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Editorial Note

Welcome to the winter 2013/2014 issue of the Peace and Conflict Review, the 1st issue of our 8th volume. It is my pleasure to introduce this new and thought-provoking collection of articles, which together offer a wealth of new data and innovative analyses to our field.

Anchoring the issue is a special selection of articles on culture, conflict, civil society and peacebuilding, for which we owe a debt of gratitude to Dr Anthony Wanis-St. John, director of the International Peace and Conflict Resolution MA program at American University in Washington D.C. Amao, Ettang, Uzodike, and Tugizimana begin the feature by providing us with a helpful overview of civil society-based peacebuilding efforts, with a particular focus on mechanisms for early warning and early response in Ghana and Kenya. Sara Cady’s article on Palestinian peacebuilding further explores the connection between civil society and peace by drawing our attention to the specific historical contexts in which they develop and operate. In the final paper in this section, Melissa Gang traces the present state of conflict resolution in Cameroon back to the collision between the conciliatory indigenous practices with retributive practices and values imposed by colonialism.

Our regular articles, as usual, cover a broad range of content, exploring dynamics of peace and conflict from the level of interpersonal relationships, through communities and ethnic groups, and up to the national and international levels of political organization. Along the way, these articles touch on issues of democracy, sexuality, disarmament and demobilization, environmental governance, indigenous rights, borders and partitions, and justice.

Rather than review the content of each article here, or pull out all of the overarching themes, I invite you to scroll down and peruse the abstracts and articles themselves, and engage directly with each author’s unique approach to the themes and methods of peace and conflict studies.

It is our hope that this collection will be a useful resource in your own research, as we continue to reach across disciplines and collaborate toward a greater understanding of the challenges of violence and insecurity we commonly face, and the potential we all have to contribute to a more just, sustainable, and peaceful world.

I am grateful to all of our contributors, our board of editors, and to you, our readers, for helping to make this issue of the Peace and Conflict Review possible. As always, comments and contributions are more than welcome; please direct all correspondence to editor@review.upeace.org.

Ross Ryan
Managing Editor
Democratization and Inter-State Disputes
Re-evaluating the Effects of Political Institutions and Politicized Ethnicity

Afa’anwi Che

Empirical evidence regarding the relationship between the relative strength and coherence of political institutions and the propensity of democratizing states to go to war is inconclusive. Focusing on the immediate post-Cold War period not covered in extant quantitative assessments, and on militarized inter-state disputes, rather than full-scale wars, this paper re-evaluates the importance of political institutions as they relate to the democratization—war linkage. Further, this study uses a recent ethnopolitical polarization index to assess the impact of polarization on democratization and war. Results suggest that political institutions and politicized ethnicity are both relevant factors to the belligerency of democratizing states, however, chi-square tests reveal no statistically significant association in their effects. Hence, democracy promotion policies ought to pursue both institution-building and multiculturalism for auspicious democratic outcomes.

* Afa’anwi Che is a doctoral candidate in the Department of Political and Cultural Studies at Swansea University, UK. His research investigates conditions relevant to democratization and warfare.
Prominent studies linking democratization and incentives for involvement in international wars (Mansfield and Snyder, 1995a, 1995b, 1996) have endured enormous criticisms. Critics have either argued the contrary, that democratization mitigates war proclivity (e.g. Wolf, 1996; Ward and Gleditsch, 1998, 2000) or simply faulted Mansfield and Snyder’s research design (e.g. Enterline, 1996; Thompson and Tucker, 1997a, 1997b). At the turn of the century, Mansfield and Snyder (2002, 2005) revised their research design and propounded a qualified democratization and war (DnW) linkage. Their newer thesis: a) disaggregates democratizing states into two categories, namely, incomplete democratizers (transitioning from autocracy to mixed or anocratic regimes) and complete democratizers (from either autocracy or anocracy, to democracy); and b) stipulates incomplete democratizers as disproportionately war prone. The greater risk associated with incomplete democratizers is attributed to weak and ineffective political institutions. On the other hand, political institutions in complete democratizers are stronger and more coherent with those of older democracies. Thus, the institutional constraints (separation of powers, uncensored media outlets, free and fair elections, political accountability, and so on) that engender prudent foreign policies and a separate peace among democracies similarly induce lower levels of war involvement for coherent or complete democratizers (Mansfield and Snyder, 2002: 300–301).

However, while Mansfield and Snyder (2002, 2005) evince institutional strength differences as determinants of conflict (non-)participation for democratizers, a recent empirical evaluation by Narang and Nelson (2009) finds almost no corroborative evidence. Narang and Nelson (2009: 357) notice ‘a dearth of observations where incomplete democratizers with weak institutions participated in war’. Hence, for the critics, ‘incomplete democratizers with weak institutions are no more likely to go to war than other types of states’ (2009: 368). The current empirical divide necessitates a further evaluation – to mitigate the controversy. Both pairs of scholars on both sides of the extant divide estimably execute analyses for an extensive time frame, spanning across the nineteenth and twentieth centuries, but critically, exclude a large part of the 1990s.¹ This exclusion is problematic as the world witnessed a surge in democratization (Huntington, 1991) at the close of the twentieth century. While Mansfield and Snyder (2002: 297) recognise the 1990s as a ‘decade of […] democratization’, it is excluded from their empirical analysis, ostensibly owing to limitations imposed by their data on international wars derived from Small and Singer (quoted in Mansfield and Snyder, 2002: 311). This article reports evaluative frequency counts of incomplete and complete democratizers that engaged in militarized inter-state disputes (MIDs) at the close of the twentieth century, specifically between 1989 and 1999.

Additionally, assessed against Cederman et al.’s (2009) Ethnic Power Relations (EPR) data, this article reports evaluative results of the relevance of ethnicity to DnW. The emergence of Cederman et al.’s (2009) EPR data motivates a re-evaluation of ethnicity’s relevance to DnW since current quantitative analyses of interactions between politicized ethnicity and DnW problematically measure ethnicity’s salience either from: i) mere ethnic heterogeneity indicators (such as Taylor and Hudson’s [1972] Ethnolinguistic Fractionalization Index used in Mousseau, 2001) or ii) more credible, but incomprehensive, ethnopolitical polarization indicators (such as Gurr’s [1993a, 1993b] Minorities at Risk data used in Saideman et al. [2002]). As subsequently elaborated, by capturing the ethnic configuration of state governments annually (from 1946 to 2005), EPR comprehensively detects ethnopolitical polarization, not just between dominant majorities and dominated minorities, but between all ‘politically relevant’ ethnic groups (regardless of size). Thus EPR permits improved analysis of ethnicity’s salience (or the absence there of) on elite rivalry underlying DnW theory.

The effects of political institutions and ethnically-channelled politics (politicized ethnicity) on democratizer belligerency were assessed against a sample of democratizers (N = 111) involved in MIDs between 1989 and 1999. The sample was generated from Maoz’s (2008) MID dataset, with measurements of regime change (to identify democratizers and non-democratizers) conducted on the most recent version of the Polity index (Polity IV, version 2012). Although Maoz’s dataset is structurally dyadic, the evaluations, like most other DnW analyses, adopted a monadic design, allowing spatial focus on (intra-state) democratization dynamics. Based on the monadic design, two sets of evaluations were conducted for each of the two variables under scrutiny. One set (n = 54) focused on democratizing states involved on one side of MIDs (code-named SIDEA, or STATEA as per Maoz’s codings) while the other (n = 57) analysed democratizers on the other side (SIDEB, or STATEB). Sample data codings and analyses were performed on the Statistical Package for Social Sciences (SPSS, version 19).

Maoz’s dyadic dataset underwent three notable levels of reductive alterations for the relevant combined sample (N = 111) to be generated. First, all dyadic disputes that started in a year (STRTYR) outside the period under scrutiny (1989 – 1999) were eliminated. Second, to ensure accuracy in monad-year observations of the effects of democratic regime changes on MID involvement, I eliminated all subsequent cases of any dyad that appeared in Maoz’s data severally in any given STRTYR within the period under study. Third, after measuring and identifying democratic regime transitions for all dyadic belligerents in the period under analysis, all dyads not featuring at least one democratizer were purged to facilitate focus on democratizers and their conflict engagements.

Simulating Mansfield and Snyder’s (2002: 313, 2005: 79) and Narang and Nelson’s (2009: 360) measurements of democratization, evaluative evidence revealed the following:

a) a slightly greater proportion of incomplete democratizers (33 of 54 on SIDEA; 35 of 57 on SIDEB) were involved in MIDs in the ‘democratization decade’, relative to complete ones. Deducing levels of institutional strength (weak or strong) from levels of democratization (incomplete or complete), the evidence lends support to Mansfield and Snyder’s thesis whilst undermining Narang and Nelson’s critique. But the empirical support is at best feeble as a less rigid interpretation of observed frequencies indicates a rough balance between the number of incomplete democratizer belligerents (68 of 111 on the composite sample) and that of coherent democratizer belligerents (43 of 111).

b) based on Cederman et al.’s (2009) newly assembled data capturing ethnopolitical polarization between ‘politically relevant’ ethnic groups, polarized democratizers registered a higher degree of proclivity to MIDs, relative to non-polarized democratizers. Significantly more polarized democratizers on the combined sample (81 of 111) were locked in MIDs at the close of the twentieth century, compared to non-polarized democratizing disputants (30 of 111). Thus, the number of polarized democratizers involved in inter-state altercations during the decade of democratization almost tripled that of non-polarized democratizers. This reaffirms received wisdom linking politicized ethnicity to DnW, with extensive power sharing as a possible remedy (Lijphart, 1969, 1977, 1990), albeit disputed (Barry, 1975; Tull and Mehler, 2005).

c) comparing the observed frequencies summarized in (a) and (b) above, the impact of polarization on the democratization – MID linkage seems much stronger than that of political institutions. The asymmetry between the number of incomplete/weak institutional democratizers in MIDs and that of complete/strong institutional democratizer disputants (68 – 43 = 25) is less than half the disparity between the number of polarized and non-polarized democratizers in MIDs (81 – 30 = 51). Joint

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2 Available at http://www.systemicpeace.org/polity/polity4.htm
frequency observations – of the effects of ethnic polarization and institutional strength – disclose disproportionately high levels of susceptibility to disputes among i) democratizers that are both ethnopolitically polarized and institutionally weak (52 of 111) relative to ii) those that are polarized and strong (29 of 111), iii) non-polarized and weak (16 of 111), and iv) non-polarized and strong (14 of 111). However, Chi-square tests for relatedness between the effects of polarization and political institutions suggest no statistically significant association (P-value = 0.767 on SIDEA; 0.506 on SIDEB) at a 0.05 level of statistical significance. Hence, ethnic polarization and political institutions affect the democratization – conflict linkage independently, the former being a stronger predictor variable.

Proceeding sequentially, what follows elaborates on the evaluative design and results generated from empirical tests of the effects of a) political institutions, b) ethnopolitical polarization and c) institutions and polarization (combined), on the conflict propensity of democratizing states.

Re-evaluating the Impact of Political Institutions on Democratization and War

In the re-evaluation, focus was on MIDs, as against full-scale wars against which extant analyses test democratizing states’ conflict propensities. Why focus on MIDs instead of wars? Since institutions are weak and ineffectual in budding democratizers (Mansfield and Snyder, 2002: 301), such transitioners are prone to imploding, as suggested in state failure literature (cited in Narang and Nelson, 2009: 360). Domestic weakness and state failure latently imply subdued capacity to engage in full-scale wars abroad. However, at the same time, democratizing regime elites harbour strong incentives to seek foreign policy victories and procure prestige to boost political survival domestically (Mansfield and Snyder, 1995a: 33, 1995b: 93). If incompletely democratizing regimes stand to benefit from inside-out diversionary behaviour, but are too weak to fight wars, then they are ostensibly likely to engage in MIDs as a less hazardous path to bellicose foreign policy victory and the prestige exuded thereof. Using MIDs rather than wars to measure democratizer belligerency is more consistent with the diversionary logic in DnW theory and checks against the exclusion of non-major powers with limited military or warring capabilities – from DnW empirical evaluations.

Measurements of democratization in the re-evaluation replicated Mansfield and Snyder’s, and Narang and Nelson’s coding criteria. Hence, I operationalized democratization as: i) a regime change, ii) in a democratic direction, iii) over a five-year time interval, from time t1 to t6. However, instead of the authors’ fixed five-year measurement intervals, a more ‘flexible’ approach focusing only on five-year periods preceding each MID was adopted. This flexible approach allowed for focused tests of the effect of democratic regime change on MIDs that have actually occurred. Each state on each side (SIDEADEZ and SIDEBDEZ) of dyadic MIDs was considered democratizing, coded 1, if it advanced either from an autocratic regime score (<6) or an anocratic one (in the range -6 to 6) in t1 to a democratic score (>6) in t6, the year of dispute onset; states with stable (regime) scores and states undergoing regime changes in the reverse direction (that is, autocratizing states) were coded 0. While Mansfield and Snyder, and Narang and Nelson use both the composite Polity III index and its component indices to identify regime scores and changes, only composite scores from the more recent Polity IV (version 2012) were used in this study. To assess the relevance of political institutions to DnW, democratizers were disaggregated according to degrees of democratic change.

3 While the numeric thresholds cannot be strictly justified, the figures roughly differentiate regime types for quantitative studies. Checking against arbitrariness, Mansfield and Snyder (2002: 313–314) exhibit flexibility, setting thresholds for democracy and autocracy at 5 and -5, and then at 4 and -4, from 6 and -6; but they do not find any significant differences in results across the different thresholds.

4 Both the composite and component Polity measures generate similar evidence for both Mansfield and Snyder’s thesis and Narang and Nelson’s antithesis. To undermine redundancy, measures of democratic regime change are in this study drawn exclusively from composite scores.
(incomplete and complete), which correlate with degrees of institutional strength (weak or strong). Democratization is perceived incomplete (INCOMDEZ), coded 1, if regime scores change from an autocratic one to an anocratic one. It is considered complete, equals 0, if the change culminates in a coherent democratic score.

One major caveat in the research design is worth noting here prior to the presentation of evaluative results. It relates to how I dealt with ‘standardized authority codes’ used in Polity IV to indicate periods of: foreign occupation or ‘interruption’ (-66), total central authority collapse or ‘interregnum’ (-77), and structured or planned democratic transition (-88). Cases of interruption and interregnum render measurements of regime change almost impossible. To ensure systematic measurements in the study, such irregular cases were treated as cases with missing data, unless the irregular codes featured in-between regular codes at the start and end years of measurement intervals. However, interim regimes tasked with democratic reforms (-88) could be logically associated with anocratic regimes. Codes for planned transitions were substituted with an anocratic score of zero (0), the midpoint of the polity spectrum. From 0, it is anticipated that the aspiring democratic regime might remain stable at the anocratic level or transform either in a democratic direction as planned or an autocratic direction in the event of high-handed reversals.

**Frequency Outputs**

Executing the above measurement criteria engender the following observed frequencies regarding the number of incomplete and complete democratizers that partook in MID in the period immediately ensuing the end of the Cold War (1989 – 1999):

**Was side A democratizing when dispute started?**

Table 1: Proportion of MID-participating democratizers and non-democratizers on one side (SIDEA) of Maoz’s MID dataset for the period 1989 – 1999.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>39</td>
<td>38.6</td>
<td>41.9</td>
<td>41.9</td>
</tr>
<tr>
<td>Valid</td>
<td>54</td>
<td>53.5</td>
<td>58.1</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>93</td>
<td>92.1</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td>System</td>
<td>8</td>
<td>7.9</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>101</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5 Mansfield and Snyder (2002: 319) and Narang and Nelson (2009: 361) generate specific measures for institutional strength using the variable ‘Domconcentration’, which captures the extent to which state power is centrally concentrated. However, this variable is critically inconsistent with Mansfield and Snyder’s (2002: 301) theoretical arguments emphasizing democratizer belligerency as a function of weak institutional constraints from ineffective political parties, non-independent legislatures and judiciaries, and corrupt media outlets. A more consistent evaluation of political institutions ought to restrict itself to measuring the independency and transparency of institutions that check executive authority. One of the component indices of the Polity index (constraints on the chief executive) inherently provides measures of institutional autonomy. Thus, institutional strength are herein logically deduced from levels of democratic development as approximated by polity scores; that is, the more democratically advanced a state is the higher its polity score, and the stronger its institutions.
Was side A in MID dyad an incomplete democratizer?

Table 2: Proportion of complete and incomplete MID-involved democratizers on SIDEA between 1989 and 1999.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>No (complete)</td>
<td>21</td>
<td>20.8</td>
<td>38.9</td>
<td>38.9</td>
</tr>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes (incomplete)</td>
<td>33</td>
<td>32.7</td>
<td>61.1</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>54</td>
<td>53.5</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>System</td>
<td>47</td>
<td>46.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>101</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Was side B democratizing when dispute started?

Table 3: Proportion of MID-participating democratizers and non-democratizers on the other side (SIDEB) of Maoz’s MID dataset for the period 1989 – 1999.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>42</td>
<td>41.6</td>
<td>42.4</td>
<td>42.4</td>
</tr>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>57</td>
<td>56.4</td>
<td>57.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>99</td>
<td>98.0</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>System</td>
<td>2</td>
<td>2.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>101</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Was side B in MID dyad an incomplete democratizer?

Table 4: Proportion of complete and incomplete MID-involved democratizers on SIDEB between 1989 and 1999.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>No (complete)</td>
<td>22</td>
<td>21.8</td>
<td>38.6</td>
<td>38.6</td>
</tr>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes (incomplete)</td>
<td>35</td>
<td>34.7</td>
<td>61.4</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>57</td>
<td>56.4</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>System</td>
<td>44</td>
<td>43.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>101</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
These frequency tables bear evidence for the democratization and war linkage at the MID level: A greater number of MID participants in the immediate post-Cold War period were democratizing states (54 on SIDEA in table 1 + 57 on SIDEB in table 3 = 111) as against non-democratizers (39 in table 1 + 42 in table 3 = 81). The ten cases with missing measures for regime change (8 on SIDEA in table 1 + 2 on SIDEB in table 3) were either not coded in Polity IV or had irregular codes at the start and/or end year of measurement intervals.\(^6\)

However, it is worth noting that the democratization – MID evidence emerges exclusively from MID dyads featuring at least one democratizer. As focus in the evaluative design was to test the empirical plausibility of Mansfield and Snyder’s newer thesis (2002, 2005), the test dataset (Maoz’s MID dataset) was subjected to reductive alterations, as noted in the introduction, wherein all dyads without democratizing states were eliminated. Of the 111 democratizing cases across all dyads (54 on SIDEA; 57 on SIDEB), a slim majority (68) were incomplete democratizers with weak institutions (33 on SIDEA; 35 on SIDEB) as shown in tables 2 and 4. This bears testament to Mansfield and Snyder’s thesis as against Narang and Nelson’s antithesis. All non-democratizers were left uncoded under variables measuring levels of democratic change and levels of institutional strength. Together with the above-mentioned ten cases without regime change measures, non-democratizers constitute the large volume of missing entries (47 on SIDEA in table 2; 44 on SIDEB in table 4).

Summarily, observed frequencies of democratizers’ participation in dyadic MIDs in the ‘democratization decade’ of 1989 – 1999 exudes evidence for the Mansfield and Snyder hypothesis that complete democratizers with strong institutions are less prone to bellicose foreign behaviour than incompletely democratizing states with weak institutions. Therefore political institutions are indeed relevant to the connection between democratization and inter-state disputes/wars. However, a less stringent reading portrays the evidence as weak given the slender gap between the proportion of incomplete democratizer belligerents (68 of 111 on the combined sample) and that of coherent democratizers (43 of 111). A larger gap would have been more authoritative. Relative to political institutions, evaluative results regarding the relevance of politicized ethnicity to the democratization – conflict linkage are more striking as outlined in the next section.

**Evaluating the Impact of Politicized Ethnicity on Democratization and War**

Politicized ethnicity typically induces ethnically exclusive political institutions. The regulatory and sanctioning mandate of such exclusive institutions might be considered illegitimate and challenged by excluded ethinies – as the Hutus did in Burundi in the immediate postcolonial era of Tutsi domination. Thus, regardless of institutional efficacy, the spectre of domestic instability looms in ethnic democratizers as discriminated or excluded groups dispute the legitimacy of political institutions.

Disputed institutions latently intensify diversionary incentives and international conflict propensities in polarized democratizing states, relative to non-polarized ones. Hence, the hypothesis: *Ethnopolitically polarized democratizers are more likely to engage in militarized inter-state disputes than non-polarized democratizers (H1).*

To assess the relevance ethnicity to the democratization – conflict linkage, the same data sample generated from Maoz (2008) and employed to evaluate the relevance of political institutions was used. Ethnopolitically polarized and non-polarized democratizers engaged in MIDs in the

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\(^6\) Only irregular codes associated with foreign occupations (-66) or central authority collapse (-77) apply here. Irregular codes pertaining to planned transitions (-88) are incorporated in regime change measurements as already explained.
immediate post-Cold War era were distinguished based on measures from Cederman et al.’s (2009) newly constructed index of Ethnic Power Relations (EPR). Before discussing the coding criteria used, it is imperative to justify the present evaluation.

The rationale here relates to a need for consistency between theoretical understandings and empirical measurements of how ethnicity impacts civil conflicts. Extant theoretical approaches for the study and understanding of ethnopolitics are classified into two main categories: primordialism and instrumentalism. The primordialist approach emphasizes a direct link between differences in ethnic identity (ethnic heterogeneity) and civil conflicts. Accordingly, quantitative primordialists such as Vanhanen (1999) restrictively use indices of heterogeneity in their research designs. Such indices typically capture different linguistic, racial and religious identities contained in diverse data sources, including, interalia: World Christian Encyclopedia; Encyclopedia Britannica; Philip’s Encyclopedic World Atlas; Europa World Year Book; Atlas Narodov Mira and the Central Intelligence Agency.

By contrast, the instrumentalist school of thought avers an indirect link between ethnic identities and civil conflicts. For instrumentalists, differences in ethnic identity become a source of conflict only when politicized for the benefit of one or more groups, at the detriment of another or other groups (Horowitz, 1985; Gurr, 1993a, 1993b; Collier and Hoeffler, 1998, 2004; Montalvo and Reynal-Querol, 2005). A more insightful strand of instrumentalism avers that: without opportunities or favourable conditions for insurgent mobilization, neither primordial nor manipulated identities can produce civil wars (Ellingsen, 2000: 230; Collier et al., 2006). Opportunities to organize insurgencies typically arise when governments are financially and operationally weak, with costs of recruiting rebels and mounting insurgencies at a minimum (Fearon and Laitin, 2003). As state institutions struggle to regulate politics and sanction radicalism during the early phase of democratic transitions (Mansfield and Snyder, 2002: 298), democratization ostensibly yields a veritable opportunity for hitherto discriminated ethnies to rebel for redress.

Quantitative analyses based on instrumentalism typically use research designs that aim to capture the effect of ethnic polarization, not ethnic diversity, on conflict outbreaks. So, quantitative instrumentalists tend to use polarization indices. The Minorities at Risk Project (MAR) initiated by Gurr (1993a, 1993b) enjoys popular usage amongst some of the most prominent quantitative instrumentalists (Saideman et al., 2002; Reagan and Norton, 2005; Elkins and Sides, 2007). However, although it credibly captures polarization between dominated minorities and dominant majorities, MAR is inappropriate for reversed scenarios where the balance of power favours minorities (Wimmer et al., 2009: 319). Also, MAR is critically exclusive of discriminated ethnic groups that are neither minorities nor majorities. Thus, it fails to capture ethnopolitical polarization exhaustively. Yet, it is used in quantitative ethnopolitical analyses, including analysis of interactive dynamics between democratization, ethnicity, and conflicts (Saideman et al., 2002; Reagan and Norton 2005; Elkins and Sides 2007). Elite rivalry during democratization presumably unfolds not exclusively between majorities and minorities, but between all ethnic groups controlling state power and those discriminated or excluded from it.

Compared to MAR, Cederman et al.’s (2009) EPR index is more comprehensive as it captures polarization between all ‘politically relevant’ groups, regardless of group size. Cederman et al. (2009) consider an ethnic group politically relevant if there is asserted political representation for that group at the state level, or if members of that group suffer systematic and deliberate discrimination.

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7 While some quantitative instrumentalists like Montalvo and Reynal-Querol (2005) measure polarization from fractionalization indices, others, such as Elkins and Sides (2007), and Wimmer et al. (2009) more plausibly use polarization indices assembled from ubiquitous primary observation projects.
in public politics. The latter definition is more consistent with the logic of ethnopolitical polarization and uneven power relations that potently fuels antagonism during democratization. The former is problematic, especially if the representing organization is self-proclaimed, without popular recognition. However, as the EPR index does not distinguish between data derived from the different definitions, the index could not be used discriminately.

EPR captures polarization (or the absence thereof) by determining levels of access to state (executive) power by politically relevant groups in each year, in every country, from 1946 to 2005. EPR distinguishes between three major levels of access: i) ‘absolute’ control of power, either to the complete exclusion of other groups (monopolised control) or with restricted inclusion of another/other groups (dominant control); ii) ‘power sharing regimes’, whereby politically relevant groups agree formally or informally to share power and to become either ‘senior’ or ‘junior’ partners in government; and iii) ‘exclusion from central power’, with the excluded group either enjoying some power at the subnational (regional power) or enduring national and subnational exclusion deriving from either inadvertent discrimination (powerless groups) or systematic discrimination (discriminated groups).  

To assess the relevance of politicized ethnicity to democratization and belligerency, democratizers on each side of Maoz’s dyadic MID data were subdivided into ethnopolitically polarized and non-polarized democratizers. Each democratizing disputant was considered polarized (ETDEZ), equals 1, if at least one component ethnic group exercised absolute control of central power or was systematically excluded or discriminated against as per the EPR index. On the other hand, democratizing MID belligerents were categorized as non-polarized, coded 0, if neither absolute domination nor systematic discrimination was detected. Measurements for polarization were executed both for the year of MID onset and for periods of up to three years prior to MID incidents, but there were no significant differences in measurement outcomes. The evaluative outputs below were, however, specifically generated from measurements for the years immediately preceding MID start years.

Frequency Outputs

Frequency counts of ethnopolitically polarized and non-polarized democratizers that were engaged in MIDs after the Cold War induced the following outcomes:

---

8 These three categories and the various subcategories of levels of access to power are elaborated in Cederman et al.’s (2009) codebook.
Was democratizer on side A in MID dyad polarized?

Table 5: Proportion of polarized and non-polarized MID-involved democratizers on one side (SIDEA) of Maoz’s dyadic MID data from 1989 to 1999.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>No (non-polarized)</td>
<td>18</td>
<td>17.8</td>
<td>33.3</td>
<td>33.3</td>
</tr>
<tr>
<td>Valid Yes (polarized)</td>
<td>36</td>
<td>35.6</td>
<td>66.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>54</td>
<td>53.5</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing System</td>
<td>47</td>
<td>46.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>101</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Was democratizer on side B in MID dyad non-polarized?

Table 6: Proportion of polarized and non-polarized MID-involved democratizers on the other side (SIDEB) of Maoz’s dyadic MID data from 1989 to 1999.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>No (non-polarized)</td>
<td>12</td>
<td>11.9</td>
<td>21.1</td>
<td>21.1</td>
</tr>
<tr>
<td>Valid Yes (polarized)</td>
<td>45</td>
<td>44.6</td>
<td>78.9</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>57</td>
<td>56.4</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing System</td>
<td>44</td>
<td>43.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>101</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

These outputs affirm politicized ethnicity as relevant to DnW at the MID level. The number of ethnopolitically polarized democratizers engaged in MIDs immediately after the Cold War (36 on SIDEA + 45 on SIDEB = 81) was almost three times greater than that of non-polarized democratizers (18 on SIDEA + 12 on SIDEB = 30). Relaxing indicators of polarization to incorporate all groups excluded from central power (that is, groups with regional autonomy, powerless groups and discriminated groups) raised the number of polarized democratizer belligerents to 96 (44 on SIDEA and 52 on SIDEB) whilst halving that of non-polarized democratizers (10 on SIDEA and 5 on SIDEB). Based on these figures, politicized ethnicity appears a significant correlate of democratization and conflicts.

Comparing Frequency Outputs

Observed independently and compared, frequency outputs suggest politicized ethnicity is more relevant to the democratization – conflict linkage than institutional strength/levels of democratization: the gap between the number of incomplete and complete democratizer disputants in the sample data (68 – 43 = 25) is less than half the difference between the number of polarized
and non-polarized democratizer disputants ($81 - 30 = 51$). But is the relevance of politicized ethnicity attenuated when democratization is complete and political institutions are robust? Although joint frequency observations (see tables 7 and 10 below) project polarized and incomplete/institutionally weak democratizers as the most belligerent in the period under study, chi-square tests reveal no statistically significant association between the effects of politicized ethnicity and levels of democratization on democratizer bellicosity.

Chi-square Tests

The argument explaining superior conflict propensities among polarized democratizers (institutional illegitimacy) hinges on Mansfield and Snyder’s (2002) problematization of political institutions in incomplete democratizers. But while Mansfield and Snyder (2002: 301) explicitly blame ineffective political institutions for domestic turmoil within incomplete democratizers, this paper problematizes uneven ethnic access to political institutions as the source of conflicts in polarized democratizers. Therefore, the null hypothesis here conforms to the theorized distinction between the sources of conflict in incomplete democratizers and in polarized ones:

**Ethnopolitical polarization and incomplete levels of democratization affect the relationship between democratization and MIDs independently (H2)**

The alternative hypothesis avers a relationship between the two predictor variables:

**Ethnopolitical polarization and incomplete democratization do not affect democratization and MIDs independently (H3)**

Chi-square tests for independence/relatedness between the two categorical variables are executed computationally using the ‘crosstabs’ procedure on SPSS, as detailed in Pallant’s (2010: 217–220) popularly used SPSS Survival Manual. The procedure was executed twice: once for MID-involved democratizers on SIDEA, and once for SIDEB, of Maoz’s dyadic MID data sample.

Fundamentally, the procedure calculates frequencies that would be expected in the absence of an association between polarization and incomplete democratization. The expected frequencies are then compared with actually observed frequencies of all possible predictor variable combinations (polarization and incoherent institutions; polarization and coherent institutions; non-polarization and incoherent institutions; non-polarization and coherent institutions). Chi-square statistics are computationally calculated and used to determine the degree to which observed frequencies deviate from expected frequencies. The smaller the deviation, the greater is the likelihood that ethnopolitical polarization and incomplete democratization affect democratizer belligerency independently. The wider the deviation, the lesser is the probability that the effects of polarization and incoherent institutions on democratizer belligerency are mutually exclusive.

Based on a standard statistical significance level of 0.05 or less (Pallant, 2010: 219), the null hypothesis (H2) is confirmed, and the alternative (H3) rejected. More elaborately, the results generated from the crosstabs procedures for both SIDEA and SIDEB are as follows:
Table 7: Observed frequencies of all possible combinations between levels of polarization and levels of democratization for MID-involved democratizers on one side (SIDEA) of Maoz’s (2005) dyadic MID dataset, 1989 – 1999.

<table>
<thead>
<tr>
<th>democratizer polarized?</th>
<th>incomplete democratizer?</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Count</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>% within democratizer polarized?</td>
<td>44.4%</td>
</tr>
<tr>
<td></td>
<td>% within incomplete democratizer?</td>
<td>38.1%</td>
</tr>
<tr>
<td></td>
<td>% of Total</td>
<td>14.8%</td>
</tr>
<tr>
<td></td>
<td>Count</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>% within democratizer polarized?</td>
<td>36.1%</td>
</tr>
<tr>
<td></td>
<td>% within incomplete democratizer?</td>
<td>61.9%</td>
</tr>
<tr>
<td></td>
<td>% of Total</td>
<td>24.1%</td>
</tr>
<tr>
<td>Total</td>
<td>Count</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>% within democratizer polarized?</td>
<td>38.9%</td>
</tr>
<tr>
<td></td>
<td>% within incomplete democratizer?</td>
<td>100.0%</td>
</tr>
<tr>
<td></td>
<td>% of Total</td>
<td>38.9%</td>
</tr>
</tbody>
</table>
Table 8: Chi-Square tests for independence in the effects of polarization and incomplete democratization on the belligerency of democratizers on SIDEA.

<table>
<thead>
<tr>
<th>Test</th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>.351(^a)</td>
<td>1</td>
<td>.554</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continuity Correction(^b)</td>
<td>.088</td>
<td>1</td>
<td>.767</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>.348</td>
<td>1</td>
<td>.555</td>
<td></td>
<td>.569</td>
</tr>
<tr>
<td>Fisher's Exact Test</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>.344</td>
<td>1</td>
<td>.557</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>54</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^a\) 0 cells (0.0%) have expected count less than 5. The minimum expected count is 7.00.  
\(^b\) Computed only for a 2x2 table

Symmetric Measures

Table 9: Size of the combined effect of polarization and incomplete democratization on the bellicosity of democratizers on SIDEA

<table>
<thead>
<tr>
<th>Test</th>
<th>Value</th>
<th>Approx. Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phi</td>
<td>.081</td>
<td>.554</td>
</tr>
<tr>
<td>Cramer's V</td>
<td>.081</td>
<td>.554</td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>54</td>
<td></td>
</tr>
</tbody>
</table>

\(^a\) Not assuming the null hypothesis.  
\(^b\) Using the asymptotic standard error assuming the null hypothesis.
Table 10: Observed frequencies of all possible combinations between levels of polarization and levels of democratization for MID-involved democratizers on the other side (SIDEB) of Maoz’s (2005) dyadic MID dataset, 1989 – 1999.

<table>
<thead>
<tr>
<th>democratizer polarized?</th>
<th>incomplete democratizer?</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Count</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>% within democratizer polarized?</td>
<td>50.0%</td>
<td>50.0%</td>
</tr>
<tr>
<td>% within incomplete democratizer?</td>
<td>27.3%</td>
<td>17.1%</td>
</tr>
<tr>
<td>% of Total</td>
<td>10.5%</td>
<td>10.5%</td>
</tr>
<tr>
<td>Count</td>
<td>16</td>
<td>29</td>
</tr>
<tr>
<td>% within democratizer polarized?</td>
<td>35.6%</td>
<td>64.4%</td>
</tr>
<tr>
<td>% within incomplete democratizer?</td>
<td>72.7%</td>
<td>82.9%</td>
</tr>
<tr>
<td>% of Total</td>
<td>28.1%</td>
<td>50.9%</td>
</tr>
<tr>
<td>Total</td>
<td>22</td>
<td>35</td>
</tr>
<tr>
<td>% within democratizer polarized?</td>
<td>38.6%</td>
<td>61.4%</td>
</tr>
<tr>
<td>% within incomplete democratizer?</td>
<td>100.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td>% of Total</td>
<td>38.6%</td>
<td>61.4%</td>
</tr>
</tbody>
</table>
Chi-Square Tests

Table 11: Chi-Square tests for independence in the effects of polarization and incomplete democratization on the belligerency of democratizers on SIDEB.

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>.834</td>
<td>1</td>
<td>.361</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continuity Correction</td>
<td>.336</td>
<td>1</td>
<td>.562</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>.818</td>
<td>1</td>
<td>.366</td>
<td></td>
<td>.506</td>
</tr>
<tr>
<td>Fisher's Exact Test</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>.278</td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>.819</td>
<td>1</td>
<td>.365</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>57</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. 1 cell (25.0%) has expected count less than 5. The minimum expected count is 4.63.
b. Computed only for a 2x2 table.

Symmetric Measures

Table 12: Size of the combined effect of polarization and incomplete democratization on the bellicosity of democratizers on SIDEB.

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>Approx. Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phi</td>
<td>.121</td>
<td>.361</td>
</tr>
<tr>
<td>Cramer's V</td>
<td>.121</td>
<td>.361</td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>57</td>
<td></td>
</tr>
</tbody>
</table>

a. Not assuming the null hypothesis.
b. Using the asymptotic standard error assuming the null hypothesis.

Per the statistical outputs, a large majority of MID-participating democratizers in the immediate post-Cold War period were concurrently polarized and undergoing incomplete democratization with weak institutions (23 of 54 on SIDEA, in table 7, and 29 of 57 on SIDEB, in table 10). However, chi-square tests (in tables 8 and 11) reveal no statistically significant association in the effects of polarization and incomplete democratization on democratizing states’ proclivity to MIDs. A key assumption of chi-square stipulates a minimum expected frequency of 5 for each cell in a frequency distribution (Pallant, 2010: 219). This condition is satisfied in chi square tests focussing on SIDEA democratizer belligerents (see note ‘a’ in table 8). Given the dual categorical nature of each of the two categorical variables under analysis, the value used to measure statistical significance is the one corresponding with ‘Continuity Correction’, which rectifies overratings of the Pearson Chi-Square value in a 2 by 2 contingency table. As the corrected value (0.088) has a significance level (0.767) greater than the standard alpha value for statistical significance (0.05), no significant
interaction is evinced between polarization and incomplete democratization on MID incidents involving SIDEA democratizers.

