

Robert C. Hudson and Hans-Joachim Heintze (eds.)

# Different Approaches to Peace and Conflict Research

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**HumanitarianNet**

Thematic Network on Humanitarian  
Development Studies



# Different Approaches to Peace and Conflict Research



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Editors

**Robert C. Hudson**  
**Hans-Joachim Heintze**

Managing Editor

**Kevin H.R. Villanueva**

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## Notes on Contributors

**Danja Bloecher** is a PhD candidate at the Ruhr University, Bochum, Germany. Her research is in the field of International Law and Africa. She has gained a one-year Marie Curie Fellowship from the European Commission and has recently been studying at the University of Coimbra.

**Miguel Barreto Henriques** is a PhD candidate at the University of Coimbra, Portugal. His research is in the field of International Law.

**Dennis Dijkzeul** is a Junior Professor at the Institute for International Law and International Relations at the Ruhr University, Bochum, Germany.

**Hans Joachim Heintze** is Director of the Institute for International Law of Peace and Armed Conflict, and Senior Researcher at the Ruhr University of Bochum (Hochschuldozent), Germany. He is also President of the International Association for the Study of the World Refugee Problem (AWR) and a Responsible Scholar for the Marie Curie Programme.

**Robert Hudson** is Reader in Contemporary European History and Cultural Politics at the University of Derby, where he chairs the Identity, Conflict and Representation Research Group. A graduate of the School of Slavonic and East European Studies, University of London, he held a Yugoslav government scholarship as a Post-Graduate Fellow at the University of Sarajevo, SFRJ. He taught previously at Exeter College of Art and Design and the University of Rennes II – Haute Bretagne, France.

**Marcello Mollica** received his PhD from the Centre for Peace Research and Strategic Studies, the Catholic University of Leuven, Belgium. He is currently a Marie Curie Intra-European Post Doctorate Fellow in the Department of Anthropology, University of Kent, UK where he is researching the political mobilisation amongst paramilitary groups in the Middle East. In 2007, he was the first researcher to be awarded

the 'European Doctorate Enhancement' diploma within the Humanitarian Net network.

**Kristina Roepstorff** is a PhD candidate at the Humboldt University, Berlin, Germany. She has gained a one-year Marie Curie Fellowship from the European Commission and has been studying in Dublin.

**Maurizio Tinnirello** is a PhD candidate at the University of Kent at Canterbury, UK, researching the security and demobilisation policies in Colombia as conflict management initiatives.

**Andrej Zwitter** is a PhD candidate at the University of Graz Austria, where he is researching on Human Security and the prevention of Terrorism. He has also gained a one-year Marie Curie Fellowship from the European Commission. In his thesis, he is exploring the root causes of terrorism and the development of preventative measures on the basis of human rights and human development. He is also a guest researcher at the Institute for International Law of Peace and Armed Conflict at the Ruhr University, Bochum, Germany.

## List of Abbreviations

AC	Amnesty Committee (South Africa)
AUC	<i>Auto Defensas Unidas de Colombia</i> (United Self Defence Groups of Colombia)
ANC	African National Congress
CIMIC	Civil-military cooperation
CMOC	Civil-military operation centres
CNRS	<i>Centre National de la Recherche Scientifique</i> (France)
CSCE	Conference on Security and Cooperation in Europe (Helsinki)
ECHR	European Convention on Human Rights
ECHO	European Union's Humanitarian Aid Office
ECOWAS	Economic Community of West African States
EDC	European Defence Community
FARC	<i>Fuerzas Armadas Revolucionarias de Colombia</i> (Colombian Revolutionary Armed Forces)
FLN	<i>Front de la Libération Nationale</i> (Algeria)
FRY	Federal Republic of Yugoslavia
HCNM	High Commissioner on National Minorities
HCP	High Commissioner for Peace
HRV	Human Rights Violation Committee (South Africa)
IFOR	Implementation Force
IHTP	<i>Institut d'Histoire du Temps Présent</i>
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
IDP	Internally Displaced People
IRA	Irish Republican Army
JDCC	Joint Doctrine and Concepts Centre (UK Ministry of Defence – MOD)

LJP	<i>Ley de Justicia y Paz</i> (Justice and Peace Law – Colombia)
MNF	Multinational Force (in Haiti)
MRND	<i>Mouvement Révolutionnaire National pour le Développement</i> (Rwanda)
MSF	Médicins Sans Frontières
MSH	Management Services for Health
NATO	North Atlantic Treaty Organization
NGO	Non Governmental Organisation
ODA	Official Development Assistance
OSCE	Organization for Security and Cooperation in Europe
<i>Paras</i>	Paramilitaries in Colombia
PCF	<i>Parti Communiste Française</i>
PDS	<i>Política de Defensa y Seguridad Democrática</i> (Democratic Policy of Defence and Security)
PKK	Kurdistan Workers Party
RPF	Rwandan Patriotic Front
R & R	Reparation and Rehabilitation Committee (South Africa)
RS	<i>Republika Srpska</i> (Bosnian Serb Republic)
RTS	<i>Radio Televizija Serbia</i> (Serbian Television)
RUF	Revolutionary United Front of Sierra Leone
SFOR	Stabilization Force
TNI	Trans National Institute (Amsterdam)
TRC	Truth and Reconciliation Commission (South Africa)
UNAMSIL	UN Mission in Sierra Leone
UNICEF	United Nations International Children's Emergency Fund
UNIFIL	United Nations Interim Force in Lebanon
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNHCR	United Nations High Commissioner for Refugees
UNSCR	United Nations Security Council
WHO	World Health Organization
WMD	Weapons of Mass Destruction

# **Introduction: Different Approaches to Peace and Conflict Research**

Robert C. Hudson  
University of Derby, UK

Hans-Joachim Heintze  
Ruhr University, Bochum

With the benefit of hindsight, it is now quite clear that the New World Order, the term that was used to describe the aftermath of the Cold War, was a period in which the sovereignty of the state, once the key to international relations, was gradually subordinated to peace-enforcement and human rights intervention. This was a development that becomes more and more obvious as we look back at the decade between the first Gulf War in 1992 and the fall out from 11 September 2001. In this period, human rights became more and more a field of international concern. The UN Security Council decided to intervene for humanitarian reasons in Somalia, Bosnia-Herzegovina, Rwanda and Haiti. The means and methods as well as the outcome of the interventions became the subject of many critics, however the important aspect was, that the UN decided to get involved in the defence of basic human rights. However, all the activities of the Security Council were dominated by the political considerations of the 15 states represented on the most important UN organ responsible for the maintenance of international peace and security. This meant that the Security Council did not act in many situations involving human rights violations.

Confronted with these failures of the Security Council, it was the international military action against Yugoslavia over the Kosovo crisis, by a group of states without a mandate from the UN Security Council, in 1999, that was widely greeted as being the first international military intervention against a sovereign state for purely human rights purposes. Whilst, on the one hand, this meant that many would object to both the legality and the justification for fighting this conflict. On the other hand, the Kosovo war has been the starting point for an ongoing debate on the 'Responsibility to Protect', which means that

the moral obligation of the international community to intervene in situations in which crimes against humanity, war crimes and genocide are committed by states or non-state actors *de facto* rules. However, this has been essentially an academic discussion. Public opinion has been severely shaken by the more recent and current military interventions in Afghanistan and Iraq since the conflict over Kosovo. Most western leaders are becoming less enthusiastic about getting engaged in humanitarian military interventions in the future. They know that it might not be easy to carry their own domestic populations with them. Indeed, as we put these words together, other potential areas of armed conflict are looming, so that it seems as though wherever one turns one is confronted by crises and catastrophes that emanate from poor and deteriorating human relations. Perhaps it is this factor that helps to explain why, as researchers in Peace and Conflict Studies we seek to investigate these conflicts and to assist in building up a body of knowledge that can serve to bring about the transformation of conflict and ultimately a return to peace and stability.

This book is the result of the collaborative interdisciplinary and multi-disciplinary work of a number of participants on the third Intensive Programme on Peace and Conflict Research (EDEN) that was held at the San Nicólo Monastery, the Lido, Venice, in September 2006.

Our book opens with a thought-provoking chapter by Denis Dijkzeul, in which he analyses how the contexts, concepts and very practice of humanitarian–military interaction have changed over the years, since the end of the Second World War. The intention that the international humanitarian system and international security frameworks, in which the United Nations and multilateralism would play a huge role, was largely superseded and ultimately side-tracked by Cold War antagonism between the two superpowers. When the Cold War ended, the international community struggled to find the right approach and workable solutions to the brutal and internecine conflicts which frequently erupted within states. Yet, the different types of military and civilian humanitarian interventions that were established to address such conflicts, throughout the 1990s, were mainly implemented through trial and error.

Since, the terrorist attacks of 11 September 2001, it became clear that the world was facing a severe threat to international security. The shaky post-Cold War order, barely a decade old, was being challenged, more and more, but not by conventional foes and means. The elusive Islamist al-Qaeda network, which partly operated from weaker and often pariah states, became the main perpetrator. The US administration's decision to fight al-Qaeda by waging a "war on terror," led to

new forms of intervention, which partly deviated from the experiences of international civilian and military interventions that had evolved since the end of the Cold War.

Dijkzeul's chapter explores the conceptual considerations that marked the changes in international politics in the decade that followed the ending of the Cold War, before the so-called war against Terrorism, or 'Long War' entered onto the international scene. During the 1990s, humanitarian assistance and peacekeeping moved from a limited involvement in conflict towards more ambitious approaches including complicated operations in conflict zones and what has been described as second-generation peacekeeping. Humanitarian organisations found themselves placed in situations where they would have to take onboard typically governmental tasks, such as promoting human rights, conflict resolution and rebuilding. Yet, despite the fact that they often work side-by-side, military and humanitarian actors often have a very limited understanding of each other's ethos, work and practice. Dijkzeul considers this scenario by analysing the broader political and socio-economic contexts in which both military and humanitarian organisations have to operate. He also analyses the post-Cold War changes in weak states, particularly the evolving types of conflict, and the donor, humanitarian and military responses to them before the 11 September tragedy and its aftermath.

Conflicts and political violence are rarely, if ever, one-dimensional, and there are usually several, if not many elements and factors which can contribute to the irruption of violence. Furthermore, Peace and development are often closely interconnected, to the extent that it has become a truism of the post-Second World War period that without development there can be no peace and security and that without peace and security there can be no development. Despite this, the post-Cold War period has witnessed the emergence of a trend of explaining political violence and conflict by mainly ethnic factors, religious motivations and nationalistic reasons, and much ink has flown from the pens of many an academic and journalist who have placed great emphasis upon the role of cultural politics in the new wave of intra-state conflicts. Indeed, at the time of writing, one need only witness, the current journalistic outpourings on the stalemate over resolving the continuing Serbian-Kosovo problem. In their chapter on 'Poverty as a Root Cause for Political Violence', Miguel Barreto Henriques and Andrej Zwitter seek to redress the situation by analysing one particular economic cause of political violence, namely poverty.

According to the authors, poverty should not be underestimated. It is an important factor of conflict and can act as a root cause of po-

litical violence. Henriques and Zwitter set out to determine whether or not poverty *per se* has a role to play in political violence, and what this particular role may be. They also consider under which conditions and with what elements this may lead to violence. Their hypothesis is that political violence needs always at least the framework of an ideology to emerge. As to political violence they concentrate upon civil war and terrorism, and they come to the conclusion that, when poverty is the main ideological reason for causing political violence, it can be interpreted as a root cause for political violence; In almost all other cases, poverty functions as an accelerant. Consequently, if one is to attain a durable peace it is a natural pre-requisite that the issue of poverty should be addressed. Poverty is a relevant and important issue that can magnify the risk of political violence, especially in terms of civil war.

Then our book turns to what happens once a conflict has ended. How does one sustain the peace-building process? It soon becomes clear that in aiming to build a sustainable peace after a conflict, post-conflict justice will always play a major part. This includes the unveiling of gross human rights violations as well as the prosecution of the responsible individuals. In their chapter 'Confronting the Past, Building the Future', Danja Bloecher and Kristina Roepstorff focus on three examples from Africa: South Africa, Rwanda and Sierra Leone; societies that have experienced violent conflict and gross human rights violations in their recent histories. Their chapter concentrates on the role of post-conflict justice for coming to terms with the past and the building of a future in conflict-striven societies. Although in all three cases the process of post-conflict justice was applied to the building of a stable state and for sustaining peace, the particular way in which justice was pursued in each of these cases differs in many respects. Bloecher and Roepstorff discuss the different mechanisms and strategies of post-conflict justice that have been employed, analysing their contribution to the building of the future of the state. The authors take, as their starting point, the idea that establishing and finding out the truth about mass violence, gross human rights abuses and core crimes is not only important for the victims and the people close to them, but also plays an important role for the (re)building of the nation. Thus, in order to contribute to nation- or state-building, post-conflict justice has to cover at least the following four aspects: Prosecution; truth-seeking, reparations and reconciliation.

Lessons from South Africa, Rwanda and Sierra Leone show that when dealing with severe and systematic human rights abuses, prosecution should be supplemented by other complementary means for pursuing justice in order to build sustainable peace. The prosecution of

the perpetrators of atrocities and massive human rights violations can be important for the delivery of justice to a conflict-striven society. In responding to significant shortcomings in both purely international and purely domestic approaches, hybrid courts can be seen as the best option, depending on the particular circumstances. Although often facing under-funding and financial restrictions, hybrid courts at least have the potential to address some of these shortcomings. With international as well as national judges, hybrid courts may be more likely to be perceived as legitimate. Also, hybrid courts may contribute to the capacity building in the each individual country concerned. The training of local judges and financial support has positive impacts on the capacity of domestic legal institutions.

Reconciliation has been proven to be supportive of the peace process, as it tries to diminish divisions between the different parties in each conflict. This is, without doubt, of the utmost importance to our understanding of the contemporary world, as divisions may lead to the recurrence of violence and human rights abuses and therefore may constitute a severe threat to the sustenance of peace. At the end of the day, the success of confronting the past depends on the particular social, political and cultural context. However, prosecution, truth seeking, reparation, and reconciliation are essential factors for overcoming the traumas of the past and building the future in the aftermath of a conflict.

And so we move on to the theme of identity, conflict and representation. In his polemical chapter on President Uribe's 'peace' policies, Maurizio Tinnirello focuses on one country in particular, Colombia, advocating that, in a bid to address what has become a national quagmire, namely the increasing violence in that benighted country, the Uribe government has perpetuated violence by disguising, or covering-up the conflict. Tinnirello opens his essay with a quotation from Ruiz (2001) who comments that Colombia's problems are so complex that they make the Balkans look simple! This is a conflict that has been endured for over a period of fifty years, and has witnessed thousands of deaths and more than two million internally displaced people. For Tinnirello, the blame for the increasing violence in his country is placed fairly and squarely on the violent methods that have been set in place to combat the guerrillas. He argues that, during President Uribe's administration there has been a renewed effort to further convince both national and foreign audiences alike that there is no political conflict and hence no structural violence, but only terrorism and drug-financed terrorism.

It is the protracted nature of the Colombian conflict that makes it prone to simplistic, short term solutions such as those presented by

the president's office, which are soon monopolised by dominant interest groups that are supported by the Colombian government at the expense of marginalised groups. So, describing armed actors as narco-terrorists, might be a very convenient method of justifying the use of violent methods in a country that has been living for a long time with the reality of terror due to much deeper reasons, thus reducing the war to the presence of armed actors. This allows the Colombian government to pursue a conventional 'superpower' strategy that would continue to be unsuccessful, thereby obscuring the fact that the armed actors are a brutal persistent symptom of the original root causes of the quagmire.

Nevertheless, as the Colombian government intends to convince national and international audiences that there is 'no conflict', but only criminality and therefore that none of the root causes actually exist, the 'war' will, in the author's opinion, continue as it has been doing, for many more decades. The current political discourse and actions serve to cover up the structural causes of the conflict that are more relevant than ever as more and more people fall victim to the barbarity of present-day Colombia.

Tinnirello speculates that this cover-up, or masquerade, is employed out of a desire to remain in power and establish new political and economic networks, through organised crime that enables particular individuals to hold onto power.

In the light of hindsight, the Final Act of Helsinki, in 1975, which became the most important document of the CSCE (the forerunner of the OSCE) may be seen as a pivotal moment in the history of relations between Eastern and Western Europe; not only because the Helsinki agreement would ultimately contribute a great deal to the eventual overthrow of communism in Europe, but also because it declared the protection of human rights to be a principle of security and co-operation. Hans-Joachim Heintze presents us with an historical overview of the legal history of human rights since 1945, in which he analyses the interplay of OSCE standards, set in place by the Helsinki agreement, with other systems of norms and treaties, put in place by the Council of Europe and the United Nations.

Heintze traces the history of human rights from the United Nations Charter of 1945, which made human rights an object of international law for the first time in history, through to the Universal Declaration of Human Rights (1948), the Helsinki Agreement, the Copenhagen Document (1990) and the Helsinki Summit of 1992. One of the earlier achievements, pre-Helsinki (1975) would be the gradual move from the recognition of group rights to that of the individual rights of minorities,

by the drafting of the ICCPR (International Covenant on Civil and Political Rights) by the United Nations in the 1960s.

Heintze explains how, at the end of the 1970s, the then Yugoslav government was able to evade any discussion of its minorities policy at an international level and how, throughout the 1980s, because of the dominance of sovereignty-based thinking in the United Nations, there was no opportunity to react against minority rights violations, thus disempowering the UN on the eve of the break-up of both Yugoslavia and the Soviet Union at the beginning of the 1990s.

The key breakthrough for the CSCE would come with the Copenhagen Document of June 1990, which was able to benefit from the collapse of the Eastern bloc in Europe, which witnessed the removal of governments that were ideologically opposed to robust minority rights protection. This meant that respect for the rights of individuals belonging to minorities was explicitly declared to be an essential factor for peace, justice, stability and democracy in the participating CSCE states.

Ultimately, at the Helsinki summit, in 1992, the CSCE would establish the post of a High Commissioner on National Minorities (HCNM) in a bid to prevent minority conflicts by monitoring areas where there is a danger that minority rights issues might escalate into conflict. Heintze argues that it was because of the HCNM that conflicts were prevented in Slovakia, Romania and Estonia, to name but three examples, from becoming violent. This was to be the major success story of the newly re-designated OSCE, alongside helping open the door to EU membership for many states.

Heintze argues that the protection of minorities is most successful when it becomes the object of global and European co-operation through both international treaties and agreements of a political nature. If UN and Council of Europe accords are typical of the former, the OSCE is responsible for political instruments. Despite all their many differences, the two types of instrument have identical goals: They both aim to improve the coexistence of majorities and minorities and to prevent or resolve potential conflicts. The means they employ to achieve this are, however, different; hence Heintze's sub-title 'Double or Treble Human Rights Protection?'

History, and particularly the history of the present, plays an integral part in the study of peace and conflict, as has been demonstrated by most of the chapters in this book. Robert Hudson's chapter is based upon his personal reflections on the representation of our own time and the importance of history to Peace and Conflict Research. As such, he has divided the chapter into two sections. In the first section he defines what he understands to be a history of the present and contem-

porary history as discrete but related branches of the same discipline. He then explains the relationship of history of the present to journalism; after which he makes an observation on the relevance of both a history of the present and contemporary history to peace and conflict research in general. In the second section, he demonstrates some of the problems and pitfalls that may be encountered in the representation of the history of the present and contemporary history, and he assesses the responsibility of the historian of the present – by considering the relative merits and demerits of attempting to apply the so-called ‘lessons of history’ to our understanding of the past and the present.

For Hudson, history of the present is, at its simplest level, history without hindsight but with insight, and it is this that makes it different from all other forms of history, and necessitates also that the historian of the present borrows methodologies, ideologies and practice from other academic disciplines. The historian of the present is an interdisciplinarian. Being a historian of the present often entails fieldwork, and conducting interviews rather than working in the ‘dusty’ archives normally associated with the work of the more conventional historian. Indeed, to some extent the historian of the present works very much more like an anthropologist, or even like a journalist, rather than the so-called ‘traditional’ historian.

The historian of the present should have a deep knowledge of the culture of the area that they are researching and representing. This involves insight, and this insight is given more credibility if the historian knows the language(s) of the area concerned and has mastered, or at least engaged in other disciplines, such as literature, or anthropology, politics and languages.

The final chapter in this book brings home to all of us the dangers that may be encountered by any researcher who is engaged in peace and conflict research, to put it crudely, getting caught up in somebody else’s war. This is the reality of doing the job that we do, sometimes placing ourselves in harm’s way, whether by design or accident. In his chapter ‘Ethnography under Fire’, Marcello Mollica recounts how his experiences of the Israeli campaign in Lebanon, in July 2006, prevented him from achieving his original goals as a researcher and how a shared and extremely violent experience became a methodological account in its own right and significantly changed his perceptions of peace and conflict research.

His writing was inspired by an experience of shared desperation from within a bunker under bombardment in the summer of 2006, in a Christian village on the Lebanese-Israeli border, an experience of desperation that would be transformed into a shared resistance. At the same time, this chapter is also a methodological account in its own

right. Mollica recounts that he never regarded the people around him as a subject of study. In fact, because of sudden and violent circumstances he was forced to see these individuals as people who could help him. When he eventually got round to interviewing them, it was at their own request. In this chapter, Mollica actually speaks about himself, his own lived experiences and how this all went way beyond his initial research project.

All the articles in this book reflect the challenges that confront peace and conflict researchers. It is obvious that there are no easy answers to these challenges. Nevertheless, it is encouraging that young academics from several parts of the world came together in Venice, under the aegis of the EDEN Network, to discuss the challenges and to look together for ways to meet the new tasks of peace and conflict research.



# Chapter One

## Humanitarian and Military Interaction: Changing Contexts and Concepts

Dennis Dijkzeul  
Ruhr-University, Bochum, Germany

### Abstract

The contexts and concepts of humanitarian–military interaction have changed over the years. The international humanitarian system and the international security frameworks that were planned for the aftermath of the Second World War, in which the United Nations and multilateralism were supposed to play a huge role, were partially superseded—and hampered—by Cold War antagonism between the superpowers. When the Cold War ended, the international community struggled to find an approach and solutions to the brutal conflicts, which frequently erupted within states. Mainly through trial and error different types of military and civilian humanitarian interventions were established to address these conflicts.

The terrorist attacks of 11 September 2001 made it clear the world was facing a severe threat to international security. The shaky post-Cold War order, barely a decade old, was being challenged, but not by conventional foes and means. The elusive Islamist al-Qaeda network, which partly operated from weak states, was the perpetrator. The US administration's decision to fight al-Qaeda by waging a "war on terror," led to new forms of intervention, which partly deviated from the experiences of international civilian and military interventions that had evolved since the end of the Cold War.

Two central questions regarding the US administration's decision were whether the institutional framework governing international relations has facilitated or obstructed the execution of this war on terrorism and what impact the war on terrorism is having on humanitarian affairs and international law.

Although international support for the United States was very strong immediately following the attacks, support dissipated quickly as the world increasingly perceived the Bush administration's steps to address the threat as outside the traditional policy frameworks and institutions of international law and multilateralism.

This chapter explores conceptual considerations that marked these international political changes. It addresses the limited understanding of military and humanitarian actors, who often work

side by side, have on each other and the broader political and socio-economic contexts in which they operate. It also describes post-Cold War changes in weak states, particularly the evolving types of conflict, and the donor, humanitarian and military responses to them before 11 September.

## OLD OPTIMISM AND NEW THREATS

### Introduction

The years following the end of the Cold War tested the initial optimism for a more peaceful world. The brutality of civil conflicts in places like Chechnya, Sierra Leone, Somalia and Sri Lanka shocked the world, not to mention the humanitarian and military establishments. Policy-makers, field workers and scholars wondered whether military and humanitarian actors had the capacity to relieve the extent of the suffering and bring about peace.

This section starts with the assumption that capacities to address suffering must be understood in relation to the societies in conflict and their international context. Hence, it places post-Cold War conflicts in the broader context of strong and weak states during the period between the end of the Cold War and 11 September 2001. The military and humanitarian organizations often had a hard time establishing working relationships. They had to respond to crises, which were often hard to understand, while they also needed to be responsive to the different donor demands from supporting generally strong state governments. This chapter will assess the changing nature of conflicts after the Cold War, because different assessments imply different donor, humanitarian and military roles in addressing conflicts and the concomitant to humanitarian crises. In this way, the section will set the stage for the following sections by asking four interrelated questions from a historical perspective:

#### **Has the nature of conflict, or societies in conflict, changed?**

1. Have donor responses to these conflicts changed?
2. Have humanitarian responses to these conflicts changed? and
3. Have military responses to these conflicts changed?

### Cold War Conflicts

The bipolar power structure of the Cold War with its emphasis on deterrence and negotiations between the superpowers helped stem

the spread of conflicts from growing into a global conflagration. Nevertheless, numerous brutal proxy conflicts took place in the developing world.

Cold War alliances provided a steady stream of resources for many regimes in developing states. Depending on which side these governments and their opponents stood, the United States, the Soviet Union and their respective allies, propped them up with diplomatic support, military assistance, development cooperation and financial means. Frequently, former colonial overlords also continued to provide aid. These governments received preferential treatment even if they established political systems that violated human rights, obstructed democratic development and mismanaged their economies. The superpowers and their allies frequently closed their eyes to the misdeeds of leaders in countries as far apart as Somalia, Afghanistan, Congo and Indonesia, and most of these regimes used state resources to buy loyalty through patron–client relationships (CHABBAL & DALOZ 1999: 114-117).

Four types of conflict, which frequently overlapped, were prevalent during the Cold War:

1. ideological clashes;
2. struggles for independence;
3. interventions by the superpowers or former colonial powers in their respective spheres of influence; and
4. invasions of neighboring countries, which were motivated by a combination of self-defense, a quest for power, economic interest and humanitarian concern.

The following examples, which are by no means exhaustive, show the overlap between these four categories of conflict in practice. For instance, Belgium intervened in its former colony, the Congo, in 1960, returned with the United States in 1964 and intervened again with France in 1978. The United States intervened in the Dominican Republic in 1965, in Grenada in 1983 and in Panama in 1989. The war in Vietnam between the Communist North and capitalist South (1958–1975) led to continuously higher degrees of US military and political involvement, and ultimately to a painful withdrawal in 1973. Russia intervened in Eastern Germany in 1953, invaded Hungary in 1956 and entered Czechoslovakia in 1968, but had to leave Afghanistan (1979–1988). France lost a brutal war of independence in Algeria (1954-1962) and regularly intervened in its former colonial possessions in Africa, for example in Central Africa to overthrow the self-proclaimed emperor Jean-Bedel Bokassa in 1979. India's intervention in East Pakistan enabled the creation of an independent Bangladesh

in 1971, and reinforced tensions with Pakistan over Kashmir that had existed since Partition in 1948. Vietnam invaded Cambodia to depose the genocidal Pol Pot regime in 1978. Tanzania invaded Uganda in 1979 to remove Idi Amin and his regime. Although some of these interventions had positive humanitarian effects, they were generally justified with a rhetoric that included a combination of self-defense, ideology and the need to protect nationals.

In general, rebel movements and standing armies fought for political control of a territory and, where possible, to obtain popular support and legitimacy. Guerrilla warfare was particularly dependent on popular support. In most conflicts, ideology and hierarchical control helped prevent or limit the extent of plundering by fighting forces. The assumption was that strong sovereign states fought each other, or that rebel movements could grow into the governments of strong states over time. States were deemed responsible for the well-being of their citizens and the protection of refugees. Although this assumption was regularly invalidated (e.g., weak states, such as the Congo, also existed during the Cold War), it constituted a fixed point of reference.

Humanitarian action was generally confined to government-held territory and refugee camps situated on the edges of the conflict. In these situations, most humanitarian organizations emulated the ICRC policy of neutrality, impartiality and independence, which helped them gain access to non-combatant populations in need on both sides of the conflict. However, these principles became harder to maintain when the line between civilians and fighters blurred. Traditionally, the presence of standing armies helped distinguish combatants from non-combatants, but especially in cases of civil strife, such as in Afghanistan and Cambodia, refugees were often recruited to fight, and camps became a part of the war economy. In civil conflicts, several competing factions could arise, as was the case in the Congo after independence, and aid could become politicized. This also happened with Afghanistan and Cambodia. At the same time, several American NGOs identified closely with the official position of the US government. For them, humanitarian work was also ideologically motivated and had an anti-Communist connotation.

During the Cold War, refugee law was initially based on the assumption of a small flow of refugees, primarily from Communist countries to the West, and, according to international law, internally displaced people (IDPs) were the responsibility of the state.<sup>1</sup> Ideally,

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<sup>1</sup> The European application of the 1951 Convention was based on this assumption. The 1967 Protocol, however, already took into account large refugee flows in Asia and Africa.

when armed conflict ended, the state was supposed to take over rehabilitation and development. In this way, security, relief, rehabilitation and development were clearly delineated activities, and humanitarian action was supposed to be a short-term exercise to save lives, provide protection and preserve human dignity. The emphasis on the role of the state meant that humanitarian organizations could operate, as much as possible, outside the political realm. Peacekeeping followed a similar pattern. If the superpowers gave their approval and the parties involved consented, lightly-armed peacekeepers were placed between the parties once the fighting had ended. Diplomats would then attempt to hammer out a peace agreement. Peacekeepers and humanitarian organizations could often operate independently of each other and maintain their neutrality, impartiality and access.

Nevertheless, some conflicts, for example in the Sudan, caused a long-term need for humanitarian assistance, and the superpowers and their allies could at times push humanitarian organizations to the sidelines in their interventions. Moreover, the veto power of the permanent Security Council members sometimes paralyzed UN attempts to address conflicts.

Ultimately, the emphasis on the role of the state and the bipolar power struggle circumscribed the roles of humanitarian organizations and military peacekeeping in many cases, but also frequently helped maintain neutrality and impartiality in order to gain access. Yet, the situations in the Congo, Sudan, Afghanistan and Cambodia already showed the difficulties in dealing with weak and internally divided states.

The end of the Cold War raised hopes for a better functioning UN and more robust peacekeeping. But although the end of the Cold War helped facilitate the ending of some civil conflicts, for example in Central America, it intensified conflicts in other regions, such as in Africa's Great Lakes region. In countries where civil wars began during the Cold War but lasted long after outsiders lost interest, as in Afghanistan and Angola, where the political economy of war changed. Some countries, like Somalia, fluctuated between a state of war and only slightly more peaceful warlord politics. Other countries, such as Colombia and Sri Lanka, maintained capable state institutions in relatively peaceful areas but were unable to end armed conflict in other parts of their territories. In a growing number of states a combination of corrupt politics, weak governance, economic decline, diminishing international support, the availability of cheap weapons and local tensions caused or refueled conflicts that led to humanitarian crises.

However, the road to these conflicts and crises is tortuous and differs from country to country. To understand the roots of humanitarian crises, which often become chronic, we must examine the strategies and tactics used by rulers to obtain or retain power while their states become weaker. Understanding the roots of crises helps us understand the strengths and weaknesses of donor, humanitarian and military responses to them.

## Societies in Conflict: The Less Visible Context

### *Motivations*

Since the end of the Cold War in 1989, the world has witnessed a spate of “internal” civil conflicts.<sup>2</sup> Initially, it appeared to outside observers that conflicts in places like Bosnia, Rwanda and Nagorno–Karabakh stemmed from old ethnic or religious tensions and aimed to exterminate or disempower specific ethnic or religious groups.<sup>3</sup> These post-Cold War conflicts were viewed as a resurgence of tribalism and ancient hatreds, and presented clashes that would lead to a “coming anarchy” marked by an inevitable fragmentation of societies (KAPLAN 2000: 37-45).<sup>4</sup> Another strand of literature emphasized the negative consequences of war as a disruption of positive, natural development processes (DUFFIELD 1994: 37-45). Hence, these conflicts were irra-

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<sup>2</sup> According to COLLIER (2003: 5 & 11), the number of civil conflicts has risen substantially over the last forty years, peaking around 1989. COLLIER defines civil conflicts as: “an identifiable rebel organization challenges the government militarily and the resulting violence results in more than 1,000 combat-related deaths, with at least 5 percent on each side.” COLLIER adds that: “For most of the world’s population development has been significantly reducing risks, but a significant minority of people live in low-income countries [i.e., mainly weak states] that have not shared in development. For them the risks have been increasing.” In Chapter Four, COLLIER provides an interesting econometric and regional breakdown of various conflict trends.

<sup>3</sup> For example, DENG (1993, 115), special representative of the UN Secretary-General on displaced persons, WHO argued that “[t]he gist of the new internal conflicts is that the ethnic pieces put together by colonial glue and reinforced by the old world order are now pulling apart and reasserting their autonomy. Old identities rendered dormant by the structures and values of the nation-state system, are reemerging and redefining the standards of political participation, distribution of goods and services and government legitimacy.” MAYNARD (1999: 3) also puts a strong emphasis on identity.

<sup>4</sup> . KAPLAN’s book *The Coming Anarchy* (2000) is often interpreted in this vein. Surprisingly, when he writes about tribalism, he actually treats Huntington’s clash of civilizations thesis.

tional—consequences of a developmental collapse and a breakdown of communication (DUFFIELD 2000: 74). The inevitable fragmentation, anarchy and irrationality would make it difficult for outsiders to successfully intervene in these conflicts.

Gradually, deeper analysis showed that ethnic and religious identity was not the only factor causing the conflict, nor was it always the primary factor. Crucial differences, as well as similarities, existed among the crises in terms of each state's capacity to stem the conflict and the wealth in natural resources that could be fueling the conflict. Some states, including Colombia and Sri Lanka, had relatively capable governmental institutions and diversified economies but still were not able to defeat insurgents and terrorists. "Others, such as Congo, Angola and Sudan [were] resource-rich states whose elites [were] incapable or unwilling to develop their countries and end civil wars" (IGNATIIEFF 2002:117). Still others, like Somalia, were weak states with poor resource endowments that could not provide effective governance. Though state capacities, and thus the extent of state failure, differed in each crisis, the crises shared at least three overlapping characteristics:

1. a government that was not accountable to (segments of) its population;
2. a breakdown of government services including the ability to provide protection to the population, which concerned in particular an inability to maintain a security monopoly within the national borders and the breakdown of the monetary monopoly; and
3. a conflict that, although a disaster for most members of society, benefited others; warlords, militias and governing elites, often manipulated these conflicts to their own political and economic advantage.

In other words, a hidden order existed behind the disorder. This was captured in terms like the criminalization of the state (DAVIDSON 1992; BAYART, ELLIS & HIBOU 1999, and CHABAL & DALOZ 1999), patronage, warlord politics (RENO 1998) and the political economy of war (KEEN 1998; KALDOR 2001; BERDAL & MALONE 2000, and MACRAE 2002) in weak and failed states (ROTHBERG 2003). These terms refer to the use of violence and other extra-legal methods by groups, generally elites, who either run the state institutions or attempt to capture them for their own private enrichment and political gain. These groups use public power and, when possible, the trappings of sovereignty to control production and market channels. Through the corruption of these groups, the state weakens and the majority of the population suffers (RENO 2000).

## Warlord Politics

While some warlord politics existed prior to 1989, it intensified with the end of the Cold War. After the collapse of the Soviet Union, many regimes were deemed strategically irrelevant and lost international support. In Africa, this trend began in the mid-1980s. For example, Colonel Mengistu Haile Mariam's regime in Ethiopia received massive amounts of military aid from the Soviet Union after 1974, but by 1987, Soviet support began to wane. The United States provided military aid to Siad Barre's regime in neighboring Somalia until President Bush terminated support in 1989. After more than a decade of arms shipments and financial and diplomatic support, both countries were left to their own devices. In Afghanistan, this trend became more visible with the withdrawal of Soviet troops in 1988, and the fall of the Communist-supported Najibullah regime in 1992. "By the end of 1993, the US had decided that Afghanistan was no longer of strategic interest and abruptly left the scene, creating formidable problems for its NGO implementing partners." (DONINI 1996: 51)<sup>5</sup>

For many countries, the loss of strategic interest occurred during a long period of economic decline, beginning with the oil crises in the 1970s (MACRAE 2000: 887-895).<sup>6</sup> This decline was aggravated by the decrease in official development assistance (ODA) in the 1980s and 1990s. In many countries, international financial institutions increas-

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<sup>5</sup> According to DONINI: "...USAID had been supporting hundreds of health clinics throughout rural Afghanistan. Supplies and some training were being provided by Management Services for Health (MSH), an agency that functioned more as a private contractor than as an NGO. This created a real emergency: supplies dried up, salaries were no longer paid and activities could no longer be sustained. UNOCHA, UNICEF and WHO were strapped for cash and in no position to pick up the slack. Disaster was averted only because European NGOs appealed successfully to the European Union for funds."

<sup>6</sup> According to Macrae, this reinforced an ongoing trend toward structural vulnerability in Third World countries, many of which had rapidly growing populations and slowing or shrinking economies. The economic crises of the 1970s and 1980s, together with decreasing demand for most primary commodities (the main export for many countries), reduced their share in global trade. The concomitant international monetarist policies reduced international financial liquidity and increased interest rates. But while debt burdens increased, the higher price of oil "forced a larger share of declining national income to the purchase of oil and oil related products, such as fertilizer." Many developing countries also became more dependent on the West for food. Hence, "Third World conflict can be understood not only as a *cause* of poverty and suffering, but also as *symptomatic* of the vulnerability of these political economies." In a related fashion, many Communist countries also had to cope with a decline in their economic fortunes.

ingly demanded structural adjustments in an effort to reverse economic decline. The adjustments were intended to diminish the power of corrupt or incompetent state officials and bolster the role of the private sector, thereby fostering economic development.

As resources for patronage shrank, regimes were forced to adapt to the new conditions. Various rulers began to look for alternative strategies to maintain power and, where possible, exercise control over public institutions and markets. They searched for new partners, both internationally and internally, to help them overcome their weakened positions. At the same time, with the end of the Cold War, several states emptied their arsenals in the Third World, and light weapons became easier and cheaper to acquire. Furthermore, former security establishments, especially from the Soviet Union and South Africa, were looking for new commercial opportunities to exploit their expertise in other countries. In these countries, trends came together in new political and economic arrangements that were often socially exclusive and undemocratic (see below). These arrangements helped several rulers adapt patronage politics and fend off local challengers. In other cases, for example in Liberia, warlords, who were able to develop new political and economic domination strategies, replaced incumbent rulers.

