



PEACE AND CONFLICT RESOLUTION CONFERENCE 2022

5-7 NOVEMBER 2022

BANGKOK, THAILAND

CONFERENCE PROCEEDINGS

Tomorrow People Organization

Dušana Vukasovića 73, Belgrade, Serbia

www.tomorrowpeople.org

Proceedings of international conference:

"PEACE AND CONFLICT RESOLUTION CONFERENCE 2022"

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Producer: Tomorrow People Organization

Publisher: Tomorrow People Organization

Quantity: 200 copies

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EXAMINING HUMANIZATION AND ITS POTENTIAL TO AID IN CONFLICT TRANSFORMATION PROCESSES

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ABSTRACT

Conflict transformation has the potential to facilitate the establishment of sustainable peace in post conflict societies. Navigating such work requires the rebuilding of relationships and the reversal of negative conflict spirals. In combining psychological theories to philosophy, humanization becomes a focal point in understanding how positive conflict transformation occurs. The process of humanization can be transformational in and of itself, thus increasing its potential to aid in conflict resolution processes and especially in reaching reconciliation. In this study, transformative humanization is defined as change in oneself of how one sees and relates to others. An outlook of transformative humanization allows for conflict to become a positive process, rather than negative or destructive. The potential of transformative humanization is that change must happen within an individual first and be followed by a change in the ingroup and outgroup dynamics of how parties see each other. Key issues of analyzing such transformative processes will be discussed in this presentation. The key argument is that when parties in conflict engage in transformative processes, negative cycles are reversed, sustainable peace can be built, and reconciliation has the potential to be achieved.

KEY WORDS

Conflict Transformation, Change, Humanization, Peacebuilding, Reconciliation

INTRODUCTION

The understanding of conflict and peace has evolved over time and across cultures. As a result, recent decades have given way to the field of peacebuilding. Modern theorists have developed theories that stem from both the violent and peaceful sides that are connected to conflict. These theories contain foundational principles in understanding conflict, why it occurs, and how it can be overcome. Approaches begin with conflict analysis and practices include conflict management, conflict resolution, and conflict transformation. Each of these terms denotes a different aspect of conflict engagement. The purpose of this study is to examine conflict transformation as a process that can include humanization to potentially reach reconciliation between previously conflicting parties to promote sustainable, positive peace.

Rationale and Scope of the Study

Varieties of literature exist from psychology to peacebuilding theories on what humanization is and how it exists in human interaction. Examination of humanization in this study is related to conflict transformation processes. The theories presented are analyzed to determine how humanization can influence the way individuals and groups interact with one another, thus determining the spiral of conflict. Because humanization is a contested topic, this study draws from existing literature from a psychological angle before bringing in the philosophical theories relating humanization back to conflict transformation. It is also important to recognize the foundational theories that give way to the practice of transformative approaches to reach reconciliation as well as the foundational theories of humanization within the peacebuilding context.

All stories and theories presented throughout the study are used to demonstrate how humanization can work within conflict transformation to create change and potentially lead to reconciliation. The meaning of humanization will be broken down and placed in relation to conflict theory. Theories of dehumanization and infra-humanization are examined as a starting point. Consideration of ingroup and outgroup relationships as well as the function of humanization on an individual level will guide the analysis. Relevant conflict theories will be presented to create a framework for understanding conflict transformation and the potential of humanization in working through and after negative conflict spirals on multiple levels in society. Humanization will be redefined as transformative humanization based on analysis of its potential to aid in conflict transformation processes.

Research Question

The following research question has guided this study:

What potential does humanization have to change participant engagement in conflict transformation processes that lead to reconciliation?

The research also seeks to determine how humanization can occur in peacebuilding practices, as guided by the following sub-question:

What are the differences in the role humanization plays on an individual and an intergroup level where conflict transformation work is taking place?

Objectives

The main objective of this study is to determine the potential that humanization can have in aiding in conflict transformation processes.

Specific objectives include:

- Define humanization within conflict transformation processes
- Examine the difference of humanization on individual and group levels
- Develop understanding of how humanization can lead to reconciliation

Methodology and Data Collection

Qualitative research will be used to examine humanization in conflict transformation practices that have the potential to result in reconciliation. The use of qualitative research is important to this study. Qualitative research differs from quantitative research as the qualitative approach has a more recent history in researchers using selected methods for analyzing material to better understand human nature and worldviews related to a topic (Leavy, 2014, p. 20). Use of the qualitative research approach in this study is used to critically analyze concepts relating to humanization and conflict transformation to unpack meaning and create a new framework. Consequently, existing literature in the form of philosophy and conflict theory will be examined.

Data has been collected through literary analysis and interviews. The primary data presented was collected under the ethical guidelines. All personal communications presented in this study remains confidential, except in cases where individuals gave consent of personal identifiers to be disclosed.

Introduction Summary

The goal of this study is to better understand how conflict can be transformed to reach sustainable change and reconciliation. Qualitative research guides the study as existing literature will be examined for analysis and interpretation. The objectives are focused on forming better understanding of the potential humanization has within conflict transformation. Humanization will be redefined as transformative humanization as it is placed in the framework of conflict transformation and reconciliation. The possibility of reconciliation shows the potential that successful transformative processes have. In this study, conflict is understood to have a positive affect when negative conflict spirals are reversed. Conflict transformation is a component of peacebuilding that allows for humanization to take place.

A CRITICAL EXPLORATION OF CONFLICT THEORY AND EVALUATION OF THEORIES ON HUMANIZATION

Identifying why conflict exist and how conflict escalates is crucial to understanding conflict engagement and peacebuilding approaches. Comprehension of conflict theory is necessary before examining why conflict transformation should include humanization to lead to reconciliation. Transformative approaches hold a unique place in peacebuilding processes. In this section, conflict theories are examined with transformation and reconciliation as the desired result of engagement. The presented literature creates a framework where reconciliation becomes the desired outcome of peacebuilding efforts. One key component of the research question is how humanization can change participant engagement. Answering this point of the question comes in examining why participants are initially engaged in conflict.

Conflict theories aid in explaining conflict causes, conflict escalation, and conflict de-escalation. Though there are many different theories on causes of conflict, this section works to unpack theories that relate to participant engagement. An exploration of cognitive dimensions of conflict shows that how one views conflict shapes the engagement process. Conflict exists across different levels in society, and these levels are important in understanding how conflict affects those involved as well as how conflicts can escalate. Humanization is a contested term that can be examined under many different angles. Psychology and philosophy are used as the framework for examining humanization to then provide a new definition of humanization applied to conflict transformation work in de-escalating negative cycles of conflict. To better understand humanization, conflict is viewed as an ongoing and everchanging process with the potential to transform relationships. Each sub-section seeks provide deeper insight on how humanization as a part of conflict transformation can make a difference.

Framing Conflict

This section focuses on the cognitive dimensions of conflict, conflict levels, and conflict spirals. How conflict is framed can impact the engagement process. Frames are templates in our minds that integrate facts “into larger interpretative templates” (Lakoff & Wehling, 2016, p. 85). This description is applicable to how one perceives and engages in conflict with the caveat that, “you must choose your frames carefully,” as the frame affects the way one accepts and processes information (Lakoff & Wehling, 2016, p. 85). Furthermore, frames that facilitate analysis of the conflict have an impact on the recommendations for addressing the conflict (Sandole, 2010, p. 34). Understanding the predominate frames relating to conflict allows for a better conceptualization of conflict transformation and humanization.

It is also important to establish a working definition of conflict. Rubin et al. provides a helpful definition by stating that “conflict means perceived divergence of interest, involving two or more parties who believe that their aspirations cannot be achieved simultaneously” (1994, p. 5). In this study, perception plays an important role in the presented concepts of conflict theory and humanization. As stated by Rubin et al., conflict stems from perceived divergence. The validity of the divergence is not what is questioned, but rather the perception of divergence. If frames influence perception (Lakoff & Wehling, 2016, p. 87), then it is critical to understand how conflict can be framed to affect engagement. This is a foundational point in cognitive processes of conflict theory and engagement.

Cognitive Dimensions of Conflict

How we think about conflict affects how we engage in it. When conducting frame analysis, questions to consider include, “How does this person see their self and/or the other? What is important to them, and how does this influence or relate to their sense of self/other? What kinds of experiences might have been significant in forming their identity?” (Kelly, 2020). Each of these questions relates causes and frames to an individual and how they see and relate to others. These two issues underpin principles of humanization and how cognitive dimensions of conflict impact processes from beginning to end.

Another aspect of the cognitive dimensions of conflict is determining if conflict is viewed as subjective or objective. In the subjective view of conflict, conflict is seen as occurring due to the perceived divergence or incompatibility of interests between the parties involved (Deustsch, 1973; Mitchell, 1981; Rubin et al., 1994). The objective view of conflict affirms conflict as a result from how society is organized (Kelly, 2020). Each of these views can change the way causes of conflict are analyzed. Whether conflict is viewed as subjective or objective, it is nevertheless important to recognize that conflict arises from two or more differences, perceived or structural.

Though this study focuses on perceptions within cognition, it is important to acknowledge structures and the effects they have on how frames and perceptions develop. Cognitive dimensions of conflict derive from the structures in place as well as from party perceptions. Ruane and Todd explain that “identifying the long-term conflict generating structural relations and the basis of their reproduction [is] critical to explaining conflict and identifying paths to settlement” (2014, p. 2). Tangible structures, such as political or economic structures, do affect conflict. Such structures may also influence how parties create frames and develop certain perceptions. For conflict engagement to be successful, consideration of both the tangible and intangible dimensions of conflict must be considered.

Because every conflict is different, frames and structures must be carefully examined and interpreted to provide proper analysis. The constructed frames by individuals and/or groups provide means for interpreting data and determining the structural factors in place. Conflict theories relating to humanization must be explored first to provide a proper framework for analysis of social structures. Such social structures explain the nature of relationships of physical and mental variety that determine effect on conflict transformation and the potential for reconciliation, as will be explored later in this study.

Conflict Levels and Spirals

Because peacebuilding is a relatively new and constantly evolving practice, assessing conflict through analysis at different levels can provide a better understanding. Multiple levels of society should be considered when conducting analysis of social conflict (Mitchell, 1981, p. 4). Lederach’s framework of actors and approaches laid out in a pyramid showcases the potential for conflict engagement at different levels in society, which creates an important precedent (see Figure One). The pyramid is intended to provide better insight on how all actors engaged can work together for more meaningful impact on peacebuilding approaches (Lederach, 1999, p. 39). Peacebuilding becomes well-rounded when each level of the pyramid is considered. The pyramid is also helpful in showing how transformation work at grassroots levels can be highly affective, as this level makes up most of the population. Nevertheless, each level should be considered relevant because each segment affects the other.

Conflict style is another factor that affects the way conflict progresses at each or any level of society. Once in conflict, parties usually engage in one, or a combination, of three different types of coping strategies: contending, yielding, or problem solving (Rubin et al., 1994, pp. 3-4). Each of these strategies carried out on different levels would lead to different results. Contending in conflict is a “strategy that involves an effort by the Party to impose its preferred solutions on [the] Other” (Rubin et al., 1994, p. 253), whereas the yielding strategy is when the “Party lowers its aspirations” (Rubin et al., 1994, p. 258). Problem solving, the “strategy that involves seeking a mutually satisfactory alternative,” (Rubin et al., 1994, p. 257) may seem to be the most in-line with conflict transformation strategies. However, conflict transformation should do more than just reach a mutually satisfactory alternative. The aim of transformative work is to build “healthy relationships and communities, locally and globally” (Lederach, 2003, p. 5). Recognizing these strategies under the frame of social conflict show how conflict is unique in the level(s) it exists and the way conflict can spiral.

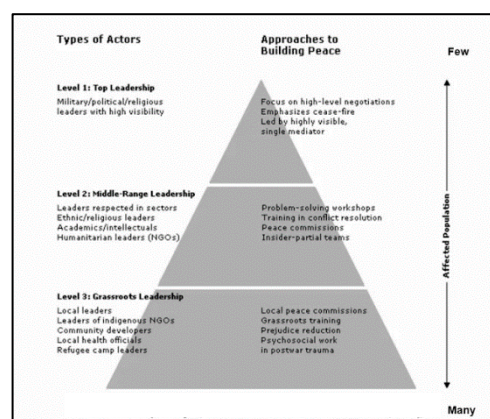


Figure One: Lederach, 1999, p. 39

As conflict escalates, it can spiral destructively. Rubin et al. provides helpful cross-cutting theories about conflict escalation that can be applied to any level of the pyramid presented by Lederach. They state that escalation is “(1) The adoption by Party of heavier tactics now than before, and (2) an increase in the intensity of conflict as a whole” (Rubin et al., 1994, p. 255). Negative conflict spirals escalate due to “a vicious circle of contentious action and reaction” between parties (Rubin et al., 1994, p. 253). These ideas surrounding escalation are primarily linked to acts of direct violence, yet it can also include the psychological alterations in perception because of physical actions. Provocation of one party “is likely to elicit an even more aggressive response from [the] Other,” thus continuing conflict cycles (Rubin et al., 1994, p. 124). Though understanding violence plays a vital role in conducting conflict analysis, the extent of direct violence and the implications of the use will not be explored in this study.

With focus on social relations and the psychological side of conflict engagement, considering how violence is being addressed nevertheless becomes an important factor. Last explains that “The way we control violence needs to be intimately linked to rebuilding relationships. Those relationships are the means for managing conflict without violence” (2000, p. 80). Focusing on relationships creates a bridge between theories of conflict transformation and humanization. Analysis of party relationships and dynamics creates space for understanding conflict and planning conflict transformation strategies. The frames, levels, spirals, and parties engaged in conflict must all be considered when deciding upon implementation of transformative practices. Transformation becomes more of an incentive once what has the potential to be transformed is conceptualized.

Understanding Humanization

Humanization is essential to peacebuilding. Gill and Niens observe that, “humanisation presents an important opportunity to focus our understanding of peacebuilding as a transformative process, at the core of which lies the effort to restore and repair the interrupted relationships between peoples and communities” (2017, p. 2). Humanity becomes a focal point in how human beings relate to one another in conflict. Humanization can be contrasted with other cognitive processes that change the way people see other individuals or groups.

A deeper understanding of how humanization works is needed before exploring the phenomenon within conflict transformation processes. Existing literature examines humanization from multiple angles. In this section, humanization is analyzed based on dominant theories in psychology and philosophy. These theories and ideas will be examined assuming that parties involved have been engaged in negative conflict. The goal is to understand how humanization can be applied to conflict transformation processes to lead to sustainable peace and reconciliation. Starting with the psychological analysis of dominant theories allows for philosophy to be coupled with emerging ideas that tie humanization back into conflict transformation. A new definition of humanization will be established based on the findings.

Defining Humanization Through a Psychological Analysis

As established previously, perception plays a powerful role in conflict theory. Positioning theory is one psychological idea that relates to the concept of frames and perceptions as previously discussed. In positioning theory, “Positions, storylines, rights, and duties are among the facets...that act as starting points for the dynamics of social life” (McVee et al., 2021, p. 194). Social relations exist because each person has a unique identity and belongs to groups within society. The relational feature of positioning occurs because agents operate within certain contexts (Baert, 2012, p. 313). Conflict creates different implications of how individuals or groups position themselves psychologically. Positioning theory is one psychological framework that helps explain why

individuals and/or groups make decisions within conflict. Certain positions may create stronger opposition between conflicting parties.

Understanding humanization also comes in exploring what humanization is not. Dehumanization as humanization's opposite means "viewing others as less than human" (Vaes et al., 2012, p. 64). This definition is simplistic in nature and provides a compelling idea that humanization, at the most simplistic level, is viewing others as human. Nevertheless, dehumanization is more complex, and there are other psychological theories on how others can be seen as less than human. Dehumanization can occur in different ways, though each is a result of denying another's "humanness." One summary of dehumanization is that it refers to "any process that involves the differential attribution of humanness more to an ingroup than an outgroup, independently of the specific definition or operationalisation of humanness that is used" (Vaes et al., 2012, p. 72). Deutsch (1973) makes a compelling observation that summarizes why dehumanization can be a common occurrence within perceptions as he states:

Thus since most people are strongly motivated to maintain a favorable view of themselves but are less strongly motivated to hold such a view of others, it is not surprising that there is a bias toward perceiving one's own behavior toward the other as being more benevolent and more legitimate than the other's behavior toward oneself. (p. 354)

Dynamics within and between ingroups and outgroups, and in how they view each other, serve as the psychological foundation for further analysis.

Occurrences of dehumanization can produce different manifestations of less-than-human views of the other. Intergroup dynamics become affected as expression of dehumanization can be explained in attribute-based and metaphor-based approaches (Vaes et al., 2012, p. 72). One form of dehumanization stems from a machine-like perception of the outgroup whereas another way stems from an animalized view (Vaes et al., 2012, p. 69). Target-based dehumanization is when specific characteristics relating to the humanness of others are denied (Vaes et al., 2012, p. 72). Each of these approaches to dehumanization occur in connection with the severity of the conflict. There are different levels that different scholars use to classify the extremity of dehumanization (Leyens et al., 2007, p. 143). The different variables of group boundaries, relationships, and ideologies within the intergroup dynamic significantly affect the way that dehumanization may or may not occur (Vaes et al., 2012, p. 94). Intergroup dynamics must be closely analyzed in determining how groups may have used dehumanization approaches to change their view of the other.

Dehumanization as an animalized view is a common occurrence that gives way to the phenomena of infra-humanization. Infra-humanization, as set forth by Leyens et al., is the process where the ingroup is seen as fully human whereas the outgroup is seen as more animal-like (2007, p. 140). The precedent of infra-humanization has important connections in explaining humanization in reverse. Leyens et al. argues that "infra-humanization may be perilous for oneself and is always a danger for others" (2007, p. 166). In the context of conflict transformation work, infra-humanization becomes a significant problem because it "obliterates past misdeeds [of the ingroup] and is a brake for reconciliation" (Leyens, 2007, p. 167). The severity in consequence of infra-humanization as explained by Leyens et al. connects the psychological occurrences to the previously explored conflict theories.

