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UK community cohesion is being increasingly challenged by right wing groups utilising discourses of Islamophobic hostility. In the research setting of South Yorkshire and against a background of low ethnic diversity and industrial decline, the British National Party (BNP) has achieved some electoral success. However an interfaith community dialogue project has been working to challenge the growth of BNP extremism by engaging groups from white mono-cultural communities in dialogue exploring the causes and implications of prejudice on which extremism feeds. Community cohesion and peacebuilding methods generally maintain that in such circumstances bringing groups together in a process of inter-community dialogue can challenge hostile prejudice. However findings arising through this research argue that low levels of ethnic diversity and limited opportunities to meet other groups requires a different approach. This paper describes a method of intra-community dialogue developed to meet the needs of communities in the research locality that aims to challenge prejudice and hostility by enabling people to talk with each other, inside their groups, through a process of facilitated non-judgemental dialogue.

**Key words.** Community Cohesion, Peacebuilding, Extremist, Intra-community, Dialogue.

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Richard Slade is a Ph.D. researcher at the Centre for Peace and Reconciliation Studies at Coventry University utilising action research to investigate the impact of religion and peacebuilding on community cohesion in areas with strong support for right wing extremism. His research builds on a career of 40 years in social work, social and health care as a practitioner, manager and consultant focusing on child protection, mental ill-health, partnership working and conflict resolution.
Introduction

This paper arises from action research exploring the extent to which secular and religious peacebuilding may prove to be a resource for contemporary UK community cohesion. The research was centred on an interfaith community dialogue project set up to counter the divisive narratives of the British National Party (BNP), an extreme right wing group postulating the defence of white working class Christians against threats posed by immigrants and Muslims. As part of its work the community dialogue project developed an innovative process of ‘in-group’ or intra-community dialogue which may be transferrable to environments where tensions exist between groups but where it is neither feasible nor sensible to bring them together in inter-community dialogue. Drawing on peacebuilding and community cohesion strategies, this paper sets out to illustrate these dialogue processes in two ways. Firstly by exploring aspects of the development of right wing extremism that precipitated the project’s development and the consequent practical learning that helped develop intra-community processes. Secondly through an illustration of the methodological dialogue framework arising from the research which may be of interest if the approach is to be replicated elsewhere. Generally speaking any transferable learning arising from this research for interventions within the field of human security lies in the concept of prevention: in checking the development of tensions that might otherwise precipitate a crisis.

Methodology

The findings discussed in this paper arise from action research carried out between October 2010 and December 2011. A range of literature and theoretical knowledge guiding those involved in action research has proved relevant to this study. Gustaven’s exploration of the relationship between theory and action research findings, together with Mcniff et al., and Mcniff’s and Whitehead’s guidance regarding the conceptual and practical management of complex action research projects have proved useful. Montero’s exploration of the participatory nature of action research illustrates aspects of the researcher’s cooperative engagement with the community dialogue project. However, Stringer’s description of community based action research as “...a collaborative approach to enquiry or investigation that provides people with the means to take systematic action to resolve specific problems.” Most concisely expresses the fieldwork method employed. Building on this position the researcher’s key role was agreed as one focused on capturing relevant learning so as to support the project’s develop-
ment of a dialogue framework. This learning forms the basis of the research outcomes presented in this paper.

Action research focused on the community dialogue project’s involvement with nine dialogue groups that met during 2010 and 2011. The research method comprised three elements. Firstly, semi-structured interviews with members of the project management committee that explored a range of issues including the rationale for embarking upon the uncharted territory of intra-community dialogue. Secondly, the researcher became an observer and participant of a consortium providing supervision, critical peer reflection and oversight of the work of those facilitating dialogue. This provided an overview of the strategic development of the dialogue method and a detailed understanding of how learning was arising from and being applied to individual dialogue groups. Thirdly, the researcher undertook individual and group interviews with participants of dialogue session. During these interviews participants were encouraged to reflect critically on their experience of dialogue. Interview outcomes were fed into the reflective learning of consortium meetings, creating a contemporaneous link between the work of facilitators, participant experience and developing learning.

An important aspect of the researcher’s engagement was agreement that all individuals and groups would be strictly anonymous. Because of this the research project is not named since its unique activities would enable localities and groups to be identified. This would undermine both the confidential nature of discussion and might create a risk of groups and individuals being vulnerable to harassment from extremists.

Intra-community dialogue

Before proceeding further it may be helpful at this early stage to summarise some key differences, identified by this research, between inter and intra-community dialogue. Where communities face each other with hostility and belligerence, community cohesion and peacebuilding strategies commonly advocate dialogue between groups as essential in generating a climate disposed towards peaceful coexistence. Such processes are generally referred to as **inter-community dialogue** and have the usual aim of exploring difference between groups, identifying common ground and in doing so reducing tensions that could be exploited to generate inter-group hostility. However the paper argues that this approach is not the only way forward and that in some circumstances contact between groups is neither possible nor is it the most effective way forward. This may be because a group is neither ready nor willing to meet members of other groups, or there is no opportunity to do so. Given such a situation how are hostile prejudices and stereotypes towards an out-group to be addressed? The paper argues that the way forward may lie within **intra-community dialogue**. This involves people talking with each other in a non-judgemental environment, inside their groups, and with the aim of exploring the difficult feelings on which extremists feed but without the expectation of participants meeting another group.

The Community Dialogue Project

Established in March 2010, the community dialogue project’s inception and implementation built on a stand taken by local faith leaders during election periods in opposing the extreme right. Employing both public and charitable funding, the project describes its vision as: "...a resilient, interconnected society which embraces diversity as normal, positive and enriching,
and in which we share a real commitment to justice and equality for all”. The project’s key outcome is to work in such ways that: “Communities in South Yorkshire are more resilient to racist politics and divisive ideologies and feel empowered to challenge racism and faith-based prejudice in themselves and others.” The project was developed and managed by people with a spectrum of religious belief and led by a management committee with responsibility to oversee achievement of three core activities. Firstly, supporting and encouraging interaction between groups and communities that do not ordinarily mix. Secondly, developing a communications strategy to counter the effect of divisive reporting in the media. Thirdly, the provision of ‘safe spaces’ dialogue sessions within which difficult conversations around the causes and implications of racism and faith-based prejudice could take place. This third activity is the central feature of the paper’s discussion and involves dialogue facilitators meeting with groups from across the locality prepared to become engaged with the project.

At commencement the community dialogue project prioritised working with Christian congregations, reflecting a concern that BNP support was growing within such groups. All dialogue groups were set in communities where the BNP had made political headway or were looking to increase their support. However it should be noted that the BNP was not the only form of extremism operating in the research locality. Other right wing extremist groups such as the English Defence League (EDL) were similarly active: furthermore, three of the four bombers responsible for the atrocities perpetrated in London during 2005 had their homes in adjacent districts. However whilst these other forms of extremism are equally corrosive for community cohesion, only the BNP had begun to successfully cross a threshold which spanned their organisational history of racism, street disorder and direct violence and a post-millennium modernised image of respectability and their defence of national values. In doing so the BNP had made significant progress in gaining support in local authority, parliamentary and European elections.

From the outset, the project utilised a concept of non-judgmental dialogue in its work with communities. This is not to deny the importance of mainstream anti-racist and anti-prejudice strategies and campaigns. Rather it reflected a belief amongst project founders that whilst vociferously challenging racism may prevent the expression of hostile behaviours and rhetoric, and is rightly targeted on extremist groups such as the BNP, such strategies do not reach far into the lives of individuals and their communities. Indeed a significant factor behind establishing the project was the view that people felt there was little time to talk about fears and experiences leading to prejudice, felt inhibited in doing so, and feared opening themselves up to accusations of racism. By contrast groups such as the BNP have had no compunction in encouraging such discussion, as the following section of the paper illustrates.

**Right Wing Extremism in the Research Locality**

The South Yorkshire districts of Sheffield, Doncaster, Barnsley and Rotherham include communities scoring significantly above the UK national average in terms of economic, social and health deprivation. The district can be seen as characterised by the decline of heavy engineering industries and the continuing aftermath of a bitter mining dispute that took place during 1984 and 1985. With the exception of Sheffield, cultural and ethnic diversity is well below the

7. Project Documentation 2010
8. The principle funding body withdrew support for this activity just before project commencement.
9. Interviews with project founders and managers. December 2010
national average with long established, white mono-cultural working class communities being typical features of the area. Some research participants referred to their locality as ones with families living for many generations in the same community, with limited social and geographical mobility and very little chance to encounter cultural or ethnic difference. In many ways the contrast with urban conurbations in other parts of the UK, where ethnic diversity is a constant feature of everyday life, could not be more striking.

Industrial action which flared in the research region during the winter of 2009 brought to the surface many of the pressures experienced in the locality. Employment opportunities that some communities had thought rightfully theirs vanished as an international energy conglomerate, unseen and without warning, commissioned multinational subcontractors to have work undertaken by non-UK nationals. Overnight, the ‘other’ was on the threshold, taking resources that individuals and communities saw as rightfully theirs. Neighbourhoods in the research locality were already reeling from the effects of the global financial crisis, where the behaviour of distant banking entrepreneurs had suddenly and directly affected the security of many ordinary people. Now they faced a new challenge. Globalised capitalism had made a further abrupt and unwelcome intrusion into their communities in ways that had a direct impact on the capacity of communities and individuals to meet their basic and aspirational needs. Limited space prevents a much warranted discussion of the relationship between globalised financial systems and community well-being. However Cooper’s critique of community cohesion policies provides a succinct analysis of how economic factors directly affect the local environment. In his view: “The local and the global have become increasingly tangled, with social well-being at the local level increasingly dependent on decisions made by supranational institutions... and powerful international leaders at the global level.”

The British National Party (BNP), with a history of racist, anti-Semitic and xenophobic cultural violence but with a new postmillennial discourse of Islamaphobia and protecting the white working class, was soon involved in the ensuing protests which arose from this entanglement of the local and global. Despite opposition to their presence from workers, politicians and trade unionists, the group were active both on picket lines and in operating a web site coordinating industrial action. Although mainstream politicians echoed the BNP mantra of ‘British jobs for British workers’, they were powerless to act against migrants whose arrival was justified by EU employment regulation, but whose presence was perceived as a threat. Whilst the establishment appeared disconnected from the concerns of communities, the BNP were opportunistically articulating the anger, disappointment and betrayal felt by some. By doing so the BNP positioned itself so as to open a portal to an underpinning ideology of national values and resources threatened by multiculturalism and ethnic diversity.

Surprisingly, in a society commonly perceived as secular, this ideology gives a major focus to Christianity and religious identity that the BNP have melded with nationalism and British values

11. The recently abolished Yorkshire Forward Development Agency estimated that in 2009 the Yorkshire and Humber economy shrank by 5.4 per cent as a direct result of the 2008 banking crisis with employment contracting by 2.8 per cent (Yorkshire Forward. 2010).
in an unhealthy and belligerent cocktail familiar to peacebuilding practitioners. A 2009 internet blog credited to Mr. Griffin, the BNP leader stated: “The British National Party is the only political party which genuinely supports Britain’s Christian heritage. It is the only party which will defend our ancient faith and nation from the threat of Islamification. It’s not racist to support British jobs for British workers or to be opposed to militant Islam, it’s just common sense and in line with the teachings of Jesus Christ.” The group’s alignment with Christianity can be seen as a necessary counterpoint to their anti-Muslim rhetoric rather than any deep-seated spiritual awakening. However the stance also chimes with discourses of national values, provides a cloak of respectability to Islamophobic policies, and repositions the group away from their aggressive history of prejudice and racism. Eatwell’s and Goodwin’s analysis of 21st century extremism sees the BNP replacing crude biological racism with a more sophisticated position based on hostility to multiculturalism and ethnic diversity. In particular Islam and by implication Muslims are portrayed by the BNP as a source of criminality, intolerance, and in general terms a threat to the national community – and the attacks of the 11th of September 2001 and the Madrid and London atrocities are used by the BNP to homogenise violence as behaviour typical of an entire religion.

Connecting with public anxiety about terrorism is only one element of BNP strategy. Goodwin et al. suggest that a concern to understand local anxieties and especially perceived grievances around the fair allocation of resources is just as important in establishing a grassroots BNP presence, especially in areas where voters feel excluded from mainstream political parties. And is evident in election slogans such as: ”We are the Labour Party your grandfathers voted for.” Bottero’s discussion of the white working class is usefully set beside this analysis. In her view: “...their voiceless status and... increasing social marginalisation... [and] feelings of betrayal (by liberal elites and, more pointedly, the Labour Party) might drive the white working class into the arms of the BNP.” Her analysis was reflected in themes which emerged during a number of dialogue sessions including one which took place in a locality with a strong BNP presence which saw one participant comment: ”What’s the point...nobody listens to us...the BNP chap is decent and understands our point of view.”

Set against this discussion a series of themes can be identified that lay behind the growth of extremism in the research locality. The decline of traditional heavy manufacturing and mining accompanied by the decay of institutions such as trade unions and working men’s clubs that traditionally linked white working class communities and the Labour Party - and which might provide a counter narrative to extremism - had profoundly disturbed communities. Feelings of unwarranted change, powerlessness, loss and bitterness allied with experience of class prejudice were themes that have regularly surfaced in dialogue sessions. This sense of alienation was allied with significant experience of deprivation that the BNP successfully articulated as an outcome of mainstream political neglect and the deprivation of resources that have flowed instead to the ‘other’. The BNP narrative framed communities as ignored by mainstream politi-

14. For example see Horowitz. Ethnic Groups in Conflict.
cal groups, defenceless in the face of competitive immigration and threatened by the influence of multiculturalism and Islam. The BNP state that in standing up for neglected communities and advocating a return to traditional British rather than multicultural values they are articulating a view felt by many. However viewed through the lens of peacebuilding, protracted social conflict and social identity theory, the BNP can be seen as drawing hostile boundaries surrounding communal identity groups. Their construction of a malevolent out-group challenging a disadvantaged in-group represented a potential spiralling in tensions between communities.

Against this background the community dialogue project sought to establish opportunities which could challenge the BNP whose success stemmed in part from a strategy of talking empathically and openly with communities about their perceived sense of grievance and disadvantage. Whilst not consciously setting out to replicate this approach the project sought from the outset to develop a process which was both non-judgemental and challenging. The next section provides a description of these dialogue processes together with an analysis of key factors which influenced their development, and a review of the critical research themes which arose as outcomes of implementation. The processes explored are not a prescriptive formula for successful intra-community dialogue. Rather, the intention is to summarise key learning that arose through developing innovative arrangements tailored for each unique dialogue group. This learning may be relevant in other settings, providing it is customised to meet the needs of a particular environment.

**A model of intra-community dialogue**

This research identified a process for intra-community dialogue made up of three elements comprising:

- Principles for undertaking inter-community dialogue;
- Core skills which those facilitating dialogue need to be competent in; and
- A broad framework for planning and providing a dialogue session.

What were the factors behind developing this approach? It may be helpful to begin a response by providing some analysis of the communities and groups where dialogue sessions took place.

**Developing intra-community dialogue: group setting**

The data which underpins the dialogue processes and research outcomes is drawn from research with facilitators and group participants involved in nine dialogue groups distributed across the research locality involving approximately 84 participants. These groups were convened between July 2010 and April 2011. All groups were set in white mono-cultural communities. Some groups were located in working class estates; other groups reflected localities of greater affluence and a more diverse class structure. Table 1 provides an overview of the groups with which facilitators worked and from which participants were identified who agreed to be interviewed.

At first glance, table 1 suggests groups had much in common. The majority was convened by members of the clergy and had their roots in faith-based activity. This can be seen to reflect

both the project’s interfaith background and partnership working across the locality, giving easy access to ready-made networks of locally based religious groups which were used to publicise the project’s aims and objectives. However closer analysis reveals important differences which were relevant to developing dialogue processes.

**Group convenors**

People who convened dialogue groups where in a role which could be considered as one of leadership. In seven of the nine groups this person also became a member of the dialogue group, creating some debate within the facilitator consortium regarding the role of group leaders and the need for facilitators to take control of group activity in order to perform their task effectively.

**Number of sessions**

Three groups committed themselves to three dialogue sessions, three groups for two sessions, and three groups one session each. This variation was both a reflection of early uncertainty on the part of the project organisers with regard to how many sessions would be most effective in achieving their objectives, as well as the amount of time participants were able to commit. For facilitators, two or three sessions provided the best opportunities for building a relation-

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**Table 1**

<table>
<thead>
<tr>
<th>Group</th>
<th>Convener</th>
<th>No of sessions</th>
<th>No of participant</th>
<th>Type of group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1 (pilot group)</td>
<td>Clergy.</td>
<td>2</td>
<td>9</td>
<td>Specially convened faith-based</td>
</tr>
<tr>
<td>Group 2</td>
<td>Clergy</td>
<td>3</td>
<td>12</td>
<td>Specially convened faith/ secular</td>
</tr>
<tr>
<td>Group 3</td>
<td>Clergy</td>
<td>1</td>
<td>7</td>
<td>Existing Liturgy group</td>
</tr>
<tr>
<td>Group 4</td>
<td>Parochial Church Council</td>
<td>2</td>
<td>8</td>
<td>Specially convened faith-based</td>
</tr>
<tr>
<td>Group 5</td>
<td>Community Worker</td>
<td>1</td>
<td>9</td>
<td>Recreational group</td>
</tr>
<tr>
<td>Group 6</td>
<td>Clergy</td>
<td>3</td>
<td>9</td>
<td>Church campaigning group</td>
</tr>
<tr>
<td>Group 7</td>
<td>Clergy</td>
<td>1</td>
<td>14</td>
<td>Church governance group/evaluative group</td>
</tr>
<tr>
<td>Group 8</td>
<td>Church Management Team</td>
<td>2</td>
<td>8</td>
<td>Church governance group</td>
</tr>
<tr>
<td>Group 9</td>
<td>Community Worker</td>
<td>3</td>
<td>8</td>
<td>Recreational group</td>
</tr>
</tbody>
</table>
ship with a group and delivering facilitation that met the group’s needs in a way which was consistent with project objectives. Groups two and nine expressed interest in taking dialogue further by meeting people from other communities.

**Types of Group**

The nine groups can be seen to comprise 6 distinct types of groups. This differentiation is important because it directly impacted on the way in which facilitators worked with a particular group. The group cohort comprised:

- Three specially convened groups: where members of congregations were asked if they would like to take part in a dialogue session.
- One liturgy group.
- Two recreational groups - where people met for an existing reason. One group was a ‘mother and toddler’ group and another a social meeting of older people.
- One evaluative group - where a group undertook an evaluation of project facilitation processes rather than fully participating in dialogue.
- One church governance group - which involved a religious organisation’s management team.
- One church poverty action campaigning group.

**Implications**

Three groups were specially convened for the purposes of a dialogue session. Some facilitators held that these types of group would have a different set of dynamics and require a different facilitation process - for example people getting to know each other and feel secure enough to talk about difficult issues. On the other hand, the remaining six pre-existing groups would be likely to have an established pattern of dynamics, behaviour, and group security requiring different strategies for facilitators to get group members engaged in dialogue. Two groups, a governance group and a campaigning group, had an established purpose and remit, and saw an opportunity for dialogue about prejudice and racism as being important for their development, or consistent with activities in campaigning to address inequalities. Critical learning arising from these two groups centred on the usefulness of building a relationship with group members by identifying the common ground between project and group objectives. The project’s involvement with a liturgy group brought faith values and theology to the forefront of dialogue. Facilitators who worked with this group had values congruent with those of the group, emphasising the importance of matching appropriate facilitators with the identity of a particular dialogue participants. The evaluative group gave the governance body of a faith partnership organisation the opportunity to take part in a dialogue session. This group offered useful suggestions for project development, especially in being sensitive to issues which might be current concerns in some communities, for example domestic violence, but opted primarily for an evaluation of facilitation rather than engaging in dialogue objectives.

The two recreational groups presented contrasting responses which both proved crucial in developing dialogue methodology. The ‘mother and toddler’ group, which came at mid-point in the sequence of groups, proved challenging to engage. Whilst some group members did become involved in discussion, the majority failed to respond to the facilitators initiatives. Some important and basic lessons were learnt regarding continuity and clear communication between facilitators and individuals involved with groups who have asked for a dialogue session.
to be convened. They included: those convening a dialogue session would need to keep group members involved with and supportive of the initiative and crucially, facilitators must ensure that all participants give permission for their involvement. By contrast, work with a recreational group for over 50s, which came later in the sequence of sessions, provided the setting for one of the most complex pieces of dialogue facilitation, and proved important for crystallising key aspects of learning around building a relationship with a group and exploring prejudice.

Our Community

However this analysis only conveys part of the picture. Facilitator consortium meetings and interviews with participants revealed more complex and meaningful ways of describing their communities and groups. Some participants articulated a strong sense of community, defined as ‘... our village... our estate... our church’. Others saw their community, which might comprise a few streets on an estate, as a protective entity against threats posed by outsiders, ‘... people who aren’t like us, who don’t think as we do.’ Participants also described communities within communities, with boundaries based around age, length of tenure, behaviour and dress or an individual’s position on a spectrum of faith belief ranging from liberal to evangelical.

One of the more surprising research findings was that irrespective of class or occupation, many participants articulated a sense of community, that focused on an empathy with the loss and continuing underlying anger arising from the 1984/1985 miners’ strike - as if this traumatic event bought the locality together as one community. The sense of grievance which the strike continues to generate has been an important factor in the advance of the BNP, illustrating the party’s capacity to draw opportunistic links between hostility to outsiders, community perceptions of betrayal by mainstream labour movement groups, and resentment at the unfair resolution of a bitter and divisive conflict.

Developing intra-community dialogue; the community dialogue project perspective

Research interviews with project founders and managers revealed sensitivity to the needs of communities and especially the sense of alienation and disenchantment felt by some. This awareness appeared crucial in developing a concept of intra-community dialogue that emerged at an early stage of project development. Providing time and safety to engage those who may be drawn towards the BNP was seen as an important step forward in addressing the causes of what might make communities vulnerable to the influence of extremists. Alongside this there was recognition of the need to go beyond, in one respondent’s words “election time posture politics” and explore what makes communities vulnerable to the right wing voice. One respondent emphasised ”... the need to create a space of trust and dialogue which went beyond I’m right and you’re wrong.” Others stressed the importance of setting the right environment for exploring prejudice and that a climate of trust and safety was essential if the experiences and views the project was trying to reach were to be expressed. Together, these factors influenced the priority given to enabling people to talk in their own groups about why they felt as they did. Indeed one project founder argued that being with people from different backgrounds in the same room, as a first step, could make it harder to achieve these requirements and would make essential exploration of prejudice difficult. Another commented that

23. Project Management Committee member (2), December 2010, personal interview.
24. Project Management Committee member (9), December 2010, personal interview.
much could be achieved if you started with “... who you are - so much of how we feel and think about things depends on where you are in our heads, rather than the facts.”

Alongside this research, interviews provided the opportunity to ask project founders and managers whether they had considered bringing groups of different ethnicity together in order to tackle the pernicious impact of growing extremism. One project founder commented that people need to feel confident when speaking about their faith before meeting other groups; and that this is not always the case. This person believed that before inter-community contact: “People needed to feel secure that they would not make mistakes, be laughed at, offend... [and that this was] important before meeting people whose faith can be articulated more strongly.”

Another commented that starting dialogue with a group of mixed faith and ethnicity could itself present further problems. People with prejudiced views would already be closed to others and in an inter-community environment any challenge would risk moving such individuals into a corner rather than achieving change. Finally, a number of people saw dialogue sessions concentrating on white communities as a priority, because this is where the extreme right wing were most likely to make progress. Allied to this were concerns expressed by one person at the extent to which the BNP had adopted a narrative of white British identity and values being eroded by outsiders, as a prelude to targeting Christian communities. Providing a counter narrative to this development was important for some people.

However, providing such a counter narrative was easier said than done. A core belief of some project founders was that the process of changing the attitudes of ordinary people touches on areas that are difficult to talk about although – in the words of one project founder; “...if you don't get people to talk, it will be difficult for them to change.”

How was the project to start a process of dialogue capable of challenging prejudice and racism? A number of people believed that it was important to give people the opportunity to feel able to talk about what “...everyone is thinking about but not talking about - they don't talk because they might be accused of being racist.” This involved “…creating a climate of trust where people can move beyond the “I'm right; you're wrong mainstream antiracist strategy…. A climate where people can trust each other, where people feel safe... and accepted for who they are, and where they know their fears and anxieties are listened to and addressed.”

One project founder summed up the underpinning driver behind the community dialogue project approach: “It doesn't challenge racism by putting me in a room with a Pakistani or black person - it's putting me in a room with other white people where we could be enabled to talk about why we feel this way.”

However early project experience revealed that during processes of reaching out to people who may be vulnerable to extremist influence, any suggestions of racism were unhelpful, inhibiting discussion and stimulating defensiveness. The following section reveals some early lessons of dialogue which were instrumental in developing the projects approach.

**Developing intercommunity dialogue: participant perspectives**

The action research methodology provided unique access to the reflective learning and peer supervision of facilitators and included their early experiences of providing intra-community
dialogue. These experiences revealed much about community and group attitudes towards outsiders, which proved to be instrumental in developing the community dialogue project approach. It was striking that some level of hostility towards outsiders was a continual theme of group discussions. One dialogue participant provided a helpful insight into the cultural context of what amounted to apparent antipathy towards anyone who does not come from their village or immediate neighbourhood: "Fear of the outsider...people who aren't like us and don't come from round here...it's drummed into you at birth." 31 Concern about outsiders could begin with those from the next village, move on to people encountered less frequently such as fruit pickers and travellers and culminate with outsiders who were often heard of but seldom seen and rarely personally encountered—typically immigrants and Muslims. Indeed some dialogue participants revealed a strong sense of Muslims as threatening outsiders, people who were seldom glimpsed, but who nonetheless presented an intimidating difference: "People who dress differently...I read somewhere the other day there will soon be Muslims on the north Yorkshire moors...I was in (name of a locality town) and was in a lift with someone who was dressed like a terrorist." 32

Surprisingly, low levels of ethnic diversity in the locality appeared to be irrelevant to the level of hostile views expressed towards out-groups. Indeed, in some groups the more remote and distant a presence, the greater the associated crescendo of threat and alarm, suggesting that an imagined threat could be as profound as one coming from an adjacent community. However this position was for some dialogue participants combined with another view—‘there isn’t any prejudice around here—because there isn’t anyone to be prejudiced about’. Even in localities with strong electoral BNP support, any suggestion that communities might be challenged by racism and prejudice could result in hostility directed at facilitators—outsiders who think they know best. One dialogue participant of an early dialogue session set in an affluent white mono-cultural community summarised the difficulties faced by facilitators in the following terms: "After the meeting, the first one, two or three people said they didn’t see why they should be involved. ...The people who ran it were at a disadvantage to us because they were strangers to us... some of the ones there immediately thought there are no issues about racism and faith-based prejudice here so they have immediately felt affronted by having to consider that there might be. [In our community] there is no outward prejudice at all ...but when it comes down to the nitty-gritty like Muslims, that’s a sore point. People who don’t believe the same that we do. It’s more than race." 33

Clearly if people could both deny prejudice and perceive a threat of ‘the other’—even though this out-group was remote from the reality of their everyday experience—any dialogue intervention needed to be sensitively handled. Suggesting a group might be experiencing prejudice could do more harm than good. Alongside this, practical issues emerged which argued for the projects approach. One dialogue participant commented: "In our area it’s 98 per cent white British - there isn’t much diversity and we don’t get much chance to meet people. Going straight into a meeting with another group would feel artificial and frightening." 34 This view is significant: a number of dialogue participants referred to people in their communities who had

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32. Dialogue participant, reported at facilitator’s consortium meeting January 2011.
33. Dialogue participant, reported at facilitators consortium meeting January 2011.
34. Facilitators notes of dialogue session July 2010.
never met people who were not white, reflecting limited opportunities for contact with people beyond someone’s community. Set against this environment the project’s dialogue framework needed to achieve a finally balanced process of sensitivity to group culture and commitment to achieving the purposes of the community dialogue project.

**Intra-community dialogue: principles, skills and framework**

**Dialogue Principles**

Based on reflective learning arising from early dialogue sessions, a series of principles were developed to underpin the way in which the project and dialogue facilitators worked with a community:

- Building a trusting and empathic relationship with the dialogue group.
- Respecting and working with the identity of a group and its unique community or cultural context.
- Ensuring there is permission from the group for dialogue to take place.
- Understanding and taking into account the hopes, aspirations and fears of communities within which the group is set.
- Working with communities from the perspective of how they see themselves: Some communities have strong self-esteem but know that they are seen negatively by others.
- Recognising that some communities have very strong experiences of loss arising because of industrial decline.
- Identifying with the group issues they would like to explore and exercise processes they find acceptable.

These principles were to prove important in helping facilitators move from the role of outsider towards becoming a helpful presence in a group. Some principles had a practical outcome, for example identifying issues a group would like to explore and group activities such as role-play they found acceptable. Others guided facilitators towards building a trusting and empathic relationship with the dialogue group by respecting and working with the identity of a group, its unique community or cultural context, and the hopes, aspirations, and fears of communities within which the group is set. Indeed working with communities from the perspective of how they saw themselves was an important element of facilitators work. For example in-group norms of positive esteem arising from “… treating people decently and fairly…”37 proved fundamental in challenging behaviour that undermined group self-esteem by failing to treat outsiders properly.

**Facilitator Skills**

Building on these principles, facilitators were required to have an appropriate level of skill and experience in:

- Planning and designing dialogue sessions.
- Facilitating groups and group exercises including techniques such as role-play.
- Bringing examples from outside group experience into the group process.

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37. Facilitators dialogue report, September 2011.
- Assessing, understanding and working with group dynamics.
- Creating safety for facilitators and participants.
- Pursuing issues in more depth with an individual in a group and the group as a whole.
- Being able to introduce and apply relevant theory.
- Being able to introduce and work with relevant theology.
- Being able to reflect back the experience of what happened in a group to participants.
- Welcoming people's need to learn and their curiosity.
- Working with co-facilitators.
- Modelling positive communication.
- Modelling positive behaviour.

The importance of a skilled approach to facilitation was soon evident. Early experience showed that dialogue could have a powerful and potentially disturbing impact in the lives of groups and individuals, already experiencing sudden change. Indeed interviews with some dialogue participants revealed that eight months later, a dialogue session was still the source of discussion and strong views. Dialogue participants were entitled to expect that those working with them possess suitable competencies. These included skills in planning and designing a dialogue session - a crucial opportunity for facilitators to learn more about the community, and to begin building an important trusting and empathic relationship with the group - together with facilitating groups and group exercises, especially assessing, understanding and working with group dynamics. The ability to create safety for participants and facilitators was central to the dialogue process if participants were to feel secure and confident enough to discuss difficult issues. Welcoming people's curiosity and their need to learn proved a rich resource for facilitators. Indeed irrespective of the type of group and class of participants, people relished the opportunity to move beyond the kind of daily and unchallenging conversation that in the view of one participant can give a very limited perspective of the world.

**Dialogue Framework**

An unexpected feature of the research was that despite the unique nature and setting of each group, and the importance of developing a framework which did not 'shoehorn' dialogue participants into a formulaic approach, a strong commonality was apparent between groups in terms of what helped a dialogue session to work most effectively. This was expressed in the importance of each dialogue session having some form of structured approach with a clear introductory element, the dialogue session itself, and reflective conclusion. In summary:

- **An introductory element** saw an opportunity to build trust and confidence with the group - to develop a theme of 'we are learning from each other', find out through the groups eyes what it felt like to live in their community and generally to establish what the group's concerns are and to really listen to them.
- **The dialogue element** of session described the period where people felt safe in being able to look at prejudice and stereotyping in a non-judgmental environment and in ways which could challenge the divisive and hostile narratives which they may hold or encounter.
- **A reflective element** emerged as an essential ingredient in concluding a dialogue session. This involved considering key themes which had arisen in the dialogue...
session, establishing whether participants have been overly disconcerted by the
dialogue session, taking appropriate action where necessary, if there was any
action people wanted to take as a result of the dialogue session and whether peo-
ple felt differently as a result of the experience. This could include the extent to
which people felt being more ready to challenge prejudice, and in one group in-
cluded beginning to plan meeting the group from outside the community and in
another developing contact with a mosque.

Key Research Themes

An important research task was to identify any congruence between the community dialogue
projects innovative approach and theory and research surrounding existing established pro-
cesses. A review of literature revealed that most theorists see contact between groups as cen-
tral to developing a cohesive society. For example Cantle’s programme for developing commu-
nity cohesion emphasises the importance of cross cultural contact and proposes a framework
of associational, social and structural contact opportunities which can be used to bring people
together. A central concern of Cantle’s approach is to develop strategies which will address
parallel lives and the extent to which communities have little or no meaningful contact with
each other. Generally speaking the mainstream arguments supporting inter-community contact
are clear, well established - and appear to assume that contact between groups is the only
way forward. This paper argues that such a perspective fails to appreciate the cultural com-
plexity of communities beyond the parameters of urban conurbations. However the dialogue
processes described in this paper can be seen to have some parallels with theory and research
underpinning inter-community dialogue as the following review of literature reveals.

Allport in a seminal discussion of prejudice and in-group attitudes to race, argued that inter-
group contact would lead to a reduction in prejudice, providing four key conditions are in
place. Firstly, each group needs to have equal status within the contact situation. Secondly,
contact should focus on common goals. Thirdly, achieving these goals should result from inter-
group cooperation and not competition and finally those perceived to be in positions of author-
ity, whether as community leaders or representatives of governance, should be seen to explicit-
ly sanction any contact. Pettigrew’s discussion of intergroup contact theory and contempo-
rary practice sets out four processes which build on Allport’s position. Firstly, new learning
about another group can act to correct negative stereotypes which underpin prejudice. Sec-
ondly optimal group contact is likely to be most effective in modifying behaviour. This can lead
to changed attitudes and positive expectations of interactions that have further beneficial ef-
facts on attitudes. Thirdly, Pettigrew believes that anxiety is a common theme in inter-group
encounters. This emotion can lead to a negative perception of inter-group interaction which
adds to prejudice. Pettigrew's fourth process centres on inter-group reappraisal. He argues
that optimal inter-group contact leads to reappraisal of in-group norms, positive attitudes to-
wards out-groups generally.