However, the assumption of minimum expected frequency is violated for chi-square tests on SIDEB (see table 11). Hence, in line with Pallant’s (2010: 217) recommendation, rather than Pearson Chi-Square or Continuity Correction values, Fisher’s Exact Probability Test is suitable for assessing the statistical significance of chi-square outputs for SIDEB. With its output value (0.506) greater than the statistically significant value of 0.05, Fisher’s (2-sided) Exact Test lends support to the null hypothesis of statistical independence in the effects of polarization and incipient democratization on the conflict proclivity of democratizers on SIDEB. The phi correlation coefficient commonly used to further evaluate the strength of associations between categorical variables in 2 by 2 tables provides additional support for the absence of any strong interaction between polarization and incipient democratization as sources of democratizer belligerency. Phi coefficients generated from SIDEA and SIDEB chi-square tests (0.081 in table 9 and 0.121 in table 12) imply the joint effect of polarization and incomplete democratization on democratizer belligerency is small, based on a scale ranging from 0.00 for small effect, to 1.00 for large effect.⁹

Conclusively, this article has evaluated and found empirical evidence, albeit feeble, in support of Mansfield and Snyder’s (2002, 2005) newer thesis depicting war involvement as a product of incomplete democratization amidst. Frequency counts revealed greater MID-participations amongst incomplete democratizers relative to coherent ones, over a period (1989 – 1999) engulfed in third wave democratic transitions, but neither incorporated in Mansfield and Snyder’s (2002, 2005) empirical analysis, nor in Narang and Nelson’s (2009) empirical critique. Additionally, employing the newly assembled Ethnic Power Relations (EPR) index to capture ethnopolitical polarization, frequency counts over the period under study revealed politicized ethnicity as a more relevant condition for democratization and MID engagement, relative to institutional strength. The sharper divide between polarized and non-polarized democratizers involved in MIDs – compared to the one between complete and incomplete democratizer belligerents – was rendered more significant by chi-square tests showing statistical independence in the effects of ethnicity and institutions on democratizer belligerency. What emerges as the policy implication of the chi-square outputs relates mainly to foreign policies geared towards global democracy promotion: to curb the risks of MIDs associated with incipient democratization, not only should the operational effectiveness of political institutions be bolstered, but more crucially, political institutions need to be rendered ethnically inclusive during democratic reforms. Integrative institutions potentially increase mutual trust between hitherto polarized groups, thereby increasing chances of positive sum transitional negotiations whilst mitigating diversionary incentives plaguing democratizing states.

References


⁹ This scale replicates the prescribed criteria in Pallant (2010).


Relationships, sex and conflict among young people in South Kivu, Democratic Republic of Congo

Maroyi Mulumeoderhwa and Geoff Harris*

This article reports fieldwork carried out in 2011 with the aim of investigating the attitudes and reported behaviour of young Congolese men and women concerning relationships. A total of 56 boys and girls aged 16-20 from two urban and two rural high schools took part in focus groups; 40 of these were subsequently interviewed individually. For girls, the risks of pregnancy and sexually-transmitted diseases and loss of respect — their self-respect and the respect of their boyfriend — made them careful about engaging in sex. For boys, sex in a relationship was seen as normal and a key indicator of them entering manhood. When girls say no, boys do not regard this as the final answer and begin trying to persuade her to change her mind. The majority, influenced by peer pressure, believe that it is OK to force a girlfriend to have sex. Indeed, force is a major way of resolving conflicts and often has the approval of girls as a ‘sign of love’. The need to build communication skills about relationships and sex is an important recommendation.

*Maroyi Willy Mulumeoderhwa is a Research Assistant at Durban University of Technology. His doctoral research examined aspects of the conflicts in relationships between young men and women in the eastern DRC. He is currently developing curriculum material for use in schools in the DRC to help build more respectful and less violent male-female relationships.

Geoff Harris is a Professor in the Peacebuilding Programme at Durban University of Technology. He has published extensively on economic aspects of the military in developing countries. His current research interests include the relationship between economic inequality and violence and assessing the effectiveness of bottom-up peacebuilding.
Introduction

Arguably the most common form of violence in sub-Saharan Africa is violence by men against women with whom they are in a relationship. The discipline of peace studies recognizes that conflicts arise from the different needs and wants of individuals and are therefore inevitable; violence, on the other hand, is a choice. In this research, we are motivated to help build relationships which are characterized by mutual respect and non-violent ways of dealing with conflicts. For this to happen, it is important that males and females have accurate understandings of the beliefs and attitudes of each other. Accordingly, this article presents data on the beliefs and attitudes of young men and women concerning relationships and sex.

Context

Since 1996, the eastern Democratic Republic of Congo (DRC) has been the site of an intense civil war which has also involved military forces from neighbouring countries. The casualties have been estimated by the International Rescue Committee (2007) to be as high as 5.4 million people between 1998 and 2007, very largely civilians who have died as a result of the disruption of food supplies and medical services. Much lower estimates have been made by the Human Security Project (2010) - which suggests around one million - and the Centre for Research on the Epidemiology of Disasters (2011) but even such lower estimates are horrific. In addition, the fighting has meant that as many as 2.4 million people have been displaced from their homes and have moved elsewhere within the eastern DRC and also to other countries. While many women have been raped by members of the various armed forces, including United Nations peacekeepers, many more have been subjected to intra-community and intra-household violence as a result of displacement which has damaged traditional social constraints and controls (Johnson et al, 2010).

Young people in such a context develop their attitudes towards relationships and sex from a number of sources – tradition (as promoted by their families of origin and local communities), modernity (the mores of the outside world, as portrayed in films and other media) and religion (the area is very strongly Roman Catholic and virtually everyone is a regular churchgoer). In addition, they are subject to the fears and uncertainties of living in an area subject to the threat of civil war; many have lost friends and relations through violence. It is to be expected that their attitudes about sex and relationships will be influenced by such an environment. A second article will examine issues of forced sex, rape and sexual exploitation.

The areas in which the fieldwork was carried out are Bukavu and Kavumu where the four secondary schools for our data collection are located. Bukavu, the capital of South Kivu province, is overcrowded with people who have moved from elsewhere seeking greater security. Kavumu is a rural area that is located on 34 miles north of Bukavu. Given the widespread destruction and deterioration of basic infrastructure throughout the province, people in Kavumu have difficulty of accessing rudimentary social services such as education, sanitary drinking water, and primary health care. The situation in these respects is somewhat better in Bakavu.

Methodology

A qualitative research design was adopted, given that we wanted to investigate the attitudes and reported behaviours of young men and women at some depth. A survey would have allowed a greater number of participants but the resulting data would have been shallower. Eight focus groups were conducted, one each for rural girls, urban girls, rural boys and urban boys. The first author
acted as moderator for the boy’s groups and a female teacher moderated the girl’s groups. The discussions were in Kiswahili which were recorded, transcribed and translated into English for later analysis. The particular benefit of focus groups derives from the interaction, discussion and debate among the participants. It is a more natural environment than an interview in that participants are influencing others and being influenced by them – just as they are in real life. The moderator plays a low key role and feeds in a limited number of questions at appropriate times. The questions asked during the focus groups were designed to meet the objectives of the research and to allow comparison with previous studies. They were as follows:

- Have you ever been in love relationship or relationships? What were these relationships like for you?
- Can you have a relationship (with your boy/girlfriend) without sex? If not explain why
- When a girl says “no” to have sex, does she actually means “no?”
- A person has to have sex with a boy/girlfriend to show that he/she loves him/her. Give reason why you agree or disagree with this statement
- Is it OK for a boyfriend to force his girlfriend to have sex?
- Some people say that if a man beats his wife or girlfriend, it shows that he loves her. What do you think of this?

Focus group participants will differ in terms of the extent, insight and forcefulness of their verbal contributions and we were alert to the possibility that a dominant individual might direct a focus group in a direction at variance with the views of the majority. The use of direct quotations from informants is one way of guarding against such an effect, as was follow up in the form of interviews. The interviews allowed us to personalize the issues raised in the focus groups. For example, for the fifth focus group question, the related interview question was ‘Would you force your wife or girlfriend to have sex?’

Our method of analysis has been described as ‘interpretative thematic analysis’. That is, by an intensive reading of the focus group and interview transcripts, we sought to identify the beliefs and attitudes held by the informants. This method faces the risk that a researcher may deliberately or unwittingly inject his/her own biases into the results and reach inaccurate conclusions; that is, it may fail in terms of internal validity. We attempted to guard against this by having two people to carry out the focus groups and interviews (which also allowed the young men and women to speak more freely by employing single-sex focus groups and interviews); by using semi-structured interviews in part to check out the findings of the focus groups; and by involving two authors in the preparation of the article, both of whom were very aware of the possibility of bias. In the process of preparing the article, we had a number of discussions concerning the beliefs and attitudes which emerged under each theme. We believe that if outsiders were to analyse our data, they would identify similar themes and reach similar conclusions. The themes we identified arose largely from the questions asked during the focus groups and individual interviews which in turn arose from our research objective. Ethical clearance for the project was granted by the relevant University of KwaZulu-Natal committee. The nature of the research was explained to learners and it was made clear that their contribution was entirely voluntary; in the event, there were no refusals and participants were very engaged during the focus groups and interviews. Parental permission was obtained for participants under the age of 18. For reasons of confidentiality, the respondents are given pseudonyms.

The opinions expressed during focus groups and individual interviews were very similar among participants living in rural and urban area which may reflect the common (Bashi) culture and a similar range of challenges facing young people. This study reported the respondents’ comments in
their own words and the quotations presented are, unless otherwise noted, representative of the beliefs articulated by the majority of participants.

Results and discussion

Theme 1. Relationships are a training ground for later life

Both boys and girls see relationships between boys and girl as a training ground – a place to learn for later life, and specifically for marriage. For boys, this focusses on sexual performance, as the following focus group interaction between urban boys demonstrates. Bisimwa is reluctant to date girls, let alone have sex with them. But his friends say that unless, he does, he may perform poorly with his wife. More generally, if he does not have relationships while he is young, he may not know how to ‘manage’ his wife when he marries. There is an implication that a boy may have several girlfriends but in the event marry someone else.

Bisimwa: People think that a man must have sex before marrying, but for me I do not think so. It is going to be like I am learning bad ways before reaching that time. I find that I have currently no right to be in a [sexual] relationship with a girl. (Urban boy)

Bahati: I do not agree with Bisimwa’s opinion... because one day in your life you will find yourself becoming unskilled in front of a woman and you will be ashamed. Let us say you avoid dating girls till you are 27-38 years old, when you will be in the presence of a girl you will be afraid and start shaking. She will tell her friends: ‘My boyfriend is useless; it is like this is his first time with a girl.’ (Urban boy)

Nshokano: I would like to help my friend Bisimwa ... When you are in the household sometimes a crisis may occur and you have to manage your wife. If you do not know how to manage a woman, she starts dominating you because you did not have experience. (Urban boy)

The interactions in the girl’s focus groups are more perceptive. They see the major benefits of being in a relationship as developing maturity with respect to inter-personal relationships:

Ariane: I was in relationship with a boy; this relationship provided me many advantages. Because I was not mature and more intelligent before I met him but when we start befriending with him I discovered how people should live and exchange ideas. I also learned how to disclose my secret to one I love. (Urban girl)

Neema: ...the relationship has helped me to think clearly, because it happens to the girl who has never been in relationship with a boy thinks like a child. Such a girl cannot know how to respond or make a presentation or make a conversation; she cannot even know how to talk to her friends or boys. But when you befriend a boy, it helps you know how to talk. (Urban girl)

It is worth noting that in Bashi culture, girls do not have serious boyfriends unless the relationship had real prospects of marriage, probably because of the danger of falling pregnant. If a boy is caught having sex with a girl, her parents may well insist that they marry.
Theme 2 (girls). Girls are cautious about sex in relationships and want to be sure of their boyfriend’s love.

Girls do not feel under an obligation to have sex – to ‘open their skirt’ - with their boyfriends, even though the tradition of waiting until marriage for sex is no longer followed, it seems, by a majority. They distinguish between relationships where they are not sure that their boyfriend loves them and those – perhaps the same relationship later on – where they are sure. Some focus group interactions and interview responses indicated that benefits such as understanding one another and learning how to talk to one another can be compromised if the relationship becomes sexual too quickly. Furthermore, a boy who gets sex early in a relationship – before love learning have been built up – may neglect and abandon his girlfriend.

Christiana: I can be in relationship with a boy without having sex. First, I have to examine whether he loves me or not. In case he demonstrates that he loves me, and I find that the circumstance allows us to have sex, I can have it with him (Rural girl).

Feza: A girl can be in relationship with a boy without having sex, because if you are used to have sex with him he can neglect you. He can be gratified and later abandon you. (Rural girl)

The girls did not believe that providing sex to their boyfriends was proof of their love for him – apparently an argument used by some boys – or as a way of keeping him. Rather, it showed, they were weak. Girls felt they should make love only if they want to, not because of a boy’s pressure:

Olga: It is not an obligation for a girl to have sex with her boyfriend, even if you are in relationship with a boy who obliges you to sleep with him to prove how much you love him … For my side, I cannot consider having sex as an obligation … From your heart, if you do not feel you want to do it, do not do it … If the boy asks you to have sex, and you cannot refuse because you are afraid he is going to leave you - that is no good. Let him leave you if he wants. (Rural girl)

Merveille: To give sex easily to a boy is something that dishonours a girl. A girl who respects herself should not provide sex to show a boy that she loves him. The fact of giving herself up to the boy proves that she is very weak. (Urban girl)

While girls did not see sex as an obligation, ‘opening their skirt’ to a boy is a clear statement that she loves him. This is not a small matter, given that sex before marriage is not acceptable by tradition and may have negative consequences, particularly unexpected pregnancy and forced marriage. Virginity, then, is not to be given up lightly. But when a girl says no to a boy’s request for sex, does she mean no? The following typical responses from girls perhaps show why boys are uncertain as to where they stand. We should distinguish between a response to a ‘general enquiry’ to a girlfriend about having sex and a request made in the context of an intense physical encounter. In either case, a girl might be persuaded to change her mind and this possibility, as we shall see, can leave boys in a state of confusion.

Mironyi: I can say that when a girl says no to having sex, that this can be understood in two ways. Some girls who say no sincerely mean it. Others say ‘no’ but expect boys to negotiate or buy them a gift [thereby showing that they love her] so that she may accept. They may say no but at the end they accept. (Rural girl)
Girls gave other reasons for not having sex, at least unless certain conditions are met:

**Judith:** There are some girls who refuse having sex because they are afraid of consequences that may later occur. Other girls refuse because boys do not pay them, and find that they cannot give their sex for nothing. Sometimes, I refuse to have sex because I am afraid of what might come later [pregnancy, disease] that I will not be able to endure. (Rural girl)

**Florence:** ... if you agree to have sex with him it will not only be once, he will like it to happen every time he meets you. By asking you to have it with him every time, he will consider you as his prostitute, though he may have another girl who he trusts and loves more. What will other boys then think of me? (Rural girl)

Girls believe that if they say yes too quickly, boys may use them - like a prostitute - whenever they want to and, at the same time, will despise them for being weak. As one girl remarked, ‘That is why you pretend you do not want it, although you may long for it in your heart’. So a girl may refuse sex to maintain her reputation and her self-respect. Both are at risk if she agrees with someone who does not love her and proves untrustworthy with her reputation.

**Grace:** You, as a girl, should respect yourself and let people value you. If you are not careful, boys will spoil your reputation, everybody will neglect you. This especially happens when you are in love with a boy, he asks you to sleep with him and you accept ... . Then he may brag to his friends ‘You know that girl, I had sex with her and I do not feel loving her anymore,’ because his aim was only to have sex. This will spoil your reputation. (Urban girl)

Girls felt it was important to show boys that they can make decisions and are therefore worthy of respect:

**Bwamungu:** I would like to say that it is not by having sex with your boyfriend that you show your love to him. By saying no, you prove that you can make decisions in your life [and thus] help other people to respect me. I have to show a boy that we have also got the capacity to decide. That is why I cannot accept to sleep with my boyfriend. (Urban girl)

In summary, most girls maintain that they can be in relationship without having sex, and many see perceive it as the cause of deterioration of many relationships. Once a girl has sex with her boyfriend, he may start neglecting her and may despise her. However, girls indicated that there may be an opportunity for having sex with their boyfriends if the boys proved their love to be genuine. They believe that sexual intercourse should not be considered as an obligation. Most girls indicated that would have sex when they actually want to have it, especially after discovering that they love and trust their boyfriends. Refusing sex was a mark of self-respect and resulted in a girl maintaining her reputation in the community.

... but for boys, sex is central to the process of boys becoming men

Boys have very different views. They believe that sex between girlfriends and boyfriends is normal, and a relationship without sex is abnormal. In the words of one participant, ‘When a boy and a girl are in relationship without having sex, this means that one of them is sick.’
Bahati: I agree that a boy must have sex with his girlfriend to show that he loves her and to satisfy his sexual urges. Although there are many consequences that can happen, both of you are gratified through your sexual act. (Urban boy)

Such views are closely linked to boys’ understanding of what it means to be a man, which was not directly examined in this research. A number of studies from different parts of sub-Saharan Africa (e.g. Macia et al, 2011; Skovdal et al, 2011; Morrell et al, 2012; Lwambo, 2013) confirm that, in men’s understanding, an active sex life is an essential aspect of what it means to be a man. A related understanding is that men are in control of a relationship. If a man has these two aspects of his life in order, he is likely to have good self-esteem. Consequently, if a girl says no to a boy’s sexual advances, his self-esteem may well be on the line and contributes to boys’ frequent unwillingness to accept no as meaning no.

Boys are very concerned what girls and other boys will think if they do not have sex.

Toussin: …if you are in relationship with a girl and you do not have sex with her, she is really going to understand that you were not her boyfriend but … only [a] passenger. On the other side, boys start asking themselves concerning you: What kind of boy or man are you? What is really going to prove that you were in relationship with that girl? How is she going to realise that you were her boyfriend?’ (Rural boy)

At the same time, a number of boys expressed the fear that girls can deliberately entrap their boyfriends into marriage. In the words of one, ‘Maybe she wants to wed with him, whereas he considers their relationship merely as a friendship’.

Theme 3. When a girl says no, persuasion begins

Boys are clear in their belief that girls really want to have sex but need to go through ‘a ritual of first saying no’ to encourage the boy to convince her. Then she feels loved and gives in.

Aristote: … when a girl says no she means yes ah ah! [He breaks in laughter]. You cannot normally propose to have sex with a girl and she instantly accepts; you must first argue. You must convince her so that she accepts… (Urban boy)

Issa: We have investigated the issue of suggesting a girl to have sex when she keeps saying no. We asked older people and young people about it, and they all indicated that when a woman is saying no, you act on her and finally find that she accepts. Women say no while they are really saying yes. (Urban boy)

Running counter to the general view of male right of having sex is an awareness of possible consequences, including being forced to marry a girl who he has impregnated while he is still young:

‘… I am still a student and have nothing that I own. I am still sleeping in my parents’ house. Imagine if I have sex and encounter all the consequences that may follow it’.

If a girl enters her boyfriend’s bedroom, then for most boys, there is no possibility of her refusing sex:
'The fact of entering her boyfriend’s bedroom ... indicates her agreement to have sex [all boys in the group agree]. She can’t then say no’. (Urban boy)

Both boys and girls agree that if a boy forces his girlfriend to have sex under those circumstances, then it is not rape because a boy’s self-control cannot be reasonably expected:

Florence: If a boy forces you to have sex [once you have entered his bedroom], it is not rape. Sometimes you enter boy’s home, and you go his bedroom. If he feels the urge of having sex and you refuse, he has to force you. Though you may complain, his force is justified. (Rural girl)

An interesting aspect of boy’s responses was the recognition that if girls agree to have sex, particularly if they agree too easily, boys may despise them.

James: Your love is going to decrease because you receive the thing that you were looking for before the right time of receiving it. You may find that once you have had sex with her, you cannot marry her anymore. You start considering her as an object without value. (Rural boy)

Paul: If you say that when you have sex with your girlfriend, it is going to push you to love her more, that is not true. You hate her very much right at the moment you finish having sex with her. (Urban boy)

This frank admission by boys, which calls to mind the Old Testament story of incest in 2 Samuel, Chapter 13, may explain why many girls are abandoned by their boyfriends after having sex, a phenomenon of which girls are well aware.

Theme 4. If a girl continues to say no, the use of ‘controlled force’ is OK

Rape and forced sex are the subjects of another article under preparation but deserve to be briefly considered here. Given the attitude on the part of boys towards the normalcy of sex, and the belief that girls want to be persuaded, it is perhaps not surprising that forced sex with a reluctant girlfriend is regarded by most boys as acceptable behaviour. They see a clear difference between controlled force, where ‘skilled hand moves’ and male strength come into play, and violence (hitting, etc), although most agree that such a distinction may not be easy to make in practice. This may be reinforced by the fact that consent by a girl to have sex is not normally expressed verbally. However, a few young men openly state that forcing girls to have sex without their consent is dangerous:

Felix: If you want to have sex with a girl, do not use force. Violence does not pay out. By forcing her, she can sometimes shout out and people come in and find you raping her. In case you want to have sex, you only need to bring the sweet-words. If she does not agree, you leave her... (Rural boy)

Theme 5. Power, including physical force, is the main form of dealing with conflicts

Conflict can be dealt with by power (physical, economic), by rights or via a negotiated resolution. We have seen that there is a limited amount of negotiation between our sample of boys and girls when it comes to matters of sex. Instead, there is a reliance on persuasion and controlled force.
In general, boys believe it is OK to beat a girl in order to correct her and bring about the right level of respect in her. This is particularly the case if she shows signs of being unfaithful or interested in other boys:

Paul: Hitting a girl when you are not married yet may sometimes demonstrate that you are jealous in your relationship. You do it especially when you notice that she does not love you anymore, or she has become unfaithful. You may notice that she is joking with you, and has lost the fear that she had towards you. In these cases, you can really slap her to correct her so that she starts behaving correctly as before. After slapping her, she can understand that you love her and she respects you again. (Urban boy)

As a number of studies elsewhere in Africa have shown (e.g. Sathiparsad, 2005; Rakgoasi, 2010), boys believe that beating their girlfriend or wife shows that they love her i.e. that they really care about the relationship. This was apparent in the boys’ responses in this study; they also distinguished between beating and ‘slaps of love’:

Justin: Hitting a girl that I love, I can say that it really means I love her. If I hit her when she does something wrong to me, it shows that I love her. It can also happen that when we are joking then we start slapping each other but these are only slaps of love. You cannot educate a person that you do not love ... if you hit her, you can bring her to understand ... about my jealousy. (Rural boy)

Most female participants approve of being beaten because it shows that they are loved. This was a matter of considerable debate during the girls’ focus group discussions, but most participants agreed with it.

Jessica: I can say that a boy loves a girl when he beats her. For instance ... if he hears people saying: ‘We saw your girlfriend with another boy’, he does not leave you time to explain ... Hitting is not kind but if there is a given circumstance ... he has to hit. (Urban girl)

There was a general acceptance among the girls that a man has a right to beat his wife or girlfriend if he is jealous of her friendships with other men, but this was also true in the case of ‘mistakes’. A man had to show his displeasure by beating her and this will correct her behaviour. However, a few young women believe that while slaps of love may be appropriate in some circumstances, beating is always wrong:

Odette: He cannot hit me, and [expect me to] take it as a way of showing me love. There are women who are beaten by their husbands in their households, then you hear people say: ‘Leave her, he loves her’ oh! That is not love; that is a love of hitting somebody. (Urban girl)

The majority view of both boys and girls – that beating boyfriends and husbands show that they love their girlfriends/wives – is, of course not logical. Are there no other (non-violent) ways of showing disapproval – and love? Would not these be more acceptable to girls and women? Are girls and women setting a low standard for male behaviour by classifying such violence towards them as love? Might it not reflect male possessiveness, pride and a lack of self-control? Indeed, a few girls saw it as clear attempt by men to demonstrate their superiority.

Neema: It does not mean that your husband loves you when he beats you. When a man raises his hand on you, do you think this is a sign that really demonstrates that he respect you? If he
loves you, he can correct you in another way. To beat you is to bring you down, and show you that you are under his feet.

Conclusion

A comprehensive report on sexual violence in South Africa (Centre for the Study of Violence & Reconciliation, 2008) identified three main causes of gender violence - beliefs concerning male sexual entitlement, feelings of insecurity by males and the context of a violent society. The responses of participants in our research clearly resonate with the first and third of these.

The boys in our sample felt that they were entitled to sex and that there was an undercurrent of exasperation with girls which at times may approach anger. Girls are seen as being protected from giving their boyfriends sex by the very real possibility of societal intervention which may force a young man to marry; by mixed messages from girls who say no but may well not really mean it; and – seemingly lesser importance – by the threat of sexually transmitted diseases, including HIV/AIDS. Boys were wary about being trapped into marriage.

There are areas where boys’ and girls’ perspectives are quite different (e.g. sex as a right for boys to be able to have whenever they want versus the girls’ attitude that they are not under an obligation to provide sex). When such differences occur, the need for discussion and negotiation is obvious – but it seems to not occur often. Men prefer to ‘speak with their actions’, perhaps believing that sex will show their girlfriends that they love them. However, the boys are honest enough to admit that after having sex, they may dislike and dump their girlfriends.

In other areas (e.g. boys beating their girlfriends as evidence that they love her) is a matter of agreement between boys and girls. Given our concern to build more peaceful gender relationships, helping girls and boys see that there are non-violent ways of dealing with conflicts is a high priority. Building communication skills between boys and girls as a means of building mutual understanding is essential. The next phase of our research involves the design of a curriculum for use in high schools to help build these skills.

References


Does cash induce corruption in DDR programmes?
Unpacking the experience from Nepal

DB Subedi*

Drawing on empirical evidence from fieldwork conducted in Nepal between December 2012 and March 2013, this paper examines the nexus between cash and corruption in the management of the Maoists arms and armies in Nepal. The enquiry reveals that the public resources that funded cantonments and the cash offered to combatants as a retirement package were subject to corruption in the cantonments set up to house the Maoists People’s Liberation Army (PLA) fighters. It argues that cash induced corruption in cantonments could be viewed as a typical form of the war economy as well as a phenomenon driven by an opportunity cost of combatants’ participation and non-participation in the disarmament and reintegration programme. Finally this paper also discusses the factors which could potentially reduce corruption in cantonments.

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Introduction

When an armed conflict ends, either by one side victory or political negotiation, the peace process that follows must deal with combatants, who are major actors in an armed conflict and civil war. For this reason, disarmament, demobilization and reintegration (DDR) programmes have become an essential part of post-conflict peacebuilding.

Evidence from as diverse DDR contexts as Liberia, El Salvador, Haiti, Somalia, Nicaragua, the Philippines, Indonesia and Afghanistan, reveals that the use of cash is a common policy option in DDR programmes. Although common, it is certainly not a perfect solution as the policy has both benefits and flaws, and these outcomes are evidenced by several positive and negative experiences from the field (Ozerdem, Podder, O’Callaghan, & Pantuliano, 2008). One of the pressing issues in the cash-DDR nexus is the persistent concern about whether cash used in a DDR programme induce corruption. Although there are cases where cash has fuelled corruption (see Nepalnews, 2012; Reliefweb, 2004; Willibald, 2006), methodologically, it is not clear whether individual combatants, their commander or warlord is a principal agent of the cash induced corruption. The dilemma of whether individuals or the insurgent organisation in question is unit of analysis raises a question that requires more empirical evidences and analysis. The aim of this paper is to address this gap in the literature.

Using a case study from Nepal, this paper studies corruption induced by public resources and the use of cash in cantonments. Nepal presents an excellent case study in this regard where a large amount of the public budget was invested in the management of cantonments that housed the Maoists combatants for seven years, and at the end, a significantly large number of Maoist ex-combatants were paid cash against their retirement from the People’s Liberation Army (PLA).\(^1\)

This paper argues that corruption in cantonment should be examined at the organizational level in light of the concept of the ‘war economy’ as well as a phenomenon driven by combatants’ participation and non-participation in DDR programmes. This paper concludes by suggesting that stronger government and civil society oversight mechanisms would enhance national and local ownership and accountability of DDR and potentially minimized the corruption in cantonments.

This paper is based on the fieldwork was conducted in Jhapa and Morang districts (eastern region), Kathmandu, Lalitpur, and Chitawan districts (central region), and Dang and Banke districts (western region) in Nepal from December 2012 to February 2013. The selection of the districts was made to maintain a geographical balance of the study area and also to cover the districts where the concentration of the voluntarily retired Maoist combatants was relatively higher.

In-depth interviews and observations were the major data collection tools. A total of 50 in-depth interviews were conducted with ex-combatants in the various districts. Additionally, in order to incorporate the non-combatants’ and the community’s perspective, a total of 36 in-depth interviews with the non-combatant respondents were conducted and these included the ex-combatants’ family members, civil society leaders, business people and political party leaders. In Chitawan, Dang and Banke districts, the author also observed the ex-combatants’ livelihood-related...

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\(^1\) The PLA is the military wing of the Communist Party of Nepal Maoists which waged an armed conflict from 1996 to 2006.
activities such as the micro-enterprise activities conducted by the combatants using the cash they received at the time of their voluntary retirement.

The second section discusses the literature on cash and corruption. The third section provides an overview of the context. The fourth section provides findings and analysis on cash and corruption. The final section draws conclusions.

Cash and corruption in DDR programmes

Understanding corruption can be problematic in the context of a DDR programme as the term is vague and has various interpretations. Gould and Kolb (1964:41) define corruption as ‘the use of ...power for...profit, preferment, or prestige, or for the benefit of a group or class, in a way that constitutes a breach of law or standards of high moral conduct’ (cited in Roy, 1970:86).

There are two major schools of thought regarding the study of corruption. One suggests that corruption can be examined by focusing on the individual as a rationally calculating actor who becomes corrupt when he or she foresees that the expected advantages of corruption outweigh its expected disadvantages, such as the chance of being caught and punished (see De Graaf, 2007; Klitgaard, 1988; Rose-Ackerman, 1978). An alternative point of view construes corruption as an organizational culture and a contagious act; therefore it suggests shifting the analytical emphasis from the individual to the organization itself that promotes the culture of corruption, which is expected to eventually contaminate the individuals within (Caiden & Dwivedi, 2001; De Graaf, 2007; Klitgaard, 1988; Punch, 2000).

The DDR literature regards corruption in two forms. Firstly corruption in a DDR programme can be understood as part of the ‘war economy’; an illicit economy in which commanders and warlords exploit private, public and natural resources to either consolidate power or return to war conditions (Cilliers & Dietrich, 2000; Goodhand, 2004; Le Billon, 2000). Jonathan Goodhand (2004:157) distinguishes combat economy from other forms of war economy and defines this as an economic system which produces, mobilizes and allocates economic resources to either the further generation of resources to wage war or to the destruction of resources in order to undermine the ability of opposing groups to wage retaliatory action. The concept of the war economy provides a lens through which one may examine whether the resources used in a DDR programme are mobilized and redirected for the use of the insurgent organization or alternatively, individual commanders and warlords.

The diversion of resources by commanders and warlords in a DDR programme is a central concern as it is the potential breeding medium for corruption and bad governance. Kilory (2012:202) asserts that corruption and bad governance violate the concept of social contract, a central idea in a DDR programme.

He further argues that the diversion of funds or resources addresses the interests of select people only and ignores the interests of a significant number of other potential beneficiaries. Diversion and misappropriation in this case can be either coercive or systemic. In coercive corruption, the forced extortion of combatants by commanders is normally the case. Afghanistan presents a case in point where the UN stopped paying cash to demobilized combatants after it was

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2 The other forms of war economies are the shadow economy and the coping economy. For more, see Goodhand (2004).
reported that the combatants with cash were extorted by their commanders (Reliefweb, 2004). Similarly, Sierra Leone proved the case where the reinsertion benefit, which was 600,000 in local currency, encouraged a system of corruption at the commander level (Tesfamichael, Ball, & Nenon, 2004:15). Corruption in DDR is often a resultant phenomenon of power imbalance and asymmetries among the different actors involved, and the way the asymmetries undermine accountability and consultation (Kilroy, 2012). This could be particularly the case where power relations cannot be entirely altered or challenged in the course of implementing a DDR programme emanating from negotiation. As will be discussed later, the Nepali case exemplifies this point. Kilory (2012:204) also highlights non-participation as a form of corruption. He states that this could be the case when non-combatants join the DDR programme with the assistance of commanders, fellow combatants or war lords, particularly during the disarmament process. It will be shown later that the opportunity cost of non-participation can also cause coercive corruption at the final stage of a reintegration programme.

The Nepali peace process and the context of voluntary retirement

The signing of the Comprehensive Peace Agreement (CPA) between the Government of Nepal (GoN) and the CPNM on 21 November 2006 brought about a number of simultaneous changes in the dynamics of conflict and politics: it ended the armed conflict, delivered the Maoists from the battlefield to mainstream politics, dethroned the monarchy, and established a republican political system. Too many simultaneous changes at one time, nonetheless, delivered the country to a challenging position where the ensuing peace process was required to prioritize among several significant social issues. Management of the Maoists’ arms and army was one of the highly contentious peace issues requiring immediate attention as stipulated in the CPA.

The GoN and CPNM signed an agreement on the Monitoring and Management of Arms and Armies (AMMAA) on 8 December 2006. Following this agreement, the Maoist People’s Liberation Army (PLA) and the Nepal Army (NA) were confined to cantonments and army barracks respectively. On 23 January 2007, the UN Security Council adopted resolution 1740 mandating the UN Mission in Nepal (UNMIN). It was a small, non-military political mission tasked with three mandates: monitoring arms and armies, supporting the Constitution Assembly (CA) Election and assisting with the more general monitoring of the peace process (Martin, 2012:207).

One of the first and foremost challenging tasks for UNMIN was to register and verify the actual number of cantoned PLA fighters. Accordingly, UNMIN commenced the first round of registering and verifying combatants after January 2007. With more than 31,000 combatants presented for registration in the first round, UNMIN did not complete the verification process until the second round in December 2007 when a total of 19,602 Maoist army combatants had been verified, 4008 had been declared Verified Minors and Late Recruits (VMLRs)3, while 8640 had left the cantonments without going through the second round of the verification process (Martin, 2012).

The VMLRs who were deemed ineligible to remain in the cantonments were recommended for immediate discharge, with rehabilitation support. Since the government began to look after the UNMIN verified combatants, paying them regular salaries and ration allowances, investing in building cantonment sites, and covering other logistical arrangements, the state uneasily arrived at the inherited situation of ‘one nation-two armies’.

3 The minors (child soldiers) born after May 25, 1988 and the combatants recruited after the ceasefire agreement on May 25, 2006 are termed as VMLRs. This category is not verified as qualified combatants therefore they were discharged from the cantonment in 2010.
The CPA stipulated a possibility of a dual policy option where some of the Maoist combatants would be amalgamated into the security forces, including the army, while the remainder would be provided with reintegration/rehabilitation support. Both CPA and AMMAAA, however, lacked details of these rehabilitation and army integration modalities as well as clearly articulated time frames, except though to state in clause 4.4 of the CPA that the ‘Interim Cabinet shall constitute a Special Committee to carry out monitoring, adjustment and rehabilitation of the Maoist combatants’ (GoN, 2006). Dilemmas and uncertainties abounded with the result that the rehabilitation and integration process became almost dysfunctional, leaving the combatants languishing in cantonments for more than five years.

In a bid to expedite the almost frozen peace process, major political actors including the Nepali Congress (NC), the Communist Party of Nepal United Marxist and Leninist (CPNUML), the UCPNM and a representative of the United Democratic Madhesi Front (UMDF) signed the Seven Point Agreement on 1 November 2011. The agreement mobilized the peace process by carving out a final shape of a reintegration / rehabilitation and army integration modality. Thus the agony concerning the future of the PLA fighters was finally alleviated with three different sets of policy responses.