In this respect, William Reno notes that those who control resources gain through “their direct, personal interventions into markets [and public institutions], both formally and clandestinely” and are central to patron–client strategies. “To make patronage work as a means of political control, the ruler must prevent [other] individuals from gaining unregulated access to markets.” (RENO 2000: 46-47). Instead of building effective state institutions, which requires resources and creates political risks as an independent bureaucracy which can become a check on the ruler and foster potential opposition; these rulers try to control market channels through corruption and violence. They stifle economic development as they slowly destroy institutions that would have strengthened independent productive groups and protected human rights. In the extreme, these rulers “make life *less secure* and *more materially impoverished*” for their subjects. “Removing public goods, like security or economic stability that are otherwise enjoyed by all, irrespective of their economic or political station is done to encourage individuals to seek the ruler’s personal favour to secure exemption from these conditions.” In the end, “personal security, protection of property and economic opportunity (in lieu of public services or security) are subject to the personal discretion of a superior, rather than as a consequence of impersonal institutions” (RENO 2000: 47). Through patronage, rulers

can control their clients and either exclude or co-opt internal opponents. The quest for resources, in particular when it deteriorates into the predation of civil assets and resource extraction, becomes a cancer eating away at the body of the state, over time creating the conditions for a humanitarian crisis. These conditions are frequently hard to understand and address for donor governments, humanitarian organizations and intervening military forces.

Many patronage strategies rely on claims based on the concept of sovereignty; by legally protecting countries from unwanted interference, it provides opportunities for internationally acknowledged rulers to work with selected external actors. However, inside the country, the official rulers are the only ones with access to the material benefits sovereignty bestows.

The central bank, in principle one of the vestiges of sovereign independence, offers such opportunities. During the 1970s and 1980s, Mobutu Sese Seko plundered mining and agricultural companies in (the then) Zaire and put his cronies in control. This weakened the economy and reduced the tax base, which would otherwise have helped maintain public institutions. When he was unable to draw more resources from the agricultural and mining companies, he began to use the central bank to print money to pay off debts and keep his patronage system running. The negative effects of the subsequent hyperinflation were almost entirely borne by the majority of the population outside the patronage networks (WRONG 2000: 126). In Zaire and other countries, using official exchange rates set by the central bank also allowed ruling elites to skim exchange rates (TERRY 2002: 35-42). Finally, in states where criminalization flourished, the central bank provided opportunities for money laundering at rates unheard of in the industrialized world. All these activities weaken the monetary monopoly of the state.

In addition to providing protection from outside intervention, sovereignty gives rulers the opportunity to appropriate aid, because humanitarian and other foreign organizations and programmes must be officially accredited by government institutions. Moreover, programme funding is frequently channeled through state institutions. Many rulers have become experts in manipulating funding agencies with promises, brinkmanship and token budget changes, while fostering patron-client relationships, such as installing corrupt local program counterparts or diverting resources (WRONG 2000, and CHABAL & DALOZ 1999).

In their quest for financial resources many rulers find they can work with international businesses, especially when it concerns valuable

portable commodities and other key resources, such as diamonds and coltan.<sup>7</sup> Some international companies help extract and export these resources and, when necessary, hire mercenaries to safeguard mining operations or other commercial activities. In other words, the state shares its security monopoly in specific areas of its territory with foreign businesses in a radical type of privatization. Many foreign enterprises, such as the now defunct South-African enterprise Executive Outcomes had strong links to former security establishments. For rulers of weak states, these enterprises offered many advantages. First, they provided new financial investments.<sup>8</sup> Second, they made it appear as if the country was open for international business. Third, the deals helped rulers marginalize or exclude local opponents from gaining access to natural resources. Still, the profits were generally not used to build functioning state institutions.

Religion also can be exploited to facilitate patron–client systems. As life becomes increasingly insecure, many people will look to religion or the occult for hope and to help them make sense of the disorder. Often the activities of religious activists are perceived as a moral alternative to corrupt rule. The Taliban in its early stages is a prime example, as the Afghans expected them to establish peaceful and legitimate order. Some rulers succeed in exploiting foreign religious groups for spiritual, financial, organizational, political or commercial resources. Charles Taylor became a born-again Christian in his quest for power in Liberia (ADEBAYO 2002A). In Zaire, Pat Robertson invested in diamond, timber, gold and power generation businesses alongside Operation Blessing, “an enterprise billed as a humanitarian relief effort for Rwandan refugees in eastern Zaire. Operation Blessing included commercial ventures too, including a 50,000-acre farm near Kinshasa. Robertson justified the profit-seeking nature of what was otherwise a religious venture as part of his efforts to generate cash for his relief work” (RENO 1998: 167). For Mobutu, and many other rulers, these religious organizations were often less critical than well-established churches.<sup>9</sup> At the

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<sup>7</sup> Coltan is an ore containing two rare metals: tantalum and columbium. Tantalum is mainly used for the production of capacitors in electronic equipment such as laptops and mobile phones.

<sup>8</sup> Some even helped to pay off the national debt, which kept the international donors satisfied so they continued their loans and other forms of funding.

<sup>9</sup> At the same time, many Congolese considered black magic a powerful instrument in Mobutu’s political toolkit. Kabila was afraid to look into Mobutu’s eyes during their only meeting toward the end of Congo’s “first” civil war. Ostensibly, he feared the magic spell that Mobutu’s glance was supposed to cast on his opponents. See WRONG 2000: 282–283.

time, the Zairian archbishop was actively promoting democratic rule in Zaire (CHABAL & DALOZ 1999: 63-76).<sup>10</sup>

Structural adjustment programmes also provided unexpected opportunities for patron-client rule. In particular, privatization offered opportunities for rulers to cheaply sell state enterprises to cronies. In these cases, privatization only amounted to cosmetic change; although businesses changed hands, management did not improve. Nevertheless, rulers were able to convince foreign donors that privatization was progressing.

Other reforms, such as deregulation and strengthening the rule of law, were also used to exclude or control political opponents. This occurred in the Nigerian insurance and banking industries during the dictatorship of General Abacha, who came to power by deposing Babangida, another military ruler. The Abacha regime targeted members of the Babangida political networks and business partnerships with "financial probes" to "fight corruption." It also promoted the privatization of government-controlled banks with close ties to Babangida. As a result, "foreign investors, along with favored bank officers, would take over management."<sup>11</sup> Abacha implicitly showed bank managers that they were dependent on his goodwill.<sup>12</sup> The regime made similar moves against some traders and financiers involved in the drug trade, which also helped the regime curry favour with US anti-drugs officials, while increasing its local control (RENO 1998: 201-204).

In a growing number of cases, criminal activities provided new resources for patronage. The best known example is drug trafficking by

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<sup>10</sup> CHABAL and DALOZ provide a more general overview of the impact of continuing traditional religious practices on modern-day political behaviour and they note a re-traditionalizing tendency.

<sup>11</sup> Paradoxically, from a western point of view, when the regime was privatizing several banks, it was threatening to take majority control of some independent banks. The World Bank strongly protested, and the regime backtracked. Yet, managers who purportedly supported opponents of Abacha controlled these banks. Having grown careful, these managers became more responsive to Abacha. Hence, the contradiction between privatization on the one hand and nationalization on the other can be easily explained by Abacha's efforts to impose authority. Nonetheless, to the outside world it appeared that the regime was ultimately moving toward greater economic liberalization in both cases (RENO 1998: 202).

<sup>12</sup> CARBONNIER (2000: 12-17) argues that the main problem with structural adjustment was that its advocates tended: "to take for granted the basic underpinnings of the economy which are a well-established legal system to enforce property rights and contracts and well-defined social norms. In theory, adjustment policies rely on the assumption that supply and demand are highly responsive to changes in relative prices. But this is not the case ... mainly because of supply constraints resulting from production and infrastructure bottlenecks."

the military, militias and rebel groups in places as diverse as Myanmar, Afghanistan and Colombia. In several weak states, the smuggling of agricultural products, artwork and game (as well as game meat) also increased rapidly. And there has been a disturbing revival in human trafficking, such as trade in women and forced prostitution in the Balkans, forced conscription of youngsters in many conflicts and forms of slavery, as in Sudan (BAYART, ELLIS & HIBOU 1999). Even borders become less important in the criminalized quest for resources, due to the trade in looted goods and drugs, as well as arms smuggling. Warlords and rebel groups also receive support from other countries, as was the case in Sierra Leone, where the Revolutionary United Front (RUF) received support from Charles Taylor in Liberia.

Resource Rulers also assert authority by creating insecurity (RENO 1998: 206). Violence can be a low-cost strategy to maintain or gain power. Looting and attacking opponents—with poorly paid or unpaid—soldiers or other armed groups is cheap, especially when they are allowed to keep their booty.<sup>13</sup> Sometimes, fighters are permitted to profit from clandestine trade, through trade rackets or illegal mining, instead of receiving regular pay. In Sierra Leone, the *sobel*s—poorly paid soldiers by day, rebels at night—were infamous for their illegal and violent activities. Like many other warring groups, *sobel*s relied on the predation of civil assets and the extraction of natural resources, especially diamonds. They even staged a coup d'état that succeeded in driving President Kabbah out of the country (ADEBAYO 2002b: 82, 87-88).<sup>14</sup>

Finally, rulers can create and exploit ethnic strife, which can help deflect criticism from the regime to weak ethnic groups, while providing looting opportunities. Paradoxically, the ruler strengthens his authority when asked to mediate or offer protection. Slobodan Milošević played the ethnic card to gain support in Yugoslavia, and Mobutu promoted ethnic conflict between the Kasangese and Kasai, partly because it was a cheap way to diminish support for Etiene Tshisekedi, an ethnic Kasai and Mobutu's main political opponent in the early 1990s (BERKELEY 2001: 118 - 129. Later Mobutu exploited ethnic violence against people of Rwandan descent in the Kivu provinces.

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<sup>13</sup> A recurrent problem in such situations is that various foreign companies, especially those outside the extraction industry, will often either stop investing or leave because of the insecurity, which once again reduces the amount of resources available to the ruler.

<sup>14</sup> According to ADEBAYO, Kabbah later returned with support from ECOWAS (Economic Community of West African States).

The strategies above imply that some regimes and warring factions are able to rework elements of Cold War patron–client politics in ways that are at odds with the reform strategies of foreign donors. To obtain resources, they manipulate sovereignty, privatization, legal reform, ethnicity, violence and the state bureaucracy. These strategies of corruption and criminalization slowly increase the level of brutality in societies as criminal behaviour and violence become instruments for gaining natural resources or civil assets. Especially in Africa, but also in Central Asia, the Balkans and parts of Latin America, rulers and warlords have built predatory types of societal organization that only outwardly resemble a state. The *de jure* sovereign status allows rulers to rely on international formal channels and institutions. In other words, warlord politics enable a ruler to insert the state's (shrinking) economy into the global economy while preventing other nationals from reaping the benefits. Without foreign partners in the weapons, mining and security industries, warlords cannot survive.

Despite these predatory innovations, warlord politics is essentially an unstable strategy, because rulers must continuously ward off internal security threats. First, warlords cannot mobilize popular support or legitimacy, because most citizens are excluded from power and economic opportunities. Second, the destruction of state bureaucracies, the lack of security and economic decline ultimately diminish the resources available for patronage. Third, those who are outside the patronage network and those who are about to lose access to the patronage network have strong incentives to rebel against the reigning order. Consequently, the state is weakened, and social exclusion and exploited ethnic tensions lead to violent or simmering conflict. Tragically, this happened in Rwanda. When the 1993 Arusha Peace Accords called for power sharing between the Hutu government and Tutsi rebels, the powerful circle around Agathe Habyarimana, President Habyarimana's wife, was afraid of losing its political power and economic benefits. Genocide appeared to offer a way out.<sup>15</sup>

Whether and when warlord politics leads to war and humanitarian crisis depends on the strategies of the rulers and the strength of local institutions, including the state bureaucracy, private enterprises and civil society, to make their voices heard. When rulers depend on sectors of the population for resources, for example through loans or taxes,

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<sup>15</sup> While the genocide had historical roots in the fixation of Hutu and Tutsi ethnicity by Belgian colonial rulers, and there had been extreme violence in 1959, 1963–1964 and 1973, it was the threat of peace that made Hutu extremists in the Interahamwe and army, led by this circle, further manipulate ethnic tensions and instigate the genocide.

they must be accountable to these groups. This limits the opportunities for warlord politics. In some cases, warlord politics leads to a state of low-grade civil war and/or repeated riots. Although Abacha used warlord strategies in Nigeria, surviving state institutions, private enterprise and civil society formed a countervailing power. Since Abacha's death, Nigeria has experimented with democracy, but local conflicts flare up regularly. Some of these conflicts are caused by politicians who exploit ethnic and religious tensions.

Whereas warlord politics is concerned with the use of public power for private gain, the contemporary political economy of war centres on using the violence of war for private gain. Both concepts show how closely related the political and economic aspects of society become during conflict. They also illustrate how rulers can exploit cultural, ethnic and religious identities, as well as historical traumas, for private gain. However, while warlord politics reflects mostly elite, top-down strategies, the political economy of war also concerns bottom-up strategies.

## The Political Economy of War

Mirroring warlord politics, the quest for resources has increasingly replaced other reasons for war, such as ideology, since the end of the Cold War. In a play on the words of military philosopher Carl von Clausewitz, David Keen illuminated the evolving nature of the political economy of war when he wrote, "War may be a continuation of economics by other means" (KEEN 2000: 27). Many contemporary civil wars are not about winning or imposing one party's will; rather, they are about controlling a steady flow of resources. Private control over trade and assets instead of territory is becoming a defining quality of political power in many conflicts.<sup>16</sup>

As the political economy of war becomes increasingly based on resource extraction and asset stripping, hostile groups rely less and less: "on generating popular legitimacy to sustain themselves" (MACRAE 2002: 5). This not only affects the internal cohesion of the fighting forces, but also their relationship with the local population.

Disciplined standing armies, controlled either by a strong government or dominant ideology, are rarer, so combatants depend less on steady

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<sup>16</sup> In inter-state conflict, such as Kashmir, territory remains important for political control.

payments from the state to earn a living. Hence, loyalty to a state or leader has decreased, and armed groups fragment into smaller factions with weak command-and-control structures. Their relative autonomy is further reinforced by the proliferation of small, cheap arms. Because they frequently lack a strong internal hierarchy, these groups, often marauding bands, are difficult to control for their commanders or international patrons. Furthermore, such groups do not engage in direct battles to destroy their opponents or conquer territory but prefer to plunder for a living, which results in chronic crises. Whereas standing armies are public institutions, these groups operate more as private enterprises. During the conflict in the Former Yugoslavia, for example, Croatian and Serbian fighters at times coordinated their fighting to avoid pitched battles over territory, allowing them to control and manipulate the local population (KALDOR 1999). On the border of Tajikistan and Afghanistan, as well as in Bosnia, villages were destroyed, but electrical wires remained unscathed, because all parties engaged in the conflict needed electricity (ANDERSON 1999: 26). In Sierra Leone and Liberia, child soldiers sometimes operate on their own or in small groups to stay alive by plundering. The increasing fragmentation makes it extremely difficult to identify the different forces controlling territory, to negotiate with them and to ensure that humanitarian law and agreements regarding humanitarian access and conflict resolution are adhered to (MACRAE 2002: 5).

Because asset predation and resource extraction are becoming ends in and of themselves, fighters resort to strategies such as ethnic cleansing, rape and mass murder to engender fear and create mass population movements. So the number of civilian casualties, refugees and IDPs tends to be very high.<sup>17</sup> When people flee, they leave behind most of their possessions, which are stolen in their absence. Moreover, their departure, death, or subjugation prevents them from upholding claims to their land and natural resources. In this way, identity conflicts can be started or exploited for economic gain.

Frequently, when people take up arms in these kinds of conflicts, the distinction between armed groups and civilians,<sup>18</sup> and between

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<sup>17</sup> To some extent this is a disputed claim. During the Rwandan genocide, victims were killed at a faster rate than during the Holocaust. In all likelihood, the speed and number of people killed varies highly from crisis to crisis. In chronic crises, the breakdown of health, agricultural, transport, and educational systems contributes to high morbidity and mortality rates. Hence, it is difficult to make general claims.

<sup>18</sup> According to (TERRY 2002: 11) the: "distinction between combatants and non-combatants disappeared with the advent of aerial warfare. Bombs dropped on cities throughout the Second World War did not discriminate between targets." It might even be that this distinction already blurred in the "nineteenth century, when small profes-

perpetrators and victims, is blurred. In addition, fighting can become a survival strategy for those at the bottom of society who lack other economic opportunities; this is particularly true for young, unemployed men.

When conflicts become chronic, people's coping mechanisms diminish; unable to rely on the state for protection, security and other services, people retreat into their families, communities, clans, or ethnic groups. They become increasingly afraid to trust others. For the local population, the political economy of war makes life, if not survival, increasingly difficult in seven specific ways (CARBONNIER 2002: 14):

1. Failing exchange:

War shatters the rules for exchange in a market economy: barter trade replaces currency transactions, and impunity tends to prevail over the rule of law, making enforcement of contracts and property rights hazardous and costly in terms of security.

2. Changed behaviour aggravates the declining economy:

War alters the behaviour of firms and households, because political instability breeds uncertainty and reduces the planning horizon and confidence of consumers and investors. Owners of capital become reluctant to invest or move their capital to a foreign safe haven. Ultimately, war can lead to macro-economic collapse involving hyperinflation, massive unemployment, and net decreases in gross national product. (NATSIOS 1996: 26).

3. Public services deteriorate:

War further deteriorates state and public services. The health systems break down, often causing more deaths from epidemics and untreated illnesses than by direct violence. War also disrupts the education system, which hampers rebuilding and development after the conflict has ended. The police and the judiciary, often corrupt already, become even weaker.

4. Food security threatened:

War causes or intensifies the breakdown of transport systems and the disruption of agriculture. It also leads to looting and hoarding. Consequently, food prices rise and episodes of food insecurity that can lead to famine occur.

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sional armies were replaced by enormous conscript armies, and casualty rates among non-combatants rose dramatically." Nevertheless, this distinction took place in the context of war among strong states. The blurring we discuss is the effect of fragmented armed groups, resource extraction and asset stripping, together with manipulated ethnic or religious grievances in weak states.

### 5. Migration:

War causes a brain drain. Many skilled citizens migrate, leaving poorer and less educated segments of the population behind. In cases of famine and ethnic cleansing, mass movements of refugees and IDPs occur.

### 6. Coping mechanisms:

Many coping mechanisms, while keeping people alive in the short term, reduce opportunities to reestablish a productive life in the long run. During a war, parallel economic and extra-legal activities can flourish. These informal economic activities can overshadow formal markets. The most vulnerable groups may be forced to sell their personal belongings and production assets, such as seeds, land and livestock at rock-bottom prices (CARBONNIER 2000: 14). To survive, some civilians are forced into prostitution or fighting.

### 7. Absorptive capacity:

The weakened institutions in war-torn societies are frequently not able to absorb aid. Still, they can face large-scale interventions in the humanitarian, economic, political and security fields (CARBONNIER 2000: 14). Governments often fail to coordinate the intervening actors. While these governments need to rebuild their societies, the governmental institutions also need to be rebuilt or reestablished.

One of the devastating consequences of a war economy is that it provides incentives for profiteers and warlords to continue the violence while destroying the actors and societal processes necessary to build peace and foster economic development. This is why many humanitarian crises become chronic. Not only is it very difficult to carry out international interventions when there is an institutional void, but it is highly complicated for outside parties to determine what is at stake for the parties involved in the conflicts and find ways to work with these parties.

## **Donor Government Response**

### *Motivations*

As the primary donors, strong state governments deeply influence when and how to conduct a humanitarian intervention. Although they generally do not provide direct humanitarian aid to people in need, states provide funding bilaterally—to the national governments—via NGOs, or through intergovernmental institutions, such as the Europe-

an Union and the UN, which are important donors in their own right. State officials also make decisions about launching military interventions and officially determine the policies and programmes of the multi-lateral institutions. When weak states fail to control and coordinate the diverse interventions on their own turf then it would be ideal if strong states were able to unite the political, diplomatic, financial, humanitarian and military aspects of interventions into a coherent approach.

However, the governmental bureaucracies of strong states are usually divided into different decision-making organs and implementing agencies. Military and humanitarian functions are addressed by different organs, and, more importantly, the perceptions on the relevance and causes of the crises and the role of interventions differ widely within and among strong states. This perception depends on interpretations of sovereignty, national, strategic and economic interests, as well as a moral calculus on the need for action.

As stated in the introduction, the traditional interpretation of sovereignty views the norm of non-intervention as the foundation of international order. Put differently, sovereignty does not take a population in need—and therefore a humanitarian imperative or impulse to address these needs—as the standard for international action. However, economic decline, warlord politics, and the economy of war challenge the validity of the concept of sovereignty.

Other reasons for strong states to engage in a weak or failing state are political interest or a sense of moral commitment. Before the fall of the Berlin Wall, the strategic and economic interest of strong states in weak or failing states was already in decline. While there were exceptions, such as US attempts to contain Libya's Muammar al-Khaddafi, France's promotion of *la francophonie*, and the ties between Western countries to their former colonies, strategic and economic interests had become less clear. Even those who felt they understood the conflicts were hard pressed to come up with solutions. Various peacekeeping efforts were fraught with failure. Furthermore, although strong governments saw their third-world counterparts weaken and societies fragment, these crises were not perceived as geostrategic threats. Afraid to become entangled, donor governments preferred to stay home. The arduous task of state building was deemed too expensive and complex, particularly by conservative members of the US political elite. Donor governments preferred to leave these tasks to the UN or subcontract them to NGOs. While they looked for an emerging international political order, a strong vision of engaging with the South was never developed. Rather, foreign policy in most Western states centered on the promotion of liberal values, such as democracy and free markets.

Still, strong states could not fully disengage. It became obvious that weak, failing states triggered a flow of economic migrants and refugees. In other words, allowing weak states to disintegrate had international consequences. Coping with the growing number of refugees (and other migrants) was costly. Furthermore, not only was the integration of resettled refugees a slow and painstaking process, but at times cultural differences also led to increasing domestic tensions. As a result, while states in the South weakened, the North responded by tightening its borders.

Although the number of refugees declined in the late 1990s, this could not just be attributed to a decline in the number and intensity of conflicts. In reality the number of IDPs had increased. It simply became harder for people to leave their home countries; and if they did, regional solutions were preferred to prevent them from leaving the continent. “[I]nternational borders with Afghanistan were effectively sealed in 2001, preventing significant population outflows. In Macedonia in 1999, asylum for Kosovar refugees was negotiated with the Macedonian government on the condition that they would subsequently be transferred to other countries (MACRAE 2002: 6).”<sup>19</sup> During the 1990s, protection of civilians began to rank higher and higher on the national and international political agendas, but this was insufficiently translated into international action.

### *Changes*

During the 1990s, attitudes changed toward sovereignty. Slowly the international community began to adopt a looser, more conditional concept of sovereignty. With the Cold War, states carefully guarded their sovereignty and foreign criticism was routinely derided as meddling, while current thought emphasizes the state’s *de facto* obligations of sovereignty in terms of providing protection, security and basic services to its population. If a state does not fulfill these obligations, the *de jure* sovereignty protection against outside intervention becomes less absolute.

As the concept of sovereignty changed, the international agenda broadened. Security was redefined at the international political level to include economic and social determinants of conflict. With Boutros Boutros Ghali’s *Agenda for Peace* (2005) human security be-

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<sup>19</sup> This situation resembled the situation of the Vietnamese refugees in South-East Asia.

came a central, albeit ill-defined topic. As its agenda broadened, the Security Council became more attentive to non-state actors and held special sessions with major humanitarian NGOs to discuss their experiences and perspectives. Humanitarian organizations—NGOs and UN agencies—jumped at the chance to influence the Council. “By the late 1990s, the Security Council was including humanitarian issues on its agenda, alongside more long-term structural threats to international security, including the environment, water and HIV/AIDS” (MACRAE 2002: 6). The Security Council also became more active with two other forms of non-military intervention: sanctions and international criminal prosecutions. In addition, the Security Council increasingly perceived civil war and internal strife as potential threats to international security, which meant these conditions could form the basis for enforcement action under Chapter VII of the UN Charter. “This development was virtually inconceivable during the Cold War, when similar conflicts were not considered to constitute such threats” (WEISS & HUBERT 2001: 119).

As a result, peacekeeping became more ambitious in several states that were otherwise of less strategic and economic interest. The “military interventions of the 1990s were ... more legitimate than the earlier cases. Rather than remaining on the sidelines, the Security Council was seized by each of them and made decisions authorizing coercion. Unlike the [Cold War] cases, in which the rescue of nationals and self-defense were the primary justifications, the conscience-shocking and truly ‘humanitarian’ elements of the post-1990 cases were explicitly recognized as important justifications for international action. Instead of single-state military operations, the interventions of the 1990s were also genuinely multilateral” (WEISS & HUBERT 2001: 117).

Paradoxically, although security had been redefined, the higher ambitions were insufficiently met with increased funding, diplomacy or consistent engagement. States jointly took decisions in the Security Council, but they did not pay enough attention to the requirements for successful implementation. The UN lacked operational capacity. In addition to military peace-support operations, criminal proceedings and sanctions, an array of approaches was tested. For example, aid conditionalities were instituted, military interventions subcontracted to regional coalitions, NGOs were used to deliver services, and some crises were simply neglected. The North’s attitude toward countries in crisis was contradictory; although weak states allowed ambitious interventions, they were rarely met with greater commitments. This, in large part, was due to the (perceived) lack of strategic or economic interests.

Meanwhile, the negative results of humanitarian aid and peacekeeping received greater attention, both academically and politically. At the same time, many politicians struggled with the pressure to stem the refugee flows and minimize media outrage, but preventing or solving these crises in weak states proved difficult. In sum, it appeared as though strong states had instituted an uneasy mix of neglect, withdrawal, interventions and liberal values. Increasingly, the question arose as to whether humanitarian relief was used only by donor governments as a Band-Aid? Did they want to solve the problems or just contain them?

### *Issues*

Donor behavior was hampered by three strategic problems:

1. Warlord politics and the evolving political economy of war were poorly understood. The identity-based perspective on religious and ethnic conflict in the early 1990s was too limited;
2. Prevention was not a strong suit for donor governments; often a crisis was neglected until it received media attention or it had destabilizing political effects within the region or for donor countries. In practice, donor governments often waited to act until a crisis was playing out in full force; and
3. Donor governments, if interested or invested in a conflict, used different approaches to address the crises. Furthermore, the relationship between the different actors and methods—military versus humanitarian intervention, for example—were rarely well established.

As a result, international response to these conflicts was unpredictable. In particular, different approaches to four operational problems deeply influenced activities in the field:

### NO SYSTEMATIC CRITERIA

Though the shift toward a broader, more conditional interpretation of security and sovereignty continues, there are no systematic or widely-accepted criteria for military and non-military humanitarian intervention. Agreement on who is responsible for formulating or maintaining such criteria is lacking. Furthermore, geopolitical strategy and the political strength of the governments involved deeply influence the degree of intervention states are willing to make. Hence, Tibet, Chechnya and

East-Timor are each treated quite differently. Without clear criteria, interventions continue to be perceived as selective.

Ideally, when there is a problem, the state will appeal for outside intervention to support its own activities. When this is not the case, the Security Council must normally authorize intervention under Chapter VI (without force) or Chapter VII (with force) of the UN Charter. Usually, NGOs are accredited by and cooperate with national governments; however, there are exceptions to this rule, especially in civil conflicts. In addition, bilateral agreements between governments or with regional organizations may also facilitate humanitarian action. Finally, humanitarian organizations generally justify their work by referencing and adhering to Red Cross principles of neutrality, impartiality and independence.

However, if powerful states become more interventionist, what are their interests or justifications for doing so? In this respect, many humanitarian organizations and Third World governments are suspicious of the role of military force and donor policies.

#### SELECTIVE FUNDING

National budget deficits and a lack of strategic or economic interest led donor countries to further reduce official development assistance during the 1990s. However, humanitarian assistance increased, receiving a larger portion of the shrinking aid pie. In addition, donor attention to countries in conflict is uneven. Some "loud" emergencies, for example the Balkans, received far more funding than "silent" emergencies, such as Angola. In other words, funding is highly selective and not based on a neutral and impartial needs assessment.

How funding is provided also deeply influences how humanitarian assistance is implemented. Ideally, donors commit to long-term strategies for addressing funding needs. Too often, however, donor strategies are imposed on local counterparts, and opportunities for truly effective assistance are missed (SMILLIE & EVENSON 2003: 287-306). Furthermore, how funds get earmarked and reporting requirements vary among donors. For example, the Nordic and Dutch governments have a long tradition of multilateralism and support of development cooperation. NGOs feel comfortable accepting funding from these governments, because they do not fear their independence will be compromised. French NGOs, on the other hand, try to maintain a distance from their government, particularly with regard to its policies in Africa. In their advocacy, they can fiercely criticize the government's policies.

## LINKING RELIEF, REHABILITATION, DEVELOPMENT AND SECURITY

The desired degree of integration between international political action (in particular conflict resolution) and humanitarian assistance was a matter of debate during the 1990s. In Serbia, South Sudan, Sierra Leone, and North Korea attempts at such integration to meet the donors' political goals were carried out by the United States and European governments, as well as the European Commission. Many within the humanitarian community argued that using [humanitarian] aid in this way threatened neutrality and impartiality, and would therefore compromise access (MACRAE 2002: 7).

Although the provision of relief has both a direct and a long-term impact on societies in conflict, research is still needed to understand its effects. The general opinion in humanitarian circles has been that it is more effective to preserve the principles of neutrality and impartiality than to integrate humanitarian activities with political approaches by donor governments to reach peace.

## SETTING UP AN ORGANIZATIONAL FRAMEWORK

In addition to providing funding and conceptually working out the linkages between relief and longer-term activities, strong state governments and international agencies must set up their own organizational structures and develop policies. Large organizational differences exist among actors, such as the European Union, the United States and the UN (MACRAE 2002: 7-11: and SALOMONS & DIJKZEUL 2001). The main organizational questions concern the degree of integration between humanitarian and development approaches, as well as between military and humanitarian activities. The biggest fear among humanitarian actors is that they will become marginalized, and humanitarian action will be a secondary concern. For example, the European Union has established a European Rapid Reaction Force (RRF), a mechanism that combines military and civilian instruments, such as "election monitoring, human rights initiatives, media support, police training, border management and mediation into a single intervention ... to provide short-term stabilization while the bureaucratic steps of regular Community programs are undertaken." Within the EU, "[n]ew institutions and organizing structures are emerging ... to support these [rapid reaction] forces, and to provide political direction to assistance strategies" (MACRAE 2002: 7-11). It remains an open question whether this will lead to a confinement of the European Union's Humanitarian Aid Office (ECHO) to "silent" crises of lesser strategic interest.

Humanitarian assistance is most in demand when strong states abstain from addressing crises, even though its effectiveness would be greater with continuous and constructive involvement, which might include—the threat of—military enforcement. With regard to the policies and organizational adaptations by different donors since the early 1990s, it is hard to escape the conclusion that donors often understand too little about contemporary conflicts and lack consistent in-depth engagement. Instead, most donor governments appear to be “muddling through” (HOPPW 1988).”

## Humanitarian Response

### *Motivations*

Humanitarian organizations operate on the assumption of a moral obligation to fulfill the needs of all human beings. They are guided by the universal concept of a common humanity that transcends distance and difference. Many humanitarians argue that there is a human imperative for action. They believe human needs should always be met and see humanitarian assistance as a right. Other humanitarian actors start with a humanitarian impulse for action, which can be followed or not. Whereas the extent and ways to address human needs are contested, addressing these needs in situations of distress remains the humanitarian’s *raison d’être*.

### *Changes*

During the Cold War, humanitarian organizations generally operated independently of peacekeeping forces. This was the case in Lebanon and Cyprus, for example. Humanitarian organizations focused on the protection of refugees, as well as on the provision of food, water, shelter, clothing and medicine. The success of their efforts depended on rapid response, political neutrality, impartiality and independence from national and international political and military actors. Ideally, the humanitarian organization would quickly enter a humanitarian crisis, do its job saving lives and leave. In its practical and conceptual setup, humanitarian aid was supposed to be a short-term, one-time exercise.

Through their setup and principles many humanitarian actors have a “standard” crisis in the back of their minds, because the hu-

humanitarian values of neutrality, impartiality and independence function best in the presence of a strong state, which is temporarily unable to provide succour.<sup>20</sup> In these cases, humanitarians do not need to worry too much about the political implications of their actions: saving lives comes first. The state bureaucracy, including the police and armed forces, perhaps supported by some international development agencies, will ideally take care of rehabilitation, development and security. Likewise, with a war among strong states with standing armies, soldiers are generally better trained and more disciplined in following orders from their superiors than during many current civil conflicts. The roles of sovereign states, the military and the humanitarian organizations are then better defined, and humanitarian organizations can more easily maintain their traditional principles, although this may still be difficult at times. Maintaining these principles makes good operational sense: the more they are adhered to, the more likely humanitarian actors will gain access to victims on both sides. For this reason, humanitarians have been eager to create and maintain a “humanitarian space,” free from political, donor or military influence.

With the end of the Cold War and the rise in chronic intra-state wars, the nature of the humanitarian response changed. First, the scope and duration of humanitarian assistance increased. Second, the number of humanitarian NGOs increased rapidly.<sup>21</sup> In the period following World War II, the international Red Cross movement and UN humanitarian agencies worked together with larger NGOs, such as Care and Oxfam. Shortly after the Biafran conflict (1967–1970), Médecins Sans Frontières (MSF) appeared on the scene. In later years, more NGOs followed suit. Furthermore, several UN development organizations began to carry out humanitarian tasks. “Some 250 NGOs were present in Rwanda after the 1994 genocide, working beside at least eight UN agencies, three branches of the Red Cross and Red Crescent movement and military contingents from eight different countries” (TERRY 2002: 15). Third, humanitarians were quickly forced to come to terms with their impact on conflicts. They became aware that traditional humanitarian relief brought with it resources

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<sup>20</sup> Due to an earthquake for example.

<sup>21</sup> Part of the perceived higher incidence of civil conflict may also be caused by this increase in numbers of NGOs and amount of humanitarian aid. Taken together, they formed a new, or at least larger, channel of interaction with these conflicts, which may have led to a higher visibility of some of these conflicts.

that could fuel and prolong conflicts.<sup>22</sup> Several authors argued that humanitarian aid undermined the accountability of local leaders by absolving them of their responsibility to take care of the well-being of their population (DE WAAL 1997).

During the 1990s, it became clearer that these recurring problems of humanitarian aid were related to the malfunctioning of weak states (DE WAAL 1997 and RENO 1998). Whereas in regular development situations, international organizations work with national governments, it was difficult for humanitarian organizations to determine when and how to intervene in a situation where there was a breakdown in government authority (MACRAE 2000: 89).<sup>23</sup> During the Cold War, humanitarian organizations were by and large limited to working with national governments—in secure government-held territory or camps on the periphery of the conflict, for example. Few “ventured inside a country at war before the advent of ‘negotiated access’ in Sudan in 1989” (TERRY 2002: 13). Partly in response to criticism and partly due to the weakened concept of state sovereignty, NGOs and UN organizations increasingly entered into ongoing conflicts. Many humanitarian organizations also incorporated conflict resolution, human rights work and the rebuilding of war-torn societies in their work in an effort to end the conflict and prevent future outbreaks.

Consciously or unwittingly, these organizations thus started taking on traditional government tasks in addition to their humanitarian work. Nevertheless, humanitarian organizations could not do everything alone. A host of parties—international and national NGOs, the UN system, Bretton Woods agencies, local communities, national governmental bodies and military organizations—became engaged. All actors were involved in one or more activities—encompassing, at a very minimum, demilitarization, humanitarian relief, political reconstruction, social reintegration and reconciliation, as well as rebuilding (UNRISD & PSIS 1995). The staff of many humanitarian organizations felt these tasks needed to be conceptually linked and required simultaneous action in practice. Others wanted to stick to their traditional principles and independent roles.

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<sup>22</sup> No clear data exists on this topic. The negative impact of humanitarian aid is probably small compared to the impact of illegal resource extraction and asset stripping. Nevertheless, according to TERRY (2002: 14-16): “humanitarian assistance provides a renewable source of exploitation.” With their resource transfers and implicit ethical message (e.g., negotiations that involuntarily legitimize warlords), humanitarian assistance can become a factor in the conflict. See ANDERSON (1999: 37–66).

<sup>23</sup> Macrae points out that at least until the 1980s, most relief assistance was also provided through national governments. For example, it is noteworthy that in 1976, the European Community channelled more than 90 percent of its relief budget through national governments in affected countries.

*Issues*

Taking on these new tasks created three conceptual and operational problems:

## DEVELOPING SYSTEMATIC CRITERIA AND STICKING TO THE PRINCIPLES

More tasks meant broader and an increasing number of interventions. Humanitarian organizations were often active for longer periods of time and dispersed over wider areas. Consequently, they became part of the context of the conflict. In the eyes of many warring factions they became actors *in* the conflict. Remaining neutral and impartial became a greater challenge. Upholding these principles with two armed parties was difficult enough, but the fragmentation of armed groups intensified the problem. In addition, some humanitarian organizations preferred to act in solidarity with a particular group, jettisoning the principles of neutrality and impartiality. For example, Norwegian's People Aid (NPA), only works in south Sudan and eschews the regime in Khartoum.

## LINKING RELIEF, REHABILITATION, DEVELOPMENT AND SECURITY

Linking relief, rehabilitation, development, and security was difficult. Traditionally, this was the state's responsibility, though it was predicated on the notion of a strong state. As explained above, during the Cold War, security, relief and development activities were usually carried out by different organizations under the auspices of a state. This functional division of tasks made sense in the wake of natural disasters that caused a disruption of developmental processes but did not fully destroy government capacity. In these cases, humanitarian aid could focus on saving lives in a short-term operation. This approach assumed that development could resume after the termination of humanitarian aid.

However, such an approach was less applicable to civil conflicts, because it ignored the ways in which humanitarian aid could become part of the conflict—either in reality or as perceived by the warring factions. In many crises, short-term conventional relief hampered long-term development processes by focusing more on the symptoms than the political causes of the conflict.<sup>24</sup> This happened, for example, with food

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<sup>24</sup> Moreover, many initiatives of the local population were carried out independently—if not in spite of—the international organizations. Refugees, for example, often employ their own means of finding out whether it is safe to return by sending out family members to check their former home region.

aid to Ethiopia in 1984–1985, because the disastrous effects of the repressive land collectivization and nationalization (of agriculture) policies of the Communist regime were not taken into account. In hindsight, the focus on symptoms is not surprising, because in many crises the political economy of war and the impact of warlord politics were hard for outsiders to grasp.

In other words, there was an assumption that chronic crises can be characterized by the relief–rehabilitation–development continuum that remains separate from security concerns. But this belief is based on the assumption of a linear sequence of events that does not exist in practice. When addressing man-made disasters, relief, rehabilitation and development are not separate stages that logically flow from each other; they can take place simultaneously. The traditional categories of security, relief, rehabilitation and development cooperation reflected more the institutional make-up of the international organizations and the donor community rather than the realities in the field.<sup>25</sup>

As a result, humanitarian organizations need to carefully consider which practical problems they want to address. Possible tasks include the following: finding remedies to keep aid from being diverted by warring parties and corrupt officials; identifying local capacities and fostering participation among the local population; linking different actors with expertise in varying functional sectors, such as health and agriculture; designing appropriate hand-over and exit strategies; and ensuring follow-up and working toward sustainable projects and programs.