This research argues that in hindsight some aspects of the project’s dialogue processes can be
seen to have replicated Allport conditions. For example equality between group members and

valuing each perspective and contribution was to prove an underpinning principle guiding the development and implementation of the projects intra-community processes. Allied to this was a strong faith-leader endorsement of the activity, giving legitimacy to difficult and challenging conversations which dialogue groups embarked upon. This research also revealed that some elements of Pettigrew’s processes were similarly relevant to the projects dialogue framework. Learning about another group did not arise through direct contact as recommended by Pettigrew. Rather dialogue facilitators sought to explore the implications of negative stereotypes through encouraging participants to describe personal experiences of this type of hostility. Whilst this could include examples of perpetrating prejudice, more often discussion explored occurrences of being a victim, often because of disability, class, or geographical address. Facilitators used these experiences to reflect on the causes and implications of stereotypes and prejudice experienced by participants and the extent to which people from other communities might be similarly hurt because of ethnicity and culture. In this way facilitators aimed to provide groups with the opportunity to learn more about the predicament of an out-group and the extent to which common ground might exist.

Pettigrew’s concern to minimise anxiety was echoed in the priority dialogue facilitators gave to ensure sessions were safe spaces for participants, where they could discuss fears and concerns openly without being exposed to a judgemental or a critically challenging response. Furthermore project dialogue processes reflected Pettigrew’s emphasis on reappraising group norms, behaviour and attitudes combining in a new group culture toward outsiders. When describing the new found willingness of a previously ‘conservative’ group to challenge prejudice, one facilitator commented: “I think it’s a little bit about creating a shared culture…culture in a different sense - cultural conversation and openness. So there is now a culture in say the (name of locality) group - no doubt they have their culture outside - but there is a culture of our dialogue with them, which is quite, sort of high-energy, fairly open, and pretty robust.”

Peacebuilding research arising in both the Middle East and Northern Ireland provides a basis to the community dialogue projects work. For example Church et al. describe an approach to conflict resolution which they refer to as both intra-community dialogue and single identity work and which describes a process for engaging community members in conflict resolution but for whom a culture of sectarian division is a deeply entrenched reality. Against this background the authors question the Allport / Pettigrew contact hypothesis: in their view “… increased intergroup contact has not rendered viable, reconciliation in this [Northern Ireland] society.” They suggest that what is needed in some circumstances is a process that will both engage those people most steeped in their own traditions and lead to an increase in group esteem which may be supportive of eventual contact with other communities. The authors are conscious of difficulties related to the extent to which intra-community processes may make communities more insular: “Proponents of this methodology argue that it serves as the primary way towards peace in [Northern Ireland] this society. Traditionalists in peacebuilding and conflict resolution... argue against [a] lack of focus on cross community dialogue and engagement.”

41. Facilitators’ consortium meeting. May 2011.
43. Ibid. 8.
44. Ibid. 17.
This paper argues that an inflexible adherence to either approach could be seen as unnecessarily top-down - an outsiders prescription of what is best for improving community cohesion - and is likely to fail to take into account those self-perceptions and complexities of a community which should be the starting point of embarking upon a challenging dialogue agenda. Furthermore, whilst for some communities inter-community dialogue may be an appropriate way forward this was not the case in the research locality. Only a minority of groups – two of the nine involved – expressed any interest in meeting people from a different ethnicity. Alternative innovative strategies were required which could address this position in ways appropriate to local needs and responded to concerns regarding prejudice and extremism that were rising in line with the extent to which extremists were gaining support.

Hewstone et al.’s research based on segregated communities in Northern Ireland argues that indirect contact, in-group members hearing about positive experiences of relationships that fellow group members have with an out-group, can have a positive impact on the group overall. This was clearly the case in one dialogue session where a fiercely anti-traveler discourse was challenged by another group member reporting positive and sustained relationships with members of the travelling community. More generally, dialogue sessions sometimes included accounts by participants of positive contact with people of different ethnicity. Such contributions were invariably subject to careful group reflection and appeared to give practical endorsement of the potential value of indirect contact in reappraising prejudice, but without anxiety inducing encounters with an outside group.

Chris and Turner’s development of ‘imagined contact’ provides further insight into the way in which the dialogue processes worked. Their methodology is designed for use in localities where direct contact between groups is not possible. In such circumstances they demonstrate that ‘imagined contact’ where participants work through various scenarios involving social contact with outsiders can effectively reduce prejudice. Some aspects of the work of dialogue facilitators mirrored this methodology in ways not dissimilar to those aspects of their practice described above which reflected Pettigrew’s approach. Facilitators encouraged participants to consider individual experiences of prejudice, for example because of class, or their community in terms of how they know it is perceived by others. Particularly powerful experiences of prejudice were evident in some participant’s experience of disability, especially when this involved a family member. This kind of reflection provided an opening to imagining how prejudice might be experienced by others. The other could be individuals within a participant’s community, often young people, who were perceived as outsiders because of their failure to conform to traditional rules. However dialogue could be broadened from this perspective to imagining how people from different ethnicity living within or outside the community experienced prejudice.

Alongside these strategies analysis of facilitator activity, and interviews with dialogue participants, revealed a range of broad themes that contributed towards applying the dialogue approach in a way which engaged participants. Firstly a theme of participants and facilitators learning from each other proved useful in building a respectful relationship with a group and engaging participants in dialogue objectives. Secondly it proved important for facilitators to work in pairs. This helped relationship building with a group, enhanced the quality of essential

45. Hewstone et al., "Prejudice, Intergroup Contact and Identity."
46. Hewstone et al., "Can Contact Promote Better Relations?"
pre-dialogue planning, and provided the opportunity for facilitators to adopt or change roles when a dialogue session is underway. Thirdly some of the issues explored could produce anxiety and discomfort. Facilitators learnt to maintain a balance between providing a structure – which is what people expected – then shifting towards working with people as equal partners. Finally, religion was an important factor in most groups. In some it formed the rationale for the group’s existence: in others religious organisations provided the buildings which enabled a group to meet. However in some groups, faith identity and faith values moved quickly into the background with participants being preoccupied by more secular issues. Some facilitators found it easier to work with people who did not focus on faith identity although in other dialogue sessions faith provided an ‘opening’ with beliefs which helped people to think about prejudice and racism. Some Christian participants felt that anti-faith and anti-Christian prejudices were issues in their communities. Being helped by facilitators to discuss these experiences enabled people to challenge prejudice and assumptions about people they have not met: ‘we’ve had these experiences: what about other people who experience prejudice’.

Overall these strategies proved to be a useful entry into deeper discussion about prejudice and appeared crucial in helping the community dialogue project meet a series of complex and contradictory requirements. They helped the project focus on communities which could be vulnerable to right wing extremism - but without alienating participants by making them feel they had been problematised as prejudiced. They underpinned the development of a dialogue approach that strived to help participants feel safe and secure in expressing their feelings and concerns – whilst challenging and providing a counter narrative to sometimes antipathetic discourses focusing on outsiders. At no stage was this an easy balance. However the community dialogue project’s innovative efforts may represent an important community cohesion resource transferrable to similar localities.

Conclusion

This paper set out to describe the action research outcomes of a study focused on a community dialogue project engaged in a challenging and important task. The dialogue processes outlined in this paper which arise from the projects work are not prescriptive. Rather they illustrate a form of intervention which can be applied when contact between communities is not feasible but where groups remain vulnerable to the hostile and divisive attention of extremists.

Many of the experiences and feelings articulated in dialogue groups and by research participants suggest feelings of discomfort and alienation. These can range from a disconnection from mainstream governance groups, through to previous industrial disputes remaining as a source of grievance and unresolved resentment. Some people involved in the research articulated a strong sense of apprehension regarding outsiders. In much of the research locality the communities where this model of community dialogue has been developed are characterised by low levels of ethnic diversity. However this ‘absence of presence’ has not prevented the development of hostility towards ethnic minorities. Although these perspectives may be constructed in part by limited social mobility and little contact with groups of other ethnicity, some of this apprehension may also be related to fears about individual and group capacity to meet basic needs. These fears are driven in part by a cultural history of strong and unresolved resentment arising from industrial decline and a significant industrial dispute. Community cohesion strategies appear to have difficulty in acknowledging the relevance of these powerful
forces such as these. This is regrettable since they can be seen as an instrumental factor behind the electoral and community support of the extreme right wing and argue that community cohesion strategies should pay closer attention to the situation of white monocultural communities.

Against this background a community dialogue project has developed an innovative approach customised to meet the needs of local communities. This approach does not seek to rival or offer any kind of shortcut to inter-community processes which are commonly found in peace-building and community cohesion methods. However in areas of low levels of ethnic diversity, and where communities offer a complex range of reasons preventing them from meeting with other groups, another process is necessary in order to challenge the fears and prejudices on which extremism feeds. The community dialogue project has aimed to provide a non-judgemental environment in which people can consider why they have negative feelings which others can exploit and to explore alternative ways of seeing the world where outsiders are not a threat.

A significant area for future research lies in exploring the effectiveness of the community dialogue project’s approach. Research undertaken so far reveals encouraging levels of satisfaction amongst dialogue participants regarding their involvement in the processes. However more work is needed to evaluate the long-term effectiveness of participant experience.
Bibliography


Tactical Rape as a Threat to International Security: A Norm Develops

By Brenda Fitzpatrick*

A norm rejecting what this paper defines as ‘tactical rape’ emerged in the 1990s. The development of the norm was influenced by legal findings from the International Tribunals on Yugoslavia and Rwanda. It was strengthened when the UNSC accepted that the use of rape and sexual violence as a tactic of war was a security issue. Tactical rape goes beyond rape as a weapon of war. It is rape used as a tactic by State or non-State actors to attack enemy forces or groups in intra-state or inter-state conflicts. Tactical rape targets civilians. It is a specific strategy to control, change, destabilise and destroy civilian communities. It is widespread, deliberately promoted or condoned by at least one party to a conflict, may constitute a crime against humanity and may be used as a weapon of genocide or ethnic cleansing. If recurrence of civil wars is to be prevented, there must be justice for survivors in the aftermath of violence and an end to impunity for those who perpetrate these violations of international law. The focus of this paper is the use of tactical rape and sexual violence against women and girls in situations of war. It analyses progress in developing a norm rejecting such violations of international law.

Key words: Rape, War, International tribunals, Security Council.

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Introduction

Rape in war has long been a reality. In 1992, after visiting refugee camps and women’s groups in and around Zagreb, a team from international aid agencies reported that women from conflicting parties were, “of course” being raped by opposing combatants; the team had heard, many times, “that’s war” with accompanying shrugs. These comments were indicative of the chilling acceptance frequently exhibited to abuse in war. The visit report noted that the two types of rape which refugee women and women’s groups had been highlighting in the conflict between Serbs and Bosnians were rape as a by-product of war and rape as a weapon of war. The response from staff in international organisations was to dismiss the term, “rape as a weapon of war”, as merely provocative or an attempt to be clever or strategically useful by developing a term designed to attract attention to what was deemed a women’s issue. These attitudes indicated that they did not take seriously the reality that rape is a weapon, deliberately planned and systematically implemented. Their comments seemed to indicate a failure to recognise that such rape was an issue for communities, men, women and children.

This failure continued throughout the 1990s. The conflicts in the former Yugoslavia and in Rwanda which occurred in the early 1990s involved widespread use of tactical rape. These conflicts were followed quickly by more widespread use of rape in Kosovo in 1999. Then, the response from one senior executive in an Australian humanitarian agency was, “rape is not a story – men are being killed”. Despite its prevalence in war, rape had traditionally been largely ignored. Rather than seeing it as a violation of humanitarian law or as behaviour which was preventable, there had been an acceptance of rape as an inevitable part of conflict. Such a restricted view had centuries of negative implications for women and communities and had facilitated the ongoing use of rape in war. This persistent denial and mischaracterisation of war rape had according to Farwell:

“...reinforced its acceptance as a natural, if regrettable, aspect of war rather than as a crime under humanitarian law. Implicit tolerance by military and political leaders signifies implicit permission [and] can lead to condoning it and thereby to an overt strategy that utilises rape as a weapon of war.”

1. Fitzpatrick, Rape of Women in War, 21.
2. Ibid 21-22.
This long standing refusal to confront the use of rape in war, finally, gradually, began to be overcome as the 1990s progressed.

This paper analyses discourse around the development of normative rejection of what the paper terms and will define as ‘tactical rape’; discourse which led to normative rejection of the broader concept of sexual violence in war. The discourse will be analysed in the context of understanding the changing nature of war, analysis of emerging case law and United Nations Security Council (UNSC) resolutions which have contributed to such a norm rejecting tactical rape and sexual violence in war. This is based on John S. Dryzek’s definition of discourse as “the sets of concepts, categories and ideas that provide ways to understand and act in the world, whether or not those who subscribe to them are aware of their existence”, and the definition of norms as “collective expectations about proper behaviour for a given identity” as distinct from principled ideas which are defined as “beliefs about right and wrong held by individuals”. The collective expectations of the international community will be seen to have changed, with concomitant changed expectations of behaviour regarding tactical rape and sexual violence in war.

This paper examines the question: to what extent has there been an increasing commitment by the international community to reject tactical rape and sexual violence in war since the early 1990s? Its focus is primarily upon the international level because it is there, this paper argues, that there has been considerable and, in some ways, steady development since the 1990s. Understanding of tactical rape eventually led to the realisation that sexual violence in war needed to be confronted if women, men, communities and states were to be secure and also to an understanding that if women were vulnerable to sexual violence in peace they would be even more vulnerable during war. There are other related questions to be answered: what contributions did the conflicts and ad hoc International Criminal Tribunals for the former Yugoslavia and for Rwanda make to the international community’s eventual rejection of tactical rape? What degree of understanding and commitment to rejecting tactical rape and understanding the broader concept of sexual violence is really reflected in UNSC resolutions since the early 1990s? To what extent do interests of human security and international stability intersect and contribute to a normative rejection of tactical rape and sexual violence? What more is needed to demonstrate a serious international commitment to rejecting tactical rape and sexual violence?

This paper argues that tactical rape and sexual violence have finally been recognised as an issue of international security because the uncontrolled or ongoing use of these abuses is a threat to human security and to international peace and stability. In 1999, a political paper entitled Doctrine of the International Community stated, “We cannot turn our backs on conflicts and the violations of human rights in other countries if we still want to be secure”. Political will to confront tactical rape and sexual violence in war has followed more from a gradual

7. The term ‘rejection’ is used in this paper as being seen to be more active than ‘condemn’. It is acknowledged that ‘prohibit’ or ‘outlaw’ could be used.
8. Dryzek, Deliberative global politics. VI.
realisation that these can be illegal, destructive and de-stabilising tactics used primarily but not exclusively, against women and girls. This greater understanding of the nature of tactical rape has resulted in acceptance that it represents a threat to international peace and security and, as such, must be confronted.

Defining tactical rape and sexual violence against women in conflicts

Tactical rape goes beyond rape being just a weapon of war. It is rape which is used as a tactic by state or non-state actors to attack individuals, groups and communities deemed to be enemies in conflicts, which may be intra-state or inter-state. Tactical rape targets civilians. It is a specific strategy to control, change, destabilise and even to destroy the nature, economics and culture of civilian communities. It can constitute a threat to the very existence of a given group. It can be a strategy to remove populations from one geographic area to another. It is a widespread, deliberate policy of attack, promoted or condoned by at least one party to a conflict and it may constitute a war crime, a crime against humanity or a weapon of genocide, of torture or of ethnic cleansing.

Tactical rape as a military strategy has an immediate negative physical and emotional impact on women and on civilian populations (including men) during conflict. Because of how societies are constructed, there are also long lasting negative economic, cultural and social impacts on women and civilian populations. Cases and accounts from the former Yugoslavia and Rwanda in the 1990s, in particular, illustrate these effects. They also show that tactical rape is a threat to human security; a threat to the security of women; a threat to the security of populations and a threat to international security. Tactical rape hinders transitions from conflict to peace, hinders peace making, destabilises communities and states. Tactical rape in war is a reality, a weapon which specifically and deliberately targets civilians, a perniciously effective weapon with immediate and long-term destructive impact. It is a real threat and the international community has a responsibility and a self-interested motive to confront, prevent and hold accountable those who perpetrate tactical rape.

Tactical rape as defined in this paper is essentially a military weapon, used to achieve political ends. There are other types of rape in war: rape of individuals by individuals; rape by the rogue soldier or criminal who acts without any authorisation. These can be referred to as by-products of war and the concomitant breakdown of law and order. There can be rape offered as a reward for victorious forces. During the Russian army advance through Germany, two million women were raped with Stalin’s blessing on the grounds that “the boys are entitled to their fun”.11 There has been a long tradition of victors claiming the right to rape and licence to rape has been used as a term of employment for mercenary soldiers.12 In recent wars, particularly in the Democratic Republic of Congo and Darfur, men have been targeted for rape. These uses of rape must all be condemned. However, these types of rape in war are not the subject of this paper, which focuses on tactical rape and sexual violence as used primarily against women and girls, with acknowledgement that men are, at times, also targeted and women may, at times, be complicit. There is no assumption that all men rape nor that all military men rape.

12. Chinkin, ‘Rape and Abuse of Women in International Law Symposium – the Yugoslav Crisis’
In the 1990s, there was pressure from the public, media and non-government organizations (NGOs) to respond to widespread and systematic rape in the former Yugoslavia and Rwanda. Analysis of the discourse requires clarity in terminology. Gender based violence includes, but is not confined to, violent acts such as rape, torture, mutilation, sexual slavery, forced impregnation and murder and threats of such acts. Sexual violence is a term frequently used in overlapping and potentially confusing ways. The Statute of the International Criminal Court, when defining crimes against humanity, lists: "rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity". This list is repeated when defining war crimes and is extended to include, "any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions". Sexual violence is a comprehensive list in which rape appears. After reaction to reports of tactical rape in the 1990s, the United Nations began to take sexual violence in its many forms seriously and, as will be seen later in this paper, the broader term of sexual violence, which included rape used as a tactic of war was most frequently applied. Sexual abuse has been defined as “actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions”.

In 1996, widespread sexual violence was defined as sexual violence “committed on a large scale” and directed against a “multiplicity of victims”. In 2000, the International Criminal Tribunal for the Territory of the former Yugoslavia (ICTY) said that systematic violence referred to the “organised nature of acts of violence” and not “random occurrences”. In 2008, widespread or systematic violence was said to refer to violence during conflict perpetrated by armed groups “as a strategy of warfare for obtaining political and military ends” [...] used to torture, terrorise, demoralise, injure, degrade, intimidate and punish affected populations”. Taken together, these definitions draw out the key elements of widespread and systematic sexual violence in war, which often includes tactical rape.

The changing context and implications for use of tactical rape

Attitudes to rape in war began to change in the early 1990s with increased recognition of rape in war as a policy-based attack against civilians, requiring it to be considered “as a weapon, a targeted act of terror, rather than merely as a by-product of the violence surrounding war”. Mary Kaldor wrote of “new wars” tending to avoid battles, aiming at control of territory through “political, psychological and economic techniques of intimidation”. When referring to wars in the Balkans and Africa, she wrote that in these conflicts, “warring parties share the aim of sowing ‘fear and hatred’ ... [and] create a climate of insecurity and suspicion”. She also said, “Essentially, what were considered to be undesirable and illegitimate side-effects of
old wars have become central to the mode of fighting in the new wars”. While Edward Newman claimed that Kaldor had overstated the differences between old and new wars, he acknowledged that tactics such as widespread rape characterised current conflicts.

Herfried Munkler described how, as super-powers developed, it became increasingly difficult for smaller groups to engage in the traditional battles of armies against armies. Such groups often used methods which did not require complex technology and weaponry. Attacks on civilians increased. Munkler highlighted the increased role of children as soldiers, but failed to highlight the place of women as particular targets in civilian populations. Yet much of what he says in general can explain the particular use of rape as a tactic in new wars: “the country's civilian population.....falls prey to those who, with the help of their armed henchmen, exercise control over them”. Munkler noted, too, that one of the crucial factors in the emergence of new wars is “the fact that they have become cheap to wage”. This certainly applies to the use of rape as a tactic. Munkler said, “Civilian targets are now taking the place of military objectives” so it becomes urgent that there be some defining acceptance of rules of engagement regarding attacks on non-combatants – including women. Such attacks must no longer be tolerated. Christoph Schiessl referenced a pro-Serb organisation which denied the reports of rape by saying they had investigated and found there were no reliable reports of “more than average war-time rape”. He highlighted the move during the twentieth century of targeting civilians: in World War II, civilian deaths accounted for 60 per cent of casualties; in the Korean War there was one military death for every five civilian deaths; in Vietnam it was one soldier to thirteen civilians; in some Third World wars civilian deaths account for 90 per cent of fatalities.

As part of the civilian population women and girls experience generalised violence during conflicts. They may be killed, murdered, imprisoned or tortured. But, as a result of their gender, they experience additional, more specific violence: they can be raped; forced into prostitution; suffer forced impregnation; be pressured by social and cultural attitudes into abortions; suffer particular forms of humiliation, degradation, rejection and exclusion. Waging wars by attacking civilians and communities provides fertile ground for the use of rape as a deliberate tactic of war, a deliberate form of attack. The current climate of impunity in most post-conflict contexts allows the many forms of violence, including sexual violence, to flourish and it has probably become more dangerous to be a woman than a soldier in an armed conflict. Lack of political will to end the vicious cycle of impunity is a serious impediment to the prevention of sexual violence.

This paper argues that patriarchal societies are particularly vulnerable to tactical rape. While patriarchal societies vary, there are some common attitudes which place women as subordinate to men. In some cases women are viewed as the possessions of men, needing to be protected by men and such attitudes contribute to violence against women. J. Ann Tickner stat-
ed: ‘Patriarchy is institutionalised through legal and economic, as well as social and cultural institutions’. It is a framework of particular social relationships, values and hierarchies within communities: constructions which underpin the impact of tactical rape and sexual violence in war. Patriarchy is an element of cultural identity which affects both men and women. It is an aspect of cultural identity which renders whole communities vulnerable to the destructive force of tactical rape and sexual violence in war. This was highlighted by Binaifer Nowrojee:

“The humiliation, pain and terror inflicted by the rapist are meant to degrade not just the individual woman but also to strip the humanity from the larger group of which she is a part. The rape of one person is translated into an assault upon the community through the emphasis placed in every culture on women’s sexual virtue: the shame of the rape humiliates the family and all those associated with the survivor.”

Accounts from survivors, examined below, confirm this analysis of Binaifer Nowrojee that in patriarchal societies, raping a woman perceived to belong to a man sends a clear message about victory in relative power relations.

Testimonies from victims in Rwanda and the former Yugoslavia illustrated the impact of tactical rape on women – impact which went beyond the agonising physical suffering they experienced. Perpetue, from Rwanda, was raped for days by various groups and had her legs held open while the sharpened end of the stick of a hoe was pushed into her. She found temporary refuge before being raped again. In the telling of these horrific events she said, after the last rapes,

“I was left alone and naked. I decided to try and escape. I couldn’t walk properly and so was on all fours. When people passed me, I sat down and stopped walking so they wouldn’t know I had been raped because I was ashamed."

The fact that the victim felt shame was an addition to her plight that goes beyond the terrible physical attack and reflects the constructed, value of herself as somehow ‘lesser’, which is likely to be imposed by her community. The same sense of imposed degradation and heartbreaking sorrow was reflected when she said, “you can’t ever forget. Until I die, I’ll always be sad”. Tactical rape has long lasting negative effects.

Josepha said, “Rape is a crime worse than death”. Goretti, who was abducted and kept in sexual slavery as a ‘wife’ said, “Rape is a crime worse than others. There’s no death worse than that”. Nadia aged eleven when militia attacked her house and severely traumatised after seeing them hack her brothers to pieces in front of her two years earlier, was taken and raped at least five times. She said,

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34. Ibid. 26.
35. Ibid. 26.
36. Ibid. 28.
37. Ibid. 35.
38. Ibid. 34.
"He threatened to kill me with his machete. He would keep the machete near the bed while he raped me. I have never told anyone before what happened to me. I am ashamed and scared that people will laugh at me."39

Shame such as this is imposed. It is constructed. Medical practitioners have reported rape victims being reluctant to seek medical treatment because of the fear of being judged because "society is looking at you" and they feel such shame.40

These accounts highlight that the suffering of individual women victims of tactical rape and sexual violence can be intensified in a community which is culturally patriarchal. In most societies, physical attacks and violations can be exacerbated by feelings of shame and of being less valuable as well as of being less valued. Such a change and loss of perceived value can impact negatively on women’s access to health services at times when needs are almost certain to be intensified, on women’s economic status and ability to benefit from and contribute to the economy of their societies, on inheritance and identity of children born of tactical rape.

Boose recognised the courage of the women who survived attacks such as these and who went on to testify, at great personal cost in many cases.41 She posited that the way rape is socially constructed means that in patriarchal societies it is primarily perceived as a violation defiling male members of families and communities, who have accepted responsibility for protection of ‘their’ women. Boose concluded that, “the more patriarchal the culture, the more vulnerable it becomes, all the more likely are the women to become targets for enemy rape”.42 Rape in war is closely linked with gender constructs in societies and the impact on communities and societies contributes to tactical rape and sexual violence in war being effective in achieving destruction and damage of those communities and societies. Feminist analysts have highlighted links between rape in war and underlying gender relationships: “sexually manifested violence in armed conflict is an aspect of the subordinate position of women globally”.43

The ICTY Trial Chamber quoted testimony from a medical worker:

"The very act of rape, in my opinion – I spoke to these people, I observed their reactions – it had a terrible effect on them. They could, perhaps, explain it to themselves when somebody steals something from them or even beatings or even some killings. Somehow they sort of accepted it in some way, but when the rapes started they lost all hope. Until then they had hope that this war could pass, that everything would quiet down. When the rapes started, everybody lost hope, everybody in the camp, men and women. There was such fear, horrible."44

People who are raped and people who know of the rapes are all affected so that they are disempowered and resistance is weakened while physical and emotional damage is caused. One interviewee, speaking about events in Rwanda, said, "Many women begged to be killed during

39. Ibid. 34.
40. Human Rights Watch, FIDH interview, Dr Emile Rwamasirabo, Director, Kigali Central Hospital, Kigali, March 16, 1996.
41. Boose, 'Crossing the River Drina'.
42. Ibid. 70-96.
44. ICTY Trial Chamber Tadic ICTY (IT-94-1) para. 175
“Sexual mutilations included the pouring of boiling water into the vagina; the opening of the womb; to cut out an unborn child before killing the mother; cutting off breasts; slashing the pelvis area; and the mutilation of vaginas.”

Such actions are a destructive image of attack on future generations and are intended as a direct demeaning of the value of women as well as savage personal physical attacks. Canadian members of the UN peacekeeping force in Rwanda testified and one witness, Major Brent Beardsley, stated:

“One, when they killed women it appeared that the blows that had killed them were aimed at sexual organs, either breasts or vagina; they had been deliberately swiped or slashed in those areas. And, secondly, there was a great deal of what we came to believe was rape, where the women's bodies or clothes would be ripped off their bodies, they would be lying back in a back position, their legs spread, especially in the case of very young girls. I'm talking girls as young as six, seven years of age, their vaginas would be split and swollen from obviously gang rape, and then they would be killed in that position. So they were lying in a position they had been raped; that's the position they were in.

Rape was one of the hardest things to deal with in Rwanda on our part. It deeply affected every one of us. We had a habit at night of coming back to the headquarters and, after activities had slowed down for the night, before we went to bed, sitting around talking about what happened that day, drink coffee, have a chat, and amongst all of us the hardest thing that we had to deal with was not so much the bodies of people, the murder of people – I know that can sound bad, but that wasn't as bad to us as the rape and especially the systematic rape and gang rape of children. Massacres kill the body. Rape kills the soul. And there was a lot of rape.”

Major Brent Beardsley was a professional soldier. The women and children of whom he was speaking were strangers to him, from another country. His testimony is a powerful description of the use of rape in war and the impact it has on survivors as well as victims.

The impact of tactical rape is even greater when the rapes result in pregnancies and is heightened when there is the belief in strongly patriarchal societies that children ‘belong’ to their fathers. In 1992, a well-educated and professional woman in Zagreb told a visiting team from an international agency, “Part of me will always believe – deep down - that any child I bear is the child of his father”. In Rwanda, customary law accords men the role of head of the family. They inherit property, name children and transmit the family name.

45. Human Rights Watch/FIDH Ester Mujawayo of the Association for Widows of the April Genocide, March 18 1996
46. Coordination of Women’s Advocacy, ‘Mission on Gender-based War Crimes Against Women and Girls During the Genocide in Rwanda. 7.
47. Nowrojee, ‘Your justice is too slow’. 1.
when ethnicity was registered, it was the father’s ethnicity which was transmitted. If the hus-
band dies, children can be taken from the wife by the husband’s family as the children ‘belong’
to the husband and his family. This has serious implications for inheritance laws and recogni-
tion of children. They are the children of their fathers even when the result of rape. The effect
of tactical rape is long term and multi-facetted.

**Slow beginnings of change in attitudes to tactical rape and sexual violence in war**

Change in attitudes and values can be brought about by the realisation of the applicability of
relevant law, by institutionalising new attitudes and by shared statements of commitment to
change. In the 1990s, the international attitude to humanitarianism had begun to change. In
the years that followed, the voices of NGOs were heard more clearly. The sanctity of sover-
eignty was being challenged by the notion of a responsibility to protect. International case law
as it emerged from the ICTY and ICTR provided a basis to establish state obligation to pre-
vent, prosecute, hold accountable and disallow impunity for perpetrators of tactical rape in
war. It was demonstrated that existing international law could and should be applied. Existing
legal obligations were highlighted. There was greater understanding of the relevance and ap-
plication of customary law, humanitarian law, human rights law and, importantly, judicial case
law.

Writing in 2003, Kelly Askin noted, “ten years ago... there was debate as to whether rape was
even a war crime. Since that time, the Tribunals have developed immensely the jurisprudence
of war crimes, crimes against humanity and genocide”. The Tribunals dealt with events in
different contexts – one African, one European – but both dealt with arenas where tactical
rape was perpetrated. Their similarities and their differences helped to ensure a broad under-
standing of the issue.

**The use of tactical rape and sexual violence in the former Yugoslavia**

The conflict in the former Yugoslavia exemplified the development of new wars. This was not
a war in which armies confronted and battled other armies. This was not essentially a battle
across international state borders but it was a conflict in which accepted international humani-
tarian and human rights law were applicable and contravened. The aim was for control of ter-
ritory but the methods and strategies focused on control of civilian populations. Achievement
of the goal depended on “getting rid of all possible opponents”, creating “an unfavourable en-
vironment for all those people it cannot control” and it depended on “continuing fear and inse-
curity and on perpetuation of hatred of the other”. Mary Kaldor provided a summary of the
strategies employed to gain territorial control: systematic murder; ethnic cleansing; rendering
an area uninhabitable - physically and economically: defilement through systematic rape and
sexual abuse. This conflict was notable because such strategies were reported and con-
demned rather than accepted as unfortunate but ultimately inevitable in war.

In December 1994, the report of the UN’s Commission of Experts recorded claims that in the
former Yugoslavia, ‘there were approximately 1,100 reported cases of rape and sexual assault:
about 800 victims had been named or were known to the submitting source; about 1,800 vic-

50. Kaldor. 98.
tims had been specifically referred to but not named or identified sufficiently by the reporting witness; witness reports through approximations referred to a possible further 10,000 victims'. This report identified several different categories of rape, which included some committed as the result of individual or small group conduct “without evidence of command direction or an overall policy” and urged distinction between such “opportunistic” crimes and the use of rape and sexual assault as a method of “ethnic cleansing”.

Rape related to ethnic-cleansing was identified as either those rapes which were instances of a deliberate policy of commission where such acts were encouraged or cases which pointed to a policy of omission, where violations were ignored.

This UN Commission of Experts’ report identified recurring characteristics of rapes and sexual assaults and concluded that the patterns suggested that a systematic rape and sexual assault policy existed. The report noted that some level of organisation would have been needed to account for the large number of rapes which occurred, particularly in places of detention. When considering the correlation between media attention and the decline in the number of rapes and assaults, it suggested, “that the purposes for which the alleged rape and sexual assault was carried out had been served by the publicity” and that this, in turn, “would indicate that commanders could control the alleged perpetrators, leading to the conclusion that there was an overriding policy advocating the use of rape and sexual assault as a method of ethnic cleansing”.

The report noted, too, that there was evidence of deliberate impregnation of women raped. It was reported that “perpetrators tell female victims that they will bear children of the perpetrator’s ethnicity and that the perpetrators were ordered to rape and sexually assault them … [and] perpetrators tell victims that they must become pregnant and hold them in custody until it is too late to get an abortion”. These would be children of the fathers’ ethnicity. Such deliberate acts of impregnation could be seen as an indicator of intent to destroy a group and were taken into account when the ICTY, as will be seen below, was deciding that tactical rape and sexual violence under certain conditions constituted genocide.