According to the first option, out of 19602 combatants, a maximum of 6500 ex-combatants would be eligible to integrate into the Nepal Army (NA) on an individual basis, if they met the standard recruitment norms of the NA. The second option was to provide an accompanied and facilitated rehabilitation package worth a minimum NRs 600,000 to a maximum NRs 900,000, including a provision for educational support and vocational training opportunities. The third option offered an alternative pathway to voluntary retirement from the PLA by providing ex-combatants with a lump sum cash package to be paid in two instalments within two fiscal years. The cash package was categorized into four levels: those falling in the lowest rank received NRs 500,000 while the three remaining higher categories received NRs 600,000, NRs 700,000, and NRs 800,000, in ascending order respectively.

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4 In February 2008, Madhesi People’s Rights Forum, Terai-Madhes Democratic Party and Sadbhawana Party have formed a new alliance called the United Madhesi Democratic Front (UMDF).

5 One USD equals to roughly 85 Nepali Rupees (NRs).

6 Interview with an official from the secretariat of the Special Committee for Supervision, Integration and Rehabilitation of Maoists Arms and Army in Kathmandu, January 2013.
Out of 17052 combatants who participated in the regrouping process, 15602 opted for voluntary retirement, six preferred rehabilitation packages and only 1444 registered their interest in army integration.

The 3Cs: cantonment, cash and corruption

Corruption is an important but challenging issue in studying any reintegration programme because corruption enables the misappropriation of resources that can affect the wellbeing, livelihood and economic rehabilitation of combatants, in addition to triggering tensions among the various actors, for example certain commanders and powerful leaders who divert public resources for private gain. At the same time, dealing with corruption can be challenging because different actors have different perspectives on its interpretation and various explanations for the mishandling or misappropriation of resources. Balancing the perspectives of the different types of respondents is therefore essential in order to avoid the assumptions having an influence in a balanced analysis.

In this paper, corruption recurred as a pertinent theme with both the combatant and non-combatants categories of respondents. More precisely, the interviews reinforced the perception that corruption was a systemic process of diverting resources, by commanders, for different purposes. The understanding of corruption was consistent across respondents who understood corruption to be a misuse of power and authority by the organization of the PLA and a few commanders, in the handling of resources. Morality was also mentioned quite frequently as an element associated with the practice of corruption. Thus, corruption was also defined by respondents as an immoral act which could negatively affect masses of people.

Corruption in the cantonment appeared as a form of war economy generated by the embezzlement of public resources to fund contentious political activities of the Maoists’ party. Lack of information and communication among rank and file further strengthened an opaque system in which corruption flourished. Consequently, in this case, observing the performance and function of the PLA as an organization would make more sense to understand corruption than looking at individual cases.
War economy, the PLA Fund and corruption

Armed conflict and its legacy produce typical war economies in post-conflict states. This paper finds that corruption in cantonments is a type of war economy which the Maoists used to fund its contentious political activities and to undermine the capacity of its political opponents. The PLA fund is a case in point.

Following the PLA’s decision to set up a contributory fund, every divisional cantonment, from the very beginning of the establishment of the cantonments, established a PLA fund which operated under the control of respective divisional commanders but also was subject to control from the party headquarters.7 The fund collected a mandatory contribution of NRs 1000 from each combatant’s monthly salary. Since the government paid, on average, NRs 6500 monthly to 19600 combatants from 2007 to November 2011, this monthly deduction alone generated a fund of over NRs 1.18 billion over the five years. The regrouping of combatants conducted in November and December 2011 revealed that a total of 2456 combatants left cantonments at different times, yet the PLA had continued to draw their salaries which, according to Pun (2012a), contributed another NRs 1.34 billion to the PLA fund.

In addition, there are also allegations that the PLA fund earned a huge income through commissions received from the ration suppliers. On average the government paid a ration allowance of NRs 2730 per combatant, per month. Although it is hard to determine and substantiate how much this contributed to the PLA fund, Pun (2012a) estimates that the PLA fund would have earned about NRs 600 million out of the NRs 3.19 billion paid by the government for the ration allowance over the five years. He adds that the contractors who supplied the rations conceded that they paid 20 percent commission of the total contract to the commanders.

Information and communication are vital factors in the avoidance of systematic defectiveness such as corruption and embezzlement. A lack of proper interpretation and communication available to the combatants about the purposes and aims of the PLA fund was part of the problem and an enabling factor for the ongoing corruption. The combatants who were interviewed mentioned that they were told that the PLA would use the fund transparently to support the welfare of combatants, although they recalled that the definition of ‘welfare’ was never quite clarified for them.

Partly linked to the problem of communication and transparency is the question of authority, which was frequently mentioned in the interviews. The PLA fund was operated at the sole discretion of respective commanders in the divisional cantonments. Although power and authority may be different concepts in general, in this case they are inherently linked. Having power in terms of the rank and file hierarchy of the cantonment as well as the power coming from certain commanders’ direct connections with the higher echelons of the party leadership was vital in rendering them carte blanche to handle the fund at their sole discretion. The level of strife within the party increased exponentially to the extent it had the potential to damage the reputation of its senior leaders. As a response to this mounting conflict, the UCPNM has recently formed a three member panel, headed by Posta Bahadur Bogati, to investigate corruption in the PLA fund, though the panel has yet made its report public.

7 Interview with a platoon vice commander, Chitawan, January 2013.
In general, corruption might have different purposes for those involved in the practice. It depends upon who is involved in the corruption and what the motivating and facilitating factors are. However, looking at cantonment-related corruption from the war economy perspective, the fund had been redirected for the benefit of the organization as well as the individual.

At the organizational level, as one commander reported, the UCPNM used part of the fund to finance the activities of YCL, a statement which was confirmed by other interviewees, both combatants and non-combatants in different districts. Similarly the Maoists also needed a huge amount of resources to cover the expenses of 4008 VMLRs who were residing inside the cantonments so part of the money was also used to cover VMLR-related expenses and other unforeseen logistical processes to run the cantonments. This can be further substantiated by the declaration of commanders who, being under fierce pressure from combatants, declared that they had sent 60 per cent of the fund to party headquarters, under instructions from the head of the UCPNM (Pun, 2012a).

At the individual level regarding the impact of corruption, combatants have expressed their contention that certain commanders and party leaders had benefitted significantly from the PLA fund; many of the corrupt leaders had invested funds privately, in businesses including real estate, hospitals, and so on. A portion of the UCPNM’s investment in Jana Maitri Hospital in Kathmandu allegedly comes from the PLA fund. Where and how the fund was spent is the secondary question; the primary question is whether it was moral for the PLA to set up the fund in the first place and use it opaquey to furtively fund the activities of the Maoists’ party.

It should be admitted that these claims are, to a certain extent, based on individual combatants’, and commanders’ experiences as well as certain civil society leaders’ assumptions. In practice, political parties do not make their balance sheets public and neither does the UCPNM. This creates a significant challenge for studying corruption which relates to political parties and political military organizations like the PLA. However, despite a growing public contention both from within the PLA as well as from civil society, the UCPNM has neither denied nor accepted the accusations of corruption. Instead, by forming a committee to probe the corruption cases and the party workers’ and combatants’ allegations that some of the Maoists leaders and commanders had become heavily corrupt could be taken to mean that the UCPNM has implicitly accepted that corruption exists, regardless of its origins, severity and intensity.

The manner in which the PLA fund siphoned state funds to finance the activities of its rebellious organization, mobilize loyal groups in contentious politics and embezzle funds for the private use of certain commanders and leaders, nonetheless presents a typical example of how public resources eventually generated a war economy in the politically negotiated peace process in Nepal.

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8 Interview with a vice-commander in Chitawan, January 2013.
9 Interview with a vice-commander in Chitawan, January 2013.
10 Interviews with ex-combatants in Chitawan and Dang in January and February 2013 respectively.
11 Interview with a journalist in Kathmandu, February, 2013. Also see eKantipur news in http://www.ekantipur.com/the-kathmandu-post/2012/09/03/top-story/alleged-pla-fund-graft/239177.html
12 A civil society leader interviewed in Biratnagar, Morang, January 2013.
The opportunity cost of participation, non-participation and corruption

Two themes related to participation, non-participation and corruption emerged during interviews. The first is the opportunity cost of participation in DDR by non-combatants. At the time of combatant verification in 2007, the Maoists had heavily inflated the number of the PLA members by enrolling non-combatants, party workers and supporters who had never participated in the war as fighters (Subedi, 2013). By bringing in non-combatants, the Maoists were able to send the trained fighters out to work in the Young Communist League (YCL), (Martin, 2012). As a result of the non-combatants’ participation in the DDR programme, the authentic combatants remained outside of the process while the arms and army management process dealt with the ‘fake’ combatants.

This could be a case of corruption from the point of view of a moral and ethical standards’ violation on the part of the UCPNM. Nonetheless, beyond the moral issue, this form of participation also undermined the social contract between the insurgent organization and the state in that, from the beginning of the disarmament process, suspicion towards the Maoists’ intentions in the peace process and a culture of mistrust between the Maoists and other political parties grew exponentially.

Non-participation in this paper is referred to the situation where a large number of combatants did not fully participate in the DDR programme. In other words, the non-participants were absent from the cantonments; however, the public cost of this non-participation was excessive in that the government continued to pay the salaries of the non-participant combatants. Non-participation affected actual participation in DDR. As the Maoists had substantially increased non-combatant participation in the DDR some of these fake combatants left the cantonments at later stages. Thus the artificially increased participation in the beginning actually had the effect of increasing the non-participation rates later.

On one hand, by increasing non-combatants’ participation in the DDR programme, the cost of management of the cantonments increased substantially. This provided an increased income for the PLA and obviously the opportunity to manipulate more resources inside the cantonments. In other words, increased participation by non-combatants simultaneously increased the volume of the war economy engendered by the PLA fund.

On the other hand, combatants from Chulachuli, Ilam, Nawalparsi and Surkhet publicly protested, complaining that their commanders had seized the pay cheques of their voluntary retirement installments. Commanders had made an informal arrangement with some of the combatants who actually had never lived in the cantonment but reappeared just at the time of regrouping in order to collect their voluntary retirement packages. According to the arrangement, the combatants were asked to hand over 40 percent of the cash package to the commanders. Explaining this phenomenon, a combatant asserted:

Commanders had forged an understanding with the returnee combatants that the latter would give 40 per cent from their cash package to the PLA fund. However, at the end, combatants denied the understanding which led to a situation where some commanders used force to seize pay cheque.  

13 Interview with a journalist in Kathmandu, January, 2013.
14 Interview with a vice-commander in Narayanghat, Chitawan, January 2013.
Another female ex-combatant added:

Despite heavy threats, a few combatants dared to bring the cheque-snatch case out, which put moral pressure on the commanders; otherwise many combatants would lose a substantial portion of their retirement package.\textsuperscript{15}

This informal understanding between commanders and absentee combatants was a deal calculated on the basis of the opportunity cost of the combatants’ non-participation in the cantonments in the past. Denying the commanders’ proposal would mean that the commander could block the absentee combatant’s participation in the voluntary retirement scheme. Thus the opportunity cost of accepting the offer would be higher than the cost of being excluded from the programme. Thus, non-participation worked as a factor to increase corruption instigated by the commanders using coercive means.

\textbf{Minimal oversight of the government}

Nepal’s peace process is typically homegrown, with minimal involvement of the external actors. Ironically, the government as a key party in the peace process did not assume a stronger oversight role, particularly in managing cantonments’ budgetary and financial matters. The Ministry of Peace Reconstruction (MoPR) disbursed PLA salaries and cantonment related budgets the cantonment management unit, a MoPR line agency in the cantonment sites. The MoPR did have any direct authority to oversee the way the funds were being spent in the cantonments, despite that the MoPR had the budget got audited by the office of the auditor general. This stark situation weaken the government oversight and authority, leaving financial management of cantonments entirely in the hand of the PLA. Despite being aware, from different informal sources, of the fact that a large number of combatants did not live in cantonments at all, the government was regularly paying their salaries of the absentee combatants. Though the peace minister from the Communist Party of Nepal United Marxist and Leninist (CPNUML) wanted to alter the system from bulk payment to the payment in individual’s bank account,\textsuperscript{16} doing so would need recounting of combatants which could not happen due to UCPNM’s strong opposition.

A civil society leader said “the government could not establish its strong authority in managing cantonments so that unfortunately it just became a generous sponsor of ex-rebels’ everyday life”.\textsuperscript{17} After UNMIN’s exit in January 2011, the monitoring and supervision of cantonments came under the purview of the Special Committee (SC) on Supervision, Rehabilitation and Integration of Maoists combatants headed by the prime minister, however neither UNMIN nor the SC had a clear mandate, authority and accountability to oversee any administration and financial matters inside cantonments. Thus, being the government out of management of cantonment provided the PLA favourable conditions to manipulate the public resources for private purposes.

It does not, however, mean that the government was not concerned about the corruption. The Special Committee for Supervision, Integration and Rehabilitation of Maoists combatants demanded an investigation into the corruption case and also decided to ask the Ministry of Peace and Reconstruction (MoPR) to provide details of the expenditure made for the former Maoist combatants since 2006. The UCPNM has also formed a three member panel, headed by Posta Bahadur Bogati, to investigate the corruption of the PLA fund. The concluding meeting of the Special

\textsuperscript{15} Interview with a female combatant, Kathmandu, January 2013.
\textsuperscript{16} Interview with ex-peace minister, Kathmandu, December 2011.
\textsuperscript{17} Interview with a male civil society leader, Kathmandu December 2011.
committee on supervision, rehabilitation and integration of the Maoist combatants held on 12 April 2013 passed a proposal to conduct a special investigation through the office of the auditor general into the NRs 19.71 billion spent on PLA cantonments in the last seven years.\textsuperscript{18} The special committee member, however, remained sharply divided on the decision. While non-Maoist members in the committee supported the proposal, the Maoist representative rejected the plan claiming that no investigation is needed as Ministry of Peace has had the budget audited annually.

Making a distinction between auditing and investigation is essential here to clarify the point. Auditing is a regular process of checking whether public spending has complied with standard practice, norms and procedure. The office of the auditor general is responsible for auditing government expenditures. However, the question here is not auditing but investigating misappropriation of funds. Corruption case therefore does not fall under the jurisdiction of auditor general but it is a task of the Commission for Investigation of Abuse of Authority (CIAA). If CIAA is not invited to investigate the case, corruption that took place in cantonments might simply be forgotten over time.

Absence of strong civil society overseeing mechanism

The role of a civil society is increasingly recognized in promoting good governance, economic prosperity, combating corruption, and expanding civic engagement to hold public officials accountable through fostering actions and mechanisms by citizens, communities, media, and civil society (Clark, 1990; Mungiu-Pippidi, 2010; WB, 2000). The logic of fostering dynamic relationship between civil society and the public sector partly draws on increasing recognition given to the role of civil society in modern state building.

Although the Nepali civil society play a vital covert and overt mediating role in bringing the Maoists, the seven party alliance and the government to the negotiation table, civil society had neither space nor any role in the management of the Maoists arms and army. “None of peace documents relating to rehabilitation and integration of the Maoists army have even slightly mentioned about the civil society”, said a civil society leader.\textsuperscript{19} Neither was civil society invited, in practice, to participate in any discussion on rehabilitation and integration related matters. A complete lack of civil society oversight mechanism lost an opportunity to hold the PLA and UCPNM leaders morally accountable in handing the public funding in cantonments.

Conclusions

The Nepali peace process has provided a test case to examine whether cash can fuel corruption in the process of reintegrating combatants in war to peace transition. Showing that the cash used in managing and retiring the combatants have increased the risk of corruption, this paper argues that cash-induced corruption in the management of combatants in Nepal should be examined within the context of the war economy, in which the insurgent organization rather than individual combatants is the primary unit of analysis.

As it is shown in this paper, combatants’ participation and non-participation can cause corruption is an interesting finding which further elucidates that corruption in DDR can be rooted in

\textsuperscript{18} See \url{http://202.166.193.40/the-kathmandu-post/2013/04/12/top-story/pla-integration-process-concludes/247508.html}

\textsuperscript{19} Interview with a female civil society leader in Kathmandu, December 2011.
the process of organizing and implementing different states of DDR programme. How the corruption case will be dealt in the Nepali process is yet to be seen. PLA cantonments have, however, demonstrated that the system of cash payment used in reintegration programme can increase the risk of corruption, and corruption is more likely if strong government as well as civil society oversight mechanisms are lacking.

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The social and environmental impacts of mega dams have been controversial throughout the world. Costa Rica prides itself in being an environmentally conscious country that has supported many of the United Nations’ declarations designed to uphold human rights. The El Diquís Hydroelectric Project in Costa Rica threatens the way of life for several indigenous tribes who have argued their case for land rights for over forty years since the project was first proposed. The first part of this paper discusses the background and current state of this conflict and the stakeholders involved. The second part of this conflict assessment is an analysis of the stakeholder’s interests and includes recommendations on how involved parties should proceed to resolve this conflict in a manner that will not cause human rights violations or forced tribal relocation.

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Human rights and environmental mitigation often get overlooked in the name of development, and has led to the construction of mega dams to be controversial throughout the world in terms of the social and environmental impacts. In the Buenos Aires region of Costa Rica there has been an ongoing conflict between several indigenous tribes, the Costa Rican government, and the national electricity provider for over forty years regarding the construction of a large dam. The El Diquís Hydroelectric Project promises to address the growing demand for energy within the country and region. However, it also poses a threat to the way of life for several of Costa Rica’s indigenous tribes who will lose a portion of their land and potentially have to relocate.

The planning for the El Diquís Hydroelectric Project began in 2004. However, its history goes back over 30 years prior to another proposed mega dam known as the Boruca-Cajón Hydroelectric Project. The Boruca-Cajón dam was a much larger project in regards to the area of land required for the storage lake, and planning was eventually terminated due to the controversies regarding the project. The plan for El Diquís was suggested in lieu of the original failed development of a Boruca-Cajón dam in the Térraba River. This smaller dam was proposed at a nearby location in the General River. The controversy surrounding both projects have been similar in regards to how the dam would affect the local environment, and since the use of large pieces of indigenous territory has been requested, it’s questioned how the dam would affect residents’ land, social, cultural, and human rights. According to the Costa Rican Institute of Electricity (Instituto Costarricense de Electricidad, ICE), the current status of the project is pre-investment planning. Currently, the building of El Diquís is stalled because the Costa Rican government has not signed off on the project due to not having consent from the indigenous peoples who will be affected by its construction.

Dr. Warren Haffar of Arcadia University wrote a long and thorough conflict assessment in 2010 about the controversies of the Boruca dam. His book Conflict Resolution of the Boruca Hydro-Energy Project has been helpful in providing relevant background information about this project, its stakeholders, and also placing the energy needs of Costa Rica in perspective to that of Central America as a whole. I traveled to Costa Rica in January, 2013 with Arcadia University’s International Peace and Conflict Resolution program to study sustainable development and indigenous rights within Costa Rica, with a specific focus on the El Diquís hydroelectric project. The first part of my conflict assessment focuses on what I’ve found to be the most important factors to understand the current state of this conflict and the stakeholders involved. I will briefly discuss the background of the dismissed Boruca Hydroelectric Project and its relevance to current events. However, I will focus on the current status of the El Diquís Hydroelectric Project conflict which has seen many developments since Dr. Haffar’s report. The second part of this conflict assessment is an analysis of the stakeholder’s interests and includes recommendations on how involved parties should proceed to resolve this conflict in a manner that will not cause human rights violations or forced tribal relocation.

Background and Context

At current trends, Central America can expect a five percent per year increase in electricity consumption and to meet this need large-scale power projects are being developed throughout the region (Carls & Haffar, 2010, p. 1). There are two powerful entities encouraging the construction of large energy generation projects in order to meet the demands for electricity in Central America. The Central American Free Trade Act (CAFTA) and the Mesoamerica Project, originally known as the Plan Pueblo Panama, encourage energy to be “provided through cross-boundary infrastructure projects and sharing” of resources (Carls & Haffar, 2010, p. 19). The pressure was placed on Costa Rica to build hydroelectric dams. The combination of the orientation of Costa Rica’s mountains
along with the amount of heavy rainfall and rivers has created prime conditions for hydroelectric
dams, which will help minimize the country’s dependence on fossil fuels (Lindo, 2006, p. 298). In
2009, Former President Oscar Arias pledged that Costa Rica would become one of the only
developing nations to make itself carbon neutral by 2021 (Rogers, 2009), a statement that illustrates
the country’s attempt to promote renewable energy and maintain a “green” and eco-tourist friendly
reputation.

The Boruca-Cajón Dam

Land adjacent to and including indigenous territory in the Buenos Aires region in
southwestern province of Puntarenas, Costa Rica was believed to contain prime conditions for a
mega dam. The Boruca-Cajón Dam, originally proposed in 1970 (Carls & Haffar, 2010, p. 33), would
have a height of 192-250 meters, generate approximately 832 MW of energy, and create an artificial
lake that would hold about 8,868 million cubic liters of water (Chanto, 2002) making it the largest
hydroelectric project in Central America (Carls & Haffar, 2010, p. 34). The project would dam the
Térraba River, inundate 19,000 hectares of land, cause the relocation of about 3,500 indigenous
people (Chanto, 2002), require the rerouting of 38 kilometers of the Inter-American Highway (HRC,
2010, p. 33), and could potentially have a negative effect on the Térraba-Sierpe watershed and
environmentally protected mangroves (Carls & Haffar, 2010, p. 89). The Costa Rican Institute of
Electricity, ICE, has claimed to have conducted several impact studies which were never released
causing many to accuse the company of having a lack of transparency. Finally, in 2010 ICE admitted
to finding errors in the early studies but declined to release the reports (HRC, 2010, p. 79). What is
known is that ICE hired Colombian consulting firm INGETEC in 2004 to carry out an independent
feasibility study (Carls & Haffar, 2010, p. 98). INGETEC determined that the potential consequences
of the Boruca dam project were too great to justify construction and thus the project was eventually
abandoned and replaced with a new proposal (HRC, 2010, p. 32). Originally called the Veraguas
Hydroelectric Project, the El Diquís dam was proposed at a location 4 kilometers upriver with the
declared intention of considering and mitigating the socio-environmental impacts of the project
(Carls & Haffar, 2010, p. 113).

El Diquís Hydroelectric Project

Although much smaller than the Boruca-Cajón project, El Diquís’ estimated 631 MW electricity
production would be the largest hydroelectric dam in Central America if built (Carls & Haffar, 2010,
p. 115). Interestingly enough, ICE is now building the current largest hydroelectric dam project in
Central America in Costa Rica’s Limon Province. The Reventazón Hydroelectric Project is expected to
have a 306 MW electricity output (“Costa Rica’s Reventazón,” 2012). This is a clear example of the
positive light that the Costa Rican government views these hydroelectric mega dams. As I will discuss
below, the controversies surrounding the El Diquís project have left its construction in a state of
limbo with no foreseeable recommence of its development.

The El Diquís project is considerably smaller than the Boruca-Cajón dam. The estimated 4,040
hectares of indigenous land required for the Boruca dam is certainly more than the 734 required for
El Diquís. However, it becomes complicated when discussing land rights. Many of the eight Costa
Rican indigenous groups live in the Buenos Aires region. The Boruca-Cajón project was going to
greatly affect the Boruca and Rey Curré tribes and led them to unite in an effort of opposition to the
dam. When ICE proposed to move the project upriver two additional tribes, the Cabécar (China Kichá
territory), and Térraba, were now asked to cede some of their land. Although INGETEC’s 2004
feasibility report for this location is more favorable than those effects suspected as a result of
damming the Térraba River, some very serious human right concerns still exist (HRC, 2010, p. 15, 32, 33).

Just as Costa Rica has attempted to maintain an image of environmental consciousness they have tried to do the same with upholding human rights. Although, whether Costa Rica has actually lived up to both of these claims is up for debate. Two important human rights instruments, the U.N. Declaration on the Rights of Indigenous Peoples and ILO 169 (both supported by Costa Rica), in which declare the importance of consultation including free, prior and informed consent, along with recognizing indigenous land rights are both specifically related to this development project (UN, 2011). Environmentalists may have voiced their concerns to the Costa Rican government regarding this mega dam project, but in reality what halted construction has been the questions surrounding indigenous rights. In February 2008, President Arias declared El Diquís a project of “national interest” (Téllez, 2011). Perhaps in a situation elsewhere in Costa Rica this would mean construction of the project would begin no matter the controversies, but because the project requires the use of indigenous land and the relocation of indigenous people the government was obligated by its own human rights legislation to halt the project (Carls & Haffar, 2010, p. 39-40).

Summary Timeline of Events

1939 – The General Law of Land Barrens was the first time the Costa Rican government acknowledged indigenous land rights (Barié, 2003, p. 279).

1956 – Executive Decree No. 34 officially established indigenous reserves (HRC, 2010, p. 20).

1970 – The Boruca-Cajón project proposed in the Buenos Aires region and required the use of indigenous land and led to decades of feasibility studies within the territory.


1975 – The Tropical Science Center’s environmental impact assessment reported significant negative environmental effects if dam built (Carls & Haffar, 2010, p. 33-34).

1977 – The Indigenous Act of 1977 states that indigenous land is made exclusively for indigenous inhabitants and is nontransferable (Carls & Haffar, 2010, p. 65). This also allowed for the creation of Associations for Community Development (ADIs) that serve as a means of coordinating government and communal projects of common interests that contribute to the country’s development (HRC, 2010, p. 23).

1992 –ILO Convention No. 169 which states, among many things, that indigenous people must be consulted, voluntarily accept, and be fairly compensated for any losses caused to them by a development project. Costa Rica ratified this very significant international human rights treaty which ranks above state law in 1992 (Carls & Haffar, 2010, p. 37-40).

1995 – The creation of SETENA, the National Technical Secretariat for the Environment, the administrative body in charge of supervising, reviewing, and approving all projects affecting protected areas, forests, and water sources (Guignier, 2011, p. 21).
2001 – Manifesto of opposition to the Boruca-Cajón released by members of the affected indigenous tribes (González, 2001).

2002 – The Ombudsman Center for Environment and Development (OmCED) attempted to mediate between ICE & the Costa Rican government, the Ministry of Environment and Energy, and the indigenous peoples affected. OmCED was able to raise awareness about the project’s effects and began dialogue between the tribes and CONAI (Carls & Haffar, 2010, p. xi, 74).

2004 – INGETEC’s feasibility report’s unfavorable review of the Boruca-Cajón dam led to the abandonment of the project and proposal of the El Diquís project (HRC, 2010, p. 32).


2008 – El Diquís declared to be a project of “national interest” (Téllez, 2011), allowing for exemptions on several major environmental and land use restrictions (Cabrera, 2010).

2010 – Several Térraba organizations and NGOs filed a request for consideration under the early warning and urgent action procedures of the United Nations Committee on the Elimination of Racial Discrimination (CERD, 2010).

2011, March - The Térraba Indigenous Integrated Development Association filed a lawsuit against ICE to force workers off their land when construction had started before consultation took place. On March 21, 2011 ICE received a court order to discontinue (Téllez, 2011).


2011, September – Costa Rican constitutional court, Sala IV, gives notice to ICE that they must begin tribal consultation within six months (Esteban, 2011).

2012, January – The University of Costa Rica sent a statement to the executive branch to repeal the decree declaring El Diquís to be of “national interest” and asked the government to follow human rights and environmental laws since neither tribal consultations nor an environmental impact assessment had been completed (Corrales, 2012).

Stakeholders

Primary Stakeholder: Government of Costa Rica

If Costa Rica is able to bolster its energy reserves and export electricity it could use the revenues to ease the debt accrued from the World Bank and IMF when the westernization of the country began (Carls & Haffar, 2010, p. 5). If Costa Rica is going to meet the goal of becoming carbon neutral, than renewable energy sources like mega hydroelectric dams clearly become more important in the path towards fossil fuel independence. The dam is expected to create a great many jobs during its construction and operation along with the possibility of generating further tourism in the region. The government of Costa Rica has many interests in the development of the dam, and officially they have declared their position that the construction of El Diquís is a matter of national interests (Téllez, 2011).
However, despite the support of the project, the government also has interests in making sure all human rights and environmental laws are followed. Costa Rica’s number one industry is tourism, particularly ecotourism (Carls & Haffar, 2010, p. 156). Before ICE could be given permission to begin construction SETENA, Costa Rica’s environmental protection agency, must sign off on the project ensuring all environmental affects will be mitigated (Guignier, 2011, p. 20). To date, SETENA has not signed off on this project pending a comprehensive feasibility study (Sagot, 2012). Although not related to the government, the fact that Costa Rica is home to the Inter-American Court of Human Rights puts pressure on the government to ensure that human rights are being upheld. Unfortunately CONAI, the National Commission on Indigenous Affairs, has not been a major player in mediating the conflict between ICE and the tribes and is considered to be ineffective in the protection of indigenous rights (Carls & Haffar, 2010, p. 74). Nevertheless, Costa Rica’s constitutional court, Sala IV, is used to determine if human rights violations have occurred and have made it very clear that ICE must have proper legal consultations with the affected tribes before any final approval can be given for construction. In September, 2011 Sala IV gave ICE six months to begin consultations (Esteban, 2011). The president of ICE stated in early January 2013 that the company spent 2012 preparing and this year would be spent resolving the “consultation issue” (Aguero, 2013). While the Costa Rican government may support this project for its economic benefits there are several factors in play that have hindered approval for ICE to begin construction.

Primary Stakeholder: Costa Rican Institute of Electricity

The Costa Rican Institute of Electricity (ICE) is the national electricity and telecommunications provider in Costa Rica. The company is government owned but semiautonomous with an executive president and a board of directors. ICE has a reputation as somewhat of a national hero due to the progress made of delivering telecommunications and power lines to the majority of Costa Ricans during the development of the country. ICE provides 100% of the electricity transmission and about 10% of the energy production within the country (Carls & Haffar, 2010, p. 4, 24). When ICE completes the Reventazón Hydroelectric Project already under construction it is expected to generate another 10% of Costa Rica’s electricity (“Costa Rica’s Reventazón,” 2012). By all standards ICE is a very large and powerful company, one that has often not taken into account the different methods of decision making and negotiating that tribal peoples often use. According to ICE, between 1998 and 2002 they had 96 meetings with the indigenous communities which makes them assume they have given the communities ample opportunity to participate and express interests. However, they have not yet been successful in creating an appropriate atmosphere of negotiations that allow members of the indigenous tribes to feel respected nor asked them to partake in full participation (Carls & Haffar, 2010, p. 50, 69).

ICE has created a website devoted to information about the El Diquís Hydroelectric Project. According to ICE it is an essential strategy to provide general knowledge about the project to all populations who may be affected to create the best mitigation measures (PHED, 2012a). ICE states on the website that indigenous land will be required for this project and that they will be compensated financially or through resettlement (PHED, 2012b). It’s been estimated that the costs will be about $60 million for the relocation (Expropriations, 2010). They acknowledge that one of the main challenges facing the entire project is the resettlement of communities (PHED, 2012c), but makes no statement regarding their plans if the tribal consultations concluded with the rejection of resettlement.

The company’s interests lie with the approval and construction of the dam which promises significant financial gains. ICE states they are in the pre-investment planning stage of development.
(PHED, 2012d), but once SETENA approves the project it will mark the beginning of the construction stage (PHED, 2012e). Teofilo de la Torre, the chief executive of ICE, stated in a January 4, 2013 interview that the company spent 2012 planning how to conduct the required tribal consultations, will actively pursue these negotiations throughout this year, will use 2014 to seek project funding, and says 2015 is likely the year construction will start (Aguero, 2013).

**Primary Stakeholder: Indigenous Communities**

At every point in this Buenos Aires development conflict, ICE has proposed plans that would affect various indigenous tribes. Initially it was the Rey Curré and Boruca, and then when the location changed from the Térraba River to the General River, the Térraba and Cabécar tribes. Currently ICE is asking for 658.7 hectares of Térraba land and 74.4 from the Cabécar in China Kichá (HRC, 2010, p. 33). If the dam is constructed, in addition to ceding land, the way of life within the communities would be changed due to many non-Indians moving onto the land as part of the construction crew but also after the project is completed and projected development takes place within the region. There is a common sentiment that all of these tribes located within the Buenos Aires region feel threatened for their ways of life regardless if ICE is not asking land from them anymore (Morales, 2013). The issue of land is a sensitive subject with the tribes. In the 2001 Indigenous Manifesto signed by members of the Térraba, Rey Curré and Boruca tribes states a very distressing statement: “Our history, our identity and worldview are, from time immemorial, closely linked to the land, rivers and all manifestations of nature in our territories. The separation of our territories means death to us and to our history” (González, 2001). Jerhy Rivera Rivera of Térraba’s Indigenous Cultural Association says, “there are more than 200 archaeological sites in the territories that would be flooded, many of them are sacred to our people, and all of these sites will be under water and be lost forever” (Villalobos, 2008). The proposal of having to move to a different piece of land is quite a serious request by ICE and is not simply a “relocation” in the opinion of the tribes.

The Térraba and Boruca tribes have both been rather vocal regarding their opposition to either dam project. Associations for Community Development (ADIs) were created in the 70’s for each indigenous tribe in Costa Rica as a state-created structure for local governance. However, ADIs have received negative attention over the years for numerous reasons including rejecting membership applications of tribal members and also for allowing non-indigenous members. Probably the most important function of an ADI, which they have failed to do, is recover indigenous land within reserves which have been illegally sold to non-indigenous people (HRC, 2010, p. 23-24, 55). According to the United Nations Declaration on the Rights of Indigenous Peoples signed by Costa Rica in 2007, indigenous peoples have the right of representation by an entity structured according to the tribe (Téllez, 2011). ADIs were created and structured by the Costa Rican government in the 1970’s and perhaps should be reconsidered and restructured. ADIs are often thought to be ill suited for providing representation of indigenous communities and due to their structural problems frustrates the realization of indigenous rights which further contributes to the feelings of legal marginalization (HRC, 2010, p. 29).

The Borucan Kan Tan Ecological Project has been very vocal against both the Boruca-Cajón and El Diquis projects. José Carlos Morales, director of Kan Tan and a Borucan Indian, has spent his life fighting for indigenous rights within his country and now on a global scale as a member of the 5-person Expert Mechanism on the Rights of Indigenous Peoples panel of United Nations (OHCHR, 2012). Morales uses Kan Tan as a means to teach people about indigenous life within Costa Rica, and has worked to raise awareness of the repercussions of what he considers an illegal hydroelectric dam project on indigenous land (Morales, 2013).
Another very vocal community organization is the Association for the Defense of the Indigenous Rights of the Térraba. Manuel Villanueva, a representative of the organization, says according to the clauses about land rights and consultations in the ILO Convention 169, El Diquís is completely illegal and that ICE has “subjected the community to a propaganda campaign specifically meant to deceive them (Schertow, 2008).”

ICE has been accused various times for using “doomsday” tactics in their ad campaigns (Carls & Haffar, 2010, p. 171). For instance, trying to hurry the consultations, a process which cannot be rushed to insure informed consent, ICE made remarks such as that country wide blackouts could occur if the dam isn’t fully operational by 2018 (Téllez, 2011). ICE has also been accused of using other subtle manipulations. José Carlos Morales accused ICE of offering favors to people in order to manipulate them. He believes this is partially a reason for why some of members of the affected indigenous communities actually support the dam’s construction (Morales, 2013). Some community members have received jobs from ICE, and a more serious accusation surrounds Genaro Gutiérrez, the president of CONAI and Térraba’s ADI-organizations who represent indigenous interests-apparently received favors from ICE such as streetlights lining his driveway. This and other events have led to wide scale distrust of ICE, the ADI, and CONAI within the indigenous community (HRC, 2010, p. 73-74).

Over the years the tensions of this conflict have not faded between ICE and the indigenous communities. By 2008, almost 40 years into the conflict, it is hard to believe that ICE was not aware of Costa Rica’s laws regarding indigenous land rights. However, in that year they purchased 20 hectares of indigenous land from a non-Indian without any sort of consultation from the community. ICE began constructing a workers camp and dug tunnels in which the company claimed were for the purpose of conducting an environmental impact study (Aguero, 2011). Also under the pretext of environmental studies, ICE began moving heavy machinery into the Térraba community, cutting down trees, and tunneling through mountains with dynamite causing a great disturbance to the community (HRC, 2010, p. 31). In March 2011 due to a lawsuit filed by the Térraba Indigenous Integrated Development Association, ICE was court ordered to halt construction (Téllez, 2011). ICE, being over confident in their planning and having started construction prior to consultation, has been viewed by the indigenous communities as completely disrespectful (Buján, 2012) and strengthens the perceptions that ICE is withholding information from the tribes (HRC, 2010, p. 38). For now, the indigenous communities are awaiting a serious consultation attempt by ICE (Téllez, 2011).

Although many members of the local indigenous communities have stated their position against the dam project, there are tribal members who support ICE and welcome the employment opportunities and economic benefits the project will bring to the region. The interest of all indigenous tribes within the Buenos Aires region is to receive consultation with comprehensive environmental assessments and adequate time for discussion so that tribal members can vote with free, prior, and informed consent.

