

# LUC REYCHLER

Belgium

University of Leuven

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Luc Reychler

## **PREVENTING WAR CRIMES AND GENOCIDE: A LOOK FROM THE BALKONY**

Thank you for inviting me in Dubrovnik. This is one of the deepest and interesting courses I have attended, because it's so real and it's about sharing and dealing with hurting experiences from the recent past. After listening to Janja Beč and you, I decided to change the topic of my presentation. I will not talk about the next genocide and also not about the challenges to peace research. I share with you the belief that dealing with the past is a very important part of the reconstruction of a society. Dealing with the past however, can be done in a constructive and destructive way; it can depress your self and others, but it can also be used to build a new future. I believe that it helps to look at the past from different perspectives. The past is something you cannot negate, but is something you've to negotiate. When it gets hot, you should go to the balcony and look at what's going on in more detached way. I would like to share with you some other ways of looking at your past<sup>2</sup>.

### **1. Peace Building is Possible**

The first perspective conveys that violence committed in the past is not an insurmountable obstacle for building a new mutually benefiting future characterized by security, freedom and affluence. The EU region before 1945 was one of the bloodiest regions in the world. If there would have existed a Guinness Record Book of violence we would have scored most of the records. We started two World Wars, we had authoritarian regimes; civil wars; genocidal

behavior and concentration camps in which 12 million people were wasted, and we ruled the world. After 1945 we have become one of the freest, affluent and secure regions in the world. Is it because we are a generation of angels, and our parents and grand parents were devils? I don't think so. It's because we have dealt with the past in a more constructive way and built the conditions for sustainable peace.

### **2. Don't Loose Sight of the Big Picture**

The second perspective reminds you not to loose sight of the big picture, when you deal with the past. The essential requirements or preconditions for creating sustainable peace - derived from the peace research - can be clustered into five peace building blocks: (1) an effective system of communication, consultation and negotiation, (2) peace-enhancing structures and institutions, (3) an integrative political-psychological climate, (4) a critical mass of peace building leadership, and (5) a supportive international environment.<sup>3</sup> These peace building blocks are all necessary and mutually reinforcing. The lagging of one of these building blocks can seriously undermine the stability or effectiveness of the entire peace building process.

The first building block focuses on the establishment of an effective communication, consultation and negotiation system at different levels between the conflicting parties or members. In contrast to the negotiation styles used in most international organizations, the negotiation style, for example, in the European Union is predominantly integrative. Ample time and creativity is invested in generating mutually benefiting agreements. Without win-win agreements the Union would disintegrate.

The second building block consists of peace-enhancing structures. In order to achieve a sustainable peace, (conflict) countries have to install political, economic and security structures and institutions which sustain peace. The political reform process aims at the establishment of political structures with a high level of legitimacy. The legitimacy status is influenced by two factors (a) the effectiveness of a regime to deliver vital basic needs, such as security, health services, jobs, etc., and (b) the democratic procedure. Initially, an authoritarian regime with high quality leaders and technocrats can receive high legitimacy score, but in the end, consolidated democracies are the best support of sustainable peace building. It is crucial to note that the transition from one state (e.g. non-democratic structures) to another (e.g. consolidated democratic environment) is not without difficulties: the devil is in the transition.<sup>4</sup> The economic reform process envisions the establishment of an economic environment which stimulates sustainable development and the reduction of gross vertical and horizontal inequalities. The security structures safeguard and/or increase the population's objective and subjective security by effectively dealing with both internal and external threats. This implies a cooperative security system producing a high level of human security, collective defense and security, and proactive conflict prevention efforts.