A report by Human Rights Watch focused on events in Foca, a town of about 40,000, after the Serb takeover in April 1992, when local authorities established a "Crisis Committee" to coordinate the Serb military and police in their campaign of "ethnic cleansing": detaining, arresting, expelling, raping, torturing, and murdering the non-Serb population. Foca became known as the site of "rape camps" where non-Serb women were detained and abused. Young Muslim women and girls were among Foca’s principal victims. They were reportedly raped on a daily basis and enslaved in a context of other crimes such as murder, torture, and the destruction of civilian property and religious sites. Tens of Muslim women, some as young as twelve years, were detained in the town and forced to have sex with dozens of men. Four accused were eventually indicted and charged at the ICTY. A witness told the court how one “owner” of four women had forced them to dance naked on a table, had told them they would be executed at the nearby river and then took them there. Another witness told how her mother and

53. Ibid.
54. Ibid. 8-9.
55. Ibid. 7-8.
56. Human Rights Watch, Bosnia and Herzegovina."
brothers had been killed and she had been raped by about fifty men. When asked by the prosecutor how she felt after the gang rape, she responded, “I felt dead.” After raping one witness, one accused had told her he could have hurt her much more, but would not since she was about the same age as his daughter. The documented rapes indicated a systematic approach. The growing awareness of this systematic approach, an element of tactical rape, was illustrated in UN statements in 1993 and 1994: ECOSOC referred to “the systematic practice of rape” being used in the ethnic cleansing; the UN General Assembly noted its conviction that “this heinous practice constitutes a deliberate weapon of war in fulfilling the policy of ethnic cleansing”. Rejection was coming with recognition.

The International Criminal Tribunal for the former Yugoslavia (ICTY)

The establishment of the ICTY “constituted an important precedent for multi-lateral action towards institutionalising respect for the rule of law and principles of individual justice” and concluded that “this suggests that these norms are being taken increasingly seriously and are being given priority over other fundamental principles of order such as sovereignty and non-intervention”. Institutionalising attitudes and values became an increasingly important element in developing the rejection of tactical rape and sexual violence in war. The establishment of the ICTY was perceived as demonstrating that human rights norms were progressing from the first phase of institutionalisation of new norms into international law. As the ICTY progressed, tactical rape and sexual violence in war achieved recognition as crimes against humanity, as war crimes and as gross violations of human rights.

The ICTY was limited in its time frame and geographic range and was accepted politically as “an exceptional step needed to deal with exceptional situations”. It was established “for the purpose of upholding universally agreed principles firmly established in international law”. It was justified on the grounds that it was not intended to establish new norms or precedents but to investigate and prosecute within the framework of established norms and standards. It provided new insights into tactical rape and sexual violence in war as practices within the definitions and mandates of already accepted international humanitarian and human rights law. It tested tactical rape and sexual violence in war against accepted norms and standards. At the ICTY, a war crime was defined: “a single act by a perpetrator taken within a widespread or systematic attack against a civilian population entails individual responsibility and an individual perpetrator need not commit numerous offences to be held liable.” Further, it could be inferred that offences could be deemed to have been committed in a “systematic or organised” fashion by the nature of the crimes and that the test of a war crime could be satisfied by either a state policy or that of non-state forces including terrorist groups or organisations.

The ICTY identified the objective elements of rape in international law. It is the sexual penetration, however slight, of the vagina or anus of the victim by the penis of the perpetrator or

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60. Ibid. (Accessed 5 July 2007).
65. Ibid. 400.
67. Birdsall. 403.
68. Prosecutor versus Dusko Tadic para. 649.
any other object used by the perpetrator; or penetration of the mouth of the victim by the penis of the perpetrator and the definition also included rape when such penetration was perpetrated by coercion or force or threat of force against the victim or a third person.\(^7\) This definition, particularly the elaboration of the possible nature of coercion and force, was important in moving from the requirement of proof of non-consent, and it was judged that “any form of captivity vitiates consent”.\(^7\) The ICTY also emphasised that while force, threat of force or coercion are relevant, these factors are not exhaustive and the emphasis must be placed on violations of sexual autonomy.\(^7\) Sexual autonomy was ruled to be violated “wherever the person subjected to the act has not freely agreed to it or is otherwise not a voluntary participant” and factors such as force, threat or taking advantage of a vulnerable person provide evidence as to whether consent is voluntary.\(^7\)

The ICTY ruled, too, that no corroboration of the victim’s testimony was required and that the prior sexual conduct of the victim was not admissible in evidence. This obviated legal approaches, which might attempt to undermine the testimony of survivors. Further, according to the ICTY “there can be no question that acts of rape may constitute torture under customary law”.\(^7\) It was judged that one accused used sexual violence as an instrument of torture and subordination, “since he committed the rapes with an aim of intimidating not only the victim but also other inmates, by creating an atmosphere of fear and powerlessness”\(^7\). Threat of rape as well as the act of rape was recognised as a strategy for intimidation. Legal requirements for acts to be judged as war crimes and crimes against humanity were clarified in the context of this conflict in the former Yugoslavia in the 1990s.

The use of tactical rape and sexual violence in Rwanda

After many years of political unrest and tensions between the two major groups in Rwanda, the Tutsi and the Hutu, in April 1994, the Hutu president’s plane was shot down.\(^7\) Immediate blame was put on the Tutsis and in the next three months an estimated 800,000 were killed, most victims Tutsis and most killers Hutus.\(^7\) Slaughter began within hours and an estimated 30,000 personnel took part.\(^7\) Many civilians participated: some were threatened, some received incentives such as money or food or the right to claim the land of slaughtered Tutsis. Eventually, Tutsis from exile launched a major offensive and Hutu militias fled to neighbouring countries, taking with them around two million Hutu refugees. It needs to be noted that while many NGOs and observers had, early in the conflict, called the events in Rwanda, ‘genocide’ it was some time before it was formally acknowledged as such by the international community.

The use of rape was widespread and systematic. The UN Special Rapporteur noted that women “may even be regarded as the main victims of the massacres, with good reason, since they were raped and massacred and subjected to other brutalities”.\(^7\) Human Rights Watch claimed

\(^7\) Prosecutor v Furundžija, Judgement, IT-95-17/1-T, 10 December 1998. para. 185.
\(^7\) Ibid. para. 271.
\(^7\) Askin.334.
\(^7\) Furundžija paras. 457 and 458.
\(^7\) Askin.324.
\(^7\) Detailed history from BBC World Service http://news.bbc.co.uk/2/hi/africa/country_profiles/1070265.stm (Accessed 10 October 2010).
\(^7\) Ibid.
\(^7\) Ibid.
\(^7\) Degni-Segui Report of Situation of Human Rights in Rwanda para. 12
that “at least half a million people perished” in the thirteen weeks after April 6 1994. There was constant reference to rape of women although there was no attempt to quantify it. Binai-fer Nowrojee said, “Rwandan women were subjected to sexual violence on a massive scale” and she continued:

“Although the exact number of women raped will never be known, testimonies from survivors confirm that rape was extremely widespread and that thousands of women were individually raped, gang-raped, raped with objects such as sharpened sticks or gun barrels, held in sexual slavery (either collectively or through forced ‘marriage’) or sexually mutilated.”

There were large numbers of pregnancies from the rapes. This was also a society where children are children of the fathers’ groups and Nowrojee mentions “children of hate”, “unwanted children”, “and children of bad memories” and references the estimates as being conservative-ly between 2,000 and 5,000. She noted reports of children being abandoned and of infanti-cide. The UN Special Rapporteur supported these figures as low estimates and noted that many women aborted or miscarried. Adding to the shame perceived by victims and communities, which resulted from social values, there were many cases of forced incest and children probably born of these attacks. Many women suffered such damage to sexual organs that they were unable to bear children. This was the case for many “little girls who were raped”. The tactical rapes and sexual violence in Rwanda were forms of imposing measures intended to prevent births within the group.

Prevailing belief of aid workers, medical and relief personnel, as early as May 1994, was that any Tutsi female (the term often used to include both women and little girls of any age) who had managed to cross the border to safety had “probably been raped – and maybe more than once.” While this empirical evidence abounded as early as May 1994, it is indicative of the attitude towards tactical rape, that the UN investigators who visited Rwanda several times between 9-20 June 1994 to 28 May 1995 did not dedicate any particular attention to rapes except for including rape among problems and a brief reference to “taking women as hostages and victims of rape”. It was not until the report of visits made in August-September 1995 that special attention was drawn to the systematic rapes.

The International Criminal Tribunal for Rwanda (ICTR)

The ICTR contributed significantly by effectively linking tactical rape, sexual violence and genocide. It noted first that, “the Chamber must define rape, as there is no commonly accept-
ed definition of this term in international law” and then proceeded to provide this definition:

“...a physical invasion of a sexual nature, committed on a person under circumstances which are coercive. Sexual violence, which includes rape, is considered to be any act of a sexual nature which is committed on a person under circumstances which are coercive.”

The Tribunal added that sexual violence is not limited to physical invasion of the human body and may include acts which do not involve penetration or even physical contact and coercive circumstances need not be evidenced by a show of physical force. “Threats, intimidation, extortion and other forms of duress which prey on fear or desperation may constitute coercion”. These are important elaborations of the complexity of sexual violence.

The ICTR, having investigated events with reference to the Genocide Convention, concluded that, “genocide was, indeed, committed in Rwanda in 1994 against the Tutsi as a group”. The nature of the genocide was described as “organised and planned” and was “executed essentially by civilians including the armed militia and even ordinary citizens, and above all, that the majority of the Tutsi victims were non-combatants, including thousands of women and children, even foetuses”. This ruling had the force of a legal judgement.

The judgement which made specific progress in establishing that tactical rape and sexual violence could be used as genocide came in the case against the accused, Jean-Paul Akayesu. His initial indictment referred to murder, lines of responsibility and incitement. Had it not been for the witnesses who linked Akayesu to rapes, the intervention of the court’s one female judge, pressure from human rights and women’s groups, he might never have been tried for rape crimes. But, finally, the court ruled:

“With regard, particularly, to the acts described [rape and sexual violence], the Chamber wishes to underscore the fact that in its opinion, they constitute genocide in the same way as any other act as long as they were committed with the specific intent to destroy, in whole or in part, a particular group, targeted as such...and are even, according to the Chamber, one of the worst ways to inflict harm on the victim as he or she suffers both bodily and mental harm.”

This judgement in the Akayesu case was a watershed for victims of tactical rape and sexual violence. The ruling stated explicitly that these rapes:

“...resulted in physical and psychological destruction of Tutsi women, their families and their communities. Sexual violence was an integral part of the process of destruction,
specifically targeting Tutsi women and specifically contributing to their destruction and to the destruction of the Tutsi group as a whole.\textsuperscript{97}

It stated that sexual violence was a step in the process of destruction of the Tutsi group - destruction of the spirit, of the will to live and of life itself.\textsuperscript{98} The ICTR is a judiciary whose processes have been less than just to many women survivors and whose processes have reflected many prevailing attitudes to tactical rape and sexual violence.\textsuperscript{99} But it has made some valuable contributions to international law.

**Tactical rape and sexual violence in war – at the United Nations Security Council**

During the 1990s, as journalists, NGOs and humanitarian agencies reported and detailed atrocities in conflicts such as those in Rwanda and the former Yugoslavia, there had been mounting public condemnation and consequent unwillingness to settle for expressions of dismay, without any accompanying action by states or the UN. Pressure for action reached to the UN, where, eventually, connections were made between such violence and general inequality, poverty and women’s vulnerability to sexual attack and rape in conflict situations.\textsuperscript{100} The ICTY and ICTR established that such acts were violations of international law. In 1993, ECOSOC expressed outrage at rape being used as a weapon of war.\textsuperscript{101} In 1994 the UN General Assembly expressed alarm at “the continuing use of rape as a weapon of war”.\textsuperscript{102} In 1995, the General Assembly reaffirmed “that rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide”.\textsuperscript{103} It called upon states to “take all measures for the protection of women and children from such acts and to strengthen mechanisms to investigate and punish” those responsible.\textsuperscript{104} At the United Nations Security Council (UNSC) some particularly relevant resolutions reflected the development of an international discourse rejecting tactical rape. These resolutions were, at least in part, stimulated by the findings of the ICTY and ICTR and built on the rulings of those judiciaries. They also reflected a move from rejecting tactical rape to the broader concept of confronting any form of sexual violence in war.

UNSC resolution 1325 (UNSCR1325), in 2000, reflected a systematic and broad ranging approach. It was an important step in confronting tactical rape and sexual violence in war by confronting women’s generalised vulnerability and generalised community attitudes to women as evidenced in patriarchal societies and societies which failed to recognise women’s right to human rights and to equality in political, economic and cultural aspects of life. It recognised that if women were vulnerable and suffered discrimination and abuse of rights during peace time, they would be even more vulnerable during conflict. It signalled the beginning of a serious debate for the UNSC, which led to UNSC acceptance of responsibility to take action. However, in 2005, there began calls for another resolution which was “more actionable”, which

\textsuperscript{97} Ibid. para. 731.  
\textsuperscript{98} Ibid. para. 732.  
\textsuperscript{99} Nowrojee, Your Justice is Too Slow.  
\textsuperscript{101} United Nations Economic and Social Council, ‘Rape and abuse of women in the territory of former Yugoslavia’ Commission on Human Rights resolution 1993/8.  
\textsuperscript{102} United Nations General Assembly, ‘Rape and abuse of women in the areas of armed conflict in the former Yugoslavia’ General Assembly resolution 1994/205.  
\textsuperscript{103} United Nations General Assembly, Committee: 3 ‘Rape and Abuse of Women in the Areas of Armed Conflict in the former Yugoslavia’ 99th plenary meeting 22 December 1995.  
\textsuperscript{104} Ibid.
would “specifically address the types of gross human rights violations that were increasingly being reported in conflict-related areas” and which would “advance the women, peace and security agenda”.105

The debate which preceded the passing of UNSCR 1820, in 2008, presaged the acceptance of tactical rape as an issue of concern and relevance to the Security Council. Comments reflected realisation of the interconnectedness of violence against women and security. The term most frequently used was sexual violence but statements also referred directly to rape as a weapon and a tactic of war. Austria highlighted sexual violence as “not only a manifestation of war, but a deliberate wartime tactic” and a security threat.106 Argentina recognised “an increasing use of sexual violence as a political or military tool” and noted that “rape and other heinous forms of sexual violence can be used by agents of the State as a tool to spread terror, to torture and degrade those it considers its ‘enemies’”.107 The Philippines stated that sexual violence was “deeply rooted in a pervasive culture of discrimination”, highlighted by the unequal power equation that denied equal status to women, “which was manifested during conflict through the social, political and cultural norms identifying women and girls as property of men as well as sexual objects”.108 Taken together these statements indicated greater understanding of the nature, causes and impact of tactical rape. While this was a long way from actually making any meaningful change, it did reflect greater understanding of the issue.

Condolezza Rice, then Secretary of State of the USA, holding UNSC Presidency, noted the long debate about whether the use of rape and sexual violence as instruments of warfare was an issue for the UNSC, which the Council was authorised to address.109 She concluded that the UNSC would “affirm that sexual violence against women not only affected the safety of women, but the economic situation and security of their nations”.110 She added that member states were responsible for holding their troops accountable for any abuse of this recognised expectation that states “protect and provide justice for its most vulnerable”.111 The UN Deputy Secretary General referred to UNSCR1325, which demonstrated that sexual violence was not just a gender issue but a fundamental security concern.112 Many other speakers reiterated these sentiments with reference to security of states as well as security of women. Links between women’s security and security of states and international stability were accepted.

UNSCR1820 in 2008 dealt with sexual violence used deliberately to target civilian populations to achieve political and military objectives. It referred to sexual violence when it constitutes a widespread or systematic attack on civilian populations, including opportunistic attacks as a consequence of environments of impunity.113 It noted that “rape and other forms of sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide”.114 The work of the international tribunals was reflected in this wording. Importantly, the resolution approached the issue of sexual violence in conflict as something to be confronted, not to be treated as inevitable.

107. Ibid.24.
108. Ibid. 26.
111. UN Press release. 7.
112. Ibid.9.
113. International Women’s Tribune Centre.10.
114. S/RES/1820 para. 4.
Resolutions in 2009 and 2010 insisted on practical measures for coordination and the appointment of a special representative to provide ‘coherent and strategic leadership’ in collaboration with other UN entities in situations of particular concern regarding sexual violence. Teams of experts were to be immediately deployed to situations of particular concern with respect to sexual violence in armed conflict, working through the UN presence on the ground and with the consent of the host government, to assist national authorities to strengthen the rule of law.

In 2010, a report to the UNSC referred to the mass rapes in the DRC, which had “provoked unprecedented public outrage” and could not be ignored. The norm rejecting tactical rape would seem to have been established. In this report, the Secretary General noted that sexual violence “is not specific to any era, culture or continent”. The report continued that while sexual violence had for long been approached as a matter of reproductive health or development, “the international community has begun to embrace the concept of conflict related sexual violence so as to address the security related social drivers of such violence”. The answer to continuing questions about the relevance to the UNSC was that while some people still saw “bullets, bombs and blades as war” and rape as a “random disciplinary infraction or private aspect of culture based gender relations”, sexual violence must be confronted under definitions found in international law.

Confronting tactical rape and sexual violence as threats to human and international security

The Security Council’s rejection of tactical rape and sexual violence can be linked to the increasing degree to which debates aligned tactical rape and sexual violence with security. This brought to the fore the need to understand the interplay between the security of individuals, communities and states, states individually and states as a global collective. The Commission on Human Security urged increased recognition of human security as an overarching concept of security, broadening the focus from the security of borders to the lives of people and communities inside and across those borders. The Commission wrote, “all societies depend much more on the acts or omissions of others for the security of their people, even for their survival”. Amitav Acharya wrote, “in an era of rapid globalisation, security must encompass a broader range of concerns and challenges than simply defending the state from external military attack”. Tactical rape and sexual violence could no longer be side-lined or dismissed as a sectoral issue applying to security for women but not to states.

Still, the use of tactical rape and sexual violence in war continues into 2011. Oxfam reported “sexual violence is increasingly being used as a tool of conflict itself”. It noted that rape was used in Cote d’Ivoire “for political ends” and was prevalent in Myanmar, Kyrgyzstan and the Central Africa Republic (CAR) where one third of women were victims of sexual violence in

116. Ibid. para. 8.
118. Ibid. para. 3.
119. Ibid. para. 6.
120. Ibid. para. 7.
123. Acharya, Human Security” in Bayliss and Smith (eds.) The Globalisation of World Politics. 49
conflicts. Sexual violence has been reported as a significant feature of conflict in Ethiopia, Nigeria, Somalia and Chad. In Conakry, Guinea, soldiers particularly targeted women when suppressing a political demonstration where rapes and attacks “appear to have traumatised the citizenry”. The state which has attracted much attention for the ongoing use of tactical rape and sexual violence is the Democratic Republic of Congo (DRC) which has earned the ignominious title of “the rape capital of the world”. From a legal perspective, there is a need to know figures and patterns of the use of tactical rape and sexual violence in order to establish if such use was widespread and/or systematic and whether it can be judged a crime against humanity, a war crime or genocide.

Human security has been defined as protecting vital freedoms from want and from fear and having freedom to take action on one’s own behalf. Human security does not replace state security. It complements state security. Understanding of state security has moved from securing borders, institutions and values to greater recognition of individuals and communities in ensuring their own security. Human security broadens the focus from the security of borders to the lives of people and communities inside and across those borders. The violence in Rwanda spread over borders into DRC and development consequences of violence, like its origins, spill across borders with implications for neighbours and the region. It takes an average of fourteen years of peace before resumption of economic growth paths. Estimates suggest that countries lose 0.7 per cent of their annual GDP for each neighbour engaged in a civil war.

Progression from violence to sustained security is not linear – every civil war that began since 2003 was a resumption of a previous civil war. In both Rwanda and the former Yugoslavia, perpetrators of violence were often convinced they were avenging previous injustices. Children born of tactical rape in the 1990s are, in 2011, young adults. They have grown up in societies dealing with the trauma of conflicts, reared by mothers likely to be suffering extreme physical and/or emotional damage and possibly suffering from social stigma, discrimination and ostracisation and economic hardship. These children are likely to have grown up with a sense of being the children of criminal acts by men perceived as ‘the enemy’. A woman from DRC made pregnant by being raped by ten combatants who also killed her husband in front of her said:

“Today, when I walk with my baby, the people in the community say that I am the enemy’s woman, and that the child belongs to the enemy...I am alone. What I find upsetting is that nobody will come near my baby; eve-

125. Ibid. 16. 
127. Nossiter, In a Guinea Seized by Violence. 
128. Oxfam. 16. 
129. Bijleveld, Morsinkhofe, Smeulers, Counting the Countless. 211. 
132. Ibid. 5. 
133. Ibid. 6. 
135. Ibid. 63. 
136. Ibid. 65. 
137. Ibid. 57.
rybody says he is cursed. And the baby is frightened because the neigh-
bours are always shouting at him."

Generations beyond the immediate victims continue to feel the impact of abuses and unless there is appropriate resolution will continue a sense of injustice which could be the basis of further stress on states.

Legitimate institutions and governance serve as an immune system and a defense against stresses on states. The legitimacy of institutions refers to their capacity, their inclusiveness and their accountability. States where institutions are weak are more vulnerable to civil war – of seventeen fragile states (as measured by the World Bank) between 1990 and 2008, fourteen experienced major civil wars. After conflict the security sector usually requires reform, particularly in arenas where security forces have been implicated in tactical rape and sexual violence in the conflicts. Security sector reform needs to include demilitarisation and peace building; establishing civilian control and oversight of the security sector; professionalising the security forces and strengthening the rule of law. If reform processes are inclusive, particularly recognising women’s capacity to participate and take the lead on these issues, they can enable those affected to have a role in change which is likely to build their confidence in security agencies.

A major area of concern for survivors of tactical rape and sexual violence in conflict is the provision of transitional justice, which

“...aims to rebuild social trust, reform justice systems and law enforcement institutions, strengthen accountability for war crimes, promote national reconciliation, support those affected by conflict, and advance democratic governance.”

Justice needs to be delivered during recovery periods for communities and victims, complementing community based justice systems with building formal justice systems. Resistance to giving transitional justice priority by governments must be challenged. So, too, must donors, who provide resources with a focus on building national capacity without building capacity in security and criminal justice.

Conclusion

Tactical rape and sexual violence do not necessarily cease with cessation of hostilities. Norms of expected behaviours, to standards of behaviour, can have been seriously damaged. Sexual violence can become a way of life: once entrenched in the fabric of civilian society, it lingers long after the guns have fallen silent. The post-conflict priority should be to avoid a repeti-
tion of patterns of violence and exclusion and thus to prevent the normalisation of brutal and widespread sexual violence.\textsuperscript{148} There has been considerable progress in the normative rejection of tactical rape and sexual violence at international level. This has been linked with recognition that tactical rape is a threat to human security – and to international security. Significantly, there has been recognition that women’s vulnerability to violence in peace is exacerbated in conflict. Attention must be paid to women’s status in societies and patriarchal attitudes need to be confronted. UNSC resolutions have recognised this reality and there have been steps taken and agreed. There has been increased jurisprudence regarding violation of existing international law and recognition that such violations are a threat to security. But, tactical rape and sexual violence continue at alarming levels. Recent conflicts, perhaps most horrifyingly those in the Democratic Republic of Congo, demonstrate the ongoing use by many parties to the conflict. There is much more to be done, particularly at state level, to ensure appropriate responses to such increased learning about the reality and implication of tactical rape and sexual violence, for women, for communities, for states and for the international community.

\textsuperscript{148} S/2010/604 para. 21.


Bibliography


Achuthan Mahima and Renee Black, United Nations Resolution 1820: A Preliminary Assessment of the Challenges and Opportunities International Women’s Tribune Centre, New York, September, 2009


BBC World Service (Accessed 10 October 2010)

Bijleveld Catrien, Aafke Morssinkhofe, Alette Smeulers, Counting the Countless: Rape Victimization During the Rwandan Genocide International Criminal Justice review, Volume 19, number 2 June 2009


Blair Tony, Doctrine of the International Community, Hilton Hotel, Chicago, Illinois. 22 April, 1999

Boose Lynda E. ‘Crossing the River Drina: Bosnian Rape Camps, Turkish Impalement and Serb Cultural Memory’ Signs Vol. 28. No. 1 Gender and Cultural Memory (Autumn 2002)

Charlesworth Hilary and Christine Chinkin, The Boundaries of International Law: A Feminist Analysis Manchester University Press, Oxford Road, Manchester M139UR, UK 1988

Chinkin Christine, Rape and Abuse of Women in International Law Symposium – the Yugoslav Crisis: New International Law Issues 1994


Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1992

Cooperation of Women’s Advocacy, ‘Mission on Gender-based War Crimes Against Women and Girls During the Genocide in Rwanda: Summary of Findings and Recommendations’


Des Forges Alison, Leave None to Tell the Story Human Rights Watch, New York, 1999
Dryzek John S. *Deliberative global politics; discourse and democracy in a divided world* Polity Press, 65 Bridge Street, Cambridge CB2 1UR, UK. 2006


Fitzpatrick Brenda *Rape of Women in War*, World Council of Churches, Geneva, 1992


Hughes Christopher W. and Lai Yew Meng, *Security Studies: A Reader’ Routledge, 2011,

Human Rights Watch, *Bosnia and Herzegovina. “A Closed Dark Place” Past and Present Human Rights Abuses in Foca* Vol.10, No.6 (D)


Human Rights Watch/FIDH Ester Mujawayo of the Association for Widows of the April Genocide, March 18 1996

ICTR The Prosecutor v. Jean-Paul Akayesu ICTR-96-4-T Decision of: 2 September 1998

ICTY Case No. IT-95-14-A Judgement

ICTY Celebici Case: The Judgement of the Trial Chamber: The Most Significant Legal Aspects, (Accessed 9 September 2009)

ICTY Prosecutor versus Dusko Tadic

ICTY Prosecutor vs Furundzija, Judgement, IT-95-17/1-T, 10 December 1998.

ICTY Trial Chamber Tadic ICTY (IT-94-1)


Nossiter Adam, *In a Guinea Seized by Violence, Women are Prey* New York Times 5 October 2009
Nowrojee Binaifer, ‘Your justice is too slow’. Will the ICTR fail Rwanda’s rape victims? United Nations Research Institute for Social Development, 2005


Robertson Geoffrey ‘Crimes Against Humanity, The Struggle for Global Justice’, Allen Lane 1999


Steans Jill, Gender and International Relations: An Introduction Polity Press in association with Blackwell Publishers


UNSC 1/07/2008 (Accessed 1 August 2008)


United Nations Economic and Social Council, ‘Rape and abuse of women in the territory of former Yugoslavia’ Commission on Human Rights resolution 1993/8

United Nations General Assembly, ‘Rape and abuse of women in the areas of armed conflict in the former Yugoslavia’ General Assembly resolution 1994/205

United Nations General Assembly, Committee: 3 ‘Rape and Abuse of Women in the Areas of Armed Conflict in the former Yugoslavia’ 99th plenary meeting 22 December 1995

UN Women, Women and Security Sector Reform (Accessed 6 August.2011)

UN Women, Transitional Justice (Accessed 6 August 2011)

United Nations S/RES/1820


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Grievance, Mobilisation and State Response: An examination of the Naxalite Insurgency in India

By Chas Morrison*

This paper explores the Naxalite insurgency in India in terms of causal mechanisms that lead to the intensification of rural civil conflict by focusing specifically on grievance, mobilisation and government responses to rebellion. Realist theory is inadequate when analysing the causal factors of complex insurgencies and the mechanisms leading to their continuation. This case illustrates some aspects of intra-state conflict in a very large country, in terms of geography and population, and how the rebels have mobilised grievances at local level. New Delhi has addressed the conflict as both a development and a security challenge, and consequently has oscillated between repression and concession in its responses. This approach has resulted neither in reduction of grievances through adequate rural development, nor in consistent armed response to the Naxalite threat. Without a comprehensive and clear set of state responses, the violence is likely to continue.

Key words: Naxalite, Maoist, India, insurgency, Grievance, Mobilisation, State response.

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Introduction

In the decades following the end of the Cold War, civil and ethnic wars have become more prevalent than traditional inter-state war.1 The motivations for and the methods used to engage in civil conflict have altered. Scholars across different disciplines have not yet reached a comprehensive definition of civil war, nor come to a formal agreement on the total number of civil wars, due to lack of universally accepted characteristics.2 Civil warfare is generally funded through different mechanisms from inter-state war; unless there is third party interference or diaspora support, rebels must fund their own war efforts using methods such as capture of natural resource rents, support from local populations or extortion of businesses and other criminal activities.

A long-standing left wing extremist (LWE) insurgency across India has led to the deaths, injuries or displacement of thousands of people, whilst being mostly overlooked by Western theorists.3 Many academic analyses dealing with revolutions, insurgencies, and civil war do not mention the Naxalites whatsoever.4 The Naxalite conflict would likely be more well-known if global attention were less focused on events across the border in Pakistan and Afghanistan, or if a number of foreigners had been killed. The insurgency started in the town of Naxalbari in West Bengal state, and thus the rebels are often known as ‘Naxalites’ (interchangeably with ‘Maoists’, ‘extremists’, ‘rebels’, or ‘insurgents’). While all figures of the total number of combatants must be regarded as approximations, the BBC5 claims there are between 10,000 and 20,000 armed Naxalite cadres.

India has struggled with violent separatism in Kashmir and the North-East states, Islamic terrorist groups and communalist Hindu-Moslem conflicts, all of which have made the international headlines and received much more scholarly and media attention6 but the Maoist Naxalites have engaged in a civil conflict with severe impacts since 1967. What started as a localised uprising in a single town has now spread to influence or affect twenty states in India, covering two hundred and twenty-three districts.7 The exact number of affected areas is contentious, given that LWE-hit districts receive central funds for Security Related Expenditure. In 2011,
the Government of India’s own figures were revised down to 83 affected districts from a high of 180 in 2009. Ajit Doval, the former director of the Intelligence Bureau, estimates Naxalite activity has affected 40 per cent of India’s territory and 35 per cent of its population (thus more than 420 million people). An insurgency on this huge scale deserves more rigorous analysis.

Economic costs are high; from 1980 to 2000, LWE-affected states lost an average of 12.48 per cent of per capita net state domestic product. There is a serious paucity of research and empirical data on specific elements of the Naxalite conflict. Research that focuses specifically on the Naxalite insurgency tends to be analytically restricted to issues of domestic politics and inequality, but a purely economic examination of conflict causation may be too narrow. Grievances, inequalities and drivers for conflict vary hugely over a country as big and heterogeneous as India. Successive Indian governments have resisted calling the Naxalite insurgency a ‘civil war’ and term it a law and order problem due to political and policy implications. All this takes place in a complex environment of multiple and conflicting stakeholders, reducing the validity of purely quantitative analyses of conflict causation.

In a startlingly frank admission from a head of state, the Indian Prime Minister stated in September 2009 that the country is losing the battle against the Naxalites. The Naxalite insurgency deserves wider international scholarly attention; India is the world’s largest democracy and its second most populous country. There has been a movement towards mergers and consolidation of various LWE groups under the Naxalite banner. The largest merger was in 2004 when the People’s War (PW) and Maoist Communist Centre of India (MCCI) merged to form the Communist Party of India (Maoist), also known as ‘CPI (M)’, but this pattern of mergers and splits has occurred numerous times since 1967. The Maoist insurgency is unusual for its long duration and the low intensity mortality rate. This however has reached cumulatively high numbers of deaths over the last decade, and become more indiscriminate.

Given India’s enormous regional role, its increasing global economic influence and rising GDP, the Naxalites pose a real and insidious threat to the nation’s security that has implications for its position as a twenty-first century world power. India’s recent successes as an economic colossus, as strategic partner for Western interests and as a balance to Chinese and Pakistani regional and global influence depends upon adequate internal security and continued economic growth, both of which are threatened by the insurgency and the potential for further escalation. The Naxalite rebellion is indicative of complex social dynamics in a very large and diverse country and illustrates the challenge of applying conflict causation models from a realist perspective. There are many implications for other countries facing grassroots insurgencies. For example, across the northern Himalayan border, the Maoists in Nepal conducted a much shorter campaign of violence (1996 to 2006) and after a Comprehensive Peace Accord, succeeded in taking control of the state in an unstable coalition government. This has resulted in severe

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9. Agrawal, ‘Naxalism: Causes and Cure’
11. Suykens, ‘Naxalite and State Governance’
14. Ramana, ‘Maoist Movement in India’
15. Small Arms Survey, ‘India’s States of Armed Violence’, p.6
obstacles for Nepali development and political stability (along with the so far unrealised potential for social service benefits).

**Conflict Causation**

Collier\(^{16}\) suggests that economically undeveloped areas where opportunities for conflict outweigh the (perceived) drawbacks are at higher risk of insurgency, which often means that there is little distinction between rebels and criminals, if they are motivated mainly by financial profit. This argument is known as the ‘rebel greed hypothesis’\(^{17}\). Opportunities for direct financial profit may provide stronger motivations for conflict than political and ethnic grievances\(^{18}\). Paired with a lack of accountability in state institutions, resource rents\(^{19}\) often have the opposite effect (conflict and poverty) to that expected by the population (increased wealth and development)\(^{20}\). Other factors such as exclusion of large ethnic groups, their physical distance from a country’s political centre and the presence of rough terrain have been positively correlated with conflict\(^{21}\). Given that Adivasis, or scheduled tribes [disadvantaged aboriginal and low-caste groups],\(^{22}\) form 8.2 per cent of India’s population and tend to dwell in more remote areas, this may help explain why the Naxalite conflict has mostly been concentrated along the “Red Corridor”, far from New Delhi. However, based on CPI (M) documents\(^{23}\), there is evidence the Naxalites are preparing to extend operations to new states including Rajasthan, Gujarat, Jammu and Kashmir, Himachal Pradesh and Meghalaya.