#### COORDINATING DIFFERENT ACTORS INTO COHERENT ACTION

Overcoming the differences among the various organizations is a central challenge. In more regular development situations the government is the official coordinator. Without a strong government, powerful incentives conspire against inter-organizational coordination. Most international organizations are relatively small and too specialized for the problems they confront. In addition, they compete among each other for funding and media visibility to help ensure their survival. In turn, the international donors are preoccupied with domestic concerns and far removed from the field. Lead agencies, Special Representatives of the Secretary-General, guidelines, consolidated appeals, strategic frameworks, codes of conduct, information-sharing bodies, coordi-

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<sup>25</sup> It also implied that rehabilitation has often become the neglected stepchild in the competition between humanitarian and development assistance. See MOORE (1996: 1-6).

nation centers, civil–military cooperation (CIMIC) and accountability projects have all been established in an attempt to regulate humanitarian organizations. Typically, organizations want coordination but do not want to be coordinated. This hinders the provision of aid and obstructs a coherent approach to rebuilding.

In sum, warlord politics and the changing political economy of war have stretched the traditional methods of humanitarian assistance. As an increasing number of organizations stay longer and struggle with a broader array of activities, traditional principles are becoming difficult to uphold. At the same time, organizations are unable to take on all government duties. In many crises, the lack of security destroys the lives and livelihoods of the local population and hampers humanitarian assistance. Should humanitarian actors take on political and operational government tasks in order to achieve peace, improve security and restart development? If so, which tasks? Can humanitarian organizations simultaneously develop the capacity to improve their operations in the field while carrying out political tasks with warring factions and involving international (political) actors in conflict resolution and peace building? Would this sufficiently enhance security? Is another division of labour with political actors necessary? Should international military forces offer assistance?

## **Military Response**

### *Motivations*

Bryan Hehir rightly argues that “[m]ilitary power holds the ambiguous role in world politics of being simultaneously the decisive threat to life and order and the instrument of protecting both” (HEHIR 1998). This raises uncertainty as to when a military intervention constitutes a “humanitarian intervention.” Is there such a thing as a “humanitarian–military intervention”? To answer this question one must address the *principles, means* and *ends* of military involvement. It is unlikely that military involvement by a strong state in peacekeeping starts from a humanitarian imperative, however, such involvement may stem from a humanitarian impulse. Humanitarians often doubt the veracity of impulse, because the decision to deploy the military is based on a domestic political calculus made in the capital of the intervening country. In other words, although military action may be spurred by the needs of the suffering population, domestically perceived considerations tend to take the upper hand. In contrast to war, where the military prefer to apply overwhelming force to defeat an opponent, during peacekeep-

ing operations the use of force is typically more circumscribed. Hence, the scope and quality of military intervention, and its role in addressing needs varies significantly from crisis to crisis.

### *Changes*

Like their humanitarian counterparts, military peacekeepers also had a standard type of crisis in the back of their minds during the Cold War. The so-called first-generation peacekeeping was initiated by the Security Council under Chapter VI of the UN Charter. Usually only two sides were engaged in the conflict and both had to agree to the stationing of Blue Helmets, otherwise there would be no peacekeeping. In this type of operation, lightly-armed peacekeepers were placed on the demarcation line after hostilities had ceased and while diplomats busily worked out a more comprehensive peace (RATNER 1995: 9-24). Peacekeepers could only use arms in self-defense. Most mandates were clear and relatively simple from a military perspective. They focused on facilitating and monitoring compliance with a ceasefire or truce. Tasks included (BARRY with JEFFREYS 2002: 3-4).

- investigating and monitoring ceasefire violations and other incidents;
- undertaking stabilizing tasks, such as brokering local commanders' agreements over demarcation of boundaries;
- defusing flare-ups by brokering "mini-ceasefires" and quelling local incidents of conflict; and
- facilitating communication between parties with no diplomatic relations.

As with "traditional" humanitarian assistance, first-generation peacekeeping attempted to remain neutral. The ceasefire, mutual consent of both parties, and limited geographical deployment helped peacekeepers to avoid using violence against warring parties. As a consequence, participating governments did not anticipate body bags coming home. Some operations, for example in Cyprus, continued for decades. In addition, the limited role of peacekeepers helped avoid tensions between the superpowers.

Peacekeeping changed when the Cold War ended. With the proliferation of intra-state conflicts in the early 1990s, military peacekeeping operations increased in number and scope, but not necessarily in duration. From the first peacekeeping mission deployed in 1948, through the 1980s, there were eighteen missions. During the 1990s, however,

the number of interventions jumped to thirty-five. Phrases such as “Operations Other Than War” and “Peace-Support Operations” became common military parlance as interaction with humanitarian, diplomatic and development actors increased. “[T]hree operations commenced with a two-month period in 1992. [They] peaked in 1993, in terms of the number of peacekeepers deployed (78,744), and in 1994, in terms of UN peacekeeping expenditures (\$3.5 billion)” (WEISS & COLLINS 2000: 170). Later, the numbers leveled off. Of the fourteen missions currently deployed, five were initiated before the end of the Cold War.

In addition, the influence of the United States grew. During the Cold War, neither the United States nor the Soviet Union participated in peacekeeping operations to avoid possible power struggles. With the demise of the Soviet Union, US forces could take on a more active role in the field. In fact, they were often expected to take the lead (WARD 2000: 223).

Whereas first-generation peacekeeping took place after hostilities ended, second-generation peacekeeping usually takes place during a conflict. Without peace agreements and demarcation lines, second-generation peacekeeping entails the stationing of geographically dispersed troops among fragmented, warring factions. This increases risks and makes it more difficult to maintain a neutral position.

The reactions of the military and military analysts to the new tasks varied. With the budget cuts in the 1990s, some military officials were reluctant to engage in peacekeeping, because it was not a core defense task. This attitude was especially strong in the United States. Engaging in these kinds of missions could complicate other military operations, occupy troops with tasks for which they were not trained and dilute their war-fighting role (BARRY with JEFFREYS 2006: 6). Moreover, many humanitarian tasks taken on by the military were not planned, but came about in an ad-hoc manner. Some military officials identified gaps on the ground, for example in agency capacity or resources, and out of compassion or ambition they felt compelled to move in. The desire to make peacekeeping a success sometimes led to “heart-and-minds” operations to reduce opposition. These operations also helped boost the morale of soldiers. Rarely, however, did the military provide direct humanitarian assistance. This only occurred in Iraqi Kurdistan in 1991, Zaire in 1994, and Albania and Macedonia in 1999 (MACRAE 2002: 9). More often the military played a supporting role. Occasionally, for example in Somalia, humanitarian organizations asked for help, but mostly for protection. New tasks of “peace support forces” included

- establishing and maintaining order and security;
- facilitating settlement of the conflict;

- protecting civilians, in particular through escorts and armed protection for humanitarian staff and goods;
- using military assets to facilitate aid delivery and reconstruct infrastructure;
- carrying out humanitarian tasks as an institution of last resort; and
- sharing information with UN agencies and NGOs.

Second-generation peacekeeping was multidimensional. It combined elements of traditional peacekeeping with humanitarian action, diplomatic peacemaking,<sup>26</sup> rebuilding and preventive diplomacy.<sup>27</sup>

As respect for sovereignty declined, some peacekeeping operations began to include force. These peace-enforcement operations were established under Chapter VII of the UN Charter, and neutrality was fully abandoned in favour of one or more factions. In other words, the military became party to the conflict. This rarely happened during the Cold War.

**Table 1.1**

The Fortunes of Peace Enforcement

The fortunes of peace enforcement have waxed and waned. The initial optimism was reinforced by the Iraqi defeat during the first Gulf War. This defeat led to calls for more robust peacekeeping as a part of a broader international agenda to foster peace. (BOUTROS-GHALI 1995). The humanitarian crisis with the Kurds in the wake of this war was addressed by making parts of Northern Iraq a “safe haven” for the Kurds. The allied forces further aimed to contain Saddam Hussein and his regime by installing no-fly zones, sanctions, and weapon inspections.

However, peacekeeping in Somalia unexpectedly wrought havoc in 1992–1993. The military forces, led by the United States, had come in to provide protection of humanitarian food deliveries but increasingly became involved in the establishment of a new government. The Somali warlord, Aideed, felt marginalized in the peace process and began to lash out at the peacekeeping forces (BARNETT 2002: 36). Subsequently, the goal of military action shifted to neutralizing Aideed’s influence. An attempt to capture two of Aideed’s lieutenants deteriorated into the battle of Mogadishu. Eighteen American elite soldiers were killed and more than seventy were badly injured. On the Somali side, at least 500 people were killed and more than a thousand were injured (BOWDEN 2002: 310, 333). In reviews of the military debacle, the term “mission creep” gained ground. The experience in Somalia buttressed American resistance to peacekeeping and the UN in general.

<sup>26</sup> Peacemaking as a form of diplomacy to reach an official settlement.

<sup>27</sup> Preventive diplomacy to avoid spreading of the conflict.

Peace enforcement was out. The new prevailing wisdom in western capitals was that peacekeeping was only possible if there was a peace to keep (BARNETT 2002: 39). Otherwise, the risks for peacekeepers were simply too high. The risks the local population faced carried less weight.

During the same period, peacekeeping in the former Yugoslavia could not stop the conflict and large population displacements resulted. The Muslim “safe area”<sup>28</sup> of Srebrenica, nominally protected by Dutch peacekeeping forces, was overrun by the Serbs in 1995. With the ensuing massacre of the Bosnian men and boys, Srebrenica became a byword for the defeats of peacekeeping operations. The Dutch UN peacekeepers had tried to remain neutral and impartial, which had been the bedrock for successful peacekeeping operations during the Cold War but was ill-suited for these types of conflicts, in which one or more of the warring factions did not really consent to peacekeeping and ultimately withdrew its consent. One of the lessons learned from Bosnia was that it was extremely difficult for peacekeeping forces to combine forcible (e.g., safe havens and weapons embargoes) and non-forcible (e.g., neutrality towards all parties and use of weapons only in the case of self-defense) means of action. For the countries and international organizations trying to support peace it was thus difficult to determine when to move from diplomacy to force.

Six months after Somalia, little was done to stop the genocide in Rwanda. When the Tutsi-dominated RPF was winning the war against the Hutu *génocidaires*, the Hutu extremists manipulated the large exodus of refugees to neighboring countries. Camps were set up, but the international community did not employ soldiers to separate the *génocidaires* from the bona fide refugees. Soon, extremists were using the camps as bases for rearmament and attacks on Rwandan soil. Considerable criticism was leveled at peacekeeping in Rwanda during and after the genocide, as well as in the camps in neighboring countries. In response to epidemics, militaries from different countries provided direct humanitarian aid to refugees in Eastern Zaire, but their support was often considered too expensive and ineffective in lessening the high mortality rates. A few years later, Rwanda and Uganda backed the rebel group led by Kabila, which was able to overthrow

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<sup>28</sup> The term ‘safe area’, was the official appellation given to Srebrenica and five other towns in Bosnia-Herzegovina (including Sarajevo) by the UN Security Council (Resolution 819), in April 1993. A clear distinction needs to be made here between the term ‘safe haven’ and ‘safe area’. The expression ‘safe haven’ was often wrongly applied to UNSCR designated ‘safe areas’ by many journalists and commentators alike at the time, leading to a great deal of confusion in the period 1993-1995. The terms ‘safe haven’ or ‘protected area’ would have demanded a much more robust response from UNPROFOR peace keepers than would the expression ‘safe area’, which, in practice was virtually a meaningless term. The significance of this appellation would become all too obvious in July 2005 (RH - Ed.).

Mobutu, and the Rwandans intervened to close down the camps, which ultimately led to the extremely deadly civil wars in the Congo.

In 1999, when the conflict in Former Yugoslavia moved to Kosovo, there was more muscular air action, but no ground forces. This brought the issue of enforcement to the fore again. A NATO bombing campaign forced the Serb forces to withdraw from most of Kosovo, but only after those forces had expelled most of the Kosovar-Albanian population. Addressing the exodus called for huge humanitarian assistance, first in neighboring countries, and later within Kosovo itself. As a consequence, the relationship between military and humanitarian roles became blurred. NATO was both a belligerent and an assistance provider. "In Tirana, NATO aircraft in the Albania Force (AFOR), which had a humanitarian mission, stood side-by-side with US Apache helicopters, on hand in case an invasion of Kosovo proved necessary. Bilateral military forces with and without connections to NATO also provided an important "surge protector" role during the outflux of Kosovars in April 1999 at a time when many civilian aid agencies were overwhelmed" (MIL-NEAR 2002: 11). However, troops did not know the basic principles of humanitarian operations and national contingents competed with each other in addressing the needs of the Kosovar population. In the process, they created unrealistic demands from the Kosovar refugees. One humanitarian worker was appalled when a Kosovar demanded the repair of his broken VCR.

Later, in Macedonia, the outbreak of conflict between ethnic Albanians and other Macedonians was met with an international peacekeeping force that emphasized prevention and raised fewer humanitarian worries, although possible cooptation of humanitarian organizations by rich donor countries remained a concern.

In East Timor in 1999, international forces led by the Australians came in with the consent of the Indonesian government. This government had received heavy international pressure after widespread violence in the wake of elections about independence. The Indonesian forces withdrew and militia violence subsided. UN peacekeeping forces later succeeded the Australian-led forces. The UN also set up a United Nations Transitional Administration in East Timor (UNTAET), which handed over its tasks to a new national administration in 2002. Although the humanitarian, security and development activities were operationally complicated, they were not severely disputed, probably because no enforcement operation was necessary. For a long time, the East-Timorese militia also prevented the return of refugees from West to East Timor. Occasionally, the militias still attack East Timor from the western part of the Island.

In 2002, British forces entered the deadly civil conflict in Sierra Leone. Several international forces had not been able to stem the civil conflict. Resource extraction, in particular of blood diamonds, as well as support for rebels by Charles Taylor from Liberia fueled this conflict. The British succeeded in pacifying the country. This improved humanitarian access, although rebuilding remains slow.

Frequently, the roles of the military unwittingly changed because of pressures on the ground. Maintaining order and security, as well as protecting civilians proved difficult, when one or more warring factions only cooperated reluctantly or withdrew consent. Sometimes, these factions obstructed, threatened and attacked peacekeepers or took them hostage. This happened, for example, in Bosnia. In such situations, international forces faced the hard choice of either neglecting the “spoilers” as happened with the Khmer Rouge in Cambodia or to compel compliance as was tried in Somalia. Similarly, protecting civilians became riskier, requiring some type of armed force. As a result, peacekeeping could by design or default move into limited combat. Compelling compliance still:

involves traditional peacekeeping tasks, such as monitoring ceasefires, but it also involves complex tasks for which ultimate success requires a willingness and capacity to use force. These include ‘the cantonment and demobilization of soldiers; the destruction of weapons; the formation and training of new armed forces; [and] monitoring existing police forces and forming new ones.’ Examples of this form of military operation include the Implementation Force (IFOR) and the Stabilization Force (SFOR) organized by NATO in Bosnia, the US-led Multinational Force (MNF) in Haiti and the UN Mission in Sierra Leone (UNAMSIL). A variant on this approach is the use of force to compel parties to the negotiating table. Examples here include the NATO air strikes preceding the signing of the Dayton agreement on Bosnia ... The other form of enforcement action consists of providing protection for civilians backed by the threat or use of military force. While ‘coercive protection’ can take a variety of forms, the most common are the maintenance of humanitarian corridors, the protection of aid convoys and the creation of safe havens or protected areas. Prominent examples include the no-fly zone in Northern Iraq and the safe areas of Bosnia (WEISS & HUBERT 2001: 179).

Inevitably, it is an open question at the time of the decision to use force whether such coercive means will succeed. In some cases, these can be counterproductive by leading to escalation, which can limit humanitarian space. In others, these can lead to the isolation, defeat, or resumption of cooperation from the spoiling factions. Coercive means may then foster peace, and after a while facilitate civilian humanitarian work.

Most humanitarian organizations, especially ICRC and MSF, fear that being associated with these forcible operations of the military will taint their appearance of neutrality. Others, especially American NGOs, have fewer qualms about being associated with the military, and UN organizations have regularly worked with military protection.

In the 1990s, the UN approved Chapter VII operations in the Gulf War, Somalia, Rwanda, Bosnia, Albania, Kosovo and East Timor.

However, the UN did not control these Chapter VII enforcement operations; they have always been implemented by one country or a group of countries. In addition to UN-sanctioned operations, there have been several 'unilateral interventions' that have not enjoyed Security Council authorization. NATO's operation Allied Force against Yugoslavia in March-June 1999 ... was essentially 'self-mandated' by the NATO Council, the Alliance's political leadership. Only after the air strikes ended on 10 June [1999] did the Security Council retrospectively authorize the operation.<sup>29</sup>

"By the decade's end, the operational command and execution of peace support operations had shifted more toward regional organizations—a shift that is supported by Article VIII of the UN Charter and UN critics who charge that the United Nations is not operationally or politically capable of mounting an unambiguous, consistent and successful intervention campaign" (WEISS & COLLINS 2000: 170. This shift to regional coalitions is sometimes called third-generation peacekeeping.

As a consequence of this shift and the growing role of the military, many humanitarians increasingly began to fear a planned, structural push for military/political encroachment into traditional humanitarian space. As stated, policy makers increasingly began "to merge political-military and humanitarian activities" (BARRY with JEFFREYS 2002: 7). They did this to improve the image of the military, avoid budget cuts or obtain additional resources, and also because they felt that humanitarian crises posed unconventional security threats that only the military could address, as was the case with the budding conflict in Macedonia in 1999. These policy makers argued that new forms of peacekeeping were an attempt to address the problems associated with civil conflicts (BARRY with JEFFREYS 2002: 7-8).<sup>30</sup> Conversely, most humanitarians contended that the new policy did not take the needs of the population as a starting point, but rather the political preferences of one or more rich countries, which could serve to mask the neglect of humanitarian crises. Many crises remain unsolved; they either become con-

<sup>29</sup> Barry with Jefferys, 2002, p. 3.

<sup>30</sup> In particular, "providing facilities for refugees or displaced people in their home regions ... could be seen as a way of 'containing' their potentially destabilizing effect elsewhere, and of minimizing the political inconvenience that illegal immigration causes in Western democracies." Alternatively, the humanitarian label can be used as a justification of military action, as for example the bombing of Serbia in 1999.

tained or subject to neocolonial forms of domination. In this respect, the issue of impartiality and neutrality come to the fore most prominently during the debates about enforcement, in particular with the Kosovo bombing campaign.

In conclusion, enforcement clearly brings out the political dilemmas associated with the role of the military, both internationally and at the field level. In many ways, peace enforcement sits uncomfortably between traditional peacekeeping and war. In theory, it is easy to separate these three concepts, on the ground they often overlap.

### *Issues*

Operationally, many problems plague peacekeeping and peace enforcement. At least six problems occur regularly:

#### 1. Deployment and Entry Strategy:

Deploying forces to, for example, the Balkans or Mozambique entails huge logistical operations. According to Alan Kuperman, it was not lack of political will alone that obstructed US military intervention in Rwanda during the genocide. The speed of killing, inaccurate information, and the difficulty of airlifting sufficient forces would have delayed military intervention to such an extent that it would have come late and could only have prevented a relatively small part of the killings. (KUPERMAN 2001: viii).

In particular, UN forces have been difficult to deploy due to the lack of cooperation from member states, the weak UN financial position and UN decision-making procedures, which emphasize consensus among the (permanent) Security Council members. As a result, the UN planning process is often based on best-case scenarios in order to obtain support from donor countries. However, with the rapidly changing situation on the ground, such planning almost inevitably causes problems in the field.

#### 2. Rules of Engagement:

During peacekeeping operations—with or without enforcement—local armed factions have attempted to scare off peacekeepers by attacking them. After the Battle of Mogadishu in Somalia, extremists bent on war drew the lesson that well-targeted violence could lead to a full withdrawal or reduction of forces. In 1994, Rwandan extremists tortured, mutilated, and killed ten Belgian soldiers. Their aim was to make the peacekeeping forces leave so they would have free reign to kill (BARNETT 2002: 98-104 and GOUREVITCH 1998: 100, 102-103, 114 & 150).

For peacekeepers, determining the amount of force needed requires a display of strength and self-restraint. "If the peacekeeping force responds too strongly to a provocation, the credibility of the intervention will be damaged or destroyed. Conversely ... if the peacekeepers do not respond or respond with less force than may be necessary, not only credibility will suffer but also the peacekeepers will find themselves exposed to increasingly audacious attacks in the future" (AAL, MILTENBERGER & WEISS 2000: 220).

In a similar vein, it is important to establish the rules of engagement (ROE) that govern when the military should use force. In peacekeeping without enforcement: "ROE limit the numbers and types of targets that may be engaged, as well as the weapons systems that can be used to engage authorized targets ... this limitation can help to prevent both the escalation of the conflict and the creation of an impression of political bias on the part of the intervening forces toward one or another of the belligerent forces. Legally, ROE define the boundaries of a commander's action consistent with applicable domestic and international law" (AAL, MILTENBERGER & WEISS 2000: 227). Proper ROE may help maintain neutrality and impartiality. In the case of enforcement, the ROE condone a higher degree of violence, but limitations will remain.

### 3. Reinforcing a culture of violence:

Through their actions, military and humanitarian actors can indirectly contribute to violence. "When aid agencies hire armed guards to protect their goods from theft and their workers from harm, the implicit message received by those in the war zone is that it is legitimate for arms to determine who gains access to food and medical supplies and that security and safety are derived from weapons. This, of course, is how warlords also understand arms" (ANDERSON 1999: 55-56). For the military, this problem is even larger. Through armed operations, they can unwittingly reinforce a culture of violence.

### 4. Interoperability:

Peacekeeping operations typically consist of various forces. Troops are drawn from a wide range of culturally dissimilar countries and the quality and equipment of these troops can differ considerably. As a result, the synchronization of operations among various forces—also called interoperability—can become a serious problem. (AAL, MILTENBERGER & WEISS 2000: 228).

In Bosnia, different contingents that were officially under UN command regularly contacted their capitals for orders and approval of actions. After Somalia, the United States took a very limited approach toward interoperability.

Peace enforcement would normally be left to organizations with greater capacities than the United Nations, such as NATO. US combat forces would always remain under the command and operational control of US commanders ... The US Congress added its own restrictions on the employment of US forces in peace operations. The administration would be required to report monthly on all commitments of American forces. Any new deployment would have to be prenotified. The US permanent representative at the United Nations would not be permitted to vote on any Security Council resolution authorizing a peace operation until the text had lain before the Congress for a prescribed period of time. Thus, at a moment when the special contributions that only the United States could make to military peace operations became crucially important, US policy restrictions made participation difficult to manage (WARD 2000: 224).

#### 5. Coordination and cooperation:

Not surprisingly, the organizational cultures among the military and humanitarian actors differ significantly. This affects many aspects including leadership styles, off-duty behaviour, and interaction with the local population and management techniques. Both types of organizations must find ways to interact with local counterparts. Civil–military cooperation (CIMIC) became an issue of concern. In peace operations, civil–military operation centres (CMOC) function as coordination hubs for NGOs, IGOs and the military. “For instance, through the CMOC, NGOs can request assistance from military units operating in the same area. In return, the military learns where the NGOs are working and can provide security for their activities” (AAL, MILTENBERGER & WEISS 2000: 229). Still, CIMIC does not by itself ensure smooth cooperation.

#### 6. Linking Relief, Rehabilitation, Development and Security:

The relationship between security, relief, rehabilitation and development differs from crisis to crisis. Based on experiences in Kosovo and elsewhere, most organizations, such as NATO and the UK Ministry of Defense’s Joint Doctrine and Concepts Centre (JDCC), prefer a separate “humanitarian space” to keep the military and the humanitarian organizations at arms-length. (BARRY with JEFFREYS 2002: 5-6). At the same time, providing security can be extremely difficult. Warlords, criminals, and fanatics regularly resort to violence to make a living. They thrive on generalized lawlessness and, if necessary, will continue to manipulate ethnic and religious tensions. The military must come in with sufficient manpower and earn the acceptance of the local population. Without security, establishing a sound exit strategy can become difficult.

In sum, the trends that influenced humanitarian action after the end of the Cold War also influenced the military. Older approaches to peacekeeping were supplemented by new types of peacekeeping operations, which occurred during conflict and sometimes included enforcement. Most new peacekeeping operations required a higher degree of interaction, if not integration with other actors, in particular humanitarians, diplomats and the local population. As a result, the political, humanitarian, and military aspects interacted in new ways.

Meanwhile, the military's changing roles raised fears in the humanitarian community. First, military effectiveness was doubted at times by humanitarian organizations. Second, military operations were expensive. The direct provision of humanitarian assistance by the military has received considerable criticism for being neither appropriate nor cost-effective. Third, many humanitarian organizations were concerned that the forces would usurp humanitarian space in high-profile crises by safeguarding the interest of rich states rather than addressing the needs of the local population. Finally, humanitarian organizations worried that the language of humanitarianism was increasingly used to gain legitimacy for armed interventions.

## Conclusions

The optimism that existed at the end of the Cold War has been shaken by new threats to international security and stability. The central strategic shift in international relations during the 1990s went from a bipolar system based on strong sovereign states with strong strategic and economic interests to a system with one superpower, the United States, and an increasing number of weak or failed states, which lacked clear strategic and economic relevance.

As a consequence of warlord politics and the contemporary political economies of war, the elites, or at least part of the elites, in weak states were less able or willing to maintain internal order. Instead, patronage politics often deteriorated into predatory resource extraction and asset stripping, which led to an increasing number of chronic intra-state conflicts. States still occupied centre stage in international affairs, but they were increasingly challenged and weakened by domestic and transnational violence (HASSNER 1998: 9-28).

In response, state sovereignty became more conditional, security was redefined to include economic and social aspects, and the number and roles of non-state actors such as national and international NGOs expanded. The weight assigned to humanitarian values "as accept-

able justification for diplomatic and military action increased" (WEISS & COLLINS 2000: 181-182). As a result, the roles of the military and humanitarian organizations expanded and changed considerably before the events of 11 September. Simultaneously, the number and scope of international sanctions imposed on countries with wayward governments increased.

During the 1990s, humanitarian assistance and peacekeeping moved from a limited involvement in conflict toward more ambitious approaches including complicated operations in conflict zones and second-generation peacekeeping. Humanitarian organizations took on typically governmental tasks, such as promoting human rights, conflict resolution and rebuilding. However, locally, it remained difficult to determine whether and how to reinitiate development and establish a higher degree of security. Even though they had increased their mandates, the organizations were still too limited to fully address warlord politics and the changing political economy of war. Hence, taking on more operational tasks was a mixed blessing. While it made the humanitarian organizations more visible and active players—in times of dire need—it did not necessarily make them more effective. Nor did organizations become powerful enough to overcome or align the donor's uneasy policy mix of neglect, withdrawal, intervention and liberal values to bring about political solutions to civil conflict and warlord politics. In sum, humanitarian organizations played a more important role in some crises, because donor governments often did not care enough about these crises.

Nevertheless, given the severity of the crises, it is safe to say that most weak or failed states will require long-term international assistance and monitoring to prevent a recurrence of conflict—similar to the state-building work the international community is doing in the Balkans and East Timor.

The effectiveness and often legitimacy of most interventions, civilian as well as military, remains in doubt. Remarkably, "the record of the 1990s indicates few clear principles about the use of deadly force and provides only limited evidence of the ability of the military to provide physical protection to civilians in deadly conflict or to compel warring factions to stop fighting" (WEISS & HUBERT 2001: 177). Still, the failure to establish security has been one of the main causes of failures in humanitarian assistance and has obstructed local populations from re-establishing their livelihoods.

The Kosovo bombings especially worried the humanitarian organizations. Were they becoming the handmaidens for the political strategies of donors who were also employing the military, not only as bel-

ligerents, but also as mechanisms for carrying out humanitarian work? Had the threshold for military intervention already been lowered too much? Could there be such a thing as a humanitarian war? In this respect, humanitarian organizations and the military remain strange bedfellows, which, together, characterize the ambivalent attitudes of the rich world toward the poor and weak.

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## **Chapter Two**

# **Poverty as a Root Cause for Political Violence?**

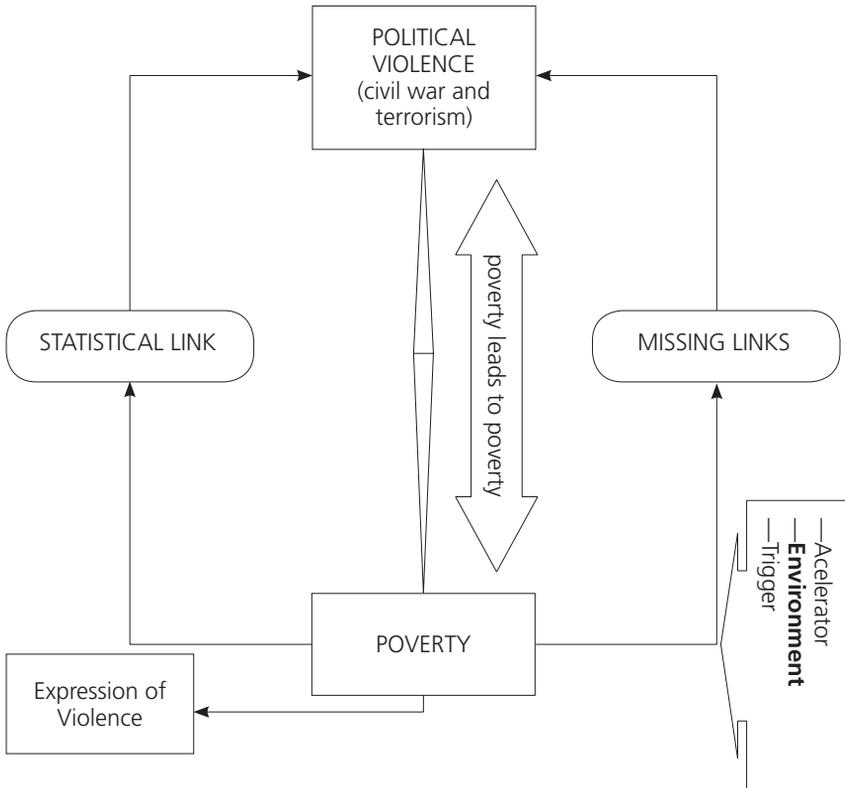
Miguel Barreto Henriques  
University of Coimbra, Portugal

Andrej Zwitter  
University of Graz, Austria

### **Introduction**

The post Cold War period witnessed the emergence of a trend of explaining political violence and conflict by mainly ethnic factors, religious motivations and nationalistic reasons. In this paper we will analyse one particular economic cause of political violence, namely poverty. We will try to determine whether or not poverty has a role to play in political violence; what this particular role may be; and in which conditions and with what elements this may lead to violence. Our hypothesis is that political violence needs always at least the framework of an ideology to emerge. As political violence we will concentrate upon civil war and terrorism.

This article will be based on the following structure: Section 2 is a brief introduction to the statistical link between poverty and conflict. In Section 3 we will focus on the connection between political violence and poverty and how the poverty factor works within an ideological framework: whether as an accelerant, a root cause or just as an environmental factor. The fourth section is dedicated to Galtung's theory on poverty and to the phenomenon of how poverty is a consequence of poverty; whilst Section 5 deals with the question of whether or not there is a connection between poverty and terrorism.



## Poverty and Conflict – a Statistical Link

When someone analyses conflict in the world he can easily realise one trend and come up with a simple conclusion. Conflict and political violence affect mainly developing countries. This evidence is confirmed by much empirical data and academic research.

Indeed, there is a statistical link between poverty and conflict. Several authors and studies analyse and emphasize this empirical evidence. According to the Armed Conflicts Report of 2005, 47 per cent of the countries with a low index of human development have suffered violent conflicts over the last decade. The same happens with 29.1% of medium development countries. It would seem, therefore, that there is a connection between underdevelopment and violence. The probability of an armed conflict affecting a state increases as its development index

lowers (PROJECT PLOUGHSHARES 2005). The risk of a violent conflict erupting is four times greater in a Developing country than in an OECD<sup>1</sup> country (COLLIER 2003).

Peace and development are, therefore, closely interconnected. It has become a truism of the post Second World War period that without development there can be no peace and security and that without peace and security there can be no development (DUFFIELD 2006: 16). According to Mark Duffield, this link between development and peace is not a new one. There is a historical connection between the two and the notions converge. Development is impossible without stability and peace is not sustainable without development. In fact, peace cannot prevail where the economic and social conditions are not sustainable. Societies unable to satisfy the needs of their citizens are more vulnerable to collapse and conflicts.

However, this trend is counter-balanced by certain cases, and certain situations and elements. There are several examples of stable developing countries, which have not suffered political violence or internal conflict, as there are a number of violent medium or high income countries. Furthermore, one specific case of political violence, namely that of terrorism, seems to contradict this tendency of identifying political violence within a framework of poverty. The terrorist phenomenon manifests itself as much in developed as in developing countries. Furthermore, the vast majority of terrorists and terrorist organisations can sociologically be identified as middle class in origin, with adherents often being highly educated, and generally showing an economic standard of living that is above the society of which they are a part (SAMBANIS 2004).

Therefore, we must interpret from these elements and data that the link between poverty and political violence is not an automatic one. So, in what cases does poverty lead to political violence? What is the actual connection? Is poverty *per se* a root cause of political violence? Is there a direct causal relationship? What other factors interfere in this process? That is what we will try to analyse in the next section.

## **Poverty as an accelerant, a trigger, or just an environment?**

### *Missing links*

The causal mechanism which leads to violence is a complex one. There are several variables in the process. The actual weight and im-

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<sup>1</sup> Organisation for Economic Co-operation and Development

portance of the poverty element in any violent political mobilization is difficult to identify and establish.

Nevertheless, poverty has many faces and dimensions. GDP or income per capita may not always be the most relevant economic data for analysing poverty in its relation to political violence. Income distribution, for instance, seems to be much more important. Relative deprivation theories do not emphasize poverty in itself, but rather economic inequalities. "Persistent inequality leads to anger and despair, which reinforces the demand for political change" (SAMBANIS 2004: 14). If there are important differences between groups in terms of economic and political power, "relatively deprived groups are likely to seek (or be persuaded by their leaders to seek) redress" (STEWART 2002) to these conditions. In fact, poverty is often linked to power distribution. Poverty can be a strong root cause for violence, especially where its distribution overlaps with ethnic cleavages and power structures (CROISSANT 2005). In that case, poverty becomes a mobilization factor, since it is part of an easily identifiable and blameworthy socio-economic or political structure.

Another very important poverty-related factor, which can contribute to political violence, is unemployment. Unemployment may be a crucial factor in rebel supply and recruitment. Unemployment among young men can fuel violent organizations, as it provides them not only with a "job" and material conditions, but also a sense of belonging and regaining the social status they had lost in conditions of unemployment.

The so-called Collier-Hoeffler model defends a similar perspective. According to these two authors, the main motivation on conflicts is greed. People rebel for economic reasons, with the purpose of profiting from the conflict, having the opportunity for looting in conflict conditions (COLLIER & HOEFFLER 2001). However, even if private motivation seems to be, in many cases, an important factor and aspect of violent mobilization, this view has been criticised by many instances for its simplification and inapplicability in a vast number of conflicts.

In fact, usually, besides the economic dimension, there are other missing links of a different nature between poverty and political violence. Poverty can be a root cause for political violence, but for being a root cause it must be within a framework. This framework is generally an ideology. An ideology provides the element which structures the violence within a political sphere, which sets violent mobilization within an organized political level. Poverty as such is not enough, unless you have someone to blame for it. Poverty *per se* does not lead to violence. It can function as a trigger of political violence when it is linked with unequal income distribution and perceived as an injustice or as an accelerator of

political violence in most of the other cases. But it needs to be mixed with other elements and to be placed in a certain context.

### *The Ideological Factor*

On the one hand, there are several examples in which poverty has not led to political violence, such as in Tibet, Bolivia, some parts of Africa and Latin America and cases where political violence has no visible connection to poverty, like Basque and Irish terrorism and most of the Balkan wars. On the other hand, Africa provides an example of a poor continent which often developed political violence in the sense of civil wars but has not been a major producer of terrorist groups. This leads us to two hypotheses:

- a) that a causal link between poverty and civil wars does not exist unless other factors are re-taken into account and
- b) that a causal link between poverty and terrorism (if there is one) would require other factors than civil wars.

We cannot solve these questions within the context of this article for that would be to go beyond our remit, but it nevertheless indicates that poverty, though it could provide a fertile breeding ground or even serve as an accelerant of political violence, as such neither causes it, nor is it necessarily even a factor.

### *Elements of Ideology*

Reference to ideology usually involves considerations of the roles of ideals and identities. These ideals and identities may be provided by religion, ethnicity, social or political aims and objectives. The category of ideals has the capacity to create identity among those who believe in these ideals and simultaneously create an opposite identity to those who are against such an ideal, threaten it indirectly or are at least not for these ideals.

Ideology in the sense of politicised ideals needs to cover three major aspects: 1) the identity of the group, 2) the identity of the enemy and 3) reasons for fighting against the enemy group.

The third point covers (a) the "why (we have to fight against the enemy group)" – that could be a religious, political or ethnical motive – and (b) the "what aim (do we want to achieve)". The third point is therefore the most crucial point for it influences the admeasurements of points

one and two, and it depends on this third point how ideology is able to deliver a coherent and massive framework to hold the group together and how intensive and durable the group is that fights for it.

### *A Role of Poverty within Ideology*

Poverty alone seems to be insufficient in leading to political violence, but poverty does have a role within ideology.

Taking the ideology of National Socialism as an example: Hitler would never have been so effective in mobilizing the people, if he had not promised work at a time when people were suffering so much from the effects of poverty. And he would not have been able to establish the coherence of the mobilized group, if he had not been able to establish an enemy by blaming one particular group for being the reason for that poverty in the first place, and therefore being the enemy of the people.

Ergo, one key is that political violence always needs a concrete enemy. The ideology which is applied defines the enemy. To know the enemy gives a certain sense of security – an unknown enemy which threatens life is more frightening than a known one. The mobilizing factor in our example was poverty, but because poverty had no face and an invisible enemy is hard to fight against, the Jewish people had to personify the enemy.

Hannah Arendt explains the dehumanizing effect of inhuman conditions which, when they are a cause of the environment, would never lead to aggression or rebellion, e.g. a sick person would never be angry against his disease. But the person becomes angry when the suspicion arises that the situation could be changed (ARENDR 2006: 64). Analogous to this could be the suspicion, shall we say of group 'A' raises with itself that another group, 'B' is somehow responsible for the poverty of the said group 'A', then this could lead to political violence unless the leaders of group 'A' decide to abandon a violent measure and are powerful enough to convince the rest of the members of their group. Depending on whether this sense of injustice is present or not may be an explanation why poverty does not always lead to political violence.

