence and integrity are core components of the office. With the growth of ombudsing across sectors, continued reflection on patterns of power, governance, accountability and culture may prove fruitful.

■ Keywords

ombuds, ombudsing, Sweden, King Charles XII, Turkey, grievance

1. INTRODUCTION

Ombudsing is a unique practice which provides a rare, often fair-minded mechanism of protection for the individual with a grievance. The concept of an ombudsperson¹ has multicultural roots but in its modern form is largely of Scandinavian origin. Ombudsing has been steadily growing worldwide and often contains pulses of democracy. An

ombuds officer can hear and resolve grievances in public, private and social sectors, and can influence improvements in administration. In the study of international ombudsing, the Swedish and Danish parliamentary ombudsman models are foundational to modern ombudsing functions as we know them. They are associated with modern democracy, human rights and the free individual (Kucsko-Stadlmayer, 2009). History shows us that there are ancient, multicultural

¹ There is extensive discussion about the word ombudsman. In this article I attempt to use the versions respectfully.



antecedents to the ombuds idea (Kracke, 1976; Perry, 1978; Waley, 1938), but the first formal ombudsman, the Highest Ombudsman, emerged from a curious series of events. Swedish King Charles XII, having tried to rule his rapidly declining country from afar for thirteen continuous years, signed a series of administrative reforms which included a decree for the *Hogste Ombudsmannen*, the Highest Ombudsman, in October 1713. Sweden lay in ruins, the citizens suffering from famine and poverty after years of war and hardship while their ruler lived thousands of miles away, in Turkey, as an unwanted guest of the Ottoman rulers. The Highest Ombudsman was to make sure that state officers were acting in accordance with laws and regulations (Wieslander, 1999). The Highest Ombudsman is now known as the Chancellor of Justice. The Swedish Parliamentary Ombudsman was formally created in 1809 and is a vital, thriving institution today along with the Chancellor of Justice.

Early versions of the ombuds idea included protection of individuals as well as aims of good governance and conflict mitigation. For the Parliamentary Ombudsman and contemporary models, independence and integrity have emerged as critical components. With the growth of ombudsing across sectors, reflection on structures and patterns of power, governance, accountability and culture may continue to prove fruitful. To reflect on events leading into modern ombudsing, this article considers some ancient, multicultural antecedents, key events in the creation of the Highest Ombudsman, and briefly considers the Parliamentary Ombudsman which is foundational to many contemporary offices.

2. AN ANCIENT NOTION

A survey of history provides us with ancient stories of justice for the aggrieved from leaders around the world with mythical qualities of benevolence such as Solomon, Yao, Saint Louis, Anusharvan, Theodosius the Great and King Harsha (Kracke, 1976). One example is from the 3rd or 4th century B.C. in the Chinese “Ritual of Chou”:

“By means of the lung stone he gives an outlet to common people in distress. If anywhere, far or near, there is anyone without brothers or without children, old or young, who wants to report a grievance to the higher authorities, but his headman will not transmit the complaint, such a one is to stand upon the lung stone for three days, and any gentleman who hears his words must report them to the higher authorities and bring the blame home to the headman.” (Waley, 1938, p. 494)

We also find documented proof of early systems for redress in cultures across the globe. Bells and drums were an integral part of many early legends of citizen grievance systems lending a particular aural component to the concept of citizen’s appeals. Grievance bells are noted in the third and fourth centuries in Chinese history and also in Japan in 647, the Khitan Empire in 1039, Islamic writings in the 11th century, India in the 12th century and in Siam and Europe in the 13th Century (Kracke, 1976).

The first reference to a petitioner’s drum, in 269 AD from Korean historical records, depicts a *sinmun’go* drum designated for complaints during the leadership of King Taejong of the Joseon dynasty. All citizens could request justice for wrongs or notify the king of dangers by using this drum located near the palace (Woo-Keun, 1970).

In addition to colorful stories of devices such as bells and drums to sound the pleas of the wronged, there are other representations which may have aspects related to the ombudsman idea. These include the Chinese Censorate and the Roman Tribune of the Plebs. In addition, prototypes for the ombudsman emerged in Middle Eastern cultures and within the medieval Germanic tribes, as well as Swedish culture.

Swedish King Charles XII hatched his idea of an ombudsman while living in Turkey, in exile as a guest of an Ottoman sultan. “Protection of the people against oppression, called *mazalim*, was always a primary duty of the just sultan...” (Darling, 2008, p. 510)

Mazalim sessions can be found in Persian history. From 1457 to 1478 Uzun Hasan ruled Aqquyunlu in northwestern Iran and Eastern Anatolia. According to the account of Budaq Munshi, describing a *mazalim* session:

“When Uzun Hasan had finished the morning prayer, the ‘drum of justice’ would be sounded to indicate the convening of the court of appeals (*diwan-i-pursidan*). There he would appear in person clothed in dervish attire (*libas-i-darwishan*)... Needy, indigent plaintiffs (*hark as az faqui wa darwish*) were then summoned to present their suits through a public official who acted as their advocate and intermediary (*parwanchi-yi ajaza wa masakin dar an dawr i-tibar dashi sukhani-I faqiranra miguft wa dara maqam- muhimm-sazi mishud*). Cases would be settled immediately and secretaries in attendance would draft and issue the orders. The plaintiffs would leave the court with firm decisions not subject to change or alteration.” (Perry, 1978, p. 208)

History suggests that devices and concepts of representation for the wronged traveled across borders throughout time. Some of these ideas embodied a sense of protectorate for the people as well as attempts to improve governance. In 1976, Edward Kracke noted that, “the ombudsman in-



stitution had incorporated, consciously or not, much of the heritage of the quests for individual justice found in both East and West.” (p. 8) Vilification trees, lung stones, bells, drums, colorful clothing, cries for justice and complaint boxes - the voice of the aggrieved has sounded for thousands of years entwined in our historical connections. Today the ombudsman position is a critical institution around the world. In 1713, Swedish King Charles XII signed a decree for a number of administrative reforms including a decree for the King’s Highest Ombudsman. What led to the inception of this post created by decree in Timurtasch, Turkey? And who was King Charles XII of Sweden?

3. A WESTERN KING

King Charles XII was one of the last warrior kings in Europe. He was a colorful and complex historical figure. He has captured the imagination of many historians and literary figures including Robert Nisbet Bain, Voltaire and Strindberg. Studies indicate that Charles XII was considered both a hero and a villain, depending on the aims of the authors in depicting his rule (Moerk, 1998). Moerk also suggests that the arc of his rule had a profound impact on Sweden’s attitudes to war and peace (1998).

