Francisco Ferrándiz, Antonius C. G. M. Robben (eds.)

Multidisciplinary Perspectives on Peace and Conflict Research

A View from Europe

HumanitarianNet

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Editors
Francisco Ferrándiz
Antonius C.G.M. Robben

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Introduction: Peace and Conflict Research in Europe

Antonius C.G.M. Robben
Utrecht University

Francisco Ferrándiz Martín
University of Deusto

Peace and Conflict Studies has its origins in the moral reflection of leading polticians, such as Woodrow Wilson, Georges Clemenceau, and David Lloyd George, on the massive human and social costs of World War I. An estimated eight million soldiers died in combat, while another two million went missing. The awareness that humankind should never again engage in this type of industrial warfare led to the foundation of the League of Nations in 1919 and the simultaneous development of Peace Studies as the multidisciplinary study of peace by social and political scientists, in contrast to the field of War Studies, which was dominated by military scholars. Almost a century later, this book is a first effort at putting together the different perspectives of scholars working in the last few years within the EDEN European network, with the intention of exploring transversal themes, analytical frameworks and methodological dilemmas, as well as to suggest and develop potentially productive common grounds. Papers range from the critical analysis of international law implementation, to the defence of new global concepts of security, to historical, ethnographic and culturalist perspectives on different kinds of conflicts and violences. That is, they move back and forth from international institutions and globalised legal and political frameworks, to the military industry, to everyday life and culturally-bound experiences and emotions. They have been organized in such way as to 'rollercoast' the reader around the different theoretical and methodological points of view available in the network. The editors of this volume asked the members of the network to contribute texts that could achieve precisely this multidisciplinary effect, providing both an inflection point in our internal discussions and as a necessary exposure to a broader audience.

The essays in this book demonstrate what has become of the 1919 initia-tive, and how Peace Studies has evolved into the complex field of Peace and Conflict Studies that is no longer narrowly concerned with war and peace between states, but has branched out into areas such as human rights, human security, transitional justice, violence prevention, peace building, reconciliation, identity formation and cultural trauma.

In *Human Rights and Human Security: Challenges and Prospects*, Wolfgang Benedek examines the ways in which the expanding discourses and practices of Human Rights have infiltrated the most recent debates regarding development and security in the last decades. Thus, according to the author, human rights, human development and the recent model of 'human security' cannot be considered any more as separate or loosely related concepts but, rather, as interdependent and mutually reinforced areas of diagnosis and action, requiring the articulation of a 'holistic approach,' one which is in tune with this book's proposal. Theoretical work on the limits, content and intersection of these concepts is abso-lutely crucial if they are going to be of use for international law, interna-tional institutions and policy-making. In his essay, Benedek particularly explores the cross-fertilization between 'human rights' and 'human se-curity.' These conceptual debates are necessarily controversial, for the stakes are high, the international actors and institutions are of growing complexity, and the kinds of conflicts that the international, national and local communities have to face are evolving very fast. Although the conceptual tide seems to be going its way and has in Benedek an articu-late supporter, the author points out that some critics still question the adequacy of the concept of 'human security' —for some a 'paradigm shift' or a 'new organizing principle for international relations and inter-national law,' for others just 'hot air'— preferring instead to continue using older ones like 'comprehensive security,' which would refer to vio-lent threats directly derived from conflicts but would not accommodate the 'non-violent threats, related to the violation of economic and social rights.'

For Benedek, 'human security' has a certain 'European flavour' (vs. North American mainstream conceptions of 'security'), as it tilts its agen-da towards prevention instead of repression. 'Human security' incorpo-rates notions from human rights and has a firm potential for redefining the meaning and nature of 'threats' towards the freedom from fear (civil and political rights) and the freedom from want (economic, social and cultural rights), as a necessary companion to the evolution of conflicts, to an undeferable emphasis on the 'responsibility to prevent' in humani-tarian intervention, and to the consequent factoring in of issues such as the sources of insecurity, sustainability, people-centered development,

infant mortality, disease, hunger, poverty, land mines or light weapons in the domain of 'security.' Increasing security, on the other hand, is at odds with the curtailing of liberties or human rights, as the result of the many political and legal initiatives put into practice in the US after 11 September 2001 vividly show. On the contrary, Benedek maintains that there is as clear a direct correlation between human security and increased democratisation as there is between economic dependence and the risk of war. Through the initiative of international institutions as the UN (and its Human Security 'Branch' and 'Unit'), international groups such as the Human Security Network or well-known scholars such as Amartya Sen, the human security model has started to produce a 'human security agenda' including the revitalization of old and the promotion of new legal measures and protocols, an emphasis on Human Rights education, the empowerment of local populations, and the parallel participation of non-state actors, particularly those operating in the 'global civil society,' in the establishment of 'security' agendas.

The essay *An Anthropological View of Violences* by the anthropologists Francisco Ferrándiz Martín and Carles Feixa Pampols is a reflexive examination of the anthropology of violence. Instead of providing a run-of-the-mill review of the major literature in this field, they have opted for a much more innovative approach by focusing on the complex relations between violence and culture, regarding the anthropological study of violence and the anthropology of peace as interrelated, and by paying dual attention to manifestations of violence (*violences of culture*) and constructions of violence (*cultures of violence*). This approach allows them to address the epistemological, conceptual, representational, methodological, and ethical concerns of the anthropology of violence.

The authors indicate that violence is too vague of a term to be useful for scientific analysis and empirical research because violence is enmeshed in heterogeneous contexts, in fleeting, short, and long historical currents, multiple social levels and realities, enduring structures, and psychodynamic processes. Therefore, they suggest an analytical differentiation of violence into types, modes, classes or categories. Ferrándiz and Feixa distinguish between political, structural, symbolic, and quotidian violence as four distinct but partially connected modes of violence, and emphasize that violence is experienced differently by three types of actors: perpetrators, victims, and witnesses or bystanders. They also call attention to the study of conceptual dichotomies, such as physical vs. symbolic, experienced vs. imagined, visible vs. invisible, and macro vs. micro violence.

Ferrándiz and Feixa propose a reconceptualization of the anthropological study of violence which emphasizes that violence is processual,

pluriform, polysemic, a fact of life, part of a continuum from non-peaceful to peaceful conflict resolutions, and characterized by asymmetrical power relations. Thus, they reject the older Durkheimean view that violence is contained in exceptional, extraordinary, dysfunctional, and discrete events which puncture the social contract and therefore do not represent the normal state of society. This functionalist view of violence as a social pathology impeded the systematic anthropological study of violence until the 1960s and 1970s when symbolic, interactionist, and reflexive anthropology took flight. Anthropologists began to conduct ethnographic fieldwork in many conflict-ridden settings that ranged from post-colonial societies to states victimized by predatory capitalism, from prisons to war zones, and from drug addicts to guerrillas.

Field research into the multiple manifestations of violence spurred also a search for methodologies that could account for the unique research circumstances and ethnographic relations of trouble spots. Wisely, the authors caution against facile methodological solutions to highly complex epistemologies. Aside from the practical problem of facing life-threatening situations, ethnographers have become emotionally and sometimes politically implicated in their research topics, while field relations with research participants are seldom neutral. Such field immersion requires data-gathering methods that are adjusted to each unique situation, and in the awareness that fear, silence, and the threat of death alter field relations and realities.

The epistemological implications of such altered research circumstances can make scholars in other disciplines question the ethnographic emphasis of the anthropological study of violence altogether. If participant observation often becomes impossible, if interviews are riddled with seduction, partisanship, and self-interest —including the awareness that an uncensored sharing of knowledge may endanger the informant's life— if social surveys and quantitative data gathering are impossible, if key informants have hidden political agendas, and if life histories are polished, self-justifying narratives, then what remains of the anthropological enterprise? Whatever the difficulties of employing ethnographic field techniques, and they are many, the enduring merits of the anthropological approach to violence have been its holistic study of the human condition, its multi-layered analysis, and its ability to read the whole in the parts and map the bonds and interconnections.

Ferrándiz and Feixa are aware that these merits may be regarded as liabilities by scholars from other disciplines who find ethnographic studies of violence engaging literature but of little use to their comparative endeavors. The subjectivist, interpretive, and actor-oriented approaches, in particular, have contributed to such suspicion. Some anthropologists are

therefore proposing more analytical, explanatory, and observer-oriented approaches that facilitate interdisciplinary dialogue.

The argument over subjectivist versus analytical approaches is not just a methodological debate but involves an ethical discussion about the position of the ethnographer as an agent of knowledge and power in treacherous field locations. To what extent should ethnographers become advocates, critics, opinion makers, policy makers, and agents of social change? Some argue that anthropologists should speak against power, write against terror, and give the powerless a voice through their ethnographies. Such political commitment is said to emerge naturally from the professional ethical code which emphasizes the obligation of researchers "to consult actively with the affected individuals or group(s), with the goal of establishing a working relationship that can be beneficial to all parties involved" and to do "everything in their power to ensure that their research does not harm the safety, dignity, or privacy of the people with whom they work, conduct research, or perform other professional activities" (American Anthropological Association Code of Ethics). Whether or not anthropologists should be politically active on behalf of their research participants continues to be a controversial issue, but growing numbers of anthropologists feel that they should at least show compassion in their writings for the subjugated and downtrodden.

The deeply engrained sense of responsibility of ethnographers towards the people they study, which is reflected in the passage from the Code of Ethics quoted above, has made anthropologists reluctant to conceive of a culture of violence. They acknowledge that violence is a cultural construction —whereas aggression is a biological given— but the idea that cultures may be violent is rejected as reeking of essentialism, as denying agency, and is thus close to blaming the victim. The study of cultures of violence was therefore restricted to youth gangs, hooligans, and crime syndicates like the mafia, tribal warfare, and cannibalism where violence was endemic and had a dynamic of its own. However, the concept was seldom extended to domestic violence, guerrilla insurgencies or economic exploitation.

Ferrándiz and Feixa are much more open to the notion of a culture of violence, which follows logically from their embracing the classification of violence into modes, among which they include structural, symbolic, and quotidian violence. Once violence is observed as a dimension of social structures, symbolic imaginations, and everyday behaviour, then the notion of a culture of violence is not too far away. The two authors therefore encourage the study of structures of domination and interpersonal habituses embedded in social institutions, the delineation of cultural

codes, scenarios, practices, and images that inform people's decisions and actions, and especially the uncovering of the micro practices and microphysics of power, an approach pioneered by Foucault.

Paradoxically, this promising development in the anthropology of violence is threatened by the very object of its study. Ferrándiz and Feixa point at the new political reality of the global war on terror at the beginning of the twenty-first century. The terrorist attacks on 11 September 2001 in New York and 11 March 2004 in Madrid, and similar ones in other parts of the world, the occupations of Afghanistan and Iraq by American and European troops, and ongoing violent conflicts in Chechyna, Israel, Lebanon, the Palestine territories, the Congo, Sudan, and other hot spots in the world, have made it increasingly more difficult to conduct ethnographic fieldwork. The anthropology of violence is looking for innovative methodologies to continue empirical research. The two authors are showing one possibility to derive data from inaccessible places. They draw attention to the media, globalizing flows of information, debate spaces, advocacy groups, and the centers of world power to understand the fallout on the lives of ordinary people, their humble dwellings, refugee camps, and secret prisons. Their postscript is an exemplary sketch of a new epistemology and ethnography of violence that draws creatively on other disciplines and the media to forge an insightful interpretation of the multi-layered ramifications of the Madrid train bombings on 11 March 2004.

In *Critical Edge and Legitimisation in Peace Studies*, José Manuel Pureza and Teresa Cravo defend the crucial importance of rescuing the critical diagnosis that Peace Studies originally contained in the field of International Relations before the concept was coopted, 'regulated,' and partially neutralized through its (mis)use by international institutions in post-war reconstruction processes in a context of 'international disorder.' Here we again face the slippery and often controversial relationship between critical academic reflections and proposals and the 'reality call' of their ideological and practical implementation. If academics intend to prevent the steady demolition of promising and elastic models and concepts in International Relations (as well as in other related fields) for the sake of the *status quo*, as might be the case with the crude militarization of Human Rights or even medical discourses with notions such as 'humanitarian intervention,' 'surgical strike,' or 'collateral damage,' then we must remain vigilant and be ready to produce sustained and fast-response critiques to de-stabilize and reassess these deactivating reappropriations —in concept and in practice. In an effort to refresh the debate, as well as the memory, Pureza and Cravo trace back the genealogy of the heterogeneous field of 'Peace Studies' as a critical paradigm

confronting the hegemonic 'positivist' commonsense —or 'realist canon'— in International Relations since the 1960s. In a second moment, so the authors sustain, the concept was mainstreamed and normalized, only to enter a third phase of 'retreat' in the early 21st Century.

For Pureza and Cravo, Peace Studies, as expressed in the pioneering work of Johan Galtung, initially intended to bring 'peace' to the forefront of the international agenda and had as a result the birth of an alternative and interdisciplinary paradigm with a potential to displace the hegemony of the conservative 'realistic school' in the understanding of International relations, an effort that former attempts at scientifically establish the field had declined or being incapable of overcome. For Galtung, who established a distinctive European perspective in the field, Peace Studies should be understood as a socially 'productive' discipline only feasible in terms of investigation-action, thus breaking the barrier between theory and practice. The authors stress the importance of Galtung's distinction between 'negative' and 'positive' peace, one which discriminates between the mere absence of war and the unravelling of social justice and freedom in integrated societies. With his scheme, Galtung proved that Peace Studies could depart analytically from mainstream power structures and academic paradigms and that 'peace' was a far more complex concept that initially thought. With the end of the cold war and the advent of the 'new wars,' Peace Studies confronted a new opportunity to provide critical and sophisticated analysis and show its relevance for policy making. In 1992, Pureza and Cravo continue, the UN introduced in its 'Agenda for Peace' concepts taken straight from Galtung's thinking such as 'preventive diplomacy', 'peacemaking,' 'peacekeeping' and 'peacebuilding.' Coming back to their Kuhnian analysis of the evolution of the field, the authors consider that this entry of Peace Studies into mainstream policy pushed the field into a process of 'scientific normalisation.' As the authors have it, once its position was consolidated, Peace Studies lost its critical edge, as its concepts and proposals circulated widely as new and legitimate commonsense and transformed into 'social norms' and 'universal' procedures —with an emphasis on representative democracy and market economy—, implemented in different conflict situations regardless of the local context. This political and cultural blindness overlooked the crucial role of local agency, establishing peace operations as largely external interventions following a well-known and repetitive formula, one which obstructs long term and locally ingrained strategies like 'peacebuilding from below.' For Pureza and Cravo, at this point, Peace Studies had lost its former ability to incorporate new critical proposals into its theoretical and methodological pool, failing also in its quality of social and political practice. It has be-

come still one more instrument of power. Along the way, it has also lost some of its 'rhetorical attraction.' The authors conclude that, to retrieve its original and crucial critical edge, lost along the way, Peace Studies needs to profoundly 'decolonise' and disengage from 'institutional pre-scriptions, power relations and the codes of social relations that neo-liberalism carries with it.' Only through this 'emancipation' can it confront the renewed strength of the realistic paradigm, reborn after 11 Septem-ber, and the advent of the 'War on Terror.'

In his text *On the Relationship Between Human Rights Law Protec-tion and International Humanitarian Law*, Hans-Joachim Heintze stresses the importance of considering the ways in which both bodies of law can operate in parallel, providing a framework for similar protections —spe-cially in armed conflicts—, thus enhancing the operative efficacy of inter-national humanitarian law in a framework of still insufficient implemen-tation mechanisms. Heintze goes into meticulous detail in order to define the field in which these legal debates are taking shape. Starting with a critique of the so-called 'separation theory' in International Public Law —still present today in the thinking of some international lawyers and in influential readers like the *Handbook of Humanitarian Law in Armed Con-flict* (1995), which argues that laws of peace and laws of war are differ-ent domains—, the author shows how this position has been consistently undermined since the very UN Charter of 1945, the Geneva Conventions of 1949 and other important legal bodies and initiatives, resulting into an effective and increasing legal 'crossing of the border' between situations of peace and war. Heintze shows how the expansion of the idea of the non-derogability of certain rights in war situations, expressed in different human rights bodies and instruments, has been a crucial trend in this necessary bordercrossing.

In exploring and trying to overcome what he terms the many and complex 'legal gray areas' of this true frontier zone of international ju-risprudence, Heintze argues that the cumulative application of Human Rights Law and International Human Law, as opposed to some propos-als that would privilege merging them into a single body of law ('con-vergence theory'), can overcome the many obstacles encountered in the debates over legal competences in the different international legal bodies, unsatisfactory standards, or the noticeable deficits met when faced with implementation mechanisms, especially underdeveloped and ineffective in International Humanitarian Law. To show the complexity of these legal grey areas in action regarding the difficulties in the ap-plication of International Humanitarian Law, Heintze reviews specific controversial cases dealt with both by the Inter-American Commission on Human Rights —La Tablada (Argentine), Las Palmeras (Colombia),

Bamaca-Velasquez (Guatemala)— and the European Court of Human Rights —Northern Ireland, Cyprus v. Turkey, Ergi v. Turkey, etc. In the latter case, the author argues that in the Strasbourg Court there are already 'considerable overlaps between human rights and international humanitarian law.' Heintze also welcomes the creation of the permanent International Criminal Court, as well as the ad hoc international tribunals, as crucial legal instruments that will make it possible under certain circumstances to prosecute criminals under international law, 'opening the way for the implementation of an international right to punish.' In turn, this expanding right would contribute to curtailing impunity as it simultaneously provokes a preventive effect.

In comparative perspective and from an anthropological point of view, Glenn Bowman analyses in *Constitutive Violence and Rhetorics of Identity: A Comparative Study of Nationalist Movements in the Israeli-Occupied Territories and the Former Yugoslavia* the importance of considering violence as a basic productive element in the unfolding of all nation-based ideologies, stressing specially the relevance of the social production of 'antagonism' as a fundamental base for what he calls 'nationalist imaginaries.' To correctly understand this process, it is basic to emphasize the historical formation of such national imaginaries beyond essentialist models. That is, as Bowman asserts, 'national identity is an historical construct which emerges from a reformulation of one's relation to a social field rather than something essential and non-contingent.' It is the perceived violence inflicted by an 'external other' which fuels an equally perceived need to organize as an independent state as the only feasible defensive device. Bowman's model runs against influential nation building models such as Anderson's, where the development of national 'imagined communities' is mostly linked to the improvement of systems of communication and exchange. In fact, Anderson's model does not apply to the two cases that Bowman explores: Palestine and the Former Yugoslavia, where it was the construction of antagonisms —used by the author as a synonym for 'constitutive violence'— which was crucial in the shattering of the existing social fields and eventually polarized the development of such imaginaries. For the author, the advent of print capitalism and other communication technologies was no doubt fundamental in the constitution of extended communities, yet they do not account in themselves for the apparition and consolidation of nationalist consciousness. Thus, the crux lies not in the increasing sophistication of the medium, but in the content of the information and the knowledge circulated in it. When forced into diaspora after the creation of the state of Israel, why did not the Palestinians turn into Arab nationalist instead of becoming anti-Zionists? Why did Serbs and Croats never develop a

common imagined identity, and later become blood enemies, when they shared both a language and the Yugoslavian media?

For Bowman the answer is: the social and political construction of antagonism. Antagonism which is, indeed, a rather complex and polyhedral process, as his thorough analysis of the two above mentioned cases in historical perspective clearly show. Constitutive violence is the main process that eventually catalyses, in social fields characterized by both internal and external controversy, tension and power struggles, the necessary images, locations and landmarks, heroes, religious plots, styles of leadership, historical anchorages, stories of common suffering, political vocabularies and other sorts of symbolic, economic and political ammunition to anchor or 'fix' the emergence and development of senses of nationalist collective belonging. In these convoluted processes, collectives of people come to think of themselves as joint victims of certain violences at the hands of recognizable enemies and, through the development of a nationalist consciousness, as members of a soon-to-be, future, or utopian nation. Thus, we can think of the development of victimhood politics as a crucial ingredient in the imagining, and at times constitution, of nations. Bowman stresses that this might be a matter of Manichean collective perception, or even fantasy, but that it nonetheless funnels such processes in very blunt and concrete ways. As counterexamples to support his perspective, the author argues that the declining solidarity amongst Palestinians in the wake of the Oslo Accords or the 'dissolution of the nationalist imaginary in the post-war Slovene' are clear indicators that identity is always in flux and that it has an ample space for readjustment or metamorphosis, and that the weakening of the dynamics of antagonism would work against the permanence of the 'nationalist imaginaries.' In the case of Slovenia, according to Bowman, the overcoming of the antagonistic nation building game and the blurring of the former collective 'enemy' allows for an opportunity to build an 'identity based on civil rights rather than on totalitarian xenophobia.'

In the chapter *Researching Violence Prevention and Peace Building*, Luc Reychler dissects the key components of peace building processes, and designs a comprehensive model to optimize the national and international efforts to achieve peace in conflict zones. Reychler's extensive review of the many scientific studies of peace building, and their often contradictory analyses, explanations, and recommendations, make it tempting to the reader to mentally assess their value for policy with contemporary peace initiatives in Afghanistan, Iraq, Israel, Palestine, Lebanon, Congo, and southern Sudan, as well as gauge the relative successes in some older hot spots in Asia, Africa, Europe, and Latin America. Such intellectual exercise quickly reveals that peace building

is not a one-size-fits-all enterprise because the interaction of the larger context with the local situation makes each attempt at peace building a unique undertaking. The challenge to any scientist working in Peace and Conflict Studies is to isolate those variables which tend to matter most in many situations, and delineate those processes which have often shown to be most effective, in particular in peace building operations after the fall of the Berlin Wall in 1989.

The end of the Cold War and the Warsaw Pact, the disintegration of the Soviet Union and the former Yugoslavia, and the attention to the so-called global war on terror have radically changed the world's political landscape since 1989, and thus also the patterns of peace building. The struggle for world hegemony between the First and the Second World, and their economic domination of and indirect military engagement in the Third World, have taken other forms. The world powers compete now on an open global market, intervene militarily whenever they feel that their national interests are at threat, and undertake or support conflict prevention and peace building initiatives in many parts of the world. At the same time, violent interstate and intrastate conflicts have reduced drastically. The number of armed conflicts and genocides has declined rapidly, most democracies have survived the economic and political crises of the 1990s, and the repression and disenfranchisement of ethnic minorities have also diminished. All indicators point in the same positive direction of diminished national and international conflicts, even though Reychler questions the accuracy of the underlying statistics, the narrow definition of violence employed, and the arbitrariness of the assessment variables. The only dark cloud on the horizon is the expansion of international terrorism; a growing threat that is changing peace building efforts in important ways.

These changed circumstances are making a removal of the three principal obstacles to the improved monitoring and better evaluation of peace building initiatives urgent. Reychler identifies political, managerial, and conceptual impediments to greater knowledge and understanding of peace processes. Political impediments revolve around self-interested, politically biased, and violence-prone perceptions of conflict prevention rather than the pursuit of internationally beneficial, scientifically informed, and peace-driven initiatives. The conceptual impediments are threefold: 1) the absence of a comprehensive multi-level, multi-sector, and multi-time peace building model; 2) the poor communication about existing knowledge among politicians, policymakers, practitioners, scholars, and the ordinary people involved; and 3) the difficulties scientists face in rowing against political currents and making politically undesirable recommendations. Managerial impediments exist in the problems of ad-

equately supervising, planning and coordinating peace building efforts as well as the wanting professionalism and leadership of peace builders. Scholars have few possibilities to overcome political impediments because they seldom operate in the inner circles of national and international politics. Still, they can help reduce the conceptual and managerial impediments, as Reychler demonstrates clearly.

The managerial qualities and, in particular, the professionalism of peace builders can be enhanced by good academic practices in five areas of teaching and research. First, the theoretical and empirical knowledge, assessment and mediation skills, language proficiency, and cultural and humanitarian sensibilities of graduate students should be given more attention in M.A. and Ph.D. programs in Peace and Conflict Studies. Second, scholars must conduct more systematic comparative research on leadership qualities and strategies of both successful peace builders and effective peace destroyers. Third, students and researchers should draw more extensively on the experience of practitioners, and encourage a balance between personal commitment and a professional attitude in the pursuit of peace. Fourth, the concerns of students in Peace and Conflict Studies programs should be taken more seriously because these students are tomorrow's practitioners. A survey among Belgian M.A. students raised concerns about commitment, knowledge, skills, ethics, health, personal talents, and psychological aptitude. The final area of improvement dovetails with the urgency of solving the conceptual impediments to improved peace building, namely the development of better evaluation criteria and analytical models to assess successful peace building processes.

Peace and Conflict Studies has been undergoing an expansive growth of academic publications, policy evaluations, popular books, newspaper articles, and reports by NGOs and IGOs that cover almost every aspect of the peace building process. Luc Reychler sums up the findings of more than thirty major academic approaches ranging from silver bullet explanations to elaborate models. He observes the need for a comprehensive model which analyzes the peace building architecture and assesses the success of specific peace process designs within a particular time frame. His comparative research has yielded an intricate model that suits many different peace building situations.

Reychler's peace building architecture contains six key components: 1) the end state (realignment, reconstruction or transformation of the conflict zone towards peace and stability with due attention to security, international cooperation, leadership, communication, the political-psychological climate, and peace enhancing and supporting structures); 2) the base line (assessment of current conflicts, suitable areas of intervention, and future developments); 3) the peace building process (time

frames, differential pacing, priorities, synergies, and the synchronicity and sequentiality of the multi-stage peace building process); 4) the peace building regime (management of the peace building process through internal, unilateral or multilateral planning, cooperation, and involvement; 5) the context (difficulty of the conflict, expected outcome, time frame, preservation of existing practices, diversity of actors involved in peace building process, capability of peace workers, willingness of external actors to participate, power of stakeholders, availability of material and human resources); and 6) the criteria for evaluating peace building (conflict analysis, peace building deficiency, risk and opportunity assessment, relevance of interventions, conflict and peace evaluation, involvement of stakeholders and owners, and final evaluation and lessons learned).

Reychler's conclusion is in tune with most other chapters in this book, namely that peace and war are complex social and cultural constructions that deserve systematic and comparative study to improve peace building efforts. At the same time, he suggests that these constructions are deeply invested with people's emotions, and are therefore not as malleable and changeable as politicians, policymakers, practitioners, and scholars would wish.

Political reconciliation has become an explicit objective of many comprehensive peace building initiatives since the 1980s, in particular because of the emergence of truth commissions under the assumption that an honest examination and public acknowledgment of past atrocities will create mutual understanding among former adversaries. Kjell-Åke Nordquist explains in his essay *Reconciliation as a Political Concept: Some Observations and Remarks* that reconciliation became a key concept in political discourse because of three developments in the nature and context of armed conflicts.

One, the 1945 Universal Declaration of Human Rights and the 1998 creation of the International Criminal Court made individuals accountable for their actions in armed conflicts. This individual accountability has given an identity to perpetrators and victims, and thus has opened the way for reactions that range from criminal prosecution to forgiveness. Two, there has been a shift from interstate to internal wars. This change has turned civilians rather than combatants into the principal casualties of armed conflict. Older post-war solutions that followed upon a military defeat on the battle field, such as the court-martial of commanding officers and the repatriation of prisoners-of-war, are no longer appropriate. The peace process must, aside from prosecuting human rights offenders, include the indemnification of the material and immaterial losses suffered by the civilian population, and the implementation of symbolic ways to repair the social fabric of societies torn by internal

violence. Three, comprehensive intra-state peace processes have since the late-1980s often included formal peace agreements, individual accountability, truth and reconciliation commissions, and public apologies by heads of state, and political and religious leaders. Such public and official acknowledgment of past wrongdoings enhances the chances for political reconciliation.

Nordquist defines political reconciliation as "*a process where harm, resulting from political violence, is repaired in such a way that trust can again be established between victims, perpetrators, and the society at large*." This conceptually rich definition clarifies some of the complicating factors in achieving such outcome. Kjell-Ake Nordquist emphasizes that political reconciliation necessarily involves the re-establishment of broken social relations. Trust is a key ingredient of reconciliation and implies a reparation of, what Rousseau called, the social contract. People need to have faith again in society as a social construct and in the professed intention of former adversaries that they will not inflict future harm.

The restoration of social trust may be helped by undoing past injustices through legal prosecution, reparative justice or the abrogation of punishment through amnesty. Retributive justice is exacted by a court of law which punishes the accused for his or her crimes. This approach may satisfy the feelings of victims and society at large that justice has been served, but may create resentment among the convicted and their political supporters. Retributive justice seems most appropriate in situations where the number of perpetrators is limited, as in cases such as Argentina, El Salvador, Haiti, and the former Yugoslavia, but is less feasible when large numbers of victimizers participated in the collective violence, such as in Congo, Rwanda, and Cambodia. The latter's inability to systematically prosecute all offenders is likely to embitter victimized groups, so other means must be found to appease them. Reparative justice can at least partially neutralize those emotions by compensating victims in material and symbolic ways for their losses. Amnesty is the third possibility towards political reconciliation. Governments and parliaments have in the past chosen this route in the hope that amnesty will prevent long-term political disruption or will help people concentrate on building a better future instead of being held hostage to the past. This quick-fix has proven to be ineffective in the last few decades, precisely because of the three developments in the nature and context of armed conflicts mentioned above. The overturning of amnesty legislation in several Latin American countries demonstrates that survivors of past abuses may insist on legal accountability decades after the end of hostilities.

Kjell-Ake Nordquist recognizes four structural dimensions in the process of political reconciliation: relational, attitudinal, legal, and moral.

Reconciliation is by definition a relational concept, unlike forgiveness. At least two former adversaries, and even better society at large, should acknowledge and trust the other as a legitimate interlocutor. This mutual relation should ideally be buttressed by a genuine attitudinal and behavioral change among former enemies or adversaries. The legal reckoning by perpetrators helps to convince the victims of the sincerity of their relational and attitudinal change. Finally, the importance of the moral dimension of political reconciliation is its transcendence on other social realms, thus strengthening and galvanizing the three other dimensions.

Nordquist's detailed analysis of the form of political reconciliation helps much to further clarify its complexity. He delineates ten dimensions whose interconnections turn each reconciliation initiative into a unique process. One, political reconciliation is both a goal and a process because social trust is a cumulative and contingent condition rather than a fixed state of social interaction. The ingredients of trust and reconciliation are culturally, socially, and politically specific and are influenced by the type of violence suffered.

Two, there can be intra-generational and also inter-generational reconciliation. People directly affected by violent conflicts may bury their differences but may also pass them on to future generations, as happened in the former Yugoslavia. This transgenerational process requires a different peace building approach than when the past can be overcome in the protagonists' life time.

Three, the nature of the relationships between victims and perpetrators is important. Relations may be asymmetrical (victims are victims, and perpetrators remain perpetrators) or symmetrical (victims become perpetrators and vice versa).

Four, violent conflicts between two enemies may end through negotiations or a military victory. There is a considerable power difference between these two situations, and a differential effect on the reconciliation process.

Five, forgiveness, when mutual, can give a powerful boost to the reconciliation process. However, forgiveness is a moral or religious concept which operates beyond the political realm, and can therefore not be included in a formal peace plan. The attempted imposition of forgiveness is ineffective and even counterproductive.

Six, political reconciliation is not only processual but also situational. It may be set in motion in parts of a conflict zone where the fighting has stopped, while other parts remain enwrapped in armed violence. Such differential reconciliation may spread like an ink blot across the land when the beneficial effects become visible.

Seven, political reconciliation may be constituted bottom-up, top-down, or preferably be combined. Top-down processes bring a political commitment to reconciliation by involving important political stakeholders in the process, while bottom-up processes involve victimized groups and the general population to create a well-functioning civil society.

Eight, truth-telling by perpetrators can have a beneficial effect on political reconciliation because it assumes wrongdoing and acknowledges the suffering of the victims; a suffering that had often been publicly denied by the responsible authorities. Complemented with the accounts by victims, such public disclosure and recognition can feed into historical narratives which assuage the intergenerational transmission of resentment and hatred.

Nine, the conviction that post-conflict justice has been served can contribute substantially to political reconciliation. Justice can be done by national, international, and indigenous legal systems. These systems may combine retributive and reparative justice with truth commissions to provide a wholesome accountability which involves all parties concerned.

Finally, political reconciliation can be nurtured in many symbolic ways through commemorations, memorials, literature, art, films, and so forth. The periodic national attention to past violent conflicts helps people mourn the losses, slowly relegate them to history, and make society as a whole look towards the future.

Political reconciliation is only possible when the people who were pitted against one another during an armed conflict are treated as fellow human beings by the peace enforcing force, and receive equal treatment after the fighting ceases. Robert C. Hudson, in his chapter *Lessons from Kosovo: Cluster Bombs and their Impact upon Post-Conflict Reconstruction and Rehabilitation,* delineates a connection between the use of cluster bombs and the Western military response to the global war on terror, while analyzing the long-term health problems of unexploded ordnance in Kosovo, the discrimination of ethnic minorities in Kosovan hospitals, and its adverse effects on interethnic relations and lasting peace.

Robert Hudson argues that the military interventions by NATO troops in Bosnia-Hercegovina and Kosovo were neither the final spasms of the Cold War nor the concluding stages of the Yugoslav secession wars but the beginnings of a new type of war waged on self-proclaimed humanitarian grounds and in defiance of international laws, treaties, and conventions. The Balkan interventions, and the presence of peace enforcing troops in the late-1990s, foreshadowed the military occupations of Iraq and Afghanistan in the early-2000s. The Kosovo air strike campaign was

not conducted because the Federal Republic of Yugoslavia posed a direct security threat to any of the NATO countries, but ostensibly because of humanitarian concern for Kosovo's Albanian majority repressed by dominant Serbian powers. The humanitarian argument was also employed to justify the overthrow of Iraq's brutal dictator Saddam Hussein once the weapons of mass destruction, that were the pretext for war, were not found.

This new kind of war has been called a post-modern war by Robert Cooper, a foreign affairs advisor to British Prime Minister Tony Blair. Reminiscent of nineteenth-century social evolution theories, Cooper classifies the world's states into pre-modern (e.g. Somalia, and Afghanistan before the overthrow of the Taliban regime), modern (e.g. India, Pakistan, and China) and post-modern (e.g. the European Union). He argues that the post-modern Western world should carry out a civilizing mission in the failed, chaotic, pre-modern states through a benign colonization that will bring democracy and respect for human rights. This mission statement contains an intrinsic justification for unprovoked war which gives post-modern states the moral right to intervene militarily without approval from the United Nations or any other international body. Cooper makes a call for a "new military humanism" which reverts to the laws of the jungle when fighting in pre-modern states. The pre-emptive strike against Saddam Hussein's Iraq is an example of such new kind of war, while the torture of Al-Qaeda suspects, their unmonitored detention at Guantánamo Bay, and their disappearance into secret CIA prisons on non-American soil, are disturbing manifestations of self-righteous attitudes in defiance of international laws and war conventions.

The use of cluster bombs in Kosovo and Iraq is another expression of the self-declared moral superiority, and disconcern for the civilian population, with which Western states carry out their military interventions in so-called pre-modern states. Clusters bombs are airborne dispensers with submunitions intended to destroy armored vehicles. Submunitions that reach the ground without exploding turn into *de facto* anti-personnel mines, and thus become a lethal hazard for civilians, children and, paradoxically, also the occupying ground forces. The dropping by NATO airplanes of nearly 1,400 cluster bombs (comprising almost 290,000 submunitions) on Kosovo and Serbia in 1999, and the unknown location of an estimated 35,000 live bomblets, have caused and continue to cause many deaths and wounded. One year after the 1999 Kosovo campaign, almost 500 civilians had been killed, of whom 151 by cluster bomblets. The cost of clearing the tens of thousands of unexploded ordnance is estimated at $1000 per bomblet, while the long-term health costs to treat the victims are many times higher.

Hudson raises the critical question of why NATO forces decided to drop cluster bombs on populated areas in Kosovo, knowing the risks to civilians of unexploded ordnance, and why they continued to employ these bombs in Afghanistan and Iraq. The inexcusable use of such injurious weapons betrays a worldview that regards the people in failed states as inferior, primitive even. Their casualties are ultimately seen as the necessary sacrifice for a better future. Pre-modern states are believed to be populated by pre-modern people who maintain inferior moral standards, fight in less civilized and more callous ways, do not have Christian values of empathy and compassion with suffering others, bear hardships more easily, and who will continue in age-old and deadly rivalries without outside intervention. What are a couple of hundred civilian deaths among an inferior people, when a better future is sure to lie ahead for all?

However, not only is the future less shiny than promised, but precisely the use of cluster bombs is postponing the much desired peace because the unexploded ordnance has an effect on the safety of the resident population, the return of refugees, the ability to work the contaminated land, and ultimately the success of the much-publicized reconstruction efforts. Hudson documents the severe injuries inflicted by exploding submunitions touched off by a man, woman or child on foot. Add poor local health facilities and the preferential treatment of certain ethnic groups to this situation, then the political reconciliation will be a long way off. Ethnic minorities in Kosovo, such as Serbs, Roma, and Gorani, have had considerable difficulties in obtaining proper medical care when injured. Ethnic Albanian doctors have refused them treatment on the charge of collaborating with the repressive Serbian authorities, obliging them to travel long distances under armed escort to medical facilities willing to accept them. Furthermore, the presence of unexploded bomblets has made refugees reluctant to return home, and prevented farmers from working their fields. Economic reconstruction and social reconciliation become impossible under such adverse circumstances.

Hudson's conclusion is unequivocal: ban cluster bombs. They are an inhuman means to pursue armed conflicts, inflict lasting human suffering on civilians, and therefore will hinder rather than hasten people's willingness to develop peaceful relations. His research demonstrates that the peace building process does not begin when the conflict stops but already when the fighting begins.

Antonius C.G.M. Robben's paper, *Mourning and Mistrust in Civil-Military Relations in Post-Dirty War Argentina*, stresses the importance of considering and analysing in careful context, but also in comparative perspective, the long-term consequences of carefully designed policies of fear and terror, such as those which came under the auspices of the

so-called 'dirty war' in Argentine, a paradigmatic example of the kind of State terrorism that has characterised many military dictatorships in Latin America, direct heir of repressive strategies already tested in the French colonial wars and in US counterinsurgency operations. Each dictatorship had its preferences and modulated the repressive training acquired in Panama and North Carolina according to internal necessity, and in Argentina 'disappearance' came to be the method of choice in the explicit aspiration to annihilate and, through indeterminacy about the fate of those captured and of their corpses, paralyse the 'enemy.' The fact that a good many of the disappeared were abducted from their homes was a clear indicator of how deep the repression went into the social fabric in its itinerary from military headquarters and detention centres to the private spaces of everyday life. However, according to Robben, the effect was the opposite to that intended by the military. Instead of nurturing political disbanding and depression, the tense presence/absence of the disappeared and the breach of trusts between the political and the domestic arenas came to be powerful anchoring points for further and long-term political action. The uncertainty about those disappeared, a generalised sense of guilt transferred from the perpetrators to the surviving victims, and the absence of a public and legitimate social space for proper mourning and burial, fuelled Human Rights organisations and relatives to mobilise against the military (with a crucial role for the mothers).

The military-civil distrust generated in the dirty war started in many cases in the bed, dining and living rooms ('home') where many abductions took place, where a major transgression of the limits between the political and private spheres, expressed first in repressive actions and later elaborated in symbolic terms, took place. This transgression was, following Robben´s argument, important in the mobilisation and politisation, even in situations of torture, of 'parental feelings of trust and protection' that usually remain in the private domain: a process of politicisation that would eventually become a major transformative force in the country. This was an extraordinarily courageous act, in the face of fear, threats, and merciless accusations that parents were guilty —through improper rearing— of making their children into dangerous activists threatening the stability of the State. The public exposure of maternal feelings by the *Madres de la Plaza de Mayo* "transgressed the division between public and domestic in the reverse direction to the one used by the military assault teams." After the dictatorship, during the tenure of Raúl Alfonsín, a Commission to research the fate of the disappeared was installed (CONADEP), and new and very disturbing elements entered the emotional landscapes and the political debates. It was time to confront the still unknown details of the horror, the mass graves, and the public and private management of the corpses.

Exhumations are no doubt extremely complex and emotionally charged events, and the tide went from favouring them to growing misgivings, as the expected identifications did not come through. A controversy grew between those who favoured dignified reburials and those, mostly the *madres*, who valued more the vindication of the disappeared's political ideas, and came to think of exhumations as a form of political deactivation of their struggle. The latter decided to "keep their emotional wounds open" and "socialise their maternity" so as to resist the social stream of forgetting associated, in their view, with the opening of the mass graves. The complex debates about exhumations and reburials in Argentina and other countries, such as contemporary Spain, speak of the enormous difficulties that societies which have endured wars, military coups, repression and violence have in facing the past in ways which are legally convincing, politically meaningful, socially productive, symbolically satisfying and emotionally healing.

Human Rights and Human Security: Challenges and Prospects

Wolfgang Benedek
University of Graz

I. Introduction

The colloquium organised on the occasion of the 25th anniversary of the Marangopoulos Foundation for Human Rights provides an opportunity to look back at the condition of human rights 25 years ago, the developments during this time in the field of human rights, and the challenges and prospects for the future. One major development has been the broadening of the understanding of the relevance of human rights for other fields, in particular the fields of development and security.

The launching of the Human Development Report of the United Nations Development Programme (UNDP) in 1990, signalled the change of the concept of "human development" from a quantitative concept of looking at the growth of the Gross Domestic Product (GDP) to a qualitative approach, measuring criteria like infant mortality, life expectancy or access to education. These criteria can also be taken to represent the progress made by states in the realisation of economic, social and cultural rights corresponding to the obligation in Art. 2 of the International Covenant on Economic, Social and Cultural Rights of 1966. Consequently, UNDP has decided to mainstream human rights in its activities of human development (UNDP, 1998). In doing so, it has also recognized the importance of civil and political rights as well as of democracy and finally of cultural diversity for human development (UNDP, 2000, 2002, 2004).

In a similar way, also the concept of security has experienced a widening and deepening, which goes back to the 1990s. Ten years ago the concept of human security was first launched in the UNDP Report of 1994 (UNDP, 1994). The main elements of this concept can be described as its focus on the human person, individually or collectively, and the

insight that the main threats to the security of the person worldwide are no longer inter-state conflicts, but the absence of proper health services, adequate food, etc., all related to poverty (Ramcharan, 2002), as well as the existence of internal, often inter-ethnic conflict, which can hardly be resolved by traditional military means alone. Therefore, human security stands for addressing major human vulnerabilities and societal development needs, which often can be best expressed in terms of human rights, like the right to personal and social security as contained in Art. 3 and Art. 22 of the Universal Declaration of Human Rights. Accordingly, human rights have also permeated the field of security, which raises the question of the relationship between human rights and human security, which is the focus of this contribution.

II. **Conceptual Issues**

The Commission on Human Security has described human security as follows: *"to protect the vital core of all human lives in ways that enhance human freedoms and human fulfilment. Human security means protecting fundamental freedoms — freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people's strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity."* (Sadako and Sen, 2003). It also refers to a definition used by UN Secretary-General Kofi Annan: *"Human security in its broadest sense embraces far more than the absence of violent conflict. It encompasses human rights, good governance, access to education and health care and ensuring that each individual has opportunities and choices to fulfil his or her own potential. Every step in this direction is also a step towards reducing poverty, achieving economic growth and preventing conflict. Freedom from want, freedom from fear and the freedom of future generations to inherit a healthy natural environment — these are the interrelated building blocks of human, and therefore national, security"* (Annan, 2000).

Relationship between human rights and human security as well as human development

Human rights and human security as well as human development are interrelated and interdependent concepts. Without peace and security, there can be no full implementation of human rights and the same

is true also for human development. Without human development, human rights can not be fully achieved. But, without human rights, there can be no human security or human development either.[1] Human rights can help to define human security (Ramcharan, 2002). In a positive view, these concepts are mutually reinforcing. As the Human Security Network declared at its meeting in Lucerne in the year 2000: *"most threats to human security reveal a direct or indirect human rights dimension"* (Human Security Network, 2000).

With regard to the relationship between human security and human development, both, conflicts and the absence of economic, social and cultural rights severely affect human development. Accordingly, without human security there can be no human development. The relevance of both, civil and political and economic social and cultural rights corresponds to the Vienna Declaration on Human Rights of 1993 following up on the Teheran Declaration of 1968 according to which *"all human rights are universal, indivisible and interdependent and interrelated"* (para. 5). The interrelatedness between human rights, human security and human development requires a "holistic approach" to human rights as requested by human rights NGOs like the People's Movement for Human Rights Education and Learning (PDHRE).[2]

However, there are also critical voices, which question the usefulness of the concept of human security (Paris, 2001). OSCE sometimes prefers to talk about "comprehensive security" although the term human security is used as well (OSCE/ODIHR, 2003). There is still, however, an ongoing conceptual discussion, which is largely in favour of the new concept. The main question discussed is the delimitation of the concept, whether it should focus only on violent threats arising in particular from conflicts, or whether it should also cover non-violent threats, related to the violation of economic and social rights, i.e. human development (Burgess and Owen, 2004). The latter is the approach followed by the Human Security Commission (Human Security Commission, 2005), the former is the approach of the Human Security Report, which focuses in particular on conflicts and violence (Human Security Centre, 2005). One mediating approach suggests to consider only threats which are surpassing a certain threshold or magnitude, to be defined in the political arena (Owen, 2004).

Of particular interest is the potential impact of the concept of human security on international law and international institutions. A relevant

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[1] See Report of the International Workshop on Human Security and Human Rights Education and Learning, Graz 30 June to 1 July, 2000, at http://www.etc-graz.at.

[2] See http://www.pdhre.org.

study concluded that: "Human Security as both an academic concept and as a political agenda has the potential to become a new organising principle of international relations and international law" (Oberleitner, 2002, 2005).

The meaning of freedom from fear and freedom from want for human security and human rights

The concept of human security can be explained as an effort to address certain threats which can be divided into threats towards the freedom from fear and the freedom from want. This distinction is going back to the four freedoms announced by President Roosevelt in his message to Congress in 1941 and has been followed up by the Secretary General of the United Nations in his Millennium report to the General Assembly in 2000 (United Nations, 2000b).

In terms of human rights, the freedom from fear mainly corresponds to the civil and political rights, whereas the freedom from want can be equalled to economic, social and cultural rights.

What the concepts of human rights and human security have in common is the focus on the "human dignity" of the individual or the people. In cases of massive human rights violations, this raises the question of "humanitarian intervention", often misused in state practice. The report of the International Commission on Intervention and State Sovereignty of December 2001 on "the responsibility to protect", commissioned by the Canadian government, has developed several criteria for humanitarian intervention by military means, but also highlighted the "responsibility to prevent" as the first priority (Evans and Sahnoun, 2001).

III. **Threats to Human Security and Human Rights**

The changing character of conflicts is resulting in a different nature of threats to the security of the human being, which can be seen in the fact that the largest number of casualties today are civilians, in particular women and children (Human Security Centre, 2005).

For example, threats against the freedom from fear are related to political persecution, violations of humanitarian law, misuse of children in armed conflict, anti-personnel land mines and the proliferation of small weapons, organised crime, drug trade and human trafficking, environmental threats etc. About 500,000 people are killed every year with small arms or light weapons, whereas the main concern of the big powers seems to be with the weapons of mass destruction. Four Secu-

rity Council member states are responsible for 80% of the international arms trade. Therefore, the activities on prevention of human rights violations committed with small arms and light weapons are of particular importance (Frey, 2004).

Examples of threats against the freedom from want are poverty, disparities and marginalization, food shortage, public health, education, social security and human development in general. These problems are consequences of natural and man-made disasters like HIV/AIDS. Most of them are described in the Millennium Goals, like halving, by 2015, the proportion of people living on less than one dollar a day, suffering from hunger, or unable to reach or afford safe drinking water, primary schooling for all children, and equal access to all levels of education, reducing maternal and child mortality, and holding the spread of HIV/AIDS, malaria and other major diseases (United Nations, 2000d).[3] These threats are largely responsible for the growing migration and the large number of refugees.

According to the Human Development Report of 1994, there are 7 different elements of human security, i.e. personal, community, food, health, environmental security as well as economic and political security, which all are linked to human rights in their implementation (UNDP, 1994).

Two major reports have to be mentioned in this context, i.e. the report of the Human Security Commission, which was published in May 2003 (Human Security Commission, 2003) and the so-called "Human Security Report," to be issued annually from 2005 (Human Security Centre, 2005). Whereas the former was the result of the Commission on Human Security supported by Japan and the Secretary General of the United Nations, the latter is an analytical work under the direction of Andrew Mack, a former advisor of the Secretary General, presently directing the Human Security Centre of the Liu Institute for Global Issues at the University of British Columbia. Some first results show, *inter alia*, a general correlation between GDP per capita and the probability of war, i.e. the poorer a country, the more likely are violent conflicts. In particular, there is a striking relationship between dependence on primary commodity exports and the risk of civil war. There is also a clear relationship between democratisation and the decline of armed conflict (Human Security Centre, 2005; World Bank, 2003).

Another report worth mentioning is the Social Watch Report 2004 entitled "Fear and Want, Obstacles to Human Security" which, based on

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[3] Only limited progress has been made so far to achieve these goals as can be seen from UNDP (2003).

country studies and analyses of various topics gives ample evidence that the failure to ensure economic, social and cultural rights creates human security problems (Instituto del Tercer Mundo, 2004).

How to foster human rights through giving more attention to human security? In a world of fear there is a growing tendency to pursue security at the cost of liberty or human rights. It is therefore important to explain that human security cannot be achieved at the expense of human rights, which has been one of the main messages in the debate on Anti-Terrorist Measures and Human Rights (Benedek and Yotopoulos, 2004; Walter *et al.*, 2004). Human rights are the result of a liberal and social revolution, the separation of church and state, which is a challenge for fundamentalists and terrorism worldwide.

Human rights issues are also at stake in relations between the US and the EU, like the question of the death penalty, the prevention of torture, international criminal accountability, economic, social and cultural rights, etc. Generally, the human security approach appears to be much closer to the foreign policy of the European Union than to the policies of the United States, which is opposing several human security concerns (Benedek, 2004). One major case in point are the different attitudes vis-à-vis the International Criminal Court (ICC). Whereas the European Union as well as the Human Security Network has made the support of the ICC one of their major concerns, the United States is doing everything it cannot to be subjected to the jurisdiction of the Court (European University Centre, 2004; Zimmerman, 2004), which has damaging effects on the court itself. There is more common ground when it comes to multilateralism in post-conflict situations (Small, 2001).

A recent report by an international study group suggests that the European Security Strategy adopted by the European Council in 2003 should be inspired by a "Human Security Doctrine" for Europe, to protect individuals from insecurity caused by gross human rights violations. For this purpose, a "Human Security Response Force" should be established combining military, police and civilian capabilities as well as a "Human Security Volunteer Service" (Kaldor, 2004). The focus obviously is on failed states and post-conflict reconstruction situations, which need stabilisation and societal reconstruction measures. The report fails, however, to include the rich potential of the European Union in the field of humanitarian relief, development and economic as well as human rights cooperation in a more comprehensive approach.

IV. **The Human Security Agenda and Actors**

There are different human security priorities, pursued by different states and international organisations together with international civil society. The Human Security Network (HSN) has agreed on a common agenda, which includes *"issues such as the universalization of the Ottawa Convention on Anti-personnel Landmines, the establishment of the International Criminal Court, the protection of children in armed conflict, the control of small arms and light weapons, the fight against trans-national organized crime, human development and human security, human rights education, the struggle against HIV/AIDS, addressing implementation gaps of international humanitarian and human rights law, and conflict prevention."*[4]

Measures of Legal Protection

There have been significant achievements in terms of legal instruments, which the HSN helped to bring into existence or to monitor accessions and implementation:

— International Humanitarian Law — Geneva Conventions 1949 and Additional Protocols 1977[5]
— Convention against Anti-Personnel Mines 1997/1999[6]
— International Criminal Court 1998/2002[7]

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[4] See http://www.humansecuritynetwork.org/network-e.php.

[5] Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949. Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva, 12 August 1949. Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949. Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. Texts of the Conventions are available at http://www.icrc.org/ihl.nsf/WebCONVFULL?OpenView.

[6] Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Mine-Ban Convention), available at: http://disarmament.un.org:8080/rdb/apm-mbc-text.html. The Convention was adopted in 1997 and entered into force in 1999.

[7] Rome Statute of the International Criminal Court: The Text of the Rome Statute circulated as UN Doc. A/CONF.183/9 of 17 July 1998 and corrected by procès-verbeaux of 10 November 1998, 12 July 1999, 30 November 1999, 8 May 2000, 17 January 2001

— Palermo Convention against Transnational Organized Crime
   and Protocol on Involvement of Children in Armed Conflict
   2000/2002[8]
— Protocol to Prevent, Suppress and Punish Trafficking in Persons,
   especially Women and Children 2000/2003[9]
— Protocol on Sale of Children, Child Prostitution and Child Por-
   nography 2000/2002[10]
— Protocol to the Convention against Torture on a System of Visits
   to Places of Detention 2002[11]

Some other concerns have not yet resulted in a convention, but there
are proposals in this direction, like in the case of measures against small
arms and light weapons, where a Programme of Action has been adopt-
ed in 2001 and, as a first step towards a future "Arms Trade Treaty," a
"Protocol on Marking and Tracing" is being prepared.[12]
   In other cases, the Network acts as a lobby or tries to develop good
practices, like the Austrian-sponsored *"child rights training curriculum"*

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and 16 January 2002. The Statute entered into force on 1 July 2002. Text of the Rome
Statute is available at http://www.un.org/law/icc/statute/english/rome_statute(e).pdf.

[8] UN Convention against Transnational Organized Crime, http://www.unhchr.ch/
html/menu2/6/crc/treaties/opac.htm entered into force on 29 September 2003, Optional
Protocol to the Convention on the Rights of the Child on the involvement of children in
armed conflict, UN Doc. A/Res/54/263 25 May 2000, entered into force on 12 February
2002.

[9] See the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially
Women and Children, supplementing the United Nations Convention against Transna-
tional Organized Crime, UN Doc. 55/25 of 15 November 2000, entered into force on 25
December 2003, Text available at http://www.ohchr.org/english/law/protocoltraffic.htm.

[10] Optional Protocol to the Convention on the Rights of the Child on the sale of
children, child prostitution and child pornography, UN Doc. A/RES/54/263 of 25 May
2000, entered into force on 18 January 2002, Text available at http://www.unhchr.ch/
html/menu2/6/crc/treaties/opsc.htm.

[11] Optional Protocol to the Convention against Torture and other Cruel, Inhuman
or Degrading Treatment or Punishment, adopted on 18 December 2002; UN Doc.
A/RES/57/199 of 9 January 2003, Not yet in force, Text available at http://www.ohchr.
org/english/law/cat-one.htm.

[12] Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small
Arms and Light Weapons in All Its Aspects, UN Doc. A/CONF.192/15, http://disarma-
ment2.un.org/cab/poa.html. First Biennial Meeting of States to Consider the Imple-
mentation of the Programme of Action to Prevent, Combat and Eradicate the Illicit
Trade in Small Arms and Light Weapons in All Its Aspects (7-11 July 2003), http://www.
smallarmssurvey.org/resources/BMS%202003.htm. Working Draft of 25 May 2004 (re-
flecting, with minor modifications, the text circulated at the UN biennial PoA meeting,
New York, July 2003), available at http://www.iansa.org/documents/2004/att_0504.pdf.
See for the Campaign on an Arms Trade Treaty http://www.iansa.org/action/new_york/
arms_trade_treaty.htm.

for field missions[13] or the *"Graz Declaration on Principles of Human Rights Education and Human Security"* of 2003.[14]

V. **Empowerment through Measures in the Field of Human Development**

Of particular relevance is the work of Amartya Sen and his approach to development as freedom to have choices, which can also be translated into having access to human rights.[15] This approach has also influenced the report of the Human Security Commission, which recommends a number of measures in the field of economic security, such as in particular:[16]

— Social security: minimum living standards
— Universal access to basic health care
— Empowering all people with universal basic education
— Fair trade and markets to benefit the extreme poor

In addition, food security, corresponding to the human right to food as contained in Art. 11 of the International Covenant on Economic, Social and Cultural Rights has found particular attention, in the reports of the Human Security Commission and of the Special Rapporteur on the Right to Food and has been the subject of a specific declaration by the Human Security Network.[17] This shows the relevance of basic economic, social and cultural rights for the concept of human security.

Actors

Since 1999, the Human Security Network consisting of 12 states from all parts of the world and South Africa as an observer pursues a "Human Security Agenda" starting from the prohibition and destruction

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[13] See http://www.humansecuritynetwork.org/meeting-e.php.

[14] Ibid.

[15] See Sen, Amartya, 2000.

[16] See Commission on Human Security, Human Security Now, supra note 4, 72ff. and 133ff.

[17] See Human Security and Food Security with special emphasis on Biotechnology, Proceedings of the International Seminar, held at the Vienna International Centre, 3 December 2002, Organized by the Permanent Decision of Chile, Vienna 2003 and the report of the UN Special Rapporteur on the Right to Food, Ziegler, Jean, E/CN.4/2004/10 of 9 February 2004. See also the Declaration of the Human Security Network on Food Security of 29 May 2004, http://www.humansecuritynetwork.org/meeting-e.php.

of anti-personnel mines, protection of children in armed conflict and the problem of small arms and light weapons and putting particular emphasis on human rights education. The Network is meeting every year on Ministerial level and coordinates joint activities in the UN General Assembly and the UN Human Rights Commission in particular, which in some cases have also become part of the agenda of the UN Security Council.[18]

There are different approaches to the concept of human security like in the case of Canada, which has a particular focus on conflict prevention and Switzerland, with its interest in humanitarian law. Others, like Austria, Chile and Mali have emphasized the importance of human rights education. Japan has development and human security as the major concern of its foreign policy, but is not part of the HSN. Examples in case are the UN Trust Fund for Human Security sponsored mainly by Japan, which made more than US $200 million available for projects of the United Nations Organization, or the Canadian Consortium on Human Rights, which brings together different Canadian research institutions with a focus on human security (Bosold and Werthes, 2005).[19]

The UN has taken up the human security concept by establishing a "Human Security Branch" as part of the UN Office on Drugs and Crime in Vienna, which merges programmes related to drugs control and crime prevention at the UN in Vienna and in its field offices. It has also set up a "Human Security Unit" in its Office for the Coordination of Humanitarian Affairs in New York, which will cooperate with the UN Trust Fund for Human Security and oversee the dissemination, promotion and follow-up of the conclusions and recommendations of the Commission on Human Security and the concept of human security in general as well as provide support to the "Advisory Board on Human Security", established as a follow-up to the Commission on Human Security.[20]

Of particular relevance for the progress of the human security concept are the non-state actors, in particular international civil society, which operates through a variety of Non-Governmental Organisations

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[18] See, for example, UNSC-Res. 1539 (2004) on Children and armed conflict and UNSC-Res. 1467 (2003) on Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa, or UNSC-Res. 1308 (2000) on the AIDS crises; see also Ramcharan (note 4), 21ff.