It is clear of course that embedded in the ideology of National Socialism other, very old prejudices and aggressions were also working and that in most of these cases poverty was not a detached factor, especially at the time of such a huge economic depression, whereby the tensions escalated to that proportion. A similar mechanism can be detected in a lot of cases of political violence, even if not to that extent, which leads us to following conclusion:

- (a) If it is possible to give the blame for poverty to a specific group [which is already a kind of ideology – see points 1) and 3) above] then poverty works as an accelerant as long as it is not the main reason for blaming a group and other discrepancies are involved.
- (b) If poverty is the detached reason and a particular group is blamed for causing poverty to another group, then poverty would act as a root cause.

In both explanations regarding a possible connection between poverty and ideology poverty is more than a mere environmental factor.

The difference between the root cause 'b' and the accelerant 'a' explanation is that while at the level of explanation 'b' the political violence would disappear, if poverty would disappear, at level of explanation 'a' political violence would remain.

As a result, these explanations show that poverty at least increases the likelihood of political violence: Firstly through the usage of ideology as a means for blaming an enemy for causing and maintaining poverty and secondly through the mobilizing quality which is inherent for the sense of injustice. This could be called the politicising effect of poverty.

## **Other Sights on Conflict and Political Violence**

### *Poverty as a consequence of poverty*

The relationship between poverty and conflict is a multifaceted one. It is not established in only one sense, but in various ways. Poverty may not only be a cause of conflict. In fact, it functions also the other way round. Poverty is a consequence of conflict. It is a two-way process. Conflict has an impact on poverty. The political and socio-economic conditions of poverty and conflict lead to a vicious cycle, in which poverty contributes to the break-up of violence and violence contributes to poverty and state collapse.

In conflict conditions, farms are generally not cultivated, looting destroys the resources, facilities and possessions are destroyed, and public services erode. "The average conflict tends to increase the number of people living in extreme poverty by 30 per cent." (IFAD 2006) "The mean per capita GDP in countries affected by civil war at any point between 1960 and 1999 is less than half that of countries with no civil war experience and countries with no war experience grow much faster than war-affected countries" (SAMBANIS 2004).

This evidence makes it even more difficult to establish a simple and clear causal effect between poverty and political violence.

### *Galtung's Perspective on Poverty and Violence*

But we can even look at the relationship between poverty and political violence from other perspectives. Johan Galtung, for instance, one of the most important figures in Peace Research, portrays poverty in itself as an expression of violence. For the Norwegian author, poverty appears as one of the main elements of structural violence. Violence does not only mean physical violence (which he calls direct violence), and peace is not only the absence of war. There is a structural and a cultural dimension in violence and peace. Structural violence corresponds to the social structures of indirect violence. Elements such as poverty, exploitation, misery and repression, and human rights violations are viewed not as simple backgrounds of violence, but as expressions of violence itself (GALTUNG 1996).

Galtung therefore proposes a broad concept of peace, based on a direct, a structural and a cultural level, which provides another meaning and importance to poverty, characterised as one element of structural violence.

## **Terrorism**

### *Poverty as a Root Cause of Terrorism?*

Most literature emphasizes the relationship between poverty and conflict, but denies the relationship between terrorism and poverty. On the one hand, the poorest regions and populations in the world such as South American indigenous populations; those of sub-Saharan Africa and of parts of East Asia and India are not main sources of terrorism (MEIR-LEVI 2005)); on the other hand, individuals engaged in terrorism seem not to come from poor backgrounds.

One argument why poverty and terrorism are not interconnected could be found in the "greed hypothesis". Terrorists are not interested in their own economic gain of profit, but in a radical political statement. While in internal conflict, the reasons for mobilization can be economic, as Paul Collier has pointed out, where generally-speaking, there are no financial gains or profits with terrorist activities. Terrorists, do not commit political violence to improve their status or economic condition or

to gain "employment" in a terrorist activity, rather, they commit political violence in the name of a higher ideological or religious value.

With regard to this issue and the question as to whether or not poverty is a root cause of terrorism we should mention the work of Charles Russell and Bowman Miller. They gathered information about "individuals from eighteen revolutionary groups known to engage in urban terrorism, including the Red Army in Japan, the Baader-Meinhof Gang in Germany, the Irish Republican Army in Northern Ireland, the Red Brigades in Italy, and the People's Liberation Army in Turkey", and "found that: "the vast majority of those individuals involved in terrorist activities as cadres or leaders are quite well educated" (KREUGER 2002).

Also Maleckova and Krueger present the evidence which indicates that members of Hezbollah and Hamas, and those of the Israeli Haganah, Irgun and the Stern Gang were: "at least as likely to come from economically advantaged families and to have a relatively high level of education as coming from the ranks of the economically disadvantaged and uneducated." (KREUGER & MALECKOVA 2003: 141). They concluded that terrorism is a form of political engagement in which it is more likely for privileged people to engage and concern themselves with (KREUGER & MALECKOVA 2003: 142). This conclusion is only partially true: especially when political engagement concerns poverty or a common enemy – as the French Revolution showed us, poverty can provide an extremely accelerating motive which (when it is paired with a political aim) seems to be very prone to resulting in terrorist or revolutionary movements. It indicates, contrary to the hypothesis of Maleckova and Krueger, that poverty intensifies a political engagement and promotes ideologies<sup>2</sup>.

Additionally, the fact that Gaza is probably the most important region of support for Hamas in Palestine may also be connected with its poor economic conditions. Furthermore, the social assistance terrorist groups such as Hamas or Hezbollah pay to the families of suicide bombers, configures an indirect link between poverty and terrorism. It is known that Hamas and Hezbollah are financing and organizing social, economic, infrastructural, and medical support for the citizens. This generates acceptance and support from the people. Three hundred to three thousand members are estimated to make up the core of Hamas

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<sup>2</sup> In particular ideologies which promise a way out of poverty by identifying a group as cause of poverty are important in these cases. Indeed within ideology poverty is covered in other arguments as "the enemy is threatening our culture". Poverty alone is seldom a ideological argument but it plays an important accelerating role: it mobilizes people from the same background (religion, ethnic, ...) which would not fight for an ideology as long as they are not threatened by poverty.

while some valuations count 80.000 active supporters of Hamas. This support derives directly from poverty and other circumstances. Without such support and shelter from the population a terror organisation is condemned to fail. In all cases of "successful" terrorist groups (Hamas, Hezbollah, IRA, PKK, etc.) the support from a group of citizens is necessary. How terrorists generate this support depends on the living conditions of the people. If poverty is one condition, it can be used with means as we described for Hamas and Hezbollah.

We can conclude that poverty can act as mobilizing factor and can be used as a means of generating necessary support but that it is not a root cause of terrorism.

## Conclusion

Conflicts and political violence are multidimensional. Rarely ever, is political violence caused by one single factor. Political violence is rather: "... the result of a country-specific combination of several contentious religious, cultural, economic and political factors" (CROISSANT 2005). There are several elements and factors which can contribute to the irruption of violence and which intervene in this process. Poverty should not be underestimated. It is an important factor of conflict and can act as a root cause of political violence. It can play a significant role in the process of political violence. Poor and underdeveloped states are more prone to conflict. Poor individuals are more prone to violent mobilization. However, there is not an automatic link between poverty and political violence. Poverty can be a trigger of violence, an accelerant of violence or can simply provide an environment where violence is born, with no relation whatsoever with it. Poverty *per se* does not lead to violence. Violence requires other elements, such as bad governance, social grievances, and ethnic clashes. Poverty is always important in a certain context and in relation to other factors. It needs a framework, an ideology that sustains and structures that violence, whether that be a political ideology, a religious, an ethnic or even an economic one.

So, when poverty is the main ideological reason for causing political violence, it can be considered a root cause for political violence; in almost all other cases poverty functions as an accelerant. In the special case of terrorism we could not find evidence for poverty as a root cause, but poverty provides, at least, an important factor of mobilization and generating support for a group.

Consequently, to attain a durable peace it is required that the issue of poverty is addressed. It is a relevant and important issue. Poverty does

magnify the risk of political violence, especially in terms of civil war. Therefore, in order to be sustainable, peace must intermingle with development. Thus, to prevent and resolve conflict and political violence, strategies against poverty must be put in place and elements such as human security and human development must not be undervalued.

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# Chapter Three

## Confronting the Past, Building the Future: The Role of Post-Conflict Justice in Africa

Danja Bloecher and Kristina Roepstorff  
Ruhr University, Bochum, Germany

*There will be no humanity without forgiveness. There will be no forgiveness without justice. There will be no justice without humanity.*

(Yolande Mukasana, National Genocide Museum in Kigali, Rwanda)

### Introduction

Focussing on three examples from Africa, this article discusses the role of Post-Conflict justice for coming to terms with the past and the building of the future of a conflict-striven society.

Post-conflict justice aims to build sustainable peace after a conflict. This includes the unveiling of gross human rights violations as well as prosecution of the individuals responsible. Establishing and finding out the truth about mass violence, gross human rights abuses and core crimes is not only important for the victims and the persons close to them, but also plays an important role for the (re)building of the nation.

If justice in a post-conflict society is to be successful, a two-fold approach is necessary: on the one hand this requires confronting the past; on the other hand, it requires preventing a recurrence of conflict and abuse in the future.

Thus, in order to contribute to nation- or state-building, post-conflict justice has to cover at least the following four aspects: Prosecution; truth-seeking, reparations and reconciliation (VAN ZYL 2003).

#### PROSECUTION

The prosecution of perpetrators within the criminal justice system is an important source for justice for victims and can contribute to the deterrence of future crimes. In addition, it can recreate trust in governmental institutions.

### TRUTH-SEEKING

Another – complementary – way for pursuing justice in post-conflict societies is the setting up of a truth commission whose aim is to seek the truth through establishing the facts about the violent past and the occurrence of human rights violations. This is not only of the utmost importance for the victims but also for the future of the nation as a whole.

### REPARATIONS

Under international law victims of gross human rights violations have the right to compensation and reparation. Thus, the State must adopt a comprehensive reparations policy, including material and psychological assistance, and symbolic measures.

### RECONCILIATION

The aim of reconciliation is to overcome divisions that are a common feature of post-conflict societies, fuelled by hatred, animosities and suspicion. Often these divisions are along religious or ethnic lines. Reconciliation is important for preventing the recurrence of violence.

South Africa, Rwanda and Sierra Leone experienced violent conflict and gross human rights violations. Although in all three cases post-conflict justice was applied for the building of a stable state and for sustaining peace, the particular way in which justice was pursued in each of these cases differs in many respects. This article will discuss the different strategies and mechanisms of post-conflict justice that have been employed, analysing their contribution to the building of the future of the state.

## I. The Case of South Africa

### *The Apartheid Regime*

After the arrival of first Dutch and later British colonists,<sup>1</sup> tensions started between these two groups culminating in the Boer War,<sup>2</sup> which lasted from 1899 to 1902. The British were victorious and in 1910 the

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<sup>1</sup> Dutch colonists started arriving in the 17th century, British colonists arrived in the early 19th century. For the history of South Africa, see also: Thompson (1990).

<sup>2</sup> The Dutch colonists called Boers moved soon after the arrival of the British to the Inland, establishing the Orange Free State and the Transvaal Republic. Many British colonists moved into these areas, due to the fact that gold and diamonds were to be found there, thus leading to the aforementioned tensions between Boers and British colonists.

Union of South Africa was established as a dominion of the British Empire.<sup>3</sup> Between 1948 and 1993 the National Party, which represented the racist beliefs of the Afrikaners, was in power and the society as well as the politics were dominated by the system of Apartheid (separation of races). In this system the people were legally classified into racial groups. The blacks were assigned to ethnic tribes and were considered only as citizens of their tribe, with rights as citizens only in their homeland, not as citizens of South Africa. Furthermore, blacks were not allowed to live in the white urban areas. In practice, this system prevented the Blacks from having a vote or influence, restricting their rights to faraway homelands (KOSS 2002). In 1960 after protests against that system, the African National Congress (ANC), the Party of the Blacks was outlawed. In 1990 under pressure from the international community, President de Klerk began to relax the system and granted amnesty to Nelson Mandela and other detained leaders of the ANC. This move led to the chance of dialogue between the groups and eventually to the political change in South Africa. The first elections giving a free vote to all South African citizens took place in 1994 and were won by the ANC.

As the former dominant political power was not defeated militarily, and since neither putsch nor revolution had taken place, the ANC was not in a position to simply order a transfer of power. The outcome of the subsequent negotiations was the 1993 Interim Constitution. One of its main features was the commitment to ensure human rights in South Africa (SARKIN 1999: 67). In order to deal with the past and prevent further human rights abuses the Truth and Reconciliation Commission (TRC) was created and set up in 1995 by the South African parliament based on the Promotion of the National Unity and Reconciliation Act No 34.<sup>4</sup> The Establishment of the South African TRC was regarded as a necessary step for South Africa to make possible the resolution of conflicts arising with the political changes in the country (WEDGEWOOD & JACOBSON 2001: 4). It was perceived as "a necessary exercise to enable South Africans to come to terms with their past on a morally acceptable basis and to advance the cause of reconciliation."<sup>5</sup>

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<sup>3</sup> The peace-agreement gave the internal control, which included the control over the native population, to the Boers, later known as Afrikaners. In a referendum held in 1960, the white population voted to transform South Africa into a republic. In 1961 South Africa withdrew from the British Commonwealth and gained independence from Great Britain.

<sup>4</sup> Act 34 of 1995. The Act is available at the Truth and Reconciliation Commission's Website <http://www.truth.org.za>.

<sup>5</sup> Mr Dullah Omar, former Minister of Justice.

Anglican Archbishop Desmond Tutu chaired the 17-member body, which held public hearings throughout South Africa at which former victims of human rights abuses told their stories. Its first Report was handed over to former-President Nelson Mandela in 1998<sup>6</sup>, and its Final Report was published on 21 March 2003.<sup>7</sup>

### *Post-Conflict Justice*

#### 1. PROSECUTION

In contrast to other countries having to cope with gross human rights abuses neither an international court nor a special court for crimes committed with a political or Apartheid-related background were established in South Africa.<sup>8</sup> Instead of employing an approach dominated by the idea of prosecuting the violations of individual rights, a concept of individual amnesty characterized the act establishing the Truth and Reconciliation Commission (LORNA 2001: 32). Criminal Prosecution only took place if applicants for amnesties failed to meet the requirements for an amnesty and amnesties were therefore rejected.<sup>9</sup> The TRC and criminal prosecution system existed side-by-side (LORNA 2001: 39). Although this model was evaluated as suitable to combine the work of the TRC and Criminal Prosecution it did not completely fulfil its goal of bringing truth and justice into the truth-finding process (KOSS 2003: 1078).

#### 2. TRUTH-SEEKING

The TRC acts through three Committees. The first committee and the one most focussed on is the Human Rights Violation Committee (HRV). Its task was to investigate human rights abuses which took place between 1960 and 1994. By evaluating the reports made to the TRC, the Committee tracked down the identity of the victims, their fate or present whereabouts, and explored the nature and extent of the harm they had suffered. It conducted victims' hearings in order to provide

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<sup>6</sup> The Report consisted of nine Volumes and is available at [www.doj.gov.za/trc/report/](http://www.doj.gov.za/trc/report/), herein after TRC-Report I.

<sup>7</sup> It consisted of six volumes, available at [www.info.gov.za/otherdocs/2003/trc](http://www.info.gov.za/otherdocs/2003/trc) herein after TRC-Report II.

<sup>8</sup> For example the International Criminal Tribunal for Yugoslavia or the Special Court for Sierra Leone.

<sup>9</sup> South African National Unity and Reconciliation Act, § 21.

each victim with a forum where they could tell everybody their story in their own language and mostly for the first time (GARKAWA 2003: 334, 350). These hearings were not only held in public but broadcast by radio and TV and became a public media event (DALY 2002: 73).<sup>10</sup> These hearings focussed on the victim's support and were held informally and in a supportive atmosphere. The victim did not need to fear cross-examination<sup>11</sup> or formal rules of evidence and procedure. Over 20,000 people submitted to the TRC giving information about either political or apartheid-related crimes. 2,000 victims appeared in public hearings. Having identified the victims, the Committee referred them to the Reparation and Rehabilitation Committee (R&R). Next to these Committees was the Amnesty Committee (AC), which granted amnesty if the applicant had made full disclosure and acted with a political objective.<sup>12</sup> From about 7,700 applying for an amnesty, about 1,200 received amnesty until 2002 (HAMBER 2003: 1077). The amnesty included not only criminal procedures but also civil matters. Victims were precluded from suing the perpetrators before a civil court. Although it was clear that the work of the TRC would not deliver justice, it was hoped it would at least make visible the truth about many crimes (HAMBER 2006: 1076).

### 3. REPARATION

*The R&R Committee dealt with reparations.* It made recommendations to the government on the rehabilitation of the victims, their families and communities at large and the granting of reparations to the victims. (GARKAWA 2003: 350)<sup>13</sup> A President's Fund, funded by Parliament and private contributions, was established to pay urgent interim reparations to victims in terms of the regulations prescribed by the

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<sup>10</sup> 87 hours per week television programming were devoted to the TRC.

<sup>11</sup> After a claim from the perpetrators that their name should not be revealed to the public without proper defence, the victims were later on sometimes cross-examinations by legal representative of the accused but not in the same manner as in criminal proceedings.

<sup>12</sup> So amnesty was not granted as such, but limited to preconditions laid down in the act. The TRC and its AC were on bad terms over certain interpretations of the act. The TRC could bring a decision of the AC to court, if it showed errors in law. This right was not granted to the victim or the perpetrator.

<sup>13</sup> The Reparation and Rehabilitation Committee is in charge of determining the immediate need of individuals for reparations and determining measures to provide victims with reparations. It is responsible for recommending practical measures of reparations to the President. See also: LANSING & KING (1998): 765.

President. Since October 1998, 16,855 urgent interim reparations have been paid, totalling about 50 Million Rand (GARKAWA 2003: 374). After the hearings the R&R drew up a final list for reparations in 1997, the government promised over 19,000 victims a payment of 30,000 Rand (LANSING & KING 1998: 766). The Committee focussed not only on financial reparations but also made recommendations for exhumations, ceremonies, the renaming of streets and the erection of monuments.

#### 4. RECONCILIATION

Reconciliation in the South African context can be seen from two different perspectives. On the micro-level, this meant the forgiveness between the victim or their family and the perpetrator, and, on the macro-level it dealt with the overall concept and the struggle against apartheid (GIBSON 2006: 82, 86). In these terms Reconciliation means that members of all ethnic communities in South Africa accepted each other as equals, or as the TRC final Report stated: 'we are all in one boat' (TRC REORT I: 425). In the final Report of the TRC it became clear that all parties did horrible things (KOSS 2002: 524), so afterwards no side had any claim to purity. This led to a more open dialogue, which, in turn, led to reconciliation (GIBSON 2006: 26).<sup>14</sup> In addition, the so-called collective memory established by the TRC gave rise to reconciliation. Through acknowledging past abuses, the Truth Commission played an important role in the struggle to come to terms with recent history and contributed to the healing process which helped to prevent the reoccurrence of crimes (KOSS 2002: 526). So a contribution to macro-Reconciliation was achieved. But the TRC also worked on the micro-level as the hearing before the HRV contained therapeutic value for the victims. They could tell their story and come to terms with the past and move on.

#### *Problems and Criticism*

One of the most discussed problems arising from the establishment of the South African Truth and Reconciliation Commission is the question whether or not the idea of giving amnesties for gross human rights

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<sup>14</sup> Gibson's studies show that nowadays most people in South Africa see apartheid as a crime against humanity. Gibson also points out that both sides were shocked by the crimes perpetrated by "their side".

violations can be legally and morally justified. While supporters of the TRC-practice of granting amnesty to perpetrators of such crimes regard the idea as absolutely necessary for gaining reconciliation between the parties, critics may argue that granting amnesty plays down the gravity of such crimes. But most criticism deals with legal aspects. Scholars claim that it is an obligation of the State to prosecute these crimes (ORENTLICHER 1991: 2537). Otherwise the legitimacy of the new government will be undermined. Also there might be an exemption from this formal point when the stability of the state is threatened.<sup>15</sup> Maybe the strongest point for those who support the amnesty-policy of the TRC is that it was necessary to grant the amnesties for stopping the conflict (HAMBER 2003: 1076). The TRC itself claims a victim-centred approach and defines the applied restorative justice not by being proceeded through criminal trials.<sup>16</sup> Truth finding, as the TRC practises it, was only possible because of the deal: amnesty for full disclosure. Disclosing individual human rights violations was only possible because of the amnesties given by the TRC (KOSS 2002: 526) With no criminal procedure, justice should be restored by revealing the truth and awarding reparation (GARKAWA 2003: 345). Knowing the truth is a condition for reconciliation. With regard to the main objective of the TRC, making reconciliation possible, any successful work of the TRC would not be possible without the granting of amnesty.

Furthermore as there has not been a general amnesty the condition of full disclosure is to the advantage of the victim's comfort: it processes the healing, the family knows what happened to loved ones and can hold a funeral and it allows the victim to move on (GARKAWA 2003: 351)<sup>17</sup> If there had been criminal procedures most of the perpetrators would not have been punished as there was not enough evidence and witnesses and the judicial system had after the time of apartheid become quite dysfunctional. The case of retribution was given to the victims through the public hearings.(GARKAWA 2003: 356)<sup>18</sup> Another

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<sup>15</sup> This argument is widely used in the South African Case, as there has not been a defeat of the former government but rather a transition through negotiation. One has to be aware that this argument can easily be exploited.

<sup>16</sup> According to the TRC Report, restorative justice in seeking to redefine the crime as a violation of a human being, is based on reparation, and encourages every party involved to resolve the conflict, whilst supporting a criminal justice system which puts right what is wrong, TRC-Report Vol 1, 126.

<sup>17</sup> But something left out was psychological support for the victims during the hearings before the AC.

<sup>18</sup> Furthermore, it can be doubted if there is a right to retribution as in many legal systems it is up to a representative of the state if he/she prosecutes.

problem with the decision of granting amnesty was that the TRC by itself could not overrule a decision made by the AC but had to file applications to the court (GARKAWA 2003: 360).<sup>19</sup>

The last point of criticism relates to the CRR. For the future, an independent body with its own budget should deal with reparations, so that the recommendations could be realized more easily.

## II. Rwanda and the Gacaca Courts

### *The Genocide*

Between April and July 1994, Rwanda experienced one of the most brutal killings known in the world. The genocide was followed by a civil war in which the Rwandan Patriotic Front (RPF) tried to overthrow the ruling Hutu party, the *Mouvement Révolutionnaire National pour le Développement* (MRND). The war began in 1990 and ended with the signing of the peace-agreement 1993. In 1994, for a period of 100 days, nearly a million Rwandan citizens were killed by their neighbours and friends.<sup>20</sup> Hundreds of thousands participated in the genocide; this is what makes it different from other national disasters where mostly the military or political organisations perpetrate gross human rights abuses. Three quarters of the Tutsi population had been murdered, whilst moderate Hutus were also targeted.<sup>21</sup> The genocide started when the Rwandan president was killed in an aeroplane accident on 6 April 1994 and it lasted until the RPF- an army composed of exiled Tutsis defeated the Hutus in power. Since then, the RPF remained in power and by declaring themselves as being the representatives of all Rwandese people it promoted a policy of unification in order to remove any distinction between Hutus and Tutsis.<sup>22</sup>

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<sup>19</sup> Indeed, there was either full amnesty or none at all. Some cases could have been dealt with by a conditional amnesty, for example when reparation is paid, but this is likely to decrease the number of perpetrators who will step forward.

<sup>20</sup> The problems in Rwanda originate in the establishment of clear ethnic lines by the Belgian colonists in the 1950s which promoted inter-ethnic aggression. Under Belgian rule Tutsis were granted economic and educational advantages, whilst the Hutus were not. The thoroughly organised genocide was possible only through the great obedience of the people towards the authorities. For the account of the genocide see also [www.hrw.org/reports/1999/rwanda](http://www.hrw.org/reports/1999/rwanda) and [S/1999/1257](http://www.hrw.org/reports/1999/rwanda).

<sup>21</sup> Afterwards the population of Tutsis in relation to the Hutu population was nearly the same as many Tutsis returned from exile.

<sup>22</sup> Any distinction and with that any criticism of the government is forbidden by the Constitution, see also WIERZYNSKA (2004: 1934).

## *Post-Conflict Justice*

### 1. PROSECUTION

By contrast with many other countries which established a post-conflict justice system, Rwanda's concept for a transitional justice is threefold. The international community and the post-genocide government of Rwanda established different judicial mechanisms to bring the perpetrators to trial. On the international level, the International Criminal Tribunal for Rwanda (ICTR) deals with the leaders and instigators of the genocide. On 8 November 1994, the international community established the ICTR through Resolution 955 of the UN Security Council. It has jurisdiction over the crimes of genocide, crimes against humanity, violations of the common Article 3 of the Geneva Conventions and violation of the Additional Protocol II, if these crimes were committed on the territory of Rwanda between the first of January 1994 and 31st of December 1994. It is governed by its statute and according to Article 8 of the statute performs its jurisdiction alongside that of the Rwandan courts, but has a primacy jurisdiction over all states. It started in 1997, following the arrival of the first accused in Arusha in March 1996, where the Tribunal is seated. So far there have been 22 judgements involving 28 accused and it delivered the first-ever judgement of genocide by an international court.<sup>23</sup>

Domestically, the prosecution of gross human rights violations during the civil war was carried out by the ordinary courts and by the so-called Gacaca courts (LIN 2005: 73 & WIERZYNSKA 2004: 1941) The term 'Gacaca' stems from the Kinyarwandan word for grass (DALY 2002: 356). This is due to the fact that in the traditional way the trials were held in a meadow adjacent to each community. Traditionally the Gacaca courts were a community-based mechanism for resolving local civil disputes such as conflicts between families and neighbours concerning, for example, cases of grievous and actual bodily harm, divorce or inheritance disputes. They made sure that the wrongdoer saw the gravity of the crime committed so he or she could be reconciled and be re-integrated into society (WENKE 2002: 28). Nowadays, the Gacaca model has shifted away from that restorative approach as the judges can sentence the accused for up to a lifetime in prison.

The main reason for implementing the Gacaca courts was the fact that the ordinary courts were not sufficiently equipped with qualified prosecutors, judges and materials to prosecute the crimes committed

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<sup>23</sup> For the achievements of the court see also MØSE (2005: 920).

by an estimated ten thousand perpetrators (DALY 2002: 368 & FIERENS 2005: 900).<sup>24</sup> According to government calculations it would have taken more than two hundred years to try all the genocide suspects through ordinary courts (DALY 2002: 73). The crimes related to the genocide of 1994 were divided into four categories. The Gacaca courts hold jurisdiction over the first three categories. They are namely homicides, other assaults against persons and crimes against property committed between 1 October 1990 and 31 December 1994 (DALY 2002: 73). The fourth category contains the planning and organisation of Genocide and sexual violence. These are the crimes the ordinary courts still have jurisdiction over. Only crimes of this category can be punished with the death penalty.

The Gacaca courts are divided into village, sector, and district and finally prefecture courts; and crimes are prosecuted before the courts in accordance with their degree of severity (LIN 2005: 76). The smallest level, called a *cellule* has jurisdiction over property crimes; the next level over assault and non-fatal crimes and the district court over homicide. Each elevated level serves as an appeal chamber for the lower one.

## 2. TRUTH-SEEKING

In contrast with the situation in South Africa, the Rwandan government did not establish a Truth Commission to investigate the 1994 Genocide. However, a Commission of Experts was established by the UN Security Council through Resolution 935, to make recommendations on further steps to be taken by the international community. And there has been an independent inquiry undertaken by the support of the Security Council and the Secretary General (UNSC RES 1999: 339-340) on the actions of the United Nations during the genocide, which filed its final report on the 16 December 1999 (UNSC RES 1999: 1257). But these efforts investigated only the involvement of the United Nations. Before 1994, there was a Commission examining the abuses committed between 1990 and 1993. It was established by an agreement of the government and the opposition and funded by NGOs. It handed over its final report in 1993. Even though it might be desirable to establish such a commission<sup>25</sup> the Truth-Telling is up to the Courts as the government aimed for reconciliation rather than on sen-

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<sup>24</sup> 125.000 had been detained by the government, but there were only 5 judges and 50 lawyers left.

<sup>25</sup> For the need of a Truth Commission see also: SARKIN (1999): 767.

tencing and punishing the perpetrators (LIN 2005:73 & WIERZYNSKA 2004:1955). The Gacaca Courts with the special procedure of hearings can, to some extent, contribute to the necessity of Truth-Seeking.

### 3. REPARATIONS

Reparations are made via a public fund set up for that purpose. After the proceedings the victim is equipped with a detailed list of their losses and the physical harm that they have suffered, this list can be used to receive reparations from the fund (UVIN).

### 4. RECONCILIATION

To understand how the Gacaca court system could help to achieve reconciliation between the Hutus and Tutsis one has to take a look at the establishment of the Gacaca system<sup>26</sup> and the court sessions in detail.

The Gacaca court sessions are held in places in or nearby the community. The region's prosecutor reads out the names of the accused people and asks the general assembly, which consists of at least 100 inhabitants of the community, if anyone knows of a reason why the accused person should be sentenced. Depending on the reaction of the assembly the procedure leads to an acquittal or to further procedures, which ends with a verdict by the judges (WENKE 2002: 37) Further proceedings include that each person can tell the court what the accused has done to himself or his family, this leads to the fact that the Courts dealt with the roles of victims and witnesses during the genocide. The presentation and discussion of the events is regarded as a very important step towards a development leading to reconciliation between the Hutus and the Tutsis (WENKE 2002: 47). Furthermore, it is considered that the Gacaca courts provide a very good opportunity in attempting to achieve reconciliation on a communal level, which can produce a broader form of justice than a conventional system could achieve (DALY 2002 b:73) As a grass-roots effort, the Gacaca court can help in building a community (DALY 2002 a: 355) and with its alternative law system it rebuilds the integration of family and communal bonds into the reconciliation process (DALY

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<sup>26</sup> The Establishment of the Gacaca system can be divided into four phases: 1) Raising awareness and increasing knowledge about the law; 2) The election of judges from the community; 3) "confession, testimony and reconciliation", and 4) Reintegration of some prisoners into society. See also: LIN 2005: 76.

2002 b: 73). Especially as the Gacaca requires people to work together, it holds the opportunity of long-term stability because it creates the needed socio-political conditions. The system relies on the people's participation; this means they define justice by themselves rather than having it imposed on them. It has the potential to practice dispute resolution by peaceful means, which will set reference against violence (WIERZYNSKA 2004:140)

Although most people admit that the Gacaca court system is not comparable to a western-world standard legal system, it is seen as a suitable model for Rwanda to cope with its post-genocide reconciliation and reconstruction process particularly because apart from elections there is no way to challenge the government, and no other system of participation by civil society. The Gacaca can therefore help to develop a civic culture (WIERZYNSKA 2004: 1953).

### *Problems and Criticism*

The first problem that arises would be the very acceptance of the system itself, as being implemented by the new government, which neither the Hutus, still making up to 85 % of the citizens of Rwanda, nor the Tutsis see as their true representative, there is always the risk that this would decrease the authority of the Gacaca courts (WIERZYNSKA 2004: 1963). Furthermore, the Gacaca Courts deal only with Hutu crimes as the government would not allow any alternative, even though crimes were committed by both sides. This fact could therefore result in even more interracial diversion.

Another problem is the timeframe. The Gacaca Courts were inaugurated eight years after the genocide had been committed. This means there has been a long time span between the genocide and the actual trials. Over such a period of time memories change, people move on and often they cannot serve as witnesses before such a localised trial.

But the most obvious problem of the Gacaca courts is the question whether or not the court proceedings comply with at least the very minimum standards of fair trials and the rights of the defence. Some of these rights are contained in the International Covenant on Civil and Political Rights or the African Charter on Human and Peoples' Rights, which Rwanda has ratified (FIERENS 2005: 910).

The fact that there is no right to legal counselling or assistance for the accused in the Gacaca court proceedings is regarded as a serious breach of obligations that Rwanda has to fulfil under international

law. Of course one could argue that people acting for the interests of the accused could participate in proceedings as members of the general assembly but nonetheless such measures are not equal to real legal counselling. It could also be argued that legal counselling would slow down the proceedings, whilst the speed of ordinary court proceedings and the Gacaca were actually established to streamline the criminal proceedings. But aspects of efficiency can never justify a lack of fair trial elements. The rights of the accused have to be ensured to make the Gacaca courts a successful and sustainable instrument of reconciliation.

### III. The Case of Sierra Leone

#### *The Civil War*<sup>27</sup>

During the brutal civil war in Sierra Leone, which lasted a whole decade between 1991 and 2002, more than 100,000 people were killed and two million were displaced<sup>28</sup>. A Peace Agreement between the government of Sierra Leone and the Revolutionary United Front of Sierra Leone (RUF) was finally reached on 7 July 1999. The Lomé Peace Accord provided for the creation of a Truth and Reconciliation Commission and included an extensive amnesty clause<sup>29</sup>. The recurrence of fighting in May 2000 not only hindered the creation of the Truth and Reconciliation Commission, but also revived the debate about the amnesty provision of the Lomé Peace Accord (SCHABAS 2003: 1036).

<sup>27</sup> For an account of the civil war see DANISH (2005).

<sup>28</sup> The conflict had mainly economic reasons: Particularly, corruption and mismanagement in the diamond sector; concomitant with the breakdown of state structures and the suppression of a political opposition that facilitated the trafficking of arms, ammunition and drugs, and eroded national as well as regional security. See also: ARZT (2006: 226).

<sup>29</sup> The amnesty provision was not only condemned by a range of human rights organisations but also by the Sierra Leonean population itself, as it sent the wrong signal that atrocities can be committed without consequences. However, the UN did not accept its validity under international law, and therefore an international character to the court was required.

See: Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone, Retrieved on 10 Oct 2006 from: <http://www.sierra-leone.org/lomeaccord.html>; and The Conflict, Security and Development Group, International Policy Institute, King's College London (2003) *A Review of Peace Operations: A case for change*.

In an effort to break the cycle of violence and begin the process of reconciliation, the government of Sierra Leone requested that the United Nations establish a special court to prosecute those bearing the greatest responsibility for the commission of crimes against humanity, war crimes, and serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law<sup>30</sup> within the territory of Sierra Leone, since 30 November 1996 (DICKINSON 2003). The domestic justice system was not in a position to handle serious cases, yet, there was little hope of any new international criminal tribunal being created (DICKINSON 2003: 73).

On 14 August 2000, the UN Security Council adopted Resolution 1315, which requested that: "...[t]he Secretary-General negotiate an agreement with the Government of Sierra Leone to create an independent special court," whose subject matter jurisdiction: "should include notably crimes against humanity, war crimes and other serious violations of international humanitarian law", and whose personal jurisdiction would be: "over persons who bear the greatest responsibility" for these crimes: "including those leaders who, in committing such crimes, have threatened the establishment of and implementation of the peace process in Sierra Leone (UNSC RES 1315 2000).

### *Post-Conflict Justice*

#### 1. PROSECUTION: THE SPECIAL COURT FOR SIERRA LEONE

The Special Court for Sierra Leone differs in several aspects from previous *ad hoc* tribunals (FRULLI 2000: 858). Firstly, the Special Court is the first treaty-based court established by a bilateral Agreement. The advantage is, on the one hand, that the post-conflict judicial bodies are not imposed but agreed on mutually. On the other hand, one disadvantageous consequence is that while the Special Court has primacy over domestic prosecutions, it lacks the power to assert primacy over national courts of third states or to order the surrender of an accused located in any third State.<sup>31</sup> Secondly, the Special Court is a hy-

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<sup>30</sup> The Special Court's temporal jurisdiction runs from November 30, 1996 to a date to be decided by a subsequent agreement between the parties. Although the civil war and attendant atrocities go back to 1991, the Secretary-General concluded that extending the temporal jurisdiction back that far would create too heavy a burden for the prosecution and the Court.

<sup>31</sup> Both the International Criminal Tribunal for the Former Yugoslavia (ICTY) as well as the International Tribunal for Rwanda was provided with this power.

brid international-domestic court, composed of both international and national judges. Thirdly, the Special Court has an extensive subject matter jurisdiction, as it not only deals with war crimes and crimes against humanity, but also with crimes under Sierra Leonean law. Another important aspect, in which the Special Court differs from former tribunals, is its location in Sierra Leone itself. This enables the Court to have ready access to witnesses and evidence and is closer to the population, but at the same time this raises security issues. When the trial of Charles Taylor, who was accused of bearing the greatest responsibility for the war in Sierra Leone, was moved to The Hague, this disillusioned not only the population of Sierra Leone but also the international community.<sup>32</sup>

## 2. TRUTH-SEEKING: THE TRUTH AND RECONCILIATION COMMISSION

Article XXVI of the Lomé Peace Accord provides for the establishment of a Truth and Reconciliation Commission, an impartial body with the mandate to take a historical record of the events, revealing human rights abuses and restoring dignity to the victims.<sup>33</sup>

Although the TRC was supposed to start its work within 90 days after the adoption of the Lomé Peace Accord<sup>34</sup>, it was only in Febru-

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<sup>32</sup> According to Article 1(1) of the Statute of the Special Court only violations committed in the territory of Sierra Leone can be prosecuted. However, Article 6(1) provides for the prosecution of any person who helped in the planning, preparation or execution of crime related to the war in Sierra Leone. The Special Court thus was able to release an indictment against Charles Taylor. When he first appeared before the Special Court in 2006, he pleaded not guilty to all charges and refused to recognise the court's jurisdiction. But the Appeals Chamber had already dismissed a motion of his in this respect in 2004, holding that the Special Court for Sierra Leone was an international court and that a head of State enjoys no immunity from prosecution before an international court. Due to security risks, the Special Court decided to move the trial of Charles Taylor to The Hague. See: SCHABAS (2006: 1043), and GBERIE (2003: 644).

<sup>33</sup> According to Article XXVI (1), the aim of the TRC is to: Address impunity; break the cycle of violence; provide a forum for both the victims and perpetrators of human rights violations to tell their story, and gain a clear picture of the past in order to facilitate genuine healing and reconciliation. The TRC is further requested to give recommendations on measures to be taken for the rehabilitation of victims of human rights violations. Article XXVI (3) details the composition of the TRC. Members shall represent a cross-section of Sierra Leonean society.

Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone, Retrieved on 10 Oct 2006 from: <http://www.sierra-leone.org/lomeaccord.html>

<sup>34</sup> Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone no. 79

ary 2000 that the Sierra Leonean Government passed the Truth and Reconciliation Act, establishing the TRC.<sup>35</sup> Whereas the TRC examines violations and abuses of international humanitarian law from the beginning of the war in 1991 until the Lomé Peace Accord in 1999, the Special Court prosecutes serious violations of international humanitarian law. The subject-matter jurisdiction of the latter is further limited by the specific enumeration of crimes that it may prosecute.<sup>36</sup>

### 3. REPARATION: THE SPECIAL FUND FOR WAR VICTIMS

Article XXIX of the Lomé Peace Accord provides for a special fund for war victims. According to this provision, the Government with the support of the international community is requested to design and implement a programme for the rehabilitation of war victims and to this end to set up a special fund.<sup>37</sup> The TRC was therefore authorised to make recommendations regarding the Special Fund for War Victims<sup>38</sup>

### 4. RECONCILIATION

According to the same article establishing the TRC, reconciliation is stated to be one of the main aims of the TRC. Article XXVI (2) of the Lomé Peace Accord links the questions of human rights violations during the conflict in Sierra Leone to the spirit of national reconciliation.<sup>39</sup> According to this "therapeutic" mandate, the TRC in its work should respond to the needs of the victims, promote healing and reconciliation and prevent the recurrence of violence (SCHABAS 2003: 1040). To this end, the TRC held public hearings and ceremonies of reconciliation that went along with the hearings. By restoring human dignity, this was one of the most powerful means of promoting peace between the parties to the conflict (GOLDMANN 2006:137). The fact that the Special Court

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<sup>35</sup> Truth and Reconciliation Act 2000

<sup>36</sup> Specifically, the charges include murder, rape, extermination, acts of terror, enslavement, looting and burning, sexual slavery, conscription of children into an armed force, and attacks on United Nations peacekeepers and humanitarian workers, among others. See: SCHABAS (2003: 1046).

<sup>37</sup> Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone no. 79

<sup>38</sup> Truth and Reconciliation Act 2000 no. 81

<sup>39</sup> Article XXIX (2), Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone, Retrieved on 10 Oct 2006 from: <http://www.sierra-leone.org/lomeaccord.html>

is situated in Sierra Leone itself may also contribute to the process of reconciliation.

### *Problems and Criticism*

Although the Special Court faced various problems,<sup>40</sup> under-funding can be defined as the main obstacle for the delivery of justice.

Maybe the most difficult question the Special Court had to answer was how to deal with juvenile offenders, children as young as 14, who committed acts of extreme barbarity. A compromise was reached according to which no-one under 15 years of age may be tried by the Special Court, and 15-18 year-old defendants will receive separate anonymous hearings and special counselling.<sup>41</sup>

Despite the Special Court's efforts to educate the population about its mandate and procedures, the outreach programme<sup>42</sup> has been criticised for being confined to selected places in the interior of the country and for not reaching the general population, which is largely illiterate. The Court has been further criticised for showing little engagement with the local media (GBERIE 2006).

The relationship between the TRC and the Special Court was the source of much controversy. In particular, controversies arose in relation to the question of information sharing between the two bodies.<sup>43</sup> Although both bodies affirmed publicly that they would not share information or data, the TRC sessions were held in public and broadcast live on radio – its report was published in October 2003, by which time the Special Court had just begun the trials (GBERIE 2006:648).

Despite these difficulties, the possibility of resorting to alternative truth and reconciliation mechanisms (FRULLI 2000: 868) as comple-

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<sup>40</sup> For an account of the problems the court faced see: MACKAY (2003: 273).

<sup>41</sup> Rather than being sent to prison, these juvenile offenders were to carry out their terms in demobilization camps or foster homes.

FRULLI (2000):866.

<sup>42</sup> Outreach activities included: town hall meetings; sessions with special groups such as the police, the army, the bar association, journalists, victims groups, and students; the creation of brochures and posters; and radio and video programs in the country's four main languages

See: ARTZ (2006) and KUEBART (2006).

<sup>43</sup> Unlike in the case of South Africa, there was no legal guarantee against self-incriminating evidence brought in front of the TRC being used against an accused in a prosecution before the Special Court. Thus, many ex-combatants feared that the TRC would reveal their testimony to the Special Court. See: ARTZ (2006): 226.

mentary – and not as a substitute – to prosecution appears to have been successful (DANISH 2005).

## Conclusion

The experiences from South Africa, Rwanda and Sierra Leone show that when dealing with severe and systematic human rights abuses, prosecution should be supplemented by other complementary means for pursuing justice in order to build sustainable peace.

Prosecution of the perpetrators of atrocities and massive human rights violations can be important for the delivery of justice to a conflict-striven society. In responding to significant shortcomings in both purely international and purely domestic approaches, hybrid courts can be seen as the best option, depending on the particular circumstances. Although often facing under-funding and financial restrictions, hybrid courts at least have the potential to address some of these shortcomings. With international as well as national judges, hybrid courts may be more likely to be perceived as legitimate. Also, hybrid courts may contribute to the capacity building in the each individual country concerned. The training of local judges and financial support has positive impacts on the capacity of domestic legal institutions. Moreover: "...[t]he functioning of hybrid courts in the local community, along with the necessary interaction among local and international legal actors may contribute to the broader dissemination (and adaptation) of the norms and processes of international human rights law" (DICKINSON 2003).

The psychological aspect of TRCs for the victims and the nation on the whole must not be underestimated. By exposing the facts, TRCs establish a collective memory of the past and a moral account of the historical record. TRCs also can contribute to the building of the nation, for example by promoting national unity when broadcasting to the public. However, in order to successfully achieve its ambitious aim, any truth commission must be designed according to the particular circumstances and the specific local needs.

Reparation policies may contribute to peace, as they acknowledge the suffering of the victims and provide for compensation. However, regarding the implementation of any reparation policy, the State faces the difficult task of defining the victims and, if appropriate, of distinguishing between different categories of victims.

Reconciliation has been proven to be supportive to peace, as it tries to diminish divisions between the different parties in each conflict. This

is of the utmost importance, as divisions may lead to the recurrence of violence and human rights abuses and therefore constitute a severe threat to the sustaining of peace.

Besides prosecution, truth-seeking, reparation and reconciliation, the fundamental change or even abolition of institutions that have been involved or can be held responsible for human rights abuses is a precondition for the future functioning of the State: "...[i]f international criminal courts are to achieve their aims - one of which is to contribute to the consolidation of democracy and the triumph of the rule of law over the instinct for revenge after prolonged periods of communal violence - perception of their legitimacy by the local population is a crucial factor." The building of legitimate state institutions and their capacities is essential for post-conflict peace building.

In the end, the success of confronting the past depends on the particular social, political and cultural context. However, prosecution, truth seeking, reparation, and reconciliation are essential factors for overcoming the traumas of the past and building the future in the aftermath of a conflict. Likewise, the role of these efforts in establishing peace and democratic institutions of governance will vary with each case (DICKINSON 2003) so that: "...one of the important lessons of the scholarship on transitional justice is that no mechanism is perfect, and none is appropriate in all contexts. Moreover, many accountability and reconciliation processes can operate in tandem and complement one another. Thus, the use of one approach almost never excludes other possibilities." (DICKINSON 2003).

The biggest challenge is to combine the different mechanisms for post-conflict justice in the particular case and to guarantee their coherent concurrence (HAZDRA 2006: 17).

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## Chapter Four

# Uribe's "Peace" Policies: Perpetuating Violence by Disguising the Colombian Conflict

Maurizio Tinnirello  
University of Kent at Canterbury, UK

*Colombia's problems are so complex that they make the Balkans look simple...If shooting people could solve the problems of Colombia, then Colombia would have become heaven on Earth long ago.*<sup>1</sup>

There can be no doubt that the violence in Colombia has increased in recent years due to the use of violent methods that had initially been set in place to address what has become a national quagmire. As a result of the current strong-armed policies aimed at the guerrillas, security seems to have improved, at least in the urban areas, where the large middle class and elites live, whilst the historically abandoned rural areas remain unstable, as guerrillas and other armed actors continue to control large parts of the country in their macabre dance of death (ICG 2005: 22).

Nevertheless, this perception of 'tranquillity' is not entirely due, to the deployment of the army and its pressure on the guerrillas (TNI 2004: 4). Instead, it is significantly linked with the process of demobilizing the paramilitaries (*paras*) (ICG 2004: 7), which the government has been selling to the general public as the *Ley de Justicia y Paz* (Justice and Peace Law-LJP)<sup>2</sup>. The *Auto Defensas Unidas de Colombia* (AUC- United Self De-

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<sup>1</sup> Ruiz, B. (2001: 77).

<sup>2</sup> This law is seen by a great many people and international organisations as a *carte blanche* for the legitimisation of Narco-structures controlled by the paramilitaries. Indeed it is argued that there has been very little 'peace and justice'. An editorial in the *New York Times* suggested it should be called "Impunity for Mass Murderers, Terrorists and Major Cocaine Traffickers Law". *New York Times*, July 4, 2005. One set back for the government but a step forward for justice has been the pronouncement of the constitutional court that has deemed unconstitutional many of this law's articles. For the *Ley de Justicia Y Paz* see: Office of the High Commissioner for Peace, [www.altocomisionadoparalapaz.gov.co](http://www.altocomisionadoparalapaz.gov.co), [http://www.altocomisionadoparalapaz.gov.co/justicia\\_paz/documentos/Ley1\\_975.pdf](http://www.altocomisionadoparalapaz.gov.co/justicia_paz/documentos/Ley1_975.pdf). For the constitutional court sentence see: [http://www.altocomisionadoparalapaz.gov.co/justicia\\_paz/documentos/ley\\_justicia\\_paz.pdf](http://www.altocomisionadoparalapaz.gov.co/justicia_paz/documentos/ley_justicia_paz.pdf)

fence Groups of Colombia) are known for conducting numerous vicious attacks and massacres against civilians whom they believe to be collaborators of the *Fuerzas Armadas Revolucionarias de Colombia* (FARC- Colombian Revolutionary Armed Forces), and another guerrilla movement (the ELN), alongside union members and other sectors of the civilian population who are thought to be challenging not only their territorial and economic domination of a specific zone but also the government's status quo.<sup>3</sup>

The *Política de Defensa y Seguridad Democrática* (Democratic Policy of Defence and Security- PDS) has been exclusively directed at the guerrillas, and the *Ley de Justicia y Paz* has managed to contain outbreaks of extreme political<sup>4</sup> and physical violence but neither of these are really aimed at dismantling and changing the dynamics of the structural violence (DUKES 1999)<sup>5</sup>, and other manifestations of violence, such as acting with endemic impunity, the drug business and the injustice behind the presence of so many violent actors in Colombia. These factors are ultimately a reflection or symptom of the original causes of the imbroglio that has been endured by Colombians for more than four uninterrupted and barbaric decades.

The constant mention of the word violence might seem confusing and a little over-imaginative, but it is a mirror reflection of the country's present and recent history and from what this chapter argues: its future. As violence has become the primordial 'essence' of Colombia, the expression and its synonymous variants will appear as relentlessly in this article as they do in reality.

Why is Colombia scourged by such an 'essence', by such an undesirable presence? One could use this article to explain why it arose in the first place or why it has remained, conducting its dark mission in Colombia, but this would take more than just an article or, for that

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<sup>3</sup> The historical 'communion' between the government and the paramilitaries has been documented extensively. See Reuters Foundation Alertnet (October 2006); also, Human Rights Watch (September 2001).

<sup>4</sup> Approximately 2,000 to 3,000 people are killed directly by political violence in Colombia every year. The total number killed per year oscillates between 25,000 and 30,000. The vast majority are killed by what is called 'common violence' or criminality which not being part of the political violence springs out of mainly the same reasons as other types of violent manifestations and cannot be objectively disentangled from the conflict.

<sup>5</sup> There is a long story of political, economic and social exclusion which has generated conflicts within the country, which have not been mediated and addressed by the state. On the contrary, they have been targeted through mostly military means and through the extreme use of repression. This, in turn has transformed structural violence represented by the exclusion into physical outbreaks of violence.

matter, the best part of a lifetime. This essay will therefore analyse the current governmental policies and their intrinsically violent nature, before attempting to prove that their implementation does not aim at healing the core of the manifestations of violence but rather at covering them up by transferring or displacing one type of manifestation of violence by another phenomenon. One could call it a re-invention, or better put, a masquerading of the quagmire. Perhaps many other epithets could be resorted to, but certainly not the word 'peace'.

Historically-speaking, these policies may be traced back forty or fifty years ago when strategies to end wars were designed from a 'superpower' perspective and there was no literature about the conflict that could offer some explanations and alternative options beside the basic resort to violence. The current administration's rigid strategies have an archaic, simplistic, displacing and cosmetic structure and hence they can neither address the different intertwined spheres of violence nor the structural causes of the Colombian problematic. This article does not, however, attempt to explain why the government acts the way it does, as this would involve a much lengthier subject.

When president Uribe took office for the first time, in 2002, he spoke in front of a full Congress, addressing the violent conflict in a non-conventional way. At first, this seemed bizarre, although rather surprising and even hopeful, as he had pledged a military end to the conflict; a strategy that had been failing for the forty past years. Was he talking of a non-conventional solution *vis-à-vis* the previous president who opted for peace talks?<sup>6</sup> Or was he intentionally oblivious of Colombia's national history, ignoring its previous fifty years? In the latter case, the conventional method of dealing with the conflict has been to try to defeat it through yet more violence allied to weak and crooked exclusionary political solutions.<sup>7</sup> Conversely, this 'non-conventional' solution to end the violent conflict in the country had been in practice since 2002. The administration is optimistic that it is achieving its declared aims of reducing political violence; despite allegations of statistical manipulation and that the governmental data does not seem to

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<sup>6</sup> For a very detailed account of the peace talks under the Pastrana administration see Ruiz 2000.

<sup>7</sup> One of these exclusionary political processes was the National Front. The latter was an alliance between the Conservatives and the Liberals that shared the government every four years. This agreement might have terminated most of the fighting between the two leading political parties but cemented deeper exclusionary policies, closing the political door for any other parties. This power-sharing agreement would last from 1958 to 1974. For further information and analyses on the National Front see HESPER 1978, and BERMUDEZ 1995.

match any other national or international organisation (SEMANA.COM 2006)<sup>8</sup>, in addition to military scandals which have involved the planting of bombs to blame the FARC just days before President Uribe took office for a second term.<sup>9</sup> This optimism is questionable from many different perspectives.<sup>10</sup> Despite the full military escalation of the present administration and the increasing financial aid to the military from the United States, there is little to show for the administration's strategic success against the guerrillas or for that matter any reduction in violence (HANSON & ROGERS 2005: 24).

Political violence in Colombia is not solely a result of violence for its own sake, which would make violence some kind of regenerative phenomenon, neither is it an exclusive result of the illegal armies' thirst for blood, economic interests and the plague of the drug business. If this were to be the case, fifty years of barbaric bloodshed and endless violations against humanity through an all-out war would have simply defeated the violence; and with reference to the opening lines of this article, Colombia would have transformed itself into a 'heaven on earth' (RUIZ 2001: 77). Unfortunately, there is more about types of violence related to physical, terrorist and drug trafficking in this conflict, and this has been documented endlessly by far too many social scientists and international organisations.<sup>11</sup> The formational structures of the conflict can be seen daily, in the streets of the country: In the anguished faces of beggars, around the major cities, or in the lost lands of displaced people; as well as in the news that broadcasts yet another massacre; or in Congress where senators, the so called 'fathers' of the motherland, are backed up by criminals (SEMANA 2006); in the civilians who breath uninterested indifference (BARON & MOND 2001: 17), and where one of the highest inequality rates in the world persists, where 22 million out of 40 million people find themselves on the poverty line (SEMANA 2006). To these root causes must be added to the degenerative dynamics of fifty years of war.

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<sup>8</sup> Senator Cecilia Lopez stated "that the country cannot be managed with lies" referring to the many discrepancies between the DANE, the national centre for statistics, and data from NGOs, unions, academia and multilateral organisms. It is to be note that the previous director of the DANE resigned three years ago when explicitly asked not to make public security data for Bogotá, Medellin and Cali.

<sup>9</sup> *International Herald Tribune*, [www.iht.com](http://www.iht.com), 'Colombia's FARC rebels deny involvement in phony bomb attacks'. October, 2006.

<sup>10</sup> Reuters Foundation Alertnet, [www.alertnet.org](http://www.alertnet.org), 'Colombia: UNHCR concerned about deteriorating situation in north-east', September 22, 2006.

<sup>11</sup> See: HUMBERTO (1998); RUIZ (2001); ROCHLIN (2003); BERQUIST (1992), and PAPANICHINI (2001).

Nevertheless, during President Uribe's administration there has been a renewed effort to further convince both national and foreign audiences alike that there is no political conflict and hence no structural violence, but only terrorism and drug-financed terrorism. Thus, it would seem that the simple cause of the violent conflict is based upon the very presence of guerrillas, who are the paramilitaries of the drug barons, and their filthy business, which is a violent extension of the military (RABASA & CHALK 2001: 57). For the interested reader this is an unsophisticated premise with little foundation. But, it does not cease to surprise, at least this is the public perception, that to most national and foreign politicians, might sound like the best, least demanding, simpler and more plausible explanation; one that could produce a tangible result, namely the end of the imbroglio. It is in this one-dimensional manner that Uribe's administration is conducting its policies.

If we go back some fifty years, we will realise that it was state violence that triggered the violent peasant response (ROCHLIN 2003: 97). In simple terms, their *raison d'être* was to fight against the political exclusion of the ruling class and persecution of the army. The continuation of these violent methods generated the conditions for the creation of the FARC (SEMANA 2003: 53-54)<sup>12</sup> and pushed many rural inhabitants to join them. Not 'from any strictly voluntary decision, but as the people's response to official violence and military aggression' (BERQUIST 2001: 181). It could be contested that nowadays the army does not conduct these types of operations that violate human rights and International Humanitarian Law as well as the national constitution, and that it only conducts operations against the guerrillas or narco-terrorists as they are referred to nowadays, in line with the US war on drugs and terror.<sup>13</sup> It could also be argued that there are no systematic government operations against civilians. There is always reality to prove the opposite. Attacks on civilians by the military and its illegal branch, the paramilitaries, still go on. They occur time after time and they cannot be blamed on mistakes when it is proven that they are blatant and evi-

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<sup>12</sup> In a review of a book called 'Rebelion y Amnistia' by Carlos Ronderos where he gathered eighty one people of the Colombia reality to talk of sixty years of history in the Colombian imbroglio, Jacobo Arenas one of the leaders of the FARC narrates how the FARC originated: (translation by author) ... the guerrilla moved to Chiquito, others stayed fighting in Marquetalia. There were a lot of bombardments (by the army), they tried some bombs which weighed five tons. We took one of those bombs that did not go off...this action led to the creation of the Fuerzas Armadas Revolucionarias Colombianas.

<sup>13</sup> For an interesting account of the US lead war on Drugs and Terror see STOKES (2005).

dent executions which are later portrayed as the casualties of the political war (EL TIEMPO 2006 a).

If one was aiming at explaining why the government continues to pursue a violent approach to the conflict, one would have to have at least one conspiracy theory. Yet, returning to the analysis of current policies and their unsophisticated approach towards ending political violence, one can only emphasise that what is being driven as government policy is nothing other than the disguising of violence. One example of this is the full military escalation against the guerrillas as part of the War on Terror and Drugs (mainly FARC), given that they have some involvement in the illegal drug economy (ICG 2005: 8 – 13). Yet, why are these military operations only conducted against the guerrillas and not against the *paras*, when they are known to be powerful cocaine exporters, whilst most human rights violations are committed by them? (HYLTON 2006: 4). In opposition to this, it could be said that they are taking part in the demobilisation process, but as will be demonstrated later, this serves as yet another disguise for the conflict. Stokes skilfully demonstrates that the War on Drugs is the public name of a continuous US Counter Insurgency strategy aimed at preserving US interests in the region, and using paramilitaries is part of this strategy (STOKES 2005: 112).

Furthermore, the War on Drugs is using what could be called “violent” methods to eradicate coca plantations, where the spraying of thousands of hectares has been proclaimed as the best method to eradicate coca plants. Again, the complexity of the conflict dynamics reasserts the failure of simplistic strategies. Recent figures show that after years of spraying the coca plantations, the number of hectares has increased from 114,100 hectares in 2005 to 144,000 hectares in 2006, a 26% increase (LEECH 2006). Numbers aside, the fumigation strategy is again inherently violent, the bio-warfare agent used to destroy the plantations is banned in the US for fears it may be damaging to other organisms including human beings (NACLA 2000: 15). It not only kills the coca leaves but most other things as well, destroying the lives of thousands of peasant farmers and causing increased deforestation (LEECH 2006). By destroying the lives of peasants and their crops as well as the national natural riches the government is in full violation of these people’s human rights. Their livelihood is being destroyed by a basically violent method that can only generate more violence, pushing the people to abandon their lands and join one of the armed actors; again, extending the exclusionary arm of the state: an evident form of structural violence.

Although, the tactics mentioned above are similar to the historic governmental approach, nowadays, from the perspective of the gen-

eral public, there is no conflict but terrorist threats and drug traffickers, thus the use of violence to end this threat is necessary to end the conflict. This masquerading of the violence, of the conflict itself is a very dangerous gamble that aims at obscuring the root causes of the imbroglio. It is easier to use the monopoly of violence to cover up the causes of conflict than it is to implement integral (SEMANA 2006) and just policies that would generate the socio-economic and political dynamics needed in Colombia. It is also less politically risky and more in line with Colombian society (BARON 2001: 15) and the international system, especially US pressure that sees everything through a simplistic terrorist lens (STOKES 2005: 115).

The protracted nature of the Colombian conflict makes it prone to simplistic, short term solutions such as those presented by the president's office, which are: 'monopolise[d] by a dominant interest maximised by the government at the expense of marginalised groups,' (FISHER 1997: 85) over a period of fifty years of war, that witnessed thousands of deaths and more than two million internally displaced people (UNHCR). Calling armed actors narco-terrorists might be a convenient method of justifying the use of violent methods in a country that has been living with the reality of terror due to more profound reasons, thus reducing the war to the presence of armed actors. This allows it to pursue a conventional 'superpower' strategy that would continue to be unsuccessful (FISHER 1997: 79), and obscures the fact that the armed actors are a brutal persistent symptom of the original root causes of the quagmire. Unless, this is politically and publicly recognised, the changes will be cosmetic, whereby one type of violence will be exchanged for another. There will be a displacement of the manifestations of violence, and this would serve to trick Colombians out of a true solution that has peace at its heart. As the FARC and the ELN, the smaller of the two exiting Colombian guerrilla movements continue to be thought of as terrorists and not as the symptom of a socio-economic and political malady, the manifestations of violence will be stirred up endlessly.<sup>14</sup>

Despite having lost much of their political agenda (SEMANA 2003) due to the duration of the conflict, the dynamics of the war itself and their involvement with the drug business (RABASA 2001: 39<sup>15</sup>, the

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<sup>14</sup> A regrettable but timely example of this is the latest bomb attack by the FARC that happened as I was writing this article. Not only was the bomb in the capital of the country but in its biggest military complex. EL TIEMPO (2006 c).

<sup>15</sup> Rabasa points out that revenue from drugs and criminal activities has allowed the FARC to buy guns and supplies that are smuggled into the country from Central America, Eastern Europe and the former Soviet Union.

guerrillas still represent exciting political and socio-economic problems (LEECH 2006 a).<sup>16</sup> Nonetheless, the obliteration of history by disguising the conflict is vital in the current security strategies. One could question: what is the difference between fighting the guerrillas as such and fighting them as terrorists? In practice not much, but in terms of achieving a real end to the several manifestations of violence and reaching some kind of peace, it is enormous. If the current trend persists, fighting narco-terrorists seems necessarily to be a military strategy that limits actions to a strictly violent solution that can only generate more destruction and misery as well as erode even more the loss of humanity; sadly reminiscent of much of the archaic and unsophisticated actions from fifty years ago (STOKES 2005). Furthermore, it will continue to add even more complex dynamics to the quagmire. Controversially, it could be argued that had governments in the past, prior, let us say the period of, *La Violencia*,<sup>17</sup> opted for a non-violent approach and had they promoted a more balanced distribution of wealth, political and social structures, that more recent factors such as the drug trade and the devastation it has brought to the country would not have happened (TNI 2005: 4). This line of argument could be applied to every administration since then. Of course it is impossible to know this for certain but there is little doubt that aiming at solving such a complex conflict with violence can only bring to the surface new forms of destruction and generate even more complex war systems. What this means, in other words, is more scenarios of macabre violence and more misery for Colombians.

Furthermore, it must be taken into account that the state has a constitutional obligation to protect its citizens from any violence, including violence by the state itself (AVALES 2001: 33). The state should therefore generate the necessary dynamics that are based on regaining human dignity, morality and the value of life itself which have all been lost in Colombia. The state should improve the quality of life starting with the most basic right: the right to life. The state should strengthen

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<sup>16</sup> Leech comments that the: ‘...UN special envoy to Colombia James LeMoyne warned in May 2003 that, in a country where the inequitable wealth distribution has left 64 per cent of the population living in poverty, it would be a “mistake to think that the FARC members are only drug traffickers and terrorists.”’

<sup>17</sup> For a historical view of this period see: VALLEJO (1949), and SANCHEZ and MEERTENS (2001), who state that *La Violencia* did not end in 1958 with the beginning of the National Front but around 1965. Their view is that *La Violencia* ‘assume[d] different characteristics [under] the expression of [what] was political bandolerismo (Banditry)’. For a slightly different timeline see ROCHLIN (2003: 95).

institutions; it should eradicate the practices of *Clientelismo*,<sup>18</sup> and dismantle the network of corruption in both the executive and the legislature, thereby forging a positive peace and not a negative one. Above all the state needs to relentlessly promote a more equal and inclusive society. It should engage in peace negotiations, not in selective humanitarian exchanges (SEMANA 2006)<sup>19</sup> of which Colombia has experienced far too many and will experience many more, as the kidnappings continue (HRW 2005) This would to some extent initiate the process of addressing the root causes of the conflict and one suggests that this could be done with the US\$ 8.5 billion dollars that the President aims to raise for continuing the war (EL TIEMPO 2006 d).

However, as the government intends to convince national and international audiences that there is 'no conflict', but only criminality and therefore that none of the root causes actually exist, the war will continue as it has been doing, for many more decades. The current political discourse and actions pretend to cover up the structural causes of the conflict that are more relevant than ever as more and more people fall victim to the barbarity of present-day Colombia.<sup>20</sup> It will be speculated in this article that this masquerade is employed out of a desire to stay in power and establish new political and economic networks. Simply put, this implies: 'a political model based on organised crime' (HYLTON 2006: 5), that would allow particular individuals to hold onto power. However, this is nothing new in Colombia; it has been going on for decades. Some Colombians sit and watch whilst others are killed, displaced, disappear, or are dismembered. Indeed this list could go on for pages. The political and socio-economic exclusion of the past is powerfully present in Colombian politics nowadays. Aviles, describes the domination of the ruling class in Colombia through repression, based upon the military and its illegal arm, the *paras*, the preferred

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<sup>18</sup> *Clientelismo* is a term use in Colombia, which implies ruling through and for personal loyalties. The distribution of national resources and political relations is based on the completion of personal interests that overwrite democracy (ESCOBAR 2001: 108).

<sup>19</sup> Here, Eduardo Plata argues that the problem with the current humanitarian exchange is that it classifies human dignity as though it is up to the state to select who is 'valuable' to be exchanged or not. If someone is useful to the state then this person would be on the list. It is important to not that due to the bomb attack by the FARC mentioned in footnote 14 the president cancelled the humanitarian exchange and promised to rescue the hostages.

<sup>20</sup> This can easily be corroborated by reading a national newspaper, reports from International Organisations such as International Crisis Groups, Colombian Journal, [www.colombianjournal.com](http://www.colombianjournal.com), The Centre for International Policy's, [www.ciponline.org](http://www.ciponline.org), Human Rights Watch, [www.hrw.org](http://www.hrw.org), etc.

method, and a more consensual method: the promotion of a low-intensity democracy (AVILES 2000). This is a continuation of past practice, but under this current administration there is a relentless effort to picture the conflict as something that is not, a crude and obvious effort to cosmetically “paint” the conflict in scenarios that hide the reality to a fraction of Colombian society and the international community. One wonders why most Colombians cannot see this more clearly. The masquerade goes beyond treating guerrilla groups strictly as terrorists; it also treats criminal organisations (LEECH 2006 b)<sup>21</sup> such as the paramilitaries as guerrilla groups.

The *Ley de Justicia y Paz* passed by Congress, last year, has resulted in the demobilization of some 31,000 members of the paramilitaries. Under normal political and conflict conditions a demobilisation process would be interpreted as being a very positive process; namely, the end of that group as a guerrilla movement or as paramilitaries, including their activities and the structures that fund them. The *Ley de Justicia y Paz* is, however, not that kind of process. Nor can it be called a peace process as the paramilitaries have claimed that they are fighting for the government (HYLTON 2006: 4). Just like the *Política de Defensa y Seguridad Democrática*, this aims at sending the political conflict and its root causes into oblivion. The *Ley de Justicia y Paz* publicly aims at removing one armed actor from the violent realm of the country to let it continue under a different name or in anonymity. It could be argued that the government is doing this regardless of what the future consequences might be. Blatant evidence of this is provided by the ever increasing occurrence that demobilised *paras* are joining other drug-related, illegal organisations. Nonetheless, the High Commissioner for Peace (HCP), Luis Carlos Restrepo has assured the Colombian public that the emergence of these gangs is independent from the demobilisation process and will be treated as organised crime (EL COLOMBIANO 2006). This assurance must be examined more closely, given that a demobilised paramilitary will hand in his weapons, to then join the network of the same or a similar organisation that is also funded by the drug business and this is supposed to be independent from the demobilisation process. Certainly, the HCP cannot be talking of the same conflict. It is again a simple way of turning the realities of the conflict into a superficial and unsophisticated political discourse that somehow

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<sup>21</sup> Leech comments that: ‘The Resource Centre for Analysis of the Conflict (CERAC) [found that] the Colombian military and its right-wing paramilitary allies have been responsible for 58 percent of Colombia’s conflict-related civilian deaths over the past 16 years.’

pretends to demonstrate the end of the *paras*. An ex-commandant of the *Bloque Catatumbo* (a bloque is paramilitary military division) has stated that some demobilised members are now in the service of the specific drug cartels (EL COLOMBIANO 2006). If the demobilised *paras* who join drug cartels are to be treated as criminals then one must ask why the *paras* are not also treated as such. The one difference is the association to a loosely-defined organisation called the paramilitaries, nothing else.

It is generally known, and has been extensively reported, that many drug barons have paid their way into the *paras* in order to gain a clean legal record and continue with their illegal business (ISACSON 2006). Let it be noted, too, that the *paras* have been heavily financed by the drug business. So there is little change in the supporting structure of their business and brutal activities, only their name changes in the political realm, and this is well-understood by the government (EL TIEMPO 2006 b). Colombia might not have this organisation but many more fragmented ones will appear that will engender a cycle of bloodshed and social malady even greater than now. Again, we can see the false portrayal of this law and its intention, which does nothing more than remove from view what is seen as an actor of the war, and thereby legitimise the existence of these drug barons and by doing so, the very drug business itself.

In Congress, Senator Gustavo Petro described President Uribe's 'two-year-old peace pact [... with the *paras*]' as a charade that has allowed the illegal paramilitary groups to reconstitute themselves and maintain their dominance of drug trafficking' and has also accused him of lying to Colombian society (YAHOO NEWS 2006). Representatives of the government disputed Senator Petro's accusations and data. Nonetheless, the reality that is being transformed by the *Ley de Justicia y Paz*, still survives and comes into play again. Petro stated that since the beginning of the peace process approximately 3,005 people have been killed by the paramilitaries. Representatives of the government said that the number is 252. The difference between the two figures is significant, but it was tilted more to Petro's representation of the figures by data obtained from the computer of a paramilitary leader. It was found that he had ordered 558 assassinations since the process began (EL TIEMPO 2006 b). These are the numbers from just one paramilitary leader, just one. But it is not only the data concerning ordered assassinations that is disturbing, there are even more factors that prove that the demobilisation process is a masquerade of the conflict, riddled with flaws and new cycles of violence, despite being sold by the current administration as a positive process. The Attorney General Office's has produced a report

in which it is put into evidence that one of the most powerful paramilitary leaders recruited peasants to play the part of paramilitary fighters in demobilisation ceremonies, to keep his good fighters in order to protect vulnerable zones (EL TIEMPO 2006 b). In addition, at the beginning of the demobilisation process the *paras* numbered some 15,000 and somehow now there are 31,000 of them, a number the government cannot explain away convincingly (EL TIEMPO 2006 e). Furthermore, a new criminal group, the 1,300 strong, *Aguilas Negras* (the Black Eagles) has emerged from what was once a paramilitary group. This group is already bringing its theatre of death and barbarity to five zones of Colombian national territory (EL TIEMPO 2006 e).

The demobilisation process is one of the cornerstone policies of Uribe's administration and as in the case of any such process, there are many difficulties and set backs. Nevertheless, when the process is flawed from the beginning (ISACSON 2005), given that paramilitaries and their drug business structures have been allowed to remain intact, then what we can affirm is that the basic premise and intention is not to remove the violence created by them, but to remove the entity known as the self-defence groups. These facts prove that there is an unequivocal process aimed at showing fundamental changes in the quagmire. However, the only change that seems to be taking place is the development of a process in which one manifestation of violence is mobilized into a totally different one, which may prove more damaging than all previous forms of violence (ISACSON 2005). It is hard to think that an administration that has conducted such a coordinated military offensive against the guerrillas, and has pressed for a referendum to allow the re-election of the president and other popular elected functionaries, should also be putting pressure on curtailing the media (STOKES 2005: 108) whilst advocating the curtailment of civil liberties and fundamental rights with an iron grip, as witnessed by the 4,362 people who have been arbitrarily detained in the administration's first year in power. These figures account for almost double the number of detentions in the previous six years (HANSON 2005: 23), a policy that is well in keeping with the current US war on terror and its anti-drug rhetoric. Furthermore, it is equally unimaginable that this administration is not aware that the paramilitaries continue in their delinquency, as the paramilitaries go on massacring, whilst retaining their power in the zones under their control, at the same time as maintaining links with members of Congress (ISACSON 2005).<sup>22</sup>

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<sup>22</sup> Isacson comments that: '...paramilitary leader Salvatore Mancuso boasted that the AUC controlled at least 30 per cent of the Colombian Congress.'

It is also important to remember that the demobilisation process had promised no more killings, even though, as has been proven before, the killings still continue. It could be argued that it was not the fault of the *paras*, as they are being broken down into other organisations; nevertheless these killings have been committed by the same people no matter what the administration wishes to call them.

The previous president took a great political risk in achieving a peace settlement through failed negotiations, but this process at least made Colombians aware of the existing territories of violence (PAPACCHINI, RESTREPO & ESTRADA 2001: 236). The current administration has aimed at making these war zones disappear altogether, and displaces any manifestations of violence through a masquerade of new dynamics of war. Uribe's administration also took a great risk by promoting its current "peace" policies. Nonetheless, this does not involve any political risk for the president and his administration as they are protected by the "success" that disguising the conflict has given them. Rather, it is a risk for the country and its future, which can only be envisaged in violent terms. The current strategies have a duality of existence. The *Política de Defensa y Seguridad Democrática* is based on simplistic and even cosmetic principles that aim at defeating the guerrillas and force them to negotiate from a weak stance. History has proven that it has not 'resolved the country's deep-seated structural flaws [and that] more fighting [cannot] permanently end violence' (SWEIG 2002). The only outcome of violent means to address the conflict will be a further erosion of humanity and peace in this country where life has a price and where the military approach has failed for decades no matter how many more bullets the state can shoot.

Consequently, we begin to draw out some of the similarities between the old violence, that is the state violence and repression of some forty years ago and the new and current 'non-conventional' approach to the conflict. They are both motors of extreme manifestations of violence by either action or omission, which largely remain in place with impunity. The current administration does not aim to dismantle the economic and violent structures of the *paras*, as this would entail loosing one of its armed branches that can be used against the guerrillas (STOKES 2005: 113) and serve as an ally in controlling the country and its political institutions.(AVILES 2006: 407).<sup>23</sup>

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<sup>23</sup> Aviles points to: '[...] Uribe's long history of support and links with actors or organisations associated with paramilitarism, including the CONVIVIR, while governor of Antioquia in the late 1990s, or with narco-traffickers while mayor of Medellín in the 1980s.'

In addition, a breakdown of the process would mean a return to the massacres and disappearances that are linked to the existence of these groups (ISACSON 2005). So, the administration will ensure that the demobilised *paras* will get off the hook lightly. It is indeed this impunity that carries with it what must be referred to as structural violence, as most members of the self-defence groups will walk away freely, having served only minimal sentences, whilst the paramilitaries and drug barons will walk away with their riches and machines of destruction still intact. The situation remains violent because the victims receive no justice, whilst their families know that the killers of their relatives have won. Relatives of the dead see the process more as a 'whitewashing of crimes than as a punishment of the perpetrators' (WASHINGTON POST 2006). This disguising of the conflict also allows the violent parties to continue to kill, extort and disappear while there is supposed to be a process of demobilisation. Thus the government is not only guilty of manipulating the quagmire but also guilty of allowing this violation of human rights to gain a political victory, by claiming that they have "disarmed" the *paras*; whilst continuing with their very particular type of democracy that sponsors repression whilst promoting a liberalisation. Such a process supports inequality, while claiming the opposite, and claims to uphold justice while leaving civilians to endure the rule of drug barons for whom the whole country is being divided (TNI 2005).

The administration would like to claim the conflict does not exist, that all the abandoned people do not exist, that the dead are merely a number – and a small one at that, that justice reigns, and that Colombia does not need real inclusive peace, because the conflict simply does not exist. As history and the facts as presented have shown, reality does and will prove them wrong; violence is being perpetuated and legitimised. Unfortunately, for Colombians, the masquerade will eventually fail.

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## Chapter Five

# Double or Treble Human Rights Protection? The Interplay of OSCE Standards with Other Systems of Norms

Hans-Joachim Heintze  
Ruhr-University, Bochum, Germany

### Introduction

In 1975, the Final Act of Helsinki was seen as being an epochal moment because it declared the protection of human rights to be a principle of security and co-operation in Europe. The key formulation was contained in Principle VII:

The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States (BLOED 1993: 147).

Politicians (in the West) and the people in the Socialist states eagerly seized upon this formula, and many celebrated it as a major breakthrough (BLOED 1993: 40-44). That it actually was such became evident by the end of the 1980s, as the stipulations of the Helsinki Final Act with respect to human rights became an instrument for overcoming the division of Europe (SCHWIMMER 2004: 88). Although the political effect of the Final Act was powerful and ultimately contributed a great deal to the overthrow of Communism, the actual human rights that it asserted were by no means new.

