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“An Everyday Affair”: A Deeper Look at the Causes of Sexual Violence

Alexis Leanna Henshaw¹

Abstract

Accounts of sexual violence appear throughout history both in and outside of conflict situations. In the present study, I review differing perspectives from mainstream and feminist IR literature on why sexual violence occurs, and offer an empirical test of competing theories using recent data on sexual violence. Literature portraying sexual violence as a tactic of war is compared with studies that portray rates of wartime violence as a principal-agent problem. These studies are also compared with works focusing on gender, which critique the narrow focus on wartime sexual violence and argue that gender norms in a society affect the prevalence of such acts in both war and peace. Drawing on this literature I argue that acts of sexual violence are gendered in nature, but that this factor has not been adequately accounted for to date in cross-national analyses. Hypotheses drawn from each of these literatures are tested using cross-national data on sexual violence by government agents and data on gender equality. While this analysis confirms earlier findings that suggest sexual violence is a problem related to civil unrest and the control that a government exercises over its agents, the findings also indicate that overall gender equality in a society is related to sexual violence levels. In particular, societies with higher levels of gender equality tend to see lower levels of sexual abuse by government agents.

Key Terms:

Gender, sexual violence, conflict, civil conflict, human rights

1. Introduction

The issue of sexual violence committed by security forces is nothing new. Accounts of women being violated and treated as the spoils of war appear throughout history. Likewise, such acts are not limited to times of conflict, with human rights organizations reporting acts of violence in peacetime by prison guards, military personnel, and other government agents.

From the perspective of those who have been active combatants in conflict, sexual violence is too often seen as “an everyday affair” or an “inescapable element of subjugation of a population,” but the consequences of these acts can far outweigh the conflict itself (Cook 1994; Brownmiller 1975: 104-105). Sexual crimes are increasingly an issue that transitional justice movements must confront, while the mainstreaming of norms on human security and gender security at the

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international level have also brought attention to the issue. Human security as a concept centers the individual as the “referent and primary beneficiary,” including an interest in criminal violence, physical integrity, and the individual experience of insecurity (Newman 2010: 78). Gendered security norms align with this view by advocating a multi-level, multi-faceted view in which the security of the individual and of the community are at least equally relevant to the security of states (Sjöberg 2009).

Among the threats to physical integrity identified by human security studies, sexual violence stands out because of its unique challenges: low levels of reporting, the unwillingness of victims to testify, and the challenge of prosecuting offenders. Beyond the act itself there is also the associated difficulty, in some cases, of re-integrating victimized individuals into society. Such challenges speak to human security’s ideal of preserving human dignity, including the right of all individuals to a sense of belonging, community participation, and the ability to earn a living (Takasu 2012). Finally, while human security envisions “freedom from fear,” sexual violence by security forces within a state can create an atmosphere of mistrust toward or fear of the police, the military, or the government itself, depending on the context in which such acts are committed (Takasu 2012; Newman 2010).

Reactions by the international community to issues of sexual violence have too often been just that: reactive. From the Tokyo Trials in the wake of WWII to the passage of recent UN Security Council Resolutions dealing with women and security, international efforts to respond to sexual violence in conflict have been a response to the atrocities that came before². Abuses within a country outside of conflict situations may receive little or no attention at all. While wartime sexual violence has been a focus of much recent scholarship, I argue that this line of research risks creating a false dichotomy, ignoring the regular occurrence of sexual violence by government agents outside of war zones. As Table I shows, based on data from U.S. State Department human rights reports, sexually based offenses are frequently reported outside of conflict situations.

² Prominent jurist and ICTY President Theodor Meron said of sexual violence in the former Yugoslavia: “Indescribable abuse of thousands of women in the territory of former Yugoslavia was needed to shock the international community into re-thinking the prohibition of rape as a crime under the laws of war.” Meron 1993, 425.

Table I: Reported Incidence of Sexual Violence by Government Agents, by Country (2003)

	No Mention	At Least Isolated Reports
No Civil Conflict/War	88	59
Civil Conflict/War	3	15

Coding of civil conflict/war based on Uppsala/PRIO data for 2003. Data taken from Butler, Glutch & Mitchell 2007, 669-687.

A closer examination of the factors that lead to high levels of sexual violence in societies at “peace” as well as those at war can provide insights into what conditions produce a climate conducive to these crimes, laying the groundwork for proactive or preventative approaches. This paper seeks to examine the prevailing views on sexual violence from mainstream and feminist IR literature and to test competing explanations for sexual violence rates using recent data, with special attention to theories of sexual violence as a gendered crime.

Admittedly, among the factors complicating the study of sexual violence is the availability and accuracy of data on the subject. The reporting of crimes of a sexual nature, both inside and outside of conflict situations, is generally acknowledged to be unreliable and likely represents an underreporting of true levels.³ This does not, and should not, preclude investigation about the topic. In fact, there may be reason to believe that data regarding sexual violence by security forces may be more reliable than data about these crimes in civil society. At least during recent years, international observers and NGOs have devoted special attention to monitoring abuses. Because observers have been on the ground in many countries, especially those where civil conflict and civil war are ongoing, they are in a position to more readily observe, report, and treat cases that might otherwise go unreported.

When observing this data, though, it is important to understand what exactly is being discussed. “Sexual violence” has emerged as an umbrella term to cover a wide variety of crimes of a sexual nature. This may include rape, but also sexual assault, sexual humiliation, harassment, forced prostitution, and a variety of other offenses.⁴ Again, the difficulty of obtaining such data as well as reporting practices (recognizing that the legal definitions of these offenses may vary from state to state) make this the most accepted and accessible way to consider these offenses.

In exploring possible reasons why sexual violence occurs, the existing literature broadly falls

³ Such underreporting may also reflect institutional biases regarding what “counts” as a criminal act or what warrants investigation. Additionally, while underreporting of sexual violence is generally acknowledged to be a problem, recent work also suggests that overreporting of sexual violence may also occur in some areas, e.g., Peterman et al. 2011.

⁴ See, e.g., definitions advanced in Butler, Glutch & Mitchell 2007: 672; O’Hare 1999: 364-402; Henderson 2004: 1028-1049, 1034; Schomburg & Peterson 2007: 121-140.

into three categories: Where rape and similar acts are conceptualized as a tool or strategy of war, where these crimes are presented as a social activity driven primarily by loosely controlled agents, and where sexual violence is presented as a gendered crime. These perspectives are not mutually exclusive,⁵ but feminist work that views sexual violence as a gendered crime has critiqued the narrow focus on sexual violence during security flashes, instead drawing connections between peacetime gender norms and acts of violence.⁶ The primary focus of the current study is to conduct an analysis that addresses a shortcoming of previous, quantitative work on the topic of sexual violence by engaging feminist theories on the gendered nature of violence, including data on gender equality and the interaction of gender equality alongside other potential causal variables such as the presence of civil conflict or war. Utilizing the data set created by Butler, Gluch, and Mitchell (2004) as a starting point, I test the theoretical argument that sexual violence is a gendered crime, related to gender relations within a society. I also examine how gender as a factor interacts with other variables, such as central control (an approximation of the level of control exercised by a government over its agents), ethnic diversity, and the presence of civil conflict or war. These tests show that there is some support for hypotheses drawn from the literature on sexual violence as a gendered crime.

2. Theories of Sexual Violence

In recent years, literature on sexual violence has focused largely on wartime sexual violence, in particular presenting rape and similar acts as a tool of war. In such works, sexual violence by government agents is often consciously deployed and reinforced with complicity at higher levels, aimed at the subjugation or humiliation of an enemy. Work on the conflict in the former Yugoslavia has produced evidence that mass rape was, in fact, mentioned as part of a larger strategic plan by Serbian leadership to achieve ethnic cleansing in Bosnia, and that the establishment of rape camps was carefully planned and organized (Skjelsbaek 2011a; Mumba, Hunt & Pocar 2001; Salzman 1998). Strategic sexualized violence is certainly not a factor unique to the Bosnian conflict,⁷ but the

⁵ See, e.g., Mertus & Goldberg 1994, 201-234, 225; Kim 1993, 49-105, 89-90, discussing the interaction of gender/culture and power structures. The interaction of ethnic-based violence and gender in Kosovo is addressed in Skjelsbaek 2011a. Skjelsbaek also explores the interaction of gender and ethnicity in Bosnia during the Yugoslav Wars, finding that the work and behavior of women was often a marker of ethnic identity, and that both gender and ethnicity made women ‘eligible’ as victims. Skjelsbaek 2011b, 36 & 116. The interaction of gender inequality and the power structure in military regimes in Latin America is also discussed extensively in Bunster 1993, 98-125. Wood 2006, 307-341, also suggests the need to focus on negative cases. Discussing ethnic-based violence, she points out that there is significant variation in levels of sexual violence in ethnic conflicts, and suggests that opportunity factors, like the level of freedom enjoyed by agents and the perception of sexual violence as an effective tool of intimidation, also play a role.

⁶ See, e.g., Enloe 2007; MacKenzie 2012. This is also discussed further *infra*.

⁷ See, e.g., discussions of ethnic/racial dimensions of sexual violence in South Africa in Armstrong 1994; Goldblatt

widespread nature of sexual violence during that conflict, and the ability of observers to report back to the international community on these abuses almost in real time, have made this a critical case in the view of many. Particular to the Bosnian case are rape as a crime against honor and as a crime of ethnic cleansing (Healey 1996; Wing and Merchan 1993).

Studies estimate that 20,000-60,000 women were raped during the conflict in Bosnia, many of them Bosnian Muslims raped by Serb forces, and 1-4% of these crimes may have resulted in pregnancy (Zimonjic 2006; Simmons 1996; Thomas & Ralph 1994; Wing and Merchan 1993; Swiss and Giller 1993). There was also a clearly ethnic dimension to these acts, as a number of women who were victims have testified that their attackers expressed a desire to impregnate them (Mumba, Hunt & Pocar 2001; Thomas & Ralph 1994). In the former Yugoslavia and elsewhere victimized women and any children they bear as a result of rape will be viewed as “polluted” and rejected by society, including the rejection of victimized women by their husbands and families (Skjelsbaek 2011b; Drakulic 2004; Thomas & Ralph 1994; Wing & Merchan 1993; Swiss and Giller 1993). Wartime rape may also affect the long-term social and legal status of those who are targeted by these acts (Mackenzie 2012). This type of “systematic mass rape” amounts to rape as a tool of oppression (Enloe 2000). Henderson states that, under these circumstances, “[r]ape not only amounts to torture but, as a secondary effect, spreads terror. In addition to the humiliation of individuals, a whole community may feel similarly humiliated” (Henderson 2004: 1033).

Other work on wartime sexual violence has suggested that rape and similar acts may be conceptualized primarily as an incentive or a social activity for combatants (Butler, Glutch & Mitchell 2007). This work relates sexual violence to the level of control that a government exercises over its agents. Drawing on Enloe’s definition of “recreational rape,” Baaz and Stern find that FARDC soldiers and officers alike—including female members of the armed forces—view rape as a justified form of relief for combatants in the DRC who are away from their families and confronted with the horrors of war (Baaz & Stern 2009; Enloe 2000). These “normal” rapes are acknowledged to be morally wrong, but they are viewed by many as an expected side effect of conflict that cannot be controlled. Prior research in this area also finds support for the hypotheses that combatants in organizations that utilize techniques of forced recruitment are more likely to perpetrate sexual violence. In these cases sexual violence and, in particular, gang rape are often activities that build a sense of camaraderie among loosely linked forces (Cohen 2010). Approaching this argument from

& Meintjes 1997; in Mozambique in Cobban 2007: 142; in Latin America in Bunster 1993: 115-116; in Vietnam in Brownmiller 1975: 86-113; and in Bangladesh in Brownmiller 1975: 78-86, where racial differences between Pakistani Muslims and Bengali Muslims are emphasized.

another angle, research has also indicated that command structures in rebel groups can be effective at *limiting* the use of sexual violence where they are able to exercise control over their troops (Wood 2009).

While feminist work has examined the question of sexual violence from multiple angles, such work is marked by a criticism of mainstream IR's narrow focus on violence in crisis situations—often ignoring the normalized level of gender-based violence in these cultures (Mackenzie 2012). An important aspect of this stream of thought is that sexual violence is closely tied to cultural attitudes toward women, and that gender norms impact how sexual violence occurs in times of war and peace. Interviews with combatants and officers in the DRC suggest that sexual violence is closely linked to conceptualizations of the masculine ideal, resulting in the perception of recreational rape as normal. (Baaz & Stern 2009) The relationship between gender norms and rape are further reflected in statements that objectify the women who are targets of rape, calling them flowers that can be picked, and stating concern that “[t]he woman that you are raping is somebody's woman,” someone's property rather than an individual in her own right (Baaz & Stern 2009: 506-513).

These statements also echo sentiments expressed by soldiers and officers accused of sexual violence during the Yugoslav Wars of the 1990s. A statement from a commander of the Bosnian Serb Army (VRS) said that “soldiers need[] to have sexual intercourse to improve their fighting spirit.” In addition to repeated rapes and sexual assaults, female victims were also often forced to do laundry, housework, or cooking for their rapists—additional, gendered rewards for soldiers who raped (Mumba, Hunt & Pocar 2001). The ICTY further found in multiple cases that instances of widespread sexual violence were often preceded by a literal separation of the genders. In multiple incidents involving members of the VRS, witnesses testified that men and boys were removed from towns and villages before mass rapes occurred. Males were often killed or disappeared, while women were raped or assaulted (Mumba, Hunt & Pocar 2001; Rodrigues, Riad & Wald 2001). Where men were assaulted, the acts inflicted upon them were different than what women faced. While women were raped and sometimes forced to do domestic work, men were sexually tortured. Testimonies from the ICTY indicates that both the VRS and the Bosnian Armed Forces forced male prisoners to perform sex acts on each other, sometimes including the mutilation of genitalia. In contrast to the rapes of women, which often took place behind closed doors and sometimes in the homes of soldiers or officers, sexual violence against men was frequently put on display in a way that was meant to shame and intimidate other men in custody (Karibi-Whyte, Odio Benito & Saood Jan 1998; Kirk McDonald, Stephen & Chand Vohrah 1997). Skjelsbaek (2011b) points out that the

use of sexual violence against men during Yugoslav conflict reflects the social construction of gender relations in that society. Crimes of sexual violence were meant to empower and masculinize the men who committed these acts, while feminizing the victims. Some of the ICTY judges also reflected upon the gendered nature of these crimes, and in at least one ruling they concluded that the use of sexual violence reflected gender discrimination (Karibi-Whyte, Odio Benito & Saood Jan 1998).

The gendered view of sexual violence has led feminist scholars to criticize the political and academic focus on sexual violence as a wartime act, ignoring the relationship between gender-based violence in conflict situations and gender-based violence in “normal” society. This interest in the physical security of the individual both inside and outside the narrowly defined realm of war is shared by researchers in the field of human security studies, who have challenged the exclusion of the individual experience of insecurity from mainstream security studies research.⁸ However, empirical work comparing the rates of sexual violence in- and outside of conflict—particularly from a cross-national perspective—is difficult to come by. Much of the existing literature relies heavily on case studies, particularly studies of individual conflicts. Conflict situations and domestic factors pose obvious obstacles to the collection of data such as lack of independent reporting, issues of access to victims, differing national definitions of the crimes, even the possibility that the frequency of attacks may be exaggerated.⁹ Acts of sexual violence committed outside the theater of conflict, such as those perpetrated by police, prison guards, and other government agents, may also be overlooked in data collection where observers do not perceive their relevance.

One large-N, quantitative analysis on the topic carried out by Butler, et al., includes data from countries in peacetime and in conflict, but does not include any gender-related factors in its models (Butler, Glutch & Mitchell 2007). Other researchers have conducted quantitative analyses in which they include gender factors and fail to find any consistent support for the hypothesized relationship between gender equality/inequality and sexual violence, but their analyses are limited to societies in conflict and include no data on countries that are not in a state of civil unrest (Leiby 2011; Cohen 2010). To date, an empirical test that accounts for all of the factors discussed here has been lacking.

⁸ This is not intended to minimize disagreement between these two viewpoints, however. See, e.g., Hudson 2009 regarding the feminist viewpoint that the securitization of women’s issues has resulted in something short of a transformative change in international approaches to security.

⁹ Discussed in Peterman, et al. 2011.

3. Examining the Causes of Sexual Violence

Based on the foregoing analysis of literature on the topic, there are three hypotheses that I seek to examine regarding contributing factors to sexual violence. These will be outlined below. First, it is worth restating the definition of sexual violence that I am using for the purpose of this research. Sexual violence is defined here as sexual acts committed against the will of the victim and in a forcible manner, including but not limited to rape, assault, and sexual abuse.

In keeping with the dataset created by Butler, Glutch & Mitchell, I will also limit my analysis and any conclusions drawn to incidences of sexual violence committed by security forces including police, military, government-sponsored militia, prison guards, etc. (Butler, Glutch & Mitchell 2004). This is noteworthy because it means the analysis is not confined to sexual violence in conflict situations. The collection and coding of this data will be discussed further below.

Based on the foregoing discussion of literature on the issue, I will first address the interaction of gender inequality and sexual violence, predicting that *levels of sexual violence are likely to be higher in societies with lower gender equality* (H1). Gender equality, as discussed here, is defined as the degree to which parity between men and women exists in the society, not only in terms of legal guarantees of political, economic, and social rights for women, but also in terms of the degree to which these guarantees are actualized in the society. This reflects social norms and can show the way in which sexual violence may be gendered.

Based on the results of previous studies showing that central control and the presence of civil conflict or civil war are predictors of levels of sexual violence, I will also test the hypotheses that *there is an interaction effect between gender inequality and central control* (H2) and that *there is an interaction effect between gender inequality and presence of conflict/war* (H3). This addresses not only the gendering of sexual violence, but also its relationship to conflict. The analysis by Butler, et al. as well as the interviews conducted by Baaz and Stern and focus group work by Skjelsbaek demonstrate the significance of an interaction between gender and conflict or factors amounting to loose central control, meaning the level of control by a government over the behavior of its agents. Again, drawing on the conclusions from the previous analysis, I hypothesize that both of these interaction terms will be significant.

For measures of my dependent variable, I rely on the Butler, et al., coding for sexual violence by security forces. To arrive at this measure, the authors examined annual country reports from the United States Department of State and Amnesty International for the year 2003, which discuss instances of sexual violence and abuse by government agents. U.S. Department of State reports were

preferred by the authors in their coding due to their “more detailed and comprehensive coverage,” but they found the differences between the two sources to be minimal. (Butler, Glutch & Mitchell 2007: 672) Based on the content of these reports, countries were scored on a five-point ordinal scale ranging from 0 (no mention of sexual violence) to 4 (sexual violence is used as a “tool of war” or “a systematic weapon of war”). However, due to the low incidence of systematic sexual violence, I have combined those cases coded as 4 and 3 in this analysis. Therefore, I am using a four-point scale ranging from 0, as mentioned above, to 3, representing cases where sexual violence is described as “routine,” “common,” “widespread,” “systematic,” or where sexual violence is described as a tool of torture or a weapon of war.

The dataset compiled by Butler, et al., also includes variables related to ethnicity and levels of central control. As measures of central control, the data set captures three “agency” variables, Control of Corruption (as measured by the World Bank’s Control of Corruption index for 2002), GNI per capita (as measured by World Bank data for 2003), and democracy levels (as measured by Polity IV regime scores for 2003) (Butler, Glutch & Mitchell 2007: 674-675). The GNI measure and Control of Corruption scores are included to indicate the assumption that where levels of economic development and public sector wages are high, those in the employ of the government are less likely to undertake actions, such as acts of sexual violence, that may jeopardize their positions. The democracy score is included to represent that where there are rights of free organization and association, as well as a free and critical media, widespread acts of sexual violence are less likely to occur. These three factors are then indexed to represent countries that are in the highest and lowest third of cases, respectively, on all three of these dimensions, with these factors labeled as CGD High and CGD Low (Butler, Glutch & Mitchell 2007). I am preserving the CGD terms to stay true to the model presented by Butler, et al., but I recognize that this measure may represent a weakness of the model, to be discussed further below.

Domestic factors in the data set are the ethnic fractionalization scores, civil conflict, and civil war. The ethnic fractionalization score is drawn from the data compiled by Fearon and, again, represents “the probability that two individuals selected at random from a country will be from different ethnic groups” (Fearon 2003: 208). Levels of civil conflict and civil war are drawn from the Uppsala/PRI data for 2003. Because of the low number of countries experiencing civil war,¹⁰ this factor will be considered as a single, dichotomous variable with 1 representing presence of civil conflict or civil war and 0 otherwise. Because the literature addressed above suggests that it is not

¹⁰ Four countries are coded as experiencing civil war: Iraq, India, Sudan, and Liberia.

merely the presence of diverse ethnic groups, but hostility among ethnic groups that causes high levels of sexual violence, I have also included an interaction effect for these two factors in the model.

For the purpose of testing my hypotheses on sexual conflict, I also added data related to gender equality to the analysis. Finding appropriate and widely available indicators of gender equality is notoriously difficult, and the use of multiple, different indicators is commonly employed to show the robustness and consistency of findings.¹¹ In keeping with this, I will run models using two different indicators for gender equality. The first and most familiar indicator is fertility rates drawn from World Bank data for 2003. This indicator has been used in previous studies on sexual violence, and is theorized to be an appropriate indicator because it reflects both cultural factors and structural inequalities in a given society (Cohen 2010; Caprioli 2005; 2004).