[19] For the Canadian Consortium on Human Security, see http://www.humansecurity.info/CCHS_web/Home/en/.

[20] See http://www.reliefweb.int/w/res.nsf/wDocs/2F57FE7A26213456C1256ED8003BF662.

(NGOs).[21] The emerging global civil society (Benedek, 2005) contributes to the agenda-setting, but also the preparation of the activities of the Human Security Network, which regularly organises preparatory meetings with NGO-experts and also gives competent NGOs an important role in the yearly meetings on the Ministerial level. Examples in case are the NGO-network "Global Partnership for the Prevention of Armed Conflict,"[22] the "International Campaign to Ban Landmines,"[23] or the "Kimberley process" in which transnational corporations are also included.[24]

VI. **The Human Security Approach and the Human Rights Approach**

Both approaches are characterised by an increasing awareness of the importance of the preventive versus the repressive approach in human rights and with regard to conflicts (Sicilianos, 2001; Cockel, 2001). By including international organisations and non-state actors, they also pursue a participatory and cooperative approach. Consequently, they face the same negative reactions by some states preoccupied with protecting their sovereignty. The main concern of the human security approach is with building the capability of those directly affected, i.e. their empowerment of people through human rights. This addresses in particular the empowerment of women and the need of a gender-sensitive approach (Ainetter-Brautigam, 2002). For this purpose, cooperation with international organisations and with NGOs is required as well as cooperation in law enforcement and international judicial cooperation.[25] One overriding concern is the establishment and protection of the rule of law, in crime prevention as well as in addressing the problems of post-conflict societies. There is, not surprisingly, a clear negative correlation between the rule of law and the extent of organized crime (Van Dijk, 2004). In the words of Sergio Vieira de Mello, as UN High Commissioner for Human Rights: *My choice of the rule of law as an overarching theme in my*

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[21] See for examples of the role of civil society in the HSN http://www.humansecuritynetwork.org/society-e.php.

[22] See http://www.gppac.net/.

[23] See International Campaign to Ban Landmines, http://www.icbl.org/.

[24] See http://www.Kimberlyprocess.com:8080/ and http://www.business-humanrights.org/Categories/Principles/KimberlyProcess.

[25] See United Nations Office on Drugs and Crime, Human Security and Justice, Selected UNODC Projects, Vienna 2004.

own work is due not at least to its universality. It is also the most solid foundation of security."[26]

Because of his tragic death as a victim of the bombing of the UN head-quarters in Baghdad, Sergio de Mello could not open the yearly International Summer Academy on Human Rights and Human Security, organized since 2003 by the European Training and Research Centre on Human Rights and Democracy (ETC) in Graz, Austria. The relationship between human rights and human security, including also human development, is the focus of this unique training programme.[27] This experience led participants to start the first electronic journal on human security entitled "Human Security Perspectives."[28]

In conclusion, the human security approach, is largely similar to the human rights approach. It is characterized by its focus on the human person, its preference for prevention rather than protection, its inclusiveness with regard to Non-Governmental Organizations and non-state actors in general as well as its reliance on international multilateral cooperation rather than unilateral action. However, its focus is on major threats, both with regard to threats deriving from conflicts and violence and threats deriving from violations of basic human rights, i.e. in the field of development.

VII. **Human Rights Education: The Human Right to Know One's Human Rights**

In order for civil society to play its participatory role at all levels and as a safeguard against the threat of violations, it is important to improve the knowledge and understanding of people of their human rights. Therefore, human rights education and learning is of utmost importance.

This is a responsibility of all actors, in particular the states, which has also been confirmed by the UN Decade on Human Rights Education (1995-2004), which, according to a resolution passed at the UN Human Rights Commission in 2004 is to be continued in the form of a Plan

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[26] See de Mello, Sergio Vieira, Opening Statement at the 59th session of the UN Commission on Human Rights, 17 March 2003, http://www.unhchr.ch/huricane/huricane.nsf/0/FCBA570604706415C1256CEC0054BAE8?opendocument.

[27] The first International Summer Academy on Human Rights and Human Security has actually been opened by Bertrand Ramcharan as acting UN High Commissioner of Human Rights on 1 September 2003, see ETC Newsletter 3/2003, 1ff., http://www.etc-graz.at/, and was dedicated to the memory of Sergio de Mello. For information on the Summer Academy see: http://www.summeracademy.etc-graz.at.

[28] See http://www.hs-perspectives.etc-graz.at/.

of Action (2005-2007) under the World Programme for Human Rights Education from 2005, which has been proclaimed by a special meeting of the UN General Assembly on 10 December 2004.[29] In this context the Graz Declaration on Principles of Human Rights Education and Human Security is of relevance[30] together with the Manual on Human Rights Education with the title "Understanding Human Rights," produced by the European Training and Research Centre for Human Rights and Democracy (ETC) on behalf of the Austrian Ministry for Foreign Affairs for the HSN, which consequently has been translated into all United Nations languages as well as several others (Benedek and Nikolova, 2003).

It is increasingly recognised that human rights need also to be addressed at the local level. One innovative approach, promoted by the People's Movement on Human Rights Education (PDHRE), is the self-declaration of "Human Rights Cities," which commit themselves to base their policies squarely on human rights. So far, about 12 cities, in particular in the South, have declared themselves as Human Rights Cities, Graz being the first in Europe.[31] Another approach in the same direction is the "European Charter on Safeguarding Human Rights in the City," adopted in the year 2000 by Barcelona and St. Denis/France, which today has been signed by about 250 communities, mainly in Southern Europe.[32] The signatories are meeting every two years, in Venice (2002) and Nuremberg (2004). The emphasis on implementation of human rights at the local level is a new trend in the field of human rights, which is in line with the human security approach.[33]

VIII. **Overcoming Retrogressive Forces**

References to human security suggested by Japan and other states to be included into certain United Nations resolutions had to be aban-

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[29] See UNGA-Res. 59/113 (2004) and Revised draft Plan of Action for the first phase (2005-2007) of the World Programme for Human Rights Education, UN Doc. A/59/525/ Rev. 1 of 2 March 2005 and UN Human Rights Commission, Res. 2004/71: Follow-up to the UN Decade on Human Rights Education.

[30] See Graz Declaration on Principles of Human Rights Education and Human Security, http://www.humansecuritynetwork.org/meeting-e.php.

[31] See on human rights cities PDHRE, www.pdhre.org/projects/hrcommun.html.

[32] See Charter on Safeguarding Human Rights in the City (2000), http://www.comune.venezia.it/conferenzadiritti/carta/European%20Charter%20For%20The%20Safeguarding%20Of%20Human%20Rights%20In%20The%20City.pdf.

[33] See Kapuy, Klaus, The Relevance of the local level for Human Security, in: Human Security Perspectives, Vol. 1 (2004), at: http://www.hs-perspectives.etc-graz.at/.

doned in view of the opposition of some states opposed to the concept for reasons of state sovereignty and fears that the concept could open the way to humanitarian intervention.[34] These states still favour the international law of coexistence over the international law of cooperation. Since 2001, this tendency can be felt more strongly also in the sessions of the UN Human Rights Commission.

Generally, there is a need of rethinking the role of the state, which has the responsibility to protect, but in doing so increasingly depends on the International Community. There is, however, also the problem of "failed states," meaning that only a functioning state can fully guarantee human rights. In this context, both, the state-centric concept of international law and the "anti-sovereignty label" of the human rights movement need to be reviewed. This requires also a review of the role of human rights in state theory.[35]

There are also implications on global governance meaning that human rights for their realization increasingly depend on international cooperation, which can best be seen in the case of the implementation of the right to development.[36] Since the year 2000, the Secretary-General, on the request of the UN General Assembly has produced several reports on the impact of globalisation on the full enjoyment of human rights[37]

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[34] The title of the Commission initiated by Canada, i.e. International Commission on Intervention on State Sovereignty on "The Responsibility to protect (note 20), might also have raised concerns. In any case, efforts to give this report a larger role in the United Nations system have also been blocked by the same states, which show similar attitudes when it comes to human rights issues.

[35] This has also been the topic of a panel of the 98th Annual Meeting of the American Society of the International Law in Washington on 2 April 2004, see ASIL Proceedings of the 98th Annual Meeting, Washington 2004, http://www.asil.org/pdfs/ASIL_2004_program_text.pdf.

[36] See UN Working Group on Implementation of the Right to Development, http://www.unhchr.ch/development/right-03.html.

[37] See Globalization and its impact on the full enjoyment of all human rights, Report of the Secretary General, A/56/165 (2001) and A/56/254 and Add.1 (2001). The 2003 report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/57/205, 11 July 2002; A/57/205/Add.1, 5 September 2002) summarizes the views of the governments of Cuba, Haiti, Sudan and the United Kingdom on this issue. http://www.hri.ca/fortherecord2002/documentation/genassembly/a-57-205.htm. The 2004 report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights, UN Doc. A/58/257 of 7 August 2003 is available at http://daccessdds.un.org/doc/UNDOC/GEN/N03/474/40/PDF/N0347440.pdf?OpenElement. The 2004 report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights, UN Doc. A/59/320 of 1 September 2004, available at http://daccessdds.un.org/doc/UNDOC/GEN/N04/493/92/PDF/N0449392.pdf?OpenElement.

and there is a significant trend to appoint special rapporteurs on issues related to globalisation and economic, social and cultural rights.[38]

The recent restoration of state sovereignty and unilateralism by the Bush Administration in the United States (Spiro, 2000; 2004) has typically been associated with or even induced by a return to a national security approach as opposed to human security. The U.S. has claimed for itself even the right to lead pre-emptive wars, which has met internationally with strong opposition as being contrary to international law (Yotopoulos-Marangopoulos, 2004).

Conclusions

In conclusion, human rights are also a matter of human security. There is a need for an integrative and holistic approach of related communities of interest. Looking at the international agenda of humanitarian concerns, it can be observed that different communities pursue legitimate objectives often apart from each other. A joint approach is missing. For example, there is the human rights community, the humanitarian law community, the holocaust and genocide studies community, the transitional justice community, the criminal justice or crime prevention community, the human security community, the development community etc. Their concerns are all overlapping and therefore should be better pursued in an integrated approach. The same is true for strengthening cooperation between the various competent international organisations, which often show a preference for competition rather than for cooperation leading to duplication of activities.

Addressing the root causes of violations requires a structural as well as a preventive approach. For this purpose, the rule of law and human rights are of key importance for human security. A human security approach provides more sustainable results in solving global issues. Furthermore, a culture of human rights and human security fosters societal development.

The strengthening of human security cannot be achieved simply by increasing military spending. Very different policies are necessary, ad-

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[38] See, for example, the Independent Expert on Human Rights and Extreme Poverty (since 1998), the Independent Expert on the Right to Development (since 1998), the Special Rapporteur on the Right to Education (since 1998), the Independent Expert on Structural Adjustment Policy (since 2000), the Special Rapporteurs on Housing (since 2000) and the Right to Food (since 2000) as well as on Health (since 2002) etc. See Nowak (2003: 116).

dressing actual challenges primarily by political means and focusing on human rights in a holistic approach against the opposition of certain states and business interests, to avoid blind spots like Chechnya and double standards in the treatment of cases like China, which should be dealt with in a cooperative rather than confrontational manner.

The indivisibility of human rights means that no state, no one is above the law. Human Security raises also issues of global governance, which needs to be more inclusive and democratically legitimised and to focus on the needs of the people (Axworthy, 2001).

The internationalisation or globalisation of human rights has to be complemented by a "localisation" of human rights, which sometimes is called "glocalisation." Human rights need to be taken care of also at the local level, as demonstrated by the human rights cities. Accordingly, UNDP has decided to promote human rights cities as part of its programmes on human development.

The increasing threats to human security have resulted in the fact that human security is moving to the top of the political agenda (Human Security Commission, 2003: 131). As can be seen from the case of Iraq, military intervention has been unable to provide human security because military means, although sometimes necessary (Hampson, 2002), can only achieve very limited objectives, whereas human security and human rights are needed as a general pre-condition for societal development.

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An Anthropological View of Violences

Francisco Ferrándiz Martín
University of Deusto

Carles Feixa Pampols
University of Lleida

Abstract

This article deals with violences of culture and cultures of violence. After reviewing the specificity of anthropological views of violence, we propose a processual reconceptualisation of this, reflect on the forms and possible consequences of ethnographic research and representation in this field, and end by outlining the future of an anthropology of violence that can also be an anthropology of peace. An epilogue on 11 March serves to relocate this theoretical sketch in the context of global terrorism.

Introduction

The criticism of violence is the philosophy of its own history.

Benjamin (1999: 44)

It is undeniable that violence permeates numerous aspects of so-cial life, conditioning or determining their dynamics. But although we used this word very assiduously, it is not a convenient term with a clear demarcation. Quite the reverse: violence is an phenomenon with many faces and anchors in different historical and social realities. In order to decipher its complexity, there is no option but to divide it into significant modes. We speak frequently, for example, of juvenile violence, sexual, ethnic, racist, family, ancestral, endemic, terrorist, discursive, open or symbolic, physical or psychological, quotidian or structural, high or low intensity, legitimate or criminal violence, or victims and perpetrators of violence. Although in some cases these categories have a high diagnostic and interpretative value for the analysis of specific or comparative reali-

ties, in others they can be limited, stigmatising, obscure or ambiguous. For that reason, an objective of this work is to delimit in a critical way the range of what we understand by violence, that is to say, to discuss its limits, modalities, contexts and consequences, to examine the uses that we bring from common sense and to question the relevance of the academic categories that we have constructed to analyse it.

In any case, we use the categories that we use, when speaking of violence we talk about power relations and political relations (necessarily asymmetric), as well as culture and the diverse ways in which the latter is tied in with different structures of domination in micro and macro-social arenas (in the words of Gramsci, to speak of relationships of hegemony and subordination). The increasing interest that anthropology is giving to the study of violent acts, their antecedents and their tragic sequels — what has recently been called discourse of trauma[1] or anthropology of social suffering —[2] are bound to the search for new ways of thinking and interpreting these complex relations between violent acts, meaning, representation, hegemony or resistance. At the same time, to research or write on violence from a disciplinary position is not, or should not be, simple. The analysis itself becomes, sometimes in unanticipated ways, part of social reality. From a critical and reflective position about the nature and possible scope of the anthropological methods and texts it becomes inevitable, therefore, to face the ethical and political aspects to reflect on the facts and representations of violence.

This article deals with violences and cultures. By leaving the terms in their plural form we want to place emphasis on the polyfacetic dimension of the different expressions of violence and their diverse cultural modulations; on the other hand, when putting the term violences first and cultures second, we want to emphasize the set of analytical viewpoints in which the nonpacific resolution of conflict was the topos from which we thought it relevant to examine the play of existing con-

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[1] Sztompka describes a sequence in social theory that goes from the discourse of progress, that accompanies the modernizing euphoria, through the discourse of crisis that from the middle of the 20th century arose in parallel to the decay of the progress idea, arriving at the discourse of trauma, taking over little by little the field of the social sciences and humanities. For this author, trauma must go beyond its biological meaning to also represent the effect that great social transformations have on the social and cultural fabric (2000: 449-450).

[2] For example, see the important series of books published by Arthur Kleinman, Veena Das, Margaret Lock and other collaborators (Kleinman, *et al*., 1997; Das, *et al.,* 2000 and 2001). In this respect we must indicate an interesting similarity of exposition with the concept of social pain arisen in the scope of collective psychology (Arciaga and Nateras, 2002).

sensuses and hegemonies in any cultural field. We aim, then, to study violence not so much as an act but as a continuum (Scheper-Hughes and Bourgois, 2004: 1-5), not so much as a exception but as normality, not so much as political but as quotidian, not so much as structure but as symbol, not so much as threats of war but as negotiations of peace. To use the terms of Walter Benjamin in his classic essay "Towards a critique of violence" (1922), the study of cultural justifications of violence (of what the author denominates his philosophy of history) is the condition for a cultural critique of the same.[3]

Antropology(ies) and Violence(s)

> *Whether the effect be direct or symbolic (working to communicate the value of the individual as member of a social group), one can say that violence is a basic strategy for the experience of social interaction.*

> Riches (1988: 47)

The study of violence is not, nevertheless, a new subject on the anthropological scene. As Edward Said recalls in the epilogue of *Orientalism* (entitled precisely "Identity, negation and violence"), the control of disorder and the limits of terror are crucial dilemmas in any politics of identity. The domestication of aggression, urban anomie, the resolution of conflicts and ritual violence were classic themes of the first socio-anthropological schools (such as social Darwinism, the Chicago school, functionalism and structuralism). The trans-cultural study of violence not only allowed the biologists' explanations of human aggressiveness to be questioned, but also permitted the recognition that not all violence implies the use of force, because in many non-Western societies much physical damage is caused invisibly (by means of practices like witchcraft). The study of non-state political systems — and of subordinate sectors within western society itself — contributed to the discovery that politics can exist beyond the State and that extra-state violence is never indiscriminate: few societies lack norms that stipulate how conflict

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[3] In this text we focus on the specificity of the anthropological view, although we must indicate that the last decade has been characterized by the advance of transdisciplinary views of violence, in which the views meet of different disciplines that have long had their backs turned (like psychology, sociology, criminology, psychoanalysis, communication and social philosophy).

must be organized (Riches, 1988: 25).[4] Thus, although violence tends to be defined as the aggressive use of physical force against others on the part of individuals or groups, there are other forms of non-physical aggressiveness (verbal, symbolic, moral) that can cause more damage, and mainly that "violence is not limited to the use of force... but rather the possibility or threat to use it" (Velho, 1996, cit. in Medeiros, 2003: 7).[5] In spite of the recurrent interest in violence shown by anthropologists (especially that inflicted at the margin of or below the State), not until recent years has its study become a privileged field of research. We might mention, in this sense, the publication of diverse transcultural anthologies, among which we would emphasize those of David Riches (*The Anthropology of Violence*, 1986); Carolyn Nordstrom and Joann Martin (*The Paths to Domination, Resistance, and Terror*, 1992); Jeffrey A. Sluka (*Death Squad: The Anthropology of State Terror*, 2000); Bettina E. Schmidt and Ingo W. Schröder (*The Anthropology of Violence and Conflict*, 2001); Alexander Laban Hinton (*Genocide: An Anthropological Reader*, 2002); and Nancy Scheper-Hughes and Philippe Bourgois (*Violence in War and Peace: An Anthology*, 2004). The first, whose Spanish version is entitled *El fenómeno de la violencia* (1988), has the merit of including both classic studies on violence in primitive societies (from witchcraft among the Mkako of Cameroon to cannibalism among the Piaroa of the Amazon) and research on the imagery of violence in western societies (from Irish terrorism to Japanese cinema). The other more recent work (still not translated into Spanish) extends anthropology from violence to the study of conflict and peace, confirming the fecundity of transcultural comparison to escape from the ethnocentric temptations in which traditional specialists in violentology — mainly criminologists and psychologists — have often fallen, and extending the field of study to the political, symbolic, structural and quotidian violences.

In the Latin American scope there are also remarkable precedents of anthropological studies around this system. If we limit ourselves to

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[4] We could mention here the distinction of Evans-Pritchard (1977), from the case of the Nuer, on the segmental character of violence: while fights between members of the same town are restricted to the use of sticks, the people of different towns can use lances; this type of regulation is suspended when the opponents are not Nuer.

[5] Although reductionist definitions of violence (whether biological or psychological) were hegemonic for a long time, there is more and more consensus among the transdisciplinary academic community in a holistic definition like the one propose by the World Health Organization: a) intentional use of the force objectively or as a threat; b) directed against oneself, another person, group or community; c) whose intention is to cause damage (physical or psychic); d) constructed socio-culturally and located in a specific historical time and space (WHO, 2003).

Spain, in the field of what we could call political violences, we must emphasize the seminal and controversial book of Zulaika on terrorism (1988); the contributions of other Basque anthropologists (Aretxaga, 1988; Aranzadi, 2001); the studies of ethnicity and violence collected by Fernandez De Rota (1994) and the more recent review of Frigolé (2003) of the research around culture and genocide. In the field of quotidian violences we can emphasize the contributions of Romaní (1996) on social violence, and Delgado (2001) on antireligious and racist violence. With respect to gender-based violences, we have the invaluable volume compiled by Maquieira and Sánchez (1990). In Portugal we must emphasize a remarkable ethno-historical study by Fatela (1989) on the imagery of blood and the street in urban violence. As regards Latin America, the second half of the 20th century saw the full range of expressions of violence (in the forms of state terror, guerrillas, tortures, social and ritual violence), although anthropologists were not always the first to arrive at the scene of the crime (not speaking metaphorically), which may explain the delayed inclusion of the cultural dimensions of violence among the dominant paradigms.[6]

Cultures of Violence, Violences of Culture

> *Culture is the defeat of violence (...) violence would be rather a moment of failure of culture. In that sense there would not be a culture of violence.*

> Restrepo (1990), cit. in Blair (2003: 4)

The scope of this article, then, is the discussion of the connection (subject to multiple overloads, crossed wires and short circuits) between violence(s) and culture(s). For that reason we must begin by indicating the conceptual framework in which we locate such a debate. We have already mentioned the intentional use of the plural to emphasize that we understand neither violence nor culture as essential or static con-

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[6] The bibliography of studies on violence in Latin America is very broad. In addition to the references included in Blair (2003) for Colombia, see also the conceptualising proposal of Brazilian anthropologists Velho and Alvito (1996). In the Mexican case, there are numerous studies on violence both revolutionary (from Zapata to the Zapatistas) and social (from banditry to drug trafficking), but much less on symbolic and structural violence. In addition to the classic contribution of Roger Bartra (1996) on imaginary networks of power, it is worthwhile emphasizing the contributions to the study of juvenile violences, included in a volume published by Alfredo Nateras (2002) and the recent monograph in the journal *Desacatos* (2004).

cepts. Although criminology has tended to use too restrictive a definition of violence (reduced to certain criminal acts included in the penal code of Western countries), anthropologists know that the consideration of a physical or moral damage as violence does not always meet the consensus of the three different types of actors involved: perpetrators, victims and witnesses (Riches, 1988: 24). It is particularly relevant in cases of ritual or symbolic violence in which the executors of the acts of physical aggression usually deny their violent character based on cultural criteria.

As in the film *Rashomon*, directed by Akira Kurosawa, in which the story of a rape is told from the point of view of the actors involved (the perpetrator: the rapist; the victim: the woman raped; the witnesses: neighbours, husband, police, accomplices), any violent scene has many facets. The fact that discrepant versions of the rape must be considered, to the extent that they form part of the reality and the actors' perception of it, is relatively independent of the violent act, that is to say, of whether the rape existed or not and who in fact perpetrated it. Definitively, for anthropologists it is as important to observe the violence in itself as it is to understanding the vision that the actors have of it. In addition, in our society the function of witness of violence is usually filtered by an institution: the mass media. Thus, it is necessary to go from a factual to a processual consideration of violence. Philippe Bourgois (2001), based on the Salvadoran case, has proposed a definition of violence based on four modes, which we will permit ourselves to restate:

1. *Political violence* includes those forms of physical aggression and terror administered by official authorities and those that oppose them, such as military repression, police torture and armed resistance, in name of an ideology, movement or political state. This is the form of violence present in historiography and political science, traditionally reduced to its more institutionalised aspects.[7]
2. *Structural violence* refers to the economic-political organisation of society that imposes conditions of physical and/or emotional pain, from high indices of morbidity and mortality to abusive and precarious conditions of work. This term was coined in academic

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[7] The functionalist school based its theories on political systems on the distinction between the legitimate use of force — the patrimony of the State, almost never characterized as violence — and its illegitimate use — present in the interpersonal relations facing, below and against the State. It is worth the trouble to remember here the classic essay of Pierre Clastres, *Societé contre l'Etat* (1974) and his article "Archaeology of Violence" (1980).

circles by the founder of the field of Peace and Conflict Studies, Johan Galtung (1969), to emphasize a social-democratic commitment to human rights.[8]

3. *Symbolic violence* defined in the work of Bourdieu as internalised humiliations and legitimisations of inequality and hierarchy, from sexism and racism up to the internal expressions of class power. It is "exerted through the action of knowledge and ignorance, knowledge and feeling, with the unconscious consent of the dominated" (Bourdieu, 2000; Bourdieu and Wacquant, 1992).

4. *Quotidian violence* includes the quotidian practices and expressions of violence on a micro-interaction level: between individuals (interpersonal), domestic and delinquent. The concept has adapted from that of Scheper-Hughes (1997) to be centred in the individual lived experience which standardizes the small brutalities and terrors in the scope of the community and creates a common-sense or *ethos* of violence.

Of course, these four types do not have to be considered as mutually exclusive dimensions: almost all forms of quotidian violence (from delinquency to suicide) are based on structural violence, and often symbolic violence is translated into politicised forms of collective mobilization. As holistic researchers, specialists in the interrelations between diverse aspects of culture, the specificity of an anthropology of violence consists of studying the bonds between the different forms of violence present in each cultural layer (for example, the relation between labour flexibility and racist violence, or between political dictatorship and delinquency).[9]

The connection between violence and culture has traditionally been resumed in the term — more than in the concept — of *culture of vio-*

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[8] Galtung defines the structural violence as "the indirect violence constructed along social orders, and creating enormous differences between real and potential human self-realization". It specifically differentiates structural violence from institutional violence emphasizing the "more abstract nature... than cannot be attributed to any specific institution" of the former. Structural violence is often "seen in a way as... natural as the air that surrounds us." Much more important, "the general formula behind structural violence is inequality, mainly in the distribution of power" (Galtung, 1975: 173 and 175, cit. in Bourgois, 2001).

[9] Joan Vendrell recalls a quote from Pierre Bourdieu that it is worth recalling: "structural violence exerted by the financial markets, in the form of dismissals, precariousness of working conditions, etc., has its counterpart, sooner or later, in the form of suicides, delinquency, crime, drug addiction, alcoholism and greater or lesser quotidian violences" (Bourdieu, 2000: 58, cit. in Vendrell, 2003: 4-5). Another recent debate can be consulted on the law of conservation of violence of Bourdieu, in Bourgois (2001 and 2002) and Binford (2002).

lence. Although it initially served to question the biological or psychological paradigms of human aggressiveness (founded by the dominant positivist theories in criminological thought based on the work of the notable Italian anthropologist Cesare Lombroso),[10] the indiscriminate and uncritical use of the term could lead to equally essentialist explanations of violence (in this case based on cultural criteria). Something similar to the debate on the culture of poverty based on the work of Oscar Lewis (1981): good intentions (the attempt to understand the cultural codes of subordinate sectors) were converted into bad theorizations (the tendency to blame to the poor for their poverty and violent groups for their violence, the fatalism of poverty and violence based on cultural criteria). Unfortunately, this facilitated the hegemony of materialistic paradigms and the forgetting of the immaterial dimensions implicit in any violent conflict.[11]

In a recent (2003) article Elsa Blair includes an excellent summary of this conceptual debate, from the very suggestive Colombian case. The author recalls that in the last decade the literature on violence in the country has gone from denying sharply any relationship with culture to beginning to reframe it. The quote from the Colombian sociologist Eduardo Restrepo with which we opened this section is, in this sense, perfectly representative of the state of the dominant academic and political opinion until the start of the Nineties: the culture of violence is an unthinkable term because it would mean accepting that Colombians are by nature violent and that violence is, therefore, consubstantial to their history and mainly non-modifiable (a species of determinist *sine qua non*). Thanks to this the word was taboo for a long time among Colombian anthropologists (a kind of curse that was not only unpronounceable but unthinkable). But as Blair herself observes, it entailed the contempt of the mental representations, values and ritual practices, of the dimensions of expression of pain, suffering and cruelty that always accompany and orient violent practices (something always strange but characteristic if Colombian culture is known).

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[10] The studies of Lombroso (1878) on jailhouse tattoos and graffitti are very interesting. See the recent reading of his work by an Italian anthropologist of the Gramsci school (Leschiutta, 1996). Within Italian anthropology the contributions of Ernesto de Martino (1980) to the study of traditional and modern forms of ritual violence must also be mentioned.

[11] The concept of culture of violence was in its origin associated with the criminological studies in the tradition of the Chicago school. In the book of Wolfgang and Ferracuti (1982 [1967]), entitled indeed The subculture of violence, the bases of this thesis are set out: "There is an impetuous infiltration of violence that is impregnating the nucleus of values that mark the lifestyle, socialization processes and interpersonal relations of individuals that live under similar conditions" (1982: 169).

The Hispano-Colombian communications specialist Jesus Martín Barbero was one of the first to recover the interest in the cultural nuances of violence, reminding anthropologists that the disdain towards the term "culture of violence" appeared to be based on an archaic concept of culture "... of an essence that is the opposite of what culture really means, that is to say, history and therefore long processes of interchanges and changes" Martín Barbero, 1998, cit. in Blair, 2003: 6).

It is clear, then, that in referring to violence(s) and culture(s) in the plural we are thinking about the continuum of means of non-peaceful resolution of conflicts[12] (from the political to the quotidian, via the structural and the symbolic) and about their cultural modulations (in the symbolic codes that guide such practices, subject to constant processes of change and interchange). From this perspective, two possible approaches to the anthropological study of violence can be seen: a) the study of *cultures of violence*, that is to say, of the cultural guidelines (uses, customs, rites, images) and institutions (organizations, powers, subcultures, networks) that are structured based on certain codes for the legitimate or illegitimate use of violence, whether interpersonal or self-inflicted; b) the analysis of *violences of culture*, that is, of the presence of violence (political or quotidian, structural or micro-social, physical or symbolic, visible or invisible, experienced or imagined) in cultural institutions or fields, often distant from those that are normally assigned to the expression and resolution of conflicts. While the first approach has been the traditional one in anthropological studies on violence, the second, less frequent, implies an attempt to see things from a micro-political perspective — according to Foucault's conception of the microphysics of power.

To Investigate, to Represent, to Disarm Violences

> *Like the sacramental type of dance, political violence can also sometimes be experienced as the connection between the conscious and the unconscious and there are no words to say what it is.*
>
> Zulaika (1988: 389)

We have already commented that there is, without a doubt, an increasing interest in the study of violences within the anthropological

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[12] We would also have to add to the object of the anthropology of violence the forms of "irresolution" of conflicts (because there are some that are not resolved and become endemic: think only of the Palestinian-Israeli conflict or the terrorism of ETA).

discipline and other, related fields. It's not that this theme was unknown in anthropology, but it lacked the centrality that it is acquiring recently, in previously neglected some areas of research. For example, as Nagengast indicates, until recent years anthropology had never been systematically at the forward edge of the studies on collective violence, terrorism, and violence in state contexts (1994: 112), despite all the data and discussions that we could contribute, given our love of field research and the comparative method (Sluka, 1992). In addition, a good part of the research work, as Green indicates, has been carried out, in the last thirty years, in places where there was some type of political and social violence (1995: 107). This being the case, a pending question is why the attention that there is now on all types of violence did not occur previously in the discipline. Let us see a case that may serve to clarify the situation, at least as regards political violences. Although much caution is necessary to extrapolate its conclusions to other geographical scopes, in his well-known article "Missing the Revolution: Anthropologists and the War in Peru," Orin Starn criticized the lack of interest that specialised anthropologists in the Andes had shown with respect to the expansion — clandestine, certainly, but hardly invisible — of a guerrilla detachment as important as the Shining Path, during their field research in the Seventies. According to Starn (1992), the theoretical-methodological baggage of the time, combined with a nostalgic (*Andeanist*) vision of the Quechua communities as remainders of a pre-Hispanic past disconnected from national society, made inconceivable — and therefore nonexistent as an object of study — a process of clandestine political organization with massive and dramatic consequences, such as was developing. Things are changing lately, to the point where it is possible to ask if this rise will not have as a collateral consequence an over-emphasis on the violent aspects of human societies. It is possible to think that the very increase in the visibility of violences (as we consume them in the media), together with the new theoretical developments that allow us to limit, distinguish, contextualise and relate different types of violence more accurately, are fundamental elements in its present popularity as an object of study. In more traditional fields of study, among which are those that Nagengast has denominated tribal (pre-state or sub-state) scenarios of violence, where the interest resides in the analysis of violences of a "practical, physical and visible" type (1994: 112)[13] are now complemented, intensified and nuanced with other scenes of research that respond to the recent social,

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[13] Nagengast refers to the heated debates between specialists on "violent" tribal groups — the Yanomami would be a paradigm in this bibliography — and "pacific" groups — such as the Innuit or !Kung, but the thematics of violence are much broader.

political, economic and cultural changes, linked to the thrust of globalisation. This is not only about the appearance of novel areas of research, but also the transformation of more classic places in the discipline in parallel to the expansion and development of our methodological and conceptual instruments to face up to violences.

Without trying to be exhaustive, it is possible to find anthropologists investigating violences in refugee camps (Malkii, 1995); military bases (Lutz, 2001); war zones (Daniel, 1996); operating rooms and intensive care units (Allué, 1994; Comelles, 2001);[14] colonial texts and traumatized therapeutic imagery (Taussig, 1987); or among political prisoners (Feldman, 1991); military, politicians and relatives of the disappeared (Robben, 1995); exiled ex-combatants (Daniel, 1997); drug addicts or crack dealers (Romaní, 2000; Bourgois, 1995); guerrillas and spiritualist mediums (Lan, 1985); childhood friends divided by murder (Zulaika, 1999); war reporters (Pedelty, 1995); war widows (Green, 1995); "between the lines" (Stoll, 1993); or pursuing clandestine markets in human organs (Scheper-Hughes, 2002). Also, as shown in the works presented at the symposium on Violences and Cultures of the 9th Congress of the Federation of Associations of Anthropology in the Spanish State (FAAEE) in Barcelona (Feixa and Ferrándiz, 2003), among psychiatrists forced out by the dictatorship; undocumented migrants; police; spiritualist mediums; frightened or institutionalised children; harassed workers; native peoples in post-war situations; excluded, mistreated and murdered women; marginalized young people; survivors of a disaster; or images from the world of fashion.

Violences are not a simple object of study, and less so for a discipline whose dominant methodological paradigm is, since the times of Malinowsky, participation-observation. It is obvious that there are radical differences between some research scenes and others. But, as a basic rule, as the intensity of the violence increases — until it reaches the point that Swedenburg calls *treacherous field locations* (1995: 27) —, so do the uncertainties and dangers of carrying out research, whether for the anthropologist or for the informants and communities involved in the

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[14] The case of researchers who decide to face personal or family tragedies using their own bodies and sensations as a research field would deserve a longer and more clarified discussion. The tension between subjectivity and objectivity, between intimate struggles and social contexts of treatment and convalescence, between personal courage and methodological rigor, gives rise to a type of projects, reflections and texts that are a gender in itself, allowing us to arrive at places where the habitual participant-observer can never arrive. See, in addition to Allué and Comelles, Murphy (1987) — where the author studies his own physical deterioration and paralysis as a result of a tumour in the spine — and Winkler (1995) — in which the author analyses her own rape.

study, whether in the short or long term. This is a question without a unique solution, but which deserves to be formulated assiduously during the research process: what constitutes, in each case, good fieldwork on a specific type of violence? To raise this question means to clarify, and where necessary readjust, the ethical aspects of the research, the position — scientific, militant — of the researchers in relation to the object of study, the methodological decisions taken when working among victims and perpetrators of violence, or the prioritisation of the participant data collection on practices and imagery and representations of violence.

The series of articles collected by Carolyn Nordstrom and Tony Robben in their essential book *Fieldwork Under Fire* (1995) provides many keys for the debate on the anthropological research of violent acts. Robben and Nordstrom emphasize the *slippery* quality of violence,[15] as well as its *cultural* nature. It is confused and produces disorientation — it does not have simple definitions, not even among the social actors involved —, it affects fundamental and very complex aspects of human survival, and has a massive role in the constitution of the perceptions of implied people (1995: 1-23). The complexity of the situation can even produce an *existential shock* in the researcher, which destabilizes the dialectic between empathy and distancing (*ibid.*, 1995: 13). This being the case, the methodological difficulties are considerable. Sluka, based on his experience in the field when studying armed republican groups in Northern Ireland, delineates some general principles to guarantee the security of the people involved in a research project with a high political and military charge. The prior calculation of risks, the importance of diversifying the subjects analysed to reduce the public visibility of the most conflictive, the elimination of incorrect questions or subjects from the agenda, the establishment of safety measures and confidentiality around compromising field materials — recordings, photos —, the clear definition of limits on the situations in which the researcher is prepared to participate or not, and inquiry about the sources of financing of the research, are some of the subjects raised (Sluka, 1995: 276-294).

The positioning of the author is also very problematic, as well as the establishment of productive relations with the informants, in social fields dominated by distrust and death. As Green argues, speaking of Guatemala (1995: 105-128), it is difficult to carry out fieldwork in sites where fear, suspicion, secrecy and silence are essential and chronic components of memory and social interaction. This is the case of war zones, although these factors are also important in other contexts (of

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[15] Based on the appreciations of Taussig (1987).

political repression, delinquent violence or illegal trafficking). In these situations the anthropologist, to carry out his work, needs to construct a specific social space that differentiates him or her from visible or hidden agents of violence (military advisers or different categories of spies or informers), but perhaps also — although this would deserve greater discussion — from other external agents who pass through the scenes of violence (journalists, civil employees of international institutions or members of nongovernmental organizations). Finally, not least of the problems is that of *ethnographic seduction*, as is raised by Robben for situations of conflict. For this author, the different social agents in a specific violent situation, in this case the Argentinean dirty war, would try to convert the researcher to join their side and their version of the facts, in a context of high competitiveness with respect to the legitimacy of representations of violence (Robben, 1995: 81-104).

The game of seductions indicated by Robben takes us to the problem of the text. The debates in anthropology on the politics of representation receive a special slant when what is investigated are violent situations. The ethnographic texts move in interpretative fields of enormous complexity, and "compete" with multiple versions and simultaneous formats of the facts or representations that are the object of study, many of which bear the seal of life or death for the agents involved in the violence, victims and perpetrators. In this heterogeneous field of interpretations and memories that surrounds acts of violence, we find speeches and practices of hegemonic propaganda, local areas of resistance — oral, corporeal — and a variety of expert discourses — police reports, legal, medical, academic texts... (Lambek and Antze, 1996: xi-xxxviii) —, all which are cultural constructions. However we may write, whatever audiences we address, we are necessarily conditioned by the internal dynamics of this market of meaning.

Anthropologists, logically, do not come to the field with similar assumptions, nor do they define violences in the same way, nor look for the same type of data, nor involve themselves in the same way with their object of study. Schmidt and Schröder have recently delineated a tension in the anthropology of violence between analytical and subjectivist approaches to violence, theoretical-methodological options that have clear repercussions on the classes of text that are produced. Briefly, according to these authors, in order for this anthropology to make a significant contribution to the comparative understanding of violence in the world, it needs to emphasize the causal analysis of the material and historical aspects of the facts studied. To reflexively prioritise the quotidian experience and testimonies of the actors of violence, as do the subjectivist authors, places us in a dynamic of camouflages, silences and disinforma-

tion that prevents the correct — historical, comparative — understanding of the phenomenon (Schmidt and Schröder, 2001: 1-24).

The authors who choose to place the subjective day-to-day life, aspects or testimonies of informants at the centre of their researches and representations of violence follow a logic different from that set out by Schmidt and Schröder. Robben and Nordstrom maintain that experience is indivisible from interpretation for the victims, the perpetrators and the anthropologists. We cannot understand violence without exploring the ways in which it is represented. The way to avoid the distortions that narration of violent facts causes is to remain as close as possible to the flow of everyday life (Robben and Nordstrom, 1995: 1-23). Similarly, Kleinman, Das and Lock maintain that representation is experience and that what it is not represented "is not real." They propose a type of interdisciplinary analysis focused on human subjectivity to examine "the most basic relations between language, pain, image and suffering" (1995: xi-xiii). With a more extreme discourse, and talking about violences of greater intensity, Allen Feldman suggests that the entry of "the violent, the dead, the disappeared, the tortured, the mutilated and the disfigured" into the anthropological discourse necessarily opens fractures in narrative structures, so that continuous or linear paths cannot hope to face what he denominates *ethnographic states of emergency* (1995: 227).

The styles of research and representation, on the other hand, do not necessarily have to be exclusive. In her communication to the symposium of the FAAEE already mentioned, Aída Hernandez (2003) combines both tendencies and divides her text of analytical cut with the voices of the women survivors of the massacre of Acteal, in order to rescue "the subjectivity and the pain" of the events, placing them in their historical and material context. Also, in his examination of the representations of the violations of human rights Wilson suggests it is fundamental to multiply the types and styles of narratives that talk about violence to increase their clarified visibility, and here finds an excellent role for anthropological texts. With regard to the relevant texts of denunciation produced by international organizations, where a realistic, literal, minimalist, style predominates, subject to legal logic so as to optimise effectiveness before the courts, anthropology can contribute with its writings to recovering the wealth of subjectivities and the complex field of social relations, the conflicts of values and emotional spaces that the most bureaucratic narratives of violence habitually exclude (Wilson, 1997: 134-135).

Finally, we may ask ourselves, what is the importance, if any, of developing an anthropology of violence? What are the target audiences? What is the intended effect? Some authors have as a high-priority objec-

tive to deepen the global understanding of violence within the framework of disciplinary or interdisciplinary academic debates. For others, researching it involves a political commitment to the victims, for which it is essential to create a critical conscience. The most militant argue for making ethnographies *sites of resistance* or *acts of solidarity* where it is possible to *write against terror* (Green, 1995: 108).[16] Based on this perspective it is possible to describe, to analyse, to disembowel the more or less subtle imagery of violences, to denounce them and to contribute to disarming them, in a literal and figurative sense. Logically, be as it may the epistemological, ethical and political commitment of each researcher, an anthropology of violence must not be oriented to its increase or maintenance but, on the contrary, it must have as its main target the diminishing of suffering. From a utopian point of view, the anthropology of violence would be a disciplinary antecedent of an anthropology of peace.

The Future of the Anthropology of Violence

> *The unseen wars appear, wars not only of confrontation: the planetary social war.*
>
> Ignacio Ramonet (2002)

In the recent essay published by Ignacio Ramonet, entitled *Wars of the 21st Century*, the director of *Le Monde diplomatique* reflects on the metamorphosis of violence at the dawn of the new millennium. The author maintains that traditional political violence, "which tries to change the world," is limited to six or seven centres on the planet now (from Palestine to Iraq, passing through Euskadi). Beyond the present-day iron curtain, the world seems to live peacefully. But globalised societies experience a quotidian war, a war of poor people against other poor people, and of the poor against the rich: the violence of survival is the new political violence. Between the fall of the Berlin wall (1989) and the attack on the twin towers (2001), the nascent century has seen the passage from the cold macro-war (when two enemies fought in silence or in the back room) to the hot micro-wars (when an empire without an enemy looks untiringly for an imaginary enemy, as a reason and pretext for real violences): "an empire without an enemy is always weaker. International terrorism is the great alibi: thus is born the infinite war, the supremacy

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[16] See also Taussig (1987 and 1992), Scheper-Hughes (1997) and Bourgois (2001).

of State interest over the law, the cynical manipulation of information, and the modalities change: brutality and torture succeed *fair play.*" To a disoriented and terrified hyper-centre corresponds an immense periphery with new conflicts and threats, "with strange groups whose food is no longer Marxism but strange intellectual viruses able to generate hyper-violence." This is what the author calls the *planetary social war*, based on new violences perpetrated, suffered and witnessed globally: new political violences without ideology or with blind ideologies; unheard-of structural violences without State or with dismantled states; emergent quotidian violences without society or with societies in decomposition; unpublished symbolic violences without ethics nor aesthetics beyond mass-media *anything goes*. The same perpetrators, victims and witnesses as always, but with other codes (or indecipherable codes) and on a new global stage (or in *non-places* without stage).

Mexican-Catalan anthropologist Roger Bartra recently expressed his lucid reflections on the imaginary networks of political terror in the time of globalisation (2003). Bartra indicates that with the change of century, and after the events of New York, the material and symbolic bases had been extended so that these networks had an unprecedented development. With this premise, he challenged the anthropologists to open the black boxes - and also, now, we would add, to decipher the SIM cards (*Subscriber Identity Module*) of the mobile telephones that triggered the events of the 11th of March (11-M) in Madrid — which surround the structures of production, mediation and resolution of conflicts: "the black boxes of the airplanes of 11-S contain keys to understand the imaginary networks of political power - and terror." It will be difficult to get to that *camera oscura*, but as in Plato's cavern, the challenge for the anthropologists of the violence is perhaps to glimpse those keys through the black shadows that in reality produce "black" workers, "black" people, black nights, black lists, black tattoos and black holes.

The recent contributions on the new violences and the black boxes of the airplanes that went up in flames on the 11th of September, 2001, lead us to a complex stage, which ranges from the quotidian to the macro-structural, where violences are in a continuous process of mutation. It is not so much that they have changed in their nature, which is also happening in some cases,[17] but that the tension that exists at this historical juncture between acts, uses, representations and analyses of violence

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[17] As noted by Bernard-Henry Lévy in relation to the 11th of September: "The stock of possible barbarisms, which we believed exhausted, increased with an hitherto unpublished variant. As always, like happens whenever is believed to be dull or sleepy, when nobody is expecting it, it awakes with maximum rage and, especially, with maximum

has transformed each of these spaces of social action and, therefore, the global whole in which they are executed, interprets and analyses the violent acts. And it is evident that the representation of the violences in the media is a fundamental element in this process, not only because of what the media show, but also because of what they silence, turn aside or hide. It is important to indicate that this kaleidoscopic tension of contexts and contours not only affects to massive political violences but any type of violence, including what seemed to develop in local scopes. For example, the international debates and mobilizations related to the practices of clitoral ablation and its link with the expansive discourse of human rights — more and more important in the dynamics of international relations — have completely re-dimensioned the social, cultural and political contexts in which this cruel form of mutilation took place previously. As has occurred in this case, even the violences that at some time we have called "traditional" are trans-nationalized, acquire another visibility, are interwoven in new ways with social, historical and gender processes, force the local authorities responsible for the tradition to elaborate justificatory discourses before a globalised audience, become temporary rallying points for the *global humanitarian community* (Ignatieff, 1998), infiltrate the agendas of certain feminist groups or adhere more or less stridently to the debates on migratory flows. The examples would be multiple and exceed the scope of these pages.[18] The basic idea is that the recognition and analyses of the forms in which violences take place and are transformed into the new sounding boxes and flows of globalisation — and it still remains to be defined what will be the true effect of the attacks of the 11th of September, the 11th of March or the war on Iraq and its souvenir tortures in the way we will think about violences in the 21st century — they must become a crucial axis for the articulation of an anthropology of violence of and for the future.

The proposal that violences must be understood in a constant process of mutation would require the anthropology of violence to reframe continuously, in a critical way, the nature and contours of the study ob-

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inventiveness: other theatres, new front lines and new adversaries, more frightful inasmuch as nobody had seen them coming" (2002: 16-17).

[18] Another similar example: the news and images on sentences of stoning for adulterous women in Nigeria are giving rise to organized cybernetic campaigns of unknown dimensions on the part of some hawk-eyed Non-Governmental Organizations (NGO) (for example, the campaigns of Amnesty International in favour of Safiya Hussaini and Amina Lawal; see the informative page of AI, http://www.amnistiapornigeria.org), to heated debates in the mass media, to strong political and economic pressures, and they were even the cause of the withdrawal of some national representatives for Miss Universe competition that took place in this country.

jects and their relevant contexts of analysis. Studying clitoral ablation exclusively in relation to local traditions and meanings, while it is a level of fundamental analysis, would leave aside the processes of amplification previously described, which are already part of this form of violence. In such a competitive context of geopolitical interests, denunciations by NGOs or social groups, hidden cameras or humanitarian media spectacles (Aguirre, 2001), while new violences capture the imagination of significant segments of the local, national or international community, penetrate the debate spaces and are added to political and economic strategies; others that were temporarily on the cusp lose visibility, are extinguished until a new crisis, dissolve in other processes that include them or disappear in the increasing list of desolate landscapes without memory. Therefore, studying violences also implies drawing up these genealogies of light and shade referring to the global contexts in which they take place.

But in addition, the proposed exposition must necessarily be associated with an investigating will based on theoretical and methodological flexibility with respect to violences. If we accept that the contexts of analysis of violences exceed the classic limits of some styles of anthropological research (Starn, 1992), an adjustment is required that allows the discipline to face the new questions and also to produce studies that are relevant for other related disciplines and for public opinion. Although we have already discussed the present debates around the problematics of doing fieldwork in violent situations, their presence in anthropological methodology is irreplaceable and, doubtless, they will maintain their centrality in future. Ethical and methodological commitment to those *outside* and those *below*, historically so linked to the anthropological discipline — considering the deep transformations that these terms suffer with globalisation —, still remains an essential space of research with respect to both victims and perpetrators of violence. But simultaneously, following the now-classic call by Laura Nader (1969) to investigate the spaces of power — *study up* — and the recent proposal of Bartra relating to the imaginary politics of terror, it seems recommendable that the anthropologists of violence also assume, without complexes, these scopes of hegemony as a legitimate *fieldwork* location, and deepen the analysis of the construction and modulation of violences in the mass media, in the political discourses and decisions of elites, in the meetings of international organisations, in the police or military hierarchies, in debates between intellectuals in civil society, *et cetera*. An anthropology of violence that investigates the tensions between global and local processes is in a suitable position to contribute to extending the discipline's scope of study. As has already been happening in the last

decade, as becomes explicit in collections of texts that have appeared in recent years, the presence of anthropologists in jails, refugee camps, internment centres, military bases or political imageries of terror is a clear demonstration of how the theoretical frameworks and methods that have appeared within our discipline have sufficient potential to expand in ways that are pertinent to places previously visited only sporadically or considered *off limits*. An anthropology of violence with a future must be able to face up to the study of *any* type of violence at *any* level of analysis, without losing sight of the fundamental keys that characterize the discipline.

At the same time, the increasing complexity of the scopes in which violences take place and resonate makes it advisable to promote inter-disciplinary commitments, both in the project elaboration phase, in the course of research, and in the search for spaces for dissemination and interchange of the knowledge produced. That anthropologists need to read and interact more with sociologists, psychologists, jurists, criminologists, communications specialists, peace and conflict specialists, activists or journalists is as true as the inverse is, or should be. The fact that the bibliographies of ethnographies of contemporary violence are ever more seasoned with references to authors in other disciplines, or that academic interchanges are fomented in networks or institutions, is, beyond rhetoric, a necessary process if what we seek is to investigate, unmask and disarm violence effectively.[19]

It will be important, finally, to deepen the epistemological and ethical debate on the role of anthropology in contemporary societies. If the objective is for studies to have sufficient social impact and thus contribute to the denunciation of the agents and perverse effect of violences, a basic premise for critical consciousness-raising of public opinion and the narrowing of the legitimate scope of the same violences, then a future anthropology of violence should be able to be diversified and to appeal

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[19] Related to those cases in which anthropologist-activists take part in specific situations of violence. In this sense, we must mention a text by Juris (2005), where the author reflects on the violence represented and imagined based on the famous "battle of Genoa" (July 2001). The author was doing field work on the anti-globalisation movement, participating in the manifestation as an anthropologist-activist, an always difficult marginal role, as he could verify while present during the assault by the police on the school in which he was staying along with other activists. An opposite example would be the proliferation of observatories on violence of all type (domestic, sporting, terrorist, racist) that, in spite of his origin as a neutral interdisciplinary mechanism to affect immediately the social reality of the violences, cannot avoid falling into the traps of the institutions that promote them, which always prioritize immediate side-taking over mediated reflection.

directly to different types of audiences. This commitment would mean a greater modulation of disciplinary rhetoric so as to achieve suitable dissemination in each case, without sacrificing rigor. If this premise is accepted, the anthropologists of violence should be as interested in writing an expert report, a manifesto, a press release or an in-depth newspaper article, as in writing important academic texts. They should be as open to presenting their work publicly in the mass media, a school or an NGO, as they are to presenting it at a professional congress. And they should be as prepared to participate in expert committees or organizations of support and denunciation as they are to participate in professional associations. Really, they should enter the contest for the construction or resignification of alternative senses for hegemonic narratives of violences in the mass media and the dominant political discourses. Of course, this is a complex debate that does not offer unique solutions nor commitments, but neither can it be exotic in a discipline that studies social spaces of injustice, trauma, terror and death.

Postscript: Madrid, 11 March, Crucible of Visions

> *Terror arises from any attempt to live beyond the very social limits of identity, and is also a means used to control the fundamental disorder of the free human being.*
>
> Said (1991: 341)

The complex kaleidoscope of emotions and moods caused by the arrival of the *train of death* on 11 March — sorrow, incredulity, rage, horror, indignation, pain, solidarity, anxiety for political participation — has left us battered, disoriented and, without doubt, exhausted. In the first hours we were momentarily blinded by the explosions and their political and media sequels. The puzzle was too big, the images, too frightening, the explanations, too ambiguous, and the political context, too frenetic. Immersed in the intense and controversial media construction of 11 March, in the category of the news in which all the media alluded directly to the wounded and mutilated bodies of the direct victims of the attack, *El País* informed us of the most common ocular injuries that had come to the Madrid hospitals: "powder burns on the eyelids and eyelashes, detachments and haemorrhages in the retina, and impacts of foreign bodies on the cornea."[20] These terrible wounds were merely the organic fabric marked by the indescribable scenes that the victims saw

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[20] *El País*, Friday 2nd April 2004, p. 17.

and experienced, first during the explosion and later among the twisted steel of the wagons. The eye injuries and the vision of the victims of 11 March registered gradually and traumatically on the social and political body with the passage of the hours, the images and the teletypes, affecting all the witnesses of the attack, those that were present at some of the directly associated scenes — stations, hospitals, morgues, et cetera — and those who massively consumed it through the mass media. We all, to a greater or lesser extent, saw — glimpsed — chilling things. The temptation to trivialize the political scenes, to promote simplifying stereotypes of human groups, to lay the foundations of xenophobic attitudes or, simply, to dissolve us anew in a consumerist *fiesta* would be a sad destiny for this collective trauma written on the eyes of 11 March. Now we cannot lose our vision. On the contrary, we have the possibility of turning it into a critical apparatus that strengthens its power of analysis, while it absorbs and analyses the tragedy. The title of the aforementioned article was "Eyes saved," with reference to the urgent medical interventions carried out by the Ophthalmology Service of the Gregorio Marañón hospital. Thus, to continue with the analogy, it seems essential — urgent — that this vision, damaged by the violence of 11 March, avoids, in a sort of *preventive social ophthalmology*, the temptations of resentment, hatred or partisanship and unfolds in a form of clairvoyance or lucidity that, although still not completely sketched out, has the potential to gradually become consolidated as a key inflexion point in the democratic refreshment of our social and political surroundings from civil society. The recent and chilling testimony of the spokeswoman of the Association of Victims of 11 March (15/12/2004), Pilar Manjón, before the Parliamentary Commission of Investigation of the Attack, was an extraordinary crystallization of this necessity for democratic regeneration. We will note briefly, as guidelines for the reader, some possible courses for this convalescent view of the horror.

Its first and vertiginous effect could have been the high level of participation in an electoral process which, wiped off the map for some minutes or hours, *burst* again onto the scene of our divisions and conflicts practically from the moment the campaign was officially cancelled. After the results — without a doubt more complex and nuanced than the versions they would have us believe, anchored in the *11 March effect* and *the night of the SMS*[21] — the politicians, *spin doctors,* image

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[21] *Short Message System*: text messages sent by mobile telephone, calling the demonstrations against the government that took place on Saturday 14 March and preceded the electoral upset.

advisers and crisis councils take note of the price of the systematic use of what Jose Vidal-Beneyto has called *weapons of mass falsification*.

  Another clarifying effect can be the erosion or, ideally, eradication of the social and political legitimacy of the violence exerted by ETA, as well as, in another order of things, the discourses and military actions of the most recent and powerful apologists of wars, whether dirty, preventive, or "humanitarian." It is still too early to evaluate the echo of 11 March on the future strategy of ETA and its scope of action, but it is a reverberation that is seems undoubted, and hopefully irreversible. An more refreshing effect on the vision, caused by the *discovery* — for some, surprising — of the diversity in national origin of those who died in the attack, should take shape in a common impulse for recognition of immigrants as legitimate, fully visible and possessed of rights and duties in our social framework, beyond the temporary help offered by the State to the immigrant victims of the attacks and their families. Another important passage of this vision reborn from the tragedy would mean the bankruptcy of the saturation of empathy with the other people's suffering by the excess of horrors, recovering, in the most intimate part of our geography and our political action, the increasing constellation of *ground zeros* that are generated almost daily on the planet, some recognized, others ignored, some spectacular, other hardly perceptible, some produced by religious fundamentalists, others by governments of known power and prestige. We leave to the reader the task of contributing to this interminable list, from his or her own vision wounded by 11 March.

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Critical Edge and Legitimisation in Peace Studies

José Manuel Pureza and Teresa Cravo
University of Coimbra

Abstract

Peace Studies, constituted historically as critical and, there-
fore, alternative knowledge to normal science in International
Relations, had come, by the Nineties, to be co-opted by the regu-
lating structures of the international system as the basis of many
of the options put into practice, above all in the framework of the
processes of post-war reconstruction. In this context, rescuing the
critical heritage of Peace Studies implies two radical options to-
day. The first is the qualification of intended peace as sustainable
peace. The second is the epistemological decolonisation of Peace
Studies.

Introduction

Peace Studies are invariably seen as a detached element of the block
of theoretical currents that comprise the post-positivist rupture in the
field of International Relations — a field heterogeneous in itself, where
feminist perspectives mingle with studies of critical theory, deconstruc-
tion and the new normative formularisations. What unifies this plurality
of currents is the response of the normal science of International Rela-
tions and its positivist nature, where the retrospective validation of the
respective internal "laws" and the pretension of objectivity of knowl-
edge through its decontamination from any subjective prejudices, are
assumed as axioms. In this direction, and on the plane of epistemologi-
cal debate within this field of knowledge, the various post-positivist cur-
rents take on the same desire for a breach with the realist canon of the
discipline of International Relations. However, this self-representation
of Peace Studies as a critical edge is now submitted to severe scrutiny.
In truth, constituted as a discourse based on the aspiration to a deep
transformation of reality in view of the primacy of peace — physical,
structural and cultural — Peace Studies see themselves becoming, since

the 1990s, a conceptual and analytical domain called to support public policy in great measure integrated in the conduct of the international system by its dominant actors (from the main funding agencies to the platforms of global governance, via the States that control the international mechanisms of decision-making). It is important, therefore, to survey the persistence of the alternative character of Peace Studies relative to the founding paradigm of this discipline.