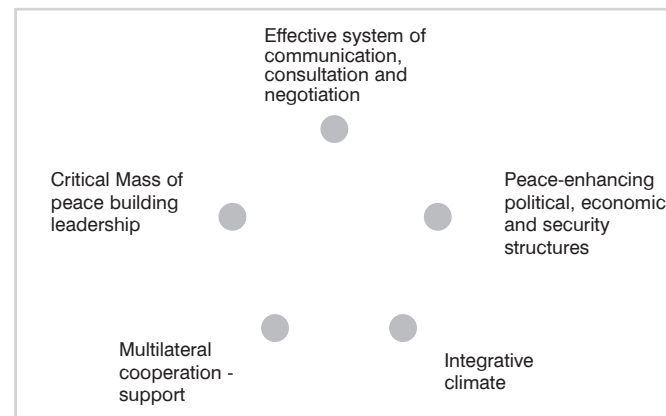


Exhibit 1: Sustainable peace building pentagon

The creation of an integrative climate is the third necessary building block for establishing a sustainable peace process.<sup>5</sup> This building block stresses the importance of a favorable social-psychological environment. Although the climate is less tangible and observable than the other building blocks, it can be assessed by looking at the consequences. An integrative or disintegrative climate can express itself in the form of attitudes, behavior and institutions. Characteristic of an integrative climate are expectations of an attractive future as a consequence of cooperation, the development of a we-ness feeling or multiple loyalties, and reconciliation.

The fourth building block is a supportive regional and international environment. The stability of a peace process is often dependent on the behavior and interests of neighboring countries or regional powers. These actors can have a positive influence on the peace process by providing political legitimacy or support, by assisting with the demobilization and demilitarization process, or by facilitat-

ing and stimulating regional trade and economic integration. However, these same actors can also inhibit the progress towards stability, for example, by supporting certain groups that do not subscribe to the peace process. Likewise, the larger international community plays a crucial role in most post-conflict countries. The international community by means of the UN agencies or other international (non-)governmental organizations can provide crucial resources and funding or even take direct responsibility for a wide variety of tasks, such as the (physical) rebuilding process, humanitarian aid, development cooperation, third-party security guarantor, etc.

The fifth building block is the presence of a critical mass of peace building leadership.<sup>6</sup> There are leaders in different domains (politics, diplomacy, defence, economics, education, media, religion, health, etc.) and at different levels: the elite, middle and grassroots level.<sup>7</sup> High on the agenda of peace research should be research to identify the characteristics of successful peace building leaders, such as Nelson Mandela, F. W. De Klerk, Mohandas Gandhi, Mikhail Gorbachev, Vaclav Havel, Jean Monnet, Helmut Kohl, George Marshal, Martin Luther King, Jacques Delors, and many others. This research involves differentiating successful and unsuccessful peace builders and identifying the similarities and differences between successful and unsuccessful peace builders, and between peace builders and peace destroyers.<sup>8</sup> Peace building leadership distinguishes itself by the way they lead the conflict transformation process. They envision a shared, clear and mutually attractive peaceful future for all who want to cooperate; they do everything to identify and get a full understanding of the challenge with which they are confronted; they frame the conflict in a reflexive way; their change of behavior is adaptive, integrative and flexible; they are well acquainted with non-violent methods; they use a mix of intentional and consequential ethics; and they are courageous men or women with a high level of integrity.

### **3. Reconciling Competing Values**

The third perspective tells us that there are constructive and destructive ways of handling the past. Dealing with the past is of great importance in the post conflict phase. It can enhance the building of mutually benefiting future for all the parties involved or it can protract the conflict. Dealing with the past in a constructive way aimed at reconciliation, coexistence and/or future cooperation. In most cases the constructive approach six ingredients: (1) truth, (2) justice / trials, compensations and lustration, (3) mutual reassurance that it will not happen any more, (4) an engagement to build a better future for all, (5) recognition of responsibility and expression of regret and (6) mercy or the request to forgive and being forgiven. The latter is not always present. Dealing with the past in a less constructive way (a) tries to forget or deepfreeze the past or (b) distorts the truth, opt for revenge or retributive justice; does not want to build a better future for all; does not accept expressions of regret, and knows no mercy. The European Union succeeded in dealing with the past in a way that it helped to build a better future. Also in South Africa the past has been dealt with in a constructive way. Each process of dealing with the past is different and unique, because it involves negotiating competing values, such as truth, justice, security, mercy, and economic development. These negotiations are influenced by the culture, perceptions of common ground, and the power relations in the post conflict context.

### **4. Understanding of "How We Get There?"**

The fourth perspective stresses the importance of understanding what happened. Understanding does not mean approval of the violence. Understanding does not psychologize, moralize or legalize human behavior. Of course violence is committed by psychopaths

and criminals. They should be brought to court. A great deal of the violence, however, is committed by normal people in abnormal circumstances. It does not help to call people "victims and bystanders" living in occupied or repressive environment "cowards", because they did not resist. It is better to understand why they failed to resist and research what could be done to empower them in the future. The mindset for preventing violence, such as terrorism and genocide, is different than the mindset for memory, memorials and commemoration. One of the purposes of the latter is to remember and honor the victims. To prevent violence one has (a) to make a broad analysis of the violence and (b) to replace an antagonistic framing by a reflective framing of the violent conflict.