The second measurement is drawn from the UNDP Human Development Report from 2005 and is a measure representing the difference in combined gross enrollment rates for males and females in primary, secondary, and tertiary education (UNDP 2005). The enrollment measure covers 155 countries and ranges from -25% (representing 25% fewer females than males enrolled) in Afghanistan to +14% in Latvia. The advantage of using this as a data is that, although it only covers one potential aspect of gender inequality, it is available for the majority of countries included in the sexual violence data set.

In testing these data, I have used an ordered logistic regression model. Significance is determined at the .1 level due to the relatively low number of observations. In order to test the four hypotheses, I have run multiple models using each indicator for gender equality. The explanations of these models are as follows, listed with their corresponding hypothesis:

Levels of sexual violence are likely to be higher in societies with lower gender equality. (H1)

Models 1 and 4 include all of the factors for control, gender equality, civil conflict/war, and ethnicity. This builds on the analysis done by Butler, et al., by utilizing their agency/control and ethnicity factors and adding the educational measurement. I expect that the coefficient for the educational measure will be negative and significant, and that the coefficient for the fertility measure will be positive and significant.

¹¹ See, e.g., Leiby 2011; Cohen 2010.

The effect of gender inequality will be accentuated under situations of low central control. (H2)

Models 2 and 5 include a term to represent the interaction of gender and central control. Due to limitations on the degrees of freedom,¹² the gender factor will be interacted with the CGD High variable only.

There is an interaction effect between gender inequality and presence of conflict/war (H3)

Models 3 and 6 re-run the test with a term included to represent the interaction of gender and the presence of civil conflict or civil war.

4. Results

Table II: Results of Logistic Regression Using the Fertility Measure

	Model 1	Model 2	Model 3
Fertility	.230*	.232*	.277**
	(.119)	(.119)	(.126)
Ethnic frac.	-.511	-.550	-.579
	(.800)	(.771)	(.772)
Civil con./war	2.102	1.865***	3.153**
	(1.402)	(.541)	(1.298)
CGD high	-3.478***	-.466	-3.532***
	(1.079)	(4.448)	(1.098)
CGD low	1.128**	1.121**	1.141**
	(.509)	(.510)	(.508)
EF*conflict	-.511	--	--
	(2.221)		
Fert.*CGD		-1.817	--
		(2.869)	
Fert.*confl.			-.336 (.292)
	.172	.174	.176

N=154. *** p<0.01, ** p<0.05, * p<0.1. Standard errors in parentheses.

¹² The data set includes 16 countries that are scored as CGD Low and 37 countries scored as CGD High. Missing data for the gender factor further limits the number of CGD Low countries available for testing.

Table III: Results of Logistic Regression Using the Educational Equality Measure

	Model 4	Model 5	Model 6
Education	-.064* (.025)	-.063** (.025)	-.061** (.027)
Ethnic frac.	-.241 (.826)	-.383 (.792)	-.387 (.794)
Civil con./war	2.522* (1.383)	1.792*** (.529)	1.762*** (.580)
CGD high	-3.525*** (1.081)	-3.569*** (1.230)	-3.489*** (1.070)
CGD low	1.140** (.564)	1.122** (.566)	1.135** (.574)
EF*conflict	-1.242 (2.168)	--	
Edu.*CGD	--	.027 (.202)	
Edu.*confl.			-.009 (.066)
	.190	.189	.189

N=144. *** p<0.01, ** p<0.05, * p<0.1. Standard errors in parentheses.

Models 1 and 4 show that coefficients for the gender-related variables are in the expected direction and significant. A higher fertility rate, as an indicator of traditional values and structural inequalities affecting women, is related to higher levels of sexual violence. Likewise, a lesser difference in enrollment between men and women (indicating, as a proxy, greater equality) contributes to a decline in sexual violence. Civil conflict/war is also significant and positive in nearly every model, meaning that the presence of civil conflict or civil war contributes to a higher level of sexual violence. Both variables for the CGD index are also significant and in the expected direction for nearly every model, supporting the Butler, et al. analysis.

Results in all other models are substantially similar to the findings in Models 1 and 4, but none of the interaction terms examined here attain significance.

5. Discussion

These findings support my hypotheses stating that levels of sexual violence are related to gender equality in a society. In effect, this shows that sexual violence is a gendered crime in times of peace and war. Further, these results are consistent when using multiple, different indicators of gender equality. An analysis of marginal change using fully standardized coefficients provides further insight into the comparative effect of gender versus other variables in the model.

Table IV. Standardized Coefficients for Model 1

	β	P-Value	β^s
Fertility	.229	.054	.150
Ethnic frac	-.560	.467	-.056
Civil conf/war	1.805	.001	.220
CGD high	-3.464	.001	-.553
CGD low	1.120	.028	.133

N=154. β is an unstandardized coefficient; β^s is a fully standardized coefficient.

As shown in Table IV, each standard deviation increase in the fertility rate increases the rate of sexual violence by .15 standard deviations, holding all other variables constant. By comparison, the standardized coefficient for the CGD Low variable, representing low central control, is .133. Though this is still less than the observed marginal effect for high central control, or the presence of civil conflict or war, this further underscores the relevance of including gender indicators in this analysis of sexual violence.

Results as to the testing of hypotheses 2 and 3 fail to support those hypotheses. It is worth reflecting on whether the small sample used here, including data for only one year, may also influence these findings. In particular, the inability to test for an interaction between low central control and inequality is problematic, as these are precisely the cases where we would expect to see some effect. However, while this data is limiting, it does provide insights that may help guide future research.

Comparing the gender variables, I found that many of the countries that consistently score highest in inequality¹³ also have low sexual violence scores. Hearkening back to the discussion of sexual violence and conflict in Bangladesh and Bosnia, it is very possible that these are precisely the areas in which sexual violence is least likely to be reported because of the intense social stigma faced by victims. Not only might women in some communities face rejection by their families by reporting their crime, they may also face punishment for coming forward.¹⁴

This again points to the biggest threat to validity for data analysis of cases of sexual violence: The problem of accurate reporting. Although I hoped that reliance on the reported data for offenses

¹³ The 10 countries with the greatest difference in educational enrollment between the sexes (i.e. where the enrollment for women is lowest compared to that of men) are Afghanistan, Yemen, Chad, Liberia, Togo, Benin, Iraq, Guinea-Bissau, Cote d'Ivoire, and Guinea.

¹⁴ See, e.g., the case of Mukhtar Mai, the Pakistani woman allegedly gang-raped on the order of local authorities. Of the six men convicted and sentenced to death for charges related to the rape, five were later acquitted by the court, while Mai herself was placed on the country's Exit Control List, her passport was revoked, and she was prevented from seeking refuge in the United States. Only after significant international pressure related to the case did Pakistan agree to re-trial the five alleged perpetrators. BBC News 2005. Also indicative of this is the case of "Qatif Girl," a 19 year-old victim of an alleged gang rape in Saudi Arabia who was sentenced to 90 lashes for being with a male who was not a relative at the time of her abduction and rape. Her punishment was later raised to 200 lashes after going public with her story, which the authorities labeled an "attempt to aggravate and influence the judiciary through the media." ABC News 2007.

by security forces in the Butler, et al., dataset would minimize this factor, inaccuracies in measurement may still exist. How to neutralize this particular threat to validity remains an important question. Leiby (2009) attempts to produce more reliable analysis by collecting events data from reports published by the Truth and Reconciliation Commissions in Guatemala and Peru, but this also has drawbacks, relying on the victims' assessments of the motivations of their attackers and creating a selection bias that ignores those attacks on victims who chose not to come forward. Beyond relying on a greater number of independent sources in identifying and coding levels of sexual violence, the problem is difficult to resolve.

The results presented here may also highlight the problematic nature of research on sexual violence that focuses on sexual violence in situations of civil conflict or war only. While cases like Bosnia and Rwanda have highlighted the issue of sexual violence in times of conflict, a relationship further demonstrated by the present analysis, these are not the only settings where sexual violence and particularly violence by state agents takes place. My findings here, which include data from countries at peace as well as countries with civil unrest, contrast with findings from Cohen and Leiby that fail to conclusively show a relationship between gender and sexual violence in wartime (Leiby 2011; Cohen 2010). Perhaps such studies of sexual violence during war, which are necessarily focused on a small subset of the overall population of states, represent only a small piece of a larger puzzle. Where sexual violence against women is a daily reality, the presence of peace or war in the state at large may be a false dichotomy. Where sexual violence is widespread in states that are at peace, this may produce a stronger test of arguments about the relationship between gender and sexual violence, providing insight into areas where sexual violence has become "normalized" and hidden from traditional discourse on security.¹⁵

Problems with data for the gender inequality may also be worth noting. While fertility rates tend to be widely available and the educational measure used here is also available for most of the countries in the dataset, both measures are essentially proxies. I have employed multiple indicators here to demonstrate the robustness of my findings, but there is a general need to find a more comprehensive measure of gender equality that would cover a broader range of countries, and to expand the data beyond a single year to see how changes in inequality may relate to changes in levels of sexual violence over time.

Certain other measures included here also constitute potential validity issues. The CGD measures are also not ideal, as these measures may capture other commonalities among these

¹⁵ For further discussion, see MacKenzie 2010; Kedir & Admasachew 2010.

countries aside from just central control. They also reduce variance in the model that could be informative in producing analysis. Constructing an alternate measure or disaggregating the CGD measure into each of its component parts may provide other interesting insights.

Finally, gathering data over a longer period of time may also lead to a better understanding of the driving forces behind sexual violence in civil conflict and civil war. The descriptive statistics presented in Appendix I provide some observations of interest. While the mode reported score for sexual violence across all countries in 2003 was 0, only three of the 18 civil conflict or civil war countries reported a score of zero. Having more than one year of data on countries in civil conflict or civil war would allow for testing on the contributing factors in a conflict situation and, ultimately, allow for a further exploration of whether contributing factors differ in conflict vs. nonconflict situations.

This analysis provides some support for my hypothesis regarding the relationship between gender inequality and sexual violence and exposes some potential future avenues for research in this area. These results highlight the need for more attention and better data on both sexual violence and gender equality, in countries at war and at peace, to create a more complete understanding of how these factors interplay. In particular, the development of more comprehensive data to measure sexual violence and its potential causes, covering both more countries and a broader range of time, could yield more conclusive results and better answers to the question of what factors create the environment in which acts of widespread sexual violence occur.

Appendix 1: Case Detail for Countries in Civil Conflict or Civil War (2003)

Country	Sex. Violence*	Educ. Inequality	Difference**	Eth. Frac.	Difference***
Afghanistan	3	-25	-24.19	.75	+.27
Burundi	3	-8	-7.19	.32	-.16
Colombia	1	3	+3.81	.66	+.18
Costa Rica	0	2	+2.81	.24	-.24
Ethiopia	2	-12	-11.19	.76	+.28
Eritrea	2	-12	-11.19	.65	+.17
India	3	-8	-7.19	.81	+.33
Indonesia	3	-3	-2.19	.77	+.29
Iraq	3*	-16	-15.19	.55	+.07
Israel	0	5	+5.81	.53	+.05
Liberia	3	-18	-17.19	.89	+.41
Myanmar	4	3	+3.81	.52	+.04
Philippines	2	4	+4.81	.16	-.32
Russia	3	8	+8.81	.33	-.15
Sri Lanka	2	1	+1.81	.43	-.05
Sudan	3	-4	-3.19	.71	+.23
Senegal	0	-5	-4.19	.73	+.25
Uganda	2	-2	-1.19	.93	+.45
Averages	0 †	-.81	--	.48	--

*Score using data from Amnesty International country reports.

**Represents difference from the mean educational inequality value in 2003.

***Represents difference from the mean ethnic fractionalization score in 2003.

† Represents the mode score for all countries in 2003.

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Towards Sustainable Post-Conflict Development in Africa: The Promise of Human Security

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Abstract

Since the end of the Cold War, rebuilding infrastructure, political and social institutions, and generally creating conditions that sustain peace and development in post conflict countries have become a staple in the business of the international community. The recent Arab Spring in North Africa and ongoing challenges in Syria has generated even more post-conflict and peace-consolidating concerns for the international community. At the center of these conflicts are human beings. Any meaningful plan for post-conflict development must therefore protect and empower individuals affected by violent conflict. This is in accordance with human security which generically advocates for the individual as the referent object of security. This notwithstanding, the current practice is dominated by the liberal democratic paradigm and traditional notions of security that stress the security of the state often above the security of the individuals living in the state. Consequently, the focus has tended to be on improving macro-economic indices, organizing democratic elections and building democratic institutions in a manner that make these institutions look like ends rather than means to an end. The implication has often been the inability to restore confidence in post-conflict governments timely enough to garner support from war-affected population for sustained post conflict development. It is therefore not surprising that a number of post-conflict countries are challenged by the threat of relapse. In interrogating the context of post-conflict development, this paper argues that a holistic application of the human security framework is the lynchpin to preventing relapse in post-conflict countries. It further notes that in its application, human security should remain at the core of strategy rather than an ancillary to other strategies.

Keywords:

Human Security, Post-Conflict Development, Sustainability, Peace, Africa

1. Introduction

One of the challenges confronting the international community since the end of the Cold War is dealing with intra-state conflicts in various parts of the world, particularly in Africa. In managing these conflicts, it has also become essential to address the issue of what states must do upon the cessation of hostilities to prevent a relapse into conflict. Consequently, post-conflict development, including the rebuilding of infrastructure, political and social institutions, demobilizing, disarming and reintegrating ex-combatants and generally creating conditions for sustained development has

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become the ‘core business’ of the international humanitarian and development community.² This has created a peacebuilding industry that seeks to prevent recidivism in violent conflicts.³ The options often prescribed have focused on good governance, multiparty elections and generally creating conditions for the enhancement of liberal democratic indicators. This trend has arguably been influenced by the dominance of Western-inspired development paradigms coupled with the significant financial responsibilities borne by countries such as the US in multidimensional peacekeeping around the world. While there have been some successes, a number of countries such as Sierra Leone and Liberia are on record to have suffered relapses into violent conflicts at various times. Although these relapses question the stabilizing propensity of current trends in post conflict development, the existing strategies have hardly been probed. This paper offers an alternative perspective by arguing that the sustainability of post-conflict development lies within the holistic application of a human security approach. It notes that although existing strategies addresses some components of human security, the lack of focus reduces the concept and its prospects as byproducts rather than the core of strategy. In presenting the human security alternative, the context and elements of post-conflict development is discussed as a preamble to interrogating the linkages between human security and the sustainability post-conflict development.

2. Context and Elements of Post-Conflict Development

One of the foremost characteristics of intra-state conflicts is the disregard for rules of war. Thus, in most cases, instruments such as the Geneva Conventions, particularly the Fourth, that stipulates the protection of civilians in times of war, have been ignored with impunity. In Liberia, Sierra Leone, Rwanda, Democratic Republic of Congo and a host of other infamous theatres of intra-state conflicts in Africa, systematic rape, ethnic cleansing and genocide and other acts of brutality have been consciously deployed as strategies of warfare. The consequences have been more destruction of human and physical resources than has been associated with interstate conflicts. Date-Bah notes three levels at which the human cost of war may be identified. This includes decline in the macro-economic aggregates at the macro level, crowding out of expenditure on other areas such as social investment at the middle level, and extensive death, injuries, loss of opportunities and income that affects individuals at the micro level.⁴

² Krause and Jütersonke 2005, 447.

³ Pugh 1998

⁴ Date-Bah 2008, 20.

A more disaggregated analysis of the cost of intra-state wars reveals even more unsettling trends. Within the economic context, for instance, there's a prevailing hypothesis that civil wars have a negative impact on economic growth.⁵ Developing this hypothesis further, Weinstein and Imai note that the destruction of residential structures, machinery, factories and other components of the productive power within a country, by competing militaries during wartime, reduces the contribution of domestic investment to economic growth.⁶

Date-Bah similarly points to the devastation of infrastructure and other structures such as educational institutions, health and entertainment facilities collectively referred to as physical capital.⁷ While the suggestion that only manufacturers of alcohol are spared during wars may be a humorous anecdote, it gives some indication to the reality that, more often than not, any infrastructure that does not support the war plans of the combatants are invariably destroyed. This undoubtedly blights and sometimes totally wipes out the economic potential of the country. Commenting on the macro and micro level effects of conflicts, Yilmaz (2009) highlights the damage to infrastructure such as transport and communication systems, health care, and education among others as representing the former. In terms of the micro-level effects, Yilmaz suggests that lengthy conflicts account for shortages in human resources and educational opportunities. Kaldor appositely summarizes the consequences of intrastate wars as follows:

In ‘new wars’ battles are rare, and most violence is directed against civilians. This can be deliberate, as in wars of ethnic cleansing (Bosnia and Kosovo, Nagorno-Karabakh and Baghdad) or in genocides (Rwanda and now Darfur), or because it is impossible to distinguish combatants from non-combatants (as in counter-insurgency wars in Afghanistan, Iraq, Chechnya and Kashmir). For this reason, the techniques of ‘new wars’ directly violate international humanitarian and human rights law. And finally, in ‘new wars’ taxation falls, and the wars have to be financed by a variety of methods that are dependent on violence.⁸

Beyond the above, the external environment within which a country operates also contributes to defining the context of post-conflict development. This is because such external context often influences and is influenced by the role of external actors in post-conflict development. Thus, Canada, for instance, with an avowed commitment to promoting human security within the narrow sense, is likely to add to the context of post-conflict development within a particular country, a clear motive of striving to achieve human security through carefully planned actions. Consequently, the

⁵ Knight, Loayza, and Villanueva 1996; Easterly and Levine 1997 and Collier 1999.

⁶ Weinstein and Imai 2000.

⁷ Date-Bah 2008, 26.

⁸ Kaldor 2009, 1.

multiplicity of external actors points to a multiplicity of external influences forming a part of the external dimension. A second part of the external dimension of the post-conflict context is, invariably, systemic influences from the international community. This may clearly influence a particular development paradigm or otherwise. For instance, an international systemic trend such as the dominance of liberal democracy will likely shape the context of post-conflict development in a significant way. One typical example is the Marshall Plan, which was carved out to support post-conflict development in Europe within a Cold War context and thus also sought to instigate some openness within Europe. It may therefore be suggested that the prevailing socio-economic and political conditions prevailing in a country before a conflict, blends with the consequences of the conflict as well as the external influence and systemic variables to define the post-conflict context.

The above features define the post-conflict context. Any attempt at post-conflict development must therefore be informed by elements that address this context. In spite of this, the order by which such elements must unfold is not conclusive. Cliffe, Guggenheim and Kostner, for instance, advocate the need to focus on physical infrastructure as well as what they perceive as invisible war effects such as mistrust among members of the society.⁹ Barnes on the other hand opines that the “central question of post-conflict societies remains political, namely, how to construct a stable form of domestic power sharing and governance”.¹⁰ Feil inclines towards security, observing that post-conflict situations, by definition, have at their core a significant security vacuum created by the inability of indigenous security institutions to provide security or by their operations occurring outside generally accepted norms.¹¹

Despite the relative bias exhibited by the various authors, the above prioritization points to the elements of post-conflict development. One of the foremost in this regard relates to the reform of the security sector (SSR). Within a traditional state centric concept of security, the sector is constituted by the state institutions mandated to animate the state’s responsibility to protect the territorial integrity of the state as well as to guarantee the well-being of the people living within the state against threats of violence and coercion from internal and external sources. Consequent to the above, within the traditional conceptualisation of security, the security sector properly so called in a stable country includes the armed forces, the police, the immigration and customs and relevant ministries such as defence, interior and national security, among others. It also includes the legislature and its specialised committees particularly those relating to defence and interior. Thus, the sector generally

⁹ Cliffe, Guggenheim and Kostner 2003.

¹⁰ Barnes 2001, 86.

¹¹ Feil 2002.

encapsulates public sector agencies tasked with the responsibility of exercising the monopoly of the state over coercive power.

Within the post-conflict setting, however, the security sector in addition to the above may also include warlords, tribal or cultural leaders and other *de facto* claimants to the security of the territorial boundaries of the state as well as the population living within the state. This is reflective of the reality in post-conflict countries, where, in most cases, the state having lost its autonomy over coercive force has to share such authority with *de facto* actors. In Liberia, for instance, beyond the challenges of rationalizing the agencies within the formal security structures such as the Liberian National Police (LNP), the Armed Forces of Liberia (AFL), and the Special Security Services (SSS) among others, National Transitional Government of Liberia (NTGL) and UNMIL also had to contend with such entities as warlords and tribal chiefs, all of whom had claimed, in reality, some constituencies insofar as security was concerned.

Security Sector Reform within a post-conflict context thus seeks to create a secure environment for the populace as well as maintain the territorial integrity of the state. Most importantly, from a liberal democratic perspective, it is to ensure that actors within the security sector are brought under the control of civilian leadership. The relevance of SSR in post-conflict development has been extensively identified by a myriad of authors. According to the IDDRS, for instance, SSR derives from the fact that it enhances “security” in a way that facilitates wider recovery.¹² Impliedly, the goal of SSR in post-conflict development is to re-orient the various elements of the security sector towards guaranteeing the safety of the territory and its population and in the process, in order to create a secure platform for the perpetration of post-conflict development.

Notwithstanding its continued veracity, the above description of SSR appears to have been amended by relatively recent developments in the security landscape. Consequently, it is argued that the orthodoxy of state centric security, having been challenged by post-Cold War realities, has given way to a broadened concept of security that includes, in addition to the traditional dimensions, non-traditional issues such as environment, food, and culture as well as other components collectively referred to as human security. The broadened security conceptualisation, which necessarily suggests a broadened scope for the security sector, thus points to the inclusion of participants involved in the environment, health, food and other sectors reflective of the various components of human security identified in the UNDP definition.¹³ The African Union backs this broadened categorisation of the security sector by indicating in its Post-Conflict Reconstruction and

¹² UN 2006.

¹³ UNDP 1994.