Secondary Stakeholder: Environmentalists

Environmentalists insist that the El Diquís project is a contradiction to Costa Rica’s goal of preserving its biodiversity (Guignier, 2011, p. 5). Damming the Térraba River would affect the Térraba-Sierpe wetlands downstream which include the largest mangrove reserve in all of Central America. The wetlands have been protected as a forest reserve by Costa Rica since 1977 and an
internationally recognized RAMSAR site of importance since 1995, which requires the state to uphold its protection and conservation (EE, 2010, p. 11). ICE has not released a thorough environmental impact assessment, and neither has SETENA, the Costa Rican environmental protection agency who will need to sign off on the project before construction can ensure. However, ICE mentioned in 2009 that an estimated 1,800 hectares if the wetlands could be affected from the El Diquís project (Guignier, 2011, p. 44). If Costa Rica loses RAMSAR site identification for its wetlands and mangroves than it could potentially completely ruin its reputation as an environmentally conscious country.

Not only does the creation of the dam’s artificial lake destroy all vegetation and animal habitats in the area it submerges but the process of these plants decomposing, called eutrophication, will leach nutrients from the riverbank, render water unsuitable for human use, and provide a habitat for mosquito breeding (Carls & Haffar, 2010, p. 96). Sediments transported downriver could be reduced up to 40%. However, the effects of this are debated (Pérez, 2012). The environmental impacts could be irreversible. The indigenous communities worry about the quality and amount of water that will be available to them during and after construction of the dam, the effects of using heavy machinery to clear vegetation will have on local wildlife (HRC, 2010, p. 36). Small environmental impact reports have been conducted by various environmental organizations but all await the release of ICE’s thorough report and SETENA’s comments (Guignier, 2011, p. 7, 22). Although the El Diquís dam conflict is primarily between the indigenous communities, ICE, and the Costa Rican government, environmentalists have been putting pressure on the government to uphold the country’s biodiversity protection laws and have been much more open with their small-scale environmental impact assessments than ICE has. A variety of organizations have made statements regarding the impacts of El Diquís including the Costa Rican Federation for Environmental Conservation (FECON), Oversight Committees on Natural Resources (COVIRENA), Interamerican Association for Environmental Defense (AIDA), and the Center for Environmental Law and Natural Resources (CEDARENA). Jorge Picado Barboza, the biological area manage for the Diquís Hydroelectric Project, says:

ICE is aware of the value of natural ecosystem HNTS (Térraba-Sierpe National Wetland) as well as its national and international importance as a protected area, hence has established a monitoring program in the Térraba River biosphere and estuary sector for the National Wetland Térraba-Sierpe, which would remain in the construction and operational phases of the PHED (Barboza, 2012).

Although ICE may have acknowledged the importance of upholding ecological health within Térraba-Sierpe, the company has not been transparent with any of the commissioned environmental assessments of the effects of the El Diquís dam and thus environmentalists maintain the position against its construction.

Intervening Stakeholders: The United Nations

As previously discussed, there are two very important U.N. documents regarding human rights which Costa Rica has signed. ILO 169 is very specific in regards to the rights of indigenous peoples in respect to consultation. This is but a small example of the relevance of this human rights document to this conflict:

The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands
they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly (ILO, 1989).

The United Nations Declaration on the Rights of Indigenous Peoples, also signed by Costa Rica, states:

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions (UN, 2007).

The Costa Rican government has in some ways turned a blind eye towards ICE’s disrespect of indigenous human rights. Some accuse ICE of falling short of legal obligations in its sole focus of negotiating the terms of the project and relocation with the implied opinion that the location of El Diquís is inevitable and nonnegotiable (HRC, 2010, p. 70). Consultation should have taken place prior to environmental studies, and surely prior to any construction. In 2010 several Térraba organizations and NGOs (the Asociacion Cultural Indigena Teribe, Asociacion de Mujeres Orcuo dBon, Museo Comunitario, Movimiento de Juvented Naso Lokes, Enrique Rivera Rivera, Kus Kura S.C., and the Forest Peoples Programme) filed a request for consideration under the early warning and urgent action procedures of the United Nations Committee on the Elimination of Racial Discrimination. The response with recommendations dated July 21, 2010 made it very clear that ICE and Costa Rica were in the wrong to pursue this project without consultation:

The irreparable harm threatened by the Diquís dam must be further viewed in the light of the fact that the Térraba number only around 750 persons and that their rights have been disregarded with impunity for decades. Their territory has been invaded and illegally occupied by outsiders and they retain possession of a mere 12 percent of their titled area. Two of their communities are outside of the titled area and have had their lands granted as resource extraction concessions. The Diquís dam will flood a further ten percent of their titled area as well as a large number of sites of vital importance to their identity and integrity as a distinct cultural and territorial entity. This situation fully meets the criteria for consideration under the Committee’s early warning and urgent action procedures and requires urgent international attention (CERD 2010).

In July, 2011 after traveling to Costa Rica, James Anaya, the United Nations Special Rapporteur on the rights of indigenous peoples, released a report to the government of Costa Rica specifically related to the El Diquís hydroelectric project. The fact this case reached the Special Rapporteur’s office is most certainly a message to Costa Rica of the seriousness of the human rights violations which have been occurring in the Buenos Aires region. Anaya says ‘his recommendations are of immediate relevance and that they should be acted upon in the near future if the Government intends to press ahead with the El Diquís hydroelectric project. The Special Rapporteur says he thinks the remedy to the actions already done would be to immediately launch a program of indigenous participation in development and consultation process that meet international standards. Anaya stresses the importance of the tribes making free, prior and informed consent to allow the project to continue and that this needs to be gained prior to any government decision about the project. The report lays out what would be considered proper consultation practices which should be put into place “urgently.” Anaya puts a lot of pressure on Costa Rica in his closing
comment: “Costa Rica has the opportunity to set a good example for other countries around the world and to resolve this situation in a manner that fully respects the human rights of the indigenous peoples, on the basis of agreements reached with them” (UN, 2011).

Policy Recommendations

Stakeholders in any conflict often publicly state their position. For instance, being in support of or opposed to construction of the dam is a position. Interests do not often reveal themselves publicly or as clearly. Positions often change due to negotiation. Interests usually remain the same because this is what the stakeholder truly wishes to gain or at least maintain. Here is a brief summary of what has been discussed in this paper regarding the primary, secondary, and intervening stakeholder’s positions and interests in this conflict. There are three primary stakeholders in the conflict over the construction of the El Diquís dam: the government of Costa Rica (including the CONAI and SETENA), the Costa Rican Institute of Electricity (ICE), and the Rey Curré, Boruca, Térraba, and the Cabécar in China Kichá tribes which are discussed as a single group with common interests. There is a one secondary stakeholder: a group of environmental organizations discussed as a single group with common interests. The intervening actor is the United Nations, specifically the Special Rapporteur on the rights of indigenous peoples, James Anaya.

The government of Costa Rica has positioned itself in favor of constructing the El Diquís dam and calls it a matter of national importance. Costa Rica’s interests lie in acting in accordance with existing environmental and human rights legislation in order to maintain its reputation as an environmentally friendly nation who supports all international human rights declarations. The country also has interests in the economic benefits that the dam’s energy production would bring. ICE has also positioned itself in favor of constructing the dam and advocates it to be a positive renewable energy source for a country and region with a growing energy demand. ICE’s interests lie in building the dam for its economic and energy benefits and to also maintain its reputation as a national hero within Costa Rica for the company’s work in building its infrastructure.

The indigenous communities have divided positions. Those opposed to the construction of the dam say it infringes upon their land, social, and human rights. Those in favor, say the dam will bring jobs where desperately needed. However, the indigenous communities share the common interests in being respected and having their voice, as well as that of their tribe, heard. They want the government of Costa Rica to live up to promises regarding indigenous land and human rights within the country.

The secondary stakeholder in this conflict is the group of environmental organizations who have been advocating against the construction of the dam. The collective stance is that the dam poses an environmental threat to the region and its protected areas and wetlands. The interest of this group is for ICE to mitigate as much as possible the way the dam construction will negatively affect the environment. This includes being able to review and comment on environmental impact assessments for optimal mitigation of negative environmental impact.

The intervening stakeholder is the United Nations who takes a neutral position to the dam’s construction. Their position is that Costa Rica must uphold the rights of its indigenous peoples, must oversee consultations, and that no construction can be started prior to tribal agreement. The United Nations interest is to protect the rights of indigenous people and does not want to see irreparable harm come to the tribes in Costa Rica. The UN wants to maintain its reputation as a global upholder of human rights and as a mediator by having its recommendations taken seriously.
By analyzing the conflict as well as the interests of all involved stakeholders a list of nine policy recommendations has been established as a guideline for conflict resolution.

**Recommendations for Indigenous Tribes:**

If the Costa Rican National Commission of Indigenous Affairs (CONAI) and the Associations for Indigenous Development (ADIs) are not working as they should then a restructuring should take place in a way that adequately represents the indigenous tribes. Although not passed, there has been a congressional reform bill introduced with the goal of revitalizing the current structures of representation and promoting self-governance by eliminating CONAI and the replacement of ADIs with indigenous territorial councils (HRC, 2010, p. 38).

The indigenous tribes have grown more knowledgeable over the years in regards to how they need to organize themselves for representation when the ADI fails them. Several community organizations have popped up and they are learning exactly what rights pertain to them in Costa Rica. However, I recommend obtaining as much legal representation as possible when going through the official consultation process with the Costa Rican Institute of Electricity (ICE). The tribes should also be consulted on other research regarding the effects of mega dams on indigenous people. The World Commission on Dams has published research regarding the impacts of dams on indigenous communities around the world (WCD, 2000) and may give some further insight into the effects that mega dams have on communities. The goal is for the tribes to have all the information available regarding their situation before additional negative effects on their ways of life occurs.

**Recommendations for the Government of Costa Rica:**

The Constitutional Court Sala IV has made it clear that ICE needs begin the consultation process with the indigenous communities it is asking for land from. However, what I found to be unsettling, on ICE’s website is a statement regarding consultation being only partly their concern but more of a concern to the government (PHED, 2012f). It is very clear that the consultation process will need a great oversight by the government of Costa Rica to make sure standards are acceptable to create any atmosphere of free and informed consent.

If the indigenous communities do consent to the continuation of the project, before the National Technical Secretariat for the Environment (SETENA) signs off with government approval of the project, they should be required to also hold community meetings to ensure ICE has followed through with consultations in line with Costa Rica’s indigenous rights and environmental laws. It is in the best interest of the government of Costa Rica to triple check (or even more) to ensure all rights are being protected before they give approval for a project that will cause an irreversible change to the landscape and tribes.

**Recommendations for the Costa Rican Institute of Electricity (ICE):**

In order for the indigenous community to be able to accept or decline the El Diquís project, ICE needs to provide all information it has gathered regarding the project and how, if given consent, the indigenous voice would be heard within the development planning. A very clear channel of communication also needs to be laid out, along with further plans for community meetings with the acknowledgement that meeting attendance does not mean acceptance and consent to continue the project.
All environmental, social, economic, archaeological, or any other impact assessment reports must be released to the public. Independent companies should be invited to review the assessments for validity and also to allow for impact mitigation suggestions, since mitigating the effects of his project as much as possible is a necessity. To date, ICE has not been forthcoming with all impact assessments and in order for the consultation process to precede this must change.

On September 24, 2002, Luis G. Marin Gomez representing ICE’s public relations department, made the comment that “the country’s progress cannot be stopped by a small group of people as minimal as the Indians” (Durán, 2012). Although this comment was made over 10 years ago, any words put to print are retrievable later. These types of statements are not acceptable from large national companies such as the Costa Rican Institute of Electricity. Fortunately, in my research this was one of the few overtly discriminatory statements I found. To ensure that this does not occur again, because surely it could hinder consultations, I recommend ICE employees who are working directly with the community or making press statements to undergo cultural sensitivity training to learn how to properly communicate with the indigenous community.

According to a lecture given by Jose Carlos Morales, if ICE could see from the indigenous point of view of what the tribes need than perhaps they would consider the project. Morales says the people are worried about land rights, the protection of indigenous territories, educational opportunities, and health facilities, along with other aspects of life that have kept them feeling marginalized within society. ICE should be researching this and welcoming an open discussion about these impacts.

The results of the tribal consultations must be respected. ICE has made no statement regarding their plans if the tribes decline the relocation option. Perhaps this would not be a common statement for a large company such as ICE to make. However, due to the heightened sensitivity the tribes now feel regarding consultation, ICE should make an effort to be completely honest and acknowledge the power that the indigenous peoples actually have in the sense that they could completely halt this project if they chose to do so.

Closing Remarks

The dispute surrounding the El Diquís Hydroelectric Project has gained international attention for its potential human rights violations. Students working with the Human Rights Clinic, part of the University of Texas’ School of Law, have released a significant document discussing the legal human rights violations of this project (HRC, 2010). Journalism students from Elon University in North Carolina, in corroboration with the Teribe Indigenous Cultural Association, recently travelled to the Buenos Aires Region to collect the stories and record the traditional medicines of the Térraba people. Their website launched Thursday January 24, 2013 has already been presented on NPR’s website (Doucleff, 2013). The website (Terraba.org), available in both Spanish & English, contains video of Térraba commentary regarding the dam and how they perceive its destruction of their way of life (“Térraba,” 2013) and is significant in the pursuit for the indigenous voice to be heard.

Graduate students, including myself, from Arcadia University’s International Peace and Conflict Resolution Program have also traveled to Costa Rica to study this dispute. James Anaya, the United Nations Special Rapporteur on the rights of indigenous peoples, traveled to Costa Rica specifically because of this dispute. This negative attention is not in Costa Rica’s benefit and all policy recommendations should be thoughtfully considered. Sustainable development is becoming increasingly important for world progress. However, where human rights are violated there can
simply be no real progress. Costa Rica must uphold the rights of its indigenous peoples. Right now, while the world is watching, Costa Rica has a good opportunity to live up to its reputation as an advocate of global human rights.

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How could the cases of successful state separation contribute to our understanding of partition in post-conflict peacebuilding? Can they tell us anything new that prevailing partition theories may have missed? In an attempt to address such questions, this paper focuses on the break-up of Czechoslovakia, perhaps the most frequently cited case of successful partition. The case expands the existing partition theories’ account of elite’s motivations and their role in successful partition. While some of the factors revealed by the Czechoslovak break-up are consistent with the logic of prevailing partition theories, some have not been fully recognized by partition scholars.

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Introduction

On the New Year’s Eve of 1992, as midnight came around, Slovak and Czech national anthems were broadcasted simultaneously on public television and radio. Every New Year’s Eve prior to that night, the national hymns sounded one after the other — first Czech, then Slovak — in a somewhat patched-up national anthem of the Czechoslovak federation. After more than 50 years of common existence, Czechoslovakia split without violence, broken windows and burnt property. In light of bloody separatist conflicts of the last century, what was it about this particular case of partition that allowed a country’s separation to go peacefully?

The Czechoslovak divorce is perhaps the most frequent example of a successful separation cited by partition scholars. Yet, relatively little analytical work has been done on the Czechoslovak split to find out whether it provides suitable lessons for partition as a peacebuilding and conflict prevention tool. In the peacebuilding literature, the partition debate is mostly concerned with cases of “violent” partition, with few scholars examining peaceful separations. Proponents of partition in the context of violent conflict merely assert that cases of peaceful partition are consistent with their arguments. The Czechoslovak case can provide a valuable test of the underlying logic of these arguments, particularly those proposed by Chaim Kaufmann (Kaufmann, 1996; Kaufmann, 1999). While some of the factors revealed by the Czechoslovak break-up are consistent with the logic of prevailing partition theories, some have not been fully recognized by partition scholars. Understanding the mechanisms that led to the peaceful outcome of the Czechoslovak divorce could shed more light on other partitions, and even strengthen prevailing partition theories.

Overall, this essay consists of five sections. After defining and discussing partition as a post-conflict peacebuilding and conflict prevention tool, I provide a brief background to Czechoslovakia’s break-up, and then present some prevailing theories that may explain the partition’s peaceful nature. Next, I focus on factors that may have contributed to this successful partition but have not been fully considered by partition scholars. The last section contains concluding remarks.

Partition in Post-Conflict Peacebuilding

Partition is a process of dividing state’s territory – whether from inside, based on group’s decision, or from outside, enforced by an external actor (Morrow, 2000, p. 82; Downes, 2001, p. 234). Today, partition is used as a peacebuilding strategy to manage ethnic conflict, but in the past, the practice had a broader purpose.

Partition emerged during the 20th century, when instead of dividing colonial territories and redistributing them among existing states (as it had been customary in the past), the major powers decided to pass power to indigenous successors, seeing such practice as “a peaceful way to devolve or transfer power to indigenous groups in countries that had been subject to colonial rule or military occupation” (Schaeffer, 1990, p. 3). The modern partition is based on the same idea of dividing the states to bring peace; however, its use has been limited to prevention and management of ethnic conflicts.

The main goal of partition, as a tool of post-conflict peacebuilding, is to separate warring groups when widespread violence has already began and where long-term military commitments by international community are not feasible or likely. The objective of peacebuilders is to create relatively homogenous groups that can credibly defend themselves, which, in turn, should lower mutual security fears that drive violence (Johnson, 2008, p. 142). Third parties usually implement the strategy by drawing arbitrary lines that physically separate the parties in conflict. If the war does not resume, these arbitrary lines might form the basis of the new states (Waterman, 1996, p. 347).
Prevention of renewed warfare is then a key indicator of a successful partition. However, as empirical evidence suggests, partition has not always managed to bring peace to newly created states. Some scholars even argue that partition has been “a singular failure” and “an enduring problem” (Schaeffer, 1990, p. 3-4).

Most of the current states that have been partitioned in the past experienced some level of violence during or after their fragmentation. As shown in Table 1, the instances of purely peaceful partitions are rare.

Table 1. Ethnic Partitions, 1900-2011.

<table>
<thead>
<tr>
<th>Year of Partition</th>
<th>Pre-Partition State</th>
<th>Remnant State</th>
<th>Secessionist State</th>
<th>Violent Process (i.e., absence of peaceful negotiations)?</th>
<th>Violent Outcome (i.e., absence of post-partition peace)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1903</td>
<td>Colombia</td>
<td>Colombia</td>
<td>Panama</td>
<td>YES (independence movement; civil war in 1899-1902)</td>
<td>NO</td>
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<tr>
<td>1905</td>
<td>Sweden</td>
<td>Sweden</td>
<td>Norway</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>1908</td>
<td>Ottoman Empire</td>
<td>Ottoman Empire</td>
<td>Bulgaria</td>
<td>YES (Serbo-Bulgarian war in 1885)</td>
<td>YES (the Balkan Wars in 1912-13)</td>
</tr>
<tr>
<td>1913</td>
<td>Ottoman Empire</td>
<td>Ottoman Empire</td>
<td>Albania</td>
<td>YES (revolts in 1912)</td>
<td>YES (Serbo-Albanian military clashes in 1918)</td>
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<td>Austria-Hungary</td>
<td>Austria</td>
<td>Hungary</td>
<td>YES (Hungarian revolts in 1918)</td>
<td>NO</td>
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<td>Austria-Hungary</td>
<td>Austria</td>
<td>Czechoslovakia</td>
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<td>NO</td>
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<td>Austria</td>
<td>Ukraine</td>
<td>NO</td>
<td>NO</td>
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Partition literature presents a number of recurring questions. Is partition the only solution to ethnic conflict? If not, is partition better than its alternatives? Does partition increase the likelihood of resumed violence? What are the benefits of partition, and do they outweigh its costs?

Most advocates of partition rely on four arguments. First, partition is a lesser evil, because although it cannot fully prevent violence, it can reduce bloodshed, especially compared to its alternatives (Byman, 2002, p. 155). Second, partition provides an exit for great powers. Third, partition supports attempts for self-determination. Fourth, although it does not address the root-causes of conflict, partition at least contains them (Kumar, 1997; Kumar, 2000). Some scholars who believe partition is a solution to ethnic conflict have offered hypotheses that contain implicit or explicit conditions for successful partition (i.e., partition that stops current and future ethnic violence).

The underlying reasoning behind the hypotheses concerning the success of partition is that ethnic wars are characterized by intense security dilemma, which cannot be eliminated unless hostile groups are demographically separated. Chaim Kaufmann’s hypotheses are among the most prominent justifications of partition in the existing literature. Kaufmann argues that an ethnic war destroys any possibility for cooperation among hostile groups, because “ethnic wars harden ethnic identities,” and because intermingled population patterns intensify the security dilemma (Kaufmann, 1996; Kaufmann, 1999). Since war makes it almost impossible for groups to trust each other, separation is the only solution to security. Yet, the conventional view of partition is more skeptical about the strategy’s potential to prevent violence and maintain peace.

According to partition critics, the strategy has six major flaws. First, it is unnecessary, because ethnic identities can change to foster cooperation between groups, and because there is little firm evidence that violence is less likely to recur in partitioned than non-partitioned states (Horowitz, 1985, p. 589; Etzioni, 1992/93, p. 27). Second, partition creates human suffering and violence, because it leads to a displacement of a potentially large number of people. International interveners are at risk of becoming ethnic cleansers because at some point, they would be required to use (or threaten with) deadly force in order to remove civilians who refuse to leave their homes (Kumar, 1997, p. 23-5; Byman, 2002, p. 154-6; Buchanan, 1992). Third, partition contains the seeds of future wars. Partition sharpens the competition between separated states, and often leads to wars within and between divided states, drawing other states into regional wars. Fourth, partition sets a
precedent that encourages other potentially secessionist groups to demand independence. Partition thus leads to further splintering of states (Paris, 2004, p. 182-3). Fifth, rump states cannot be economically and militarily viable, and sixth, partition does not resolve ethnic hatred (Schaeffer, 1990, p. 3-4; Etzioni, 1992/93, p. 21-35; Gottlieb, 1994; Kumar, 1997, p. 22-44; Sambanis, 2000; Horowitz, 2003, p. 6).

In addition to logical flaws of some of these arguments, the empirical evidence to support any of these claims has been inconclusive (Kaufmann, 1996, p. 170-4). It is thus surprising that partition scholars do not consider the cases of peaceful partition and their implications for solutions to ethnic conflict. Partition scholars often look at cases of violent conflict and either make counterfactual arguments about partition as a solution to these conflicts, or show how partition failed to end war and/or led to further violence. These scholars do not analyze the cases of peaceful separations, because they assume the reasons for these are obvious (Kumar, 1997b, p. 25; Kumar, 2000). Consequently, unlike debates concerning violent partition, there are no well-developed theories or discussions surrounding peaceful separations. There are only various assumptions, scattered across the literature (Hanf, 1991, p. 40; Bunce, 1999, p. 229; Bookman, 1994; Young, 1994a; Young, 1994b; Wood, 1981). How could the cases of successful separation contribute to our understanding of partition in post-conflict peacebuilding? Can they tell us anything new that prevailing partition theories may have missed? In an attempt to address such questions, this paper focuses on the break-up of Czechoslovakia, perhaps the most frequently cited case of successful partition.

**Partition of Czechoslovakia, a State that No One Wanted Enough**

Despite a history of ethnic animosity, near economic collapse, major political turmoil and overt threats of Slovak secession, the Czechs and Slovaks separated into two independent states without violence and have lived peacefully since. Given the violent break-ups of the neighbouring multi-ethnic states of Yugoslavia and the Soviet Union in the post-Cold War world, the absence of violence in the Czechoslovak case is puzzling. A closer look at the Czech-Slovak co-existence may reveal some potential reasons why.

Czechoslovakia came to existence through partition, and was separated twice in its relatively short history. The first Czechoslovak state was artificially created from partition of Austria-Hungary at the end of World War I when three former Austro-Hungarian provinces – Bohemia, Moravia and Slovakia – took advantage of the disintegrating empire. More than national emancipation, however, the first Republic was a result of the need of the two Slavic nations to cope with external threats to their existence in the changing post-WWI environment (Kraus and Stranger, 2000, p.2-3; Harris, 2002, p. 75-7).

The first Czechoslovakia lasted until March 1939 when the Slovak government, on the invitation of Adolf Hitler, proclaimed Slovakia an independent state under German auspices, leaving the Czech Lands for a later assimilation into the German Reich (Lukes, 1996). After Soviet liberation in 1944-45, Czechoslovakia was re-established as a unified state, this time under communist rule. Some scholars believe the debate about ending the communist regime in the late 1960s and the consequent Warsaw Pact invasion of Czechoslovakia ignited Slovak demands for a greater autonomy, which eventually led to the state’s disintegration a couple of years after the fall of the Soviet Union (Leff, 2000, p. 45).

Negotiations on the separation of Czechoslovakia began in 1990, rather unexpectedly. What was to be a post-election discussion on a new federal government quickly turned into a discussion on separating the country (Hejma, 2002). Although Vaclav Havel, the Czechoslovak president at the time, wished to keep Czechoslovakia intact, it was the Premiers of the two republics – Vladimir
Meciar (Slovakia) and Vaclav Klaus (the Czech Republic) who negotiated the partition. Despite earlier attempts for a compromise, by 1992, both leaders put their own national interests over the federal ones. In July 1992, the Slovak National Council enacted secessionist legislation and voted for the declaration of sovereignty. The National Council of the Czech Republic made no such declaration, but a month after the Slovak announcement, Meciar and Klaus agreed to separate Czechoslovakia. In November 1992, the Federal Assembly accepted the constitutional law allowing the partition. Czechoslovakia dissolved peacefully on January 1, 1993.

Czechoslovakia’s break-up was peaceful in terms of both the process and the outcome, which was in stark contrast to the disintegration of other states, and in particular to the break-up of Yugoslavia only a year earlier. In accordance with popular theories, an analysis of the Czechoslovak partition suggests that favourable ethnic geography, divisibility of the federal resources and military assets, and no history of violence between the Czechs and Slovaks likely contributed to the peaceful dissolution of Czechoslovakia.

The Czechoslovak Divorce in Popular Theories: “Obvious” Reasons for Peaceful Partition

In light of violent ethnic conflicts, and particularly of that in Yugoslavia, favourable ethnic geography is the most obvious and most frequently cited reason for peaceful break-up of Czechoslovakia. The significance of ethnic geography in civil conflicts has been discussed in numerous academic works (Kaufmann, 1996; Posen, 1993; Laitin, 2004). As the security dilemma logic suggests, when populations of two or more different ethnic groups are highly intermingled, one group’s population is inevitably “stranded in a sea of another” (Posen, 1993, p. 32). In the wake of hostilities, the protection of these groups can be extremely difficult, leading the stranded group to believe that “only rapid offensive military action can save their irredenta from a horrible fate” (Posen, 1993, p. 32; Kaufmann, 1996, p. 148-50; Kaufmann, 1999).

The Czech Republic and Slovakia were both ethnically homogeneous, with no significant numbers of Czechs living in Slovakia and vice versa (1 per cent and 3 per cent of the respective populations) (Bookman, 1994, p. 184). The two main groups – the Czechs and Slovaks – were concentrated in their clearly defined respective territories or, as Chaim Kaufmann would say, in their “defensible enclaves” (Kaufmann, 1999, p. 121; Kraus and Stranger, 2000d, p. 3; Kucera and Pavlik, 1995, p. 24-9). The internal borders followed the ethnic boundaries, which were historically predetermined by the centuries-old separate development under the rule of Vienna (the Czech Lands) and Budapest (Slovakia) (Kirschbaum, 2005; Mahoney, 2011). Consequently, at the time of partition, the state was divided along the existing internal borders, and thus historical and ethnic lines.

Similar to the common territory, the divisibility of Czechoslovakia’s primary commodities and military assets likely contributed to the success of this partition. From a conflict prevention theory perspective, there was nothing about the resource distribution in Czechoslovakia that would have significantly increased the likelihood of Czech-Slovak violent conflict. Czechoslovakia had no primary commodities of strategic importance that are believed to increase the risk of war (Collier, 2007; Fearon and Laitin, 2003). For example, the country lacked significant oil and gas deposits, and the gas pipeline from Soviet Russia ran through both Slovakia and the Czech Lands (Ludvik). Raw mineral resources were relatively equally distributed (Mongabay). Dividing the territory would have not left one group with significantly larger amount of mineral resources than the other.

Likewise, division of the common military assets, although problematic at the time of the break-up, was not perceived by the Czech and Slovak leaders as threatening. The break-up of multi-ethnic states often creates windows of opportunity when it comes to allocation of strategic assets. In particular, as Barry Posen and others argue, when a multi-ethnic state breaks-up, one group is
tically left in possession of most of the state’s military assets, while other groups are initially defenseless but, in a pursuit of own security, attempt to mobilize rapidly (Posen, 1993, p. 28-31; Kaufmann, 1996, p. 147). At the time of Czechoslovakia’s separation, Czech and Slovak politicians reached a partial agreement on the division of federal assets. Main disputes arose over the allocation of military property (Brousil, 2008). These disputes were never resolved and lasted for years after Czechoslovakia’s dissolution, eventually dying down as the two countries moved on with their transition. The control of the military assets, although essential from a conflict-management view, was not relevant enough to the Czechoslovak leaders to fight over – at the time of the partition as well as in its aftermath. This was likely due to low security fears between the Czechs and Slovaks, resulting from centuries of peaceful coexistence of the two groups.

Czechoslovakia had no history of violent inter-ethnic relations. Barry Posen’s hypotheses on the security dilemma in civil wars assign significance to groups’ experience of past violence. Posen argues that groups’ past mutual interactions are the main indicator that ethnic groups will use to predict each other’s behaviour. If these past interactions were especially violent, groups will feel especially insecure and will act to provide for their own security out of fear of attack, thereby intensifying the security dilemma (Posen, 1993, p. 30-1).

Although mutual misperceptions and misunderstandings characterized the Czech-Slovak relations for most of the groups’ coexistence, Czechoslovakia’s ethnic disputes did not erupt into violent conflict. In fact, not only is there no historical record of violence between the Czechs and Slovaks, but both groups are not known to have engaged in any significant fighting whatsoever during the entire Czechoslovak existence (Bryant, 2007, p. 63; Korbel, 1977). The lack of violence in the common Czech-Slovak history may have positively affected the country’s break-up by lessening the intensity of the security dilemma during the partition process as well as in its aftermath.

An overview of structural and historical conditions in Czechoslovakia suggests that, in accordance with the logic of existing conflict prevention/management theories, favourable ethnic geography, divisible resources and military assets, and absence of past inter-group violence were important pre-conditions for the peaceful process of Czechoslovakia’s dissolution. In addition, these factors likely contributed to the peaceful post-partition relations between the Czech Republic and Slovakia by decreasing the risk of oppression of minorities “left behind” in the aftermath of the partition, lowering the likelihood of future territorial and resource conflicts, and lessening the intensity of the security dilemma. However, aside from these factors, was there perhaps something more that could explain the success of Czechoslovakia’s partition?

**Beyond Popular Partition Theory**

The Czechoslovak case confirms that no prior history of conflict, low level of ethnic mixing, and pre-existing territorial boundaries along ethnic lines may reduce the intensity of the security dilemma, making the process of partition more likely to be peaceful, and also increasing the likelihood of lasting post-partition peace. This is particularly obvious and often cited in light of the Yugoslav conflict. However, Kaufmann and other partition scholars do not specify all likely conditions for successful partition, because that requires looking at cases of success. The Czechoslovak case reveals the importance of certain factors to which the prevailing partition theories have not paid much attention, and particularly the role of nationalism and elite’s perceptions.

The Czechoslovak separation was driven by the political elite. In this paper, I argue that two main factors likely influenced the Czechoslovak elite in their decision to separate the federation peacefully: 1) benign nationalistic beliefs and 2) leaders’ perceptions about the costs and benefits of
partition, namely, a mutual belief that partition is more beneficial than unity and that the cost of violence is high.

The Role of Nationalism in Czechoslovakia’s Partition

Partition scholars have not given full attention to the role of nationalism in a success or failure of partition. Partition is simply believed to “satisfy” nationalistic ambitions (Downes, 2004, p. 234). These ambitions, however, vary and are determined by a number of structural, political and perceptual factors. In case of Czechoslovakia, some scholars argue that the country did not break into violence simply because “the Czechs are no Serbs and Havel is no Milosevic” (Rupnik, 1995, p. 273). In the end, the break-up of the federation was not Havel’s choice to make. Almost ten years after the partition, Vaclav Klaus reflected on the Czech act of accommodating Slovak demands for self-determination, stating it was essential for the future relations between the two nations that the Czech side accepts the Slovak wish and cooperates to minimize the damage for both republics (Klaus, 2002). Why were the Czech leaders willing to let Slovakia go in such a manner? One reason may be the nature of Czech and Slovak nationalism.

In his comprehensive collection of hypotheses on nationalism and war, Stephen Van Evera identifies four types of extreme nationalism that are most likely to cause violent conflict (Van Evera, 1999). These types are based on: 1) the nationalistic movement’s political status, 2) the movement’s stance towards its national diaspora, 3) the movement’s stance toward other nations, and 4) the movement’s treatment of its own minorities (Van Evera, 1999, p. 262-5). Elite’s nationalistic extremism during the partition process may increase the risk of violence, because such beliefs often require large disruptive changes. Accordingly, violence-provoking nationalism may increase the risk of violent secessionist demands and/or violent resistance. Absence of such nationalism would thus increase the likelihood of the peaceful separation process. While the first three types of Van Evera’s dangerous nationalism are not pertinent to the success of the Czechoslovak break-up, the last one is worth looking at more closely.

Van Evera’s fourth type of dangerous nationalism is one that lacks national respect for minority rights. It is this type of dangerous nationalism that was not only absent in Czechoslovakia but strongly opposed by the country’s elite. According to Van Evera, a minority-respecting nationalism “grants equal rights to other nationalities lying within the boundaries of its claimed state; it may even grant their right to secede and establish their own state” (Van Evera, 1999, p. 265). The Czech and Slovak national identities were protected by Czechoslovakia’s constitution. The Czechoslovak constitutional law of 1968 refers to the Czechs and Slovaks as “brothers” with equal rights in a voluntary union based on the right to self-determination of both groups (Parlament Ceske Republiky, 1968). When it came to the Slovaks (who were the minority) evoking this right, the Czech leaders decided to adhere to the constitutional law. Ten years after the break-up, Vaclav Klaus wrote: “once it was evident the Slovaks had no willingness to remain in the common state, the Czechs showed that the constitution-guaranteed right to self-determination does not have to be an empty term” (Klaus, 2005). This Czech acceptance of the Slovak right to self-determination is probably the strongest explanation of the peaceful break-up of all, supported by Czechoslovakia’s last president, Vaclav Havel, who wrote:

The division of Czechoslovakia was painful for many of us. Despite that, it was not accompanied on the Czech side by a feeling of injury, by self-pity, by reproachfulness, or even by disgust for Slovakia and the Slovaks. We came to realize that the Slovaks had the right to independence. This fact, too, is immensely important: had our parting of ways been
accompanied by bitterness, it would have burdened our relations for a long time. Eventually, this burden of bitterness would have turned against us (Krasu and Stranger, 2000b, p. ix).

Havel’s statement accentuates the absence of extreme nationalism in Czechoslovakia, and particularly among the elites. The nationalistic beliefs shaped the views of both groups but these beliefs did not clash and, more importantly, were not threatening. Again, this was in stark contrast to the situation in Yugoslavia where the elite consisted of chauvinistic leaders whose political motivations were controlled by nationalistic passions (Bookman, 1994, p. 184; Kaufman, 2001, p. 5-7 and 165-202).

Aside from benign nationalistic beliefs, some perceptual factors in the Czechoslovak break-up point to a conclusion that a state might separate peacefully simply because the federation is no longer necessary for the respective interests of the ethnic groups – another factor that partition theory overlooks.

The Role of Elite Perceptions in Czechoslovakia’s Partition

Perceptions or interpretations of reality have been shown to affect leaders’ decisions; yet, partition theorists have been silent on the significance of these factors (Post, 1991; Jervis, 1968). If the mutual perceptions of political leaders favour partition, the likelihood of the peaceful partition process increases. This is because such perceptions highlight the benefits of separation over unity.

Many factors, including nationalistic beliefs, historical development, recent events as well as economic, social and political factors can shape perceptions. The Czechoslovak case reveals three environmental factors that are likely to favour peaceful partition: 1) mutual economic benefits of separation, 2) removal of the common external threat, and 3) demonstration effect of recent violent conflicts elsewhere.