![Figure 1 India’s Red Corridor of LWE activity\(^{24}\)](http://web.stratfor.com/images/asia/map/7-7-10-India_red_corridor_800.jpg?fn=20rss74 (9 July 2010))

16. Collier, ‘Rebellion as a Quasi-Criminal Activity’
17. Humphreys, ‘Food Security in Perspective’
18. Skocpol, ‘States and Social Revolutions’
19. ‘Resource rents’ are surplus values, or profits, arising after normal returns and costs have been taken into account for natural recourse extraction
20. Klare, ‘Resource Wars’
22. According to the 2001 Census, scheduled castes form 16.2 per cent of India’s population and scheduled tribes 8.2 per cent. They tend to be poor, marginalised and under educated. http://www.censusindia.gov.in/Census_Data_2001/India_at_glance/scst.aspx (accessed 15 February, 2012)
The five most heavily affected states in this conflict have substantial mineral deposits and huge amounts of energy resources\(^{25}\) and there are carbon-based fuel supplies in other (non-affected) areas of the country. The government admits that mineral resources are mostly found in tribal areas.\(^{26}\) Standard analyses of drivers for conflicts frequently examine their causal connections in unitary terms, without scrutinising other related factors. Mineral mining for example, which is expanding rapidly in parts of Eastern India, does not just result in financial profits, but also slag heaps, contamination of ground, water and air, respiratory diseases and increased road accidents. All of these may contribute to local objections, which are normally labelled ‘ethnic grievance’. Mining interests are becoming increasingly salient in the Naxalite conflict and a source of grievance that is exploited by the rebels.\(^{27}\)

The Naxalite insurgents claim to be fighting for the rights of the Indian aboriginals, or Adivasis, the scheduled castes and ‘other backward classes’.\(^{28}\) Caste in India is an immensely complex subject and difficult for outsiders to comprehend.\(^{29}\) Briefly, caste is a complex hierarchical system of social organisation, based on stratified roles determined at birth. It is distinct from social class or race and sometimes leads to caste-based discrimination. The insurgency has spread sporadically out from West Bengal to cover a significant area of India’s most-heavily populated areas, which are predominantly agricultural and chronically impoverished. The inhabitants of these areas do not perceive themselves as benefiting in any significant way from the great economic advances and improvements in standards of living that many urban dwellers are enjoying.\(^{30}\) These are the exact communities that the Naxalites claim to be ‘liberating’ from oppressive capitalism. They have established a “People’s Government” and “People’s Liberation Guerrilla Army” with people’s militias, some of which are headed by female commanders. In organisational terms, they thus appear to be moving closer to a model such as Sri Lanka’s Liberation Tigers of Tamil Eelam (LTTE), and in behavioural terms too, as cadres often refrain from smoking and drinking.\(^{31}\) “Revolutionary People’s Committees” provide food and sustenance to cadres, who have succeeded in preparing alternative textbooks for education in different subjects.\(^{32}\)

The insurgency is not secessionist; there are no claims for an independent homeland or regional autonomy. The Naxalites instead demand a proletarian revolution along orthodox Marxist lines, whereby the suppressed population will throw off the shackles of capitalism and exploitation and naturally establish a people’s system of leadership with benefits for all workers.\(^{33}\) As long as the LWE conflict stayed localised and confined to the poorest and most economically and socially marginalised areas of the country, New Delhi did little to address the issue.\(^{34}\)

The Maoist rebellion was initially focused on redistribution of arable land and exclusion from forest produce, but the underlying social reality was one of massive ethnic and caste inequality

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25. The Economist, ‘Maoist Rebels are Causing Trouble’
26. Government of India, ‘Development Challenges in Extremist Areas’
27. Srivastava, ‘Mining War in Chhattisgarh’; The Telegraph, ‘Mining in Orissa’
28. ‘Other backward class’ (OBC), in addition to scheduled castes and tribes, is an official Central Government of India appellation for groups with poor socio-economic conditions.
29. Reddy, ‘Ethnicity of Caste’
30. Ahuja & Ganguly, ‘Naxalite Insurgency Violence in India’
31. Navlakha, ‘Maoists in India’
32. Ibid.
34. Ahuja & Ganguly, ‘Naxalite Insurgency Violence in India’
coupled with political grievances. According to Mason, food crop production tends to shift to export crop production as land ownership becomes increasingly controlled by a smaller number of landlords. This in turn leads to landless and hence disenfranchised peasants become susceptible to political mobilisation resulting in violence, a pattern that we observe in India. Interestingly, Mason claims there has been no social revolution in India, even though many other analysts posit the Naxalite insurgency as exactly that. Skocpol distinguishes peasant revolt (short-lived and focused on local grievances) from full revolution, which seeks to depose the government and overturn the social structure. The Naxalite insurgency is then a revolutionary movement, if their stated aims and strategies are genuine and not just a pretext for self-serving violence and criminal activity.

Conflicts also tend to be of long duration when there are struggles over land between ethnic minorities and dominant groups who have government support. Autocratic and democratic styles of government in general have less conflict than semi-democracies, and it is highly debatable how democratic and open India’s political systems truly are. The high level of corruption certainly contributes to the erosion of Indian democracy. Civil violence in a strong state like India does not imply a failed government or even weak institutions but may be actions by rebels as a mechanism for making political demands. India’s impressive civil society plays a key role and deserves separate analysis. Institutionalised social exclusion of particular castes and tribes from economic profits deepens grievances that were already present and there is some reluctance to disclose the enormity of the problem in India, coupled with government secrecy and lack of transparency. In addition, India’s style of party politics encourages vote-seeking behaviour by the elites and a concurrent lack of concerted political will to address improving of security or addressing deep-seated social underdevelopment.

Indian academics tend to fall into one of two main viewpoints regarding the Naxalites’ motivations. The insurgency is either a national security issue that needs to be suppressed with force, or a development issue that requires improvements in governance, equality and economic growth in rural areas. Naxalism has been much weaker in those states where the economic conditions are stronger, such as Punjab, Rajasthan, Gujarat, Maharashtra or Haryana in Western India. Academics that support the development thesis view military action by the state as one of the contributing factors to the insurgency. These scholars are themselves subject to criticism that they are closet Maoist sympathisers. Those who support the security viewpoint may be accused of not understanding reality on the ground or merely seeking to further their political careers.

Indian academics tend not to have the pleasure of working in an environment of full transparency, as the Naxalite issue is so highly politicised. Little analytical research has been done on

35. Guha, ‘India After Gandhi’
36. Mason, ‘Caught in the Crossfire’
37. Ibid.
38. Skocpol, ‘States and Social Revolutions’
39. Fearon, ‘Why Do Some Civil Wars Last So Much Longer’
40. Hegre et al, ‘Towards a Democratic Civil Peace’
41. Chakravarti, ‘Travels in Naxalite Country’
42. Mahadevan, ‘Counterterrorism in India’
43. Personal communication, London 2010
44. Ibid.
45. Ibid.
specific LWE ideology and causation⁴⁶ and the extant Indian literature generally concentrates on other related factors such as social exclusion, politics, caste and poverty. Political analysis of the Naxalite rebellion in India suffers from a variety of shortcomings, despite the massive potential threat that LWE poses. There is a lack of reasoned and informed theoretical debate on the issue, academic work tends to be highly politicised in India, foreign theorists mostly overlook the insurgency and it does not fit into a realist framework of analysis.

The lack of written documents means that the Adivasis experience difficulties keeping their own land. Police collaboration with wealthy landlords and government support for timber industries on land where the tribal groups are forbidden from felling trees have also increased grievances.⁴⁷ This has lead to a pattern where Adivasis lose their original land, have to buy more from markets, are forced into debt, borrow money and become landless labourers working on the land they once owned. Naxalites have been replacing the police and judiciary in ensuring law and order for the oppressed, and they are proving themselves better at land redistribution than many state governments.⁴⁸ They have also had success in the ‘perception management’⁴⁹ of the low castes and Adivasis, through manipulation of a mostly uneducated populace. These factors help explain local levels of support for LWE ideology and activities.

Levels of Naxalite brutality have been increasing, and there has been a move towards peasants being mobilised to assault army and police posts in ‘swarming attacks’, targeted abductions, assassinations and classical guerrilla warfare tactics.⁵⁰ They have precise knowledge of the hostile terrain of hills and forests and areas without roads, frequently unfamiliar to security forces. They have significant experience of planned ambushes, improvised explosive devices (IEDs), hiding among villagers, and ammunition depletion of security forces. Employing such tactical flexibility alongside the frequently weak intelligence of their state enemies, has resulted in many deaths of police and army personnel in addition to villagers and Naxalite cadres themselves.

**India’s Structural Inequalities**

There is widespread agreement among scholars that exploitation, unequal distribution of land, expulsion from forested areas, corruption and multiple failures of government to translate development policy and legislation into actual changes in rural areas have all contributed to grievances, particular among Adivasis and low castes in agricultural areas.⁵¹ For example, Adivasis form the majority of people displaced to build large development projects such as dams or mines⁵² despite forming only 8.2 per cent of the total population.⁵³ The unequal allocation of public goods and resources reflect wider social injustices.⁵⁴
The central government and the Naxalites claim to share some of the same objectives, such as equitable land distribution. Agrawal argues this is due to huge discrepancies in land reform legislation and actual events on the ground. For example, a report from a key Indian Government expert panel highlights that between 1950 and 1980, China redistributed 90 per cent of its arable lands, and more than 90 per cent of landless households in China have received land. By contrast, in India these figures are 5 per cent and 28 per cent respectively. These bleak statistics indicate that very little land redistribution has actually occurred since Independence in 1947, whatever the Government claims its policies are.

Rural poverty, exploitation and unequal access to natural resources all existed in India long before Independence, but with little or no overt political agenda. Not until the 1960s was an organised rural rebel movement established, and even then only very small-scale and with a very simplistic mandate. The inequality represented by exclusion from economic growth and lack of access to public goods illustrates the stratifications and divisions within Indian society as a whole. In the case of India, the rapid economic growth rate has been very high for several years, but the areas of the country most affected by Naxalite violence have had much lower growth rates, as a result of not sharing in national economic growth patterns.

In all the states affected by LWE, except Andhra Pradesh, the percentage of rural inhabitants under the poverty line is higher than the average for the entire country. The Indian government itself has come to the conclusion that one of the main reasons for the re-emergence of Naxalite activity in the 1980s, after a lull in the 1970s, was that poor rural areas did not receive any developmental or administrative attention to reduce their legitimate discontent and grievances. The country’s rural poor are being systematically deprived of their basic rights to freshwater, pasturage and forests, and that LWE is the direct result of this dissatisfaction. In this regard, the 2004 plans of the CPI (M) to expand into urban and industrial areas would be a move away from their traditional rural bases and take the insurgency into a new dimension. The Naxalite leadership issued a long document in 2004 detailing the oppressed people’s specific grievances, couched in the standard Maoist phrases, which may serve to reinforce their ideological base and deflect accusations that they exploit tribals for their own ends.

Government policies that ignore Adivasis’ needs and lifestyles are key to understanding LWE violence and how state-led development efforts, land alienation and promotion of cash crops have been unsuitable for the tribal groups. Other causal factors alone cannot account for the Naxalite movement, without examining the government policies of exploitation, exclusion and agricultural development. The Naxalites demand equitable land distribution and this is apparently a stated policy of the central government as well. The conflict here is due to new legislation and laws in India not resulting in proper land reforms or changes on the ground.

55. Agrawal, ‘Naxalism: Causes and Cure’
56. Government of India, ‘Development Challenges in Extremist Affected Areas’
57. Ahuja & Ganguly, ‘Naxalite Insurgency Violence in India’
58. Government of India, ‘Development Challenges in Extremist Affected Areas’
59. Ahuja & Ganguly, ‘Naxalite Insurgency Violence in India’
60. Government of India, ‘Development Challenges in Extremist Affected Areas’
61. Government of India, ‘Development Challenges in Extremist Affected Areas’
64. Rupavath, ‘Tribal Land Alienation’
65. Ibid.
66. Agrawal, ‘Naxalism: Causes and Cure’
India’s LWE movement is the result of grievances caused by modernisation coupled with raised political consciousness. Rural India’s inequality, especially the unequal distribution of land and the economic insecurity of agriculturalists, thus emerges as the main cause of Naxalism. Corruption, nepotism and caste rivalries have all played a large role too. There is in particular widespread corruption and bribery in the timber and logging industries, which amounts to an “institutionalised system” in India. The Indian state suffers from gross mismanagement and a total failure to understand its marginalised communities, leading to exclusion, grievance and inequalities which are the primary drivers of ideological conflict. The central government itself has identified and published the specific conditions that have led to the LWE insurgency but has failed to develop any comprehensive and coherent policies to act on them.

Self-serving Rebellion?

Naxalites routinely disrupt or destroy state-led efforts to develop economically weak areas and it is thus an over-simplification to view the conflict as rural peasants taking on the state to fight for their rights; in many areas, villagers are most at danger from the Naxalites themselves. The movement often appears to perceive road building and other rural development initiatives as challenges to their ideology and control. Addressing the issue through land reforms and development will not necessarily result in peace as the insurgents disrupt and oppose such activities, and call instead for a full revolution. According to CPI (M) publications, the Naxalites oppose all property, land owning, the Green Revolution, pro-Hindu discrimination and any development efforts that rely on “semi-colonial, semi-feudal rule of the big landlord-comprador bureaucratic bourgeois classes” [sic].

The Naxalites are in opposition to infrastructure and road building as this often leads to greater satisfaction among rural populations with the government. Consequently they can appear more as a self-serving political and predatory movement, indistinguishable from bandits, with a pretend claim to support Adivasis. The insurgents highlight state failures to develop India’s rural areas, but simultaneously prevent state-led development activities and have a vested interest in keeping the population in some degree of poverty if this benefits their own political agenda.

Naxalites not only seek land redistribution, but desire war that leads to a new socio-political and economic order. They coerce uneducated Adivasis through propaganda into their extreme Maoist ideologies as very few tribal people have enough education to properly comprehend Maoist doctrine. Viewed through this lens, Naxalism is not primarily ideological and those who can understand their ideas tend to be from urban areas (students, intelligentsia or journalists) and may not perceive ‘on the ground’ reality in rural areas. The Naxalite leadership

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67. Rupavath, ‘Tribal Land Alienation’
68. Agrawal, ‘Naxalism: Causes and Cure’
70. Robbins, ‘The Rotten Institution’, p.423
71. Jha, ‘Food Security in Perspective’
72. Government of India, ‘Development Challenges in Extremist Affected Areas’
74. Mishra, ‘Maoist Challenge and Indian Democracy’
75. Ibid.
may thus be little more than rural terrorism without clear and defined goals except that of self-serving profit generation.\textsuperscript{76}

In 2004, the Naxalite leadership claimed their goal to be a 'New Democratic Revolution', which involves a 'protracted people's war'.\textsuperscript{77} In 2006, some translated Naxalite documents were published online, demanding equality for the proletariat and warning of dire consequences if this did not take place.\textsuperscript{78} There are numerous documents threatening revolution if redistribution along very left-wing lines does not occur in India.\textsuperscript{79} The reasons for conflict causation may not be the same as those driving its continuation. The original demands for equitable land distribution and access have developed to become more about mineral mining access, extortion and ownership of forest cover.\textsuperscript{80}

**Actions by the Rebels**

The Naxalites are not a cohesive and stable organisation such as the LTTE in Sri Lanka. Rather they are a collection of LWE operating under different directives, leadership and in different geographical areas but without an overall and clearly defined management structure. Full revolution may be a stated goal of the leadership, but is unlikely to be widely shared among the cadres, who tend to aspire to shorter-term meaningful change or personal benefit in their lives.\textsuperscript{81} As of 2007, there are at least twelve separate groups calling themselves 'Naxalites'.\textsuperscript{82} In terms of organisational structure, this makes them more similar to a terrorist organisation than a unified group of rebels fighting the government under a clearly operationalised mandate. However, the preponderance of Maoist manifestoes indicates some type of centralised command structure, under which they release the party documents for dissemination.\textsuperscript{83}

In addition, widespread and diffused LWE violent incidents have been carried out by different groups and for different motives since 1967, all of which are categorised together under the 'Naxalite' heading, even when the LWE groups involved have little in common with each other. There has not been one single continuous Naxalite group operating since 1967,\textsuperscript{84} and in any case several parts of India have a long history of tribal uprisings. Therefore, when examining the Naxalite conflict, it is important to bear in mind that we are not dealing with a unitary actor operating under a shared agenda.\textsuperscript{85}

In defence of the development thesis, there are many non-violent Naxalite activities such as bandhs (strikes), marches, boycotts and lockdowns, suggesting that the struggle is socio-economic, rather than separatist.\textsuperscript{86} However, the Maoists routinely kill tribal and rural villagers, and conduct a campaign of destruction regarding the development and infrastructure initia-
tives by government and firmly reject parliamentary politics and democratic procedures. \(^\text{87}\)

Their stated aim is revolution, but it is not at all clear how much this is limited to the leadership or whether it is fully shared by rural villagers, who are unlikely to understand what revolution really means.

While the Naxalites have had some successes in empowering oppressed villagers and redistributing land, other development activities have become more difficult. The Maoist leadership believes that revolution is more likely in the most undeveloped areas and the bigger the gap between the ideals of the leaders and the expectations of the populace, the less likely it is that the ‘revolution’ will occur. \(^\text{88}\) This then would represent a major failure on the part of the Maoist elites to mobilise ‘their’ people. But when Adivasis join the insurgents, they tend to do so en masse, representing their tradition of collective activity \(^\text{89}\) rather than decisions at individual level that Maoist membership best represents their own interests.

The Naxalites are not fighting purely for control of land, as they would be for control of revenue sources such as oil, which only becomes accessible through secession or high levels of negotiating power. \(^\text{90}\) This generally requires higher levels of violence than that needed for resource looting. People’s militias have lead to ordinary people attacking police and army posts and the Maoists have started abductions, with attendant increased planning and coordination of attacks. In common with many insurgent groups like the LTTE, the concepts of ‘sacrifice’ and ‘martyrs’ provide impetus for new recruits to become radicalised.

The main set of actions by the rebels this millennium have been a steadily rising levels of violence against security forces, militias and individuals they consider to be against them \(^\text{91}\) even as the killing of Adivasis and low-castes appears to be contrary to their stated aims. They have also employed child soldiers. \(^\text{92}\) They are increasing their use of improvised explosive devices (IEDs), coordinating attacks and improving their intelligence networks, planning raids with more care, attacking a wide range of targets and also making use of more opportunities for violence. \(^\text{93}\) The rebels have so far avoided attacking urban areas but have reached city peripheries in some areas. They concentrate on attacks which yield arms \(^\text{94}\) and in many locations weak defence of the weapons of security personnel has allowed the Naxalites to steal them.

**Responses by the Indian State**

There are many endogenous factors that influence the responses of a government towards rebellion, such as how autocratic it is, whether it is looking to be voted for another term in office, and the cultural norms of the country. A government needs to consider its international reputation and credibility, style of governance, influence on other insurgent groups, and potential expenditure. According to the Polity IV rankings, India scores very high on indicators for democracy: a polity score of 9 in 1999 (the latest available figure), showing it to be a mature democracy with elective recruitment of its executives, constraints on its political elites and un-

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87. Kujur, ‘Naxal Movement in India’
88. Bhatia, ‘Naxalite Movement in Central Bihar’
89. Navlakha, ‘Days and Nights in the Maoist Heartland’
90. Lujala, ‘Deadly Combat over Natural Resources’
91. Srivastava, ‘On Maoist Killings’
92. Project Ploughshares, ‘India: Maoist Insurgency’
93. Stratfor, ‘A Close Look at India’s Naxalite Threat’
94. Navlakha, ‘Days and Nights in the Maoist Heartland’
restricted political participation.95 A score of 10 would be a fully consolidated democracy. India, an electoral democracy, is now the only state in South Asia ranked as ‘free’ by Freedom House in terms of political freedom,96 and ‘partly free’ for press freedom, despite paradoxically being currently ranked as ‘seriously’ at risk of state failure.97

In terms of predicting incidence of political instability and civil war, Goldstone et al.98 argue that regime type and political institutions are more precise indicators than unequal distribution of natural resource rents or any other variables. What they label ‘partial democracy with factionalism’ is the regime type most at risk from instability. Indian democracy is a huge and intensely complex style of governance with many unique features among state governments, and it experiences a lot of communalism, factionalism, enormous corruption and erosion of certain democratic freedoms.

The extent of government mismanagement and corruption regarding Naxalite policy, expenditure and strategy is reasonably well-documented and makes for depressing reading.99 India’s Supreme Court has blamed uneven development and institutional exclusion for increasing insurgency and political extremism.100 The government has so far insisted that the Naxalites are a ‘law and order’ problem, and responsibility rests with individual states,101 meaning that the country’s military has not been deployed, only Central Reserve Police Force (CRPF) and militias. The government’s use of the terms ‘extremist’ and ‘terrorist’ to describe Naxalites, while simultaneously conceding to the legitimacy of their demands, is another example of India’s lack of cohesive approach to the problem.102 For many years, the problem was underestimated by the government (as admitted recently by the Union Home Minister), which allowed the rebels to consolidate their power.103

The Maoist increase in armed attacks over the last few years, and the spread of the LWE across a wider territory, have forced the government to address the problem more comprehensively. Naxalites, like Al Qaeda, do not have a centralised and hierarchical command structure, and this unorganised approach is one of their salient features.104 This fragmented feature may prevent the movement from taking unified decisions, but may have also contributed to the state and central governments’ lack of uniform strategy to dealing with them. Even after government decisions, the legislation may be ineffective: since 2006, when the Ministry of Home Affairs embarked on its most recent anti-Naxalite policy, the number of affected districts has increased considerably.105 There are many simultaneous streams of LWE operating under the banner of Naxalism, which poses a further challenge to the government, for example when trying to organise peace talks without uniform agreement on who can represent whom. In June 2009, New Delhi banned the Communist Party of India (Maoist) as a terrorist organi-
sation, and individual states have done the same for other LWE groups, but not in a consistent manner.

The conflict is not fought by unitary actors. India’s government is factionalised, prone to corruption and vacillates between different approaches to dealing with LWE. The ‘Development Challenges in Extremist Affected Areas’ report of the Expert Group\textsuperscript{106} identifies multiple dimensions of failure of governance, such as upper-caste dominance, key decisions makers being from landowning classes, cultural superiority and lack of transparency that lead to leadership failures and increases the likelihood of subversion and violent responses.

One of the main issues from the side of the Indian government is the lack of a clear coordinated strategy for dealing with LWE violence. As mentioned, successive governments have been unable to agree on whether to approach the problem from a development angle or a security threat.\textsuperscript{107} This has lead to disagreements about the most effective responses to Naxalism: repression, dialogue, offensive action or a combination of the above. In March 2010 the Government of India launched “Operation Green Hunt”, a multi-faceted counter-terrorism offensive that makes use of joint operations by security forces and has had significant impact in numbers of Naxalites killed.\textsuperscript{108} However, weak inter-state and inter-agency coordination has reduced the efficacy of security forces’ operations. There is considerable rivalry between security agencies, and the lack of a centralised bureaucracy for analysis hinders the effective sharing of intelligence.\textsuperscript{109}

In addition to the current overall lack of clear strategy, there is tension between central and state governments.\textsuperscript{110} Most analysis of state response and governance often suffers from simplistic dichotomies, for example stating that a given area is controlled either by the rebels or by the state\textsuperscript{111} when the ground reality is far more complex, with multiple layers of control and conflict. Such simplification can result in the use of draconian legislation, like the Prevention of Terrorism Act (POTA), to deal with armed villagers agitating for forest access. The Indian state has not adopted a formal definition of Naxalism,\textsuperscript{112} perhaps because it gives the state more freedom in its responses to LWE. Some Indian states label the Naxalites ‘terrorists’ under POTA, while others do not; some groups within LWE are labelled ‘terrorists’ while others are not.\textsuperscript{113}

There have been early attempts by the state to address the issue of rural inequality and violence, such as the Policy Planning Division of the MHA in late 1960s, the formation of the Manmohan Singh Committee examining rural unrest in Andhra Pradesh and Bihar in the mid-1980s and the committee on Naxalite violence later that decade. But until 2008,\textsuperscript{114} there was no serious attempt from the government to comprehensively analyse the conflict by which time LWE violence was already a very serious threat. India is blessed with a surfeit of government committees and policy groups (many of which deal with issues affected by Naxalism,
such as the 2007 National Mineral Policy Committee). The central government has taken various steps to placate populations in Maoist areas and show that they are committed to rural development and equality. These include the Backwards Districts Initiative, Backwards Regions Grant Fund and Pradhan Mantri Grameen Yojana, as well as various separate schemes implemented by different Ministries. This lack of coordination and cohesion in policy and research on the subject, coupled with multiple (and sometimes conflicting) sources of information, renders decision making difficult and unsystematic. It would furthermore be incorrect to suggest that these state-led measures have all been implemented solely as a response to LWE.

Table 1
(Examples of Government of India legislation addressing terrorism)

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>DAA- Disturbed Areas Act</td>
<td>Gives provincial governments total impunity when engaged in anti-rebel operations</td>
</tr>
<tr>
<td>TADA – Terrorism &amp; Detention Act</td>
<td>Allows unlawful detention for suspected terrorists</td>
</tr>
<tr>
<td>POTO- Prevention of Terrorism Ordinance</td>
<td>Controversial act giving extra powers to government</td>
</tr>
<tr>
<td>POTA – Prevention of Terrorism Act</td>
<td>Replaced POTO in 2002. Grants special powers to authorities, such as holding suspects for 180 days without charge.</td>
</tr>
</tbody>
</table>

In 2006, the government implemented the Mahatma Gandhi National Rural Employment Guarantee Act (NREGA), which guarantees 100 days of work to each household in rural areas, mostly cash-for-work building infrastructure projects. NREGA is widely seen as a response to Naxalite violence, whereby the state seeks to reduce rural grievances and turn popular opinion against the Naxalites.\(^{115}\) NREGA has been implemented in the areas most affected by LWE, which tend to be the rural areas most neglected till now by the government.\(^ {116}\) But the local sentiment is that this employment programme is caused by the government reacting to the Naxalites demands and violence,\(^ {117}\) and is therefore a reactive policy whose primary goal is to contain LWE, instead of developing rural areas. It is therefore possible that if the rural populations increasingly believe that NREGA and other state responses to LWE are beneficial for them, then this could be a further motivation for Naxalites to spread violence if villagers believe this brings development in the longer term.

The Government of India has a policy of buying back weapons from LWE fighters, even if they were originally looted from police and army posts in raids, and has also begun giving salaries or stipends to fighters who have renounced Naxalism and want to be rehabilitated into society.\(^ {118}\) The state government of Karnataka has announced a generous financial package for Maoists who surrender,\(^ {119}\) which could result in many non-Naxalites also ‘surrendering’ to re-

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115. Personal communication, London 2010
117. Ibid.
119. Express News Service, ‘Government Offers Carrot to Naxals’
ceive the money. In any case, other states have not passed the same incentives to rehabilitate fighters, so this could result in fighters crossing state borders merely to receive financial handouts.

**Escalation of conflict**

The Maoists have increased their levels of violence in recent years\(^\text{120}\) and numbers of dead per incident have risen.\(^\text{121}\) The government knows that further collateral damage inflicted on villagers in the battle against the insurgents would lead to further alienation, anger and disappointment with the central government, if for example the Indian Air Force carries out air strikes. But the government currently views the use of armed forces (the Indian Army rather than CRPF) as a last resort,\(^\text{122}\) indicating that they perceive the issue, even now, more as a development than an internal security challenge.

Maoists now refuse outright to enter into any peace talks with the government, but India’s leaders have also taken the decision not to have any dialogue with the Maoists till they disarm, thus creating the conditions from both sides for continued violence through political intransigence. The government claims to have a general policy of not engaging in peace talks whatsoever with any rebel groups until they have disarmed, but this policy has not been adhered to in other Indian conflicts, such as the Nagaland insurgency.\(^\text{123}\) Furthermore, in 2004 the State Government of Andhra Pradesh held peace talks with the Naxalites, and in 2005 the Home Minister stated that talks could still take place even if the rebels still bear arms.\(^\text{124}\) This inconsistency represents another vacillation of the Indian government’s stated policies.

The government’s latest anti-Maoist offensive has involved almost 50,000 paramilitary soldiers and tens of thousands of policemen.\(^\text{125}\) The Naxalites in turn have declared that the levels of violence will keep rising unless the government halts offensives against them, and the government likewise has issued an ultimatum that if the rebels do not begin peace talks, the state will intensify its crackdown.\(^\text{126}\) Such reciprocal violence reduces the opportunities for peace talks and negotiations. The government approaches are routinely criticised by civil society organisations and NGOs for human rights violations, by the judiciary for illegal procedures, by the political executive for not controlling the security threat and by the army and police who lose colleagues in poorly-planned manoeuvres.\(^\text{127}\) In just one of many examples, unarmed Adivasis protesting against a hydro-electric power project were shot and killed by police.\(^\text{128}\)

The government established a unified joint command to deal with Naxalism in 2006 and embarked on a programme of promoting recruitment among tribal groups themselves to fight the Maoists.\(^\text{129}\) In a further complication of the issue, there are private and caste militias operating...
in Naxalite areas, in clear contradiction to the Indian Constitution. These have been established to protect wealthy landowners, upper castes and other groups with opposing interests to the Maoists. These militias employ violent methods and carry out actions against scheduled castes, Dalits and Naxalites. Such vigilante groups operate along caste divisions, as Adivasis are often treated as a caste. Some of these militias have been established and funded for self-protection by private groups, such as the Ranvir Sena, which was also banned as a terrorist organisation in 1995. Another example of such groups is the Salwa Judum militia. The promotion of such militias, both tribal and non-tribal, has had negative effects in terms of the government’s anti-LWE campaigns, particularly as Salwa Judum has been accused of grave human rights abuses. Some militias are supported by the government, either openly (the Greyhounds) or clandestinely (Salwa Judum). State security forces emphasise eliminating the rebels in staged ‘encounters’, and once militias and special units have been trained and deployed, there is a lack of political will to remove or modify them and change security strategy. The motivations for such militias may ostensibly be to fight the Naxalites and protect the population, but they are routinely accused of mass murder, human rights violations, rape, abductions and criminality themselves. Very few cases go to court.

The use of Salwa Judum pitted armed tribals against Naxalites, and it has frequently been the Adivasis who suffered most as they are caught in the middle between these two armed groups. This represented a clear abdication of the government’s responsibility to deal with the issue itself rather than by employing proxies. As happened in Peru under the Shining Path, the use of state-sponsored vigilante groups to combat LWE in India has increased the numbers of civilian deaths. The demarcation between the military, armed militias and civilian protection groups is increasingly indistinct and highly complex; the system is prone to abuse. In July 2011, Salwa Judum was declared illegal (and against the Constitution) by the Supreme Court of India and the authorities have been ordered to reclaim firearms and investigate its criminal activities. The group has been criticised for employing uneducated youth, child soldiers and infringements of human rights. Overall, India’s use of militias and proxies to combat the Naxalite insurgents represents a failure to take responsibility for the security of the state and has contributed to an increased number of casualties.

The relationship between state and rebel is not at all clear-cut, and in fact represents some elements of symbiosis. One complexity in certain areas is the shady history of political agreements between Naxalites and political parties, whereby information and assistance are offered in return for the LWE to remove political rivals and settle deals. These arrangements benefit both corrupt local politicians and the LWE combatants and are more pronounced around election time. If the Naxalites target opposition candidates, the winning party will ensure that the local security forces subsequently “go slow” on the rebels. On a more mercenary level, the Maoists will take cash payments for targeted assassinations. Some politicians come to rely on Maoists for their personal security and professional careers.

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130. Borooah, ‘Deprivation, Violence and Conflict’
131. Ahuja & Ganguly, ‘Naxalite Insurgency Violence in India’
132. Misra, ‘Left-wing Insurgency in South Asia’
133. Navlakha, ‘Maoists in India’
134. Tharu, ‘Insurgency and the State in India’
135. Tharu, ‘Insurgency and the State in India’, p.94
136. Tharu, ‘Insurgency and the State in India’
Table 2

Some other examples of Indian counter-insurgency militias working with police support. Some of their leaders are also in the lower house of Parliament in New Delhi.  

<table>
<thead>
<tr>
<th>Group Name</th>
<th>Role</th>
<th>Supporters</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green Tigers</td>
<td>Vigilante</td>
<td>Upper Caste + State</td>
<td>Andhra Pradesh</td>
</tr>
<tr>
<td>Ranvir Sena</td>
<td>Vigilante</td>
<td>Upper Caste</td>
<td>Bihar</td>
</tr>
<tr>
<td>Sunlight Sena</td>
<td>Vigilante</td>
<td>Upper Caste</td>
<td>Bihar, Jharkhand</td>
</tr>
<tr>
<td>Bhumi Sena</td>
<td>Vigilante</td>
<td>Upper Caste + State</td>
<td>Jharkhand</td>
</tr>
<tr>
<td>Gram Raksha Dal</td>
<td>Vigilante Task Force</td>
<td>Secular/Rural</td>
<td>Jharkhand</td>
</tr>
</tbody>
</table>

Such phenomena are only possible in an environment with little political accountability or security, and poor channels of communication between the individual states and New Delhi. The Advocates’ Committee on Naxalite Terrorism contends that the power-hungry activities and avarice of politicians, and the benefits for them of staying in political office, have contributed to the continuation of the Naxalite conflict. In addition to this corruption, there is the lack of cohesive and united Government policy against the Naxalites. If the government cannot decide if the LWE is a security or a development issue, how can they formulate consistent strategy and state responses? Decisions by the central government in New Delhi have often not been followed by individual states and there is a lack of communication and coordination between the army, police and separate security agencies. The Naxalites and the security forces are furthermore using increasingly powerful weapons against each other.

**Conclusion and implications for policy**

Government policies, alternating repression and accommodation as responses to popular uprisings, can lead to increased rebellion. In India, a government strategy of repression increases popular anti-government sentiment, whilst a concessionary approach allows the rebels to consolidate their territory, re-arm, and spread more propaganda among the populace. Furthermore extremely high levels of illiteracy in India’s poorest areas and especially among Adivasis may make them more vulnerable to demagogues, emotionalised pleas and simplistic arguments. A lack of decisive strategy by the state, inability to address the root causes of the grievance, a combination of conciliatory and repressive policies and corruption allow rebels to continue their campaign of violence. New Delhi’s Naxalite policy lacks consistency, being both conciliatory and coercive, which prevents unambiguous responses. The state’s oscillating policies and reactions to the LWE rebellion play a key role in prolonging and intensifying the conflict.