Development Policy Framework, that all activities within the security cluster must be necessarily based on the concept of human security.

Political governance is also critical to post-conflict development. In this regard, it is often critical to ensure that transitional governance arrangements are fairly visible in all parts of the post-conflict country. The reason for this is not far-fetched; having reneged (as a matter of policy or sheer inability) on its responsibility of protecting its people, political governance in post-conflict development (PCD) necessarily attempts to reintroduce the whole idea of political governance as well as political participation at every level of the state. The preamble of the African Union Constitutive Act, for instance, notes that PCD political governance involves the devolution of power from the national to the local level as well as the promotion of good democratic governance.¹⁴ Consequently, the targets of PCD political governance include political accountability and transparency, decentralization and the facilitation of grassroots political participation, justice and rule of law for the entire population and good economic and corporate governance.

A critical component of political governance in post-conflict development is elections. This is because nonviolent alternation of political power is fundamental to the enhancement of a country's political system as well as facilitating the internal sovereignty of elected governments. Due to the value of elections as a mechanism to resolve long standing political disputes and to consolidate political transitions even in relatively stable countries, its relevance for the development of political governance in post conflict countries is quite valued by the international community. This is typified by the centrality of elections in peace agreements around the world as well as the considerable interest of the international community in decisions about elections in post conflict countries. The latter appears driven by the fact that countries emerging from violent conflicts in most cases lack the institutional capacity to organise credible elections. This explains the United Nations' deep involvement in the elections in Cambodia in 1993 and the Organization for Security and Cooperation in Europe in Bosnia in 1996 and Kosovo in 2000 and 2001.

Dilating on the interest of the international community in elections in post-conflict countries, Kumar avers three objectives linked to the ultimate objective of enhancing governance as a critical component of post-conflict context.¹⁵ The three are the alternation of power in a generally recognised government, the commencement of democratisation as well as the shifting of the focus to peaceful modes for conflict resolution – the election being the first example of such peaceful resolution of conflict. Additional to the above, the pursuance of human rights, justice, and

¹⁴ AU 2000.

¹⁵ Kumar 1998.

reconciliation is critical to post-conflict development. This is because abuse of human rights, ethnic or region-based marginalization or discrimination and unfairness, prejudice or any perception of such can generate grievances which can serve as activators for violent conflict. Consequently, human rights, justice and reconciliation are collectively considered as another element of post-conflict development. In line with the above, the need for legal reforms in post-conflict societies is unquestionable. This necessitates the adaptation of the legal framework so that it is sensitive to the root causes of the conflict such as inequalities and discrimination. Additionally, new constitutions may be drafted and labour laws and laws on gender equality may also be adopted.¹⁶ Ratification of relevant international labour standards and enshrining human rights in national laws are also integral parts of the legal reforms in post-conflict development.

Another element of post-conflict development is the development of institutions. According to Addison, while aid provides essential help, success at post-conflict development ultimately depends on the capacities and actions of national actors.¹⁷ Because of the weakening of existing local institutions at the different levels such as banks, sectoral ministries, police, and other security agencies, as well as community level ones often as a result of depletion of experience, skilled manpower, institutional memory and relevant data) institutional capacity building has to be targeted in all post-conflict interventions particularly in Africa. The aim is to ensure the gradual resumption of the general functioning of public administration and the provision of social services. Furthermore, it enables local institutions to be at the helm of the reconstruction process even if it is externally supported and it contributes to the enhancement of local sustainability of post-conflict interventions.

Further to the above, conflicts often negatively impact on gender roles and relations. From enlisting both male and female child soldiers to the forced elevation of women as the head of households (following the absence of the men), traditional gender roles are violently disrupted. This creates a platform for child abuse and sexual and gender-based violence. Additionally, it distorts the traditional family setting in a way that robs the family of its role for social acculturation and development. This makes gender one of the key elements of post-conflict development. Depending on the duration of the conflict, this situation can lead to a corps or generation of youth with no sense of social responsibility or the boundaries of socially permissible behaviour. Consequently, any meaningful post-conflict development must incorporate gender relevant strategies.

The ultimate aim of post-conflict development is to engineer a return to socio-economic and political development. It may thus be surmised that socio-economic reconstruction and development

¹⁶ ILO 1999, 26.

¹⁷ Addison 1998, 4.

is one of the instructive elements of post-conflict development. To guard against lop-sided development, a meaningful PCD must have the development of the people at the core of all strategies. Thus, for instance, improving economic indicators without reflecting in human development can be disruptive to the PCD process. What makes this element even more challenging is the expectation of the post-conflict community for speedy peace dividends. This has the potential of creating an expectation gap that can be manipulated to destabilize the PCD process. To confront this challenge, it is important, while addressing hardware issues like infrastructure, to also facilitate initiatives for livelihoods. This calls for a variable geometric approach to tackling sectors such as health, education, water and electricity almost in a simultaneous fashion. In Liberia, Sierra Leone and Cote D'Ivoire for instance, some of the processes of rebuilding the hard facilities were rolled out in a way that created employment. While this may not have been significant, considering the capital intensive nature of infrastructure provision, the mental picture generated – one that suggested that people were resuming work – was invaluable to this element of post-conflict development.

Integrated into the above element is the development of physical and infrastructural development. Undoubtedly, among the worst targeted sectors during conflicts are physical and infrastructural provisions such as houses, hospitals, roads and bridges. As a result, the rehabilitation and development of new infrastructure and physical projects is an important element of post-conflict development. This can facilitate the flow of funds into the rural community to jumpstart rural markets as well as open up rural communities to social and economic activities.

Though seldom acknowledged, another sector that is often disrupted by internal armed conflicts is community relations and trust developed over centuries in most communities. War deepens the polarization between community members. This can be between opposing factions of the war, between those who remained in the community and returnees from internal and external displacement at the end of the war, and between perpetrators and victims of atrocities committed in the midst of the war. Without reconciliation and rebuilding of social capital, economic recovery can be undermined as the lack of social capital could prevent cooperation between respective communities and the formation of other social and business networks. It can also generate risks such as growing tensions and possible resurgence of violence. In recognition of this, post-conflict development must include efforts to heal rifts in community social relations, eroded trust and fragmented relations generated by conflicts as these are vital for sustaining development.

A number of channels have been suggested for building social capital after conflicts. These include the promotion of participatory dialogue which can enhance mutual understanding and

contribute to “weave a stronger fabric of social relations”¹⁸; local economic development and community driven development which all emphasize community-led participatory approaches; “pursuing development agendas through empowering beneficiaries and given local stakeholders control over decisions and resources, while building community capacities for collective decision-making and action”.¹⁹

Notwithstanding the above prioritizations and some recognizable commonalities in post-conflict countries, as the root cause, nature and effects of intra state conflicts vary from state to state; post conflict development must be adjusted to suit the peculiar context of respective post-conflict states. Additionally, since the generally limited resources for post conflict development are not rolled out uniformly in all contexts, ‘prioritization of needs’, reflective of particular contexts, becomes essential (Date-Bah 2008:31).

3. Reviewing Human Security

The search for a definition of human security is often traced to the contemporary debut of the concept in the 1994 United Nations Development Programme (UNDP) Human Development Report (HDR). The 1994 HDR affirmed that human security has two main facets – the *safety* from chronic threats such as hunger, disease and repression, and the *protection* from sudden and hurtful disruptions in the patterns of daily life whether in jobs, in homes or in communities. On the basis of the above, the HDR suggested seven categories of threats to human security including Economic Security, defined as a guarantee of basic income for individuals; Food security as an assurance of physical and economic access to basic food at all times; Health Security as a guarantee of a minimum protection from diseases and lifestyles that are detrimental to the health of people and Environmental Security as protection from the effects of deterioration of the natural environment. The HDR further define Personal Security as the protection of people from physical violence; Community Security as protection of people from the loss of traditional relationships values and from sectarian and ethnic violence and Political Security as an assurance that people live in a society that honors their basic human rights among others.²⁰

Subsequent to the 1994 HDR, a number of generally useful definitions have emerged. The Commission for Human Security for instance describes the concept as protection of “the vital core of

¹⁸ UNDESA 2007, XV.

¹⁹ Goovaerts, Gasser and Belman Inbal 2006, 10.

²⁰ UNDP 1994.

all human lives in ways that enhance freedoms and human fulfillment, Human Security means protecting fundamental freedom – freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations.”²¹ A critical reading of the Commission’s usage of the phrase ‘vital core’ suggests a reference to the very existence of human kind, sometimes described as the essence of life.²²

One common element that is reinforced by the various definitions is the consideration of security in people-centered terms. Thus, generally, human security is defined as protection of the vital core of all human lives from critical and pervasive environmental, economic, food, and health, personal and political threats.

4. Sustaining Post-Conflict Development: Promise of Human Security

From the above, there is no gainsaying that the complexities inherent in the post-conflict context makes development challenging. In spite of this, human beings are at the center of post-conflict development. Thus, any meaningful strategy must have at its core, protecting and empowering individuals and communities affected adversely by violent conflict. The validity of this suggestion is not farfetched. Economists, focusing on aspects of post-conflict peacebuilding that translate into the generation of livelihoods have pointed to a positive relationship between the creation of economic opportunities for livelihood and a reduction in the propensity for renewed violence. Collier, for instance, indicates that depending on the quantum infused in the post-conflict country, such aid can reduce the potential for relapse from 40 percent to 31 percent.²³ Despite what appears to be conventional wisdom, the mode for attempting to sustain post-conflict development has been unidimensional, relying on the dominant liberal democratic paradigm and traditional notions of security that stress the security of the state often above the security of the individuals living in the state. The focus has therefore been on improving macro-economic indices, organizing democratic elections and building democratic institutions in a manner that make these institutions look like ends rather than means to an end. In some cases, these ultimately trickle down to individuals and communities. It is therefore not surprising that a number of areas have suffered relapse even after the signing of peace agreements. The Northern Region of Ghana, has witnessed such relapse into violent conflict with regard to the conflict between the Konkomba and their

²¹ CHS 2003, 4.

²² Attuquayefio 2012.

²³ Collier Hoeffler and Soderbom et al 2006 14

neighbours.²⁴ Collier, Hoeffler and Soderbom have put the potential for relapse during the ten years following the ending of a conflict at 40 percent.²⁵ Goovaerts, Gaser and Belman Inbal also point to a 44 percent chance of relapse in the first five years after peace.²⁶ Date-Bah thus suggests that history of violent conflict is one of the key predictors of future conflict.²⁷

The human security approach, however, offers a significant promise towards preventing relapses into violent conflict. As has been noted in the preceding section, state-building is central to the objectives of post-conflict development. In its basic form, state-building refers to the processes of enabling post-conflict states to function like stable societies. The objectives of state-building (as deducible from some features of stable societies), therefore, include attempts to get post-conflict states to provide to the people living within that territory security, justice and rule of law. It also includes the creation of adequate platforms for meeting the health and education needs of the population, as well as an enabling environment for the pursuance of economic, political and cultural aspirations. The corollary for these responsibilities is for citizens to accept the legitimacy of the state by meeting obligations such as taxes as well as accepting the state's monopoly over coercive force.

While the reciprocity involved in state-building, it has been suggested, necessarily requires “the existence of inclusive political processes to negotiate state-society relations”²⁸, the absence of human security as a core objective of post-conflict development can reinforce the creation of sub-state boundaries that inhibit such inclusiveness. Theije & Bal writing on state formation and silent resistance among the Berbers of the Middle Atlas, for instance, note that, in the absence of the state’s provision, individuals get used to advancing their own human security.²⁹ Venema and Mguild similarly point out that any feeling of economic and political insecurity by cohesive groups can lead to “the affirmation of autochthony resulting in boundary-making and a sense of belonging and exclusion.”³⁰ This is true even in stable countries. The implication of these perspectives on the sustainability of post-conflict development is that in the absence of the national authorities advancing human security, sub-state actors or groups fill the gaps in a way that inhibit cohesion at the national level. In a number of the contemporary intra-state wars witnessed in Liberia, Sierra Leone, Rwanda and Kenya, for instance, ethnicity has served as a mobilising platform groups organised to repel threats to the security of their members or in some cases, to launch acts of

²⁴ Darkwa, Attuquayefio & Yakohene, 2012.

²⁵ Collier, Hoeffler and Soderbom 2008,461.

²⁶ Goovaerts, Gaser and Belman Inbal 2006, 1.

²⁷ Date-Bah (2008:4)

²⁸ OECD 2008, 2.

²⁹ Theije & Bal 2010.

³⁰ Venema and Mguild 2010, 45.

aggression against perceived opponents.³¹ While some observers have suggested that groups organised around such sub-state loyalties provide security to all,³² it is posited that this can be counterproductive to post-conflict development as some of these practices, while expedient within an indigenous context, may be detrimental to the realities of the modern state. Within Liberia's indigenous justice system for instance, a trial by ordeal was accepted as legitimate means of adjudicating cases. It was however clear, within the post-conflict development context that such practices were antithetical to the ideals of liberal democracy. Yet in the absence of an affordable justice system, some elements of the traditional systems operate alongside contemporary ideals. Avoiding such complicated scenarios necessarily calls for state-level interventions hinged on human security.

Furthermore, the relevance of human security to the sustainability of post-conflict development can be observed in its contribution to institutional renewal. The fact that civil wars contribute to institutional collapse has been established. Yet even more important to post-conflict development of institutions is the reality that, in some cases, the destruction of institutions is preceded by the undermining of these institutions (particularly those that directly represent the legitimacy of the state such as the law enforcement agencies) prior to the war. Thus, basically, corruption, unaccountability and poor civil-military relations mean that individuals and groups overtime build negative perceptions of these institutions which are carried forward to the post-conflict period.³³ The resulting lack of faith in state institutions can be remedied by putting human security at the center of these institutions, and by such institutions engaging in activities that are directly related to the human security needs of the people. This can engender favourable public perception which is critical to the success of post-conflict development. In Kosovo for instance, results of an opinion poll about public perception of the police led to strategies to expand public trust and engage communities through consistent conversation about ways to improve levels of safety and security.³⁴

In addition to the above, the pre-conflict environment for most countries engaged in civil wars has been described as unstable with negative socio-economic and political indicators.³⁵ Such indicators include corruption, abuse of fundamental human rights, ethno-racial discrimination and vertical and horizontal inequity in the allocation of development funds. In most cases, some of these indicators have manifested in deprivation for a significant part of the population. Depending on the

³¹ Appadurai 1996.

³² Scott 1976 and Salemink 2003.

³³ Yilmaz 2009, 239.

³⁴ UNDP 2004, 13.

³⁵ Yilmaz 2009, 239.

extent to which discontent emerging from such deprivation has been harnessed, the outcome in most cases has been the eruption of violent conflicts. Due to their contributory role in the conflict, it is suggested that addressing such factors as identified above, should be one of the critical objectives of the post-conflict agenda.³⁶ In the case of Liberia and Sierra Leone for instance, corruption, mal-governance and ethno-racial discrimination prior to the war ensured that significant parts of the country were deprived. The resulting inequity between respective classes of the population has been cited as one of the causes of the conflict in both cases. A critical part of the post-conflict development strategies of the two countries has therefore been the attempt, through the human security approach, to address some of these challenges in the hope that the conflict precipitants will be alleviated. In the particular case of Liberia, the focus on opening up the historically neglected South-Eastern counties through infrastructural projects is worth noting.

A linkage between human security and improvement in the perception of government accountability is another dimension of the contribution towards the sustainability of post-conflict development through the human security approach. Lessons have been drawn from the health sector in post-conflict settings like Cote D'Ivoire, Iraq, Mozambique and Sierra Leone³⁷ to drive home the point that a deep involvement of transitional governments in critical human security issues fundamental to an improvement in the perception of government accountability. Kruk et al and Rushton have also reinforced the view of health as a superordinate value ascribed by all, to advance the view that the design of the health system by national governments and their collaborators within the external community can facilitate some reliability in the delivery of vital health services, while demonstrating an assurance of fairness and political accountability to citizens.³⁸ Brinkerhoff similarly observes that delivering human centered services (in addition to reducing inequities combating corruption and introducing contestability) is critical to reconstituting legitimacy, the absence of which is a recipe for state failure.³⁹

Citing Weber's characterisation of the state (as having monopoly on the legitimate use of violence obtained by offering security to its citizens), Krause and Jutersonke similarly highlight the provision of personal security as one of the preeminent responsibilities of the state.⁴⁰ Antecedents of this responsibility was famously elaborated in Thomas Hobbes' suggestion of a movement from the state of nature where the life of man was nasty, poor, brutish and short, to a civil state that insulates

³⁶ Collier 2008, 464.

³⁷ Betsi et al 2006, and Dyer 2003.

³⁸ Kruk et al 2010 and Rushton 2005.

³⁹ Brinkerhoff 2005, 5.

⁴⁰ Krause and Jutersonke 2005,450.

the citizens from the war of all against all. If the definition of security as reprioritised in human security is conceded to, then the state's cumulative performance in the various components of human security (including health) will influence any assessment of the state's performance of responsibilities under the social contract. Results from any such assessment can influence the state's claim to monopoly of force which is one of the critical benchmarks for assessing the sustainability of post-conflict development. .

Further to the above, the nature of contemporary civil wars point to the relevance of human security in post-conflict development. The context of post-conflict development, as elaborated above, depicts, among others, the decimation of social and political institutions, most of which are responsible for advancing the human security needs of the people. The void created by such destruction arguably explains the appalling conditions of malnutrition, and high mortality rates registered by post-conflict countries. This, coupled with the reality that civil wars create newly vulnerable groups (such as orphans, victims of abuse and the unemployed), makes a good case for mainstreaming human security in post-conflict development.

Central to conflict theories such as Grievance⁴¹ and Frustration/Aggression⁴² is the view that individuals, given other prevailing circumstances, will react to threats to existential variables like personal and food security. Thus, from the various examples of liberation wars throughout history, to political unrest and ethnic based uprising, the reality is that people are willing to react (even to the point of violence) in the face of challenges to human security. In the case of Sierra Leone, for instance, it is widely accepted that the persistent failure of the ruling elite to provide public services and livelihood opportunities created and sustained the discontent that eventually led to the conflict. The implication of this on post-conflict development is not mindboggling. It merely suggests that people are more likely to object to direct threats to their livelihood than the somewhat abstract concept of national security (which is often labeled as the sole concern of governments or regimes). The reverse is true – that people will normally support their livelihood. In the case of the Marshall Plan, for instance, Bossuat quoting Barry Bingham, head of the European Cooperation in France during the implementation of the Marshall Plan, highlights the belief that the provision of tangible benefits of immediate interest to the average Frenchman has psychological advantages.⁴³ Salman affirms this view in his study of Bolivians resisting their state and its economic policy.⁴⁴ It is therefore posited that in the absence of tangible human security arrangements, threats to human

⁴¹ Gurr 1970.

⁴² Dollard, Miller et al 1939.

⁴³ Bossuat 2008.

⁴⁴ Salman 2010.

security can cause or at least induce unrests that can derail efforts at PCD.

Related to the above, even after official cessation of hostilities in a conflict context, remaining vestiges of the old order exist to influence the post-conflict environment in a variety of ways. The extent to which these are managed can influence the success or otherwise of post-conflict development. An example is the continued dominance of destabilising figures in certain parts of the post-conflict country. This category may also include warlords and tribal leaders who garnered enough credibility and respect during the period of the war and whose activities can be detrimental to the post conflict efforts of the country. Cox, writing on post conflict reconstruction in Bosnia, observes this phenomenon and notes that at the time of the Dayton Agreement, five years of war had effectively given rise to ethnic-based power structures with strong vested interests opposed to the normalisation of the political life of the state.⁴⁵ While such figures may have run aground as a result of victor's justice or the conclusion of democratic elections following the terms of a peace agreement, their continued relevance can be influenced by their interventions in areas, such as community security, which the national government is perceived as failing in. Collier et al aptly describe this system as typifying power struggles in the post conflict environment which must be managed.⁴⁶ Yilmaz argues that by focusing on human security, which as indicated is closest to the heart of the population, challenges from such power brokers and their potentially destabilizing efforts are at the least minimized.⁴⁷

The human security approach is promising as regards the sustainability of post-conflict development. However, the extent of benefits obtained is to a very large extent dependent on the premium assigned to human security within the context of the post-conflict development strategy. Putting human security at the core of strategy offers much more useful fallouts than its use as ancillary to strategy. With regard to the former, part of the post-conflict development experience of Bosnia and Herzegovina (BiH) offers a useful lesson. With the signing of the Dayton Peace Agreement in December 1995, the immediate aim of the international community was to contain the threat of renewed violence as a result of military hostilities and to reconstruct key infrastructure to facilitate movement. This was achieved with the deployment of the 60000 NATO implementation force (IFOR) as well as the "train and equip" programme carried out by US contractors (outside NATO) which elevated Bosniak and Croat armies to the level of the Serb forces. This created some balance in the military power of the feuding parties.

⁴⁵ Cox 2001.

⁴⁶ Collier et al 2008, 463.

⁴⁷ Yilmaz 2009, 240.