First, the post-communist transition affected Czechoslovakia’s regions differently, leading Czech and Slovak political leaders to believe that partition was more beneficial to the regions’ economic development than the federation. As a result of the post-communist transition and its impact on Czechoslovakia’s economic development, Slovak and Czech leaders believed their national economies would be better off if the federation dissolved.

Slovakia was hit by the post-communist economic transition harder than the Czech Lands. The Czechs associated socialism with economic stagnation, but for Slovakia, socialism was a period of economic growth due to industrialization policies advocated by the Czechoslovak communist parties (Prucha, 1995, p. 42-4). Transition left Slovakia deprived of resources and economic wealth, which fuelled Slovak perceptions of economic injustice (Bookman, 1994, p. 178; Kraus, 2000, p. 207; Hilde, 1999, p. 656). Consequently, Slovak leaders believed that as an independent nation, Slovakia could attract more foreign capital investment and improve its economic situation (Hruska, 2009, p. 18). On the other hand, Czech leaders perceived Slovakia as an obstacle in the Czech economic development. Some scholars argue the Slovak region, with its decaying infrastructure and limping transitional economy was an economic burden for Czech leaders who saw the separation as a case of “good riddance” (Pavkovic and Radan, 2007, p. 75; Pehe, 2004; Vaculik, 1990). Klaus’ transitional policies, aimed towards neo-liberal reforms and irrespective of the costs of the federation, seem to have supported such reasoning (Fawn, 2000, p. 34-5; Innes, 2001, p. 172-3). The post-Cold War environment affected Czechoslovakia in two more ways.

In the aftermath of the Soviet collapse, elimination of the perceived external threat and the subsequent diminished significance of the federation for both the Czechs and Slovaks likely served as
a motivation for separation (Kraus, 2000, p. 202). This motivation could be explained by Stephen Walt’s balance of threat theory. According to one of Walt’s hypotheses, “states join alliances to protect themselves from states or coalitions whose superior resources could pose a threat” (Walt, 1985, p. 5). States will prefer joining the weaker, more vulnerable states who cannot dominate their allies in order to avoid “being dominated by those who can” and to gain more influence in the alliance (because the weaker ally has a greater need for assistance) (Walt, 1985, p. 5).

Czechoslovakia was initially created by two new nations seeking protection and a greater voice in the unstable post-WWI environment (Kytnerova, 2007/08; Masaryk, 1919).

The sole reason of the First Czechoslovak Republic was to protect the Czechs and Slovaks from other emerging new states as well as from the interests of powerful countries. Decades later, Czechoslovak leaders viewed the fall of the Soviet Union as the fall of the last threat to Czechoslovak freedom. For example, speaking to the U.S. Congress in February 1990, Vaclav Havel spoke of the consequences of the Soviet Union’s disintegration and expressed his confidence in the ability of both the Czechs and Slovaks to protect themselves and prevent anyone from taking their freedom away again (Havel, 1990b).

In addition, the European integration policies, motivated by economic benefits as well as a vision of peace and security, contributed to the Czechoslovak perception of removed international threat (Goldmann, 1997, p. 266; Jessop, 1995; p. 688). Both, the Czech Republic and Slovakia wished to join the European Community to reap its economic, political and security advantages (Rupnik, p. 276; Kraus and Stranger, 2000a, p. 17; Goldmann, 1997, p. 262; Wheaton and Kavan, 1992, p. 148). In light of the possibilities of the European integration, the prospect of partitioning the state was perhaps not so radical. In addition, the clear benefits of partitioning the state peacefully were presented to Czechoslovak political elite when the war in Yugoslavia broke out.

To Czech and Slovak political leaders, the demonstration effect of violence in Yugoslavia served as a negative motivation to negotiate a peaceful partition. At the time of the eruption of the Yugoslav war in 1991, Slovakia was on its way to independence – it was only the question of whether this independence was going to be achieved peacefully or violently. The Yugoslav conflict did not stop the Slovak demands; it only served as an example of how not to partition a state. For Czechoslovak leaders the violence in Yugoslavia “limited appeal of a precipitous secession and pointed to the high costs of state dissolution” (Kraus, 2000, p. 212). For example, reflecting on Yugoslavia’s break-up and its effect on Czechoslovakia, Vaclav Havel commented on the Yugoslav violence in his speech to the European Parliament in March 1994, saying the conflict in former Yugoslavia was and still should be a serious cautionary reminder (Havel, 1994).

In summary, my analysis of the Czechoslovak case reveals factors that are consistent with existing partition hypotheses as well as some that partition scholars have overlooked. In particular, these are the role of nationalism and elites’ perceptions.

Although many factors can influence decision-making of political leaders, the nationalistic beliefs that shaped the Czech-Slovak views of each other likely contributed a great deal to the peaceful process of the Czechoslovak partition. Slovak demands were not a threat in the eyes of the Czechs, but simply complicated the co-existence of the two groups. For the Czech leaders, the benefit of partitioning Czechoslovakia peacefully exceeded the costs of resistance (Hechter, 1992, p. 269). Specifically, nationalistic beliefs that favoured separation over federation prompted the political elite to separate the country without violence.

The case of Czechoslovak partition also expands the existing partition theories’ account of elite’s motivations and their role in successful partition. The negotiations on the dissolution of the
federation were peaceful because the interests of the Czech and Slovak leaders did not clash. An overview of these motivating factors suggests the benefits of a peaceful separation together with the costs of violence outweighed the possibility of war in Czechoslovakia.

Conclusion

The peaceful division of Czechoslovakia is one of the rare peaceful partitions, and an anomaly in “the universe of now extinct communist federations” (Kraus and Stranger, 2000c, p. 299). According to Kaufmann and others, the best solution to lasting peace after violent conflict is partition and related population transfers to reduce the security dilemma and thus risk of further violence. My analysis of a case of peaceful separation and shows a wider range of factors that are likely to contribute to effective partition.

I argued that in addition to the significance of some structural and historical pre-conditions, the political elite are of critical importance during partition. Although the state’s population plays a role in separatist movements, in the end, the groups’ elite determine whether the state remains intact or whether it disintegrates – in peace or in violence. Consequently, I argued that the likelihood of the peaceful partition process is highest when the political elite lack extremist nationalistic beliefs and when the elite’s perceptions favour peaceful partition.

Unlike many partition theorists who have studied only cases of violent separations to develop hypotheses on the effectiveness of partition, I found the Czechoslovak case significant in the context of peacebuilding and conflict prevention. I demonstrated that this case contributes to our understanding of the prevailing partition theories by confirming some prevalent assumptions as well as adding some new insights. What the Czechoslovak case shows is that partition could simply be a solution to resolve disputes and pursue diverging interests separately.

References


Revisiting the Utility of the Early Warning and Early Response Mechanisms in Africa: Any Role for Civil Society?

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This paper aims to contribute to on-going research on ways of operationalizing and improving Africa’s existing conflict prevention mechanisms, from the perspective of Civil Society Organizations (CSOs). Drawing on the insights provided by Ghana and Kenya, it unpacks the roles CSOs can play as agents of conflict prevention within the framework of the Early Warning and Early Response processes at national level. This arises from the fact that CSOs are often relied upon for their wider reach, link to the grassroots and ability to access information through the instrumentalities of their networks. Hence, they are of immense benefit to any process aimed at conflict prevention. The paper also examines existing continental and Early Warning and Response systems in Africa, their level of efficacy and the role of CSOs as possible instruments for conflict prevention. This is achieved through conceptualization of civil society, drawing on the experiences of Ghana and Kenya, including an analysis of the varying perspectives and probable lessons that can be learned from their activities. The paper concludes with key recommendations that could enable Africa to be freed from its plethora of conflicts using CSOs as conflict prevention agents.

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Introduction

Evolving from their broad conceptualization as the “private sphere of material, cultural and political activities resisting the incursions of the state” (Fatton 1995, p 2), Civil Society Organizations (CSOs) have grown to become an integral part of society, and have served as critical agents of democratization. As Wood observes, CSOs have been identified as a new pattern of political participation outside of formal state structures and a one party system (1992). This perhaps explains Bayart’s definition of civil society as the political space between the household and the state (1998), a view that portrays CSOs not only as active from outside the state or a formal political arena, but as agents that can also be drawn on during a political crisis, particularly as agents of conflict prevention or resolution. Motivated by the need to put an end to the destabilizing effects which conflicts have had and continue to have on Africa’s socio-economic and political development, a combination of state and non-state actors have endeavored to establish capacity required to deal with conflict. Such measures included the enactment of a Constitutive Act by the Organisation of African Unity (OAU) in 2000, shortly before its transformation into the African Union (AU), and the constitution of a Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), and the African Citizens Directorate (CIDO), to help create synergy between the activities of the AU and CSOs as well as to encourage those in the diaspora to participate in the affairs of the organization (Bayart 1998).

These institutional frameworks led to the establishment of a Peace and Security Council (PSC) in 2002, ostensibly to function as a collective security and early warning instrument and to provide a timely and efficient response to both existing and emerging conflicts and crisis situations in Africa (AU 2010). This was followed by a Continental Early Warning System (CEWS) in 2006, to serve as an observation and monitoring centre or Situation Room where information is gathered and sent as advice to the Peace and Security Council on potential conflicts and threats to peace and security in Africa, including recommendations on the best course of action (AU 2010). Consequently, the onus for ensuring the success of these conflict prevention efforts have fallen on sub-regional organizations; as they are expected to provide the socio-political and economic support that is crucial to the successful implementation of these conflict prevention efforts. Prominent among these sub-regional organizations are: the Economic Community of West African States, (ECOWAS) whose early warning mechanism is the West African Early Warning and Early Response Network (WARN), and the Inter-Governmental Authority on Development (IGAD) which hosts the Conflict Early Warning Response Mechanism (CEWARN) (Birikit, 2012).

Based on the foregoing, this paper interrogates the potential conflict prevention roles of civil society in Africa; particularly when situated within the framework of existing Early Warning and Early Responses systems on the continent. Drawing on the experiences of Ghana and Kenya, it examines the role of CSOs in the efficient discharge of Early Warning signals to the sub-regional institutions related to peace and security in both countries. The paper also unpacks the concept of civil society, including its anticipated role and the challenges often associated with functioning as agents of conflict prevention. To achieve these objectives, the paper is divided into four sections, with the first serving as an introduction; while the second conceptualizes the notion of civil society and the Early Warning and Response mechanism. The third section examines the nexus/or otherwise between CSOs and the Early Warning /Early Response mechanisms (EWERMs) in the selected countries; including the identification of the gaps and challenges in the EWERM. The paper concludes with a discussion of the findings, and offers policy recommendations on how CSOs can be used to stem the tide of violent conflicts in Africa.
Civil Society-A Contested Definition

While there are no generally accepted general definitions of ‘civil society’ as a concept, scholars have nevertheless attempted to provide insightful explanations as to what it constitutes. For Diamond (1994), civil society represents the realm of an organized social life that is voluntary, self-generating, largely self-supporting; independent from the state, and bound by a legal order or set of rules. Diamond adds that, any functional civil society should possess the ability to engage citizens and act collectively in the expression of their interests, passions and ideas; exchange information; achieve mutual goals; make demands on the state; and hold state officials accountable for their actions (1994). Kasfir (1998) identifies the four principal characteristics of civil society as (1) its ability to maintain absolute autonomy from both social interests and the state, (2) its capacity for collective action and the promotion of the interests and passions of the broader society, (3) it must be devoid of all intentions to seize power and (4) it must be able to act in concord within civil rules through the conveyance of mutual respect.

The above elucidation suggests that civil society comprises of a vast array of organizations, whose origins are usually traceable to private individuals. It is established to protect and pursue public good in all its engagements with the state or government. Diamond (1994) notes that the movement includes both formal and informal organizations, including groups that are economic, cultural, informational and educational interest-based, developmental and issue-oriented, or civic in aim. White (2004) views civil society as an arena of voluntary collective action around shared interests, purposes and values and as an intermediate associated realm, between the state and family, populated by organizations which are separate and independent from the state. By way of classification, Merkel and Lauth (1998) note that the (a) political (state administration, political parties and parliaments), economic (business and companies) and (c) private spheres are the main lines along which civil society is drawn. Consequently, they defined civil society as the space where all of these interests overlap.

At the sub-regional level, civil society is regarded primarily as non-governmental organizations (NGOs) that offer post-conflict regeneration and other peacebuilding efforts (Ropers 2002). For example, CSOs are engaged in early warning activities, preventive diplomacy through third-party intervention, facilitation of dialogue workshops and mediation, negotiations, networking and initiatives for cross-cultural understanding and relationship building (Ropers 2002). Setting the stage in terms of the provision of early warning signals on the continent is the West African Network for Peacebuilding (WANEP), with a civil society-based initiative called the Warning and Response Network (WARN) expected to operate in 12 of the 15 member countries of the ECOWAS and the Institute for Security Studies (ISS) in South Africa, a key organisation in Early Warning analysis and crisis reporting in Africa (Suifon 2005; Austin 2004). Ghana has established a national Early Warning system, known as ‘Ghanawarn’ while Kenya has the Conflict Early Warning and Response Mechanism (CEWARN).

A brief historical and conceptual clarification of the notion of Early Warning and Early Response mechanisms is crucial to an understanding of how CSOs can function as effective agents of conflict prevention.

Early Warning and Early Response Mechanisms: A Historical and Conceptual Clarification

Austin (2004) argues that an Early Warning system refers to any initiative focused on the systematic collection of data, its analysis and/or the formulation of recommendations, including risk
assessment and information sharing; regardless of whether the topic is quantitative, qualitative or both. According to Wulf & Debiel (2009), the quantitative and qualitative methods are the two major ways of categorizing the EWERM with its origins dating back to the 1950s. While it was a product of several intelligence and military reconnaissance initiatives, it was later used as a tool for the prevention of natural disasters, humanitarian emergencies, diseases and catastrophic economic events (Wulf & Debiel 2009). Between 1960 and 1980, there was progressive movement towards the use of information technology to statistically analyze and project people’s political behaviour for the purposes of detecting early signs of conflict between the state and its subjects. The system was later abandoned due to its inability to predict the complexities associated with deep-rooted conflicts, including those that occur in remote locations.

From the 1990s onwards, there was an increase in the level of interest shown by practitioners at both local and international levels in using programming to scientifically analyze potential conflicts (Wulf & Debiel 2009).

Matveeva (2006, p 10) observed that, as a product of the historical transition of the EWERM:

The first generation Early Warning systems had their entire Early Warning mechanism (including conflict monitoring) based outside the conflict region (namely, in the West). The second generation amended this approach by basing the monitoring mechanism in the conflict zones, namely by having the field monitors to gather primary event data. The analysis, however, still remained conducted outside the conflict region. The third generation Early Warning systems are entirely located in the conflict regions. They integrate Early Warning and Early Response together as simultaneous processes.

At the international level, the United Nations, through its Department of Humanitarian Affairs is credited as being the first to establish a ‘Humanitarian Early Warning System’, which later became known as the Relief Web and the Integrated Regional Information Network (Wulf & Debiel 2009). In Africa, the concept is often seen as a response to the high prevalence of crises on the continent (Birikit 2010). This necessitated the setting up of the Continental Early Warning System (CEWS), although only two sub-regional institutions (ECOWAS and IGAD) appear to be pro-active in adhering to the purpose for which the idea was conceived. The distinguishing characteristics of the Early Warning system include its ability to identify a perceived potential armed conflict at a very latent stage, and subsequently take the necessary steps to reduce, resolve or transform the conflict situation into a new peaceful order. As Dorn (2004) argued, Early Warning can be seen as a way of alerting a recognized authority (such as the AU) to a potential threat to peace at an early stage.

Therefore, the essential concerns of Early Warning include: detecting rising tensions which could lead to violent conflicts and putting mechanisms in place that can stem these tensions; although the concept may not necessarily have the ability to prevent the tensions from arising (Aldeman 1998). It not only includes the gathering of data, but also engages in evaluation with a view to developing a mechanism potent enough to prevent the occurrence of a conflict or capable of facilitating an accompanying response when faced with a conflict situation. Other responsibilities of the EWER include: estimating the magnitude and timing of the relative risks of emerging threats, analyzing the nature of these threats and describing plausible scenarios, and communicating warning analyses to decision makers (Woocher 2008).

From the foregoing analyses and as noted by Barrs (2006), it can be inferred that the basic assumptions of the EWERM are deeply rooted in the belief that international actors have a
responsibility to act as protectors once the available information is processed in line with the rules and procedures that can prevent the occurrence of conflicts within an international or regional organization. Consequently, the central argument embedded in the concept of Early Warning is the purpose it serves as a potential warning instrument within conflict zones, and its ability to achieve a reduction or overcome the gap between Early Warning and Early Response (Wulf & Debiel 2009). Arising from this background information, the following section examines the role which CSOs could play as conflict prevention agents.

Reconsidering the Effectiveness of Civil Society Organizations as Agents of Conflict Prevention

Civil Society Organizations include but are not limited to think tanks, academia, community-based organizations, women’s groups, youth movements, and faith-based and religious groups. These groups have become critical actors in conflict prevention and peacebuilding initiatives across the globe. They have been applauded for their understanding of local contexts and conflict dynamics, for working closely with the communities they are situated in, their ability to mobilize individuals and their established trust with citizens. Furthermore they are situated where the conflict occurs and can therefore be relied upon to provide accurate and certain information that other regional or international actors may not be able to access. They are therefore primary sources of data.

Traditionally, CSOs are expected to inspire and ensure a bottom-up, citizen-centered, and locally-owned environment capable of empowering communities and citizens at the grass-roots to actively engage in the political process. This idea is also at the core of Early Warning and Response systems. These systems are only effective when there is active involvement and inclusion of communities (and citizens) in providing relevant information and in developing adequate responses. CSOs contribute to this process by bridging the gap and increasing communication between communities and administrative governance structures; particularly in the development and implementation of these systems. Furthermore, the successful implementation of national Early Warning systems requires the in-depth involvement of CSOs. Peace committees in Liberia and Burundi and the emergence of formal participatory community security plans in Somalia provide just a few examples of how locally inspired response mechanisms have involved CSOs and also show how they can become more engaged as agents of conflict prevention and mediators (QUNO 2010).

Generally, CSOs employ a number of strategies to achieve immediate, long-term conflict prevention efforts. These range from participating in crisis intervention groups in collaboration with government representatives, to embarking on joint peace missions to volatile areas with representatives of the parties to the conflict, and facilitating mediation/negotiations between warring parties (Matveeva 2006). In their application of long-term conflict prevention approaches in the community, CSOs use interactive peace dialogues amongst stakeholders, problem-solving workshops, and awareness raising and advocacy, among other strategies (Matveeva 2006).

In terms of their contribution to knowledge and information for prevention, CSOs collect, analyze and disseminate data, and development peace and conflict indicators. As repositories of information they are central to providing Early Warning information. They provide evidence-based documentation and can be effective in conflict assessment and analysis. Civil Society Organizations are equally useful in identifying the underlying and proximate causes of the conflict, facilitating communication between relevant parties, and working with policymakers and security sector actors. Similarly, their wide reaching networks and presence in remote areas make them valuable as Early Response actors. They can be used as Early Response actors by providing services such as
stakeholder alerts (via fax, email, or telephone), engaging in and conducting dialogue and consultations in the field, providing verified and validated information to decision makers, and preparing timely evaluation/assessment reports (Rupesinghe 2009). It is, however, important to note that information for an Early Response must be relevant and useful to policy makers. Civil Society Organizations are therefore important in designing and developing policy relevant information that can induce rapid action.

Using the AU’s Continental Early Warning System as a basis, three key requirements are central to the operationalization of the EWERS. These are the (1) collection and analysis of conflict data based on an indicators model; (2) production of effective early-warning reports to facilitate engagement with decision makers; and (3) coordination and collaboration with relevant stakeholders including RECS, the UN Security Council (UNSC) and Secretariat, CSOs and the Committee of Intelligence and Security Services of Africa. Civil Society Organizations not only play a solid role in continental and regional Early Warning and Response systems, but also at the national level. Thus their role in responding to national conflict requires greater focus (USAID 2011). It is in light of this that this paper considers it apt to examine the emerging cases of the National Early Warning and Response systems (EWERMs), operational in Ghana (West Africa), and Kenya (East Africa). This will enable identification of the role which CSOs can play as agents of conflict prevention, particularly within the framework of existing national Early Warning and Response systems.

Ghana

The ECOWAS Warning and Response Network (ECOWARN), operates in partnership with ECOWAS and the West Africa Network for Peacebuilding (WANEP), an umbrella body for CSOs operating across the region. This partnership has positively enhanced Early Warning and Response within the West African region. The Observation and Monitoring Centre (OMC) located at the ECOWAS Commission in Abuja, Nigeria, is linked to four observation and monitoring zones across the region headed by zonal bureau heads. These four zones are based in the zonal capitals of Banjul (Gambia), Ouagadougou (Burkina Faso), Monrovia (Liberia), and Cotonou (Benin Republic). ECOWARN is adequately spread across the region. It boasts the presence of focal points and field monitors in member states of the community. Ghana falls under Zone Three (3) with other countries including Guinea, Liberia and Sierra Leone. Country specific Early Warning systems are currently being developed and strengthened to feed into the regional system and vice versa. Ghana’s Early Warning and Response system is one such initiative. Furthermore, Ghana is home to the WANEP’s headquarters. WANEP provides weekly alerts on peace and security in West Africa, focusing on key incidents within the region, casualties and possible responses to these.

Early Warning and Response in Ghana has made progress through the work of WANEP’s Ghana office. Through its national networks of local peacebuilding organizations across the country, WANEP is able to provide Early Warning information. In the context of its 2004 elections, power contestations and chieftaincy disputes have threatened peace and stability in the northwestern region of Ghana. This raised the need to develop an appropriate Early Warning and Response mechanism in order to prevent conflict. Local Peace Committees and District Peace Advisory Councils were developed to provide adequate responses through community dialogue and meditation (Odendaal & Olivier 2008). It is important to note that these peace advisory councils, in conjunction with the National Peace Council, the United Nations Development Programme (UNDP) and the National Electoral Commission were very instrumental in the minimization of the post-
election conflicts witnessed during the 2008 elections in Kenya. This was achieved through the
initiation of dialogue with the relevant stakeholders (IPI 2012).

Ghana’s National Early Warning System, known as ‘Ghanawarn’, has been described as a
web-based system to “capture early warning information on possible crime and conflicts in the form
of incident and situational reports so as to elicit early responses” (Nurudeen 2009). Ghanawarn
maintains a database to obtain and coordinate incident and situation reports from 75 member
Community Surveillance Teams (CSTs) spread across 15 communities (largely susceptible to violence
in the country) in the five regions making up the country (Nurudeen 2009). As at May 2012, the
database center had 116 members across the country. The CSTs are provided with mobile phones,
and access to the internet and other media to facilitate the transmission and processing of credible
information that can aid conflict prevention. This primary information is then processed through the
conveyance of a quarterly interface meeting, where efforts are made to respond to the signals and
also to provide adequate early responses (Nurudeen 2009).

Civil Society Organizations have been involved in various conflict prevention efforts in
Ghana, especially the prevention of election violence. For instance, WANEP, the Institute of
Democratic Governance (IDEG), Centre for Democratic Development (CDD)-Ghana, the media and
religious leaders formed a civil society-led coalition, the Civic Forum Initiative (CFI), to monitor and
mediate disputes before, during, and after the 2008 general elections in the country (USAID 2011).
Situation rooms were set up to monitor the elections and related matters, and the coalition engaged
in numerous negotiations and dialogue sessions with presidential candidates with the collaboration
of the National Peace Council and religious leaders. They have also been useful in providing
information on inter- and intra-communal violence as groups battle for depleting resources.

WANEP-Ghana’s Ghana Alert Program has been involved in enhancing and increasing
collaboration amongst stakeholders and building the capacity of groups in early warning
peacebuilding. Leading up to the 2012 elections, early warning alerts were provided through
WANEPS GHANAWARN database and information received from WANEP-Ghana's Inter-Party Youth
Dialogue Committees (IPYDCs). A total of 14 incidents were recorded, ranging from assault, to
burning of properties, leading to one death and 25 injuries (WANEP 2012). These incidents arose out
of disagreements over administrative demarcations and polling centres and various electoral
offences (WANEP 2012). WANEP-Ghana has also contributed to a number of other peacebuilding
initiatives, including the development and sustenance of a working relationship with ECOWAS. In
collaboration with InWent, a German-based training consultancy group, the organization trained 30
monitors (15 each from civil society and government), involved in collecting early warning
information, on first level data analysis.

Kenya

The Conflict Early Warning and Response Mechanism (CEWARN) covers the seven member
states of the Inter-Governmental Authority on Development (IGAD), Djibouti, Eritrea, Ethiopia,
Kenya, Somalia, Sudan and Uganda. The mechanism focuses on preventing violent conflicts in the
sub-region. CEWARN relies on Conflict Early Warning and Response Units (CEWERU) within the
member states and its network of National Research Institutes (NRIs) and Field Monitors (FMs).
CEWARN is focused on key three clusters namely: the Karamoja Cluster (covering the cross-border
areas of Ethiopia, Kenya, Sudan and Uganda); the Somali Cluster (covering the cross-border areas of
Ethiopia, Kenya and Somalia) and the Dikhil Cluster (covering the cross-border areas of Djibouti and
Ethiopia). Although CEWARN is extremely useful in harnessing and coordinating regional responses
to regional threats to peace and security, it only deals with the pastoralist clusters, thus covering a specific area of a broader area of conflict.

As a member of CEWARN, Kenya has developed its national Early Warning and Response mechanism that remains one of the most advanced and prominent systems among the seven CEWARN member states. The country’s Conflict Early Warning and Response Unit (CEWERU) was officially launched on 25 November 2010, in a move that was seen as an effort to mitigate violent conflicts within its borders. CEWERU’s establishment was timely and necessary as the 2007 elections showcased the need to develop sufficient structures to prevent violence from erupting into a full-blown disaster. In addition to CEWERU, Kenya also has a National Research Institute (NRI).

The National Steering Committee on Peace Building and Conflict Management (NSC) is not only responsible for the co-ordination of all peace-related activities in Kenya, but also serves as Kenya’s Conflict Early Warning and Response Unit (CEWERU), as the country implements the CEWARN Protocol of 2002. In 2010, it developed a web-based platform known as the National Conflict Early Warning and Early Response System (NCEWERS) that describes itself as monitoring “essential conflict indicators, analyzes and disseminates information to prevent and address potential conflicts”. Kenya’s CEWERU is designed to feed into the sub-regional CEWARN and it has developed a system to monitor developments in conflict and identify successes in prevention. Peace structures, such as government and non-governmental institutions are central to Kenya’s CEWERU, including District Peace Committees (DPCs) and Peace Monitors. These stakeholders and institutions have proved useful in obtaining and analyzing information to rapidly devise and undertake responses to conflicts.

Furthermore, their presence across the country (in both rural and urban areas) is extremely useful. CEWERU also relies on Short Message Service (SMS) messages, social networking sites such as Facebook and Twitter and a website, Amani Kenya @108, to obtain information from the public that is used to prevent wide scale violence erupting. The sources of Early Warning and Response mechanisms vary. An online platform, the National Early Warning Information System, is used to obtain information from three sources: DPCs and Peace Monitors provide situation reports; SMSs received from members of the public and media reports. Beyond these various mechanisms and tools for Early Warning, two key platforms are very visible in Kenya, namely Ushahidi and Uwiano, both of which employ the technique of ‘crowd sourcing’ to identify cases of violence and peaceful responses across the country. The Uwiano platform appears to be more effective due to its use of a wide range of resources to gather information. These include mobile phone text messages (SMSs) for early warning and early responses in the form of mediators, DPCs, District Security Committees and Police Operations (DSCPO) among others (NSCPEACE 2012). The Peace Committees are made up of “community representative institutions that facilitate peace forums at the various levels and bring together traditional dispute resolution mechanisms involving elders, women, and religious leaders and modern mechanisms for conflict resolution (security agencies, NGOs)”. They have been extremely useful in pastoral conflicts and were employed in the Central, Coast, Western, Nyanza and the Rift Valley regions of Kenya in response to post-election violence in the country in 2008. Their roles range from enhancing conflict Early Warning and Response, to facilitating community dialogue processes, developing mechanisms to resolve inter-district and cross-border conflicts, and monitoring and reporting on various peace and nation building programmes.

Civil Society Organizations have been actively involved in the design, development, use and review of these tools, platforms and mechanisms. Within this broad national network, the role of CSOs, specifically those experienced in the area of conflict prevention and resolution becomes very
important in ensuring the overall success of Kenya’s CEWERU. Not only have they been instrumental in designing the CEWERU, they are also involved in the various mechanisms that provide warning and response. Some key examples attest to this. The NSC has brought CSOs and government together to work on issues relating to peace and security. The NSC, the National Cohesion and Integration Commission (NCIC), PeaceNet Kenya and the UNDP were actively involved in the development of the Uwiano Platform ahead of the 2010 referendum. PeaceNet Kenya, an umbrella body for faith-based, community-based and religious organizations, has been involved in early warning.

In developing early warning and peace building programs, CSOs work in collaboration with the DPCs, utilize the same resources (field and peace officers) in some cases and provide early warning information to the National Security Council (Babaud & Ndung’u 2012). Civil Society Organizations have also been involved in technical forums such as the one held from 22 to 23 September 2011, on how to consolidate EWER capacity in preparation for the 2012 elections. They have also worked with government (commissions, governmental and inter-governmental), law enforcement agencies (LEA), and the media to collect information.

Using monitors, coordinators and conflict trackers in the field, PeaceNet obtains early warning information which they transfer to its main secretariat (NSCPEACE 2011). This is achieved through the use of the internet, its publications, and monthly reports to a wide range of stakeholders including grassroots monitors and community elders. In responding, PeaceNet addresses some early warning information, and in other cases, it forwards this information to law enforcement agencies for intervention (NSCPEACE 2011). The Inter-religious Council of Kenya (IRCK) has been instrumental in collecting information from various religious bodies, and in the use of participatory research and conflict mapping (NSCPEACE 2011). In responding, PeaceNet also engages with the community through dialogue forums. Kenya’s NSC has the following national CSOs as members: Peace and Development Network (PeaceNet Kenya), the National Council of Churches in Kenya (NCCK), Supreme Council of Kenya Muslims (SUPKEM), the Kenya Episcopal Conference (KEC), Catholic Secretariat and the Interreligious Council of Kenya. International organizations and CSOs such as Oxfam GB, Mercy Corps, PACT Kenya and Saferworld are also members of the NSC.

Prior to the 2007 general elections, a civil society-led initiative, the Partnership for Peace, was created to promote peace nationwide during the elections. The initiative was spearheaded by NPI-Africa, PeaceNet and Africa Peace Forum Organization (AFPO) and went on to include faith-based, youth, and women’s organizations.

A few key points should be emphasized at this juncture:

- Local Peace Committees (LPCs) are established to prevent or reduce levels of violence and engage in dialogue, consensus building, and reconciliation. They are useful in providing early warning information and responding to tense situations before they erupt. The linkage between CSOs and LPC is twofold: LPCs are composed of CSOs (and a wide range of key groups) and, civil society initiatives have contributed to the development of LPCs. Local Peace Committees lack a national mandate; they emerge from civil society-led processes and are bottom-up. Local Peace Committees are created within a specific context and are needed to resolve issues, sometimes far from the government’s reach. They have been successful because they emerge from local initiatives and are owned by the community or locality from which they emerge.
A distinction should be made between nationally coordinated or mandated Early Warning and Response systems and civil society inspired, community-based Early Warning and Response systems. This distinction emerges when attempting to link lower level conflicts to broader national responses. In the case of Kenya, the multiple LPCs existing in specific districts required a national coordinating mechanism in the form of the National Steering Committee on Peacebuilding and Conflict Management. The success of the District Peace Advisory Councils in Ghana led to the creation of a National Peace Council. However, these national bodies sometimes lack a clear understanding of the specificities and dynamics on the ground. Kenya’s LPCs emerged due to the inability of the state to protect local communities from cattle rustling and ethnic conflict.

The inability of the state to protect all its citizens as well as the lack of a clear understanding of the specifics on the ground creates a gap which CSO-inspired Early Warning and Response systems can fill. They are thus able to act when state officials are limited by bureaucratic challenges, a lack of political will and political mandates.

CSOs have developed their own Conflict EWERS as part of their work in conflict prevention and conflict management. In West Africa, WANEP created the WARN under its West Africa Preventive Peacebuilding Program. The success of prevention efforts in the region can be attributed to the work of WANEP and its presence in member states.

Flowing from the above discussion, identifying the existing gaps and challenges between CSOs and the EWERS will be useful in understanding the required policy outcomes that can facilitate the role of the CSOs as agents of conflict prevention.

Gaps and Challenges between CSOs and National Early Warning and Early Response Mechanisms

In examining the contributions of CSOs to EWERM, there are some challenges and gaps that negatively impact the success and effectiveness of these systems, particularly within the national context. These include the following:

- A wide range of organizations are involved in Early Warning and Response initiatives, sometimes leading to a duplication of roles and a multiplicity of actors. In the case of Kenya, for instance, different organizations collect different information on political, inter-ethnic, humanitarian, and environmental or pastoralist conflicts (NSCPEACE 2011). Furthermore, there are no central databases or repositories of information, thus rendering the information inaccessible to other organizations. The lack of information sharing makes it difficult to coordinate resources in order to develop an adequate response; particularly given the fact that CSOs cannot and should not work in isolation from one another. In Kenya, this lack of coordination is characterized by the duplication of initiatives and failure by actors to effectively share information and different methodologies and tools.

- In spite of the levels of preparedness of CSOs under the Partnership for Peace in Kenya, post-election violence erupted due to a lack of “harnessing partnerships with state agencies or increased advocacy for appropriate security arrangements during the electoral period” (Kut 2009, p 18). This highlights the need to interrogate the “methods, sites of engagement and the discourses that inform Civil Society initiatives aimed at mobilizing early responses to conflict” (Kut 2009, p 18). Similarly, the lack of coordination between CSOs and other institutions involved in EWER is a major challenge to civil society’s role in Early Warning and Response. This gap has
been exacerbated by the lack of communication between CSOs and other key actors (the security sector and government).

- CSO projects sometimes have lifecycles which are incompatible with EWER that should be ongoing (NSCPEACE 2012) and not time-specific. Furthermore insufficient resources to develop timely and appropriate responses to conflict and the lack of political will remain challenges to effective Early Warning and Response systems. Daily reporting on early warning information and underlying and proximate causes for conflict require human and financial resources, many of which CSOs like WANEP Ghana’s network do not have enough of. This therefore limits the coverage that is sufficient to act upon.

- In developing its preventive strategies, Kenya’s PFP has been criticized for its failure to devise responses to address the causes of a conflict. Its use of normative advocacy as an early response method did not address the causes of electoral conflict in the country (Kut 2009). This has contributed to the gap between early warning information and early response as the focus has been on obtaining a wide range of information without sufficiently analyzing the underlying causes of conflict in parts of the country (Kut 2009).

- CSOs also have become reactionary rather than proactive in their responses to conflict. For instance, after the outbreak of violence during Kenya’s 2007 elections, the creation of the Electoral Violence Response Initiative (EVRI) by members of the PFP highlighted the “culture of emergency rather than the culture of early response” (Kut 2009, p 19). Other factors contributing to such a culture include “the inability to respond to conflict early warning information in good time, and disjointed or uncoordinated responses to conflict early warning information” (Kut 2009, p 20).

- Furthermore, rapid responses often do not feature at lower levels of conflict. In such instances, reports tracking new developments in conflict focus on the capital cities rather than more remote areas. This was the case in Rwanda in 1994, the Democratic Republic of Congo (DRC) in the late 1990s and the Kenyan violence in 2007-2008. This calls for more decentralized and locally-based Early Warning and Response mechanisms. In Kenya, Nairobi-centrism was observed in “expertise, decision-making capacity and funds, as links to the center determined the type of response received” (Kut 2009, p 19).

- Another gap in developing Early Warning and Response systems is technical challenges such as a lack of skills in the reporting and analysis processes that are used to provide timely and credible information. For civil society actors to be able to respond to early warning information (even before they erupt into large scale violence), they must have the capacity to do so. A case in point is the Kenyan National Research Institute (NRI), where inadequate analytical capacities have impeded sustainable conflict analysis processes and have thus limited the feedback and communication between national and local level actors (Matveeva 2006). In Ghana, there have been attempts to address this lack of skills by providing training and skills development in data analysis to early warning actors.

- The review of Kenya also noted incapacity to analyze conflicts and develop scenarios to shape responses. While NGOs might provide solid analysis, this may not be accompanied by relevant policy recommendations or solutions, while CSOs require institutional capacity to actively contribute to Early Warning and Response systems. These range from reporting, to conflict
analysis, monitoring, risk assessment, advocacy and communication. Communication channels can also be developed through collaboration between CSOs and the community.