Infra-humanization becomes especially dangerous when it occurs during conflict. The occurrence is common and occurs even when there is not violence, however when infra-humanization manifests during violent conflict, the behavioral consequences have severe negative impact (Vaes et al., 2012, p. 67). Such consequences related to conflict spirals as explained in the previous section. As conflict escalates, the negative influence of behavior has a direct connection to a conflict's structure. Galtung (1970) theorizes conflict as a triadic structure of situation, attitudes, and behavior, as shown in Figure Two. This provides a helpful visual in understanding why infra-humanization of the outgroup contributes to escalation. When groups begin to practice violence against another group, cognitive consistency becomes a problem. Killing and other cruel acts against the outgroup that violate moral codes become justifiable when dehumanization through infra-humanization of the outgroup is successful (Mitchell, 1981, p. 95). Vicious acts justified through views of infra-humanization, creating a psychological affect that can lead to increased violence and conflict escalation. This is the exact opposite of what humanization should be.

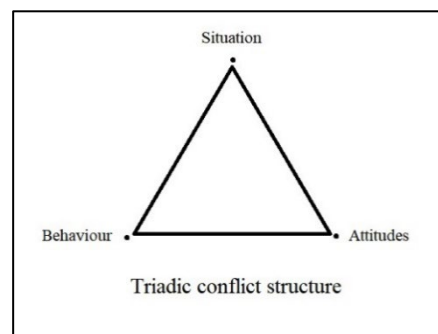


Figure Two: adapted from Mitchell, 1981, p. 16

Philosophical Approaches to Humanization

Humanization takes shape as something more than seeing someone as human once the psychological theories of dehumanization and infra-humanization are coupled to philosophical theories on humanity. The Arbinger Institute focuses on mindset in their trainings for organizational change (Arbinger Institute, 2017). Their guiding theory is that there is something deeper than behavior that drives actions. Figure Three captures one of the Arbinger Institute's foundational theories that one's "way of being" separates how one sees from what one does. This means that any behavior can be done by one of two ways: seeing the other's humanity or acting in resistance to the other's humanity (The Arbinger Institute, 2006, p. 32). The concept of how seeing others has a direct impact on Galtung's triadic structure of conflict in relation to behavior (shown in Figure Two). As established in previous sections, perception and behavior play significant roles in how conflict unfolds. Though the Arbinger Institute uses a unique jargon, their theories are synonymous to other philosophies relating to humanization and conflict.

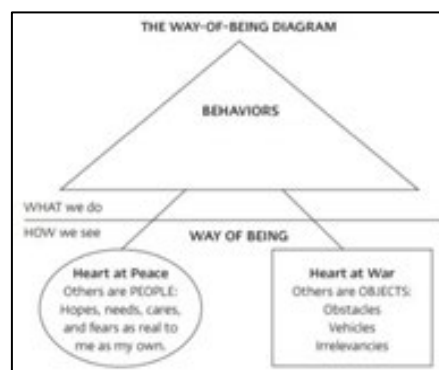


Figure Three: The Arbinger Institute, 2006, p. 32

Martin Buber is a philosopher whose theories of how humans relate to one another are vital in unpacking meaning of humanization in conflict transformation processes. His ideas begin by considering the term "otherness." Buber explains that "otherness" is a natural occurrence because individuals are essentially "other" to everyone else (1947, p. 61), and that human-beings crave for confirmation of self (1957, p. 225). His central theory relating to humanization and how perception of others influences behavior is in his "I-It I-Thou" theory. This theory was published in 1923 as part of Buber's philosophical-theological work on human relations (Morgan & Guilherme, 2012, p. 982). It is significant to note that Buber was a German-Jewish philosopher who wrote during a period of tension in Germany (Morgan & Guilherme, 2012, p. 983). The social conditions Buber faced provide insightful context on why the "I-It I-Thou" theory relates to social conflict.

Buber's theories parallel the Arbing Institute's framework of behavior being influenced by something deeper. Nevertheless, the "I-It" and "I-Thou" mentality is not supposed to be an absolute. Buber's philosophy suggests that there is an inter-play between the two concepts and that "the I-Thou relation will always slip into an I-It relation, but the I-It relation has always the potential of becoming an I-Thou relation" (Morgan & Guilherme, 2012, p. 982). Relating to another as "thou" means that one considers the other "as means to his (her) own self-aggrandizement" (Ossewaarde-Lowtoo, 2018, p. 441). Relating to another as "it" however seeks to excerpt dominion over them (Ossewaarde-Lowtoo, 2018, p. 444). Though the term "thou" may have a religious connotation, it is applicable in describing the significance of the potential of an "I-Thou" relationship. Addressing someone as a "Thou" indicates that there is accepted responsibility for the well-being of the other (Ossewaarde-Lowtoo, 2018, pp. 444-445). Understanding these relations gives way to understanding how they can be used to promote conflict transformation.

Buber's ideology is applicable within the peacebuilding context. Morgan and Guilherme observe that I-Thou relationships help in conflict resolution endeavors because this kind of relationship "encourages people and communities to discuss problems and grievances and to find points in common" (2012, p. 988). Negative conflict cycles tend to shift parties from "I-Thou" to "I-It" because it is easier to engage in destructive practices against another when they are seen as an it. In conflict transformation practices, the focus is relationship centered (Lederach, 2003, p. 33). Focusing on the relationship is at the heart of what an I-Thou interaction entails. There are multiple practices of transformative nature that emphasize building positive relationships. Such practices will be discussed later in this study. For this section, it is sufficient to conclude that the terminology of "I-It" and "I-Thou" helps to conceptualize relationships and why parties may be engaging in conflict a certain way.

There are consequences that result in changing the way parties see and respond to each other. This has the potential to have a positive or negative affect, depending on the change in how the other is seen. Theories of how others are seen and how individuals relate to one another provide important insight on what humanization can look like. With the potential that comes in responding to another's humanity, there becomes unlimited potential in conflict transformation work. It is important to summarize here that as one transforms themselves, how they see the world changes, which changes behavior and the way they interact. Based on the presented theories, humanization can be redefined by stating the following: humanization can be a transformative experience as one changes the way they see others in relation to themselves. This change in oneself in how they see and relate to others will be referred to as transformative humanization. It is proposed that when both sides in a conflict engage in transformative humanization, conflict can become a constructive process, lending to conflict transformation and possible reconciliation.

FITTING HUMANIZATION INTO THE CONTEXT OF WORKING TOWARDS RECONCILIATION

Humanization has direct links to perception, behavior, and social relations. Such considerations are important in considering peacebuilding processes that include conflict transformation. Ideas of conflict transformation range in focus from individual, community, political, and economic levels of society, and there are critiques on how actors can engage at each level (Ryan, 2009, p. 308). As challenges of conflict transformation and reconciliation work are examined, a place for humanization to fit in becomes evident. The purpose of this section is to tie the principles of humanization back into principles of conflict theory. Applying the principles of transformative humanization allows for the potential of conflict transformation work to take shape in reaching reconciliation. The history of peacebuilding is also briefly reviewed to provide

reference of how conflict transformation processes and the potential of reconciliation fit into the field. Recognizing conflict escalation and how it occurs provides a reference for timing of conflict transformation work. Though reconciliation is something reached at the end of conflict, theories on conflict transformation provide an important context to the role transformative humanization can play at any stage.

The Evolution of Peacebuilding

Understanding the historical context of peacebuilding sets the precedent for important theories that shape exploring humanization within conflict transformation. Different definitions and views of what peacebuilding is and what it entails have emerged over time. The United Nations (UN) (2010) states that:

Peacebuilding involves a great number and variety of stakeholders – starting with the citizens of the countries themselves where peacebuilding is underway. It is neither a purely political, security nor developmental process, but one that must bring together security, political, economic, social and human rights elements in a coherent and integrated way. (p. 1)

This notion of peacebuilding shows how actors in both the public and private sector shape the course of conflict engagement.

Peacebuilding has evolved over time to address reducing violence and promoting development. Various approaches and aims of peacebuilding show how conflict engagement processes can vary in purpose. The collapse of the Soviet Union changed the way the international community engaged in peacebuilding efforts because peacekeeping, as outlined by chapters six and seven of the UN Charter, is specified as a means of conflict intervention to immediately stop direct violence and to keep violence from escalating (Greene, 2021). Another shift happened in 2015, again under precedent from the UN. The report, “The Challenge of Sustaining Peace: Report of the Advisory Group of Experts for the 2015 Review of the United Nations Peace-building Architecture,” called for the UN to do more in its attempts at peacebuilding, yet criticism remains that even this re-evaluation of peacebuilding techniques did not do enough to change the way peacebuilding is approached to achieve the best possible outcomes (Soto & Castillo, 2016, p. 220). Though peacebuilding as a field continues to evolve based on shifts and in response to criticism, there are important components of peacebuilding that explain different types of conflict engagement.

One significant detail is the level at which peacebuilding efforts are aimed. In recent decades, the two main approaches to peacebuilding have been liberal peace or local turn. Liberal peace has more of an emphasis on international actors within processes of democratization, free globalized markets, human rights, and the rule of law (Abi-Ezzi, 2021). The local turn in peacebuilding focuses more on creating sustainable peace and legitimacy through local partnerships and ownerships (MacGinty, 2015). By focusing on the local, the emphasis is placed on work done in a bottom-up approach, beginning work at grassroots levels. This distinction is more synonymous with ideas of transformative approaches that follow the same framework of a bottom-up approach.

Conflict Transformation as a Conflict Engagement Process

The transformative approach in conflict resolution seeks to aim deeper in engagement to reach more sustainable solutions. Lederach captures the potential of a transformative approach in explaining the process as requiring participants to “reflect on multiple levels and types of change processes, rather than addressing...a single operational solution” (2003, p. 38). This multi-lateral approach should “respond both to the immediate issues and the longer-term agenda (Lederach, 2003, p. 65). Lederach’s description of conflict transformation echoes notions of a broader

understanding of the potential of conflict resolution. Featherston links peacekeeping as a component of conflict resolution and peacebuilding. She describes the needs to include systematic theoretical thinking to “develop appropriate short and long-term goals, improve the means of analysing mission effectiveness and establish benchmarks for good practice,” in addition to providing “the basis for generating and analysing both quantitative and qualitative data” (2000, p. 192). Featherston’s insight shows the necessity of something more in endeavors to bring about sustainable change and in establishing peace. Conflicts vary in every aspect, thus approaches that truly address the conflict will also vary.

Understanding the historical context and shifts of peacebuilding demonstrates why different approaches are needed for different situations. Conflict transformation at its core is a multi-faceted approach that can be practiced in many creative ways. Recognizing the potential of peacebuilding shows the need for transformative approaches that can lead to sustainable peace, change, and reconciliation. Despite all the differences in criticism and approaches, there is one underlying aspect of conflict transformation that sets it apart from simply being a “peacebuilding” approach. Humanization as part of conflict transformation processes can more effectively bring about reconciliation because it has the potential to change the way peace is built.

Timing for Conflict Transformation Work

Conflict transformation carries the connotation in the peacebuilding field as something that happens at the very end of conflict. This broad statement has certain validity. Sandole observes that “peacebuilding has tended to be reactive, ad hoc and minimalist. It has been applied primarily to ‘post-[violent] conflict’ situations, where overt hostilities have ceased, and some degree of negative peace has been established between previously warring parties” (2010, p. 35). If conflict transformation is about building relationships, relationships cannot be built “in an atmosphere of violence and intimidation” (Last, 2000, p. 80). Processes requires flexibility and coordination of international, national, and local levels involved in peacebuilding (Lederach, 2012, p. 8). This coordination results from combined efforts developed over time. Being mindful of the potential for reconciliation also affects processes. Non-violent coexistence can be a starting point in moving towards reconciliation (Bloomfield et al., 2003, pp. 19-20). There is nevertheless a place for transformative work before, during, and after violent conflict.

Peacebuilding approaches can be either reactive or proactive. Reactive approaches are primarily ad hoc and based on a “trial and error” approach whereas proactive peacebuilding is carried out by third party attempts to build peace before violence occurs (Sandole, 2010, pp. 12-13). Preventing violence requires careful strategy and sustained engagement by all parties involved (Lederach, 2012, p. 9). The timing for conflict transformation work may seem evasive in a proactive context. Conflict transformation, or any form of conflict intervention, should not be limited to only occurring in post-conflict societies. Leiner and Aldajani argue that reconciliation should be a part of conflict transformation to transform “adversarial relations into peaceful relations while the conflict is ongoing,” and they use the Hölderlin Perspective which asserts that “reconciliation requires one to be in the middle of the conflict” (2019, p. 114). Referencing back to the definition of conflict as “perceived divergence” (Rubin et al., 1995, p. 5), transforming frames that shape the perceived divergence is a potential way to circumvent escalation of violence within conflict spirals, even if they are ongoing. Humanization can then enter the discourse on how transformation can and should occur at any level and during any stage of conflict.

The Result of Reconciliation

When reconciliation is reached, conflict no longer holds an adversarial hold over the parties. Buber advocated for “development of an organic community” characterized by mutually respectful

and co-operative relationships that come through collaboration through conflict (Morgan & Guilherme, 2012, p. 989). Societies only reach reconciliation once relationships are re-built and conflict has been completely transformed. Maintaining a social-psychological analysis helps in peacebuilding endeavors, as it can identify issues of conflict and provide insight on how negative cycles can be reversed (Kelman, 2009, p. 180). Allowing transformative humanization to become a part of conflict engagement requires a different frame to be placed on what conflict is. When conflict is viewed as an opportunity (whether for physical structural change or changes in perceptual frames), there is greater potential for positive and sustainable outcomes. Reconciliation is the ultimate reversal of violent, escalated conflict.

Reversing Negative Conflict Spirals to Achieve Sustainable Change

The word “conflict” tends to have a negative connotation and denotation. English dictionaries often use words such as disagreement, fight, and incompatibility to define conflict (Cambridge University Press, 2021; Merriam-Webster, 2021; Oxford University Press, 2021). Such words limit the potential of conflict to be an opportunity to lead to reconciliation. Different approaches to conflict are often derivative of how conflict is seen. If conflict is perceived to be dangerous, then conflict avoidance and/or conflict management are often the approach, whereas if conflict is perceived to be constructive, conflict transformation and reconciliation can become viable solutions (Ford, 2020, p. 4). Escalation is what drives conflict into the negative spirals that create problems (Rubin et al., 1994, p. 117). Transformative humanization can reverse the effects of escalation and move parties towards a more constructive view of conflict. Reconciliation becomes possible as seeing humanity “offers possibilities, opportunities to be creative, understanding and empathy, humility and forgiveness” (Ford, 2020, p. 79). Creativity and uniquely catered approaches can help in reversing negative conflict spirals. This is the epitome of transformative humanization.

When conflict become an opportunity for change, parties continue efforts to change themselves and how they engage with others. The purpose of reconciliation is to reach a “stable and lasting peace” where parties are responsive to each other’s needs and interests (Leiner & Aldajani, 2019, p. 114). Relationships determine engagement in conflict. Social bonds are what determines one side either yielding when conflict arises or both sides engaging in problem solving together (Rubin et al., 1994, p. 127). Sustainable change in parties leads to future engagement in productive conflict. When parties use conflict as an opportunity to maintain relationships, cooperative conflict resolution is possible without an escalation of violence. Cooperative conflict resolution requires “openness, lack of defensiveness, and full utilization of available resources” (Deutsch, 1973, p. 363). These principles are re-enforced by principles of humanization. Without seeing humanity of others, no change or resolution can be sustained without risking a relapse back into the negative spirals of conflict.

Ingroup and Outgroup Dynamics

Transformative humanization has the potential to change the existing relationship between the ingroup and outgroup. Groups are not essential in needing to differentiate between one and the other when existing as arbitrary social constructions (Leyens et al., 2007, p. 160). However, issues arise when the ingroup changes perception of the outgroup to dehumanize or infra-humanize. Dehumanization and infra-humanization lead to weaker relationships between groups and is often the cause for an escalation of violence towards the outgroup (Capozza et al., 2017, p. 2). The classification of an ingroup and outgroup is helpful in clarifying parties engaged in conflict. Not only can the relationship between groups affect conflict, but the inner workings of groups also have an effect.

How a group views itself plays a role within the humanization process. Even if a group is not actively or consciously dehumanizing the outgroup by resisting the humanity of the outgroup, how the ingroup views itself still matters. Humanization can occur on an ingroup level which does not necessarily mean that the group will then negatively treat others (Vaes et al., 2012, p. 99). However, focusing inward on oneself or one's group limits capacity to fully see humanity of others and results in behaviors that only protect and/or advance oneself, as demonstrated in Figure Four (The Arbinger Institute, 2016, p. 25). Using Buber's theory of "I-It I-Thou," the ingroup and outgroup relationship can become jeopardized when the "I-It" mentality is applied. There is an ethical difference between the two. When the relationship is "I-It," there is no inclusion between groups which means that there is no shared empathy in experience (Morgan & Guilherme, 2012, p. 986). Managing the relationship between the ingroup and outgroup is a vital component of any peacebuilding approach and understanding how each group sees each other can be a first step in creating a plan to transform conflict.

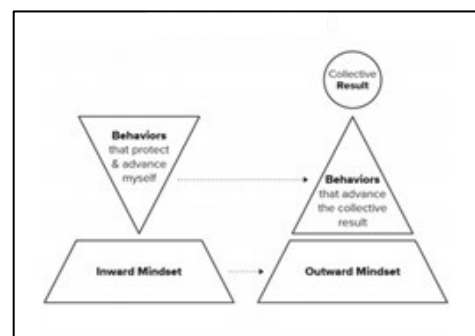


Figure Four: The Arbinger Institute, 2016, p. 25

Reconciliation between the ingroup and the outgroup after being engaged in conflict relates to restoring the relationship between the groups. Even if there was not a strong relationship between groups before conflict, part of conflict transformation work should include building a positive relationship. Relationships are often at the core of conflict, and how oneself and the other is seen is often a determining factor of results (Ford, 2020, p. 61). In order to reach reconciliation, there has to be a shift in how the ingroup and the outgroup perceive each other. This shift can be described by changing the parties' perceptions of the conflict from a "battle to be won to that of a problem to be solved together" (Rubin et al., 1994, p. 219). When groups can change the way they see each other, conflict becomes an opportunity and reconciliation is a possibility.