With the attainment of stability, at least militarily, international partners led by the World Bank were confronted with the challenge of implementing other components of the post-conflict development strategy. In the absence of functional institutions (owing to their destruction throughout the duration of the war), the international peace mission was confronted with the challenges of evolving new institutions to advance the development efforts. According to Cox this (together with the fact that the various conflicting parties could not agree on issues relating to state reconstruction), resulted in the external actors having to determine the priorities for the post-conflict efforts.⁴⁸

With personal security relatively improved through the stabilization efforts described above, the World Bank prioritised housing, health, education and other components of human security among others. Consequently, the bank sponsored the repair of a third of housing, substantial urban infrastructure, electric power generation, supply of water and basic education.⁴⁹ The human security priorities of the World Bank were further reflected on the portfolio of emergency projects launched by the World Bank during the initial stages of the reconstruction efforts. With regard to food security, there was an emergency farm reconstruction programme designed to jumpstart agricultural production, improve food security, and create employment and income through agricultural imports for war damaged farms. Within the context of human security, the farm reconstruction/restocking programme was particularly critical to food and economic security in the post-conflict development of BiH. Under the programme, the Government and its affiliates set up a USD 330 Million programme for agriculture and rural development. The programme sought to restore and improve food security among beneficiaries. It further sought to enhance economic security by helping beneficiaries generate additional income and employment. To avoid wastage and improve efficiency in the utilization of investment, the programme targeted households with prior experience in farming as well as access to land areas ranging from 1 hectare to 5 hectares. Priority was given to refugees, returnees and farm families who suffered substantial damage during the war, including the loss of all or the greater part of their livestock. At the end of the implementation period, the programme had among other things, expanded farm production, engendered on-farm employment and incomes; created several avenues for off-farm rural employment opportunities and increased food security among others.

Having exerted some presence with regard to addressing some critical human security variable, the international community undoubtedly attained some legitimacy in the post-conflict environment.

⁴⁸ Cox 2001, 10.

⁴⁹ World Bank 1999.

It was therefore not surprising that reconstruction appeared to have entered another phase with the exertion of some political power by the United Nations High Representative. Cox suggests that the UN High Representative acquired power to impose laws and dismiss public officials. In a particular case of public broadcasting networks used by the nationalist parties to advance ethnically-parochial interest, it's been noted that in May 1997, with the authorization of the Peace Implementation Council, the UN High representation took action curtailing or suspending "any media network or programme whose output is in persistent and blatant contravention of either the spirit or letter of the Peace Agreement."⁵⁰

It must be noted that with the initial success of the UN high Representative, pressure was mounted from both external and internal sources for an expansion of the oversight role. The pressure from the internal sources was inarguably informed by the record of the external forces in addressing human security issues critical to the existence of the post conflict population. Thus beginning from 2000, the peace implementation committee, it has been noted, advanced a post-conflict state building strategy giving priority to rebuilding state institutions, mobilising public finances (which until then had been dominated by the three ethnic groups) and breaking down ethnic monopolies in other areas of national life. The strategy further promoted the establishment of professional state bureaucracy and a state treasury. In general terms, the strategy no doubt advanced the move towards restoring BiH to a functional state.

The chronology of the post-conflict development efforts in Bosnia confirm some facts relating to the relevance of human security in sustainable post conflict developments. It has been suggested that in the specific case of BiH, considering the fragmentation of political power owing partly to the provisions of the Dayton Accord, and the "ethno-competitive destabilization especially at a time when the various ethnic groups were benefiting from the breakdown of national institutions any attempt to follow the stabilization efforts with the rebuilding of national institutions could have backfired. Proceeding with critical human security concerns was therefore notable.

Contrary to the case of BiH, Sierra Leone offers a useful example of the fallouts of treating human security as by-products rather than main strategies and is worth recounting. In 2002, Sierra Leone commenced the implementation of a post-conflict development strategy with the active participation of the United Nations Mission in Sierra Leone (UNAMSIL), the US and UK governments and a variety of local and international non-governmental organisations. Central to the strategy was the Disarmament, Demobilization and Reintegration (DDR) of former combatants.

⁵⁰Cox 2001.

Considered as critical to the stability of the post-conflict environment, the DDR process led to the return of over 300,000 internally displaced persons and the disarmament of over 70,000 ex-combatants.⁵¹ Apart from the DDR process, the various partners invested substantial money into areas such as police training and military restructuring, building of schools and health facilities as well as advancing central and decentralized governance systems such as national elections and the restoration of the “Paramount Chief” system. In spite of the stability arising out of these actions, later reviews of the state of the post-conflict development have pointed to some challenges to the sustainability of the process. Prime among these are vestiges of the old governance systems that facilitated abuse of human rights and perpetrated the grievance-generating exclusionary politics. Freeman has, for instance, criticised the re-establishment of the Paramount Chief system, noting that the fact of the system’s facilitation of abuse of human rights dates back to 1955. Thus, the system’s resuscitation as part of efforts at post-conflict development was tantamount to sustaining “injustice and unaccountability of governance that will continue to alienate the youth and other segments of the population”⁵²

Additionally, in spite of the creditable investments in putting up structures for the judiciary and other arms of government as well as public service facilities like schools and health posts, significant institutional challenges such as massive bribery and corruption in the judiciary, attracted negative public opinion regarding the rebuilding of these institutions. Furthermore, despite the construction and repair of many school facilities, the educational system remains in crisis. The pupil-to-teacher ratio in some parts of the country is an astonishingly high 118: 1The challenges in the educational sector are also reflected in the agricultural sector where in spite of the fact that it accounts for three fourths of the jobs in Sierra Leone, the DDR programme by omission or commission concentrated on other sectors. Thus, despite, the semblance of stability, key human security institutions particularly in the economic and rule of law spheres appears to be severely challenged.

The reason for this trend may not be far-fetched. Considering the structure of the post-conflict development plan, it is more than apparent that DDR and not human security was put at the core of the post-conflict strategy. Thus, although structures were built for health and education, among others, the absence of the integrated human security motive meant that the structures and institutions merely manifested the old order. The consequence of this breakdown in the sustainability of the post-conflict development is reflected in reports of fresh concern for renewed violence.

⁵¹ Freeman 2008.

⁵² Freeman 2008, 1.

5. Conclusion

It is unquestionable that a number of countries in Africa are in a post-conflict and peace consolidation state. Apart from old cases such as Liberia, Sierra Leone and Cote d'Ivoire, the recent Arab spring has produced its own league of post conflict countries to the north of Africa. Interrogating strategies for preventing relapses into violent conflicts is therefore a useful exercise. As noted, the traditional liberal democratic-influenced strategy of post conflict development is undoubtedly relevant, yet its stabilization propensity relative to the human security approach is tame. As noted above, the linkages with post conflict development are hardly fictitious and mostly relevant to the cause of stabilization and sustainability. It has been noted for instance that even the building and strengthening of institutions, a core of the liberal democratic paradigm, can be strengthened by ensuring that human security is put at the core of activities of infant institutions. It is worth noting, in this regard, that the perception of institutional relevance is obtained as a result of a connection between needs and institutional activities particularly within the post conflict period. Further, as has been seen recently in post- conflict Egypt and Libya for instance, the legitimacy of governments in post conflict countries cannot be secured merely by elections; it needs to be reconstructed delicately. Among a population that have witnessed governmental unaccountability and the renegeing of responsibilities under the social contract, a more meaningful approach to reconstructing such legitimacy lies in courting a perception of governmental accountability. For as long as conflicts evolve, post conflict strategies will vary. However, within the current context, the Human Security approach offers the most pronounced approach to preventing relapse. While this may be taken for granted, it is also essential to note, that in applying human security, it must remain at the core of strategy and not an ancillary.

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Knowledge Pluralism for Human Security

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Abstract

This paper questions to what extent conventional social science is the best frame of reference within which to approach human security research. The social sciences operate on terrain largely occupied by individuals in affluent, safe countries: they may well as individuals be very concerned about the welfare of populations in the global south, but this concern hardly translates into full, equal co-operation. More likely, even human security research reflects a profound imbalance between those who generate it (metropolitan elites) and those who are ‘researched’ (marginalised communities, mostly in poor countries). There is often a chasm between these two groups, not only in terms of income but also in their knowledge: how they learn about things, their judgements and communication for example. Portuguese sociologist De Sousa Santos refers to this chasm as ‘abyssal thinking’. There are modes of knowledge other than social science; the paper discusses different approaches to knowledge—hegemonic, indigenous, local and hybrid—and addresses research in conflict-affected regions which also has specific challenges and obstacles. It discusses the potential for ‘hybrid knowledge’ that might integrate these various systems. The paper also asks whether human security research is primarily theoretical analysis, or more pragmatic and problem-solving, offering useful recommendations to policy-makers. Or both? These issues inevitably raise the questions of methodologies, since knowledge presupposes data-collection, analysis and the collation of information. The Conclusion summarises some possible guidelines arising from the discussion.

Key Terms:

Hegemonic knowledge; indigenous; hybrid; pluralism; research methodology

List of Abbreviations

IK: Indigenous Knowledge

JICA: Japan International Co-operation Agency

MDG: Millennium Development Goals

PRA: Participatory Rural Appraisal

TEK: Traditional Environmental Knowledge

RRA: Rapid Rural Appraisal

1. Introduction

This paper takes a step back from specific situations, and addresses issues which underpin our research community’s orientation: what does our human security research aim to achieve? Is it

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theoretical analysis, provoking perhaps a conceptual paradigm-shift? Is it pragmatic and problem-solving, offering useful recommendations to policy-makers? Or both? What are the specific features of conducting human security research compared to research in other discipline areas? The above questions are positioned within a more-or-less conventional social science framework of knowledge. We should remember that there are alternative approaches to hegemonic knowledge – local, indigenous, and hybrid for example; and that research in conflict-affected regions has particular challenges beyond the conventional.

The paper also raises the question of methodologies, since knowledge presupposes data-collection, analysis and the collation of information from different sources. In past decades, academics and practitioners in disciplines such as anthropology and geography have developed a range of techniques to conduct research with the participation and co-operation of local populations. Are any or all of these relevant to the undertaking we call ‘Human Security Studies’, and in which ways? Or do we need new techniques and methods?

The ‘study of knowledge’, usually termed epistemology in philosophy, is itself a vast specialist area hosting many controversies and unresolved issues. An explanatory framework that is relatively straightforward and useful as a starting point is to envisage a continuum between data, information, and knowledge. These three components are often associated with a ‘higher’ level which may be ‘wisdom’ or ‘action’. One can access online many diagrams, flow-charts and other representations of these components, for example the ‘DIKW pyramid’, which visualises how raw data are collected and processed into information; information is in turn analysed to generate theories, paradigms and knowledge; people who have enough knowledge could then generate a kind of wisdom or deep understanding of events and people. A typical flow is:

Data – Information – Knowledge – Wisdom

Assuming they have some capacity to deploy power or influence power-holders, people with knowledge can also influence action: the pyramid would then encompass

Data – Information – Knowledge – Guided Action

One decision we need to consider in a human security research undertaking then is: are we aiming more at knowledge/wisdom or knowledge/action? The former would encompass theoretical models, discourse analysis, critiques of past theorisation. Academic works in the field of sociology,

critical security studies or international relations theory would often come into this category. More pragmatic, action-oriented research might be commissioned by development or government agencies which require an accurate account of a particular situation, perhaps with recommendations about how assistance could be effectively provided. The Human Security research community has in the past twenty years achieved much in both domains, and in fact the distinctions between them are not that clear-cut: theoreticians might reasonably argue that their ideas gradually filter through from university lecture rooms and academic journals into think-tanks and policy decisions; practitioners have also contributed much to theoretical understandings.

This paper also raises a more fundamental set of questions as to whether conventional social science is even the right frame of reference within which to approach human security research. The social sciences operate on terrain occupied almost exclusively by individuals in affluent, safe countries; probably including most readers of this paper. We may well as individuals be very concerned about the welfare of populations in the global south, but this concern hardly translates into full, equal co-operation. More likely, even human security research reflects a profound imbalance between those who generate and ‘use’ it (who may in short-hand be described as metropolitan elites) and those who are ‘studied’ as being in need of enhanced human security (marginalised communities, mostly in poor countries).

There is often a vast chasm between these two groups, not only in terms of life expectancy, income, education and access to IT; but also in terms of their *knowledge*: how they learn about things, their judgements, classifications, understandings and communication for example. Portuguese sociologist De Sousa Santos refers to this chasm as ‘abyssal thinking’.² This paper therefore discusses some aspects of ‘hegemonic knowledge’, the knowledge of the advanced metropolitan and industrialised communities and the ‘indigenous knowledge’ of poorer, less industrialised zones. It also raises the potential for ‘hybrid knowledge’ that might integrate these two systems; and highlights the obstacles particular to knowledge production in conflict-affected environments.

2. Hegemonic knowledge

Since the 1950s a diverse tradition has evolved, known variously as development, peacebuilding, post-conflict reconstruction and related activities. Probably most readers of this

² De Sousa Santos, 2007.

paper have been engaged in different aspects, theoretical or practical, of such efforts. A key goal is improved human welfare, or perhaps sustainable development: aims that might encompass better healthcare, incomes, education, and safety. These aspirations inspire many millions of humanitarian-minded individuals throughout the world; and numerous governments also subscribe to similar goals, expressed in international commitments such as that for the Millennium Development Goals (MDGs).

The international community has identified failings in human welfare: extreme poverty, vulnerability to violence such as ethnic cleansing, lack of protection against natural disasters and climate change, malnutrition, diseases of poverty etc. The most severe chronic failings generally happen to populations in the poorest states, especially those fragile states with barely functioning governments. The response by richer countries has been varieties of programmes badged as aid, human security, protection, peacebuilding, the MDG's etc. In this section of the paper, I inquire whether the knowledge-base of the whole project is inadequate, and therefore the project itself unrealistic.

Time and again, we find cases where interventions by external actors are largely ineffective in achieving human security improvements. Two that were self-evidently complete failures were the US invasions of Iraq and Afghanistan, which strongly suggest that regime change by deployment of advanced military technologies in poor countries creates humanitarian catastrophes. However even more peaceful contributions are not necessarily more effective:

Development aid is a strange and incongruous social fact. Citizens of rich countries the world over contribute billions of their hard-earned dollars, euros and yen to improve the lot of people they have never met in far-off and unfamiliar places. This money disappears into an unwieldy apparatus populated by bureaucrats, experts and businessfolk who are, from the lay perspective, largely invisible, selected in opaque and mysterious ways. Politicians of nearly all stripes consistently defend the good work of the mysterious development apparatus, and continue to allocate billions in public funds to its programmes and its upkeep. At the same time, scholarly accounts suggest time and again that the performance of development aid is seriously flawed. Critics point to its persistent failure to raise the standards of living of citizens of poor economies; to its paradoxical success in perpetuating the wealth and power of the aid agencies themselves; and to its propensity for generating catastrophic 'unintended consequences' related to these other two effects. And yet, the development apparatus today appears more self-confident than ever.³

At least some development and humanitarian assistance is of doubtful benefit: it may be ineffective, expensive, corrupt, misguided, self-interested. Probably the most likely to fail are those

³ Gould 2008, 4.

where donor preferences are the main criteria for implementation: for example where donors favour aid tied to contracts, or institutional changes in line with their own political priorities. Interventions based on donor preference are likely to be based on limited evidence, cherry-picking, selective attention, political agendas, and patterns of non-learning.

The picture is certainly by no means entirely negative though. One can easily also point to numerous successful programmes conducted by agencies like JICA, Oxfam, the Gates Foundation and many others: often in fields such as vaccination programmes, local income generation schemes, water and sanitation aid, emergency aid to refugees or victims of natural disasters. One feature that is likely to distinguish successful from unsuccessful programmes is the extent of consultation with local people, and the extent to which programmes meet real local needs in ways that local people appreciate; rather than programmes imposed from the outside or in close co-operation with national elites.

However, how would development agencies, probably headquartered in London, Tokyo or New York, actually know what local people want and what would work on the ground? From the 1960s on these questions evidently needed addressing, and several research methodologies emerged to be widely used by specialists in development: for example Freudenberger provides an excellent overview of both Rapid Rural Appraisal (RRA) and Participatory Rural Appraisal (PRA) developed by Catholic Relief Services.⁴

RRA was developed first as a means to ascertain the most urgent problems associated with an emergency situation like malnutrition or extreme poverty. Specialists would deploy to a crisis region, employ local staff, and conduct a number of data collection actions such as focus groups, questionnaires, interviews, observation. These are now likely to be supplemented by more technical means such as film, GPS etc. The objective is to provide donors with a realistic, grounded picture of situations, enabling them to make evidence-based judgements about the most effective form of assisting. These findings could make very useful contributions to informing donor activity.

Critiques of RRA are often based on its lack of real consultation with local people. At its worst, ‘experts’, usually Western, would fly into an area, look around for a couple of weeks, maybe talk with some local elites, and fly out to write their ‘reports’. These would surely be better than reports without visits, but far from reflecting the real experiences of a broad section of the affected populations: for example, local opinion might typically be represented only by elderly, male

⁴ Freudenberger 1998.

power-holders. To address these challenges, researchers devised techniques known as Participatory Rural Appraisal (PRA) a more consultative process which ideally integrated a wider range of local people at every stage from planning to information-collection through to implementation.

Some of the major aid agencies have been world-leaders in this kind of research, emphasising participation and local ownership of all programmes. It would be ideal for human security support to be evidence-based: for example to determine real needs and feasibility of relief by participatory research; to monitor delivery successes and failures; to learn lessons by follow-up studies; and particularly to conduct all programmes with the full participation of local communities. Yet such research actions are necessarily complex: time is often limited; travel difficult; local people busy and reticent with outsiders; information disputed; local services disrupted. Still, PRA may be one of the best research methodologies available at present. Ideally, it can make positive contributions to humanitarian accountability, the process of ‘making humanitarian action accountable to beneficiaries’ which is a major concern of the humanitarian community at present as evidenced by the Humanitarian Accountability Partnership (<http://www.hapinternational.org/>). Participant Observation and Participatory Action Research are further refinements on the process, both of which however require long periods of residence among the affected populations: ideal for data collection and analysis, but expensive and demanding. Krimerman notes that such techniques allow social inquiry to be conducted democratically, and also allow populations to interact during the whole course of an intervention.⁵

A more radical perspective, however, regards the whole field of such social inquiry research paradigms as irretrievably flawed wherever there is a deep power-asymmetry. Should we in effect tear up the research rule-book and start again? This would be the position of some who critique social science as ‘hegemonic knowledge’ or put more colourfully, as ‘white lies’. The argument loosely derives from a Marxist background, based on a remarks of Engels about ‘false consciousness’ and systematized by Gramsci, Foucault and others. The argument is that power-holders not only dominate our economies and political systems, but also dominate the production of knowledge: they control both the material and the epistemological world. This control operates at several levels.

First, only the relatively rich and educated have access to the universities which equip them to be producers of knowledge. Probably 90% or more of professional researchers, for example, come from rich metropolitan backgrounds, high-quality secondary schools, and famous universities. The

⁵ Krimerman 2001, 60.

other 10% may be exceptionally talented people who have worked their way into this magic circle by dint of scholarships, exceptional communication skills or other abilities. To write proposals, secure jobs and funding, evaluate projects or any of the hundred tasks associated with ‘development’ one surely needs to know all the latest ‘buzzwords and fuzzwords’: capacity-building, consultation, sustainability, stakeholder, participation and all the rest.⁶ They may be meaningless, over-used clichés but they are essential. And they must inform a ‘report’ that is structured with an introduction, argument, and conclusion; an ‘information pack’; checklists; and so many other things which we have the education to cope with. As Goethe noted two hundred years back, ‘When ideas fail, words come in very handy’.

Second, and equally pervasive, most development agencies practice a knowledge apartheid. They all accept a tacit and unstated assumption that ‘mainstream’ (i.e. Western, ‘scientific’, usually English-language) thinking is the norm to which the rest of the world should aspire. Ways of knowing that do not conform to such norms are de-legitimized and ignored. Therefore at the most fundamental level, metropolitan actors, categories and judgements are hegemonic, perhaps deliberately blind to the local knowledges of differently-educated people. They adopt a positivist and essentialist paradigm to underpin the claims of well-meaning metropolitan actors to work ‘on behalf of’ the oppressed. Alongside the neo-Marxist there are other critiques of hegemonic knowledge: feminist, subaltern studies, and post-colonial studies for example, referring back to the work of thinkers such as Franz Fanon, Paulo Freire and Gayatri Spick. A common feature is that they by no means take for granted that Western, formal, academic, mainstream knowledge is ‘real’ knowledge with a better grasp of truth or reality. On the contrary, they see it as produced by self-interested global elites, largely for the purpose of extending their own power. So, effective challenge to power abuse will not be made by accepting elite knowledge on its own terms, but by reconfiguration of knowledge per se.

De Sousa Santos is a contemporary thinker on this subject. I conclude this section by referring to his 2007 paper:

Modern knowledge and modern law represent the most accomplished manifestations of abyssal thinking. They account for the two major global lines of modern times, which, though being different and operating differently, are mutually dependent. Each one creates a sub-system of visible and invisible distinctions in such a way that the invisible ones become the foundation of the visible ones. In the field of knowledge, abyssal thinking consists in granting to modern science the monopoly of the universal distinction between

⁶ Cornwall 2007.

true and false The exclusionary character of this monopoly is at the core of the modern epistemological disputes between scientific and nonscientific forms of truth.⁷

According to this analysis, one could argue that the whole complex of social science research, methodologies, data collection, report-writing, recommendations etc is basically an expression of *hegemonic knowledge*. Some of it may be, on its own terms, of very high quality, and it may lead to relatively effective decision-making by those who deploy resources. However, it is still the voice of the metropolitan elites and at best the few individuals from marginal communities who have access to them. How does this compare with the knowledge held by non-elite communities, especially those living in conflict-affected or very poor environments?

3. Indigenous knowledge

This section discusses alternatives to the knowledge of the metropolis that can so easily be elitist and exclusive. The alternatives, though, are by no means simple and may indeed be completely different from each other: they encompass for example Indigenous Knowledge (IK); Traditional Environmental Knowledge (TEK); and local knowledge.