### **A. A Broad Analysis of Violence**

The media covers the most visible types of violence (terrorism, civil wars, genocides...) A different picture appears when a broader definition of violence is used; when violence is defined as (a) a situation in which the quantitative and qualitative life expectancies<sup>9</sup> of a particular group or groups within community, state, region or the world are significantly lower than other groups, and (b) when this can be attributed to one or more sources of violence: physical violence, structural violence, psychological violence, cultural violence, bad governance, organized crime, and extra-legal activities.<sup>10</sup> The difference between armed violence and the other types of violence is that armed violence is direct, visible and it kills faster. The other types of violence are indirect, less visible and affect more people. Gandhi, for example, called poverty the worst form of violence.<sup>11</sup> It affects billion people who live on \$1 a day; and 2.8 billion live on less than \$2 a day. In the West, poverty means a bad life; in the Third World it means the proximity to death.<sup>12</sup>

Mapping the whole fabric of violence, including the less visible means of violence, gives a more realistic picture of today's violence in the world. Paradoxically, the attention of media and researchers focuses on the sensational violence (terrorism, irregular and conventional warfare), which kills less than the other means of violence. Terrorism causes approximately 5.000 deaths a year<sup>13</sup>; anti-terrorism and conventional warfare hundred times more (500.000); structural violence shortens the life of hundreds of millions of persons, and bad governance reduces the life expectations of approximately 1.5 billion people. Bad governance has many faces. It can express itself as (a) greed and corruption; the infant mortality increases with 75% when the level of corruption increases from medium to high level; (b) indifference and neglect; think of the ongoing genocidal conflicts in Chechnya and Sudan; (c) ignorance and stupidity; remember Mao's great leap forward in China, which caused the death of millions of Chinese; or the retreat of the Blue Helmets from Rwanda in 1994 when the genocidal violence started; or (d) the harmful and negative side-effects of well-intentioned policies.<sup>14</sup> Bad governance kills. More information exists of the activities of transnational organized crime which erodes human security. It is estimated that criminal organizations gain \$300 to \$500 billion annually from narcotics trafficking, their single largest source of income.

The last strand of the violence fabric is the "shadows of war". Carolyn Nordstrom describes them as the complex sets of cross-state economic and political linkages that move outside recognized state-based channels and in many cases have greater power than some of the world's states. This set of economic and personnel flows ranges from the mundane (the trade in cigarettes and pirated software), through the elicited (gems and timber), to the dangerous (weapons and illegal narcotics). Initial inquiries estimate the amount of money generated per year through extra-state activities

in the trillions.<sup>15</sup> These amounts dwarf the budgets of international organizations, as the EU and the UN. The EU's budget in 2004 was €99.52 billion; the budget of the UN for 2002-2003 was \$2.6 billion. Part of this money could be used to support the Millennium Development goals (MDGs) which require \$135 million in 2006 and \$195 million in 2015. These are huge opportunity losses for conflict prevention and peace building.

To prevent violence more effectively, one has to look at the whole fabric of violence. Armed violence is intertwined with the other strands of the fabric.

Physical means of violence: terrorism, guerilla and conventional warfare.  Visible direct-intentional	Psychological means of violence	Cultural means of violence/epistemic violence
Structural means of violence: political, economic and cultural exclusion.  Less visible indirect-intentional	<b>VIOLENCE Is about shortening life</b>  <b>Or significant lower quantitative and qualitative life expectancies of particular group(s)</b>	Bad governance: -Maladministration -Corruption -Indifference and neglect -Greed and self-interest -Religious and ideologically inspired bad governance -Unintended negative impacts of well-intentioned interventions
Organized crime	Extra-legal economic activities	Environmental violence

Exhibit 2: The fabric of violence

Before the genocide erupted in Rwanda with volcanic force, the country was considered a relatively secure place. A broader analysis of the violence would have warned us better about the growing tensions in the country.<sup>16</sup> The price of a narrow analysis of violence is a surprise..