Born in 1682 in Sweden, Charles XII was the only son of King Charles XI and Queen Ulrica Eleonora. He was the third king of the Wittelsbach dynasty and ascended the throne at the tender age of fifteen, on his father’s death in 1697. At the end of the 17th century, Sweden was a major power in Europe with control over the Baltic Sea. In 1700, Denmark, Poland and Russia formed an alliance to defeat Sweden. The military prowess of Charles XII, a young inexperienced king, took the members of the alliance by surprise and, after his stunning victory, he earned the nickname ‘the Swedish Meteor’ (Cooke, 1981, p. 144).

Disciplined and bellicose, Charles soon began waging what was known as the Great Northern War, in Europe, lasting eighteen years. He waged battles against enemies of Sweden, including his mortal enemy and peer, the Russian Emperor, Peter the Great. One of the first was the Battle of Narva, in 1700, where Charles and his men triumphed over Peter the Great. Despite repeated requests by his allies to engage in or discuss peace treaties, Charles declined unless he personally perceived a benefit (Bain, 1895). Charles roared through the already declining resources of the Swedish state, expediting its decline as a great power. In 1709, Charles was decisively defeated by Peter the Great at the Battle of Poltava, and his army was decimated. Wounded, Charles and his remaining men took refuge in the village of Varnitsa near

Bender, in present-day Moldova, at the invitation of the rulers of the Ottoman Empire, who were also enemies of Peter the Great. Having left Sweden in 1700 and having been away at war for nine years, Charles remained in Turkey and continued to rule from abroad while struggling to negotiate diplomatic and financial terms to ensure his safe return to Sweden.

4. RULING FROM AFAR: THE KALABALIK AND A PECULIAR RESPITE

In Turkey, Charles lived off the resources of the Ottoman Empire and gained another nickname *Dembiras Sarl*, or ‘Ironhead Charles’, for living on the state’s iron coins, and in reference to his obstinate nature (McCarthy, 1965). Initially welcomed by the Turks, over time he became less welcome. He began inciting wars from within Turkey. According to Bain (1895) he was asked to leave but repeatedly refused. He angered the Sultan and orders were given to take Charles from Bender to Adrianople, dead or alive (p. 210). Charles still refused to leave.

“To all remonstrances he was either deaf or rude. When the clergy protested against needless blood shedding, he bade them go and preach elsewhere as he meant to fight. When even his own soldiers implored him not to stain the honor of the Swedish name by drawing his sword against friends and benefactors, he roughly replied: “Hold your tongues and obey orders!” (p. 211)

And so, in February 1713, Charles fought a battle which is referred to as the Skirmish at Bender or the “Kalabalik” (Kent, 2008; McCarthy, 1965). According to McCarthy (1965), Kalabalik is a combination of two words meaning ‘tumult’ or ‘the hunting down of dangerous game’, which in this case was King Charles (p. 391). With a band of approximately fifty men he battled against thousands of Turks and Tartars (McCarthy, 1965). At the end he posted his remaining men and ordered them to “hold out till 4 o’clock next morning, when they would be able to dictate their own terms besides filling the whole world with amazement at their valour” (Bain, 1895, p. 215). The Turkish army then returned with flaming arrows to try to burn Charles and his army out. Charles went to the roof to extinguish the flames but, exhausted and with the house collapsing, retreated with his men to the nearby Chancellery. There he was captured.



5. DECLINING EMPIRES AND ADMINISTRATIVE CRISES

Charles was moved from Bender to Adrianople where he was put under house arrest at the castle of Timurtasch and succumbed to an unknown illness. There is speculation about this respite and whether or not he was truly ill.

According to Voltaire (1908), Charles

“[...] who was always in the extremes, felt the Turks did not pay him that respect which was due to his royal person, or oblige him to compromise his dignity, took to his bed, and resolved not to quit it as long as he should stay at Demotika. He remained 10 months in his bed pretending to be ill [...] During the time that Charles was thus passing his time in bed; he was apprized of the desolation of all his provinces that were situated without the limits of Sweden.” (p. 305)

Carl Gustafson Klingspor, who was present at the time, wrote:

“His Majesty did not counterfeit a malady when he kept abed for forty-three full weeks, but did in truth suffer from a tertian fever, which put us in terrible apprehensions and caused us to return with him to Demotica, if he might there during the winter recover his health from the salubrious breezes of the place. God wot, our hopes were mightily fulfilled, for here he grew healthy and vigorous.” (Gade 1916, p. 324)

According to Bain he was:

“...passing his time in playing chess, reading romances, and dictating dispatches [...] Not till New Year’s Day, 1714, did he resume his clothes and his old active habits. In the following March a special envoy from Stockholm [...] arrived at Demotika with orders from the Senate to bring Charles back at any cost. For by this time the condition of the kingless kingdom was absolutely desperate. Her resources were utterly exhausted, the last vestiges of her continental empire, except Stralsund and Wismar, had been swept away, and the people, believing Charles to be either mad or dead, clamoured for a new sovereign.” (p. 220)

Charles himself apparently referred to “our lazy dog days in Turkey” (Hatton, p. 314) but it is likely that, after the Kalabalik, he continued suffering from earlier battle wounds and possibly a bout of malaria (Hatton, 1968).

During Charles’ exile in Turkey, Sweden was in crisis, suffering from poverty, plagues, depletion of resources, danger of ongoing war and widespread corruption. To paraphrase historian Robert Nisbet Bain (1895), writing of the 1709 Battle of Poltava, had the King been present, perhaps Sweden would not have been as damaged by this battle. The country was in great need of strong leadership. Early in his career, Charles had restored many of the Swedish territories lost by his ancestors but, during his long exile, the country had plummeted into crisis. With increasing difficulties, including economic decline, government disarray, and territorial disputes with neighbors, Sweden’s strength as a nation was weakening. But Sweden was governed by a monarch far away. Months would pass between when the king dictated his orders and when they arrived and often much had changed in the interim. Charles XII was an absolute monarch and the senate was not empowered to act on its own discretion. Decisions that were made were likely to be undone by an order from Charles at Bender. Although he once had much promise as a ruler, decisions made from a distant land without his being privy to all that ensued on the home territory made ruling very complex. Ideas that he mandated from Bender, but which were no longer relevant in Sweden, meant his rule was constantly challenged. Things became so desperate that the councilors in Sweden sent Major-General Liewen to Demotika to plead for the King’s return.