Let us take local knowledge first. If researchers fly into a region, for example one that is subject to chronic violence or extreme poverty, they typically aim to ‘collect data’ about the locality, its people, the problems they face etc. Hopefully, they already have some expertise: they may be citizens of the same country or at least frequent visitors; perhaps speak the local language; understand local customs and the socio-political environment. They may have good relations with local government or international agencies working in the area, who may be able to introduce them to ‘key informants’: people from the locality who are willing and able to communicate with outsiders. They will likely be able to run focus groups, conduct interviews, distribute questionnaires etc. If they have time, commitment and expertise, such visiting researchers may be able to undertake participant observation by integrating into the local community for a period of months, deepening their understanding of events and dynamics. These are all established and tested research methods which can provide good evidence for policy-makers or donors.

Yet we may still have reservations about such approaches. First, it has been seen that more than likely an outside researcher will still engage with elites rather than with a representative selection of the population. Access may be determined mostly by micro-power structures in the

⁷ De Sousa Santos 2007, 48

particular locality: in some areas it may not be possible for male researchers to talk to females; to interview marginalized or criminalized groups; to contact political opposition freely. It may be in the interests of local elites to disguise, or at least keep silent about, the extent of local unrest. Corruption and misuse of funds is often a fundamental source of grievance, but one about which it is dangerous to make allegations. Local income sources may include illegal trading which cannot be revealed to an outsider. Data collection is problematic enough even in a safe regulated environment, but it becomes much more problematic in such situations. It will be a challenge for our outside researchers to achieve ‘insider’ local knowledge for example on the above topics; yet policies and interventions without such knowledge are possibly flawed from the outset.

In other cases, some local knowledge may have been gained through local consultations but researchers may need to translate the worldview of a person or community which has fundamentally different cultural or spiritual concerns into a format which fits the needs of an ‘evidence-based report’: a concept which may seem totally alien and incomprehensible to those providing the information. As examples, local people understand the causation of a conflict or epidemic as due to evil spirits; women do not want medical assistance at childbirth to avoid ritual pollution; older people take community decisions based on their life experience not on computer-generated information; innovative change is perceived as inherently dangerous.

In such cases, an epistemic chasm may exist between those of us to whom the developed world and its paradigms are natural; and populations who have a completely different perspective on nature, humanity and spirit. There may be profound differences in the entire vision of the cosmos held by indigenous people and outside visitors. Possibly the furthest removed from contemporary urban elite discourse is that of indigenous peoples such as Aborigines in Australasia or Amazonian tribes. Beyond local knowledge in the sense of close acquaintance with social ‘realities’ and agriculture, a deeper domain of knowledge relates to the community’s place in Nature. This kind of indigenous knowledge is

generated through an intimate relationship with the Earth; an intimacy which can only be acquired over time and which is passed on from one generation to the next. This knowledge comes from the relationship with, participation in, and observation of place - its cycles, rhythms and seasons. A profound understanding arises through dialoguing and learning from and with Nature, through experience.⁸

Amazonian tribes, for example, live in a cosmos where their ancestors are fully present; birds

⁸Gaia Foundation, <http://www.gaiafoundation.org/indigenous-knowledge>

and animals communicate with humans; they sense distant opportunities for hunting and fishing; locate each other in deep jungle without technology etc. Parallels can be found in other remote communities, which these days are tiny in number. However many more people live in villages and small towns in the developing world where fragments of this heritage are still active, often integrated in hybrids with other religions and traditions, such as the Christianity-African traditional religion syncretism in sub-Saharan Africa; or the Buddhist-spirit world nexus in many parts of Asia. Technology and national school systems are certainly reaching most parts of the globe, but it may be several generations, or perhaps never, that such heritage is completely transformed into ‘Western’ modes.

Another stream of local knowledge concerns agricultural and livelihood practices; some international studies of geography, agriculture, environment and development acknowledge its importance. Indigenous knowledge (IK) is used at the local level by communities as the basis for decisions pertaining to food security, human and animal health, education, natural resources management, and other vital activities. IK is a key element of the social capital of the poor and constitutes their main asset in their efforts to gain control of their own lives. For these reasons, the potential contribution of IK to locally managed, sustainable and cost-effective survival strategies should be promoted in the development process. The World Bank itself, often seen as a conservative, metropolitan institution, has a major IK programme.⁹

Many changes in agricultural practice have been imposed on farmers in developing countries, as also in developed ones, by international or urban-based agencies and corporations. The changes may include shift to mono-culture cash crops; deforestation for cattle-farming; intensive use of chemical fertilisers and pesticides. From one perspective, such changes may bring benefits, for example leading to a rapid increase in outputs and agricultural productivity. In regions facing food shortage and poor nutrition, such increases are valuable. However, imposition of these technologies and methods may produce short-term gains but incur long-term costs, most likely environmental degradation, pollution, and possibly disruption to rural community life that was safeguarded for generations by ‘traditional environmental knowledge’ (TEK).

4. Hybrid knowledge

It is probably not always desirable to posit a categorical distinction between indigenous and

⁹ Gorjestani 2000; Grenier 1998.

‘scientific’ knowledge. Certainly, not all TEK is sound, nor should all community life in subsistence farming communities necessarily be left undisturbed. Nevertheless a few successful research programmes have shown that there is much scope for ‘hybrid’ knowledge, merging useful aspects of traditional approaches with contemporary scientific knowledge. Examples have been documented in animal husbandry in drought-affected areas; and in ethno-botanical studies of medicinal plants.¹⁰

In scientific reductionism, indigenous knowledge could be seen as simply a curiosity to be interpreted by scientists; in an alternative, possibly romantic, vision it could be considered as a panacea for emancipation, with a risk of appropriating the vision of the less powerful while claiming to see the world from their perspective.¹¹ In both cases, local knowledge is portrayed as essentially non-rational, either because of its pre-scientific and backward character, or because of its primordial wisdom. These two apparently opposed approaches then have a common structure of sustaining the discourse of otherness, in which indigenous knowledge serves as a mirror image of scientific knowledge.

However, a major demographic feature of the contemporary world is rural to urban migration, especially in developing countries, with increasing mobility of populations and new access to technology and education. Even those who stay behind in rural areas are very likely to have close family members in cities, possibly in foreign countries. It seems that such populations especially are experiencing a kind of epistemological churn, with inputs from indigenous cosmologies and spirituality; active or residual traditional environmental knowledge; and doubtless a good grasp of local power structures and often the real stories behind conflicts that may not be at all easy for an outsider to access. At the same time, they may communicate easily by mobile phone or other means with close relatives in major cities. Anthropologists have demonstrated that it could be patronising to assume that local people are restricted in any way to ‘local knowledge’: they may indeed have that local knowledge, but they may merge it in all kinds of creative ways with knowledge from the internet, visitors, urban friends or many other sources.¹²

Probably most human security research aims at being pragmatic and useful, ‘usable knowledge’, rather than provoking fundamental conceptual change in social science discourse. Given the complexities of contemporary knowledge-production, there will be trade-offs between what is ideal and what is feasible; between local and international; between technical and traditional. Knowledge production that accepts inputs from a variety of sources has been termed ‘hybrid

¹⁰ Thomas and Twyman 2004; **Batterbury** et al. 1997.

¹¹ Haraway 1988.

¹² Nygren 1999; Agrawal 1995; Tsuji and Ho 2002.

knowledge': we may find examples in faith communities, indigenous knowledge programmes, or environmentally-sensitive farming initiatives. The official Canadian development aid agency supported research on projects that took account of such factors in Indonesia, Ecuador, Ethiopia and Venezuela.¹³ If we recognise from the outset that our knowledge-production is inherently partial, limited and hybrid, at least we are approaching the subject with some humility and perhaps a better chance of providing useful outcomes to both affected communities and policy-makers.

5. Knowledge in conflict-affected regions

An additional complication arises because much Human Security research takes place in regions that are extremely poor, subject to disaster, or conflict-prone. These characteristics influence options for research and knowledge-production in several ways. Poverty by itself is distressing, but not usually particularly traumatic or dangerous except for those families directly affected. Characteristics of very poor environments are often malnutrition and poor health; low incomes; poor housing, hygiene and education; high costs of products and services such as water, food, fuel and IT; and a lack of local goods. At the level of knowledge production, there would generally be a shortage of educated and skilled people, as many of those who manage to gain skills and qualifications move away to richer environments, perhaps overseas. The presence of the UN and international non-governmental organizations can also lead to an internal brain drain, since a local person can often earn far more doing a job like driving for a foreign agency than working as a teacher or nurse for a local institution.

In extremely poor or disaster-affected environments, local people may show great strength and courage, remaining determinedly cheerful and welcoming even in such conditions. However, they have little scope for planning, saving or preparedness since each day may itself be an emergency in the quest for food or rent money: they most likely have a strong focus on the here and now. And even when they have a little time, they would very likely be excluded from decisions about government or policing, although these may have great impacts on their lives. Access to information is likely to be limited, with regard to national affairs but also to market conditions, education opportunities and basic health care. It will naturally be difficult for people in these circumstances to spend time and energy on providing information to researchers, even if they have no reason to mistrust the outsiders.¹⁴

¹³ Grenier 1998.

¹⁴ Hunter 2013, 43-54.

However, the most complex environments are those affected by violent conflicts. Many of the factors mentioned above with respect to poverty and disaster may be present also, but the intense social and military dynamics of a conflict zone make for distinctive circumstances for researchers and humanitarian workers. Yet humanitarian aid, ideally informed by a good knowledge of the local situation, is likely to be deployed either in the aftermath of a major conflict such as an inter-state or civil war, or actually during the course of a conflict such as an insurgency, where periodic violence takes place within a society that is more or less functioning.

In such situations, the condition of the government may vary, but typically it will be weak, and presiding over a fragile, unbalanced economy. Indeed, its own survival may be by far the overriding priority for the central government and its agencies in the provinces and cities. It will very likely lack legitimacy at least among a significant part of the population, fail to deliver basic services, and impose its authority through repressive measures. Armed conflicts are generally complex situations with many competing parties, factions and backers; they can rarely be reduced to two sides. They produce unpredictable and fluctuating alliances, with news reports heavily influenced by propaganda and false information. They may attract a mix of political agents, spies, arms traders, criminals and others trying to benefit from the situation. Moreover, wars, even civil wars, also have an international dimension as local factions can become proxies for neighbouring states, or can be targets or allies for superpowers apparently far removed from the scene.

In cases of chronic conflict, much of the population is conditioned into seeing violence and military power as the ultimate problem-solving tool. Opposition movements may establish parallel structures for security, government and economy, attempting to challenge the status quo by riots and political rallies. The state may respond with extrajudicial detention and killings. Skilled people with the opportunity to migrate may choose to leave. Naturally, such a society is rife with fear, mistrust and divisions. On the other hand, the opposition may be driven by an ideological commitment such as national independence, generating political awareness and high expectations: they may demonstrate determination, resilience and fortitude, believing they have a unique opportunity to bring a new order. The researcher, in addition to difficulties in poverty- or disaster-affected areas, may have to take account of several threats distinctive to such situations, such as military and terrorist activity, demonstrations, general crime, looting by angry populations, and occasional violence and theft by staff or beneficiaries.

Such environments present particular challenges and opportunities. Among other issues, information sources, especially about potential threats and optimal responses, may be more complex than in stable societies. Different factions may have their own intelligence agendas, and information

can be a valuable commodity. To summarise, there are possible risks to researchers and respondents; low opportunity for systematic data collection; politicization of information; high levels of controversy and distrust; and rapidly-changing power relations. If we add these factors into the epistemic modes discussed in earlier sections, we can see why human security research that aims to deeply penetrate social dynamics is a really difficult practice.

6. Conclusion

We are at an early stage of refining Human Security research and/or knowledge-production. Different countries, disciplines and institutions have knowledge-traditions that inevitably embody a wide range of approaches to empirical data, conceptualisation, rhetoric, policy-relevance etc . Still, this conclusion attempts a summary of the discussions above, suggesting that most human security research should aim to be Usable, Reasonable, Legitimate and Pluralist. I say ‘most’ because there would always be room for research that lies outside the box, for example that which is designed to be highly innovative or of purely theoretical value.

Usable

Policies emerge from bureaucracies and other agencies by an invisible process that may include information from researchers, but will also include internal politics; financial considerations; public opinion; past experience; and numerous other factors. A specialist on health research, for example, explains that impeccably designed scientific studies are regularly ignored by policy-makers: the latter have other claims on their agendas, and also complain that much research is opaque, esoteric, and inconsistent.¹⁵

So, researchers should not operate under the illusion that their research is the only critical input into the decision-making process. Nonetheless, it may well be an important contributory factor and researchers also have an obligation to ensure that their research is relevant to users’ needs, realistic within the policy framework, clear and coherent, and free of jargon.

Ultimately, if it is to have any practical utility, research must be seen as useful or acceptable to those who have some capacity to intervene. If its findings appear completely eccentric or unrealistic, even if they have some evidential basis, it will remain on a shelf.

¹⁵ Walt 1994, 233.

Reasonable

Human security research would often need to be conducted under challenging circumstances as outlined above: situations where information is disputed, field-trips unpredictable, situations changing rapidly. It will be impossible to achieve the systematic large-scale data collection that might inform a full social science investigation. We cannot produce knowledge comparable to that of a scientific laboratory, nor even to a large-scale quantitative survey conducted by a team in a stable, information-rich society. Yet even in such circumstances, a good team of researchers is quite likely to come up with sets of information, sometimes improvising creative approaches, and possibly undertake forms of cross-verification or triangulation. In such circumstances, human security research cannot claim to be completely systematic, scientific or even ‘evidence-based’ in a strict sense, although such claims are often used to give credibility to research efforts in other environments.

However, certain minimum standards should ideally be reached before a researcher or team presents their work even as an internal document. Research must reach a threshold of quality: inevitably analysis of a complex social situation, and recommendations for interventions for example, will be imperfect, an art more than a science. But to the extent possible any reports should be based on observation on the ground by a well-trained observer; extensive consultation with local people in their own language; collation of available documents and data; analysis of previous outside impacts. It would also recognise value-systems and cultural practices that contribute to community responses. With such procedures, researchers could claim at least that their findings are based on a reasoned and consistent approach to data-collection and analysis, even though circumstances prevent a completely scientific investigation.

Pluralist

Probably the most difficult aim to work towards is a representation of local voices. Many reports include quotes from ‘a local farmer’ or similar persona, and methodologies may refer to focus groups or household surveys. These are all certainly to be welcomed and encouraged. A further step would be to actually incorporate some local knowledge, or indigenous knowledge, in the formulation of the research project itself, or at least in its presentation. In some cases there might be scope for the kind of research presentations we are accustomed to, in formal educated language

accommodating to the demands of elite institutions; but embedding alternative views presented in recognition of local knowledge traditions. Some issues that would be relevant to this approach are:

- Interviewing people within their own frame of reference
- Understanding of local worldviews (political, spiritual, cultural)
- Acknowledging local and indigenous knowledge as an equal partner: epistemological pluralism
- in analysis and presentation of findings

Legitimate

Finally, a research programme should be legitimate to several constituencies: to those who commission and fund it, and ultimately in the case of public bodies especially, to those numerous individuals known as ‘the public’ or ‘the taxpayer’; to those who have contributed as participants, providing information and ideas; to potential beneficiaries, who may overlap to some extent with research participants; and to the research team itself. It is quite possible that informants and beneficiaries would not be in a position or even interested in reading a long formal document in a foreign language. Nevertheless they may be closely concerned with the implementation of any aid or other intervention in their region. Legitimacy is another essential: local communities must to some extent be persuaded that the research is honest, fair and in their own interests; otherwise they would feel justified in not co-operating with it, nor be interested in its outcomes.

Researchers may therefore like to ensure:

- Participants are clearly informed about the whole process from the outset
- Participants and beneficiaries are provided with an understandable, accessible synopsis of reports
- Commissioning agencies are fully informed and updated on progress
- All members of the research team accept the legitimacy and integrity of the output

Effective human security research would demonstrate success in all four areas. Effective research perhaps cannot fully achieve success in all these dimensions; but it must address all of them to some extent. In the specific domain of peacebuilding, Roberts has recently argued for action ‘beyond the metropolis’ in his formulation of ‘popular peace’.¹⁶ Probably we need to develop research beyond the metropolis to inform human security studies.

¹⁶ Roberts 2011.

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Human Security Issues and Refugee Movements in Southern Africa: Mozambique, a Short Stop along the Way

Cremildo Arlindo Sendela de Abreu¹

Abstract

Refugees are at the center of human security discourse. Due to political or social conflicts in their home country, they become vulnerable group of people, threatened in all aspects of human security. In Africa by 2010, the largest proportion of refugees was originated in the East and Horn of Africa. As they flee home on their way to “greener pastures” in the Southern part of Africa, refugees find sanctuary in some of the least developed countries like Mozambique in which they face significant threats to their human security.

Based on statistical survey of refugee movement including refugee status determination and field investigations in Refugee Camp of Maratane in Mozambique, this article analyzes the movements of refugees and its impacts on their human security.

The evidence presented in this study suggests that refugees migrate to southern African countries perceived as a “safer sanctuary” by them, because those “safer” countries are not contiguous with violence stricken countries while having “permeable” borders, even though these countries may represent a greater threat to their human security. Moreover, in the movements of refugees towards Southern African region countries like Mozambique, Zimbabwe, Botswana and Namibia act as “sanctuaries” for asylum seekers moving towards South Africa. This phenomenon constrains the efforts of receiving countries to properly address the human security threats to this vulnerable group, resulting in inefficient/ineffective policies and action plans to mitigate the problems faced by refugees.

Refugee movements in Southern Africa and the human security threats attached are not isolated events for each receiving country. Its impacts are felt on an interconnected platform affecting all the countries in the region. Thus, a solution should be efficiently applied through a coordinated response in the form of policies and actions to address refugees movements understood on a common basis involving all affected countries.

Keywords:

Refugees, Human Development Index, Human Security, Refugee Movement, Refugee Status Determination

1. Introduction

The concepts of ‘human security’ and ‘refugees’ are interrelated in a complex set of ties. It might seems ironic talking about freedom from fear and freedom from want, when at first it is

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already known that freedom is not a more appropriate term to use to analyze refugees issues, because they are people being persecuted for different reasons.² How can they be free? One can also suppose that since human security emphasizes a shift from the focus on states to consideration of people, states might remove themselves from the protection of refugees and accept the protective role of international institutions.³ In this perspective, there seems to exist an antagonism between human security and refugees where the first concept clearly concurs to aggravate the existence of the second concept. Whether divergent or convergent, both terms are interconnected. Human security is a describing element in the life of a refugee whether on the move or in the country of asylum.

From the analysis of refugee definition based on the United Nations Convention of 28 July 1951, as modified by the Protocol of 31 January 1967 (both documents relating to the status of refugees), it is clear that refugees are perceived as people who live in fear, located outside of their countries of nationality and unable to obtain protection from their country of origin. From these interpretations it seems logical to assume that after fleeing their homes, the main priorities for refugees should be safety in terms of physical integrity, health, food, housing, and furthermore, education and other social-economic conditions. Richmonds (1993) studied types of refugee movements and argues that extreme inequalities of wealth and resources between different countries and regions of the world are among the predisposing factors, which increase the probability of reactive migration. Moreover the same author explains that such inequalities, when combined with political instability, create the conditions in which refugee movements are likely to occur. Considering the value of the Human Development Index (HDI), it is reasonable to assume that developed countries would have better ability to provide safety and security in terms of the immediate needs required by refugees in comparison to developing countries. Therefore it would be acceptable to presume that developed countries would host a higher number of refugees in comparison to developing countries.

However, according to the UNHCR Global Trend Report (2012), by the end of 2011, there were 42.5 million forcibly displaced people worldwide. Developing countries hosted 8.4 million refugees of a total of 10.4million under the UNHCR's mandate. The 48 Least Developed Countries provided asylum to 2.3 million refugees.

The movement of refugees and their asylum in host countries produce significant implications in terms of human security. For example, in 2008, the UNHCR conducted a Global Needs

² The definition of refugees is stated in the 1951 UN Refugee Convention and the related protocol of 1967 on the same subject. See article 1 in the 1951 Convention and article 1(2) in the 1967 Protocol on the same subject.

³ See Freitas, 2002.

Assessment to comprehensively map the real state of the world's refugees. Their findings pointed out that 30% of the needs of refugees were unmet. These needs included shelter, health, education, food security, sanitation and measures to prevent sexual violence. These conditions will be more or less aggravated according to the destination country of asylum, whether it is in the developing world or not.

The analysis in this study shows that a considerable number of refugees intend to go to some developing countries like Mozambique with HDI lower than the country of origin.⁴ In some cases, those countries fail to provide appropriate protection and security in terms of basic needs for refugees which further deteriorates the living conditions of refugees leading to fatal results.

With this perspective, this study examines trends and patterns of refugee movements in Southern Africa with particular focus on Mozambique. The analysis starts with a general figure of refugee movements worldwide and then focuses on specific patterns and trends found beyond the quantitative illustration, considering theories and facts that provide a more comprehensive view of the phenomenon. The paper explores the relationship between human security and refugees, considering the Human Development Report of 1994, and other human security documents and related literature, as well as the international framework for refugee protection.

2. Methods and Data Considerations

The research was carried out using a combination of qualitative and quantitative methodologies. The quantitative data in this study are based on the information available as of 2010, unless otherwise indicated. The main sources used to collect information (on Asylum Seekers, Refugees, Human Development Index, Country's Population and other data) were the World Bank, UNHCR and UNDP.⁵ With regards to some specific countries, quantitative and qualitative data at the national level were collected through several processes. This included observations, informal and semi-structured interviews that took place in Mozambique on March 2013. Due to the fact that most of the data regarding refugee status determination (RSD) in developing countries became available in 2004, the study includes a quantitative and comparative analysis from 2004 to 2010 regarding the decisions on asylum claims from the part of receiving countries.