- Another noticeable challenge inhibiting the performance of CSOs as agents of conflict prevention is the lack of public trust and the transparency of these organizations. Consequently, the bearer of potential early warning information is sometimes forced to either distort or conceal early warning in an attempt to avoid being labeled a ‘traitor’, especially in situations where the community is the potential aggressor. This scenario presented itself in Kenya, when District Peace Committees reportedly failed to respond to or disseminate valid early warning information due to the involvement of their specific ethnic groups and the fear of retaliation by the community (Babaud & Ndung’u 2012). The fact that not all CSOs are credible or reliable will impede conflict prevention efforts. This also raises questions on how to determine the credibility of information, especially at the national level.

**Key Findings and Recommendations**

At the national level, which is the focus of this paper, CSOs’ roles in providing Early Warning and Early Response are showcased in Ghana (in West Africa) and Kenya (in the Horn of Africa). The paper also explains the concept of Early Warning and Early Response; what they entail, and their historical evolution. An examination of the relatively well-established EWERS in Ghana and Kenya raises the following questions arise: (1) Can CSOs play a role in preventing violent conflict through early warning and early response mechanisms? (2) What challenges have CSOs faced in carrying out this task? (3) Finally, what recommendations can be made for effective EWERS to prevent violent, deadly conflict in African countries using CSOs’ expertise?

As noted, both Ghana and Kenya have embraced the idea of preventing conflicts through the use of CSOs as Early Warning and Response mechanisms. Both countries have created an environment for these organizations to work throughout the country, from urban to rural areas. This space gives CSOs access to the grassroots population and the ability to move from towns and big cities to expand their activities in the rural areas. Trocaire observed after assessing the development of CSOs before and after the 1994 genocide in Rwanda that “political freedom” (Kelly 1999) is a crucial factor for the development of effective CSOs.

The second key element in both Ghana and Kenya is that their early warning systems have established technology-based ways of reporting events. These tools and others such as mobile phone calls, SMSs, and social media such as Facebook, Twitter and Blogs provide updated and varied information on issues of national security and public importance. Rheingold (2010) asserted that, “people with communication and computation devices can organise their behaviour quickly” and that, “by organizing in large numbers they are more likely to pressure governments to be accountable.” A case in point is the use of SMSs during the 2007/2008 general election in Kenya. This helped to disseminate messages of “caution and restraint” to the populace, and helped to reduce political tension at the time to a considerable extent (Rotberg 2010).

In Kenya, the web platform ‘Ushahidi’, developed by a private entrepreneur after the 2007-2008 post-election violence proved efficient in the recent 2013 election. Rotberg (2010) notes that Ushahidi was used by citizens to upload “data on riots, looting, rape and displacements...[C]itizens then gained situational awareness about geographical areas to avoid and the government learned about where and in what manner to respond”. Another important visible element of the EWER mechanisms in both cases is the expansion of sources of information. The warning information no
longer necessarily emanates from governments or military intelligence agencies. CSOs have also engaged citizens in information sharing. Information is offered by individual citizens, LPCs, DPCs, Peace Committees etc. This creates a “decentralised, peer-to-peer...approach to conflict management” and through these different structures, citizens are engaged in “collective intelligence” (Rotberg 2010).

The CSOs in both countries seem to have succeeded in establishing networks and mobilising, training and equipping local people from urban cities to remote areas. This has solidified networking and communication so that local structures are able to feed information to the national structures. CSOs have enabled national EWER structures in Kenya and Ghana to work. As Wallis notes, “the uniqueness of CSOs is making other sectors work, leveraging their capabilities and enabling solutions” (Wallis 2013). The state, local enforcement agencies and other actors therefore depend heavily on CSOs to perform their roles effectively.

Given that countries such as Ghana, Kenya and most African societies are likely to have diverse CSOs that lack a common or shared repository, the following key recommendations are provided to enhance the conflict prevention role which CSOs are expected to perform, particularly within the framework of the existing EWERM's in Africa:

- **Concrete attempts should be made to achieve effective and efficient coordination and communication of the activities of the CSOs engaged in the EWERS.** This would also eliminate the duplication of efforts or the concentration of efforts in one area and lack thereof in another. Furthermore, a well-coordinated Civil Society network can effectively influence the decision-making process of governments in developing solid warning and response mechanisms (WACSI & SIPRI 2011). This would ensure that adequate attention is paid to where the information gathered is processed, including a proper definition of the recipients of the warning signals; and particularly the question of who is to be warned and what to do about such warnings.

- **Given the ripple effects which the lack of effective synergy between government agencies and CSOs had on post-election violence in Kenya, it is advised that CSOs increase their administrative/personnel capacity and advocacy skills; particularly in the field of research, analysis, and report writing on conflicts.** As noted in a report monitored by the West African Civil Society Institute (WACSI) in 2007, the lack of these skills affects “affected the credibility of CSOs and their impact on policy decisions by governments in the region” (WACSI & SIPRI 2011). Upgrading their skills and capacity would confer more credibility on CSOs, changing widely-held perceptions of their incompetence.

- **Drawing on the cases of Ghana and Kenya, particularly with regards to the growing number of CSOs in the field of bottom-up peace building and their new technology-based tools to access first-hand knowledge and networking, there is a need to advocate for more collaborative effort between CSOs and governments to ensure that the early warning information gathered is utilized by relevant government agencies at all levels.** De La Haye (n.d.) observes that, “the design of early warning and management systems should be intimately connected with the task of determining responses to warnings.” It is therefore believed that effective collaboration between key decision-makers in conflict prevention would allow for a common understanding of issues relating to peace and security, particularly on contentious issues that are likely to bring citizens into conflict.
• The issue of CSOs earning people’s trust impacts on EWER. CSOs in multi-ethnic societies such as those in Africa should ensure that their field staff team and top leadership are balanced in terms of ethnic representation. If an organization is monolithic it will likely be biased in a way or another, thus losing trust and credibility in the eyes of other members of the community. CSOs taking ethnic sides not only impacts negatively on their credibility but impinges heavily on early responses. Wanyande and Okebe (2009) noted that this trend had taken root in Kenyan faith-based organizations in 2005. They argue that “(A)dopting ethnic inspired position on major issues such as elections...threaten the solidarity of oppositional Civil Society. They risk becoming reactionary rather than progressive”.

• As noted earlier in this paper, a lack of or poor funding remains a major incapacitating factor for most CSOs, particularly with regard to their expected roles as agents of conflict prevention. This is attributed to a number of reasons, including the global economic recession, which has badly affected many Western donors, as well as the increase in the number of CSOs working in different domains. In view of this development, CSOs in Africa are advised to seek ways of self-funding, through the maximization of their expertise in particular areas. They could become involved in a variety of profit-generating initiatives, by selling their services to the public or to government, building schools, or renting properties and undertaking consultancy and research work. The funds obtained from such ventures could be channelled to future projects.

• Finally, considering the fact that CSOs are closer to the people than governments, they should tirelessly invest in civic education on social cohesion, peace and peaceful means of conflict resolution.

Conclusion

This paper has illustrated that the main issues incapacitating the effectiveness of CSOs as instruments of conflict prevention in Africa are the distorted nature of many countries’ socio-economic and political systems, which, more often than not, has been responsible for many of the intra/inter-state conflicts the continent has witnessed. Consequently, and informed by the potential capacity of CSOs to assist in the mitigation of conflict in Africa, this paper advocates for a more defined role for CSOs in the existing Early Warning and Response mechanisms in Africa. This is justified by the level of success recorded by CSOs in Ghana and Kenya and also by virtue of their wide reach/networks and their closeness to the grassroots. In both countries, CSOs have established mechanisms to obtain information directly from the local people. They have set up networks across the country as well as tools to provide up-to-date information. Most of these tools are technology-based and are used by citizens on the ground.

Furthermore, taking into cognizance the apparent incapacity of most African states to meet the basic expectations of their citizenry, the central role which agitations over resource control play in the occurrence of conflicts in Africa, and given the description of CSOs as “prime movers of some of the innovative initiatives to deal with emerging global threats” (Kinyunyu 2009), this paper argues for increased and effective utilization of CSOs as agents of conflict prevention; particularly within the framework of the existing Early Warning and Early Response mechanisms in Africa. This would help to mitigate the incessant occurrence of conflicts in Africa, by ensuring a more feasible pattern of interaction and cooperation between national governments, civil society, and other stakeholders involved in conflict prevention to achieve sustainable peace in Africa.
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Recognizing the important role that civil society can play in a peace process, this paper traces the history of Palestinian civil society, analyzing the different methods of peacebuilding that civil society activists have utilized in an effort to participate in the peace process. Focusing on joint cooperation, second track diplomacy and problem solving workshops, and nonviolence, I assess the impact that civil society organizations have on the Palestinian public, the decision-makers, and the peace process more generally. By understanding the historical development of Palestinian civil society and the changes that took place post-Oslo, I explore how Palestinian civil society has attempted to pursue peace programs, which have ultimately been limited in their ability to build a constituency ready for peace.

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Section 1: Introduction

Sometimes referred to as the mother of all intractable conflicts, the Israeli-Palestinian conflict has persisted through many peace attempts, from Oslo in 1993, to Camp David in 2000, to Annapolis in 2008, to the stalled initiatives undertaken by the first administration of President Barack Obama in September 2010. Each of these peacemaking attempts, conducted at the top level of society, failed because they consistently ignored the needs of the Israeli and Palestinian publics. By focusing only on the elite level of society, neither side's public was prepared to trust the other, make difficult concessions, or accept a peace agreement. Addressing the needs of civil society through participation in the peace process and building public support might have facilitated the onset of sustained peace in the region. With a new attempt at peacemaking between Israeli and Palestinian elites currently underway with U.S. Secretary of State John Kerry at the lead, it is necessary to recognize and understand the role that Palestinian civil society organizations and activists have had and could potentially play in the peace process. Thus, this paper will trace the history of Palestinian civil society and analyze the peacebuilding methods Palestinian civil society activists have utilized in an effort to participate in the peace process. Through this analysis, I will assess the limited impact that Palestinian civil society has had on the Palestinian public and the peace process more generally.

For centuries, the standard strategy for dealing with conflict has been to bring together representatives of the combatant groups usually through some form of mediation. Through such elite-to-elite peacemaking, the leaders of violent groups negotiate behind closed doors until they reach an agreement that satisfies their elite interests. This is known as the elite pact making approach to peace negotiations. Such a strategy fails to provide an opportunity for other nonviolent segments of society – political groups, organized civil society, or the wider public – to have a voice in shaping the agreements or endorsing them (Barnes, 2002, p. 6-7). Ultimately, these excluded areas of society, which often represent the majority of the population, may feel alienated from the process. Without public ownership of the peace agreement, there will be little motivation for the public to actually implement the agreement or participate in the post-conflict peacebuilding phase. As Wani-St. John and Kew (2008) note, “From Arusha to Oslo, the focus on elite interests in the peace negotiations often leaves the populace at large without perceived stakes in the agreed peacebuilding frameworks, weakening the ability of governments and transitional authorities to reach sustainable peace” (p. 13).

However, focusing solely on the peace negotiations misses the overall complexity of the peace process. For a public to claim ownership of peace, the general population must be mentally prepared before an agreement is reached, feel that their interests were incorporated into an agreement, and be willing to support the implementation process after an agreement is reached. This is where civil society and methods of peacebuilding are critical to establishing a lasting peace. Civil society can play a role in all stages of building peace. Without civil society support during all stages of a peace process working to build a “community of peace,” negotiated peace agreements imposed by elites are likely to fail.

With greater inclusion, a public will be better able to understand and potentially accept the compromises made in a peace agreement. Additionally, allowing avenues for public debate will increase the legitimacy of the peace process. Ed Garcia (2002) notes that “crafting a viable peace is the work of many hands, involving different sectors of society and spanning generations” (p. 5). Indeed, the inclusion of civil society in some capacity in the peace process could help build public support for peace, increase the viability of the peace agreement, and ultimately help transform the conflict.
For the purposes of this paper, I understand peacebuilding to be a component of a comprehensive peace process. A peace process encompasses a wide variety of stages from pre-negotiations, to secret talks, to official negotiations, to agreement implementation, to institution building, to creating forums for justice and reconciliation. Within a peace process, methods of peacebuilding should be working in tandem to prepare all levels of society for the different stages of a peace process and to accept an overall peace agreement. Thus, peacebuilding is just as an important component during the pre-negotiations stage as it is during the implementation phase.

Through an analysis of peacebuilding literature and the history of Palestinian civil society, I seek to answer several important questions: How has Palestinian civil society developed over time? Is there a functioning, strong, and independent civil society in Palestine? How has Palestinian civil society contributed to the overall peace process? How does Palestinian civil society utilize methods of peacebuilding to prepare Palestinian society for a peace agreement and to create an inclusive peace process?

In the following section, I briefly discuss my research methodology and the limits of my analysis. In section three, I define the general nature and characteristics of civil society. In section four, I provide an extensive overview of the literature on peacebuilding and methods of peacebuilding that civil society can utilize to participate in a peace process. Section five traces the history and development of Palestinian civil society. This discussion will examine the drastic changes that weakened Palestinian civil society after the signing of the Oslo Accords and the introduction of the Palestinian Authority (PA). In section six, I will analyze the peacebuilding methods that Palestinian civil society uses in an effort to transform the conflict. Focusing on joint cooperation, second track diplomacy, dialogue, and nonviolence, I assess the impact that civil society organizations have on the general Palestinian public and on the decision-makers. Finally, in the conclusion, I look at the factors that limit the peacebuilding capacity of Palestinian civil society actors and offer some general conclusions about the nature of peacebuilding and public participation in Palestine.

Section 2: Methodology

What follows is a case study where I examine a single phenomenon – Palestinian civil society – with the aim of describing and explaining the phenomenon. This method involves a detailed examination of one particular event or setting to effectively understand how this subject operates or functions. Thus, using primary and secondary sources, mainly in the form of scholarly articles, reports, and books, I analyze Palestinian civil society in order to understand how it utilizes methods of peacebuilding. I strive to understand the various functions of Palestinian civil society in a peace process.

This study is limited by the fact that few primary sources were consulted. While interviews and stories were shared within the secondary sources and the academic literature that I utilized, the limited scope of this project did not permit data collection from members of Palestinian civil society directly. Thus, what follows is largely an historical analysis of Palestinian civil society that uses extensive theories of peacebuilding and public participation to analyze the effectiveness of Palestinian civil society peacebuilding over the years.

This paper focuses on methods of peacebuilding utilized by Palestinian civil society organizations in an effort to transform the Palestinian-Israeli conflict. To be sure, the internal split between Hamas and Fatah, which in effect divides Palestinian civil society in two, severely weakens efforts to secure a lasting peace with Israel. And likewise, reconciling the internal divide is a goal that many Palestinian civil society actors work toward in an effort to build a community of peace that will
accept peace with Israel. However, given the scope of this paper, an analysis of the internal Palestinian split falls outside of the purview of this paper. Thus, I discuss only those methods of peacebuilding that seek to transform the nature of the Palestinian-Israeli conflict.

Section 3: Defining Civil Society

Civil society is generally categorized as being the middle sphere of a society that includes a wide range of public associations and organizations that are not part of the formal government. It is an “arena of voluntary, uncoerced collective action around shared interests, purposes, and values” (Spurk, 2010, p. 3). By representing the middle-level, civil society has the dual ability to influence decision-makers and to affect the public at large. The organizations within a civil society seek to promote a wide range issues but their goal is not to obtain governmental power of state. Thus, political parties are not part of civil society as they are part of the political sphere. Civil society includes community associations, religious institutions, trade unions, nongovernmental organizations (NGOs), business associations, professional associations, chambers of commerce, student groups, cultural organizations, sports clubs, and informal community groups (Wanis-St. John & Kew, 2008; Carothers, 1999/2000). Civil society can be heavily controlled by the state (as in authoritarian regimes) or it can serve as a substitute for the state delivering services to the population if the state is unable to (this is the avenue early Palestinian civil society organizations took). However, while civil society may have different roles depending on the political composition of the state, civil society it not meant to replace the state (Spurk, 2010). Instead, civil society is meant to compliment the state and improve the interplay between the citizens and state/governmental institutions.

Civil society can be a source of protection, legitimacy, and action. It can check the state and protect the people should the government overstep its power. It can also strengthen the state by helping to legitimize and give support to political actors. Additionally, what makes civil society so valuable in peacebuilding is its ability to serve as an intermediary between the state and public. It can serve as a bridging force and is thus able to balance the power of the state and create avenues for the public to promote specific issues or concerns to the state (Wanis-St. John & Kew, 2008, p. 15).

However, it is important to note that while civil society can be extremely beneficial to a society and instrumental in a peace process, it also has the potential to create instability and destroy a peace process. As Thomas Carothers (1999/2000) notes, civil society is not “all warm and fuzzy… [it] is a bewildering array of the good, the bad, and the outright bizarre” (p. 20). People may band together to promote nefarious ends and choose to participate in violence to promote their own interest. A civil society that does not support a peace agreement can act as a spoiler and undermine all stages of a peace process (Jessop et al, 2008). Even NGOs that claim to be promoting the good of society can become elitist driven entities and fall victim to corruption as foreign funding increases.

Thus, civil society is an extremely large and often complicated sphere of influence and can wield enormous power when it comes to creating peace. A civil society excluded from a peace process and opposed to an agreement can spoil any progress toward peace. In contrast, by taking ownership of a peace process and building peace from the bottom-up, civil society can help create an environment where peace is possible.
Section 4: Peacebuilding and Civil Society

Peacebuilding

The term peacebuilding was coined in 1975 by Johan Galtung. As he defines it, peacebuilding is a process that addresses the underlying causes of a conflict and thus prevents a return to violence. However, the term gained widespread use in 1992 after the acceptance of UN Secretary-General Boutros Boutros-Ghali’s An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping by the UN Security Council. In An Agenda for Peace, Boutros-Ghali emphasized that peacebuilding was to be implemented in the post-conflict stage of a peace process following efforts in peacemaking and peacekeeping. However, in 1995, Boutros-Ghali expanded the concept of peacebuilding beyond the post-conflict stage arguing that peacebuilding could also include methods of prevention. Peacebuilding could be used to prevent a conflict from materializing in the first place, a form of preventive diplomacy.

For the purposes of this paper, I rely heavily on the concept of peacebuilding as described by John Paul Lederach. In his book Building Peace (1997), Lederach argues that peacebuilding is a dynamic process that requires a fluid understanding. As he defines it, peacebuilding is a “comprehensive concept that encompasses, generates, and sustains the full array of processes, approaches, and stages needed to transform conflict toward more sustainable, peaceful relationships” (p. 20). Because peace is not merely a stage in time but a dynamic social construct, a process of building peace at all stages of the process and at all levels of society is needed. Conflict transformation is thus not a by-product of a negotiated agreement by elites. Instead, transformation is achieved through a network connecting different levels of peacebuilding activities. This concept thus shifts the peacebuilding focus from the elites at the upper level of society to civil society actors at the mid and grassroots levels.

In recent years, civil society has gradually been demanding a place at the negotiating table. However, little consensus exists on how to manage these demands and take their interests into account. What follows are generally accepted ideas of the types of methods that civil society actors can utilize in an effort to build peace and participate in the peace process.

Peacebuilding in Civil Society

When it comes to methods of peacebuilding utilized by civil society before, during, and after a conflict, the issue of exclusion versus inclusion becomes exceedingly important. As McClintock & Nahimana (2008) argue, “managing the tension between inclusion and exclusion has become the more urgent work of mediators and other peacemakers” (p. 87). How civil society should be included will vary from conflict to conflict, process to process. At different points during a peace process, civil society may have greater opportunities for participation, while at others it may be relegated to more of a consultative role, if it’s even included at all.

Arguments for inclusivity stress the importance of civil society participation as a means to achieve a more stable peace. Civil society represents those most affected by the war, the civilian population. It is thus seen as having a personal stake in the outcome of the conflict due to their commitment and proximity to the conflict. Through this local understanding of the conflict, they can create and support bottom-up processes that engender ownership of the peace process (Wanis-St. John & Kew, 2008, p. 18). NGOs in particular can provide technical expertise, influence official parties, develop creative solutions, write position papers, and create momentum for an official peace process. Having a civil society supportive of the peace process will create the conditions necessary for a successful implementation of peace. If the goal of peacebuilding is conflict
transformation, then including groups with diverse inputs and perspectives will be key to establishing a peace process that will have long-term effects. As Jessop et al (2008) note, “the inclusion of civil society and public participation in peace processes supports a long-term vision of peacebuilding rather than one predicated on elusive moments of ripeness and short-term goals” (p. 106). Civil society participation can thus ensure that peace negotiations take the people’s voice into account.

However, inclusion can be problematic if it leads to too many parties included in the process. Disorganization will hamper the process as the number of parties included in the negotiating process increase. More parties means more positions which makes finding an agreement that satisfies everyone extremely difficult. Mediators thus may choose to limit civil society participation in order to secure a deal with greater speed and less complexity. Furthermore, the benefits of inclusion should not lead to a common acceptance that civil society automatically deserves a place at the table. As McClintock & Nahimana (2008) argue, prior to deciding to include civil society at the negotiating table, “it is necessary to examine the role played by civil society in the conflict, assess its relative maturity, and evaluate its capacity to truly serve the interests of the population” (p. 85).

The tension created by the issue of inclusion versus exclusion in a peace process requires a complicated balance unique to each peace process. On the one hand, it is necessary to include enough participants in the peace process to ensure that there is a sense of ownership amongst the population. This ownership will allow for a more successful implementation. However, it is also necessary to limit the number of participants so that an agreement can be reached in the first place. The correct degree of inclusion will reduce uncertainty about a future peace, decrease the reliance on the present state of conflict, and hopefully elicit some degree of hope from the people that peace is possible. Marrack Goulding (2002) summarizes the conundrum best: “in each stage of negotiation there is a trade-off between the tidiness of controlled confidentiality and the political advantages of giving the public a role in the process and thereby a sense that, at least to some extent, it belongs to them” (p. 89).

When looking at peace negotiations specifically, several studies have been conducted that suggest possible methods of civil society participation with varying levels of inclusion. In Paffenholz et al.’s (2006) report that looks specifically at civil society and peace negotiations, the authors identify four practical options for civil engagement within peace negotiations. First, civil society representatives can be invited directly to the table. This creates more effective public communication and allows groups to offer their specific expertise within the formal process. Civil society organizations are able to bring their local knowledge and deep contextual understanding of the barriers to making peace at the local level. Ideally, this will lead to an agreement that addresses the needs of the public (p. 69-70).

However, to prevent crowding at the table, a parallel civil society forum with a consultative mandate could be established as a second option for inclusion. The forum allows civil society representatives to discuss and add to the agenda of the decision-makers. Of course, such a forum will have to be carefully coordinated to ensure that there is effective communication between the public, the forum, and the decision-makers (Paffenholz et al., 2006, p. 71-72). During the Guatemala peace process, a Civil Society Assembly, a parallel forum, was established that included representatives from diverse sectors of society. Representatives in the assembly discussed substantive issues and reached a consensus on recommendations to give to the official negotiators. The final Guatemala peace accords did reflect many of their proposals (Barnes, 2002).
Third, civil society can be involved through effective communication channels. This is the most basic level of civil society participation and the method most commonly employed by elite negotiators. The negotiators can communicate to the public through press conferences and other forms of communication while the public can communicate to the negotiators through public opinion polls, referendums, non-official discussion forums, webpages, and interactive workshops. Such a method, however, is difficult to organize and could reduce the impact of the civil society (Paffenholz et al., 2006, p. 72-73). Following the Belfast Agreement (1998), the agreement had to be endorsed by a public referendum in Northern Ireland in order to take effect. In May 1998, the public endorsed the agreement by a large majority. The referendum thus allowed those outside of the political mainstream to participate in the peace process (Barnes, 2002). However, the referendum allowed for a very limited amount of public buy-in and the peace process continues in Northern Ireland post-agreement.

And finally, negotiations with civil society may be explored when negotiations at the top level are stalled. This method is sort of like an informal back-up plan. In this case, civil society can pick up where official negotiators leave off, hold problem solving workshops, produce draft agreements, and create position papers that negotiators can use once the official negotiations resume. This parallel channel is often referred to as unofficial or track two negotiations (track one being the elite level, and track three being the grassroots level). However, such negotiations tend to lack legitimacy and are easily dismissed or denied by official negotiators (Paffenholz et al., 2006, p. 74). The Geneva Accords (discussed in greater depth in section 6) are an example of a draft agreement produced in track two negotiations by prominent members of the civil society that were later discounted by the elite level of society.

In a follow-up study, Wani-St. John and Kew (2008) add to the roles that civil society actors can play during the peace process. In the absence of elite level negotiations, civil society actors can serve as temporary intermediaries between the different factions of the conflict. Through this method, civil society works to keep lines of communication open even when the official lines are closed (p. 19). Jessop et al (2008) expands upon this idea arguing that civil society can positively impact the ripening of conditions for formal negotiations. Looking at the peace process in Sierra Leone, Jessop et al discuss how the involvement of the civil society organization Inter-Religious Council of Sierra Leone (IRCSL) as an intermediary early on in the pre-talks phase was instrumental in moving the peace process forward toward formal negotiations and the signing of a peace agreement (p. 106).

Beyond an intermediary role, civil society actors can also help pave the way for negotiations by opening up new avenues of dialogue to explore creative ideas that can contribute to the public debate. In this capacity, civil society is preparing the public and possibly the decision-makers for an official negotiation process. In an analysis of the Inter-Tajik Dialogue, Jonathan Zartman (2008) argues that sustained dialogue offers a mechanism through which civil society can contribute positive ideas to formal negotiations and stimulate the development of an inclusive civic culture even when excluded from the peace process. Facilitated by a team of Russians and Americans, dialogues began in March 1993 with 15 Tajiks participating. The dialogue began before official negotiations commenced in early 1994 and constituted an unofficial or second track of diplomacy. The members came to be seen as agents of influence on society and they developed a number of contributions to formal negotiations after they began. Later, when the official negotiations were on the verge of collapse, dialogue participants provided ideas for both sides on how to overcome attitudes and misperceptions that were blocking progress. Thus, the dialogue provided a mechanism for actors who believed in peace and coexistence to overcome their exclusion and still contribute to the process (pp. 59-69).
Civil society actors can also engage in other peacebuilding methods to prepare a society for peace not necessarily connected to any official peace negotiations. Instead, preparing a society for peace could involve projects mostly working at the community and local level of society. Such projects strive to create a social environment conducive to cooperation and peacemaking; they aim to make the prospect of peace more appealing than the prospect of war. Because conflict involves a broad spectrum of people and pervades many aspects of a community’s daily life, for a peace process to be successful, a “peace constituency” must be developed (Chigas, 2007, p. 561). Peace constituencies “across conflict lines help to open space for negotiations to occur and postconflict peacebuilding to progress and minimize rejectionist impacts in both camps” (Chigas, 2007, p. 569). It is through efforts of peacebuilding at the local level that civil society organizations can create a collective peace constituency that can push for peace from the bottom-up. Quintin Oliver (2002) places particular emphasis on the significance of preparing the people for a peace process so that they feel comfortable and are able to participate fully (p. 92). Civil society can engage in this preparatory process by helping to build bridges between former adversaries, helping communities re-establish their social fabric, filling gaps left by the government, advocating and lobbying higher level officials, and conducting and collecting valuable data (McClintock & Nahimana, 2008).

Specifically at the grassroots level, peacebuilding approaches can include local peace commissions, community dialogue projects, and trauma-healing (Paffenholz, 2010, p. 54). NGOs in particular can provide training, education, empowerment activities to promote grassroots involvement in peace processes, and develop cooperative attitudes that can lead to a sustainable peace (Chigas, 2007).

One striking example of grassroots peacebuilding conducted away from official negotiations is the Mogotes community in Colombia, which is often called a “laboratory of peace.” Community leaders established a Municipal Constituent Assembly to establish a peace process of political change at the local level. Mogotes is now a “zone of peace” within a conflict-ridden Colombia that has inspired hundreds of others throughout the country (Oliver, 2002, p. 92). Peacebuilding is thus a multi-faceted concept that does not need to be tied to an official negotiation process. Civil society actors can work simply within track three, building a public desire for peace. Such bottom-up efforts can eventually help create a truly comprehensive peace process that instills a genuine sense of ownership among the population.

Finally, Pamela Aall (2007) offers an additional method for civil society to build peace and affect change: nonviolent resistance. Nonviolence is a complicated method as it requires mass mobilization to affect change and a commitment to not use violence even when opposing sides use violence. Through an affective nonviolent campaign, usually organized by civil society, people can develop skills to affect change that do not rely on violence. Nonviolence resistance can thus be seen as an extension of advocacy work as civil society works to persuade local actors and international actors to adopt ideas or change behaviors. There are many methods of nonviolence ranging from protests, to refusal to cooperate, to boycotts. As Aall notes, “nonviolent protests give an example of what nonofficial organizations can accomplish in terms of creating an altered environment and changing attitudes and behaviors among a wider population” (p. 490). Through this method, civil society is in effect advocating to the populous for a nonviolent means of conflict resolution. An acceptance of the use of nonviolence is one initial step toward creating a mentality of peace and cooperation.

Thus, civil society leaders do not necessarily need to be at a negotiating table to have their voices heard. Indeed, they may be excluded from official negotiations altogether, but their agenda may still be at the table due to other forms of involvement. Direct participation, parallel forums, effective communication channels, second track diplomacy, intermediary positions, community dialogues, and/or nonviolent action are all methods of civil society involvement in a wider peace.
process. This literature review emphasizes the wide range of activities that a civil society can engage in before, during, and after peace negotiations to help build a lasting peace and suggests that inclusion of civil society actors in some form in an official peace process can be extremely beneficial to the overall process.

The following two sections focus solely on Palestinian civil society and its attempts to build a culture of peace. Section 5 provides an overview of the history and development Palestinian civil society emphasizing how Palestinian civil society changed after the signing of the Oslo Accords. Section 6 then explores the peacebuilding methods utilized by Palestinian civil society assessing the impact of such efforts on creating a society prepared for peace.

Section 5: History and Development of Palestinian Civil Society

Palestinian civil society is unique in that it functions in a stateless structure. Definitions of civil society, as discussed above, usually discuss civil society as a realm that exists outside of the formal government. Palestine, however, has never had a sovereign or democratic government. Nevertheless, Palestine does have a political system and an administrative structure, albeit an extremely weak and divided one. There are decision-makers in the form of a president, prime minister, and a cabinet. Members of the PLO and the main political party Fatah generally make up this elite level of society, which is in charge of all official negotiations. A mid-level structure is composed of influential people not part of the political system and leaders of important organizations. And finally, there is a grassroots level of society composed of hundreds of NGOs and other important civil society organizations. Thus, even without an official state, there is a functioning civil society within Palestine.

The following history of Palestinian civil society is analyzed in two parts: the formative years of the civil society pre-Oslo Accord and the period of development following the Oslo Accord. The division emphasizes the vast changes that took place within Palestinian civil society before and after the introduction of the Oslo Accord and the Palestinian Authority (PA). Palestinian civil society changed drastically in terms of its ideology, goals, and functions as the PA sought to exert more control over affairs that had largely been the concern of the civil society. I argue that the Oslo Accord ultimately led to a weaker and less unified Palestinian civil society with limited peacebuilding capacities.

Palestinian Civil Society Pre-Oslo Accord

Salem and Kaufman (2006) trace the formation of Palestinian civil society back to 1849. It was then when civil society organizations began in Palestine as active bodies in urban areas with the formation of the Jerusalem Literature Society (p. 14). Such organizations were relatively small and concentrated in urban areas. It was not until the British Mandate Period (1920-1947) that Palestinian civil society really began to grow. NGOs began to include youth clubs, student societies, charitable societies, trade unions, political societies, and women’s groups. These NGOs were mostly small groups of city-based individuals who came together out of mutual interest on a specific issue. During this time, civil society was mostly limited to the middle and upper classes of society and only about 20% of the population was represented (Hassassian, 2006, p. 61).

Following the formation of the state of Israel in 1948, the civil societies on both sides were divided. Devastated by their defeat in the 1948 War – Palestinians call it “al-nakba” meaning catastrophe – and the subsequent forced displacement of over 700,000 Palestinians from their land, Palestinian civil society refused to talk to the other side. The majority of Palestinians now lived in the West Bank (administered by Jordan) and the Gaza Strip (administered by Egypt), or in various
refugee camps in Lebanon, Syria, and Jordan. Palestinians did not have a state and were now forced to inhabit only 22% of historic Palestine. With no contact with the opposing party, the Palestinian public supported armed struggle as the only means to redress the perceived injustice caused by the creation of Israel. For their part, the Israeli leadership believed that peace would not be possible until they built a strong Israeli state. To do that, they had to deal with the conflict from a position of strength, which did not involve talking with the enemy (Salem & Kaufman, 2006). Thus, between 1948 and 1967, the only civil society organizations that proliferated were charitable organizations.

On June 5, 1967, the Six Day War began wherein Israel unilaterally defeated the surrounding Arab states. After this war, Israel now gained control of the West Bank, the Gaza Strip, and East Jerusalem, as well as Syria’s Golan Heights, and Egypt’s Sinai Peninsula (Smith, 2007, p. 289). Administered by the Israeli Defense Forces (IDF), the West Bank and the Gaza Strip came to be known as the Occupied Territories of Palestine (I refer to these territories as Palestine). With Israel now occupying the West Bank and Gaza, the Palestinian population began to demand for provisional services. Thus, various NGO charities were formed to provide social, educational, and medical services (Jarrar, 2005).

In the 1978 Camp David Agreement between Egypt and Israel, the PLO was recognized as the sole legitimate representative of the Palestinian people. This led to an awareness among Palestinians of the need for greater Palestinian self-reliance and a new strategy of resistance. Thus, in the late 1970’s a new generation of activists emerged that began to create the infrastructure for mass organizations (Cuhadar & Hanafi, 2010). They wanted to create a civil society that would respond to the everyday needs of the Palestinians on the ground and lead a national movement. This led to the development of an institutional network of NGOs that would help mobilize the Palestinian people against Israeli rule throughout the 1980’s.

During this time, the line between NGOs and political parties was largely blurred. As noted earlier, civil society operates in a separate sphere from political society. Yet many civil society organizations in Palestine had direct ties to political parties and later with the PA. As Hassassian (2006) notes, the political and social interaction of Palestinian society has overlapped so much that is often difficult to clearly differentiate between the two (p. 63). Especially during the 1970’s and 1980’s, civil society organizations in Palestine were largely tied to a political faction to some degree. Indeed, as each political faction developed, they set up there own women’s, students’, labor, agricultural, and medical committees (Cuhadar & Hanafi, 2010). By the 1980’s, the majority of NGOs were affiliated with the PLO in some degree. NGOs used this affiliation to extend services to marginalized Palestinians to empower and mobilize them politically.

During the first intifada, which began in 1987, civil society was the leading organizational force of nonviolent resistance for the first two years of the uprising. Israel’s heavy handed practices — ranging from economic embargos to periodic withholding of basic services — led many Palestinians to find in voluntary group action a means to provide for their basic needs (Nasser-Najjab, 2005). Thus, it was during the intifada that the roots of the modern Palestinian NGOs developed. In response to Israel’s occupation, a network of organizations developed that could respond to the needs of the people. As the intifada progressed a strong network of NGOs emerged that began to work on a variety of issues and services. NGOs that formed during this time were characterized by their strong ideology and activism. There was a unity among the organizations in the network as they sought to end Israeli occupation (Hassassian, 2006). This common goal allowed civil society leaders to bring a great deal of collective energy to the people that could be used to mobilize nonviolently. Thus, the 1980’s saw the proliferation of the NGO sector. And though only one type of actor within the sphere of civil society, NGOs gradually began to dominate Palestinian civil society.
Thus, Palestinian civil society in the 1970’s and 1980’s was characterized as being composed of informal organizations that sought to incorporate the masses into the national and political struggle through popularly based grassroots initiatives.

**Palestinian Civil Society Post-Oslo Accord**

With the prospect of peace looming following the *Declaration of Principles* (1993) and the birth of the Palestinian Authority (PA), an interim administrative body, the political and socioeconomic context in which Palestinian civil society organizations had been operating was drastically changed. Organizations were thus forced to revise their strategies and redefine their role within the new political environment. Additionally, the years directly following Oslo saw the creation of hundreds of new NGOs trying to take advantage of the large influx of foreign funding (Hassassian, 2006) causing a great expansion of Palestinian civil society. However, as the PA and civil society began to coexist within this new political system, issues of power and representation created a relationship which is both tense and volatile and has led to the gradual weakening of Palestinian civil society.