Ramifications of Identity and Emotions

Individual and group identities function through different frameworks that affect relationships. Three key structural elements to intergroup relations are defining boundaries, socio-structural relations, and ideologies (Vaes et al., 2012, p. 65). Each of these elements has ties to structures in society. For example, social actors can frame issues in certain ways that groups will follow (Rhys, 2020). Shared symbols within groups also function to create meaning within group identities (Leyens et al., 2007; Volkan, 2004). The expression of identity through nationalism is one example that shows how group identity and expression is woven with principles of how other groups are viewed, as infra-humanization can often resemble nationalism (Leyens et al., 2007, p. 153). Such views have the potential to produce negative effects when principles of humanization are not in practice. There are many more theories about identity and how it affects conflict that will not be discussed in this study. In relation to humanization, it is important to link identity and emotion to show how humanization can fit into intergroup dynamics.

Emotions play an important role in affecting identity as well as perception of an outgroup. Addressing emotions is an easier starting place than addressing social identity (McDonald et al., 2017, p. 131). Ingroup and outgroup perceptions, as explored in dehumanization, infra-humanization, and humanization principles, are shaped by emotions. Different theories exist that connect emotions to identity expression and the shaping of conflict based on individual and group levels (Friedman et al., 2017, p. 352). Certain theories about emotions at such levels aid in explaining how emotions tie into conflict and humanization. Three features of emotion that relate to conflict are cognitive antecedent, action tendency, and the relationship between emotions and psychological mechanism (Peterson, 2011, p. 24). These features change the way beliefs, actions, and desires may be expressed. Figure Five

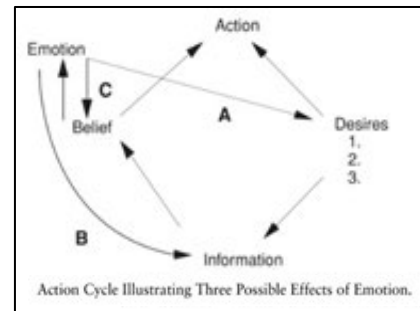


Figure Five: Peterson, 2011, p. 24

illustrate how the incorporation of emotions influences individuals or groups. Each point of the diagram is interconnected which depicts how emotions can influence individuals and/or outgroups.

In studies conducted on outgroup dehumanization and ingroup humanization, the role of primary and secondary emotions was evaluated in determining the effects of emotion on intergroup perceptions. Secondary emotions are the emotions felt based off more generalized emotions. Association of secondary emotions to group identity is one way that groups perceive their own humanity (Vaes et al., 2012, p. 68; Leyens et al., 2007, p. 146). Bias towards an outgroup result in infra-humanization which means that the ingroup dehumanizes the outgroup by not assigning secondary emotions to primary emotions of the outgroup (Capozza et al., 2017, p. 2). Just like identity, emotions are complex in nature and in how they exact influence. Managing emotions with perception is another important aspect of conflict transformation work, especially as it relates to how humanity is seen with and between groups.

Emotions of both the past and present must be carefully analyzed and managed to keep processes moving forward in efforts to reach reconciliation. An important component of conflict de-escalation is commitment. Deutsch explains that “people tend to act in accord with their beliefs” (1973, p. 356). If emotions and beliefs have a mutually reinforcing relationship, as shown in Figure Five, then it is critical in reconciliation work that both aspects are addressed in moving actions and desires to a more constructive plane. When left unchecked, emotions can lead to self-deception in the creation of new beliefs that justify often negative changes in behavior (Peterson, 2011, p. 29). Self-deception limits parties’ ability to engage in constructive conflict intervention processes. Conflict will continue to spiral when self-deception is reinforced by one or both groups as it leads to conflict becoming self-sustained (Ford, 2020, p. 98). Such relationships between groups will continue to use negative emotions to fuel conflict spirals with violent action and not towards reconciliation. Emotions can play a critical role in helping relationships go right and in reversing negative spirals.

Humanization plays a unique role in understanding effects of emotions during times of conflict and the result of how others are seen. Gill and Niens (2017) observe that:

It is within a common humanity that empathy and compassion can transcend animosity, fear and hostility towards the Other and, as a result, open the possibility for forgiveness and reconciliation at personal, interpersonal and intergroup levels. Therefore, humanisation could be argued to be at the core of developing solidarity and social cohesion in post-conflict societies. (pp. 2-3)

Their comments strike at the fundamental issue of addressing relationships in working towards reconciliation.

THE IMPLICATIONS OF HUMANIZATION AS CHANGE

In examining conflict theory and humanization, the potential for transformative humanization has been established. This section seeks to identify implications of change through transformative humanization on negative conflict spirals. Examination of these implications allows for each of the principles from this study to be brought together in one final analysis of humanization as change. An important tension between the role individuals and groups can play in conflict will be evaluated, and conflict transformation work guided by transformative humanization will be assessed. The important distinction between conflict transformation and reconciliation will also be discussed. Theories explored in prior sections will be drawn upon as transformative humanization is further examined.

Comparing Individual Participation to Group Participation in Transformative Processes

Societies function based on the relationships between individuals and groups. Managing both dynamics plays an important role in any conflict engagement process. Open societies with loosely structured groups mitigate conflict differently than conflicts that exist within groups or more ridged systems (Deutsch, 1973, p. 9). Intergroup relationships affect conflict in the way group constructs influence principles of humanization. Groups rely on boundaries, relations, and ideologies as a framework in moderating the dehumanization of an outgroup and/or humanization of an ingroup (Vaes et al., 2012, p. 79). For conflict to reverse from a negative spiral into a positive spiral, such group dynamics must be addressed. In a cooperative process, participants can acknowledge conflict in a way that promotes solutions (Deutsch, 1973, p. 30). Such a process can be achieved by applying transformative humanization. As perceptions of the outgroup shift to recognizing humanity, there is an increase in the “association between the self and the outgroup” which enables better intergroup relations within society (Capozza et al., 2017, p. 16). The established principles of group identity and dynamics in society apply to individuals. Because individuals make up groups, there is a distinctive tension in the role individuals play in conflict transformation processes as well as groups. This section first assess why individual change and engagement is a critical step before group dynamics can be addressed in engagement processes. Both individual and group function play different roles in conflict transformation and in working towards reconciliation.

Why Individual Engagement Can Make a Difference

Individuals engaged in any scale of conflict hold certain responsibility in helping shift the conflict spiral. Though the group dynamics play a role in humanization, there is a level of individual responsibility. Individuals can make a significant contribution to conflict transformation processes as they seek to first change themselves.

The idea of changing oneself is echoed in other philosophies supporting the idea of transformative humanization. Buber identifies the soul as the component of being accountable for taking responsibility for what one does or does not do (1947, p. 115). Buber’s claim applies to human relationships. Ossewaarde-Lowtoot observes that “conflicts between humans reflect conflicts within individuals” (2018, p. 452). The Arbinger Institute also advocates for self-change through their emphasis on turning mindset outwards to produce behaviors that lead to collective results (2016, p. 25). Individual change makes a difference because it starts with being genuine. Lederach poses this question as the guide to conflict transformation: “How do we end something not desired and build something we do desire?” (2003, p. 30). The answer is in bringing both sides together, which starts with individuals. Group change cannot begin without individuals committing

themselves to the re-building of relationships and transcending the negative spirals of conflict together.

Group Dynamics of a Change Process

Groups play a powerful role in conflicts. In the escalation of violent conflict, changes in psychological states, the function of groups, and in communities of involved parties all occur (Rubin et al., 1994, p. 82). Dehumanization or infra-humanization may occur when conflict escalates between parties. As group functions and communities change, a more inclusive peacebuilding approach is needed in reversing the effects of violent escalation. The benefit of conflict transformation in such settings is that transformative work “requires us to reflect on multiple levels and types of change processes, rather than addressing ourselves only to a single operational solution” (Lederach, 2003, p. 38). This concept fits in the importance of group participation in transformative processes. There must be solutions as well as social change initiatives for post-conflict societies to overcome the negative effects of conflict (Lederach, 2003, p. 39). Though it starts with individuals, different levels of society will not be reached in conflict transformation processes without groups fully engaged.

The social structures in society mitigated by group dynamics play a critical role in moving conflict towards reconciliation. Social relations that are radically restructured better support traditional peacebuilding efforts, and this is done by addressing underlying assumptions of the “human element of contemporary conflicts” (Gill & Niens, 2017, p. 2). Groups must be brought together for processes of transformative humanization to occur and affect large-scale efforts. In a study done on intergroup relationships, it was determined that “the humanizing manipulation was effective in promoting contact,” meaning that when groups were exposed to humanizing manipulation, the ingroups and outgroups were faster in reaching a desire to have a relationship with members in the other group (Capozza et al., 2017, p. 8). This means that once humanization occurred, it was easier for groups to come together to begin working towards building better relationships in an intergroup setting. The study also showed that when outgroups were humanized, the ingroup had more of a desire for contact with the outgroup and that the subsequent contact led to further outgroup humanization (Capozza et al., 2017, p. 14). As groups come together, the potential for reconciliation increases. Though there is much more to group dynamics, the key aspect of this section is to demonstrate that humanization is a critical force in bringing groups together to promote change on a wider scale with the intention to build better relationships that can lead to sustainable outcomes to overcome negative conflict.

Turning Points in Conflict Transformation Work Towards Reconciliation

As individuals and groups become engaged in conflict transformation work, reconciliation becomes possible. There are certain turning points that mark opportunities for transformation to occur. Ford explains that “We are connected either in constructive ways or in destructive ways” (2020, p. 78). Reaching reconciliation requires seeing the humanity and having a desire to act. Turning points within conflict transformation may be manifested in different ways. This section seeks to identify how turning points are created through dialogue and peace education to further shift transformation to reconciliation.

Dialogue can be a powerful tool in opening spaces and facilitating dialogue between individuals and/or groups. Fisher explains that “The goals of dialogue are simply to increase shared knowledge and to build understanding and trust, elements that are critical to any further movement toward conflict resolution” (2009, p. 333). Each of the goals Fisher outlines as pointing to conflict resolution have the potential to move parties further towards conflict transformation and reconciliation. Using dialogue is a versatile approach that can include “curriculum activities,

biographical (creative) writing, narrative exchange, storytelling, expressive arts” in addition to discourse, all with the intention to provide participants opportunities to reflect and act in different settings (Gill & Niens, 2017, p. 3). The creative ways that dialogue can be applied creates unique opportunities for transformative humanization to work in parties transforming their relationships.

One aspect of dialogue is its ability to involve a third side in working towards reconciliation. When third sides become involved in processes they must be recognized by both parties as legitimate as well as remain unbiased (Rubin et al., 1994, p. 133). Third parties can also help conflicting parties recognize that action should be taken immediately while still managing timing of intervention stages (Rubin et al., 1994, p. 163). Whatever brings parties together, third sides can help conflict progress towards better outcomes. The nature of open dialogue works to facilitate this process, whether a third side is involved or not.

Power is another aspect affected by dialogue. Part of negotiating outcomes at the end of conflict depends on tactic bargaining which calls into account for what is represented in final negotiations inside and outside negotiation chambers in the final stages of settlement (Mitchell, 1981, p. 197). There are many angles that could be recognized in the role power plays, especially in more final stages of conflict intervention. Here, it is important to recognize that humanization seeks to rebalance power in the sense that both parties have an equal voice in changing the course of the conflict from a negative spiral to a positive one. Dialogue can reposition conceptualization of power between parties (IIR Prague, 2019, 1m12s). The shifting of power dynamics can depend on how parties see and respond to one another. Opening dialogue in such a way can be pivotal in encouraging collaboration between parties instead of competition.

Productive dialogue is characterized by the commitment of parties to be open and honest throughout the process. Trust can be a byproduct of dialogue. Built trust helps in balancing the contact between parties as humanization occurs, and this begins in seeing humanity of the other (Capozza et al., 2017, p. 15). Humanization allows for the process to be more open and honest as well. Morgan and Guilherme (2012) state that, “it is only through dialogue that a peaceful co-existence can be established” as groups have the ability to defuse conflict through dialogue by:

Seeking points in common, through getting people and communities to talk to each other, through allowing them to share grievances, problems and views, and through encouraging people to see each other as Thous, as fellow human beings with the same psychological, intellectual, emotional and spiritual make up. (p. 988)

Such use of dialogue can reinforce transformative humanization and is a helpful tool within transformative processes.

Another turning point in moving conflict transformation to reconciliation comes in using humanization as a form of peace education. Dialogue and reflection are both identified as ways that encourage peacebuilding education through humanization (Gill & Niens, 2017, p. 4). Teaching individuals to reflect on themselves promotes personal change which is a vital aspect of transformative humanization. Experienced facilitators can help processes move on a productive track because they provide specific skillsets based on the situations they facilitate (Sandole, 2010, p. 47). Dialogue workshops serve as an example of how dialogue, as explained in 5.3.1, often requires elements of peace education as part of its process. Learning about conflict and why it spirals aids in understanding why reversing negative spirals leads to better outcomes. As individuals and groups learn more about conflict and themselves, perspectives can change, and they can learn how to engage in conflict more constructively.

Learning about peace does not always occur in formal or academic settings. In 2017, a group of ten young adults, Turkish-speaking Cypriots and Greek-speaking Cypriots, embarked on a twenty-seven-day hike around Cyprus. One of the participants (Papagiori, personal communication, July 23, 2021) who helped organize and coordinate the logistics of the hike stated that:

The goal was to bring people together from both communities through a common hobby which was hiking and camping. Whilst also promoting peace and proving that even under

difficult circumstances – such as the summer heat, tiredness from walking 30km a day and having to prepare our meal afterwards, waking up very early, living with the basics, etc - peace and friendship is achievable.

The experiences of the participants show how coming together and seeking opportunities to learn about each other promotes peace and builds relationships.

Through the hike, views of the conflict in Cyprus were transformed. One participant shared that before the hike the group engaged in activities that would help them better understand each other which was the first opportunity they had to talk about issues of the conflict in Cyprus with someone from another community (Türkdoğan, personal communication, August 8, 2021). Being on the hike provided profound experiences of connecting with people on both sides of the conflict both between participants and in communities they hiked through. In response to a question about what changes were experienced because of the hike, one participant (Koumantaris, personal communication, August 10, 2021) said:

I also saw change in other people too of how they see things, of how they see themselves, realizing things about themselves....If we achieved to stay together, under the hard circumstances, and we finished it, well, then, I'm optimistic that everything can be solved about the conflict.

This optimistic response shows the powerful effect of learning about peace through working for and experiencing the effects of conflict transformation can have. The hike may not have been formal peace education, however, as the participants came together, they experienced transformation as they learned about each other. This changed the way they wanted to engage in the conflict.

Learning about peace through personal experiences of transformative humanization is an effective way in inspiring individuals to change as those individuals can then continue their own personal work in promoting peace in what they do.

CONCLUSION

This study seeks to understand conflict transformation processes with transformative humanization as the how in reaching reconciliation. The frames, levels, and spirals of conflict all affect engagement processes and have a subsequent effect on principles of humanization. Transformative humanization emerges as the potential to change the course of conflict because it requires parties to change themselves and how they see and relate to the other. The literature examined in this study show that when both sides in a conflict engage in change, negative cycles are reversed into something positive. Individual change can inspire change on larger levels. Based on the presented findings, it is recommended that conflict transformation processes should consciously include approaches that encourage transformative humanization to help parties in conflict begin to change the way they see themselves and how they see the humanity of others as this can lead to sustainable peace post-conflict and aids in efforts to reach reconciliation.

Summary of Transformative Humanization Principles

The principles of humanization that guided analysis of conflict theory in relation to humanization are summarized in this section into ten key points:

1. Different levels and degrees of conflict affect engagement processes.
2. Reconciliation efforts require transformative work overtime.
3. Perception of self and others influences behavior.
4. There is a difference between dehumanization and infra-humanization.
5. Humanization relates to how one sees others.
6. Identity shapes the way individuals and groups relate to and interact with one another.

7. Reversing effects of dehumanization and infra-humanization require one to change oneself in how they view and relate to others. This is transformative humanization.
8. Individuals and/or groups are responsible for how they engage in conflict.
9. Relationships between parties have significant effect on the course of conflict.
10. The use of dialogue and peace education can be turning points in conflict transformation work that can potentially lead to reconciliation.

Each of these points are listed to consolidate the theories that tie humanization into conflict transformation processes. They also feature components that address the objectives of this study by highlighting how humanization can work within transformative processes and what should be considered within processes to promote reconciliation as a result of party engagement.

Answering the Research Question

The study was guided by a main research question and a sub-research question, as presented in the introduction. In this section, both questions are presented in italics followed by short, summarizing statement that seeks to answer each question in short.

What potential does humanization have to change participant engagement in conflict transformation processes that lead to reconciliation?

The potential of humanization is that it can become a transformative experience that changes the way parties engage in conflict, shifting them to a state where conflict transformation and reaching reconciliation becomes a desired outcome with the purpose to re-build relationships and establish sustainable peace.

What are the differences in the role humanization plays on an individual and an intergroup level where conflict transformation work is taking place?

Transformative humanization begins on an individual level, and groups engaged in conflict must have each member take individual responsibility in transforming themselves that creates a ripple effect that can reach effective conflict transformation work in intergroup settings.

Final Conclusion

Humanization can play a powerful role in conflict transformation processes. It is important to distinguish humanization as a contested topic while still placing it in the context of peacebuilding approaches that use conflict transformation to work towards reconciliation. A qualitative research approach was employed, drawing on a range of literature about conflict theory and humanization. The established idea of transformative humanization as presented in this study hinges on the discovery and analysis of the literary findings. Each section focused on certain elements of conflict theory and humanization to demonstrate the potential of transformative processes. Relevant conflict theories alongside theories on humanization were explored to provide the foundational basis and framework for fitting humanization into conflict transformation work. The presented definition of transformative humanization provides the backdrop for the tested theories in following sections.

The purpose of this study was to determine humanization's potential to change participant engagement in conflict transformation processes. The discovered potential is that change must happen within an individual and be followed by a change in the ingroup and outgroup dynamics of how parties see each other. Reversing negative cycles of conflict also comes in transforming the way parties relate to on another. Changing oneself can crosscut levels of conflict and builds upon principles of peacebuilding efforts being carried out over time. Positive change that leads to sustainable peace only comes through commitment to conflict transformation processes that transcend why the conflict began. Seeing humanity and responding to it unlocks the potential of

transformative humanization. It can be concluded that transformative humanization has the power to aid in conflict transformation processes as parties overcome conflict by transforming it into opportunities for stronger relationships and creating sustainable peace together through positive change.