### Does the Final Act Merely Reiterate UN Obligations?

The Charter of the United Nations already obliges states to respect human rights and, in Article 13, empowers the General Assembly to initiate studies and make recommendations to assist in the realization of human rights and fundamental freedoms for all, irrespective of race, gender, language, or religion. Thus, in 1945, human rights became an object of international law for the first time in

history. Previously, they had been exclusively the domestic affairs of states, in which no other state had a right to interfere. The grievous million-fold human rights violations committed by the National Socialists, however, made the international community starkly aware that the effects of such inhuman practices can cross national borders and threaten peace and that they therefore needed to be made the remit of an international security organization. This explains the inclusion of human rights in the UN Charter. Admittedly, the stipulations made in the Charter in 1945 remained very general. Above all, the concept of human rights was very unclear, as at least three different concepts of human rights were incorporated in the document: the Western, the Socialist, and that of the (at that time few) developing countries. Therefore, in 1948, this was followed by the Universal Declaration of Human Rights, whose 28 Articles contain an exact catalogue of the human rights that should be protected by the UN. Because it was a resolution of the UN General Assembly, the Declaration was non-binding in formal legal terms but remained at the political level. The UN began the task of codifying human rights in 1949, immediately following the acceptance of the Declaration, and this led to a whole system of treaties under international law. This system is based upon the twin poles of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights. The Covenants were adopted by the General Assembly as early as 1966 and took effect in 1976 thanks to their ratification by 35 states – including most of the Socialist countries.

It follows that the 1975 Helsinki Final Act only reiterated human rights commitments that had already been the object of an international treaty since 1966 and were recorded in UN Reports. By 1976, they were also recorded in the statute books of all UN member states, including those of the Socialist countries. It is therefore necessary to ask where the explosive power of the Helsinki Final Act came from, if it only repeated what was already well known. The chief reason was that resolutions made within the scope of the UN were unknown to a broad public. CSCE documents had a very different readership from dry-as-dust law gazettes and UN reports. They spoke to the people, who felt themselves addressed by CSCE documents, which were formulated in language they could understand. Furthermore, the Final Act was not published in law gazettes but in national newspapers and had a large print run. With respect to the Helsinki Final Act, therefore, we can state that it was above all the difference in readership that justified repeating state commitments that had already been made in the context of the UN. This approach was later to be adopted as a rule

thanks to the CSCE/OSCE. However, there were additional reasons for the reinforcement of human-rights commitments, as is most apparent in relation to the protection of minorities.

## Global Standards for Minority Protection and Their Enforcement

The protection of minorities remained a taboo topic for a long time in the aftermath of the Second World War (ERMACORA 1972: 77).<sup>1</sup> The reasons for this lay in the earlier experience with the system of minority protection of the League of Nations, which had been created in the aftermath of the First World War. It framed the protection of minorities in terms of group rights, which opened the door for minority protection to be abused in order to destabilize the young and weak states created out of the collapse of Austria-Hungary and the Ottoman Empire. The destruction of Czechoslovakia in 1938 as a consequence of Nazi Germany's policy of conquest was a prime example.

The founding of the UN saw a turning away from group rights towards the rights of individuals. During the drafting of the ICCPR in the 1960s, the concept of applying individual rights to minorities won out. Although this was frequently criticized in the specialist literature (NIEWERTH 1996: 96-97), it made it possible to overcome the stalemate in the codification of minority protection. The result of lengthy debates is contained in Article 27 of the ICCPR:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.<sup>2</sup>

This approach, which granted legal rights not to groups, but to the individual members of a minority, proved to be a success. The Covenant's 156 State Parties accepted the obligation with only two exceptions (France and Turkey).<sup>3</sup> The Covenant obliges the 154 states

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<sup>1</sup> As late as 1972, Felix Ermacora could rightly state that "the state representatives in the Council of Europe treat questions of the protection of ethnic groups or minorities as though they were a 'disreputable business'." (author's translation).

<sup>2</sup> International Covenant on Civil and Political Rights, at: <http://www.ohchr.org/english/law/ccpr.htm>.

<sup>3</sup> France and Turkey have entered reservations regarding Article 27. Cf. [http://www.ohchr.org/english/countries/ratification/4\\_1.htm](http://www.ohchr.org/english/countries/ratification/4_1.htm).

to report to the Human Rights Committee upon legislative, judicial, and administrative measures every five years. This establishes a procedure to enforce minority rights by way of a discussion between the Committee and the State Party concerned. In addition, persons belonging to minorities living in states that have ratified the Optional Protocol to the Covenant<sup>4</sup> may enter an international complaint against their own state if their rights have been infringed and they have exhausted all available domestic legal means of redress. That is true of 105 states, at least. If we recall that most international treaties do not include a procedure for their enforcement, then we must agree that it is astonishing that such a procedure has been established precisely for the “hot potato” of human rights, and minority protection in particular.

However, neither the state-reporting procedure nor the procedure for individual complaints is a fact-finding mechanism. Both rather rely upon information provided by the reporting state and its willingness to co-operate with the Committee. Victims of human rights violations are not being heard. The weakness of the reporting procedure is demonstrated clearly by the fact that, as late as 1979, Yugoslavia was able evade further discussion of its minorities policy in the Human Rights Committee by making the following general statement: “Replying to the questions concerning the position of minorities, the representative of Yugoslavia said that his Government had adopted special measures to further the economic and social development of the areas inhabited by minority groups about which fuller account would be given in the next periodic report.”<sup>5</sup> This example illustrates the use of diplomatic language to conceal the weaknesses of the reporting process. These were especially unfortunate for the individuals affected: They had no further means of seeking redress at an international level because Yugoslavia had not ratified the procedure for individual complaints contained in the Optional Protocol.

During the 1980s, the discrepancies between the actual situation in Yugoslavia and the government’s official portrayal became increasingly obvious. However, the dominance of sovereignty-based thinking and the formal regulations of relevant UN instruments left no opportunity for reacting to minority rights violations. As a result, the UN’s human rights instruments were no more able to prevent the break-up of Yu-

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<sup>4</sup> Cf. the list of states at: <http://www.ohchr.org/english/countries/ratification/5.htm>.

<sup>5</sup> UN Doc. A/34/18, para. 217.

Yugoslavia with all the tragic consequences that brought for the country's population, than they were with the dissolution of the USSR. The experience of the disintegration of these two states led to the question being raised of how to establish new and more flexible instruments and, above all, to create them quickly. This last criterion ruled out the UN as the forum for creating such instruments, as the codification of international law is not only generally a lengthy process, but also requires ratification by the member states.

### The Flexible CSCE/OSCE

The human rights principle of the Helsinki Final Act already contains a reference to minorities. Paragraph 4 of Principle VII calls upon participating States with national minorities on their territory to "afford [persons belonging to such minorities] the full opportunity for the actual enjoyment of human rights and fundamental freedoms and [...], in this manner, [to] protect their legitimate interests in this sphere".<sup>6</sup> The Final Act thus accords with the spirit of Article 27 of the ICCPR without duplicating its provisions. Rather, it limits the protection to national minorities, i.e. groups that are characterized by the existence of a "kin state" or "mother country". The Hungarian populations of Slovakia and Romania are national minorities of this kind and demonstrate the potential political tensions that may be associated with the existence of a national minority.

The CSCE's approach towards minority protection in the Final Act was more limited than that of the UN to the extent that it deliberately restricted its reference to national minorities to the inter-state aspect of minority issues, thereby underlining that it considered itself first and foremost as a security organization. Later developments in Yugoslavia, where the rights of national minorities played a particularly important role in the outbreak of conflict, leading to genocide and "ethnic cleansing" on a massive scale, tragically confirmed just how necessary and sensible the CSCE's approach was (HEGELSEN 1994: 7ff).<sup>7</sup> A further difference from the UN is that the Final Act does not ascribe religious, cultural, and linguistic rights to persons

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<sup>6</sup> Final Act of Helsinki, cited above (Note 1: 146).

<sup>7</sup> In the light of subsequent events, it is remarkable that, during the negotiations of the Helsinki Final Act, Yugoslavia of all countries had argued in favour of the most radical provisions for the protection of minorities.

belonging to minorities, but restricts itself to calling for non-discrimination. However, this is not the fault of any aversion to culture in the Final Act, but an effect of its structure. In other sections – and specifically in Basket 3 under the heading of human rights – the Final Act certainly does demand respect for the cultural rights of members of national minorities.

Overall, the Final Act cannot be seen as merely repeating the standards of the ICCPR. The regional CSCE document is rather focused on the specific situation in Europe. The Final Act also has a different status from the Covenant, which is a treaty under international law, but had not entered into force by 1975 and could thus not exert binding force on member states. The Final Act thus filled a gap. This is also generally true of the period following the entry into force of the ICCPR in 1976, as the Covenant was at first only binding on 35 states, and it was a long time before all CSCE states were members. Furthermore, it should be noted that, while the Covenant had a legally binding effect on members, ignorance of its stipulations and the need to establish the means of enforcement meant that it also created some grey areas. In contrast, the Final Act developed a very strong political and moral binding force after it was solemnly signed in 1975 by the Heads of State or Government in the full glare of the world's media – a fact that made many governments feel obliged to turn its stipulations into actions.

Overall, the CSCE's concern with the issue of minorities can be considered useful and not merely a recapitulation of existing standards. Nonetheless, above all given the escalation of minorities-related problems in the Balkans since the 1980s, it became evident that further CSCE initiatives were necessary. However, calls for these were opposed by the Socialist states, as well as by France, and Turkey, which rejected the entire concept of the protection of minorities. Consequently, only minor improvements to the Final Act could be made at follow-up meetings of the CSCE States (HÖHN 2005: 13ff).

Nonetheless, these small steps were more than the UN was able to achieve by persisting with the ICCPR in an unchanged form and, in addition to that, merely publishing several surveys produced by the Human Rights Subcommission. It was only with the collapse of the Eastern Bloc that a new "window of opportunity" opened thanks to the elimination of one of the most powerful opponents of robust minority protection. The CSCE acted in a unique way to take advantage of this opportunity, which must be considered a further demonstration of the incredible flexibility of this institution.

## The CSCE as a Taboo Breaker: The Copenhagen Document of 1990

The key breakthrough, which, up until it occurred had not been thought possible, must be considered to be the adoption of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Copenhagen Document) on 29 June 1990. Formulated during the collapse of the Eastern bloc, it contains several quite astonishing (and highly apposite) provisions. Just one year earlier, a document of this kind, with such subversive contents, would have vanished into the secret files of the Socialist protectors of ideological purity. It should therefore be no surprise that it was greeted euphorically by both politicians and experts as a signal of the creation of a liberal European community of values (HERACLIDES 1994: 285). The enthusiasm was perfectly justified, as the Copenhagen Document linked the criteria for democratic statehood and the rule of law with those for "the protection of human rights minorities". This underlined the fact that genuine democracy included respect for minority rights. Respect for the rights of persons belonging to national minorities was explicitly declared to be an essential factor for peace, justice, stability, and democracy in the participating States. The CSCE States committed themselves to adopting "special measures for the purpose of ensuring to persons belonging to national minorities full equality with the other citizens (BLOED 1994: 456) Individuals are granted the right to decide if they want to belong to a national minority or not. The use of their mother tongue, the free exercise of religion, the guarantee of unimpeded contacts across frontiers with citizens of other states with whom they share a common ethnic or national origin, cultural heritage, or religious beliefs, freedom of association, and the right to engage in cultural and educational activities in their mother tongue are mentioned alongside protection and the promotion of the identity of national minorities and the establishment of local and autonomous administrative entities. Thus, the Copenhagen Document – although applying to a different group of states (one that also considered itself as a community of values) and possessing a different legal status (once more, we are concerned here with a politically binding document) – goes far further than the ICCPR.

The Charter of Paris confirmed the Copenhagen Document that same year. However, it became apparent afterwards that the CSCE could not sustain the tempo with regard to the acceptance of minority rights and the establishment of relevant standards. After the initial euphoria over Europe's new common democratic values, the window of opportunity had closed. The opponents were creating a new for-

mation that cut across the old division between East and West. This became evident as early as July 1991 at the CSCE Meeting of Experts on National Minorities in Geneva, where an alliance of former Eastern bloc states (Bulgaria, Romania, and Yugoslavia) emerged that, just like France, Greece, and Turkey, sought to abandon the Copenhagen standards. The final document of the Geneva meeting shows that this opposition was not entirely unsuccessful: "[The states] note that not all ethnic, cultural, linguistic or religious differences necessarily lead to the creation of national minorities (BLOED 1994: 596)." Once again, thinking in terms of national sovereignty had trumped concern for minority protection.

Nonetheless, the relationship between democracy and minority protection was now on the European and global agendas. With the Copenhagen Document, the CSCE had broken a taboo. In doing so, it had thrown down the gauntlet not only to a number of individual states, but also to other (well-established) international organizations, who are extremely proud of their achievements in human rights protection. They felt the need to take up this challenge and defend their positions. At the same time, the minority conflicts in Yugoslavia and other former Socialist states had escalated, and the general public expected the politicians to take decisive measures.

### **The Gauntlet is Picked up: The Race to Find the Best Instrument**

The Council of Europe, which considered itself to be the cradle of European human rights protection, felt itself challenged by the CSCE's innovativeness. On behalf of the Council of Europe, the Venice Commission worked astonishingly quickly to draw up a document that is truly revolutionary in two respects. First, it contains a definition of a minority, ascribing each with group rights. This approach differs from that of every other instrument related to minorities, all of which have had to forego definitions and group rights owing to the resistance of many states. Second, it took the form of a treaty under international law, specifically that of a protocol to the European Convention on Human Rights (ECHR). Were the protocol to have been accepted, the enforcement mechanism of the ECHR would also have applied to minority rights. This would make it possible for persons belonging to minorities to appeal to the European Court of Human Rights in cases where the protocol was violated.

If this protocol had been accepted by the states, it would have been a "Copernican revolution" in approach, in particular because it would make minority rights enforceable. However, this revolution did not take

place, as the document was only adopted by the Parliamentary Assembly of the Council of Europe as Recommendation 1201. The second and decisive step, adoption by the Committee of Ministers, failed. This body did not even consider the Recommendation (KLEBES 1993: 149), because the Council of Europe summit had resolved to draw up a completely new treaty that differed from Recommendation 1201 in three key respects: Instead of a protocol to the EHCR, it was to be a framework convention that contained no specific obligations but rather delimited a general framework to be filled out and translated into specific measures by each state. Consequently, the European Court of Human Rights cannot be invoked in a case where the Convention is violated. Nor does the document contain a definition of a minority, but rather leaves this to the member states.

If we contrast the initial vision of the Council of Europe and the final result, we might be reminded of an elephant who went into labour and delivered a mouse. Nevertheless, we should not undervalue what was achieved. The 32 Articles that make up the five Sections of the 1995 Framework Convention for the Protection of National Minorities may be unenforceable, but the convention requires the member states to frame national laws in ways that conform with its stipulations. The flexibility that this enables makes the Convention a "living instrument", enabling it to adapt to the changing needs of national minorities (HOFFMANN 2000: 12).

Aside from the fact that it is a binding treaty under international law, the major factor distinguishing the Framework Convention from OSCE documents is the existence of a mechanism for implementation. This requires member states to submit reports giving full information on legislative and other measures taken to fulfil their obligations under the Convention. The Committee of Ministers, assisted for this purpose by an advisory committee, shall make a legally binding assessment of whether the member states have taken appropriate steps to fulfil their obligations. This mechanism goes far beyond anything that can be called upon for the implementation of OSCE commitments. The extensive nature of the consequences has been demonstrated in practice (KLEBES 1998: 138).

In general, the Framework Convention can be considered as the Council of Europe's answer to the gauntlet thrown down by the CSCE/OSCE. But the UN also considered itself to be challenged by the latter organization. This finds expression in Resolution 47/135 of the General Assembly, adopted in 1992, which contains a Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. This document has just as little binding legal force as those of the OSCE, but obtains a certain legal force through being an interpre-

tation of Article 27 of the ICCPR. The Declaration devotes nine articles to a matter that received merely two sentences in the ICCPR. The fact that this interpretation only became possible in 1992, i.e. 16 years after the ICCPR came into force, suggests that we are now witnessing a more assertive approach to minority questions – including at the level of universal rights.<sup>8</sup> This view is confirmed by the adoption in 1994 by the Human Rights Committee, which is responsible for the enforcement of Article 27, of “General Comment 23”,<sup>9</sup> in which the obligations of member states are analysed in detail.

In general, we can conclude that the Council of Europe and the UN have remained true to their traditional approaches to human rights protection under international law, while extending this protection to the once taboo subject of minority protection. New treaties have been created, existing ones interpreted, and enforcement mechanisms created. The great advantage is to have considerably clarified the obligations of member states, while publicly demanding their fulfilment.

## The OSCE Blazes Another Trail: Innovative Institutionalization

Following the CSCE’s success in placing the issue of minorities on the international agenda, at its 1992 Helsinki Summit, it again developed an original approach that distinguished itself clearly from other international organizations. Against the background of a number of escalating conflicts, the CSCE underlined its competency in the area of conflict prevention. In the Balkans, it had become apparent that it was extremely difficult to influence ethnic conflicts from outside once they had broken out. The international community therefore clearly had to focus on timely intervention. Henceforth, the CSCE would no longer see minority protection as above all a matter of human rights, but as an issue of security policy. It would add this to the field of conflict prevention in which the CSCE could display considerable experience. Consequently, the Helsinki Summit resolved in 1992 to establish the post of High Commissioner on National Minorities (HCNM). Thereafter, the HCNM was to be responsible for early warning and conflict prevention in relation to minorities.<sup>10</sup>

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<sup>8</sup> Cf. Ian Phillips/Allan Rosas (eds), *The UN Minority Rights Declaration*, Turku 1993, pp. 54ff.

<sup>9</sup> UN Doc. CCPR/C/21/Rev.1/Add.5.

<sup>10</sup> Cf. Jacob Haselhuber, *Institutionalisierung ohne Verrechtlichung: Der Hohe Kommissar für Nationale Minderheiten [Institutionalization without Legal Character: The High Commissioner on National Minorities]*, in: Heintze (ed.), cited above (Note 18), pp. 116ff.

By creating a post for the prevention of minority conflicts, the CSCE followed a completely different path from the UN and the Council of Europe, which, by creating instruments for the protection of individual members of minorities, had chosen a road based on human rights. By contrast, the HCNM's security-related task explicitly and deliberately does not involve considering the rights of individual members of minorities or their group rights,<sup>11</sup> but rather deals with situations in which minority-related issues can become a threat to peace. In accordance with his mandate, the HCNM monitors the situation in the OSCE area and offers his services wherever he believes a situation is in danger of escalating into a conflict. Given the increasing seriousness of the situation in the Balkans, this idea could not simply be rejected. However, those Western states facing problems with their own minorities were concerned to ensure that the HCNM did not have the right to become involved with their situations. That was why France (Corsica), Spain (Basques), Turkey (the Kurds), and the UK (Northern Ireland) worked to limit the HCNM's mandate to *national* minorities by arguing that only these cases had the necessary inter-state dimension. This, however, was not sufficient, as an inter-state dimension did in fact exist, at least in the case of Northern Ireland. The HCNM's mandate was therefore also framed to prohibit him from taking action in cases where organized terrorism played a role. This finally limited the mandate to the formerly Socialist countries and was accepted by consensus.<sup>12</sup> Achieving the agreement of the other states may have been made easier by the fact that the HCNM was created to be an instrument of silent diplomacy, i.e. all his activities are confidential until the affected state agrees to their being publicized.

In the end, with the exception of Greece, the HCNM has not concerned himself with any Western state, but has made a major contribution to alleviating the problems of the former Eastern bloc countries. He achieved this, above all, by visiting the states where he considered a conflict may have been brewing, and talking to the governments and representatives of minorities. The ultimate effect of this was to prevent conflicts in Slovakia, Romania, and Estonia – to name but three examples – from becoming violent. The HCNM thus proved to be an important instrument for conflict prevention and his work a

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<sup>11</sup> This is illustrated by the deliberate choice of the designation High Commissioner *on* (and not *for*) National Minorities.

<sup>12</sup> Cf. Hans-Joachim Heintze, *Minorities in Western Europe – (Not) a Subject for the OSCE?* in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1997*, Baden-Baden 1998, pp. 215-226.

success story.<sup>13</sup> Nonetheless, the picture would not be complete without mentioning that the HCNM has also commissioned experts with the development of a number of recommendations that have led to the (positive) experiences of the international community in various aspects of minority protection, including education, language, and political participation, to be gathered together and presented to the states in the form of “best practices”. This has made it possible to provide a stimulus to all OSCE States.

The innovative concept of the HCNM and his successful activities have helped open the door to EU membership for many states with which he has at one time been involved. As a consequence, their minority-related problems – such as still exist – are again removed from the arena of security policy, in which format they had been dealt with by the CSCE/OSCE, to the sphere of human and minority rights. From then on, UN and Council of Europe instruments seem to come into play.

## Closing Remarks

It is only at first glance that the activities of international organizations appear to be causing inflation in human rights standards, leading to double and triple regulation. A closer look reveals that there is indeed an eminently sensible division of tasks among the various actors. The protection of minorities is most successful when it becomes the object of global and European co-operation through both international treaties and agreements of a political nature.<sup>14</sup> If UN and Council of Europe accords are typical of the former, the OSCE is responsible for political instruments. Despite all their many differences, the two types of instrument have identical goals: They both aim to improve the coexistence of majorities and minorities and to prevent or resolve potential conflicts. The means they employ to achieve this are, however, different. The norms they develop address different groups, and the binding force varies. It has become clear that the political norms of the CSCE/OSCE have often been more effective than legally binding provisions. A consideration of state practice shows that legal norms are not always more effective *per se*. The OSCE has been particularly good at acting innovatively and flexibly to fill existing gaps and uncover short-

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<sup>13</sup> Cf. Pál Dunay, *The OSCE in Crisis*, Chaillot Paper No. 88, Paris 2006, p. 55.

<sup>14</sup> Cf. Brigitte Reschke, *Minderheitenschutz durch nichtvertragliche Instrumente: Soft Law im Völkerrecht?* [Minority Protection through Non-Contractual Instruments: Soft Law in International Law?], in: Heintze (ed.), cited above [Note 18], p. 56.

falls. The fact that other institutions that are slower-moving or have a strong sense of tradition felt moved to follow the OSCE and take up this issue using their own methods only shows that the established organizations need an "ice-breaker" such as the OSCE.

The OSCE has also scored another success, if unintentionally. One result of the network of treaties between European states (within and outside the EU) that has grown rapidly in recent years has been an increasing tendency for the juridification of the political agreements made within the scope of the OSCE. This is partly a result of the Estoppel principle in international law, which protects states' trust in certain justified expectations in their international dealings. The OSCE's documents on minority protection, in particular, must now make it difficult for states to go back on their promises, as this would amount to an abuse of right. The application of this principle means that states have made self-binding promises.<sup>15</sup> But this jurisprudential argument is not the only evidence of the increasing juridification of OSCE norms that can be mobilized. The EU has also quite openly drawn upon the OSCE's sub-legal norms in determining the readiness to accede of candidate states, thereby lending them a very specific importance. It should also be noted that even the UN Security Council referred to OSCE norms in its binding Resolution 740 (1992),<sup>16</sup> as well as that in the treaties on good neighbourly relations between European states, OSCE norms were expressly declared to be legally binding in a bilateral context.<sup>17</sup>

Juridification is quite an astonishing consequence of the flexible and unconventional activities of the OSCE. The taboo subject of minorities was not only made respectable by the OSCE, but, through the back door – i.e. bypassing a process that was at once tiresome (codification) and fraught with risks (ratification) – has been added to the basic legal *acquis* of the community of European states (both within and outside the EU). This success story is unjustly neglected, but shows once more how indispensable the OSCE is in a system of European states whose key characteristic is an incredible lack of flexibility that makes it increasingly difficult to react rapidly (and as effectively as the OSCE) to acute challenges such as minority protection.

<sup>15</sup> Cf. Höhn, cited above (Note 12), p. 234.

<sup>16</sup> Cf. Ulrich Fastenrath, The Legal Significance of CSCE/OSCE Documents, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1995/1996*, Baden-Baden 1996, p. 411-427, here pp. 417-418.

<sup>17</sup> Cf. Hans-Joachim Heintze, Rechtliche oder politische Absicherung von Minderheitenrechten [Legal or Political Safeguarding of Minority Rights?], in: Heintze (ed.), cited above (Note 18), pp. 20ff.

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# Chapter Six

## A 'History of the Present': Reflections on the Representation of History in Peace and Conflict Research

Robert C. Hudson  
University of Derby, UK

"You have to come early to buy a newspaper. Come late and you're buying history."<sup>1</sup>

### Introduction

In a thought-provoking introduction to his book *History of the Present* (2000), which tellingly bears the sub-title: 'Essays, sketches and dispatches from Europe in the 1990s', the historian, Timothy Garton ASH comments how, in his experience: 'Most academic historians are still reluctant to venture much closer to the present than the canonical thirty years after which official papers are released in most democracies', and he comments on how they are still inclined to leave the history of our own time to colleagues who have made it their own in subjects such as International Relations, Political Science, Security Studies, European Studies or Refugee Studies (Garton Ash 2000: xxv); to which list, one may readily add Peace and Conflict Studies. Whilst agreeing whole-heartedly with Garton Ash's observation, I would add that in my own experience, it is usually those historians who have embraced interdisciplinary areas and approaches who are more likely to engage in researching a history of the present than their more traditional, archive-bound, mono-disciplinary colleagues.

This chapter is based upon my personal reflections, as a historian of contemporary Europe, on the representation of our own time and the importance of history to Peace and Conflict Research. As such, I have divided the chapter into two sections. In the first section I will define what I understand to be a history of the present and contemporary history as discrete but related branches of the same discipline. I will then

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<sup>1</sup> Comment by the lady selling newspapers in the Student Shop, University of Derby, when I arrived too late to buy a copy of *The Guardian* on Monday, 18 September 2006.

explain the relationship of history of the present to journalism; after which I make an observation on the relevance of both a history of the present and contemporary history to peace and conflict research in general. In the second section, I will demonstrate some of the problems and pitfalls that may be encountered in the representation of the history of the present and contemporary history, and I will assess the responsibility of the historian of the present – by considering the relative merits and demerits of attempting to apply the so-called ‘lessons of history’ to our understanding of the past and the present.

## FIRST SECTION

### **Lacking in hindsight but abundant in insight! Defining the history of the present**

Situated within the broader framework of contemporary history, the expression a ‘history of the present’ is relatively new in British academic circles, although, as we shall see, the actual practice is not. The expression was first given wider coverage by British historian Timothy Garton Ash, in his book of the same name (2000), although he attributes the first use of the term to the diplomat and historian, George Kennan, who had first used it in a book review describing Garton Ash’s work on Central Europe in the 1980s, in which Kennan was placing emphasis on the practice of combining history with journalism.<sup>2</sup> The French, by contrast have been using expressions such as *L’histoire du temps présent*, *l’histoire vécue* and *l’histoire en directe* since at least the 1970s; and in 1980, the well-known and prestigious Paris-based Institut d’Histoire du Temps Présent (IHTP) was formed out of the former Comité d’histoire de la Deuxième Guerre Mondiale, under the direction of French historian, Henri Michel, as part of the CNRS.<sup>3</sup>

One of the first things that one needs to appreciate is that writing or representing a history of the present requires the same level of discipline and analytical training that is normally associated with the work of a conventional historian, in a bid to take a neutral position in evaluating one’s own time. It is this level of analysis which differentiates history of the present from journalism and reportage. Where a history of the present differs from more conventional history, is that the historian

<sup>2</sup> The book in question was Garton Ash’s *The Uses of Adversity* (1990), which was republished by Penguin in 1999.

<sup>3</sup> The CNRS is the Centre National de la Recherche Scientifique. The journal *Revue d’histoire de la Deuxième Guerre Mondiale* would be renamed *Les Cahiers de L’IHTP*.

of the present is working on the cusp of the historical process, dealing with events as they unfold. History of the present is 'real-time history', in which the historian of the present works without the benefit of any of the hindsight that is normally the advantage of all other forms of historical representation.

At this point, it is worth considering a more conventional interpretation of what we may now refer to as a history of the present, which at one time was interpreted as the first stage in the process of writing twentieth century history, or the 'first draft of history'. Writing at the end of the 1960s, one British historian, Donald Cameron Watt, divided what he then termed twentieth century history into four stages (WATT 1970: 62-75):

- a) The stage of journalists, politicians, soldiers and pundits, alongside those 'revolutionary-minded academics who often operate outside the bounds of their own discipline'. For Watt, this period of writing is full of 'polemic and prejudice' and had gained a 'dubious reputation'.
- b) Fifteen years after the event - the first wave of university teachers, who provide the first narrative through their lecture courses.
- c) Thirty years after the event, when the public records and national archives are opened.
- d) Fifty years after the event. When the issues are no longer polemical and a topic can be fitted into the whole history of a period. In a contemporary context, in 2006/7, the attention currently being given to the Suez Conflict, the Hungarian Revolt, or the granting of independence to India and Pakistan, fifty years after the events, provides good examples of this.

Clearly, Watt is disparaging in his assessment of the first fifteen years of historical representation, whose practitioners are likened to a bunch of pirates, asset-strippers and other undesirables. Unfortunately, nearly forty years on, many historians continue to share this view, albeit erroneously. Nevertheless, Watt does highlight one interesting point, and that is that the historians of the present usually have to borrow from other disciplines to give greater depth to their work. Furthermore, in all fairness, writing in the late 1960s, Watt was not able to take into account the tremendous technological advances that have taken place over the past forty years, in all branches of communications, with a particular emphasis, in the past fifteen years, on the greatly increased level of access to information that has been made possible by the World Wide Web. It is these changes that have completely changed our appreciation of recent and current historical interpretation that have given greater legitimacy to what can now be truly termed a history of the present.

Before we go on to consider these changes, let us consider the term 'history of the present'. At first sight, the term 'history of the present' might appear to be an oxymoron, or a complete contradiction in terms. How can you have a 'history' of the time that you are living in? In this context, emphasis should be placed more upon the actual professional discipline of history, rather than any actual temporal sense. But this does raise one other question: Where is the hindsight, normally required by historians?

For me, this is the essential difference between the history of the present and contemporary history, for, what the historian of the present may lack in hindsight (with regard to the 'thirty years rule' etc.) he/she can make up for with insight. It is this use of insight that is key to my argument in favour of the history of the present as a 'serious' form of history. History of the present is, at its simplest level, history without the hindsight but with the insight, and it is this that makes it different from all other forms of history, and necessitates also that the historian of the present borrows methodologies from other academic disciplines, so that the historian of the present may become the true son or daughter of Herodotus, the father of all historians.

Given that a history of the present borrows from other academic disciplines in a bid to develop and deepen insight, it would, therefore be wrong to consider that the history of the present merely replaces what a previous generation once referred to as Current Affairs, or even what has been pejoratively described as Current Affairs or journalism with footnotes.

So, a new approach to history of the present which is much more positive and presents this branch of historiography in a more professional light than that expressed much earlier by D.C.Watt, is made possible by the greater availability of sources and improved accessibility to the political leaders and the 'movers and shakers' of our time.

These changes are due to:

- a) The growing use of the Internet since the early-to-mid 1990s.
- b) Being able to stay in touch with people across frontiers, during times of conflict.
- c) Media, video and television coverage – the positive side of the 'CNN effect'.
- d) The publication of memoirs by key political figures, as soon as they leave office, and
- e) Greater access to political leaders, given the decline of deference in recent years.

Let us illustrate these five points with some examples. Firstly, consider the use of the Internet, which has both enabled us to stay in touch with people across frontiers, during times of conflict, as well as gaining immediate access to sources as events unfold. This phenomenon was first noted by Chris HABLES GREY (1997) in his *Postmodern war: the new politics of conflict*, in which he demonstrated how from the Gulf War in 1991 to the wars of secession in the so-called 'former' Yugoslavia (1991–1995), computerisation and related scientific advances had brought about a revolution in warfare. Although he concentrated on the effects of the Revolution in Military Affairs (RMA), Hables Gray also demonstrated remarkable insights into the role of Internet communications across borders, particularly in time of conflict. He illustrated this point by reference to the Chiapas/Zapatistas in Mexico, and how the Chiapas had been empowered by internationalising their cause through international networks provided by their access to the Internet.

This theme of empowerment through the Internet in time of conflict was taken up in an article demonstrating how, during the conflict over Kosovo, in 1999, the Serbian intelligentsia and counterculture groups were able to communicate with the outside world (HUDSON 2002: 129-50). The Kosovo conflict has since been described as the first Internet War (IGNATIEFF 1999), when, for the first time one could communicate with the enemy whilst one's own state was engaged in military operations against the enemy. This contrasted with the complete disruption of communications in previous conflicts, when the mail and telephones normally had been cut, as the state literally imposed its control over all communications.

Access to the Internet allows us to analyse events for ourselves, as they happen, without the direct interference of other commentators and interests. Consider how, in September 2006, we witnessed Pope Benedict's speech at the University of Regensburg that sparked off a furore in Islamist and fellow-travelling circles. The difference between the representation and reception of an issue of this nature, by contrast to our reception of news events fifteen or more years ago, is that we were able to access directly the Pope's speech on the Internet and reach our own conclusions as to whether or not the Pope had insulted Islam.

With regard to media and the use of video recordings, it may similarly be noted how key political figures, whether negotiating at peace conferences or playing out their roles as active participants and key agents in government and society, are interviewed at the time that events are unfolding. A good example of this is provided by the B.B.C. television documentary *Death of Yugoslavia* by Laura Silber and Alan

Little (1995/6), where throughout the six-part series, all the key Yugoslav leaders and some of the key events were captured on video as they unfolded. This documentary was later shown to Serb audiences in the then Federal Republic of Yugoslavia, after the war as part of the process of post-conflict reconstruction and rehabilitation.<sup>4</sup>

To give a United Kingdom perspective on the publication of memoirs by key political figures, consider recent media developments in the UK – in September 2006 – when the tapes of the former Home Secretary, David Blunket were published in book format and serialised in *The Guardian*, at the same time that former prime minister Blair's spokesman, Alasdair Campbell made interesting revelations on the early years of the New Labour government in the media. Both authors shed a light on the tensions within the Labour government on the whole debate over whether or not to go to war over Iraq in the run-up to the onset of hostilities in 2003.

These examples all serve to demonstrate the interrelationship between the history of the present and journalism, the media and reportage. Though their professional approaches are clearly distinguishable, they both, nevertheless, rely upon each other.

History of the present can also be described as the 'history of the living and the breathing,' as 'experiential history' or 'real time history'. You write up or represent the events at the time that they are happening or very shortly afterwards. This is what one of my French colleagues in contemporary history, used to refer to as the *j'y étais* ('I was there') school of history<sup>5</sup> in his classes on the Second World War or the Wars in Indochina and Algeria. Also, with the insight of a society or culture rather than the historical hindsight that underpins the history of the present, one can more readily visualise events that have taken place because one has already been there and knows the places and organisations or has spoken to the individuals that were involved in these events.<sup>6</sup>

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<sup>4</sup> It would have a devastating impact in helping members of the Serbian intelligentsia re-assess the role of the FRY government, and its military, alongside the deeds of paramilitaries, and key participating actors from the *Republika Srpska* (Bosnian Serb Republic).

<sup>5</sup> Professor Michel Denis, former President of the Université de Rennes II – Haute Bretagne and Directeur d'Etudes at the Institut d'Etudes Politiques (Rennes).

<sup>6</sup> In my own work on the former Yugoslavia and its successor states, I have been able to draw upon my own knowledge, for example of: The Hotel Intercontinental in Belgrade, where I stayed on several occasions in the second half of the 1990s, and the hotel foyer where Arkan was assassinated in 2000; similarly I remember the RTS studios in Belgrade, which I had visited in 1997 and 1998, which would be bombed by NATO in 1999; or of

Being a historian of the present often requires fieldwork, and conducting interviews rather than working in the 'dusty' archives normally associated with the work of the more conventional historian. Indeed, to some extent one works very much more like an anthropologist, or even a journalist, than a 'traditional' historian.

People think of history of the present, as a history of our own time and they think of Contemporary History as post 1945 (post 1940) history, though Geoffrey Barraclough, writing in the early 1960s described contemporary history as a history that: 'begins when the problems that are actual in the world today first take visible shape.' (BARRACLOUGH 1964: 20). We should perhaps view both contemporary history and the history of the present as moveable feasts, given that a history of the present, like contemporary history, does not really describe any particular period, but rather a style of writing, an epistemology, a way of thinking and organising our knowledge.

For example, Theucydides' History of the Peloponnesian War serves as both a contemporary history and a history of the present, yet this book was written in the 5<sup>th</sup> century BC, two and a half millennia ago. What makes this work a history of the present is that Theucydides was not only writing about events that took place in his time, but that he had also served as a general in the Athenian army in the war against Sparta, and was therefore directly involved in the events that he wrote about. The same criteria may be applied to Winston Churchill, who not only played a crucial role as Britain's Prime Minister in the Second World War, but also got to write about it as the long-time acknowledged official historian of the Second World War, in the late 1940s.

The historian of the present should have a deep knowledge of the culture of the area that he/she is researching and representing. This involves the insight, and this is given more credibility if the historian knows the language(s) of the area concerned and has mastered other disciplines, such as literature, or anthropology, politics and linguistics.

It may also be observed that when a crisis or a conflict begins, there is a thirst for information about the area concerned, in a bid to search for and root out the historical/cultural causes of the current problem,

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my visits to Studio B and B92 which were focal in the opposition to the Milošević regime. Likewise I think of 'snipers alley', the streets, markets, and the National Library, in Sarajevo, a city in which I had lived in as a post-graduate student on a scholarship from the Yugoslav government at the end of the 1970s. Knowledge of the terrain was very useful when it came to teaching and writing about the wars in the former-Yugoslavia, over the past fifteen years.

crisis or conflict. One British historian, Arthur Marwick, noted the sudden resort to history books on Eastern Europe in the 1980s and he made reference to the instant popularity of *God's Playground*, a two volume history of Poland, by Norman Davies, which was published at the height of the Solidarity crisis in Poland, in 1981. Indeed, many historians have been turned into instant media celebrities, when crises concerning their areas suddenly flared up, and MARWICK (1993) comments on how: 'Quite possibly some obscure young man, grittily pursuing his PhD, with a dissertation on 'Population Movements and Social Change in Old Tajikistan found himself famous overnight'.

Another problem of this process of desperately seeking information to explain the origins of a sudden crisis or conflict is the knee-jerk resort to old and outdated histories. We saw this in 1991, when a plethora of books dating back to the period 1913–1918 was re-published on the Balkan Wars and the fighting in Serbia, Albania and Salonika by the Serb Army as well as a raft of travelogues on the Balkan Peninsula that dated back to the 1860s. The dangers of this kind of re-publishing of old works was that it helped fuel a lapse into essentialism, Balkanism, 'othering the other', and a resort to the 'blood-drenched earth' and 'centuries of ethnic hatred' school of writing, that became so popular amongst some journalists (and some academics too) back in the early 1990s, of which Robert Kaplan's *Balkan Ghosts* (1997) provides a typical example of the genre.

### *The relationship between the history of the present and journalism/reportage*

When journalism is bad, it is described as being too academic and when history is bad, it is described as being too journalistic! (GARTON ASH 2000).