The PA was officially formed in 1994 as per the Oslo Accords. The body was to assume the administrative responsibilities in the most populated Palestinian areas (Area A) in the West Bank and the Gaza Strip until final statues negotiations were concluded. The PA was established to resemble a multi-party republic with a Palestinian Legislative Council (PLC), an executive president and a Prime Minister leading a cabinet, and a judiciary branch (which has yet to be formally established). Since its creation, members of the Fatah party, the largest faction of the PLO, have run the PA. Though not an official government and considered corrupt and undemocratic by many today, the PA was generally perceived to be the main governing body of the Palestinians until 2006. However, following the 2006 legislative elections, Hamas won a majority of the vote and formed a government. To appease international protest at the inclusion of Hamas, Hamas and Fatah formed a unity government in March 2007. However, three months later, on June 14, 2007, Hamas, fearing secret plans to push them out of the government, violently took over the Gaza Strip. Palestine has thus remained split for the past six years: the PA, run by Fatah, in control of the West Bank and Hamas in de facto control of Gaza. Such a split has divided the people of Palestine and severely complicated the peace process.

In 1994, Yasser Arafat and several other high-ranking PLO members returned to Palestine after years of exile to run the PA. In the first elections held in 1996, Yasser Arafat was elected President of the PA. The PA was quick to move in and claim to be representative of the Palestinians on the ground. A tension thus immediately developed between the PA and Palestinian NGOs as a shift in the balance of power took place. NGOs had acted as a service-oriented government under Israeli occupation for decades, and now the PA, composed of elites who had not lived under occupation for years, claimed the right to assume much of their responsibilities (Hassassian, 2006). To alleviate the tension, there was a call for the regulation of the relationship between NGOs and the PA. Thus, in an attempt to oversee and effectively control a civil society that had been functioning on its own for decades, the PA created the Ministry of NGO Affairs. The department oversees the NGO sector and delineates guidelines for registration and funding.

The Oslo Accord and the PA immediately led to the division of Palestinian NGO unity. Deep fissures were formed within society based on those who supported the Oslo Accord and those who did not, and those who recognized the legitimacy of the PA and those who did not. Civil society organizations wrestled with the decision of whether to support the PA against Israeli intransigencies of Oslo, or try to rally support against the PA seeing it as an insufficient representation of the Palestinian people (Hassassian, 2006, p. 79). The disunity of the NGOs had a direct effect on the
Palestinian population as people on the ground were unsure of whether to take their emotions to the PA, the NGOs, or to Israel.

Palestinians, however, were quick to recognize the weakening effect of disunity and they began creating networks to coordinate among other NGOs. One of the first and most widely known networks created in September 1993 was the Palestinian NGO Network (PNGO). The PNGO represents 132 member organizations working in different developmental fields. The network sees itself as an important component of Palestinian society serving as an essential coordination mechanism for the NGO sector at the local, regional, and international level. The overall goal of the PNGO is “to reinforce the role played by NGOs through contributing to the development and empowerment of civil society within an independent Palestinian state based on the principles of democracy, social justice, and respect for human rights” (PNGO Network, 2009). Thus, while fractures within Palestinian civil society were prevalent following Oslo, some NGOs took the initiative to create networks that would maintain unity and allow for effective coordination.

NGOs thus had to adapt to a new political environment. The PA limited the mandate of many organizations in order to narrow their social spheres of influence. This was a result of the disintegration of the connection between political parties and civil society organizations (Daiq, 2005). Many party-affiliated NGOs became institutionalized and over time came to be run by professionalized staffs. Volunteer based NGOs became less prevalent as organizations began to push for development rather than mass mobilization (Cuhadar & Hanafi, 2010). With the decrease in volunteerism, grassroots support also decreased. Such professionally based development organizations targeted clients as opposed to working with a constituency and began to resemble elitist institutions.

Palestinian civil society also declined post-Oslo as many civil society leaders competed to obtain an official position within the government. Civil society leaders rationalized this departure by arguing that they could lead the peace process from within the decision-making body if they joined the PA. Thus, many civil society leaders joined the PA and became ministers. And though the rationale was logical, their departure from civil organizations left a major gap within civil society (Palestine-Israel Journal, 2005).

Prior to Oslo, NGOs focused on mobilizing against Israeli occupation and building a vibrant, united civil society in preparation for an independent Palestinian state. Following Oslo, Palestinian NGOs began to focus more on strengthening the legal system, promoting human rights, and enhancing rule of law. They were participating in general state-building functions, still attempting to prepare the population for an independent Palestinian state, just with different methods (Jarrar, 2005). However, NGOs were limited in their capacity to pursue these efforts due to the absence of a clear separation of powers. The PA wanted to assert its dominance and called for regulation of the civil society sector. Yet, it never developed a clear plan for how civil society should function within the PA system. The PA chose instead to focus predominantly on politics rather than community development. Thus, civil society organizations lacked guidance as to their newly defined role in the national struggle (Hassassian, 2006). This greatly limited their capacity to carry out their objectives.

The post-Oslo period also saw a shift in terms of funding. Before Oslo, most of the funding for Palestinian NGOs came from regional Arab contributions. However, following the Oslo Accord, funding came to be largely dominated by Western governments. Many Palestinian NGOs became heavily dependent on this foreign aid, which often came with strings attached. International donors were able to influence NGO policies by imposing certain conditions on the aid. As NGOs became more and more dependent on foreign funding, the capacity of local organizations to make their own
decisions about priorities in their communities was limited. Indeed, some NGOs have become so heavily influenced by international donors that they have stopped representing the concerns of the people and serve only as an extension of international donors. The issue of funding raises the question of whether civil society is really coming from the bottom-up and how much it actually expresses the authentic needs and ideas of Palestinian society (Challand, 2005). Such funding has thus altered the relationship between many NGOs and the Palestinian people. Indeed, the top-down process favored by international donors ultimately limits the organizations’ accountability and legitimacy to the local population.

With the rise of the second intifada, Palestinian civil society saw a downward spiral of their role as legitimate peace builders. Spurk (2010) notes that civil society tends to shrink in war situations as space for popular, voluntary and independent organizing diminishes (p. 18). This is exactly what happened once the second intifada began in September 2000: the general public had little desire to participate in the peace process. Indeed, in a poll conducted in July 2000, 63% of Palestinians believed that Palestinians should emulate the methods of Hezbollah in Lebanon (i.e. armed confrontation). Only 28% did not believe so (Shamir, 2007, p. 33). The influence of the peace camp was thus greatly diminished. Many people, failing to see the value and pay-offs of participation in peace driven civil society organizations, resorted to the old belief that armed resistance was the only way to confront occupation. Indeed, Kaufman et al (2006b) note, extremist powers and violent actors ultimately proved to be more able to dictate the course of events than peace forces (p. 193). Nevertheless, there were some civil society organizations that looked at the second intifada as an opportunity to re-create the more direct links with grass-roots constituencies that existed before Oslo. NGOs began advocating for the return to a message that would speak directly to the Palestinian population instead of addressing donor agendas (Challand, 2005).

Ultimately, however, the failed peace negotiations at Camp David and the return to violence ushered in by the second intifada paralyzed the “peace camp” within Palestine. Civil society activists dedicated to building peace were unable to mobilize anyone outside of their organizations to support the peace process. Currently, a general exhaustion from decades of struggle is prevalent amongst the population. As peace prospects remain deadlocked, the public has become “genuinely uninterested, fatigued, or imbued with a sense of futility” regarding the efforts of the civil society organizations (Hassassian, 2006, p. 80). In a poll conducted in June 2006, it was reported that 13% of Palestinians believed a peace agreement could be reached within the next few years, 26% believed it could be achieved within the next decade or after many generations, and 51% believed that a political settlement could never be reached (Sharmi, 2007, p. 38). In a recent poll conducted in December 2010, when asked what are the chances for the establishment of an independent Palestinian state next to the state of Israel in the next five years, 32.9% of Palestinians said none existent, while 37.7% answered low, and 24.1% answered medium (PCPSR, 2010). Thus, there is disillusionment in the peace process as a strong portion of the Palestinian public sees a peaceful and political settlement to the conflict as impossible. Such public opinion data speaks volumes about the influence of Palestinian civil society organizations serving as effective builders of peace. There may be a peace camp within Palestine composed of civil organizations, but there is no peace constituency as the majority of Palestinians still do not believe that peace with Israel is possible.

Additionally, there is a growing sense of apathy and despair as the elite decision-makers continue to make all of the decisions without any real attempt to allow for public participation. The Oslo Accords were presented to the public with no input. During Camp David, elites negotiated over final status issues without any consultation with the public. When the peace process eventually failed, there was a corresponding psychological failure that affected the civil society that has only grown after another decade of no progress. Most difficult of all for peacebuilding civil society
organizations is the fact that the peace process came to be seen by the people as nothing more than something that legitimizes Israeli occupation (Hassassian, 2006, p. 83). Conducting peacebuilding initiatives that seek to transform the conflict and build bridges of cooperation in such an environment has unsurprisingly proven to be extremely difficult.

Nevertheless, Palestinian civil society still has a place within the grassroots level of society. According to data collected in 2005, Palestinian NGOs cover 70% of service provisions in the West Bank and Gaza. Over 65% of NGOs offer development services while more than 60% are engaged in awareness building and social education (Daiq, 2005). Because of such services and community building, the public sees Palestinian NGOs as legitimate actors. Indeed a 2005 public opinion poll indicated that the level of confidence in NGOs exceeds 50% (Daiq, 2005). Of course, confidence does not necessarily mean that the public believes that the civil society organizations can affect real change in terms of the peace process, but it does show that the Palestinian public does trust the NGO sector and values their service contributions.

Over the past century, Palestinian civil society has attempted to build civil institutions in the occupied territories. Civil society organizations have worked to respond to the social needs of the population in the absence of a government and have enabled Palestinians to survive under the conditions Israeli occupation. However, as the history emphasizes, Palestinian civil society is very much dependent on the ebb and flow of the political climate of the conflict. With the formation of the PA, Palestinian civil society had to change as the balance of power shifted. The Oslo era ushered in an era of great NGO growth. However, as Cuhadar & Hanafi (2010) succinctly explain, this space for civil society growth “was also accompanied by a detachment of local organizations from society and their grassroots base” (p. 213). Furthermore, with the rise of the second intifada, Palestinian civil society had to contend with a drastic loss of public support.

The following section discusses the methods that Palestinian civil society organizations have utilized in an effort to transform the conflict. As demonstrated with this overview of its development, Palestinian civil society has had a difficult time trying to find a place in which to thrive in the post-Oslo era. Though many civil society leaders diligently pursue peace programs, within the context of this history, the impact of such peacebuilding efforts proves to be limited.

Section 6: Methods and Impact of Peacebuilding in Palestinian Civil Society

As Benjamin Gidron argues, the most important role that civil society can play in the Palestinian-Israeli conflict is to bring to the fore ideas about peaceful relationships long before politicians sign any agreement. Indeed, as he notes, the role of civil society is about “preparing public opinion, preparing the people for a different type of activity, a different type of relationship than the military and antagonistic one” (Palestine-Israel Journal, 2005). It is about transforming how Palestinians see and address conflict and how they perceive the other. Though most Palestinian civil society organizations maintain that ending the Israeli occupation is their main goal, a majority of NGOs also support the Palestinian peace process believing it is the only way to ensure a just and comprehensive solution to the struggle (Daiq, 2005). Building a society willing to accept peace is the main avenue in which Palestinian organizations seek to achieve this. By transforming relationships and perceptions, civil society strives to pave the way for a sustainable peace that can end the Israeli occupation.

Cuhadar and Hanafi (2010) identify seven peacebuilding functions that Palestinian civil society utilizes. First, civil society organizations can provide protection to Palestinians in the absence of a functioning state. Organizations who strive to protect the Palestinians are generally limited to
bearing witness to human rights violations. Second, civil society organizations can monitor facts on the ground, violations of international documents, issues linked to the peace process, and/or the implementation of aspects of peace agreements. Third, and most frequent, is an advocacy role to try to improve civil and human rights, influence decision-makers or elites, or focus on the masses. Different research based NGOs such as PASSIA, IPCRI, and Panorama, attempt to influence final status negotiations through their research reports. Fourth, is in-group socialization. This involves socializing a public to democratic attitudes and values. It can also include training in conflict resolution skills. Fifth, is working on methods of intergroup social cohesion between Israelis and Palestinians. These initiatives can include people-to-people projects, dialogue, problem solving, and other cooperative programs. A sixth function is facilitation, which usually involves third party civil society actors trying to settle disputes between main parties and factions. And finally, many Palestinian civil society organizations participate in service delivery as a means to enter into the other peacebuilding functions (p. 218-230). As will be discussed below, advocacy, intergroup social cohesion, and service delivery are the most prevalent methods used by Palestinian civil society with varying degrees of success.

However, this section also discusses how Palestinian civil society has been extremely limited in its capacity to truly build a constituency of peace. To prepare a society for peace, it requires the transformation of relationships and perceptions. And while the peacebuilding efforts of Palestinian civil society organizations at the mid-level and grassroots level have striven to create this culture of peace, the effects of such efforts have only been felt by a small fraction of the public. Indeed, while people-to-people projects and track two initiatives may help change the perceptions of the people participating, these efforts have little overall impact on the public at large. Especially with the onset of the second intifada, civil society organizations lost a great deal of support and have not been able to fully regain it.

Kaufman et al (2006a) point out that what went wrong with Oslo and subsequent attempts at peace was not only the fault of the decision-makers, but also the fault of civil society peace strategies. Palestinian civil society, while engaging in various peacebuilding initiatives, has proven to be unable to actually develop a cohesive plan to build a peace constituency. And while many peacebuilding activities have led to some political gains for the peace camp, the various peacebuilding initiatives developed by civil society organizations have consistently been plagued by a lack of strong public support. Failing to prove that they can achieve clear and sustainable ends, Palestinian civil society organizations are not perceived by the public to be at the forefront of Palestinian resistance.

In the following sub-sections, I analyze the peacebuilding methods that Palestinian civil society uses in an effort to participate in the peace process. Focusing on joint cooperation, second track diplomacy and problem solving workshops, and nonviolence, I assess the impact that civil society organizations have on the Palestinian public, the decision-makers, and the peace process more generally.

Exclusion from Official Negotiations

As discussed in section four, a peace process may attempt to include the civil society voice through a variety ways including direct participation, parallel forums, and effective communication channels. This allows the voice of the people to translate into official agreements and creates a sense of ownership. However, what is most striking about the process that led to Oslo and subsequent negotiations at Camp David and Taba is the complete lack of civil society involvement.
There have been no instances where Palestinian civil society leaders have been included at the table, no parallel forums have been created, and effective communication channels have only marginally been employed.

The Oslo process was interesting in that the negotiations for peace were conducted entirely in secret back-channels. The product of the negotiations, the 1993 Declaration of Principles, was the result of months of secret talks between Israeli government officials and PLO representatives. During this time, there was also a public track of negotiations taking place in Washington, DC, but those talks were largely unproductive and conducted mostly for publicity purposes only. Thus, before Oslo was announced, as far as the Palestinian public knew, making peace with Israel was not on the table. Thus, it shocked the public greatly in 1993, when the declaration was announced. Civil society actors were completely excluded and no one was present to represent the Palestinians actually living in the West Bank and Gaza (PLO leaders and staff lived in Tunisia). Such narrow participation in the secret back channels certainly limited the number of participants and made reaching an agreement easier. However, the talks produced an agreement that failed to resolve any of the fundamental issues such as settlements or borders (Pruitt, 2008). Oslo thus shows the negative consequences of two sides failing to broaden their civil society support for peace. Such exclusion only led to an empowerment of anti-peace political parties and organizations. Ultimately, the process completely unraveled by the end of 2000 after little of Oslo was implemented and a second intifada began ushering in a new wave of violence.

However, some argue that it would have been impossible to negotiate at that time without secret back channels. Daniel Lieberfeld (2008) maintains “there could have been no negotiations without it [secret back channels], since neither Israel nor the PLO would have chosen to negotiate openly” (p. 138). Secrecy thus allowed for the parties to negotiate without fear of violence as talks took place outside of the media glare. Of course, where the process was weakened was in the misguided assumption among the politicians behind Oslo that their side’s public opinion would support the agreement even without a concerted marketing effort (p. 140). The public, however, was not prepared for a top-down process of peacemaking. Secrecy thus provided a means to reach an agreement, but an agreement that neither public felt was in their best interest to implement.

In terms of how Palestinian decision-makers engaged with Palestinian civil society during the Oslo process, the elite level would occasionally use communication strategies. However, most of the communication was from the negotiators down to the public in the form of ambiguous press releases. There were no methods for which the public could communicate back to the top level. And even these efforts at communication proved fruitless as the communication from the negotiators often came extremely late in the process and had little influence on public opinion (Paffenholz et al, 2006, p 73).

Thus, faced with little direct participation and few avenues to directly reach the elite level, Palestinian civil society has been forced to try to affect the peace process through indirect peacebuilding methods: people-to-people projects, track two diplomacy and problem solving workshops, and nonviolence. All of these initiatives exist outside of the realm of the official negotiations and thus lack governmental support. Instead, Palestinian civil society actors work within local communities and on the outside of official negotiations in bottom-up processes.
Joint Activities: People-to-People Projects

The strength of civil society is its ability to build bridges, forge beginnings, and create new ideas. Its ability to create collaborative relationships between societies makes it ideal to perform the many functions necessary to facilitate conflict transformation. It is through joint activities in particular – between Israelis and Palestinians – that creative bridges can be formed to challenge the status quo of conflict. As Dajani & Baskin (2006) explain, joint activities are those projects that bring together ordinary Palestinians and Israelis for dialogue and cooperative ventures. Ideally they “create relationship infrastructure necessary to advance and increase support for a peace to be negotiated at the political level” (p. 88). They show both parties that there are people on the other side willing to talk.

Joint activities can include a wide range of activities including track two activities, professional meetings, religious dialogue programs, formal education activities, capacity building, and solidarity and advocacy groups.

Following Oslo, hundreds of new joint initiatives were developed as international donors began to favor these kinds of civil society activities. It was assumed by the elites on both sides that a signed agreement would change the realities on the ground and people would join in on the new peace projects. The Oslo Interim Agreement specifically refers to People-to-People programs in Annex VI, Article II. Such programs were to consist of cooperation between Israelis and Palestinians in all domains including the private sector, culture and the arts, dialogue, and education (Hanafi, 2007, p. 69-70). The people-to-people projects were initially envisioned to encourage cooperation between national Israeli and Palestinian public sector institutions. However, the programs’ focuses shifted after the election of Israeli Prime Minister Netanyahu in 1996. With limited support for national joint efforts from Netanyahu, the program shifted its focus to smaller scale projects promoted by NGOs (Herzog & Hai, 2005). Ultimately, because the people-to-people projects were included in the Oslo Accords, a public perception developed wherein all Israeli-Palestinian civil society interactions were seen as a by-product of Oslo. Thus, people-to-people projects were held hostage by the weaknesses of Oslo, the failures in Oslo were seen as the failures of joint peacebuilding initiatives.

Thus, these joint activities drastically withered away following the failure of the Oslo process. With the failure of Camp David and the onset of the second intifada in September 2000, there was a general breakdown of joint activities and it became very difficult to get the Palestinian people back on the peace track to work with Israelis. People began to question the ideas, motives, and attitudes of the people who had been working together for peace. Many Palestinian organizations terminated their activities entirely or shifted their focus to internal problems. There were calls for the boycott of peace projects in Israel. Palestinian universities (except Al-Quds) and the Palestinian NGO network even adopted official policies during this time to boycott all joint initiatives (Dajani & Baskin, 2006, p. 99).
Ultimately, the people-to-people projects developed in the post-Oslo era have had a very limited effect on the political process and have been unable to mobilize substantial segments of the public (Herzog & Hai, 2005). These initiatives often fail to target a wide spectrum of people focusing mostly on professionals of the upper class (Dajani & Baskin, 2006). On the Palestinian side, most joint actions are hidden from the public eye. The lack of publicity of such activities diminishes the initiatives’ participatory nature from the general public (Kaufman et al, 2006b). Indeed, out of the numerous joint activities held over the years, only about 0.5% of Israelis and Palestinians have participated in such initiatives (Dajani & Baskin, 2006, p. 100). People-to-people projects aim to have a macro-level impact by affecting the nature of the conflict in ways that lead to its transformation. However, due to the lack of wide public support, joint activities build bridges among participants but not the society at large. Hanafi (2007) argues that most joint projects in Palestine should be called person-to-person projects, not people-to-people (p. 72). Thus, in a strange paradox, Palestinian civil society finds itself weakened by the problems of inclusivity. With little public participation in peacebuilding initiatives, joint activities such as dialogue have largely become exclusive, impacting only those upper class professionals already invested in the peace process.

Furthermore, joint initiatives have had trouble gaining public support because there is no official support from the PA to encourage the building and maintaining of peace through civic engagement. With the taking over of administrative duties of the territories following Oslo, the PA wanted to establish itself as the central authority. This trum ped the PA’s supposed commitment to participatory citizen action. Indeed, Former President Yasser Arafat favored a centralized system and considered citizen engagement “redundant or suspect” (Herzog & Hai, 2005, p. 27). Thus, Arafat resisted the trickle-down effect of dialogue. This led to the perception that joint Israeli-Palestinian activities are not taken seriously by important officials. Though the PA is often met with mixed public support, official support of cooperative efforts could give the initiatives added legitimacy and publicity, things the peace movement is sorely lacking.

Furthermore, civil society is limited because of the lack of a comprehensive peacebuilding strategy. There is little shared knowledge among the civil society organizations of what should be done, who the target audience should be, and how they should reach the people (Dajani & Baskin, 2006). This problem is then compounded due to the fact that Palestinian civil society has limited experience in peacebuilding. Modern Palestinian civil society is extremely new, thus civil society leaders are often limited in their ability to raise funds and implement joint projects.

People-to-people projects also face intense criticism from those who openly oppose such cooperative activities. The projects are often criticized for neglecting the power structure between Palestinians and Israelis in favor of the latter (Hanafi, 2007). The power asymmetry that exists in official negotiations is often translated into the local joint efforts. Furthermore, many critics oppose the projects on the basis that Israelis are able to take legitimacy from the projects. Some argue that people-to-people projects should only take place after the fulfillment of Palestinian national rights and the establishment of an independent state. Until then, no cooperation should be afforded to the other side.

Most problematic of all for building public support for cooperative activities has been the association of people-to-people projects with the process of normalization. Though a majority of the Palestinian peace organizations think people is possible, they only participate in selective activities. There is a fear among some NGOs that by entering into dialogue and cooperation projects with Israeli organizations not directly opposed to the occupation, they are implying that the occupation had ended. There is a concern that such projects provide Israel’s practices with legitimacy. This
disparaging label of “normalization” has been the reason that many NGOs have boycotted participating in joint activities and why many Palestinians refuse to participate in the initiatives.

Ultimately, the joint activities of the post-Oslo era have had a very limited impact on the Palestinian public or the decision-makers. The goal of the activities is to build intergroup social cohesion, and while some small-scale cohesion has been achieved among participants, people-to-people projects have had very little influence on the overall peace process. Such initiatives have not been able to mobilize enough of a critical mass to carry the burden of powerful change. Written into the Oslo Interim Agreement as people-to-people projects and being heavily supported by international aid, did not help the civil society organizations in their attempt to build a constituency of peace. Instead, the programs initiated were plagued by a lack of popular involvement, official support, and a comprehensive peace strategy. Critics were quick to oppose the projects seeing them as a means to normalize relations with Israel without having achieved national Palestinian rights or a state. Thus, Palestinian civil society has been limited in its capacity to truly develop grassroots methods of interaction. However, this should not and has not prevented a number of organizations from continuing to develop more inclusive joint initiatives. As Rafi Benvenistic, Chairman of IPCRI, said in 2005, “It’s easy to ignore each other and wait until the occupation and killing stop. [But] in the meantime we can build bridges to the future of two states with two people living side by side” (Herzog & Hai, 2005, p. 41). When looking ahead to future joint activities, it will be important to develop more inclusive peacebuilding methods (must include even the most extreme sectors of society) and to develop ways to make these efforts a national priority (to build wider support and legitimacy).

Track Two Diplomacy and Problem Solving Workshops

Track two diplomacy has been used in the Palestinian-Israeli conflict for decades. As Joseph Monteville describes it, track two diplomacy consists of activities of private citizens or groups, which aim to develop strategies, influence public opinion, and organize human resources in ways that might help resolve the conflict (Schiff, 2010, p. 94). Thus, participants in track two discussions generally involve influential citizens who are not official government representatives such as public figures, retired diplomats, political activists, professional leaders such as academics and journalists. Track two diplomacy helps participants develop a consensus in the hope of affecting the political process. The aims of track two diplomatic discussions can vary with the goal to influence small groups of negotiators by offering them strategies of negotiations and understanding, to setting the pre-negotiation phase, to shaping public opinion to creative ideas and new approaches, to changing contentious discourse within and between each side (Klein & Malki, 2006, p. 112). Thus, track two diplomacy can be about working to influence and help track one negotiations, or about promoting joint ideas and rapprochement at the local level.

To clarify, track two diplomacy initiatives are joint activities. Track two diplomacy involves working cooperatively with Israelis to develop strategies for resolving the conflict. Both track two diplomacy and people-to-people projects involve cooperation between civil society actors in an effort to build a culture of peace. However, for the purposes of this paper, I understand people-to-people projects to focus on relationship transformation at the local level, while track two diplomacy focuses more on the mid-level society actors trying to influence negotiation processes and build public support for such initiatives.

Track two activities consist of dialogue sessions, problem-solving workshops and negotiations, advocacy, and consciousness raising. It allows people to express their hopes and concerns for the
peace process. These programs can thus lead to an understanding of the people’s real constraints and provide a channel that can be used to try to change these constraints. Herbert Kelman, in reference to problem solving workshops in particular, argues that “contributing to a political culture that is more conducive to negotiations and, ultimately, to [the] achievement of a high quality, lasting agreement, is all that workshops aim for and can possibly claim” (Schiff, 2010, p. 98). Thus, the goal of track two diplomacy is both to build a culture of peace and influence the process of making a lasting agreement.

Problem solving workshops and dialogue are methods of peacebuilding that have mostly been the realm of academics. Between 1982 and 1983, a few independent Palestinian academics from Birzeit University entered into dialogue with the Rehovot group led by the prestigious Weizman Institute for Science. This dialogue continued on until the end of 1983 and was one of the first sustained dialogues between Israeli and Palestinian civil society leaders (Salem & Kaufman, 2006). During the first intifada, active public dialogue took place at Mount Scopus and other places showing the determination of a significant group of academics to call for the end of occupation and respect for the self-determination of both nations (Salem & Kaufman, 2006).

Of particular note are the problem solving workshops conducted by Herbert Kelman of Harvard University for nearly two decades beginning the mid-1980’s. These workshops, facilitated by outside social scientists, brought together politically engaged and highly influential Palestinians and Israelis for private discussions (Klein & Malki, 2006). During the intensive workshops, the participants explored each other’s perspectives in an attempt to understand each other’s concerns, needs, fears, priorities, and constraints. They would then problem solve to generate new ideas responsive to everyone’s needs and fears. The ultimate goal of these workshops was to transfer ideas gained from these interactions into the public debate and decision-making process. The workshops facilitated by Kelman and his team proved to be exceedingly relevant as some of the workshop participants went on to participate in the Oslo process. Indeed, some have even credited the workshops with contributing to the breakthrough achieved in Oslo “by preparing cadres to negotiation productively, by providing substantive inputs, and by creating a better political atmosphere for negotiations” (Chigas, 2007, p. 559).

Track two academic conferences were extremely valuable in the early 1990’s when it was illegal for Israelis to meet with Palestinians. Under the guise of academic conferences, academics from Israel and Palestine could meet to discuss the conflict and avoid the officially sanctioned restrictions (Salem & Kaufman, 2006). Indeed, it was academic talks sponsored by Norway’s Institute for Applied Social Science (FAFO) that initiated the Oslo back channel. During the first several meetings between the Israelis and Palestinians in Norway, the talks were between two Israeli academics and two PLO senior members acting in a private capacity.

Furthermore, because the Palestinian-Israeli negotiating process is prone to starts and stops, Palestinian and Israeli civil society actors have attempted to hold problem solving discussions when negotiations stall. Of particular note was the track-two process that led to the Geneva Accords, which took place between February 2001 and October 2003. Following the failure of the Camp David negotiations and the start of the second intifada, mid-level civil society leaders began to engage in a dialogue to complete the Taba negotiations in the vein of the Clinton parameters. The goal of the problem solving negotiations was to construct a model agreement that would be presented to both the publics and governments as proof that a settlement could be achieved (Schiff, 2010, p. 100). The participants then hoped to use the model to educate public opinion and to influence the governments to resume the negotiations toward a permanent solution of the conflict. Third parties
such as Swiss Professor Alexis Keller facilitated the process, though their role was largely logistical and financial. Third parties did not contribute to the formulation of the actual content of the agreement. The main negotiators included a group of Israelis, all acting in a nonofficial capacity, led by Yossi Belin and a group of Palestinians, members of the PLO, led by Yassir Abed Rabbu. Over the months, the negotiating group expanded to include Palestinian ministers and members of the parliament (engaged in talks as private individuals), Israeli public activists, academic scholars, and authors (Schiff, 2010). While the Palestinian negotiators had access to the top-level Palestinian decision-makers as the negotiations were conducted with the support and backing of the PA, the Israeli negotiators had no access or influence on the leadership.

The leaders produced the Geneva Accord, a model of a permanent status agreement to end the conflict, and presented it to the public in November 2003 as a product of track two diplomacy. Copies of the peace plan were distributed to the every household in Israel and published in Palestinian newspapers in an effort to advocate to the public. The Geneva process participants were very much aware that public support would be crucial for their model agreement to gain influence at the top level of society. By December 2003, 47% of Israelis supported the Accord. By January 2005, the number had risen to 64% of the Israelis polled (Shamir, 2007, p. 37). For Palestinians, Shamir (2007) notes that in December 2003, 39% of the people supported the permanent status framework of the Geneva Accords. This number grew to 54% in December 2004, and then fell to 46% in December 2005, and 44% in June 2006 (p. 37). Thus, in 2004, a majority of the public on both sides supported the package. The Palestinian numbers fell in 2005 after Sharon’s unilateral disengagement from Gaza, and in 2006 after the parliamentary elections in Palestine. Nevertheless, the public opinion numbers do reflect a majority support at one point of both publics that was unfortunately never capitalized on much to the disappointment of the Geneva Accord writers. As of December 2010, public opinion numbers put Palestinian support for Geneva at 40% (PCPSR, 2010).

It was hoped that the Accord would be used as a blueprint for official negotiators once the official negotiations resumed. However, as Paffenholz et al (2006) warn, because the negotiations lacked official participation, the Geneva Accord was easily dismissed by official decision-makers irregardless of the public opinion support for it. Ariel Sharon in particular was suspicious of the whole process, did not see it as realistic, and ignored it completely. Thus, in terms of transferring the progress made at the track two level to track one, even with very professional participants, little progress was made in influencing the upper decision making level.

Ultimately, in an analysis conducted by Klein & Malki (2006), they find that most track two groups have had almost no impact on key events or major developments in peace and conflict resolution processes (p. 116). They note that for the most part, Palestinian civil society organizations are still mostly concerned with delivering services rather than promoting values of cooperation and reconciliation. Thus, the impact of most peace organizations is limited to providing their communities with services and not in transforming conflict relations between Palestinians and Israelis (p. 117). Given that track two diplomacy is a joint effort, it has also been limited by the concerns of normalization. The threat of normalization has prevented the inclusion of many segments of Palestinian society and limited the direct benefit of their knowledge and expertise in track two initiatives. Furthermore, problem solving workshops and track two negotiations that have moderately influenced decision-makers were conducted almost exclusively between professionals. These initiatives were thus limited in the number of inputs from actual grassroots levels of Palestinian civil society. And as the Geneva process demonstrates, even if a process generates some public support, any progress or consensus developed at the track two level can be discounted if not adopted by the official decision-makers.
Nonviolence

Nonviolence is a very pragmatic approach to peacebuilding that relies upon the concepts of power and mass mobilization. It is about empowering people to recognize their own self-reliance and self-determination. It is a method that mobilizes the power capacity of the oppressed to “bring greater self-respect, wider recognition of the justice of their cause, and finally...[serves as] the basis of a practical grand strategy for liberation” (Sharp & Safieh, 1987, p. 47). Nonviolence can thus serve as a means to advocate for a particular cause. And through an effectively executed strategy, nonviolence has the power to transform violent societies by training people to pursue conflict resolution through nonviolence.

Palestinians have engaged in nonviolent resistance for nearly a century, from resisting the British occupation following WWI, to resisting Zionist expansionism, to resisting the Israeli occupation and annexation policies following the 1967 war, to the first intifada. Nonviolent practices were weakened during the second intifada as many Palestinians resorted to violence in an attempt to end the Israeli occupation. Recently, Palestinian nonviolent resistance movements have experienced a resurgence in protesting the Israeli Separation wall. Construction of the separation wall began in 2002 as a means to protect the security of the Israeli people. However, the wall has been criticized by Palestinians and internationals alike for cutting into the West Bank’s territory and confiscating thousands of dunams of Palestinian land in an effort incorporate Israeli settlements. The wall effectively separates 50,000 Palestinians from their land (Smith, 2007, p. 516). In October 2002, the Grassroots Palestinian Anti-Apartheid Wall Campaign began, which consists of 54 committees throughout the West Bank that are affected by the wall. Nonviolent protests have been held in Bil‘in, Budrus, Nil‘in, Silwan, Nabi Saleh, Al Ma‘ssara, and many other towns weekly for the past several years. The movements protest Israeli occupation and advocate for the separation wall to not be built across their lands. Though there have been some moderate successes in Bil‘in and Budrus, most protests have been met with Israeli violence and repression. To be sure, the protests will occasionally turn violent as young participants throw stones, but the leaders of the nonviolence movements condemn such actions and work hard to prevent it.

Examples of Palestinian civil society engaging in nonviolent resistance as a means to combat Israeli occupation are plentiful. The particular examples I want to emphasize here are two organizations that I had the pleasure to meet with in the summer of 2010. These movements are a little different in that they do not involve direct face-to-face confrontation like the protests against the wall. Instead, these movements resist by perseverance. The Hebron Rehabilitation Committee works to renovate buildings, reuse abandoned houses, and rehabilitate infrastructure within the Old City of Hebron (http://www.hebronrc.org/). The Old City of Hebron is one the poorest communities in the West Bank and the Palestinians there face particularly harsh and abusive tactics by Israeli soldiers and orthodox Jewish settlers in an attempt to displace them. The Hebron Rehabilitation Committee works to help maintain a Palestinian presence within the city by offering all the support it can to endangered Palestinians neighborhoods. Likewise, in the Jordan Valley, a region of the West Bank classified as Area C according to the Oslo Accords and thus under complete Israeli control, Israeli evictions and demolitions of Bedouin homes are common. Within the region, the Jordan Valley Solidarity works non-stop helping people to rebuild their homes and maintain their claim to their land. For some Palestinian families, they have had to rebuild their homes three or even four times. They uses the phrase “to exist is to resist” as their motto (http://jordanvalleysolidarity.org/). And for these Palestinians, simply maintaining their presence on the land is form a nonviolent resistance. These examples emphasize the importance of local civil society organizations in providing
services, offering a form of protection, and presenting methods of resistance to these communities that do not involve violence.

These examples and methods of nonviolent resistance are an attempt by Palestinian civil society organizations to build a Palestinian culture of nonviolence and to advocate against Israeli occupation as an impediment to peace. Indeed, as Abu-Nimer (2006) explains, simply trying to build a sustainable Palestinian society and economy is a form of nonviolent resistance. To the degree that Palestinians are not violently reacting to their homes being demolished or their land being confiscated, one could argue that there has been some success. Abu-Nimer (2006) notes that there are many Palestinian organizations engaged in or supporting advocacy, peace dialogue, and joint projects and all of these organizations “contribute to the development and sustainability of a nonviolent culture in the Palestinian resistance” (p. 149). Additionally, involvement in joint nonviolent movements allows for interaction with different types of Israelis. This interaction can help change perceptions and prevent further dehumanization. These processes of nonviolence are in effect training Palestinian civil society to adopt methods of nonviolence to resolve conflict.