## B: A Reflective Framing of the Past

Framing focuses attention. When a frame is put around a painting, it gives the viewer a focus.<sup>17</sup> Jay Rothman distinguishes in adversarial framing, particularly of deep rooted conflicts four key processes:

- Blaming* the other side for the conflict.
- Polarizing* our side against theirs.
- Attributing* negative character and disposition to the opponents.
- Projecting* unacceptable traits from one's side onto another side.

The result of sticking to adversarial framing is conflict escalation, and the positive potential of conflict - for dynamism, creativity, and change - is buried. A dramatic change takes place when the antagonism is replaced by a reflexive framing. Reflexive framing begins with reorienting the self (and once identity group) in conflict, that is, from blame and victimhood to respective responsibility and volition.

From blame to *responsibility and volition*. Blaming is a form of accepting the status of victim and striking out at the victimizer, his/her children and grandchildren. Viewing conflict as a learning opportunity and as seeing one's side or self as at least partially responsible, at least for one's own feelings and reactions, is a balm to the vicious circle of violence. Viewing oneself as a potential agent for change can lead to a constructive cycle of cooperation.

From Us versus Them to *We*. Reflexive framing requires that the disputants be able to understand the interactive nature of their conflict. This requires that the conflicting parties understand the context and deep motivations for the thoughts and the deeds of the other side, as well as their own.

From negative attribution to *analytic empathy*. Analytic empathy is a vehicle to enable disputants to view each others aggression as, at least partially, similar to their own, as reactively motivated due to threats and frustrations of essential needs and values.

From projection to *self-awareness*. In making peace, if we understand the fact that we are imperfect, human and fallible, we may begin to gain more control over our own shadow sides<sup>18</sup>.

### **5<sup>th</sup> Perspective: Genocides are Universaly Similar**

The fifth perspective spells out that genocidal behavior is a crime against the whole humanity. Conflicts are universally similar, culturally distinct, and individually unique, simultaneously, invariable, and intriguing<sup>19</sup>. Two mindsets inhibit learning from past behavior (a) to consider our as unique and incomparable with other genocides, and (b) to consider our victims as more important than other victims. A comparative research of genocides shows us that genocide is an old recipe with six ingredients or genocide enhancing conditions: (1) deteriorating political, economic and security environment, (2) authoritarian government who attributes the problems to a particular group, (3) systematic justification of the dehumanization of the victims, (4) plan, (5) relatively powerless victims, and (6) international community which is aware of what is happening, morally disapproves the behavior, but does not effec-

tively intervene to prevent or stop the genocidal behavior.<sup>20</sup> There is another recipe involving greed and settlers removing and/or killing the local population.

The second mindset which inhibits the prevention of genocides is the distinction that is made between first class, second class and third class victims. Some victims claim and get most of the attention; others get less; and most of the victims of crimes against humanity are most of the time invisible (Darfur, Congo).

### **6<sup>th</sup> Perspective: Confronting the Past Without the Future is a Tantalizing Experience**

The sixth perspective reminds us that it is difficult to overcome the past, when there is no future. Keeping the memory alive, building memorials and commemorating the victims is an important part of dealing with the past. Some people believe that more memorials should be build as reminders of the brutalizing past. This makes sense, but the way they are constructed can prevent the building of peace. This is especially true when (a) the memorials are linked to current genocides and crimes against humanity violence, (b) when they include some of the victims and exclude others, (c) when they are used for political propaganda, and (d) used to justify repressive behavior committed by the children of the victims. It is clear that one has to look back, but it has become equally clear that it is very difficult to deal with the past if one does not also deal with the present and future in constructive way.

## 7<sup>th</sup> Perspective: Consequential and Contextual Thinking

The seventh perspective makes us aware of the fact that good intentions do not always result in good consequences. In post conflict situations when the social climate is still tense and insecure, good intentions tend to use their hammer. Some insist that more justice will bring peace; some believe that truth will get us there; others stress the importance of mercy, and others still advise to forget the past and to put all the effort in the reconstruction of the nation. This is an intentional and principled approach. To deal with the past, one should opt a consequential and contextual approach. A consequential approach tries to anticipate the positive and negative impacts of different ways and means to deal with the past. It assumes that dealing with the past is about reconciling competing values, such as justice, truth, freedom, mercy, development and security. Too much of one value, at the expense of other values can undermine the peace process. Also, one should not forget that the process is very contextual: it is influenced by the power relations between the conflicting parties and their expectations about the future. The most important context is the future. When people are cynical, defeatist, don't see common interest or cannot dream of a better future, building peace is unthinkable.