Yet, some of the very best journalists make excellent and natural historians of the present; notable examples in the United Kingdom are: Misha Glenny, Noel Malcolm and Tim Judah – who as journalists wrote extensively on the Balkans; produced landmark books; read history at university level, and were conversant in the languages of the people whom they wrote about. Then I think of Robert Fisk, with a doctorate in Irish History, who regularly contributes to *The Independent* and in my mind had produced some excellent reportage (indeed, history of the present) whilst based in Belgrade, during the Kosovo Conflict of 1999, to say nothing of his more recent work on Iraq. Then there is Timothy Garton Ash, the Oxford historian who sits astride the two disciplines of

history and journalism and regularly contributes to the *New York Review of Books* and *The Guardian*.

I now want to present you with a historical example that would seem to demonstrate well the differences between producing a history of the present and writing reportage. My example concerns three particular writers of the early twentieth century, who were all active during the period of the First World War: R.W. Seton-Watson, Bernard Pares and John Reed. Yet, whilst I would not hesitate to describe retrospectively both Seton-Watson and Pares as historians of the present, I would consider Reed to have been a journalist who produced reportage.

Robert Seton-Watson had widely visited Eastern and Central Europe before the First World War and had met most of the key political, nationalist and intellectual figures in the region. He played a formative role in the formation of the new post-war states of Eastern Europe (Yugoslavia, Czechoslovakia and Poland) and would set up the School of Slavonic Studies and East European Studies at the University of London, in 1915, where Tomáš Masaryk, one of his acquaintances and founder of the Republic of Czechoslovakia, in 1918, would fund one of the School's first chairs.

Bernard Pares had visited the Revolutionary Peasant Congress, in Russia, in 1905. He visited the Russian front-line in Galicia, in 1915, from where he was able to provide invaluable information on the condition of the soldiers in the trenches. Like Seton-Watson, he would be a father figure of the School of Slavonic and East European Studies, and during the Second World War he served the British Government by helping to develop and improve Anglo-Soviet relations. Both of these men were good, solid, reliable historians who 'lived their times' and wrote authoritatively about them.

Then, we have John Reed, a journalist and key figure in the foundation of the United States Communist Party. He is the author of *Ten Days that shook the World*, which has been described as: 'one of the most influential pieces of reportage ever written.' (GARTON ASH 2000). Note the use of the word 'reportage'. Furthermore, we also learn that Reed spoke virtually no Russian and that he: '...regularly made up dialogue, offered second hand accounts as first hand, mixed up dates and added imaginative detail.' (ibid.) Whilst another Historian, Neal Ascherson adds that Reed: '...gives a thrilling account of Lenin's appearance at a closed Bolshevik meeting in Smolny on 3 November, allegedly communicated to him outside the door by Volodarsky as the meeting went on. *No such meeting took place.*' (ASCHERSON 1996). [my emphasis]. So, Reed has not presented the truth. His eye-witness account loses its ob-

jectivity and credibility. He has betrayed history. Reed's account underlines the absolute need for both historians and serious writers to understand the language of the culture and society that they are writing about. As Garton Ash puts it: 'The first thing to ask of anyone writing about anywhere is, does he or she know the language' (GARTON ASH 2000: xxi). This in my opinion is an essential prerequisite for any historian of the present, and it is this lack of language ability, coupled with a failure of deviating from the truth in his writing and a lack of care in the authenticity of his sources which precludes Reed from being categorised as a historian of the present.

*Thoughts on the relevance of history of the present  
and contemporary history to Peace and Conflict Research*

The relationship between Contemporary history, 'history of the present' and peace and Conflict Research, seems, to me, to be self-evident, to the extent that it would be practically impossible to engage in Peace and Conflict Research without a fairly solid grounding in history; even at the very simplest level of understanding the past to explain how we get to the present. That this is so, is borne out by the flow of memoirs and histories by generals, political leaders, contemporary commentators and historians who have played a part in conflicts or engaged in post-conflict resolution from classical times (Theucydides, Caesar, Josephus, Tacitus and Procopius *inter alia*) through to the present. As recently as 2004, one political scientist, E. Newman re-emphasised that: 'It is important for social scientists, and especially scholars of international relations, to embrace historical narrative in their research' (NEWMAN 2004: 186).

I think that this relationship between history and Peace and Conflict Research is also well summarised in the following quotation by the well-known British historian, Arthur Marwick, in a paper, written in 1993: 'Wherever the glorious events, wherever the crises, wherever the killings, the circumstances giving rise to them lie in the past: inevitably, in trying to comprehend them, we turn to the historians and their histories.' (MARWICK 1993: 107).

And writing in the same year, in a similar vein, James Gow commented:

In the 1990s, Yugoslav studies and Security Studies, have much in common. Most of the burning issues in the field of contemporary security studies are focused on the disintegration of the Socialist Federa-

tive Republic of Yugoslavia. The burning of the buildings and bodies in parts of the territory which comprised that state are a security concern in themselves and, in a range of ways, will be the focus for Yugoslav, or Post-Yugoslav (or however the region becomes known), studies for a long time to come (GOW 1993: 169).

Of course, at the time of writing, Gow was absolutely right in his assessment of the interrelationship between 'Yugoslav Studies' and Security Studies, or Peace and Conflict Studies, with or without the benefit of hindsight. But, as a word of caution, the historian should never attempt to predict the future. Obviously, from the position of hindsight, we can see how this relationship between studies of the Yugoslav successor states and Peace and Conflict Research would only be short lived, and how, in the aftermath of the events of 'September 11<sup>th</sup>', 'Yugoslavia' would soon be knocked off the agenda by the so-called 'War against Terror' or the 'Long War' and its concomitant conflicts in Iran and Afghanistan.

## SECOND SECTION

### **The potential problems and pitfalls that may be encountered in the representation of the history of the present and contemporary history**

Living through events can be an advantage because of accumulated personal knowledge, lived experience and insight into events.

Yet, on the other side of the coin, this can also prove to be a disadvantage, because, by the very fact that one has lived through the events, one might not always be best able to judge the lasting significance of those events, and there can be distortion in how we see the importance of specific details within the wider context. For example, in 1981, at the height of what we now refer to as the 'second Cold War' (we didn't use that expression at the time). There was the general concern in 'the West' (a term that is no longer in vogue) that Poland might be invaded by the Soviet Union, based upon recent experience of the Brezhnev Doctrine in practice, namely, what had happened in Hungary, in 1956 and in Czechoslovakia, in 1968. Similarly, in the late 1970s there had been a concern that Yugoslavia might suffer a fate similar to that of Czechoslovakia, on the eventual demise of President Tito. Yet there were to be no Warsaw Pact invasions because of the debilitating effect that the Soviet entanglement in Afghanistan, since 1980, was having on the Soviet Army, to say nothing of the state of the Soviet

economy at the time. Against the background of the Cold War, who in the 'western Europe' (another archaic term) of the early 1980s would have foreseen that the United Kingdom (which we then referred to as Great Britain) would have gone to war against Argentina over the Falklands/Malvinas? The upshot of this is that we cannot, in the present time, anticipate what historians will say in the future. Nor should historians of the present ever attempt to predict the future.

This brings to mind a broadcast by Alan Taylor, in the mid-1980s, when he predicted on television that the Cold War could only end with the resort to the atomic bomb. In another television history documentary, broadcast in 1991, Norman Stone, stood in front of the television camera, on a Black Sea location. The Hymn of the Soviet Union played softly in the background as Stone predicted that the USSR would continue for many years to come. Remember, he was speaking in 1991!

The historian of the present is confronted with another obstacle, closely related to the absence of hindsight, namely the lack of perspective. Something important at the time seems insignificant in the long term, when we know what comes after the event. So we need to stand back a bit, otherwise there is a danger of concentrating on the wrong factors.

Consider how we were subject to distortion and manipulation during the Romanian Revolution, in 1989. I was teaching in a French university at the time and I well remember the shock of images on French television, on 23 December, of a dead naked woman photographed alongside her dead baby, exhumed in a hospital compound; the implication being that mother and baby had been killed in the rioting, presumably by members of the *Securitate*. These images by Romanian cameramen were beamed across Europe, and they hardened peoples' attitudes to the Ceaucescu regime; perhaps making it easier for international public opinion to accept the execution of the Ceaucescus, two days later, without too much question of conscience, not realising that their execution denied the Romanian people the kind of transparency and reconciliation that was so essential for the reconstruction of their country in its post-communist aftermath. A couple of months later we would learn that the body of the supposed mother was that of a woman that had died of cirrhosis and was not related to the baby, who had been still born.

The Cold War had ended and we found ourselves in a state of limbo during the early years of the post-1989 transition period in Eastern and Central Europe. Scholars were looking for different ways to explain the new condition. Inter alia, We had *The End of History* (1992), by Francis Fukuyama, implying that there was a return to 'history' or earlier narratives, such as nationalism and religious and cultural identities;

*The Clash of Civilizations* (1993 & 1997) by Samuel Huntington, that seemed to advocate deeper ethnic hatreds and divides in the world as though these cleavages were lines carved in stone across Europe and the rest of the world, and *Democracy without Enemies* (1998) by Ulrich Beck, implying that democracies actually need enemies to sustain their own identities. All the old frameworks and terms of reference, based on a bi-polar cleavage between two competing economic, social and political systems, seemed to have disappeared, almost overnight.

Another problem of commenting upon one's own period, of living through a sequence of events, is that we can often lack objectivity. In the absence of official records, there can be an over-reliance on eye-witnesses, each of whom has their own axe to grind and their own variations of the truth to tell, boosting their own egos and placing themselves in a better light along the way.

Furthermore, later events can distort and colour our understanding of events as they happened. A good example of this is provided by Winston Churchill's epic six-volume history, *The Second World War*. David Reynolds has analysed this clearly and skilfully in his masterly work, *In Command of History: Churchill Fighting and Writing the Second World War* (2004). Reynolds comments that when it came to both diplomacy and defence, Churchill, writing retrospectively, in the aftermath of the Second World War, and informed by the events of 1940, distorted the events of the 1930s and, at times, his own part in them. The following statement is quite revealing:

Since the archives were opened in the 1970s, it has become clear that British policymakers discerned a potential three-front threat in the 1930s. The menace of German airpower at home was combined with Japan's challenge to British interests in Asia and with Italy's threat to Egypt and the Suez Canal. Japan was, in fact, the initial concern after its invasion of Manchuria in 1931, and this provided the spur to British rearmament. Although the revival of German power took precedence after Hitler became Führer, in 1936–7 it was the combination of Mussolini's empire-building in Abyssinia and the Spanish Civil War that preoccupied ministers. Not until 1938, with the Austrian Anschluss and the Czech crisis did Germany return to centre-stage. Even then policymakers could not forget that from July 1937 Japanese and Chinese forces were locked in a major war across eastern China (REYNOLDS 2005: 100).

The point to all this is that in the first volume to his *History of the Second World War*, Churchill all the time concentrated on events in Germany and only occasionally commented on the far East and the

fighting between China and Japan. Elsewhere, in this volume, the events of the emerging Cold War colour Churchill's reflections on diplomacy with both the United States and the Soviet Union, and with regard to the former, Reynolds comments that: 'After Lend-Lease and the Marshall Plan, it was hard to recall the suspicion in 1930s Britain about American isolationism' (REYNOLDS 2005:103). Otherwise, throughout his work Churchill avoided offending world leaders such as Tito and de Gaulle. This was done to avoid offending men who still mattered in current diplomacy (REYNOLDS 2005: xxiv). Churchill's stormy relationship with de Gaulle has already been well-catalogued since the groundbreaking work by KERSAUDY (1982 & 2001) on de Gaulle, Churchill and Roosevelt at the beginning of the 1980s, although rather less has been written about Churchill's tense relations with Tito.

Indeed, this relationship has traditionally been portrayed in a rosy light that focussed on the switch from supporting Mihailović and his *Četniks* to supporting Tito's *Partizans* in 1943. This friendly relationship was perpetuated by the pro-Titoist narratives of Fitzroy MACLEAN (1949) and Phyllis AUTY (1970). So it comes rather as a surprise to read of comments made in December 1944, in Churchill's unpublished correspondence to Sir Anthony Eden, that in Tito: 'we have nursed a viper' and 'he has started biting us' (REYNOLDS 2005: 461). So why has the Tito-Churchill relationship always been presented in such a positive light? The current thinking is that Churchill's representation of Tito was heavily influenced by post-war diplomacy and that when he was writing his volumes 'Closing the Ring' and 'Triumph and Tragedy' between 1946 and 1955, because Tito had already been ostracised by Stalin in 1948, Churchill represented him as a quasi fellow-traveller with the West. (REYNOLDS 2005: 410-11) Reynolds also argues that the sudden switch from supporting Mihailović's *Četniks* to Tito's *Partisans*, which was not welcomed by the Foreign Office at the time, may be attributed to his knowledge of German signal traffic, which could not be mentioned in post war years, because of the need to keep Ultra (British breaking of German signal traffic) secret until long after the war. The Foreign Office did not have access to Ultra.

Historians also need to handle newspapers with care. Whereas newspapers can provide the historian with an indication of what was being said and thought at the time, and this can be very valuable to the contemporary historian's representation of the past, it must be noted that great care must be taken in our handling of newspaper sources, otherwise they can sometimes distort our image of the particular period that we may be researching. Should a misreading of the past also be based upon an erroneous historiography, this can be quite disastrous.

One example of such an erroneous historiography may be provided by how we view the French wars of decolonisation between 1945 and 1962, with specific reference to Algeria and Indochina. The traditional interpretation of the Algerian War has been that it was a natural continuation of the war in Indochina; effectively another stage in the wars of decolonisation that involved the same people, the same values and the same methods. This was an idea that was presented in the mid-to-late 1950s and a view that is still widely held today. So, for example, one can read of this sense of continuity ('la même guerre qui continue')<sup>7</sup> written by a contemporary writer, Jean Lartéguy, in his epic novel, *Les Centurions* (1960), whilst as recently as November 2005, the journal *Modern and Contemporary France* contained a book review which comments upon: '...the ineluctable elision of the Indochina War to the Algerian War where the same personnel reappear, to the echo of the same ideological themes...' (MAJUNDAR 2005: 504). Certainly, the names of those fighting in both wars are, in many cases the same, as are the names of those who opposed both wars. Against officers such as Bigeard, Massu and de Bollardière, may be ranged the names of the same opponents to both wars: Bourdet, Simon and de Montvalon inter alia and the same journals, *Les Temps modernes*, *Temoignage Chrétien* and *Esprit*. However, the problem with this 'it's the same conflict' approach is that it gives a seemingly natural interpretation to the continuation of practice in an almost seamless web, so that one might begin to believe that the same policies and conduct in the war in Algeria were being used earlier by the French in Vietnam. This is a syllogism of course.

Furthermore, this idea of continuation can very easily be pulled apart, just on detail

—Algeria (technically) was not a colony, (at least from a French perspective) therefore technically, the war in Algeria was not a colonial conflict.

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<sup>7</sup> At the end of the first part of *Les Centurions*, the key protagonists in the book, officers who had been prisoners in a Viet-Minh camp after the fall of Dien-Bien-Phu in May 1954, who would later serve again as *paras* in Algeria, are returning home to France by ship. They are docked in Algiers, on 11 November 1954, ten days after insurrection had broken out. One of the junior officers, Lieutenant Boisfeuras, comes out with the comment that 'It's the same war continuing'. He is rebuffed by a Major in the Zouaves, who argues that conditions are totally different from Indochina, only to be rebuffed in turn, by Boisferas's commanding officer, Colonel Raspéguy who supports his subordinate Lieutenant Boisferas, adding that people are already talking about the situation in Algeria as 'tomorrow's war'. Jean Lartéguy, *Les Centurions*, Presses de la Cité, Paris, 1960, p.165-166. With hindsight the Zouave major was quite right in his historical assessment of the situation, though he would be open to disdain from these fellow-officers in the novel.

- The proximity of Algeria to France, made a big difference to French public opinion by contrast with the vast distance of 8.000 miles between Indochina and the French Metropole.
- The FLN was not a communist organisation, unlike the Vietminh. Therefore, the war in Algeria was not a key product of the Cold War, unlike the reassessment of the war in French Indochina, in 1950, following the outbreak of the war in Korea, when some commentators saw Indochina as the second 'hot' front of the Cold War.
- The war in Algeria required the use of conscript soldiers (the *contingent*) unlike the war in Indochina, which had relied on volunteers and professional soldiers – this meant that almost every family was affected by the Algerian conflict, unlike that of Indochina.
- There was a large European population in Algeria, this was not the case of Indochina.
- The war in Algeria was technically a police operation, and therefore police methods were employed. Indeed *La guerre sans nom*<sup>8</sup> was not referred to in official circles as a war, until a recent decree passed by President Chirac in 2002.

But the real danger of this approach, of saying that the war in Algeria was the continuation of the same conflict in Indochina, is that it might lend support to a belief that all the methods used by the military in Algeria were first employed in Vietnam, and within this framework lies the peril of falling into the trap of believing in the existence of similar police measures that included the systematic use of torture by the French Expeditionary Corps. Returning to the newspapers, this viewpoint is actually supported by the contemporary French print media, especially when one resorts to reading certain key journals of the Left wing, fellow-travelling press in France from the period 1949 to 1950, where a series of eyewitness accounts were published, alleging that the French Expeditionary Corps engaged in the systematic use of torture. But it is only when you go to the archives and court cases against the editors of these journals that you realise that the whole torture issue was closely linked up with the propaganda battle being fought by the PCF (French Communist Party) against both the war in Vietnam and also about the re-arming of Germany and the European Defence Community (EDC). Hence, a total misrepresentation of France's recent colonial past.

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<sup>8</sup> The reference here is to ROTMAN & TAVERNIER (1992), which is based on the four hour documentary of the same name which enabled veterans of the 'war' in Algeria to give voice publicly to their experiences for the very first time.

Although the wars I have referred to might be defined as belonging to contemporary history, rather than the history of the present. It must be remembered that the current debate over French actions in Algeria, namely public admissions by participants of the use of systematic torture is being widely discussed currently, and is highly sensitive and has repercussions in France today. To some extent this has been exacerbated by the introduction of the loi du 25 février 2005 (since repealed following a huge protest by historians) which insisted that school teachers and university lecturers put a positive spin on French colonialism. It would not be unreasonable to add that the unrest in France two years ago was in some way due to dissatisfaction over the representation of France's recent colonial past.

*The responsibility of the historian of the present when confronted with the 'lessons of history'*

The responsibility of the historian is to expose myth and false analogy, and it is the historian who has the expertise to do this. (WARREN 1999: 147). The creation of myths and false analogies may be encountered when journalists and politicians give voice to the so-called 'lessons of history'. Yet, such a process can lead to sloppy thinking, truly lazy journalism and poor political analysis. Certainly, many politicians and journalists have believed and continue to believe that such lessons may be learned. More often than not, references and false analogies are based upon comparing present-day crises and political developments with problems in the not too distant past. Consider the constant references in contemporary political discourse to Hitler, Pol Pot, Munich, the Holocaust and Suez. A good example of this process was demonstrated during the conflict over Kosovo, when, in reference to the forced evacuation of Kosovar Albanians from that region, and the alleged systematic murder of men and boys from the age of 5 to 60, the American journalist, Roger Lippman commented: 'These crimes are comparable to the Khmer Rouge destruction of Cambodia, the Serb destruction of Bosnia, or the U.S. in Vietnam' (LIPPMAN 1999), and he added that Milošević had 'instituted a brutal occupation very similar to the Israeli occupation of Palestinian land.' (Ibid.), commenting that:

The 'socialism' of Milošević is akin to the dehumanisation, ethnic chauvinism, forced evacuation, and mass murders of civilians characteristic of the 'socialism' of Pol Pot, or the National Socialism of Germany. (LIPPMAN 1999: 7)

Clearly, Lippman the journalist was resorting to the utmost hyperbole in time of international conflict, and it would seem as though he wanted to have his cake and eat it. However, not only were his comments 'over the top', but they also were full of historical and political errors. For example, Kosovo was, then, as 'Kosmet', an integral part of the then Federal Republic of Yugoslavia, therefore no occupation by the Yugoslav Army had taken place. No genocide of the Kosovar Albanian population ever occurred, and clearly Milošević was no Pol Pot, whilst the regime in Belgrade could never be described as National Socialist. Indeed, such a misrepresentation of contemporary history would fly in the face of the sufferings inflicted as a result of the axis invasion and occupation of the Kingdom of Yugoslavia, in 1941, when civilian deaths during the Second World War, numbered 1.4 million and accounted for 10 percent of Yugoslavia's pre-war population (JUDT 2005: 17-18).<sup>9</sup>

Further examples of this kind of gross distortion of history have been provided by this conflict over Kosovo, when President Clinton compared Yugoslav President Slobodan Milošević's campaign of ethnic cleansing with the holocaust.<sup>10</sup> Similarly, UK Defence Secretary, George Robertson commented that:

... the UK could not stand idly by while ordinary families were wiped out... We must learn the lesson of the early days of Hitler. Had we stood up to his tyranny early, the course of history might have been very different.<sup>11</sup>

Why do politicians and journalists resort to these terms and analogies? Probably because these themes themselves have become symbolic name tags, terms of reference that will provoke a knee jerk reaction in the minds of readers, viewers and listeners. Furthermore, for politicians, they serve their purposes as propaganda. Whilst from a media perspective, these analogies can simply be described as lazy, polemical journalism of the worst kind. Of course the previous few examples might also serve as examples of political manipulation, rather like the

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<sup>9</sup> JUDT comments that Yugoslavia lost 20 percent of its vineyards, 50 percent of all livestock, 60 percent of the country's roads, 75 percent of all its plough and railway bridges, one in five of its dwellings and a third of its limited industrial wealth.

<sup>10</sup> Source: <http://news.bbc.co.uk>, Sunday 28 March, 1999. Published at 07.52 GMT, p. 2 of 3, accessed on 29/07/2006. This quotation was originally attributed to the *News of the World*.

<sup>11</sup> Source: Kosovo Crisis Center <http://www.alb-net.com/kcc/051399e2.htm>, updated at 4:10 pm on 13 May, 1999, accessed on 29/07/06.

British government's claims about WMD in Iraq as a *casus belli* and the report that appeared, in September 2002, claiming that Iraqi missiles could be launched against the UK in 45 minutes.

Henry Kissinger provided some interesting insight on this theme, when, writing in April 1999, he commented that: 'finding a solution to the Kosovo crisis must begin by rejecting false analogies to the traumas of the past.' And he added that:

The president has invoked historical analogies or current threats that are extremely dubious. Where he does injury to history: Slobodan Milošević is not Hitler but a Balkan thug, and the crisis in Kosovo has no analogy to the events preceding World War 1.<sup>12</sup>

And, finally on this issue, Martin McLaughlin, provides an interesting article entitled: 'What really has happened in Kosovo', on the World Socialist Web site:

In the US-NATO assault on Yugoslavia, accusations of genocide in Kosovo play the same role in the propaganda war as cruise missiles and cluster bombs in the air war. The claims that Serbian troops and paramilitary forces are slaughtering thousands, tens of thousands, even hundreds of thousands of Kosovar Albanians, the invocation of the Holocaust – all these serve as weapons, if not to convince, at least to intimidate public opinion.

The purpose of this propaganda, whose tone has been set by the Whitehouse, is to block any critical thought or even serious reflection on the part of the American people about the mushrooming conflict in the Balkans. The hysterical comparison of the events in Kosovo to the Nazi death camps – which reached their peak in the claims by some US officials that as many as 500,000 Albanian men were unaccounted for – demonstrates the extreme weakness of the political position of the Clinton administration, which has been unable to find any rationale for the bombing except these wild and unsupported allegations.

Now, clearly McLaughlin has his own axe to grind, but at least he is attempting to redress the balance from the hysteria of the time. It revolves around the old chestnut as to which came first, the expulsion of the Kosovar Albanian population or the NATO bombings.

As the above examples have shown, many political mistakes can be made by resorting to false analogy and 'learning the lessons of his-

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<sup>12</sup> Source: Newsweek.com, International, 'Doing Injury to History, <http://members.tripod.com/>, Newsweek International, p.1 of 3, April 5, 1999, accessed 29/07/2006.

tory'. The examples of learning the 'lessons of Munich' or the 'lessons of Suez' provide the final example in this section, and the need for the historian to redress the balance. Let us return to Donald Cameron Watt's choice of Suez, in his commentary on the role of contemporary history, referred to at the beginning of this chapter. Suez is particularly interesting at the time of writing, as these are events that happened fifty years ago and are currently receiving considerable media attention in the United Kingdom as we commemorate this turning point in British history.

According to the process of writing and researching contemporary history, enunciated by Watt, work on Suez today has entered the final stage of writing history, that of historical re-evaluation, when the crisis can be fitted into the whole history of the 1950s and the post-war period. Most interestingly, Watt adds: 'Only then can one begin to say that it has really been seized by the historians and abandoned by the polemicists.' (WATT 1970: 64) Yet, ironically, in the media, comparisons are being made between Suez and the current debacle over Iraq, although it is in assessing the impact of Iraq rather than that of the Suez crisis that the polemic has been focussed. Nevertheless, after fifty years, hindsight has fully kicked in, and we can see how the humiliating abandonment of the Anglo-French-Israeli invasion of Suez, signalled a turning point in Britain's retreat from empire and ensured that London would never again attempt global military action on its own, without first seeking the green light from Washington.

Of course, historians have known, for some time, thanks to the advantage of hindsight, that the former British Prime Minister Sir Anthony Eden, in an attempt to learn from the 'lessons of history' had made a huge *gaffe*, when he compared Gamal Nasser to Adolf Hitler, and the nationalisation of the Suez Canal, in 1956, to the situation in Czechoslovakia and the Sudetenland in 1938. The upshot was that Eden feared that Nasser's appeal to Arab nationalism would undercut Britain's position in the Middle East, and Eden worried about the fact that Nasser had accepted Soviet arms, at the height of the Cold War (NYE 1993:142). But, Eden had clearly misread the so-called lessons of history, by reading into the situation the dangers of appeasement over Munich, and referring to the mistake that his predecessor, Neville Chamberlain had made in 1938 that led to the Second World War.<sup>13</sup> What Eden had ignored was the impact of the colonial legacy and

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<sup>13</sup> To what extent was Eden's view of this influenced by Churchill's representation of the Munich, appeasement and Chamberlain in 'Gathering Storm', his first volume of *The Second World War*, which had been published only a few years before Suez, in 1948?

its concomitant grievances in the mind of Nasser, given that the British had only left Egypt just two years previously.

And as if the reference of learning the lessons of both Suez and Munich will not go away, it is currently being argued that the former British Prime Minister, Tony Blair had been making similar mistakes recently by evoking the ghosts of the past when he claimed, just a few days before the invasion of Iraq, that he could not endure the 'shame of appeasement' (reference once again to Munich) and that Britain would face a 'living nightmare' if it appeased Saddam Hussein. Thus Blair too, had succumbed to that most dangerous affliction of political leaders, that of misreading the lessons history. Although Saddam may have been a dictator, he was no Hitler.<sup>14</sup> Richard Norton-Taylor picked up the argument of Blair's fear of appeasement in *The Guardian* on Wednesday, 12 July 2006, and made other parallels between the invasions of Egypt and Iraq, drawing the conclusion that Blair may be seen by future historians as the 'Eden of our time' in what Norton-Taylor referred to as another Middle East crisis of the West's own making. However, *caveat emptor*; the historian should never attempt to predict the future!

## Conclusion

History, and particularly the history of the present, plays an integral part in the study of peace and conflict. What this chapter has set out to achieve is to outline some of the key issues confronting the historian of the present who is engaged in peace and conflict research. In this paper, I have defined the expression 'history of the present' as a discrete, but related branch of contemporary history. I have shown that what differentiates history of the present from journalism *per se* is the level of analysis employed and the need to take a neutral position and non-polemical stance in evaluating the events of the present. Often, the historian of the present will have to borrow from other disciplines so that the essential difference between a history of the present and contemporary history is the historian's insight rather than their reliance upon hindsight, and this is often based upon their language awareness and a deep understanding of the cultures that they are analysing. More times than not, the historian of the present will work in the field rather than

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<sup>14</sup> I remember that this same comparison was mistakenly made in the popular media, back in 1991, in the run up to what we now refer to as the 'First Gulf War', but in the 1990s was referred to more simply as the Gulf War.

in the archives, and will also rely upon new technologies and advances in the media and information technology. All of these factors, alongside considerable training in the field of contemporary history make the historiography of the present an indispensable tool in the field of peace and conflict research.

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## Chapter Seven

# Ethnography under Fire: Alma el-Shaab Summer 2006

Marcello Mollica<sup>1</sup>  
University of Kent, UK

### Critical Moments

This chapter describes my goals as a researcher and how I was prevented from achieving them. It was inspired by an experience of shared desperation from within a bunker under bombardment, in the summer of 2006, in the Christian enclave of Alma el-Shaab on the Lebanese-Israeli border, an experience of desperation that was transformed into a shared resistance. This chapter is also a methodological account in its own right. I never regarded the people around me as a subject of study, but rather as people who could help me. When I finally interviewed them, it was at their own request. So I will speak about myself, and how I went beyond my initial research project.

My original research project never left me in those days. It helped to sustain me and keep my intellectual capacities focused. However, what was happening around me would become part of my research topic. In that environment of mutual needs, friendships developed. Later, my own hope contributed to the hope of others. I became part of many groups; my friend's primary family; my friend's extended family; the local populace of persons not related to my friend; and even persons from a different, rival ethnic group to that of my friend, with whom my friend's group had fought in the past.

However, was what I saw real or a fictitious reality in a ferroconcrete room in a small village? Am I writing as a representative of myself or others? Might I put them in danger with this chapter? As a matter of fact, I did not need to join any group. The process of getting to know the locals was facilitated by the forced proximity created by the war. I quickly learned to see myself and them and our mutual situation

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<sup>1</sup> Marcello Mollica acknowledges the support of the European Commission under the Marie Curie Intra-European Fellowship Programme for enabling him to conduct this research.

through their perspective. Their mono-representations prompted me to share my views of events, which disrupted many of their schemata. Among Christians in South Lebanon, migration is valued not as an economic resource, but as an educational resource. I was there to study them.

The events gave a transformative dimension to my fieldwork that affected me on a personal level. They initiated a process of self-reflection that continues to this day. Part of what follows will consider this contradiction between my self-perception and the perception that others had of me.

In early September of 2007, I had a conversation about this chapter with the head of my Department, Professor Bill Watson. I suggested that I might write a diary. He replied, "It's not enough." It was the second time<sup>2</sup> during the year since the event that I had sought advice about something that I considered as belonging only to me. The main focus of our conversation was on *critical moments* in anthropology. After I left his room, I realized that our conversation had been a defining moment in itself. I will always associate the war with my time in the Department, a fragmented phase of my life with many sub-fragments. So I decided to follow his advice, at least partially. However I was still experiencing mixed feelings. The initial sense of pride was decreasing. I was balancing pride with fear. However, the meaning of what I found has changed, and in writing this introduction, I am struggling not to reverse the order of events. The chronological account is still too fresh in my mind. I must alternate entries from my diary<sup>3</sup> and my reflections.

When I was evacuated, my friends told me that since I was European, their voices would be heard through me. They were not required to read Professor Watson. However, they reached the same conclusion, addressing what he called 'structural inequalities which underline the transmission of knowledge'<sup>4</sup>. But I am unsure that they will not be exploited by my work<sup>5</sup>. After all, I needed them for my research. The trauma we went through together has ended for me, but they are still in Lebanon.

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<sup>2</sup> The first was with my local mentor, Glenn Bowman, Senior Lecturer in Social Anthropology at the University of Kent.

<sup>3</sup> I have published a diary on my Lebanese experience, now in its second edition, as Mollica, M. (2006) *Diario dal Libano*, Armando Siciliano Editore, Messina.

<sup>4</sup> WATSON, C. (1992) *Autobiography, Anthropology and the Experience of Indonesia*, 134-146 in *Anthropology and Autobiography* (eds. OKELY, J. & CALLAWAY, H.), Routledge: London.

<sup>5</sup> *Ibidem*, 141.

When the war started, I did not allow it to divert my attention from my research agenda. Then I started writing about what was happening, and could not write without thinking about political martyrdom. However I did not record my experience beyond a chronology. Now I am looking back. There are too many critical moments, dictated in moments of anger. I had not realised how isolated I was. I saw the presence of the UN reflected in our daily perceptions. But will today's attitudes change in the future? Is it too early to write? Changes are affecting me beyond what I ended up doing. It is difficult to situate the words of my diary into an academic context, or even soften its rushing-turmoil or change what appears to be the confused order of my sentences. How far can I take my reflexivity? How close am I? Why am I still involved with fund raising?

## Prologue

In November of 2005 I was awarded a fellowship at the Department of Anthropology, University of Kent. The project concentrated on the political use of martyrdom, but included anthropological components in view of the aim of the research and within a comparativist theoretical framework. I would examine sectarian communities to assess how political groups who represent themselves as representatives of those communities change their strategies. The Lebanese sites were the Christian quarter of Tyre and a Christian enclave on the Lebanese-Israeli border, yet to be identified. I would conduct interviews with local authorities and distribute questionnaires to Christian youth clubs belonging to local parish churches<sup>6</sup>. The aim of the research was to assess how the youth responded to death and dying strategies.

Before leaving for Lebanon I did a compulsory *Risk Assessment*. Glenn Bowman and I decided to start with Lebanon because it seemed to be the most peaceful place. He was supposed to come to Lebanon in August to help with refining the questionnaires. My wife was supposed to come in July. I would conduct my interviews in August. En route to Lebanon, on 30 June, I was joined in Rome by a friend of mine, *abuna*<sup>7</sup> Nadim Haddad, a Greek Catholic priest from Tyre<sup>8</sup>.

I had spent eight months reading. Anthropology did not create problems but left me with some doubts too. I felt sympathetic toward

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<sup>6</sup> Since schools were closed for the summer.

<sup>7</sup> Priest.

<sup>8</sup> He is a PhD candidate in Dogmatic Theology at the Università Gregoriana, Rome.

the *holistic* approach. But could it provide some clue about political tourism and religious value of a city like Qana el-Jaleel? Anthropologists emphasize *fieldwork* as the primary source of data collection; here the disruptive influence of *participant observation* is introduced.

## Background to the War

The political situation had not changed since I left Lebanon in 2005. On a regional level, Israeli fighters had recently flown over the house of the Syrian President Bashar Assad. It followed an escalation precipitated by the kidnapping of an Israeli soldier by Hamas in Gaza. On a state level, some electoral moves brought General Aoun's Christian party closer to Hizbullah. Politics followed sectarian dynamics<sup>9</sup>. The militias had divided the country into semi-autonomous areas, somehow still in place. Political groupings were influenced by the wider Arab world and from 400,000 Palestinian refugees. Finally, a feud had recently arisen among the Druses.

During the flight Nadim and I spoke of 4 Maccabees. The mother inaugurated in martyrdom a conception of a new after-life. We compared this idea with the fact that Miriam Farhat, the newly appointed Hamas MP, was the mother of three sons who died on suicide missions. It would be difficult to structure a questionnaire on such topics. But this was the type of research I enjoyed. I could spend my days interviewing people; mainly at the Kassab Restaurant where we could bring the fish we purchased at the harbour from a Christian fisherman known to Nadim. I could continue in the evening, and gaze at the Roman columns that lie on the surface.

Last year,<sup>10</sup> I spoke about the civil war with then Melkite Metropolitan of Tyre, Mons Haddad. Nadim facilitated the interview and was going to facilitate others as well. The internal walls of the quarter were lined with posters of the old phalangist leader Samir Gaegae<sup>11</sup>. The

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<sup>9</sup> Many parties lacked a clear ideology and did little to overcome inter-sectarian support, and often turned into political machines of religious denominations or embodiments of the local *zaim* [political leader, whose supporters belonged to the same religious groups]. Parties had few votes and were forced to form alliances, often fighting within the same religious group.

<sup>10</sup> I was in Lebanon for the first time in September of 2005. I did field work there as part of a project on political martyrdom [the project was sponsored by the Istituto di Studi Politici San Pio V, Rome] in Lebanese Christian communities, including the Palestinian *mukhayyam* [refugee camp] of Dbayeh (north of Beirut).

<sup>11</sup> Today he is an influential Christian political figure.

bishopric sits on the border-line with the Shi'a area, and is separated by a street whose walls are lined with posters of the Shi'a leader. Christians constitute 5% of the population of Tyre. They are concentrated in the so-called Christian quarter, located at the end of the peninsula on which Tyre is built.

We were picked up at Rafiq Hariri Airport. I had time to speak with an officer who supported Italy in the ongoing World Cup tournament. Then we drove to Tyre where Nadim's mother had prepared a party. That night we watched a World Cup match in the Shi'a area. After Italy's victory the city was full of tricolours. I had a flag and paraded too. Earlier that afternoon, when we entered Tyre, Nadim's father had shown me Italian flags flying in the Palestinian refugee camps of El-Buss. That night, youngsters with the Italian flag in hand climbed the column that stands in the Tyre main square. There was no religious distinction under that flag. Politics still emerged, however, as our Christian driver honked the car horn in rhythm with the Aoun supporters. Even that was allowed in a Hizbullah stronghold after the last agreement between Aoun and the Shi'a groups.

The next day we went to Beirut Airport. Nadim collected many packs. Everyone was asking for money. The authorities told you whom to follow and you paid at the end. Sometimes you encounter people who were approachable. We also met a Christian officer, a friend of a friend. But religious affiliations took different shapes elsewhere in the country, for instance, in the South. Hizbullah has not disarmed and holds positions on the Israeli border<sup>12</sup> instead of the Lebanese army<sup>13</sup>. Hizbullah justified its militia as a response to the Israeli refusal to withdraw from the occupied Shaba Farms<sup>14</sup>.

In the afternoon of July 1<sup>st</sup>, we searched for seashells on the north coast of Tyre. A girl accompanied us. On the way back she took some bindweed plant that grows only in that region. The place is now entirely Shi'a. It was formerly a tourist resort, but now is abandoned. The bindweed grows only in the area occupied by Israel. The Shi'a brought it there after the liberation. Now this Christian girl was taking it to decorate the balcony of her house. The plant is said to embody the ideas of resistance and occupation.

In Tyre they spoke of an open pastoral, i.e., a second meeting between the South Lebanese Shi'a Mufti Ali al-Amin and the Christian population. Christian bishops would reciprocate in the near future

<sup>12</sup> In 2006 still called *Blue Line*.

<sup>13</sup> As required by UN resolutions 1391 and 1496.

<sup>14</sup> As required by UN Resolution 425.

with Shi'a communities. The Mufti would respond directly to questions posed by Christian congregations.