Furthermore, the analysis is centered on the application for asylum and the decisions that

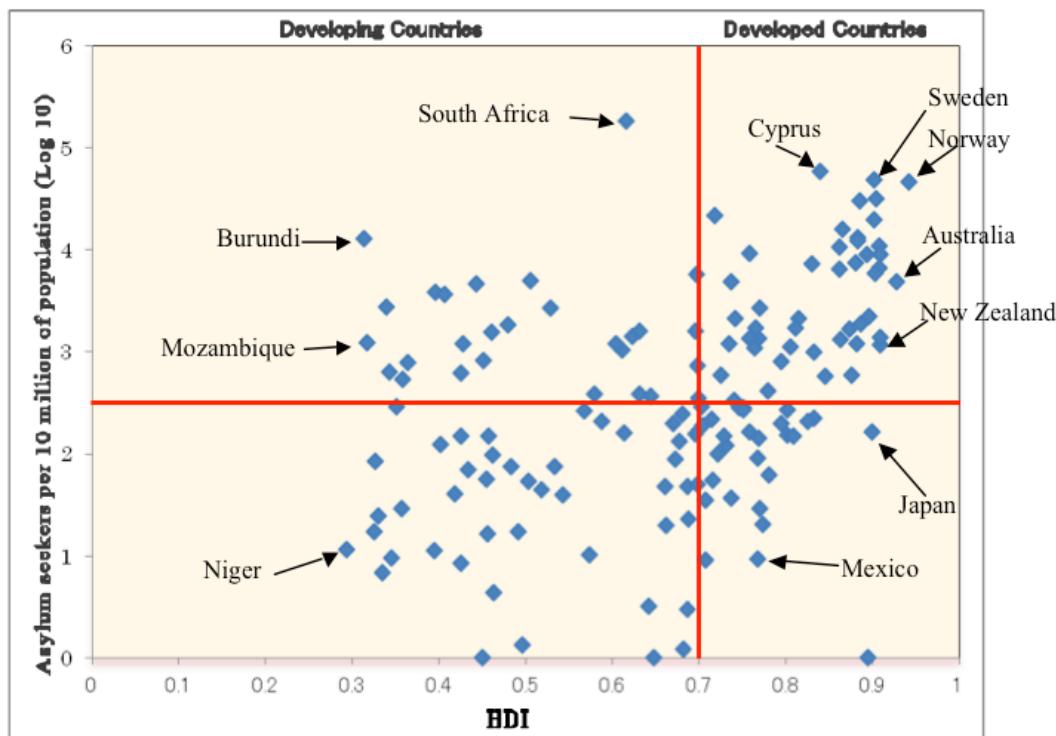
⁴ The Human Development Report of 2013 places Mozambique on the 185th position of HDI value in a universe of 187 countries. Mozambique's HDI is only higher compared to DRC-Congo and Niger.

⁵ The World bank, 'Data', Available at: <http://data.worldbank.org/>; UNDP, 'International Human Development Indicators: Database', Available at: <http://hdrstats.undp.org/en/tables/>; UNHCR, 'Statistical Yearbook 2004-2010

followed conducted by the responsible entity on a domestic level. The term “asylum seeker” is used as defined by the UNHCR that is “a person who has sought international protection and whose claim for refugee status has not been determined yet.” It could also refer to someone who has not yet submitted an application or someone who is waiting for an answer. Nevertheless, the concept of refugees is applied considering the 1951 Refugee Convention and its 1967 Protocol, and also in a more comprehensive way acknowledging that a person “does not become a refugee because of recognition, but is recognized because he is a refugee”.⁶ For statistical purposes, people in refugee-like situations were also considered refugees.⁷

Figure 1 shows the situation of asylum applications worldwide in 2010, lodged in developed and developing countries, which is further divided into more or less popular countries for asylum, plotted against the HDI of each country

Figure 1: Asylum applications in developed and developed countries, 2010



Source: Prepared by the Author using data from UNHCR Statistical Yearbook 2010

⁶ UNHCR, 2011a.

⁷ “Refugee-like situation” refers to groups of persons who are outside their country or territory of origin and who face protection risks similar to those of refugees, but for whom refugee status has, for practical or other reasons, not been ascertained. For more details, see UNHCR (2013)

The vertical axis represents the number of asylum seekers for a given country as a fraction of the total population of that country as given below.

$$\text{Log}_{10} (\text{Asylum Seekers} \div (\text{Population} \times 10^{-7}))$$

Hence, it recognizes that the maximum refugee intake capacity for a given country is dependent on its own population, assuming that country's population is the sustaining force for refugees even though part of the expenses is from donations by international organizations. The numerator of the fraction represents the number of applications for asylum during the year 2010 and the denominator is the total population of a given country in ten millions. In other words, the fraction is the total stock of asylum seekers per 10 million of the population. However, when these fractions were plotted on single coordinate plane those values vary greatly from tens to ten thousands: therefore, they are illustrated in Log_{10} values.

Moreover, in order to divide the countries considered to be more or less popular for asylum according to the number of asylum applications, the median of the asylum seekers was calculated as 2.5, and the partition line $y=2.5$ was drawn.

There is no established convention for the designation of "developed" and "developing" countries or areas in the United Nations System.⁸ However, for the purpose of this study, the countries were categorized into two groups, 'developed' and 'developing', based on the available data on Human Development Index from the Human Development Report of 2010.⁹ In this respect, countries with a relatively low HDI were considered developing countries and they include the countries with HDI value below 0.7, while developed countries included those with a HDI value at or above 0.7.

Particularly, Figure 1 shows the countries at the boundary line of the coordinate envelope, which represent the extreme conditions. Finally, the results were analyzed with special focus on the countries that appeared along the borderline of the plotted results.

3. Refugees and human security

"Human security is not defined in international law, but it does provide a useful complement to the legally based concept of refugee protection." (Ogata, 1999)

⁸ United Nations Statistics Division, 2013

⁹ UNDP, 2010

The concepts and theories of human security are still far from being consensual and there have been many debates and discussions on how to approach human security.¹⁰ One of the debates related to the human security theory focuses on two different perspectives: Threats or vital core, which one should be the focal point of human security?

Alkire (2003) argues that a threat-identification exercise, although a central part of human security, is likewise an insufficient foundation because it leaves unspecified a key area: the fundamental grounds by which threats are identified which sometimes doesn't consider what the affected people value and need, what they consider to be of essence to their life. Instead, the same author explains, human security should focus on vital cores and people's reflections on the basis of their own experience and knowledge, of their values and needs. In fact, 'vital core' is often mentioned in the human security definition by the Commission on Human Security (2003), and it embraces all essential aspects of human life.

However, for the particular case of human security analysis based on an identified vulnerable group such as refugees, the threat-perspective seems to be more appropriate as a starting point. First, threat is an underlying element in the definition of refugees by the 1951 Refugee Convention. From the provisions of this convention, we can clearly understand that refugees are people living in fear, being persecuted for different reasons, and without protection.¹¹ Second, human security is defined by what threats are actually affecting people.¹²

One other discussion on how to approach human security is centered on freedom from fear and freedom from want. These two elements are often referred to as narrow and wide approach of human security, respectively.¹³ For instance, Edwards (2009) explains that Japan adopts the broad-all encompassing approach by the Commission on Human Security, including infectious diseases, poverty and environmental degradation, while Canada's view of human security is complementary to national security. In this regard, Krause (2007) argues that the narrow view of human security as freedom from fear is intellectually and programmatically more coherent, in contrast to the broad vision which includes freedom from want, and seems to capture almost everything that could be considered a threat to well-being. In this sense, human security in a broad vision has no utility for policy-makers or analysts, since it does not facilitate priority-setting.

However, if we particularize the targeted people into a vulnerable group such as refugees, it is

¹⁰ See Alkire 2003, p.23-24

¹¹ The definition of refugees can be found in the 1951 United Nations Convention Relating to the Status of Refugees; see also the 1967 Protocol Relating to the Status of Refugees.

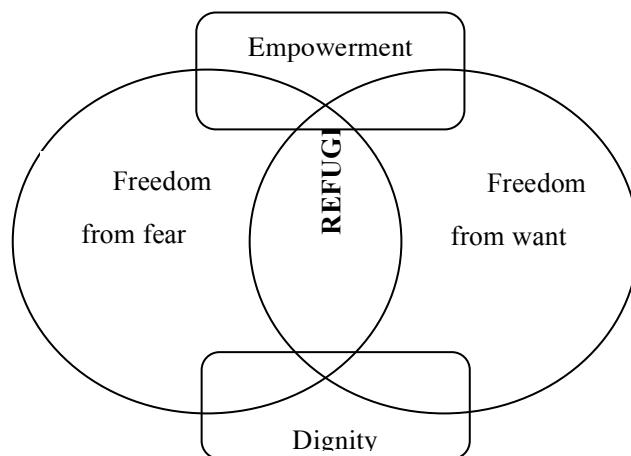
¹² Owen, 2004.

¹³ For more details regarding to narrow and broad approach of human security, see Owen, 2003:4-6; see also Tadjbaksh and Chenoy, 2007.

clear that freedom from fear and freedom from want cannot be separated when addressing or analyzing refugee issues from a security point of view. In some cases health or food condition may pose a higher risk to refugees' lives than human trafficking, landmines or crime situation. For example, according to Kalipeni & Oppong (1998), about 5% of the 220000 Ethiopian refugees in Sudan in 1985 died within the first three months of their arrival, mainly due to the synergistic effect of malnutrition, malaria and diarrhea. More recently in Mozambique, according to a report prepared by the Liga Moçambicana dos Direitos Humanos¹⁴ in 2011, in the same year, from January to March the country was affected by a mass influx of more than 8500 refugees from Somalia and Ethiopia, and in one month the country received around 4000 refugees. During these 3 months, more than 40 people died from hunger and diseases. In such a situation, it is inadequate to consider only the narrow perspective while analyzing refugee issues.

Refugees are at the center of human security because all the spheres of human security intersect the lives of refugees.

Figure 2: Refugees at the center of human security



Source: Prepared by the author

Refugees' issues are attached to a dual existence in the human security realm. Even though refugees are located at the center of human security as a vulnerable group critically affected in terms of freedom from fear and freedom from want, they can also be considered a source of human insecurity for the country of origin and the country of asylum. The great lakes refugee crisis is an example of a situation in which refugees were perceived as threats and also as victims as they played and

¹⁴ Mozambican League of Human Rights (translated by the Author from Portuguese language to English).

important role in the conflicts that affected the region.¹⁵

for example, a significant part of refugees in the southern Africa region reached their destination using networks of smugglers. They seek these “services” as an alternative to save their lives or improve their living conditions when there seems to be no better way.

According to the Human Development Report of 2009, there are an estimated 50 million people living and working abroad with irregular status today and a significant number paid for assistance to enter another country.¹⁶ In the case of Africa, every year a significant number of people lose their lives trying to move to another country through irregular procedures with the help of people smugglers. In the northern Mozambique Channel, in 2010, 345 vessels were intercepted carrying a total of 7089 migrants, which resulted in the arrest of 523 smugglers.¹⁷ In May 2010 nine Somali asylum-seekers died off the coast of Mozambique when their boat sank. They were part of a larger group of 77 Somali nationals trying to reach Mozambique by boat.¹⁸ In the next year, 2011, 51 Somali asylum seekers died again in a shipwreck along the cost of northern Mozambique.¹⁹ People coming to Mozambique by boat use a wide network of irregular transportation by sea from the Coast of Somalia, Kenya and Tanzania.

I took the first boat in Somalia, and then we went to Kenya. In Kenya, we changed boats in the Indian Ocean, and then they took us to Tanzania. In Tanzania again we changed boats and they brought us to Mozambique. The entire trip happened in the sea, we didn't go to land in Kenya and Tanzania because we didn't have documents. It took us 20 days, we paid a lot of money and they gave us only bread and one bottle of water. Some people died and were thrown into the sea. (Refugee from the Horn of Africa. Interview conducted by the author in Maratane Refugee Center in Mozambique, 24 March 2013.)

In the southern African region, especially in Mozambique, the smuggling of refugees occurs also on land. In Mozambique, in February 2011, eight asylum-seekers died in a closed container truck. They were among a group of 26 young Ethiopian men who were travelling towards the southern part of Mozambique coming from the Maratane refugee camp in the northern Province of Nampula.²⁰

Human smuggling is an illegal and risky act that negatively affects the dignity of a person and in several times it leads to fatal consequences. It is a direct threat to human security, especially in the

¹⁵ See Lohrman, 2000; Jacobsen, 2000; Dowty and Loescher, 1996

¹⁶ UNDP, 2009.

¹⁷ UNODC, 2011

¹⁸ UNHCR, 2010.

¹⁹ RFI, 2011.

²⁰ UNHCR, 2011b.

case of refugees. However, in some cases, the countries attitude towards refugees creates a favorable condition to the expansion or prevalence of human smuggling. In developing countries, the threats of refoulement and detention reinforce the choice for smuggling alternatives. In developed countries, the increase of restrictive measures towards immigration leads to the rise of illegal channels of migration.²¹

We heard that the neighboring country was refusing asylum and detaining all refugees coming from Rwanda. So, I had to pay money to some people I knew to take me to South Africa. (Refugee from Rwanda. Interview conducted by the author in Mozambique, 24 March 2013.)

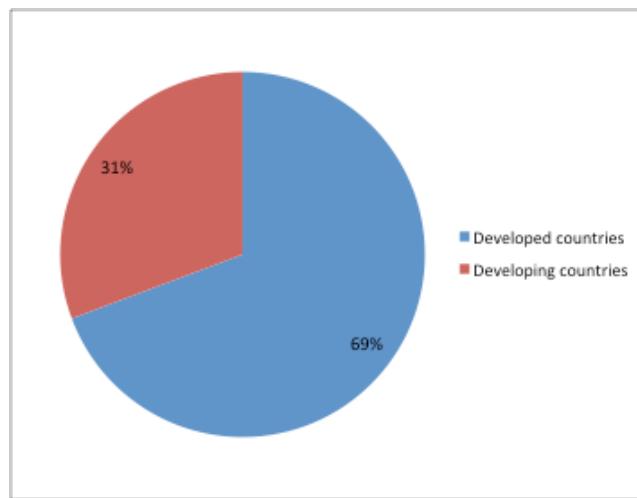
On the one side, human security issues of refugees can be positively and efficiently addressed by governments depending on their attitude or perception of refugees as victims in need of protection. On the other side, the government actions might aggravate the human security condition of refugees especially when they are perceived as a threat to the countries' domestic security. There seems to be a dilemma in terms of security involving the domestic interest and the refugee protection perceived as exclusive parts by the governments. What is happening in fact is that the attempts to reduce or deter the flow of refugees through formal channels such as restrictive policies and security measures can trigger informal and less secure channels to reach the intended country of destination. On a final stage, the refugee flow will still continue, and the "security dilemma" becomes a theoretical construct that will negatively affect the lives of refugees.

4. An overview of refugee movements in developed and developing countries

As mentioned before, According to UNHCR (2012), developing countries hosted larger number of the world's refugees. The 48 least developed countries provided asylum for a significant number of refugees (2.3 million). In contrast, the trends of asylum seekers applications show a different perspective. For example, from 2004 to 2010, 69% of applications for asylum were lodged to developed countries and 35% were applied in developing countries.

²¹ See for example Bocker and Having, 1998

Figure 3: Asylum applications in developed and developing countries, 2004-2010



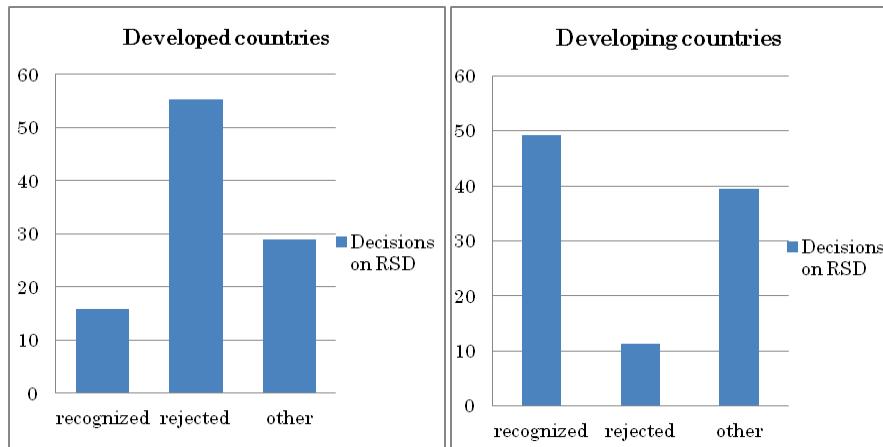
Source: Prepared by the Author using data from UNHCR Statistical Yearbook 2004-2010

The figure above (figure 3) was prepared based on the application for asylum lodged in developed and developing countries during each year from 2004 to 2010.

The statistical data on refugees worldwide shows that there is an unbalanced sharing in refugee protection, with developing countries hosting a considerably higher number of refugees than developed countries. Even though countries are bound to protect refugees, in the vast majority of developed countries higher numbers of refugees are denied asylum.

The analysis on the main decision of Refugee Status Determination (RSD) in developed and developing countries shows discrepancies regarding recognized and rejected cases (See figure 4).

Figure 4: Main decisions on applications for asylum in developed and developing countries, 2004-2010



Source: Prepared by the author using data from UNHCR Statistical Yearbook, 2004-2010

The total figures on decision over asylum claims from 2004 to 2010 show that the majority of applications for asylum are rejected in developed countries. In contrast, in developing countries, the majority of applications for asylum are recognized. Could this explain the reason why there are more refugees in developing countries than in developed ones? Whether that is the reason or not, it is essential to understand that this is an important fact that should accompany the arguments to explain the distribution of refugees worldwide with a higher burden on developing countries, rather than just focusing on forced migration's theoretical arguments as most of the studies do.

In a final stage, the access to asylum depends exclusively on the receiving country which might accept or reject the claim for asylum according to their domestic interests, policies, legislation and procedures. In developed countries, a change in policy and practices of Refugee Status Determination could gradually lead to an increase in the proportion of recognized asylum claims and consequently produce a significant influence in the reduction of asylum seekers in developing countries.

5. Refugees in southern Africa

Considering the immediate needs of refugees, it is understandable that the reason why refugees would prefer to go to very high HDI countries like Norway, Australia and New Zealand, is related to the benefits in social and economic assistance that those countries are able to provide for refugees.

On the other hand, it seems significant to consider the situations of countries like Mozambique (ranked 165th in HDI) and Burundi (ranked 166th in the HDI) which were located at the lowest positions among the 169 countries in the HDI ranking of 2010.²² Even though these countries have a relatively weak socio-economic capability, they are preferred destinations for a large number of refugees (figure 1). What factors determine these movements of refugees towards destinations where in some cases the threats to their security are aggravated? Which approach would be appropriate to understand these facts?

The situation of refugee flow into Burundi is quite understandable taking into consideration that Burundi shares borders with countries that have experienced violent conflicts like Rwanda and Congo. Therefore, most of the refugees are originated in these two countries. One of the explanations for the refugee flow into Burundi consensually falls into the argument of geographic proximity because the majority of the refugees are from neighboring countries. Day and White (2011) also used geographic

²² UNDP, 2010.

proximity as a foundation for explaining the asylum applications from Albania to Italy; from Russia to Finland and from Romania to Austria. Moreover, Moret *et al.* (2006) studied the movement of refugees from Somalia, and their study points out that since the majority of refugees did not have time to plan their complete journey in advance, most of them simply fled to the nearest zone of safety. This might be the case of refugees in Burundi.

However, in the case of Mozambique – a country located in the Southern part of Africa – not all of the applications for asylum in 2010 originated in neighboring countries: most of them came from the Great Lakes region and the Horn of Africa. The same situation is also found in Zimbabwe. Moreover, the asylum application situation in Botswana and Namibia also shows that the majority of the countries of origin are far from the destination country as shown in Table 1.

Table 1. Applications for Asylum in Mozambique, Zimbabwe, Botswana and Namibia by origin, 2010

Country of origin	Mozambique	Zimbabwe	Botswana	Namibia
Angola	1	0	0	0
Burundi	335	52	0	28
Congo	4	0	0	0
Cameroon	0	0	0	2
Chad	0	0	0	1
Côte d'Ivoire	6	0	0	0
Congo (DRC)	1376	788	24	260
Eritrea	0	3	0	1
Ethiopia	94	3	0	0
Guinea	3	0	0	0
Liberia	5	0	0	0
Malawi	0	0	0	1
Rwanda	218	125	2	16
Somalia	825	7	2	3
Sudan	8	0	1	1
Tanzania	0	0	0	1
Uganda	4	0	3	3
Zambia	0	0	0	1
Zimbabwe	0	0	45	0
Total	2879	978	77	327

Source: UNHCR Statistical Online Population Database

It is important to consider that the four countries of destination listed in Table 1 are located in the Southern African Region. Additionally, they are all located in a row along the same geographical position right above the Tropic of Capricorn. These features combined place these countries on a

common position on the board of refugee movements towards the Southern part of Africa.

Based on the application for asylum lodged in Mozambique, Zimbabwe, Botswana and Namibia, and the decisions that followed regarding the refugee status determination from 2004 to 2010, one identical element can be identified: All the countries present very high rates of ‘otherwise closed cases’(see Table 2). According to the UNHCR, a file on refugee status determination is closed in the following situations; (1) The applicant does not attend the RSD interview and is deemed to have abandoned the refugee claim; (2) The applicant withdraws the application for RSD; (3) The applicant does not appeal for an RSD decision or if the appeal is rejected; (4) The applicant is deceased or has been legally naturalized; (5) Conditions of administrative procedures.