“Faithfully did he recount to his King the sad state into which our beloved country had fallen through his absence, and that the very government was going to wreck did he remain longer away. Thereupon he handed His Majesty the letter from the Council, in which they full plainly stated that the country could be regarded as a body, whose sinews were all severed and from the veins of which all blood had been drained. What it now attempted for defense both by land and sea went on but tardily, for his subjects were filled with melancholy near to despair, which could not be conquered. It did now seem as if there be but a few months before those who still hold ground would totally go under. The poverty was so great that the very officials had neither pen nor paper and the wealthiest must lie abed sixteen hours of the day, being without candles to light the dark hours with.” (Gade, 1916, p. 326)

Well aware that Sweden was in dire straits and guided by an coterie of advisors, Charles initiated a series of exten-



sive policy and administrative reforms from Timurtasch. The decree for a major administrative reorganization was signed on October 26, 1713 (Hatton, 1968). One of the goals of the King's reforms was to "make government more efficient and just" (Hatton, 1968, p. 314). The reforms included a decree creating the institution of the King's Highest Ombudsman.

6. ADMINISTRATIVE REFORM

In the modern world, the ombuds office is often created as an administrative reform to increase or improve governance and accountability. The seeds of this idea were evident in the 1713 decree. Charles XII faced a level of broad complexity in ruling a declining empire from thousands of miles away. In addition, since the Swedish Estates were operating in his absence, his situation very likely expedited, in Sweden, the movement away from absolute sovereignty that was sweeping across Europe.

Charles' massive reform included six 'state expeditions' or departments. Two of these expeditions covered foreign affairs, and three covered domestic affairs (military, state economy, and trade). There was to be an *ombudsrad* at the head of each of those five expeditions. The word *ombudsrad* was given by the King with the idea of someone whose role included serving an intermediary function between the King and the administration (Hatton, 1968). The intention was that each *ombudsrad* would talk about expedition activities with the King and assist with the execution of decisions. It was the *ombudsrad*'s job to: "[...] take the initiative and to lay before the King plans which would be for the service of His Majesty and benefit of the State." (p. 343)

These five expeditions were expected to cooperate and the *ombudsrad*s were expected to work together on related issues. The *ombudsrad*s were also expected to meet with the King for matters of great importance such as the budget for the coming years (p. 343).

In addition, the reform designated a sixth expedition. This was separate and known as the 'revisions-expedition', and the Highest Ombudsman was to serve as the head. His primary objective was to ensure that laws were obeyed and to oversee the "proper, efficient and fair functioning of the administration" (p. 343).

While in Timurtasch, Charles provided nominations for a *Hogste Ombudsmannen* as well as *ombudsrad*s for the five other expeditions. The first *Hogste Ombudsmannen*, Leijonstedt, started immediately. These reforms were made in addition to recommendations in areas such as tax reform and the creation of a *Hogste Ordningssmannen*, the

Highest Order Man. This position was designated as a central authority (Hatton, 1968).

"...someone to see that orders and regulations were carried out not only by administration (that was the field of the Hogste Ombudsman) but also among the population at large. In 1718 a 'Hogste Ordningssmannen' was designated to be in charge of 'order' in the broadest senses in cooperation with local authorities." (p. 440)

The administrative reforms were sent to Stockholm in 1713, but they did not take effect until the King returned to Sweden. Of the many reforms recommended and implemented by Charles and his advisors, only one has endured: The Highest Ombudsman (Hatton, 1968).

7. THE DECREE FOR HIGHEST OMBUDSMAN IN TIMURTASCH, TURKEY - EAST MEETS WEST

Ombudsing is often considered a Western notion, but the multicultural antecedents and location of its creation suggest broader influences. Swedish King Charles XII had lived in Bender before signing the decree for the Highest Ombudsman at Timurtasch Castle. The city of Bender, or Bendery, is in the country now called Moldova, formerly Moldavia. Suleiman the Magnificent conquered the town then known as Tighina, in 1538, and renamed it Bender. It is governed as part of the autonomous region on the right bank of the River Dniester (Bender, 2011).

During the Middle Ages it was under the Principality of Moldavia and was a commercial port. For much of the Ottoman Empire (1538-1812) it was under Turkish rule. The castle was outside the town which, in 1713, was known as Adrianople. Adrianople was once known as Uksdama but was renamed Hadrianople by the Roman Emperor Hadrian (117-138). The city was conquered by the Goths in 378, later by the Ottoman sultans and was captured during the Russo-Turkish wars. A multi-ethnic trade center over the centuries, it is now known as Edirne.

There appears to be somewhat limited research on what led to Charles' initial creation of the idea of the ombudsman in 1713. Charles' writings (now stored in the Swedish National Archives) show that discussion around the concept and word usage (including the choice of the word 'ombudsman' a word already in use with Old Norse roots) preceded the signing of the ordinance in Timurtasch (Orton, 2001).



According to Mats Melin, former Swedish Chief Parliamentary Ombudsman (2006):

“Even if the first of Ombudsmen was elected by the Swedish Parliament, the very essence of the idea of an Ombudsman – an independent official with the power to investigate complaints from members of the public and who can criticize illegal, unfair or improper actions by public authorities and make recommendations – is not unknown in other, even older cultures. Within the Islamic legal system, for example, during the era of the Abbasids, complaint handling agencies called *Diwan al Mazalim* were established.” (p. 2)

It is hard to determine all that may have influenced the creation of the ombudsman. The word has Scandinavian roots and associations. Grievance resolution appears to have been a part of Ottoman administration. *The Record Book of Complaints* provides documentation on problems, petitions and grievances of citizens and casts some light on a variety of Ottoman Empire grievance procedures including the *mazalim*, but these records are from the late 18th century, after Charles’ exile (Ursinus, 2005). Charles worked with representatives from many cultures, was schooled in the classics and may have been familiar with other cultural representations of intermediaries for the government. He may have been influenced by Turkish culture. According to Daniel Goffman (2002), the strong influence of the Ottoman Empire in Europe has been underestimated. He states that “the Ottoman Empire constituted an integral component of Europe and that neither the Ottoman polity nor Europe makes a lot of sense without the other” (p. xiv).

In any case, Charles’ decree launched a newly formed concept for the Highest Ombudsman. A translation of the rough draft of the order from old Swedish includes:

Instructions (King Charles XII, 1713): Wherein His Majesty the King resolutely wills that the Highest Ombudsman, in this office, shall have these rights.

Given at Timurtasch on October 26, 1713

Printed by Johan Henrik Werner, Royal Printer, 1717.