In late morning of 2 July, we went to the Christian graveyard in Tyre. A cemetery keeper paid by the community, lives on the premises. He was not there. Access to the graveyard is not allowed to everyone. We entered the gates. There is a wall on the north side, and beyond that a small street and the Muslim graveyard. On the seaside is Kassab, run by Muslims, where they sell alcohol. From the graveyard we can see Muslim headstones, and beyond those the magnificent columns of the marble arcade that lead to the largest Roman hippodrome in the world. After an hour of searching we found the grave of a Christian martyr<sup>15</sup>. The grave was adorned with memorials. In the graveyard on the other side of the street, martyrdom is magnified with colourful displays<sup>16</sup>. Then we went to a ceremonial mass at the Maronite Cathedral for a local person known for his social involvement who died recently. The quarter was covered by black flags. The funeral mass was concelebrated by Maronites, Greek Catholics, and Greek Orthodox. Many Shi'a were present. By evening we returned to Kassab, below the graveyard.

The morning after, we went to Alma where Nadim's family owns a house. I decided to conduct my research there. First we did some shopping at *Spinneys*, a store where Nadim's brother works. To enter the South, I needed permission from the Lebanese Army. But we were going for a few days, so I could get permission later. We had to return to Tyre for the wedding of Nadim's uncle. Then we could return to Alma for a longer period. However, we had to return again for another wedding of Nadim's neighbour, a Palestinian girl who was marrying a Lebanese man from Germany. At the check-point, soldiers asked Nadim's father where we were going. He replied that he was giving a lift to his son and his friend. When they heard the word *abuna*, they let us pass. In Alma, I met many Almawi who paid a visit to Nadim.

A pack of cigarettes on the table caught my attention. It was made by Amal<sup>17</sup> to celebrate the anniversary of the liberation of Lebanon from Israeli occupation<sup>18</sup>. Amal was celebrating with commemorative

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<sup>15</sup> His name was Eduardo. Once I examined the location and took some preliminary information in the Christian quarter of Tyre I had decided to investigate him, his death and the legacy it left.

<sup>16</sup> Usually green for Amal and yellow for Hizbullah

<sup>17</sup> Shi'a political party led by Nabil Berri, today President of Lebanon National Assembly.

<sup>18</sup> However, the day is contested in its meaning: for the Sunni it is liberation from Syria; for the Shi'a from Israel.

packs of cigarettes decorated with images of resistance and the banner *Trust Company for Lebanese Tobacco*. The company's president was an Amal member, Nasif Seklawy, who had few admirers among the South Lebanese Christians. However, Seklawy's name was everywhere, even on the black flags that were binding the Christian quarter of Tyre.

I was seeing visible, consumable images of resistance that brought both happiness and inflicted damage, although in Lebanon, the damage was not apparent. Nadim and I usually smoked grapefruit *tolmac* when we sat in the garden and fired up our evening *nargile*,<sup>19</sup> and watched Israeli aerial displays illuminate the hills in front of us, not even a kilometre away. However, the most potent images of resistance could be found along the highway. Posters of martyrs were everywhere. During and after elections, these images were extensively used, mainly by candidates who were relatives of martyred politicians, who place their own faces side by side with the faces of their dead relatives.

Hizbullah had contributed something new to the debate on political martyrdom, which goes beyond the moral and religious authority of the act itself. Although Hizbullah had entered the government, martyrdom remained a vital concept for their militia, which included potential *shahida*<sup>20</sup> ready to sacrifice. This concept created friction with other governmental factions, since the memory of the Hizbullah martyrs immolated while fighting against Israel or, worse, its Lebanese allies, remained strong in the minds of the Shi'a majority.

I wanted to know whether Christians could accept Muslim martyrs. If it became a duty to accept martyrs produced by other histories, was it not legitimate to have proper martyrs to be accepted too? In Tyre, the Shi'a strategy was to present their martyrs to everyone. But I will never forget the words of Mons Haddad. Nothing could convince him to accept suicide bombers, even though he admired Hizbullah's bravery in defending Lebanon.

Muslim migrants bring money into South Lebanon. Christians tend to bring less. The structure of their homes is similar, but palaces dominate the landscape in Muslim villages more than in Christian area. However Alma was rich. There was no Army here, only a Hizbullah border guard. Like other villages, Alma had a local police force that dealt with criminal and civil issues. It was also known for its old Israeli links. The population consisted of three Christian denominations: Protestants, Melkites, and Maronites. While three bell towers dominated Alma, the

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<sup>19</sup> Water pipe.

<sup>20</sup> Martyrs.

surrounding villages often had only a single mosque, and rarely did Muslim denominations live together. However, some Christian villages were mono-denominational too<sup>21</sup>.

Lebanese politics were always moving. Some Christians attacked the Maronite Patriarch. The critics followed an article included in the last Patriarchal Synod that made Rafiq Hariri<sup>22</sup> part of the project of the liberation of Lebanon. I kept encountering the concepts of martyrdom and liberation, of politics and religion merged into a single dimension that was typically Lebanese. Alma, of course, had its religious roots too<sup>23</sup>.

We returned to Tyre for the wedding. That night was the World Cup championship. We watched the match at an open pub near the *Spinneys* parking lot. Italy won the final. We paraded in Tyre. Suddenly, the situation deteriorated. There was an altercation between the Shi'a supporters of the French team and the Shi'a supporters of the Italian team. The Army intervened, firing shots into the air. We ran away. The next morning, I saw the first Byzantine wedding rite in my life. Afterwards, we had a party.

The following day, 11 July, we went to Sidon. I needed permission to go to the South. Nadim told the officer that he was taking me to see his diocese. The man looked sceptical. However, televisions were replaying the head-butting of a French player that occurred at the championship game. The officer supported Italy. This actually sped up the process, to the great surprise of Nadim, who was accustomed to seeing such interrogation procedures take less favourable directions. Once back in Tyre, we stopped at *Spinneys* and Nadim's father took us to Alma. He planned to leave early the next morning. It took one hour to arrive there. I took photographs of Shi'a villages along the way, but I could not photograph Tyre because of the fog.

## First Stage: Uncle's House

On 12 July I remember sending an SMS to my family. I wrote that whatever they might hear on the news, they should not worry. We were sitting close to the wall, near the TV, in the inner part of the house. Nadim told me that we should not fear people but bombs

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<sup>21</sup> Such as Rmeish, entirely Maronite.

<sup>22</sup> Former Lebanese Prime Minister killed on 14<sup>th</sup> February 2005.

<sup>23</sup> The Almawi argue that it is named in 19 Joshua as one of the villages in the territory of the Asher, Alammelech.

which might fall on us by mistake. We could hear the bombs falling. We figured that the Israelis must be beyond us. They bombed most bridges in South Lebanon, including the Cassimyya Bridge<sup>24</sup>, where we had collected seashells. The Israeli navy was outside Tyre. We hoped that Nadim's father was not trapped when he left early this morning.

The air-fan worked well. Alma had its own generator in case the power was cut. We thought that if the Israelis reached Tyre, they had already planned the invasion. But we had no reports. We listened to Iraqi music to relax. We had been lying on the floor for hours. The ideal scenario would be to go to the house of Nadim's uncle, but it was on the north side of Alma. We were not going to walk there. There was not much we could do, so we continued to prepare a lamb's head which was still boiling on the stove.

At 1.00 pm Nadim's uncle arrived. Nadim's father had called him from Tyre. We took the lamb's head. The uncle helped to cool us down. He smoked continuously. There were six of us in the house, including a granddaughter. We watched television. The uncle went out to irrigate the garden. Alma is situated on a hill: Hizbullah on one side of the hill, the Israelis on the other. The Israelis had bombed Chamat; we passed through it the day before and I took a photo of a Hizbullah flag on top of its highest building.

For a while we had no electricity. The generator was outside the village, but no one had been there. A forest was on fire, and the fire-fighters tried to respond, but Hizbullah would not allow it. They must have had their men hiding out there. An old woman and two youngsters visited us. The woman said that during occasions like this, the Al-mawi usually gathered in the churches, not because it was safer, but to pray to their patron saint, Saint Elias. There was a Hizbullah post beyond the school building that faced us, but the Israelis destroyed it in a few minutes. We finally received a report of what had happened this morning: an Israeli tank was destroyed; there were seven Israeli casualties; two Israeli soldiers were kidnapped. The Israelis could not allow this provocation, above all after what happened in Gaza. Hizbullah had not even allowed the Israelis to collect their casualties.

The granddaughter had plans to go to summer camp in two days. The uncle went out to check on whether there was a bus to Beirut. They did not seem to think that what was going on was very serious. They asked what I was doing. I replied that I was keeping a diary. They asked why? I did not know. I was not thinking about curricular mate-

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<sup>24</sup> A check-point north of Tyre.

rial, but about myself. To me, all of this looked like a real war. The television showed images of casualties on a bridge over the Litani. People were beheaded: images that our Western media would cover. The Lebanese did not want to hide anything: parents lifted bloody white sheets to uncover their dead children for the cameramen. Hizbullah TV, *Al-Manar*, spoke of an *accomplished promise*, as of an electoral programme. Nadim said that there was a Greek Catholic chant which said the same thing in reference to Jesus. News reports came in: a church not far from Alma had been bombed. Nadim's uncle had returned. There is no bus leaving from Alma tomorrow.

The bombs got closer. The entire house shook at each bomb. The girl said she wanted to move to a safer place. Nadim's aunt made an *anti-fear potion* with sugar and zagara. Nadim and I drank it too. Then we went to Nadim's house to get more food. There were Hizbullah on motorbikes. Then there was a huge noise. It was the first bomb I could photograph. It landed less than 300 m away. Everything there was on fire. I crossed the street. There were Hizbullah all around. I was asked not to take pictures because of the Israeli helicopters. The photo I took was not very good, I was shaking too much.

On the second day of war, Beirut airport was bombed and three bombs landed in the valley. Nadim's uncle saw five armed Hizbullah. So, we thought the Israelis might bomb us too. We heard machine-gun fire. Alma had a strategic location, which dominated Naqoura, the headquarters of UNIFIL. Unlike the day before, the war was not my main concern today. We had another war, a war of our own. There was no time to worry about bigger things. We thought it better to worry about ourselves. I also had a problem, not shared by the locals – how to convince my family that everything was under control.

Those people around me kept going with their lives; Nadim's aunt harvested some salad from the garden. The television broadcast live pictures of Israeli tanks firing from inside Israel. Nadim's uncle returned; he said that the Hizbullah were having breakfast at the local baker's shop. He brought thyme pizza; we ate it with tomatoes and cucumbers. Everyone in Alma went to the baker. But the Hizbullah had bought almost all the pizzas. The neighbour invited us to use their bunker in case there was any real danger, but for these locals, there was no real danger as yet. I was integrating. I joined the uncle in the garden. Back in the house, I had my first contact with the Italian Embassy in Beirut.

In the afternoon I found myself peeling potatoes. Before the power cut, the television said there would be a curfew beginning at 2.00 pm. Nadim said a Latin Rite Mass; while the Israelis and Hizbullah bombed

each other in the valleys. Apparently some Hizbullah had taken refuge in some houses in Alma. I thought about *collateral damage*. My wife kept in touch through the Crisis Unit of the Italian Ministry of Foreign Affairs.

It is the third day of the war. There are three young Hizbullah on their motorbikes with uniforms similar to the ones worn by the Lebanese army. They connect border positions. As I watched the locals looking at them, I perceived that they were preparing for an invasion. Everyone went to the local supermarket that morning. What seemed like a small crisis suddenly seemed to be getting very serious. The owner of the supermarket had to close the shop. I am told what happened.

The Israelis bombed a Christian village. This created panic in Alma. The people thought they would have been spared because they were Christians. A Hizbullah position not far from us fired missiles. Apparently the Israelis had entered a few hundred yards into Alma's territory. We needed to find a safe place for the night. The girl kept on saying: 'Ce soir je veux dormir dans une maison *fermée*'<sup>25</sup>.

### Escalation: the Bunker

On the evening of the 15<sup>th</sup> we took shelter inside a bunker with members of Nadim's extended family. It was a three-floor villa. We camped on the ground floor. Its ferroconcrete walls were 70 cm thick. A fighter missile could destroy them easily, but hopefully not the artillery. The villa belonged to an Almawi insurer who was now based in Beirut. Nadim and I found a place close to the wall, where we shared a small mattress. The uncle and the aunt did not leave the house. This was a common response among old people. There were many children. Other people assembled in the Melkite and Maronite churches.

Hizbullah positioned a battery of Katyusha rockets in the city centre. They fired a few shots and then left. By the time the locals arrived to explain to them the danger of a possible Israeli retaliation, they had disappeared. They had sophisticated guerrilla tactics. They carried four missiles in a bag on their shoulders. Once they chose a location, usually on a hill, and prepared basements, they set a timer and left. Thus when the Israelis retaliated they were far away.

All night long the Israelis bombed the valley in front of us. Inside the bunker were people belonging to all three Alma Christian denomi-

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<sup>25</sup> 'This evening I want to sleep in a *closed* house'.

nations. The sound of an Israeli Apache helicopter was close by. We went to Nadim's house for some food. A missile hit a nearby house and damaged Nadim's garden. There were Hizbullah in the field. A few houses in Alma were burning.

Nadim said Mass. I had many questions I wanted to ask the deputy mayor of Alma, Shadi Sayad, whom I had just met, but suddenly word spread that a Hizbullah unit had occupied some uninhabited houses. The Almawi had to organise themselves. Shadi did not define himself as an Arab. He was a Maronite Lebanese. He taught mathematics in Beirut. His wife taught Arabic at the UN headquarters. She was pregnant.

There was no opportunity for sleeping. I joined Shadi on *patrol*, as they called it. The night sky was illumined with the light of the Israeli fighters. Hizbullah units did not enter. The Almawi had intended to stop them, but I had no idea how. The fence was low on one side of the garden. They could enter there and leave their Katyusha. The Israelis bombed Lebanon all night long. But the people still supported them.

The second day in the bunker someone put me in touch with a UN Italian officer working in Naqoura. Alma was bombed for five hours. I lit the first cigarette of my life. I clearly heard cluster bombs. Christian certainties in Alma were shaken, mainly because Israeli fighters and warships were destroying the entire country. We watched *al-Manar*. Songs were interrupted by the news and images of new martyrs. It was being reported that pressure and phosphorous bombs had been used in Shi'a strongholds. We were running low on food. My beard was growing, so I was kindly asked to shave, as beards like mine could be mistaken for a Hizbullah beard by Israeli helicopters. Every male was shaving.

My wife updated me on the actions of the Italian Ministry of Foreign Affairs. She told them about the UN in Naqoura. I had been telling the Embassy for days. However I could not get through to Beirut. They knew that my mobile did not work inside the bunker. But I doubted they remembered that. The Crisis Unit was far away; meanwhile the Embassy had called five times asking me to go to Beirut to get a convoy. Each time they apologized that they did not have an updated list. My only chance was with the UN Italian officers. Finally, they *officially* called me.

July 17<sup>th</sup>, I found myself playing 40<sup>26</sup> with the children. I sometimes was able to call home with a UN code. Many UN employees had arrived. We had a Lebanese Sim card too. However, I had to go outside

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<sup>26</sup> A card game played with Ramino cards.

to read my SMS or to answer the phone, and that was becoming dangerous. Even from Naqoura and Rome they were telling me not to go out. But I had to go outside to use my mobile, and I was already going out to help on a regular basis.

The Israelis bombed a few houses on the outskirts of Alma. Issa, who slept close to me in the bunker, risked his life when he went to his house to get some clothes and the Israelis bombed the garden. I conducted my first interview with him. We numbered more than one hundred people in a room measuring less than 80 square meters. There were two pregnant women in the group. The youngest child was three weeks old. That night we received several calls because the headlines on Lebanese TV were saying that Alma was badly bombed.

It was 18 July when the uncle came to pick us up and took us back to his house. I took a shower. Their lives had not changed. However, they could see the missiles landing in the valley from their house, which we were not able to see from the bunker. I was able to use my mobile through an Israeli service provider. It started ringing. I was receiving calls from family members everywhere and from radio and TV stations. Apparently I was a *celebrity*.

We went back in the bunker. We saw the bombed-out houses. If a missile could reach the centre, it could reach us. We hoped our villa would be spared from Hizbullah visits and Israeli mistakes. But food was becoming scarce. We had to ration the bread. Electricity flowed for only four hours a day, so we had to wait to recharge the mobile. The Italian officers told me that an evacuation could be organised the next day. They had done some evacuations already, but needed permission from the Israelis and Hizbullah since the road leading to Naqoura was a battlefield. But permission had not come.

## Real War

Early in the morning I sent an SMS to the Italian Embassy, the Crisis Unit and UNIFIL: 'We are in a bad condition. They have been bombing us for two hours. They hit the Catholic Church. Rescuers cannot go out'. That was the worst day of all. We thought we were going to die. We spent the day praying. I went to go outside, but when I put a foot into the garden a missile landed outside the fence. Even worse was the fire that followed. Luckily, we were saved by the wind; otherwise, there might have been a tragedy, as there were fifty children in the bunker. We closed everything and the smoke did not enter. That day, I ate two cucumbers.

At 18:50 I received an SMS from the Crisis Unit: 'We obtained authorization for your boarding the *Serenade Friendship* that will dock in the next hour in Tyre'. How do I get to Tyre if I cannot even enter UNIFIL in Naqoura? At 22:03 my wife sent a message saying that Italy had informed the UN headquarters in New York about my presence. They wanted the Israelis to know that I was there. As far as I could tell, the so-called *humanitarian corridors* were fictitious. UNIFIL personnel were in hiding from the start of the war. No one could help me, I thought. The Crisis Unit in Rome was vacillating in the face of UNIFIL's meaningless mandate. For me, this brought a sense of futility, but for the people around me, it fomented a distrust of UNIFIL, which for them was representative of the international community. Paradoxically, there was a positive aspect to my situation: the Israelis were monitoring my movements by tracking our two mobiles. However, if Hizbullah had placed their missiles in our garden, the Israelis would not have spared us, regardless of my mobile. It was known in Naqoura that the Israelis were aware of my presence before it was known in Rome. In fact, all of the UNIFIL personnel in the bunker knew it long before I did. I had become a means of safety for them.

It was late. No one was sleeping. Shadi brought me cigarettes. He wanted to speak with me. People were asking to be interviewed. Since I was European, I could tell their story, and they would be heard. Shadi was a volunteer civil servant. The previous day he was taking notes about rationing the flour. That morning he was pressed into service. The mayor called him and said, 'Run, a house is on fire'. He ran along with the fire engine. The Israelis had hit the house again. The fire fighters activated the water-pump, but the Israelis attempted to bomb the fire engine. An MK helicopter was taking photos from above<sup>27</sup>. Then the shelling stopped.

A woman was screaming: 'Please help them!' Shadi entered the house. On his left he saw a baby-doll. Blood was everywhere. A girl was looking at him, her arm nearly blown off, and remaining attached only by some torn flesh. There was also an old man and his wife. The man screamed: 'Take care of Heujt, she might be alive.' 'Where is she?' Shadi asked. The man said: 'There,' and pointed to the baby-doll. Below the belly the body was scattered around the house and outside. Shadi covered her. Then he brought the injured to Naqoura. Everyone applauded when Shadi entered the bunker that evening.

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<sup>27</sup> The photos were sent to an Israeli central computer, and if they showed something suspicious, the place was bombed.

Heijt was a Melkite. The local Maronite priest came for Nadim. They were unable to bring her body into the church because of the curfew. Hours later, they collected the body parts and quickly brought them to the graveyard, where a few people attended the service. When Nadim returned, he was white. The Israelis kept shelling around the graveyard and an MK helicopter was flying above her body. My interview with Shadi was interrupted several times. The Almawi knew the Mayor was there and came to see him. A man entered the bunker and began screaming at him. The man said he had no bread for his children. He left hungry. Then others arrived looking for food.

By 20 July I was finding it difficult to convince my family that everything was under control. My mother asked, crying: 'If so, then why don't you come back home?' It was the feast day of St Elias, the patron saint. There should have been a festival, but we ended up celebrating Mass in the bunker. There were discussions that we should evacuate by organising a motorcade and ask UNIFIL to lead it, or do it on our own. I did not know what to do. I asked Rome and Naqoura for advice. They advised me not to remain on my own. Whatever happened, I would follow the Almawi, since Rome was far away and could not come, and Naqoura would not allow me to enter their compound.

The locals believed I would fly out of Tel Aviv. I had the feeling that even those in Rome held this belief. If the Israelis entered South Lebanon, however, there would be chaos. I was hoping there would be no invasion. Of course, the Israelis could easily reach Beirut in a few hours, but at what cost? Hizbullah did not have this problem. Given the systematic destruction of Lebanon, its people were growing closer to them, even the Christians.

That day, a missile struck the two-floor parish hall of the Melkite church, which was full of refugees. Fortunately it hit the house balcony between the two floors, and exploded outside. Had it landed above or below the balcony, a massacre would have resulted. Only four people were wounded. The people thanked St Elias. Pregnant women promised to name their newborn sons Elias.

That evening Issa helped me with translating an interview with a former Phalangist militiaman. We sat in the rear of the bunker, close to the Israeli positions. We had no idea if they could hear us, but we concluded they had no interest in hearing about an old war while faced with the current problems of a new one.

On 22 July I had a problem with the Crisis Unit. They said they needed to do some checks in Alma. In order to check, however, they first must contact UNIFIL. But UNIFIL could not come to Alma, so they needed

some verification from me or some other local person, since we were in the *field*. There was another sad Mass that day. People were terrified of the evacuation. The older people refused to leave. It also looked like the Israelis had invaded. We knew they had entered half a kilometre some days earlier, but not whether they had moved any further. That morning we went to the uncle's house and took showers. When we came back, we were told the Israelis had occupied some houses outside Alma. We heard the rattle of machine-guns nearby. The Israelis were using everything to destroy the valleys. I asked why they kept using cluster bombs. No one could survive that. 'Hizbullah has tunnels', a local replied. 'They hide. But this is the Israelis' fault. They have been building tunnels all along the border for five years. The Israelis saw them.' There were things about which the locals were sceptical. 'And then', a lady added, 'why have they destroyed the Beirut lighthouse, the symbol of the city? What's the logic in bombing churches?' They were shooting closer now, putting artillery on both hillsides and destroying the valley.

We ate a lunch provided by the uncle. Nadim and I felt embarrassed. People were following us asking if we needed food. Tensions were rising among the locals. Many did not believe there would be an evacuation or that the Israelis were coming, so they wanted to wait. But Hizbullah kept shelling Israel. Not a day had passed since 12 July without a bombing. One missile reached the garden. Our numbers increased. I did not know how many we were. We had no casualties that day, but many houses were destroyed.

That evening a local city councillor came. He told me that some French soldiers from UNIFIL had looked for an Italian girl named *Monica*. He told them that there was only one European in town, an Italian male named *Marcello Mollica*, who was staying in the villa. They insisted they were looking for *Monica*, miming the shape of two breasts against their chest, and that *she* was in the Maronite church. He asked them to take two Lebanese-French girls in the church who were told they could be evacuated. The soldiers insisted they had come for *Monica*, confusing my surname *Mollica* with *Monica*.

I looked at him. He was smiling, but he was disconcerted. I said there was no recognized authority who knew about my presence in South Lebanon who did not have my address and phone-number. We started laughing. Someone said that I had no cigarettes. He gave me a pack. We received a call from an Italian colonel in Beirut, who was in charge of the Italians. He was speechless. I ask him to reprimand the soldiers. After all, they could help the two girls. The councillor hugged me before he went back.

When I told the story to the people inside the bunker, they scarcely believed me. Everything seemed so surreal. I was told days earlier to be ready for someone to come. The day before, I was asked to go to the gate and wait for a UN convoy. I waited for an hour. I knew the Italian officers were doing their best. I was ready for the difficulties. I told them not to put anyone's life at risk because of me. I knew that I was their priority. However, it was difficult to digest what was happening.

When events were translated to everyone, the people were sympathetic toward me and sceptical about the UN. Some locals assured me that even if the UN convoy reached Naqoura, I would not be allowed into their compound. I replied that Rome had told me that I would be admitted. They laughed. One UN civilian officer offered his view: 'They don't know what they say'. Another clarified the point: 'Your Minister of Foreign Affairs here counts less than a UN soldier'.

That night I went out again. Everyone was trying to get permission to get out. Some had a *green card*, but that was not enough. I packed whatever I could into my bag. I had no idea about my stuff. The day before, the house next door to Nadim's house was bombed and some debris reached his house and broke some windows. No one was going there until the war ended. We kept circling the fence all night. The number of stars was incredible because there was not a single light on the ground. It was magnificent - perhaps the only benefit of the war. Three flares fell gently into the valley. If any Hizbullah were there, they could not escape. A minute later we heard many cluster bombs. Was this anthropological *participant observation*? My mind was filled with too many thoughts to continue last night's interview.

We awoke early on 23 July, to the sound of a new bombardment. I should wait for UNIFIL, I thought. Then the uncle came to pick us up. I was unsure whether to go or not. What if they came? I decided to go. The night before, Hizbullah had used a garden 200 meters away to fire their Katyusha. The Israelis were above and all around us. The Italian officers guaranteed to me that they would do something. Having an EU passport was helpful. People with other passports were not getting out as quickly. I would get out, unless something unexpected happened. It was simply a matter of passports.

## Naqoura

Ali has been counting the days since the war started. He does not remember the date. The Crisis Unit called me. I told them that I was no longer in a bunker in a Christian village. Now I was in a Hizbullah strong-

hold, outside the UNIFIL wall, under the roof of a restaurant. Despite this, they told me I would be allowed to enter the UN compound.

Ali was the proprietor of a restaurant and off-licence shop. Three UN soldiers had recently spent more than 500 US dollars there. This was Naqoura, outside the UNIFIL wall<sup>28</sup>. Ali's nephew jumped around. The children played in the street. There was more life than in Alma. There were bombings even there, but people still went out. However, my view of Alma was limited, and I did not see many people around when I was going to the uncle's house.

The officers who were assigned to my case came to the restaurant. They arranged for me to stay at Ali's. They had bullet-proof vests, but removed them to make me feel more comfortable. Ali offered Almaza<sup>29</sup>. He had lived in a huge villa on the hill, but he left it with his family because they felt safer outside the UNIFIL wall. His parents remained in the villa. His daughter attended school at Alma, and the Maronite priest was her teacher.

The UNIFIL convoy from Naqoura passed by that morning, but did not stop at the villa. I arranged for my rescue through an SMS with the Italian officers. The Israelis started bombing not far from the main street. I had to walk through that street to meet the convoy. Nadim and Issa started walking with me. Near the gate, the shelling intensified. I told them to go back. I walked for some 300 metres. The meeting-point was below a brown street sign marking the villa. People in cars covered with white sheets stopped to say goodbye to me. An old man whose house was destroyed, stopped his car and hugged me, tears flowing from his eyes. I do not know how many *Ave Marias* I said. I recited the prayer so many times that I could barely articulate the words anymore. As requested, I carried Nadim's Lebanese mobile to the meeting-point, and was supposed to leave it under the street sign. I waited there for half an hour.

At last, the convoy arrived. It was carrying wounded people. The soldiers spoke French, and asked for my passport, which they compared with the photograph the Italian officers had given them<sup>30</sup>. Finally, they allowed me to climb onboard. After they closed the door, I realised that I had forgotten to leave Nadim's mobile under the street sign. I cried for the first time since the war started. So many old people used

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<sup>28</sup> It was well known everywhere in South Lebanon that from that wall everything was smuggled out at night.

<sup>29</sup> Lebanese beer.

<sup>30</sup> It was taken by them from the Department of Anthropology, University of Kent, web side.

that mobile! Seeing my desperation, a Lebanese soldier assured me that he would personally return it the next day.

We arrived at Naqoura. The vehicle stopped in front of a petrol station. The commanding officer apologized and told me that he could not allow me inside. They brought me to Ali, who offered whatever he had to make me feel comfortable. The place was attended by French and Germans who were awaiting permission to enter UNIFIL. I spent that night at Ali's. We talked for hours. He gave me the Shi'a perspective of the broad Middle East problem: the Shi'a were being attacked from Lebanon to Iran.

I received instructions from the Italian officers to go to the gate at 8.00 am. This was confirmed by the Mayor of Naqoura. I was to help Ali's sister carry some luggage<sup>31</sup>. At 7.30 am we started walking towards the gate. The Mayor said hello to everyone. The Imam of Naqoura walked us to the gate and spoke to me along the way. When we reached the gate, we were instructed to walk to another gate half a kilometre away, and to wait there for a UNIFIL convoy carrying people from other places. But what would be the logic in that? The UNIFIL personnel were scared, because of their weak mandate and because an Israeli missile had struck their camp and destroyed all the toilets in a separate building.

There were many nationalities in our group, with children and two babies. Suddenly, the bombing started. Hizbullah riding motorbikes raced through the street. Some Katyusha rockets were launched and the Israelis retaliated. It was dangerous to be outside. A missile landed outside Naqoura less than one kilometre away. We grew impatient. The Italian officers said there was no chance that we would be allowed to enter through that gate. However, I was happy to hear that the mobile had been returned.

We waited three hours. During that time, I wrote a strongly-worded SMS to Rome and used a profanity. I ask them to contact these people and find out what they were doing. They replied that the UNIFIL personnel would arrive soon. The Italian officers appeared again and suggested that I move slowly to the second gate, staying close to the wall and leading the group. I translated for the others, picked up the luggage and started walking.

When we reached the second gate, the soldiers inspected our passports for one hour. The bombing continued and the people at the gate started pushing. We allowed the children and women to enter the

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<sup>31</sup> She was going to France, and had a dual French-Lebanese passport.

compound first. While I was dealing with the soldiers, someone from the Crisis Unit called to complain about my last SMS. I realised it was better not to reply, and wrote back that I had no time for that. Meanwhile, I saw some of my friends from Alma inside the compound.

We were all starving, so the Italians cooked 10 Kg of spaghetti for eighty people. They had been doing everything on their own since the war started. The locals who were working in the kitchen were unable to go to work at their own jobs anymore. I spent some time talking with the officers about the war. I snapped a photograph of them making pasta. When Italy won the World Cup, some of them had paraded through the streets of Tyre. Then we boarded a catamaran which conveyed us to the military boat. A French journalist conducted interviews and took pictures of us throughout the journey.

On 26 July we were aboard the French naval vessel *Siroco*. The officers in Naqoura kept telling us the boat was going to Tyre, but the people on the boat were sure it was going to Larnaca. My wife was scheduled to land at Beirut Airport that day; the Lebanese groom should have arrived from Germany last week. But the airport had been bombed eight times since the start of the war.

Israeli helicopters were flying above us; some French soldiers used harsh words. The coast and Alma on the hill were still being bombed. I could see missiles falling and then smoke rising: to my right was the limpid coast of Israel; to my left the beach to Tyre was covered with smoke. We waited for refugees from other villages, including some people from Aita al-Chaab. They told me some incredible stories. Then a journalist from *Paris Match* interviewed me. I told her that Alma seemed like a paradise after listening to the people from Aita. Some of the Almawi did not like my comment. That evening the captain announced that we were going to Cyprus.

## **A view from Europe**

I arrived in Cyprus on the morning of 27 July and the day after reached Rome. My father in Sicily had gone on a pilgrimage to a local sanctuary. He had promised to go there the same day I had left Lebanon in safety. My thoughts remained in Lebanon. I activated bank accounts with my diocese, city council, and the University of Kent.

One hundred-twenty people, including Nadim's aunt and uncle, remained in Alma; while Tyre was full of journalists. The amount of food had increased tenfold. The Maronite Bishop tried to reach Rmeisch, but was prevented. The Israelis forcibly evacuated all the surrounding Shi'a

villages and the people moved to Rmeish<sup>32</sup>. In Alma we too were prepared to receive people from Naqoura when rumours spread that the Israelis wanted to raze it. The Israelis used loudspeakers on such occasions and gave only a few hours notice.

On 9 August, television stations throughout the world announced the start of an invasion. In Tyre, no one believes it. Nadim's face appeared on Italian TV every night. He was one of the few priests who remained in Tyre. Shadi, now in Beirut, informed me that the Israelis were destroying Alma. All the houses between his house<sup>33</sup> and the villa were bombed. All Almawi remained sheltering in the Maronite church. Despite the television reports, there was street fighting in Alma and the Israelis could not enter.

Eventually the Israelis occupied a post on the Litani River, about seven kilometres north of Tyre. Hizbullah were waiting in Tyre for an Israeli incursion. But it never came. I expected to hear reports of casualties, but none were broadcast. Instead, I began to hear reports from Galilee. An Italian correspondent compared Galilee with Sarajevo. It was unfair to compare Katyusha rockets with cluster bombs. I could not accept the idea that victims were only in Galilee. Obviously the journalists could not say more.

The Israelis bombed even the parking lot where we had watched the World Cup final. The Shi'a quarters were destroyed. But the Hizbullah resistance was even stronger than before. Finally a cease-fire was declared. Many refugees returned. Conversely, many others who had been unable to leave took advantage of the new opportunity and left now.

On 15 August the Maronite Patriarch entered Rmeich; while the streets of Lebanon were filled with yellow flags. Hizbullah sang hymns and distributed Chinese candies. Cars that left covered with white sheets came back covered with yellow flags and posters of Nasrallah<sup>34</sup> inscribed with *victoire divine*.

I tried my best to collect money for the Greek Catholic Diocese of Tyre, but found myself fighting another war with people who were sceptical about fundraisers. It was like a football match: people were supporting either one team or the other. But the war was far away from my countrymen.

On 18 August Nadim returned to Alma where he became trapped among hundreds of cars covered with Hizbullah flags. His house was

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<sup>32</sup> Before the war there were 5,000 Maronites in Rmeish, now there were 40,000 people.

<sup>33</sup> Shadi lost his bedroom. Some 75% of houses in Alma were damaged.

<sup>34</sup> Sheik Hassan Nasrallah is the Secretary General of the Shi'a Party Hizbullah.

damaged. The refrigerator was full of worms. The butcher shop where we bought the lamb's heads was destroyed.

In early September, Lebanese politics claimed its first victim: Ali al-Amin, the Mufti who called for dialogue, whose house was destroyed by the Israelis. Hizbullah criticized his political speeches. On top of that, Pope Benedict XVI's comments on *Jihad* in his controversial Regensburg address of 14 September met with negative reactions. In late September, Hizbullah entered Alma al-Shaab and offered compensation for the damaged homes, ranging from 200 to 2,000 dollars. Meanwhile, a new poster appeared in Tyre, on which Berri, Nasrallah and Aoun appeared together: Christians were on both sides of the political spectrum: Lebanon was again a place of unpredictable alliances.

## Self-reflections

After leaving Lebanon I could no longer bear the frustration. It was crossing the austere confessional barriers as I saw with the Almawi Christians, passing from a pro-Israeli position to an anti-Israeli position, not pro-Hizbullah but surely against Israel too. The last thing Lebanon needed to do was divide again along sectarian lines. However, the image that persists in my mind is from *al-Manar*; it portrays the images of *their* martyrs. To what extent could they be shared?

There was a wall outside the bunker where I used to sit and reply to SMS. One day I made some notes about mourning. We often think of mourning as a collective event, as can happen in an isolated village under siege. Homansa<sup>35</sup> defined the psychological dynamics of mourning. It is an emotional experience that becomes a process of loss that can extend to the community, such as in a close community. We mourned the people who died in the bombardments; even though we had no close relationship with them. Vernon<sup>36</sup> explains how the loss of a single individual is like a partial death for every other member of that community. Both individual and community are bound together through suffering; the individual becomes a means representative of the society. Everyone in Alma belonged to the same suffering community: Melkites, Maronites, Protestants, and even me, the only Latin in the village.

So I accepted my role in the community and it assumed a religious dimension. It provided a real sense of being. The Evening Mass was

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<sup>35</sup> HOMANSA, P. (1989) *The Ability to Mourn*, University of Chicago Press, Chicago and London.

<sup>36</sup> VERNON, G. (1970) *Sociology of Death*, The Ronald Press Company, New York.

said by a Melkite priest, following the Maronite rite, and was attended by everyone, even the Protestants. The community maintained its vitality through local dramas that fostered a common consciousness. But at Heujt's funeral, any public expression of death, could not take place under the bombs, so it had to be interiorized.

In the Lebanese communities, constructed upon religious organizations, dramas are amplified. Lebanon realized itself through religious images. The community had a socio-moral meaning. New martyrs would now join the old ones. Martyrs from a new war against an old enemy were prepared to enter the religious-political arena. Their message was recognisable to their respective communities, and evoked a shared emotive response. As in the case of the old martyrs, iconography was to be used to politicise the new martyrs. Walls would be covered with the images of martyrs, both old and new, and used as a means to exclude those to whom the message was not directed.

When the Apache helicopters were flying over my head and firing into the valley in front of us, I could not see the valley. But I could define the myths of nationalism in religious terms. One of the strongest themes of nationalism is the blood sacrifice, the giving of one's life for one's country. I knew that Hizbullah were dying in that valley, achieving immortality, and setting an example for future generations. But would civilians who died in the bombardments be happy to know they died for their country? Why should the Almawi die for Lebanon? Even if the people were no longer pro-Israel, why should they die for a war they did not want?

Listening to the explosions, the subject matter of my studies became very real to me. I refer to the idea of *cost-tolerance in warfare*<sup>37</sup>, the ability to inflict more suffering on your opponent than your opponent can inflict on you. How much psychological damage could a bomb at Beirut airport provoke versus a bomb at an Israeli airport? What was the impact of 1,000 Lebanese casualties on Lebanese public opinion, or of 1,000 Israeli casualties on Israeli public opinion?

Although the Israelis hammered us continuously, the last thing I wanted to see were Hizbullah fighters turning into suicide bombers. It did not happen because the Israelis never entered Lebanon. But I could not stop thinking about it. If the Israelis had entered, the Shi'a mili-

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<sup>37</sup> ROSEN, S. & JONES, W. (1977) *The Logic of International Relations*, Winthrop Publishers, Inc., Cambridge/Massachusetts; ROSEN, S. (1972) *War, Power and the Willingness to Suffer*, RUSSET, B. (ed.) (1972) *Peace, War and Numbers*, Sage, Beverly Hills (Calif.), 167-183.

tiamen would have put on explosive belts and run towards the Israeli tanks, as they had done in the last invasion, even before al-Qaeda popularised this tactic.

In front of me I saw all the ingredients for the making of new *shahida*<sup>38</sup>, above all the willingness to suffer. I could tell from the smile on their young faces as they passed by on their motorbikes that they were ready to die challenging any sophisticated weaponry. It was natural to apply this logic to them. In all likelihood, they would never be seen again. They would be easily massacred before they could turn into suicide bombers, but even this would not prevent them from entering the long procession of South Lebanese martyrs.

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<sup>38</sup> Or whatever names the Israelis or western powers might give the Hizbullah guerrilla.



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## Socrates

The articles collected in this volume reflect a range of analyses of the different approaches to Peace and Conflict research. Whilst it is obvious that there can never be any easy answers to any of these challenges, it is, nevertheless, encouraging that so many young academics from several parts of the world should come together in Venice (San Nicólo Monastery, Lido, September 2006), under the aegis of the EDEN Network, to discuss their interdisciplinary and multi-disciplinary work.



**Deusto**

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