We will do so with reference to three historical moments. First, we will follow the steps taken by this current to become one of the strongest expressions of the alternative paradigm sought since the 1980s for a discipline (International Relations) that was born with a vocation for the analytical legitimisation of the international order. In the second moment, we will try to locate the expressions of co-optation of Peace Studies, whether by its supposed theoreticians, or through its concretion in public politics, and the corresponding loss of critical intensity in the face of the reigning international disorder. Finally, in the third moment, we will analyse the theoretical and political retreat of Peace Studies that follows a resurgence of the realistic paradigm which appears on the horizon at the start of the 21st century.

Itinerary of a Rupture Foretold

The formation of the discipline of International Relations constitutes an excellent illustration of the Kuhnian articulation between paradigm, as a matrical vision that the members of a scientific community share relative to the object of this field or discipline, and normal science, as one specific map of knowledge adopted by this scientific community.

The synthesis of the process of this disciplinary formation is expressed as an intense paradigmatic dispute centred on rival maps of knowledge and carried out by antagonistic scientific communities. Triumphant in the founding attack against idealism (Cravinho, 2002: 116), the realistic school placed itself in the defining canon of normal science in this area. As is told on other occasions, realism, "segregated in the process of affirmation and consolidation of the inter-state system [...] is a specific expression of the cultural climate of scientific positivism, which drinks in the radical contraposition between facts and values and attributes absolute epistemological priority to the first over the second" (Pureza, 2001: 9). Enshrining as laws the regularities observed in the flowing past of international reality, realism consecrated three patterns of normal science, three contours of the map of knowledge of International Relations: state

individualism, the anarchic nature of the international system, and the representation of the latter as the terrain of the crudest power politics.

The simplistic nature of this map and its conservative vocation have been denounced as challenges to the political and academic construction of an alternative paradigm. This challenge is taken very seriously in the present debate which places the positivist tradition up against a plurality of currents that oppose, in diverse ways, the epistemological and ontological assumptions that feature in the map of normal knowledge.

As a consistent variant of this alternative — which assumes a clear conceptual definition, a expressive body of teachers and investigators, and a solid institutionalisation — Peace Studies is not yet fifty years old. Although its remote origins long precede the twentieth century itself, the various proposals and initiatives towards the objective of global peace were too isolated and autonomous to be, at root, considered a distinct, organized and coherent field of study (Van den Dungen and Wittner, 2003: 363). The creation of the *Journal of Conflict Resolution*, in 1957, and, two years later, of *Center for Research on Conflict Resolution* of the University of Michigan, by Kenneth Boulding and his colleagues Herbert Herman and Anatol Rapoport, represented the first challenge to the predominance of the realistic paradigm as a model of interpretation of the phenomenon of peace and war. However, the search for recognition of the scientific nature of a discipline still in the process of formation — precisely at a moment when positivism reached its zenith in the social sciences — confined the North American school of behaviourism to the collection and quantitative and non-value-based analysis of data on conflicts (Terriff *et al.*, 1999: 69). The inquiry was, thus, limited in its concept of peace — presented, in its negative formularisation, as absence of violence and war — and, consequently, in its agenda — determinedly minimalist, seeking only to reduce the incidence and extent of conflict.

As Martínez Guzmán affirms, until then, the main challenge confronting the new current of inquiry was necessarily to make peace into its object of analysis (2005: 49). The man who resolved this challenge — and who is, therefore, considered the founder of Peace Studies — was the Norwegian Johan Galtung. The new orientation of this field of studies — begun with the creation, in 1959, of the Oslo *Peace Research Institute* and, five years later, of the *Journal of Peace Research* — is based, unequivocally, on an original proposal by this author.

In characterizing Peace Studies, Galtung breaks drastically with the positivist distinction between theory and practice. Surpassing the false notion of neutrality of science (since it is recognized that all knowledge inevitably involves an evaluative view by those who analyse them), Peace

Studies are affirmed as a socially "productive" discipline — that is, one that produces consequences in the social, political, cultural, and economic life of societies. Consequences that are intended to be condign with the objectives of promoting cooperation, the peaceful resolution of disputes and social transformations and non-violent politics. In other words, Galtung protagonises the resurgence of the normative theory — which constitutes the great novelty of this social science — affirming the commitment to values, especially that of peace. According to Mcsweeney (1998), without this central normative claim, Peace Studies would certainly lose its *raison d'être* as a distinctive vision of the international order. Knowledge of the values of peace is not, therefore, sufficient: in particular, a "emotional adhesion to these values" is required (Martínez Guzmán, 2004: 412). In the framework of a close relation between theory and practice, the theoretical production is "prospective and prescriptive" (Pureza, 2001: 14): it is only complete when it actively promotes persistence in contributing to peace and if it translates into concrete strategies. Against the critiques of those who receive with scepticisms its objective to study peace scientifically through a normative theory, Galtung responds by using his well-known medical analogy: Peace Studies, ethically guided by peace (in opposition to violence and war), will not be less rigorous than medical inquiry, ethically guided by healing (in opposition to illness) (Galtung, 1996: 1).

One should emphasise that, inevitably, in this school of thought, the search for non-violent processes of political change implies deep transformations in existing power structures (Rogers and Ramsbotham, 1999: 753). Or, in other words, considering Peace Studies as a simultaneously analytical and normative instrument, the international system does not escape to the intention to change an unjust and inequality-promoting *status quo*. Galtung constructs, thus, a distinction in the conceptualisation of peace that will be fundamental for the development of this discipline —"negative peace" as the absence of war and "positive peace" as an integrated human community, social justice and freedom.

According to the author, Peace Studies would still have to be interdisciplinary, in the measure that the dialogue between international relations and the different focuses of political and social sciences, such as sociology, anthropology or psychology, contribute to the indispensable enrichment of the conceptual picture of interpretation of peace and violent conflicts, given its multifaceted nature (Rogers and Ramsbotham, 1999: 741).

This alternative focus of Peace Studies developed in Northern Europe turned out to be pivotal for the deepening of this area of knowledge, lending itself in support of an alternative orientation to that of the North

American school and providing, thus, a response to the critiques of this scientific field formulated meanwhile. These critiques had as a backdrop the accusation of the persistence of epistemological relics of realism in the theoretical framework of *peace research*, which is thus not free of the accusation of legitimising the power relations of the global system (Terriff *et al.*, 1999: 70-71).

The recognition both of the reproduction of the hierarchisation between centre and periphery,[1] and of its legitimisation by the dominant paradigm in International Relations, and also of the insufficient capacity of Peace Studies to challenge both situations, had led to an important reconceptualisation of the discipline under the creative impulse of Galtung.

The Nordic author identifies the triangle of violence, to which he makes correspond the triangle of peace. The distinction between the three vertices is made in accordance with different times: direct violence is an act; structural violence is a process with highs and lows; cultural violence is an invariant, a permanence [...]. The three forms of violence include time in different ways, in an analogous way to the distinction, in seismic theory, between earthquakes as an act, the movement of the tectonic plates as a process, and the fault as a more permanent condition (Galtung, 1990: 294).

Thus, direct violence will be the intentional act of aggression; structural (indirect) violence will be part of the social structure itself between human beings or societies — repression, in its political form, or exploitation, in its economic form; and finally, cultural violence will be underlying the structural and direct types, constituting the system of norms and behaviours that socially legitimises them (Galtung, 1996: 2).

Traditionally, the pivot of Peace Studies has been direct (obvious and sudden) violence — which, eliminated, represents a negative peace — not structural or cultural violence (static and hidden) — which, eliminated, creates a positive peace. Peace in its broadest sense — direct peace + structural peace + cultural peace — corresponds, in the last instance, with Galtung's ambition, while the absence of war in itself can hide deeper injustices that, if not dealt with, may contain the seeds of potential violent conflicts (Terriff *et al.*, 1999: 193).

With this trilogy, Galtung strips bare the global dynamic of exploitation, responding to the accusation that Peace Studies traditionally was in agreement with the dominant conception of power and widening

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[1] As recalled by Boaventura de Sousa Santos (2004: 8, 19), colonialism as a socio-economic relation survived to colonialism as a political relation, practically keeping unchanged the structural standards of oppression, discrimination and violence.

the scope of its investigation-action, previously centred on the strategic relation of superpowers and in the logic of dissuasion. Also the unit of analysis was amplified, to include, beyond the nation-state, class dynamics and power at the intra-state and trans-national levels - a significant change to the dominant post-1945 paradigm (*ibid.*: 193).

Materializing this normative reorientation of Peace Studies, the agenda structured during the 1980s, which was articulated with a solid institutional-academic base, showed clear attribution of priority to topics like disarmament, the transformation of the unfair global system, environmental questions and the analysis of processes of negotiation and conflict mediation (Miall, Ramsbotham and Woodhouse, 1999: 48-49). To accompany the central question of international politics of this decade — disarmament (in counterpoint to the arms race of the superpowers and the beginning of the "Second Cold War") — Peace Studies showed an undiscovered capacity for theoretical production. But the great impact then achieved by this area was mainly in terms of the pacifist and antinuclear social movements. The campaigns for peace and the movement for nuclear disarmament, which expands and diversifies, illustrate the capacity for integration in the agenda of Peace Studies of topics traditionally kept out of society by the *mainstream* (Van den Dungen and Wittner, 2003: 365). and reflect, equally, the dialectical investigation-action that is so dear to this discipline, making evident its affinity with activism.

At the end of the 1980s, the community of Peace Studies found itself converted into a diverse, active school with effective international impact (Rogers and Ramsbotham, 1999: 749).

Emancipation or Standardisation?

The end of the Cold War represented a critical point in the affirmation of Peace Studies. Opposing the fears of loss of relevance of this discipline in a world without bipolar confrontation, the 1990s offered a single chance to Peace Studies to contribute directly to the resolution of the increasing number of particularly long and violent civil conflicts that defied the stability of the new world order.

These "new wars" (Kaldor, 1999) demand the persistence of the international community and foment the emergence of a model of response that takes into account the sources, actors, dynamics, as well as consequences of the new forms of conflict — already visible since the Second World War, but which were clearly seen to intensify from the end of the bipolar system (Rasmussen, 1999: 43). In this context, the doctrinal and institutional positioning assumed by the United Nations at

the start of the Nineties turned out to be structural. Seeing the chance to expand the role of the UN and assuming the generalized expectations of a renaissance of the UN with the end of the bipolar confrontation (Roberts, 1998: 300), Secretary-General Boutros-Ghali considered that the action of the United Nations (and the international community in general) should centre on the phenomenon of the proliferation of internal conflicts in States at the peripheries of the international system, endemically fragile, involving the UN in the active promotion of the respective peaceful resolution, following closely the negotiation of the political agreements and committing to support the implementation of the peace processes resulting from these negotiated agreements.

The need to develop a framework of action to respond to this challenge opened the way to the assimilation and subsequent application of the theoretical assumptions that had been advanced for the discipline of Peace Studies. The first moment of approach between the discipline and the UN was necessarily the *Agenda for Peace* of 1992 (Boutros-Ghali, 1992: 11), whose strategies of action — *preventive diplomacy*, *peacemaking*, *peacekeeping* and *peacebuilding* — are copied from Galtung's conceptual formularisation of the 1970s. The exhaustive concretion of these strategies throughout the 1990s and all over the world, saw the arrival of Peace Studies in the so-called *policy-oriented mainstream*. From theoretical assumptions, it was transformed into authentic social norms accepted and reproduced by the community (Santos, 1978), indicating the entry of Peace Studies into a period of "scientific normalization" — whose concern, returning to Kuhn, was necessarily to defend, magnify and deepen the paradigm, resolving the problems in accordance with the newly assimilated means of solution.

This discipline benefited, therefore, from the new world order, assuming a protagonism in the decision-making of the international system that it did not have until then. Starting with the United Nations, the hegemony of its conception was received by the scientific community, multilateral organizations, government donors, ONGs, and was appropriated by these same actors to guide public policies of promotion of peace.

These internal conflicts of the post-Cold War period were concentrated in so-called failed States of the contemporary international system (Ayoob, 1996: 67) — States whose attempt at the centralization of power inherent to the construction of a State had failed — these fundamental policies based on Peace Studies had assumed a standardization translated in the transformation from a situation of anarchy into a situation of centralised and legitimate power, with effective capacity to deal with the quandary of security and the insufficiencies

in the political, economic and social plans of the country involved. In other words, the response to put into practice by the international community was to support post-war (re)construction of the State itself (*peacebuilding*).

Being the expression of a dominant scientific model in this area, post-war reconstruction propagates one definitive methodological conception, standardized rules and technical procedures to resolve the problems that confront States lacerated by internal wars. The model is inevitably divided into four dimensions — military and security; political-constitutional; economic-social; and psycho-social — independently of the context where it is applied; what Oliver Ramsbotham (2000) calls the *standard operating procedure*.

The negative evaluation that has had the greatest impact is, clearly, the one that relates to the standardized nature of the framework of action. As a single model generically applied, it sins by not leaving great breadth to local singularities nor to the resurgence of alternative solutions that are more appropriate to the different realities. This critique of standardization is still more incisive when we recall that this model, which has pretensions to universal application, does not take on board multicultural experiences, but limits itself to reproducing its clear Western matrix in countries, in their vast majority, non-Western. This practice, reflecting a pre-conceived Western scheme, led to varied critiques, from culturally insensitive behaviour by the troops on the ground to the rejection of the so-called internationalist liberal model (Paris, 1997), based on two pillars in particular — electoral representative democracy and the market economy.

The fact that this liberal prescription emerged victorious at the end of the Cold War and the fall of the communist block meant that this approach was widely promoted, and even imposed, without rival, in the four corners of the globe (Clapham, 1998: 193-194). This makes comprehensible the reduced role of local agents in determining the agenda for the reconstruction of their own country. It has been an unequivocal failure in the wide exploration of the virtues of local capacities, to the extent that the model still praises extreme centralization of decision-making in the seat of the United Nations itself and in the small elites previously linked to the conflict. It has, in fact, a chronic lack of attention to what we could call the base of the pyramid, which will correspond to the bulk of the population. The idea of peacebuilding from below is hindered by the state-centric, top-down approach, adopted by the United Nations, which neglects local resources and agents, essential in the construction of a participative democracy and a more inclusive and, necessarily, more sustainable peace.

Critical feminists (authors such as Betty Reardon and Birgit Brock-Utne) have been particularly mordacious in the denunciation of this model of peacebuilding as a space that, in reality, reproduces the relationship between dominator and dominated. When questioning the stereotypes that give rise to these practices, such as the inherent passivity of women, in war as in peace, the critical feminists contest the secondary role of the women, invisibility or practically non-existent, systematically relegated to the sphere of the informal one and the psycho-social dimension of peace-building. Their contributions have been extremely useful in rejecting the public belief that women are absent — save for honoured exceptions - in the negotiation, signing and implementation the peace accords and that this condemns them to have quite limited access to the decision-making process in post-conflict circumstances (Moura, 2005).

These critiques show the concentration of knowledge produced in the hands of the mechanisms that strengthen domination and the instruments of control. The pre-determination of an institutional framework as if it were to automatically materialize horizons of pacification had unquestionably shown the lack of openness of Peace Studies to the concretion on the ground of new *inputs* — creative, critical and constructive — from such perspectives as the theory and practice of development, critical social theory, cultural analysis and sexual identity, etc.

The experience of the 1990s seems, therefore, to represent the maximum exponent of the institutionalisation of disciplines: Peace Studies offer the hegemonic models and the dominant institutions impose them. As underlined in the collective work *Security Studies Today*, in reference to the post-WWI period, "peace fell into the domain of *high politics*, imposed on States by supranational institutions as the product of a hierarchical relation of power and consonant with an external and categorical notion of 'good' formulated by international actors" (Terriff *et al.*, 1999: 68).

The new circumstances meant the most ambitious concretion of investigation-action as the identity of Peace Studies, allowing that much of the theoretical production was translated into public politics of peace promotion. However, the 1990s served to test the veracity of the post-positivist formulation that this field of study had tried out and, in some ways, let fall by the way. Research for peace placed itself at the service of the freeze-dried universalisation of the institutional and political models produced by Western modernity, proving that it had not yet managed to escape this domain (Santos, 2004: 16). In this sense, with the experience of the post-Cold War period, Peace Studies had shown how much they were still lacking to fulfil the paradigmatic transition in epistemological, but, mainly, in social and political terms.

Highways and Byways of a Return to the Critique

As an institution, Peace Studies currently seem to have lost a little of their rhetorical attraction (Patomaki, 2001: 734). The end of the Cold War, its association with the neo-liberalism linked with the models of post-war reconstruction imposed during the 1990s or the failure of the original conceptual formulation, when compared with the 1970s, can have motivated this decline of disciplines. Born as a form of critical knowledge — committed to the realization of a normative and emancipatory project — Peace Studies had shown itself, after all, easily co-opted to integration in the discursive and ideological hegemonic block.

Denaturing the project that its *founding fathers* intended as making a drastic break with the positivist-realist tradition in International Relations, Peace Studies is still not only not presented as an alternative to the viewpoint and discourse legitimating the practices of domination hidden by the dominant paradigm, but runs the risk of in fact becoming an instance of legitimisation and sophistication of this system of power. It is certainly the case that the main centres of research in this field have gone from a profile of work almost exclusively centred on theoretical development to an increasing use as platforms for rendering consulting services in the ambit of international operations "on the ground".

The radicalism of the alternative tends to be confined to the conceptual plane, not becoming materialized in the drawing up and implementation of the policies. The risk of instrumentalisation is, therefore, great, which is facilitated to the extent that Peace Studies becomes explicitly a field for *policy-oriented* investigation-action. However, what it is in question is not the abandonment of "theoretical purity" but the loss of critical capacity in the face of the emergent systems of international domination. In these circumstances, the marriage between academic theory and community practice may become counter-productive, strengthening the structural, relational and cultural contradictions that provoke the conflict.

In a way, Peace Studies are today, in our opinion, faced with a challenge identical to that which was found in the reflection on processes of economic development since the 1980s. In the same way that it was becoming evident that the continuation of politics of development submerged in a deliberate myopia as regards the exhaustion of the physical resource base, would result in catastrophe during the stated period, it also becomes clear today that the objective of building a solid peace requires a critical distancing relative to all the sources of violence, even (and especially) when these appear under the disguise of instruments normalizing or reducing the epidemic violence. But the challenge does not end here. It

has parallels with the way the sustainability requirement was assimilated by development policy. What would have been, originally, a base for radically different policies, became, with the concept of sustainable development — or, at least, with the dominant practices associated with it — a way of saving *business as usual* by painting it light green.

The challenge of a sustainable peace cannot, in our understanding, mean less than an unequivocal distancing from institutional prescriptions, power relations and the codes of social relations that neo-liberalism carries with it. What it means, very concretely, is that to place the objective of a sustainable peace on the horizon of the processes of peacebuilding means, not only the eradication of immediate war and its sequels, but the creation of conditions to prevent military violence from being substituted, in the short or long run, by social violence increasing in intensity, translated into exponentially increasing indices of domestic violence and crime, or the reconfiguration of the relationship between political forces and the population in general in terms directly cloned from the relations that had propitiated and perpetuated the war. These are the two most perverse results of a mechanical application of the *standard operating procedure* and the centrality it confers to the union between low-intensity democracy and structural economic adjustment of neo-liberal type.

In this context, Peace Studies lacks a profound decolonisation. What was, so far, a solid conceptual elaboration from the North, has ever more to learn about the South and its singularities. The materialization of this learning will allow them to reinvent their emancipatory text and to free themselves from the social and political praxis that they have subscribed to so far (Santos, 2004: 6). To start with the proper designation of war as the structural social condition of the periphery, which necessarily compels the opening of this field of study to the formulas and experiences of peace that are rooted in the very ground of violence and conflict. The most appropriate institutional framework for the objective of sustainable peace must be supplied by the context in each case, aiming to satisfy the needs and to correspond to the most genuine local aspirations. To learn about the South means, more specifically, that public policies based in the conceptual universe of Peace Studies, supposedly in the name of post-conflict reconstruction or prevention of conflicts and management of crises, need to get more distance from the recipe-book formulated in the academies and chancelleries of the North and confer a more central place to local actors, either giving to more attention to practices rooted in local customs and in regional cultural and social contexts, or giving the capacitation of local societies the status of an absolute priority in these politics.

But this necessity for critical recentralisation of Peace Studies is currently faced with an adverse climate. In the international system after 11th September 2001, the realistic paradigm is resurgent, demanding a world vision more suitable to the beginning of the 21st century. The emergency of the "war against the terrorism," as an orienting principle of the response to the new threats to world-wide security and stability, imposed a dramatic narrowing of the international agenda that Peace Studies has not succeeded in preventing or, so far, reversing.

Similarly to what happened in the ten years following the Second World War, where the realistic current dominated without rival the analysis of international relations, now also Peace Studies is taken hostage by the idea of the inevitability of conflict. The consideration of the attacks of 11th September 2001 in an isolated way and their simplistic analysis without questioning their relations with the disorder or the power relations of the current international system, silenced what should have been the contribution of this discipline. In this context, Peace Studies risk a marginalisation that places them in definitive "agenda niches" — like post-war reconstruction, environmental questions or nuclear disarmament — amputating their true emancipatory vocation.

Disarmament will remain, without doubt, a pressing question in the agenda of Peace Studies, especially in this new post-Cold War nuclear era. The risks of use of nuclear weapons that has represented, since 1945, a continuous threat to world-wide stability, remains - now in a scene of insecurity marked by horizontal proliferation and by tension between the desire of new States to join the nuclear club and their respective repression by the current possessors. However, Peace Studies are far from managing to mobilize the pacifist and antinuclear movements in numbers comparable to the last years of the Cold War, whose activism contributed so much both for the projection of the cause as for the discipline itself.

There exists yet another scene, whose concretion could be particularly penalizing for Peace Studies: the "originality" of the realistic paradigm in this, its second life, initiated since 11th September. If the resurgence in itself is configured as a *déjà vu* — in the emphasis placed on military promptitude, in the discourse on the inevitability of clashes between States or in the prosecution of the national interest —, it also involves particularities that lead to the assumptions that we customarily associate with this traditional conception of International Relations. As the war against Iraq shows, it is today about a disguised realism of missionary democracy, which appropriates the normative discourse that it was traditionally alien to it and invokes the commitment to definitive values to legitimise the war. The same people who defended "anarchy"

now take advantage of the image of "community." Using the very bases of the critique of violence but in the service of the moral legitimisation of war, they are gradually occupying the ethical and normative field of Peace Studies.

Conclusion

The transforming promise borne in Peace Studies was deprived of its characteristics in the standardization of policy of *peacebuilding* in the 1990s, and today is shown in the polyfacetic re-emergence of realism as a discourse allegedly more appropriate to the circumstances of the system of international relations. The political contraction of Peace Studies, which puts them in a position of instrumental utility in the management of the peripheries of the global system, carries with it a theoretical contraction. However, the genetic identity of Peace Studies is located, necessarily, in its radicalism. It is this radicalism that will stop its imprisonment in the place of normal science — science that canonizes the future in function of the past, closed to innovations.

Therefore, to be fully marked as post-positivist expression, Peace Studies now have to radicalise their critical approach, assuming the partiality and imperfection of the concepts that underlie Western modernity and opening up, consequently, to heterogeneity, plurality, the periphery and the contributions of the feminist, environmental and cultural-studies epistemologies. The decolonisation of its knowledge and the horizon of sustainable peace are announced as the necessary mediators of this return to the critical vocation. Only thus will Peace Studies be a vehicle to overcome the conceptions of power and dominion whose denunciation and deconstruction determined its birth and affirmation. Only thus will its emancipatory objective of social transformation materialize, and its conversion into a new form of social oppression be prevented.

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On the Relationship between Human Rights Law Protection and International Humanitarian Law

Hans-Joachim Heintze

Ruhr-University, Bochum

Abstract

Research shows that the protections offered by human rights law and by international humanitarian law converge. Both bodies of law can be applied in armed conflicts in order to achieve the greatest possible protection in the sense of the Marten's clause. The most important practical consequence of this situation lies in the possibility to enforce international humanitarian law. As its implementation mechanisms are insufficient and the elaboration of State reports and individual complaints procedures are not be expected for international humanitarian law in the nearest future, the existing human rights procedures gain in practical importance. As initial timid decisions, in which international humanitarian law has been applied, are showing: "In sum, although the practice of human rights bodies described above is still limited, it provides a welcome addition to the admitted limited array of international means to enforce compliance with international humanitarian law by parties to armed conflicts" (Kalshoven and Zegveld, 2001: 201). This gives clear proof of the practical and useful consequences of the convergence of human rights law and international humanitarian law.

Introduction

As States tend not to be willing to push for the unequivocally necessary further codification of international humanitarian law and, especially, of mechanisms of implementation, the question is posed as to what developments have been made in the adjoining bodies of law and how they influence international humanitarian law.[1] Particular attention

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[1] This approach is in line with the ICRC Avenir statement, which underlines that "the relationship between humanitarian law and human rights law must be strengthened." Cf. Forsythe (1999).

has to be paid to international human rights law, as today, human rights form a central part of international law for the common welfare of humanity and represent common values, which no State may revoke, even in time of war (Tomuschat, 1994: 195). While international humanitarian law and human rights law vary as to their origins and situations in which they apply, the two *corpus juris* share the objective of protecting and safeguarding individuals in all circumstances.

Relationship between International Humanitarian Law and Human Rights Law

Classic international public law recognized the separation between the law of peace and the law of war. Depending on the state of international relations, either the *corpus juris* of the law of peace or that of the law of war was applied. The adoption of the United Nations Charter in 1945 as well as of major human rights documents yet changed this surgically clear division. Since then there have been norms which are valid both in times of peace and in times of war. As with every innovation, this development was not immediately accepted by all. In particular, those who subscribed to the so-called separation theory rejected the application of human rights norms during armed conflicts with the argument that they were two separate fields, which could not be applied at the same time (Kimminich, 1979: 28). This position is rather surprising because, in classic international public law, human rights considerations — on the basis of natural law — were taken into account. In this vein, Bluntschli argued in 1872 (para. 529) that the declaration of war did not rescind the legal order but "on the contrary, we recognise that there are natural human rights that are to be recognised in times of war as in peacetime [...]". Further, the 1907 Hague Convention on Land Warfare regards the parties to the treaty "animated by the desire to serve, even in this extreme case, the interests of humanity."[2] In the light of these statements one can have doubts about the justification of the separation theory.

Yet, the separation theory seems to have supporters even nowadays. For instance, the well-known "Handbook of International Humanitarian Law" (Fleck, 1995) does not deal with the the topic "human rights in armed conflicts" at all. In this regard, it may be argued that the Hand-

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[2] Convention (IV) Respecting the Laws and Customs of War on Land, Signed at The Hague 18 October 1907, in Schindler and Toman (2004: 55).

book lags behind the leading opinion which the International Court of Justice (1996) expressed in the "Nuclear Weapons Advisory Opinion" and in the "Legal consequences Advisory Opinion" (2004). In these Advisory Opinions the court clearly rejected the position that the International Covenant on Civil and Political Rights (ICCPR) of 19 December 1966 could only be applied in peacetime.

The wording of relevant human rights treaties supports the ICJ jurisprudence on the subject. Indeed, these treaties contain clear references to the obligations of State Parties concerning the observance of human rights obligations in times of armed conflict. For example, Article 15 of the European Convention on Human Rights (ECHR) of 4 November 1950 deals with the fate of the human rights norms in situations in which the life of a nation is threatened by war or other public emergencies. Under such circumstances the State parties are allowed to "take measures derogating from their obligations under this Convention." However, the human rights listed in the ECHR may only be limited to the extent strictly required by the exigencies of the situation. Some rights explicitly mentioned in the same Article may not be derogated from (*inter alia* the right to life, the prohibition of torture, and freedom of belief). These human rights are called non-derogable. The existence of non-derogable rights implies that they are to be applied under all circumstances. Herewith, the traditional impermeable border between international humanitarian law, which applies during armed conflicts, and the law of peace, is crossed. This "crossing of the border" is further supported by common Article 3 of the Geneva Conventions of 12 August 1949 (GC) which contains a list of rights which are to be protected under all circumstances. Interestingly, these rights broadly cover the so-called non-derogable human rights. It is exactly this configuration that led academics to draft the "Turku Declaration,"[3] which called for the legal grey areas — in the border areas of the laws of peace and the laws of war — to be filled by the cumulative application of human rights law and international humanitarian law, thereby guaranteeing a minimum standard (Rossas and Meron, 1995).

The ECHR is not the only instrument referring to the applicability of human rights in wartime. A further regional human rights instrument, the American Convention on Human Rights of 22 November 1969 lists in Article 27 non-derogable rights which cannot be abrogated in times of war. Universal human rights treaties also refer to non-derogable rights.

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[3] In: UN Doc. E/CN.4/Sub.2/1991/55.

For example, Article 4 of the ICCPR includes an emergency clause, similar to that stated in regional instruments.

All these human rights instruments demonstrate that human rights are a substantial part of the legal order of wars and other emergency situations. Taking into account the duty of States to respect non-derogable rights under all circumstances according to human rights instruments and the final document of the first world conference on human rights in Teheran in 1968, Cerna concluded in 1989 that international public law had already been "transformed into a branch of human rights law and termed 'human rights in armed conflicts'" (Cerna, 1989).

The Convention on the Rights of the Child (CRC) adopted in 1989 impressively corroborates this view. Here the substantial overlap between international human rights protection and international humanitarian law becomes obvious. Article 38(1) CRC obliges the State Parties to undertake to respect and ensure respect for rules of international humanitarian law that deal with the protection of children. Herewith a human rights treaty, normally applicable in peacetime, contains provisions that are not only applicable in armed conflicts but that are also enshrined in the law regulating armed conflicts. The regulations are even more detailed under Article 38 (2), (3) and (4). In these paragraphs the standards of Article 77 of the Additional Protocol I to the First Geneva Convention (GC I) regarding the recruitment and the direct participation of children in armed conflicts are repeated. The standards adopted in 1977 permit the recruitment and direct participation of children from the age of fifteen onwards.

This undoubtedly unsatisfying standard in the CRC of 1989 speaks on the one hand against the progressive codification of international public law and on the other against the goal of the convention, which, according to Article 3, is to ensure that the "best interests" of the child (who according to Article 1 is a person until his/her 18th birthday) are protected. It is most unlikely that it is in the interest of a child aged fifteen to directly participate in hostilities.

This contradiction has been severely criticised in legal literature. In particular, the issue was raised as to why the 1989 Convention on the Rights of the Child , which was drawn more than a decade after the adoption of the Additional Protocols to the Geneva Convention, and which is a considerably progressive codification of the protection of the individual, contains no protection exceeding that of Article 77 of AP I (Heintze, 1995). This failure is all the more regrettable as the opponents of the improvement of the pertinent child protection (in particular the USA, Iran and Iraq) had not submitted, at the time of the negotiations of the Convention on the Rights of the Child, a very sturdy legal argument.

As a matter of fact, the USA was of the opinion that neither the General Assembly nor the Human Rights Commission were suitable fora for the revision of existing international humanitarian law.[4]

The American argument, which is based on the aforementioned traditional separation of the law of peace and the law of war, is however not convincing. In fact, the Convention on the Rights of the Child aimed to be a new, independent treaty and not a revision or amendment of international humanitarian law. Furthermore one can also argue that there should have been duties laid down for the State Parties of a new instrument over and above the general standards, which is definitely possible in treaty law. As many feared a lowering of standards, the American argument was not further discussed. That the USA later departed from their (untenable) position came to the fore when, in 1992, they signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. This protocol, adopted in 2000 through Resolution 54/263 of the UN General Assembly, obliges the State Parties to take all feasible measures to ensure that children under the age of 18 do not directly take part in hostilities. The protocol entered into force on 12 February 2002 and has been, up to now, ratified by 52 States. This means that, at least for these States, the standard of protection is higher than that propounded in international humanitarian law.[5]

The example of the CRC concretely demonstrates not only that the law of peace and the international humanitarian law overlaps but also that, when examining which duties are borne by a State in times of armed conflict, one cannot avoid taking international human rights law into consideration. This situation alone justifies speaking of a convergence of both bodies of law.

The Cumulative Application of Human Rights and Humanitarian Law

Some obligations in human rights treaties remain in force during armed conflicts. The consequence is undoubtedly a substantial overlap between both bodies of law. However, this situation is reflected differently in literature and in practice. Gasser (2002) argues against "advocating a merger of the two bodies of international law" and speaks of

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[4] UN Doc. E/CN.4/1989, S. 55/Add.1, p. 6.
[5] This aspect was not taken into consideration by Happold (2002).

the theory of complementarity. According to this theory, the bodies of law of human rights law and international humanitarian law are not identical but complement each other and, finally, remain distinct.

Although the ICRC has in the past approached the theme cautiously it is nowadays involved in the establishment of common values that transcend legalistic arguments and distinctions. For example, the ICRC has published a special edition of the *Review* on the convergence of international humanitarian and human rights law (Forsythe, 1999).[6] The somewhat more assertive convergence theory is gaining in influence, which is thoroughly convincing in light of the Convention on the Rights of the Child described above. The convergence theory goes further than mere complementarity and aims for the greatest effective protection of the human being through the cumulative application of both bodies of law, so that one unified complex of human rights beneath different institutional umbrellas can be spoken of (Meron, 1987).

A glance at the most recent State practice shows that this is not merely theory. Kälin (1994) pointed that the cumulative application of both *corpus juris* during the armed conflict in Kuwait was both "feasible and meaningful" and clarified the practical meaning of the convergence theory applied to the occupying regime in Kuwait in 1990/91. Parallels can be drawn between this and the current situation in Iraq. Resolution 1483 of the United Nations Security Council (2003) which lays down the basic principles the occupation and reconstruction of Iraq (see requires all "involved" to uphold their duties under international law, especially those according to the Geneva Conventions (para. 5) and obliges the Secretary General's special emissary for Iraq to work towards the promotion of human rights protection (para. 8 lit. g). It goes without saying that such duties require the cumulative application of international humanitarian law and human rights law.

This has already been analysed by academics with regard to other occupations, whereby it was established that three aspects need to be emphasised:

The interpretation of rights and duties must refer to both areas of law. It is, for example, difficult to interpret the term "inhuman treatment," found in human rights law, in any way other than according to the requirements of GC III, as it has a specific meaning in the context of a prisoner of war camp. On the other hand one could not fulfil the

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[6] The UN Sub-Commission of the Human Rights Commission speaks in its Resolution 1989/26 about "Convergence" too.

requirements of para. 1 lit. c of Common Article 3 of the four Geneva Conventions after considering "the legal guarantees deemed imperative by civilised nations" in criminal proceedings without applying the human rights instruments.

Human rights strengthen the regulation of international humanitarian law by a more exact formulation of State obligations In this way the duties arising from Article 55 GC IV pertaining to the health system have to be applied in the light of the right to health contained in the International Covenant on Economic, Social and Cultural Rights. In the separation of rape, as a method of war and as prohibited by international humanitarian law, from torture, the human rights law provisions of the UN Convention against Torture must necessarily be resorted to (Blatt, 1994).

International humanitarian law brings human rights law into effect in that it, for example, puts the duties regarding missing persons into concrete terms. Even though "disappearances" doubtlessly represent a serious human rights violation, the relevant law regarding States' obligations in such cases is very underdeveloped. In times of armed conflict, the occupying power is obliged by the Third and Fourth Geneva Conventions to provide information about deceased detained persons and the possible causes of their death, detained persons who are still alive as well as to search for those whose fate is unknown (Kälin,1994).

In a report to the Security Council entitled "On the Protection of Civilians in Armed Conflict," the UN Secretary-General voiced his opinion on the cumulative application of all norms which protect the individual, at least those civilians as defined in the Geneva Conventions and their protocols. He recommended States to ratify equally the relevant instruments of international humanitarian law, international human rights law and refugee law, as all three are "essential tools for the legal protection of civilians in armed conflicts."[7]

From a practical point of view the turn towards international humanitarian law protection is, of course, also a result of the increased occurrences of civil conflicts, which often take place in an international humanitarian law grey zone due to the slim amount of regulation of international humanitarian law in this area (Meron, 2000). The practical importance for parties to the conflict was convincingly pointed out in legal literature (Fleck, 2003).

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[7] UN-Doc. S/1999/957, para. 36.

International Humanitarian Law as *Lex Specialis*

The cumulative application of human rights law and international humanitarian law inevitably raises the question of the reciprocal relationship. The ICJ (1996) had to answer this question in the Nuclear Weapons Advisory Opinion because the advocates of the illegality of the use of nuclear weapons had argued that the use of these weapons violated the right to life established in Article 6 of the ICCPR.[8] According to Article 6 ICCPR "no one shall be arbitrarily deprived of his life." The ICJ established in its opinion that Article 6 is a non-derogable right and, consequently, also applies in armed conflict. Even during hostilities it is prohibited to "arbitrarily" deprive someone of their life. In the same opinion, the ICJ recognises the primacy of international humanitarian law over human rights law in armed conflicts, thereby describing the (latter/former) as *lex specialis*. The term "arbitrarily" is, therefore, to be defined according to international humanitarian law. As the following example demonstrates, human rights law cannot be considered in this type of context: a combatant, who within the scope of a lawful act during an armed conflict, kills an enemy combatant cannot, according to the *ius in bello*, be charged with a criminal offence (Greenwood, 1999). These exceptions to the protection offered by human rights law in times of armed conflict — "war" in the language of the ECHR — are clearly mentioned in Article 15 of the ECHR It is stated there that cases of death as a result of legal acts of war are not to be regarded as a violation of the right to life spelled out in Article 3 ECHR.

The evaluation of the ICJ opinion has been welcomed by academics, mainly for its clarification that the norms developed for peacetime, i.e. human rights law cannot be applied "in an unqualified manner" to fighting. Human rights have rather to be inserted into the structure of international humanitarian law in a sensitive manner (Matheson, 1997). Herewith the primacy of international humanitarian law is emphasised. It must however be noted that human rights law as a whole remain valid as prescribed in Article 4 of the ICCPR (and respective analogous, regional treaties) and are consequently of importance. Therefore, the ICJ in its Advisory Opinion supports the necessity of regarding the protection granted by international humanitarian law and human rights law as a single unit (but this is not what the ICJ says in the 2004 advisory opinion!) as well as the harmonisation of the two sets of international rules.

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[8] According to Greenwood (1999) this viewpoint was taken by Malaysia, Solomon Islands and Egypt.

Admittedly such a viewpoint inevitably leads to the necessity of tackling the *lex specialis derogat legis generalis* objection. This objection can be refuted by pointing at the *Marten*'s clause, which is accepted in international treaties as well as in customary international law. This clause confirms that the rules of the laws pertaining to armed conflicts cannot be regarded as the final regulation of the protection of humans, but can be supplemented with human rights law protection (Reimann, 1984). Article 72 AP I also proves the "openness of the international laws of armed conflicts" (Vöneky, 2001) as it is declares with regard to the treatment of persons, who find themselves in the power of one of the parties to the conflict that "[t]he provisions of this Section are additional to [...] other applicable rules of international law relating to the protection of fundamental human rights during international armed conflict."

Implementation Mechanisms of Human Rights Law Protection

The literature aptly refers to the fact that human rights protection not only shares a common philosophy with international humanitarian law, but also that it can be used to compensate for the deficits of international humanitarian law (Gardam, 2001). The underdeveloped implementation mechanisms of international humanitarian law, which have to be described as fairly ineffective, are among its great weaknesses. Therefore, it comes as no surprise that both the ICRC and academics have on numerous occasions attempted to use the implementation mechanisms of the UN human rights treaties, disarmament treaties and environmental treaties as examples of possible systems ensuring compliance with international humanitarian law and to make them appealing to States. Central to these implementation mechanisms are the State reporting procedures (Drewicki, 2001).

The amazing aspect of these suggestions is that academics advocate new reporting procedures and, therefore, support the inflation of such mechanisms. This is not convincing because it is already difficult enough today, in view of the sheer number of such reporting procedures in the human rights field, to keep a survey of the content and to avoid endless repetitions. One should not forget to mention that the situation in some States is such that many governments are not in a position to submit their periodical reports on time, notably due to a serious lack of resources. For example, Suriname owes the human rights committee four State reports and the anti-discrimination committee eight State reports. In total 44 member States have not provided the human rights committee with one or more report due every five years; 68 of these

reports are over five years late.[9] In view of this dilemma the UN General Secretary has been endowed with the task of compiling methods for the tightening up ("streamlining") of the State reporting procedure. In this context a brainstorming meeting that focused on the strengthening and consolidation of the reporting procedure took place in early 2003.[10]

In light of this fact regarding UN reporting procedures, the proposal to create a new reporting procedure seems impracticable. It appears that in today's context it is vital to use the already existing procedures in parallel. Such a parallel use would appear possible due to the overlap between human rights law protection and international humanitarian law.[11] The following paragraphs which aim to describe the practice will prove this point.

The Duty to Report in the Case of a Public Emergency

It is well known that, especially under conditions of war or other public emergencies in which the life of the nation is threatened, particularly serious human rights violations or mass killings may transpire (Gowlland-Debbas, 1999). Hence, the observance of human rights in these situations is of crucial importance.

This challenge is met by the ICCPR in that the States Parties, which declare the emergency, are obliged according to article 4(3) to inform the UN Secretary-General as to which human rights law duties are being derogated and which grounds there are for these actions. The Human Rights Committee is allowed to check the conditions for the existence of a state of emergency and, if necessary, demand special reports. As early as 1981 the Committee adopted a "general comment" on the interpretation of State duties as enshrined in Article 4. It emphasised the extraordinary and temporary nature of the emergency law and requested States to submit a report immediately after the declaration referring to a state of emergency, and to guarantee the upholding of the non-derogable rights (Nowak, 1993).[12] Moreover, the Committee stresses that the benefit of the derogable human rights be abrogated only if it is absolutely required in the light of the given circumstances. In this regard, the ICCPR applies the principle of proportionality, which also belongs to the core principles of international humanitarian law.

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[9] UN Doc. HRI/ICM/2003/3, para. 15.
[10] UN Doc. HRI/ICM/2003/4.
[11] HAMPSON recommended such an approach as early as 1992.
[12] Manfred Nowak, *CCPR-Commentary*, Engel, Kehl, 1993, p. 81.

The ECHR recognises no duty to report but a duty to inform. "To report" is to inform about the fact that state of emergency has been declared and explain the measures taken while "to inform" solely involves sending a notice stating that the state of emergency was declared and that some provisions of the ECHR are not applicable for a certain period of time. According to Article 15 (3), the Secretary-General of the Council of Europe must be informed about the emergency measures. This duty is to be taken seriously because an individual may complain against a State that may have violated his/her rights. If the State has informed the Secretary-General about the derogations, an individual may not complain about infringements upon his/her derogable rights; the explanations are published by the Council of Europe (this part of the sentence is absolutely not clear). This model was later copied and adopted in article 27(3) of the Inter-American Convention on Human Rights which also provides for only for a duty to inform the Secretary-General of the Organisation of American States.

The duty to report provides a mechanism, which can be used to control compliance with both human rights law as well as international humanitarian law (in so far as both bodies of law overlap). This is made clear by the most recent report of the Human Rights Committee to the UN General Assembly which states that "[w]hen faced with situations of armed conflicts, both external and internal, which affect State Parties to the Covenant, the Committee will necessarily examine whether these parties are complying with all their obligations under the Covenant."[13] The advantage of this procedure can especially be discerned in the fact that the parties to the treaty have to justify derogations from human rights law. The disadvantage is that the Human Rights Committee, in view of the overload with the periodical reports, hardly has time to deal with emergency measures notifications. In sum, effective supervision is not reached through new procedures but through a better organisation of the work.

Individual Complaints Procedures

There are no individual complaints procedures available to the victims of violations of international humanitarian law at the international level. This underlines once more the fact that Doswald-Beck considers a "truism": international law is primarily aimed at regulating relations between States (Doswald-Beck, 1998). Yet, one must note that human rights law constrains the might of the States inasmuch as it envisages international complaint procedures.

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[13] UN-Doc. A/57/40, para. 29.

104 of 149 State Parties to the ICCPR have also ratified the Optional Protocol to the ICCPR which permits victims of human rights violations to file a complaint with the Human Rights Committee after they have exhausted all domestic remedies. The Human Rights Committee then considers whether the complainant's human rights have been violated. According to Article 1 of the Optional Protocol the test is limited to "any of the rights set forth in the Covenant," i.e. international humanitarian law cannot be directly applied. This procedure is useful as far as there are exceptionally numerous and serious human rights violations in emergency situations (Svensson-McCarthy, 1998). Therefore international supervision is of utmost relevance. In addition, such human rights procedures allow checking whether the curtailment of the rights of the complainant is compatible with the requirements laid out in Article 4.[14] The procedure ends with an opinion of the Committee (Wolfrum, 2001), which, due to the publicity of the procedure, puts pressure on the State that has breached human rights law (the "public blame" effect). This pressure is all the more intense in procedures introduced by regional human rights treaties inasmuch as these procedures are court-like. Even more interesting are regional complaint procedures because they take place before human rights courts and their judgements are binding upon the State that has acted in contravention of the regional human rights treaty. As a consequence, these procedures deserve further consideration.

The question arises whether human rights law procedures can make up for the lack of complaints procedures available to victims of violations of international humanitarian law. It should be noted that the cumulative and direct application of international humanitarian law has already been recognised in these individual regional complaints procedures. This is due to the wording of Article 15 ECHR that spells out that emergency measures cannot be "inconsistent with [the State's] other obligations under international law." Article 27 of the American Convention on Human Rights is formulated similarly. A glance at the practice demonstrates the advantages and disadvantages.

The Inter-American Human Rights Protection System

At the beginning it was contentious as to whether the American human rights bodies were allowed to use international humanitarian law when deciding upon the legality of certain activities and/or measures.

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[14] UN-Doc. A/57/40, para. 31.

The first time the Inter-American Commission on Human Rights was confronted with such a question was in the case of Disabled Peoples' International et al. v. United States which related to the intervention of the USA in Grenada in 1987 in which 16 inmates of a psychiatric clinic were injured. The US government argued that the Commission was not the responsible authority to adjudicate upon the allegations of improper conduct. In the opinion of the USA, the Commission was not allowed to consider the application of the Fourth Geneva Convention because its mandate was limited to the "examination of the enjoyment or deprivation of the rights set forth in the American Declaration of Rights and Duties of Man."[15] The position of the USA was criticised at the time by academics, because the principles of international humanitarian law are applicable to a military operation (Weisbrodt and Andrus, 1988).

Later practice confirmed this view. In this regard, particular attention should be paid to the report of the Inter-American Commission on Human Rights in the Tablada case. This case concerned the attack by 42 armed persons on the La Tablada barracks of the Argentine armed forces on 30 October 1997. During the 30 hour battle, 29 of the attackers and some of the soldiers were killed. Surviving attackers applied to the Commission, complaining that Argentina had violated the Inter-American Convention on Human Rights and international humanitarian law. The Commission examined whether it could directly apply international humanitarian law and finally decided that it was entitled to do so. The decision was awarded great importance by academics as it ascertained that an international organ responsible for the protection of human rights could directly apply international humanitarian law to a State Party to a human rights treaty (Zegveld, 1998). The Commission founded its reasoning for the application of international humanitarian law upon the basis that it was the only manner it could do justice to situations of armed conflict. Even though the Inter-American Convention on Human Rights is formally applicable in times of armed conflict, it contains no regulations regarding the means and methods of conducting war. In order to be able to establish what constituted a (prohibited) deliberate taking of life under conditions of war, the Commission had to resort to international humanitarian law.[16]

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[15] See http://www.wcl.American.edu/pub/humanright/digest/Inter-American/app9213.htm.

[16] "[…] the Commission must necessarily look to and apply definitional standards and relevant rules of humanitarian law as sources of authoritative guidance in its resolution of this and other kinds of claims alleging violations of the American Convention in combat situations." Case 11.137. Inter. Am. C.H.R., No. 55/97, para. 161 (1997).

In this regard, the argument of the Commission is accurate: the human rights provisions of the Inter-American Convention on Human Rights alone are not sufficient to determine who is legally permitted to take part in hostilities and carry out acts of damage. At the same time, however, the Convention does not contain any provision requiring the Commission to use international humanitarian law. The Commission based its approach on

The overlapping of the scope of application of human rights law and international humanitarian law: according to the aforementioned Convention States are under the duty to fulfil the standards laid out in Common Article 3 of the Geneva Conventions:

—Article 29 lit. b, which does not allow for an interpretation accord-ing to which the enjoyment or the execution of rights, guaranteed by another agreement binding the State, may be limited;
—Article 25, which spells out that everyone has a right to a suitable legal remedy for the violation of his or her basic rights;
—Article 27, which states that derogations from duties entrenched in the convention may not stand in the way of other international legal duties.

The report of the Inter-American Human Rights Court which de-clared that the Commission may use treaties which did not emerge from the Inter-American system.[17]

The reasons provided by the Commission seem to be solid. Herewith the Commission directly applied international humanitarian law and did not merely use as it as an aid in interpretation.

The Inter-American Court did not follow the position of the Com-mission in its decision in the Las Palmeras case[18] and decided it was not competent to apply international humanitarian law and in particular could not directly apply Common Article 3 of the Geneva Conventions. The Court conceded that it could only use the Geneva Conventions for the interpretation of the Human Rights Convention. Therefore the Court argued in the Las Palmeras case, which was about the execution of six unarmed civilians by the Colombian police, that the Convention "has only given the Court competence to determine whether the acts and norms of States are compatible with the Convention itself, and not with the 1949 Geneva Conventions."[19] The main ground for the non-ap-plication of international humanitarian law was the argument by the

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[17] Advisory Opinion OC-1/82 vom 24.9.1982.
[18] Inter-Am.Ct.H.R. (Ser.C), No. 67 (2000).
[19] *Op. cit*., para. 33.

Colombian Government that the State Parties to the Inter-American Convention have only accepted the contentious jurisdiction of the Court concerning the rights enlisted in the Convention itself. The Court admitted the objections to that effect by the respondent state and rejected the viewpoint of the Commission that international humanitarian law could be applied as customary international law or as lex specialis.

The decision received an impressive number of comments in the legal literature. Martin (2002) examined this decision and concluded that it "overturns" the position taken by the Inter-American Commission. Also Kleffner and Zegveld (2002) consider this decision to be proof of how problematic the assertion of the Commission is, that they could directly apply international humanitarian law. The authors argue, as it is highly questionable whether the Court can apply international humanitarian law, that there is a need to establish an individual complaints procedure for violations of international humanitarian law. As desirable as such a procedure is, the likelihood of it being implemented in the near future is fairly slim. Therefore there is a need to call for the treaty bodies of international human rights protection to lead the way, as was chosen by the Commission in the Tablada decision in order to provide international humanitarian law more importance. According to Zwanenburg (2004) such Courts may use international humanitarian law indirectly as authoritative guidance in interpretation of human rights norms. Even in the Las Palmeras case the Court did not exclude the possibility short of applying international humanitarian law directly. Furthermore, if the parties to a conflict agree international humanitarian law will be applied directly. Consequently there is no need for the establishment of new procedures but a further dissemination of the opportunities for the existing mechanisms.

In light of this evaluation the more recent practice of the Inter-American Court is encouraging. Especially, the Bamaca-Velasquez case[20] relativises the criticism of Kleffner and Zegveld. This judgement concerned a guerrilla fighter who fell into the hands of the Guatemalan military during a battle and was tortured and murdered by them. In this case international humanitarian law was allowed to be applied as Guatemala and the Commission had agreed that international humanitarian law could be applied and that Article 3 of the Geneva Convention could be used when interpreting the duties according to the American Convention. The Court contended that in order to avoid an illegal restriction of human rights, Article 29 of the Convention permits in the interpretation,

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[20] Inter-Am. Ct.H.R. (Ser.C) No. 70 (2000).

reference and resort to other treaties to which Guatemala is a party. The Court clearly concluded that the undeniable existence of an internal armed conflict meant that "instead of exonerat[ing] the State from its obligations to respect and guarantee human rights, this fact obliged it to act in accordance with such obligations."[21] This judgement ascertained the direct applicability of international humanitarian law by human rights courts and led to academics coming to a further conclusion: the necessity confirmed by international humanitarian law of punishing those responsible for such crimes (Wilson and Perlin, 2002).

European Court of Human Rights

As, according to Article 15 ECHR, derogations from duties under the Convention are only permitted if concurrent with other international legal duties, the duties of the Geneva Conventions are to be observed. In the Northern Ireland case (Harris, O'Boyle and Warbrick, 1995) the European Court of Human Rights (ECtHR) investigated into whether the derogations from the ECHR were in accordance with the other public international duties of the affected party to the treaty. It was researched whether the British legislation on Northern Ireland was in accordance with the Geneva Conventions. The investigation was not gone into in any more detail, though, as the Irish side failed to provide any further details.[22] This example clearly demonstrates that referral to international humanitarian law is generally possible.

Practice has nonetheless shown us that the bodies of the European Convention on Human Rights are hesitating to subscribe to a clear position in this regard. Frowein (1999) made this point concerning the first state complaint in Cyprus v. Turkey, where the European Human Rights Commission allowed the application of the Third Geneva Convention of 1974 regarding prisoners of war, however did find it necessary to investigate whether there had been a violation of Article 5 ECHR (right to freedom and security). This uncertainty is to be observed throughout (Reidy, 1998).

In Loizidou v. Turkey the ECtHR did not apply international humanitarian law, even though it concerned human rights violations arising out of a military occupation; the Cypriot complainant was not able to use her property in Northern Cyprus after the Turkish invasion of 1974. In

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[21] *Op. cit.,* para. 207.
[22] Cf. Brannigan and McBride v. UK, ECtHR Series A 258-B, 26 May 1993, paras. 67-73.

1989 she made a complaint in which she asserted that the continual refusal to allow her access to her property was a violation of her right to the peaceful use of her property according to Article 1 of the First Additional Protocol to the ECHR. In the end the ECtHR found in her favour and on the 28th July 1998 pronounced the awarding judgement.[23]

Central to the case was the question as to who was sovereign over Northern Cyprus. Indeed, Turkey contended that it was not the correct defendant. The correct defendant was, in fact, the 'Turkish Republic of Northern Cyprus' (TRNC), an independent State responsible for its actions under international law. In its judgement the ECtHR ascertained that the definition of jurisdiction in article 1 ECHR was not limited to one's own national territory. The question of sovereignty was far more important, as it could have implications both inside and outside the State's national territory. In this way a State could have effective control over another State outside its own national territory with the use of military measures, where it is unimportant as to whether this control is carried out by its own armed forces or a subordinate local administration. As the complainant was unable to use her property due to the occupation by Turkish troops, these processes came under the jurisdiction, according to Article 1 ECHR, of Turkey.

At the same time the ECtHR avoided establishing that the case of the TRNC concerned an occupied territory. This did not however hold the court back from referring to S/550/1984 of the UN Security Council, which clearly describes the "occupied part of the Republic of Cyprus." This contradiction did not remain uncommented on. In a dissenting opinion Judge Pettiti objected to the fact that the whole situation regarding the Turkish intervention in Cyprus had not been sufficiently clarified. This related to the problems of annexation and occupation, which also necessitated the application of international humanitarian law.[24]

The argument is as follows: the whole judgement suffers from the fact that the complicated status questions were evaded. In this way the ECtHR withdrew to the position that international human rights law protection is a "matter of international concern". It was necessary therefore to find a pragmatic clarification (effet utile). At the same time the question must be posed as to whether it would have been possible to bring about the same result with resort to international humanitarian law. International humanitarian law is of course also "a matter of international concern." The application of the Fourth Geneva Convention

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[23] 23 March 1995 (No. 310).
[24] Eur.Ct.H.R 1996, S. 2251.

would have supported the finding of the ECtHR, as Northern Cyprus is an occupied territory and Loizidou, contrary to Article 49, was forced to leave the occupied territory without underlying interests of security or a military need for this. This contravenes the duty to respect the property of civilians in occupied territories. It is thus incomprehensible as to why the court did not make use of this line of reasoning.

According to the construction of the Geneva Conventions, the parties to an armed conflict are bound by their duties even if outside of their national territory. In light of the decision in Loizidou v. Turkey the jurisdiction of a state can even be exercised outside of national territory. It is therefore all the more surprising as to why the ECtHR in Bankovic v. Belgium[25] was not able to resolve a broader interpretation of the term "jurisdiction." In this case relatives were suing on behalf of four citizens of the Federal Republic of Yugoslavia who had been killed in the NATO attacks on the broadcasting station of Belgrade. In the attack they saw a violation of the right to life, the right to freedom of expression and the right to an effective legal remedy. They further based their claim on the duties arising from international humanitarian law, which they contended to be applicable because the NATO states were on the one hand parties to the Geneva Conventions and the relevant rules of the First Additional Protocol and on the other hand because they held both these have characteristics of customary international law. The court did not consider the international humanitarian law argument. It concentrated far more on not making a broad definition of the term "jurisdiction." The Court unanimously found that jurisdiction in international law is primarily territorial. Other grounds of jurisdiction must be considered "exceptional." The claim of Bankovic was consequently declared inadmissible. Shelton argued that this narrow view of jurisdiction is "understandable" because the Court "would seek to limit its jurisdiction to exclude the extra-territorial military operations of its contracting states." (Shelton, 2003) However, in the light of the Loizidou case this interpretation cannot convince completely.

The military operations in the Kurdish territories of Turkey have led to countless casualties amongst the civilian population and have caused huge material damage. This also led to an upsurge of cases brought before the human rights bodies in Strasbourg. This demonstrated the limits of international jurisdiction, which is applied only when all national remedies have been exhausted and only for the reparation of violations to individual human rights (Reidy, Hampson and Boyle, 1997) These pro-

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[25] App. 52207/99, Eur.Ct.H.R.

cedures are not suitable for taking effective action against gross human rights violations on a mass scale.

Human rights infringements on a mass scale also have simultaneously an individual dimension. The case of Ergi v. Turkey[26] concerned the accidental killing of a woman who was uninvolved in a military operation. During the analysis of the facts of the case the Commission had established that in the planning and execution of such an operation care must be taken "[...] not only in the context of the apparent targets of an operation but, particularly where the use of force is envisaged in the vicinity of the civilian population, with regard to the avoidance of incidental loss of life and injury to others."[27] Measured against these standards, the Commission found that the planning of the above-mentioned operation had not been careful enough to prevent there being victims among the civilian population and to avoid the conflict expanding in the area.

In its judgement the ECtHR argued that the state was responsible for its failure "to take all feasible precaution in the choice of means and methods of a security operation mounted against an opposing group with a view to avoiding or, at least, minimising incidental loss of civilian life."[28] The court used the wording of international humanitarian law in order to analyse the violations of human rights. On the one hand this demonstrates the cumulative application of both legal authorities. On the other hand it also corroborates the decision of the ICJ, that international humanitarian law is lex specialis, namely the binding law in armed conflicts, which is meant to be used to regulate the conduct of hostilities. In other words, just as much as the ICJ, when examining the legality of nuclear weapons, was not able to avoid checking the compatibility of the weapons systems with both international human rights and humanitarian law; the ECtHR also had to refer to international humanitarian law to determine the lawfulness of the measures taken by the Turkish security forces in the Kurdish areas. In the Ergi case the ECtHR resorts directly to international humanitarian law, in that it elaborates on the lawfulness of the target, on the proportionality of the attack and on whether the foreseeable risk regarding civilian victims was proportionate to the military advantage. Merely the list of points to be checked make it clear that consideration is to be taken of international humanitarian law, as it can be of foundation-laying importance for the implementation of human rights law.