It is the lack of consistency, rather than state policies being too repressive or lenient, that in India has resulted in further rebellion and increased violence. Of course, the actions by the rebels and the state responses condition and affect each other; there are a lot of cyclical and

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137. Adapted from Misra, ‘Left-wing Insurgency in South Asia’
138. Advocates’ Committee on Naxalite Terrorism, ‘Report of the Advocates’ Committee on Naxalite Terrorism in Andhra Pradesh’
139. As demonstrated by Rasler, ‘Concessions, Repression and Political Protest’
reactive decisions made by both sides. Such feedback loops result in circular results and causal patterns. If a state chooses only to address the symptoms of a problem and not the root causes, and if sufficient mobilisation occurs among the aggrieved, then organised political violence is a probable result.

Naxalite activity correlates with increases in poverty and decreases in literacy but areas with high Naxalite activity also have reduced levels of violent crime. New Delhi should therefore address India’s rural poverty and high illiteracy in addition to the widespread inequalities. India’s political system is corrupt and frequently criminal, but it still has democratic legitimacy, and thus has great potential to manipulate the expectations of the country’s rural underclass. As such, government policies are the key to comprehending the causal mechanisms of the Naxalite rebellion: the exploitation, exclusion and erosion of tribal lifestyles. Unlike many modern civil wars, the Naxalites are not to be blamed for illegally extracting resources such as minerals or diamonds to finance their insurgency. Other causal factors alone cannot account for the insurgency without an examination of the state’s priorities and ‘development’ efforts. If the government continues to employ force while the Naxalites are able to undermine state legitimacy by carrying out development and security activities of their own, and if the grievances of poor rural areas are not comprehensively addressed, then a continuation of violence across India looks probable.

For a comprehensive approach to preventing civil conflict, the conclusions that can be drawn from the Naxalite case are that grievances should be reduced through equitable allocations of public goods and land, and economic opportunities. Any minority group (ethnic or otherwise) that feels excluded is likely to generate resentment that can be manipulated by elites and mobilised into potentially violent insurgency. If violence breaks out, the state should have a consistent response strategy, which is implemented coherently across different sectors, and combines security measures that incorporate an analysis of the underlying causes of the conflict with development activities that reduce grievances.

Policy implications for government are clear. A government that seeks to reduce the likelihood of conflict needs to address the fundamental causes of grievance. All countries however have some levels of grievance among certain sectors of the populace, and a government can guard against political mobilisation in the early stages and improve social cohesion. If political violence does break out, the state should follow a comprehensive, coordinated and unified strategy that incorporates development and security forces, local and national government, and minority group leaders. This strategy should be closely monitored and allowed to develop to adjust to the circumstances in a non-static way. The state cannot oscillate between different types of response to rebellion and expect a positive outcome.

140. Borooah, ‘Deprivation, Violence and Conflict’
141. Banerjee, ‘Maoist Movement in India’
142. Rupavath, ‘Tribal Land Alienation’
Bibliography


Small Arms Survey (2011) "India’s States of Armed Violence”, Issue Brief, India Armed Violence Assessment, Number 1, September 2011.


Srivastava, D. (2008) "Mining War in Chhattisgarh", Institute of Peace & Conflict Studies,


List of Terms:

- **Adivasi**: Historically disadvantaged indigenous aboriginal minority.
- **Bandh**: Political protest in the form of a strike
- **CRPF**: Central Reserve Police Force
- **CPI (M)**: Communist Party of India (Maoist)
- **Dalits/ scheduled castes**: Members of India’s lowest castes (untouchables)
- **Greyhounds**: Anti-Naxalite elite commando force
- **IED**: Improvised explosive device
- **LTTE**: Liberation Tigers of Tamil Eelam
- **LWE**: Left Wing Insurgency
- **MCCI**: Maoist Communist Centre of India
- **NREGA**: Mahatma Gandhi National Rural Employment Guarantee Act
- **POTA**: Prevention of Terrorism Act
- **PW**: People’s War
- **OBC**: Other backward class. Social group similar to scheduled castes.
- **Ranvir Sena**: Right-wing upper-caste militia of land owners
- **Red Corridor**: Area of East India where Naxalite activities are concentrated
- **Salwa Judum**: Government-sponsored anti-Naxalite militia
- **States**: Known as ‘districts’ or ‘provinces’ in other countries
- **Tribals/Schedules Tribes**: Members of India’s historically disadvantaged indigenous populations
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Most of the recent conflicts around the globe are concentrated on economic issues. So, economic actors can play both negative and positive roles in the transformation of conflicts. This paper discusses the conceptual relation between business and peace with reference to the work of three theorists' on conflict transformation and a case study of Nepal. It also portrays the trend and scope of corporate engagement for conflict transformation in Nepal. It uses qualitative interviews with labour unions and business associations as primary data and journal articles, books and reports as secondary data. Focusing mainly on the economic dimension of conflict transformation theories, it explores the impact of corporate activities on conflict. The paper concludes that, given its networks, resources and social position, the corporate sector can help transform conflicts by addressing their economic causes.

**Keywords:** Nepal, Corporate, Business, Peace, Conflict transformation.
Economic issues have been key factors in many conflicts around the globe. Miall affirms that conflicts are inevitably influenced by economic and political forces. Lederach writes that such forces can interdependently contribute to conflict transformation. On occasions corporate actors can be seen to have played decisive roles, both triggering conflicts and transforming conflict. Hence, corporate actors may be both the boon and the bane for society. In this context, this paper discusses the relationship between corporate actors and conflict transformation with a special focus on Nepal.

The primary objective of this paper is to conceptualise the business-peace relationship. In addition, it also looks at the operational linkage between the corporate sector and conflict, and goes on to describe the trend and scope of corporate engagement for conflict transformation in Nepal, and analyses the contemporary situation. The analysis draws on secondary data from International Alert, National Business Initiative, labour unions, academic institutions, government agencies and business associations. The authors of this paper also undertook primary research which included around a dozen structured and unstructured interviews with labour unions and business associations and interviews with large businesses in Nepal including banks, hotels and manufacturing companies. The objective of these interviews was to explore the corporate sector’s perceptions of social engagement and their level of willingness to engage in this activity. In addition, the authors also conducted a questionnaire which focused on needs, interests, determination and limitations of these companies to be involved in peace-building activities. Respondents were selected from three sectors: production and manufacturing industry, tourism and hospitality industry, banking and finance industry.

The business-peace interface

The social engagement of the corporate sector has been a matter of debate for many years. Such engagement has the potential to promote both peace and conflict. For instance, several authors argue the positive effects of economic actors in conflict contexts. In contrast, authors have described how corporations have incited conflicts. Though economic actors have a crucial role in conflict transformation, Botes critiques the lack of attention to interdisciplinary per-

1. Miall, Conflict Transformation, 8.
3. Mariano, Beyond economic benefits; Tanaka, Country Profiles: North Korea; Dhakal and Subedi, "The Nepalese private sector."); Banfield, Gündüz and Killick (eds.) Local Business, Local Peace. 405-43; Ciarli et al., Conflict and entrepreneurship in Afghanistan.
spectives by most transformationalists. While there is a substantial body of literature on the role of economic systems, there is less on the role of economic actors in change-making.

**Analytical framework**

Existing literature rarely talks about the role of business in conflict transformation. Azar Lederach and Rupesinghe discuss corporations in conflict transformation as only an adjunct charac-

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**Figure 1: Conceptual framework on business-peace interface**

Peace, stability and economic prosperity

Conflict transformation process

Actors’ (Individual) transformation

Relation transformation

Issue transformation

Culture transformation

Structure transformation

Social engagement

Humanitarian engagement

Philanthropic engagement

Economic engagement

Political engagement

Components of pro-peace corporate engagement in conflict context

Source: Designed by the authors based on Lederach, J. P. (1995a and 1995b) and Väyrynen, R.(1991)
Theories by Galtung and Väyrynen also fail to bring economic actors to the fore-front. Instead, they talk about the model of economic transformation. By contrast, figure 1 illustrates this paper’s analysis of the interrelation between aspects of transformation where corporations are the major actors.

The figure identifies five broad types of pro-peace engagement of corporate actors - social, humanitarian, philanthropic, economic and political. Such engagements should be conflict-sensitive so as to ensure that the corporate activities do not fuel conflict. These five types of engagement, together with conflict-sensitivity result in five aspects of conflict transformation focusing on - actors, issues, relationships, structures and culture transformation. Addressing the root causes of conflicts through such engagements helps to realise transformation thereby leading to peace, prosperity and economic stability.

**Economic implications in conflict transformation literature**

Conflict transformation seeks to engage with the causes and consequences of violent conflict, which usually extend beyond political consensus. It needs the role of the corporate sector to address socio-economic causes of conflict. Corporations can be actors facilitating economic equity and smooth social relations.

Conflict transformationists active in the nineties such as Väyrynen, Galtung and Rupesinghe adopted the Lederachian idea of re-building relations. They particularly focused on the need for transformation of social systems. Transformation able to mitigate social conflicts has now become a central theme in peace literature. However existing literature has not amply discussed the corporate role, rather it has focussed on the economic dimension of transformation. Hence, this section talks about the economic implications in the transformation literature. The discussion refers to the theories by Väyrynen, Lederach and Galtung.

**Micro to macro transformation**

The discussion in this section is based on the theory of Väyrynen. He opines that conflicts are naturally shaped by the impact of the economic and strategic penetration of major social, economic and political powers. Uneven distribution of economic resources, overexploitation of markets and unfair accumulation of income opportunities generate conflicts. Conversely, corporate social responsibility, responsible investment and pro-peace engagement transform actors and situations.

Väyrynen classifies transformation into micro and macro aspects. He specifies four ways of transformation. The first, *actor transformation*, has to do with the appearance of new actors.
or the internal changes in the major conflictants’ behaviour. Actor transformation also includes re-orienting actions, re-defining responsibilities and re-positioning the status of the corporate actors in a conflict based on economic factors.

The second is issue transformation which means altering the agenda of the conflict and the need to address the problems that generated the conflict. Employment opportunities, promotion of regional investment, just distribution of benefits, equitable growth throughout the country and economic classes are necessary to transform the issues that contributed to the conflict.

The third is rule transformation. Väyrynen postulates that the norms and the behaviour that the actors follow in interactions are important in transforming conflicts. Evaluating such norms to redefine the relationships between actors is essential for rule transformation. Business associations and the state itself can play a vital role in setting the norms and orienting the corporate world towards conducting business more responsibly.

The fourth is structure transformation requiring a shift in the economic system, including increased investment and enhanced socioeconomic balance. It is important in conflict contexts because most of hostilities now have problems in the distribution of, rather than in the production of resources.

Within the context of these four forms of conflict transformation, Väyrynen stresses the role of actors. For him, issues, actors and interests change over time as a consequence of the social, economic and political dynamics of societies. So, economic actors should also change their stance, behaviour, and ways of interacting with society to transform conflicts.

**Dimensions of transformation**

This section discusses the economic implication of the conflict transformation theory by Lederach. For him, transformation begins with: (i) a positive orientation toward conflict and (ii) a willingness to engage in the constructive change or growth. So, for conflict to transform not only conflictants, but also the triggers, influential [economic] actors should also change. Lederach argues that positive orientation is a necessary antecedent to the willingness to engage in change. His position, which reflects some of the points of Väyrynen's classification, has four dimensions as follows. They are:

**Personal:** (Corporate) actors can help reduce the negative effects of their actions by realising personal transformation. This is related to a shift in attitude, orientation, willingness etc. Minimising the possibility of conflicts, it smoothes economic activities.

**Relational:** As economic factors are almost always a major part of political conflict, relational transformation can help the corporate sector enhance efficient communication, mediation and negotiation leading to better understanding.

**Structural:** Identifying the underlying causes of conflict as well as its proxy reasons, offering possible solutions through corporate interventions and helping restructure social relations.

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13. Ibid. 4.
Cultural: The corporate sector can promote respect for local cultures, enhance understanding of social values and adapt to them while working in the community, and remaining aware of the culturally sensitive issues that may generate or fuel conflicts. This can also identify and promote indigenous methods of conflict settlements in business disputes.

Overall, Lederach writes that there are always challenges for (corporate) actors about how to support and sustain changes constructively. The act of supporting changes includes facilitation of post-war recovery, creating employment opportunities by increased investment, targeting economic programmes for displaced people and migrants, and mediating negotiation between the conflictants. Similarly, rebuilding economic infrastructures, generating wider economic space for people affected by conflict and institutionalising economic transformation through new plans, policies, acts and even constitutions can help to sustain changes. Hence, supporting changes is a short-term and sustaining changes is a long-term engagement. This job becomes tough for the actors given the socio-political situations. Thus, even if viable, transforming conflicts is on the one hand essential, but on the other a challenging job for the corporate sector.

Actor analysis

Galtung gives a thorough analysis of the actors of conflict. He talks about conflict formation/transformation/deforation dialectics and highlights the role of conflictants rather than bringing to the fore-front the role of secondary actors to transform conflicts. Sometimes the non-conflictants' role is important when the causes of conflicts are not merely political. For instance, the role of economic actors is vital in socio-economic conflicts. Galtung asserts that conflictants need a 'transformative capacity' to handle transformation in an 'acceptable' and 'sustainable' way. Transformative capacity in corporate actors can generate economic transformation, which can be understood as a shift from inequitable distribution of economic opportunities and income to a more equitable system, and from subsistence economy to industrialisation. It is also a shift in corporate actors from being commercially-oriented to becoming community-oriented and from relying on weak corporate culture to creating sustainable business ideas. But sustainability of transformation is unimaginable when there are still old seeds left for new conflicts. Hence, addressing economic faults is essential in conflict contexts.

Galtung argues that the continuous engagement of (corporate) actors is necessary for conflict transformation. Thus, there is no defined end for economic actors engaging in transformation. To cope with situations, to enhance the peaceful business environment and to support societal needs, economic actors always need to be ready for transformation. This is why Galtung argues, that in conflict old or new contradictions open up between the conflictants, which provides a new role for economic actors as a transformer of conflict.

Even if the conflict is settled politically, it does not mean that all the underlying causes of the conflict are resolved. In the words of Galtung, such "seeds under the asphalt" may rise again if social conflicts are negotiated merely at a political level. He writes:

15. Galtung, Peace by Peaceful Means, 90.
16. Ibid. 90.
17. Ibid.
"First, the signatories may be dishonest. Second, even if they are honest, where are the other actors, the people all over? Third, even if they also accept, where are the sustaining forces, producing the less conflictuous formation, not just reproducing the old?"  

Hence, Galtung emphasises a process that needs all conflictants, victims and external parties to be involved to avoid a return to conflict.

Sustainability of transformation relies on the availability and continuity of ‘watchdogs’. Galtung says that outside parties can "... use carrots and sticks, paying the parties for accepting and punishing them if they do not". With this approach, third parties such as the business sector, the media, and community-based organisations practise 'reward and punishment' on the basis of conflictants' performance and flexibility in negotiation. Directly or indirectly, civil society and other non-state sectors can be parties to conflicts. So, transformation of conflicts cannot be successful without involving them in this process. This involvement is also required to accelerate the process of 'conflict deformation'.

Besides Galtung, Miall has developed a comprehensive paper on conflict transformation. He discusses the relevant literature and the potential forms that the debate of transformation may or should take. He categorises conflict transformation practices in four principal types. The first is with the help of governmental and intergovernmental representatives, the second involves development agencies, the third non-governmental organisations (NGOs) and the fourth local parties and groups within the conflict setting. The ability of the corporate sector as an institutional actor for conflict transformation falls mostly under the third category: non-governmental organisations. But Miall also writes that actors’ activities may not always comply with what is written in theories. He makes a caustic remark that "the complexity of the situations contrasts starkly with the relative simplicity of the core theories we can find in conflict resolution, especially those advocating win-win outcomes in two-party contests". Processes rarely follow the rules preset in theories. So, the need for new actors and the need to explore new angles to intervene are never obsolete in conflict transformation. In the light of this, the following section discusses the ways in which the corporate sector can engage in conflict transformation.

**Types of corporate engagement**

International businesses are looking at how to improve their impact on local economies. They are adapting practices that support social development in order to maximise their achievements. Hohnen and Potts argue that companies’ interests lie in contributing to specific sectors, which helps them fulfill their organisational goals and strengthen public relations. Be it in whichever form, the social engagement of the corporate sector facilitates transformation. This paper argues that the corporate sector’s possible engagement can be seen in five different
issues: political, economic, philanthropic, humanitarian and social. These five aspects are chosen because transformation of these has a direct relationship with the transformation of conflicts. Political, economic and social engagement results in structural transformation while philanthropic and humanitarian engagement during the time of conflict results in individual and relational transformation. These specific aspects are separately discussed in the following section.

Political engagement

It is important in transformation to bring about fundamental shifts in the actors’ ability to recognize each other’s aspirations. Because of the relations that corporations have with the political actors, political engagement of the corporate sector can work as transformative mediation. Bush and Folger define transformative mediation as contrasting with the dominant school of problem-solving mediation. Problem-solving mediation aims to resolve specific disputes between conflictants by developing a mutually acceptable solution to the immediate, short-term problem. The role of the corporate sector in such mediation is to guide the process of negotiation. But in a transformative mediation approach, the corporate sector, beyond proposing remedies, helps to create profound changes in conflictants by the virtue of good interpersonal relationships. Such relationships can have an impact on conflicts at deeper social levels. The experience of South Africa has demonstrated that if corporate actors engage in settling the conflicts politically, their role as mediators, facilitators or even initiators of dialogue can transform the actors in the conflict. As politics is an important factor in shaping social and economic structures, political engagement of the corporate sector also helps in structural transformation.

Transformation and negotiation of power in conflicts depends on whether an actor is one of the conflictants or just a third party. It is not always necessary for actors to be powerful to have the ability to transform conflict politically. For example Miall argues that in some conflict-affected African countries, the intervention of skilled but external third-parties, working unofficially with the conflict-parties, can foster new political thinking and relationships. The power of corporate actors depends on their country of origin and scale of command over financial capital. For example, multinational corporations have strong political connection in the host country. They also have political support from their government in their country of origin if it is a politico-economically strong country. Large domestic businesses can also enjoy personal, political and partisan relationships with the decision-makers. In contrast, companies in small-scale industries have less say in politics thereby narrowing their possibility to influence the actors. But they can effect change with micro-level intervention in economic issues as the research of Ciarli et al. and that of Killick et al have convincingly argued.

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25. Kriesberg et al. (eds), Intractable Conflicts and Their Transformation.
26. Iff et al., Money Makers as Peace Makers?
28. Ibid.
ful or powerless, corporate actors can work for transformation in distinct ways. These include: non-official facilitation, mediation, problem-solving workshops, civilian peace monitoring, non-violent campaigns and cultural exchanges.  

**Economic engagement**

Economic actors play a principal role in conflicts but theorists have not yet apparently connected conflict transformation with the economy. Corporations can have a major role in addressing problems such as economic distribution and production opportunities, promoting inclusive employment and increasing investment, all of which are crucial to transforming economic relationships. Furthermore, the availability of economic space and the historic distribution of economic resources can exacerbate or militate against conflicts.

The corporate sector's assistance to state agencies in the process of providing a 'peace dividend' is another way to afford economic relief. Immediately after the end of conflict, people hope for sudden changes and benefits. Hence, governments allocate expenses to social sectors reducing defence expenditure after conflicts. In this sense, a 'peace dividend' is an arrangement to provide people with economic and social benefits. The corporate sector can jointly work with the state agencies to spread trust and strengthen public relations.

Increasing regional investment can be another form of economic engagement for the corporate sector. However given the operational freedom for corporate actors and relatively freer security provisions following peace agreements, regional investment seems more likely post-war than during a conflict. Generating opportunities for knowledge transfer, job creation and infrastructure development can be realised by introducing new enterprises regionally or by decentralising capital flow from the city hubs.

Insurgency and political instability negatively impact on economic activities. They create displacement, mass migration and unemployment. The cost of peace increases thereafter. So, speedy economic recovery after conflict is vital for conflict transformation. Under the economic fault-line of conflict, Galtung identifies two major issues: misery and inequality. The possible remedies of such fault-lines are: significant uplift from below, land reform, strong cooperatives and public as well as corporate initiatives. The pursuit of peace and equity is essential to reconstruct the economy. Again, harnessing collective resources and networks of corporate actors is a must in this undertaking.

In nut-shell, while 'constructive engagement' focuses only on the desirable and direct effects of corporate engagement, 'responsible engagement' also involves assessing the harmful effects of conflict as well as the active measures to prevent or minimise these. Michael Hopkins

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33. Lund, "A Toolbox For Responding To Conflicts and Building Peace"; Reychler and Paffenholz (eds.), Peacebuilding: A Field Guide
34. Botes, Conflict Transformation, 12.
35. Upreti, Nepal’s peace process and challenges ahead, 3.
terms this approach as 'responsible investment'. However, it is safe to say that economic engagement of corporate actors should be simultaneously constructive and responsible.

**Philanthropic engagement**

This section describes how philanthropic approaches help corporations to engage in transformation. Philanthropy heals wounds in times of need. Thus, philanthropy assists in bridging personal relationships and inviting individual transformation through love and empathy. Many instances can be found of the philanthropic engagement of the corporate sector around the globe. The Rockefeller Foundation provided funding that led to a cure for yellow fever; the Gates Foundation has donated billions to tackle the health problems of the world's poor, and the Carnegie Institute has built thousands of public libraries. Such philanthropic activities are needed, especially during conflict, to transform individual actors. Such a transformation also facilitates the conflictants in the negotiation process and more generally corporations to work together, with society, to address the causes of conflicts. Negotiation is much more difficult without the individual and relational transformation, which can be realised to a certain degree through philanthropy.

To the dismay of corporations, class hostility is a major feature in conflicts based on ideological and economic causes. The instances of Nepal and North-East India show that the rift between the haves and the have-nots creates bitter social relations. In this context, philanthropic engagement facilitates a bridging of the relationship between corporations and communities. Hence, philanthropic engagement is helpful in individual and relational transformation especially to the corporate actors if they are the major conflictant.

Conventional business practice considers social welfare as an activity to be performed only after gaining a certain amount of profits. Unfortunately, many organisations in conflict-affected countries still follow this classical approach of doing business. Conversely, corporate social responsibility, or 'social engagement', should always be a 'before-profit' obligation. Just as philanthropy has many merits for peacebuilding, there is also a risk of it being insensitive to conflicts. Sometimes philanthropy from corporate actors becomes more supply-oriented than needs-based. Hence, applying conflict-sensitivity is important while engaging in philanthropy as is following not only 'do-no-harm' but also 'do-good' principles.

**Humanitarian engagement**

Literature often uses philanthropy and humanitarianism interchangeably. However studies by Hugo Slim and David Kennedy, suggest that humanitarianism is helping others in tough times by whatever means available, whereas philanthropy has to do with helping people with cash or in kind. Humanitarianism is important in conflict contexts because of the high number of people affected. Mostly, armed conflict results in a high level of displacement and dispute over limited resources. Many people lack basic needs. In such contexts, the corporate sector's hu-

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40. Ibid. 115.
41. Ibid.
42. Anderson, Do No Harm.
43. Upreti, Armed Conflict and Development.
44. Slim, Not Philanthropy But Rights; Kennedy, The Dark Side of Virtue.
manitarian engagement strengthens the interrelation between givers and takers. The engagement of banks and media houses in Nepal in providing humanitarian assistance to Koshi flood victims in 2010 is an instance of this. A study of tourism businesses in west Nepal considers the collaboration between entrepreneurs and local communities to create local peace. Such activities strengthen social bonds. Societies are transformed first by providing all groups with their fundamental human needs. Humanitarian engagement raises the sense of responsibility in corporate actors and gratitude in the recipients. Similarly, humanitarianism enriches the culture of cooperation. It emboldens religious values and social norms thereby giving new dimensions to interpersonal relations. Wassenhove et al research using case studies from Swiss, British and US corporations on private-humanitarian cooperation also concludes that responding to humanitarian needs enables beneficiaries to do more, feel better and live longer.

Lederach writes that relationships among actors in conflict have the ability to exacerbate or alleviate issues feeding the conflict. To resolve the issues, the underlying causes of conflict require a creative response. Since bonding human relationships are the heart of conflict transformation, the web of connections among the corporate actors as well as victims should be expansive. Humanitarian engagement of corporate actors with the affected community is one of the best ways to establish such a bond, which strengthens relationships and provides hope for peace.

**Social engagement**

Conflict transformation requires reconstruction of ruined social relations. For this, developing a culture of peace is important. The United Nations Global Compact states that businesses have an important role in creating positive social values in conflict-affected regions. People expect more from the corporate sector as it is considered the financially advanced section of society and is likely to have more financial resources than other sectors.

Social investment includes giving money: from one-off donations to leveraged funding mechanisms; giving in-kind support (both people and products), operating in consultation and partnership, and supporting long-term community capacity-building. Being conflict-sensitive, the corporate sector can promote a culture of social harmony, co-existence and tolerance. The development of networks and alliances for peace can be the next social engagement. Promoting and preserving ethical values and community-building are vital in social engagement. Thus, the social role of the corporate sector can be a successful factor in offering transformative solutions to local and national conflicts. The following section discusses instances from Nepal on corporate engagement for conflict transformation.

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46. Harrington and Merry, "Ideological Production", 708-735; Burton, Conflict: Resolution and Prevention.
47. Wassenhove et al., Corporate Responses to Humanitarian Disasters.
49. UNGC, Doing Business While Advancing Peace and Development, 6.
50. Zandvliet, Opportunities for Synergy.
52. Banfield et al., Transnational Corporations in Conflict-prone Zones, 133-147.
Evidence from Nepal

**Socio-economic condition**

Though rich in resources, Nepal is considered a financially underdeveloped country.\(^5^3\) Populated with around 28,584,975 people,\(^5^4\) with per capita income of USD 1597,\(^5^5\) Nepal is one of the least developed economies in South Asia. From 1990 to 2007, the economy in Nepal has grown at the rate of 5.5 per cent\(^5^6\) a year on an average and the population has been growing at a rate of around 2.3 per cent each year.\(^5^7\) A Nepal Labour Force Survey-II estimates that a total of 252,800 persons aged 15 years and above are currently unemployed in Nepal, which is an increase of 42 per cent over the decade (1999-2009).\(^5^8\) These have all contributed towards per capita income developing at a snail’s pace. This not only shows a chaotic economy, but also heralds potential future conflict, if this situation continues.

The Human Poverty Index (HPI) in Nepal fell slowly from 39.6 in 2001 to 35.4 in 2006.\(^5^9\) This took place because infrastructure development was always a secondary issue during the period of armed conflict. Gyan Pradhan writes,

"In 1996, when the insurgency began, security spending was about 0.9 percent of GDP. In 2006, it was 2.5 percent. Security expenses grew by over 300 percent between 2000 and 2006, mostly due to the purchase of arms and ammunition."\(^6^0\)

The State’s pouring of financial resources into security expenses ultimately handicapped the economy.

A study during the conflict, Nepal Living Standard Survey-2003/04, concluded that the average per capita income of the poorest 20 per cent of the population was about USD 60 and that of richest 20 per cent about USD 600 - an amount ten times larger. Although the decline in poverty was found across all geographic divisions, its magnitude varied significantly in ecological belts. The uneven distribution of income and wealth was apparent in regions where 10 per cent of the households enjoyed 53 per cent of the national income and 6 per cent of the households occupy one third of the agricultural land.\(^6^1\) Alarming disparity between the haves and the have-nots has provided ground for social discontent. The insurgents raised these economic issues as an agenda to wage war (1996-2006).\(^6^2\) The reasons for this escalation of conflict are diverse. For instance, Mishra and Raj Upreti write about unemployment and frustration with the state whereas -Czarnecka focuses on social exclusion.\(^6^3\) Mishra also puts em-

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53. Asia Development Bank, Key Indicators for Asia and the Pacific.
55. UNDP, Nepal Human Development Report, 149.
56. NRB, Monetary Policy for 2009/10, 17.
60. Pradhan, Nepal's civil war and its economic costs, 119.
61. GEFONT, Globalization and big business houses in Nepal, 6.
62. For more details on the 'politico-economic relevance' of Maoist insurgency in Nepal see Bhattarai, "Nepalma janayudhako artha-rajnitik auchitya ; Gautam et al., Maobaadi Vidroha: Sashatra Sangharshako Avadh, 105-150.
phasis on gender discrimination. However, Nepal has shown a very slow economic recovery, even in the post-conflict phase. The main reasons are due to political instability and a tug-war focusing on conflictants' ideologies. In addition, there have been some new actors in the conflict who largely influence the economic and social structure. The pains of conflict are not yet healed; but even five years after the peace agreement, Nepalis face strikes and closures almost every month, up to 16 hours of daily power cuts for up to six months a year and innumerable labour disputes in large businesses.

Conflict, business and peace relation

Any discussion of business and economic disparity in Nepal would be incomplete without discussing the effects of the ten-year insurgency. On the one hand, people suffered from income disparity, on the other, the corporate sector suffered from frequent strikes and targeted attacks. Thus, the insurgency wrecked the economy and constrained business opportunities. Businesses were frequently at the centre of disputes, possibly because labour-owner disputes were guided by political ideology and because the armed conflict was started to put an end to the 'existing socio-economic structure' being based on Marxist 'class hostility'.

There was an economic momentum after the People’s Movement of 1990. But to its dismay, Nepal faced the insurgency only half decade after that historic change. The environment was unfriendly to business so the corporate sector could not progress well. Business activities contracted to the district headquarters. This led to fiscal centralisation and uneven economic growth. While a minority of businesses flourished in urban areas, the majority did not. Labour disputes rose to their height. There were no agencies to pay attention to the widening rift between the rich and the poor fuelling the conflict and polarising the society economically. Various sub sectors like tourism-trekking, hotel and airlines suffered. The business community also did not pay much attention to the remote areas. Existing political instability and economic uncertainty marginalised already marginalised people.

Since Nepal signed the Comprehensive Peace Agreement (CPA) new hopes have emerged. The post-war period needs the corporate sector to act for conflict transformation in Nepal. Even though solving conflicts is, most of the time, considered a role within the domain of political actors, there is win-win situation for both the political actors and the corporate sector if transformation accelerates with the latter’s involvement. However there is still no green light for a trouble-free economy in the country. Even after the peace agreement, there are problems such as forceful donations, extortions, shooting businesspersons and vandalising business premises. At this stage of social, economic and political transformation, the corporate sector and labour unions have representation in the Constituent Assembly (CA) and are facilitating new economic policies. So, the corporate sector faces the challenge and the opportunity of actively participating as an agent for conflict transformation.

65. For additional information, visit www.nea.org.np.
66. For more details on labour disputes, see Nepali Times of 28 November 2008.
68. Panday, Nepal’s Failed Development.
70. Ibid. 89.
**Examples from Nepal**

The corporate sector is vulnerable to frequent shocks leading to immediate downturns. Even though the threat of a downturn arising from the political climate may be imagined rather than real, either can affect corporate performance. Nonetheless corporate engagement in social affairs can lead to a win-win situation where both contributors and beneficiaries, can progress.\(^{72}\) Previously philanthropy was supposed to be beyond the scope of corporations. Now scholars have a numbers of reasons for analysing why the corporate sector should or should not engage in such activities.

Corporate practices in Nepal have been inattentive to the role of business in conflict sensitive development for some years. Also, the study of the relationship between business and peace is underdeveloped. Many of these studies which have been undertaken have been for specific purposes, generally to meet the particular needs of an organisation or a sponsor. Some of these studies have been carried out by political institutions with vested interests. Among them, the Nepalese corporate sector has been acting as an influential mediator for peace and transformation.

The monetary value of the business contribution to social activities in Nepal is, at least possible to calculate. Yet, some businesses including Khetan, Golchha, Chaudhary, Kedia, Vaidya, Mittal and Marwari Group are engaged in activities such as providing scholarships, founding educational institutions, establishing charitable hospitals and protecting the environment. Corporate philanthropy results in personal transformation to some degree, but such activities cannot have a large impact on conflict transformation because they are designed according to the wishes of corporations.

Mostly, corporations in Nepal engage in infrastructure building such as drinking water supply, financial contributions to the construction of roads, water tanks, school, hospital, police posts, public halls and houses etc. Some businesses are also involved in raising funds for the victims of natural disasters and some are assisting environmental protection programmes.\(^{73}\) However such social activities merely strengthen public relations; they do not address the causes of conflict concretely.

Some businesses have attempted to address the causes and dynamics of conflict through lobbying and networking for peace and employment generation. Both in the state systems and corporate sector, inclusion has been a common concern in Nepal. Dhakal and Subedi assert that, the business community's potential to cope with challenges and tap opportunities varies widely given their differing needs, capacities and willingness to engage.\(^{74}\)

Three Sisters' Trekking Agency (TSTA) has set an example working for women's empowerment: even amidst the conflict it remained politically neutral. A private business it trained socially excluded women in trekking and tour operations. As a result, the insurgents refrained from asking for donations and created no other complications.\(^{75}\) TSTA is trying to address is-

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72. Personal communication with Catrin Froehlich, CSR expert of GIZ-Nepal, on 19 November 2009.
73. This information is based on the results of a field survey conducted by the authors in the cities of Pokhara, Birgunj and Kathmandu in Nepal.
74. Dhakal and Subedi, The Nepalese Private Sector, 421.
75. Ibid. 422.
sues such as women’s empowerment and the abolition of caste-based discriminations. These were also part of the rebel party’s manifesto. This shows how the corporate sector can offer economic solutions to conflict-affected people through social and economic engagement.

Among others, the National Business Initiative (NBI) in Nepal, which is an alliance of business community, is at the forefront of advocating for constructive social engagement in the corporate sector. The NBI is concerned with seeking immediate solutions to the corporate problems related to conflict. Hence, it is economically and politically assisting the process of conflict transformation. The NBI comprises 14 national business organisations. It is encouraging Corporate Social Responsibility (CSR), increased responsiveness to stakeholders’ requirements and alternative communication strategies so as to promote peace and productive relationships in individual companies. Its major aims are investing in social capital, infrastructure and the creation of safe spaces for peace talks and genuine peace-building efforts. The NBI reports that because of its work there has been the possibility of providing jobs to the victims of conflict and taking businesses to underserved areas. Hence, it is marked as an institutional initiative by the corporate sector for conflict transformation in Nepal.