ACKNOWLEDGEMENTS

A special thank you goes to Dr. Chad Ford, Director David Whippy, and Professor Amanda Ford who first taught me about peacebuilding and inspired me that peace is possible. I would also like to thank my dissertation supervisor at the University of Bradford, Dr. Karen Abi-Ezzi, who played a significant role in assisting me through the learning process of research and writing while I completed my master's program. Finally, I would like to thank all of my family and friends whose love and support has guided me in all my endeavors.

FUNDING

This research received no external funding.

CONFLICTS OF INTEREST

Authors declares no conflict of interest.

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Introduction of the United Nations Security Council Dataset

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ABSTRACT

Intelligent and advanced technologies have a dual nature. On one hand they support societal developments and progress and on the other hand sustain achieving one's aims and project desired (military) power on adversaries in times of conflict. The United Nations Security Council with its primary mission to maintain international peace and security has an important role in this. Through meetings, resolutions, and complex strategic decision-making they determine critical aspects and values to be respected, protected, and strengthened globally. On this behalf, ongoing academic and societal discourses focuses on the implications and consequences of different resolutions and decisions taken by the Security Council, but further understanding, involvement, or updates of the methods used are necessary. This research aims to enhance the transparency of the political decision-making processes in the Security Council by providing a large dataset containing meetings and resolutions since 1946 up to July 2022 as an artifact developed following a Design Science Research in a Data Science methodological approach. At the same time, this research aims to open a research path for a better understanding of existing political decision-making processes and further building intelligent methods that could support in a transparent and responsible manner the Security Council's decision-making processes.

KEYWORDS: United Nations, Security Council, political decision-making, foreign policy, war, dataset

1 INTRODUCTION

The UN Security Council is responsible to maintain global peace and security [1]. Whenever they come together, there is usually an ongoing situation putting that objective at risk. For instance, on the 4th of February 2012, the United Nations Security Council (UNSC) backed by the League of Arab States came together in New York to discuss the situation of the Syrian conflict [3]. Significant human rights violations were reported, and 200 civilians were already killed by the Syrian government. On this behalf, of the 15 UNSC members, 13 voted in favor of resolution S/2012/77, demanding a cease-fire, and asked for a fair process to come to peace and address the concerns of the Syrian people. Russia and China, both permanent members, did not agree and annulled the proposal by means of a veto vote. Moving forward ten years, on Friday, 25 February 2022, the UNSC met again in the same location to discuss draft resolution S/2022/155 - submitted by 81 states - requesting the Russian Federation an immediate cease in its use of force against Ukraine. 13 UNSC members voted in favor, China abstained, and Russia vetoed the resolution against itself calling the resolution anti-Russian and that “a cursory glance at the text will suffice” [4] to understand why that is.

These are two examples that trigger lots of questions. Questions like why were vetoes used when a resolution was backed by so many states? What is the content of the resolutions? How come when Russia vetoes a resolution, China usually follows? How did they defend their veto - if they did? More generally speaking, it raises the question of how individual states behave, collaborate, influence, and make political decisions on an international scale during Security Council meetings. Of great interest is what is discussed, who supports which resolutions, and what words are chosen in resolutions and meeting speeches.

Then the aim of this research is to build a dataset with information about meetings and resolutions of the UN Security Council, as a base to analyze these questions. The dataset should contain information from the beginning of its existence up to the moment of speaking. To be able to achieve this aim, due to both social as well as technical nature of this research, the Design Science Research methodology is followed through a Data Science approach [5][6][7]. In this way, the following research question is formulated: How to build a dataset that contains meetings conducted and resolutions adopted by the UN Security Council since the beginning of its existence? To make sure that a sustainable and realistic answer to the research question is provided, a well-defined segmentation is considered for splitting the tasks taken in this research in a clear and structured way, i.e., implying splitting the main research question into the following research sub-questions:

- RQ1: How to collect the dataset that contains both meetings and resolutions carried out by the UN Security Council?
- RQ2: How to structure the dataset collected? / How to build a software engineering architecture in order to effectively structure the dataset collected?
- RQ3: What are the characteristics of the dataset obtained?
- RQ4. What are possible research lines that could be followed in order to gather insights into the decision-making processes carried out by the UN Security Council?

Through its nature and the rich plethora of opportunities that it offers, the artifact proposed in this research implies the following academic and societal contributions:

- To the scientific community by providing a new research line that allows to analyze, understand, and improve different dimensions of the political decision-making

processes involved in the meetings conducted and resolutions adopted by the UN Security Council by means of designing and developing new supportive social, socio-technical, and/or technical solutions.

- To practitioners such as international relations and policy experts involved in the design, implementation, adoption, and assessment of (different aspects of) resolutions' activities and actions by producing awareness and further encouraging them to improve their decision-making processes.
- To society by providing an open dataset as a vehicle that encourages transparency, accountability, and responsibility for the political decisions taken and the reasoning of the agents involved while making them.

The remainder of the article is structured as follows. Section 2 establishes and discusses the research background of this research while analyzing relevant research studies from all the disciplines involved in this research. Section 3 discusses the research approach followed by addressing the activities taken for building the artifact proposed. Section 4 presents the design and implementation of the artifact reflecting on choices, reasoning, and results obtained. Conclusively, in Section 5 the findings of this research are briefly summarized in relation to the aim initially considered, reflections on identified limitations of this research are discussed, and at the end, further research and development ideas are considered.

2 BACKGROUND AND RELATED RESEARCH

Given the multidisciplinary nature, aim, and implications of this research, related studies from international relations, political decision-making, software engineering, and AI fields of science have been considered in order to properly understand and reflect on the multiple facets and their particularities that characterize this research.

2.1 United Nations Security Council

In 1920, shortly after World War I, the first intergovernmental organization "League of Nations" (LON) was born with a mission to maintain world peace [8]. In its existence, it had a maximum of 58 member states, all with a vote. After World War II had taken place, the league was dismantled and considered to be a failure since it did not succeed in achieving its primary objective. Then in 1945, the United Nations (UN) was formed as the league its successor [1]. The UN has several bodies: the General Assembly (GA), the International Court of Justice (ICJ), the Secretariat, the Economic & Social Council (ECOSOC), the Trustee Council, and the Security Council (SC). The UN General Assembly (UNGA) is the main organ of the UN and is the closest in character to the LON. It consists of 193 member states and can make recommendations. The responsibility of peacekeeping and security is delegated to the UN Security Council (UNSC) according to articles 24-25 of the UN Charter [1].

Thomas G. Weiss explains [9] that one of the primary reasons the LON failed was that for any security proposal to come through, each member state had to agree. To prevent this problem from happening again, the founders of the UN restricted the UNSC to only fifteen members. At the same time, the five founding states - the victors of World War II: the United States, the United Kingdom, China, Russia, and France - are considered permanent, more commonly referred to as the Permanent 5 or P-5. Unlike the P-5, the 10 other members receive 2-year seats and are rotated yearly. Besides the permanent seat, the P-5 also have a

unique privilege, the veto power. With it, they can reject any proposal, without an obligation to explain why they are casting a veto. As one of the UN's most prevalent bodies, the main tasks of UNSC are international peacekeeping and security, admission of new UN members, the appointment of the new Secretary-General of the UNGA, and to elect judges of the International Court of Justice (ICJ) in Den Hague [1]. In fact, it is the only UN body with the power to issue legally binding resolutions that other members need to accept.

The prime public instrument of discussion and decision-making used by the UN is resolutions. The UNSC leverages these as well and when matters concern the public interest, they are publicized as draft resolutions which are then either adopted, not adopted, or vetoed depending on the voting outcome of the 15 members. As such, these public resolutions are discussed in the UNSC meetings, where member states express their reasoning, preference, or dismay. While those meetings are primarily oral communicative events, they are transcribed to text, translated, and later shared together with the relevant resolutions. When resolutions concern a procedural issue, nine UNSC members need to approve for it to pass. Conversely, for issues and decisions of substance, nine members need to approve without any veto cast, or without seven members voting against it. Furthermore, in conflict situations, the UNSC will recommend a peaceful settlement. When this fails and it becomes too violent, the UNSC may issue ceasefire directives, send peacekeeping forces, establish economic sanctions, or launch collective military action.

2.2 Political Decision Making

To be able to understand the UN political decision-making processes, one must have a fundamental understanding of their nature, types, and influencing factors involved. On this behalf, a fundamental study on understanding both formal and informal political decision-making processes as well as the factors influencing and the main elements involved in UN's political decisions made, e.g., self-interest and public opinion, is represented by the work of Kaufmann [10]. Furthermore, Bhouraskar [11] analyses different activities taken by the UN together with their corresponding actions grouping them into two main categories: (i) responses to emergencies such as national conflicts, civil wars, and international wars, and (ii) continuation of earlier adopted policies by the UN. These actions are brought to practice at (i) strategic level through negotiation, (ii) strategic/tactic level through implementation and generation of new ideas and proposals, and (iii) tactic level by providing information and generating as well as promoting ideas and proposals [12]. While the UN Security Council advocates for supporting critical aspects and values that modern societies have through maintaining international peace and security, for decades, due to the different implications of its decisions and actions, contradictory discourses and criticism exist in this sense and are aligned with questioning its role, its relevance to current global needs, and its functioning mechanisms, e.g., sanctions reforms, veto use, drafting resolutions [13], all correlated to world politics dimensions, e.g., superpower diplomacy, multinational cooperation, and regional communities [14][15][16].

2.3 Transparency, Accountability, and Explainability

As expressed in the 9079th meeting of the UN Security Council [13], the need for transparency and through it creating a transparent organ “capable of tackling contemporary global challenges” is real. Moreover, the same resource highlights the importance of understanding “how much of its proceedings are carried out in a visible, public way, and how much in private”, facts that could relate and imply not only to issues regarding transparency

but could also produce feelings of mistrust and even illegitimacy, thus “a more accountable and transparent Council [Security Council] would be better placed to meet its core tasks of preventing and resolving conflicts” [13].

Through its nature, transparency relates to an important characteristic of information, i.e., availability, and specifically, information availability about internal decisions of an agent or organization while strengthening the accountability of agent's/organization's decisions made and playing a major role in establishing and promoting good governance [17][18]. Furthermore, de Fine Licht [19] argues for increasing transparency in political decision-making processes for securing or enhancing legitimacy, decision acceptance, and public trust. Along these lines, Wang & Zang [20] considers that political transparency is associated with proper operating performance, lower information asymmetry, and lower equity risk.

On this behalf, since 2005 earlier initiatives for establishing measures for ensuring accountability, transparency, inclusiveness, and representativeness of decisions are reforms (i.e., resolutions) adopted, and through these the strengthening of effectiveness and legitimacy of the UN Security Council started to be formulated [21][22]. Among the initiatives taken are (i) debates on expanding the Security Council, (ii) availability of internal audits and reports by means of evaluations and investigations conducted by Member States, (iii) meetings on regular basis with the agents involved in a specific situation, and (iv) more public meetings held while the number of external agents such as NGOs increases [23][24][25]. Moreover, a recent resolution, i.e., the landmark resolution A/RES/76/262 [26] is adopted in order to hold the five permanent members of the Security Council accountable for their use of veto, through a direct criticism for the inaction taken by the Security Council in the ongoing war in Ukraine [26]).

2.4 Datasets

Another important measure for increasing transparency and accountability in the political decision-making processes taken by the UN Security Council and further increasing citizen awareness [27] is through open data and/or publicly available datasets [28][29] with (ideally both informal and formal) meetings conducted and resolutions adopted. On this behalf, through its Dag Hammarskjöld Digital Library, the UN publicly made available both formal meetings conducted, and resolutions adopted since its existence, i.e., 1946.

On these grounds, Biersteker et al. introduce the Targeted Sanctions Consortium quantitative and qualitative datasets [30] that contain all UN targeted sanctions between 1991 and 2013 corresponding to 23 different country regimes clustered into 63 case episodes for analysing facts such as types of sanctions, target populations, and different combinations of targeted measures. Furthermore, Clayton, Dorussen & Böhmelt propose the UN Peace Initiative dataset [31] that contains 469 UN initiatives for conflict prevention, crisis management, mediation, peacekeeping, and peacebuilding based on all initiatives mandated by the UN Security Council, the General Assembly and the Secretary General between 1946 and 2015. Furthermore, Jetschke, & Schlipphak present the MILINDA dataset [32] that captures peace operations, more specifically, both UN and non-UN peace operations, information about mission types, the existence of target state consent as well as UN authorization between 1947 and 2016. Along these lines, the UN Peace Security Data Hub [33] released recently (i) a dataset with veto votes by the UN Security Council since 1946 with data visualization options structured per year, permanent members, and top 15 topics tackled [34], and (ii) a dataset with past and present UN peacekeeping operations with information about their headquarters

and mandate dates [35]. Moreover, Richard Hanania applied machine learning text classification methods on UNSC resolutions between 1946 and 2017 [36], to conclude they can be divided into returning topics: War, Punitive, and Humanitarian. In addition, such computational text analysis methods were able to uncover trends missing by previous efforts.

As it can be seen, there is an increasing growing social, institutional, and academic interest towards thinking, supporting, and applying different social as well as technical measures for increasing transparency and accountability of the political decision-making processes of the UN Security Council, but concrete efforts on building a dataset with the meetings carried out as well as the resolutions thought and adopted by the UN Security Council, to the best of our knowledge, are lacking, hence it represents the knowledge gap that this research intends to tackle.

Therefore, we propose a new dataset ‘UNSCD’ that digitized the UNSC public meetings and resolutions, along with their text transcripts for each, veto voting to any, including by which P-5 members, the topics of discussion, dates, and years in which they were handled, since the beginning in 1946 until July 2022. The process is automated permitting us to further extend the dataset as time progresses, although we hope that this research would be at the base of a UN-maintained public dataset.

3 RESEARCH METHODOLOGY

The goal of this research is to provide a dataset that contains information about the meetings carried out and the resolutions adopted by the UN Security Council from its start moment until the moment of speaking. On this behalf, taking into consideration the fact that the aim defined has direct societal roots as well as implications, a Design Science Research [5] methodology is followed in a Data Science approach [6]. During this process, a multidisciplinary stance is considered by embedding concepts, methods, and techniques from international relations, political decision-making, software engineering, and AI domains in order to build the technical artifact, i.e., dataset, that this research proposes. Hence, the research activities carried out in this study are further discussed:

- Problem definition: taking into consideration the increasing need for integrating and assessing socio-ethical aspects like transparency, accountability, and trust of both the reasoning implied and the results obtained from different political decision-making processes of global institutions such as UN, the target audience, scope, and time period are established as basics for the design phase of the artefact proposed in this research.
- Solution design and development: once the design input is defined in the previous research phase, the architecture of the artifact is established and further implemented in Python making use of a SQL-based database environment, in other words, classical Data Science development instruments and technologies. Further details about the implementation and evaluation phases of the artifact proposed are discussed in Section 4 of the present article.
- Solution Evaluation: the artifact proposed in this research is evaluated by considering metrics such as data quality, data reliability, data consistency, and data usefulness [37][38][39][40], and further directly demonstrated through data points instantiations

that correspond to different meetings and resolutions of the UN Security Council debating and trying to provide realistic peaceful solutions to ongoing conflicts.

- Communication: the results obtained in this research take the form of a dataset whose architecture and meaning are openly shared with both academic and practitioner communities by means of the current article as well as corresponding presentations in relevant scientific venues. The dataset is open sourced in its entirety and made available at <https://github.com/intreleng-research/unsc-dataset> for everyone to use and contribute.

4 DATASET COLLECTION AND ANALYSIS

We start this section by explaining the complexities of gathering the required data and how we came to a working and repeatable process. We then describe the used database design to store the data and explain our choices made. We continue to give an elaborate overview of the design and implementation strategies of the software built.

We started by evaluating what datasets exist that capture the UN Security Council's meetings, resolutions, and voting. To the best of our knowledge, there is no publicly available dataset that entails every element we want to have combined, between 1946 and today, 2022. The UN Dag Hammarskjöld Digital Library (UNDL) confirmed that while there are subsets of data exportable, they are very complex to access and understand, and are often unrelatable with other exports if the requested data is already available as such export.

4.1 Dataset Collection Process

In order to collect the data, we built a Python-based web scraping solution. The solution was designed in such a way it knows how to navigate and handle different formats and approaches used by the UNDL over the years. As can be seen in figure 4.1, the process starts by determining which year(s) we are interested in. Without specifying any years, the solution will try and fetch all the data from the very first meeting of the UN Security Council in 1946, all the way up until July 2022. Next, it processes the Veto overview page to be able and have a lookup table to find which state(s) vetoed a given resolution.

On the meeting summary page for a given year, it searches for resolutions and queues them for processing. In earlier years, draft resolutions were of the form 'S/X' - 'S/XXXX' where X denominates the n-th draft resolution. Before 1949, the format 'S/PV.X' can also be found. Later the UN made that more structured by using the format 'S/YYYY/X' - 'S/YYYY/XXXX' where 'YYYY' is the year in which the resolution was drafted, and 'XXXX' the n-th resolution that year. Adopted resolutions have the format 'S/RES/XXXX'.

Next, the solution iterates over each queued record and downloads and extracts the meeting transcript. The found resolutions associated with each meeting are then evaluated to be adopted, not adopted, or vetoed. Subsequently, the resolution text is downloaded and extracted. When the resolution was found to be adopted, an extra lookup step is needed to identify what the original draft resolution was. This lookup is facilitated through an Excel export provided by the UNDL.