The Highest Ombudsman’s Office consists first and foremost of having a universal insight into (overseeing) how ordinances are observed, and each of these Offices complies with his duty, which he executes in part through his own arrangement, in part through inquiries and proposals handed in to His Majesty the King and in part through orders issued in the Name of His Majesty the King. Secondly, to himself on certain occasions plead the case against those who likely offend [...] (p. 1)

According to Bengt Wieslander, former member of the Swedish Justice of the Supreme Administrative Court and President of the Supreme Administrative Court (1999):

“This Ombudsman had no political authority, but was to ensure that laws and regulations were observed, and that officers of state discharged their duties. Should the Ombudsman find that this was not the case, he had the right to prosecute for negligence.” (p. 13)

Frank Orton, Former Swedish Ombudsman against Ethnic Discrimination (2001) states:

“The task of this Ombudsman was to ensure that the judges, military officers and civil servants in Sweden were observing the laws of the country and the rules laid down for them. Having at that time been away from Sweden since he left thirteen years earlier on his campaign against Russia, the King obviously felt a need to have someone monitoring things in his home country on his behalf.” (p. 1)

8. SEEDS OF AN IDEA – LASTING CHANGE

Charles returned to Sweden in 1714. The new administrative reforms including the expeditions headed by *ombudsrad*s and the *Hogste Ombudsmannen* were implemented on his return. New Swedish administrators as well as trusted advisors helped move the reforms forward. The literature indicates that these reforms had some success and the *ombudsrad*s met as required in the King’s reform (Hatton, p. 439-440). The first *Hogste Ombudsmannen*, Leijonstedt was apparently quite active in the role.

Charles, once known for his power and process in arbitrating territorial disputes, spent his remaining years dedicated to sieges to reclaim areas of the Swedish Empire lost while he was in exile. Charles was killed at Friedriksen in 1718, during a battle against Denmark. After a life fraught with conflict, even his death was controversial. For centuries, historians and forensic experts have studied the evidence to determine whether his death was an accident or regicide, as some contend, the result of an assassination made to appear accidental (Nordling, 1998).

The early version of the ombudsman, the *Hogste Ombudsmannen*, was not an idea deliberately conceptualized to protect the rights of individuals, but was born out of a crisis of governance and contains the seeds of an attempt to improve administration. Ombudsing literature often points to the Swedish Parliamentary Ombudsman as the first ombudsman:



“The reason, why the Ombudsman institution, thus established by the King in 1713, sometimes is not mentioned as the forefather of all the world’s ombudsman institutions, is precisely its close connection with the executive power, its not being as independent as an ombudsman is nowadays supposed to be. Its role in relation to the development of the ombudsman concept is nevertheless significant. Strong under King Charles and his predecessors, the monarchy became weak soon after his death in November 1718, while parliament grew correspondingly strong. As a result, this 1713 institution, in May 1719 renamed the Chancellor of Justice, *Justitiekanslern*, in reality became an institution of Parliament rather than of the King. When, however, the King again became absolute ruler in the latter part of the 18th century, the institution returned to being associated with the executive. But Parliament did not forget its value.” (Orton, 2001, p. 2)

The ombudsman concept evolved significantly between its inception in 1713 and the creation of the Parliamentary Ombudsman in 1809. His Majesty’s Highest Ombudsman reported directly to Charles, an absolute monarch, and was charged with ensuring that judges and administrators acted in accordance with the law and the King’s wishes, with the power to initiate legal proceedings. On the King’s death, many of his reforms came to an end, but the *Hogste Ombudsmannen* endured.

9. THE PARLIAMENTARY OMBUDSMAN

The term *Frihetstiden* is used to describe the period of Swedish history from 1718 to 1772, between King Charles’ death and the autocratic rule of King Gustav III. The parliament had much jurisdiction over the country and the period was marked by significant development in science and the arts. This Period of Liberty or Age of Freedom was also relatively peaceful, with a movement from absolutism to a modern parliamentary system. The title of Highest Ombudsman was changed, in 1719, to *Justitiekanslern*. Under increasing parliamentary rule after Charles, the Chancellor of Justice became an ombudsman for the government. The Swedish Parliament elected its own Chancellor of Justice in 1766, but in 1772 the appointment of the *Justitiekanslern* reverted to the monarch. The monarch at the time, King Gustav IV, maintained autocratic rule until he was effectively deposed in 1809, and today the Chancellor of Justice again serves as an ombudsman for the government (*Justitieombudsmannen*,

2011). This Chancellor of Justice maintains a key and valuable role in Sweden today (Orton, 2011).

The concept of the Parliamentary Ombudsman was drawn up in the 1809 Swedish Constitution as an office independent of the Parliament. The position was established in connection with the adoption of the Instrument of Government and was influenced by Montesquieu and Locke’s ideas about the division of power, as well as some uniquely national influences (Wieslander, 1999). A new constitution was introduced to balance executive power with the Riksdag (Swedish Parliament). It was determined that a Parliamentary Ombudsman would be elected to oversee public administration enacted in accordance with the law. According to Wieslander (1999), the first article of the first chapter of the Constitution, known as the Instrument of Government, states that, “public power shall be exercised under law” (p. 9). A constitutional committee proposed the formation of a Parliamentary Ombudsman in 1809. This was incorporated as Article 96. Here, independence and integrity appear as key elements in defining the role of the Ombudsman. The proposal delineated requirements of the position:

“At each Rikstag the estates were to appoint a man, known for his knowledge of the law and exemplary probity, to act as their representative in accordance with the instructions which were to be issued to him, to exercise: Supervision of the observance of the laws by judges and officers of state, and to prosecute, with due process of law, those who in discharging their duties, through violence, personal considerations, or for some other reason, act unlawfully or fail to fulfill the duties pertaining to their office.” (Wieslander, 1999, p. 14)

There was some debate on the similarities between the Parliamentary Ombudsman and the Chancellor of Justice (formerly the Highest Ombudsman) because of their similarities in administration:

“The few records that remain regarding the reasons for creating, in 1809, a post which resembled that of the Chancellor of Justice, but whose occupant was to be appointed by the Estates, reveal that the Parliamentary Ombudsman was intended primarily to establish a system of supervising the discharge of public office which was independent of the Government. This intention is expressed clearly in a brief subordinate clause in the Constitutional Committee’s memorandum on the draft Instrument of Government.” (p. 14)

Frank Orton (2001) states that:

“This 1809 institution is still, almost 200 years later, a well-functioning institution in Swedish society,



keeping public servants in check with its inspections and its criticism in individual complaint cases, helping others with useful advice and examples of good governance, seldom exercising its original role as a prosecutor bringing wrong-doers before a court of law (p. 2).