The Federation of Nepalese Chambers of Commerce and Industries (FNCCI) initiated negotiations with the underground Maoists during the conflict. Through mediators the FNCCI set up a task force to discuss assistance with the Maoists. After the talks, the Communist Party of Nepal (Maoists) withdrew their threat to force the closure of the 47 factories. This can be seen as a successful political engagement of the Nepalese corporate sector.

There are a variety of interests among the Nepalese business organisations with different umbrella bodies which work in different ways across Nepal. For example the FNCCI, the Nepalese Chamber of Commerce (NCC) and the Confederation of Nepalese Industries (CNI) are examples of such bodies. However, these organisations suffer from competition and internal as well as intra-organisational conflict. They display political divisions similar to those found in Nepalese party politics. However, during the political transition of the country, corporate actors have been trying to bridge political divides and rejoin common platforms for dialogue.

**Prevailing challenges**

Being the driver of the economy, the corporate sector can facilitate economic recovery. But it is the same sector that faces the first shocks of political instability and social conflicts. As in other contexts, the Nepalese conflict has also created numerous challenges for the corporate sector. Armed conflict in Nepal has severely affected the business environment. Risk management has thus become essential to businesses. Corporations which had sound administration and control systems suffered less than those without because they were able to adapt to the conflict situation. Alongside this, the deep mistrust between business owners and workers has been a perennial issue and provides added complexity for the corporate sector. Industrial-

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76. Personal communication with Ms Lucky Chhetri, the CEO of TSTA.
77. NBI, Information Booklet.
78. For more information visit http://www.nbinepal.org.np/rbusiness.php?type=nepal%20cases
80. Alexander et al., What Role for Business in Post-conflict Economic Recovery?
81. Pant, Corporate Social Opportunity.
ists argue that continuing to maintain the current level of employees is impossible when the companies are making a loss and cannot ensure job security. Therefore, corporate leaders are demanding flexible human resource policies, but the labour unions have completely opposite demands. Many such issues have been polarising corporations and labour unions.

Businesses, both small and large, suffered immensely during the conflict in Nepal and employed different methods to cope with the situation. Such methods ranged from extortion and direct negotiations with the insurgents to avoid attacks, to subcontracting operations and lay-offs. Contemporary situational reports from Office of the Commissioner of Humanitarian Affairs and Informal Sector Service Centre (INSEC) also portray frequent insecurities and industrial conflicts in Nepal. Furthermore, strikes in hotels, labour disputes in industries and vehicular obstruction caused by political disagreements happen time and again. All these problems have contributed to a slowdown in the economy. Many big hotels have closed; public enterprises have made a loss; and investment security became pitiful. The labour dispute between owners and workers in the case of Manakamana Cable Car Private Limited and that of Himal Media are instances of tension in large businesses in Nepal.

The loss of markets and customers are the most noteworthy impact of conflict on business in Nepal. The former rebels, in a rush to appear revolutionary and pro-poor in the post-conflict phase, often raised issues more heatedly than others. However, poverty of their rhetoric is often their failure to understand what works and how it works in business environment. Radicalising one section of society for the ‘benefit’ of the other may not be a conciliatory practice.

Besides, several power-holders from the past are the pivotal economic forces of the present. As a corporate power, they do not want to easily surrender all their existing strengths in the face of new forces represented by labourers. So, conciliation skills to harmonise these influences are required to make economic forces engage in transformation. The use of such skills smooths the Company-community relationships and lessens prevailing challenges.

Motive for engagement

Motives differ from actor to actor, and, of course, there can be various interest groups within one corporate community. Corporate actors have responsibility for the impact of their decisions and activities on society. However, being responsible is one thing; the corporate activities should also comply with the need for social change because the corporate sector cannot

82. Personal communication with Mankaji Makaju, President, Pokhara Chamber of Commerce and Industries, on 9 March 2010.
83. Interview with Kamal Sapkota, President, Pokhara Tourism, Hotel, Casino, and Restaurant Service Association, on 8 March 2010.
84. Alexander et al., What Role for Business in Post-Conflict Economic Recovery?
86. Upreti and Upadhayaya, Armed Conflict and Tourism, 235-261.
87. The cable car operator company in Kurintar, Manakamana Darshan Private Limited was shut down citing the threats by the Maoist affiliated labourers to raise the salaries of the staff. In December 2008, 12 employees of Himal Media were injured by pro-Maoist workers. Prior to that, the agitated labourers had vandalised an office vehicle, set fire to copies of the newspaper and threatened the staff.
88. Gündüz et al., Opportunities for linking economic recovery and peacebuilding
89. Pant, Corporate Social Opportunity, 5.
90. Hohnen and Potts, Corporate Social Responsibility.
ignore social problems. Furthermore, addressing social problems and mitigating the root causes of conflict benefits the investment environment as well. As investors, the business community has a duty to act in the best long-term interests of their beneficiaries. In this role, corporations have to believe that environmental, social and corporate governance issues can affect the performance of investment portfolios to various degrees across companies, sectors, regions and time. Furthermore, an investment-friendly environment remains a major need in conflict contexts. If social engagement returns in the form of peaceful recovery and a business-friendly environment, then this can be the most important motivation for the corporate community.

The motives of the corporate sector may differ according to context. The motive of multinational companies may also be different based on their country of origin. Improving the economic situation of a country may be one motivation, but primarily the corporate sector needs to improve conditions to accelerate production leading to returnable investment. Yet, not all corporate engagement can be termed as selfish acts. Altruistic corporate intervention has resulted in better societies in countries such as South Africa, Northern Ireland, Indonesia, Afghanistan etc.

The way forward

Engagement itself is not sufficient for creating peace. Corporations in conflict contexts need to be conflict-sensitive and peace-promotional. This sector wears multiple hats and performs multiple functions during conflict. Joras describes its role in violent conflict as typically being in two dimensions: first, conflict exacerbating and second, conflict preventing. Companies can refrain from participating in violent conflicts by applying conflict-sensitive business practices. They can engage in bridging social bonds with the help of economic means.

Conflict is not only a painful time, but also a time for hope. Conflict-affected people want some of their hopes to be fulfilled by large corporations as the latter are considered to be ‘resourceful’. According to the primary information of this study, most of the corporations were found to have engaged in social contribution as a coping strategy. For example, many corporate contributions to the society are in the form of religious donations. Alongside this, a further problem is that engagements are not sector specific. They have not yet followed pro-peace approaches. The arguments by Hopkins seem convincing here that corporate contributions depend upon the whims of the directors about whatever feels appropriate or affordable to give. If the approaches were pre-defined in the line of conflict-sensitive contribution, they could have cumulative effects. A further complication arises when corporate social responsibility or the social engagement of the business sector appears to be an advertising strategy. During the researchers’ field study in Nepalese cities, many officials, even from multinational enterprises, confidentially confessed that they mix up social responsibility funds with advertise-

91. Thompson, Cost Effectiveness of CSR over Time.
92. Bennet, Business in Zones of Conflict.
93. Mariano, Beyond Economic Benefits; Tanaka, Country profiles: North Korea; Dhakal and Subedi, The Nepalese Private Sector: Ciarli et al., Conflicts and Entrepreneurship in Afghanistan.
95. Hopkins, Corporate Social Responsibility, 114.
ment policies. This trend shows lack of interest in some corporations for engaging in social transformation.

Certainly, every engagement cannot result in transformation. Hence, interlinking engagement with conflict transformation seems essential in the corporate case. There are a number of areas for the corporate sector which provide opportunities for knowledge transfer and infrastructure development to society. Identifying areas that help people tackle the effects of conflict is important: contributions during conflict do not address the causes of conflict, nor do they facilitate transformation.

Personal and organisational engagement helps actors' transformation. Miall argues that it is possible "to transcend conflicts if parties can be helped to explore, analyse, question and reframe their positions and interests as per the need of transformation". Corporations such as media companies have positive influences on shaping people's opinion through information dissemination. Consequently, their role in conflict contexts is vital. Raising issues of economic restructuring, providing a platform for academic discussion on economic recovery, as well as highlighting overlooked issues, are major responsibilities of the media in conflict contexts.

Repositioning status and redefining roles are seminal for transformation. For example in Nepal, political parties and trade unions are at the centre of frequent labour disputes. For peace to prevail in business, reorientation in political thinking is essential. Similarly, the corporate sector should also bear in mind the issues of stakeholders such as workers that help check further tensions. Bitter relationships between business owners and workers need to be transformed by means of mutuality and reciprocity in setting rules, ethics and codes of conduct. But for this to happen, there needs to be refinement of existing policies, strategies and incentives offered by the state. Conflict occurs because of resentment towards existing formal and informal rules and structures.

Finally, after the above institutional and regulatory capacity building, it is necessary to enhance the capacity of conflict management and negotiation. As the business sector can never be totally conflict-free, owners' associations and workers' unions both need to be skilful in maintaining internal peace within corporations. This will help accelerate economic activity smoothly and result in economic prosperity. After all, this prosperity is the first sign of repositioning of the actors and transformation of the conflict.

Peace processes tackle many issues which the state, on its own, cannot address. Meaningful initiatives from the corporate sector such as employment generation, facilitating the solution of domestic economic problems, and the smooth supply of goods and services become equally important. It may also help the corporate sector to gain trust from people in conflict contexts where profit-making is almost always perceived as a 'crime'. Hence, it will be better for the corporate sector to align their investments and social action with transformation.

96. Several bankers in Pokhara and officials from some multinationals in Kathmandu revealed this information but requested anonymity.
97. Miall, Conflict Transformation, 3.
Conclusion

Business and peace are conceptually and operationally interlinked because the economy is at the heart of conflict transformation. Introducing economic transformation can alleviate many issues of conflict. There needs to be a shift in orientation in all economic actors including the owners and the workers. Social, humanitarian, philanthropic, economic and political engagements of the corporate sector have the capacity to transform conflict positively or negatively. Recent literature on business and peace discuss such capacities of corporate sector. But this interrelationship of business and peace has received limited discussion in literature on conflict transformation. While literature has established that economic transformation is essential for conflict mitigation, there is still a lack of concrete discussion on the potential role of economic actors. Various types of corporate engagement have different impacts on transformation. Political engagement, for instance, has a direct impact on structural transformation. Economic engagement changes society by addressing the economic causes of conflicts. Philanthropic and humanitarian engagement bridges the personal distances and causes individual relational transformation (even between warring parties sometimes). Similarly, social engagement of the corporate sector helps to rejuvenate social relations bringing people together for a cause.

Besides conceptual links, business and peace have close operational linkages. Economic forces play a major role in influencing conflicts. But corporate actors realise the need to actively participate in promoting peace only after conflict when the costs involved are high for both the national economy this and their daily businesses. Making the environment investment-friendly, improving productivity and sustaining profit are possible if corporate actors help transform issues. It gives the corporate sector a chance to stand up as an actor of social growth.

Addressing these issues can see new conflicts emerge, which demand that third parties are actively involved in transformation. For instance, if production was previously considered the cause of conflict, distribution may become the new issue for later transformation. If employment was considered the original conflict cause then at a later stage the minimum wage, safety and security may become issues in the conflict. What is needed is a creative response from corporate actors. Because of social networks and interaction at grassroots level, corporate actors are strongly connected to the people. Also, because of their social position and regular contact with political actors, they have access to political decision-making forums. Hence, corporate actors have potential both for micro- and macro-level transformation personally, politically, structurally and culturally. But the sustainability of such transformation relies on the availability and continuity of the actions from the economic actors.

The transformation of economic actors' requires redefining their responsibilities and repositioning their status in the society. As transformation of various aspects of society is required involvement of multiple actors is also necessary. Given that the corporate sector has wide networks, managerial skills and, of course, better resources, it can be the most reliable and durable partner for conflict transformation. Furthermore corporate actions for peace have reciprocal effects with the society.

Synthesising examples from Nepal provide many lessons. As the ten-year insurgency in Nepal was mostly related to economic causes, the role of economic actors can be influential, particularly as the country also suffered from frequent labour disputes and an unstable economic environment in the aftermath of the conflict. While the social activities of the Nepalese corporate sector have an impact on relational aspects, they do not address the causes of conflict concretely. Still, at a political level, they have played an influential role as a mediator for peace and transformation. The main lesson is to develop a strategy to cope up with conflict contexts. In Nepal, those corporate organisations that worked with society by addressing social needs and doing business simultaneously, suffered less during the insurgency. But institutional rather than individual efforts appeared to be more influential. The case of NBI, CNI and FNCCI is evidence of this. Structural transformation in the economy and the society takes months to plan and years to implement and requires a level of resources that most organisations cannot provide on their own. So, holistic rather than piecemeal approaches by individual business seem to be produce immediate benefit and, in the long-run, resolve the causes of conflicts.

Businesses cannot ignore their customers and the societies where they operate. But being conflict-sensitive and increasing opportunities to be engaged in activities that promote peace are necessary in times of conflict. However, social contribution in name only will not produce a substantive effect to transform conflicts.

Corporate engagement needs to be interlinked with conflict transformation because engagement alone may not produce transformation. For this to be achieved, repositioning the role of trade unions and corporate associations as well as shifting their stance in conflict are preconditions along with institutional and regulatory capacity building, and capacity building to manage conflicts - all are essential for transformation.

Socio-economic engagement of the corporate sector so far is still insufficient to address the causes of conflict. While states are unable to address conflict causes all at once, their task is not helped by the corporate sector, especially organisations in in developing zones, who have yet to realise what they can do and why they should do it. Making their engagement more transformative rewards all. But one should always bear in mind the causes of conflict while working in a conflict context. Where economic factors are a cause of conflict it is useful to re-quote Galtung- who emphasises that there should be no old seeds left for new conflicts. Old causes may still go unaddressed while corporations linger in petty philanthropy. There may be old seeds still under the asphalt. A political understanding alone and merely philanthropic engagement of the corporate sector may not sterilise such venomous seeds.

100. Galtung, Peace by Peaceful Means, 93.
Bibliography


Lederach J. P., "Beyond Violence: Building Sustainable Peace", E. Weiner (ed.), *The Handbook*


Tanaka H., Country Profiles: North Korea- Understanding Migration to and from a Closed


Building a state or maintaining the occupation?  
International support for Fayyad’s state-building project

By Anders Persson*

Over the past two decades, state-building has developed into an integral part of peacebuilding. International support, primarily from the EU and the US, for Palestinian institution-building has been a prime example of this development but, so far, neither peace nor a Palestinian state has emerged. A growing number of critics has instead begun to claim that this support is maintaining Israel’s occupation rather than contributing to a genuine peace process and a future Palestinian state. This article examines these claims by looking at the achievements and failures of Palestinian institution-building and the role of the international community in the process. The main conclusion is that while the PA, supported by the EU, the US and the rest of the international community has acted illiberally and to some extent maintained the occupation, it is hard to see how the occupation can otherwise come to an end if there are no Palestinian institutions, no security sector reforms, no rule of law and no applications of good governance in the West Bank; all of which require cooperation with Israel and the occupation at this stage.

**Keywords:** Peacebuilding, State-building, Transitional justice, Israeli-Palestinian conflict.

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Introduction

Since the peace process began after the Oslo Accords were signed in 1993, the international community has invested heavily in building Palestinian institutions and preparing for a future Palestinian state alongside Israel. In that sense, peacebuilding has followed the growing trend of making state-building an integral part and even a specific approach to peacebuilding. The belief in the international community was, and still is, that only when the Palestinians were able to guarantee their own security and the security of Israel, would Israel be ready for a major withdrawal from the West Bank and for the dismantling of settlements. However, despite years of hard work by the international community, and billions of euros and dollars in aid to both the Palestinian Authority and the Government of Israel, neither peace nor a Palestinian state has so far emerged. With a seemingly growing number of critics claiming that the EU and the US are subsidizing Israel’s occupation rather than contributing to genuine peace, the EU and the US continue their support for the Palestinian Prime Minister Salam Fayyad’s plan for a Palestinian state, which was supposed to be established by September 2011. Fayyad’s plan for a state follows classical state-building strategies by focusing first on security sector reform (SSR), then rule of law and good governance. While a Palestinian state has yet to materialize, Fayyad and his government have produced considerable results according to most observers, including the EU, the US and the World Bank. But even if the progress is real, it is also clear that these achievements have taken place within an authoritarian context with questionable democratic legitimacy on behalf of the PA, little respect for human rights, and repeated allegations of torture etc., as numerous human rights organizations have pointed out. The fiercest critics even argue that Fayyad’s achievements have benefited Israel rather than the Palestinians, and that the support for Palestinian institution-building has only maintained Israel’s occupation. This article probes what kind of Palestinian institutions have been built so far and whether or not the international community has actually maintained an Israeli occupation.
occupation rather than supported the building of a Palestinian state. In line with Roland Paris’ argument that peacebuilders have little choice but to act “illiberally” in the earliest phases of societies in transition from war to peace, the main argument of this article is that the international community has indeed acted illiberally by supporting the un-elected Palestinian Prime Minister Salam Fayyad and by its close security cooperation with the PA’s security forces. The latter has, in a sense, unintentionally maintained Israel’s occupation by making it easier for Israel to control the West Bank. While these illiberal acts certainly are problematic, it is at the same time hard to see how the objective of ending the occupation could otherwise be realized without Palestinian institutions, without SSR, without rule of law and without applications of good governance in the West Bank; all of which require cooperation with Israel and the occupation at this stage.

State-building as an approach to peacebuilding

State-building as an approach to peacebuilding is based on three dimensions; a security dimension where SSR, human rights and human security are the main features; a political dimension with elections, transitional justice and rule of law as the main features; and an economic dimension which focuses on economic development through marketization, liberalization and good governance. As these ideas, which are essentially liberal ideas, are delivered together, or imposed as the critics say, on societies across the world, sequencing has proven to be difficult. According to Rubin, there is often an interdependent relationship between the various security, political and economic elements of state-building as an approach to peacebuilding, which makes them difficult to separate. There is also a realization that everything cannot be done at once. So in practice, some form of sequencing necessarily takes place anyway, and security is almost always considered as the first priority. The “security first” approach is based on the widely shared recognition in the literature that without security, other tasks of state-building are impossible. Although sometimes forgotten in policy-making circles and in the public debate, it is important to point out that state-building historically has been a violent process. As Fukuyama and others have observed, the current state system in Europe came about only after centuries of violent conflicts.

The security dimension

In the last two decades since the end of the Cold War, there has been a shift both in academic and practitioner circles away from a narrower state-centric, national and military view of security to a broader focus on human security and non-military threats. The shift began with the 1994 UN Human Development Report and resulted in a new security agenda which is both broader and deeper than before. According to Krause, this shift from state security towards

7. Paris, At War’s End
8. Call (a), Ending Wars, Building States, 14; Rubin, The Politics of Security, 35.
11. Call (b), Building States to Build Peace; Rubin, The Politics of Security, 42.
human security represents the culmination of the liberal project of state-building as an approach to peacebuilding.\textsuperscript{14} The shift towards the security of the individual or the group has highlighted the tensions that sometimes exist between state security and human security, where the former, historically, has often jeopardized the latter. The main tension lies in that the state is needed in order to promote and protect human security, while at the same time, the state is diagnosed as the source of much human insecurity.\textsuperscript{15} With overlaps to several of the terms that will be outlined later in this article: rule of law, good governance, human security etc., SSR has emerged as a distinct field since the late 1990s, covering efforts to reform the military, police and all armed personnel and to bring them under democratic civilian control. This is of crucial importance in the transition from conflict where various armed groups often are operating in an undemocratic manner without democratic or civilian oversight.\textsuperscript{16} As many of these armed groups are non-state actors, SSR cannot be thought of solely in terms of reforming public structures. Demobilization of non-state armed groups or their integration into the state’s security forces is also necessary. It is important to note that almost nothing has been written in SSR literature about how to handle powerful armed groups, like Hamas and Hezbollah. All that exists in this regard are vague and unspecified phrases such as it could be “difficult to carry out SSR activities”, or that peacebuilders sometimes have little choice but to act “illiberally”.\textsuperscript{17} Almost by definition, the security dimension of state-building as an approach to peacebuilding begins under difficult circumstances where the state often lacks the capacity to provide security and other basic services.\textsuperscript{18} The establishment and control of the means of legitimate violence is therefore considered to be the most important task for the security dimension of state-building as an approach to peacebuilding.\textsuperscript{19} When peace processes require security reforms or human rights protection, it is necessary simultaneously to strengthen the state, as a weak state usually cannot sustain these reforms.\textsuperscript{20} A state undertaking new security reforms in conflict and post-conflict situations must also have legitimacy if citizens are to join the security forces and be effective in their work. The success of SSR is thus closely related to the growing legitimacy of the state.

The political dimension

Besides the early focus on security, about which there is little disagreement, the other major issue with regard to sequencing in the state-building process lies in the political dimension, where there is a debate over if, when, and how to hold elections in conflict and post-conflict societies. The experience from several cases over the past two decades has demonstrated that holding elections without pre-arranged power-sharing pacts and institutions capable of upholding these pacts, can undermine rather than help the state-building process.\textsuperscript{21} In practice, this means that the pursuit of democracy can undermine efforts to secure peace, and likewise, efforts to secure peace can undermine the meaning and quality of democracy.\textsuperscript{22} Call has suggested that in order to bridge this potential gap between the competitive nature of democracy and the reconciliatory nature of peace, the principle of meritocracy must often be balanced

\textsuperscript{14} Krause, Human Security, 156.
\textsuperscript{15} Ibid. 154.
\textsuperscript{16} Mani & Krause, Democratic Governance, 110.
\textsuperscript{17} Hänggi, Security Sector Reform, 347; Paris, At War’s End, 209.
\textsuperscript{18} Rubin, The Politics of Security in Postconflict Statebuilding, 35.
\textsuperscript{19} Ibid., 31.
\textsuperscript{20} Call (a), Ending Wars, Building States, 12.
\textsuperscript{21} Paris & Sisk, Introduction: understanding the contradiction of postwar statebuilding, 2.
\textsuperscript{22} Sisk, Peacebuilding as Democratization, 239.
with ethnic compromise or other types of power-sharing. While the pitfalls of elections are well-known, it is at the same time difficult, as Jarstad has pointed out, to imagine other ways to secure democratic legitimacy than through elections. Consequently, despite all the well-founded concerns with holding elections in conflict and post-conflict societies, they remain an essential stage in the state-building process and a crucial test for creating legitimacy for a state. Transitional justice and the rule of law are the other two key features of the political dimension of state-building as an approach to peacebuilding. While both these terms have become increasingly popular over the past two decades, it is important to emphasize that attempts at transitional justice in conflict and post-conflict societies are nothing new. While a large section of the transitional justice literature is about how to deal with the past, there is an increased recognition in the literature that transitional justice has to deal with the present and the future as much as with the past. This creates tensions similar to those that exist in the peace and conflict literature between peace and justice, where the pursuit of one can affect the other negatively. In the transitional justice literature, a less abstract variant of the peace versus justice dilemma is the punishment versus impunity dilemma, which is about accountability/punishment/justice on the one hand and impunity/reconciliation/peace on the other. When transitional justice is focused on the present and the future rather than past, the concept of the rule of law assumes a more prominent role. Rule of law refers to the principle that no one, including the state itself, is immune from the law, which further stipulates supremacy of law, equality before the law, accountability to the law, impartiality of justice, separation of powers, participation in decision-making, legal certainty, protection of human rights and procedural and legal transparency. As the process of establishing the rule of law is both costly and lengthy it is sometimes considered a luxury which economically impoverished countries cannot afford in light of more pressing needs such as feeding the hungry or basic health care. The costs involved for impoverished countries in establishing the rule of law almost inevitably leads to the involvement of international third parties in the process. Efforts to establish rule of law in conflict and post-conflict societies focus primarily on creating a secure environment for the entire population and on establishing the basis for long-term development. These efforts include creating/strengthening the national justice system and related institutions; training judges, lawyers and police; disarming militias, restoration of order and protection of human rights. By its focus on security, rule of law efforts function as a bridge between the political and security aspects of state-building as an approach to peacebuilding.

The economic dimension

Although the three dimensions of state-building as an approach to peacebuilding are interlinked and considered to be mutually reinforcing, the economic dimension is perhaps even more associated with liberalism than the security and the political dimensions. As Paris has noted, the idea that economic liberalization is a remedy for violent conflict is not new.
goes back to President Woodrow Wilson’s foreign policy after World War I and further back to liberal philosophers such as Adam Smith and Immanuel Kant. Historically, and even until recently, economic liberalism has generally not emphasized the importance of the state, although it was well understood among classical liberal philosophers that successful market economies presupposed the rule of law. This has changed somewhat over the last decade since it became increasingly clearer that a strong state with strong institutions was in fact needed to counter some of the destabilizing factors in conflict and post-conflict societies, not least of the liberal economic policies themselves. After the rapid liberalization and marketization that took place in the world during the 1980s and 1990s, a widespread realization emerged that liberal economic policies were not, as Paris puts it, a “miracle cure” for conflict and post-conflict societies, which in turn led to what Chandler calls the “rediscovery of the state”. The result of this realization was a move towards a greater emphasis, both among academics and practitioners, of the need for strong institutions and good governance. The term “good governance” emerged in the 1980s and 1990s in the development literature in response partly to the problems associated with implementing liberal economic reforms in developing countries and partly as a strategy to absorb foreign aid and translate it into development effectively. As has been mentioned earlier, in many parts of the world, democratization and liberalization had not yielded the expected positive results; instead resulting in ineffective semi-authoritarian regimes led by notoriously corrupt officials. This has also been the case with the Palestinian Authority, even though the current Prime Minister Salam Fayyad has improved the situation significantly in terms of a more efficient management of funds.

**International support for Fayyad’s state-building project**

In the Palestinian Prime Minister Salam Fayyad’s working plan “Palestine — Ending the Occupation, Establishing the State”, the Prime Minister outlined a detailed two-year working plan ending with the establishment of a Palestinian state in August 2011 (later changed to September 2011). European and American officials have repeatedly, and almost always uncritically, emphasized their commitment to Fayyad’s plan. In July 2010, the High Representative Catherine Ashton said that “[t]he European Union will continue to work side by side with him [Fayyad] and his government to lay the foundations for a Palestinian State.” A month earlier, in June 2010, Tomas Dupla del Moral, Director of Middle East and South Mediterranean Department in the European Commission, said that “we are proud of our joint achievements during the past three years and we see steady progress in the PNA’s efforts to fulfil their ambitious state-building agenda that we support whole-heartedly.” There is no doubt that the Palestinians have made progress over recent years in many sectors; security, rule of law, good

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33. Ibid. 201.
39. PNA, *Ending the Occupation*
governance and human rights. These efforts have been widely praised by all parties involved, including the EU, the UN, the US, the World Bank and even the Israelis, who are very pleased by what the PA and Fayyad have done in the security sector in terms of dismantling militias and arresting militants, particularly those affiliated with Hamas. All this has indeed contributed to a dramatic cessation of the violence in the West Bank over the past years, both when it comes to Palestinian attacks on Israelis, and vice versa. Despite the progress, which indeed is genuine, as Thomas Dupla del Moral put it, the “whole-hearted” support of Fayyad by the EU has often been uncritical. While the EU did criticize the PA for human rights abuses in its latest progress report from 2010, it is almost impossible to find an EU statement explicitly critical of Fayyad. This uncritical support has taken place in an environment of severe human rights abuses by the PA, internal political chaos and questionable political legitimacy of the Fayyad government, which remains un-elected.

“Security first”: SSR in the Palestinian territories

After Arafat’s death in November 2004, the new President Mahmoud Abbas was eager to break up Arafat’s hold over the security forces. The PA’s security infrastructure had largely been destroyed during the Second Intifada; police stations, prisons and other institutions were systematically targeted by Israel because of the involvement of the PA’s security forces in the Intifada. Widespread unrest and anarchy followed as armed militias, radical groups, family clans and criminal gangs filled the security vacuum that was created in the West Bank and Gaza Strip. The security situation in Israel and the West Bank improved significantly after 2005 and onwards due to a series of events; Arafat’s death in November 2004 and the new PA President Mahmoud Abbas’ declaration in February 2005 of an end to the Intifada and to armed confrontation with Israel; and Israel’s disengagement from Gaza in 2005 and the building of the separation barrier/wall. A general war fatigue on both sides and significantly fewer Israeli casualties due to Palestinian violence also helped to improve the situation. When Salam Fayyad became Prime Minister in June 2007 an even stronger emphasis was placed on security. Fayyad’s Palestinian Reform and Development Plan (PRDP) identified security as the top priority for the PA. The word security is mentioned 167 times in the PRDP. Both the EU and the US have assisted the PA in reforming the security sector. A sort of blue-green division exists right now in the West Bank where the EU assists civil security structures, while the US assists more militant security structures, like the Palestinian National Security Forces and the Presidential Guard. The EU supports the Palestinian Civil Police, which is the PA’s main law enforcement apparatus. The Palestinian Civil Police (PCP) handles ordinary functions, such as combating crime and maintaining public order, and it often finds itself in difficult situations. “It is very delicate all the time” says Victoria Sjölander, Political Advisor of the EUPOL COPPS and “people criticize the PA, the security forces, the police for doing the job of Israel when they arrest wanted people because these people might have been wanted by Israel in the past.”

43. The European Commission, Progress Report, 2.
44. Al-Fattal, European Union Foreign, 38.
46. Bulut, EUPOL COPPS (Palestinian territories), 296.
47. Victoria Sjölander, Ramallah 14 April 2010, personal interview.
One of the most difficult tasks for the PCP is to maintain order at demonstrations against the occupation and sometimes to prevent demonstrations from reaching checkpoints. The dilemma here is that, on the one hand, there must be room for expressing legitimate criticism against the occupation. On the other hand, sometimes the Palestinian police might need to save people from injury during confrontations with the occupation forces. “We had a discussion last year during Operation Cast Lead when there were a lot of demonstrations heading for checkpoints” says Victoria Sjölander of EUPOL COPPS, and “we were thinking you know: what is better, being shot by an IDF soldier or being beaten with a stick by the Palestinian police.”

Democracy and human rights in the Palestinian territories

The 2006 elections in the Palestinian territories, which were won by Hamas, are a classic case of the difficulties involved in holding elections in conflict and post-conflict societies. Highlighting what Aggestam and Björkdahl call “the potential of peacebuilding to provoke new conflicts” and to do harm to local societies, a dozen leading Palestinian NGOs calling themselves “Palestinian Civil Society” state that by refusing to enter into a dialogue with the Hamas government in Gaza, the international community has exacerbated the intra-Palestinian rivalry and fuelled the conflict between Hamas and Fatah. Support for this critique is well-established in the EU literature, where there is a widespread consensus that the boycott of Hamas after the 2006 elections was a fatal blow to the EU’s normative power in the region and that it has not worked out well, although few commentators have, until recently, suggested alternative strategies for dealing with Hamas. Echoing this, in late 2009, Muriel Asseburg and Paul Salem published a paper in which they argued that “no successful policy can sideline Hamas, whose engagement in any peace initiative must be actively sought”. But the EU and the US appear to have little desire to legitimize the Hamas government in the way they did the PLO before Oslo. Ultimately, it is clear that there is a huge discrepancy between the US and EU placing Hamas on a terrorist list, and a few years later the Palestinians placing the same group in their government. On the rhetorical level, ECTAO, European Commission Technical Assistance Office for the West Bank and Gaza Strip, emphasizes on its website that the “Union is committed to human rights and works to ensure they are respected universally”. The website further states that “[t]he EU has made human rights a central aspect of its external relations”. Those who criticize the EU for its role in cases of PA human rights abuses all agree that there is a gap between the rhetoric in the Union’s declarations and what the EU does on the ground in the Palestinian territories. Some of the fiercest critics, like David Cronin, accuse the EU of being directly acquiescent in both Israeli and PA human rights violations against the Palestinian people. The Fayyad government is seen by Cronin as a proxy for Israel and the West, meaning primarily the US and the EU, which acts to enhance Israel’s security rather

48. Ibid.
50. Smith, European Union Foreign Policy; Diez & Pace, Normative Power Europe and Conflict Transformation.
than protecting its own people.\textsuperscript{53} Other critics, like several of the leading Palestinian NGOs, hold Israel, Hamas and the PA as directly responsible for the human rights violations in the Palestinian territories, only giving the EU a secondary indirect responsibility for these cases of abuse.\textsuperscript{54}

**Creating security for whom?**

Many PA officials regard the current security measures in the West Bank as a political tool which can be used against Israel and the US to gain leverage in the negotiations. The underlying logic is that by fulfilling the PA’s security commitments the PA hopes to be able to turn the table against Israel and undermine Israel’s arguments for keeping soldiers and settlers in the West Bank for security reasons.\textsuperscript{55} The flip side of this strategy is that all Palestinians who are affiliated with Hamas and other radical groups are excluded at best, and targeted at worst, by the security measures undertaken by Fayyad’s government and indeed by much of the state-building project itself. As one Hamas-affiliated law student told the International Crisis Group:

> I have studied law for four years, and I’m top of my class. But I will not get a job within the PA bureaucracy or any institution the PA controls, since I will not get security clearance. I have no place in the society that is being built from Ramallah.\textsuperscript{56}

As has happened several times in the past, the interests of the PA regarding security have converged with those of the international community, the surrounding Arab states, and Israel, in that all these actors want stability in the region and the survival of the PA.\textsuperscript{57} There is no doubt that this situation is good for Israel, and high-ranking Israeli officers regularly praise the Palestinian security services for their work to combat violence against Israel. One former senior Israeli defense official was quoted in the International Crisis Group’s September 2010 report on Palestinian security reform under occupation, as saying that:

> [T]he current security set-up significantly reduces the burden on Israel’s shoulders. When the Palestinians take care of our security, this is the best kind of security arrangement we can achieve.\textsuperscript{58}

Many Palestinians regard the PA’s security forces not merely as agencies that provide law and order; rather, they are seen as vehicles for achieving national independence. When the Palesti-
tinian security forces suppress their own people with violent, although not deadly, means in demonstrations against the occupation, the line between serving the Palestinian people and serving the occupation is indeed thin. “The political sensitivity of creating security without making it look as if you are protecting Israel” is one of the most difficult things, says Victoria Sjölander, the political advisor of EUPOL COPPS. While the EU, the US and other third parties often get caught between the different concepts of security of the two sides, supporting one or both parties’ security concerns does not have to be negative. Security does not have to be a zero-sum game or mutually exclusive as is often assumed by the parties in the Israeli-Palestinian conflict. As Victoria Sjölander puts it:

We [the EU] are here to provide the Palestinian people with the feeling of security from their own. We are not here to protect to make sure that Israel get their security because that will anyway be the result of it; that is how I see it, but it is very difficult to reach that point, because of all these external factors; not being able to perform because of the restrictions; because of deadlock in the peace negotiations.