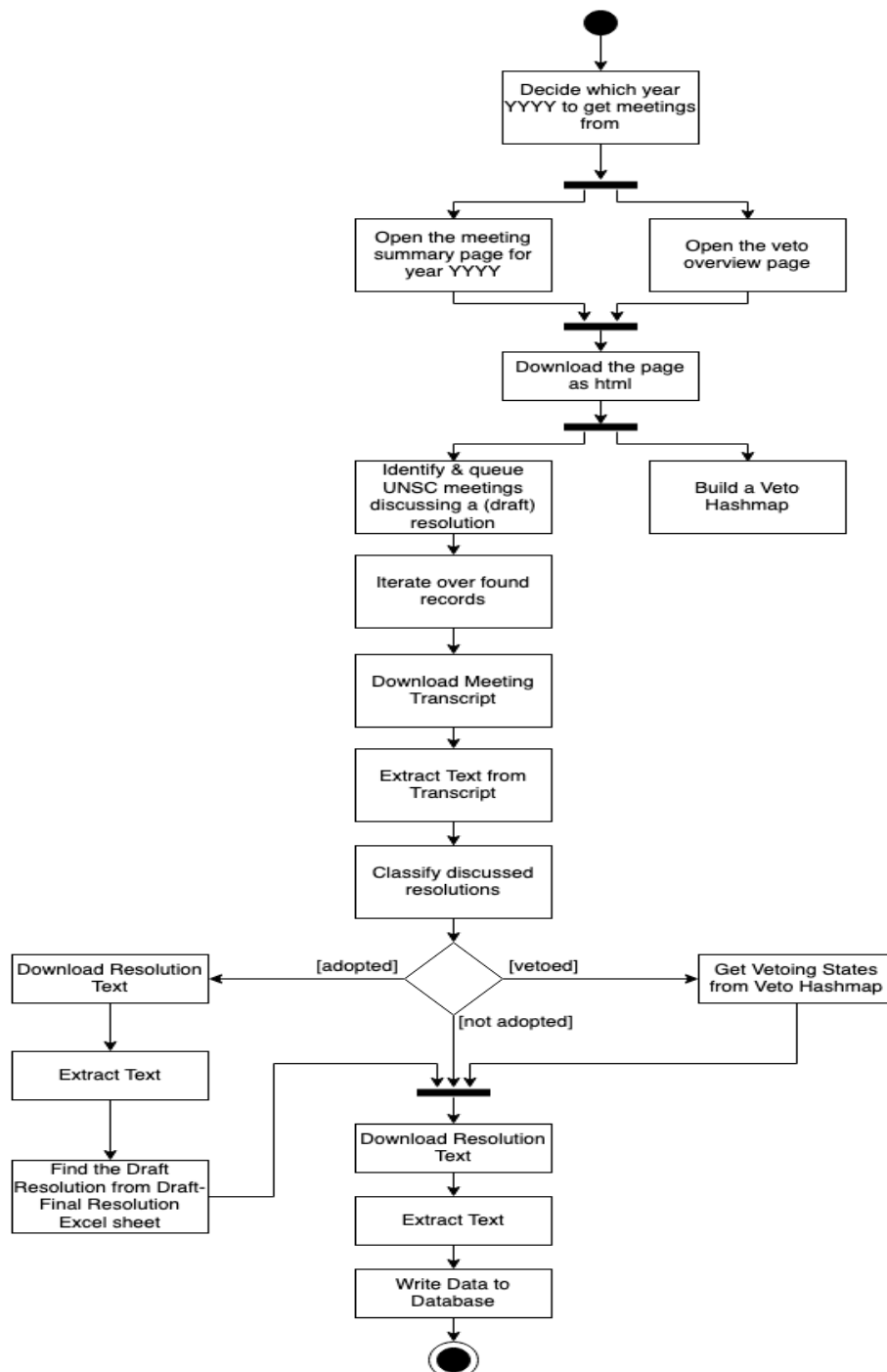


Figure 4.1: Dataset build flow

4.2 Dataset Limitations

Of particular interest is the relation between resolutions, the time dimension, topics, the meetings in which they were discussed, and possible veto voting. It is important to understand that the UN records the meeting at which a draft resolution is adopted, not all the meetings at which it may have been considered. Also, more than one draft resolution can be considered in a meeting. As such, it also occasionally happens that more than one resolution is adopted during a meeting. Detailed voting information is not available with the exception of veto votes. Which member abstained, voted in favor, or was against can only be found in the meeting transcripts [2]. This can be considered for future research.

Furthermore, this dataset only considers resolutions that have been publicly discussed and recorded in a UNSC meeting as adopted, not adopted, or vetoed. Presidential Statements are not stored but could also be considered for future research. Only the data that is complete and correct is stored.

Conversely, there are still known inconsistencies that could not be resolved. These are, for instance, resolutions for which no meeting was recorded, resolutions for which no data is available yet (it takes around 10 days before all transcripts are translated and published in the multiple languages the UN uses), or that following rule 57 of the UNSC Provisional Rules of Procedure [41], the UNSC has only later made public, up to that time considered confidential meeting records and documents.

Additionally, an important limitation to be aware during research in this area is that texts, transcribed before 1994 were OCR'd by the UN, and have mixed results in terms of textual reliability. Post-1994, the text extraction is completely accurate. Furthermore, during the period March 2020 until January 2022, the UNSC held their recordings virtually due to COVID-19 causing the structure and content of the meetings to deviate from their normal form.

4.3 Dataset Design

The dataset is modeled as a relational database to the entities defined in the domain: UNSC meetings, resolutions, member states, and vetoes cast. The tables are designed in such a way that the columns capture unique entity properties relevant to our research domain and facilitate structured data analysis. It is important to consider and understand why we do not include voting information other than veto voting. As discussed earlier, voting information is only recorded when a resolution was either adopted, or vetoed. When it is not adopted, there is no detailed record of it [42]. This technical limitation led to only capturing veto voting. In Figure 4.2 the Entity Relation Diagram of the database is depicted and further elaborated.

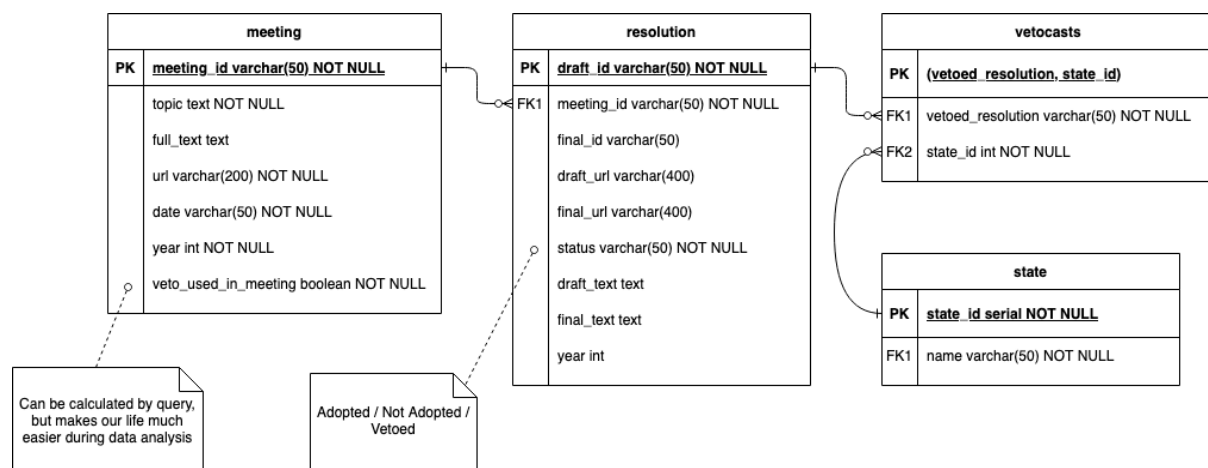


Figure 4.2: The Entity Relation Diagram of our Database

As discussed in section 4.2, only the meetings in which draft resolutions are finally decided upon are recorded. They do not record all the meetings in which the resolution may have been considered or discussed. As such, there is a one-to-many relation between a meeting and a resolution. One meeting can have multiple resolutions discussed, but a resolution is only recorded in one meeting.

A meeting has a unique ID, the topic of discussion, the date and the year when the meeting took place, the full transcript of the meeting discussion, a URL to the online transcript, and - in our dataset - a normally considered redundant field that indicates whether or not a veto was used during a meeting. In a typical database design, you would not find such a field since it can be calculated using queries. We deliberately chose to use it as it simplifies queries related to meetings with veto usage, making data analysis easier. This is a conscious design choice that allows us to find meetings where at least one veto was cast against a resolution without having to use subqueries or joins involving multiple tables.

A resolution has its unique draft id as the primary key, the meeting in which it was discussed, its final id in the case it became an adopted resolution, the applicable resolution texts, the year the resolution was drafted, links to the texts online, and their status after the meeting: adopted, not adopted, or vetoed. Such a resolution can be vetoed by any of the P-5 members, also at the same time. In other words, there is a many-to-many relation between resolutions and states with veto power. We introduced a junction table for this to convert this to two many-to-one relations.

5 DATASET ANALYSIS

Now that we have the dataset introduced in the previous section, we proceed with giving some example exploratory analysis outcomes. On this behalf, for implementation purposes, a Jupyter Notebooks [43] environment was used for its user-friendly data analysis and operations capabilities.

As such, with the SQL database loaded into a dataframe, an overview of the 2614 conducted and recorded in our dataset is shown in Figure 5.1.

	meeting_id	topic	full_text	url	date	year	veto_used_in_meeting
0	S/PV.49	The Spanish question	tau\nwhich could be agreed to by all of us) an...	https://undocs.org/en/S/PV.49	26 June	1946	True
1	S/PV.8436	The situation in the Middle East	United Nations\nS/PV.8436\nSecurity Council\nS...	https://undocs.org/en/S/PV.8436	21 December	2018	False
2	S/PV.8401	The situation in the Central African Republic	United Nations\nS/PV.8401\nSecurity Council\nS...	https://undocs.org/en/S/PV.8401	15 November	2018	False
3	S/PV.8398	The situation in Somalia	United Nations\nS/PV.8398\nSecurity Council\nS...	https://undocs.org/en/S/PV.8398	14 November	2018	False
4	S/PV.8400	Reports of the Secretary-General on the Sudan ...	United Nations\nS/PV.8400\nSecurity Council\nS...	https://undocs.org/en/S/PV.8400	15 November	2018	False
...	...	...	...	...	...	...	...
2609	S/PV.9054	Reports of the Secretary-General on the Sudan ...	United Nations\nS/PV.9054\nSecurity Council\nS...	https://undocs.org/en/S/PV.9054	3 June	2022	False
2610	S/PV.8979	Letter dated 28 February 2014 from the Perman...	United Nations\nS/PV.8979\nSecurity Council\nS...	https://undocs.org/en/S/PV.8979	25 February	2022	True
2611	S/PV.8981	The situation in the Middle East	United Nations\nS/PV.8981\nSecurity Council\nS...	https://undocs.org/en/S/PV.8981	28 February	2022	False
2612	S/PV.9025	The situation in Libya	United Nations\nS/PV.9025\nSecurity Council\nS...	https://undocs.org/en/S/PV.9025	29 April	2022	False
2613	S/PV.9044	The situation in Somalia	United Nations\nS/PV.9044\nSecurity Council\nS...	https://undocs.org/en/S/PV.9044	26 May	2022	False

2614 rows x 7 columns

Figure 5.1: a sampled overview of the meetings in our dataset

Across these meetings, 2690 resolutions have been discussed as illustrated in Figure 5.2.

resolutions_df											
	id	draft_id	final_id	draft_url	final_url	status	draft_text			final_text	year meeting_id
	0	1	S/PV.49	None	https://undocs.org/en/S/PV.49	None	vetoed	tau\nwhich could be agreed to by all of us) an...			1946 S/PV.49
	1	5	S/2018/1143	S/RES/2450(2018)	https://undocs.org/en/S/RES/2450(2018)	https://undocs.org/en/S/RES/2450(2018)	adopted	\nUnited Nations \n \nS/2018/1143 \n \n \nSec...			2018 S/PV.8436
	2	6	S/2018/1025	S/RES/2446(2018)	https://undocs.org/en/S/2018/1025	https://undocs.org/en/S/RES/2446(2018)	adopted	\nUnited Nations \n \nS/2018/1025 \n \n \nSec...			2018 S/PV.8401
	3	7	S/2018/1010	S/RES/2444(2018)	https://undocs.org/en/S/2018/1010	https://undocs.org/en/S/RES/2444(2018)	adopted	\nUnited Nations \n \nS/2018/1010 \n \n \nSec...			2018 S/PV.8398
	4	8	S/2018/1021	S/RES/2445(2018)	https://undocs.org/en/S/2018/1021	https://undocs.org/en/S/RES/2445(2018)	adopted	\nUnited Nations \n \nS/2018/1021 \n \n \nSec...			2018 S/PV.8400
...	...	...	...	...	...	...	...	...			...
2685	3017	S/2022/443	S/RES/2636(2022)	https://undocs.org/en/S/2022/443	https://undocs.org/en/S/RES/2636(2022)	adopted	\nUnited Nations \n \nS/2022/443 \n \n \nSecu...			\nUnited Nations \n \nS/RES/2636(2022) \n \n...	2022 S/PV.9054
2686	3019	S/2022/155	None	https://undocs.org/en/S/2022/155	None	vetoed	\nUnited Nations \n \nS/2022/155 \n \n \nSecu...				2022 S/PV.8979
2687	3020	S/2022/158	S/RES/2624(2022)	https://undocs.org/en/S/2022/158	https://undocs.org/en/S/RES/2624(2022)	adopted	\nUnited Nations \n \nS/2022/158 \n \n \nSecu...			\nUnited Nations \n \nS/RES/2624(2022) \n \n...	2022 S/PV.8981
2688	3021	S/2022/356	S/RES/2629(2022)	https://undocs.org/en/S/2022/356	https://undocs.org/en/S/RES/2629(2022)	adopted	\nUnited Nations \n \nS/2022/356 \n \n \nSecu...			\nUnited Nations \n \nS/RES/2629(2022) \n \n...	2022 S/PV.9025
2689	3022	S/2022/412	S/RES/2632(2022)	https://undocs.org/en/S/2022/412	https://undocs.org/en/S/RES/2632(2022)	adopted	\nUnited Nations \n \nS/2022/412 \n \n \nSecu...			\nUnited Nations \n \nS/RES/2632(2022) \n \n...	2022 S/PV.9044

2690 rows x 10 columns

Figure 5.2: a sampled overview of the resolutions in our dataset

As discussed in Section 4.2, multiple resolutions could be evaluated in a single meeting. Accordingly, in Figure 5.3 one such example is provided.

meetings_and_resolutions_df.query('meeting_id == "S/PV.906"')[['meeting_id', 'draft_id', 'final_id', 'status']]

meeting_id	draft_id	final_id	status
1605	S/PV.906	S/4523	None vetoed
1606	S/PV.906	S/4519	None not adopted
1607	S/PV.906	S/4525 S/RES/157(1960)	adopted

Figure 5.3: an example of one meeting with multiple resolutions, each with a different outcome

Figure 5.4 and Figure 5.5 serve as additional examples of the richness this dataset provides and how it enables interesting new use-cases and insights. While Figure 5.4 demonstrates topic analysis returning meeting and resolution info for those meetings related to ‘Bosnia’, Figure 5.5 showcases the ability to perform natural language processing on meetings and resolutions by providing the top-100 words seen in UNSC meetings in the form of a word cloud.

meetings_and_resolutions_df[meetings_and_resolutions_df['topic'].str.contains("Bosnia")][['meeting_id', 'draft_id', 'final_id', 'topic', 'date', 'year', 'status']]

meeting_id	draft_id	final_id	topic	date	year	status
35	S/PV.8392	S/2018/989	S/RES/2443(2018)	The situation in Bosnia and Herzegovina	6 November	2018 adopted
74	S/PV.8658	S/2019/859	S/RES/2496(2019)	The situation in Bosnia and Herzegovina	5 November	2019 adopted
162	S/PV.8896	S/2021/913	S/RES/2604(2021)	The situation in Bosnia and Herzegovina	3 November	2021 adopted
213	S/2020/108	S/2020/1080	S/RES/2549(2020)	The situation in Bosnia and Herzegovina	5 November	2020 adopted
493	S/PV.7481	S/2015/508	None	The situation in Bosnia and Herzegovina	8 July	2015 vetoed
...	...	...	...	...	...	...
2576	S/PV.3909	S/1998/648	S/RES/1184(1998)	Bosnia and Herzegovina	16 July	1998 adopted
2589	S/PV.5567	S/2006/900	S/RES/1722(2006)	Bosnia and Herzegovina	21 November	2006 adopted
2592	S/PV.5782	S/2007/673	S/RES/1785(2007)	Bosnia and Herzegovina	21 November	2007 adopted
2606	S/PV.7803	S/2016/935	S/RES/2315(2016)	The situation in Bosnia and Herzegovina	8 November	2016 adopted
2647	S/PV.4030	S/1999/834	S/RES/1256(1999)	Bosnia and Herzegovina	3 August	1999 adopted

65 rows x 7 columns

Figure 5.4: An example output of resolutions on the topic ‘Bosnia’



Figure 5.5: A word cloud of the top-100 most common words seen in UNSC meetings

6 CONCLUSIONS

The initial intake of curiosity around political decision-making, how individual states behave, collaborate, influence, and make political decisions on an international scale during Security Council meetings, the topics being discussed, and what words are chosen in resolutions and meeting speeches was not easily addressable with the existing data publicly available.

To tackle these issues, this research built and proposed a dataset with meetings and resolutions of the UN Security Council from 1946 until present by following a Design Science Research methodology in a Data Science approach. Accordingly, this research succeeded in answering its main research question as well as its research sub-questions by means of reviewing existing academic and institutional corresponding studies and further collecting and building the dataset as a data-based software artifact. Through this artefact, this research aims to produce and further strengthen awareness, transparency, and accountability of different political decision-making processes carried out by the UN Security Council.

Furthermore, this research aims to open a new research line into building analytics and intelligent modelling and simulation solutions for activities such as (i) understanding the topics discussed and corresponding political decisions made, (ii) understanding the role, behaviour, and relations between the agents participating in the political decision-making processes involved, and (iii) designing intelligent solutions for strengthening the political decision-making processes involved by integrating diverse socio-ethical norms and values as well as expert opinion through responsible and explainable lenses [44][45].

Finally, we hope this is just the beginning of a single UN dataset that can be further expanded and contributed to - eventually owned by the UN itself by enabling new research lines to be defined by both academia and practitioners together with applications for policy and strategy-building decision-makers. Ultimately, bringing further good to this world.