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[26] App. 23818/94, Eur.Ct.H.R.
[27] *Op. cit.*, para. 145.
[28] 66/1997/850/1057.Eur.Ct.H.R.

Gülec v. Turkey[29] was a case regarding shots fired from a tank onto violently protesting demonstrators, in which the son of the head complainant was fatally injured. The Court examined as to whether the state use of violence was permissible according to Article 2 Paragraph 2 lit. c. The criteria it laid down was that the use of force must have been proportional to the aim and the means used. Such a weighing-up of the situation had obviously not been taken by the armed forces, as they had used battlefield weapons. The armed forces had not been equipped with the necessary equipment (water cannons, protective shields, rubber bullets or tear gas) for fighting demonstrators. This was all the more reprehensible as Sirnak Province was located in an area where a state of emergency had been declared and public disturbances could have been expected. The government could show no proof for its assertion that there had been terrorists among the protesters. The massive use of armed force, which caused the death of Gülec, was not held to have been absolutely necessary in the sense of Article 2 and so Turkey was found guilty of violating the ECHR.

The method of reasoning put forward by the Court shows once again many parallels with international humanitarian law. These parallels begin with the fact that, in the relevant area, a state of emergency had already been declared and public disturbances were always to have been expected. These circumstances alone imply that the norms of international humanitarian law can be applied. Such situations highlighted the lack of education, equipment and the insufficient "rules of engagement" of the armed forces. The court also mentions that the numerous losses of human lives in South East Turkey could be blamed on the "security situation" there. At the same time, the frequent "violent armed clashes" do not release the State from the observance of Article 2 ECHR.

The cases at hand demonstrate that in the practice of the Strasbourg human rights bodies there are considerable overlaps between human rights and international humanitarian law. This particularly affects the rights which are laid down in Common article 3 to the Geneva Conventions as well as those characterised as non-derogable in article 15 ECHR. It must be stressed that the use of armed force, in the sense of article 2(2)(c) in emergency conditions or under war conditions, is found to be permissible if States use force to suppress tumult and revolt. This includes the use of force until death. If one ignores the fact that the article is "unhappily formulated" (Frowein and Peukert, 1996) the question still remains as to which circumstances, and in which jurisdiction, allow the

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[29] Application No. 54/1997/838/1044, Judgement of 27 July 1998.

use of force. The aforementioned cases show that the constraints relating to the use of force are much looser in human rights law protection than in international humanitarian law. When adjudicating on the concrete dimensions of the use of force, the bodies in Strasbourg would find it much easier if they resorted to the criteria expounded in international humanitarian law, especially to the principles of proportionality and distinction and to the standards developed in international criminal law. It is also feasible to conceive situations occurring during an armed conflict in which human rights instruments would have no ready criteria for the legality of the use of force. In such cases international humanitarian law must automatically be consulted. Therefore, one needs to agree with Laursen (2002) when he approves of the ECtHR having a limited "potential for the future application of international humanitarian law."

The Engel case, in which the ECtHR explicitly refers to international humanitarian law, shows that there are no theoretical legal objections to the direct application of international humanitarian law.[30] This case concerned the unequal treatment of different military ranks in disciplinary punishments. Academics welcomed the reference to Article 8 GC I because this treaty is "so well accepted" (Merrills, 1993). In view of this decision it appears obvious that the ECtHR has up to now only been held back from applying international humanitarian law on political grounds.

Overcoming Existing Lacunae

Karl sees the decisive step in the development of international humanitarian law becoming "world law" in the creation of international criminal jurisdiction (Karl, 1999). Independently of whether one shares this far-reaching opinion, it is a fact that, with the creation of the well-known *ad-hoc* international tribunals and the permanent international criminal court, it has become possible under certain circumstances to punish crimes under international law, crimes which seriously violate international humanitarian law as well as human rights law. Herewith a wide gap is filled, as human rights courts can only award compensation or reparation for human rights violations and the question as to the fate of those responsible was previously left open.

The opening of a way for the implementation of an international right to punish, increases the probability that criminals will not remain

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[30] *Engel* v. *The Netherlands*, Application 5370/72, Judgment, 23 November 1976.

unpunished (Griffin, 2000) and one can assume there will be a general preventative effect. Even if, like Bothe (2000), one holds the general pre-ventative effect to be a mystification and therefore one has doubts — he refers to the atrocities of Srebenica occurring after the introduction of the ICTY as grounds for his doubts — it must be stated that criminal law is the basis of a legal conscience and especially in post-conflict societies it can contribute greatly to the creation of both legal and social peace. As Mundis establishes with the examples of Sierra Leone, Cambodia, East Timor and Kosovo, the restoration of the rule of law — to which criminal law also belongs — is a circumstance of great importance for a new beginning and also serves the implementation of international humanitarian law in the form of "enforcement" (Mundis, 2001).

As international criminal law refers to international crimes — there-fore simultaneously to international humanitarian law as well as to hu-man rights protection — further proof for the coming together of both legal *corpus juris* can be observed. International criminal jurisdiction at the same time also fills another lacuna, which can be traced back to the dogmatic weakness of international human rights protection. This weakness is namely that international human rights law assumes that human rights violations are carried out by States. The typical armed con-flict situation, of human rights infringements by non-state actors and rebel groups, is thus outside of its jurisdiction. This lacuna is from now on filled by the international criminal jurisdiction.

The question as to how far victims of international humanitarian law infringements will be able to make reparation claims against alleged violations is admittedly unresolved. A group of Yugoslav nationals, vic-tims of a NATO air raid during the Kosovo war in 1999, unsuccessfully attempted to claim a right to compensation derived from a violation of international humanitarian law before the Civil Court of Bonn, Germany. In the *Varvarin* case, the court disagreed that individuals could make claims against States for violations of international humanitarian law in front of a national court.[31] This finding differs in principle from the rules of international legal human rights protection; therefore, human rights mechanisms for the implementation of international humanitarian law seem all the more interesting.

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[31] For a translation of relevant excerpts of the judgement in English, see "The Var-varin Case: Excerpts of the Judgment of the Civil Court of Bonn of 10 December 2003," Journal of Military Ethics, Vol. 3, No. 2, 2004, p. 178-180. For a discussion of the case, see Quénivet (2004), Sayapin (2004), and Herrmann (2004).

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Constitutive Violence and Rhetorics of Identity:
A Comparative Study of Nationalist Movements in the Israeli-Occupied Territories and the Former Yugoslavia[1]

Glenn Bowman
University of Kent

Abstract

This paper examines the processes through which nationalist movements developed among both the Palestinian people and those national communities which made up the late Socialist Federative Republic of Yugoslavia so as to examine the role played by 'antagonism' in what the paper terms the 'nationalist imaginary'. Fundamental to the text's respective analyses of nation formation and state dissolution is the concept that the imagined violence of a national enemy is at the core of the 'defensive' mobilisations we call nationalisms. This idea that the 'inside' of identity formation is not only shaped by but also grounded on the 'outside' of the perceived antagonism of an other poses a substantial challenge to essentialist conceptions of the various modalities of communal identities.

Introduction

In this paper I will argue that violence is not simply a device nationalists of certain persuasions take up in pursuit of their ends, but that it plays a constitutive role in the formation of all nationalisms. The violence which engenders nationalism is not, however, the violence the imagined community of the future nation turns against its 'enemies' but the vio-

lence members of that not-yet-existent nation perceive as inflicted upon them by others they recognise as making it impossible for them to exist in anything other than the embrace of an independent state. The future nation of the nationalist imaginary functions as an antidote to a violence which threatens the survival of persons who did not, prior to its advent, conceive of themselves as members of a distinct community, much less of a nation in waiting. Decisions about what strategies — violent or otherwise — are appropriate to achieving national independence follow from the recognition that such independence is the only guarantor of individual, and collective, survival. Although I will, in the following analyses, demonstrate the ways 'defensive' violences are variously articulated in response to constitutive violences, such strategies are not the focus of this paper. Instead I will concentrate, through investigations of the generation of nationalist movements in the Israeli-Occupied Territories and what is now the 'Former Yugoslavia,' on the way perceptions of a violence afflicting a diverse range of persons give rise to a concept of a 'national enemy' and, through that concept, to the idea of solidarity with the nation that enemy opposes.

In investigating the way the Palestinian people came into being as a result of the project of nation formation the Zionist movement successfully carried out on the land the 'Palestinians' had occupied long before they thought of themselves as 'Palestinians' and the way Yugoslavians came to see themselves not as co-nationals within an existing state but as members of opposed national communities unnaturally forced to co-exist under the tyranny of an imposed federation, I will emphasise that national identity is an historical construct which emerges from a reformulation of one's relation to a social field rather than something essential and non-contingent. Furthermore, by stressing the role played by the perceived violence of an other in formulating that identity I will criticise the material determinism of nation theorists such as Benedict Anderson who argue that the emergence of national consciousness simply reflects developments in systems of communication and exchange (1991: 37-46 and passim). Mandate Palestine and pre-dissolution Yugoslavia were — in terms of the development of print culture and trans-regional economies — 'modernised' to extents quite capable of supporting nationalist consciousnesses prior to the articulations of Palestinian, Serbian, Croatian and Slovenian nationalisms, but these national movements did not emerge until antagonisms[2] between

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[2] I will, throughout this text, refer to constitutive violence as 'antagonism.' Ernesto Laclau and Chantal Mouffe define 'antagonism' as a radical threat to the socially constituted subjectivity of the individual: "in the case of antagonism...the presence of the

groups occupying those territories were interpreted in ways which split the field of sociality into domains of the nation and its enemy. I contend, therefore, that while the development of modes of communication enabling dispersed members of a community to conceive of others sharing with them a common language and a common territory was an essential prerequisite of being able to imagine an extended community, this development was not in itself enough to promulgate nationalist consciousness. Communication might suffice to promote an abstract idea of community, but it was the matter communicated which transformed that abstraction into something with which to identify and for which to struggle. For nationalism to arise it was vital that one not only had to see one's identity as integrally linked with that of the wider community but also had to sense that that community, and the identity with which it provided oneself, were at risk. Palestinians, especially after the creation of the state of Israel drove a majority of them into diaspora, rarely (if ever) became Arab nationalists despite their sharing the Arabic language and the Arabic press with other Arabic-reading communities; they became anti-Zionists because they recognised the role of Israel in the dispossession of themselves and other 'Palestinians' who suffered from the anti-Palestinian violence central to the Zionist project. Serbs and Croats were not united in imagined community by their mutual use of Serbo-Croatian and their shared access to a Yugoslav press; despite (and through) that shared medium they came to conceive of each other as blood enemies who had to wage war for the defence of their respective national identities. In each instance, it was stories of violence carried through those media which enabled members of the respective groups to recognise in those scenarios violences like those they suffered and enemies like those who tormented them. Identity, in other words, emerged from identification, and the idea of the nation was generated as a fantasy of the utopian space to be occupied by all those who suffered 'the same' violence at the hands of the enemy after that enemy and its violence are extirpated.

'Other' prevents me from being totally myself....(it is because a peasant cannot be a peasant that an antagonism exists with the landowner who is expelling him from his land). Insofar as there is antagonism, I cannot be a full presence for myself" (Laclau and Mouffe 1985: 125). This usage emphasises the fact that an antagonism disrupts and disallows a previously constituted identity, and by its incursion makes necessary the formulation of a new identity as a means of countering that antagonism. The new identity is not continuous with the identity which preceded the advent of that violence but is constituted in opposition to that violence; its 'positivity' is that of a negation of a negation.

The focus of this paper is, therefore, on the constitution of what I will term the nationalist imaginary. The nationalist imaginary is a discursive structure which emerges out of particular interpretations of violences encountered by those persons who come to see themselves, in its terms, as members of the future nation. It serves to articulate most, if not all, of the antagonisms encountered by those diverse persons as manifestations of the violence of a shared enemy which, in opposing all of them, simultaneously renders all of them 'the same'. As a consequence it presents the contemporary world as divided in a Manichaean manner between the good, but threatened, community of 'us' and the evil community of a 'them' which exists solely to destroy 'us.'[3] Although there tends, in the nationalist articulations discussed below, to be an imagined utopian future state in which all of the other's antagonisms will have been elided, the chief emphasis of the nationalist imaginary is on the contemporary struggle to expel or extinguish the sources of constitutive violence. It is, in other words, a logic of mobilisation and as such gives rise to practices which transform the worlds both of the imagined community and those it wages nationalist struggle against. Thus, although the logic which demands an absolute distinction between the good space of the nation-to-be and the negative space of its other may be fantastical, it nonetheless constructs a reality around that opposition (Taussig, 1987: 3-36 and Kapferer, 1988: 1-26). In studying the genesis of the nationalist imaginary the analyst must attempt to discern the historical contexts and social processes which give rise to the nationalist imaginary, but must not assume that such an understanding dissolves

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[3] Both the genesis, and the structure, of nationalist identity is uncannily paralleled in what Sigmund Freud describes as the formation of infantile ego. Freud contends that the infant is forced to make a primary distinction between itself and an outside it initially narcissistically saw as continuous with itself because it senses, in the way the source of its sustenance (breast or bottle) is 'taken' from it against its will, an external violence which hurts and deprives it (Freud, 1963a: 66-69 and 1963: 416). "A further incentive to a disengagement of the ego from the general mass of sensations — that is, to the recognition of an 'outside,' an external world — is provided by the frequent, manifold and unavoidable sensations of pain and displeasure.... A tendency arises to separate from the ego everything that can become a source of such displeasure, to throw it outside and to create a pure pleasure-ego which is confronted by a strange and threatening 'outside'" (Freud, 1963b: 67). Here too identity is not given but is constructed through a defensive process of separation from an outside which steals pleasure and inflicts pain. Here too the inside and the outside are opposed in a Manichaean manner. I have elsewhere used psychoanalytic categories in approaching questions of xenophobic hatred in Yugoslavia; see my "Xenophobia, fantasy and the nation: the logic of ethnic violence in Former Yugoslavia" in *Anthropology of Europe: Identity and Boundaries in Conflict* (1994), especially pp. 160-165.

that discursive structure. People caught up in the logic of nationalism may be engaged in playing out a fantasy but that fantasy is nonetheless real in its ability to conceive a coherent world and give rise to real acts of violence and resistance. Louis Althusser, precariously balanced on the border separating Marxist positivism from discourse analysis, defined ideology as "a 'representation' of the imaginary relationship of individuals to their real conditions of existence" (Althusser, 1971: 152). As I will demonstrate in the following analyses, nationalism may provide 'imaginary' solutions to real problems, but such solutions engender real situations of violence and inter-communal warfare.

In the early years of the twentieth century, there were neither 'Palestinians' nor a Palestinian national movement. This was not, as Joan Peters argued in *From Time Immemorial*, because Arabs only emigrated into Palestine from surrounding countries after 1920 to take advantage of economic opportunities opened by Zionist settlement (Peters, 1984)[4] but because the indigenous occupants of the region the British conquered in 1917 and named Palestine had no conception of themselves as a single community. The millet system through which the Ottoman Empire had previously administered the region functioned by legally dividing the population into autonomous religious enclaves which provided their members with legal identity and social support (see Asali, 1989: 206; Abu-Jaber, 1967 and Cohen and Lewis, 1978). Such a separation of communities "precluded concern for, or even interest in, any people but those of one's own religious community" (Betts, 1975: 112). Among the rural peasantry the tradition of a thousand year conflict between Qais and Yemini provided a categorical opposition allowing communities caught up in local conflicts to articulate their mutual antagonism in terms drawn from the time of Muhammad (see Tamari, 1982: 181-185; Hourani, 1991: 30 and Lapidus, 1988: 363). In the cities families and clans perceived friends and enemies in terms not only of sectarian affiliation or alliances in long-running feuds but also of the heated debate between 'Arab nationalists' and 'Ottomanists'

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[4] According to the first British census of Mandate Palestine (which took place in 1922 and excluded the residents of Trans-Jordan) the total population of Palestine (excluding the occupying British forces) was 752,048 of which 589,177 persons were indigenous Muslims (including 103,000 Bedouin), 71,464 indigenous Christians and 83,790 resident Jews, both indigenous and immigrant (Palestine, 1946: 141). The remaining 7,617 persons were for the most part foreign nationals residing in various Christian monasteries and institutions. Peters' thesis, which in effect elaborates Golda Meir's famous assertion that "Palestine is a land without a people for a people without a land", has been soundly refuted by scholars in the U.K., U.S. and Israel (see Finkelstein, 1988: 61-63 for a citing of the critical scholarship).

(see Muslih, 1988: 47-54 and 58-68; Lesch, 1979: 23-74; Antonius, 1938: 79-148 and Hourani, 1991: 258-262). This multiplicity of available categories of identity served to articulate the disparate social and economic interests of relatively autonomous groups and thereby ensured that the community of 'Palestinians' could not recognise 'itself' as a community.

The development of a sense of a specific land, and of a people whose identity devolved from their residence within its borders, needed a powerful impetus to free itself from the domains of familial, sectarian, regional and economic identities and become amenable to integration within a nationalist discourse. That impetus was provided by the movement of substantial numbers of Jewish immigrants into the region in the period following the escalation of anti-semitic persecutions of Jews in Russia (1881-1882). Jewish immigration changed the face of the land; between 1881 and 1922 the Jewish population more than tripled (rising from 24,000 in 1881 to 84,000 by 1922) and immense tracts of land were bought up by the Jewish colonies, often from absentee Arab landlords (Aaronsohn, 1983; Abu-Lughod, 1971 and Ruedy, 1971). Arab peasants were driven off lands they had long inhabited and cultivated while others were denied their traditional grazing rights[5]. In 1930 the Hope Simpson Report indicated that 29.4% of the rural population of the Mandated area was landless (cited in Ruedy, 1971: 131). Many peasants emigrated to urban slums where they rarely found opportunities for employment. Throughout the twenties anti-Jewish rioting frequently broke out in the cities — particularly on occasions when religious festivities generated crowds — and these disturbances would often spread to the countryside where villagers, sparked by rumours of Jewish attacks on Arabs, would take up arms against local Jewish settlements (see Lesch, 1979: 206). While there was a general sense among the rural peasantry and urban lumpenproletariat of being threatened by 'the Jews' this perception remained inchoate. The disquiet felt by small merchants and craft producers about the incursion of Jewish competi-

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[5] Zionist insistence on avodah ivrit (Hebrew labour) meant that Jewish land could not be worked by non-Jews. As a result «settlers refused to let neighboring villagers and bedouin tribes continue customary pasture rights on their lands... Such misunderstandings over customary rights and over boundaries often resulted in violence» (Lesch 1979: 28). As early as 1886 the villagers of al-Yahudiyya, after a dispute over grazing rights, attacked the Jewish colony at Petah Tikva, killing one Jew, wounding four others and inflicting considerable damage (Muslih, 1988: 71-72) and other armed clashes occurred between peasants and settlers in Tiberias (1901-1902) and in 'Affula (1911) when local Arabs discovered the land they lived on had been sold out from under their feet (*ibid*. 72).

tors into their economic domains (Scholch, 1989: 243-245) was similarly only voiced among restricted circles of fellow tradespersons and thus remained unpoliticised.

The Palestinian elites, which traditionally provided the political leadership of the region, were unable to forge a vocabulary capable of designating Zionism as a common threat. Even when individual urban notables recognised the need to resist the steady expansion of Zionist settlement and immigration, they nonetheless attempted to articulate that threat in terms of earlier enunciations of identity and antagonism. Such expressions re-sparked antagonism between them and their potential allies across borders already inscribed in the Ottoman period by struggles between 'Ottomanists' and 'Arabists' and in the contemporary period by previous attempts to serve the interests of specific sectarian and family groups through attacking those of others. British diplomacy furthermore convinced most Palestinian politicians "that the Arabs' position in Palestine was not as severely threatened as they had initially feared, and therefore...[they should] grasp the available levers of power" (Lesch, 1979: 99; see also Porath, 1974: 241f).

The failure of the urban notables to provide a political vocabulary capable of enunciating the threat Zionist actions seemed to pose to the peasantry forced it to express its fear and its will to resist 'Jewish' violence in terms drawn from the idiom of its own traditions. In 1929, after the political initiatives of the urban leadership had collapsed in a fracas of factionalisms, major rioting broke out in Jerusalem when Jewish militants celebrating the Jewish fast of Tisha Bav (the destruction of the Temple) asserted claims to the Wailing Wall on the eve of the Muslim feast of Mawlad al-Nabi (the birth of the Prophet Muhammad). In the following two weeks Jewish communities (both Zionist and non-Zionist) were attacked throughout Palestine, leading to the destruction of four colonies as well as the murders of sixty Jewish residents of Hebron and twenty of Safed (see Lesch, 1979: 208-212 and Porath, 1974: 258-273). The 'Wailing Wall Riots' were legitimated in Islamic terms but, as Nels Johnson points out, Islam provided a banner under which to fight not because of a deep investment of peasant subjectivity in religion but because religion was the only idiom able to join a peasantry divided by regional, factional, kin and clan ties into a united front:

There is no doubt that the idea of national interests — even the idea of nation itself — were foreign to the Palestinian peasantry. The very name 'Palestine' was new and uncomfortable, as witnessed by the references to 'Southern Syria' as an appellation for the country in this and earlier periods. Ties of faction, clan and religion remained of greatest importance to the mass of Palestinians. Of these, faction, kin and clan

ties had no utility as a symbolic armature on which to mould an ideology for mass resistance. If anything, they were a hindrance....Islam, however, was highly appropriate; faced with a foreign enemy of two different religions who sought domination over the second holiest land of the Faith, Islam provided the cultural categories, in the conceptual field of jihad [holy war], to encompass and organize resistance (Johnson, 1982: 57; see also Tamari, 1982).

Johnson, like Kalkas (1971) and Waines (1971), sees the Arab Revolt as a struggle mobilised by the device of religion towards ends which were inarticulately anti-colonial. The identity of the peasantry that rose up in 1929 — and later during the bloody Arab Revolt — was predicated on the antagonism it experienced as a consequence of British and Zionist colonisation. The first widespread manifestation of what later commentators have come to call 'Palestinian nationalism' was thus neither Palestinian nor nationalist; it was purely oppositional. "Palestinian nationalism was essentially nihilist in the sense that it contained no concept of the shape of future society but was concerned first and foremost with the destruction of European hegemony" (Ibrahim Abu-Lughod, cited in Waines, 1971: 220).

The Arab Revolt lacked either a coherent programme or a unified leadership and, although it lasted more than three years, tended to fragment into local skirmishes against perceived enemies who were often Palestinians on other sides of the Qays-Yemini divide. It also faced a well-organised enemy. Widescale mobilisation of the British military throughout Palestine defeated the revolt by killing and wounding between 4,007 (Government of Palestine, 1946: 34-58) and 19,792 Palestinian casualties (Khalidi, 1971: 846-849; see also Waines, 1971: 234) and destroying rural and urban centres of resistance through aerial bombing, collective demolitions, and 'slum clearance' programmes. Despite this victory the British, weakened by the six year attrition of the Second World War and by the subsequent anti-British liberation struggle of Zionist irregulars, pulled out of Palestine in May 1948. A year of war between Arab and Israeli forces followed resulting, by July of 1949, in the State of Israel occupying 73% of what had been Mandate Palestine (the remaining territory — Gaza and the West Bank — was subsequently commandeered by Egypt and Jordan: see Hilal 1992). 711,000 (82.6%) of the 861,000 Palestinian Arabs who had lived on the territory which became Israel were forced into exile outside its borders (Morris, 1987: 297-298).

The nakbah ('catastrophe' in Palestinian Arabic) initiated nearly a decade's surcease in the elaboration of Palestinian political identity. "Military defeat and the destruction of the fabric of their society forced Palestinians to adjust either to varying degrees and forms of statelessness or to

citizenship in the new Israeli state" (Waines, 1971: 207). Underlying this was the loss of reference points around which to reconstitute identities. In the refugee camps this experience was perhaps most radical; the loss of lands and properties as well as the dispersal of families and communities left the exiles in a virtual limbo. Rosemary Sayigh, who worked in the Lebanese refugee camps, described the experience of exile from the familiar habitus:

> The village — with its special arrangements of houses and orchards, its open meeting places, its burial ground, its collective identity — was built into the personality of each individual villager to a degree that made separation like an obliteration of the self. In describing their first years as refugees, camp Palestinians use metaphors like "death," "paralysis," "burial," "non-existence," etc... (Sayigh, 1979: 107).

Palestinians of urban origins sought refuge within a network of well-to-do assimilationist expatriate communities scattered throughout the Middle East, Europe and the Americas (see Tamari, 1982: 180; Lustick 1980: 48 and Brand, 1988: 1-21). Those who remained in Israel proper experienced radical disruptions of their previous ways of living under the severe regime of military control Israel imposed on its internal enemies (Lustick, 1980). Military authorities strove to enforce upon resident Palestinians even more radical forms of factionalisation than those which had prevailed before the upsurge of anti-colonialist mobilization (Lustick, 1989; Cohen, 1965; Asad, 1975 and Morris, 1987). As a result of these diverse experiences communities in the various milieu of Palestinian life began to reconstitute themselves in relation to their settings rather than with reference to a shared 'Palestinian' identity (Bowman, 1994a).

Curiously, it was after the destruction of any shared 'Palestinian' existence that the idea of a Palestinian identity per se came into play. The focus of this identity — the emblem which gave it coherence — was the Palestine Liberation Organisation. This extra-territorial organisation was originally established by the Arab League as a "gathering of traditional and influential notables" (Brand, 1988: 28) capable of voicing Palestinian interests in the councils of the League. However, the debacle of the 1967 war — during which the rest of what had been Mandate Palestine was lost to Israel and another 200,000 Palestinians were made refugees — put paid to the illusion that Palestine could be redeemed by other Arab states and led to the 'hijacking' of the P.L.O. by Fatah, a political-commando group which had initially come together to resist Israel's occupation of Gaza during the Suez Crisis (Brand, 1988: 26; see also Cobban, 1984 and Gresh, 1985 on the origins of the P.L.O.). As a guerrilla organisation dedicated to military attacks on the State of Israel and its representatives, the

P.L.O. was able to stand for Palestinians in exile and under occupation as a representation of their own desires to fight back against the forces which had dispossessed them. For the first time there was an objective correlate to Palestinians' disparate desires for restitution.

The fundamental reason the P.L.O. was able to serve as an icon of Palestinian identity was that it presented itself as representative of all of the diverse 'Palestinian' constituencies which had been disinherited by the creation of the Israeli state. Its programme was solely that of reinstituting a Palestinian national entity on the territory of Mandate Palestine, and it made no effort to articulate the nature of that future entity save to say that it would be 'Palestinian.' 'Palestinians' were able to recognise themselves as addressed by the oppositional rhetoric of the P.L.O. insofar as that rhetoric did not specify any particular identity to its addressees other than their recognition of themselves as somehow stripped of their rights by the antagonism of the 'Zionist entity.'

The 'Palestine' the P.L.O. promised to redeem was of necessity a place which had never really existed; any accurate evocation of the Palestinian life which had preceded the loss of the national territory was likely to evoke the inter-Palestinian conflicts which had helped to bring about that loss. Palestine as a 'national homeland' could thus only be conjured up through imagining a space in which the Palestinian people would have lived as a community if the enemy whose violence had created that community had not existed. Since the nation itself had not existed as an imagined community before its enemy came into view, the image of the nation and its population without the enemy had in effect to be called up ex nihilo. Creating a Palestinian history which was not that of the struggle against Zionism demanded a reading back into pre-Israeli Palestinian history of a consensus which did not preexist that struggle. This is evident in Palestinian evocations of Jerusalem's Old City as a place where Christian and Muslim Palestinians mutually respected and engaged in each other's religious traditions 'until the strangers came' (see also Tamari, 1992 on the post-1967 elevation of the peasant into an icon of Palestinian identity from its previous status as an easy object for the scorn of the urban intelligentsia). Palestinian community and Palestinian history were constituted through antagonism to an enemy which had, by stealing the ground on which a nation might have been built, destroyed the possibility of 'Palestine' before it had ever been conceived.[6] Thus any evocation of the nation's pre-Zionist community had

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[6] Insofar as it is the loss of the land of Palestine which particularly expresses the impossibility of creating a Palestinian nation, the British — who could, in anti-colonialist rhetoric, have been seen as as much of an enemy as the Zionists — are not demon-

to appear as something like Holbein's anamorphic 'The Ambassadors' in which the blurred image at the heart of the picture is revealed, when looked at through a special lens, to be a death's head.

By presenting its programme as the inverse of that of the Zionist state builders the P.L.O. provided a space of identification for all those who felt they had lost their identities as a result of Zionism's success. They could see in the P.L.O.'s project the negation of the negation which had opened them to the various violences which afflicted them. In this national imaginary all Palestinians were 'the same' insofar as all of them — as Palestinians — could recognise their true selves as mutilated and denied by the violence of the Zionist enemy (Laclau and Mouffe, 1985: 129-130; and Bauman, 1989: 26-27). However, Palestinians in the various locales of their dispossession experienced the impossibility of Palestinian identity in a number of diverse ways and the particular forms of violence through which Zionism's generalised antagonism was made manifest led Palestinians in various sites to elaborate strategies of survival and resistance specific to those violences (Bowman, 1993a, 1993b, and 1994a). The strategies of the fedayeen (guerrillas) of the Middle Eastern refugee camps differed in method and motive as substantially from those of the samidin (those who 'stood fast' on the land) of the Occupied Territories as they did from those of the bureaucrats, businessmen and cosmopolitan intellectuals of the urban diaspora. All worked to 'negate' the activities of the enemy and its allies, but the forms of negation (from terroristic 'erasure' through passive resistance to intellectual and diplomatic revisionism) were formed in response to the specificities of the violences their formulators encountered. The P.L.O. subsidised and supported this diversity of communities and maintained their respective organisations (see Cobban, 1984: 26) and was thus able to claim a wide range of 'defensive' responses to Zionism as its own. Thus the actions of each community and its representative organisations answered to their respective needs to resist specific antagonisms while serving, for other communities in different situations, as signs of a generalised Palestinian resistance to the enemies of Palestine. Dispersion has meant that the actions each group has carried out have not interfered in any immediate way with the interests of other groups in other situations.

Ironically, concrete moves towards a settlement with Israel effected by the success of the intifada have shattered that general consensus by bringing into view the possibility of an actual State of Palestine. During

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ised today in the same manner as the Israelis. The British, after all, also lost the land to the Zionists.

the long period of their exile, Palestinians have diversely imagined what their nation could be if the antagonisms which prevented it were to disappear. Whatever the specificities of these redemption images, every Palestinian saw a place for himself or herself in a 'reborn' state of Palestine. However, as the project of Palestinian positivity begins to near fruition, the abstract concept of the 'Palestine' which was lost begins to take on discernable form. The concretisation of the 'symbol' of Palestine in the shape of a 'statelet' in the rump of what was Mandate Palestine gives little pleasure to those who fled the area when Israel took control of it. Now, with the P.L.O. negotiating with the Israeli State over which territories will be marked as 'Palestinian' and which permanently surrendered to Israel, many Palestinians from the diaspora and the territories themselves feel betrayed by a leadership they previously revered. Edward Said, one of those Palestinians who has watched the P.L.O. accept that his birthplace will never be Palestinian, accused the P.L.O. of betraying "the diaspora Palestinians, who originally brought Arafat and the PLO to power, kept them there, and are now relegated to permanent exile or refugee status" (Said, 1993: 5). Others within the Israeli Occupied Territories who have been crippled by Israeli 'rubber bullets' or have seen friends and family members die fighting for Palestinian freedom now fear that they, and the country they suffered to bring into being, are being sold out by their leadership.

At the moment the boundary dividing the antagonist from the objects of its violence breaks down, the consensus on identity discursively structured around that antagonism loses its coherence. The wide field of Palestinian experience was 'fixed' by a perceived antagonism which made the various experiences of those who occupied it coherent in nationalist terms. When perceptions of the nature of that antagonism are transformed by events such as that of the Oslo agreement, various occupants of the formerly 'sutured' field find that former enemies have become allies and, respectively, that former allies appear as antagonists. Here the apparent 'disappearance' of the constitutive antagonism can only lead to new searches for matrices of identification. The responses of those in diaspora and those in the Territories who see Arafat as having 'sold them out' are not radical reconfigurations of Palestinian identity; in these instances the fantasy of the nation is still viable but persons who were previously deemed allies in the struggle to recover it are now seen as traitors who have gone over to the enemy. Largely 'external' secular nationalist groups like the Progressive and Democratic Fronts for the Liberation of Palestine (P.F.L.P. and D.F.L.P.) as well as radical factions which have broken away from the P.L.O. 'inside' may now turn their violences against Fatah as well as against the Israelis, but they are still working

within the nationalist idiom. More salient evidence of the restructuring of identities is the growing influence of Hamas (an acronym for the 'Islamic Resistance Movement'), an Islamicist movement which has declared that the secular nationalist strategies of the P.L.O. and its affiliates have always been doomed to failure because they fundamentally misconstrue the struggle against the Jews as a secular, rather than a religious, conflict (on Hamas see Abu-Amr, 1993; Taraki, 1989; Legrain, 1990 and 1991; and Bowman, 1993a: 442-443 and 451-453). For Hamas activists the fight for the redemption of Palestine is a religious conflict fought in the military and political domain "in the defense of Palestine, God's blessed country and that of the prophets, eternal property (waqf) of the Islamic community" (Hamas, 1988: 11). In the Hamas Covenant Palestine's legitimate inhabitants are not 'Palestinians' but 'Muslims' — members of the Islamic umma (community). Hamas's redefinition of the struggle is thus as well a redefinition of the imagined community engaged in that struggle. This shift in the field of identity causes Christian Palestinians to query what sort of role they might play in a Palestinian entity in which a movement which tends to consider 'Palestinian' as synonymous with 'Islamic' has substantial influence. As Palestinians who have played a central role in the national liberation struggle both inside the borders of Mandate Palestine and in diaspora, Christians can imagine playing an important part in building up a Palestinian state;[7] as Christians living within a state which can be imagined as adopting Islamic identity and law, they have little if any prospects for the future.[8]

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[7] Christian Palestinians were, before the ghurba, a significant and influential element of the Palestinian intelligentsia because they owned substantial properties and had enjoyed quality educations provided them by foreign Christian churches supporting Christians in the 'Holy Land.' Subsequently they played a major role in the P.L.O. and affiliated resistance groups (Betts, 1975: 39-43). The importance of Christians to the Palestinian movement, in both exile and the Territories (where they make up only about 4.5% of the population), is evident not only in the central positions occupied by Christians (Naif Hawatmeh — leader of the Democratic Front for the Liberation of Palestine — and George Habash — leader of the Popular Front for the Liberation of Palestine — are both Christians as is Hannan Ashrawi — spokeswoman for the Palestinian team in the peace talks initiated in Madrid) but also in the efforts made by Yasir Arafat to foreground Christian participation in the nationalist movement (exemplified, perhaps, by his marriage to Suha Tawil, a Christian Palestinian who is the daughter of a major figure in the 'internal' leadership of the Democratic Front for the Liberation of Palestine).

[8] During the Mandate Period Palestinian Christians affiliated to the Greek Orthodox Church organised Arab Orthodox Societies in order to overturn Greek control of Orthodox holy places located in Palestine (Bertram and Young, 1926). These societies have recently, in part because of the threat to the continuance of a Christian Palestinian presence in Palestine posed by Hamas, reconstituted themselves after forty-five years of dormancy. Such foregrounding of Christian identities by persons who until very recently

The Hamas solution, which strives to recuperate 'older' models of identity and thus to exclude both secularists and Christians from the imagined community, is one new imagining of the 'nation.' Another, that adopted by the secular rejectionists, is to assert that nothing has changed in the nature of Israeli antagonism but that a number of former co-nationals have become traitors and aligned with the enemy. The P.L.O. however asserts that the 'enemy' has tempered its violence and dropped its antagonism. Its suggestion that the boundary separating 'Palestinian' from 'Israeli' is no longer the most salient thing in Palestinian life opens two alternatives for Palestinian identification. One is that national identity ceases to be the central focus in the lives of the people who come to make up the nation, and various more local forms of identification struggle for representation within the parameters of a democratic state and in association with others (including Israelis) outside its boundaries. The other alternative is the advent of 'civil war' within the Palestinian community as the P.L.O. and its Palestinian opponents fight to decide the nature of the real 'Palestine.' On one side would be Arafat and the P.L.O. engaged in organising a repressive state mobilised against 'internal traitors' and on the other groups opposed to peace with Israel who view the P.L.O. as a tool expropriated by the enemy and turned against the Palestinian people.

In the Palestinian instance we have seen how the violence of an other prompts both the 'invention' of a national identity and the articulation of a national politics capable of promoting that identity; in the instance of the Former Yugoslavia we can observe how the politics of an already established state are discursively transformed through the elaboration and promulgation of stories of the violence of 'others' previously perceived as neighbours and co-nationals.

The Socialist Federative Republic of Yugoslavia was an explicitly anti-nationalist state formed in response to the crises nationalisms had forced on Yugoslavia before and during the Second World War. Between December 1918 and the Nazi invasion of April 1941, an earlier 'Yugoslavia' — known as "The Kingdom of Serbs, Croats and Slovenes" — had consolidated the diverse national movements of Slovenes, Croats and Serbs within the framework of a single state. This formation had, however, been highly unstable; the representatives of the three narods ('nations' or 'peoples') who had joined to create it had different and in large part incompatible reasons for unit-

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felt secure in asserting Palestinian identities reveals a substantial shift in where antagonism is perceived to originate.

ing. Slovenes wanted a state to guarantee political autonomy to Slovene-speaking peoples formerly under the Austro-Hungarian Empire; Croats wanted self-determination for Croat-speaking Catholics which entailed independence from that same empire as well as protection from the expansionist nationalism of the Hungarian 'Magyars'; Serbs wanted all Serbs — especially those living outside the borders of the Serbian kingdom established in 1867 after Ottoman dominion was thrown off[9] — to enjoy union under a single state (Pavlowitch, 1988: 2-4). The kingdom's twenty-three years were scored with assassinations, coups and the violences of nationalist movements fighting to seize the state for their own respective peoples, but it survived until the Nazis broke up Yugoslavia and diversely promoted incompatible national aspirations as a means of dividing and ruling the area[10]. The consequences were dire: the Ustaša operated death camps within which massive numbers of Serbs, Jews, Gypsies and Croat communists and democrats were brutally slaughtered; Ustaša and Četnici ('Chetniks') respectively carried out wholesale massacres of Serbian and Muslim civilian populations; and the communist partisans, 'cleaning up' as the war closed, massacred large numbers of 'Chetnik' Serbs and Croat and Slovene 'traitors'. All in all, at least 1,014,000 of a pre-war population of 17,186,000 were killed during the war (Banac, 1992: 18) and, according to Paul Garde, eighty percent of the deaths were inflicted on Yugoslavs by Yugoslavs (Garde, 1992). "During the Second World War the conquerors not only destroyed the state, but they set its components against each other in an unprecedented way, for never before had there been physical conflict among the Yugoslav peoples as such" (Pavlowitch, 1988: 14).

Tito, who had mobilised wartime resistance through "a National Liberation Anti-Fascist Front of all the peoples of Yugoslavia regardless of

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[9] The salient issue then, as now, was the Krajina, a region of present-day Eastern Croatia which had been the frontier line between the Austro-Hungarian and Turkish empires and had been populated not only by Serbs fleeing the Turks but also by Serbs who were recruited into the area by the Austro-Hungarians after 1689 to serve as a defensive shield against the Ottomans along that borderline (Hammel, 1993a: 37; see also Hammel, 1993b).

[10] Slovenia and the Dalmatian coast were ceded to Italy which promoted fascism as an explicit ideology rather than Slovene nationalism per se (Clissold, 1968: 209) but in the 'Independent State of Croatia' the German administration fomented the viciously anti-Serb and anti-Jewish Croatian nationalism of Ante Pavelič and his Ustaša while in Serbia the Nazis promoted a loose confederation of Serbian nationalists led by Milan Nedič and Dimitrije Ljotič which was frequently backed by nominally anti-Nazi yet fiercely nationalist and anti-Muslim Četnici led by Drača Mihajlovič.

party or religion" (Clissold, 1966: 216), maintained emphasis on pan-Yugoslav confederation in the post-war period by stressing *bratstvo i jedinstvo* ('brotherhood and unity'). When Tito first used the phrase in 1942 it was not simply 'brotherhood and unity' but 'armed brotherhood and unity' (Godina, 1998) and throughout his long rule Tito stressed that the space of Yugoslav federation was a good space endangered by an antagonistic outside. That the border between inside and outside was Titoism's essential ideological plank is made clear by the fact that, as in Orwell's Nineteen eighty-four, the external threat continuously shifted its character and its source. From the initial opposition to fascism which gave Tito and the partisans power, Tito oscillated over the years between emphasising "the Soviet threat" (Auty, 1966: 247) and the threat of 'the capitalist West.' While the interests of the nation — and of the various peoples who constituted it — were always presented as threatened by the conspiracies of a labile set of enemies located outside Yugoslavia's territorial, and ideological, borders (Pavlowitch, 1988: 22-25), there was no indeterminacy about what threatened Yugoslavia from within. Nationalism for Tito's Yugoslavia was a symptom of what the deconstructivists refer to as a "constitutive outside" (see Derrida, 1974: 39-44 and Staten, 1985: 16-19); it provided evidence of the attempts of external enemies to subvert the integrity of the space internal to the federation. Throughout all the discursive transformations of the external enemy, nationalism remained firmly fixed as the way external antagonisms were made manifest 'inside' through the perfidy of 'domestic traitors.'

Communist policy did not outlaw national identity but attempted to discursively reformulate it. For Titoism nationalism expressed a politico-economical will to power through which "one society aspires to dominate, exploit or despoil the others" (Ramet, 1992: 55). The state therefore worked to dissolve the national aspirations through, on the one hand, devolving economic power to the community level where worker's collectives would cohere around aspirations for mutual economic betterment (see Simmie, 1991 on self-management) and, on the other hand, breaking up the political and economic power blocs of the dominant 'republics' (particularly that of Serbia) through the creation of new nationalities (such as those of the 'Macedonians', 'Montenegrins' as well as the 'Muslims', later enshrined in the 1967 constitution — see Allcock, 1992: 278, 282-283) and the devolution of authority to autonomous regions (as with 'the Vojvodina' and 'Kosova' which were progressively carved out of Serbia between the early 1960s and 1972). The federal state protected the rights of narods (nations) and narodnosti (national minorities) and strove, through differential policies of appropriation and distribution of resources, to lift the poorer republics up to

the economic level of the wealthier ones. Titoism was founded on the assumption that economic and political homogenisation would lead to the withering away of national differences (and hence of nationalisms) and the enshrinement of a workers' state.

Paul Schoup points out, however, that the system could only work "as long as the communist system in Yugoslavia retained its revolutionary dynamic, or was perceived to be imperilled from without" (Shoup, 1992: 52). In the 1980s that dynamic collapsed and the external threat which consolidated the inside came to be interpreted as the threat of the state's policies to the good interior of the nations themselves. The death of Tito and the collapse of the Yugoslav economy challenged the hegemony of Yugoslav ideology. In the popular imagination Tito had been "a symbol of a Yugoslav style that had less to do with socialism, self-management and non-alignment than with freedom of movement, the advent of the consumer society, and fending for oneself" (Pavlowitch, 1988: 27). His death coincided with the collapse of the debt-ridden economy which had artificially maintained the style of living he represented. In the early eighties international debts began to be called in and harsh IMF policies were imposed on Yugoslavia. As a result unemployment had surged by 1984 to fifteen percent, inflation was topping sixty two percent and the average standard of living had dropped thirty percent from its 1980 level (see Pavlowitch, 1988: 31 and Mencinger, 1991: 76-79). Central state policies began to be seen not to defend the people and their standard of living but to be attacking them; in the early eighties a wide range of assertions — expressed in idioms ranging from economic and political to those of art and culture (Mastnak, 1991) — began to articulate perceptions of the antagonism of the state to the people.

These expressions did not, however, fall 'naturally' into a nationalist idiom. Tito's anti-nationalist policies and the modernization processes which had accompanied them had to a large extent submerged the idiom of national identity beneath a flood of contending discourses on selfhood. Tito's above-mentioned 'invention' of nationalities had succeeded in dispersing identities across a wider national field than had operated when one was either Slovene, Croat or Serb. The ethnic isolation which had characterised largely rural Yugoslavia prior to the foundation of the communist state had in large part been dispelled by rural migration to the cities and to areas 'outside' Yugoslavia where money could be earned (Pavlowitch, 1988: 22). In the cities a trans-Yugoslav cosmopolitanism had developed around work, education and cross-marriage (Cottrell, 1990). The violence of the state was not initially perceived as inflicted upon one's national being; it appeared, in a much less ethno-

centric manner, to attack people's abilities to earn and save money, play or listen to rock music, call for greater representation in political forums, and so on. All Yugoslavians were afflicted by the declining standard of living and the clumsy moves of the state to enforce cultural and economic homogeneity during this period. Within the republics the state's antagonism to personal fulfilment struck at all residents, regardless of whether or not they were of the ethnic majority.

The discursive shift to nationalist discourse occurred through the intervention of republican politicians who created 'national' platforms from whence they could launch bids to increase their holds on power in a Yugoslav state characterised, after the death of Tito, by a vacuum at the political centre. To gain power they had to consolidate their holds on the dispersed dissatisfactions of the "apocalypse culture" (Ramet, 1985) which followed the breakdown of Titoist hegemony, and they did so by inventing ethnically-defined constituencies to represent. Slobodan Milošević, a banker who became head of the Belgrade city council in 1984 before meteorically rising to the post of president of Serbia in 1987, used Tito's own rhetoric of 'internal enemies' to create a domain of 'Serbian interests' for which he could speak. Through a carefully mediated media campaign he alerted Serbs within the Serbian republic to the danger posed to their well-being and rights by the presence of Kosovans (ethnic Albanians who made up ninety percent of the population of the autonomous region of Kosovo) within the borders of Serbia. Kosova was the poorest region of Yugoslavia and the substantial financial and political support Kosovans had been granted by the state to raise their standards of living could be cited, after the disappearance of Yugoslavia's wealth, as a 'drain' on the well-being of other republics. Milošević, however, did not limit his attacks on the Kosovans to the domain of the economic, but accused them of being blood enemies of the Serbian people per se. Milošević repeatedly announced an active assault by Kosovans on the 'body' of Serbia: they were said to rape Serbian girls as well as nuns in the Orthodox monasteries of Kosova (monasteries which stand in the Serbian imaginary as monuments to a Greater Serbia destroyed by the late fourteenth century Ottoman invasion), to raze and desecrate those Orthodox holy places, and to drive Serbs living in Kosova out of their homes so that they could be taken over as residences for the fast-breeding Kosovan population as well as for the illegal Albanian immigrants they encouraged (Salecl, 1993: 79-81).

Milošević turned the Titoist rhetoric of internal enemies to nationalist use by suggesting that Albanians 'inside' Serbia would make it impossible for Serbian individuals to live as Serbs on Serbian ground. The threat of Kosova was not explicitly a threat to the lives of Serbs but a threat to

their ability to manifest their national characteristics. Images of raped women, whether laity or nuns, struck at the heart of a strongly patriarchal society in suggesting enemies could 'steal' the 'vessels' through which, in the case of lay women, men transmitted their identity to future generations and, in the case of nuns, the wider community of Serbs established kinship links with God by 'marrying' their sisters to Christ.[11] Stories of Serbs driven out of their homes by rapacious Kosovans similarly assaulted the sensed security of a community in which family and family life were central markers of identity while the 'attacks' by Muslims on Orthodox sanctuaries extended this insecurity to the cherished domain of religion. Through evoking Kosovan violence towards Serbian attempts to inscribe a Serbian identity on Serbia's land, Milošević reconstituted 'Serbia' as a locus of identity and 'Serbian interests' as a focus of concern.

Kosovans were, however, only the internal agents of an external enemy. Their assault against Serbia and Serbians was, according to Milošević, backed by a 'Vatican-Comintern conspiracy' (Ramet, 1992: 230) which linked the communist state (which had 'stolen' the Serbian homeland of Kosova from Serbia) with the Catholic Church (which was said to have sponsored the Ustaša).[12] Milošević and his ideologues effected a further discursive shift whereby the Kosovans — many of whom had, under Ottoman occupation, opportunistically converted to Islam (Norris, 1993: 271-277) — became the same as the 'Muslim Turks.' Kosova was not only an autonomous region within Serbia but was also where the defeat of the Serbian armies of Prince Lazar Hrebeljanovič by Ottoman forces on the 15th of June 1389 initiated the collapse of the short-lived Serbian Empire Stephen Dušan had established only forty-three years before (Darby 1966: 96-102). Milošević characterised his

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[11] Rape was used by Bosnian Serbs as a means of terrorizing their Bosnian foes after the war had spread to Bosnia in 1991. The logic of expropriation of the bodies of the enemy, already evident in anti-Kosovan propaganda, was there turned against non-Serbs. Women were mass raped until they became pregnant, after which they were kept in captivity until they bore the rapists' children. Not only was the Serb theft of their enemies' women thus monumentalised, but the Serbs were also thus able to re-enact an ancient tactic celebrated in the Serbian epics which chronicled their ancient struggle against the Ottomans. In the BBC2 'Bookmark' programme entitled "Serbian Epics" Radovan Karadžič, leader of the Bosnian Serbs, sings to the accompaniment of the guzla (a single-stringed bowed instrument) the lines "beautiful Turkish woman, your child will be baptised by a priest."

[12] The embodiment of this anti-Serb cabal was, of course, Tito himself who was both a communist and a Croat (both Comintern and Vatican) and had occupied the position — dictator of the Yugoslav state — which Milošević intended to usurp (see Ramet, 1992: 226).

struggle to strip Kosovans of their political rights and regional autonomy as yet another "battle for Kosovo [which]...we shall win despite the fact that Serbia's enemies outside the country are plotting against it, along with those in the country" (speech given by Milošević on 19 November 1988, quoted in Ramet, 1992: 230). The twentieth century struggle to suppress Kosovan autonomy thus became a continuation of the struggle against an enemy which, six hundred years before, had stripped Serbia of an empire which had once stretched from Bosnia to the Gulf of Corinth. Milošević, by reminding Serbs of the Greater Serbia which had been stolen by the nation's enemies (Čiček, 1990 on 'nation theft'), thus legitimated and popularised his simultaneous drive to strip Montenegro and Macedonia of their republican independence and to outlaw the autonomy of the Vojvodina (these regions, like Kosova, were parts of the Serbia Tito had dismembered in his anti-nationalism project — see Aspeslagh, 1992; Canak, 1993; Cegorovic, 1993; and Poulton, 1991: 39-56). Through the evocation of the nation's loss and the people's enemies Milošević was not only able to constitute a Serbian positivity — a repertoire of Serbian traditions and an agenda of Serbian aspirations grounded in a former wholeness — but also a popular following which saw in their leader's discourse both the 'real' causes of their sufferings and the means of expunging them.

Whereas the Titoist programme had been 'supra-national' in its attempt to create a domain of identification which transcended and encompassed the space of national identification (Godina, 1998), Milošević's programme was to subsume 'Yugoslavia' within a nationalist discourse. Milošević had no intention of withdrawing Serbia from Yugoslavia; he instead intended that Serbia would dominate Yugoslavia so that all the Serbs scattered throughout the federal state — forty two percent of Serbs lived outside of the republic of Serbia (Pavlowitch, 1988: 25) — would be united within a single state serving their interests. Milošević, seventy years after the establishment of the Kingdom of Serbs, Croats and Slovenes, was attempting once again to work out the Serbian nationalist agenda of making Yugoslavia over into a Serbian state.

Milošević's rise to power coincided with the mobilisation, in Slovenia and Croatia, of 'democratic oppositions' which were to contend for republican power in the first Yugoslav elections allowing non-communist participation. Their campaign rhetorics were not grounded on calls for reforms and changes in the Yugoslav constitution but on highly nationalistic platforms arguing that the Slovene and Croatian peoples were being destroyed by the communist state. I was in Ljubljana during the campaigns for the Slovene election and can remember non-communist campaign stations bedecked with pictures of caves (foibe) filled with the bones of persons killed during the massacres which had taken place at

the close of the Second World War (Ballinger, forthcoming). Although the persons the partisans had killed came from various national groupings and political movements, the captions on the photographs said simply "This is what They did to Us." The assertion was direct — 'the communists killed Slovenes en masse as they came to power' — and the implication needed no further elaboration — 'and subsequent policies from the communist state towards the Slovenes has been a continuation of national genocide by other means.' This rhetoric called on people as Slovenes to recognise that communist violence towards Slovenes in the past was the same as the state's violence towards them in the present. Antipathy towards communist policies in the economic and social domain thus became articulated as justifiable defensive responses to an external power motivated by the desire to exterminate the Slovene nation. In turn, the Slovene nation was constituted as a good thing because the enemy wished to deny it to the people. Slovenia, which had never previously moved to constitute itself as an independent nation, committed itself between 1990 and the outbreak of war in 1991 to a programme of nationalist realisation.

In Croatia Franjo Tudjman's Christian Democratic Community party (the HDZ) also paraded pictures of bone piles and asserted these were not the skeletons of 'Nazis' or 'quislings' but of 'Croatian victims' of communist brutality. Tudjman, however, in constituting a nationalist position for Croatian identification, drew upon a more salient articulation of the 'us' which opposed the communist 'other.' Croatia had had a recent national positivity which had been destroyed by the communist state, and Tudjman reclaimed the quisling Ustaša 'Independent State of Croatia' as an "expression of the historical aspirations of the Croatian people for its own independent state" (Tudjman quoted in Denich, 1991: 6). Tudjman and the ideologues of the HDZ campaigned for the republican leadership (and later for Croatian independence) with the — not inaccurate — assertion that the Yugoslav state had existed to prevent Croatians from enjoying their nationhood. Tudjman claimed that, since 1945, Titoist policies had served unjustly to 'punish' the Croatian people for attempting to realise themselves as a nation. Equating contemporary Croatian aspirations towards nationhood with those of the Ustaša, Tudjman simultaneously equated the enemies of the Ustaša with the enemies of the contemporary Croats. Yugoslavia was, then, not simply a communist state opposed to nationalism but was a state dominated by Serbs who wanted nothing more than to destroy their national enemies, the Croats. To fight back against Serbian 'aggression' against the Croatian people Tudjman and the HDZ adopted the same anti-Serbian rhetorics and programmes their Ustaša predecessors had utilised (with

Nazi encouragement) to defeat the 'Serbian threat'. Tudjman and the HDZ called for an independent Croatia which would expand to Croatia's 'historical borders' (the borders, encompassing most of Bosnia Herçe-govina, of the 'Independent State of Croatia'), would fly a national flag on which the red star of the Yugoslavia would be replaced by the 'chess-board' pattern (šahovnica) which had graced the flag of 'Independent State of Croatia,' and would purge the Croatian language of the pollu-tion of 'Serbian' words.

The HDZ's nationalist programme, articulated almost exclusively in anti-Serbian terms, panicked the Serbs of the Krajina who saw in the post-communist resurgence of all the gestures and policies of the Ustaša a 'return of the repressed' threatening to inflict on them the same geno-cide they had suffered in the early nineteen forties. They too had their bone caches.[13] Krajina Serbs invited local and Serbian journalists and photographers into caves where the skeletons of Serbs massacred by Ustaša had been cached. These monuments to the fate of Croatian Serbs under the Ustaša functioned locally to legitimate Croatian Serb resistance to the new Croatian order and attempts to drive out local Croats and constitute a Serbian mini-state within Croatia. They simul-taneously served within Serbia itself to substantiate Milošević's claims that the Croats were the same as the Ustaša. Denich points out that the consequent ethnic hatred of Croats by Serbs in Serbia was based on this identification rather than on history:

> while the rebellions of Serbian communities in Croatia were moti-vated by their own memories of the Ustasha [sic] regime, now eerily reincarnated in the declarations and symbols of the new nationalist government...the inhabitants of Serbia itself had not experienced the Ustasha [sic] terror, and their wartime suffering had come at the hands of the Germans and other foreign occupiers, rather than Croats. Accordingly, there was little history of overt anti-Croat feeling throughout Serbia (Denich, 1991: 11).

Serbs in Serbia, already inflamed by tales of the violence inflicted on fellow Serbs within the borders of the Serbian republic, were now offered evidence of what fate awaited Serbs outside the republican bor-ders at the hands of other ethnic enemies. Milošević's rhetoric about Albanian threats to a Serbian presence in Kosova made it possible for

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[13] The wealth of bones in post-war Yugoslavia was fortuitous. As Bloch indicates in his work on Madagascar funerary practices (Bloch, 1982 and 1989: 170), bones em-blematise undifferentiated community because they are what remains after individuat-ing characteristics have rotted away.

Serbs to think in terms of a Serbian homeland (albeit one made palpable only through the evocation of its loss); his conjuring up of the 'future holocaust' facing the Serbs in the Croatian krajina enabled Serbs to imagine a Greater Serbia unifying the 'Serbian people' through the evocation of that people's extermination (Bowman, 1994b).

Benedict Anderson, in describing the process of 'imagining community', posits that one imagines one's own situation (as, for instance, a newspaper reader) reproduced in that of thousands — or millions — of others. Through that imaginative extension, Anderson claims, one is able to conceive of a nation of others 'like oneself' (see Anderson, 1991: 35-36 and, for a critique, Bowman, 1994a). In the republics of what was Yugoslavia the imagining of community came about instead through imagining oneself as like others. Audiences, addressed in terms marked as 'ethnic' by diacritics of language, script, cultural and historical reference or site of address, were 'interpolated' into national subject positions by their recognition that it was they who were being addressed (see Althusser, 1971: 152-165). Subsequently the addressee was 'worked on' by a narrative which focussed his or her diffuse and often inchoate anxieties upon powerful and graphic images of violences inflicted by the members of other communities on the bodies and properties of fellow 'Serbs', 'Croats' or 'Slovenes.' Here the violences the addressee encountered in his or her life were the same as those which the national enemy inflicted on the bodies of the tormented objects of the discourse. Recognition that one's own apparently minor sufferings were in fact premonitions of the greater violence the enemy intended to inflict on all who shared one's national identity impelled the addressee to defensively join in inflicting violence on that other under the inspired leadership of those politicians who had 'recognised' the real nature of those violences and the implication of the previous order in their infliction.