### Conclusion

To cope with the past, it is very important to get to know your personal theories about memory, dealing with past and building peace. These personal theories, frequently referred to as "common sense", influence the decision-making. Because mental models are usually tacit, and exist below the level of awareness, they are often untested and unexamined. They are generally invisible,

unless we look for them.<sup>21</sup> Where does your thinking fit best in the two following mindsets? Good luck.

Memorial mindset	Peace building mindset
Is peace possible? The past is an insurmountable obstacle for building peace.	Peace is possible.
Memory, memorials, and commemoration will prevent us to repeat the past.	Peace building involves the creation of many I conditions.
The violence can be attributed to criminals and a cowardly people	A great deal of violence is committed by normal people in abnormal circumstances.
The key question is "Who are the perpetrators?"	The key question is: "How did we get there?"
Terrorism is the greatest threat in the 21 <sup>st</sup> century.	In order to understand violence, one should look at the whole fabric of violence.
We suffered the most: our victims should get most of the attention.	One should not have first, second and third class victims.
Our genocide is incomparable with other genocides.	Genocides are universally similar, culturally different, and unique
More memorials are good.	Memorials can inhibit peace building.
Justice and truth are the most important values in dealing with the past.	Dealing with the past is the outcome of a reconciliation of competing values, such as justice, truth, mercy, security and development.



Dealing with the past is perpetrators and victims	Dealing with the past, requires a thorough understanding of the conflict dynamics.
Dealing with the past will determines the future.	Dealing with the past is determined by the expected future.
The handling of the past should not be determined by power relations. Justice should rule.	The handling of the past is influenced by power relations.

## Notes

2 The civil war in the nineties, but also politicide from 1941-1978 when more than a million people were killed.

3 In addition to these five clusters there are necessary support systems (legal, educational, health, humanitarian aid, and information systems) which play an important role in the peace building process.

4 Luc Reyckler, *Democratic peace building. The devil is in the transition*, 1999, Leuven University Press.

5 Luc Reyckler and Arnim Langer, *The Software of Peace building*, Canadian Journal of Peace Studies, November 2003.

6 Luc Reyckler and Anton Stellamans, *Researching peace building leadership* in Cahier of the Center for Peace Research and Strategic Studies (CPRS), University of Leuven, nr 71, 2005.

7 John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*, 1997, United States Institute of Peace Press, Washington, D.C.

8 Luc Reyckler and Anton Stellamans, *Peace building leaders and spoilers*, paper presented at IPRA conference, July 2002, Korea.

9 The human security index could be used to assess life expectations.

10 Luc Reyckler and Michèle Jacobs, *Limits to violence*, in Cahier of the Center for Peace Research and Strategic Studies (CPRS), 2004, Leuven.

11 Gandhi also said that "Earth provides enough to satisfy every man's need, but not every man's greed".

12 Fareed Zakaria, *The education of Paul Wolfowitz*, in Newsweek, March 28, 2005.

13 Calling terrorism the greatest threat in the world masks most of the violence in today's world.

14 Luc Reyckler, *Limits to violence*, in Cahiers of the Center for Peace Research and Strategic Studies (CPRS), Nr 68, 2004, Leuven.

15 Carolyn Nordstrom, *Shadows of war*, 2004, University of California Press, Berkeley.

16 Peter Uvin, *Aiding violence*, 1998, Kumarian Press, Connecticut, USA.

17 Jay Rothman, *Resolving Identity-based conflict*, 1997, Jossey-Bass Publishers, San Francisco.

18 See Jay Rothman, op cit.

19 David Augsburg, *Conflict mediation across cultures*, 1992, Westminster / John Knox Press, Louisville, Kentucky.

20 Luc Reyckler, et al. *De volgende genocide (The next genocide)*, 2004, Leuven University Press, Leuven.

21 Peter Senhe, *The fifth discipline fieldbook*, 1994, Doubleday, New York.