According to Stanley Anderson (1969):

“[...] In the Basic Law of 1809 [...] the Swedes provided for a Riksdagens Justieombudsman, ‘Parliament’s Agent of Justice’. The post provided a counterweight in the balance of power whereby King and Parliament both controlled administration, that is to say, primarily the judges and police. Finland followed suit when it gained independence in 1919. The modern embodiment of the Ombudsman is reflected more accurately in the Danish version, as provided in the 1953 Constitution. The Ombudsman as we now know him is a constitutional officer appointed by Parliament to receive, investigate and report on citizen’s complaints of bureaucratic abuse. The Swedish and Finnish offices have come to serve the same function, as have the newer offices in Norway [...]” (p. 2-3)

10. MODERN OMBUDSING – CONTINGENT TURNS OF HISTORY

Ombudsing grew slowly at first. The Highest Ombudsman was created in 1713 and underwent changes with the political winds of Europe, with the first Parliamentary Ombudsman created in 1809 in Sweden. This was followed by Finland in 1919, when they gained independence from Sweden. In 1953, Denmark created their office, in 1962 Norway and New Zealand, then in 1967 Great Britain (Anderson, 1969). In the 1950s and 60s the idea grew rapidly worldwide with continued growth in the public sector and new versions in the private sector and in academia. In academia, creation of the office was largely due to student advocacy and unrest on campuses. The advance of ombudsing reportedly occurred on various North American campuses including Simon Fraser University in Canada, Michigan State University, and the State University of New York at Stony Brook in the 1960s (Anderson, 1969). In recent years the position has

expanded in concert with calls for corporate accountability, health care needs and human rights advocacy across the globe. But as ombudsing grows today, as ombuds offices are thoughtfully and carefully constructed with attention to ideas of independence and integrity, reflections on the early models can provide insight on multicultural influences as well as historical trends in institutional and executive power.

11. CONCLUSION

The year 1713 was, by all appearances, a desperate time for a distant king ruling his country through letters (Corobon, 2010). Perhaps there is irony in the idea that an institution now associated with peace was launched by a warrior king. Although the early version of the ombudsman was not an idea deliberately conceptualized to protect the rights of individuals, and the parliamentary model is significantly different in function from the Highest Ombudsman, it appears that this early version presented an idea that shifted and grew in the ensuing years.

As the worldwide growth in ombudsing suggests, this function provides valuable services. The plight of an individual with a grievance within or against an organization or bureaucracy can be a heavy burden to bear. Concern for maltreatment of an elderly parent in a nursing home, a student with a grievance but afraid of retaliation, a staff member concerned with maladministration, a safe place for someone to share their concerns without reprisals, or the airing of human rights abuses – these are examples of grievances that are brought to the ombuds office. But more research is needed to deepen the dialogue and analyze the concept as it continues to be constructed. Today many governments and institutions around the globe have an ombuds officer. An ombuds officer can provide guidance and explore options for grievance resolution providing relief and hope to individuals worldwide.

The term ‘pioneer’ was originally a military term for foot soldiers who dug ditches and paved the way. Swedish King Charles XII was a warrior king but perhaps in the field of ombudsing he was an accidental pioneer. Perhaps the unheralded members of the Constitutional Committee creating the Parliamentary Ombudsman Office in Sweden in 1809 were pioneers. But probably it is the men and women around the globe working with integrity and noble aims who pioneer this valuable function. ■



References

- ANDERSON, S. V. (1969). *The Ombudsman Papers*. Berkeley, CA: Institute of Governmental Studies. 420 pages.
- BAIN, R. N. (1895). *Charles XII and the Collapse of the Swedish Empire 1682-1719*. London, G.P. Putnam's Sons. 320 pages.
- Bender, Moldova [Wikipedia entry]. [Date of consultation: 24 June 2011]
<http://en.wikipedia.org/wiki/Bender,_Moldova>
- COOKE, J.; KRAMER, A.; ROWLAND-ENTWISTLE, T. (1981). *History's Timeline*. London: Grisewood & Dempsey Ltd. 495 pages.
- COROBON, C. (2010). "Sweden and the Jacobite Movement." *Revisita Romana pentru Studii Baltice si Nordice*. Vol. 2, iss. 2, pp. 131-152.
- DARLING, L. (2008). "Political Change and Political Discourse in the Early Modern Mediterranean World." *Journal of Interdisciplinary History*. Vol. 38, iss. 4, pp. 505-531.
- GADE, J. (1916). *Charles the Twelfth King of Sweden translated from the Manuscript of Carl Gustafson Klingspor*. Boston: Houghton Mifflin Co. 371 pages.
- GOFFMAN, D. (2002). *The Ottoman Empire and Early Modern Europe*. Cambridge University Press. 273 pages.
- HAMMOND (2008). *The World Almanac*. Canada: Hammond World Atlas Corp. 292 pages.
- HATTON, R. M. (1968). *Charles XII of Sweden*. London and Southampton, UK: The Camelot Press. 656 pages.
- JUSTITIEOMBUDSMANNEN (2011). *History* [online]. Stockholm: The Parliamentary Ombudsmen - JO. [Date of Consultation: 24 June 2011].
<http://www.jo.se/Page.aspx?MenuId=20&MainMenuId=12&ObjectClass=DynamX_Documents&Language=en>
- KENT, N. (2008). *A Concise History of Sweden*. New York: Cambridge University Press. 314 pages.
- KING CHARLES XII (1713). *Instructions for the Highest Ombudsman*. John Henrik Werner, Royal Printer, 1717. Translation: Anna Anderson.
- KRACKE, E. (1976). "Early Visions of Justice for the Humble in East and West". *Journal of American Oriental Society*. Vol. 96, iss. 4, pp. 492-498.
- KUCSKO-STADLMAYER, G. (2009). "The Spread of the Ombudsman Idea in Europe." Vienna, Austria: International Ombudsman Institute Paper.
- MCCARTHY, D. (1965). "The Kalabalik, The 'Hunting Down' of Charles XII." *History Today*. Vol. 15, iss. 6, pp. 391-399.
- MELIN, M. (2006). *The Ombudsman and the Citizens – Lessons to be Learned from the Scandinavian Experience*. Speech to the Doha Democratic Forum.
- MOERK, E. (1998). "From War-Hero to Villain: Reversal of the Symbolic Value of War and a Warrior King". *Journal of Peace Research*. Vol. 35, iss. 4, pp. 453-469.
- NORDLING, C. (1998). "The Death of King Charles XII – The Forensic Verdict." *Forensic Science International*. Vol. 96, iss. 2-3, pp. 75-89.
- ORTON, F. (2001). *The Birth of the Ombudsman* [online]. Sarajevo: The Human Rights Ombudsman of Bosnia and Herzegovina. [Date of consultation: 23 June 2011].
<http://europeandcis.undp.org/files/uploads/John/OMBUDS_HISTORY.doc>
- PERRY, J. R. (1978). "Justice for the Underprivileged: The Ombudsman Tradition of Iran". *Journal of Near Eastern Studies*. Vol. 37, iss.3, pp. 203-215.
- URSINUS, M. (2005). *Grievance Administration (sikayet) in an Ottoman Province: The Kaymakam of Rumelia's Record Book of Complaints of 1781-1783*. London and New York: Routledge / Curzon.
- VOLTAIRE, M. (1730). *History of Charles XII, King of Sweden*. London: J. M. Dent, 1908. 410 pages.
- WALEY, A. (1938). "The Lucky Stone and the Lung Stone". *Bulletin of the School of Oriental Studies*. University of London. Vol. 9, iss. 3, pp. 729-732.
- WIESLANDER, B. (1999). *The Parliamentary Ombudsman in Sweden*. Translation by D. Jones. Sweden: The Bank of Sweden Tercentenary Foundation & Gidlunds Bokforlag.
- WOO-KEUN, H. (1970). *The History of Korea*. Seoul: Eul-Yoo Pub. / The Academy of Korean Studies. 551 pages.