The rhetorics of violence which carried Yugoslavian politics into the nineteen nineties could only lead to war between the peoples they constituted. The character of the Serb-Croat conflict which began in the Krajina and spread to Bosnia-Herçegovina (where the Bosnian Muslims became legitimate objects of nationalist violence either because they were the 'historic enemies' of the Serbs or because they impeded the creation of 'Greater Croatia') need not be elaborated here; its genocidal brutality is still displayed daily in the Western media. Suffice it to say that evidence of the violence of the enemy, which proliferate in situations of warfare, fuels the passionate need to extirpate the source of that violence. The ethnic fantasies which sparked the war have given it all the characteristics of a millenarian struggle in which the signs of the other (whether they be markers and agencies of individuality such as the eyes,

noses and genitals which are carved from the bodies of the enemies or of a cultural presence like the houses, churches and mosques which must be desecrated before being destroyed and built over — see Bowman, 1994b) must be fully effaced so that the 'real' national territory, which can only be imagined through the absolute absence of the other which prevents it, can be 'reinstituted.'

   More hopeful is perhaps the fact that in Slovenia, where the drive to national realization was fuelled by an antipathy to the communist state rather than to other ethnic communities, nationalist xenophobia disintegrated when Yugoslavian hegemony dissolved. During the 1990 elections the victorious anti-communist Demos coalition had proposed no policies other than a radical acceleration of Slovene detachment from the federal state. That goal was achieved with the Slovene defeat of the Yugoslav National Army in the four day war.[14] Subsequently Demos was left with a politics which could not be legitimated if there were not an enemy to blame for everything. Between the withdrawal of the J.N.A. and the spring of 1992, when Slovenia was welcomed into the community of nations, the Demos coalition attempted to maintain the discourse on the enemy which had brought it to power. It cracked down on democratic dissent within the state (a state which, when it was still a Yugoslav republic, had prided itself on its tradition of dissidence) claiming that Demos "directly represented the general, i.e. national interest" (Mastnak, 1991: 60). It furthermore attempted to maintain nationalist antagonism towards non-Slovenes by repressing minority rights and curtailing the flow of refugees from the escalating war to the south. Perhaps most signally, it stripped women of their long-established right to abortion on demand on the grounds that 'Slovenia is a tiny country surrounded by enemies, and every Slovene child is a potential fighter for the defense of Slovenia' (see Gaber, 1993: 62; and Salecl, 1993). A substantial number of women, however, felt less threatened by an impalpable external antagonist than they did by Demos's attempt to abrogate their powers over their bodies. This new articulation of antagonism engendered numerous pro-abortion groups which joined with parties representing other groups (minorities, leftists, homosexuals, etcetera) experiencing the ruling coalition's policies as threatening. In the spring

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[14] The Slovene defense force met the Yugoslav National Army as an invading foreign army while, according to people I spoke with in Belgrade while the confrontation was still going on, the J.N.A. soldiers saw the 'invasion' as a simple policing action. Fatalities among the J.N.A. forces were several times higher than those among the Slovenes (total casualty figures range between sixty and one hundred), and more than 2,000 J.N.A. soldiers were taken prisoner (Ramet, 1992: 256).

of 1992 this popular front succeeded in overturning Demos's parliamentary majority and took power as a liberal coalition concerned in large part with local issues. With the loss of an enemy perceived as common, the nationalist community that enemy's violence made possible simply dissolved (Laclau and Mouffe 1985: 144) and people began to enunciate their encounters with frustration and violence in situational terms rather than in terms of a global antagonism:

The failure of the totalitarian elements to prevail in the battle for the right to choose, which coincided with the decreasing popular sense of an external threat and the achievement of international recognition of the statehood of Slovenia, tipped the scales away from totalitarian democracy and led to the collapse of the Demos coalition's rule over Slovenia. In spite of elements working to increase the power of totalitarian and national homogenizing tendencies, Slovenia now has a fairly good chance of building an identity based on civil rights rather than on the totalitarian xenophobia of a 'genuine' Slovene nationalism (Gaber, 1993: 62).

The dissolution of the nationalist imaginary in the post-war Slovene instance, like that which threatens the solidarity of the Palestinian community in the wake of the autonomy agreements effected at Oslo, provides evidence of the necessity of the violence of a national enemy for the maintenance of nationalist solidarity and commitment. Identity is not a fixed thing but is labile and prone to situational reformulation. In the absence of perceptions of a shared threat which renders all the members of a community 'the same', those persons are likely to reorganise the discourses which constitute their identities in ways which they deem appropriate to the diverse challenges to their respective integrities posed by the wide range of situations they encounter. Rhetorics of nationalist identity can only function for as long as the subjects they seek to interpellate can recognise in the 'national enemy' the source of the violences which afflict them in their everyday lives. When the constitutive violence of the other appears to disappear the discourse which forges a diverse community into a defensive bloc fails to offer convincing interpretations of the field of sociality to the subjects it addresses. Henceforth those subjects are forced to seek new ways of conceiving not only their own identities but also those of their enemies. Such new 'imaginaries' may — if the nationalist project of state formation has been successful — operate within the horizon of the national community, but within that horizon there are spaces for many diverse articulations of identity. The politics of difference which characterises the space of the national community cannot, however, be asserted within

the domain of the nationalist imaginary where all identity devolves from, and is forestalled by, the violence of the other.

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Researching Violence Prevention and Peace Building

Luc Reychler
University of Leuven

Abstract

1989 was an *annus mirabilis*: the end of the Cold War and the beginning of the era of violence prevention and peace building. Three 2005 reports on conflict and peace indicated that the world has become more peaceful. The authors attributed this to an increase in conflict prevention and peace building efforts. These good-news reports should be handled carefully, however, due to: the unreliability of the statistics, the narrow definition of violence used, the profits of violence, the fact that most conflict prevention efforts are reactive, and the impact of globalisation on the experience of violence. Despite the lessons learned and the booming research, serious impediments remain for the learning process. There are problems with freedom of research, professionalism, and the exchange of knowledge between decision-makers, practitioners, researchers and recipients. After reviewing the state of research based on six key components of peace building — the end state, the base line, the process, the regime, the context, and the criteria used for evaluating peace building interventions — recommendations are made for the future research agenda. These relate to: (a) the need for more systematic and cumulative research on successful peace building architecture, and the question of 'professionalism' in the field of peace building, (b) deconstructing the narrow definition of violence , (c) the proactive assessment of the impact of policies on conflict dynamics, (d) a better accounting of the costs and benefits (i.e. profiteers) of violence, (e) the establishment of an effective 'accountability' system, and (f) the branding of war and peace. This paper is dedicated to Professor emeritus Rene Bouwen, who introduced and developed appreciative inquiry and social constructionism in the process of peace building.

1. **A Careful Analysis of Good News**

Recent reports have observed significant progress in conflict preven-
tion and peace building. In its 2005 yearbook, the Stockholm International
Peace Research Institute (SIPRI, 2005) counted 19 major conflicts. The *Peace
and Conflict 2005* report of Monty Marshall and Ted Gurr (2005) showed
a marked decrease of major armed conflicts in the Post Cold War era. The
decline in the global magnitude of armed conflict, following a peak in the
early 1990's, persisted and few of the many social wars, which were con-
tained in the last decade, have resumed. Major social wars are down from
twelve at the end of 2002 to eight in early 2005. Most democratic regimes
established during the 1980's and the 1990's have endured despite political
and economic crises. Ethno-national wars for independence, which were
the main threat to civil peace and regional security in the 1990's, have con-
tinued to decline to their lowest level since 1960. Repression and political
discrimination against ethnic minorities, as surveyed by V. Asal and A. Pate,
have also diminished significantly, which coincides with the dramatic decline
in autocratic regimes since the late 1980's. These findings were supported
by A. Mack's (2005) human security report *War and Peace in the 21st Cen-
tury.* The number of armed conflicts dipped by more than 40% since 1992;
the deadliest conflicts (with 1000 or more battle-deaths in a year) by 80%.
The number of military coups and attempted coups has declined by some
60% since 1963. In 2004, there were ten, all of which failed. The drop in
armed conflicts in the 1990's was associated with a worldwide decline in
arms transfers, military spending, and troop numbers. Wars have become
dramatically less deadly over the past five decades. The average number of
people reported killed per conflict per year in 1950 was 38,000; in 2002 it
was just 600. The number of genocides and politicides plummeted by 80%
between the 1989 high point and 2001. International terrorism is the only
form of political violence that appears to be getting worse. A. Mack at-
tributes these improvements to the end of colonialism (colonial wars made
up 60-100% of all international conflicts, depending on the year), the end
of the Cold War (one third of all conflicts were proxy wars), and to the
upsurge of international activities designed to stop ongoing wars and to
prevent new ones. Exemplary are: a six-fold increase in UN preventive diplo-
matic missions (with the aim of preventing wars), a four-fold increase in UN
peacemaking missions (to end ongoing conflicts), a four-fold increase in UN
peace operations (to reduce the risk of wars restarting), and an eleven-fold
increase in the number of states subject to UN sanctions (aimed at pressur-
ing parties into peace negotiations). In addition to the UN, several other ac-
tors joined the effort: the World Bank, regional organizations, donor states,
and thousands of NGO's.

Peace missions	1990	'91	'92	'93	'94	'95	'96	'97	'98	'99	2000	'01	'02	'03	'04	'05
UN	10	11	14	19	24	26	24	23	21	24	22	18	20	18	21	21
Led by regional organizations or alliances	0	2	8	10	14	17	18	22	26	30	25	26	21	26	29	31
Led by non-standing coalitions	3	2	4	4	6	5	4	7	8	7	7	7	7	8	7	6
Total	13	15	26	33	44	48	46	52	55	61	54	51	48	52	57	58

Exhibit 1

Peace operations since 1990

Source: Wiharta (2005).

Despite the good news, the authors of the reports make it clear that there are no grounds for complacency. "The positive trends are no ground for unqualified optimism about the future of world peace" (Marshall and Gurr, 2005). I share this cautious attitude for several reasons.

First, we must be careful because of inadequate violence statistics. The statistics are unreliable and incomplete. A great deal of physical violence never reaches the statistics. This is especially true for second and third class victims. First class victims receive a great deal of attention. The cameras zoom in on the suffering and there are accurate updates on the number of people killed or maimed. In Iraq, up until March 16, there were 2318 killed and 16,653 wounded American soldiers. In the last six years 427 Israelis died in 58 suicide attacks. The second class victims, such as the Palestinians, are treated with less precision and at a greater distance. In recent years, more than 4000 Palestinians died in Israeli assaults. The third class barely receives attention. Thanks to the estimations of the medical journal *The Lancet* we can guesstimate that in Iraq approximately 100,000 Iraqi civilians died, while in Congo 3 to 4 million died. In Chechnya, the estimate is 100,000. These people have no face. They do not get much attention. The second problem with these reports is the use of a narrow definition of violence, defined in terms of people killed or maimed by weapons. A more complete picture of violence defines violence as shortening the life expectancies of certain groups of people, not only with arms, but also by other means of violence, such as structural violence, psychological violence, ecological violence, bad governance (bad governance kills), and extra-legal transnational activities (Nordstrom, 2004) that involve the trade of drugs, weapons, people, and other precious resources (Reychler, 2006a). To prevent violence and build peace more efficiently, we need to learn to listen actively to violence. There is too much denial.

A second reason for caution is greed and the profits derived from armed violence (Reychler, 2005). If wars were costly for the stakeholders in a conflict, they would have disappeared a long time ago. Profiteering from political violence has many names: military-industrial complex (MIC), fatal transactions, predatory regimes, conflict profiteers, peace spoilers, global shadow networks of exploitation, mercenaries, destructive minorities, imperialism, colonialism and neo-colonialism. P. Collier and A. Hoefler call it greed.[1] They consider greed as a major predictor

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[1] Collier *et al.*, 2003. Rebellion is the use of resources to exploit others for an economic gain.

of civil war. Research should not only focus on actors who make use of violence (i.e. just war) to end aggression, repression, exploitation or occupation, but also the actors who pursue their self interests in conflicts and thereby, directly or indirectly, contribute to the escalation and prolongation of conflict. War profiteers: create disintegrative climates, corrupt politicians, steal resources, enhance unequal relations, and support authoritarian or anocratic[2] regimes. They pursue economic, political, psychological and moral profits (the four P's).

Physical violence: terrorism, guerilla and conventional warfare — visible, direct and intentional	Psychological violence.	Cultural / epistemic violence
Structural violence: political, economic and cultural exclusion — less visible, indirect and intentional	Violence shortens life significantly lowers the quantitative and qualitative life expectancies of particular group(s)	Violence caused by bad governance —Maladministration —Corruption —Indifference and neglect —Greed and self-interest —Religious and ideologically inspired misgovernance —Unintended negative impacts of well-intentioned interventions.
Violence committed by organized crime .	Violence caused by extra-legal economic activities	Environmental violence

Exhibit 2

The violence fabric

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[2] "If autocracy and democracy are at the opposite ends of a continuum, then the anocratic regime that possesses a mixture of democratic and autocratic features lies in the middle of that continuum. An institutionalized state where the patterns of political competition cause the executive leaders to be constantly imperiled by rivals. The anocratic state is an intermediate state where elites maintain themselves in power despite the exist..." (*ibid*.)

Economic profits: Carolyn Nordstrom (2004) estimates that violence generates trillions of dollars in profits. "The cosmopolitan centres in the world depend in part on 'shadow economics and politics', and are intricately linked to wildcatting in war zones."

Political profits: conflicts are used to manipulate fear and angst, to rally people around the flag, to justify occupation and repression, or to build political careers.

Moral profits: conflicts can be used to raise the level of moral permissiveness, to legitimise our own violence, and de-legitimise the violence committed by others.

Psychological profits: violence is used to generate feelings of superiority, of being the fittest, and exaggerated pride. Chris Hedges (2002) describes war as a force that gives meaning. Probably, the best book written on the psychology of violence is Franz Fanon's *The Wretched of the Earth* (1963). He gives the reader a deep understanding of the psychology of outrage, frustration, and violence of the oppressed.

A third factor advising caution is the critical issue of the environmental and the spread of untenable life-styles. Jared Diamond in his book *Collapse: How Societies Choose to Fail or Succeed* (2005) describes twelve problems, varying from the destruction of natural habitats, the finite sources of energy, to the per capita footprint of different nations on the environment, as time bombs with fuses of less than fifty years.

A fourth reason for caution is the fact that most interventions are reactive rather than proactive, as well as the problem that the available means are insufficient. The yearly budget for conflict prevention and peace building is less than one percent of the yearly expenditures of the members of the international community for their own security. The Millennium goals and the requested means are a mere pittance. They will not alleviate the tension.

Finally, we should be careful, because globalisation raises expectations, increases awareness of inequalities within and between the states, and amplifies feelings of relative deprivation. The disparities between the core countries and the gap countries are vast and are expected to increase if no serious measures are taken to narrow the gap.[3] Madhav Gadgil (1995), speaks of "islands of prosperity, oceans of poverty." Life in gap countries is poor, repressive, short, brutal and solitary (Barnett, 2004).

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[3] Gap countries or nations, as defined by Thomas Barnett (2004), are countries that do not adhere to the globalization security rules accepted by the core states , like "don't harbour transnational terrorists," and "don't seek weapons of mass destruction."

2. **Some Impediments to Accelerating Learning**

The monitoring and evaluation of conflict prevention and peace building efforts have produced a plethora of lessons learned and best practices. However, the learning process and the ability to actively use the lessons are inhibited by political, managerial, and conceptual factors.

Political impediments

The political impediments are: a lack of perceived interest, competing definitions of peace, the business of violence marketing, political correctness, and other well researched reasons why societies choose to fail or survive. First, there is the problem of commitment to conflict prevention and peace building. The propensity to intervene is related with the perception of interests. When vital interests are at stake, donors will tend to make greater efforts than when the interests at stake are perceived as marginal. Second, when there is no consensus on the peace one wants to achieve, it difficult to build it. Third, the marketing of violence has become big business. The aim of violence marketing is packaging one's own violence as good and the other's as evil. The war against terrorism, the regime change in Iraq, and the 'planned' war against Iran, are facilitated by strategic communication, the aim of which is to exaggerate the external threats and sell our own use of violence as just, defensive, and as the only possible option. Fourth, there are the pressures of political correctness. Today, academic freedom is not only curtailed by limited and politically biased research funding, but also by political correctness. An example is the denial of civil war in Iraq. "If this is not civil war, then God knows what civil war is."[4] The anti-terrorism doctrine is also illustrative. This doctrine differs significantly from what peace research teaches us about terrorism: how to stop and prevent it (Reychler, 2006b). The anti-terrorism doctrine is characterized by: the use of a narrow definition of violence, special attention to first class victims, the expectation of exclusive loyalty to the dominant perspective, political marketing of violence, the lack of financial accounting and accountability regarding the costs and benefits of the anti-terrorism war, the personalization of the conflict and lack of contextual sensitivity, the depiction of private interests as national or international interests, and

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[4] Quote from the former prime minister Ayad Allawi on the rise of sectarian violence in Iraq, Newsweek, 3 April 2006, p. 5.

the preference for hard and military approaches (*ibid*.) Finally, there are the other well-researched reasons why societies fail to make effective decisions to prevent conflict and build peace. Janis Irving (1972), for example, draws the attention to 'groupthink' or the psychological drive for consensus at any cost that suppresses dissent and any appraisal of alternatives in cohesive decision-making groups. Bush's foreign policy in the Middle East could be attributed to 'hardhearted actions by soft-headed groups.' Robert Jervis focuses on the processes of perception, for example, of cognitive consistence, the assimilation of information to pre-existing beliefs, and how decision-makers learn from history. Among the common misperceptions he lists, for example 'centralization' (seeing the behaviour of others as more centralized, planned, and coordinated than it is), or overestimating one's importance as an influence or target. Keith Murnighan and John Mowen (2002) shed light on tough calls or high stake decisions that must be made be made when information is am-biguous, values conflict, and experts disagree. All peace building process-es are tough calls. The authors identify, in each of seven decision-making phases, factors which could lead to blunders or missed opportunities. For example in the sixth phase, "Consider the time frame," the authors focus on decision-myopia or the tendency to overweigh short-term outcomes and underestimate long-term outcomes of high-stakes decisions. In *Collapse*, Diamond (2005) identifies impediments on each of the stops of the roadmap to success or failure: the failure to anticipate a problem before it arrives; the perception of misperception of a problem that has arrived; the failure to attempt to solve the problem once it has been perceived; and the failure to solve the problem after it has been anticipated, perceived, and efforts have been undertaken to solve the problem.

Conceptual impediments

The conceptual impediments are the limited understanding of peace building architecture and the poor exchange of knowledge between the major parties involved: the decision-makers, the practitioners, the re-search community, and the citizens or recipients. First, there is the limited understanding of peace building architecture (Reychler, 2006a).[5] Peace building is about complex change; it involves concurrent activities by many people in different sectors, at several levels, and in different time frames. It is a multi-level, multi-sector and multi-time activity. One of the

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[5] The challenges focussed upon are: seeing the big picture; understanding sustain-able peace building architecture, synergizing the learning and know-how of violence prevention and peace building, and dealing with peace building context.

mindsets that inhibits one's ability to see the big picture is the single disciplinary approach of sustainable development and peace building. This narrow mindset is reinforced by the faculty structure of the academic education system. Each faculty has scholars who want to contribute to a more peaceful world. For economists, development tends to be seen as the most important factor in the peace building process; for lawyers, it is the rule of law; political scientist point out the importance of stable political institutions and democracy; for psychologists and educators, peace is all about building peace in the minds and hearts of people; theologians stress the importance of mercy, forgiveness and reconciliation; medical doctors stress that a healthy mind resides in a healthy body; and artists believe in the aesthetics of peace building. Another mindset that inhibits peace research is the assumption of the 'realists' that violence is normal; that it always has been and always will be part and parcel of the world. We can try to control it, but in the end we will have to learn to live with it. This is an unacceptable assumption. Violence is an outrage, an outrage that we have simply gotten used to because we set the bar so shamefully low. Finally, there is the belief that more efforts for development and peace building will add up to sustainable peace (the additive peace model). Without synergy, peace efforts (peace negotiations, democratisation, development, security building, reconciliation, etc.) could end up in piles of peace building blocks, instead of a complete peace building. At the organizational-bureaucratic level there is the negative impact of intensive competition among decision-making units and routine organizational procedures. Policy planning tends to be the result of bargaining among the components of a bureaucracy; it is not guided by a consistent plan, but rather by conflicting conceptions of national, bureaucratic, and personal goals. This finding is also true for the relations between NGO's. The competition for funding has increased and many NGO's have become extremely competitive non-governmental companies (NGC's). The problem of routine operational procedures is that they resist changes, except when a major disaster occurs (Allison, 1971; Steinbruner, 1974).

A second conceptual impediment is the weak exchange of knowledge between the decision-makers, practitioners, researchers and people in general (Bouwen *et al*., 2006). The lack of an effective dialogue and the weak connections between the decision-makers and the practitioners in the field (the operari) and the researchers (the speculari) results in serious knowledge waste. To improve peace building architecture, the development of dialogue and connections between these four sources of knowledge and know-how should be encouraged and rewarded. It is natural that theory and action are complementary, that they consti-

tute harmonic aspects of one whole. In reality, however, there exists a 'theory - practice gap.'[6] This gap is caused by the incentive systems of politicians, of the practitioners in the field, and of the researchers (academics). Today's academic incentive system is characterized by: a publish-or-perish mentality, recognition for originality, the tendency for research methods to triumph over substance, the preference for fundamental over applied research, papers filled with jargon, and by the reinforcement of all of this by academic faddishness. The incentive system of the policy makers is to find timely solutions for concrete problems. Officials have less time to read and reflect. Joseph Nye, one of the few people who have acted as both a scholar and a policymaker, was surprised at the 'oral' culture of top-level government service. One of the major challenges of peace research is to facilitate dialogue and connections between the decision-makers, practitioners, and the research community. Peace researchers have a bridging role; they should not only provide policy-relevant knowledge,[7] but also effectively dialogue with practitioners, especially in instances where they have common interests. The most productive exchanges might take place between researchers, who have spent some time in government and in the field, and practitioners, who have had some academic training in violence prevention and peace building research. All of the above does not imply that the Ivory Tower should be dismantled. It exists for good reasons: it provides academic freedom without which scientific research is impossible; it also allows intellectuals to reflect on the world from some distance, and not simply to do the work of policy commentators or journalists at a slower pace (*ibid.*).

A third obstacle to sustainable peace building is the difficulty of many researchers in overcoming political biases. A good example is a set of two recent studies on suicide terrorists. Pape (2005) makes an excellent analysis of the strategic, social and individual logic of suicide terrorism. Pedahzur (2005) gives an in depth analysis of the motivation, recruitment, and socialization of suicide terrorists. However, when formulating responses to this challenge, both authors do not seem to be able to transcend their 'positional thinking'. They identify with the victims of terrorism and not with the victims of occupation and anti-terrorism. It is a pity that many analysts are unable to transcend their ethnocen-

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[6] For a very good analysis of this issue see Legfold and NINCIC, 2002.
[7] Peace research can provide instrumental knowledge (for example: How to prevent groupthink in crisis situation?); contextual knowledge (for example: specifying the necessary conditions for sustainable peace building) and consequential knowledge (anticipating the costs and consequences of policy options).

trisms and national biases. Despite Pedahzur's claim to offer an integrative approach for responding to suicide terrorism, most of his attention goes to the short- and long-term offensive responses (identification and elimination of terrorists and their organizations) and to short-term defensive measures (border and barrier controls, crisis management, and reconstruction). His long-term defensive responses are vague and do not address root causes. He recommends honest and fruitful negotiations with moderate leaders, some humanitarian aid to the population, and the creation of trust.

Managerial impediments

The managerial impediments to accelerated learning relate to problems of supervision, planning and coordination, professionalism and leadership. First, there are the well-known problems of supervision, planning, and coordination. We come back to this problem in part four under the heading "peace building regimes." Second, there is the problem of professionalism and leadership in the field of conflict prevention and peace building. One of the most important factors of successful peace building is the peace builder. He or she helps to transform the conflict by means of research, advocacy, education, decision-making, and fieldwork. What kind of talents, qualities, and skills are needed? (Ingelstam, 2001) What does professionalism mean in the field of peace building? The last question provokes positive and negative responses. Positive reactions come from people: (a) who are concerned with the identification of peace building leadership and empowerment as a necessary condition for a sustainable peace process, (b) who are responsible for the selection of well qualified people and for the sidetracking of amateurs and peace quacks,[8] (c) who insist that each profession needs clear and widely supported criteria, and (d) from educators who develop peace education and training programs. The reservations are based on other concerns. First, peace building is considered as a science and an art that cannot solely be taught, but it also requires talent, commitment, creativity, imagination, and courage. J.P. Lederach (2005), for example, stresses the importance of serendipity or finding something useful while searching for something else. The underlying assumption is that MA or Ph. D. programs in Peace Studies can deliver better peace builders, but also that academic certificates are not enough to perform proficiently.

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[8] Peace quacks or *paxzalvers* (in Dutch) are people who pretend to, but do not have the skills or knowledge to prevent violence and build peace.

The second type of reservation comes from traditional professions: diplomats, lawyers, economists, and military personnel who consider their own training, practical experience, and contributions as the core of peace building. Third, there are practitioners who trust their intuitions and their school of hard knocks more than theories and research. Finally, reservations come also from politicians who see peace as the result of power relations. They stress the importance of political empowerment and assume that most of these skills can be learned on the job. The last basis of reservations towards the idea of professionalism is the meaning attached to 'professionalism' and 'professional'. Webster's dictionary associates the term professionalism with (a) a calling/vocation, (b) requiring specialized knowledge — and often long and intensive academic preparation and practical experience, (c) conforming to technical and moral standards, (d) exhibiting a courteous, conscientious and generally businesslike manner in the workplace, (e) engaged in by persons as a permanent career and receiving financial return. The latter does not exclude professional volunteers, for example the doctors without borders. In this paper, we are not addressing the skills needed for humanitarian aid, economic development, designing appropriate power-sharing systems, peace keeping, or setting up a health system. Instead we are considering the qualities of people (teams) who do peace building work or are engaged in activities to resolve or transform conflicts, such as: tracks I, II and field diplomacy, facilitating/supervising the peace building process (planning, implementation and evaluation) at the macro, meso, and micro levels, peace action research, peace education and journalism, reconciliation, etc. Some of these qualities are also useful for people (organizations) who are specialized in specific peace building blocks. When working in war and conflict zones, they have to negotiate, mediate, reconcile competing interests, and show a great deal of leadership to make the peace building process more successful.

What does professionalism mean in the field of peace building?

To tentatively answer this question, five sources were consulted: (a) the qualification criteria used in MA and PhD programs in peace and conflict studies, (b) the results of a comparative study of successful peace builders and peace spoilers, (c) suggestions made by practitioners, (d) qualifications suggested by students of the MA program in conflict and peace building (MaCSP) in Leuven, Belgium, and (e) evaluation criteria used for assessing successful peace building processes.

MA and PhD studies

The first source of answers comes from directors of MA's and PhD's programmes in peace studies. Mari Fitzduff (2005) suggests that graduate students should acquire the following competences and values.

Core knowledge competences: (a) understand the main structural and psycho-cultural theories about the causes of conflict, (b) comprehend theories about group leadership and followership as well as social change theories, (c) through case studies and in partnership with conflict stakeholders, understand the issues that are relevant to the existence of particular violent conflicts, (d) identify intervention needs at any stage, e.g. prevention, mitigation and resolution, and post violence conflict settlement, (e) design coexistence intervention, (f) network between interveners, (g) recognize cross-cultural considerations, (h) continue to learn, (i) understand and address ethical issues.

Core skill competences: (a) assess particular conflicts and design interventions, (b) secure and develop partnerships, (c) implement policies and programs, (d) secure support and funding, (e) foster dialogue using empathetic mediation and negotiation skills, (f) undertake, supervise, and commission research.

Specialist competences in: regional or national issues, assessment, mediation, negotiation or evaluation, and language skills.

Values of coexistence work: (a) the pursuit of equality that respects diversity and that acknowledges the interdependency of communities and nations, (b) primacy of local people in transforming conflicts, (c) humanitarian concern, (d) human rights and humanitarian law and principles, (e) respect for gender and diversity, (f) impartiality, (g) accountability, (h) confidentiality, (i) partnerships, and (j) institutional learning.

Jacques Haers, Elias Lopez, and Luc Reychler (2004) expect their MA students (a) to be acquainted with the main theories and tools in the field of peace research, (b) to know how to apply the knowledge to concrete cases, (c) to respect the values of peace building work, and (d) to underwrite the importance of a comprehensive approach, context sensitivity, personal development, social constructionism, and leadership.

Sarah Perrigo and Jenny Pearce (2005) drafted, for the European Doctoral Enhancement Network on peace and conflict studies (EDEN), the following qualifications for doctoral students: (a) knowledge and understanding of peace and conflict intellectual traditions in distinct European contexts, (b) knowledge and critical reflection on peace and conflict methods/methodologies, (c) application of knowledge, (d) making judgments, (e) communication, and (f) learning skills.

Peace building leadership

A second source of inspiration comes from comparative research about peace builders and peace spoilers (Reychler and Stellamans, 2005). There are peace builders and spoilers in different domains (politics, diplomacy, defence, economics, education, media, religion, health, etc.) and at different levels: the elite, middle, and grassroots levels (Lederach, 1997). Research shows both similarities and differences between peace builders and peace destroyers (Reychler and Stellamans, 2002). Peace building leadership distinguishes itself by the way it leads the conflict transformation process. Peace building leaders envision a shared, clear, and mutually attractive peaceful future for all who want to cooperate; they do everything to identify and attain a full understanding of the challenge with which they are confronted; they frame the conflict in a reflexive way; their change behaviour is adaptive, integrative, and flexible; they are well acquainted with non-violent methods; they use a mix of intentional and consequential ethics and objectives; and they are courageous men or women with a high level of integrity. John Gardner's and Ronald Heifetz's work is inspiring. John Gardner (1990) lists fourteen attributes of effective leadership: physical vitality and stamina, intelligence and judgment in action, willingness (eagerness) to accept responsibilities, task competence, understanding of the followers/constituents and their needs, skill in dealing with people, a need to achieve, a capacity to motivate/courage/resolution/ steadiness, a capacity to win and hold trust, a capacity to manage/decide/set priorities, confidence, ascendance/dominance/ assertiveness, and adaptability/flexibility of approach. Ronald Heifetz (1994), provides useful recommendations for leading with and without authority. The essences of 'adaptive leadership' are: identifying the adaptive challenge, regulating stress, directing disciplined attention to the issues, and giving the work back to the people.

Recommendations from practitioners

The third source for answering the question of professionalism is the group of practitioners. In *Peace Building: a Field Guide*, Katarina Kruhonja reflects on the motivation and qualifications needed for peace building work in conflict zones. She stresses the importance of absolute commitment to truth and striving toward openness and transparency in one's work. "A commitment is a promise that I make to myself, consistent with the vision and for the benefit of the society. We expect a commitment to non-violent social change and participatory democracy. A question like 'how can I help', which sounds right, can be very wrong"

(Kruhonja, 2006). In his chapter, "Who Should Go Where?," Luis En-rique Eguren (2006) stresses the importance of: the ability to cope with a violent situation and dealing with the risk of getting hurt; motivation and personal commitment, and not joining the peace building effort simply to do someone a favour. "Prospective peace builders should be able to find a balance between personal commitment (which may lead to a lack of overall perspective and objective judgment) and disinterest or apathy (which will prevent him or her from having the necessary flex-ibility required for peace building work)."

Suggestions from MA students

The fourth source of responses comes from students of the MA in conflict and peace building at the University of Leuven. They were asked to discuss what kind of qualifications they felt are needed to work in the field. The brainstorming exercise produced a list of 53 qualities, which can be clustered into seven groups.

1. Motivation/commitment: Most students considered the nature of the motivation for engaging oneself in conflict prevention to be very important. Recommended motivations were: a strong com-mitment to peace, an interest in the conflict, compassion, and a willingness to accept responsibility.
2. Talent/intelligence: The most important blend of intelligence in-cluded: analytic, interpersonal, intra-personal, emotional, cultur-al, and linguistic talents (Gardner, 1990).
3. Knowledge of theories about: different types of conflicts, conflict dynamics, and anticipating conflict; the cross-impact of different types of violence, conflicts, costs, and benefits; conflict management styles; the prevention of violence; and sustainable peace building.
4. Know-how and skills related to: analysing conflict, making peace building deficiency assessments, planning and evaluating peace building processes, assessing the peace and conflict impact of an intervention, negotiating and mediating (using problem solving workshops, appreciative inquiry, Aria, etc.) (Mitchell and Banks, 1996; Rothman, 1997; Sampson *et al.*, 2003), building a team, managing stress, thinking creatively, empathizing, listening and networking, and being acquainted with the toolboxes for con-flict prevention and peace building (Conflict Prevention Network-CPN, Gene Sharp, Michael Lund, and Luc Reychler).
5. Ethical values and norms: A preference was expressed for: proac-tive conflict prevention, sustainable peace building, the use of

non-violent methods (an intelligent non-use or use of violence was accepted under certain circumstances), honesty and integrity, impartiality, the empowerment of the weakest party in asymmetric conflicts, compassion, inclusion, a high level of moral reasoning (L. Kohlberg's stages of moral development: Crain, 1985: 118-136), and courage. People involved in conflict prevention and peace building are not only expected to make explicit their theoretical but also their epistemological assumptions (their values and interests).

6. Health: physical strength and mental health
7. Psychological assets: judgment in action, open-mindedness, adaptability, flexibility of approach, a sense of coherence (manageability, comprehensiveness, and meaningfulness: Antonovsky, 1979), adaptive leadership, a capacity to motivate, courage, resolution, steadiness, a capacity to win and hold trust, a capacity to manage, to decide, to set priorities, assertiveness, perseverance, and patience.
8. Experience and practice

Criteria for evaluating peace building

The fifth source of answers to the professionalism question is the criteria to guide and evaluate peace building efforts: effectiveness, efficiency, legitimacy, comprehensiveness, coherence, inclusiveness, etc (as discussed in part four).

Section summary

A major research task is the generation of a list of qualifications expected from people involved in peace building activities. This is not an easy assignment because peace building is about reconciling competing values as well as a variety of efforts at different levels. Some of the qualities can be developed in MA's, PhD's or other training programs; while others require field experience. Qualities like motivation and ethical values are the result of personal or organizational choices. It is clear that peace building requires a great number of qualities that are not always provided in academic environments, for example: seeing beyond what is to what might be, reality testing, understanding the big picture of peace building, acting from a strong sense of purpose that is not restrained by sentimental walls (such as political correctness), leadership, and dealing with power and empowerment.

3. **Researching Violence Prevention and Peace Building**

At the end of the Cold War, and especially since the mid-nineties, there has been a boom in evaluations (including lessons learned and best practices) and academic research efforts. The development community at national and international levels played a major role in the growth of violence-prevention and peace-building research. There was a growing awareness that sustainable development could not succeed without initiatives for sustainable peace building. Initially, a great deal of the attention went to the development of early warning systems (Gurr and Harff, 1994). Then the attention went to the proactive assessment of possible negative impacts on conflict and peace building by humanitarian and development intervention (Paffenholz and Reychler, 2006). Since the mid-nineties we saw a nearly exponential growth of academic studies about different aspects of peace building processes. Most studies have originated in the global 'North' and 'West.' The incidence and pervasiveness of intrastate conflicts forced both policymakers and scholars to devote more attention to these conflicts (Hartzell, 1999). Concerned with both human suffering and the potential economic and regional-security consequences, governmental and non-governmental organizations now pay more attention to conflict prevention and peace building and are looking for expertise. Moreover, during this period research on peace building issues has attracted attention from different disciplines (e.g. political, economic, sociological, psychological, philosophical, etc.). In addition to the research that has specifically focused on issues of peace building and conflict resolution within conflict countries, there is a vast (academic) literature on issues and problems that are inextricably linked with building self-sustainably peaceful societies. In this respect one can think of the research on processes of democratic transition, economic reform and development, institution building, structural adjustments, development cooperation and aid, environmental sustainability, etc.

Let us briefly review some studies that have contributed to enhancing our understanding and explanation of successful and unsuccessful peace building processes:[9]

— Caroline Hartzell (1999) explores the role of institutions in mitigating the security threats that antagonists face as they move from a violent conflict situation — characterised by self-help — towards a

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[9] Part of the literature has been discussed in Reychler and Langer (2004), Researching peace building architecture, paper presented at the International Peace Research Association (IPRA) conference in Sopron, June 2004.

situation of centralized state power. She finds that the settlements that are more extensively institutionalised prove to be more stable.

— Barbara Walter rejects the conventional view that the main obstacle for solving intrastate conflicts is the unwillingness or inability of rival leaders to compromise or find mutually acceptable ground. She asserts that even if adversaries in war do solve their underlying grievances, they still confront a "unique set of commitment problems" that stem from the need to integrate two or more separate organizations into a single state (Walter, 1999). Successful implementation of a settlement requires that each group is able to convince its opponent that it will faithfully disengage its military forces and then honestly share power (*ibid.*: 154). This requires a complex set of internal and external guarantees. In this respect Walter stresses "the crucial role that outside intervention can play in resolving these conflicts" (Walter, 1997). Charles William Maynes (1993) is another scholar who emphasizes the importance of outside actors, such as international - especially the United Nations - and regional organizations.

— Alvaro De Soto and Graciana Del Castillo (1994) examine the importance of economic conditions to a settlement's stability according to the case of El Salvador.[10] Moreover, they assert that El Salvador faces the following dilemma: "Should it sacrifice economic stabilisation to proceed with implementing the peace accords, or should it strictly carry out its stabilisation and structural adjustment program, perhaps endangering the peace?" (*ibid.*: 4) In this context they foresee a potential collision between, on the one hand, the International Monetary Fund (IMF) and the World Bank, and, on the other hand, the United Nations. Neither process is independently sustainable; therefore there is a need for an integrated approach.

— Fen Osler Hampson (1996) studies why some peace agreements fail and others succeed at ending civil war. In order to explain the outcome of peace processes, he analyses four different factors: the extent of international involvement in the peace process, the ripeness of the conflict, the systemic and regional power balance, and the quality of the peace agreement itself. Based on his analysis of the peace processes in Namibia, Cyprus, Angola,

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[10] Other studies in this respect are among others: Haggard and Kaufman (1996); Boyce (1996).

El Salvador, and Cambodia, he concludes that the outcome of peace process is dependent on "the quality and level of support given by third parties to the peace process" and "the support of a country's neighbours and outside great powers that are involved directly or indirectly in the conflict" (*ibid.*: 210).

— Stephen John Stedman (1997) focuses on the spoiler problem. He identifies spoilers as leaders or parties that see their interests threatened by the peace process and who will use force to undermine the peace process. He puts forward a spoiler typology based on the spoiler's position in the peace process, the number of spoilers, intent, and whether the locus of spoiling behaviour lies with the leader or followers of the party (*ibid.*: 12). In the presence of spoilers, the peace building strategy should be adapted accordingly because, in his view, confidence building will not be enough to stop these wreckers of peace agreements. He suggests that international implementers should start by diagnosing the spoiler type "and then choose an effective strategy for managing the spoiler" (*ibid.*: 12).

— Roland Paris (1997) points out that the effectiveness of the current international peace building paradigm of "liberal internationalism" has been limited. This paradigm assumes that "the best way to consolidate peace in war-shattered states is to transform these states into stable market democracies" (*ibid.*: 89). He argues that the main reason for this limited success stems from the "destabilising effects that the process of political and economic liberalisation itself generates" (*ibid.*: 89). Peace building agencies have not adequately anticipated or addressed these problems.

— John Darby and Roger Mac Ginty have edited a volume based on the project, "Coming out of Violence," which aims to identify those factors that expedited or frustrated five peace processes in Northern Ireland, Israel/Palestine, the Basque Country, South Africa and Sri Lanka. The study investigates the influence of the following six variables on the success or failure of peace processes: violence and security issues, the economy, external actors, public opinion, symbols, and progress towards political settlement. They find that violence and the progress towards a political settlement are the most important variables in determining the outcome of a peace process. With regard to the latter variable, it is crucial to sufficiently include ex-militants in order to prevent or limit potential spoiler behaviour.

— Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens have edited a volume that focuses on the role of outside implementers in peace processes. Therefore peace agreements that were "largely self-implementing," such as South Africa in 1994, or Zimbabwe in 1987, were not included in the case studies (Stedman, 1997: 22). They claim that the current research on peace implementation suffers from several weaknesses, such as a lack of conflict differentiation with regard to the complexity of the peace building environment, the prescription of open-ended, underspecified strategies for implementing peace agreements or a lack of prioritization in the implementation agenda (*ibid.*: 12). An important finding of the project was that "cases of peace implementation differ in two important respects: difficulty of the implementation environment and the willingness of states to provide resources and risk troops" (*ibid.*: 12).

— Ho-Won Jeong (2005: 18) has examined how security, political, social, and economic components support each other in "reweaving a divided society's fabric." He presents a conceptual framework for the design of peace building and the coordination of different functions in the field. He concludes that: sustainable peace based on justice can be an illusive goal in the absence of the long-term perspective of structural transformation; an emphasis on political and military stabilization alone is not sufficient to end a protracted conflict based on ethnic and religious rivalries and opposing political and economic interests. His book goes beyond political and strategic considerations to incorporate the perspectives of communal security, social rehabilitation, and conflict resolution, reflecting on the concerns of the populations who have been victimized by violence. A distinction has to be made between short-term emergency measures, aiming to give an effective response to the emergent material needs of devastated communities, and long-term measures directed to change conditions that have underpinned conflict and to influence perceptions and behaviour.

— James Dobbins and colleagues (2005, 2006) did a comparative study of 'nation-building' since 1945. America's role was analysed in seven cases (from Germany to Iraq) and the UN's role in nine cases (from the Congo to Iraq). Each case study started by mapping the challenges confronted (security, humanitarian, civil administrative, democratising and for economic reconstruction). This is followed by a description of the US-UN and inter-

national roles and the results. Success was primarily defined as the establishment of a stable and enduring democratic political system. On the input side they collected and compared statistics on: military presence, police presence, total external assistance, per capita assistance, and external assistance as a percentage of GDP; on the output side, they looked at post conflict combat deaths, the timing of elections, changes in the number of refugees and internally displaced persons (IDP's) and changes in per capita GDP over time. In addition to the numerous case specific lessons, they drew a number of general conclusions, such as: "There is no quick route to nation-building. Five years seems to be the minimum required to enforce an enduring transition to democracy;" "It is nearly impossible to put together a fragmented nation if its neighbours try to tear it apart. Every effort should be made to secure their support;" and "Multilateral nation-building can produce more thoroughgoing transformations and greater regional reconciliation than can unilateral efforts."

— David T. Mason and James D. Meernik (2006) gathered a number of analysts to address to address the question 'what works and what doesn't in sustainable peace building?' On the basis of 30 cases (15 cases with one or more peace building effort and 15 cases without peace building efforts), Mark J. Mullembach concluded that: (a) cases with multidimensional peace building missions were more likely to result in peace than cases without such efforts and (b) the better multidimensional peace building missions are coordinated, the more efficiently and effectively they tend to contribute to the peace building process. Constance V. Elliott and V. Lani Elliott, as well as Seonjou Kang, noticed that the absorptive capacity of post conflict countries for receiving aid is lower in the initial post conflict years than in the years thereafter. They conclude from this, that aid grants should be gradually increased over medium- and long-term periods after a civil war ends. Seonjou Kang claims that increasing aid over medium- and long-term periods can better help economic recovery and growth in post civil war countries. Infrastructure reconstruction, a medium- to long-term goal, requires large amounts of capital.

— Michael Pugh (2000: 129) encourages a reexamination of the dominant peace building approach. He pleads for 'regeneration' rather than for 'rehabilitation.' Regeneration is a self-sustaining process; it is a generative change rather than a restoration of the status quo. The term 'rehabilitation' tends to connote a power

relationship, whereby so called victims or offenders have done things because they are incapacitated or deprived. Attention is given to (a) the legacies of modern conflict in the transition to relative peace, (b) the question of ownership and accountability in the interactions between internal and external actors, (c) the need for coherent responses to regeneration, and (d) the importance of context-specific approaches. In terms of vertical integration, the top-down as opposed to bottom-up approaches are not seen as alternatives, but complementary. Peace building requires better balancing of the short-term, 'hard,' visible reconstruction measures with the 'soft,' long-term, social-civil programs as well as balancing "short-term, project-centred funding for physical rebuilding, and funding for social and civil development where long-term qualitative change is made."

— For Hugh Miall, Oliver Ramsbotham, and Tom Woodhouse (1999: 202-210), peace building is made up of (a) the negative task of preventing a relapse into overt violence and (b) the positive tasks of aiding national recovery and expediting the eventual removal of the underlying causes of internal war. They also offer a post-settlement peace building framework, consisting of five sectors - military/security, political/constitutional, economic/social, psycho/social, and international support - and three time frames (interim/short-term, medium-term measures, and long-term measures). They assert that often the local input had been neglected and they plead for better adapted peace building strategies in order to make these more effective in the long term.

— Francis Fukuyama (2004, 2006) comments on the American experience in promoting democracy and political development. Recent cases of successful democracy promotion had three characteristics: (1) the initiative has to come from the society in question, (2) external support work only in semi-authoritarian regimes that feel the need to stage elections and permit some degree of freedom for civil society groups to organize, (3) the receptivity of the indigenous pro-democracy forces to outside support, and particularly support from the United States, is very much dependent on the society's specific history and the kind of nationalism at work. He argues for a rethinking of the institutions for world order and for a diversity of institutions and institutional forms to provide governance across a range of security, economic, environmental, and other issues. These forms of international cooperation differ in terms of their legitimacy, effectiveness, and formal-informal nature.

— George Soros (2004) contributes to the study of peace building by focussing on the impact of the global capitalist system . He observes three major disparities: between public and private goods, centre and periphery , and good and bad governments. He argues for constructive intervention, based on the principle of people's sovereignty, the responsibility of protect and proactive conflict prevention.

— Chester A. Crocker, Fen Oslen Hampson and Pamela Aall's (2001) book contains a rich collection of research findings in the area of peace building, but lacks a synthesis of these findings. They situate the book in the context of five emerging dynamics that characterize the setting for conflict analysis and management in the current period. The first is the return of geo-politics, the endemic and hegemonic conflict patterns between states that have long characterized the international system, along with rising concerns about how these contests will be conducted in today's technological environment. The second issue is that a one-dimensional approach and isolationism miss a much richer reality of challenges and trade-offs in conflict management, which revolve around questions of socio-political context, timing, sequencing, and grasping the stages and the cycles in the life of a conflict. The third theme is the continuing and still unresolved dialogue among scholars and practitioners about the interaction between conflict management and other elements of what broadly can be called governance (or nation building). The fourth theme is the need for more explicit recognition of the truth 'it depends' when analysing conflict sources and appropriate remedies. A typology of types of societies and conflicts could advance thinking about what works, when, and where. The fifth theme is the existence of complications to reaching a negotiated agreement and to creating from that negotiated agreement a sustainable peace. Special attention goes to the negative impact of turbulence in rough neighbourhoods. The authors also present a useful framework linking various conflict management strategies and techniques to sources of conflicts at three levels: systemic factors, states and societies, and leadership and human agency.

— Michael Brown and Richard Rosecrance (1999) developed a methodology, including counterfactuals,[11] for comparing the

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[11] A condition which has not been fulfilled.

costs of prevention and the costs of violent conflict and applied it to ten conflicts.

— John Paul Lederach is a pioneer researcher who addressed the kaleidoscope of building peace, involving reconciliation, structures, process, an integrated framework for peace building, resources, coordination, and strategic and response evaluation. A key step in the peace building process is reconciliation: the envisioning of a common future that provides new lenses for dealing with the past (Lederach, 1997).

— Tom Keating and Andy Knight (2004) edited a book on building sustainable peace in memory of Sergio Vieira de Mello, who was special representative for the UN Secretary General in Iraq. The authors address a number of themes in the literature on peace building: conceptualising peace building, relocating peace building from post conflict to preventive strategies, deconstructing the culture of war and constructing an indigenous culture of peace, broadening the scope and scale of peace building, assigning an international architecture in support of peace building, examining civil-military relations and the tensions between order and justice, positing peace building within the broader concept of human security, and balancing reconciliation and retributive justice.

— In their book, *Breaking the Conflict Trap*, Paul Collier *et al.* (2003: 4) attribute the global incidence of civil war to the inertia of the international community. They base this on two beliefs: that we can safely 'let them fight it out among themselves' and that 'nothing can be done' because civil wars are driven by ancestral and religious hatreds. After investigating the economic and social costs of civil war, they provide explanations for the vicious interaction between war and the failure of development. One explanation is that civil war has adverse ripple effects, which are often not taken into account by those who determine whether wars start or end. The first ripple is within the country: most of the victims are children and other non-combatants. The second ripple is the region: neighbouring countries suffer reduced incomes and increased disease. The third ripple is global: civil war generates events beyond governmental control, such as epicentres of crime and disease in the surrounding territories. Many of these negative consequences persist after the end of the civil war, so that much of the costs of the war occur after its end. A great deal of attention is paid to the role of grievance and greed and to the 'conflict trap.' "Once a country

stumbles into civil war, its risk of further conflict soars." At the end of their study, they provide a series of recommendations for international collective action: aid, the governance of natural resources, and military interventions.

— Luc Reychler and the Leuven research team have focused on: mapping the violence fabric, democratic peace building, assessing peace and conflict impact (P-CIAS and aid for peace: Paffenholz and Reychler, 2006), the identification of necessary building blocks of sustainable peace (the peace building pentagon), sustainable peace building architecture, the international organization of conflict prevention and peace building, and the difficulty of conflict transformation and peace building leadership (Bauwens and Reychler, 1994; Reychler, 1999, 2001, 2003).

— After contrasting the differences between the mindsets of agencies of conflict resolution, humanitarian aid, and development, Gerd Junne and Willemijn Verkoren (2005) plead for more conflict-conscious development. They identify the root causes of violent conflict on four levels: (1) external/internal, (2) characteristics of the state, (3) characteristics of society, and (4) individual orientations. They conclude with a list of suggestions for the best way forward.

— On the basis of case studies of the Conflicts in Northern Ireland, Israel/Palestine and South Africa, Colin Knox and Padraic Quirk (2000) conclude that political accommodation at the macro level must be underpinned by the active involvement of civil society. The widening of the traditional democratic base is necessary to consolidate and embed peace within communities.

— Cynthia Sampson and colleagues (2003) offer concepts, theories, and activities which help people to plan and act together for a common future. They are based on social constructionist thought which stresses the link between image and action and between positive image and positive action.

— Andreas Wengler and Daniel Möckly (2003) focus attention on the untapped potential of the business sector. The case for corporate conflict prevention is based on three interrelated arguments: the balance sheet of conflict prevention is still unsatisfactory; the business community has direct interests in the advancement of peace; there are long-term socio-economic reasons for corporate social responsibility.

Some scholars have also contributed by translating research findings for practitioners. Mary Anderson's book *Do no harm* (1999)

helped to increase sensitivity to conflict and played a major role in the development of peace and conflict impact assessment (Reychler, 1996). Michael Lund (1997, n.d.) developed a toolkit for the prevention of violent conflicts and practical guidelines for developing peace building strategies. Recently, a great deal of attention has been given to the management and/or administration of peace building processes. The following authors studied different aspects of these transitional regimes.

— Michael W. Doyle and Nicholas Sambanis (2000) examined 124 post-civil war interventions, ranging from monitoring missions, traditional peace keeping, multidimensional peace keeping and peace enforcement. They found that effectiveness was influenced by three variables: the local roots of hostility, the local capacities for change, and the international commitment to attain a sustainable peace. Multilateral enforcement operations are usually successful in ending the violence and there is a positive correlation between UN peace keeping operations and democratisation processes after civil wars.

— In his book *You, the People: the United Nations, Transitional Administration and State Building,* Simon Chesterman (2004: 1) addresses the question: "Is it possible to establish the conditions for legitimate and sustainable national governance through a period of benevolent foreign autocracy?" On the basis of four case studies (Kosovo, East Timor, Bosnia-Herzegovina, and Afghanistan) he identifies three tensions in the transitional administration of post conflict zones: (1) the tension between the use of an authoritarian transition authority for creating a legitimate and democratic regime, (2) the tension caused by the inadequacy of the available means to achieve the stated ends, and (3) the tension between the demands for high international standards and the need for locally sustainable institutions. The central argument in this book is that resolving the above contradictions requires an acceptance that even though the ends of the transitional administrations may be idealistic, the means may not be. Consecutively, he addresses different forms of transition, the use of force to maintain law and order, the building of democracy through benevolent autocracy, the rule of law in post conflict territories, the politics of humanitarian and development assistance, elections and exit strategies, and the future of state-building.

— Richard Caplan (2005: 256) studies international governance in practice and addresses five critical issues for international administration: planning operations, the exercise of executive authority, accountability, exit strategies, and enhancing effectiveness. On the basis of the experiences he studied, he distilled success-enhancing factors. The first of these factors is favourable objective conditions, such as a decisive military defeat, third party intervention, and the positive attitudes of regional powers. The second factor that may affect the ease or difficulty of administering the transition is the clarity and appeal of the operational aims. The type of operations (supervisory operations relying on cooperation or those exercising full authority) also has implications for the ease or difficulty of the administration. Finally, the structure of the operation or the degree of authority invested in the transitional administrator and the relationship of the administrator and the components organizations, also has a considerable bearing on the success of the operation. He ends by depicting the "International administration [as] the Rolls-Royce of conflict management strategies, and it is doubtful that there will be the political will to repeat the experience often."

— Jarat Chopra's (1999: 9) analysis has produced interesting insights in the issue of the efficacy of maintaining peace in war-torn societies. "Peace maintenance as a 'unified concept' for multifunctional UN peace operations needs to integrate diplomatic, military and humanitarian activities as part of an overall political strategy." He distinguishes four stages in the peace maintenance process. In the first, the constitutive stage, the challenges in the field and the elements of the operation are identified. Deployment takes place in a second constitutive stage, in which the mission arrives decisively and establishes itself as an international authority with logical jurisdiction. The third, consolidative stage is formally a transitional phase in which the international authority and local population function together to achieve a sustainable result. In the fourth phase, peace maintainers withdraw altogether or a longer term presence is accepted locally. At the end of his study he discusses a list of peace-maintenance puzzles about: the feasibility of peace-maintenance, the temporal question, the dilemma of selectivity, UN capabilities, the moral dimension, and the violence of non-intervention.

— Larry Minear (2002: 22) reviews the challenges faced by the humanitarian enterprise, and in particular the complex links be-

tween humanitarianism and the world of politics and military engagement. He highlights several issues involved, such as coordination and leadership. "Coordination is about power … what agency or individual has the authority to orchestrate the activities of the diffuse and far-flung humanitarian community in a given emergency?" His research findings indicate that success is a function of the command model of coordination. Coordination implies (1) strategic planning, (2) gathering data and managing information, (3) mobilizing resources and assuring accountability, (4) orchestrating a functional division of labour in the field, (5) negotiating and maintaining a serviceable framework with host political authorities, and (6) providing leadership. He considers coordination-by-consensus as more effective than coordination-by-default and 'coordination-by-command' as more effective than 'coordination-by-consensus'. The persuasiveness of coordination is limited in the absence of authoritative institutional reinforcement.

— Robert Ricigliano (2003) is a member of the chorus of researchers and practitioners pleading for a holistic, integrated approach to peace building that combines the traditionally distinct disciplines — such as human rights, humanitarian assistance, sustainable development, environment, conflict resolution, security, and the rule of law — in order to be effective in today's complex conflicts. He introduces the concept of a Network of Effective Action (NEA) as a set of practices for collaboration that is capable of facilitating integrated approaches to peace building both on the ground and in terms of the theoretical development of the field.

In addition to the above, there are many more studies made by governmental and non-governmental organizations. It is close to impossible to track and synthesize all the publications. Some of these are: the influential UN Agenda for Peace (1993); the report of the UN Secretary General's high level panel on threats, challenges, and change released in December 2005, *A More Secure World: Our Shared Responsibility*; or the report *In Larger Freedom: Towards Development, Security and Human Rights for All* presented at the 2005 Millennium Summit. The World Bank has become a major source of relevant studies on the interaction between development, security and political development. Also regional organizations, such as the OECD, OCSE and the European Union have published materials on conflict prevention and peace building (Moyroud, 1999). Other sources of publications are the foreign offices

and departments of international cooperation of many countries.[12] The wide spectrum of publications of international and national non-governmental organizations is another source of publications that is impossible to keep up with.[13]

Section summary

In this part several academic studies have been mentioned which have contributed to improving our understanding of the failures and successes of peace processes. The research overview is by no means complete or exhaustive; we could have liked to discuss many other interesting studies and publications. However, the crucial point is that there still is a serious lack of understanding of the *architecture* of these transformation processes. Comparative research is necessary to fill this void. In general terms, this research should be aimed at exploring the question how the overall design of a peace process affects its successfulness. Further research questions in this respect are, for example: how do the different building blocks of sustainable peace (e.g. democratisation, reconciliation, etc.) interact and affect each other? Which building block should get priority? Is there an implementation sequence or timing that increases the chances of success? The study of Alvaro De Soto and Graciana Del Castillo (1994) is very interesting in this respect because it is one of the few studies that actually looks at the interaction between two different peace building blocks (economic versus political). In any case, a study that aims to research these issues should take notice and learn from the above described studies.

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[12] Smith (2004): For example Norwegian Ministry of Foreign Affairs: The overall findings of this report, which was made in cooperation with PRIO, and in which Germany, the Netherlands and the UK also participated, centred on the challenges presented in defining policy terms, articulating goals, key concepts and vocabulary in peace building. A key finding is that a major strategic deficit exists between the articulation of policy and efforts to translate this policy into practice (Lawry-White, 2003). First part of the review of the UK government approach to peace building and synthesis of lessons learned from the UK government peace building projects funded 1997-2001. "This study has made some conclusions stating that a number of key lessons as to questions such alike planning, coordination, development, that are significant for the future of policy and practice in peacebuilding can be drawn, this to make the peace building enterprise more effective." There are also the SIDA en CIDA studies and many others.

[13] An example of INGO collecting lessons learned is the European Center for conflict prevention, Utrecht, Netherlands: Van Tongeren *et al.* (2005).