However, through the analysis of the decision on RSD in the referred four countries, one obvious question can be asked: why are the decisions on RSD not centered in ‘recognized’ or ‘rejected’, and instead, it is centered on ‘otherwise closed’? If the applicants abandon the refugee claim, where do they go?

Table 2. Decisions on RSD (Mozambique, Zimbabwe, Botswana, Namibia and South Africa, 2004 – 2010)

Country	Recognized (%)	Rejected (%)	Otherwise closed (%)
Mozambique	34.0	13.7	52.3
Zimbabwe	28.8	0.5	70.7
Botswana	49.0	2.3	48.7
Namibia	32.5	5.3	62.2
South Africa	13.3	86.5	0.2

Table 2 provides an overview of the total decisions on RSD in five countries (Mozambique, Zimbabwe, Botswana, Namibia and South Africa) categorized into “Recognized”, “Rejected” and “Otherwise closed” for over 6 years, from 2004 to 2010. The patterns of decisions on RSD for Mozambique, Zimbabwe, Botswana and Namibia are similar. They present a higher rate for ‘otherwise closed’ cases (with the exception of Botswana) and more recognized cases than rejected. Nevertheless, the situation of RSD decision in South Africa (which is a contiguous country with Mozambique, Zimbabwe, Botswana and Namibia) presents an opposite pattern, with less ‘otherwise closed’ and more rejected than recognized cases. Neumayer (2005a) concluded that a deterrent effect of low recognition rates on asylum applications is both plausible in theory and demonstrated in empirical studies. However, it does not seem to apply in the case of South Africa which has a very

low recognition rate but it is still a highly popular country of destination for asylum seekers.

Collinson (1996) points out the existence of an ‘asylum buffer zone’ in the west European region. Based on several assumptions, the author used the term to denote a geographical zone close to an intended destination for asylum. One of the characteristics of this zone is that it was composed by European states that had less financial resources to control their borders. It is possible that the contrasts on RSD in the Southern Africa region might be explained through a similar perspective if we consider that Mozambique, Zimbabwe, Botswana and Namibia act as “sanctuaries” for asylum seekers moving towards South Africa. In this case, one attractive condition of these sanctuary-countries would be their geographical position in proximity to a potential migrant-receiving country such as South Africa. Moreover, in these countries, especially Mozambique, the border control is not as strong as it is in South Africa which has a similar condition which Collinson (1996) also found for the ‘buffer states’ in Western Europe.

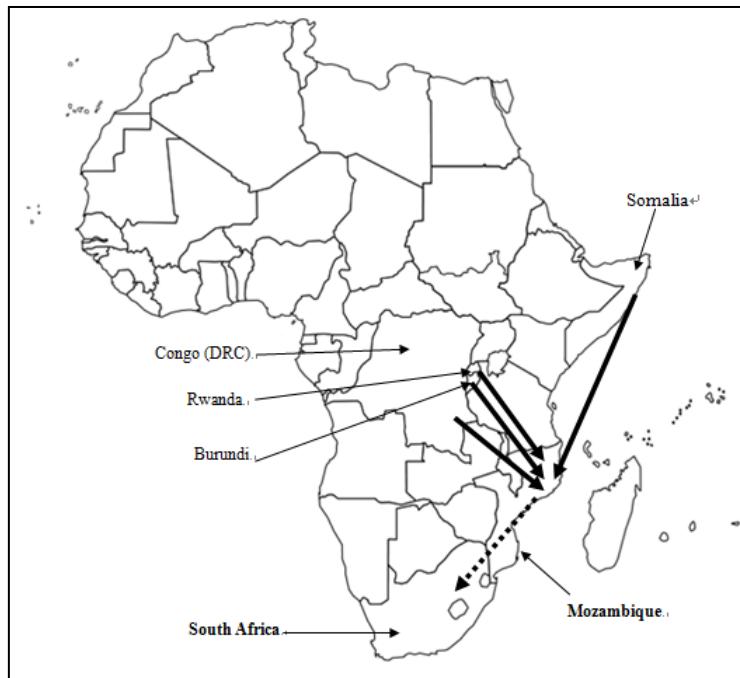
All these geographical, economic and policy related factors that might explain the refugee flow into the Southern African region seem to lack a complementary element that will act as an indicator to identify countries in these conditions. The analysis of RSD of these Southern African countries will be an important starting point.

In this regard and looking at the intention of asylum, in the case of some southern African countries like Mozambique, it seems important to make a distinction between what Zimmermann (2009) refers to as “irregular secondary migrant” and “genuine refugee”, in an attempt to separate asylum seekers who wish to stay in the country and those who intend to leave to another destination.

6. Mozambique, a short stop along the way

It is obvious that safety plays a very important role in the decision to migrate and to choose the country of destination. However, in some cases the choice of destination might be strongly influenced by other factors beyond safety conditions alone, especially in the case of secondary migration from a “safe third country”. In these situations, the previous “stop-over” country is chosen as means to achieve a final goal which is the intended final destination for asylum. This situation can be found in Mozambique which appears as a popular country for refugees coming in from the Great Lakes region and the Horn of Africa. Furthermore, the path to Mozambique is revealed as a favorable destination to “pass through” towards South Africa as illustrated in Figure 4.

Figure 4: Refugee Movement through Mozambique towards South Africa, 2010



Source: Prepared by the author

There are widespread arguments that the most common reasons behind the movement of asylum seekers to a specific destination are related to economic situation and safety.²³ However, as illustrated in Figure 1, it is important to acknowledge that some countries are chosen by asylum seekers in spite of the weak socio-economic capacity, like the case of Mozambique. In this case, the economic argument alone is not enough to understand the whole situation of asylum seekers in Mozambique. Of course, many other reasons are also included, for example the constraints regarding the legal status and access to registration in host countries, or socio-cultural factors in the receiving country.²⁴ It is also important to notice that the official language in Mozambique is Portuguese, but the majority of hosted refugees came from countries where the official language is not Portuguese, as illustrated furthermore. One other reason, which has not received much research, is to “find passage” to a particular country which might be the final intended destination for the asylum seeker.

While numerous studies have examined the causes related to economic and safety drivers for asylum seekers, in regards to the countries being used as temporary stop during the trip to a final destination for asylum especially in Africa, there is a scarcity of information. Where is this phenomenon happening? What are the signs? Hailbronner (1993) analyzed the concept of “third

²³ Massey *et al.* 1993 and Neumayer, 2005b

²⁴ See Jollie Moret *et al.* 2006

country of asylum” from a west European perspective. The author argues that, as a general rule, it may be appropriate to distinguish between asylum seekers who have found protection in a third safe country and those who are only transiting through a safe country. The most affected countries are in the developing world.²⁵ Nevertheless, through the analysis of RSD in developing countries like Mozambique, it is possible to identify the states that are being used as a “stop-over” during the trip of asylum seekers to an intended final destination. Unlike Mozambique and Zimbabwe, South Africa is the final destination for the majority of refugees moving downwards towards the southern African region. The evidence can be found in the analysis of otherwise closed cases which represents the lowest share in the decision for refugee status in South Africa. In comparison with Mozambique and Zimbabwe, most of the processes for refugee status determination in South Africa follow the normal procedures until the final decision which will be mainly positive or negative. This is mostly due to the fact that in general the applicants do not tend to move to a different country after reaching South Africa: besides, South Africa is the last southern destination in the African continent. From this perspective, the movement of refugees in the southern part of Africa seems to converge on the same point regarding the final destination which is South Africa. The analysis of patterns and trends of asylum application to Mozambique and Zimbabwe in 2010 supports this point of view. A considerable proportion of asylum applications for Mozambique and Zimbabwe originated from the same regions (Congo-DRC, Rwanda and Somalia). Additionally, the trends of asylum applications for those countries mostly follow the same pattern over time. Some African countries, even though they don’t share borders with countries in conflict, are influenced by the same factors regarding the movement of refugees. The most important factor is their geographical location on the route to a highly favored final destination country. In this perspective, the influx of refugees or the trends in asylum application might represent a virtual intention of asylum when the real goal is to move to another location.

7. Conclusion

Human security issues of refugees will be more or less aggravated according to their location, whether in developed or developing regions. Nevertheless, in both scenarios the perceptions of refugees as threats or victims are fundamental pillars to understand human security issues related to this vulnerable group. These perceptions might be a root cause that constrains the efforts to address

²⁵ See Milner and Loescher, 2011.

the threats to human security of refugees, as well as durable solutions and empowerment of refugees. Therefore, the action to mitigate the human security issues of refugees will be more or less efficient according to the way they are perceived: whether as threats or victims. Perhaps, a more effective approach to mitigate problems faced by refugees should start first from a change in the way they are perceived: less as threats, and more as victims.

In the movements of refugee towards southern African region, countries like Mozambique, Zimbabwe, Botswana and Namibia act as “sanctuaries” for asylum seekers moving towards South Africa. This phenomenon constrains the efforts of receiving countries to properly address the human security threats to this vulnerable group, resulting in inefficient policies and action plans to mitigate the problems faced by refugees.

Refugee movements in Southern Africa and the human security threats attached are not isolated events for each receiving country. Its impacts are felt on an interconnected platform affecting all the countries in the region. Thus, a solution should be efficiently applied through a coordinated response in the form of policies and actions to address refugees movements understood on a common basis involving all affected countries.

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Issues of Enmity in the Responsibility to Protect: *Implications of ‘legitimate demands’ and the Question of ‘Who Decides?’*

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Abstract

This paper examines the different nature of enmity between the Responsibility to Protect and war. While the humanitarian intervention was ‘illegal but legitimate’² until recently, the Responsibility to Protect succeeded and reconceptualised the intervention within a framework of human security. In 2011, the UN Security Council issued Resolution 1973 and authorised all member states to ‘take all necessarily means’ to protect ‘legitimate demands of the Libyan people’. Then, the question arises why the protection of civilians was able to legitimise the use of force in Libya. The adoption of the Responsibility to Protect authorised ‘international society’ to decide who constituted the legitimate authority of the state, nevertheless, it did not ‘succeed in [finally] resolving the questions of jurisdiction’.³ On the other hand, Orford argues that the Responsibility to Protect ‘demanded not police action but war’.⁴ Wars are battles among legitimate and recognised states; however, the Responsibility to Protect demands a determination on who has a rightful authority on behalf of the existing one which ‘manifestly failed to protect’ its citizens. In short, it brands one state in a Hobbesian ‘state of nature’. By examining the latest intervention in Libya, this paper examines the immanent enmity included in the Responsibility to Protect with reference to Carl Schmitt’s three concepts of ‘enemy’. As a conclusion, this paper argues that the human security approach needs to place emphasis more on the process of deciding legitimate authority in a society, rather than prioritising the need for intervention for protection.

Keywords:

Responsibility to Protect, Resolution 1973, Legitimate Authority, State of Nature, International Law

1. Introduction

When the United Nations Development Programme first used the term Human Security in 1994, it implied that the traditional state-centric approach was incapable of protecting citizens in the contemporary world. The protection of one state from any external interference, the sole objective of the traditional approach, was no longer a synonym of peace within a state where citizens enjoy

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² Independent International Commission on Kosovo 2000, 5

³ Orford 2011, 187

⁴ *Ibid.*, 133

'freedom from fear' and 'freedom from want'. However, at the same time, the concept of Human Security also broadened the subject matter of security discourse. From legal points of view, the foundational question is whether the use of force in the name of protection would be legitimised under the contemporary international law. In the municipal level, the use of force for protecting citizens takes a form of 'legitimate violence' monopolised by the state authority;⁵ therefore, every state has an independence from any external interference as a final guardian of protecting civilians. Nevertheless, by facing with numbers of brutal civil war, the international framework called the Responsibility to Protect was emerged 'as a norm after failures to protect people from mass atrocities, such as genocide, war crimes and crimes against humanity'.⁶ On the one hand, it was ground on 'the multilateral system of global governance centered on the United Nations'.⁷ On the other hand, the essential question that needs to be asked here is who has a rightful authority to decide the sovereign of a state. With the entry of decision in international law, Anne Orford takes an issue of the Responsibility to Protect by referring the idea of 'divided obligation' developed by two theorists Thomas Hobbes and Carl Schmitt.⁸ While her approach shed light on the question of 'who decides' in the Responsibility to Protect, the fundamental character of the use of force employed for the protection of people still remains to be unclear. By reviewing Orford's work, this paper examines the concept of the political inherent in the Responsibility to Protect approach in order to examine its limitation and the possible contribution of more broadly and critically defined Human Security approach.⁹

2. From the Right to Intervene to the Responsibility to Protect

The initiative of the UN-led broad range of security discourse can be traced back to Boutros-Ghali's *An Agenda for Peace* attempted to associate the measurements for peace-enforcement with the collective security under the Chapter VII of the UN Charter.¹⁰ In 1992, the UN Security Council adopted Resolution 794, which identified explicitly that 'human tragedy caused by the conflict in Somalia constitutes a threat to international peace and security' and

⁵ Weber 2004, 21

⁶ Popovsky 2012, 270

⁷ Thakur and Popovsky 2011, 112

⁸ Orford 2011, 155

⁹ Critical Human Security approach 'concerns the role of the primary unit of the international order: the territorialized, sovereign state'. This approach cautions the possible danger of the Human Security approach to 'legitimise intervention' to the states unable to protect its citizens. This recalls Schmitt's critiques against liberal universalism which leads 'to the interference of everyone in everything'. See Shani 2007, 6-7; Schmitt 2011, 46

¹⁰ See, Bellamy and Williams 2010, 214-220.

authorised international use of force for humanitarian aids.¹¹ However, limitations of Peace Keeping Operations in Samaria, Rwanda, and Bosnia withered the optimistic visions for UN based peace-enforcement and Boutros-Ghali noticed that ‘neither the Security Council nor the Secretary-General’ had ‘the capacity to deploy, direct, command and control operations’ for enforcement actions.¹² In particular, the case of Somalia exposed the inadequacy of the United Nations to deal with the issues of fragile state and the corruption of the government.¹³ In that circumstance, the Kosovo War appeared to be ‘the forging of a normally elusive political’,¹⁴ and invited international lawyers ‘to throw away dry professionalism and imagine themselves as moral agents in a *mission civilicatric*’.¹⁵ As a result that Kosovo was excluded from the negotiation of the Dayton Agreement, ‘the low priority of the Kosovo issue’¹⁶ passed over the escalation of violence. Therefore, once the Račak massacre realised international society that ‘things went too far’, as Charlesworth said, ‘the tact of force was produced – like a rabbit out of the hat – to ‘solve’ the problem’.¹⁷ Finally, the rupture of ‘Rambouillet Agreement’ triggered NATO’s air strike operations without UN authorisation in order ‘to prevent more human suffering and more repression and violence against the civilian population of Kosovo’ as well as ‘to support the political aims of the international community’.¹⁸

However, the legal response to the intervention was divided. Bruno Simma pointed out that Kosovo had ‘massive violations of human rights and rights of ethnic minorities, but not acts of genocide in the sense of the 1948 Convention’ that obliged collective measures to ‘counter breaches of human rights’.¹⁹ While the sceptics weighed more on the breach of international law, particularly the violation of the general prohibition of using forces,²⁰ the advocates of NATO’s bombing

¹¹ See, Wheeler 2000b, 200; Mogami 2009, 57

¹² Boutrous-Ghali 1995.

¹³ Wheeler 2000b, 200

¹⁴ Thakur 2009, 203. Thakur summarised three policy dilemmas of humanitarian intervention as follows: ‘to respect sovereignty all the time is to be complicit in humanitarian tragedies sometimes; to argue that the UN Security Council must give its consent to international intervention for humanitarian purposes is to risk policy paralysis by handing over the agenda either to the passivity and apathy of the council as a whole, or to the most obstructionist member of the Council, including any one of the five permanent members determined to use the veto clause; to use force without UN authorisation is to violate international law and undermine world order’. As he acknowledged, these three statements highlight ‘a crucial gap between needs and distress felt in the real world and codified instruments and modalities for managing world order’.

¹⁵ Koskenniemi 2002, 162

¹⁶ Independent International Commission on Kosovo 2000, 57

¹⁷ Charlesworth 2002, 385 According to Mogami, the ‘truth’ of Račak massacre remains to be in question. More importantly, Mogami argued that the problem of this massacre was its political use by NATO states. See Mogami 2009, 89-90

¹⁸ NATO 1999

¹⁹ Simma 1999, 2. ICJ judged in the Bosnian Genocide Case that ‘the rights and obligations enshrined by the Convention are rights and obligations *erga omnes*. The Court notes that the obligation each State thus has to prevent and to punish the crime of genocide is not territorially limited by the Convention’. See ICJ Reports 2007

²⁰ See Chesterman 2001, 86-87; Shimizu 2007, 50-54

emphasised that it was not ‘technically legal under the old regime’ but was ‘humanitarian intervention’ representing ‘new willingness to do what it thinks right’.²¹ Antonio Cassese argued that ‘from an ethical point of view resort to armed force was justified’.²² By giving ‘strict conditions’, he concluded that the use of force ‘may gradually become justified, even absent any authorization by the Security Council’.²³ Michael Glennon claimed that ‘challenging a law is not synonymous with challenging the rule of law’.²⁴ ‘Quite the contrary’, he asserted with confidence, ‘challenging an unjust law (as NATO has done with the charter) can actually reinforce the legal regime’.²⁵ While he acknowledged the danger of unilateral ‘rewrite’ of the existing rules, he recapitulated that the case of Kosovo represented the clash between justice and the UN Charter; ‘if power is used to do justice, law will follow’.²⁶ Simma concerned the danger of ‘hard case’, ‘hard cases make bad law’,²⁷ and insisted that any humanitarian interventions without the UN authorisation ‘remained in breach of international law’.²⁸ Yet, he said that the humanitarian intervention with ‘careful assessment’, getting ‘as close to the law as possible’, would reduce the possible risks of *ad hoc* decisions.²⁹ In this regard, Simma concluded that NATO in Kosovo ‘has done a rather convincing job’.³⁰

Overall, Kosovo was insufficient to establish a new legal precedent of intervention.³¹ The Kosovo Report concluded that the intervention was ‘illegal but legitimate’ but failed to identify any legal connection between ‘the inadequate status of international law’ and ‘the right to intervene’.³² Therefore, the immediate task for the Responsibility to Protect was to find the legal basis of the humanitarian intervention apart from ‘the right to intervene’.

²¹ Glennon 1999, 2-3

²² Cassese 1999, 25

²³ *Ibid.*, 27. His concluding remarks summarised his complex attitude toward ‘humanitarian intervention’: ‘it is our tasks as international lawyers to pinpoint the evolving trends as they emerge in the world community, while at the same time keeping a watchful eye on the actual behaviour of states’, in *Ibid.*, 30

²⁴ Glennon 1999, 4

²⁵ *Ibid.*, 4

²⁶ *Ibid.*, 7 He agreed that the achievement of justice ‘is the hard part’ but the revision of international law comes only afterward.

²⁷ See Simma 1999, 14; Koskeniemi 2002, 159

²⁸ Simma 1999, 6. He continued as follows: ‘in any instance of humanitarian intervention a careful assessment will have to be made of how heavily such illegality weighs against all the circumstances of a particular concrete case, and of the efforts, if any, undertaken by the parties involved to get as close to the law as possible’.

²⁹ *Ibid.*, 22

³⁰ *Ibid.*

³¹ See Wheeler 2000a, 161-162. He pointed out that the establishment of new legal norm of humanitarian intervention ‘will require additional cases where practice and opinio juris support this norm before a judgment can be mad as to how far Kosovo marks a turning point in legitimizing the practice of unilateral humanitarian intervention’.

³² *Ibid.*, 290

3. Theories and Practices of ‘The Responsibility to Protect’

In 2001, ICISS issued the report ‘the Responsibility to Protect’ offering a structural framework of humanitarian intervention by reinterpreting the concept of sovereignty. The report argued every member states of international community were to ‘accept their responsibilities of membership’³³ apart from voluntary obligations arisen from signature on treaties. States are responsible to protect their citizens ‘sovereignty as responsibility’³⁴ Contrary to the primary responsibility of each state, the report identified the responsibility of international community of states subsidiary in the name of the ‘fallback responsibility’ derived from unwillingness or inability of a particular state ‘to fulfil its responsibility to protect or is itself the actual perpetrator of crimes of atrocities’.³⁵ For avoiding the dogmatic use on ‘the right to intervene’, the Responsibility to Protect put an emphasis on linkage between intervention and sovereignty by offering three ‘integral and essential components’: the responsibility to *prevent, react, and rebuild.*³⁶

With regard to the legal basis of the intervention, the Report first identified that the Security Council has a primary jurisdiction over determining ‘the existence of any threat to peace’ and to ‘decide what measures shall be taken’.³⁷ Moreover, the Report asked for the ‘code of conduct’ for P5 states strongly in order not to use their veto power regarding actions to stop humanitarian crisis. Nevertheless, since the Security Council does not have any mechanism disputing the contesting interpretations over the UN Charter among member states, the background research of the Responsibility to Protect acknowledged that the council-authorised intervention had no theoretical limitation with regard to its scope of application.³⁸ While examining other sources for legitimacy to authorise interventions for humanitarian purpose, the Report was not able to sweep away the ‘grey sector’ of the intervention where ‘the notion of legitimacy takes on greater significance’.³⁹

Following to ICISS report, the High-Level Panel Report of 2004 put an emphasis on the growing norm authorising the Security Council to intervene as a last resort in the name of collective

³³ International Commission on Intervention and State Sovereignty [here after ICISS] 2001a, 13

³⁴ *Ibid.*, 13. Sovereignty as Responsibility approach entails three implicated responsibilities. ‘First, it implies that the state authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare. Secondly, it suggests that the national political authorities are responsible to the citizens internally and to the international community through the UN. And thirdly, it means that the agents of state are responsible for their actions; that is to say, they are accountable for their acts of commission and omission’.