While this close cooperation with the Israeli occupation forces is clearly problematic for the PA from a human rights perspective, it has major advantages from a national security perspective. The present security situation in the West Bank certainly benefits the Palestinians in the sense that it has created an environment where the PA can further its cause in a non-violent context. It is much easier now for the Palestinians to claim that they have undertaken their commitments with regard to security and the peace process, while claiming that the Netanyahu government has not, thereby putting pressure on Israel to be more forthcoming in the negotiations. Fayyad’s plan to establish a Palestinian state would be far less feasible in an environment of constant violence against Israeli targets, whether legitimate or not.

Transitional justice: Rule of law under occupation

Working to create rule of law, in the sense that no one is immune from the law in the Palestinian territories, is one of the main pillars of the international community’s and particularly the EU’s work to support Palestinian institution-building and transitional justice. Rule of law was one of the issues to which the 2005 Action Plan attached particular importance. In the Progress Report from 2008, it was recognized that “PM Fayyad has made considerable progress in the area of rule of law and succeeded in deploying security forces in Nablus, Jenin, Hebron and Bethlehem”. However, the report also stated that “Hamas has established parallel structures throughout the Gaza Strip, including duplicates of institutions already existing in the West Bank, which exacerbated the split between the two parts of the occupied Palestinian territory”. When it comes to establishing rule of law in the Palestinian territories, two EU efforts are of particular importance: the EUPOL COPPS Rule of Law Section and the Seyada II project. A key problem for these and other similar programmes is that they are taking place un-

60. Ibid.
63. Ibid. 4.
64. Seyada II is a project funded by the EU with the aim of development and strengthening the Palestinian judicial system. The project has a budget of €4.4m. Beneficiaries of Seyada II include the High Judicial Council, the Palestinian Judicial Institute and the Palestinian Bar Association.
under a decades-long Israeli occupation which makes this a very special, if not unique, case of establishing transitional justice and the rule of law under an occupation with no end in sight, a contradiction in both theoretical and practical terms. To complicate things further, the laws in force in the Palestinian Territories stem from the latest five centuries of foreign rule, from the Ottomans to the Israelis, which means that the legal system is a mixture of several different legal systems. In reality, the PA does not exercise overall, exclusive and independent governmental authority over the territory, most of which is fragmented, and its population. This is referred to by some Palestinian legal experts as "rule of law without freedom". It is important to emphasize that both EUPOL COPPS Rule of Law Section and Seyada II deal with civilian justice in the Palestinian territories. This is fortunate, says Feras Milhem, deputy team leader of Seyada II, because then we do not have to deal with the military justice where the Americans are involved, which is where most of the abuse against Islamists and others has taken place. But there have been allegations of ill-treatment/torture even against the PCP, which is the one of the myriad of Palestinian security forces being trained by the EUPOL COPPS. The Progress Report from 2009 stated that "while the number of reports of torture or ill-treatment decreased, there appeared to have been an increase in the cases of unlawful arrest/detention". We cannot monitor violations says Nicholas Robson, Head of EUPOL COPPS Rule of Law Section, only advise the Palestinians to improve. According to Robson, what needs to be in place is a proper system for complaints. Given all the challenges for the rule of law situation in the Palestinian territories, two key questions to be asked are what should really be the yardstick for success and the frame of reference for a Palestinian state? In the EU’s documents on the rule of law situation in the Palestinian territories, the EU often speaks of "best international standards" and "highest operational standards". While Palestinian judicial institutions and the laws in place already are better than in neighboring Arab countries, Nicholas Robson says that it would be unfair to compare them to European standards. Because of all the international input (foreign experts working within governmental structures) which does not exist in other countries in the region, the level of competence in judicial institutions in the Palestinian territories is far higher compared to regional standards. But this does not mean, according to Alfons Lentze, team leader of Seyada II, that there is proper implementation because of all the constraints. Beside the Israeli occupation and the Oslo structure, internal Palestinian structures, such as the West Bank/Gaza split, informal tribal justice systems and gender barriers, are further constraints for proper implementation of the legal system. For example, a woman may have difficulties approaching the police in matters related to crimes of

66. Ibid. 1.
67. Feras Milhem, Ramallah 5 December 2010, personal interview.
68. Nicholas Robson, Jerusalem 7 December 2010, personal interview.
70. Nicholas Robson, Jerusalem 7 December 2010, personal interview.
72. Nicholas Robson, Jerusalem 7 December 2010, personal interview.
73. Alfons Lentze, Ramallah 5 December 2010, personal interview.
honour as this type of crime has traditionally been dealt with within the family and within other informal structures and, according to Milhem, the police expect things to stay like that.\textsuperscript{74}

**Good governance**

As mentioned, good governance is a term used in the development literature to describe how institutions produce results that meet the needs of society while making the best use of resources at their disposal.\textsuperscript{75} It is an indeterminate term, usually with various criteria or principles attached to it. The European Commission has identified five such principles underpinning good governance: *openness, participation, accountability, effectiveness and coherence*.\textsuperscript{76} Good governance is also one of the main tenets of Salam Fayyad’s working plan *"Palestine — Ending the Occupation, Establishing the State"*. Basically all of the Commission’s principles for good governance are recognizable in Fayyad’s plan:

> Achieving our national goals depends on the adoption of the basic principles and practices of good governance throughout the public sector, the private sector and civil society. In the light of the occupation regime’s continued measures that hamper the efficiency and effectiveness of our national institutions, the establishment and promotion of good governance in the occupied territory is elevated to the status of a national goal in and of itself. The basic aim is to meet the demand of our people for transparent, accountable institutions that deliver services, social development, economic growth, and career opportunities free from favouritism and wastefulness. Achieving this goal requires commitment and determined effort from all corners of our society.\textsuperscript{77}

While the PA has made genuine improvements in implementing the rule of law and wider security sector reform, achieving good governance has been more problematic for the PA for a number of reasons. The split between the West Bank and Gaza with ensuing political chaos and stalled elections, presidential, legislative and municipal, has created two separate governments: one in Gaza and one in Ramallah, both with questionable legitimacy. It is important to note that the Fayyad government, which is so widely praised by the international community, including by the EU and the US, has never been elected by the Palestinian people. While the democratic credentials of Fayyad and his government therefore are highly questionable, the Prime Minister himself enjoys an enormous legitimacy in the international community, even up to a point where observers now talk about “Fayyadism”. In a June 2009 op-ed in *The New York Times*, Thomas Friedman wrote that:

> Fayyadism is based on the simple but all-too-rare notion that an Arab leader’s legitimacy should be based not on slogans or rejectionism or personality cults or security services, but on delivering transparent, accountable administration and services. Fayyad, a former finance minister who became prime minister after Hamas seized power in Gaza

\textsuperscript{74} Feras Milhem, Ramallah 5 December 2010, personal interview.  
in June 2007, is unlike any Arab leader today. He is an ardent Palestinian nationalist, but his whole strategy is to say: the more we build our state with quality institutions — finance, police, social services — the sooner we will secure our right to independence. I see this as a challenge to "Arafatism," which focused on Palestinian rights first, state institutions later, if ever, and produced neither.\(^{78}\)

While it must be recognized that Prime Minister Fayyad’s personality is a real asset \textit{vis-à-vis} the international community, guaranteeing that donors like the EU and the US will keep the PA afloat over the foreseeable future, observers like Nathan Brown have begun to talk about a "new authoritarianism" in the Palestinian territories and even an "end to Palestinian democracy"\(^ {79}\). Fayyad himself responds to these allegations of authoritarian tendencies by his government by saying that the present situation should be compared to the lawlessness that was prevalent in the West Bank before he assumed the Prime Minister post in 2007. Fayyad also blames Hamas for the questionable democratic credentials of the PA. “We do not want to be authoritarian, we want elections, but Hamas has prevented that”, says Fayyad.\(^ {80}\) Despite the difficulties, the EU and the US fully support Fayyad’s government and its agenda for institutional reform and development, outlined in the 2008 Palestinian Reform and Development Plan (PRDP).\(^ {81}\) According to an international aid practitioner based in Jerusalem and Ramallah, there are many infrastructure projects going on in the West Bank today, like sewage system construction, which can be hard to see on the surface and unglamorous for journalists and academics to write about, but that nevertheless are of great significance for the institution-building process and the local population. The problem, however, says the aid practitioner, is that while there are big technical improvements, there are small, if any, political achievements.\(^ {82}\)

\textbf{Conclusion: Cooperation with Israel to establish the state}

American and European support for Fayyad and his state-building project has had a transformative impact on the ground in the West Bank, empowering the Palestinian Authority and laying the groundwork for Prime Minister Salam Fayyad to build functioning institutions and keep the prospects of peace alive among Palestinians. International support has been crucial for the state-building process in the Palestinian territories and indeed for the future prospect of the two state solution. It is therefore imperative that Palestinian institution-building is recognized by the international community as an issue of the same importance as the final status negotiations. Without proper Palestinian institutions, there will be no Palestinian state and without a Palestinian state, there will be no peace in the foreseeable future. The Rand Palestinian State Study Team concluded in 2005 that "[t]he success of an independent Palestinian state — indeed, its very survival — is inconceivable in the absence of peace and security for Palestinians and Israelis alike".\(^ {83}\)


\(^{80}\) Salam Fayyad, Q&A at a seminar in Oslo, 15 December 2010.


\(^{82}\) International aid practitioner, Jerusalem 7 December 2010, personal interview.

\(^{83}\) The Rand Palestinian State Study Team, \textit{Building a Successful Palestinian State}, 4.
made significant progress in recent years and the PA appears to be technically ready for statehood. As to whether the international community has maintained an Israeli occupation instead of building a Palestinian state, the answer is that it has done both. In order to support Palestinian institution-building, the international community is dependent on cooperation with Israel, even when Israeli consent and goodwill are lacking. There is of course the alternative of not cooperating with Israel as has been suggested by the critics who argue that the international support for the state-building process only maintains the occupation. The critics certainly do have a point in that close cooperation with Israel inevitably means toning down criticism against the Israeli occupation, particularly against settlement construction. On the one hand, this enables the occupation to go on, but on the other hand, it is hard to see how the Palestinians could ever realize a Palestinian state and end the occupation if there were no Palestinian institutions, no security sector reforms, no rule of law and no good governance in the West Bank. As one Palestinian police officer told the International Crisis Group:

Before I go to bed at night, I look at myself in the mirror with pride, as I know that what I am doing is the only way to an independent Palestinian state.84

Bibliography


Al-Fattal, Rouba, European Union Foreign Policy in the Occupied Palestinian Territory. Passia, Jerusalem, 2010.


Call, Charles,”Building States to Build Peace?” in Charles Call & Vanessa Wyeth (eds), Building States to Build Peace. London: Lynne Rienner, 2008b.


Fayyad, Salam Q&A at a seminar in Oslo, 15 December 2010.


International aid practitioner, Jerusalem, 7 December 2010, personal interview.


Lentze, Alfonso, Team Leader, Seyada II, Ramallah, 5 December 2010, personal interview.


Milhem, Feras., Ramallah, 5 December 2010, personal interview.


Robson, Nicholas. Jerusalem, 7 December 2010, personal interview.


Responsibility to Protect and Mediation:
Lessons from the 2007-2008 Post-Election Crisis in Kenya

By Kazumi Kawamoto

The mediation in the 2007-2008 post-election violence in Kenya was a successful application of the responsibility to protect. The success can be attributed to three elements: timing, selection of mediators and mediation strategies. These conditions were well predicted by conflict resolution theories. Though the applicability of lessons learned is limited by context-specific factors, the Kenyan example has useful policy implications.

Key Words: Conflict resolution, Mediation, Responsibility to protect (R2P), Kenya, Election.

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Responsibility to Protect and Mediation: Lessons from the 2007-2008 Post-Election Crisis in Kenya

Introduction

The mediation in the 2007-2008 post-election violence in Kenya is recognized as a successful application of the responsibility to protect (R2P) through mediation.1 This paper investigates how and why it was possible to successfully end the crisis in the country. The scope of analysis in this paper is limited to the R2P in the context of track I mediation;2 whereas its main timeframe is from the election of 27 December 2007, until the signing of the Agreement on the Principles of Partnership of the Coalition on 28 February 2008.

This paper also illustrates how theories on conflict resolution are valid to predict conditions for effective mediation, but also how particularities in context can determine the “success.” The following section describes the post-election crisis and examines its causes. The third section analyzes the intervention by the Panel of Eminent African Personalities (“the Panel” hereafter) with respect to timing, actors and strategies by applying theories on conflict resolution. Why did the mediation start at this particular time? Why was this Panel chosen as mediators? What strategies did they use? These are the three key questions in the analysis. Then, the fourth section summarizes lessons learned from Kenya. The fifth section focuses on additional factors contributing to the result, while the sixth section encompasses recent development and challenges for the future.

The 2007-2008 Post-Election Crisis in Kenya and Its Causes

Violence and Trigger Causes

After the announcement of the presidential election results on 30 December 2007, Kenya experienced its worst political crisis since independence.3 There were more than 1200 deaths and several hundred thousand Kenyans displaced.4 The trigger causes of the violence were the flawed election and its contested results. Before the election, news media had reported that opinion polls showed a very tight race between Raila Odinga, the leader of an opposition party, Orange Democratic Movement (ODM), and the incumbent President Mwai Kibaki.5 Though

2. “Mediation” here is defined as “a process in which disputants attempt to resolve their differences with the assistance of an acceptable third party”. See Kennet Kreseel, “Mediation Revised.”
both sides apparently engaged in election malpractice, the Electoral Committee of Kenya (ECK) announced the victory of Kibaki.

The first wave of violence appears to have been spontaneous and reportedly stemmed from the anger of ODM supporters at what they perceived as the theft of the presidential election. This type of violence took place in Kisumu, Mombasa, Eldoret and Nairobi’s slum areas. The second type of violence occurred mainly in the rural setting of the Rift Valley as well as Eldoret and Kericho towns by allegedly targeting those perceived as ODM opponents, including the Kikuyu, Kissi and Luhya communities. The last type of violence was of retaliatory character. “Counter-attacks and reprisals developed, led by mobs of Kikuyu youths, notably in Nairobi’s Mathare slum, and two localities of the Rift Valley – Naivasha and Nakuru.” Gangs drawing on the large numbers of unemployed and marginalized youth were also responsible for the more organized violence.

It is to be noted that there were several institutional factors leading to the post-election violence in 2007-2008. First, 19 out of 22 members in the ECK had been appointed shortly before the elections and by the President alone without inter-party consultation. Some of the new commissioners lacked electoral experience, which caused doubts among many Kenyans about the legitimacy of the ECK. In addition, the Constitution and electoral law created further complications. For instance, the Constitution was silent about the way the 12 nominated seats in the Parliament were to be filled. Finally, only one complete copy of the electoral law had existed in the Parliamentary Library before the election, which made it difficult to provide those interested with a complete and comprehensive legal text.

**Root Causes**

The 2007-2008 election violence can never be explained without exploring its root causes: ethnic grievances. The population of Kenya is about 41 million consisting of 42 tribes: Kikuyu 22 per cent, Luhya 14 per cent, Luo 13 per cent, Kalenjin 12 per cent, Kamba 11 per cent, Kisii 6 per cent, Meru 6 per cent, other African 15 per cent and non-African including Asian, Europe-
an and Arab 1 per cent. The root of the ethnic grievances can be traced back to the colonial period, as the “colonial government initiated the concept of tribes by replacing the traditional leadership system with the colonial chieftaincy system based on ethnic lines.”

Among all provinces in Kenya, the Rift Valley is one of the provinces most affected by ethnic conflict involving the Kalenjin and other ethnic groups such as the Kikuyu, who allegedly benefited most from the land settlement program there during the colonial and post-colonial period. Coastal Province also shares a similar problem as 90 per cent of its land was allocated to “a large number of influential upcountry people for settlement.” Limited job opportunities and regional nationalism also aggravated the existing land tenure in question in the province. On the other hand, Northern Kenya was left underdeveloped and marginalized by the central government. The proliferation of illicit arms, inadequate policing and state protection contributed to the escalation of conflicts. Youths who were idle and unemployed were easily recruited into militias and terror gangs, exacerbating conflicts. Instability in neighboring countries such as Somalia certainly aggravated the fragility of the northern region.

In addition to these historical grievances among ethnic groups, the history of elections also intensified the conflicts in Kenya. After independence, the political system in the country shifted from a multi-party system (1963-1969) to one-party system (1969-1992) and changed again to multi-party democracy from 1992. In the 1992 elections, the incumbent President Daniel Arap Moi won with his party, Kenya Africa National Union (KANU), obtaining a majority in the 210-seat Parliament. In the next 1997 presidential election, Moi was reelected with a plurality of 40 per cent, whereas his rival Mwai Kibaki won 31 per cent. The KANU won 107 seats in the 222-seats Parliament in contrast to the opposition who secured the remaining 103 seats.

The 2002 elections ended the 25-year rule of Moi. The opposition parties formed a coalition, National Rainbow Coalition (NRC), and won 132 seats in the Parliament, compared with the KANU gaining 67 seats. In the presidential election, Kibaki defeated Uhuru Kenyatta with a 62 per cent majority. However, despite his promises for radical reform, little was actually changed in Kibaki’s first term. Indeed, the President’s privileged status for his own ethnic group, the Kikuyu, created the perception of a “stolen election” among Kenyans.

17. Kumssa et al., eds., Conflict and Human Security in Africa. 112.
18. Kenya has eight provinces: Nyanza, Western, Rift Valley, Central, Eastern, Coast, North-Eastern and Nairobi. Each province was arguably dominated by one or a few ethnic groups: Nyanza Province by the Luo; Western Province by the Luhya; Rift Valley Province by the Kalenjin, Maasai, Turkana, Samburu and Pokot; Central Province by the Kikuyu; Eastern Province by a mixture of ethnic groups such as the Rendille, Gabbra, Boran, Embu and Meru; Coast Province by the Taita, Taveta and other small groups; North-Eastern Province by the Ogaden, Gurreh, Degoida, Hawiyah and Somali. Nairobi Province has a well mixture of various ethnic groups. See Ocho, Undercurrents of Ethnic Conflict in Kenya.
22. Twelve out of 222 seats are appointed by the President.
24. Ibid. 112.
In 2007, Odinga and his party, the ODM, emerged as a major challenger to Kibaki, capitalizing on the frustration of many Kenyans and appealing particularly to young people. Kibaki and his party, the Party of National Unity (PNU), attempted to campaign on Kibaki's achievements. As was described above, the result was that the tight race and flawed elections triggered the violence. An additional factor to the crisis was that "[v]arious parties had strongholds in particular provinces where certain ethnic sentiments reigned." If Kenyan political parties are of ethnic color, the ethnic clashes during the elections were not accidental.

In short, each region has historical grievances, related to land tenure, access to pasture, poverty and unemployment especially among the youth. These factors made Kenyans susceptible to the political manipulation of ethnic differences in combination with the culture of impunity and the winner-take-all political system. From these facts, it can be concluded that the outset of the 2007 election had already created a high risk for violence.

**Analysis of Intervention: Timing, Actors and Strategy**

This section examines what conflict resolution theories predict about the timing, actors and strategies of intervention, and compare these predictions with the implications from the Kenyan case.

**Timing: Why that moment?**

The ripeness theory argues that the condition lies in the "demand" side. In other words, the conflicting parties have to be ready for mediation. In fact, the best timing for conflict resolution is given by a mutually hurting stalemate on the one hand and the optimism of both conflicting parties about finding a negotiated settlement on the other. In the same line, Kleiboer emphasizes the "willingness" of the parties, while Pruitt points out the symmetry/asymmetry of their power relations. On the other hand, there is an explanation based on "supply" side: the theory of "readiness". It requires that attributes and resources should be available to the peacemaker. Therefore, theories provide insights for both demand and supply side.

The Kenyan case proves the validity of these theories. The question is why the mediation started on 22 January 2008, with the arrival of the Panel, not earlier or later. The first explanation is based on the demand side. Prior to 22 January, despite a number of mediation offers from important figures, the conflict remained "unripe". For instance, when Desmond Tutu arrived on 2 January, "the scale of the crisis was, at this point, still unclear, and Kibaki was intent on control by force and determination, flooding the streets with security forces, and issu-

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27. The political and economic dominance of the Kikuyu would cause resentment among other ethnic groups, which make them a likely target of the election violence (ibid.).
33. Both demand- and supply-side arguments are summarized by Kriesberg into three conditions for de-escalation: adversary relations, domestic circumstance (or pressure) and international context. See Louis Kriesberg, "Introduction: Timing Conditions, Strategies, and Errors." 5-11.
This vicious cycle – Kibaki clinging to power, violence mainly led by Odinga supporters, decline in the economy – made the conflicting parties realize that they were in a “mutually hurting stalemate”. The excessive cost of both economic and human loss increased the willingness of Kibaki and Odinga to accept mediation.

At the same time, international pressure was mounting. In the face of escalating violence, many mediators came to the scene. The then U.S. Assistant Secretary of State for African Affairs, Jendayi Frazier, arrived shortly after Desmond Tutu on 4 January. On 8 January, four former heads of state – Tanzania’s Benjamin Mkapa, Mozambique’s Joachim Chissano, Botswana’s Katumile Masire, and Zambia’s Kenneth Kaunda – visited Eldoret to meet with victims of the post-election violence. Simultaneously, African Union Chairman and Ghanaian President, John Kufuor, also arrived in Kenya at the invitation of President Kibaki. In his capacity as Chairman of the Heads of State Summit of the East African Community, Uganda’s President Yoweri Museveni arrived on a two-day official visit on 22 January.

These multiple and parallel mediation efforts finally turned to be “one voice”, or harmonized international action with the beginning of the Panel-led mediation (see below for more details). This increased engagement of the international community obviously put more pressure on both sides in the conflict thereby again making a “mutually hurting stalemate”. In other words, Kibaki and Odinga came to the realization that a negotiated settlement would be better than the status quo. At that point the conflict finally became “ripe”, and the parties got ready for mediation.

The second explanation is given by the supply side. It is to be noted that, though the international community is often criticized for its inaction or slow actions (e.g. Rwanda, Sierra Leone and Liberia), the intervention into Kenya was relatively early. One reason is that the momentum of the responsibility to protect (R2P) made the international community more willing to take immediate action. In particular, the ethnic-based violence in the country implied that the Kenyan case would become a test case for R2P. Another reason for the quick action was...
that this initiative was taken by a regional organization, the African Union (AU). Exercising the right to intervene in member states (the Constitutive Act, Art. 4(h)), the AU was willing to take more flexible and quick actions in comparison with the United Nations (UN). Had it been the UN, it would have taken a couple of months to put staff on the ground.\textsuperscript{41} In addition, mediation is a “cheap” intervention relative to other means such as the deployment of peacekeepers. These facts enabled the early intervention.

In sum, the convergence of both demand- and supply-side readiness determined the timing of mediation in Kenya.

\textbf{Actors: Why these mediators?}

Theories make only a few predictions about the qualification of mediators. First, though their neutrality and impartiality may matter, the acceptance by conflicting parties is the more important determinant for the mediator.\textsuperscript{42} At the same time, they must have leverage of one kind or another – i.e. both positive incentives/promises and negative pressures/threats.\textsuperscript{43} In other words, they should be able to alter “future-based cost-benefit calculations” of the parties and re-formulate the conflict to “allow for a positive-sum formula for agreement”,\textsuperscript{44} by bringing “ideas, knowledge, resources and interests of their own”.\textsuperscript{45}

These theories are valid to explain the “unselected” mediators in the Kenyan case. For instance, the failed mediation efforts by Frazier and Museveni were due to the lack of acceptance by the ODM. Likewise, Kufuor was rejected by the Kenyan government.\textsuperscript{46} On the other hand, the absence of leverage accounts for the other unsuccessful mediation efforts. During the “mediator shopping” in the early January 2008, though not clearly “rejected”, all visitors to Kenya, including Mkapa, Chissano, Masire and Kaunda, failed to get both Kibaki and Odinga at the negotiation table, apparently because none of them could change the stakes of the parties.

On the contrary, the Panel acquired their acceptability and leverage through a variety of political, social and cultural elements. For instance, being the former UN Secretary General, Kofi Annan had strong connections with the UN, the AU, the EU and the United States.\textsuperscript{47} That is why he could obtain full support from those actors\textsuperscript{48} and realize “one mediation only”. He was one of the most suitable mediators in Kenya because of his wide experience in conflict mediation in various locations such as Nigeria, Iraq and Timor-Leste,\textsuperscript{49} and possibly because of his reputation as the promoter of R2P. Furthermore, his background in Ghana – one of the most democratic countries in Africa – also added credibility to his qualification as a mediator. For these reasons, Kofi Annan had considerable gravitas and leverage to manipulate the stakes of the parties.

\begin{footnotesize}
\begin{enumerate}
\item Kreseel, "Mediation Revised."
\item Crocker, “Peacemaking and Mediation.” 1.
\item Zartman, “Conclusion: Discounting the Cost.” 305.
\item Bercovitch, “Introduction: Putting Mediation in Context.” 5.
\item Lindenmayer and Kaye, “A Choice for Peace?” 5-6.
\item Centre for Humanitarian Dialogue, “The Prisoner of Peace.” 3-5.
\item The Panel (Annan, Machel and Mkapa) was mandated by the AU.
\end{enumerate}
\end{footnotesize}
By the same token, the other two Panel members had their own leverage as mediators. Graca Machel, a renowned international advocate for women and children’s rights, obviously added gender balance into the Panel. She is also the third wife of Nelson Mandela, one of the most respected persons in the African continent. On the other hand, Benjamin Mkapa could facilitate direct communication with the public in Kenya during the mediation process through his language ability in Swahili. His Tanzanian nationality arguably gave him a positive qualification as well.

In short, the Panel was a choice based on the excellent political, social and cultural quality of individuals, which resulted in their outstanding skills to convince the conflicting parties and mobilize the international community. These facts guaranteed the Panel’s acceptability and leverage required for the mediation.

**Strategies: What strategies were used?**

According to Kreseel, mediation has two styles: problem-solving and relational. The former’s priority is to unblock the parties’ stalled efforts to reach agreement, while the latter aims to improve the long-term relationship between the parties. In both styles, however, mediators have two major strategies: (1) change in cost-benefit calculation of the parties and (2) reformulation of the problems. The third important factor in strategy is coherence and coordination among mediators. The Kenyan example demonstrates that these three strategies successfully prevented the escalation of the conflict.

First, change in cost-benefit calculation was brought by the “one mediation” strategy. One voice in the international community hindered the parties from playing politics at the international level. It also sent a strong message of the “clear last chance” to the parties – i.e. “if you miss this mediation, you will not have another”. Given the threats to cut aid by the European Union, the United States, the World Bank and the African Development Bank, together with...

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52. Tanzania is known as a stable country. Its first President, Julius Nyerere, was a heroic figure during the decolonization, and he was named as "World Hero of Social Justice" by the UN General Assembly President in 2009. See Eye on the UN, "UN Honors Fidel Castro As "World Hero of solidarity." Available at: http://www.eyeontheun.org/view.asp?l=11&p=338 (Accessed 16 January 2012).
53. It is also notable that the Panel represented the notion of “African solution for African problem” by consisting of regionally-balanced “Africans” – i.e. West (Annan), East (Mkapa) and South (Machel).
54. Kreseel, "Mediation Revised."
56. Zartman gives more detailed steps starting from early awareness and reduction of uncertainties, to reframing of the problem, building home constituencies and home support, developing an attractive package of costs and opportunities, and creating appropriate regime to provide continuing prevention of the problem. See Zartman, "Conclusion: Discounting the Cost." On the other hand, Bercovitch claims more specifically that objectives in mediations are to (1) change the physical environment of conflict management, (2) change the perception of what is at stake and (3) change the parties’ motivation to reach a peaceful outcome. See Bercovitch, "Introduction: Putting Mediation in Context." 16.
the possibility of travel bans and economic sanctions, the cost of failure in the negotiation looked too high for both Kibaki and Odinga. On the other hand, the offer of “business as usual” from the United States would be a sweet carrot for the parties. These altered the cost-benefit calculation of both parties and encouraged them towards a serious commitment to the negotiation.

Second, the Panel could also reformulate the problems. During the negotiation, the Panel divided the issues into four – (1) ending the immediate violence, (2) dealing with the humanitarian crisis, (3) dealing with the political crisis and (4) addressing long-term socio-economic grievances. It helped the parties agree to work on the first and second problems immediately. The Panel also transformed political issues into technical ones. Put another way, when the parties had difficulties in reaching agreement on some issues (e.g. the choices of return, recount and fresh election), the Panel invited experts to “brief the parties on technicalities”. It de-politicized the issues and facilitated agreements. All these efforts transformed their destructive processes into constructive ones (cooperative problem-solving), which would lead to a constructive relationship. To a lesser extent, this positive relationship was nourished by the shared experience of both leaders – e.g. working with the same number of people in the same negotiation room, dealing with hardliners on both sides and going out to the retreat on 12 February.

Third, the Panel carefully made coordinated efforts with track II actors to increase pressure on the political leaders. One of their strategies was to have an inclusive and transparent process, involving civil society – including religious leaders, women’s groups, and business communities. An effective use of media to keep the public informed of developments in the mediation process led to more pressures from the people on the two leaders to reach agreement. Moreover, such a “ripple effect” of the mediation helped to sustain the peace process in a wider range of the society.

**Context-Specific Factors Contributing to the Success**

This section explores context-specific factors which contributed to the successful mediation in Kenya. The experience of Kenya highlights three factors. The first factor is the control over constituencies. Both Kibaki and Odinga were able to tame their hardliners; otherwise, the situation would have turned into splits within the parties as happened in Somalia and Sudan. In this aspect, the international pressure played an important role. For example, some hardliners on Kibaki’s side “depend on international credit-worthiness to keep their enterprises prosper-

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63. Ibid.13.

64. Deutsch, “Cooperation and Competition.”

65. Lindenmayer and Kaye, “A Choice for Peace?” 7; Dekha Ibrahim Abdi, “Insider Mediators.”


67. Abdi, “Insider Mediators.”
ous". Thus, the threat of travel ban and asset freeze encouraged the would-be peace spoilers to make concessions during the negotiations and keep good faith in the implementation of the agreement. On the other hand, hawkish constituencies at the grass-root level were arguably contained by the expectation for economic reforms and promises to address past grievances. In fact, major violence had been halted by the time the Agreement on the Principle of Partnership of the Coalition Government was signed. It implies that hardliners in the two political parties, constituencies and gangs respected the agreement between Kibaki and Odinga.

The second factor is Kenya’s economic structure. Unlike many other African countries, Kenya is not highly dependent on natural resources. Indeed, the major part of the country’s GDP comes from the service industry (59.5 per cent), notably tourism. It made the cost of the crisis higher for the country, since the perpetuation of the conflict meant more damage to the tourism industry. If the country were abundant in natural resources like DRC, Angola and Nigeria, it would be more likely for the parties concerned to fuel the conflict by resource revenues. Then, the threat of aid reduction would have been less effective, thereby making it more difficult to manipulate the cost-benefit calculation of both parties. In this sense, the freedom from “resource curse” is an asset for mediation.

Third, the commitment of the international community was high for geopolitical reasons. On the one hand, Kenya is a center of stability in the volatile East African region. It had an annual economic growth rate of over 6 per cent, and it had even played a pivotal role in the peace process of Sudan and Somalia. The post-election crisis in Kenya risked a power vacuum in the region; hence the international community was willing to move quickly. On the other hand, Kenya factored into none of the critical strategic interests of the major international powers, such as the United States, France, Russia and China. Thus, it was possible for the international community to take a concerted step. If a similar crisis had occurred in former French colonies or the Middle East, disagreement among the major powers would have paralyzed the mediation process. In short, the international community had stakes in enhancing the peace process in Kenya, but not too much interest. This “moderate but enough” interest made it possible to create the harmonized mediation process and strong support for it.

**Lessons Learned**

The mediation in Kenya gives several lessons learned in the three aspects: timing, mediators and strategies. These lessons learned are in fact all correctly predicted by the conflict resolution theories. The right timing for the Panel-led intervention was brought out by the convergence between “ripeness” on the demand side and “readiness” on the supply side. Hence, the
first lesson is to “ripen” the conflict by increasing costs and international pressure on the parties concerned. It is possible to manipulate costs on both sides and “artificially” create a mutually hurting stalemate. In fact, international pressure played a key role in ripening the conflict in Kenya. The second lesson is the need for preparedness and flexibility on the supply side. Pooling resources and training potential mediators will be possible solutions for better preparedness, whereas regional organizations rather than the UN will be able to take more flexible approaches.