4. **Key Components of Peace Building Architecture**

Peace building is a tough call. It involves high-stake decisions that must be made when information is ambiguous, values conflict, and experts disagree. During the peace building process a series of decisions or choices have to be made: (a) about the peace to be established (the end state), (b) the situation before the intervention (the base line), (c) the building process, (d) the peace building regime, (e) the context, and (f) the evaluation criteria for monitoring progress.
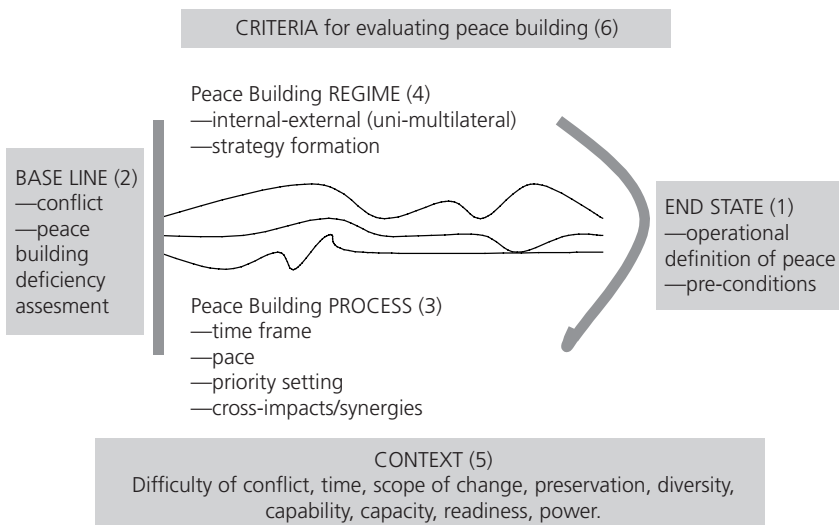
CRITERIA for evaluating peace building (6)

Peace Building REGIME (4)
—internal-external (uni-multilateral)
—strategy formation

BASE LINE (2)
—conflict
—peace
building
deficiency
assesment

END STATE (1)
—operational
definition of peace
—pre-conditions

Peace Building PROCESS (3)
—time frame
—pace
—priority setting
—cross-impacts/synergies

CONTEXT (5)
Difficulty of conflict, time, scope of change, preservation, diversity,
capability, capacity, readiness, power.

Exhibit 3

Key components of peace building architecture

The end state

What kind of peace does one want to achieve? Ideally, the definition of peace should be clear and compelling. In addition, the peace builders should have a valid theory about the necessary conditions (building blocks) to build the peace desired. Does the peace one wants involve a radical transformation or a reconstruction or realignment of the situation. Transformation is a change which cannot be handled within the existing paradigms; it entails a change in the assumptions made and the 'way of doing things as usual.' It is a radical change in the end goal.

Realignment, on the other hand, involves a change that does not involve a substantial reappraisal of the central assumptions and beliefs within the conflict zone. It may involve major changes structurally, such as a reduction of corruption or more privatisation, but it does not radically change the previous system. It is more about reconstruction than building something totally different (like the European Union after 1945). The determination of the end state determines the *scope of the change.* In many peace building interventions, the end state is left vague and undefined. This is also the case in a great deal of the research work. Most of the authors perceive peace building as the result of multi-level and multi-sector efforts. Some focus in their research on one of the peace building blocks. S. Chesterman studies state building, but only as one part of many other activities needed for peace building. R. Paris focuses on two peace enhancing conditions: marketisation and democratisation. Most authors specify, more or less, what conditions they consider necessary for peace building. E. Cousins *et al.*, specify five objectives of peace building: a self-enforcing cease-fire (meaning that the armed conflict, just settled, will not recur), a self-enforcing peace (meaning that new armed conflicts will not occur), democracy, justice and equity. R. Caplan divides the chief functions of the transition administrations into: the establishment and maintenance of internal order and security; repatriation and reintegration of internally displaced persons and refugees; performance of basic civil administrative functions; development of local institutions and the building of civil society; economic reconstruction and development. M. Pugh defines peace building as a sustainable process having as the main purpose the prevention of threats to human security, which cause protracted violent conflict. Human security implies the need for intervening in the domains of political security and governance, community security and societal stability, personal security and human rights, and, lastly, economic security. T. D. Mason *et al*. define peace as a combination of negative peace and positive peace. The latter involves a transformation of the conflict by means of democratisation efforts, the establishment of truth commissions, the establishment of security, and long-term economic and social development. Ho-Won Jeong focuses on four peace building pillars: security and demilitarisation, political transition, development, and reconciliation and social rehabilitation. Luc Reychler defines sustainable peace as a situation without war, a low level of structural violence, a high level of legitimacy, and a constructive management of conflicts. The essential requirements or preconditions for sustainable peace are clustered into five plus one peace building blocks (the peace building pentagon): (1) an effective system of communication, consultation and negotiation, (2) peace enhancing structures, (3)

an integrative political-psychological climate, (4) peace support systems, and (5) a cooperative international environment. The installation of these building blocks requires a critical mass of peace building leadership. All of the peace building blocks are necessary and mutually reinforcing. The lagging of one can seriously undermine the stability or effectiveness of the entire peace building process. One of the aims of peace building research is to specification the kind of conditions that are necessary for building the specified kind of peace. Without clear operational definitions of peace, it is difficult to develop a valid theory for identifying the preconditions and making a comprehensive peace building deficiency assessment.
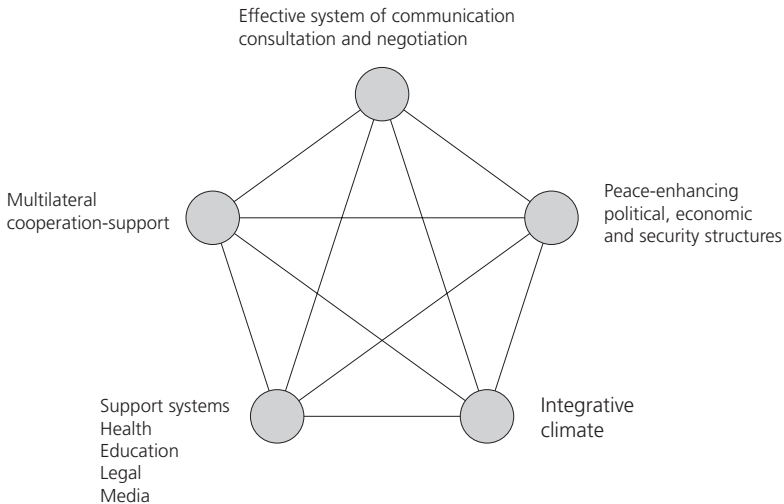

Exhibit 4

Sustainable peace building pentagon

The base line

Any study or planning of peace building demands an analysis of the base line. This implies an analysis of the conflict, a prognosis of possible future developments, and a peace building deficiency assessment (Paffenholz and Reychler, 2006). The latter compares the current conflict situation with the preferred peaceful situation and identifies areas that need to be remedied. This allows for choosing priority areas of interven-

tion and selecting relevant concrete measures. For the assessment of deficiencies, many assessment tools and checklists are available (Reychler, 2003; Reychler and Langer, 2002).

The peace building process

The third part of peace building architecture involves choices about the process or 'how to build peace'. The following choices must be considered.

The time-frame of the peace building process: entry and exit, perceived phases in the process, the framing of the peace building from a linear, circular, or procedural perspective (Murnigham and Mowen, 2002). People who take a linear perspective act as though they have reified time: they plan to finish the peace building at a particular time. People with a circular time perspective tend to act when things have to be done; putting off as much as possible, but doing what has to be done. People with a procedural time perspective focus on completing the process, no matter how long it takes. The element of entry-exit is dealt with by several authors. This issue has many facets, such as: when to intervene, the expected exit, when and how to exit (instant vs. phased withdrawal), assessing the impacts of withdrawal, and the choice of follow up arrangements. Richard Caplan (2005: 213-229) observes that "A good exit strategy depends on good entrance and intermediate strategies. An exit strategy cannot compensate, easily or at all, for major deficiencies in the design or implementation of a territorial administration, but by the same token, a poorly conceived exit strategy can jeopardize the achievements of the international administration and imperil the viability of the new state or territory." Simon Chesterman (2004: 204-235) focuses on the timing of the elections. He criticizes the timing in the Dayton peace agreement which provided for elections to be held between six and nine months after the conclusion of the peace, and he also critiques the perception that the troops would be home in a year. "After the elections, politics became the continuation of war by other means". All the authors perceive peace building as a multi stage process, each stage characterized by its own priorities. Often, peace building is simultaneously a synchronic and sequential operation with a mix of short-term, mid-term, and long-term efforts (Reychler, 1999: 46-47). De Deutsche Gesellschaft für Technische Zusammenarbeit (DGTZ, 2002) makes a distinction between stabilization (1-3 years), reorganization (4-7 years) and consolidation (8-10 years). The Center for Strategic and International Studies works with three phases: Initial Response (short-term), Transformation (mid-term), and Fostering Sustainability (long-term); no exact

timelines are given to each phase. The peace building strategy of the US State Department (2005) uses the same peace building phases. The New Partnership for African Development (Nepad, 2005) frames post conflict reconstruction into three phases: emergency (90 days to 1 year), transition (1 to 3 years), and development (4 to 10 years). Lederach (2005, 115) prefers a four-phased approach: the crisis and issues stage for a period of 2-6 months; then the people and relationships stage for 1-2 years; then the institutions or sub-system phase for 5-10 years; and finally the phase that needs work for generations — the vision of peace and the desired future that all hope for and move towards. Lederach (*ibid.*) opts for a non-linear, procedural perspective; Nepad (2005) uses a more linear perspective with clearly defined timetables.

The pace of the peace building process: Changes can be implemented, either in an all-at-once, big-bang fashion, or in a more incremental, step-by-step, stage-by-stage fashion. The interventions in Bosnia and the regime change war in Iraq were handled in a big-bang fashion, but each turned into 'operation creep.' Most intervention tends to take time and is handled in incremental ways.

Priority setting: In the different phases of the conflict transformation, which tasks get priority (allocation of human and material resources and time)? Although there is a consensus on the need for 'complementarity,' several authors emphasize the shifting of one area of intervention to another in order to overcome identified post-conflict 'deficits.'[14]

1. Security approach: Without basic security, peace building goes nowhere. K. Maynard points out the need to address insecurity as key to successful post-war peace building. It is of vital importance that freedom of movement, the absence of personal or group threats, and safe access to resources are achieved for all in the post war setting. A. Schnabel believes that military and police forces play a crucial role in the long-term success of political, economic and cultural rebuilding efforts in post conflict societies. Conflict prevention should therefore address the military/security deficit foremost so that internal security structures become an asset, not a liability, in the long-term peace building process.

2. Development approach: Economic development is the key to success; it should be prioritised. Economic vulnerability should be tackled from the beginning.

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[14] Monica Llamazares (2005) confirms this point.

3. Social-civil approach: Social welfare and civil society are of vital importance to regenerate societies and peace building. M. Pugh (2000: 116-117) points to imbalance between short-term, hard, visible reconstruction measures and soft, long-term social-civil programmes. The former are more easily audited. But the latter also tend to reflect hierarchical relationships that gear participation and accountability away from civil development based on host ownership of the peace building process.

4. Political economy approach: P. Collier (but also D. Keen, M. Duffield and W. Reno) believes that the political economy of civil wars, which is considered to be a key source of 'protractedness' in many of today's conflicts, remains unchallenged by current peace-building approaches. In the 'greed over grievance' debate, Collier (2003) sees the economic agendas of war as key source of conflict. He recommends that good peace building must include disincentives for those benefiting from war in order to reduce their influence over the process.

5. Political approach: First, the political and institutional deficits must be remedied. Cousens and Kumar (2001: 4) consider the "fragility or collapse of political processes and institutions" to be the main catalyst for war. They argue that post-conflict elections restore political institutions' and processes' loss of legitimacy, thus institutionalising a conflict resolution mechanism into the body politic. Building political capacity must be the ultimate goal.

6. Psychosocial approach: W. Lambourne (2004) argues that both justice and reconciliation are fundamentally significant goals that need to be addressed in the design of successful post conflict peace building processes and mechanisms, especially in the aftermath of genocide. R. L. Rothstein points out that "since there is obviously an important psychological or emotional component of protracted conflicts, there is […] likely to be an equally important psychological or emotional component to their resolution." M. Pugh believes that an emphasis on structural causes of conflict underplays the "…psychological and cultural determinants of violence", and that "… reconciliation between social groups previously at war, requires more then money." (Llamazares, 2005: 9)

Synchronicity and sequencing: Are all the tasks implemented at the same time or is there a clear sequencing of the efforts? Are all the efforts made simultaneously and given a varied amount of attention (time

and human and material resources) in different phases? This is one of the least systematically researched key components of the peace building process. There are several approaches: (a) the free-for-all approach: the underlying assumption is that more peace building interventions will add up to more peace; (b) the ideology-driven approach, based on a belief in the primacy of security, development, democracy or other types of interventions in peace building; (c) the power-driven approach which claims that power makes or breaks peace; (d) the theory-driven approach, based on the research of successful and unsuccessful sequencing of different activities within and between different sectors. R. Paris (2004: 289) claims that pushing war-shattered states into stable market democracies too quickly can have damaging and destabilizing effects. A sensible approach would be to establish a system of domestic institutions capable of managing the disruptive effects of democratisation and marketisation in a first phase, and only then phase in political and economic reforms as conditions warrant. Mansfield and Snyder (1995) support Paris' vision that fast democratisation is susceptible to instability. In the short-term, economic measures can disturb political goals. Furthermore, economic gains in the medium- and long-term can be created if in the short-term macro-economic policies are socially sensitive (Collier *et al.*, 2003: 155).

Negative and positive cross-impacts or synergies: How much attention is paid to the positive and negative cross-impacts of efforts in different sectors and at different levels? Have the impacts been assessed proactively? What is being done to create synergies? This is becoming a major area of research. Peace building must be understood as a complex system, the dynamics of which do not obey hierarchical linearities. The assessment of cross sector and cross level impact is not new. Everyone makes an implicit assessment of the impact of their efforts. These assessments are influenced by the analysts' or decision-maker's theories of war and peace. The assessment of peace and conflict impacts is not new. In December 1919, J. Keynes book, *The Economic Consequences of Peace* appeared on the bookstalls. Keynes argued that the terms of the Versailles treaty would be disastrous both for Germany and its allies. At the end of the book he presented an alternative policy — something like a Marshall plan — providing Germany with resources that would enable it to pay a reasonable amount of restitution, but also to recover economically and socially (Reychler, 2003). In the last ten years, however, we have seen a serious effort to enhance the peace and conflict sensitivity of interventions in conflict zones. A good summary of the efforts can be found in T. Paffenholz and L. Reychler's *Aid for Peace* (2006).

The peace building regime(s): Choices need also be made about the management of the peace building process. The options are different regimes or sets of implicit or explicit principles, norms, rules, and decision-making procedures around which the expectations of the actors involved in the peace building process converge (Baylis and Smith, 2001). Peace building regimes can be distinguished via different dimensions:

a. Is the peace building an *externally and/or internally* driven process? If external, is it a *multilateral, multi-unilateral or unilateral* intervention?
b. Do the donors *cooperate* in the peace building process? Do they cooperate by exchanging information, consulting, joint planning, and/or coordinating the implementation?
c. What *strategy formation* process is used? How does one choose the courses of action to build peace and the objectives formulated in the previous phase? S. Hart identifies five modes of strategy formation processes. Hart's framework is built around who is involved in the strategy formulation and in what manner (Verwiere and Van den Berghe, 2004). In the 'command mode,' a strong leader controls the process. The strategy is a conscious, controlled process that is centralized at the top. The end state, the base line, and alternatives are considered, and an appropriate course of action is decided upon and implemented. This strategy formation mode can vary from being directive to coercive (using power to impose change) (Balogun and Hailey, 1999). The 'symbolic mode' involves the creation, by the actors who take the lead, of a clear and compelling vision and mission. The major task is to motivate and inspire and to provide the necessary focus to guide the creative actions of the actors involved. Education and communication are core activities. This mode requires a great deal of participation and commitment. The 'rational mode' is a theory-driven strategy formation. Strategy is developed through formal analysis (and information processing) and strategic planning. The 'transactive mode' is based on interaction and learning rather than on the execution of a predetermined plan. Strategy is crafted based upon an ongoing dialogue with the key stakeholders. Cross-sector and cross-level communication among the actors involved is very important in this mode. The last mode of strategy formation is the 'generative mode.' This mode depends on the autonomous initiatives of the actors involved in the peace building process. The donor com-

munity selects and nurtures initiatives with high peace potential. These 'ideal' types are not exclusive. In many cases, one notices a combination of several of these modes. The choice is influenced by several factors: the power relations between the actors, the level of complexity of the peace building plan, the heterogeneity of the conflict environment, the phase the conflict is in, etc.

Internal-external involvement: There is a broad consensus on the need to involve inside and outside actors in most peace settlements. F. Hampson (1996: 23) assessed the impact of several factors based on the success or failure of peace settlement negotiations and concluded that third party intervention contributed greatly to successful post settlement peace building. R. Caplan (2005: 180) observes that a minimum of local ownership is needed in a transition regime. Without local ownership, its difficult to develop political responsibility; the wrong lessons could be remembered by local population and the legitimacy of the transition process fall. This is illustrated by the events in Bosnia-Herzegovina, where the High Representative could dismiss elected or appointed officials. The HR could remove anyone from office who, in his estimate, was obstructing the implementation of the Dayton accord. There was no need for evidence to support his action, no right to appeal. This has been called despotic or transnational authoritarianism. J. Large (1998: 157) believes that the unique resources brought by local actors to the process make it imperative that meaningful participation takes place.

Multilateral-unilateral: Some research deals with the pros and cons of multilateral and unilateral approaches. J. Dobbins (2005, 2006) observes that multiplicity tends to create a more complex and time-consuming decision-making than the unilateral approach. The activities could be highly atomised and the administration unwieldy. R. Caplan (2005: 34) stresses that in a post colonial age it has become politically unacceptable (and too expensive) to entrust responsibility for the administration of a territory to a single state, even if elaborate accountability mechanisms would be created. "Although the US drew in other states to share the responsibility of administering Iraq, precisely in an effort to confer legitimacy on the interim regime, the dominant role played by a major western power is one reason why it encountered such fierce resistance." M. Mullenbach saw some evidence that the risk of military hostilities is at least somewhat lower when the UN or a regional IGO coordinates a multidimensional peace building mission.

Strategy formation and coordination: B. D. Jones (2001) addresses three types of coordination problems: (a) diffuse intervention efforts, (b) conflicting strategies, and (c) fragmented international responses.

R. Caplan emphasizes that coordination is needed at different levels: the strategic level, the tactical level, and the field level (2005: 174-175). L. Minear (2002: 22-32) identifies five factors which could inhibit effective and efficient coordination: a lead agency's lack of power (sticks and carrots), a lack of visibility and an inability to mobilize resources, the high costs, the existence of ineffective structures (the multiplicity and autonomy of actors), and the lack of leadership. A. Donini (1996) distinguishes three types of strategy formulation and implementation: (a) coordination by command, (b) coordination by consensus, and (c) coordination by default. Some analysts, like L. Minear (2002: 288), argue in favour of the coordination by command approach; others, like M. Stephenson, prefer coordination by consensus. (Stephenson, 2004; Stephenson and Kehler, 2004; Kehler, 2004)

5. **The Peace Building Context**

All the aforementioned choices are influenced by the features of the peace building context. Successful peace building depends on the development of a context-sensitive approach. The lack of universal formulae and the complexity of conflict necessitate a great deal of context sensitivity. This involves a deep appreciation of the impact of the context on the peace building process and vice versa. Contextual judgment is more important than knowledge of the ten best peace building practices in other situations. The contextual features are: the difficulty of the conflict, scope, time, preservation, diversity, capability, capacity, readiness for change and power.[15]

The difficulty of the conflict

Some conflicts are more difficult to resolve than others. Difficult ones have been given a variety of names, such as deep-rooted conflicts, protracted, or intractable conflicts. Recently, more systematic comparative research has been undertaken to distinguish easy from difficult conflicts. According to S. J. Stedman (2001: 737-752), several factors are commonly associated with a difficult environment: spoilers (leaders or factions hostile to a peace agreement and willing to use violence to undermine it), neighbouring states that are hostile to the agreement, a

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[15] A great deal of the context features are described in Balogun and Hailey (1999: 56-96.)

large number of soldiers, valuable natural resources, and secession-oriented conflict. J. Dobbins (2005, 2006) looks at: prior democratic experience, the level of economic development, and national homogeneity. Among the controllable factors, the most important determinant seems to be the level of effort needed — measured in time, manpower, and money. R. Caplan (2005: 253) correlates difficulty with the clarity and appeal of operational objectives. S. Chesterman (2004: 246) links clarity of purpose with success. M. Doyle (Doyle and Sambanis, 2000) sees hostile, or incoherent factions as obstacles for peace building operations. L. Reychler and A. Langer (2004; Reychler, 2006c) use a checklist consisting of seven clusters of variables to assess the degree of difficulty: the parties involved, the issues, the conflict styles, the internal opportunity structure, the legacy of the conflict, the internal readiness for peace, and the external involvement and support of the peace process.

Time

How much time does the peace builder have to achieve peace? Is he/she operating in the middle of a crisis or is it perceived as a long-term peace building process? Are the stakeholders expecting short term results from the intervention?

Scope

Is the expected outcome realignment or transformation (see the first component of peace building, above)? Does the change affect the whole country as well as all sectors and levels, or does it only impact part of the country or a particular sector?

Preservation

To what extent is it essential to maintain continuity in certain practices or preserve specific assets? Do these practices and/or assets constitute invaluable resources, or do they contribute towards a valued stability or identity within a country?

Diversity

Is the group of actors involved in the peace building process diverse or relatively homogeneous in terms of its values, norms, and attitudes? Are their many cultures or subcultures within the country? Are there conflicting and common interests?

Capability

How capable or competent are the peace builders at managing the peace building process? Are the necessary kinds expertise (internal and/or external) available? Is there enough expertise at the policy, management, and individual levels?

Capacity

How much cash or human resources are available for peace building?

Readiness

Are the external actors willing and motivated for peace building? How much support (domestic and international) is there for change? Are the internal actors ready for change?

Power

Who are the major stakeholders? How much power do they have? Who are the stakeholders whose support must be canvassed?

Functions, operations, judgments	Criteria
Analysis of conflict	
Analysis of conflict Anticipation of future developments Violence Difficulty of conflict	Is the analysis accurate? Is the anticipation of future developments timely and reliable? Is the analysis of violence broad enough? Is the assessment of the difficulty of the conflict reliable? Is the difficulty over- or underestimated?
Peace building deficiency assessment	
Definition of peace	Do the interveners use a clear and compelling definition of peace?
Underlying theoretical and epistemological assumptions about building peace	Has the underlying theory of peace been made explicit? How valid is the theory?
Peace building deficiency assessment (PBDA)	Is the peace building deficiency assessment comprehensive?

Cont.

Relevance of the intervention(s)	
Policy objectives Accounting for deficiencies Resources for implementation	Have the policy objectives been well defined? Do the interventions respond the deficiencies? Do they respond to some or all the deficiencies? Is it a partial or comprehensive peace building policy? Are there adequate or inadequate resources?
Risk and opportunity assessment	
Adequate crisis-management and prevention High stake decision-making Threats and opportunities	How are crises dealt with? Is the assessment holistic? Does it assess the dynamic changing environment and recognize the signs of problems and opportunities?
Conflict and peace impact assessment	
Planning & Implementation	Is the assessment: comprehensive, proactive, coherent, synergistic, complementary, coordinated, efficient and effective, sustainable, high impact, legitimate? Does it incorporate: peace building leadership, appropriate leadership mechanisms, strategic sequencing and priority-setting?
Involvement of owners and stakeholders	
Involvement of stakeholders and owners in the above-mentioned phases	Is the process transparent? Does the responsibility primarily rest with the people concerned? What about empowerment and ownership? What is the legitimacy status of the process? How accountable are the decision makers for the consequences of their actions? Is the subsidiarity principle respected?
Evaluation and learning	
Personal and institutional learning	How well organized is the evaluation process? Is there a positive learning climate? Is the lessons-learned process effectively organized? Have individual and collective senti-mental walls been identified and dismantled?

Exhibit 5

Criteria for the evaluation of peace building processes

6. **Criteria for Evaluating Peace Building**

Finally, choices must be made about the criteria for evaluating the peace building process. Exhibit 5 lists several criteria, which are used for evaluation of peace building processes.

Conclusions

The study of violence prevention and peace building is not without emotions and feelings. Some events are heartening, such as the creation and widening of the European Union, the relative peaceful implosion of the Soviet Union, or the reduction of the magnitude of violent conflicts. Other events are discouraging. The protracted conflict between the Israelis and the Palestinians and the forty episodes of genocide and politicide since 1955 are appalling. What have we learned from the Holocaust? Israel has become a gated country and what is left of Palestine an open prison. Many people in today's world live in despair. Hopelessness stands in the way of peace building. Hope and despair have the effect of self-fulfilling prophecies. Despair leads to defeatism, cynicism, reconciling oneself to the facts, or to radical and desperate behaviour. Raising hope is vital for peace building. The term hope, as used here, refers not to wishful thinking, false hope or the expectation of a better future. In contrast, it refers to an attitude that refuses to let the current situation or development have the last word, and that continues to search for solutions. It is hope that does not wait for probability assessments (Reychler, 1995). It generates efforts to build peace more effectively. The peace research community has a great responsibility to keep hope alive. In this paper several areas were highlighted that need more and better research. First is the architecture of sustainable peace building: a more systematic, cumulative and comparative study of successes and failures is essential. The research community is scatterbrained; it does not function as a brain trust. We need to think about what professionalism means in the field of peace building. Secondly, we need to deconstruct the narrow discourse on violence. The marketing of violence has become a great business as is distorting the perception of violence in our contemporary world. Third, we want better data on the costs and the benefits of violence, violence prevention, and peace building. Most data on violence (black statistics) cannot be found in official publications. This is brought to the fore in Carolyn Nordstrom's *Shadows of War*. In the areas of poverty, lives and fortunes are forged and lost (illegal trade in arms, people, resources, drugs, etc.). A fourth area that urges study is 'violence profiteering' and the development of

an effective accountability system. Finally, there is they question of 'peace appeal' or a lack of it (Reychler, 2000). Something has to be done about the image of peace and peace building. Peace is a social construction that needs to be made more appealing; it could use the creativity of the best marketing strategists.

'Waging peace' has become the greatest affair of the international community, the basis of life and death, the way to survival or extinction. It must therefore be thoroughly pondered and analysed.[16]

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Reconciliation as a Political Concept: Some Observations and Remarks

Kjell-Åke Nordquist
Uppsala University

Foreword

This paper summarizes a number of observations and reflections on the phenomenon and practice called "reconciliation," in connection to peace processes and peace-building initiatives. In particular it draws from processes followed by the author, in East Timor in particular, but also in Europe, the Middle East and, more recently, Colombia.

It is a discussion paper. The purpose is to invite to reflection, both on the level of perspectives and that of concepts. It is developed from a lecture called "The Challenge of Reconciliation" held at Universidad Nacional, Bogotá, in December 2003. Following substantial revision since then (more than doubling the length of the text) I realized that today not many parts of the original text are still recognizable from that presentation, then organized by the Embassy of Sweden in Colombia, as part of its commitment to the peace process in that country.

The field of "political reconciliation" is evolving, definitions of reconciliation abound, and different contributors have different takes on the subject matter, quite naturally. It is the author's view that reconciliation can and should not be "held captive" by any particular field of study. It relates to fundamental, some would say existential, issues of meaning, trust, contradictions, and suffering in the midst of a violent political reality. It is wise to tread softly on ground with such a complex subsoil.

1. Armed conflict and reconciliation

It is fair to ask the question: Why, and how, has reconciliation become a concept in political discourse?

The century recently ended demonstrated some fundamental changes in the nature of armed conflicts and wars. Three observations can be

made about these, so as to serve as a guide for identifying developments, all of which are pointing towards the emergence of "reconciliation" into a political concept and practice, taking active form in the last part of the century.

One of the major achievements of the 20th century was the creation of legal instruments that bring the individual person into the realm of international politics. Not only states came to be holders of rights and duties, but also individual persons — whether in private capacity or (even) as state servants. It was a process that took shape in different ways. Milestones, each one in their own right, are of course the Universal Declaration of Human Rights from 1945, and the establishment of the International Criminal Court, based on the Rome Statute of 1998. These two mechanisms — so different in nature but with the same basic idea of defending fundamental human rights — combine the fact that individuals, as well as states, have both rights and duties which are not limited by, for instance, state boundaries or professional rules. Thus they are applicable not only in civil life but also under the special legal and practical conditions that define a situation of armed conflict or war.

Another observation is that, after the Second World War, armed conflicts and wars turned gradually into a blend of internal and inter-state conflict. On the surface this was not always visible: the Cold War was a period where conflict was fuelled in some areas while being kept under control in others. Only a few conflicts were open, inter-state conflicts; examples include India-Pakistan, Ecuador-Peru, and Iran-Iraq.

As systematic collection of data shows, the vast majority of wars have, for decades, been "internal wars" (Wallensteen and Lotta, 2005). Internal wars are either about the rule of a given state ("civil wars") or about its fundamental structure, i.e. the constitution of a state ("state formation wars"). Civil wars are thus challenging an existing government, its policy, etc. but not the state as a unit, while state formation wars include issues which involve one or more of the parties struggling for a "re-constitution" of a state, the most radical type of proposals being the territorial separation and independence of regions within an existing state. While Colombia, Sierra Leone, and Afghanistan are examples of civil wars, the conflicts in Southern Sudan, Sri Lanka, and the Philippines (Mindanao) are examples of state formation wars.

While internal wars dominate as the typical war of today, they have at the same time become internationalised, often due to parties' international economic and political relations and support. This often con-

tributes to the protraction of such wars. This can be regarded as the (expansion of the) "horizontal" dimension of civil wars. There however also a "vertical" dimension: a civil war penetrates into the state; it means in practice, and almost by definition, that large groups of a population are affected, much larger than would be the case if the conflict was fought, say, in boundary areas, at sea, or in the air. Protracted civil wars in particular are devastating for the civil population. Sometimes this is, or becomes, part of a strategy by the parties — the civilian population represents a target since it is seen as a resource (for protection, as in classic guerrilla strategy, or for material support) for one side or the other. The result of all this is that on the whole displacement, killing, and human suffering in modern armed conflicts are greatest among civilians, not among the military/soldiers. This has obviously consequences for the peace process. A normative proposition one can formulate from this observation — given the broad negative effects of civil wars — is to say that *if the war affects everyone, then the peace process should affect everyone*, assuming that peace — on all levels of a society — should not be expected unless all levels are also addressed in a peace process.

The human loss and suffering, together with the physical and environmental destruction, after a civil war, on the whole creates a situation of such magnitude, that it goes far beyond the capacity that any normally functioning state would have at its disposal — much less a state in a post-conflict situation.

This leads to very uncomfortable decisions regarding the priority order of using scarce resources, both material and human, and its short- and long-term effects on the development of a country.

As noted above, peace processes have taken on wider responsibilities in the last decades. This is true in particular since the end of the Cold war. Individual peace processes have developed different aspects of the wide spectrum of mechanisms and dimensions that might actually be part of a process. Table 1 below is an attempt at summarizing four main components of what could be called a "comprehensive peace process:" the formal peace agreement, a process of individual legal responsibility, a mechanism such as truth and reconciliation commissions, and finally, apologies by state or other leaders. These four components are thus found in concrete peace processes; at the same time, there is (probably) no single process in which all of the components appear in a planned and developed way.

While most of the components have been commented on above, the apology aspect has not. It refers to the many cases of apologies expressed by heads of state, leaders of parties or international organizations, churches, etc. who apologize to victimized groups — for instance

after civil wars or with regards to historically victimized groups, including indigenous peoples.[1]

Table 1 indicates that there are mechanisms available, in principle, to deal with the impact of civil wars on societies. At best, the four components in a process could strengthen each other, be complementary and add to each other's legitimacy. For this reason, the reconciliation process, on which this paper is focusing, should not be used as a remedy for failures in the other squares of the table, but rather be seen as an integral part of a larger whole.

Few peace processes, if any, can involve the appearance of all four components at the same time. It is not even obvious if it is desirable that they appear, so to speak, simultaneously. Certainly, an apology is not a time-consuming act in itself, while legal processes are. Either way, the timing of the four will nevertheless impact on the process.

Table 1

Four components in intra-state peace processes

	LEVEL	
ASPECT	Political	Individual
Legal	Formal peace agreement/ equivalent	Responsibility according to national / international law. War Crime Tribunals
Moral	Apologies from leaders	Truth and reconciliation process/ commission

Speaking of timing, the formal peace agreement, many would say, should be the start. However an apology from responsible leaders could also be a trigger towards an agreement, and a larger peace process, and thus serve a purpose at an early stage. Whether legal and reconciliatory processes should overlap in time or not, is often a matter dependent on the relationship between the two. In Sierra Leone, for instance, there was sharp disagreement between the National Truth and Reconciliation

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[1] For instance, when traveling in Africa and Rwanda, UN Secr.-Gen. Kofi Annan apologized for the UN's inability to protect the Rwandans from genocide; Queen Elizabeth has apologized for British exploitation of the Maoris; the Japanese Prime Minister has apologized for what his country did in China, Korea, and the Philippines during WWII.

Commission, and the international Special Court set up for dealing with crimes against humanity in the war, due to the Court's over-ruling of some of the conditions in the peace agreement, making it inoperable *de facto*.

If we regard a peace process in this way, *the reconciliation process should be seen as part of the total agreement, i.e. part of the comprehensive peace process, and not be seen, for instance, as a remedy for failures in other parts of the peace process.*

The challenge is then to design a reconciliation process that integrates with other parts of the peace process, and thereby becomes a process in its own right.

In order to answer the introductory question — why reconciliation? — the nature of today's armed conflicts, as internal wars affecting wide groups of populations, requires different treatment to what history books tell us about peace processes. As we have seen, there are mechanisms available; experiences exist in a number of countries and processes, with different ways and means of dealing with the past, often with a reconciliatory dimension involved.

1.1. *Reconciliation in politics*

The phenomenon of "reconciliation" does take place in real life, between individuals and between groups, but does that make it a process that can be part of what we call "politics"? Politics, as usually understood, deals with power, the distribution of resources, changing society, etc., and it is for many an important principle that certain aspects of life should stay out of the influence of "politics."

There are two observations to be made in relation to this. The first, that when it comes to peace processes after civil war, in particular after protracted civil wars, then it is fair to say, that we are not only talking about a political process in the narrow sense of a process that depends solely on actions from governments. Peace processes after civil war, in particular, are wider than this. They are social processes, which encompass much broader layers of a society than are usually influenced by decisions taken by governmental structures. So for that reason, reconciliation can have a place in a peace process understood in this wider sense. If we have a *wide* definition of "peace," then it is not difficult to see how reconciliation can be part of a "peace process."

The other observation is, that inasmuch as reconciliation depends on the free will of people to change their minds, its scope and pace will always be individually decided; it can never be commanded by political decision. Governments and governmental agencies can provide space

and opportunity for reconciliation to take place, but not so much more, really, in order not to press individuals beyond what is ethically appropriate. In addition to this, it should always be remembered, that this is all about situations where many are deeply victimized, and who is to say, under such conditions, whether— and if so, when — a change of mind shall take place?

1.2. *Reconciliation — a note on the cultural question*

The conceptual overlapping that many observe between "reconciliation" and Christian teaching — doesn't this make reconciliation a Western phenomenon, even, and in reality, a part of Western cultural dominance, when applied in non-Western cultures?

The critical aspect in a theoretical context is whether "reconciliation" represents a social phenomenon that is universal — as far as we can understand that concept — in character, or not.

What will be presented below as a definition of reconciliation shows, as I see it, that reconciliation appears, and more important can appear, in principle in any culture where the words used in the definition have any meaning.

Reconciliation, understood in this sense, may well carry the content of a global phenomenon. That is a necessary, underlying assumption for this paper.

Maybe the phenomenon of "reconciliation" should have another "name", which remains to be seen. At present, though, the conceptual development has led to a wider acceptance of the concept, meaning that it is basically a contextual and not definitional issue if it were to lose its religious connotations. Most important is that it includes all situations with the same content — be they religious and/or non-religious experiences.

2. **Reconciliation — Both a Goal and a Process**

Obviously, "reconciliation" represents a process as well as a goal for that process. As a process it refers both to political, social, and legal components, and it has in practice, the last decade, come to include acknowledgement of victims, truth-telling, reparation, and justice. The relation between these components can be discussed. For some groups, "justice," "truth," or "reparation" are all *sine qua non* for reconciliation. My position, developed below, is that reconciliation is not a mere

composition of aspects, but has a distinct meaning and contribution in itself, to the nature of peace processes.

As a goal, there are two types of reconciliation that need to be identified; both are relevant for protracted armed conflicts. The first and most common is *intra*-generational reconciliation, i.e. a process between persons who themselves have experienced, or committed, atrocities, in short, those that have suffered and carried the burdens related to that suffering.

In *inter*-generational reconciliation processes, we deal with those individuals and groups who have to come to grips with prejudices, memories, and who have had to grow up in divided communities, due to past grievances and divisions. Here, dealing with history, so that it in itself does not become a new reason for conflict, is a major challenge — for individuals as well as societies.

There are distinctive features of these two types of process. A fundamental observation about inter-generational reconciliation is that while being a victim easily translates into the second generation, both in terms of perceptions and world-views, as well as materially, the same does not, however, as easily apply to perpetrators. From a legal point this is obvious, but also morally the responsibility looks different — from culture to culture — when it comes to compensating in one way or another for what "our fathers did."

Many countries have struggled with inter-generational reconciliation, for example Germany and Poland, Germany and France, Japan and its South-East Asian neighbours, and Finland (which suffered a civil war between "reds" and "whites" in connection to World War II) are a few examples. These processes have included everything from leaders' pronouncements of apologies to common history-book projects. This long-term process of a conscious re-building of understanding and acceptance of a common fate and history is an interesting and important investment in time and effort. It is more difficult to measure, but as often in similar cases, it may not be the result in itself that is the most important aspect, but the process, with all its reassessments, acknowledgement, and new insights on all sides involved.

In countries which have experienced protracted armed conflicts, such as India and Pakistan, Burma, the Middle East, Colombia, and maybe a few more, experiences from inter-generational reconciliation processes could provide important issues to be considered, if and when these areas and countries are bound for reconciliation on a national, political level.

We should also note here that there is a growing literature on the question of "historic responsibility," i.e. whether subsequent generations have the moral obligation to meet demands of reparation for in-

justices carried out by previous generations, for instance towards indig-
enous peoples, slaves, colonial peoples, etcetera.[2]

Below, however, we will concentrate on intra-generational reconcili-
ation processes.

3. **Four Reconciliation Structures**

We have already mentioned the distinction between inter- and intra-
generational reconciliation. There are obviously a number of practical
issues connected to this difference, but it raises also some fundamental
ethical and philosophical ones, related to the degree that responsibility
can be transferred between generations; and as a corollary, whether
victimhood can be inherited, and if so how, etc. This is a major issue for
political philosophers.[3]

All of these issues are already dealt with in various ways in daily life
as well as in our conceptions of what it means to live — in relation to
morality, responsibility, and how injustice is dealt with.

Besides this time-based distinction of generations, another distinction
of fundamental importance is the nature of the relationship between the
victim and the perpetrators, or rather: are victims always "only" victims,
and are perpetrators always "only" perpetrators. Obviously, there are
situations where I think one can make this black and white distinction.
However, there are probably other, and more, cases where the dominant
impression in terms of "who is who?" is more grey — in different shades,
but still grey. Thus we could distinguish between a unilateral and a mutual
moral relationship between the victim and perpetrator, i.e. unilateral vic-
timhood and mutual victimhood.

Some empirical cases are likely to represent mainly one of these four
categories of reconciliation; this is illustrated in the table below.

It should be noted that individuals or groups that may very well be
regarded as victims also might have been in situations where they have
inflicted harm upon the other side. This is a major issue, a very sensitive
issue, in situations where the victim becomes the power-holder as an
outcome of the process, such as in the case of South Africa, East Timor,
Bosnia-Herzegovina, and Sierra Leone.

Some cases border between inter- and intra-generational, such as
Colombia and East Timor.

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[2] See Townsville (2002), a study arguing for transgenerational responsibilities.
[3] For a useful overview of the issues, see Townsville (2002).

Obviously these structural differences have both methodological and ideological consequences, not all of which can be developed here.

Before discussing some of them, we need to pay attention to yet another structural dimension that is critical for a peace process as a whole, and not least for political reconciliation.

Table 2

Four types of reconciliation settings and examples of cases

	Intragenerational	Intergenerational
Largely one-sided responsibility (largely one side victim, other side perpetrator)	Massacres	Systems of segregation and oppression; racial laws
Largely mutual responsibility (both sides have inflicted injustices upon each other)	Armed conflicts/ wars	Protracted armed conflicts/wars

3.1. *The power dimension*

There is a fundamental difference for any legal or reconciliatory process — or any peace process for that matter — whether the parties have agreed to the process as a result of *negotiation* or a negotiated an understanding (or an agreement) where no side has been forced to give up militarily, and a situation where one of the sides can claim *military victory*. Also, in the case of a victory of one side over the other, it is not the case that the losing side does not have bargaining power. However, the situation is still fundamentally different from a negotiated and therefore explicitly or implicitly made agreement.

A negotiated agreement recognizes as a reality that the two sides, while having made an agreement, still have a military capacity, maybe to the degree that one can destroy an agreement, and also that there is some political support as well. Nevertheless the parties have agreed to settle their differences in other ways than militarily, without the use of force and violence.

Such processes are often marred by political argument, deception, manoeuvres, broken cease-fires, and the like. Still, the leadership on

both/all sides can be very clear in their intention. It is fitting to remember here that, for instance, in the South African process towards a post-apartheid democratic state, a cease-fire was never signed between the parties involved. Nevertheless, the course of events was clear, even if challenged in substance and practice many times.

While its was clear in South Africa that the days of the apartheid system were numbered, and thus South Africa seems less of a negoti-ated process, there was still a lot of political space to be used by both/all parties in the constitutional process. A typical case in point of a negoti-ated process is Colombia, and the on-going demobilization process of the paramilitary groups under the AUC. In Rwanda, there was, and is, a heavy moral burden on the perpetrators of the genocide, while this on the other hand can never imply from a democratic-theory point of view, that there is no room for other actors or opinions than the dominating one. The same is true for East Timor, where the present government won a victory so strong that the political space of the side that lost the referendum faces the risk of being reduced only because it had a clear minority outcome in the referendum.[4]

This is a general problem, and illustrates the power dimension which, one could say, is what is typical for "politics." However, the idea behind for instance democratic institutions is to hinder one group's monopoliza-tion of political life and mechanisms.

In order to make clear the different conditions under which reconcili-ation processes take place, table 2 describes four types relating to the power dimension, and the moral dimension.

In the context of reconciliation, we need to recognize, that since reconciliation by nature is a voluntary process — which is different from legal processes for instance — the power dimension can play a strong role in which forms of reconciliation it is possible to apply in a given post-conflict situation. This observation leads naturally to the next prob-lem — what to do in a context of continued violence?

3.2. *Reconciliation and forgiveness*

As an early and general reflection on the relationship between poli-tics and reconciliation, an observation can be that reconciliation is not a "political process" of traditional type (including its 'violent continua-tion,' as Clausewitz would say); it is rather a "pre-political" process in

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[4] The winning, pro-independence option in the referendum on East Timor's future sta-tus got 78,5% of the votes, while the pro-autonomy (within Indonesia) option got 21,5 %.

the sense that it is a de facto recognition that "politics," in the form practiced up to that point, has failed to produce an acceptable social situation, and that in order to avoid (total) social destruction, and in order to produce conditions for a more acceptable development, one or another form of "reconciliation" is necessary.

By its nature, reconciliation is not a totally individual process — as forgiveness can be. There have to be at least two individuals that can reconcile with each other. In this sense, reconciliation is a *relational* concept.

Reconciliation is thus providing a tool for building relationships. It is, to use sociological language, a *structural* concept, which for that particular reason can serve in a political context, and not only in a private or individual setting. It is this structural, relation-building capacity of "reconciliation" which makes it relevant and useful in a political discourse.

The latter is however not the case for "forgiveness." Forgiveness is — or can be — a one-sided act that can be expressed without any reciprocal action from the intended recipient's side. In practice there can very well be cases of mutual forgiveness, but the concept as such does not require this to happen, in order to be meaningful. As a consequence, forgiveness, when used in a political vocabulary, can at worst function as a kind of imposition on individuals —"you shall forgive!" — something that goes against the nature of the whole process.

So far as the relational dimension of reconciliation goes — "it takes two to reconcile," to paraphrase another expression.

4. **Reconciliation in a Violent Context**

Obviously, "reconciliation" in the midst of violence that is on-going — geographically and/or politically — can easily become a betrayal of its own purpose. No one wants that to be the case, and a critical question to address is of course if there are unconditional circumstances for a meaningful reconciliation process. The key question is: Under what circumstances can reconciliation be initiated as an effective[5] part of a peace process?

The bottom-line, it is assumed here, for an effective reconciliation process, is to safeguard it from being kidnapped for partisan political purposes. If the purpose is to overcome divisions, then the process needs

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[5] "Effective" is here thought of as meaning "meaningful," "relevant" and "productive."

to stand above the divisions themselves. This principle is in a way obvious, maybe simplistic, but it addresses not only issues like the choice of leading personalities, but also the staffing, financial and practical aspects as well.

More intriguing are the political conditions for a reconciliation process. A tentative conclusion, given the experiences from truth and reconciliation commissions from three decades, is that the higher the level of on-going violence during the work of the commission — with or without a final peace accord signed — the more shallow or limited the work of the commission. Violence always limits the work of a commission: its political support, its witnesses, its possibility to move, the security of its members, etcetera. In order for a commission to work effectively in the midst of ongoing violence, a possible means to deal with it would be to structure the work into units of geographical and political nature. For instance, in regions where demobilization has taken place, and where leaders signal willingness to redefine their position, the reconciliation process can be initiated and work itself through different steps to the extent that the conditions allow. Hopefully, this work will initiate a positive spiral, which shows both politicians and the population at large, the advantages of a reconciliation process: more security, increased trust, and new possibilities for social and economic initiatives.

This way of thinking implies that a nation-wide and firmly established peace agreement, on its way to completion, is not a necessary condition for a reconciliation process. However, it requires a degree of fundamental change on the public level — for instance, geographically (regions, cities, actors) and/or politically (cease-fire, demobilization, and the like).

Thus, reconciliation processes in the midst of on-going violence can take place in certain regions, with certain actors, and on certain dimensions, as a way to demonstrate what this can mean for a nation as a whole. The goal of such partial processes would of course be, to make it deeper in terms of methods and content, and wider in terms of geography. As long as the reconciliation process is not reversed by actors deviating from its fundamental nature, this can be defended both politically and morally.

5. **The Contribution of Reconciliation**

When new concepts are introduced it is necessary to ask what does, in this case reconciliation say, which is not covered by other concepts, for instance, "conflict settlement"? The answer can best be illustrated

by reference to a classical figure in early peace research, namely the *conflict triangle*[6], which says that three ingredients are necessary for a social conflict: attitudes, behaviour and an incompatibility. Thus the classical triangle was:

Behaviour
/   \
Attitude _____ Incompatibility
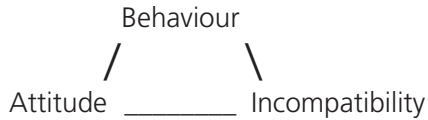
Reconciliation belongs to the attitudinal side of the triangle. Conflict resolution belongs either to the behavioural or to the incompatibility side. This is so because conflict settlement can indicate either conflict management (to handle the behaviour of parties so that they act non-violently, for instance), or conflict resolution (to resolve the matter once and for all by eliminating the incompatibility). So, if the original triangle indicated the necessary components for conflict, it can be developed into a triangle of peace components. This process deserves another study, but here it will only be briefly mentioned. The triangle then looks as follows:

Security
/   \
Reconciliation _____ Democracy
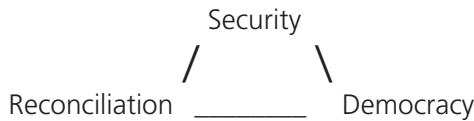
If reconciliation deals with attitudes in the most profound way we can arrange on a political level, democracy is the way by which a society peacefully can deal with its incompatibilities. Finally, security, both in the sense of physical security in social life, as well as a sustainable and thus secure environment belongs to this corner of the triangle.

This illustrates, and explains, the complementary role of reconciliation in a conflict resolution process.

6. **The Content of Reconciliation**

Reconciliation, in order to be a useful concept, also has to relate to the content, the nature, of the relationship. I would argue that it is too

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[6] The conflict triangle was developed by Galtung, in an early and now famous article, "Conflict as a Way of Life" (1978).

weak to equal reconciliation with "being nice." This would place the concept on the level of fundamental rules for social interaction. There has to be some more to it. In sum them, reconciliation cannot be forgiveness, and cannot mean just being friendly.

6.1. *The relational component*

A legal process does not normally involve any form of message or interaction between victim and perpetrator. In court proceedings the two sides try to convince the court, not each other.

In a reconciliation process it is "the other side" — being it a victim or a perpetrator — that should primarily be addressed; not, for instance, a commission for truth and reconciliation. (The commission can be more likened to a facilitator than a court.)

However, as has already been mentioned, a major purpose of reconciliation is to influence relationships. Not necessarily on a personal level, but on the level where it was before the injustices, etc., started. That means — ideally — that leaders should address groups and a nation as they did before the injustices; that the local landlords, businessmen, etc., who used to meet their employees, etc., on a certain level, should do so within the reconciliation process as well. And the single murderer should meet those closest to the victim. Again — ideally speaking. The point is, that the moral balance in a society is probably best restored at the level on which it was broken.

Without this relational component, again, it is hard to call it a process of reconciliation; it would be counter-intuitive to the general understanding of the concept.

6.2. *Changing minds?*

Imagine a perpetrator and his/her attitude to the victims and to society before an impending legal process. We do not, and cannot, legally demand a change of mind from this person in the direction of contrition, in order for him/her to pass the process, including its judgment. (A change of mind can affect the decision of the court, but the point here is the opposite: the court cannot enforce contrition.) There may be bold ambitions on the part of the prison system to change and develop a person under its protection. Nevertheless, he/she will not have to change his/her mind in order to regain his/her freedom at a certain date. Once again, in some systems "good behaviour," etc., can shorten the time, but that's not the point here.

It is hard to imagine as meaningful a process of reconciliation where there is no change of attitude. At the same time, this is something that cannot be forced upon anyone. Thus, a process of reconciliation, and a commission that organizes such a process, needs to seek out the extent to which a change of mind is present.

A consequence of this view is that, theoretically speaking, if all atrocities and violations etc. that have taken place during a given conflict are dealt with within an established, regular legal/court system, that would not be an example of a reconciliation process. Instead, reconciliation is wider than a legal process, it concerns a reality that a court may not be able to reach — either legally or morally — which deals with the web of responsibilities, hidden goals, and deceptions that become part of daily life in protracted armed conflict situations; being so "human," so necessary for survival and decent management of day-to-day life. Thus reconciliation points to the change of attitudes among those involved.

6.3. *Moral and legal claims*

There is however an ethical dimension, as well, in "reconciliation", which makes it representative for the message that individuals and others would like to send when they reconcile. The fundamental message is, that an individual, a group, or even a country is prepared to overlook, at least to some degree, legitimate claims (moral, legal, material) against the other person/side, for the sake of re-establishing relations based on the perpetrator's acknowledgement of the victim's suffering and a responsibility in this connection. The various components mentioned above, making up a "reconciliation process" — such as acknowledgement, contrition, truth telling, reparation, and justice — are all instruments for this.

Reconciliation processes, with their different mechanisms, deal with a situation that a society's regular institutions are not built for, and therefore not able, to deal with effectively, neither legally, socially, nor ethically. In this way, a reconciliation commission, for instance, should always be temporary, and in most cases the philosophy has been to avoid a long-term involvement of such commissions, since it means that necessary lines of responsibility need not to be developed, between regular civil institutions, on the one hand, and the commission's responsibility, on the other.

A long-term commission, then, needs to be aware of this fundamental difference in its working conditions, as compared to the short-term ones.

7. **Defining Political Reconciliation**

Reconciliation as a general phenomenon is here defined as a process where *harm is repaired in such a way that trust can again be established*.

"Harm," then, is a consequence both of injustices in a legal sense as well as of violations of human dignity that may not be covered by law. "Repaired" refers to a variety of acts and processes that various mechanisms in a process can provide, each of them hopefully tailored to a specific context. For example, there can be acknowledgement, symbolic acts, truth-telling, material reparation, legal justice, common mourning. In some cultures, the fulfilment of local and/or traditional mechanisms are as important as any other process; in other cultures, the legal dimension appears to be the primary, setting others aside, while in yet other cultures, the group-oriented and religious dimension takes precedence over others.

Hopefully, and critical for the whole process, is that human dignity is restored through these different mechanisms. This is easily said, but on the basis of dignity comes the possibility for victims to turn from being an "object" — of others' acts — to becoming a "subject," taking initiatives based on their own resources.

"Trust" is a key word in the definition. It refers to what can be described as "social trust" meaning the fundamental type of relationship in a society, without which there are no valid promises, no fundamental security in the street, etc. "Trust" in this sense lies between "confidence," which includes sharing of information, and "acceptance" which is what is demanded from everyone towards a third person, irrespective of their personal differences.

The definition above reads, "trust again can be established," which indicates that it is a broken relationship that should be established. New relations, never previously in place, are of course not an example of reconciliation, since there was nothing to sort out, in the first place.

An interesting aspect in this is the component of *over-looking* old events and current claims that on good grounds can be made on the basis of these events. These claims can be moral or legal, sometimes dealing with economic or material things (land, live-stock, destroyed economic production units, etc.). However, "for the sake of" 'something,' behind which there can be very different reasons and motivations, but anyway a new path of relations is chosen: a harbour, a school etc. is rebuilt through common effort, since everybody needs it and benefits from it. Over-looking does not at all have to mean "forgetting," or "pardoning/forgiving," but it brings fresh air into a community — whether

temporary or more lasting. It belongs to the things that no one can ask for from outside, but which nevertheless can emerge from within, given the situation that exists.

Now, political reconciliation is a somewhat different thing than reconciliation on a general level. First, "political" reconciliation is a process dealing with injustice due to political conflict. Secondly, since it takes place on the political level, it has to be cognizant and respectful of its limitations when it comes to integrity and respect for the individual dimension in reconciliation processes, as we have noted in relation to the concept of forgiveness, and "over-looking," above.

A definition of "political reconciliation" would read: *a process where harm, resulting from political violence, is repaired in such a way that trust can again be established between victims, perpetrators, and the society at large.*

A political reconciliation process has a *societal dimension* to it, which is different from inter-personal reconciliation. An issue on the political level is not only a matter between the victims and a perpetrator, for instance. If they have reconciled then it is a matter for the society as a whole — everyone has the right to know that reconciliation has taken place. Not least so that the encouraging and positive development that can come out from reconciliation becomes known to everybody affected. This final feature is a clear difference from private/individual forms of reconciliation. In the latter, no one can claim the right to know what two parties do to their relationship, in principle.

8. **Reconciliation in a Legal Framework**

In the introduction to this paper, the question was asked, how could it be that "reconciliation" made its way into the political discourse and language at all.

The literature in the subject tends either to deal with the justice dimension, the socio-psychological dimension or the forgiveness/remorse dimension.[7]

An assumption for the discussion in this paper is that reconciliation has a component that includes the *re-establishment of broken relations*.

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[7] In another context a literature review would be appropriate. Here, this statement is just an impression from the author's reading. The authors in the first group are not seldom lawyers interested in transitional justice, in the second group social workers and NGO-persons, and the third group theologians (academics, Church-based, or politicians).

If this is not part of the process, then it is not reconciliation — or better: then it should be called something else.

This assumption, which of course can be discussed, clarifies the specific contribution of "reconciliation" in the political process. It puts the concept in a creative relation to many different fields, each one contributing with their aspects. Thus reconciliation cannot solely be a legal process (to what extent can we talk about broken relations if victim and perpetrator were unknown to each other?), or solely a psychological process (to what extent should the psychological well-being of an individual determine what is possible in terms of [political] reconciliation?), or for that matter a moral/ethical process (to what extent should group-based/indigenous moral principles be allowed to determine the outcome of reconciliation? Isn't that a "parliament of the street"?)

From a legal point of view, reconciliation belongs to the reparative process, and as assumed above, it deals with the relations — normally broken relations — within such a process. When the existing, positive law is violated, the society asks for punishment — thorough the police, court, and jail system — of the violating individual, in principle. This is a process based on *retributive* justice. It is concerned with punishment of offences against the (positive) law. Now, if there is an offence, there is likely to be someone offended. *Reparative* justice is concerned with this aspect: the compensation to victims for violations of (positive) law.

Methodologically the approach in morally unilateral situations is obviously very different from a mutually defined victimhood. In the former, the "moral power," so to speak, lies in the hands of the victim(s). Thus, a reconciliation process needs to give the victims also a degree of social, political and economic power, in order for them to leave the situation of being "a victim," and gain/regain a position from where the individual or group is able to make decisions both about one's own situation and how to relate to the perpetrator, as an individual and/or group.

From such a position of strength and independence the victims can meet and relate to the perpetrator. Given that position of strength, which for instance was achieved by the victim-group in South Africa, or in East Timor, it is then possible to develop a system where the perpetrator is dealt with. This can be either through the existing legal system or through special legal or non-legal mechanisms. We will come back to that later.

In a mutual relationship of where both sides are both victims and perpetrators, there is both the sensitivity coming when one of them is the power holder, and the risk that the misdeeds by the power holder

are "sold out" for cheap sentences against the other side. Or both sides can agree, as in Mozambique,[8] to leave the whole question of (moral/legal) responsibility, and never bring it up, saying that it is not an important political issue. In terms of reconciliation, this has meant that only relatively small, local processes/acts of reconciliation have taken place, but not on a national level.

In the case of Colombia, a law was adopted in mid-2005 that grants particular reductions of sentences, etc., given certain conditions, for groups "*al margen de la ley,*" i.e. for guerrilla and paramilitary groups who decide to demobilize unilaterally and as a group. If a group chooses not to demobilize according to this law, regular criminal law applies to that group.

8.1. *The question of impunity or amnesty*

The question of amnesty — or impunity as well — lies in the tension between the morally unique position that a victim has to grant amnesty, on the one hand, and the socially necessary principle that everyone should be treated in a similar way, on the other hand. An individual person's freedom should not depend on a victim's personal judgment. Briefly one can say, that morally amnesty or impunity is a matter for the victims, but legally it is a matter of parliaments and courts.

Legal systems and traditions vary on the role of victims in regard to the perpetrator's fate. In some systems, such as in the USA, victims/relatives have sometimes a say in the release process of prisoners.

There is obviously a risk that leaders — also democratically elected — of countries with a weak — for any reason — police and court system, including prisons, is likely to consider the mechanism of reduction of punishment as a way of dealing with these weaknesses. This is easy to criticize from a legal point of view, but the interesting question is of course what happens if this weakness is disregarded, and things are set to move on *as if* the situation was "normal."