ACKNOWLEDGEMENTS: We are thankful to the personnel of the UN Dag Hammarskjöld Library for their guidance into understanding the different documents, MARC fields, and general recommendations. Without their help this work would not have been possible.

FUNDING: This research received no external funding.

CONFLICT OF INTEREST: Authors declare no conflict of interest.

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Is Palestine a State Under International Law?

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ABSTRACT

Statehood law lacks a unanimous understanding, but the concept of a state is very important because of all the rights and duties attached to a state. There is a need to determine whether Palestine is a state under international law. Not only because of the complexity of the law and the facts in the case of Palestine but also the immediate need to end the Israeli occupation. Thus, determining whether Palestine qualifies to be a state under international law help determine Palestine's rights and duties.

Palestine qualifies as a state under statehood theories. It satisfies the criteria for the declaratory theory because it has a permanent population that resides on its territory while also having a government that exercises some powers including international relations. Palestine does not fully meet the criteria, but because it is under belligerent occupation, the powers that Palestine can exercise are enough for a statehood status. As for the constitutive theory, Palestine has been recognized by two-thirds of the states, meeting the primary requirement for the constitutive theory. Recent international practice, however, shows that the classic criteria is not the only considerations for such a determination. New criteria have been considered when examining a statehood claim. The new criteria mitigate the level of fulfillment an entity needs to obtain a statehood status, such as a recognized right to self-determination for the populace. Because Palestine meets the new criteria, this would mitigate any lack of fulfillment of the classic criteria by Palestine.

KEYWORDS: International Law, Statehood Law, Statehood Theories, Current International Practice, Palestine-Israel Conflict, State of Palestine

INTRODUCTION

A state is a legal entity that is given a statehood status to which rights and duties are connected.¹ Despite the importance of this legal status under international law, there is a lack of a unanimous understanding of what a state is. Entities occasionally appear claiming statehood, such as Palestine, and because this status is important not only for themselves but also for existing states, a judgment on whether they qualify for such a claim has to be made.

The Palestinian-Israeli conflict is probably one of the most pressing conflicts in the Middle East. The factual and legal issues related to the conflict are very complex and controversial, especially regarding Palestine's statehood. While there is a lack of a unanimous understanding of statehood theories and their application in practice, there is a need for a final determination on the question of Palestine's statehood. Grave human rights violations have been claimed to be committed by means of the conflict. In fact, Amnesty International has called on Israel to end its apartheid system against Palestinians and on the International Criminal Court to investigate the crime of apartheid in its current investigations in the Occupied Territories.² In addition, the United Nations Special Coordinator for the Middle East Peace Process has reported to the United Nations Security Council the immediate need for ending the Israeli occupation before facing "an irreversible, dangerous collapse and widespread instability."³ Thus, determining Palestine's statehood status would help define its legal obligations and entitlements.

There are two common statehood theories that try to answer the question of what makes a state a "state", the declaratory and constitutive theories. Recognition, under the declaratory theory, does not create a state but only acknowledges the fact of its existence that happens after its fulfillment of four criteria set in the Montevideo Convention. The constitutive theory, however, deals with recognition as the essence of statehood and what brings it to existence.

This paper will show that Palestine sufficiently meets the statehood criteria under the declaratory theory. Palestine has a permanent population that lives on its territory as well as a government that exercises governmental powers, including international relations. Moreover, Palestine is recognized by two-thirds of the states, meeting the primary criterion for statehood under the constitutive theory. Recent international practice shows that, while the classic criteria remain valid in determining whether an entity meets the criteria needed for a functioning state, new criteria have been considered when examining a statehood claim. The new criteria mitigate the level of fulfillment an entity needs to obtain a statehood status, such as a recognized right to self-determination for the populace. Because Palestine meets the new criteria, this would mitigate any lack of fulfillment of the classic criteria by Palestine. Thus, despite the complexity of the factual and legal issues, Palestine meets the criteria for statehood under both, the declaratory and constitutive theories. In addition, Palestine meets the new criteria for statehood, strengthening its statehood claim.

This paper considers statehood theories and their application to Palestine while also observing the current international practice in this regard. Part I of it will examine the declaratory theory and how Palestine satisfies this theory. Part II will investigate the constitutive theory and how Palestine satisfies this theory as well. Part III will shed light on the current international practice regarding statehood claims.

Brief History of the Palestinian Case

¹ François Finck, *The State Between Fact and Law: The Role of Recognition and the Conditions Under Which It Is Granted in the Creation of New States*, 36 Polish Y.B. Int'l L. 51 (2016)

² Amnesty Int'l, *Israel's Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity*, AI Index MDE 15/5141/2022 (Feb.1, 2022)

³ U.N.SCOR, 8950th Mtg., U.N. Doc. S/PV.8950 (Jan.19, 2022)

Palestine was part of the Ottoman Empire before the British Mandate, imposed by the League of Nations, took place on its territories in 1922.⁴ During the Mandate period, a significant number of Jewish people immigrated to Palestine.⁵ In 1917, the British government made a public statement, the Balfour declaration, to support the establishment of a national home for the Jewish people in Palestine.⁶ After the 1948 war, Israel was created on 77% of the territories of Mandate Palestine after the British withdrew from it in 1947.⁷ The 1948 conflict, which established Israel, resulted in displacing about 750,000 Palestinians.⁸ Nonetheless, a country for Palestinians had not been established despite the U.N. Resolution 181 passed by the General Assembly in 1947, which called for the partition of Mandate Palestine into Arab and Jewish States.⁹ While Jordan annexed the West Bank after the 1948 war, the Gaza Strip was under the military rule of Egypt.¹⁰ The 1967 war resulted in Israel occupying the rest of the lands: the West Bank, the Gaza Strip, and East Jerusalem.¹¹

In a conference held by the Arab League in 1964, the Palestinian Liberation Organization was established to represent Palestinians inside Palestine and in the Diaspora with the intention of building an Arab state.¹² In 1970s, the U.N. General Assembly recognized the Palestinian Liberation Organization (PLO) to be the representative of Palestinians. 1974, the PLO was given the status of observer in the General Assembly of the United Nations.¹³ In the meantime, the U.N. recognized a right to self-determination for Palestinians in many resolutions passed by the General Assembly such as 181 and 194, the Security Council in 242 and 338, and the Commission on Human Rights.¹⁴ Later in 1988, the Palestinian National Council¹⁵ declared Palestine as a state, and shortly after that, 88 states recognized Palestine as a state.¹⁶ The president of the PLO, Yasser Arafat, was invited by the U.N. General assembly to address it.¹⁷ Upon Arafat's address, a resolution was adopted by the U.N. General Assembly to acknowledge the claim for statehood by the Palestinian National Council and decided to use "Palestine" instead of "PLO" in the U.N. system.¹⁸ However, when a draft resolution, that clarified that "Palestine" means "State of Palestine" was made, the U.S. threatened that it would stop paying its dues to the U.N. if this resolution was adopted, and thus, the resolution was not put to a vote.¹⁹

In 1993, the Oslo Accords were signed between the PLO and Israel, aimed at mutual recognition.²⁰ The Palestinian Authority (PA) was established based on the Oslo accords to be the governing body in the Occupied Palestinian Territories after the withdrawal of Israel.²¹ The PA was

⁴ U.N., The Question of Palestine, <https://www.un.org/unispal/history/> (Last visited Aug. 2, 2022)

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Until June 2022, 5.8 million Palestinian refugees are eligible for the services of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA)

⁹ U.N., The Question of Palestine, <https://www.un.org/unispal/history/> (Last visited Aug. 2, 2022)

¹⁰ Hasan Ismaik, *Unite Jordan and Palestine Again*, FP, Oct. 15, 2021

¹¹ U.N., The Question of Palestine, <https://www.un.org/unispal/history/> (Last visited Aug. 2, 2022)

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ The Palestinian National Council (PNC) was established in Gaza in 1948 to be the first Palestinian legislative authority. The PNC represents Palestinians inside Palestine and in the Diaspora and sets the policies and plans for the PLO as it is considered the supreme legislative representative body. Palestine National Council, <https://www.palestinepnc.org/en/> (last visited Oct. 27, 2022)

¹⁶ John Quigley, *The Israel-PLO Interim Agreements: Are They Treaties?* 30 Cornell Int'l L.J. 717 (1997)

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ ADL, Palestinian Authority (May 3, 2022), <https://www.adl.org/resources/glossary-term/palestinian-authority>

intended to be a five-year interim governing body until the issues pending a final solution²², Palestinian state, separation walls, Jerusalem, Israeli settlements, borders, Palestinian refugees, security, and water were settled.²³ In addition, these Accords divided the West Bank into three areas; A, B, and C.²⁴ In area A, the PLO was responsible for civil affairs and maintaining order.²⁵ In area B, the PLO was responsible for civil matters while Israel was responsible for security and order. Area C, however, are under the control of Israel. Nevertheless, the peace process collapsed in 2000 with the outbreak of the second Palestinian Intifada, resulting in the PA continuing to govern the Occupied Territories.²⁶ Negotiation attempts were held again to find a final settlement to the five issues in 2000-2001, 2007-2008, and 2013-2014, but they were inconclusive.²⁷

In 2006, Hamas won the second legislative elections, resulting in Fatah refusing to participate in the government because of the difference in political programs. Clashes started between Fatah and Hamas in 2007, by which Hamas took over Gaza and established a de facto government while Fatah controlled the West Bank.²⁸ As a result, the PA is no longer governing the Gaza Strip. Since 2007 and until today, there are two governments in Palestine: a recognized Palestinian government in the West Bank and a de facto government in the Gaza Strip.

Despite the importance of the concept “state” in international law, there is no clear or unanimous definition for the concept.²⁹ States, however, apply one of three common theories under international law to determine whether an entity is a state or not. First is the declaratory theory, which relies on the satisfaction of four elements set in the Montevideo Convention³⁰. Recognition is not an element under this theory. Second is the constitutive theory, which relies on the recognition of other states after meeting the classic criteria in Montevideo.

I.A. The Declaratory Theory

This theory relies on the satisfaction of four elements set up in the Montevideo Convention, the Convention on the Rights and Duties of States. This Convention was adopted in 1933 by the Seventh International Conference of American States and is ratified by 17 states in the Americas.³¹ Despite the limited number of the parties to the Convention, Montevideo is the only agreement that gives criteria for statehood, resulting in establishing a source for a statehood claim.³² The criteria were already common and practiced in western political and legal cultures, making it favored

²² Those five issues are the most important issues for both parties and are left to be finally determined through negotiations between the parties. However, the international community has given guidelines for such negotiations. For example, settlements are illegal, borders of both states are based on pre-1967, Palestinian refugees have the right to return to their homeland... etc. The Questions of Palestine, Key Issues at Stake, <https://www.un.org/unispal/permanent-status-issues/> (Last visited Oct. 27, 2022)

²³ ADL, Palestinian Authority (May 3, 2022), <https://www.adl.org/resources/glossary-term/palestinian-authority>

²⁴ See appendix A

²⁵ Michele Pitta, *Statehood and Recognition: The Case of Palestine* (2018), <https://www.semanticscholar.org/paper/Statehood-and-Recognition%3A-the-Case-of-Palestine-Pitta/3a5087a512dd8d59e190d4efe26f074754dbca97>

²⁶ *Id.*

²⁷ U.N., The Questions of Palestine, available at: <https://www.un.org/unispal/permanent-status-issues/>

²⁸ Michele Pitta, *Statehood and Recognition: The Case of Palestine* (2018), <https://www.semanticscholar.org/paper/Statehood-and-Recognition%3A-the-Case-of-Palestine-Pitta/3a5087a512dd8d59e190d4efe26f074754dbca97>

²⁹ Michele Pitta, *Statehood and Recognition: The Case of Palestine* (2018), <https://www.semanticscholar.org/paper/Statehood-and-Recognition%3A-the-Case-of-Palestine-Pitta/3a5087a512dd8d59e190d4efe26f074754dbca97>

³⁰ Montevideo Convention on the Rights and Duties of States, 1933, 165 I.N.T.S. 19. The treaty was ratified by 19 Latin American states and the U.S.

³¹ *Id.*

³² Samantha Beson, *International Courts and the Jurisprudence of Statehood*, 10 Transactional Legal Theory, no. 1, 2019, at 30

there.³³ In fact, many western jurists argue that the criteria in Montevideo constitute to customary international law, relying on two decisions made by the International Court of Justice (ICJ) in 1969³⁴ and 1975³⁵.³⁶ Nonetheless, the Montevideo criteria have rarely been considered as customary international law by the ICJ even in Latin-America.³⁷ The ICJ expressly states in the case of *Colombia v Peru* that the fact that there is a limited number of states that ratified Montevideo weakens the argument of the customary nature of the Montevideo criteria.³⁸

The requirements for statehood under the convention are a permanent population, a defined territory, government, and the capacity to enter into relations with other states. Recognition of a new state by other existing states, under this theory, does not create its statehood but only acknowledges the fact of its existence.³⁹

Advocates for this theory believe that recognition is a political act and can be used against new states for political interests. Thus, by making recognition declaratory and not constitutive, this theory protects new states from decisions that are based on political interests while affecting their rights and duties, making this theory dominant.⁴⁰

The first element, a permanent population, requires a state to have a “permanent” or settled population rather than transitory.⁴¹ The convention does not lay out a number for the population that is required for the satisfaction of the first element. For example, the Republic of Nauru became a U.N. member state in 1999⁴² with a population of approximately 10,450.⁴³

The second element, a defined territory, requires a state to have its own territory where its permanent population resides. This, however, does not mean that the state has to have its boundaries settled.⁴⁴ Having a dispute with a neighboring state over boundaries does not affect a statehood claim nor the size of the territory matter.⁴⁵ The land area of the Republic of Nauru is twenty square kilometers.⁴⁶

Having a government is the third requirement for statehood. Although the Convention does not reference the form of the government or a measurement for its effectiveness, a state must be able to exercise powers over the population and the territory.⁴⁷ This element, however, cannot

³³ *Id.*

³⁴ Western Sahara, Advisory Opinion, 1974 I.C.J.(Dec.13)

³⁵ North Sea Continental Shelf Case (Germany v. Denmark), 1969 I.C.J. (Apr. 26)

³⁶ Errol Mendes, *Statehood and Palestine for the Purpose of Article 12(3) of the ICC Statute*, <https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/D3C77FA6-9DEE-45B1-ACC0-B41706BB41E5/281876/OTPErrolMendesNewSTATEHOODANDPALESTINEFORTHEPURPOS.pdf>

³⁷ Samantha Beson, *International Courts and the Jurisprudence of Statehood*, 10 Transactional Legal Theory, no. 1, 2019, at 30

³⁸ Asylum Case (Colombia v. Peru), 1950 I.C.J. (Nov. 20)

³⁹ Michele Pitta, *Statehood and Recognition: The Case of Palestine* (2018), <https://www.semanticscholar.org/paper/Statehood-and-Recognition%3A-the-Case-of-Palestine-Pitta/3a5087a512dd8d59e190d4efe26f074754dbca97>

⁴⁰ *Id.*

⁴¹ Errol Mendes, *Statehood and Palestine for the Purpose of Article 12(3) of the ICC Statute*, <https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/D3C77FA6-9DEE-45B1-ACC0-B41706BB41E5/281876/OTPErrolMendesNewSTATEHOODANDPALESTINEFORTHEPURPOS.pdf>

⁴² U.N., Permanent of the Republic of Nauru to the United Nations, <https://www.un.int/nauru/>

⁴³ The World Bank. Available at:

<https://data.worldbank.org/indicator/SP.POP.TOTL?end=1999&locations=NR&start=1997>

⁴⁴ Barrie Strain, *Palestinian statehood: A Political Pipedream but a Legal Reality*, Cov. L.J. 2002, 7(1), 1-11

⁴⁵ Errol Mendes, *Statehood and Palestine for the Purpose of Article 12(3) of the ICC Statute*, <https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/D3C77FA6-9DEE-45B1-ACC0-B41706BB41E5/281876/OTPErrolMendesNewSTATEHOODANDPALESTINEFORTHEPURPOS.pdf>

⁴⁶ The World Bank, available at: See <https://data.worldbank.org/indicator/AG.LND.TOTL.K2?locations=NR>

⁴⁷ Errol Mendes, *Statehood and Palestine for the Purpose of Article 12(3) of the ICC Statute*, <https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/D3C77FA6-9DEE-45B1-ACC0-B41706BB41E5/281876/OTPErrolMendesNewSTATEHOODANDPALESTINEFORTHEPURPOS.pdf>

mechanically be applied to states under belligerent occupation.⁴⁸ An occupied state normally has limitations on its powers since occupation makes the state lack the capacity to function independently.⁴⁹ For example, the military occupation of Kuwait by Iraq did not affect Kuwait's statehood.

The last requirement for statehood is the ability to conduct international relations with other states. This ability means that an entity is capable of entering into relations with other existing states on the international level.⁵⁰ Even though de facto authorities (not states) can conduct some sort of relations with neighboring states on limited matters, fulfillment of this criterion requires a legal capacity on the international level.⁵¹ This capacity is earned through recognition by other states as recognition creates mutual relations between the recognizing and recognized states.⁵² This indicates the degree of independence a state enjoys through entering into international relations with other states. For a statehood claim, no state should be subject to another state, and thus sovereign states are able to conduct international relations with other states on equal basis.⁵³ The ability to engage in international relations does not mean that the state has to conduct international relations but is only able to.⁵⁴ However, delegating the power to a supranational entity like in the European communities or to another state like in protectorates does not stop a statehood status of a country if it was done voluntarily.⁵⁵ Similarly, delegating foreign affairs to another state does not affect a statehood claim.⁵⁶ For example, Liechtenstein delegated Switzerland the power to administer its foreign affairs. Liechtenstein, nevertheless, was admitted to the Rome Statute as a member state, which is an entitlement for only states.⁵⁷

Opponents of the declaratory theory argue that this theory is not viable because of the absence of a mechanism under international law that would have the authority to determine whether an entity meets the requirements set in the Convention.⁵⁸ Besides leaving an unanswered question, the rights and duties of states means almost nothing without the recognition of other states.⁵⁹ In addition, the declaratory theory does not care for the way a country was established even if its establishment was based on serious violations of international law.⁶⁰ States respond to this by not recognizing such a state, but since recognition is considered a political act, this response becomes senseless.⁶¹

I.B. Palestine Satisfies the Declaratory Theory

Under the declaratory theory, Palestine must meet the criteria of statehood set in the Montevideo Convention, which are a permanent population, a defined territory, government, and the ability to conduct international relations.