However, methods of nonviolence are limited and thus have had a limited impact as of yet. There have been few cases of clear success beyond a few moderately favorable Israeli court rulings against the separation wall in Bil’in and Budrus. The main goals of the movements, however, have yet to be influenced at all as Israeli occupation continues, construction on the separation wall continues, settlement construction continues, home demolitions continue, and Israeli violations of human rights continue. This leads to the perception among Palestinians that nonviolence cannot yield any results. With this mindset, Palestinians are likely to be more supportive of violent initiatives. Indeed, in a comprehensive study of Palestinian public opinion polls, Shamir (2007) found that “a majority of Palestinians have consistently agreed that armed confrontations have helped them achieve national rights in ways that negotiations could not” (p. 33). In a December 2010 public opinion poll, with no progress in official negotiations, Palestinians were asked about their preferred alternatives to negotiations. Of the respondents, 31% said they favored going to the UN Security Council, while 29% supported waging armed confrontations against Israel. Waging nonviolent campaigns and dissolving the PA each received 16% (PCPSR, 2010). To be sure, going to the UN Security Council represents a form of nonviolent conflict resolution. However, this plan of action relies on the will of the international community. In terms of direct involvement, more Palestinians favor direct violence than nonviolence seeing it as a method more likely to lead to results. Attempting to change this perception has proven difficult.

The PA has been largely unsupportive. Indeed, there is a clear recognition among Palestinians and international peace activists that the mere presence of the PA in its current form impedes the sustainability and expansion of a civil, national nonviolent action campaign (Abu-Nimber 2006, p. 158). Though claiming that Palestinians believe in nonviolence in the international scene, the PA does very little to help support the nonviolent movements. Thus a national, mass mobilized nonviolent movement has yet to be developed. An effective nonviolent movement requires a precise strategy, preparation and organization, strong leadership to ensure persistence and discipline, and coordination. As of yet, Palestinian society has not had sufficient organization and leadership to develop a mass mobilized movement that includes various sectors of society. Of particular note is the lack of strong engagement from the Palestinian middle-class. The educated and middle-class Palestinians are more detached than engaged and their lack of participation deprives civil-based resistance from certain sources of strength (Abu-Nimer, 2006). Ultimately, this renders the impact of local nonviolent movements to be minimal. To be sure, by organizing and participating in nonviolent resistance movements, civil society organizations are working to build a culture of
peace within Palestinian society. However, due to the limited and disjointed nature of the movements, having a wider effect on Palestinian decision-makers and the peace process has been minimal.

Section 7: Conclusion

This analysis of the impact of various methods of peacebuilding unfortunately presents a largely negative picture of the capacity of Palestinian civil society’s ability to affect change at the grassroots and elite level or to influence the peace process in a significant way. Faced with numerous limitations, Palestinian civil society has not been able to successfully build a constituency of peace. Throughout sections 5 and 6, I highlighted various factors that have limited the capacity of Palestinian civil society to build peace through negotiations, joint activities, track two diplomacy, and nonviolence. Below, I have summarized these factors:

1. Nature of the PA. In addition to the tension between the PA and civil society organizations over who best represents the Palestinian people, civil society organizations are also limited by the lack of a systematic endorsement of peacebuilding initiatives from within the Palestinian establishment. Additionally, the authoritarian nature of the PA has prevented the inclusion of civil society actors from having a voice within the more formal and official streams of the peace process. Thus, any formal agreement achieved will be weakened by a lack of societal ownership.

2. Continued Occupation. Israeli control over the daily life of Palestinians prevents participation and mobility in civil society. Restrictions such as road closures and permits for movement thwart attempts at national and collective unity, and hinder the growth and power of Palestinian civil society. It also places limitations on joint and cooperative ventures with Israelis.

3. Funding. Heavy western funding following the Oslo Accords has lead to the professionalization of many of the Palestinian NGOs and a shift from popular self-organization to a form of professional work dependent on foreign donors. Thus, there has been a weakening of ties between NGOs and their local popular base. Indeed, most of the track two diplomacy initiatives that have moderately influenced decision-makers over the years have been conducted almost exclusively between professionals thus limiting the input from the grassroots level of society. This, in consequence, weakens methods of peacebuilding such as advocacy and joint initiatives, and raises concerns about the degree to which NGOs express the authentic needs and ideas of the Palestinian people.

4. Threat of Normalization. The association of joint activities such as people-to-people projects and track two diplomacy with the process of normalization prevents the inclusion of many segments of Palestinian society. There is the belief that working with Israelis in joint programs leads to a normalization of relations between the parties, giving the Israeli side legitimacy without freedom from occupation.

5. Public Apathy. Civil society must address public sentiments of exhaustion, despair, and apathy following the failure of the Oslo process, the devastation of the second intifada, and a decade of no progress. Because of these entrenched public feelings, civil society organizations have had difficulties in developing a comprehensive peacebuilding strategy, organizing a mass mobilized movement, and impacting a wide audience. They have thus failed to play a strong peacebuilding role within the public.
6. **Armed Groups.** Hamas and other armed groups limit the capacity for peacebuilding in civil society. These groups often fill a void within civil society, catering to the socioeconomic needs of the different communities to build support. They are spoilers to a peace process and represent those in society who do not advocate for peace and conflict resolution. These groups cannot be discarded, as they do represent a viable interest in society. However, their presence undermines the work of the peacebuilding organizations and can lead to the misperception that Palestinian civil society advocates violence.

7. **Weak Nature of Palestinian “State.”** Palestine currently has a split civil society: Gaza and the West Bank. The peace agenda of Palestinian civil society thus must also include not only peace with Israel but also peace within Palestinian society. This infighting of factions thus weakens the capacity of Palestinian civil society organizations to speak in a unified voice and create national peacebuilding programs.

In the introduction I posed the following questions: how has Palestinian civil society developed over time? Is there a functioning, strong, and independent civil society in Palestine? How has Palestinian civil society contributed to the overall peace process? How does Palestinian civil society utilize methods of peacebuilding to prepare Palestinian society for a peace agreement and to create an inclusive peace process? The answers to the first two questions directly affect the answers to the final two questions. In section 5, I traced the development of Palestinian civil society noting that after the Oslo Accord and introduction of the PA, the power and cohesiveness of Palestinian civil society was greatly weakened. Likewise, with the introduction of heavy international funding of NGOs, the independent nature of Palestinian civil society began to wane. As section 6 emphasized, Palestinian civil society has attempted to build peace through joint activities, track two diplomacy, and nonviolent resistance. However, because of its weakened and semi-independent nature coupled with the limitations addressed above, Palestinian civil society has been unable to influence the peace process or develop effective peacebuilding initiatives that create a culture of peace.

Yet even with little real impact from these peacebuilding efforts, the potential remains that Palestinian civil society may continue to develop in such a way that leads to the creation of a peace constituency and ultimately to the transformation of the conflict. After an extensive survey of public opinion polls from 2001-2006, Shamir (2007) concludes that neither the Palestinian nor the Israeli publics are ready to accept a comprehensive peace agreement. However, Shamir also notes that the one-time joint majority support of both publics for the Geneva Accords suggests that an agreement backed by strong public support is not out of reach (p. 51). If mobilized by stronger and more cohesive peace programs, the public could support a peace initiative. Currently limited in their capacity to create a truly mobilized bottom-up process, Palestinian civil society must create different avenues to affect change.

As this study emphasizes, one of the main challenges of Palestinian civil society in terms of peacebuilding remains how to develop a comprehensive peace program with more mainstream support. As the struggle continues, what is needed are better coordinated strategies for reaching the general public within and between societies. Through mobilization processes, civil society can reignite hope within the public and combat feelings of disillusionment. Future peacebuilding initiatives should place more value on the method of nonviolence as a means to mobilize the population. Joint initiatives especially should strive to maximize the potential of nonviolent actions and involve large segments of the population. Dialogues and problem-solving workshops should
continue, but should strive to include participants of different professional and economic backgrounds.

Within the negotiation process itself, civil society should demand to play a greater role. As Barnes (2002) notes, “It is the people of conflict-affected societies that must themselves ultimately own the process of political change if it is to be responsive to their needs” (p. 11). Palestinian civil society actors should demand for a more inclusive peace process. The louder the civil society becomes in protest of exclusion, the greater the pressure will be placed on the PA to allow for processes of inclusion be it directly or through a forum. Only through a strong and adamant demand will civil society be able to increase its influence within the official peace process.

Of course, civil society will continue to be limited by the factors described above. However, by developing methods that would mobilize large segments of the society, the strengthened voice of Palestinian civil society could create opportunities for change. It is through programs of inclusivity, joint cooperation, and mass mobilization that Palestinian civil society could more effectively contribute to the peace process and prepare the Palestinian public for peace.

References


Culture, Conflict Resolution and the Legacy of Colonialism: The incommensurability of justice systems in postcolonial Cameroon

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Present day research indicates that both formal and informal justice systems in Cameroon are perceived as inadequate and lacking legitimacy. This paper argues that this dissatisfaction is linked to the colonial period in which formal state justice mechanisms were established and indigenous practices condemned. Colonists imposed western conflict resolution methods incorporating significantly different sets of values and beliefs about conflict and society that continue to impede indigenous justice forums today. Case study-based evidence from Cameroon suggests that the process of preferencing predominantly retributive Western justice processes over predominantly restorative indigenous justice processes effectively cripples both systems. Due to impacted value systems and a lack of relevancy, neither the traditional processes nor the formal judicial systems are sufficient for modern conflict resolution.

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Conflict resolution scholars know that community disputes are inevitable. It is not conflict’s presence, but the matter of its management that reflects cultural values and social structures. This article will explore the sources of discontent with formal state justice systems and indigenous justice forums in post-colonial Cameroon. Using conflict resolution processes to provide case studies, the analysis will locate the breakdown of conflict resolution legitimacy as a result of colonization by Western powers. Far from being an immediate, bounded change, the impact of the colonial period has festered over centuries, shifting social values and desires. 

Conflict resolution is an ideal framework from which to analyze cultural mores because it exposes how people perceive, communicate, interact, and relate to each other. The buildup of conflict may involve complicated action chains or verbal exchanges; conflict resolution may take any form ranging from a court order to a healing ceremony. Inquiry into the formation of conflict and its appropriate resolution reveals examples of cultural values, social processes, and collective identity. More specifically, analysis of criminal justice practices generates insight into the political legitimacy of state systems, especially those historically in flux (Kinnes, 2009). 

The repositioning of Western conflict resolution systems onto colonized states altered the cultural values of the indigenous such that traditional conflict resolution methods became incompatible with local values. This argument does not intend to suggest that traditional informal conflict resolution systems, nor indigenous cultural values, are universally superior to those of the colonists. Neither method of addressing conflict is flawless, though authenticity of ownership and local origin are immediately reflective of overall applicability and relevancy. Ownership of such a socially reflexive process cannot be manufactured, as transplanted foreign systems demonstrate. 

Analysis of the consequences of colonialism on conflict resolution forums risks a bias towards indigenous systems. It is critical to recognize that in many instances, traditional conflict resolution systems have failed to prevent violence or recurrence of conflict (Mac Ginty, 2008). Comparison of different justice systems is necessary only to quantify appropriate fit and relevance to the population served. 

To focus on the transition of culture through conflict resolution, the question was posed: What is the current state of the indigenous conflict resolution systems in post-colonial Cameroon, and why? The answer draws upon primary resources and interviews as well as informal observation to argue that the perceived ineffectiveness of conflict resolution systems in Cameroon has roots in the colonization period. How did indigenous systems become anachronistic? Why are formal justice systems considered incommensurate with local values? What, if any, shape could future conflict resolution mechanisms take in order to overcome these deficiencies?

Research for this study includes interviews with professional members of the formal and informal justice systems in the Southwest Province of Cameroon, as well as interviews with citizens currently in the process of seeking justice at the formal and informal levels of society. Gathering data for the informal traditional councils of Cameroon required a different approach for which needs assessment interviews were taken and later compiled into statistics for each village. Interviews were conducted in English and Cameroonian Pidgin at the discretion of the informant with the help of three colleagues from an NGO, including two locals. The final set of interviews took place in the halls of the High Court where many civilians waited on a daily basis for court hearings or to see an official. 

An important consideration regarding both informal and formal research conducted for this work is the criteria used to select the sample. Interviews and interactions were held with those who were voluntarily willing and able to communicate with a foreign female. People self-selected for interviews; therefore the sample is not representative of the whole. As a result the work is by nature
exploratory rather than capable of determining causality or essentializing.

This report adopts an emic approach in order to examine the deep cultural contexts of Cameroon. Kevin Avruch warns that the risk of an emic approach is its tendency to create assumptions about the universality or timelessness of the particular model in question (Avruch, 1998). In recognizing the fluidity of cultural practices and values, perhaps exploratory research such as this may fulfill Avruch’s praise that the emic approach "is literally indispensable for a cultural understanding of conflict and its management or resolution" (Avruch, 1998: 63).

The Nature of Colonialism

Colonialism by any other name is still colonialism, a crime against nature, peace and humanity. -John Trudell, 1988

Local dissatisfaction with social systems such as traditional conflict resolution and state justice mechanisms echoes native responses to colonial structures and practices. Specific data supporting the nature of this dissatisfaction will be reviewed later on in the article. A summary of pertinent literature on the lasting effects of colonialism is provided here to foreground the discussion on the incommensurability of conflict resolution systems in the present day.

Critics of colonialism point to its myriad offenses, many of which are patently obvious. The dysfunction of current justice systems in post-colonial societies is not frequently cited among them. Yet colonialism imposed particular conditions and catalyzed reactions that begin to offer an explanation for this dysfunction. What were these systems of empowerment and disempowerment, of structure and disorder? Were they an unintended effect of the process of foreign intervention or a strategic component of state governance?

African history and political scholar Mahmood Mamdani argues that colonial states' use of decentralized despotism belied any claim of real democracy. The system was designed to racialize civil power and tribalize customary power to enable universal control by and favoritism of the colonizing body (Mamdani, 1996). It was regretfully effective not only in sustaining political influence and economic control long after its conclusion, but also in disabling the local chiefly governing system.

Decentralized despotism was rooted in a dual legal system incorporating both the political establishment of the colony and the customary authority for dealing with traditional native matters. The reach of these authorities culminated in the dual court system, "one modern, the other customary, neither quite separate nor quite equal," serving different populations with different legal and social standards (Mamdani, 1996: 69). The distinction between these governing bodies reveals the lack of colonial understanding on native cultural matters, for the two-court system required that natives distinguish between custom and non-custom issues, an impossible task for the colonized. Decentralized despotism offers an explanation for the colonizing body's success in disempowering native systems of authority.

Decentralized despotism illuminates the colonial intention to not only transplant the pillars of Western civilization, but in so doing destroy indigenous practices and social structures. This was done both as a systematic act of cultural genocide and as a natural consequence of foreign control. There is significant difference between acculturation and an attempt to impose one culture for the purpose of destroying another (Burgos-Debray, 1984). Evidence of this colonial accomplishment can be observed in the latent discontent with traditional justice systems in Cameroon today.
Oppression woven into the institutional fabric of society --such as within the dual court system-- is a form of structural violence, a term credited to conflict resolution theorist Johan Galtung (1969). Structural violence is violence based on the systemic ways in which a society employs structure or social institutions to prevent people from meeting basic needs. People perceive structural violence as something with stability; even though it streamlines inequality, fomenting the unequal distribution of power, it is established as part of a perceived 'normal' social system (Galtung, 1969). The inequality normatized through decentralized despotism, especially in the courts, embodies Galtung's structural violence theory.

Structural violence invites further consequences such as internal colonialism. Historian Becky Tatum described internal colonialism as the way in which colonialism transforms the perceptions and identity of a society. People who have suffered from internal colonialism incorporate the lingering state of their subordinate status through political, economic and social ramifications (Tatum, 2002). Internal colonialism is fomented by the colonists' recognition of natives as the "other". This pattern of thinking led to extremes such as pseudospeciation, the act of in-group members recognizing themselves as the only members of the human species, and other people as less than human (Moore, 1993). Colonialism-bred pseudospeciation is a classic example of internal colonialism.

Native identity transformation in the wake of the new colonial social strata inevitably incorporated a measure of self-hatred. Through unjust policy and racist behavior colonists indicated to natives their inferiority, and demonstrated that their cultural practices were primitive, and that their social infrastructure was substandard. Native groups internalized this victimization through a denial of their identity and heritage and an absence of security and participation (Fisher, 1993). In addition, internal colonialism led natives to disassociate themselves from traditional practices, including processes of resolving conflict. Latent discontent with traditional justice mechanisms in Cameroon can be traced to denial of heritage and native identity, a remnant of internal colonialism.

Conflict resolution theorist Edward Azar proposed that deprivation of basic human needs was a main factor influencing certain conflicts (1986). To Azar, protracted social conflict is caused most directly by the "denial of those elements required in the development of all peoples and all societies, and whose pursuit is a compelling need in all" (1986: 29). Though most physiological needs of natives were met, psychological needs such as safety and identity were in constant peril during the period of colonialism. Azar's protracted social conflict theory is useful in this study for holding colonialism accountable for denying native psychosocial needs, thereby sustaining a state of social insecurity and discontent with social institutions.

Cultural Collision

We don't want to [use only their systems] because we know that they are weapons they use to take away what is ours.

-Rigoberta Menchu, Me Llamo Rigoberta Menchú Y Así Me Nació La Conciencia

New processes to determine guilt or innocence and new orientations to right and wrong caused native values to shift. The retributive nature of the Western justice system permeated traditional notions of fairness and resolution, new perceptions of fairness preferred retributive justice over restorative justice, the former indigenous approach. The violent manner of the transition caused natives to doubt indigenous applications and question the validity of their traditional methods. In addition to horizontal fragmentation and self-hate, local Cameroonian struggled to adapt to the perceived superiority of Western tools and institution. The colonists
encouraged the idea that Western social methods and structures, law in particular, were the key to a progressive and therefore 'successful' modern nation.

The transformation of cultural values is not itself a dangerous or unnatural process. However, when catalyzed by trauma and fragmentation, the revision of cultural mores may establish underlying problems. The clash between native and colonist values was made explicit in the different conflict resolution processes:

Conflict management strategies that are insensitive to each culture's unique context are not likely to succeed. The temptation to generalize conflict management strategies from Western to non-Western cultures or vice-versa, regardless of the different cultural context, is a dangerous threat. Each cultural context has developed its own unique constraints and opportunities for constructive conflict management (Jandt & Pedersen, 1996b: 249).

The unique constraints and opportunities in these conflict management systems are most easily identifiable at different moments in the evolution of values before and continually after colonialism. However, differentiating between the "before" system and the "after" system is not as simple as it seems:

Modernity and tradition are not always two clearly distinguishable moments. What is called tradition, especially in postcolonial societies, is unavoidably located within modernity, and irretrievably constituted by modernist discourses. Neither pole of the opposition remains hermetically sealed from the other (Menon, 2000: 76).

During colonialism, traditional conflict resolution forums provided a certain function in society, yet were stripped of official status. Regarded as obstacles to development, these forums could have simply fallen out of practice as countries modernized (Penal Reform International, 2000). The persistence of traditional conflict resolution systems considered to be inadequate suggests a certain level of perceived insufficiency of the other resolution mechanisms available, namely the state judicial system. Scholars today recognize the necessity of non-state justice system inclusion in state building (Faundez, 2011).

**Sources of discontent with justice systems**

Traditional justice systems continue to operate, but the social functions for which they were created are no longer recognized as a local priority. Village interviews revealed the common perception that justice and equal treatment were unattainable in an informal forum, specifically with the traditional councils. Having defined and given weight to these concepts during colonization, Western judicial systems held a monopoly on them. Compared with the tangible power of the Western court system, traditional councils in Cameroon are perceived as lacking validity. Perhaps validity is a concept associated with state institutions, or with Western origins. Dissatisfaction with traditional systems may be latent inherited trauma from internal colonialism. It may be that Cameroonian society came to associate validity with formal court symbols of institutionalization, legal accoutrements, and an expensive price tag.

Rather than perform separate functions, traditional councils, customary courts and formal courts coexist in a dynamic and multidirectional system. Each forum maintains its own policies for dispute management depending on the nature of the crime or infraction. The system is thrown into chaos when cases or rules from one domain are brought into another. This occurs when village councils review land disputes, customary courts handle divorce from legal marriage and minor infractions such as nominal debt are first addressed in a high court. To complicate matters further,
Cameroonians pick and choose where to bring disputes based on status and access rather than choosing the most 'appropriate' forum for the nature of the problem and the persons involved.

The incomprehensibility of the Cameroonian multi-forum justice system, combined with the legal illiteracy of many local people, results in a chaos in which neither system is used as intended. The system was meant to direct conflicts into appropriate forums while allowing for progressive transition between them if a case is not adequately resolved. Many Cameroonian barristers and formal justice officials remarked that the range of forums in this judicial hierarchy is available for the express purpose of offering increasing levels of legal legitimacy and fairness. The traditional options are therefore not only the cheapest and most local, but considered to offer the least relative quality of service. “The traditional councils have no jurisdiction,” said a judicial official bluntly.

Cameroonians with the means to do so will escalate their disputes to higher and more official levels of the justice system when they are dissatisfied with the decision made at a lower level. The process diminishes the legitimacy of traditional council decisions by automatically overruling their findings. The perception of traditional councils' fallibility and accusations of councils' bias and discrimination contribute to low levels of trust and respect from the community.

The reason why traditional councils are forgone in favor of formal courts in Cameroon was frequently reiterated by traditional councilors and court officials. They suggested it was a sign of affluence to skip the traditional council and go directly to the courts. If one had the money, the "finer" justice forum would be the preferred stop. A formal court official argued that the decision to skip the village council in favor of the formal court is motivated by arrogance and conceit.

Lack of economic resources is also a contributing factor in the inefficient use of the justice system. A case may be brought to subsequently higher levels of judicial recourse due to economic constraints. A Cameroonian barrister suggested that people bring cases to the village council only because they do not have the money to do so elsewhere. It is often the case that disputants will take a case to the formal court after being dissatisfied with the way it is handled at the customary courts, and prior to that, the village council. The process is more expensive this way, explained the barrister, but it is caused by poverty.

The assumption that the more official, more expensive courts will settle or solve a dispute satisfactorily when a traditional council could not points to the partiality towards the courts' distributive rulings -- and outcome that traditional councils cannot provide. A collective preference for retributive processes supports the perception of traditional conflict resolution as antiquated and impotent. The transition from restorative to retributive justice occurred in such a way as to leave people dissatisfied with the methods and objectives of the former process, but unable to universally access the latter.

New orientations to justice, driven by the desire for material compensation and individualism, shifted local attitudes away from principles of collectivism and social harmony. A disputant seeking retribution would be very likely to be unsatisfied with the outcome of a conflict resolution process designed primarily to restore harmony and preserve social relationships. As such, traditional councils' methods and purpose are culturally incommensurable with the desires of present day Cameroonian disputants.

In theory as well as practice, the righting of wrongs, fair treatment, and due reward hold different subjective meanings for different people. Just as conflict is culturally defined, so is its successful resolution. Restorative justice "goes beyond simple punishment to seeking healing of conflicted relationships as the most reliable way of defending against recurrence of crime"
Restorative justice is central to many indigenous groups' perceptions of conflict resolution. Even at the international level, the tension between retributive and restorative justice is found as the International Criminal Court’s focus on mass violence champions the individualization of criminal responsibility (Clarke, 2010).

A high judicial official in Cameroon recounted the history of the colonial courts and the local need for restorative justice:

When the white colonials arrived on our shores and established the rule of law, the natives were delighted. The white man earned the reputation of delivering impartial judgments. Judgments that were free from favoritism of any sort. Thus the rule of law earned a reputation for being fair and was respected.

[However,] the rule of law divides, it does not, as the traditional councils at their best aim to do, restore harmony [...] In many cases, the traditional councils, for low level disputes, are the most appropriate forum for a resolution that is not only fair but that restores harmony within the village rather than widening a rift.

The restorative function of the traditional councils is not found in a formal court. Many people in Cameroon recognize that traditional informal justice systems are best suited to community members who "seek reconciliation based on restoration and who will have to live and work together in future," but this distinction applies to fewer and fewer communities as development pushes villages into the more individualized cash economy (Penal Reform International, 2000: 3). Increased materialism and the rising cost of living raised stakes in many village disputes, and in these areas the village councils fail to fulfill new demands for retributive justice. Age-old restorative justice approaches are met with dissatisfaction and frustration.

Formerly, the maintenance of community relations was paramount, such that "everything is done to see to it that the paths chosen reinforce such goals" (Nader & Todd, 1978: 17). Social relationships are a significant factor in determining which objective for dispute resolution is needed. Declining interest in social connection and cohesion turns local disputants away from the restorative aspects of conflict resolution which originated the traditional village council function. As the importance of a future relationship diminishes, the restorative power of indigenous conflict resolution systems loses its appeal.

Customary approaches to restorative justice defend against the recurrence of crime by concentrating on truth-telling, reconciliation and the re-establishment of sustainable relationships (Mac Ginty, 2008). Yet there is a significant difference between conflicted relationships over private property (a post-colonial concept) and conflicted relationships over public, shared property (a relic of collectivistic times past). Not only have ideas about justice and resolutions been changed, but so have entire orientations towards the source and scope of the conflicts themselves, including ideologies of property, resources, and social obligation.

The consequences of an inability to defuse growing conflicts in small communities are serious. The introduction of retributive justice into a society built on restorative ethics has left a long and damaging legacy. In addition to establishing an oppressed and traumatized population, "colonialism brought a contrasting cultural influence emphasizing materialism as a measure of success" (Jandt & Pedersen, 1996b: 251). This was in direct opposition to the former use of compensation and exchange in traditional justice forums as "vehicles for the restoration of balance" (Mac Ginty, 2008: 148).
In traditional society the concept of justice was dependent on the restoration of social relationships (Estrada-Hollenbeck, 2001). Yet post-colonial societies no longer seek this outcome, and without the desire to restore harmony, indigenous mechanisms for doing so are duly stripped of power and cultural relevance. In addition, the main actors had changed: the role of the state superseded the role of community in judicial proceedings, and a formal legal background rather than community-conferring leadership is now the requisite standard for perceived authority on dispute resolution.

Law as constructed by the state differed primarily from customary law in that it was "created by and for the groups in power," more so than customary law or unwritten guidelines regulating indigenous society (Nader, 2002: 11-12). Colonialism established a precedent of state law as benefits and protects the interests of the ruling elite (Kinnes, 2009). Thus, conflict resolution systems favored the colonists over the colonized; post-independence, the inherited system was adapted to favor the economically powerful over the disadvantaged. Retributive systems encouraged material compensation and restrictive punishment as well as a determination of a winner and a loser.

The traditional conflict resolution systems had thrived on consensus decision-making built on common interests to solve local disputes (Tangiora, 1996). There was a social expectation that when an individual repented for wrongdoing, the reconciliation occurred not only between the parties directly involved, but between the wrongdoer and the larger community. In Cameroon, village councils were made up of community representatives, and on occasion the whole village would participate. In formal courts, on the other hand, only the individuals directly involved were present, and the state-appointed arbitrator was unknown to the disputants, without knowledge of the people in question or their community, and often unaware of the context of the dispute.

The boundary of conflict shifted from that of oneself and the community to that of oneself and the state. During colonialism the state existed as a separate entity, hardly representative of local values or authority; this orientation survives today. Having violated state law, a wrongdoer is accountable to the demands of the state and the corresponding punishment. State-centered processes embody Western values of autonomous individualism, competition, and material success, and tend to blame an individual for his or her own problems (Criss & Johnson, 1993). The dominance of the state over all subordinate structures of authority seemed to "treat the rule of law as a mechanism for order rather than as an instrument to provide justice for all" (Mani, 2000: 91). The Western judicial system of courts and laws, installed during a wave of colonial state power, did not effectively transform local cultural values to conform to its priorities or methods. Interviews support this claim; disputants did not report satisfaction with court methods, nor the limited accessibility of this corrupt and under-resourced state institution.

Local attitudes toward the Cameroonian formal justice system are complicated. Those who are trained in and employed by the courts believe that the formal courts’ methodology is superior for a number of reasons, including perceived fairness, and legal and institutional power by association with the state. Despite this preference many formal court employees recognize the need for traditional councils in performing important social functions which formal courts cannot provide. One official stated:

In theory, the village traditional councils are ideal forums for the majority of the disputes that their community members experience. However, there are many problems with issues such as favoritism that reduce the authority of the councils. Without this, their judgments are neither respected nor honored and they are unable to provide the service for which they
exist. What is clear, however, is that the village traditional councils’ understanding of local matters is far deeper than my own, for example, and therefore, when operating effectively, they are the most appropriate forums for the villagers to take their disputes to.

The idea that the formal courts can provide justice through power was echoed by some of the people who brought cases to the court. One such person came to the court to seek an official who had “the power and authority to command people to give justice.” In reality, the formal court cannot effectively dictate human action any more than the traditional councils could do. The assumption of a state official’s ability to enforce a just outcome points to the perceived authority of the court, but not authority derived from actual outcomes.

Since its inception, the formal justice system has been plagued by legal illiteracy and the consequent misuse and under-use of the courts. Most of the difficulties regarding the operation of the formal court are delays or absences relating to the costs of travel. People may describe potential success at court in terms of money because Western justice is frequently manifested in financial gain or loss. Money and materialism had not been essential to the restorative function of traditional conflict resolution prior to colonialism. Formal courts and legal matters were a foreign import, one that was perceived “as not blending in well with a much older, familiar system” (Huffer & Molisa, 1999: 102-103). To this day there remains a lack of voluntary ownership over the Western judicial system.

Though some individuals have adopted it, the formal courts have not become a normal part of social interaction at the collective level. A participant interviewed at the High Court divulged his disappointment at being called into court by an enemy who was using engagement with the court system as a means of punishment. Several other people shared the experience of moving to the formal court after other methods had failed to produce an “amicable settlement”. By the time the case reaches the formal courts, an amicable settlement is no longer the disputants’ goal. While traditional councils might have had a chance of resolving the conflict without furthering social tension, formal courts are disinterested in future relationships. These courts use linear processes, low-context frameworks, and distributive bargaining to produce an outcome. The formal system thus fails to fulfill the core identity need of restoring the fractured relationship so that an interdependent future can occur.

In the present day, traditional conflict resolution forums such as village councils persist, yet relational, restorative communal resolutions are no longer able to satisfy adapted expectations of justice. Formal courts provide limited service due to lack of resources, but even these cases do not guarantee satisfaction. The distributive justice doled out by formal justice forums rarely fulfills the needs of a society with deeply collectivistic roots.

It is regrettable that concepts of conflict management and successful resolution by way of appropriate justice have become so skewed that neither traditional forums nor modern forums are culturally relevant in Cameroon. Cultural values have surely changed, as the ineffectiveness of traditional conflict resolution will attest. Yet state-level justice systems are no more culturally appropriate or satisfactory than the indigenous alternatives. As a casualty of the colonial history of Cameroon, conflict resolution has suffered irreparable damage.

Conclusion

Long-standing traditional resolution systems built upon restorative justice principles reflected once-prized values of social harmony. The oppressive force of colonialism superimposed a system of justice premised on completely different social values. British and French judicial systems
embodied disciplined, regulated social institutions built to guarantee regular and unbiased retributive justice. The resulting collision of these two opposing cultural perspectives on conflict resolution left Cameroon with functioning but inapplicable justice apparatuses.

The legacy of colonialism is ever present in today's myriad conflict resolution forums in post-independent states. Traditional systems of justice are now condemned as biased and ritual reconciliation ceremonies fail to resolve deeply rooted divides. Western-inspired judicial institutions remain unable to serve the population adequately. Cameroonianians are without a single conflict resolution process that fulfills current cultural needs.

Colonialism in Cameroon brought decentralization of power, the manufacture of false and implicit borders among and between tribes, and spread internalized trauma. Structural violence infested social institutions and state apparatuses including the manipulative and powerful legal system. The state ruled all transactions and controlled the affairs of the natives through selected authorities at the customary level. The dual court system further segregated the local population. Significant structural reorganization compounded social injustice, resulting in the disempowering and culturally alienation of the local population. The system rewarded those who distanced themselves from their cultural heritage and native practices. Customary values reeled from the collision with the legal dominance of the West, and local cultures were set on a path of continuous value change.

After colonialism, conflict resolution could have evolved in several directions. One path would be the exclusive use of the colonists' western justice system, a choice requiring complete abolishment of the informal justice forums. Another would be to revert back to traditional conflict resolution methods as the sole source of justice, dismantling the western courts and police system. As states employ these institutions to control and protect the ruling elite, such a scenario would be difficult to envision.

A third option would be to rely on both Western and indigenous conflict resolution systems to varying degrees, neither quite autonomous nor successfully interdependent. As this haphazard hybrid became reality, both traditional and modern conflict resolution methods have failed to adequately serve local populations. Formal courts set up during colonialism do not have the capacity to be made available to the entire nation. More importantly, the form of Western retributive justice that these courts provide is rarely an appropriate solution for reconciliation-dependent locals. Traditional forums continue to operate but without the trust or respect of native populations. A lack of interest in restorative justice, but certain dissatisfaction without it, is one of the most incorrigible colonial inheritances.

In Cameroon, community members and formal justice officials believe traditional councils incapable of providing adequate conflict resolution. The needs and ethics of the local culture that once established these systems have changed. How could either of these systems – one a relic from an untouched world, one a foreign import – fit changing values? Native cultural ethics have evolved significantly in recent centuries, and the future of globalization suggests that they will continue to evolve. The uncertainty of life in Cameroon is one of the only constants, exemplified by the volatile value of Cameroonian exports in recent years (Johnson-Hanks, 2005).

Interviews and assessments show that concepts of justice and people's desires for fair and fitting dispute resolution have transformed drastically since colonialism. The change in perceptions of conflict resolution processes indicates the basic human need for the means to a peaceful society is unmet. The reconfiguration of native identity and corresponding cultural values has impeded successful conflict resolution in post-colonial Cameroon. The need for restorative justice makes
Western courts unfathomable, while the new ideas of justice based on the colonial retributive system render traditional forums substandard and obsolete.

There is a common element behind native dissatisfaction with informal and formal justice systems. Neither of these systems originated from contemporary indigenous values. Neither system is culturally legitimate, because neither one is a product of cultural expression and ownership. As such, neither fully meets basic human needs, without which protracted social conflict looms. The lack of cultural ownership --and concomitant social investment-- could be the main cause of informal and formal conflict resolution systems' insufficiency. Any conflict resolution system that attempts to successfully and fairly serve a population should originate from the people themselves, according to their specific, relevant, and current values and social needs.

Successful conflict resolution post-independence strives to provide a process by which all people are satisfied, and which upholds a positive peace. With this objective in mind, it is simple to identify the weaknesses in the current conflict resolution systems. Formal systems that bear the mark of colonial imposition fail to recognize and respect the culture of the indigenous and their own oppressive origin. Informal systems that bear the burden of colonial fallout fail to honor and respond to the evolution of indigenous cultural values.

People need and deserve useful, relevant conflict resolution processes; societies depend on them to maintain order and encourage a healthy standard of behavior. In the absence of a social institution that meets these requirements, basic needs are unmet. Galtung's negative peace reigns over an environment of social injustice, and the structural violence ingrained during colonialism perpetuates its destruction of native self-esteem and autonomy.

In post-colonial nations citizens should be allowed to identify and correct the inadequacies of the conflict resolution systems designed to serve them. These systems will have to be reformed or a new system created if there is to be social order, harmony, and positive peace.

The deficiencies of the current available conflict resolution systems are undeniable, and true resolution of conflict demands reconciliation of old values with new practices. As Cameroonians are encouraged to participate in the creation of a rehabilitated justice system, indigenous identities will reclaim their honor and recognition, which have been denied since colonialism. Reform will be challenging, but the final result will provide a comprehensive and legitimate system of justice and conflict resolution that will have the support of the nation. Despite the harsh realities of cultural collision and the continued onslaught of globalization, it is not only possible but essential that states modify and reform judicial systems to the point where their purpose and method are commensurate with cultural needs.

References


Appendix A

Compiled Community Needs Assessment Graph from Kumba, Cameroon
June 26 2009

What are the major responsibilities of the Council?

- 58% Maintain Peace
- 12% Sanitation
- 12% Security
- 18% Water
Appendix B

Compiled Community Needs Assessment Graph from Kumba, Cameroon

June 26 2009

**What causes unequal treatment by the council?**

- Favoritism: 49%
- Bribery: 13%
- Tribalism: 38%

Appendix C

Compiled Council Member Needs Assessment Graph from Kumba, Cameroon

June 26, 2009

**Why would individuals decide not to bring problems to the council?**

- No faith: 39%
- Pride/Show off: 13%
- Fear of punishment: 22%
- Disrespect: 17%
- Don't know: 9%