However, we don't deal with normal situations, but with situations where the number of cases outnumbers by far what even reasonably effective legal systems are able to deal with within any reasonable time limit.

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[8] This example refers to the conflict between Renamo and Frelimo, the latter the party in power in Mozambique, since its independence from Portugal.

9. **Reconciliation — Aspects of Bottom-Up and Top-Down Approaches**

Post-conflict reconciliation processes, in order to be effective, are one of the best examples of how necessary it is to combine bottom-up and top-down approaches to peace building.

If we start with the top-down process, and look at some experiences, one dimension turns out to be critical: the attitude of the winning side to its own history. It is a strong hypothesis, that there is a relationship between a leadership's — a government's — willingness to acknowledge its mistakes in the past, on the one hand, and other parties' willingness to do the same thing.

Armed conflicts are to a large extent elite projects; without material resources an armed conflict cannot continue over time. Rebellions, upheavals, mutiny, looting, burnings, killings — there are many ways by which non-armed but still very violent actions can take place. The armed conflict, however, requires weapons, training and communication. Thus, settlement of armed conflicts requires dealing with these elites — militarily crushed or not, they represent access to resources that can either spoil an agreement or support and strengthen it.

The elite's way of dealing with reconciliation — being it against or in line with their personal will — is critical, due to the resources the elites by definition can control.

A much debated apology during a reconciliation process was made in South Africa by its former president de Klerk, to the South African Truth and Reconciliation Commission, where he said that "Apartheid was wrong. I apologize in my capacity as leader of the National Party to the millions of South Africans who suffered the wretched disruption of forced removals in respect of their homes, businesses and land. Who over the years suffered the shame of being arrested for pass law offences. Who over the decades and indeed centuries suffered the indignities and humiliation of racial discrimination" (Huyse, 2003).

So far the top-down perspective.

The bottom-up perspective establishes the peace and reconciliation process among those that have suffered the most — the direct victims, the general population, the internally displaced, etc. It is easier said than done, to integrate broad layers of a population — in a country torn by war and divisions — into a process where most, at least, feel involved or at least have access to the extent wanted. Well functioning, peaceful, information-technology-based countries can still have problems with such tasks. The moral and political reasons pointing to the necessity to bring all groups in does not make it practically easier; however they give good

reasons for letting this process *take its time*. This is the only solution to the commitment idea: lack of resources can be compensated by time, a resource that a peace process should have plenty of!

10. **Truth-Telling**

One of the most well known truth and reconciliation commissions was the one in South Africa. Truth-telling was a most significant part of its work. Many believed at the time, that the mere telling of the truth would work in reconciliatory ways, that it would help to heal people on an individual level. This may be so on a national level, but sometimes at the cost of the individuals who actually tell the story.

The purpose of the truth component is, or should according to this author, not be to heal in the first place, but to recognize, acknowledge and bring light to hidden parts of a society's past. To give information to a truth commission should by no means be mixed up with giving a testimony before a court. Testifying to a court means answering the court's questions and needs, but it's a different matter to tell one's own story, one's own truth, to somebody that is interested (read: a truth commission). This is to be recognized as somebody that carries an important part of a country's, a community's common history.

As a secondary consequence of this, an individual may feel acknowledged, which is part of a healing process, and this is of course all good. However, to take statements is a very different activity from trauma healing, both in terms of practice and the necessary competence.

At this point it should be noted, that perpetrators also need to get their stories told — for their own sake and for the society as a whole.

An interesting and important second phase of truth-telling is the history-making part of it. If the stories — each person's story about his/her truth - were not told, there would be a greater risk in the future, that the history of what has happened would be re-written in the interest of some groups, at the expense of others. Truth commissions normally have as their task to summarize and draw conclusions in different ways. The statements in themselves speak for themselves, but sometimes more political conclusions are drawn, with recommendations for how a society in the future can avoid a development of the same kind, again.[9]

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[9] In East Timor, where the report from the Commission for Reception, Truth and Reconciliation was handed over to the president on October 30, 2005, more than 400 statement-takers traveled around the country and collected thousands of stories. An early example was the Guatemalan Commission for Historical Clarification. This commis-

If there were no documents at hand, no evidence and if people never had been given the possibility to freely tell their story, that country would be more fragile and exposed to historical mistakes in the future. This was an explicit South African philosophy; and there is a lot to it.

10.1. *Challenging the divisions*

Societies are not normally divided to the level of polarization that is common in internal armed conflicts, not even in conflicts based on identity lines. There are sometimes friendships, marriages, neighbourhood relations and common economic interests that cross over divisions that leaders want to draw and to profit from politically. Many in the Balkan states in Europe wonder today "how it could happen" that their seemingly mixed society in a short time became so divided that neighbours and colleagues could carry out the most horrendous acts against each other. But also in these cases there were many who stood against the tendencies of the day, there was a lot of assistance on the personal level over the (alleged) ethnic boundaries. Many conflict situations show examples of this. The consequence is that, when all things are considered, the situation is not black and white, neither in terms of loyalty nor in terms of responsibility. In order to adjust and correct the dominating, often propagandistic picture of a conflict, stories about single events, heroic initiatives, as well as everyday support, among a struggling people — in the midst of war — need to be told and documented. The leader's and professional history writer's view about what happened is not and should not for the future be the only one.

11. **Whose Justice?**

Besides the legal system that is found in each state today, there are at least two other types of systems that also claim relevance. These are, on the one hand legal systems of indigenous peoples, on the other hand, legal systems that exist parallel to the official state-based system. When it comes to indigenous peoples, a lot of work is done by governments as well as by the peoples themselves to define and relate official and indigenous systems to each other (for an example, see Colmenares, 2001). In other cases, such as East Timor, neither the colonial nor the occupying power penetrated Timorese society on a level and with a strength

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sion was severely constrained by the level of information it was able to publish, due to the political situation in the country.

enough to eradicate the traditional system of law and maintaining social order. The United Nations established a formal justice system during the UNTAET transitional period, without relating effectively to existing legal practices — with, however, one important exception.

The establishment in 2001 of the Commission for Reception, Truth and Reconciliation[10] in East Timor, included in the UNTAET legislation for the Commission a reference to a traditional conflict resolution mechanism existing in East Timorese society for centuries, a system of community-based reconciliation methods, often called '*badame'*, meaning "the road to peace" in Tetum, East Timor's traditional lingua franca. The *badame* process was, and is, well established at village level and beyond. It is also today practiced in the capital, Dili, whenever certain matters should be sorted out, in particular within family law, and minor criminal offences. The UN was able to include a role for the *badame* process within the larger scheme of legislation surrounding the work of the Commission. It was less serious crimes, i.e. with non-lethal consequences or without constituting crimes against humanity (such as rape), that were allowed to be passed on to the local level. Serious crimes revealed in the work of the Commission should be brought to the attention of the Serious Crimes Unit, a special court set up by the UN in Dili, to deal with these crimes.

A final and very important thing in the East Timorese case is that a person who passes through the regular court system, and for instance is released after a fulfilled term of sentence, is not necessarily regarded as a "free" person on the local level. He/she still has to go through the local reconciliation process, and pay the price that is connected to that, in order to be accepted again by his/her local community. The central level's legal system is simply not accepted locally.

This and similar situations require a coordination between various systems and levels of justice.

There is also a need for clarification, and maybe adjustment, between the national and international levels of justice. The main principle, though, for the work done by the International Criminal Court, apart from that it cannot act retroactively on events before its inception, is that it can take action only when the national legal system is dealing not at all, or inappropriately, with a case.[11]

In the Colombian debate over its legislation in June 2005 called Law on Peace and Justice, many mentioned the need for tuning the law to

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[10] In Portuguese, offical language of Timor-Leste, the Commission is called Comissao de Acolhimento, Verdade e Reconciliaçao, CAVR.

[11] This point seems to have missed those in the US who don't want the ICC to be an effective legal instrument.

international standards, indicating that there was a risk of international action if this was not the case. It remains to be seen where the border-line is drawn. Obviously, impunity is not accepted internationally. In the case of Sierra Leone, impunity given to some leaders as part of a national peace agreement was in practice over-ruled by the international court set up in the country to deal with crimes against humanity and against IHL. This is however a different situation than the Colombian one. In the case of Sierra Leone, there was no legal process whatsoever included in the agreement— with or without impunity. Therefore, the international court did not have to address the matter of the quality of a previous process on the same material points.

In order for a peace process, including its legal parts, to be legitimate in the eyes of the local population and the parties themselves, it is neces-sary that it is carried out in the country, by its courts if at all possible, and on the basis of national legislation. Again, the Sierra Leone case is the most recent example of a legal process out of touch with the national political and legal situation. Also in East Timor, the sentences from the Serious Crimes Panel have in some instances been sharply criticized as out of proportion, given the low ranks of those convicted, in practice al-ienating the Court and its role as a confidence-building legal instrument for the population and the nation as a whole.

It is important that if a national legal system, its police, courts and prisons, should contribute to building a stable and peaceful environment for the society, it has to actively seek support and legitimacy from the nation it serves. Thus, it has to relate to the conditions prevailing in that society in the post-war situation that is there. What are the resources and competencies available for carrying out justice? With what degree of security and resources can witnesses be brought in, offenders kept in detention, prisons be managed?

Some of these questions are closely related to the distinction made above between negotiated and enforced agreements. Obviously, in situ-ations where agreements are negotiated, there is much less leeway for actions against perpetrators, than where these are enforced. Also the general capacity of a state, not least relevant for East Timor, is a major aspect to be considered: building up a national legal system, including its staff, takes years.

12. **A Final Word**

Reconciliation, as a political process, gives space and provides in-centives for the restoration of individual and group relations broken on

the basis of political conflict. It aims at adding a "relational," "informational," and "reflectional" contribution to the political process and the security dimensions of a peace process. By "relational" is meant that relations that have been broken due to a political conflict are restored, by "informational" is meant that as part of reconciliation comes telling one's own truth, recognizing that there is not one single truth or interpretation of an event. This truth telling is the basis for the acknowledgement of injustice, of suffering and of the restoration of human dignity. Finally, by "reflectional" is meant the necessary component of self-reflection and a show of a new and different attitude on part of the perpetrator. (This can happen in legally relevant as well as symbolic situations.) As we have seen, however, it is not always a black-and-white situation when it comes to "who is a perpetrator." Therefore, a moment of self-reflection by all is a very helpful experience in a process called reconciliation.

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Lessons from Kosovo: Cluster Bombs and their Impact upon Post-Conflict Reconstruction and Rehabilitation

Robert C. Hudson

University of Derby

"Govori Srpski da te ceo svet bombarduje"

(Speak Serbian so that the whole world can bomb you)

Premonitory and black-humoured graffiti from the streets of Belgrade in the summer of 1998

"Kosovo must be made safe for the refugees to return — that is the objective."

Robin Cook, British Foreign Secretary, 5 April 1999

In this article, I wish to re-visit the Kosovo conflict and the post-conflict reconstruction of that region. First, I will seek to establish where we can actually situate the Kosovo conflict in terms of both the New World Order and the War against Terrorism. In this section I will also raise concerns over how post-modern states react towards so-called pre-modern states, by making reference to recent writings on this subject by Robert Cooper, former special advisor on foreign affairs to UK Prime Minister Tony Blair and currently Director-General of External and Politico-Military Affairs for the Council of the European Union. Then, I will consider the problematic of using cluster bombs in post-modern conflicts, by addressing the effects of cluster bombs upon the civilian infrastructures, economy and society of Kosovo, both during the conflict and in the subsequent period of post-conflict reconstruction. One of the key issues confronting post-conflict reconstruction and rehabilitation is access to medical treatment for all citizens of post-conflict regions; and this is a situation which I do not feel has been sufficiently addressed by other scholars, politicians and the media, with regard to the situation in Kosovo, where inter-ethnic tensions remain high, five years after the cessation of hostilities. I will therefore conclude this chapter by raising concerns over the adequate provision and access to hospitals and welfare for potential victims of cluster bombs in Kosovo.

Introduction

The conflicts that engulfed parts of the former Yugoslavia in the 1990s and their post-conflict aftermaths no longer hold the centre stage of media attention. Indeed, even in the arena of debate on international politics, these issues and events would appear to have been totally eclipsed by developments in both Afghanistan and Iraq. Nevertheless, it must be acknowledged that the post-conflict reconstruction of Kosovo, like that of Bosnia-Hercegovina (BiH), was a precursor of the kind of post-modern protectorates that were later to be imposed upon both Afghanistan and Iraq in the aftermath of conflict. Indeed, Kosovo and BiH apart, it has also become obvious, at the time of writing, that the post-conflict situation in Afghanistan itself attracts very modest media attention, by contrast with the post-conflict *engrenage*, or descent into chaos, that is the reality of Iraq today.[1] Yet such a state of affairs does not mean that the BiH and Kosovo conflicts and their aftermaths should simply be consigned to the dustbin of history. Much can be learned from them, particularly with regard to the use of cluster bombs by NATO air forces during the Kosovo conflict, and the deleterious impact that the use of such weapons can have on post-conflict reconstruction and rehabilitation. Yet it would seem, from my investigation, that relatively little has been learned from past experience, and that governments and military establishments continue to make the same mistakes they made five years ago, whilst losing hearts and minds on the ground.

Where to Situate the Kosovo Conflict

I do not see NATO's war against Yugoslavia, which had been referred to as a conflict of humanitarian intent,[2] as the last stage of the Wars of Yugoslav secession, but rather as the first stage of the new world order that would be fully voiced after the events of 11 September. Of course, in a chronological sense, the conflict over Kosovo predates 11 Septem-

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[1] At the time of writing, more than 400 United States troops, 50 UK troops and 18 Italian Carabinieri had been killed by insurgents. The International Red Cross had withdrawn its presence from the country, whilst President Bush was urging the speeding up of the process of handing over power to the Iraqi people, no doubt with an eye to the forthcoming US Presidential elections in autumn 2004. In the meantime a media ban has been placed on reporting the return of US bodies and on military funerals in Arlington Cemetery.

[2] The reference here is to Noam Chomsky's (1999) *The New Military Humanism: Lessons from Kosovo*, and the use of the term is deliberate.

ber; but in terms of the response, by the United States-led international community, it was the first stage in a new kind of war and international response, which some commentators have described as post-modern conflict.

There was a tendency in the late 1990s to situate the series of conflicts that took place in the post Yugoslav states as beginning and ending with the Kosovo problem. For example, it was Adem Demaci, the human rights activist and leader of the second strongest Kosovar Albanian political party, the Parliamentary Party, who in 1997 addressed his supporters with the rhetorical statement: "We have come full circle, haven't we?" Here, he was reflecting that the process that led to the break-up of the SFRJ (Socialist Federative Republic of Yugoslavia) and the wars of secession that followed, started with riots in Priština in 1981, which in turn was exacerbated by the underground strikes in the Trepca coal mines and the continuing deterioration of relations between Albanians and Serbs throughout the 1980s, which culminated in Kosovo losing its autonomous status.[3] Although Serbs were the political majority, the Albanians, at roughly 90 per cent of the population, were the true demographic majority. Yet they had been reduced to the status of *de facto* second class citizens within their own country by the process of Serb chauvinism in the late 1980s and throughout the 1990s. It was Milošević who seized the initiative in 1987 when he took up the cause of Serbian chauvinism and for a short time embraced nationalism for pragmatic reasons. As he languished in The Hague, he must have rued the day that he issued his proclamation: "Yugoslavia does not exist without Kosovo! Yugoslavia would disintegrate without Kosovo! Yugoslavia and Serbia are not going to give up Kosovo!" Of course, since June 1999, the Yugoslav authorities ceased to have any influence or control of affairs in Kosovo and, since March 2003, there is no longer a country called Yugoslavia.

However, speaking in teleological terms, the conflict over Kosovo in 1999 did not mark the end of the Yugoslav wars of secession; in fact, it was the Dayton Peace Settlement of the conflicts in BiH, in November 1995, leading to the implementation of the IFOR/SFOR/UN post-conflict protectorate, which should be recognised as having ended the Yugoslav wars of secession. I believe that the conflict over Kosovo marked the opening of a new phase in International Politics which we are still experiencing in the early years of the twenty-first century and in the aftermath of the conflict over Iraq. In terms of the US-led international response,

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[3] This had been granted, in the true pragmatist spirit of *Bratsvo i jedinstvo* (Brotherhood and Unity) in Tito's 1974 Constitution.

the conflict over Kosovo marks the first stage in the War against Terror-
ism, before the eponymous "Terrorism" had even come into existence.
How do we explain this, which at first sight would appear to be a contra-
diction in terms? It can only be explained by the changing nature of US
foreign policy towards the end of the Clinton administration. Here we
witness a process that was developing, in the second half of the 1990s,
in which the United States State Department had re-asserted its leader-
ship of the international order, under the guidance of Secretary of State
Madeleine Allbright and Richard Holbrooke *inter alia*. Gone were failed
notions of "Yugoslavia" being part of Europe's "back yard," whose inap-
propriateness had already been fully recognised long before the summer
of 1995. For it was in August 1995, following the Markale market place
massacre in Sarajevo, that the more effective Rapid Reaction Force was
introduced. This entailed the swift shift from peace keeping to peace
enforcement and the NATO bombings of Bosnian Serb Army positions
and the strategic infrastructure, including television transmitters, of the
Republika Srpska (RS - Bosnian Serb Republic). Indeed, in many ways the
situation in BiH, in the late summer of 1995, was very much a forerunner
to Kosovo in 1999. Writing prophetically in 2001, Tariq Ali (2000: 351)
has commented that: "The bombs that fell on Belgrade and other cities
may well come to be seen as the first shots of a new Cold War."

One also has to consider how, in the build-up to the Kosovo con-
flict, NATO was being strengthened and enlarged at the time of its fif-
tieth anniversary, with the accession of Poland, Hungary and the Czech
Republic, whilst the United States had clearly emerged as the single glo-
bal power in a uni-polar world order. The Kosovo crisis was certainly not
confined to Europe's back yard.

The Attitude of Post-Modern States to So-Called Pre-Modern States

Since the Kosovo conflict, some policy advisors, politicians and other
commentators have begun to advocate a "benign imperialism" or system
of "benign colonial regimes," which are far removed from former UK
Foreign Secretary Robin Cooke's much lauded "ethical foreign policy,"
the much vaunted and celebrated fruit of the "New Labour" thinking
of Blair's first 1997 administration. This "benign imperialism" has been
reflected, in particular, in the recent writings of Robert Cooper (2002,
2003), foreign affairs advisor to British Prime Minister, Tony Blair.[4]

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[4] As the final touches were being put to this chapter, Robert Cooper's new book,
The Breaking of Nations: Order and Chaos in the Twenty First Century (2003) came into

Indeed, quite a furore broke out in the United Kingdom, in the spring of 2002, concerning a paper entitled *The Post Modern State: Re-Ordering the World*, written by Robert Cooper and published by the Foreign Policy Centre. Cooper advocated the need for "a new age of empire," in which western powers no longer had to follow international law in their dealings with "old fashioned" states, whereby they could use military force independently of the United Nations and impose protectorates to replace regimes which are seen to "misgovern." Of course, in the case of the post-conflict reconstruction of BiH and Kosovo, this "benign colonialism" was already a *de facto* reality. Cooper's articulate reasoning argued that, as part of the "new military humanism," the bombing of Yugoslavia could be justified on "moral grounds" rather than legal ones. It was this very same "new military humanism" that Noam Chomsky had dismissed as a total contradiction in terms.

In reading his article, one sees that Cooper had divided the world into three types of state: pre-modern, modern and post-modern. If the pre-modern state represented chaos, and the modern state was quite prepared to resort to war in a Clausewitzian sense as, presumably, an extension of politics by other means, then the post-modern state no longer thought of security in terms of conquest or of going to war, but rather in terms of transparency or "mutual interference." By Cooper's definition, the proffered examples of pre-modern states were Somalia and "until recently" Afghanistan; whilst the examples of modern states were India, Pakistan and China.[5] By contrast, the most developed example of the post-modern system was the European Union, which was seen to "represent security through transparency and transparency through interdependence." Cooper went on to add that the EU was more a transnational than a supra-national system, a voluntary association of states rather than the subordination of states to a central power.[6]

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print. This book elaborates the details and themes that are to be found in the aforementioned publications.

[5] It is interesting to note how states that were once confident with their "rogue" status sought to improve their relations with the international community. I think of Gaddaffi's Libya in December 2003 and Iran in the aftermath of the Christmas 2003 earthquake.

[6] Cooper, op.cit. p.3. It is interesting to note that with reference to the former Yugoslavia, Cooper has commented in an endnote to his book *The Breaking of Nations* (p.174) that: "The former Yugoslavia contains elements of pre-modern, modern and even postmodern. It used to be pre-modern (hegemony option); this has dissolved and it is trying to escape from chaos into the modern national state. In Bosnia, there are many with post-modern longings." When Cooper uses the term "former Yugoslavia" in this reference, I am assuming that he is referring to what we now recognise as the State of Serbia and Montenegro (the former FRY) on the one hand and Croatia on the other.

The real bite in Cooper's thesis came with the following passage:

> The challenge to the postmodern world is to get used to the idea of double standards. Among ourselves, we operate on the basis of laws and open cooperative security. But when dealing with more old-fashioned kinds of states outside the postmodern continent of Europe, we need to revert to the rougher methods of an earlier era — force, pre-emptive attack, deception, whatever is necessary to deal with those who still live in the nineteenth century world of every state for itself. *Among ourselves, we keep the law but when operating in the jungle, we must also use the laws of the jungle.* [My emphasis].

And, for Cooper, the best way of dealing with pre-modern or failed states is through colonisation, although he admits that colonisation *per se* is unacceptable to post-modern states, nevertheless, he argues that what is needed is: "…a new kind of imperialism, one acceptable to a world of human rights and cosmopolitan values."

By applying these values and principles to the Balkans we are presented with the following:

> Misgovernment, ethnic violence and crime in the Balkans *pose a threat to Europe*. The response has been to create something like a voluntary UN protectorate in Bosnia and Kosovo. It is no surprise that in both cases the High Representative is European. (Europe provides most of the aid that keeps Bosnia and Kosovo running and most of the soldiers though the US presence is an indispensable stabilising factor). In a further unprecedented move, the EU has offered unilateral free-market access to all the countries of the former Yugoslavia for all products including most agricultural produce. It is not just soldiers that come from the international community; it is police, judges, prison officers, central bankers and others. Elections are organised and monitored by the Organisation for Security and Cooperation in Europe (OSCE). Local police are financed and trained by the UN. As auxiliaries to this effort — in many areas indispensable to it — are over a hundred NGOs.

Ultimately, for Cooper: "…the 'imperial bureaucracy' must be under control, accountable, and the servant, not the master, of the commonwealth. Such an institution must be as dedicated to liberty and democracy as its constituent parts."

Certainly, my own definition of Tito's Yugoslavia (the SFRJ) is that it was without doubt a modern state. It would only be the forces of ethnic nationalism that would transform that country, and particularly Serbia, into the pre-modern mode.

At the end of the day, post-modern colonialism may have become the reality in BiH and Kosovo, as might well be the case in Afghanistan and Iraq — although there is no escaping the fact that the "benign colonialism" of the US-led protectorate in Iraq has currently degenerated into *un bourbier infecte*, or chaotic mess.[7] One British political scientist who has written much about the Balkans in the post-Dayton world is David Chandler, who, by contrast, objects to the terminology employed by Cooper as being "the old-fashioned language of *Realpolitik* and western power", and he has advocated dressing it up in what some might refer to as typical rhetorical "Blair-speak" ("universally empowering", "equality of human dignity," "international civil society" and the "duties of cosmopolitan citizenship" with the empowerment of "local voices," the provision of "capacity-building" and supporting the lengthy process of "democratisation" and "civil society building") (Chandler, 2002).

But I think that the biggest risk here is what underlies the various interpretations of our contemporary understanding of international relations: the misrepresentations of other communities and peoples, which make western thought, opinion, and policy, truly colonial, if not actually xenophobic: not only in deed, but also in spirit.

This development has not eluded Bosnian intellectuals with regard to the UN protectorate established in BiH, the forerunner of the UN protectorate in Kosovo. For example, Drazen Pehar (2002) acknowledges

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[7] I make no excuse for resorting to the use of pejorative French expressions in writing this chapter (vis. *bourbier infecte* and *engrenage*). The reason for this is that as I write and reflect on the events concerning the post-conflict situations in Kosovo and Iraq, I am constantly reminded of the discourse of my first thesis on French attitudes, and particularly the protests, against the French state and army and the way the *sales guerres* (dirty wars) of decolonisation in Indochina and Algeria were being conducted, between the late 1940s and 1962. Attitudes and actions in France in that period are not far removed from the kind of opinions being expressed and actions taking place today. A report on the BBC Radio 4 Today programme on 17 November 2003, threw me straight back into that discourse. It has been reported that Italian protesters against the war in Iraq have helped to fund the Iraqi rebels who are currently killing US troops on a daily basis, and by implication that there are members of the Italian public who must bear the burden of responsibility for the killing of 18 Italian Caribinieri, serving in Iraq, on 14 November 2003. This is not so far removed from the actions carried out by members of the PCF (French Communist Party) and fellow travellers, who, after 1947, sabotaged French military materials destined for use by the French Expeditionary Corps in Hanoi and Saigon. Similarly I think of those *porteurs de valises*, pro-FLN sympathisers, who carried explosives across the Mediterranean to Algiers in order to help the Algerian struggle for independence from their French colonial masters. *Plus ça change…* And, for that reason, I find the title of David Chandler's (2002) *Observer* article to be most appropriate indeed.

that one option might be to transform Bosnia into a protectorate in which the OHR (Office of the High Representative) would probably be the one to take the role of a "BiH emperor" who would "rule over a Bosnia in a fashion not unlike that of the period of Austro-Hungarian rule in the late nineteenth and early twentieth centuries." He admits that in such a scenario there would be little sense of compromise in Bosnia and that there would be the strong likelihood that: "the leading politicians would continue in their underground work on planning for the period following the colonial conquest of the High Representative," when the first chance to fight for pre-Dayton political objectives would most likely be taken.[8]

Concomitant with the musings of IR theorists and politicians, we have also identified a western elitist view of the perceived incapacity of so-called Balkan peoples to cope with democracy and, in a linguistic register that is redolent of Howard Temperley's (1912) imperialist prose style of the early twentieth century, that the peoples of the Balkans are "even incapable of governing themselves," thus legitimising the growth and the empowerment of international mandates in the region. David Chandler, in his excellent book *Bosnia: Faking Democracy after Dayton* (1999: 133), recounts an interview he held with Carl Westerndorp, the one-time High Representative, based in Sarajevo, who seems to be imbued with an essentialist view of the local population: "It is ugly to democratise a country using force, but where you have such *abnormal mentality in the leadership,* [my emphasis] then you have to do this." Westerndorp's reasons for saying this serve, no doubt, as an attempt to both justify and empower the OHR's role in BiH, post-Dayton, and particularly after the 1997 Bonn PIC (Peace Implementation Council), which gave the OHR *de facto* colonial powers, thus transmogrifying the High Representative into a post-modern colonial governor. Nevertheless, it says something too of the contempt for the local population held by individuals in such powerful positions, which is not that far removed from western attitudes towards the Balkans throughout the nineteenth and the first half of the twentieth centuries.

Little hope of escape from reductivism and essentialism seems to be provided by other political leaders and personalities; even David Owen, who, in my opinion, normally demonstrates a very clear and

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[8] Pehar also offers the possibility of Bosnia portioning itself into a loose confederation of three entities, although he does not rule out the possibility of this being achieved by resorting to further violence. This is a position which I share, in the continued belief in the important security role that is being played by SFOR in maintaining stability in the region.

erudite understanding of conditions in the Balkans, felt moved to write the following essentialist comment in the introduction to his book, *Balkan Odyssey*:

> History points to a tradition in the Balkans of a readiness to solve disputes by taking up arms…it points to a culture of violence…[and] dark and virulent nationalism. (1995: 3)

Sadly, many western academics and politicians have fallen into this trap and continue to do so. It is this reductivist, essentialist approach which keeps re-emerging, probably out of a fear of getting embroiled in a perceived quagmire of Balkan politics, which from a US perspective might be posited upon the lens of history, with regard to the experience of "Vietnamisation" and the fear of "mission creep."

What happened in BiH may be carried across to Kosovo, with Rambouillet as a successor to Dayton and the imposition of an international system that makes it well-nigh impossible for Albanian Kosovar institutions to regulate themselves — to say nothing of the situation confronting the minorities in Kosovo, such as Serbs, the ethnic Turks, Muslim Bošnjaks, Gorani, Aškali and the Roma *inter alia*. Although it is not the focus of this work, one does wonder if the international community is sowing the seeds that will yield a bitter harvest of the kind that appears to be coming to fruition in the newly formed post-colonial protectorates of Afghanistan and Iraq. But, we need to return to the way that the new *imperium* conducts its post-modern conflicts, and in particular, to address the use of cluster bombs in these conflicts. I will do this by concentrating on the delivery of cluster bombs over Kosovo and the Former Republic of Yugoslavia[9] in 1999.

Of course the conflict over Kosovo was fought "out of conscience" (Cooper, 2003; Ali, 2002: 151); nevertheless, conscience is a two-edged sword. Tariq Ali makes out the case that both the conflict over Kosovo and that over Iraq were part of the same ideology: "conscience." This links in with the idea of Blair being tough on defence as with crime, and also, the other side of the Defence/Kosovo coin, that of being tough on Balkan refugees or Asylum Seekers (Ali, *ibid.*)

But, at the end of the day, it is not just the establishment of "benign colonial regimes" in the guise of post-colonial protectorates in the aftermath of conflict, that is our concern, but also the nature in which conflicts are waged by the post-modern states. Is it that some of the weapons chosen by the first world powers in these conflicts, such as

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[9] Renamed the State of Serbia-Montenegro in March 2003.

cluster bombs, which by all accounts are little more than *de facto* anti-personnel mines when they fail to explode, in terms of their effect? Is it that the use of such weapons demonstrates that the post-modern states are little more than contemptuous in the way that they treat the peoples of so-called pre-modern states, such as citizens of Kosovo, Montenegro and Serbia, as, indeed, those of Afghanistan and Iraq?

The Problematic of Using Cluster Bombs in Post-Modern Conflicts

In August 1995, when NATO launched operation Deliberate Force against Bosnian Serb positions in BiH, the United States military leadership decided to prohibit the use of cluster bombs, recognising the potential dangers to civilian life and safety which were inherent in their deployment. By contrast, in 1999, the United States Air Force and Royal Air Force resorted to use such weapons in their bombing campaigns over both Kosovo and other parts of the then Federal Republic of Yugoslavia.

Figures vary slightly on the number of cluster bombs dropped over Kosovo and Serbia in 1999. For example, Landmine Action, claims that during Operation Allied Force 333 strike missions inside Kosovo used 1,392 cluster bomb dispensers containing 289,536 sub-munitions, of which, according to the report, NATO has claimed that between 8 and 12 per cent failed to explode, leaving as many as 34,744 live bomblets on the ground (Janes Defence Weekly, 2000; Norton-Taylor, 2000). These figures might indeed raise questions about the dubious "failure rates" advocated by the military-industrial complex, which will be addressed in due course.

But our first question is this; why was it that the US military were not prepared to use cluster bombs over Bosnia-Hercegovina during Operation Deliberate Force in August and September 1995, whilst they were quite prepared to use them over Kosovo in 1999?[10] This would seem to be a peculiar reaction, when one considers that in the case of Kosovo, more than 92 per cent of the estimated population was ethnic Albanian, the very side that the United States and its allies were claiming to protect in their conflict of humanitarian intent. Not only this, but the US was

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[10] Actually, Titus Peachy, writing his report, *Clusters of Death*, for the Mennonite Central Committee (www.mcc.org, p.9) comments that NATO forces dropped two CBU-87s during Operation Deliberate Force, in September 1996, whilst by contrast, NATO forces dropped 1,100 CBU-87s on Serbia and Kosovo during the 1999 conflict.

resorting to the use of cluster bombs, which are not precision weapons, at a time when the US military was claiming greater accuracy and sophistication in its weapons systems. In the case of Kosovo there was the problem of fragmentation patterns being even greater, because of medium and high altitude bombing; the greater the height, the greater the dispersal rate and hence the less the accuracy.

This makes me think that in Kosovo, as in Afghanistan with the Northern Alliance, there was resort to the widespread usage of "native" troops, who could be re-designated as the "Sepoys"[11] of the post-modern conflicts of the contemporary era that have witnessed the implementation of "benign imperialism." Similarly, one thinks of Secretary of State Colin Powell's comment about "a First World air force" being connected with a "Fourth World army — B-1 bombers and guys on horses," a sort of combination of the post-modern and the pre-modern.[12]

Cynicism aside, *vis-à-vis* the careless use of "Sepoys" by the post-modern powers in their policy of "benign imperialism," other factors enter into the debate; and a key problem with the cluster bomb, is that the big military powers want a weapon that can serve several military purposes at the same time. The cluster bomb is referred to as a CEM (Combined Effects Munitions). CEMs are clearly seen as being more complicated weapons than land mines *per se*, which are often the cheapest and simplest weapon available. Also of note, is that the delivery systems that are needed for CEMs render them affordable only to "big armies" thus denying access to the insurgents and guerrillas who make up the post-colonial "other" of the post-modern war. Ultimately, the whole military argument is focused upon the word "intent" or "primarily," as in the phrase "primarily designed…," which is the expression used in the Ottowa Agreement to legally recognise the deployment of cluster bombs as opposed to that of anti-personnel mines.[13] This focuses upon whether a state or military organisation intends to use these weapons as cluster bombs or as landmines. Everything is therefore posited upon the moral integrity and moral intent of individuals and states in their pursuance of war.

Apart from moral intent, another problem confronting the use of CEMs, such as cluster bombs, is that of the "dud rate" or failure rate of the sub-munitions contained inside these cluster bombs, which effectively turns sub-munitions into antipersonnel landmines, which deto-

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[11] I use the term "Sepoy" deliberately, not out of a spirit of political incorrectness, but in keeping with the colonialist theme that underpins this essay.

[12] *New York Times*, 13 November, 2001, quoted by Friedman (2002: 43).

[13] This issue is fully elaborated upon in Dr. Faulkner's introduction to this book.

nate on contact, and are unable to distinguish between combatants and innocent civilians. This is, of course, the moral "bottom line" for those who advocated banning cluster bombs. As in the case of bombing from greater altitudes, higher dud rates imply the risk of incurring a greater number of casualties; including greater numbers of civilians and children, who have been killed or injured, both during the conflict, and in its aftermath. This means that cluster bombs are transmogrified into *de facto* time bombs. Three types of cluster bomb were dropped over Kosovo, each with different fuse failure rates, hence leaving many munitions lying around on the ground as UXOs (unexploded Ordnance) or *de facto* landmines. In the short term, live sub-munitions impede civilian and refugee movement; in the long term, they inhibit agriculture and economic recovery. Human Rights Watch, HRW (1999) also estimates that the dud rates for the CBU-87 and the RBL 755 vary greatly from the conservative 2-5 per cent claimed by manufacturers, to between 10 and 30 per cent.

The reasons for high failure rates are many and varied. In compiling the Mennonite Central Committee report, *Clusters of Death,* the author, Titus Peachey, makes reference to an interview with ACT (Action by Churches Together) de-miners at Dečani, Kosovo, in December 1999, who cited high altitude delivery, angle of impact, and vegetation, such as trees or bushes as contributing factors to a higher dud rate. The use of cluster bombs with expired warranty dates may also account for a higher dud rate, and Peachey's report provides photographic evidence, taken at the ACT warehouse, of two CBU-87 cluster bomb containers which had expired warranty dates.[14] So much for quality assurance!

There is also strong evidence of the propensity of cluster munitions to malfunction for a number of other reasons, including pre-combat movement and storage, and dispersal failure during delivery; alongside the insufficient impact force to cause detonation, due to soft ground and vegetation, referred to above (Janes Defence Weekly, 2000).[15]

Cluster bombs were also used outside Kosovo, as part of the overall bombing campaign conducted, twelve days into the conflict, against the major cities of Serbia and Montenegro, most notably over Niš, Novi Sad, Belgrade and Podgorica, which suggests an apparent disregard for civilian life, given the indiscriminate properties of these weapons.[16] Human Rights Watch reports on the use of cluster bombs over Batajnica airbase to the north of Belgrade and Zemun and the site of Yugoslavia's military

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[14] *Clusters of Death,* www.mcc.org., pp. 4-5.
[15] It might be interesting to note that the Soviet "butterfly" mines used in Afghanistan were deliberately designed so that they would not break on impact.
[16] I am not even going to go into the issue of using depleted uranium.

airbase, as well as over Podgorica airfield in Montenegro. The problem with bombing these two sites with cluster bombs is that they are surrounded by areas of civilian population, thus making the risk of so-called collateral damage all the greater. For example the Batajnica base lies one kilometre from the small town of Batajnica.[17] Once again it should be noted that the higher the altitude at which cluster bombs are dropped, the wider will be the dispersal radius of the sub-munitions and the greater, therefore, the potential risk to non-military targets. And, in the case of the bombing of Batajnica, on 17 April, this was the first example of the uses of cluster bombs in Serbia proper. During this raid, a three-year-old girl was killed outright and five people were injured when a nearby school was struck (ITAT-TASS News Agency, "NATO bombs continue to bomb civilian facilities," 20 April 1999, cited in Wiebe, 1999, 5).

HRW, meanwhile notes that "at higher altitudes, pilots have a reduced capability to make sighting corrections" and that "at greater altitudes, the bomblets do not necessarily have the opportunity to fuse properly," so that in the end the dud rate is likely to be even higher.

It has also been reported by Landmine Action that more than half of the bombs used over Kosovo by the RAF were unguided RBL755 cluster bombs. Landmine Action has reported that according to reports leaked from the Ministry of Defence, 31 per cent of cluster bombs dropped Kosovo missed the target, with a further 29 per cent unaccounted for. This happened, despite the fact that the official US government assessment of Operation Desert Storm, in 1999, had found that unguided munitions, including cluster bombs, deployed at medium to high altitude were likely to miss the target and cause collateral damage (Janes Defence Weekly, 2000, 2).

General Sir Hugh Beach, in his briefing paper published in February 2001, in his annex on the use of cluster bombs by the allies in Kosovo, addressed the issue of assessing the number of civilian casualties both during the conflict and in the aftermath of conflict. He comments as follows:

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[17] Of interest is the graffiti employed at the beginning of this chapter, "Speak Serbian so that the whole world can bomb you," which came from the streets of Belgrade, nine months before the conflict started. I discovered this graffiti, during my summer vacation, whilst staying with a Serbian friend's extended family of parents/grand-parents, brothers and sisters with their spouses and children, in the very same small town of Batajnica, to the north of Belgrade and Zemun, which would be bombed in April 1999. At the time, August 1998, one of the notable features of my visit was the sound of Migs in the skies above Batajnica, Zemun and Belgrade. As the Migs streaked at high altitude through the Belgrade skies, the black humour at the time was that NATO was practicing for the eventual bombing of Yugoslavia.

…post-conflict casualty reports of the Yugoslav government varied, but all agreed in estimating the death toll of at least some 1,200 and as many as 5,000 civilians. US officials on the other hand, testified before Congress that there were only twenty to thirty incidents of "collateral damage" during the war.

Both these figures are belied by the findings of a painstaking and comprehensive bomb-damage assessment mission carried out by Human Rights Watch in August 1999. It found that there had been 90 separate incidents involving civilian deaths during the campaign and that between 488 and 527 civilians were killed as a result. The team determined the intended target in 62 of the incidents. Military installations accounted for much the greatest number but nine incidents were caused by attacks on civilian targets believed by Human Rights Watch to be illegitimate. A third of incidents occurred as a result of attacks on densely populated areas, although in Belgrade at least only precision-guided weapons were used. Almost half resulted from attacks during daylight hours.

Of the 90 incidents, 32 occurred in Kosovo, the majority on mobile targets or military forces in the field. These were more deadly, accounting for more than half the deaths. The team was able to determine the weapon used in only 28 of the incidents. In 21 of these precision-guided munitions had been used. Cluster bombs were positively identified in only seven incidents (another five being possible but unconfirmed) and the team assessed that some *90-150 civilians died from the use of these weapons.* [My emphasis].

The civilian death rate of between 90 and 150 deaths is also referred to in The House of Commons Select Committee on Defence, 14th report, *Conduct of the Air Campaign*, Tuesday 24 October 2000, p.14. Section 147 of the report records the following:

Greater investment in precision-guided munitions could also help to defuse one of the more controversial aspects of the bombing — the casualties caused by the use of so-called "cluster bombs"…. The RAF is still reliant upon the use of such cluster bombs in certain roles (particularly anti-armour), and during the air campaign the RAF dropped 531 BL755 cluster bombs, designed principally to destroy tanks and other vehicles. The MoD's report states that, of the targets engaged by the RAF, 530 were against fielded forces. This strongly suggests that cluster bombs were used primarily for this purpose. *Over 50% of the bombs dropped by the RAF were cluster bombs.*

Of course, the main reason for using cluster weapons was to destroy tanks and other vehicles. We learn from Section 149 of the report that the British government, recognised the weakness of cluster bombs, which was highlighted during the Kosovo air campaign, where cloud caused many free-fall and laser-guided missions to be aborted, because

the avoidance of collateral damage and civilian casualties were high priorities [my emphasis]. The House of Commons Select Committee on Defence suggested that in future conflicts, the RAF should use an alternative weapons system, namely the MoD's Brimstone programme of anti-tank guided missiles "…with their own autonomous target-seeking radar, which will not require continuous guidance from its launching aircraft." The report went on to comment that the MoD expected that this weapon would enter service in October 2001. The problem is that allied forces have since fought two wars over Afghanistan (2002) and Iraq (2003), and yet they have continued to use cluster bombs in these conflicts. Clearly, the lessons from the air campaigns over Kosovo and Yugoslavia remain to be learned.

Finally in Section 150 of the Report, in reply to Secretary of State for Defence Geoff Hoon's vigorous defence of the use of cluster bombs, the Select Committee on Defence comments:

> The Secretary of State's claim that cluster bombs are "the most effective weapons" for an anti-armour ground attack task does not, we believe, apply to the circumstances of this campaign. At the very least, their reputation as an indiscriminate weapon risks international condemnation, undermining popular support for an action. The UK needs a more discriminatory anti-armour system in order to move to an early end to reliance and recourse to these weapons in inappropriate circumstances.

At the time of writing, in the aftermath of aerial bombing campaigns conducted against Afghanistan and Iraq, it would appear that we still await this development. One of General Sir Hugh Beach's concerns about the conduct of the air war and the number of civilian casualties in Yugoslavia was the number of casualties that occurred through the bombing of densely populated areas. Yet, when one reads the Human Rights Watch Report on Iraq, published on 12 December 2003, and entitled *The Conduct of the War and Civilian Casualties in Iraq*, it would appear that few lessons have been learned since the summer of 1999. Indeed, although Bush may have called the war in Iraq: "one of the swiftest and most humane military campaigns in history," thousands of Iraqi civilians were killed or injured during the three weeks of fighting from the first air strikes on 20 March to 9 April, when Baghdad fell to US-led coalition forces.[18] According to Human Rights Watch, despite the

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[18] Casualty rates vary. On page 4 of the report, HRW reports that the Associated Press calculated at least 3,420 civilian deaths in three weeks of fighting, whilst the *Los Angeles Times* gives a more conservative estimate of more than 1,700 civilian deaths.

fact that cluster munitions strikes are particularly dangerous in popu-
lated areas, US and UK ground forces repeatedly used these weapons in
attacks on Iraqi positions in residential neighbourhoods, and coalition air
forces also caused civilian casualties by their use of cluster munitions, but
to a much lesser degree. In the end, most of the civilian casualties would
appear to have been attributable to Coalition conduct in the ground war
and to have been the result of ground-launched cluster munitions. The
Coalition has left behind many tens of thousands of cluster munitions
"duds," in other words sub-munitions that failed to explode on impact,
which have become *de facto* land mines, which will continue to cause
casualties during the period of post-conflict reconstruction. One of the
main recommendations of the HRW (2003) is that:

> There should be no use of air- or ground-delivered cluster munitions
> until the humanitarian problems associated with these weapons are re-
> solved. In particular, their use should be suspended until the dud rate can
> be reduced dramatically. If cluster munitions are employed, they should
> not be used in or near populated areas. [*Beach's recommendation, four
> years previously!*] Stocks of older, highly unreliable and unguided cluster
> bombs should not be used under any circumstances.

Furthermore, one learns that in the three-week period of conflict
over Iraq (20 March-9 April 2003) the US Air Force dropped more cluster
bombs on Iraq than they had over Afghanistan during a period of six
months. Although, in the section on "The Conduct of the Air War," one
reads that some lessons from past wars may indeed have been learned,
notably the dropping of far fewer cluster bombs in populated areas; and
furthermore that the United States Air Force, though sadly, it would ap-
pear, not the Royal Air Force, had resorted to improved technology and
had used more up-to-date equipment so that the use of cluster bombs
had been reduced to 4 per cent of the total number of air-delivered sys-
tems used. Nevertheless, one learns elsewhere that in Iraq, the greatest
number of civilian casualties due to cluster bombs, was caused by the
use of ground-launched weapon systems.

One of the highly publicised accidents involving the use of CBU-87s
in the Kosovo conflict occurred in the Serbian city of Niš on 8 May 1999,
when a cluster bomb strike aimed at Niš airport went horribly wrong,
and the city's hospital and outdoor market were both hit by combined-
effects munitions, resulting in 15 deaths (Simpson, 1999). Another re-
port by Katarina Kratovac, writing for Nando media, reports that 60
other civilians were wounded in this attack.[19] It was after this attack

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[19] http://archive.nandotimes.com/kosovo/story/.

that NATO forces cut back on their use of cluster bombs, allegedly out of concern for civilian "collateral damage". However, an HRW report published at the time might cast a different light on this affair, and it can be no coincidence that the Niš incident took place at the time of another development in the conflict — namely, events on the ground. With reference to previous US experience in the 1991 Gulf War, the HRW report, entitled *NATO's Use of Cluster Munitions in Yugoslavia*, comments as follows:

> One of the most immediate problems raised by the large number of unexploded bomblets that was being observed on the ground was the threat to US and coalition forces in ground operations. The situation became so critical that the use of cluster bombs by aircraft was cut back by US Central Command during the ground war for fear of friendly casualties. As the ground war began, in some instances, *"ground movement came to a halt because units were afraid of encountering unexploded ordnance."* [My emphasis].

Was it, perhaps, this experience of an earlier war that had a more profound impact upon US military thinking than concern for civilian casualties at Niš?

The war-guilt, however, does not rest solely with the US and British allies. Indeed, it should be noted that cluster munitions were used by both sides during the conflict. In his *Cluster Bomb Use in the Yugoslavia/Kosovo War*, Virgil Wiebe (1999: 2) comments on how NATO spokesmen initially dismissed reports of cluster bomb usage in late March 1999, but later attempted to justify the use of the munitions. The Serbian authorities, by contrast, criticised the use of cluster bombs by NATO, because these were "banned by international law;" while at the same time VJ (Yugoslav Army, *Vojska Jugoslavije*) artillery was firing cluster bombs into Albanian territory and therefore deliberately creating *de facto* mine fields, in a bid to destroy KLA base camps.

Wiebe's report (1999: 6) goes on to list NATO's use of cluster bombs against Serb targets, throughout March and April 1999, highlighting civilian casualties as and when they occurred. Once again Wiebe remarks on how NATO spokesmen, such as Jamie Shea, at first denied that NATO was using cluster bombs, then that as it became clear that this lie would no longer work, that NATO responded that they would never drop cluster bombs anywhere near civilians. The list that follows refers to sorties in which civilian casualties were incurred, I have not included, in this list, damage reported to have been done to civilian property:

29 March: use of cluster bombs against the Serbian villages of Vr-bovac, Nogila and Koritište in the Vitina municipality where civilian casualties were reported (near the Kosovo-Macedonian frontier).

1 April: two ethnic Albanians were killed, and six others injured, in Orahovac, near Đakovica.

6 April: Royal Air Force Harrier GR7s bombed Aleksinac, in which 12 civilians were killed and 28 injured.

11 April: Merdare was bombed and five people were killed.

14 April: civilian tractors and trailers were attacked and ethnic Albanian refugees were killed near Đakovica.

16 April: Batajnica, near Zemun and to the north west of Belgrade was bombed by cluster bombs. One three-year-old girl was killed outright and another five people were injured.

24 April: five Albanian Kosovar brothers were killed and at least two other children injured by a cluster bomblet in Doganovic, about 30 south of Priština. One hour after the boys were killed, shrapnel from a cluster bomb killed a six-year-old child in the ethnic Albanian village of Velika Dobranja, about 12 miles to the south of Priština. Some of these incidents beg the question, what was NATO doing, bombing ethnic Albanian villages in the first place?

29 April: sub-munitions from a cluster bomb dropped on Golubovci military airport, three miles from the centre of Podgorica, capital of Montenegro, killed one civilian and injured several others. The sub-munitions fell on a village near the airbase.

When one reads back over the news reports of the period one is nonplussed at the way in which NATO officers responded to the press on the use of cluster bombs. Virgil Wiebe (1999: 6) refers to the following example:

When asked by a journalist about the use of wide area munitions and the possibility of civilian casualties, British Air Commander David Wilby stated on April 7, 'I've always stressed the meticulous care in which we plan for these attacks. And even though we may use cluster munitions, we take the utmost care to make sure that when we use them, the area that we are using them against is free from the sort of collateral damage that you're talking about.[20]

What worries me here is that we seem to enter into the obfuscation and out-right denial of truth, common to conventional, inter-state warfare, whereby, to use that old cliché, truth becomes the first casualty. Yet the war over Kosovo was not a conventional war; it was an undeclared war and arguably an illegal war. It was also a post-modern war

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[20] Quoting Leon Harris, "Yugoslav Cease-Fire 'Cannot Simply Wipe the Slate Clean and Take us Back to the Status Quo Ante,'" *CNN Live Event/Special*, 7 April, 1999.

in which Britain and the United States were at no time threatened by the military forces of the Federal Republic of Yugoslavia. Indeed, many of us were even able to stay in touch with our friends and colleagues in Yugoslavia, via the Internet, throughout the conflict, which meant that there was always access to an alternative viewpoint to the of NATO. Furthermore, we had access to reports in newspapers or on television by journalists based in Belgrade, such as Robert Fisk or John Simpson, which for individuals, such as myself, who had once lived in Yugoslavia, always seemed to have a greater touch of reality than some of the spurious claptrap that was emanating from NATO headquarters in Belgium.

At the end of the day, to all but the most cynically-minded follower of *Realpolitik*, cluster bombs, because they are indiscriminate and excessively injurious weapons, should be classed as inhuman weapons, alongside dum-dum bullets, poisonous gases and land mines. Unexploded ordnance (UXO) from cluster munitions kills more people than anti-personnel land mines, but they are not as yet subject to international law. Cluster bombs should be made illegal.[21]

Post-Conflict Rehabilitation and the Problem of Cluster Bombs

Cluster bombs, by acting as anti-personnel mines, whatever the cause, reason or intents of their usage, can create terrific wounds to human beings. The problem is that their ability to cause wounds is not just confined to the duration of a conflict, but that, by their very nature, the bomblets can create terrible damage many years after the conflict has ceased. The aim of this section is to consider the long-term, post-conflict impact of these weapons.[22] Beach's (2001: 9-10) findings on this are useful:

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[21] In Kosovo, between June 1999 and May 2001, 60 per cent of the victims left after NATO's military campaign were killed by UXO, compared with 37 per cent by landmines. Fifty-eight people were killed by UXO and another 97 people were injured — two thirds of them children — between June 1999 and May 2001. ICBL Media Report, 19 November 2003, with reference to the consortium formed to lobby for a ban on cluster munitions in the Hague on 19 November 2003. The consortium is made up of more than 180 NGOs, including Landmine Action UK, Handicap International and Human Rights Watch. The consortium is urging other international organisations to join the campaign for a ban on the use, production or transfer of cluster munitions as well as increasing resources to support communities affected by unexploded cluster munitions and to force countries that use these weapons to recognise their responsibility to clearance programmes, the education of civilians and assistance to victims.

[22] It is not the intention of this section to treat this problem from a global aspect by looking at, for example, the use of cluster bombs in Cambodia, Laos, Vietnam and

NATO itself is reported to have estimated that 10 per cent of bomblets from cluster bombs dropped during the campaign did not go off. So, of some 290,000 bomblets dropped, roughly 29,000 remained as a permanent hazard. In fact, reports from expert mine-clearing parties working in Kosovo suggest a slightly higher figure. Yet, by the end of May 2000, only some 4,070 unexploded bomblets had been cleared under UN auspices.

A document published by the ICRC reports that a total of 492 people had been injured by the "remnants of war" in the year ending May 2000. Of these 176 were caused by APM and 151 by cluster bomblets. Of the latter casualties 50 had been fatal. There are a number of fields, forests and vineyards in Kosovo which as of December 2000 were still unsafe due to contamination by cluster bomblets.

In Kosovo, between June 1999 and May 2001, 60 per cent of the victims left after NATO's military campaign were killed by UXO, compared with 37 per cent by landmines. Fifty-eight people were killed by UXO and another 97 people were injured — two-thirds of them children — between June 1999 and May 2001. Children were more likely to be victims of UXO than landmines because they pick up ordnance without knowing what it is. Many of the victims were farm workers and UXO could have huge economic consequences such as changes in the use of land or the abandonment of entire communities.[23]

This problem is neatly summed up by Landmine Action in their report *Cluster bombs: The military effectiveness and impact on civilians of cluster bombs*, with the following statement: "The legality of using weapons that have an unacceptable post-conflict impact on civilians and that act as a widely recognised obstacle to rehabilitation, resettlement, reconstruction and development, must be in doubt" (Landmine Action, 2003: 4). According to Jane's Defence Weekly (2000: 1):

What became immediately clear was that here was a serious problem with unexploded cluster submunitions. During Operation Allied Force, 333 strike missions inside Kosovo used 1,392 cluster bomb dispensers containing 289,536 sub-munitions. NATO believes that 8-12 per cent failed to explode, with as many as 34,744 live bomblets remaining on the ground.

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other benighted places. This has already been dealt with admirably elsewhere, as many of the internet sources which I have resorted to in the compilation of this text might already attest; most notably those of the ICRC, the Mennonite Central Committee and also Landmine Action.

[23] CNN reporting on the Landmine Action Report, CNN, "Lethal Legacy of Cluster Bombs," 25 March 2002, www.cnn.com.

Added to this, one has to consider the cost of cleaning up UXO contamination. CAAT has estimated that each land mine and *de facto* land mine (cluster bomblet) can cost $1,000 to clear (*ibid.*, 4). According to Peter Ford, writing in *The Christian Science Monitor* on Friday 8 September 2000, quoting figures provided by NATO to UNMACC in Priština, 290,000 bomblets dropped over Kosovo failed to explode.[24]

Civilians are the principal victims of contemporary conflict with up to 90 per cent of victims being civilians in recent intra-state conflicts. This contrasts with 90 per cent casualties being young men at the time of the First World War. Kosovo started as an intra-state insurgency and then escalated to the status of inter-state conflict, when NATO intervened in April 1999.[25] The ICRC (2003: 3) reports how large numbers of civilians are killed or injured each year by unexploded munitions and how most become victims after the fighting has ended in spite of the fact that they were not the target of the munition when it was laid, delivered and fired. This has an obvious impact on post-conflict rehabilitation and the return of displaced persons, which might seem to contradict the late Robin Cook's claim, used at the beginning of this article. Kosovo provides a recent example of this situation and the ICRC report goes on to comment that in the one year following the end of the conflict in that region, 492 people were killed or injured in UXO incidents. According to data collected by ICRC mine awareness staff throughout Kosovo, roughly one-third of these victims were killed or injured by anti-personnel mines, one-third by sub-munitions and one-third by other ordnance.

Landmine Action comments that: "The key information required to speed bomb clearance is to know exactly where the bomblets are, where each bomb in each strike was delivered. But the UN was denied access to accurate information from NATO for more than 12 months, which included information that could have been life-saving. The UN report quotes casualty rates in Kosovo from all UXO casualties as follows: 342 casualties in 1999, 95 casualties in 2000 and 22 casualties in 2001. The casualty figures for 1999 refer to the six-month period between the end of the conflict on 16 June and 31 December 1999. This means a figure of 459 casualties for a war that lasted only 3 months by comparison with 1,000 casualties in peace time in BiH for a conflict that lasted three years.

Given the circumstances this is quite unacceptable. Ultimately, "…given the number of people that have been killed by NATO cluster bombs

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[24] http://www.csmonitor.com/durable/2000/09/08, p. 2
[25] Although it was never officially designated as a war by NATO.

since the end of Operation Allied Force, and the true achievements of the bombings in Kosovo, it seems clear that the use of cluster bombs proved disproportionate to the military advantage gained" (Landmine Action, 2003, 3).

Yet it would seem that few lessons have been learned from earlier Yugoslav conflicts in Croatia and BiH. A study by the ICRC (1998), entitled *The Silent Menace: Landmines in Bosnia and Hercegovina,* reported that every month in BiH, landmines kill between thirty and thirty-five people, eighty percent of them civilians. And that the presence of these munitions is hindering reconstruction, severely reducing food production and diverting resources needed to rebuild society.

Another ICRC report (2001) refers to more than a thousand mine victims in peacetime. The ICRC took on responsibility for mine awareness activity in BiH, distributing, by March 1996 alone, 100,000 brochures and 10,000 posters to schools, community centres, various associations, public kitchens and medical facilities in order to reach the greatest number of people (ICRC, 1996a). With a massive, countrywide mine-awareness campaign, with Red Cross instructors and volunteers in the spring of 1996, which ICRC (2001a) claims helped to reduce the number of new victims from over 600 in 1996 to less than 100 in 2000. And as I read of this sterling effort by the ICRC on 31 October 2003, I reflected how the ICRC is pulling out of Iraq, where it would seem that cluster bombs have been used indiscriminately by both the United States Army and the Royal Air Force.

If the reasons for NATO intervention over the Kosovo crisis were to stop Serb aggression against Kosovar Albanians, as was frequently expressed by British Prime Minister Tony Blair and his cabinet colleagues at the time, such as the then Foreign Secretary Robin Cook, Defence Secretary Geoff Hoon and former Minister for Overseas Aid and Development Clare Short,[26] with a view to repatriating those Kosovar Albanians who had been ethnically cleansed by the Serbian authorities, then why on earth did NATO adopt a military policy, namely the widespread use of cluster bombs over Kosovo, that would place so many civilians at risk on their repatriation?