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PROFILE

Mediators Beyond Borders International (MBB)

Charlie Pillsbury

■ Abstract

Mediators Beyond Borders International is a tax-exempt not-for-profit corporation which brings together mediators and allied professionals to volunteer worldwide to collaborate on building conflict resolution capacity in underserved areas to make local peacebuilding more effective and sustainable.

■ Keywords

mediation

GENERAL DESCRIPTION OF THE WORK

“Building sustainable conflict resolution capacity for a more peace ‘able’ world”

Mediators Beyond Borders International’s Vision Statement

Mediators Beyond Borders International (MBB) is a tax-exempt not-for-profit corporation which brings together mediators and allied professionals to volunteer worldwide to collaborate on building conflict resolution capacity in underserved areas to make local peacebuilding more effective and sustainable. MBB also advocates the advancement of mediation to resolve public policy disputes and other conflicts.

MBB works in partnership with local organizations and leaders in each area where it has a project. It generally serves groups located in areas where there are difficulties as a result of war, major civil conflict, or a significant natural disaster.

MBB currently has seven active projects:

- **Climate Change** (UNFCCC Observer Project)
- **Colombia**
- **Ecuador**
- **Israel** (Neve Shalom/Wahat al-Salam)
- **Liberian Initiative** (“*Women Hold Up Half the Sky*”)
- **Sierra Leone**
- **Zimbabwe**

The main characteristics of the organization are:

- Projects typically staffed exclusively with trained volunteers who are MBB members.
- “Core” teams of volunteers who travel to project locations and engage actively with local grass roots groups, as well as organizations including the UN, international and local NGOs, local governments, professionals and community leaders.
- MBB generally makes a three to five year commitment to its local partners.



- MBB tries not to work in areas already adequately served by local and other international conflict resolution professionals and NGOs.
- MBB does not act as a first-responder organization in any area, and does not work in areas where there is active war or other major violent conflict.

The two main objectives of MBB are to engage in projects that build local conflict-resolution skills or peacemaking capacity, or projects that advance the use of appropriate conflict resolution processes in public policy arenas. MBB projects are carried out by trained, skilled conflict resolution volunteers in areas where longer-term, but not necessarily continuous, involvement is beneficial.

MBB works at the invitation of and in partnership with local partners, training or, whenever possible, training the trainers; acting as mentors; creating networks; and setting up systems.

The projects are always in direct collaboration with the efforts of one or more local organizations, including local communities, universities, professional groups, not-for-profit organizations and others. This collaboration typically takes a different form in each project. Ultimately, the success of any MBB project depends on the effectiveness of its partnerships and the local groups and leaders with whom it works.

Each proposed project progresses through three phases: exploration, assessment and implementation.

MBB Board approval is required for each project to proceed to the next stage. The evaluation of the project proposal takes different criteria into consideration. These include the team's cultural and language competence, sufficient contextual research (cultural, conflict, political, economic), the feasibility of the initial project idea, the potential for sustainability, the team commitment to MBB principles, and security – sufficient knowledge and mitigation of physical safety risks and plans for responding to emergencies.

When a project reaches the assessment stage, the MBB Board assigns a Board member to liaise with the project leadership. Project members, particularly “core” (traveling) volunteers, are expected to serve for the entire duration of the project (on average 3-5 years), traveling 1-3 weeks per year or more. An estimated 80% of material hours are worked at home, maintaining partner and community relationships, continuing the interventions and adjusting them, researching conflict drivers and mitigating influences, preparing for future trips, and other activities.

MBB is primarily funded by its volunteer members and other individual donors, but has partners and external funding sources for some of its projects. For example, the Ecuador Project is a collaboration between MBB and JAMS, and is partially funded by the JAMS Foundation. The Liberian Initiative is a collaboration between MBB and the Public Conversations Project, and is partially funded by Humanity United.

MBB's strengths include strong organizational experience and maturity due to long-term, highly successful projects such as the Liberian Initiative. The Board and all-volunteer members are highly dedicated, motivated and experienced. This results in few external commitments that might lead to priority conflicts or conflicts of interest, as well as in minimal expenditures on non-project overheads.

MBB also has some limitations. The all-volunteer project organization severely limits the time that members can spend on-site for any project and projects are therefore challenged to maintain continuity with on-site organizations. Certain types of project activities requiring material time on-site are impractical, even when it is desirable. Another problem is the limited funding sources outside of membership dues and donations, which means that volunteers often have to cover a sizeable portion of project costs themselves.

CASE EXEMPLAR: THE LIBERIAN INITIATIVE

MBB's multidisciplinary Liberia project team has already been working in Liberia and Ghana for four years and has made a 10-year commitment to rebuilding personal and systemic capacity to coexist peacefully, such that a return to civil war atrocities would be unthinkable. Based on five assessment visits, we have established relationships – in communities and with a wide range of local and international partners, covering all sectors, from the grass roots up to the government – that serve as the center of our work.



In 2007, after an invitation from a Liberian resident of the largest Liberian refugee camp in Ghana, MBB began to contribute to the rebuilding of Liberia by training and advising camp residents in setting up a community and peer mediation services.