1. A Defined Territory

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ François Finck, *The State Between Fact and Law: The Role of Recognition and the Conditions Under Which It Is Granted in the Creation of New States*, 36 Polish Y.B. Int'l L. 51 (2016)

⁵¹ *Id.*

⁵² *Id.*

⁵³ Barrie Strain, *Palestinian statehood: A Political Pipedream but a Legal Reality*, Cov. L.J. 2002, 7(1), 1-11

⁵⁴ Restatement (Third) of Foreign Relations Law § 201 (1987)

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ J. D. van der Vyver, *Statehood in International Law*, 5 Emory Int'l L. Rev. 9 (1991)

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Michele Pitta, *Statehood and Recognition: The Case of Palestine* (2018), <https://www.semanticscholar.org/paper/Statehood-and-Recognition%3A-the-Case-of-Palestine-Pitta/3a5087a512dd8d59e190d4efe26f074754dbca97>

⁶¹ *Id.*

Palestine meets the criterion of a “defined territory”. Upon the Israeli occupation of the Palestinian territory, the U.N. Security Council adopted 242 Resolution, which called on Israel to withdraw from the territories occupied in 1967.⁶² Later in 2016, the U.N. Security Council 2334 Resolution was passed, by 14-0 votes, to address the Israeli settlements in the West Bank, declaring them “flagrant violation” of international law.⁶³ In addition, the Palestinian Declaration of Independence in 1988 declared the establishment of the State of Palestine on the occupied territories, the west Bank including East Jerusalem and the Gaza Strip.⁶⁴ When the Oslo Accords were signed, Israel agreed on the PA governing the West Bank and the Gaza Strip. Negotiations between the parties were based on, *inter alia*, the U.N. 242 Resolution, which recognized the Palestinian territory.⁶⁵ Binding U.N. Security Council Resolutions, Palestine, and Israel have agreed on the pre-1967 borders to be the territory for Palestinians.

Even though the issue of borders is one of the issues awaiting a final solution, states do not have to have defined frontiers to meet the criterion of a defined territory.⁶⁶ Thus, Palestine has its own territories which include the West Bank, Gaza Strip and East Jerusalem. The expansion of the Israeli settlements in the West Bank does not change Palestine’s ownership of the West Bank.

2. A Permanent Population

Palestine meets the criterion of a permanent population. There are some 14.3 million Palestinians living in Palestine and the Diaspora.⁶⁷ The Palestinian identity is shared between Palestinians whether they live in or out of the country through sharing the same culture, history, and nationality.⁶⁸ The 1948 war resulted in displacing millions of Palestinians, who fled to neighboring countries such as Jordan, Syria, and Lebanon⁶⁹, but there are 5.3 million Palestinians living in Palestine.⁷⁰ In fact, the international community has never questioned whether or not there is a permanent population of Palestine.⁷¹

3. Effective Government

The third requirement for statehood is the government, which has to be effective and controlling over its territories.⁷² The Declaration of Principles on Interim Self-Government Arrangements (the DOP) was signed between the PLO and Israel to transfer some of the powers exercised by Israel to the PA to the interim governing body in the West Bank and Gaza Strip.⁷³ The powers that were not transferred to the Palestinian Authority, such as controlling borders, are to be exercised by Israel. Thus, some powers are exercised in the Palestinian territories by the PA and the

⁶² S.C. Res. 242, U.N. Doc. S/RES/242 (Nov. 22, 1967)

⁶³ S.C. Res. 2334, U.N. Doc. S/RES/2334 (Dec.23, 2016)

⁶⁴ Palestinian Declaration of Independence, available at: <https://justvision.org/glossary/palestinian-declaration-independence#:~:text=On%20November%2015%2C%201988%2C%20the,Bank%20and%20the%20Gaza%20Strip.>

⁶⁵ Ardi Imseis, *On membership of the United Nations and the State of Palestine: A Critical Account*, L.J.I.L. 2021, 34(4), 855-878

⁶⁶ *Id.*

⁶⁷ Palestine News & Info Agency, *PCBS: Some 14.3 million Palestinians in the world in mid-2022* (July 7, 2022) <https://english.wafa.ps/Pages/Details/129983>

⁶⁸ Suzanne Panganiban, *Palestinian Statehood: A Study of Statehood through the Lens of the Montevideo Convention* (2016), <https://vtechworks.lib.vt.edu/handle/10919/64512>

⁶⁹ *Id.*

⁷⁰ World Population Review, *Palestine Population 2022*(Live), <https://worldpopulationreview.com/countries/palestine-population> (Last visited Aug. 5, 2022)

⁷¹ Michele Pitta, *Statehood and Recognition: The Case of Palestine* (2018), <https://www.semanticscholar.org/paper/Statehood-and-Recognition%3A-the-Case-of-Palestine-Pitta/3a5087a512dd8d59e190d4efe26f074754dbca97>

⁷² Ardi Imseis, *On membership of the United Nations and the State of Palestine: A Critical Account*, L.J.I.L. 2021, 34(4), 855-878

⁷³ U.N. Docs. A/48/486-S/26560 (Oct. 11, 1993)

rest of the powers are exercised by Israel. However, in cases of belligerent occupation, this criterion cannot mechanically be strictly applied. Occupation makes the occupied state lack the capacity to function independently.⁷⁴ The DOP makes the Palestinian government restricted in what powers it can exercise. However, it does prove that the Palestinian government has the competence to exercise many governmental powers such as finance, foreign affairs, health, judiciary, etc. Having an effective government does not necessarily mean that the government has to have all competences.⁷⁵ Israel has been identified as an occupying power by the U.N. and the ICJ.⁷⁶ Thus, the powers that the Palestinian government can exercise should be seen in the context of belligerent occupation.

In addition, Palestine enjoys a parliamentary democracy that relies on separation of powers; executive branch, legislative branch, and judicial branch.⁷⁷ The president is the head of the executive branch and appoints the prime minister, who then chooses ministers. Palestinians can directly elect the president every four years, according to Palestine's Basic Law. While the president is the chief and has the authority to appoint ambassadors, and conduct diplomatic relations, the prime minister is responsible for daily governmental actions. The legislative branch, however, consists of 132 representatives and is responsible for passing laws and revising existing laws.⁷⁸ The judiciary branch consists of courts that are actively working on cases throughout the Palestinian territories. A survey found that while the average time from filing a lawsuit until payment is 700 days in Palestine, it is 890 in Israel and 872 in Syria.⁷⁹ Therefore, the Palestinian government applies the theory of separation of powers, which is strongly affirmed by states like the United States of America.

In 2011, the PLO launched a statehood strategy that aimed to build institutions for the PA equivalent to institutions of the "State of Palestine".⁸⁰ These institutions have to provide citizens, including marginalized people, with at least services, security and care. This plan aimed to create a de facto independent State of Palestine.⁸¹ In 2011, a U.N. report stated that the institution-building process brought benefits to the Palestinian Authority, and that the Palestinian institutions are sufficient for a functioning state.⁸² In addition, state practice with regard to the Montevideo Convention shows that, in some cases, the application of the classic criteria must be applied broadly.⁸³ For example, while the former Belgian Congo was in an anarchy status after its independence, its application of the U.N. was unanimously approved in 1960, and no one questioned whether it was a state.⁸⁴ Thus, Palestine has a government that is effective enough to

⁷⁴ Errol Mendes, *Statehood and Palestine for the Purpose of Article 12(3) of the ICC Statute*, <https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/D3C77FA6-9DEE-45B1-ACC0-B41706BB41E5/281876/OTPErrolMendesNewSTATEHOODANDPALESTINEFORTHEPURPOS.pdf>

⁷⁵ Michele Pitta, *Statehood and Recognition: The Case of Palestine* (2018), <https://www.semanticscholar.org/paper/Statehood-and-Recognition%3A-the-Case-of-Palestine-Pitta/3a5087a512dd8d59e190d4efe26f074754dbca97>

⁷⁶ U.N., *The Question of Palestine, Advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (July 9, 2004), <https://www.un.org/unispal/document/auto-insert-178825/>

⁷⁷ Suzanne Panganiban, *Palestinian Statehood: A Study of Statehood Through the Lens of the Montevideo Convention* (2016), <https://vtechworks.lib.vt.edu/handle/10919/64512>

⁷⁸ Investment Promotion & Industrial Estates Agencies, Legal and Political Structure, <http://www.pipa.ps/page.php?id=1ba110y1810704Y1ba110>

⁷⁹ Partners for Change, Palestine Investment Conference (2008), http://www.palst-jp.com/eg/pdf/inv/02/The_Palestinian_Judicial_System.pdf

⁸⁰ Mapping Palestinian Politics, Palestinian Authority, https://ecfr.eu/special/mapping_palestinian_politics/palestinian_authority/

⁸¹ *Id.*

⁸² U.N., *The Question of Palestine, Palestinian State-Building: An Achievement at Increased Risk – UNSCO Report to the AHLC* (March, 2012), <https://www.un.org/unispal/document/auto-insert-203115/>

⁸³ J. D. van der Vyver, *Statehood in International Law*, 5 Emory Int'l L. Rev. 9 (1991)

⁸⁴ *Id.*

meet the criterion needed for a statehood claim.

4. The Capacity to Enter Into International Relations With Other States

The ability to engage in foreign relations is the last requirement for statehood. Although the power to conduct foreign relations was not transferred to the PA in the DOP, the PA, in practice, conducts international relations with states and international organizations.⁸⁵ The PLO and PA, under the Oslo Accords, were two distinct entities.⁸⁶ In practice, there is no strict distinction between the PLO and PA and are sometimes reached interchangeably⁸⁷, and thus, both engage in foreign relations. In addition, the Israeli occupation over the Palestinian territory does not make Palestine unable to engage in foreign relations. When Ukraine and Belarus were part of the Soviet Union, the Soviet Union was responsible for foreign trade and external defense, and neither of them was allowed to ratify international treaties.⁸⁸ However, their applications for U.N. membership, for which a statehood status has to be approved, were admitted.⁸⁹

The fact that Palestine has embassies, missions, and general delegation around the world is a proof of Palestine's ability to conduct foreign relations.⁹⁰ In addition, Palestine is a member state in many international organizations such as the Arab League, Permanent Court of Arbitration, and U.N organizations like United Nations Economic and Social Commission for Western Asia.⁹¹ Additionally, Palestine has signed many multilateral treaties in different fields like human rights, international humanitarian law, penal matters, environment, and the law of the sea.⁹²

One of the international treaties that Palestine acceded to is the Rome Statute, the treaty establishing the International Criminal Court. After becoming a member state in 2015, Palestine alleged that international crimes have been committed on its territories and made a declaration under article 12(3) of the Rome Statute, accepting the jurisdiction of the court over its territories since 2002 as a non-member state.⁹³ The question on whether Palestine is a state was raised because of those allegations.

The prosecutor started a preliminary examination to determine whether an investigation could be opened pursuant to the statute after examining issues of admissibility, jurisdiction, and the interest of justice in making such a decision.⁹⁴ In 2019, the prosecutor declared that the criteria in the Rome Statute for opening an investigation has been met. The prosecutor, nevertheless, made a request to the Pre-Trial Chamber I to rule on whether the court has a territorial jurisdiction due to the complexity of the factual and legal issues.⁹⁵ In 2021, the Pre-Trial Chamber I ruled on the issue

⁸⁵ Michele Pitta, *Statehood and Recognition: The Case of Palestine* (2018), <https://www.semanticscholar.org/paper/Statehood-and-Recognition%3A-the-Case-of-Palestine-Pitta/3a5087a512dd8d59e190d4efe26f074754dbca97>

⁸⁶ ADL, Palestinian Authority (2022), <https://www.adl.org/resources/glossary-term/palestinian-authority>

⁸⁷ Michele Pitta, *Statehood and Recognition: The Case of Palestine* (2018), <https://www.semanticscholar.org/paper/Statehood-and-Recognition%3A-the-Case-of-Palestine-Pitta/3a5087a512dd8d59e190d4efe26f074754dbca97>

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ Michele Pitta, *Statehood and Recognition: The Case of Palestine* (2018), <https://www.semanticscholar.org/paper/Statehood-and-Recognition%3A-the-Case-of-Palestine-Pitta/3a5087a512dd8d59e190d4efe26f074754dbca97>

⁹¹ ADL, Palestinian Authority (2022), <https://www.adl.org/resources/glossary-term/palestinian-authority>

⁹² Victor Persson, *Palestine's Ratification of International Treaties - A Back Door to Independence?* (Spring 2016) (LL.M. Thesis, Lund University) (on file with the Lund University Libraries)

⁹³ ICC, *State of Palestine, Situation in the State of Palestine*, <https://www.icc-cpi.int/palestine#:~:text=On%202%20January%202015%2C%20Palestine,Palestine%20on%201%20April%202015> (Last visited Oct. 27, 2022)

⁹⁴ *Id.*

⁹⁵ *Id.*

of jurisdiction, stating that the court has jurisdiction over the territories occupied by Israel since 1967, the West Bank including East Jerusalem and the Gaza Strip, because Palestine acceded the Rome statute correctly in 2015.⁹⁶

The International Court of Justice (ICJ), which submitted amicus curiae advising the ICC to exercise its jurisdiction, welcomed the ICC's decision.⁹⁷ The ICJ argued in its amicus curiae the following:

1. Palestine acceded to the Rome Statute and is a member state. Thus, the ICC should exercise its jurisdiction over the Palestinian territory the same way it would with any other member state.⁹⁸
2. The Palestinian territory consists of the West Bank including East Jerusalem and the Gaza Strip.⁹⁹
3. Palestine is a state since it satisfies the criteria for statehood under international law. The occupation of its territory doesn't change its legal status as a state under international law.¹⁰⁰

The ICC's decision confirmed that Palestine is a state member to the Rome Statute and that the court has jurisdiction over the Palestinian territory, the West Bank, and the Gaza Strip.¹⁰¹ However, the ICC did not rule on the third argument that the ICJ made. The ICC, in fact, is not competent to rule on whether an entity meets the statehood criteria.¹⁰²

International courts such as the ICC and the ICJ have dealt with Palestine as a state. Even if the ICC is not competent to decide on whether an entity meets the criteria for statehood, the Rome Statute requires that a crime occurs on the territory of a "state" for the court to have jurisdiction.

As a matter of fact, international courts have contributed to state creation through their dispute-settlement decisions and advisory opinions.¹⁰³ International courts look into state practice and identify what constitutes customary international law or general principles.¹⁰⁴ In addition, they develop statehood law by interpreting and applying general rules of international law such as international responsibility.¹⁰⁵ Thus, the amicus brief of the ICJ and the ICC Chamber's decision, while not binding or conclusive, can influence future discussions on Palestine's statehood in other international bodies.¹⁰⁶

Nonetheless, the U.S. is one of the objector states for Palestine's statehood. The U.S. argues that Palestine does not meet the classic criteria for statehood. U.S. courts have ruled in many cases that "PLO and PA are not entitled to sovereign immunity because there does not exist a state of Palestine which meets the legal criteria for statehood applicable to the Court's adjudication of the

⁹⁶ International Commission of Jurists, *Palestine/Israel: ICC decision an important step towards accountability for crimes under international law* (Aug. 2, 2021), <https://www.icj.org/palestine-israel-icc-decision-an-important-step-towards-accountability-for-crimes-under-international-law/>

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ Situation in the Case of Palestine, Case No. ICC-01/18, Decision on the Prosecution Request Pursuant to Article 19(3) for a Ruling on the Court's Territorial Jurisdiction in Palestine (Feb. 5, 2021), https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2021_01165.PDF

¹⁰² Tanvi Bhargava & Rebecca Cardoso, *An Examination of Palestine's Statehood Status Through the Lens of the ICC Pre-Trial Chamber's Decision and Beyond*, 54 N.Y.U.J. Int'l. L. & Pol. Online F. 14 (2021)

¹⁰³ Samantha Beson, *International Courts and the Jurisprudence of Statehood*, 10 Transactional Legal Theory, no. 1, 2019, at 30

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ Tanvi Bhargava & Rebecca Cardoso, *An Examination of Palestine's Statehood Status Through the Lens of the ICC Pre-Trial Chamber's Decision and Beyond*, 54 N.Y.U.J. Int'l. L. & Pol. Online F. 14 (2021)

issue.”¹⁰⁷ In *Knox*, the court ruled that the Oslo Accords did not establish a State of Palestine but rather “aimed towards eventual statehood for Palestine”. The court added that neither the PLO nor PA satisfies the requirements of effective government nor the capacity to engage in foreign relations, and thus, neither one can meet the four requirements of statehood.¹⁰⁸ The following reasons were given:

1. Neither the PLO nor PA satisfies the requirement of “control over territories and population”.¹⁰⁹ To meet such a requirement, an entity needs to be able to act independently of foreign governments. In the case of Palestine:
 - a. The PA can only exercise the powers that are transferred to it in the interim agreement, which does not include control over airspace, external security, borders, or Israeli settlements.¹¹⁰
 - b. The PA does not have jurisdiction over Israelis even when they are in the Palestinian territory.¹¹¹
 - c. It is well-established that illegal occupation does not terminate statehood. However, this principle relies on the existence of the state before the illegal occupation. Palestine was not a state before it was occupied.¹¹²
2. Neither the PLO nor PA satisfies the requirement of “the capacity of the government to conduct foreign relations”.¹¹³ To meet the requirement, an entity needs to be politically, financially, and technically able to conduct international relations.¹¹⁴ In the case of Palestine:
 - a. The interim agreement prevents the PA from engaging in international relations, including establishing embassies or consulates.¹¹⁵
 - b. The agreement allows the PLO to engage in foreign relations and ratify international agreements on specific matters like economic development plans, cultural, scientific, and educational agreements for the benefit of the PA. However, those acts can’t be considered foreign relations.¹¹⁶
 - c. Neither the PLO nor PA could implement any international obligation on matters that are under the control of Israel such as borders and external threats.¹¹⁷

However, the stand of the U.S. seems to be based on political reasons rather than legal. Palestine is under military occupation, and thus, the ability to function independently is theoretically and practically impossible. In addition, while the Oslo Accords imposed limitations on the PA, some of its important provisions, regarding Jerusalem and settlements, might be void as no agreement concluded between parties can deprive people of their protected rights.¹¹⁸ For example, the U.N. Security Council 2334 Resolution stated that the Israeli settlements on the Palestinian territories are “flagrant violation” of international law and that any changes on the territory, based

¹⁰⁷ *Knox v. Palestine Liberation Organization*, 306 F.Supp.2d 424 (S.D.N.Y.,2004)

¹⁰⁸ Restatement (Third) of Foreign Relations Law § 201 (1987)

¹⁰⁹ *Knox v. Palestine Liberation Organization*, 306 F.Supp.2d 424 (S.D.N.Y.,2004)

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ Ardi Imseis, Watson: *The Oslo Accords: International Law and the Israeli-Palestinian Peace Agreements*, J. Palestinian Stud. 110 (2002)

on the pre-1967 borders, will not be recognized.¹¹⁹ The powers that Israel exercises in regard to settlements are illegal, and thus, no limitations can legally be imposed on Palestine in regard to settlements. In addition, U.S. courts seem to ignore the upgrade that Palestine obtained in the U.N. and its impact on Palestine acceding international treaties and joining international organizations, which proves Palestine's capability of conducting international relations.