What happens to refugees on their return? One of the big problems is that of displaced people, who have been ethnically cleansed, and what happens to them when they return to the places that they had fled from. Farmers have no choice but to work in the fields, whilst

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[26] One of the ironies of the Iraq *débâcle* is the way in which Cook and Short, both enthusiastic supporters of the war over Kosovo, have distanced themselves from Blair over Iraq.

children might venture into dangerous areas, even though they have been warned to keep away from these areas (ICRC, 1996b); hence the need for mine awareness training, which is an absolute pre-requisite for returnees. In situations where no mines awareness exists, casualties rise dramatically. There has been long experience of this in the Yugoslav successor states, earlier in Croatia and BiH, more recently in Kosovo. Earlier reports estimated the existence of between 2 to 3 million landmines and unexploded ordnance throughout BiH, where the civilian population faced grave danger (ICRC, 1996a). The ICRC Report goes on to comment that:

> Many people have no choice but to live and work in areas which are heavily contaminated with these deadly devices, especially when people live close to the former confrontation line, where four years of war have rendered the ground an extremely dangerous place to set foot.

Mary Robinson, former President of the Irish Republic and until recently the UN Commissioner for Human Rights has added her voice to the growing concern expressed over the increasing use of cluster bombs in or near civilian areas, whilst Sister Pak Poy, Australian Co-ordinator for the ICBL has expressed concern over the long-term impact of cluster bombs on civilians which "…far outweighs the justification of their short-term military use."[27]

The Kosovo conflict lasted only eleven weeks (24 March to 10 June 1999) yet left behind it a severe problem of unexploded devices which will take considerable time to address, thus costing civilian lives and affecting the process of post conflict rehabilitation. The ICRC (2001b) argues that a large proportion of the deaths and injuries from the explosive remnants of war in the post-conflict context is both predictable and preventable.

When the conflict ended in Kosovo, under Resolution 1244, the United Nations Security Council authorised the creation of the Untied Nations Interim Administration Mission in Kosovo (UNMIK) which in turn established a Mine Action Coordination Centre (MACC) to deal with the threat posed by landmines and UXO, and that contamination with mines/UXO during the conflict was not only the work of the VJ (*Vojska Jugoslavije* — Yugoslav Army) and the KLA but also due to bombing by NATO air forces. At its peak MACC had 17 NGOs and commercial companies conducting mine and battle area clearance in Kosovo, and by De-

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[27] Frank Faulkner quoting Sister Pak Poy, cited in Wiebe (2002).

cember 2001, all 620 VJ minefields had been cleared, and the majority of areas struck by cluster bombs were surface, and sub-surface cleared.[28] When MACC closed in December 2001 the responsibility for future EOD was passed on to the UNMIK Directorate of Civil Protection (DCP) and the Kosovo Protection Corps (KPC). As of October 2002, however, there still remained 122 areas within Kosovo that still required some form of investigation and if necessary, clearance. Meanwhile, Noam Chomsky had commented upon the strange morality of getting the VJ to clear its own minefields, whilst US forces did nothing about removing cluster bombs. At the end of the day, *Macht ist Macht*!

In the meantime, the Mine Victims Assistance Programme for Kosovo in 2002 reported 192 children (between 10 and 18 years old) injured by UXOs on their database and has provided help in five areas: medical, material, educational, psychosocial and legal, at the cost of 130,000 DM in 2001 and 200,000 Euro in 2002. with the intention of continuing the programme throughout 2003.[29]

Access to Welfare Provision, Hospitals and other Medical Services

Access to welfare provision, hospitals and medical services in general, for civilian casualties of unexploded ordnance, is perhaps the most important aspect in the whole debate over the use of cluster bombs and their impact upon the civilian population in a period of post-conflict reconstruction. Yet, it is a subject which does not appear to have received much attention either from fellow academics or members of the media. However, given the run-down condition of medical facilities in Kosovo, that is often reported by the International Red Cross and Amnesty International, concomitant with the often chauvinistic attitudes of ethnic Albanian medical staff towards members of the non-Albanian minority communities,[30] there is cause for expressing extreme concern over the condition and access to these facilities in Kosovo.

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[28] www.mineaction.org, 30 November, 2002.

[29] www.mineaction.org, Mine Victims Assistance Program — Kosovo 2002.

[30] I first became aware of these problems following the broadcast of the television documentary, *A Kosovo Journey*, written and presented by Jonathon Dimbleby and produced and directed by Alexander Gardiner for London Weekend Television. This programme was first broadcast on ITV, on 16 January 2000. At the time of writing, December 2003, there are still many cases reported by IGOs and NGOs, of ethnic Albanian medical doctors and nursing staff, refusing to treat non-ethnic Albanian patients.

The issue of the availability and access to medical facilities is fundamental to the success or failure of post-conflict reconstruction and rehabilitation in the region. Post-conflict Kosovar Albanian society is a deeply racist and chauvinistic society in which discrimination against minorities continues to be a major problem for the international community (especially UNMIK, KFOR, the OSCE and the ICRC) which is trying to introduce the principles of democracy and civil society in that region. I am concerned how this negative attitude of the ethnic Albanian majority might affect access to healthcare and welfare for minority communities in Kosovo and how this would affect the victims of cluster bombs and mines, in particular.

Concomitant with the situation confronting the health services in Kosovo, one should also note that there is no effective welfare system in Kosovo. What welfare there is, is denied to non-Albanians. In South Eastern Europe, in general, familial systems of support play a much greater role than in other European countries such as the United Kingdom, France or Germany. Because of the poverty of Kosovo, and the control of institutions by the Albanian mafia, exacerbated by inter-ethnic rivalry and hostility, non-Albanians have to rely on family support. In reality this means a lack of access to education, medical and healthcare, welfare and pensions for members of minority communities, such as the Gorani, Serbs, Bošnaks, Aškali, Egyptians or Roma.

During the war, cluster bombs and mines were already creating some horrific injuries. Chomsky cites Paul Watson, writing in the *Los Angeles Times* on 28 April 1999:

> …these weapons are causing horrific wounds; with hundreds treated in Priština's hospital alone, about half of them civilians, including Albanian children killed and wounded, mostly victims of time-activated cluster bombs designed to kill and maim without warning.

In a similar vein, Virgil Wiebe, in his report *Cluster Bomb Use in the Yugoslavia/Kosovo War* (1999: 5), quotes from the same article by Paul Watson, in which Dr. Rade Grbić, a surgeon and director of the main hospital in Priština, reported an unprecedented number of amputations as a result of the bombs. He commented as follows:

> I have been an orthopaedist for 15 years now, working in a crisis region where we often have injuries, but neither I nor my colleagues have ever seen such horrific wounds as those caused by cluster bombs…. They are wounds that lead to disabilities to a great extent. The limbs are so crushed that the only remaining option is amputation. It's awful, awful…. Most people are victims of the time-activated

> cluster bombs that explode sometime after they fall… People think it's safe, and then they get hurt… There are villages here where large portions of the area cannot be accessed because of a large number of unexploded cluster bombs… Even when all of this is over, it will be a big problem because no one knows the exact number of unexploded bombs.

And Dr. Grbić went on to report how, at the time Priština's hospital had treated between 300 and 400 people wounded by cluster bombs, of whom roughly half were civilian casualties.

This was the situation during the conflict. However, since the end of hostilities in June 1999, Serb control had been completely removed from all administrations in Kosovo. This has resulted in a reversal of the old parallel system, whereby it is the ethnic Albanians who now have political and administrative control of affairs in Kosovo.[31] No more so, than in the running of the hospitals and other healthcare provision.

One also has to consider another aspect of the post-conflict humanitarian re-building programme, namely the denial of access to hospitals and other medical facilities on ethnic grounds, and this would particularly affect those ethnic minority populations who live in the villages mentioned by Dr. Grbić which lie at some distance from the main centres of urban population in Kosovo, where the hospitals are based and where the dominant populations are ethnic Albanian. Here we enter into a different dynamic, namely that of the denial of treatment to ethnic minority groups by the Albanian victors in a society that is deeply chauvinistic. Amnesty International reports that thousands of Serbs and Roma fled to Serbia or Montenegro at the end of the conflict or took refuge in mono-ethnic areas in Kosovo, as murders, violent attacks, abductions, rapes and attacks on property were perpetrated against Serbs as well as Albanians, Roma and others accused of "collaboration" with the Serb authorities. Those that remained in Kosovo were concentrated in enclaves and pockets that were guarded by KFOR. Against this background of mistrust, intimidation and violence is the effective denial of the right of minorities to enjoy freedom of movement in Kosovo today. My concern is that members of these communities are being denied access to medical and welfare facilities.

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[31] Since ethnic Albanians in the early 1990s had been denied access to welfare, eduction, healthcare and other administrations, they set up a parallel system to that of the FRY which included its own alternative government under the leadership of Ibrahim Rugova. Since the end of the conflict in June 1999, "the boot was on the other foot" as it were, and now it is the Serbs and other ethnic minorities who have had to strive to institute a form of parallel system for their day-to-day survival in Kosovo.

Suffice it to say that the status of the Gorani, Ashkali, Bošnjaks, Serbs and people of mixed origin in Kosovo is extremely unenviable. They are despised by Albanians in general and disadvantaged in every conceivable way, in terms of employment prospects, housing and every-day resentment from ethnic Albanians who see them, like the Roma, as collaborators of the Serbs. On my last visit to this region, in November 2001, I was taken to Gorani, Serb and Roma villages, near Dragaš, in the Gora region of Kosovo, by one of my colleagues in the OSCE. I asked my colleague about the plight of these peoples. His reply was that, if, for example, one of them was taken ill, they would have to be escorted in an APC (armoured personnel carrier) in a military convoy to the nearest German military hospital in Prizren. If the illness were more serious, they would have to be flown by helicopter to a civilian hospital in Belgrade. Such is the discrimination against the Gorani.

Amnesty International have highlighted their concerns, not only about the inadequacy of health care in Kosovo, but also about what they describe as discrimination in the provision of health care (Amnesty International, 2003: 17-18). The report opens with a quotation that even if medical doctors are prepared to treat patients from the ethnic minorities in hospitals in Kosovo, they are often afraid to do so.

Amnesty International (2001: 17) is concerned that:

> …members of minority communities are neither provided with a system of health protection, nor with equality of opportunity in ac-cess to healthcare provision, which — according to the UN Committee on Social, Economic and Cultural Rights — is a "fundamental human right indispensable for the exercise of other human rights" (p. 141).

The AI Report goes on to comment that:

> AI has received allegations of direct discrimination against mem-bers of minority communities in the provision of healthcare. The UN-MIK Social Welfare office in Gjilan reported that they were aware of cases in which Albanian doctors had refused to see minority patients, or where they had been deliberately kept waiting for several hours without reasonable cause (op.cit.).

One of the several examples that the AI Report recites, concerns a woman who was only able to receive treatment after the KFOR troops escorting her had *threatened the doctor at gun-point to provide treat-ment* [My emphasis].

There are accounts of shortages, deficiencies, lack of staff and short-ages of medicines, with the comment that: "AI delegates found primary healthcare for minorities failed to meet even basic standards" (*ibid.:* 17).

With regard to trauma, which might be incurred as a result of UXO injuries, Amnesty International reports:

> Given the prevalence, within the enclaves, of long-term ill-health, anxiety, depression, addiction, and mental health problems associated with trauma, AI is concerned that the failure to ensure the provision of adequate healthcare service within the enclaves violates the right to health of minority individuals and communities (*ibid.*).

Perhaps the most damning concern expressed by the AI report with regard to the international community, is this:

> …there is compelling evidence to suggest that the UNMIK Department of Health continues to deny members of minority communities "the equality of opportunity for people to enjoy the highest attainable state of health", as required by Article 12.1 (d) of the ICESCR, and in CESCR.

The penultimate paragraph of the AI Report, utterly confirms what I myself experienced and discussed with long-term OSCE staff in Kosovo in 2001, namely that:

> In an emergency, the minority patient or their relative has to telephone KFOR, or go to a KFOR check-point, and then await for either KFOR or UNMIK Police to come and take them to either the Health House (Dom Država) in Kosovo Polje or Gračinica.

The last point on this is AI concern that:

> …according to representatives of the Kosovo Doctors' Association and the Serb Doctors' Association, standards of medical treatment had declined, along with access to medicines and sanitary equipment. It was also claimed that patients who arrived at the Mitrovica hospital for treatment, arrived at the hospital at a point where their health condition had deteriorated. In one instance reported to UNMIK staff, a man had bled to death while waiting to be taken to hospital.

Conclusion

If the role of the international community, in promoting its moral and post-modern wars with "humanitarian intent" (Chomsky) is, in the words of former British Foreign Secretary, the late Robin Cook, to make a place "safe for the refugees to return" after the conflict, then one needs to take into account the apparent inability of the international commu-

nity to resolve swiftly and satisfactorily post conflict-reconstruction and rehabilitation. Kosovo, Afghanistan and Iraq provide three classic examples of this. One also needs to consider the cost of de-mining and the wide-spread damage that can be caused by cluster bombs, which to all intents and purposes, apart from legal definition, contaminate areas as *de facto* anti-personnel landmines. If one also takes into account the severe problems of access to welfare provision, hospitals and other medical services and the non-provision of these services for ethnic minorities in what are, in reality and practice, nothing more than deeply racist, chauvinistic, intolerant and undemocratic societies; then there can be only one solution to the continued use of cluster bombs in post-modern conflicts and their impact upon post-conflict reconstruction and rehabilitation, and that is simply: Ban them!

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Mourning and Mistrust in Civil-Military Relations in Post-Dirty War Argentina

Antonius C.G.M. Robben
Utrecht University

"Often, as I returned to my house late at night, I saw lights burning in your windows and I asked myself who was living there, how the decisions that we had taken that day affected you, to what extent I was fulfilling my obligation to watch over the destiny of my fellow countrymen, and I would have liked to enter each and every house and talk to you, listen to you, and ask you about your joys and disillusions." Admiral Emilio Massera, member of the three-man junta, on 17 September 1978

This confession by admiral Massera betrays the extent to which the Argentine military dictatorship sought to control the lives of its citizens during the dirty war that raged from 1976 to 1983.[1] The violence unleashed in that tragic decade penetrated deep into the homes of the Argentine people, and disrupted the relations of protection, safety, trust, and love that dwelt there. Nearly two-thirds of all disappeared were abducted at home.[2] The violation of the home by the military shattered the

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[1] The political violence of the 1970s or, more narrowly, the military rule of Argentina between 1976 and 1983, has been described with a confusing array of names that each betray different imputed causes, conditions, and consequences. The military have used terms such as dirty war, antirevolutionary war, fight against the subversion, and the Process of National Reorganization. Human rights groups talk about state terror, repression, and military dictatorship. Former revolutionary organizations employ terms used by human rights groups, but also talk about civil war, war of liberation, and anti-imperialist struggle. Whether the violence of the 1970s is described with the term antirevolutionary war, civil war, or state terror is important because each designation implies a different moral and historical judgment that may turn patriots into oppressors, victims into ideologues, and heroes into subversives. I have chosen to use the term "dirty war" because of its common association with disappearances and state terror.

[2] To be exact, 62% of the people still missing in 1984 were detained in their home, 24.6% in the street, 7% at work, and 6% in their place of study (CONADEP 1986: 11).

intimate ties of its inhabitants, and caused a profound mistrust of the
State and its institutions among a great segment of Argentine society.
Civil-military relations remained damaged for more than a decade after
the turn to democracy in 1983, in part because of the psychological con-
sequences of the terror inflicted on the victims of the dirty war.

Even though the Argentine military turned the words "dirty war"
and "disappearance" into household names, Argentina was not the only
country in Latin America that instilled its own population with fear and
resorted to a brutal repression of the political opposition. Other military
regimes had already paved the way. The Brazilian military who ruled be-
tween 1964 and 1985 were responsible for around 125 disappearances
(Arquidiocese de São Paulo, 1985: 261). Around one thousand people
disappeared in Chile after the 1973 coup d'état, while Guatemala set
a sorry record with an estimated forty-two thousand disappeared since
the start of the ruthless counterinsurgency campaigns in 1966 (Green,
1995: 119).

State terrorism and systematic repression were characteristic of most
military dictatorships in Latin America, and in particular of Argentina,
Chile, Brazil, and Uruguay. The military in these four countries perceived
a common threat of communist infiltration after the 1959 Cuban revo-
lution, and agreed that the democratic governments were not doing
enough to protect the national sovereignty and the region's Christian
cultural heritage. Once the military came to power, they tried to silence
the political opposition at great human cost, and cooperated closely to
persecute political dissidents throughout the Southern Cone. Uruguayan
citizens were abducted in Argentina and imprisoned in their own coun-
try, Chilean refugees were tortured in Argentina, and Argentine exiles in
Brazil were traced through the SNI, the country's all-powerful National
Information Service (see CONADEP, 1986; Arquidiocese de São Paulo,
1985).

The repressive methods of these four military dictatorships were at
first inspired by the French colonial wars against liberation movements
in Indo-China and Algeria, and later by U.S. counterinsurgency strate-
gies. Latin American military officers were trained in the 1960s at the
U.S. Southern Command in Panama, and at Fort Bragg, North Carolina
(Loveman and Davies 1989). The armed forces in all four countries thus
received the same training in repressive methods, but each country de-
veloped its own practice of breaking the political opposition and armed
insurgency, for reasons that are beyond the scope of this paper. Disap-
pearances occurred in Brazil and Uruguay on a relatively limited scale.
Brazil tortured suspects, held them incommunicado, and used death
squads to kill political opponents. Uruguay preferred imprisoning nearly

fifty thousand people in detention centers between 1972 and 1983. About five thousand persons were convicted, and subjected to traumatizing prison conditions. The Chilean military carried out tens of thousands of executions, but made people disappear in far lesser numbers. Argentina was responsible for the largest number of disappearances (Fagen, 1992; Stepan, 1988: 14-16).

Disappearance was the preferred tactic of the Argentine military to combat the guerrilla insurgency that had emerged in 1969. The most immediate military objective was to sow terror and confusion among the revolutionary forces, but repression soon spread to civil society as a whole. The disappearance of combatants debilitated the guerrilla organizations because of the fear that under torture they would betray their comrades in arms. The operational goal of the disappearances was closely tied to the express wish to annihilate the enemy by breaking its will to fight.[3] This objective turned into the obsession to annihilate opponents also physically; not only by killing them but by destroying their remains. The disappearance of these corpses was seen as a means to paralyze the opposition. The military believed that the anguished search of relatives and friends for the disappeared would rule out any desire for further political action.

Paradoxically, the attempt to silence the political opposition had a reverse effect. Human rights organizations arose which demanded information about the whereabouts of the disappeared, a group of mothers held weekly protests in front of the presidential palace at the Plaza de Mayo, and a clamor was raised abroad. Apparently, the military had underestimated the human need for mourning and the moral obligation to care for the dead. The powerful need of parents to bury their dead children became the driving force behind a political opposition movement that hastened the eventual downfall of the military regime.

I shall argue that the disappearances carried out in the intimacy of the home invaded the relation of parent and child, and provoked intense feelings of guilt among the surviving parents about having failed to protect their adult and adolescent children in the hour of their greatest need. Most disappeared were killed shortly after their detention by the security forces, and their bodies interred in mass graves. Parents were deliberately left in the dark about the fate of their missing children, and were thus denied the right to properly bury them. It was at this inter-

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[3] On 6 October 1975, the Argentine government signed secret decree nr. 2772 which authorized the Armed Forces "to carry out military and security operations necessary to annihilate the actions of subversive elements in the territory of the entire country."

section of the political and domestic domains that parental trust and protection became mobilized, and led mothers either on a search for the human remains or to a vindication of the revolutionary ideals held by many disappeared before their abduction. I shall conclude that the dirty war tactics of disappearances politicized the human need of parents to bury their children, and deeply affected civil-military relations in decades after the dictatorship by a continued refusal of the armed forces to hand over their former enemy dead.

Basic Trust and Mistrust

Erik Erikson (1951) considered the constitution of basic trust as essential to the healthy social and psychological development of a child. Basic trust is shaped during the earliest stage of childhood when the baby learns to rely on its main caretakers. Although basic trust is believed to be a universal stage of human development, its particular manifestation in the child's everyday practice has unique personal, social, and cultural dimensions. Each mother shapes in her own unique way her child's personal development. The way in which a mother attends to the needs of her baby shapes the child's development of confidence and trust in her. At the group level, the mother, father and siblings protect the baby against threats from the outside world. The particular social dynamics of the nuclear family influence the forms of trust acquired by the child. Finally, the cultural environment shapes the infant's development. Parents transmit certain expectations about the world through culture-bound child-rearing practices, and teach their children whom to trust and whom to mistrust (Erikson, 1951: 221; Caudill and Weinstein, 1972; Levine, 1988; Levine et al., 1994: 247-256).

On this three-dimensional foundational trust established within the intimacy of the home, relationships are build with the outer world, with relatives and friends, but also with society at large and its political institutions. Drawing extensively on Erikson, Giddens (1991: 36-40) has argued that this basic trust provides people with a sense of security that allows them to interact with strangers in an unpredictable social environment. Daily routines and social conventions serve to continuously renew their basic trust, because persons cannot feed for the rest of their lives on the trust established in early-childhood. Basic trust is thus not an inalienable part of the personal constitution but can disintegrate beyond recovery after undergoing a traumatic experience.

Trust is by definition intersubjective, and the basic trust given needs to be reproduced just as much as the trust received. The protection provided

by the mother and the father shapes them as much as their child. Parents will continue to provide this care for the rest of their lives, wanting to protect the child even when he or she has grown into adulthood. It is the impotence at being unable to give this care to one's suffering child that can be so traumatic, as I will continue to demonstrate with an analysis of dirty war disappearances in Argentina between 1976 and 1983.

Inner and Outer, Home and State

The abduction of political suspects from their homes and the humiliation of their witnessing relatives by the Argentine military violated the basic trust of the victims involved. The home is the place where a person acquires his or her conception of the world as a social, moral and physical space divided into an inner sanctuary and an outer world (Piaget, 1971: 331). The home exudes trust and safety because these values are given concrete meaning there between parent and child, brother and sister. The forced entry into the home by a military task force is therefore an attack that takes place as much on the physical and psychological as on the social and cultural level. The basic trust of a person is assaulted as much as the integrity of the body and the sanctity of the home, and family relations are as much damaged as the symbolic order of society in a private and a public domain.

Argentine military task forces had a preference for arresting people at home, during nightly hours, and with a massive show of force, even when they knew that the suspect was unarmed. "They detained me at home," so began Rubén Darío Martinez the typical account of his abduction from his apartment. "A group of people, seven or eight persons, entered... I was asleep. They broke down the door, covered me with a hood, put me against the wall, and began to inspect the entire place. They asked me where the weapons were, turned the mattress over, broke everything, and forced me to the floor. After hitting me at my home, they placed a pistol to my head, and then took me downstairs" (*Diario del Juicio* 15: 331).

The impact of the physical and psychological violence of the abductions was so intense because the assaults took place in the home. The State intruded violently on the domestic domain, thus transgressing a social, material, and symbolic barrier that is so common in all Latin societies, including Argentina.[4] The public sphere is regarded as

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[4] The roots of this division lie in ancient Greek and Hebrew culture (Arendt, 1958: 22-78). A similar dichotomy can be found in contemporary Islamic and Mediterranean cultures. The opposition between public and private is elaborated in cultural values

a dangerous place whose harmful influences must be prevented from polluting the intimate domestic sphere. Thresholds, material demarcations, and open spaces are erected to either prevent unwanted intruders from entering or allow those invited into the home to undergo a symbolic transformation as they move from one social sphere to the other (Brown, 1987; Robben, 1989b; Taylor and Brower, 1985; Van Gennep, 1960: 15-25).[5] Thus, a forced entry violates this social, material, symbolic and emotional division between the two domains. Children sense this infraction on the sanctity of the home immediately. When a nightly task force broke into the house of Marta Lifsica de Chester in November 1976 to abduct her husband Jorge, the twelve-year old daughter Zulema woke up and entered the living room. The surprised commanding officer asked her: "'What are you doing here?', to which the girl responded: 'I am in my house. What are you doing here?'" (*Diario del Juicio* 32: 594).

The assaults were also extended to the objects that gave content and meaning to the lives of the inhabitants (see Csikszentmihalyi and Rochberg-Halton, 1981). Photographs, paintings, porcelain, toys and mementos were often broken and even urinated upon. This aggression against the home went in one case even to the extreme of tearing down walls and modifying the arrangement of the rooms. This happened to Mrs. Garcia Candeloro who, together with her husband, had been abducted in June 1977 from their home in the Andean capital of Neuquén. Her husband died under torture. After her release six months later, Mrs. Garcia Candeloro decided to move to the coastal town of Mar del Plata. When she arrived at her house in Neuquén to put it up for sale, she discovered to her dismay that a group of policemen were living there: "my house was completely plundered. They had destroyed the bookcases and even the walls. They had made compartments. The house had four rooms and with those compartments made out of broken bookcases they had created about seven rooms in the dining room" (*Diario del Juicio* 8: 175). The conversion of the dining room into provisional bedrooms turned their sociospatial functions and cultural meanings upside down (see Robben 1989b). The semi-public living room, where guests used to gather, had now become confounded with the most intimate retreat of the house in a disturbing jumble in which refuge was no longer possible.

such as honor and shame, modesty and display, and loyalty and betrayal (see Benn and Gauss, 1983; Damatta, 1987; Moore, 1984; Peristiany, 1965; Robben, 1989a, 1989b).

[5] See Feldman (1991: 88-97) for a Foucaultean analysis of the transgression of the domestic sanctuary by the nightly house arrest of political suspects in Northern Ireland.

Forced Separation and Basic Trust

The ways in which Argentine parents responded to such violent break-ins and the subsequent abductions reveal much about the mobilization of parental feelings of trust and protection. The threat of loss makes parents place their children's well-being ahead of their own. Weiss (1993: 274-275) argues that the mother and father seek to be physically close to the child when it is threatened so that it can be reassured of their protection by touching or at least hearing and seeing its parents.

Whenever a task force entered a home during those cruel years between 1976 and 1983, the thoughts of the mother went invariably first to her son or daughter, and only later to her husband and herself. Generally, she would run to the child's bedroom and stay at its side. When Margarita Michelini was ordered to follow her assailants outside, and hand over her baby, "I told them to kill me right there, but that I was not going to give them the baby" (*Diario del Juicio* 9: 207). The twelve-year old daughter of Nelida Jauregui was awakened "with a machine-gun to her head and they wanted to take her away from me, so I embraced her and I told them that this was not going to be possible because she was an infant and I took her to my bedroom" (*Diario del Juicio* 31: 568). The reaction of mothers in such dramatic situations was so unexpected that in a number of cases the infants were not abducted to be given to childless military couples (see Herrera and Tenembaum, 1990; Nosiglia, 1985).

The feelings between mother and child were reciprocal in the sense that the protection went out not just from parent to child, as Weiss (1993: 275) suggests, but also from child to parent. Twelve-year old Zulema Lifsica de Chester, who had earlier questioned the assailants' presence in her home, protested again when her blindfolded mother was thrown to the floor: "My daughter saw this and began to scream that they shouldn't push her mommy. Then they asked her: 'Why do you defend your mother?' She told them: 'Would you have liked it if someone did something to your mother?', to which she did not receive an answer" (*Diario del Juicio* 32: 594). The girl was taken to her bedroom and interrogated about the hiding place of political pamphlets. The anguished mother heard the men's questions but not her daughter's replies. "Then I also begin to scream: 'Where is my daughter? What is happening with my daughter?', until they finally throw us together in the hall" (*Diario del Juicio* 32: 594). Mother and daughter were separated once more and interrogated in their respective bedrooms. Zulema declared nine years later in court that her interrogation took between 30 and 45 minutes during which she was beaten and sexually abused.

But even under these trying circumstances her attention went out to her parents: "And I ask him where my parents are; so he tells me that I can go and look for my daddy in a ditch. Then I asked him for my mother and again he tells me that my mother is fine, that she is in the other bedroom" (*Diario del Juicio* 32: 595). When Zulema asked to be taken to her mother, the men fetched the mother instead, and tied her back to back to her daughter. They left the house and took the father with them.

The need to protect the children even endured under torture. How can a mother ever betray her children when she raised them with the certainty that they can always rely on her? Melba de Falcone, who had helped her son move to a new house as he had just married, was detained for abetting a subversive and tortured to reveal his location: "I asked them if they didn't have a mother. I asked them how they could do this to me. I had gone to help a son move, and they screamed at me that the mother in them had been killed by the guerrilleros.... I really didn't know where he had gone, and if I would have known I would have died for my son, because he was my son" (*Diario del Juicio* 3: 67). Maria Elisa Hachmann de Lande was tortured for forty-eight hours to reveal the whereabouts of her son. "At that time they thought that it would be easier to force the mother to say something, no? Or to say where they were. But if I gave life to my son, would I then bring him death?" (interview 13 April 1990).

When the torture of parents did not yield the desired information, then the torturers exploited parental feelings by abusing infants and even unborn babies (CONADEP, 1986: 305-310; Suárez-Orozco, 1987). Norberto Liwski was told that he was going to accompany one of his small daughters into the torture chamber. The attending physician, however, warned the torturer that he could only use the electric prod on children that weighed more than 25 kgs. In a psychological torment, Liwski was shown the soiled underpants of his little girls. "This went on and on, this torture of using the children in this way. At various opportunities they told me that they had such control over my daughters that they had films of them on which I could ascertain myself--if I cared to see them--the degree of control they had over them" (*Diario de Juicio* 30: 549).

The newspaper publisher Jacobo Timerman witnessed the havoc inflicted on the Miralles family as they were being tortured in each other's presence: "The entire affective world, constructed over the years with utmost difficulty, collapses with a kick in the father's genitals, a smack on the mother's face, an obscene insult to the sister, or the sexual violation of a daughter. Suddenly an entire culture based on familial love, devotion, the capacity for mutual sacrifice collapses" (1981: 148). From his cell, Timerman heard the father trying to get an apple to his chil-

dren, and the children trying to learn about the fate of their parents. He learned of the father's powerlessness, "that impotence that arises not from one's failure to do something in defense of one's children but from one's inability to extend a tender gesture" (Timerman, 1981: 148-149).

This impotence was not only felt inside the torture centers but also by the parents of the disappeared. Waiting quietly for the abducted child to reappear was felt as abandonment, while active protest was regarded as life-threatening. This dilemma became magnified during an official media campaign that carried slogans such as: "How are you raising your child?" "Do you know what your child is doing at this precise moment?" (Kordon and Edelman, 1988: 34). Officially intended to make parents aware of the education of their children and make them responsible for the company they kept, it produced tremendous guilt among those parents whose children had been abducted. Mothers were indirectly blamed for not raising their children properly and thus for contributing to their involvement with the guerrilla organizations.

As more and more people disappeared, the numbers of those seeking for their abducted relatives also grew. In September 1977, a group of mothers of the disappeared decided to stage a weekly protest against the abductions. They became world-famous as the Mothers of the Plaza de Mayo (*Madres de Plaza de Mayo*). This heroic resistance and protest against the military junta was a natural expression of maternal protection, a demonstration of the trust between parent and child.

The military junta was at a loss about how to react on the public protest. They did not think of mothers as political actors. "Paradoxically... the military in these societies preach traditional family values and valorize motherhood in an attempt to strengthen patriarchal rule in the home. This insistence upon the woman's sacrifice for and obedience to the family and to her children has backfired on the military as women have demanded to know what has happened to their sons and daughters" (Schirmer, 1988: 45; see also Navarro, 1989). At first, the Madres were ignored, then belittled as "the crazy women of Plaza de Mayo" (*las locas de Plaza de Mayo*). Later, the weekly protests at the Plaza de Mayo were repressed. Many mothers were abducted, tortured or detained, while some leading figures disappeared altogether.

The Madres utilized their role as mothers brilliantly in their resistance strategy. They emphasized that they did not have political motives or feminist objectives. They simply identified themselves as housewives and mothers who wanted to have news about their disappeared children. What was more natural for a mother than to want to know about the whereabouts of her children? What made their demand unusual was that they expressed these maternal feelings in a public domain domi-

nated by a repressive patriarchal State. They transgressed the division between public and domestic in a reverse direction than the one used by the military assault teams which had invaded their homes and abducted their children. In a second transgressive act, they domesticised the public space by introducing symbols of the home. They donned scarves resembling diapers and displayed photographs of their loved ones (Schirmer, 1994: 203). The maternal feelings of protection and trust were the principal driving forces behind their crusade.

Guilt also played a role in this incessant search. The feeling that one had not done one's utmost to prevent the abductions is a source of strength not to be underestimated. The struggle of the mothers between 1977 and 1983 has been documented extensively and needs not to be repeated here (see Bousquet, 1984; Fisher, 1989; Guzman Bouvard, 1994; Oria, 1987; Simpson and Bennett, 1985). What is of more concern here is how mothers affiliated with the Madres and other human rights organizations reacted after a government investigative committee concluded in 1984 that the disappeared could be presumed dead. Once again, conflicting maternal feelings of protection and abandonment were stirred up as now the loss had to be mourned but the final rites of death could not be administered in the absence of a corpse. The Argentine mothers searched for the remains as if these were still their suffering children, while feeling guilty not only about having abandoned them in the hour of death but also about being unable to provide the maternal care of a proper burial.

Exhumations and Revolutionary Protest

When Raúl Alfonsín assumed the presidency of Argentina in December 1983, he installed the CONADEP, a commission with the mandate to inquire into the fate of the disappeared. This became almost an impossible task because the military junta had gone to great lengths to destroy the corpses of their victims. Corpses were cremated, abandoned at roadsides, thrown in rivers, or interred as unidentified bodies in mass graves at cemeteries near the torture centres.[6] The Navy even went to

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[6] The military rulers made two official attempts to have the disappeared pronounced dead, even in the absence of a corpse. A law was issued in September 1979 that declared all persons presumed dead who had disappeared between 6 November 1974 and 6 September 1979. They hoped that this decree would end the insistent appeals from human rights organizations. After the 1982 defeat in the Falklands/Malvinas war, the interim government of general Bignone published a final report about the 1976-

the extreme of flinging heavily drugged detainees from planes at sea (García, 1995: 461-470; Verbitsky, 1995).

The first evidence of the existence of mass graves appeared in late October 1982, only months after the military junta was forced to step down following the debacle of the Falklands/Malvinas War. An estimated four hundred unidentified bodies were found at the cemetery of Grand Bourg near Buenos Aires (Cohen Salama, 1992: 60-62; *Somos,* 1982 319: 11). The effect of the discovery on the Argentine public was shattering. There was disbelief and anger. More mass graves were opened in dozens of places and the perforated skulls exhibited in what the news media called a "horror show." The display of piles of bones and bullet-ridden skulls revealed to the stunned Argentines the horrors of the military dictatorship as well as the chance that they could very well have met the same fate. Nevertheless, despite the gruesomeness of the discoveries, people were hopeful that now they would be able to mourn and bury their dead.

At first, the human rights organizations were much in favor of the opening of mass graves. Hebe de Bonafini, the leader of the Madres de Plaza de Mayo, believed in October 1982 that the exhumations would restore the name and identity of the human remains. At last, the disappeared would be wrested from anonymity and given a proper burial (*Humor,* 1982 92: 47). However, De Bonafini and many other mothers in her wake began to have misgivings about the continued exhumations when forensic experts failed to identify the victims. She became convinced in January 1984 that "there is sufficient proof to send a great number of those guilty of this horror to prison," but she expressed doubts about the political will to prosecute them (*Somos,* 1984 382: 20). The mothers' faith in the justice system declined further when the Alfonsín government decided to try the nine commanders of the three 1976-82 juntas under military instead of criminal law.

A fundamental disagreement had arisen in 1985 among the Argentine human rights organizations between those in favor and those against exhumations. The division corresponded to two different responses to the loss suffered by the disappearances. Both groups were aware of the political dimension of their position, but the proponents wanted to give the exhumed an honorable reburial, while the opponents wanted to vindicate the political ideals of the disappeared.

1982 dictatorship and declared once again all disappeared as presumed dead (San Martino de Dromi 1988: 343, 360; *Somos* 1983 346: 15).

The Mothers of the Plaza de Mayo were also divided amongst themselves, and this dispute would lead in 1986 to a tragic split within the organization that had most courageously opposed the military dictatorship. The majority followed Hebe de Bonafini in her condemnation that the exhumations were a sinister scheme by the Alfonsín government to have them accept and psychologically participate in the death of all disappeared. The Madres demanded that first those guilty of the disappearances and subsequent killings had to be identified before any further exhumations were to be carried out (*Madres,* 1984 1: 2). Reflecting on the intense soul-searching that preceded their position on the controversial exhumations, Hebe de Bonafini said: "It cost us weeks and weeks of meetings at which there were many tears and much despair, because the profound Catholic formation of our people creates almost a need to have a dead body, a burial, and a Mass" (*Madres,* 1987 37: 10). Despite the anguish, the De Bonafini group decided to keep their emotional wounds open in order to resist the societal process of forgetting. "It has been eleven years of suffering, eleven years that have not been relieved in any sense. Many want the wound to dry so that we will forget. We want it to continue bleeding, because this is the only way that one continues to have the strength to fight.... But, above all, it is necessary that this wound bleeds so that the assassins will be condemned, as they deserve to be, and that what has happened will not happen again. This is the commitment in the defense of life which the Madres have taken upon themselves" (*Madres,* 1987 29: 1). Continued political protest weighed more heavily than individual relief because anxiety was the hinge of memory and oblivion.

The leading figures of the Madres were of course well aware of the psychological toll of the enduring uncertainty. They realized that their refusal to allow for more exhumations would prevent relatives from mourning their dead. However, they were convinced that the government did not only conspire to have them accept the death of the disappeared but also tried deliberately to set the mourning process in motion in order to depoliticise the surviving relatives, and in particular the vocal Mothers of the Plaza de Mayo. Mourning would break the solidarity of the Madres and hasten a reconciliatory attitude.

As the years went by, there was a profound identification of the Mothers with their disappeared sons and daughters. Activism helped them cope with their grief (see Maxwell, 1995). Many Mothers began to emulate political ideals which they had opposed when their children had still been alive. They began to regard themselves as the embodiment of their children's ideals and struggles. "In many respects it was like this: my children had given birth to me.... If they are not here, then I have to

be them, shout for them, vindicate them with honesty and return even a small piece of life to them. They are in my rallying cries, in this fatigue that maybe nobody can understand but which always recuperates itself; they are in my head and in my body, in everything I do. I believe that their absence has left me forever pregnant" (Hebe de Bonafini in Sánchez, 1985: 74-75).

By late 1988, the idea took hold that the Mothers had to "socialize their maternity" (*Madres,* 1988 48: 17) and embrace the suffering of all victims of political violence in the world. "When we understood that our children were not going to appear, we socialized motherhood and felt that we are the mothers of everybody, that all are our children" (Hebe de Bonafini, *Madres,* 1989 53: 17). Pressing social problems in Argentina, such as poverty, poor social and medical services, high unemployment, insufficient benefits for the aged, government corruption, police brutality, and the privatisation of state companies became a political platform to pursue the revolutionary ideals of their children. Clearly, the Madres wanted to extend the maternal protection they had been unable to offer their own children at the hour of abduction to all victims of repression, and at the same time be unconditionally supportive of their sons and daughters by embracing their political ideas and ideals. Trust and protection were the motives of their radical political position.

Reburial and Collective Mourning

Most human rights organizations did not share the opposition of the Madres de Plaza de Mayo to the exhumations. They were convinced of the legal, political, psychological and historical importance of forensic investigations. Exhumations supplied evidence for legal prosecution, provided historical testimony of the human rights violations committed by the military, gave forensic proof about the birth of children by disappeared pregnant women, and allowed surviving relatives to begin a process of mourning. Exhumations became a recourse for many relatives, as much for their emotional peace as for the political significance of a funeral in times of a budding democracy. Reburial would reconcile the bereaved with their loss, restore the public honor of the victims, reincorporate them into society as deceased members, and politicize the recovered remains.

The multiple significance of a reburial for the surviving relatives can be read from the reactions of the Morresi family and of Mrs. Berta Schuberoff. Norberto Morresi had disappeared in 1977, and was finally identified in 1989. His parents Julio and Irma Morresi decided to rebury him

in the same grave as the disappeared person who was exhumed together with him. "The truth, however hard it may be, will in the end bring tranquility. I am no longer searching in that God-knows-where place... to see if it's Norberto, or visit a madhouse to see if he is there. I know, unfortunately we have this little heap of bones at the Flores cemetery, no? It is like a ritual that we go there every Sunday to bring him even if it is only one flower. It is completely useless, but it helps spiritually... We go there, we kiss the photo that is hanging on the niche, and it makes us feel good" (interview 29 March 1991). Berta Schubaroff said the following about the importance of finding the remains of her son Marcelo in 1989. "I felt that I was emotional because I found my son. I kissed him again. I kissed all his bones, touched him, caressed him. But the emotion confounded with the pain, because once I found him, he turned out to be dead. So I cried the death of my son, and those thirteen years of search vanished. I can't relate anymore to this period" (quoted in Cohen Salama, 1992: 249).

These two responses reveal the social and psychological significance of reburials and their relation to basic trust. Reburial gives parents the final opportunity to demonstrate and enact their basic trust to their deceased children by providing them with a proper resting place and observing their departure with a culturally appropriate funerary ritual. The torn fabric of society is restored by the funeral, the remains come to share the sacred ground of the cemetery, and their souls are reconciled in the society of the dead (see Hertz, 1960: 54). These purposes seem to have been served in Argentina for nearly two hundred disappeared who have been reburied. The violent death of the disappeared at the hands of the State gives the reburial a distinct political meaning. Reburial implies a reincorporation of the former disappeared as political victims in Argentina's troubled history. Their disappearance, death, unceremonious burial, and the subsequent exhumation and reburial turn into an enduring reminder of State repression.

Robert Hertz (1960: 83) has observed that "It is the action of society on the body that gives full reality to the imagined drama of the soul." What a society and, for that matter, a State does with its dead determines the place of their souls in those social configurations. The planned disappearance of the bodies of its citizens implies that the soul can neither pass from the land of the living to the land of the dead. The wandering spirit continues to haunt the living in the form of the constant anxiety of relatives who cannot mourn the disappeared and keep demanding a reckoning from society and its political and military leaders.

The two predominant responses of Argentine mothers have been either to search for the remains of their children and rebury them or

to propagate the revolutionary ideals associated with the disappeared in a constant appeal for justice. Both reactions arise from the same basic trust and unconditional support with which the parents wanted to provide their disappeared children. The public protests against pressing social problems and the reburial of exhumed remains seem to offer the mothers some emotional respite from their tremendous grief. However, the realization that justice was not served, and that those responsible for the disappearances were not convicted, is for many unbearable and make them distrustful of the Argentine polity. Peace cannot return to a society, and the polity cannot operate properly when its members are unable to reconcile themselves with the past. The deliberate obstruction of reburials impedes a return to normalcy and a repair of the social fabric.

The long-term political consequences of the dirty war are impossible to fathom, but the continued uncertainty about thousands of unrecovered dead and the impunity of their executioners cannot but gnaw at the heart of the nation. The massive trauma of the dirty war has undermined people's trust in the State and its authorities because a society that does not assume responsibility for its dead can never entirely trust the living.

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Periodicals

El Diario del Juicio
Humor
Madres de Plaza de Mayo
Somos

Epilogue: Peace and Conflict at a Junction

Jolle Demmers
Utrecht University

The editors of this volume have brought together a number of inter-esting studies on violence and conflict, and on peace building, human security and post-war reconstruction. The analytical domains on which these contributions build have changed over the past decades. Where Conflict Studies was originally grounded in empiricist and behaviour-ist approaches focused on decision-making by rational actors, it now includes a wide range of analytical perspectives including critical dis-course analysis, ethnography, and political economy. Peace Studies finds its roots in neo-Marxist structuralism, but has become quite *salonfähig* over the past decade. Some even argue that the field has lost its critical and normative stance and has become 'co-opted' by a wide range of actors (including Iraq and Afghanistan 'peace' missions). Although the conflict studies/peace studies dichotomy has not disappeared, the intel-lectual boundaries separating the two domains have blurred. However, despite calls for reorientation and theoretical and methodological clarity, the field has not experienced the level of theoretical debate prevalent in other social sciences. It still lacks analytical coherence, and theoreti-cal frameworks for comparison (see Jabri 1996). Although this epilogue calls for synthesis, it does not address these matters in a fundamental way. Rather, I aim to point out traps and mantras in this relatively young and fragmented field of study by means of six brief statements and rec-ommendations and will conclude by formulating questions for research and comparison.

1. The Interpretation of Conflict and Peace is Political

Over the past decades, mainstream views on violent conflict in the media and countless UN and World Bank reports, consultancy docu-

ments, and NGO briefings have shifted substantially. During the Cold War, local conflicts were mostly seen as 'proxy wars' and explained in terms of ideological divides (communism/capitalism) and super power strategy, at times combined with political turmoil connected to processes of post-independence state-building. After the Cold War, the violent conflicts in the Balkans, Indonesia, and Africa were coded as 'ethnic' or 'ethno-nationalist:' ancient hatreds and primordialist identities were seen as root causes. Books such as *Balkan Ghosts* by Robert Kaplan had a great impact on policy makers. Since the late 1990s, conflicts are increasingly framed as driven by greed, 'terror,' criminality and warlordism (see for instance the work of Paul Collier). Particularly after 9/11, criminality became the dominant policy framework through which local wars were understood and dealt with. Increasingly, organized violence in Congo, Angola, Liberia, Somalia, Sierra Leone, Colombia, Chechnya and Afghanistan was depicted as illegitimate, abusive, terrorist and potentially threatening regional and global security. This new understanding of local war, supported for instance by the World Bank report *Breaking the Conflict Trap* of 2003, established both a justification and legitimisation for intervention, in line with the Bush doctrine and the War on Terror. In this volume, Hudson, in his chapter on Kosovo, gives a detailed description of the rise of this new form of imperialism.

Although a lot of scholarly effort has been put into pointing out the flaws in e.g. Collier's greed theory, the political and policy implications of his work have not received much attention. However, since the interpretation and representation of conflict and violence can have enormous consequences (from "letting them fight it out amongst themselves" attitudes of the early 1990s to the "new imperialism" or "will to govern" of today) there is a great need to critically examine the social phenomenon of violent conflict, its interpretations and their consequences. The selection of a form and level of explanation for contemporary violent conflict is a serious political act in the sense that representations have political implications. The way in which violent incidents and conflicts are coded and categorized will play — intentionally or not — a role in casting blame and responsibility (Brass, 1996). It is therefore not enough to study and critique certain interpretations of violence, we also need to place these 'texts in context' and try and understand how it is that certain interpretations have come to dominate others, and why this is the case.

Just as much as it is important to study the ways in which violent conflicts are framed, the concept of peace, and in particular, ideas and recipes for peace building need to be scrutinized as well. In their chapter in this volume, Pureza and Cravo point out the 'standardisation' of peace studies. They explain how the field of peace studies lost much of

its normative and critical stance during the 1990s and became co-opted by mainstream policy-making. The field of peace studies benefited from the new world order, assuming a protagonism in the decision-making of the international system (UN, government donors, NGOs) that it did not have before. However, not without paying a price. According to the authors, the field lost its critical capacity in the face of the emergent systems of international domination. They point out how peace studies run the risk of becoming an instance of legitimisation and sophistication of the hegemonic block, by promoting standard operating procedures and Western-style recipes for peace (neoliberal market democracies). Although the field of peace studies is not a monolithic 'school' and hosts a great variety of critical scholars — exemplified by Nordquist and Reychler in this volume — I think the above argument needs mentioning. Hence, it is not only important to argue for critical conflict analysis, but also for critical 'peace analysis.' Clearly, the question 'Whose peace is this?' needs to be added to our textbooks.

2. **Identity is not Sameness**

Despite the great variety of views on contemporary conflict most authors acknowledge the key role of the identity group (however problematic). Azar (1990) was one of the first in the field who argued for a radical revision of Clausewitzean ideas by claiming that it was the identity group — ethnic, religious, cultural and other — and not the nation-state that was at the core of most contemporary conflicts. Although today the 'extra-state' wars conducted by the US in Afghanistan and Iraq attract the lion's share of media attention, Azar's claim is still supported by evidence: in the 1989-2004 period 94 per cent of worldwide violent conflicts were intra-state wars (Harbom and Wallensteen, 2005).[1] This is *not* to say that 'identity' or 'identity differences' are causing violent conflict. Although this idea is frequently used unknowingly in the media, among academics the 'ancient hatred' view is generally rejected, and primordialism is mentioned only when scholars want to point out what they are not saying. Instead, *identity boundary drawing* is seen as a central aspect of the mobilization of support for armed conflict in the world today. Still, identity labels should be handled with caution: actors in civil war cannot be treated as if they were unitary. The problem with 'identity' is that

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[1] Of the 118 armed conflicts counted by Harbom and Wallensteen (2005) in the period 1989-2004, only 7 were categorized as interstate. The other 111 were categorized as intra-state (90) or internationalised intra-state (21).

although semantically 'identity' implies *sameness across time or persons*, most (constructivist) analysts continue to speak of 'identity' while at the same time repudiating this implication of 'sameness' (Brubaker and Cooper, 2000: 18). This problem also arises in the study of intra-state war: the concept of 'identity group conflict' or group violence entails the total interchangeability of individuals, both as participants and perpetrators and as targets. However, as Kalyvas (2003) points out, civil wars are not binary conflicts, but complex and ambiguous processes that foster interaction among actors with distinct identities and interests. 'It is the convergence of local motives and supralocal imperatives that endow civil war with its particular character and leads to joint violence that straddles the divide between the political and the private, the collective and the individual' (Kalyvas, 2003: 487). The study of contemporary conflict should therefore consist of a systematic analysis of group dynamics, interests and alliances at various levels: including local and national actors, insiders and outsiders, individuals and organizations, civilians and armies.

3. Make a Distinction between Groups and Categories, and Groups and Organizations

As we have stated above, civil wars are not binary conflicts between unitary and bounded groups or blocks A and B. Although most peace and conflict researchers acknowledge this, it is nevertheless not easy to integrate this knowledge into the ways we talk and write about conflict. However, by continuing to speak about 'Tamils and Singhalese' or 'Serbs and Albanians' we unwillingly, and intentionally reproduce inaccurate typologies. By making a clear distinction between groups and categories, and between groups and organisations, we can escape the 'unitary' trap, and the portrayal of identity conflict as a war of all against all.

The levels of 'groupness' of parties in conflict is not constant, they vary, from very loose and socially almost insignificant ascriptions (category) to high and intense forms of interaction and organisation (group or community). Handelman (1977) and more recently Brubaker (2004) explained that by distinguishing between categories and groups we can problematise — rather than presume — the relation between them. We can ask ourselves how categories are transformed into groups, and study the political, social and psychological processes involved. This is significant, for often the crystallization of identity and groupness takes place during the course of a conflict: high levels of groupness are often the *result* and not the cause of violent conflict. Peace and conflict researchers generally agree on the constructivist stance that group identi-

ties such as ethnicity are the product of social interaction. However, we need to take this a step further and seek to explain "the processes and mechanisms through which social constructs such as ethnic categories can crystallize, at certain moments, as a powerful, compelling reality" (Brubaker, 2004: 44). In other words, instead of simply asserting *that* social identities such as ethnicity, race and nation are constructed, we have to specify *how* they are constructed. In his contribution to this volume, Bowman is doing exactly this when he analyses the making and unmaking of groupness in the Israeli-occupied territories and the former Yugoslavia. He points at the role of constitutive violence and the necessity of the 'violence of a national enemy' for the maintenance of nationalist solidarity and commitment.

A second way to 'break' the unitary trap is to make an explicit distinction between groups and organisations. Again, many conflicts are portrayed as 'ethnic groups in conflict'. However, the protagonists of violent conflict are much more often not ethnic groups but rather various kinds of organisations which cannot be equated with ethnic groups (states, paramilitary organisations, political parties, churches, gangs, newspapers, radio and television stations). Often the relationship between organizations in conflict and the groups they claim to represent is deeply ambiguous (see Brubaker, 2004). In his comparative study of nationalist movements in the Israeli-occupied territories and the former Yugoslavia Bowman shows the multifaceted nature of identity, and the important role of organizations in both identity formation and group making. For instance, the fundamental reason the PLO was able to serve as an icon of Palestine identity was that it presented itself as representative of all of the diverse 'Palestinian' constituencies, which had been disinherited by the creation of the Israeli state. 'Palestinians' were able to recognize themselves as addressed by the oppositional rhetoric of the PLO insofar as that rhetoric did not specify any particular identity to its addressees other than the recognition of themselves as somehow stripped of their rights by the antagonism of the 'Zionist entity.' In a very similar way, the Liberation Tigers of Tamil Eelam (LTTE) managed to present themselves as the 'sole representative' of all diverse Tamil categories deprived by the Government of Sri Lanka.

4. **The Field of Peace and Conflict Studies is Reinventing the Wheel**

Parallel to the increase in civil wars (since the 1950s) and in particular to their heightened visibility (since the 1990s), the desire to under-

stand, prevent and contain violent conflict resulted in a boom in applied research and training institutes, think tanks and consultancy firms on Conflict Analysis, Conflict Resolution, Peace-Building, and Human Security. These research initiatives intertwined with the mushrooming debate among policy-makers about adequate tools for conflict prevention and intervention. The new field — understandably — has its weaknesses. Much older academic traditions accuse it (and in particular studies of ethnic conflict) of 'reinventing the wheel.' Examples include the work of the popular writer/journalist Ignatieff, who turned to Freud to explain why 'neighbours kill,' overlooking the work of Social Identity theorists who study the process of identity group competition; and the intellectual wall between the study of ethnic conflict and long traditions of scholarly theorizing about group mobilization and collective violence, ethnicity, nation-building and nationalism. Clearly, peace and conflict research can greatly benefit from drawing on these established scholarly traditions (see King, 2004).

5. **Multidisciplinarity is Taken for Granted**

'Young' as it may be, Peace and Conflict Studies has its own set of mantras. The two most prominent mantras in the field are the repeated stress on 'conflict is complex,' and the 'need to be multidisciplinary.' A combination of these two mantras ('multidisciplinarity is complex') may do the field some good, since multidisciplinarity is too often taken for granted. The various approaches to conflict and violence that Peace and Conflict Studies seeks to combine under the heading of 'multidisciplinarity' are not simply heterogeneous, but in fact often point in (sharply) differing directions. To be sure, there are affinities between certain of them, but there are strong tensions as well. The study of conflict bears a multivalent, and at times even contradictory theoretical burden. Whereas some Social Identity theorists see the eruption of violent conflict as resulting from identity group competition, and stemming from universal and fundamental needs for social identity, elite constructivists and structuralists strongly dismiss these 'social automata,' albeit for completely different reasons. Roughly, the field is still very much divided by the classic gap between agency-based approaches (e.g. instrumentalism, rational choice, Social Identity Theory) and structure-based approaches (e.g. political economy). Authors such as Gurr (Minorities at Risk), Azar (Protracted Social Conflict) and Miall *et al.* (Levels-of Analysis approach) have made attempts to bridge the gap by building models which include

both structures and agents, but attempts to truly integrate and synthe-size are rare and isolated (e.g. Jabri, 1996; Schlee, 2004).

As researchers we need not only to be aware of the different the-oretical approaches to conflict, but also pay (more) attention to their underlying assumptions, their affinities and contradictions. Of course, there is no 'grand theory of violent conflict' and I see no use in seek-ing a 'one-size-fits-all' approach. Rather, we need to be more explicit in the way we position the various relevant theoretical views vis-à-vis each other and develop analytical frames for comparison. This will allow students of conflict to do their *bricolage*, but in a well-informed, and knowledgeable way.

6. **Conflict = Clustered Violent Episodes**

Too often conflict and violence are lumped together as one and the same thing. We need to take a closer look. Under the heading of 'the Sri Lanka conflict', 'the Colombia conflict,' 'the war in Bosnia,' 'Rwanda,' or basically any other 'intra-state war,' many different forms of violent incidents take place. If, for instance, the media talk about the Sri Lanka conflict flaring up again, what we see on the ground are various, at times unrelated violent incidents: in-fighting between competing fac-tions within the Tamil Tigers in the East, villagers killed by land-mines in the North, local disputes over control of water, violent incidents in the South between Muslims and Tamils militias, and yes, 'conventional war-fare' between the Sri Lankan army and the LTTE cadres.

What in fact often happens is that violent episodes are clustered, are lumped together and called a conflict. Consequently, all violence that occurs is placed under the heading of the master narrative, the mas-ter cleavage. Often the great variety of violent incidents and episodes are perceived as mere (and rather irrelevant) local manifestations of the central conflict cleavage (Government of Sri Lanka versus LTTE, Hutu vs. Tutsi, FARC vs. Colombian army or paramilitaries, etc). They are seen as automatic and unproblematic after effects of actions and decisions located at the centre. However, ethnographies of collective violence dur-ing civil wars show a much more complex picture. Violence in an ethnic or class war may not be ethnic or class violence. Very often under the heading of the master narrative many different forms of violent acts occur: private, criminal, sexual violence, the settling of old scores, land conflicts, family feuds etc. Most macro studies of conflict disregard the private content of political violence and miscode individual cases. This calls for fine-grained analysis that takes into account the different forms

of violence. It is the interaction between local and central, private and political spheres that counts, and helps us to understand the dynamics of intra-state war.

Peace Studies and Conflict Studies: Questions of Research and Comparison

'Any study or planning of peace building demands an analysis of the base line. This implies an analysis of the conflict, a prognosis of possible future developments, and a peace building deficiency assessment' (Reychler, this volume). The task of conflict analysis is to unravel the complex dynamics of interactive processes in order to understand how and why people resort to violence. The task of peace studies is to determine 'how to build peace.' Ideally, the latter draws upon the former: peace-building policies derive from in-depth conflict analysis. However, in practice there is not much of a dialogue between the two domains of expertise. In addition, lack of analytical tools and lack of grounded critical analysis of conflict often results in ad hoc policy-making, and misreading (and then we do not even mention complicating factors such as donor-interests and geopolitics). Although the field of peace and conflict studies in many ways has prospered and grown over the past decade, it lacks theoretical and methodological debate and clarity. It lacks fora and associations for the exchange of ideas, research collaboration, as well as student exchange programs and joint textbooks. The Peace and Conflict Studies group of HumanitarianNet of which this volume is a product, is an important exception to this rule. Having now brought together a number of studies, a next step is to develop an analytical frame for research and comparison. Taking, for in stance, the prominence of the identity group in contemporary conflict as a point of departure, basic questions of research and comparison include:

1. What makes a group?
2. How and why does a group resort to violence?
3. How and why do they, or don't they stop?

This will allow for a structured exchange and comparison of ideas on, for instance, identity formation, group making, and boundary drawing (under question 1); mobilization, collective action, group dynamics, insurgency, structural violence, political economy, violent imaginaries, and ethnic coding (under 2); and discourses of violence and peace, human security, peace architecture, intervention, transformation, international humanitarian law, and reconciliation (under 3).

Clearly, there is a lot to be done. This is an important field of study. For, after all, there is a lot at stake.

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