Building on the widely accepted principle that reintegration of ex-combatants is critical to sustainable peace, MBB expanded to provide a multimodal program for former child soldiers living at the camp. The project trained these youths in conflict resolution and construction skills, supported them, through counseling, to build resilience in the face of their trauma, and provided mentoring by former soldiers now successful in society. While negotiating their repatriation, the project prepared the ground for the youths' return, working through traditional leaders and civil society to bring community concerns to the surface and begin the long process of forgiveness. Project partners lived in the community during the months of transition, bridging the inevitable divides arising from unfamiliar groups sharing space and extremely limited resources. The group has repatriated and safely reintegrated into society, with more than half having steady work in a country with 85% unemployment.

MBB then replicated the program, adapting it to the needs of women who fought in the civil war or were forced into sexual slavery. Stigmatized and with few marketable skills, these women live on the margins of society. This group, alongside other women in the community, is now learning sustainable farming side-by-side and participating in dialogues in addition to the original program.

MBB learns tremendous amounts from local partners about peacebuilding techniques, community sensitization, cultural practices, and translating methods into practical, contextual applications. MBB offers them mentoring through trust-building dialogue, trauma support and resilience building, grant-writing, fiscal management, and other aspects of organizational development.

The invitations grew, and MBB has trained peacebuilding NGOs, churches, and even graduate students at the country's largest university. In so doing, MBB expresses its value of intervening at many levels of society, weaving together diverse peacebuilders to form the fabric necessary to support each other and sustain the practice.

The Liberia team is embarking on its newest project, facilitating dialogues in US cities hosting large Liberian diaspora communities. In the run-up to national elections, the goal is to use the diaspora's influence as leverage to promote peaceful electoral advocacy and reduce the divisiveness that can reignite violence. ■

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**BOOK REVIEW**

Goliath vs David: A Short History of the Fight Against Organised Peace Work

By Holger Terp, (Editor, *The Danish Peace Academy*).

Open Access Publication

ISBN 978-87-91085-04-08

Reviewer: Kevin P. Clements

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■ Keywords

social movements, peace groups, peace activists, history of non violence

In most political theory it is assumed that a nation's 'sovereignty' rests on possessing a monopoly of power or force. Because of this, political leaders tend to stress 'security first' when thinking about the building and maintenance of effective and capable states. It is assumed that states can only survive through time if they have a coercive capacity greater than that available to any single internal actor or combination of actors. It is also assumed that any state worth its salt will have a capacity to defend itself against external threat. National defence, therefore, provides additional justification for a complex and intertwined national security system. At the heart of all state systems, therefore, lies an 'iron fist' of military and police power. In the West, this iron fist is normally covered in a velvet glove so that citizens do not think – too often – about the coercive capacity of the state. The velvet glove is what the state provides its citizens in terms of education, health and welfare benefits and collective goods such as national infrastructure, roads, railways and other transport and communications systems.

Modern state systems, therefore, derive their power from coercive capacity but they get their legitimacy and authority from development benefits and wise rule. Effective, capable and legitimate states will ensure that political leaders, legislatures, judiciaries etc. function with minimal use of force. Those that choose to rule with an iron fist tend to be repressive dictatorships and autocracies. The reality, however, is that all state systems accord very particular privileges to the military and their associated intelligence,

surveillance and other agencies. When these institutions are questioned, challenged or opposed by citizens (spontaneously or in an organised fashion) most state systems are very quick to reinforce patriotic sentiment, suppress dissent and marginalise the dissenters either through ridicule, imprisonment or, in extreme cases, torture and death.

This book is a fascinating collection of cases documenting the ways in which different states target and have targeted organised peace groups and peace movements through the ages. It starts with the famous quote from Hermann Göring:

“The people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them they are being attacked and denounce the pacifists for lack of patriotism and exposing the country to danger. It works the same way in any country.”

From this, Holger analyses the ways in which states all around the world have employed such techniques to discredit, delegitimize and marginalise those who challenge the power of the state. There is, of course, a long religious tradition of such dissent, from biblical injunctions to “love your enemies” to groups such as the Quakers, Mennonites and others. But this has been paralleled by a long line of humanist opposition to war and militarism as well.

Holger Terp weaves these dissenting traditions together, not by focusing so much on the groups themselves but on



the political responses to such groups. He has some excellent examples of conscientious objection to the First World War, such as how different men and women, and anti-war groups were targeted by the State. There is a poignant list of British conscientious objectors, for example, who died as a result of their treatment by the military for their principled opposition to the war. What is surprising about many of these stories is not that the state responded to them with such anger and vitriol but that their efforts to suppress dissent often just served to extend it. There are many cases of First World War dissent from different nationalities. Terp introduces the peace movements and organisations, citing official documents and first person reports to demonstrate how they were treated, and then moves on to a century of brutal state repression of organised peace work.

He looks at peace movements of the inter-war period: the non-violent actions of Gandhi and others in India and elsewhere and the efforts of all capitalist economies to smear peace activists as socialists, communists or anarchists. He has some fascinating material on the Gestapo arrests of Quaker representatives in Germany and the systematic persecution of other pacifists along with Jews, homosexuals, gypsies and others. He cleverly weaves the dictatorial responses to peace dissent with those of western

democracies. When the power of the state is challenged anywhere it elicits a swift and vigorous negative reaction.

In modern times, he looks at the ways in which activists for social change and wider social transformation, such as Martin Luther King, Martin Depp and others, also came under the persistent surveillance of the FBI and other intelligence agencies. Throughout this history there is a persistent strain of political courage in the face of considerable political provocation, informers, fifth columnists, agents provocateurs etc.

Terp presents a huge amount of rich material without editorialising. In doing so he has created a treasure trove of original cases of state repression of organised peace and social movement dissent around the globe. He leaves it up to the reader to discern patterns of state repression of political dissent and draw their own conclusions.

This is an extremely useful book for anyone seeking to understand how and why state systems seek to control and dominate those who try to stand up to the power base or those who would like to exhaust peaceful alternatives to problems before sending in the marines. I heartily commend it to the readers of the Journal of Conflictology. It shows us how callous state systems can be, and why most that is good flows from strong friendships and communities. ■

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**BOOK REVIEW**

Biotechnology Research in an Age of Terrorism*

By the Committee on Research Standards and Practices to Prevent the Destructive Application of Biotechnology, National Research Council

Reviewer: Ademola Victor Akinyoade

Submission: July 2011

Accepted: August 2011

Published: November 2011

■ Keywords

biosecurity, biodefense, biowarfare, bioterrorism, dual use

INTRODUCTION

This book is a report by the Committee on Research Standards and Practices to Prevent the Destructive Application of Biotechnology. The Committee, chaired by Gerald R. Fink, a Professor of Genetics, was set up by the US National Research Council to "...consider ways to minimize threats from biotechnological warfare and bioterrorism without hindering the progress of biotechnology, which is essential for the health of the nation." (p. 1). It addresses the dual-use nature of biotechnology. Dual-use refers to a situation in which materials, technologies and knowledge intended for human betterment can be misused to harm humans by creating weapons for biological warfare (BW) and biological terrorism (BT). Peace scholars and practitioners, by the very nature of their work have a moral duty to familiarize themselves with the subject of this book and make the dual-use concept a general feature of their teaching and activities.