³⁵ *Ibid.*, 17

³⁶ *Ibid.* The use of military force for the Responsibility to Protect is subsequent to responsibility to react and it requires six criterion: six criteria: *right authority, just cause, right intention, last resort, proportional means and reasonable prospects.*

³⁷ Article 39 of the UN Charter

³⁸ ICISS 2001a, 159. The Report also pointed out that the General Assembly of the United Nations would become ‘a potential source of authority’ based on Art.11 of the UN Charter and the resolution of ‘Uniting for Peace’. As to ‘other grounds’, the report did not mention customary international law; however, the preliminary research examined its impact under the heading ‘intervention outside the UN Charter’. See, ICISS 2011b, 160

³⁹ ICISS 2001a, 170

international responsibility.⁴⁰ In 2005, Kofi Annan declared profoundly in his report ‘In Larger Freedom’ that ‘we must embrace the Responsibility to Protect, and, when necessary, we must act on it’.⁴¹ The World Summit Outcome of 2005 expressed a summary of the Responsibility to Protect in a single phrase: ‘the international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, or if necessary, take collective actions to help to protect populations’.⁴² However, the Outcome did not solve the controversy between the necessity of intervention and the principle of non-intervention; ‘the Responsibility to Protect refines, but does not resolve, the dilemmas of humanitarian intervention’.⁴³

While the theoretical debates were deadlocked to a greater or less, the first practice of the Responsibility to Protect was yielded when the UN Security Council adopted Resolution 1973 concerning ‘the situation in Libya’ at its 6498th meeting.⁴⁴ Since the former resolution Resolution 1970 was issued in the previous month expressing a ‘grave concern’ at the situation in the Libya the Security Council had censured ‘the violence and use of force against civilians’.⁴⁵ In parallel with measurements not involving the use of armed force, Resolution 1970 determined to submit the situation in Libya to International Criminal Court suspecting the breach of ‘most serious crimes’. In short, Resolution 1970 demanded ‘an immediate end to the violence’, which was suspicious of breaching international criminal law, and called ‘for steps to fulfil the legitimate demands of the population’.⁴⁶

No sooner did the Security Council realise the escalation of civil war, Resolution 1973 finally determined ‘the failure of the Libyan authorities to comply with Resolution 1970’ ordering the immediate stop for ‘widespread and systematic attacks taking place in Libya’.⁴⁷ By facing with the need of finding ‘a solution to the crisis which responds to the legitimate demands of the Libyan people’, Resolution 1973 authorised member states to ‘take all necessary measures to protect civilians and civilian populated areas under threat of attack’.⁴⁸ In order to assure the protection of civilians from aerial attacks by the governmental force, the Resolution also recalled the

⁴⁰ The High-level Panel on Threats, Challenges and Change 2004, 57

⁴¹ Annan 2005

⁴² The General Assembly 2005. It is worth citing the paragraph 138 of the Outcome addressing the responsibility of each state as follows: ‘[e]ach individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability’.

⁴³ Acharya 2002, 373-381; 380

⁴⁴ UN Security Council 2011b

⁴⁵ UN Security Council 2011a

⁴⁶ *Ibid.*

⁴⁷ UN Security Council 2011a

⁴⁸ *Ibid.*

establishment a non-fly zone in order to ‘help protect civilians’.⁴⁹ By emphasising just not on the Responsibility to Protect but also on the Protection of Civilians, the Resolution was associated more with a norm in international humanitarian law.⁵⁰ Furthermore, the resolution paid attention to the ‘important role of the League of Arab States’ in order to avoid regarding it as a solely Western initiated operation.⁵¹

However, the Resolution authorised measurements ‘notwithstanding paragraph 9 of Resolution 1970’⁵² without any direct reference to Art.42 which legitimises the use of force for the purpose of maintaining or restoring international peace and security. Regardless of the varied authorisation of Resolution 1973, on 19 March 2011, two days after the adoption of Resolution 1973, Canada, France, Italy, United Kingdom and the United States initiated *Operation Odyssey Dawn*: the ‘coalition forces’ aiming at protecting ‘the Libyan people from the country’s ruler’.⁵³ President Obama explained that the attack employing ‘a limited military action in Libya’ was neither a first choice nor a light choice’; nevertheless he recalled that the world ‘cannot stand idly by when a tyrant tells his people that there will be no mercy’.⁵⁴ In short, the Responsibility to Protect in Libya became a precedent case of the intervention; nevertheless the question remains whether the United Nations has a jurisdiction to impose the use of force over municipal affairs.

4. ‘Rightful Authority’ for Decisions in the Responsibility to Protect

As is discussed, the case of Libya revealed a fundamental controversy between universal and domestic jurisdiction in matters of determining the legitimate authority of a state. Since the Responsibility to Protect shed light on the ‘institutional problem of who decides’.⁵⁵ According to Anne Orford, the Responsibility to Protect is rooted on ‘a long tradition of political thought’ seeking to ‘distinguish between competing claimants to authority during times of civil war or revolution’.⁵⁶ As the case of Libya clarified, the Responsibility to Protect approach first identified ‘legitimate voices’ being oppressed by an illegitimate authority. For Orford, the Responsibility to Protect is ‘a

⁴⁹ *Ibid.*

⁵⁰ See Mark and Popovski 2011; Popovski 2012, 271-273.

⁵¹ The BBC News Programme analysed Resolution 1973 as follows: ‘the Arab League states firmly into the fold. This is (was) not just a western action. Indeed the Arab League’s support (supported) for a no-fly zone was a crucial factor leading to the adoption of this resolution. Explicitly requests (requested) Arab States to be involved in any practical steps that may be involved’. See BBC 2011b

⁵² UN Security Council 2011a

⁵³ U.S. Department of defence 2011

⁵⁴ The Whitehouse 2011

⁵⁵ Orford 2011, 155

⁵⁶ *Ibid.*, 109

rationalisation of executive rule' inspired by the movement of decolonisation, that is to say, it is 'a part of a protected process in which power is being recognised'.⁵⁷ However, it arises a fundamental question 'who decides' the rightful authority of a state. Orford then traced back two theorists, Thomas Hobbes and Carl Schmitt, and argued that the Responsibility to Protect is to determine the lawful authority based on 'the capacity to guarantee protection'.⁵⁸ In short, the monopoly of violence by the authority of a state is legitimate as long as they offer protection for its citizens.

In the meantime under the *jus publicum Europaeum*, the existence of state relied on its ability to provide security for citizens, in accordance; the sovereign power determines 'what subjects of the state have to believe to be a miracle' based on its sovereignty.⁵⁹ As Orford noted, 'external legality followed from international legality'.⁶⁰ However, the current international law calls on 'questions about the normative criteria of statehood began to appear'.⁶¹ International legitimacy now demands 'claimants to rule' and the power of the state is limited 'by the obligation to respect individual rights or economic liberty'.⁶² Under the UN framework, the Charter leaves questions of jurisdiction in matters of international peace and security and international intervention is limited only in exceptional circumstances articulated by the Charter.⁶³ As Dag Hammarskjöld claimed, the United Nations was not to become 'a super-state trying to impose on people any right way of life or any way of life different from one freely chosen by the people'.⁶⁴ Rather, he believed that the United Nations was to function as 'representatives of a secular church'⁶⁵ playing a particular role in the maintenance of international peace and security. In other words, according to Hammarskjöld, the world was structured as 'a dualistic system': international system of sovereign states and the 'secular church' of the United Nations.⁶⁶

In this regard, Orford argues that the Responsibility to Protect is to determine the authority of states as well as the jurisdiction of the United Nations; however, the World Summit Outcome in particular failed to solve the issue related to 'the old problem of who decides when a government is manifestly failing to protect its population'.⁶⁷ On one side, the World Summit Outcome expected a primary role of international criminal law with regard to the 'jurisdictional formulation'⁶⁸ of the

⁵⁷ *Ibid.*, 108

⁵⁸ *Ibid.*, 109

⁵⁹ Schmitt 1996a, 53

⁶⁰ Orford 2011,162

⁶¹ *Ibid.*

⁶² *Ibid.*,164

⁶³ *Ibid.*, 165

⁶⁴ *Ibid.*, 173; Hammarskjöld 1962, 45

⁶⁵ *Ibid.*

⁶⁶ Orford 2011,174

⁶⁷ *Ibid.*, 182

⁶⁸ *Ibid.*, 184

Responsibility to Protect. While international criminal law signified its linkage to value of international community, Orford argued that ‘there have been other moves to extend the reach of international criminal law beyond the sphere of criminal jurisdiction and punishment’.⁶⁹ For instance, ICJ found in the *Bosnian Genocide Case* that member states are obliged ‘to prevent genocide is both normative and compelling’ and to ‘take such action as they can to prevent genocide from occurring’.⁷⁰ In short, the Court recognised the legal space for taking preventative actions beyond the existence of criminality.

In spite that there exist some overlaps between international criminal law and the Responsibility to Protect, they have a fundamental difference with regard to their trigger points. While the criminal jurisdiction of international community will be aspired in relation to the possible risks for criminal commitments, the Responsibility to Protect requires a manifested failure in protection.⁷¹ As Orford pointed out, the responsibility of the United Nations ‘make the conflict in question intelligible in terms of the categories of genocide or other mass atrocities’.⁷² Unlike Hammarskjöld, who attempted to maintain the neutrality of the United Nations, Orford acknowledged that it is impossible to preserve the neutrality ‘between competing interests, ideologies and claimants to authority’.⁷³ Since the Responsibility to Protect legitimises the use of force in accordance with its necessity and capacity for the protection the concept privileges ‘de facto over de jure grounds for authority’.⁷⁴ It also marginalises questions about ‘whether authority was lawfully acquired or whether those exercising power properly represent the people in some strong sense’.⁷⁵ In other words, the Responsibility to Protect entails decisions evaluating the will and capacity of actors conflicting each other; however, as Orford argued, it also ‘serves to delegitimise those whose claim to power is based on tradition, on the capacity to realise spiritual ends or on the realisation of self-determination’.⁷⁶ Therefore, Orford discussed a fundamental controversy that the Responsibility to Protect would impact upon sovereign matters, that is to say, the issue of ‘divided obligation’.⁷⁷

From Schmitt’s perspectives of a state, as Orford said, that the Responsibility to Protect approach is required to distinguish ‘the real friend and real enemy’.⁷⁸ However, Schmitt revealed

⁶⁹ *Ibid.*

⁷⁰ ICJ Reports 2007

⁷¹ Orford 2011, 186

⁷² *Ibid.*

⁷³ *Ibid.*, 192

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*, 155

⁷⁸ Schmitt 2007, 37

that ‘the power to decide who is sovereign would signify a new sovereignty’.⁷⁹ As he pointed out, the supra state decisions over the recognition of a new state would constitute a supra-sovereignty, which alone could create a new order; however, the Responsibility to Protect requires political decisions about ‘what protection requires in a particular time and place, and who must make sacrifices in the name of protection’ without asking such a sovereignty.⁸⁰ Neither ICISS nor World Summit Outcome constituted any normative foundations for legitimising a lawful authority in a state; therefore, it has been argued that the legitimacy of international intervention involves a decision that ‘must be obeyed as political.’⁸¹

5. ‘Enemy’ in International Law and the Discriminating Concept of Sovereignty

According to Schmitt, martial theory needs to distinguish its enmity correctly in order that meaning and character of war relies on its discrimination.⁸² Since the Responsibility to Protect approach accords the concept of the political to international law, the use of force in the name of protection needs to identify its enmity. Orford argued that the Responsibility to Protect demands ‘not police action but war’ without succeeding in ‘resolving the questions of jurisdiction’.⁸³ This has a particular importance for deciding the inherent enmity that the Responsibility to Protect has. As Schmitt argued, war is a relationship between one regular state army to another one with mutual recognition of just enmity therefore war functioned as a continuation of politics of limits under the *Jus Publicum Europaeum*.⁸⁴ However, the Responsibility to Protect is yielded when a state manifestly fails to protect its citizens; the use of force is to protect ‘legitimate demands’ of people against the existing order. In short, the Responsibility to Protect legitimises the use of force targeting disorder in the name of protection; therefore, it requires not ‘war’ but ‘civil war’ terminating the state of nature within a certain territory.

For Schmitt, ‘a declaration of war is always a declaration of enmity’ and the same is true for ‘a declaration of civil war’.⁸⁵ He asserted that the *jus publicum Europaeum* regarded ‘[o]pen civil war counted as an armed uprising’ was to be ‘suppressed with the help of a state of siege by the police and the troops of the regular army, if it did not lead to the recognition of the insurgents as a warring

⁷⁹ Schmitt 1996b, 30

⁸⁰ Orford 2011, 193

⁸¹ *Ibid.*, 195

⁸² Schmitt 2004b, 64 He continued as follows: ‘[e]very attempt at containing or fencing in war must involve the consideration that in relation to the concept of war enmity is the primary concept, and that the distinction between various kinds of war is preceded by the discrimination among various kinds of enmity. Otherwise, all efforts at containing or fencing in war are only a game, one that cannot resist the onset of real enmity’.

⁸³ Orford 2011, 133; 187

⁸⁴ See Schmitt 2009, 105; Schmitt 2004b, 7

⁸⁵ Schmitt 2004b, 60

party'.⁸⁶ Since civil war declares opponents as criminals, those aiming at ‘the elimination of the government of the enemy state’ would regard the partisan as ‘the real hero of the war’ because they applied ‘the death sentence against the criminal’ by recognising their own risks.⁸⁷ In this regards, civil war can be understood as a process of finding the sovereign who terminates municipal conflicts by deciding the exception.⁸⁸

Hobbes argued with regard to what Schmitt called the state of exception that the ‘Publique Reason, that is, the reason of Gods Supreme Lieutenant’ was to judge because people gave ‘a Sovereign power to doe all that is necessary for our peace and defence’.⁸⁹ This monopoly over decisions makes sovereign decision into a genuine one;⁹⁰ therefore Schmitt argued that modern states ‘must be defined and understood from the political’.⁹¹ In short, the sovereign of the state is the ‘highest judge’ to determine the normality of the situation where individuals live.⁹² While defining a state as a secularised form of theology, Schmitt identified the logical controversy between an existing commonwealth given by God and a modern sovereign state. ‘The sovereign is not the Defensor Pacis of a peace traceable to God’, Schmitt wrote, ‘he is the creator of none other than an earthly peace. He is a Creator Pacis’.⁹³ Given that, the power of sovereign gains its legitimacy not from the people’s contract concluded in the state of nature but from accumulation of individuals’ fear; ‘the sovereign-representative person is much more than the sum total of all the participating particular wills’.⁹⁴ Accordingly, Schmitt insisted that ‘the final guardian of all law, ultimate guarantor of the existing order, conclusive source of all legality, and the last security and protection

⁸⁶ *Ibid.*, 7

⁸⁷ *Ibid.*, 21

⁸⁸ Schmitt 2006, 5

⁸⁹ Hobbes, 1985, 477-478

⁹⁰ Schmitt 2006, 3

⁹¹ Schmitt, 2008, 45 Schmitt continued that ‘the criterion for the political today can no longer be a new substance, or a new ‘subject matter’, or a new problem in its own insight. The only significantly arguable criterion today is the degree of intensity of an association and dissociation; that is, the distinction between enemy and friend’. For Schmitt, the state ‘functions as an irresistible instrument of quietude, security, and order and has all objective and all subjective rights on its side because, as the sole and highest lawgiver it makes all the laws or it does not exist and therefore cannot fulfil its function as the defender of peace, in which case the state has returned to a state of nature, and the state as such ceases to exist. A state is not a state unless it can put an end to that kind of a war. The state of the leviathan excludes the state of nature. It is not possible to imagine a construction that is more simple and “real”, but its simplicity and reality rest on the technical character of its functions and commands’ in Schmitt 1996a, 46-47

⁹² Schmitt 1999, 199. Hobbes also pointed out the relation between jurisdiction and sovereignty. He stated that ‘Jurisdiction is the Power of hearing and determining Causes between man and man; and can belong to none but him that hath the Power to prescribe the Rules of Right and Wrong; that is, to make Laws; and with the Sword of Justice to compell men to obey his Decisions, pronounced either by himself, or by the Judges he ordaineth thereunto; which none can lawfully do but the Civil Sovereign’, in Hobbes 1985, 594

⁹³ Schmitt 1996a, 32-33. He continued that the decisive element of the intellectual construction resides in the fact that this covenant does not accord with medieval conceptions of an existing commonwealth forged by God and of a pre-existent natural order. The state as order and commonwealth is the product of human reason and human inventiveness and comes about by virtue of the covenant’. In *Ibid.*, 33

⁹⁴ *Ibid.*, 33

against injustice'.⁹⁵

The case of Libya exemplified the connection between the recognition of a lawful authority and the use of force against the enemy for protecting citizens within the state. When the first demonstration was occurred in Benghazi, the second largest city in Libya, 'international society'⁹⁶ regarded it as a sign of 'calling for an end to the regime in power in Libya and confronting the Libyan security forces'.⁹⁷ As it was 'a symbolic launching point for revolution',⁹⁸ the Responsibility to Protect in Libya was requested to indicate that 'international community [would] not allow brutal repression of those who stand up for freedom'.⁹⁹ As George Joffe□ mentioned, there were groups of people 'trying to plan reform even under the Gaddafi regime';¹⁰⁰ however, there was a controversy in terms of the recognition of threats between Libyan authorities and 'international society'. As Orford pointed out, based on Hobbes, conflicts between universal and domestic jurisdiction are resolved only through answering the question 'who decides'.¹⁰¹ In Libya's case, on the one hand, Gaddafi was reported to 'have ordered the air force to strike against protesters and bomb the rebellion into submission';¹⁰² however, on the other hand, he was attempting to restore the order in Libya as the sovereign of State. In short, violence against demonstrators would not automatically be the case of 'manifestly failure to protect'; rather 'international society' determined it not as 'legitimate violence' exercised by the sovereign of the state but as violence in the state of nature.

Furthermore, when the Secretary-General Ban Ki-moon said that Libya would be 'brought to justice', he implied that the primary aim of the Responsibility to Protect was not only the restoration of sovereignty but also the restoration of 'the rationality appeared to be the truth'.¹⁰³ Whether demonstrations were peaceful or not, social movements of democratisation was attacked and threatened by the Libyan authorities. Gaddafi rejected to follow the voices of uprising people and declared to execute those who 'played games with the country's unity';¹⁰⁴ therefore 'international society' regarded the situation in Libya as a threat against a vital core of human lives 'according to

⁹⁵ Schmitt 2004a, 19

⁹⁶ 'International society' in this paper refers to the one defined by Hedley Bull. He defined 'international society' as follows: 'A society of states (or international society) exists when a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions'. Bull 2002, 13

⁹⁷ De Vasconcelos, 2011a

⁹⁸ Sharqieh, 2011

⁹⁹ De Vasconcelos 2011c

¹⁰⁰ Joffe□ 2011

¹⁰¹ Orford 2011, 159

¹⁰² De Vasconcelos 2011b

¹⁰³ Foucault 2010, 312

¹⁰⁴ BBC News 2011a

the truth'.¹⁰⁵ On this account, the Responsibility to Protect is targeting the enemy against 'the truth' by falling a state into the state of nature and calling upon the protecting forces. The Responsibility to Protect functions as a *Defensor Pacis* by waging civil war to terminate the state of nature; however, the intervention replaced the *Creator Pacis* of a state by condemning it as 'real enemy' of international peace and security.

6. Concluding Remarks: the Contribution of Human Security to Protection

Overall, this paper has argued that the Responsibility to Protect approach cannot avoid deciding whether the authority of the state is legitimate or not. The case of Libya exemplified with the adoption of Resolution 1973 that the application of the Responsibility to Protect regarded the people's voice as the 'legitimate voice'. In contrast, it considered the Libyan authority as illegitimate thus 'real enemy' against people. In short, the intervention condemned the *Creator Pacis* of Libya as illegitimate but without constituting a new sovereign of a state. Needless to say, the Responsibility to Protect was not an operation of *Defencer Pacis*. This is suggestive of the contemporary debate on the utility of the use of force for the protection of people. Not only does the Responsibility to Protect but also other Human Security initiatives including 'Human Security Doctrine for Europe' make a straight choice between human rights or sovereignty, that is to say, the dichotomy is always between 'good or bad, right or wrong, justifiable or unjustifiable and in one case, right but wrong'.¹⁰⁶ However, the essential controversy is that they provide solutions presupposing 'the host state' to legitimise the intervention within a legal framework. In short, these approaches say nothing beyond the necessity of state system but end up with the denial of the existing authority as exemplified in the Libya's case.

As for the contribution of the Human Security approach, this contradiction is to be taken into account. The Commission of Human Security emphasised that the main objective of the human security approach, either narrow or broad one, is to protect the 'vital core of life'.¹⁰⁷ In this accord, this paper argues that the contribution of the human security approach needs to place emphasis more on the process of deciding legitimate authority in society, rather than prioritising the need for intervention for protection. Since the technological advancement, the struggle for the legitimacy of state authority becomes more brutal; however, it does not remove the basic principle of modern

¹⁰⁵ Orford 2011, 163; Foucault 2010, 313

¹⁰⁶ Charlesworth 2002, 386

¹⁰⁷ Commission on Human Security 2003, 1

sovereign states or the self-determination. Human Security does not transcend the state system but has the potential to compensate for its deficiencies. For this reason, this paper concludes that the Human Security approach needs to pay more attention to the protection and empowerment of people in order to make them capable of constituting the sovereign of a state.

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