The selection of mediators gives the third lesson. The Panel was selected based on their leverage and acceptability by the conflicting parties. The acceptability and leverage largely lay in the excellent individual qualities. The personal capacities such as the former UN Secretary General are primary reasons for the mediator selection, but also other elements such as language skills and gender consideration were arguably important determinants. These qualifications certainly vary case by case; however potential mediators can be identified early enough by using these criteria of acceptability and leverage. It will help to select suitable mediators smoothly in the case of emergency. On the other hand, it is equally important to prevent unqualified mediators from intervening into the conflict. “Mediation shopping” by multiple actors caused confusions and undermined the “one voice” strategy at the early stage of the Kenyan crisis.

The strategies used in Kenya teach additional lessons. First, harmonized mediation is critical for success. Without “one voice”, the parties could have played politics with different mediators and would have been less interested in settling negotiation. Second, problems should be reformulated. “Salami tactics” – dividing problems into several parts and solving them step by step – is an effective tool in mediation. The depoliticization of problems also makes it easier for both parties to negotiate. Third, civil society should be involved. It will require an effective use of media and coordination with Track II mediation.

That being said, the applicability of these lessons is limited by the context-specific factors mentioned above: (1) the control over constituencies, (2) the freedom from resource curse and (3) moderate but enough interest of the international community. Conflicting parties may not always be able to contain hardliners, thus rather they split into multiple factions. This would highly complicate the mediation process. Furthermore, some countries rich in natural resources are trapped by “resource curse”. In such a case, the mediation would be much more difficult because the rich conflict economy gives little incentive for the parties to negotiate. Lastly, some cases attract too little interest or too much interest from the international community. Too little interest would result in silence, while too much interest would cause tensions among major actors, which paralyzes mediation.

Though their applicability may be constrained by these specific factors, the lessons learned from Kenya offer a number of policy implications for future mediations such as ripeness, readiness, criteria for mediators, coherence in mediation process, reformulation of problems and civil society involvement. These implications should not be dismissed for success in the future mediation.
Recent Development and Challenges for the Future

Despite the “successful” mediation in Kenya, the prospect for sustainable peace depends on the implementation of the four agreements of 4 March 2008. The country has achieved significant progress in having a new Constitution promulgated in August 2010. The latest report by South Consulting—a research firm which has been monitoring the implementation of the reforms since 2008—focuses on three areas: (1) implementation of the Constitution; (2) electoral reforms; and (3) the legacy of post-election violence, especially the intervention by the International Criminal Court (ICC) and the issue of internally displaced persons (IDPs).

First, the “process of implementation of the constitution is on track” as the “necessary legal and institutional framework is in place”. In particular, the judiciary has made significant progress by appointing judicial officers through a transparent process with the high integrity standards demanded. Second, electoral reform is also in progress since several laws have been enacted. For instance, the “process to establish an Independent Electoral and Boundaries Commission (IEBC) has begun in earnest”. Though the preparedness for the next general election still remains to be seen, these developments cast a positive picture for durable peace.

Nevertheless, there still exist several problems behind the progress. Some ministries and departments do not have enough capacity to draft bills of good quality. Divisions among politicians are also delaying the implementation of the Constitution. The absence of coherent leadership and conflict mediation mechanisms among agencies is further slowing down the implementation process. In addition, the lack of public awareness about the provisions of the Constitution raises concern. There is an urgent need for civic education.

On the other hand, the legacy of post-election violence is still visible. The first legacy is the justice issue. Six suspects of the 2007-2008 election violence have been to the ICC for confirmation of charges hearing. Approximately 65 per cent of Kenyans support the ICC intervention and trust its capacity to protect witnesses. However, there is a caveat in the ICC intervention. “Although the ICC is designed to prosecute those who bear the greatest responsibility, persisting impunity for low and middle-level perpetrators continues to pose a threat to future stability”. Furthermore, many Kenyans doubt the capacity of their government to investigate and prosecute the suspects. Such distrust also indicates that the country needs to develop capacity and sustainable mechanisms to address the culture of impunity.

The second legacy is the issue of IDPs. “According to the latest available update from the Ministry of Special Programs, 5,396 acres of land have so far been acquired to settle 1,898 IDP families”. However, a number of displaced persons still continue to live in camps. In addition,
some host communities are against the allocation of land to ‘outsiders’ while their own local people remain landless. This tension between “host community” and “outsiders” related to land issues will possibly re-create the ethnic grievances parallel to what happened after the independence of Kenya.

Conclusions

The 2008 mediation process in Kenya was a successful application of the R2P. The Kenyan example affirms the validity of the conflict resolution theories in determining the effective timing, actors and strategies. Despite some limited applicability, the lessons learned from the country also offer a number of political implications.

The recent progress in the implementation of the new Constitution and electoral reform gives expectations for a peaceful election in 2012. However, challenges such as the issues of justice and IDPs still pose questions to durable peace. The Government of Kenya should develop its capacity to address the legacy of the post election violence and effectively implement the new Constitution. At the same time, the international community should carefully watch the progress, while continuing its support to the peacebuilding process in the country. The prospect for sustainable peace remains to be seen. The future of temporary peace is in the hands of both Kenyans and the international community.
Bibliography


The Journal of Conflict Transformation and Security (JCTS) provides a platform to analyse conflict transformation as the processes for managing change in a non-violent way to produce equitable outcomes for all parties that are sustainable. Security is understood as encapsulating a wide range of human security concerns that can be tackled by both ‘hard’ and ‘soft’ measures. Therefore, the Journal’s scope not only covers such security sector reform issues as restructuring security apparatus, reintegration of ex-combatants, clearance of explosive remnants of war and cross-border management, but also the protection of human rights, justice, rule of law and governance.

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Conflict management in Divided Societies: Theories and Practice is an innovative book that gives a multi-perspective view of conflict management in divided societies in three parts and fourteen chapters. Some authors of this edited volume have an academic background while other contributors have had extensive experience in dealing with conflict; thus, the book effectively covers a wide range of issues. Moreover, the case study technique is used in a very intelligent manner. Although only five cases have been examined in detail, these have been complemented with the use of other cases as appropriate, to facilitate understanding of the practical implications of the different theories discussed and the outcomes of the different processes and activities of the actors considered in the other parts. The comparative method is also used but only to the extent that it helps clarify the lessons the case studies convey.

This book is in three distinctive parts that deal with the following issues. Part I consists of three chapters that discuss theories related to the topic. In Chapter 1, Wolf discusses consociational theory to which he attributes two main dimensions of institutional design: power sharing and territorial self-governance. In the following chapter, Reilly considers the theory of centripetalism that favors electoral systems that give more chances to parties with a cross-ethnic appeal. Chapter 3 by Roeder examines power dividing or the multiple-majorities approach. This theory is based on the idea that where power is concentrated on too few sets of hands, it is difficult to manage conflict in divided societies.

Part II comprises six chapters that look at a number of measures and actors that pursue managing the conflicts within ‘divided societies’. In chapter 4, Zartman discusses the developments that have led to the increased role of diplomacy in conflict management. In chapter 5, Collins examines the role of quiet diplomacy, especially its importance in situations where official diplomacy is less likely to work.

In chapters 6, 7 and 8, the conflict management role of the United Nations (UN), the European Union (EU) and the African Union (AU) is discussed. Kittikhoun and Weiss find the role of

1. Consociationalism posits that the effective representation and participation of identity groups in decision making at the central government level and at the local level is necessary for the maintenance of peace.

2. Centripetalism denotes contends that institutional incentives for cross-ethnic behavior are fundamental for the success of democracy in divided societies. It is thus a diametrically opposed to elite driven approaches like consociationalism which according to its supporters only served to reinforces divisions in fragile societies.
the UN imperfect but indispensable in chapter 6 whereas Tocci observes that the EUs record in conflict management is yet to match its ambition (despite several successes). In addition, Akokpari examines the role of the AU in conflict management in chapter 7. In contrast to the UN and the EU, he finds the conflict management role of the AU remarkably unimpressive. In the last chapter of part II, Papagianni contends that NGOs have contributed significantly to conflict management by creating channels of communication and consequently building trust between conflict parties.

In part III, five case studies are presented. In the case of Rwanda, Clark shows that while an inclusive settlement was reached, it did not benefit all parties. She contends that, in order to be more useful, conflict management theory should be combined with empirical insights and case study analysis. Furthermore, Ladish discusses the case of Guatemala and notes that while a ceasefire, the demobilization of the Guatemalan National Revolutionary Unity (URNG) and the return of refugees were successfully carried out, the peace accords fell short of bringing about a genuine democratic system. Weller attributes the failure of the peace process in Kosovo, mainly to the lack of a concrete agreement between the parties and division in the international community. Yakinthou similarly finds in the case of Cyprus that the international community has not been successful in forging a sustainable peace agreement. Unlike the first four cases, Northern Ireland is presented by Guelke as a success story. To Guelke, the consociational institutions set up have been stable because they cannot be attributed directly to any one agreement.

This book is written in a simple and engaging style. Although written by different authors, the chapters are well arranged and presented in very coherent ways. A good choice of theories of institutional design is made. If we view the purpose of conflict management as seeking and sustaining ‘an institutional arrangement in which conflict parties have greater incentives to abide by political rules of dealing with their conflict than to use, or revert to violence in the pursuit of their incompatible objectives,’\(^3\), no group of theories provides as comprehensive a framework for analysis as consociationalism, centripetalism and power dividing.

The main strength of the book is that the authors do not just find the theories explored as complementary, but realize that these must be enriched by empirical case studies. For example, the case studies treated in Part III facilitate the understanding of the different theoretical approaches considered in the book. The authors show that there has been some leaning towards the consociational approach. They also successfully bring out some of the reasons why peace efforts fail or succeed. Better put, it is a creative application of theory which thus takes into consideration the specificities of each case that is advised.

The discussion on processes and actors is also very enriching. Zartman for instance in examining developments in conflict management diplomacy, gives a very lucid picture of the arena of intra-state conflicts and the challenges third parties face in dealing with this set. The role of the UN, the EU and the AU in conflict management is well examined. In the same way the examination of the role of NGOs by Papagianni is also well treated. Apart from advancing convincing arguments on why NGOs play a role in managing conflicts in divided societies, Papagi-
anni compares NGOs with state actors, giving an insight on the practical differences and strengths of each.

This book covers a wide variety of issues relating to institutional design and conflict management. It however fails to address other important factors that can undermine the success of institutional approaches to conflict management like the deprivation of human needs which other analysts like Edward Azar⁴ and John Burton⁵ have shown to be crucial in the handling of conflict in divided societies. Representation or participation only addresses political access needs. Where any of the institutional designs treated in the book addresses these satisfactorily it is still likely that cultural entrepreneurs default when they can benefit more by manipulating groups whose development or other non-political needs are not addressed by the management process.

Most scholars have focused on conflict resolution or transformation in divided societies. This is so because conflict management has conventionally been associated with conflict containment.⁶ Yakinthou and Wolf thus make a strong case in stating that conflict management over time may lead to conflict resolution. This book thus puts conflict management strongly on the agenda as it is usually the first option when dealing with conflict.

Overall, the book is well organized with the parts and chapters arranged in a logical order. The authors have also addressed the key aim of the book which is not to propose ideal ways of dealing with conflict but rather, under what circumstances the institutional alternatives explored here work or fail. It will be very useful especially for students and researchers in international relations, political science and conflict management practitioners at all levels.

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Christine S. Cheng and Dominik Zaum eds.

*Corruption and Post-Conflict Peacebuilding*


Since the end of the Cold War in the late 20th century, the number of interstate wars has decreased dramatically, while internal conflicts have claimed the main stage. It might be the consequence of secessionist movements in many post-colonial states or the domestic frictions that were largely restrained for the sake of national security during the Cold War, but domestic conflicts have, in most cases, had adverse spillover effects on neighboring states. Thus, the result is that a nation’s internal conflict matters not only within its borders, but also regionally and globally.

UN-mandated peacekeeping operations have so far incorporated many responsibilities to its mandate to stop tragedies from degenerating as well as reoccurring and have adopted new strategies to achieve such aims. Now as peacebuilding, it needs help from a wide array of actors and has to utilize various sorts of policy tools and campaigns at every level of political, economic, and social human interaction. Discussions in Corruption and Post-Conflict Peacebuilding are based on these grounds, and the primary focus of the contributors is the reciprocal relationship between peacebuilding and corruption: how and to what extent can corruption distort peacebuilding efforts, and in what manner can peacebuilding affect corrupt actors and their behaviours?

The volume consists of three parts. The first part attempts to refine the definition of corruption while briefly going over the literature on corruption in post-conflict states, and to answer whether corruption hinders peacebuilding, or rather it is peacebuilding measures that provide an environment conducive to corruption. The second part illustrates the relationship between the two in different post-conflict settings using case studies. And the last section discusses the potentials and limits of several anti-corruption measures and suggests ways that could improve their performance in future implementations.

In general, corruption has meant the abuse of office and misuse of entrusted power for personal profit. Philp, however, claims that the term ‘abuse’ and ‘misuse’ can be used by different standards across disparate cultures and customs. A broader and perhaps more practical, version of the word’s definition suggested here, applied by other contributors as well, explains it as a public official violating the rules and norms of the office in light of his or her personal, partisan or sectional gain, consequently harming the interest of the public and being rewarded by the beneficiaries in consideration of the illegal access to goods or services provided.

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4. Philp 34
What is concerning in post-conflict settings is that these initial forms of authorities, alternatives to complete chaos, are an easy prey to corruption. Post-conflict authorities tend to lack not only the ability to monitor and penalize perpetrators of law and social norms but also checks and balances to constrain their own behavior. Virtually nothing would prevent them from being penetrated by patronage and clientelistic networks and once they are overwhelmed, the authorities would themselves become predators, forming joint extraction regimes which centralises the means of coercion and predation and being avaricious of vast illegal incentives.

The result would be systematic corruption, which transcends the deleterious impacts of administrative corruption that happens on a daily basis between civil servants and citizens. It would not only cost public trust, or extended trust, towards the government and the pertinent use of aid money and investments. It would ultimately entrench wartime power structures well into the post-conflict state and sow the seed for a renewed internal conflict. Peacebuilding, needless to say, would end up earning nothing it had desired at the start.

As already mentioned, the contributors claim that it also happens the other way around. According to the volume, peacebuilding, predominantly focused on establishing a stable environment rather hastily, tends to talk the conflict-ridden state into implementing the so-called liberal peacebuilding models after mediating the related parties to agree on a negotiated peace settlement. However, with only weak domestic institutions and an incomplete social contract barely in place, this brand of peacebuilding formula, characterized by decentralization of political authority and economic privatization, can bring about severe “destabilizing effects through increased societal competition.”

Local elites within consociational coalitions will exploit this chance to seize state assets, reconstruction aid and foreign direct investments for their personal benefit, empowering loyal crony networks and retaining stability and popular support in return. Overriding local authority, “securitising” aid, or channeling aid through NGOs and private contractors to avoid these unfortunate outcomes would only further subvert the already low government legitimacy and public trust. Such was the case in Bosnia and Herzegovina (BiH), where ever strengthening international supervision and constant ad hoc intervention only weakened the administrative capability to eliminate corruption and create the much needed liberal social contract.

It is hard to say that peacebuilding definitely increases corruption, as the absolute amount of data is insufficient as well as imperfect and there is no way to directly observe the impact of corruption on post-conflict nations. Nonetheless, the relationship between corruption and peacebuilding seems to have a dark side to itself. As Billerbeck points out, breaking the vicious

5. Belloni 226
6. Goodhand 147
7. Looney 170-174; Belloni 220-221
8. Philp 37; Rose-Ackerman 54-56
9. Le Billon 69-72
10. Rose-Ackerman 50-57; Belloni 224-227
11. Billerbeck 92
12. Pugh and Divjak, 99-112
13. Le Billon 65-68
cycle and safely "building state capacity to peacefully manage and prevent conflict" will only be possible when all the related entities stop regarding corruption as merely a technical problem and aid disbursement as politically neutral issues.

Two arguments stand out from this volume. One is underlining the importance of context-based peacebuilding. While the volume introduces three anti-corruption measures, namely establishing independent anti-corruption commissions, strengthening civil societies, and participating in international campaigns, the contributors insist that their implementation have so far been concentrated excessively on yielding quantitative results. Thus, the authors claim that it is time to reconsider their qualitative aspect and incorporate local contexts, demands, norms and rules of conduct into the designs. The other notable argument is that corruption might actually have to be tolerated, at least in the short-term, for the sake of stability, and in some cases the livelihood of the populace. Facing urgent calls from the international community to stop humanitarian crises unfolding, overlooking petty corruption at the onset of any peacebuilding process becomes a necessary evil for the activists.

It would have been more constructive if the contributors had scrutinized ways to improve the quality of peacebuilding with further detail, rather than adumbrating it. They do note that donors and investors should use greater leverage to help build state capacity needed to combat corruption in post-conflict states. Nevertheless, suggestions on how to balance strengthening state apparatuses with liberal peacebuilding formulas which prefer limited states are missing. Furthermore, ways to prevent the 'disbursement culture' and a 'state of exception' were not given sufficient attention despite their significance. The Publish What You Pay (PWYP) campaign, the UN Global Compact, and the U.S. Foreign Corrupt Practices Act are a few examples that can insist on more responsibility from donors and investors and it is clear that these mechanisms should be built into future peacebuilding mechanisms.

Also, it remains rather ambiguous to what extent corruption should be condoned. It would turn out to be horrendously complicated and arduous to differentiate administrative corruption from systemic corruption and warn related actors when the former is at the verge of developing into the latter. Phasing in and phasing out corruption is easier said than done. While they probably should be part of a tailored response, fine-tuning the timing of transition would be no easy task. The volume leaves the question as future agendas, leaving it to the readers to find out whether a balance between consequentialism and a categorical imperative approach could be struck to foster positive governance outcomes.

Overall, with its appeal of identifying the interactive relationship between peacebuilding and corruption in a post-conflict setting and advocating feasible anti-corruption measures, this book would serve best as an introduction to the difficulties with peacebuilding activities on the ground. Thereby, this book would be a fine reference for those who seek to add some sense of reality to their practice of theory vis-à-vis conflict resolution and peacebuilding, as well as those seeking to develop practical policies on these issues.

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14. Billerbeck 80
15. Billerbeck 93, 71
By examining the case studies of Sri Lanka and the Philippines, this book investigates and analyses the major factors that affect the characteristics of the humanitarian intervention and relief activities of five international organisations - United Nations Children’s Fund (UNICEF), United Nations Development Programme (UNDP), Save the Children, OXFAM, and International Committee of the Red Cross (ICRC). In specific, the author attempts to examine the following hypotheses: international organisation that “face greater material demands and inducement from powerful donors or that compete harder for scarce funds are less proactive on civilian protection”\(^1\) and “whose prevailing beliefs and norms privilege state sovereignty or whose bureaucratic culture and identity are more resistant to change will be less proactive on civilian protection”.\(^2\) In the author’s analysis, power and idea (that are considered as the principle of rationalists who are seeking to discover the universal principles or conditions in international relations primarily based on an assumption of the rationality of actors as well as scientific methods and culturalists who stress the importance of people’s perception and belief, and the interpretation of events respectively) are identified as two chief variables influencing the international organisations’ behaviour. While general academic awareness on humanitarian activities predominantly has maintained the state-centred argument, the book mainly deemed that those five international organisations embraced the leading roles in civilian protection.

The first three chapters in this book discuss conceptual and theoretical issues. It firstly refers to the problem that the humanitarianism of international organisations has been in the shadow of the powers and the ideas, and it would weight to progressive structural theories in Introduction, Chapters 1 and 2. In addition, this work attempts to supplement the Third Debate of International Relations theory\(^3\) and to apply the IR theory to the practical field bases. It is mentioned that the qualitative methodology would be employed throughout the writing in Chapter 3.

Then, the author displays two empirical cases studies. What is remarkable in his empirical study is that the ‘proactiveness scores’\(^4\) of five organisations were distinct between Sri Lanka and the Philippines. The author accurately demonstrates the reason why the same organisations present significantly dissimilar performance in the two countries by conducting in depth interviews in-the-field practitioners, referencing his experiences and providing material evidence.

Chapter 4 analyses the Sri Lankan intra-state war, where the proactiveness score of UNICEF was the highest and that of UNDP was the lowest. The Sri Lankan government has been a good pupil of the Washington Consensus in a sense that it formed intimate relationship with Western donor countries, and designated the rebel groups as terrorists involving Western’s

1. Chulia, 42
2. Chulia, 43
3. The debate between rationalists and reflectivists, which include culturalists, is related to the epistemology of international relations. The author tries to combine those two theories in this book.
4. The author utilises them as gauges of international organisations’ activities to inhibit armed actors from violence against civilians.
implicit consent. This ambiance led the role of the international organisations to be restricted within relief areas except for UNICEF that was characterised as the child protection agency, raising its voice on the matter of child conscription.

Chapter 5 describes the local conflicts in the Philippines where OXFAM acquired the highest score and UNDP had the lowest one. The most dominant variable in the Philippines was the donor pressure from the US, Canada or Australia. Since OXFAM was independent from the pressure, it could proactively behave on abuses and violence against civilians. Other international organisations including UNDP were less proactive because of their strong bureaucratic systems or due to the political pressure from local government.

In the last part of this book, the author develops analytic discussions. In Chapter 6, the reasons why each IO had the different proactiveness level in two regions are illustrated. There was the great chasm in the score of OXFAM and UNICEF between Sri Lanka and the Philippines due to the fact that the ‘idea’ variables like culture or identity of those organizations worked inside them. Chapter 7 and 8 argue that the neutrality of IOs was widely exaggerated and the business of saving lives does not include protection of civilian from abuse and violence. The book points out that the humanitarian IOs in Sri Lanka and the Philippines commonly neglected local activists and displaced civilians who mostly needed their support.

Prominent contributions of this work come from the author’s successful integration of his extensive experience in the field and theoretical and analytic study. His direct experiences make it possible to transmit the fact of the theatre of internal war and to dispel the myth of humanitarian works. Moreover, theories of political science that can be easily ignored in discourses on the field work are creditably employed. The hypotheses in the book deploy the principle parts of both rationalists and culturalists, which redress the Third Debate of IR theory. He neither adopts the examples for supporting theories nor struggles to apply unwieldy theories to his experiences. Rather, the author emphasises that the compatibility between empirical and theoretical parts can raise the value of this writing.

The authenticity to local residents and their lives is another valuable aspect of this book. Both intense criticism of the international organisations’ bureaucratic attitude and the admonition on their ambiguous position between relief and advocacy activities derive from this adamant perspective throughout the book. It also rectifies the widespread notion that aid organizations save lives in emergencies and that any price is worth paying for it to continue. It has strong powers of persuasion not merely because of his field-work experiences, but because of his penetrating insight about the truths of local conflict areas.

The interview methodology, one of the main approaches of this work, may engender some problems of representativeness or the bias by interlocutors, but these could be inhibited by author’s long-term observation and the cross-checking measurement. The quantitative method which is rampant among a majority of political scientists certainly has positive features in the research. This method, however, may be distant from realpolitik since researchers choose the measurable subject only and to distort the results by quantification. The qualitative research methods such as interviews (which are considered less scientific by some people) and enquiries of this book definitely demonstrate that it reflects the complexity of real humanitarian affairs.
This work deserves to be praised for the innovative product from the perspective of political scientists as well as practitioners. It encompasses a wide range of extant theories of political science and overcomes the theoretical limitation, and warns against lackadaisical attitudes of humanitarian organisations. Also, it reminds us that humanitarian activities must not be ‘business as usual’ and that the importance of the local civil society should not be disregarded in the field any more.

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Arguably, security is a contested concept. Conventionally, national security that is state-centred and military-oriented has been predominant in the discourse on security. However, the concept of human security, which puts individual human agency at the centre, has raised its profile academically and practically. Following this emerging reformulation and expansion of the concept of security, the aim of this book edited by Malcolm McIntosh and Alan Hunter is to make a comprehensive and extensive analysis of human security in terms of its concept and practical application.

In the foreword, Mehrnaz Mostafavi states,

“while national security still remains pivotal to peace and stability, the need for an expanded paradigm of security that: draws attention to the multitude of threats that cut across different aspects of human life; that concentrates on the security of the individuals, their protection and empowerment; that highlights the interface between the lack of security, development and human rights; and that promotes a new integrated, coordinated and people-centred approach is also underlined by national and global challenges.”  

To this end, five sections with 16 chapters constitute the book, in which various contributors analyse human security from respectively distinct angles to illustrate the multiplicity and diversity of security we have to address.

Section 1 on ‘Introductions’ contains 3 chapters. Here, the basic ideas of human security, critical examination of the relationship between global governance and its impact on human security, and the investigation of the extent to which the United Nations has operationalized human security so far are presented. Section II on ‘Human security and health’ illustrates how health issues can be connected to human security. Examination on how HIV/AIDS issues have promoted the incorporation of health security within the framework of human security in Africa and critique of the healthcare system of the USA are made. Section III on ‘The environmental imperative, sustainable enterprise and human security’ makes the linkage between human security from the perspectives of climate change, corporate responsibility and the emerging sustainable enterprise economy. In this section, 5 topics are introduced: examination of a sustainable enterprise economy that integrates the principles of human security; analysis of sustainable enterprise based on human security in line with the parallel development of the discourses on corporate citizenship and human security; enhancement of human security by UN Global Compact based on the Japanese proposal for CPR (Corporate Peace Responsibility); critical examination of the negative impact of oil business upon human security in the post-conflict Angola; and critique of the negative impact of the coltan mining business on human security in the eastern Democratic Republic of Congo.

Section IV on ‘Human security, relations and community’ deals with two themes: attachment theory and human security on the nexus between conflict, human relations and community;

1. Mostafavi, xv.
and the case study of Northern Ireland with a call for a better view of interface concerns to address the cycle of violent conflict. Section V on ‘Human security and responsibility to protect (R2P)’ examines four subjects: comparative analysis between the idea of responsibility to protect and human security and exploration of their complementarity despite their diversity; critical examination of policing in Africa; a critique of the civil war in India; and investigation of the state-sponsored disarmament policy in East Africa.

These chapters insightfully exemplify that the potential of human security is far-reaching and wide-ranging in its application, which allows us to realize that the concept of human security can be relevant to any situation or circumstance in both developing and developed countries as citizens in any state can be exposed to serious crime, social marginalization and discrimination, terrorism, or other human rights violations. Though the concept of human security is not a panacea for all concerns of insecurity and vulnerability, this book successfully proves, by demonstrating the complexity and multi-dimensionality of problems human beings face, that it can be a useful and significant framework to analyse and address them.

My critique of this book is the underdevelopment of the argument on the relationship between culture and human security. In foreword, Ramesh Thakur states, “The emotional rod that connects both the protection and well-being agendas is solidarity across borders, the sense of shared affinity with fellow human beings qua human beings regardless of differences in nationality, race, religion or gender.” Doubtless, this is the fundamental banner of human security or more generally peace research since its ethos is to transform violent and unequal world into a more just and peaceful one where each human being can gratify his/her basic human needs and be given an equal opportunity to seek to achieve his/her own potential to the fullest. However, what should be emphatically proposed here is that without taking culture into serious consideration, it would be difficult to put the above mentioned spirit into practice more proactively and productively.

As Avruch and Black claim, the concern with the role of culture in peace research arises from “a conception of social life in which culture is seen to be a fundamental feature of human consciousness, the sine qua non of being human.” Culture is the assumption and presupposition that individuals and groups hold about the world: shared common sense that is essentially local. Accordingly, the essential questions concerning human security such as “How can human security be defined or characterised?” “How can we know human security has been achieved?” to name a few, need to be examined and answered according to each culture. Further, a self-reflexive and critical question, which is, whether contemporary human security is a globally applicable enterprise or whether it is founded upon some hidden cultural values that are not necessarily universally shared must be examined.

Truly, these questions are difficult and challenging to examine and answer. However, as long as the concept of human security is conceptually constructed and culture assumes the central

2. Thakur, viii.
role in the construction, the above proposed cultural questions should be analysed and certain answers need to be explored.

Despite my critique, I would strongly recommend this book for its excellence in highlighting a comprehensive and thorough examination on human security both conceptually and practically, which enables us to envisage its great potential of contribution made for a just and harmonious and more humane world. Although much has been devoted to the promotion of human security, there is no end-point of its intellectual and practical engagement and so we must keep developing its concept and practical methods to approach problems facing human beings and globe, which allows me to foresee that my critique proposed here will be taken up in studies in human security to come.

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*Statebuilding and Justice Reform: Post-Conflict Reconstruction in Afghanistan*


As the author clearly sets out, this book analyses the justice sector reform (JSR) in Afghanistan undertaken since the United States’ military intervention in 2001 by focusing on the rule of foreign actors and their interaction with local stakeholders. In a nutshell, the author highlights that the justice development programmes such as the World Bank’s Afghanistan Reconstruction Trust Fund (ARTF) Justice Project should be implemented with pooled multilateral aid monies with long-term targets which involves national authorities and relevant local stakeholders.¹

In particular, it is argued that the ARTF’s funded National Justice Programme (NJP)² will benefit JSR by adopting a multilateral funding system to avoid wasted monies and improve clearer roles between international and domestic stakeholders and refocus donor intervention. Such a multilateral funding system may limit the negative impact of the externally driven political goals of single international donors and bilateral projects that often drive short-term and wasted financial aid on sub-contracting instead of focusing on justice development programmes to reduce traditional donors’ technical and financial assistance. This novel solution to minimise wasted aid and numerous bilateral justice reform projects with clearer long-term projects are the main contributions made by the book.

The author’s analytical framework of JSR is developed from the international community’s statebuilding operations, namely the international transitional administrations in Bosnia, Kosovo, East Slavonia and East Timor from the mid to late 1990s.³ After examining these statebuilding case studies implemented during the 1990s, the author links the approaches and features observed in these cases with Afghanistan post-2001 JSR. In specific, the author claims that the ‘light-footprint approach’ of quasi-state administrations in Kosovo and East Timor was also adopted in Afghanistan.

In terms of the background approaches, the author presents two distinctive and competing statebuilding approaches. The author firstly focuses on dilemmas faced by statebuilders which drive a dichotomy of both external administrative and institutional models under ‘neo-colonialism’ and the ‘dirigiste’ (top-down) approach. The ‘consent-based approach’ limits the reform of existing domestic institutions as a social contract signed when hostilities have immediately ceased. More specific, the introduction chapter rightly indicates that local societies have pre-existing rules that may be in a non-statutory legal context which determines the society’s historical, cultural and even religious way of life. Hence, the bottom-up process with a society and law and judicial institutionalisation clash with the dirigiste JSR approach in statebuilding operations. The top-down

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1. The author discusses aspects of local ownership according to recent literature from Simon Chesterman: consult and include local population prior to implementation of policies; base policies on local culture; hold international actors accountable to state authorities and respect state sovereignty whilst controlled by internal structures.

2. The NJP is funded by the ARTF and is supervised by the Supreme Court, Attorney General Office, Ministry of Justice and Ministry of Finance. These authorities involve local officials to define reform activities (such as the Afghanistan National Development Strategy) which are contracted to national and international organizations and institutions for support in a specialist board. The objectives of the NJP are to improve: the Afghan judicial system; transparency; capacity; training; infrastructure and equipment.

3. In particular, the United Nations (UN) transitional administrations in Kosovo and East Timor via Security Council (SC) Resolutions 1244 and 1272 (1999) led to the mandated extraordinary powers of Special Representative of the Secretary-General over justice and law-making which limited the role of local stakeholders and national authorities.
approach has strength via economic factors from international donors which means that the host state becomes dependent on external economic and technical affluence in which the author is critical of. Clearly, the author prefers a bottom-up process.

The author is right to point out that Afghanistan is interesting for a main case study on JSR after 9/11 due to a huge international commitment based on the global war against terror. This has led to the prescription of Western legal and administrative models into an Islamic war-torn country undergoing 30 years of conflict and resistant to any outside political change. Hence, the liberal peace hits a multilateral peak in Afghanistan serving interests of the US. It is absolutely correct insofar that President George W. Bush’s unilateral foreign policy on the war against terror reshaped humanitarian aims to serve US national political goals which the international community shared. This was evident when the UN supported the US’ collective self-defence against the Taliban rogue government under Chapter VII Articles 39, 42 and 51 of the UN Charter supported in SC Resolutions 1368 and 1373 (2001). However, the author may have explicitly referred to these resolutions to interest the intervention from an international lawyer’s perspective rather than simply referring to the background of the intervention and Bush’s global war against terror which was supported by the international community.

The author highlights that the intervention in Afghanistan was not a quick liberal peace winning the war and installing JSR of global victors’ justice; rather, fighting continues which has hindered US credibility. This has led to many other foreign states and international agencies entering Afghanistan that have different interests. Statebuilders changed their approach due to increased insecurity which has led to more focus on national involvement and local councils as a political compromise. For instance, an interesting analysis of Islamic law and the evolution of Afghanistan’s judicial and legal systems up until 2001 as well as the 2004 Afghan constitution and the recognition of the formal state justice system are provided. The author outlines the basics of Islamic law that is based on individual conscience which clashes with the Western rule of law. *Ulema* are the law-makers of legal authority of Islam rather than using concrete law sources and *ulema* resist the adoption of codified laws. *Ulema* powers and Islamic law vary in different Islamic societies but *ulema* have power and sharia may review constitutional laws for Islamic interpretation. The author concludes that a new criminal procedure code needs redrafting with aid support and *ulema* and tribal leaders’ participation to get a broader consensus on both international human rights and the Afghan way of life.

Overall, this book clearly addresses the pitfalls of statebuilding and justice reform in Afghanistan insofar that the liberal peace and 9/11 interests dictated the process from a *dirigiste* approach which led to a focus on physical security and institutionalisation based on Western models. As a consequence, the justice sector has received less funding in comparison to the military and police sectors and numerous actors. In addition, contractors have been involved in bilateral justice projects which has hindered the concept of local ownership, wasted monies and failed to develop a clear national plan to statebuilding and justice reform. The book not only provides a good critique of statebuilding operations but also produces a novel strategy to improve the pooled financing, long-term and clearer projects and intertwines both traditional justice and local ownership over Afghan justice reform. This book is for students and policy-makers of Afghanistan interests and general students of international relations, statebuilding and post-war reconstruction and development.

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