SUMMARY OF CONTENTS

The report has six parts: four chapters, an executive summary and appendices. It opens with a succinct summary of the

report, discussing the background of the dual-use exigency that led to the setting up of the Committee, and the definition of its focus and brief. It reviews the current and evolving regulatory environment of biotechnology in the US, and stresses the need to prevent inhibiting benign biotechnologies through overt restriction by current legislation. It calls for a harmonized international system, similar to the one being proposed for the US. Finally, it summarizes the proposed new system, including its seven recommendations and draws conclusions.

The introduction discusses the life sciences today, detailing the ever-expanding research activities and capabilities in genetic engineering, its myriad of applications in industry, agriculture and medicine, as well as the publications and the workforce involved in the endeavor. It traces the origin of modern biowarfare to antiquity and the foundation of recent developments in biotechnology to scientific discoveries in the late 19th and early 20th centuries. Germany, Japan, the US, Great Britain, Canada, France and the former Soviet Union all had some form of bio-weapon program during World War I and/or World War II. Despite the Biological and Toxins Weapon Convention (BTWC), the new dual-use threat is a result of the ease of acquiring biotechnology and BW capability, and the world-wide availability of equipment and expertise post-BTWC.

*Free PDF of the book was downloaded from: <http://www.nap.edu/catalog/10827.html>



Chapter two “reviews the US domestic and international rules, regulations, and institutional arrangements and processes that provide oversight of research on pathogens and potentially dangerous biotechnology within government laboratories, universities and other research institutions and industry” (p. 33). The US National Institutes of Health (NIH) took up the responsibilities of providing oversight for genetic engineering research based on advice from the 1975 Asilomar Conference. The NIH Guidelines and their sphere of application are presented in this chapter.

Chapter three discusses the control of information about biological research, reviewing the existing and emerging regulatory environment. It argues that the life sciences could learn from the dual-use experiences of two comparable areas: nuclear weapon technology in physics and cryptography in government. It contends that overt control and secrecy, and the vagueness of the categories of “sensitive” information may ultimately make the life sciences less inviting to American researchers and more attractive to foreigners. “...imposing mandatory information controls on research in the life sciences, if attempted, will be difficult and expensive with little likely gain in genuine security”, it concludes (p. 101).

The final chapter presents the conclusions and recommendations of the Committee. It contains ways of enhancing the regulations for genetic research while allowing the essential activities of the scientific enterprise to continue (p. 33).

RECOMMENDATIONS

This proposed system “consists of a number of filters for research proposals and publication of results that would cumulatively serve to protect against potential misuse yet enable important research activities to go forward” (p. 110). The summaries of the recommendations are restated below.

- 1) **“Educating the Scientific Community:** we recommend that national and international professional societies and related organizations and institutions create programs to educate scientists about the nature of the dual-use dilemma in biotechnology and their responsibilities to mitigate its risks.”
- 2) **“Review of Plans for Experiments:** we recommend that the Department of Health and Human Services (DHSS) augment the already established system for review of experiments involving recombinant DNA conducted by the National Institute of Health (NIH) to create a review of system for seven classes of experiments (Experiments of Concern, EoC) involving mi-

crobial agents that raise concerns about their potential for misuse.”

- 3) **“Review at the Publication Stage:** we recommend relying on self-governance by scientists and scientific journals to review publications for their potential national security risks.”
- 4) **“Creation of a National Science Advisory Board for Biodefense:** we recommend that the Department of Health and Human Services create a National Science Advisory Board for Biodefense (NSABB) to provide advice, guidance, and leadership for the system of review and oversight we are proposing.”
- 5) **“Additional Elements for Protection against Misuse:** we recommend that the federal government rely on the implementation of current legislation and regulation, with periodic review by the NSABB, to provide protection of biological materials and supervision of personnel working with these materials.”
- 6) **“A role for Life Sciences in Efforts to Prevent Bioterrorism and Biowarfare:** we recommend that the national security and law enforcement communities develop new channels of sustained communication with the life sciences community about how to mitigate the risks of bioterrorism.”
- 7) **“Harmonized International Oversight:** we recommend that the international policymaking and scientific communities create an International Forum on Biosecurity to develop and promote harmonized national, regional, and international measures that will provide a counterpart to the system we recommend for the United States.”

CONTRIBUTIONS

This book is the first of its kind to deal specifically with the issue of national security and the life sciences, not only in the US but world-wide. The effort is justified by the discovery of nations with clandestine research programs dedicated to the creation of biological weapons, the anthrax attacks on US citizens in 2001, the rapid progress in biotechnology, and the easily accessible methods and materials for these new technologies.

The book recommends procedures and frameworks of internal and external overseeing for monitoring life science research with dual-use potential. The recommendations are relevant not only for the US but for the global community in an effort to counter the threat of biotechnology in the age of terrorism.

The immediate impact of the book is the adoption of its fourth recommendation by the US government, which



established the National Science Advisory Board for Biosecurity (NSABB) to provide advice, guidance, and leadership for the system of review and proposed overseeing.

Historically, dual-use potential has not been fully appreciated by the life sciences and wider communities. However, the first recommendation, educating the scientific community, has led to the development of academic and non-academic education programs to raise awareness about the dilemma. Institutions such as the University of Bradford's Division of Peace Studies, the Federation of American Scientists, NSAAB, Resources for Research Ethics Education, provide information and offer education on the dual-use nature of biotechnology and its threats to peace at all levels. Consequently, life scientists, peace scholars and conflict resolution specialists are the main target audience for such programs.

The inclusion of peace scholars and practitioners is important, because educating the scientific community on the potential threats of biotechnology to world peace and security is essentially peace education. Peace education, rooted in peace studies, "is the process of teaching people about the threats of violence and strategies for peace," (Harris, 2008, p. 15). One can say that this is the book's most important contribution to the field of peace studies and practice. Biowarfare and bioterrorism are diametrically opposed to the values that peace studies are committed to: peace, non-violence and sustainable development. Scholars and practitioners in the field will do well, therefore, to familiarize themselves with the book in order to contribute meaningfully to averting the threats of biowarfare and bioterrorism.

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