Applying a strict and narrow interpretation of the classic criteria to the case of Palestine seem to contradict with the current international practice by states,¹²⁰ including the United States. Nonetheless, the *Institut de Droit International's* 1936 Resolution states that "the existence of a new State with all the juridical effects is not affected by the refusal of recognition by one or more States."¹²¹ The U.S. refusal to recognize Palestine because of its failure to meet the classic criteria, as seen by the U.S., should not affect Palestine's statehood claim.

II.A. The Constitutive Theory

Under this theory, recognizing an entity as a state by other existing states constitutes its statehood, and therefore, recognition brings states to existence.¹²² This theory relies on the declaratory theory by acknowledging that a state has to meet the classic criteria and be recognized by other states.¹²³ Thus, new states cannot come to existence without recognition of other existing states even if they meet the classic criteria. Recognition, under this theory, the essence of statehood and what makes it subject of international law.¹²⁴

The constitutive theory addresses the question of whether an entity is a state or not in a more nuanced approach.¹²⁵ Proponents of this theory believe that the absence of a mechanism that determines whether an entity is a state requires making recognition constitutive.¹²⁶ Having a state that is not recognized by any country does not have any legal consequences on the international plane, and therefore, is meaningless. It is especially helpful when an entity is under occupation and examining the classic criteria becomes very difficult.¹²⁷ Since the base of international law is consent, recognizing a state is an act by existing states that is used to give its consent to the birth of a new state.¹²⁸ In addition, recognition fills the gap between the rules under international law and the application of those rules.¹²⁹ Because there is no international entity that would answer the question on statehood, each state applies the rules under international law and answers the question by choosing to recognize or not recognize an entity as a state.¹³⁰ Moreover, recognizing a new state

¹¹⁹ S.C. Res. 2334, U.N. Doc. S/RES/2334 (Dec.23, 2016)

¹²⁰ See Recent International Practice

¹²¹ Institut De Droit International, Resolutions Concerning the Recognition of New States and New Governments, 30 Am. J. of Int'l L. 185 (1936)

¹²² Michele Pitta, *Statehood and Recognition: The Case of Palestine* (2018), <https://www.semanticscholar.org/paper/Statehood-and-Recognition%3A-the-Case-of-Palestine-Pitta/3a5087a512dd8d59e190d4efe26f074754dbca97>

¹²³ *Id.*

¹²⁴ Errol Mendes, *Statehood and Palestine for the Purpose of Article 12(3) of the ICC Statute*, <https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/D3C77FA6-9DEE-45B1-ACC0-B41706BB41E5/281876/OTPErrolMendesNewSTATEHOODANDPALESTINEFORTHEPURPOS.pdf>

¹²⁵ *Id.*

¹²⁶ Michele Pitta, *Statehood and Recognition: The Case of Palestine* (2018), <https://www.semanticscholar.org/paper/Statehood-and-Recognition%3A-the-Case-of-Palestine-Pitta/3a5087a512dd8d59e190d4efe26f074754dbca97>

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

helps its formation.¹³¹ When existing states treat the new state as a “state”, they give the new state powers to be exercised by it, helping it meet the third requirement of statehood in Montevideo.¹³² For example, when states recognize the passport of a new state, they help the new state exercise a power that it did not previously have.¹³³

On the other hand, admission of new states to international organizations, like the U.N., has been seen as a step leading to the acquisition of a statehood status or evidence for its legal existence. Scholars, like Dugard, have argued that a U.N. membership is an act of collective recognition, in which all U.N. member states recognize the existence of each other as legal persons regardless of whether they recognize each other politically.¹³⁴ Dugard adds that statehood is conditional upon collective recognition, and that states have delegated the power of recognition of a new state to the United Nations.¹³⁵ Nonetheless, Kato strongly opposed these arguments, explaining that recognition is a highly political act, and “the U.N. lacks the political ideology to provide the guidelines for recognition.”¹³⁶ Others have perceived U.N. recognition differently. Arguments like U.N. membership “provide adequate evidence of general recognition”, “is a strong evidence of statehood”, and “is prima facie evidence of statehood” have been made.¹³⁷

Regardless of this debate, U.N. membership does help a new state fulfill the fourth criterion in Montevideo since the new state will be able to conduct international relations with the states that recognized it.

The constitutive theory has been criticized for not specifying the number of states that an entity needs to be recognized by to claim its statehood, nor does it identify the base on which states rely to make their decision.¹³⁸ Do existing states have to evaluate the facts before making their decision? Would other considerations like geopolitical factors or norms be enough for making such a decision?¹³⁹ Is the recognition of a new state by powerful states the same as recognition by developing states? The constitutive theory does not answer these questions, but it does assert that an unrecognized entity cannot be a state. The question becomes what are the rights and duties for those entities? Can they invade other states or be invaded since they are not states?¹⁴⁰ What happens if this entity practices statehood on its citizens without regard to its status as a “non-recognized state”? All of this makes recognition highly dependent on the discretion of other states rather than evaluation of the factual situation in a legal-based process.¹⁴¹

II.B. Palestine Satisfies the Constitutive Theory

Under the constitutive theory, recognition of Palestine by other existing states constitutes Palestine’s statehood. This theory recognizes the classic criteria but relies on recognition to be the essence of statehood. Palestine has been recognized by 139 states¹⁴², the majority of the states.

¹³¹ Errol Mendes, *Statehood and Palestine for the Purpose of Article 12(3) of the ICC Statute*, <https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/D3C77FA6-9DEE-45B1-ACC0-B41706BB41E5/281876/OTPErrolMendesNewSTATEHOODANDPALESTINEFORTHEPURPOS.pdf>

¹³² *Id.*

¹³³ *Id.*

¹³⁴ François Finck, *The State Between Fact and Law: The Role of Recognition and the Conditions Under Which It Is Granted in the Creation of New States*, 36 Polish Y.B. Int’l L. 51 (2016)

¹³⁵ *Id.*

¹³⁶ J. D. van der Vyver, *Statehood in International Law*, 5 Emory Int’l L. Rev. 9 (1991)

¹³⁷ *Id.*

¹³⁸ Michele Pitta, *Statehood and Recognition: The Case of Palestine* (2018), <https://www.semanticscholar.org/paper/Statehood-and-Recognition%3A-the-Case-of-Palestine-Pitta/3a5087a512dd8d59e190d4efe26f074754dbca97>

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Diplomatic Relations*, <https://palestineun.org/about-palestine/diplomatic-relations/> (Last visited Oct. 27, 2022)

Some states recognized Palestine as a state upon the Declaration of Independence in 1988, while others recognized it recently through bilateral and multilateral diplomatic efforts.¹⁴³

Palestine has also been recognized by the U.N. as an observer non-member state.¹⁴⁴ On November 29, 2012, 138 states voted in favor of upgrading Palestine's status at the U.N with nine states voting against and forty-one abstaining.¹⁴⁵ This resolution, A/67/L.28, upgraded the status of Palestine without prejudice to the rights and privileges of the PLO which were acquired through U.N. resolutions.¹⁴⁶

The criteria for U.N. membership are stated in the U.N. Charter. The U.N. Charter in article four welcomes all states to become members to the United Nations if they meet four conditions; be a state, be peace-loving, accept the obligations in the U.N. charter and the judgments of the organization, and be able or willing to execute those obligations.

The process in which a state becomes a U.N. member state starts by obtaining a recommendation from the U.N. Security Council. The U.N. Security Council makes a recommendation by having affirmative nine votes without any veto by one of the permanent five state members. After obtaining a recommendation, a resolution passed by the U.N. General Assembly is needed. The U.N. General Assembly passes a resolution by having a two-thirds majority of the members present and voting.

Palestine submitted an application for U.N. membership in September 2011, relying on the U.N. General Assembly 181 Resolution and the Declaration of Independence of Palestine in 1988.¹⁴⁷ In addition, the application recalled the recognized right of self-determination for Palestinians, the bilateral recognition of Palestine by the vast majority of the international community based on the pre-1967 borders, and the commitment of Palestine to negotiate with Israel on the final status issues to reach a just and final resolution of the conflict.¹⁴⁸ However, the U.N. Security Council was unable to make such a recommendation as the report of the committee stated that some members chose to apply a strict and narrow application of the Montevideo Convention.¹⁴⁹ According to the verbatim record of the Security Council debate of 24 October 2011, a U.S. veto was certain while six other members such as Russia, China and India were willing to positively vote. Three states, Bosnia and Herzegovina, Gabon, and Nigeria indicated that they might take the United States' lead or were uncertain about how they would vote. While a flexible and broad interpretation of the criteria in the Montevideo Convention has been normally applied in the U.N. practice, a narrow and strict approach was used in Palestine's application.¹⁵⁰

A vote for full membership was impossible due to the certain U.S. veto for such a resolution.¹⁵¹ Therefore, some member states, especially France, pushed towards an intermediate solution by upgrading Palestine's status at the U.N. from an observer organization to an observer non-member state after voting for such a resolution in the U.N. Security Council.¹⁵²

The upgrade enabled Palestine to participate in making international law by signing and ratifying treaties that are open to all states and members of specialized agencies.¹⁵³ Moreover, the

¹⁴³ *Id.*

¹⁴⁴ Michele Pitta, *Statehood and Recognition: The Case of Palestine* (2018), <https://www.semanticscholar.org/paper/Statehood-and-Recognition%3A-the-Case-of-Palestine-Pitta/3a5087a512dd8d59e190d4efe26f074754dbca97>

¹⁴⁵ Press Release, General Assembly, General Assembly Votes Overwhelmingly to Accord Palestine 'Non-Member Observer State' Status in United Nations, U.N. Press Release GA/11317 (Nov. 29, 2012)

¹⁴⁶ *Id.*

¹⁴⁷ Ardi Imseis, *On membership of the United Nations and the State of Palestine: A Critical Account*, L.J.I.L. 2021, 34(4), 855-878

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

U.N. confirmed that Palestine can participate, on equal basis as other existing states, in the conferences that all states or members of specialized agencies are invited to. However, Palestine doesn't have a full membership of the U.N., and thus, doesn't have the same rights and duties members have. For example, Palestine can only engage in matters related to Palestine and the Middle East in the U.N. General Assembly. Palestine, generally, cannot vote within the U.N., including in elections, nor it can be a candidate for any elections or appointments at the U.N.¹⁵⁴

This U.N. Resolution, however, does not conclude the debate on whether Palestine is a state for two reasons. First, it was passed by the General Assembly and not the Security Council, making it symbolic rather than binding.¹⁵⁵ Second, a U.N. membership and a statehood status are two different things. States can legally exist without being U.N. members. Switzerland, for example, is a state that did not become a U.N. member until 2002.¹⁵⁶ Thus, a statehood status is not dependent on U.N. membership.

Nonetheless, this upgrade brings benefits to Palestine. The upgrade enables Palestine to obtain memberships in international organizations, gain recognition from more states, ratify multilateral treaties, and ratify bilateral treaties with states that recognize Palestine's statehood. All of which help Palestine to better fulfill the classic criteria in Montevideo and the main criterion in the constitutive theory by gaining more recognition.

III. RECENT INTERNATIONAL PRACTICE

The two statehood theories rely on the classic criteria in Montevideo and then deal with recognition to be either declaratory or constitutive. Nevertheless, the classic criteria fail to explain the current international practice regarding state creation.¹⁵⁷ International practice shows that new criteria have been added to the classic criteria in contemporary international law.¹⁵⁸ While the classic criteria remain valid in examining whether an entity has the elements needed to function as a state, fully meeting the classic criteria is no longer the only consideration.¹⁵⁹

Many states have investigated the legality and legitimacy of a new state before they recognize it.¹⁶⁰ The way the new entity obtains the classic criteria must be pursuant to the principles of international law. For example, the island of Cyprus, which was a British colony, received its independence in 1960.¹⁶¹ Turkey used illegal force to control Cyprus and established the Republic of Northern Cyprus, which has only been recognized by Turkey.¹⁶² Other states refuse to recognize it because it was established by violating international law.¹⁶³ However, the illegality of state creation does not necessarily mean the failure of its creation.¹⁶⁴ Similarly, the entitlement to state creation does not create a state by itself.¹⁶⁵

¹⁵⁴ *Id.*

¹⁵⁵ John Balouziyeh, *Palestinian Statehood under International Law* (2015)

¹⁵⁶ U.N. Member States, available at: <https://www.un.org/en/about-us/member-states#gotoS>

¹⁵⁷ François Finck, *The State Between Fact and Law: The Role of Recognition and the Conditions Under Which It Is Granted in the Creation of New States*, 36 *Polish Y.B. Int'l L.* 51 (2016)

¹⁵⁸ Barrie Strain, *Palestinian statehood: A Political Pipedream but a Legal Reality*, *Cov. L.J.* 2002, 7(1), 1-11

¹⁵⁹ Zohar Nevo & Tamar Megiddo, *Lessons from Kosovo the Law of Statehood and Palestinian Unilateral Independence*, 5 *J. Int'l L. & Int'l Rel.* 89 (2009)

¹⁶⁰ *Id.*

¹⁶¹ *A Guide to the United States' History of Recognition, Diplomatic, and Consular Relations, by Country, since 1776: Cyprus*,

<https://history.state.gov/countries/cyprus#:~:text=The%20United%20States%20recognized%20Cyprus,to%20recognize%20the%20TRNC%2C%20however> (Last visited Aug.10, 2022)

¹⁶² *Id.*

¹⁶³ Barrie Strain, *Palestinian statehood: A Political Pipedream but a Legal Reality*, *Cov. L.J.* 2002, 7(1), 1-11

¹⁶⁴ *Id.*

¹⁶⁵ Janis Grzybowski, *To Be or Not to Be: The Ontological Predicament of State Creation in International Law*, 28 *Eur. J. Int'l L.* 409, 411 (2017)

Besides legality and legitimacy, when an entity claims statehood, existing states look into other considerations like a recognized right to self-determination of the populace of the entity, human rights violations committed on the entity's territory against the populace, an institution-building plan to create an effective government, the involvement of the international community in what is happening in that entity, and the commitment of the entity to pacific solutions constitute new criteria that can compensate for the deficiency of fulfillment of the classic criteria.¹⁶⁶

Self-determination, as an example of the new criteria, is one of the legal principles that has a great impact on the willingness of existing states to recognize a new state.¹⁶⁷ A right to self-determination, fundamentally means the right of a people to be free from a colonizing power.¹⁶⁸ This right constitutes what is interpreted as "external" right to self-determination, the right to state-creation. Once these people have a state, their "internal" right to self-determination means their right to choose their own political system and freely seek their social, economic, and cultural developments.¹⁶⁹ In addition, some scholars have argued for the existence of a right to remedial secession, which is the right of minorities or distinct groups to separate themselves from a state and govern themselves when certain criteria are met.¹⁷⁰ Remedial succession consists of 3 criteria: a minority of people living within a territory of a state, the state exposes the minority to grave human rights violations, and the impossibility of any other peaceful settlement.¹⁷¹ While a right to remedial secession has not been recognized yet, the right of all peoples to be independent from colonial powers has been recognized since 1960s.¹⁷²

The principle of self-determination impacts statehood law by mitigating the degree of fulfillment of the classic criteria required for a statehood claim. Although it's arguable how effective a government needs to be to satisfy the classic criteria, a lower level of effectiveness can be satisfied when a right to self-determination of the populace is recognized.¹⁷³

These new considerations have helped some entities obtain recognition as new independent states despite the lack of fulfillment of the classic criteria. In 1991, the European Community established guidelines on the recognition of new states that came out of the dissolution of the Soviet Union and Yugoslavia.¹⁷⁴ The new states must demonstrate, inter alia, their acceptance of the U.N. Charter, especially regarding the rule of law and protection of human rights. For example, in the case of Bosnia and Herzegovina, the European Community did not rely on the classic criteria in determining whether to recognize Bosnia as a state.¹⁷⁵ Despite the lack of fulfillment of the "effective government" criterion, Bosnia was recognized as a state due to Bosnia's satisfaction of the new considerations.¹⁷⁶

In the case of Kosovo, the new considerations were investigated when examining Kosovo's statehood claim.

¹⁶⁶ Zohar Nevo & Tamar Megiddo, *Lessons from Kosovo the Law of Statehood and Palestinian Unilateral Independence*, 5 J. Int'l L. & Int'l Rel. 89 (2009)

¹⁶⁷ *Id.*

¹⁶⁸ Hurst Hannum, *Legal Aspects of Self-Determination*, <https://pesd.princeton.edu/node/511> (Last visited Oct. 28, 2022)

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ Zohar Nevo & Tamar Megiddo, *Lessons from Kosovo the Law of Statehood and Palestinian Unilateral Independence*, 5 J. Int'l L. & Int'l Rel. 89 (2009)

¹⁷² Hurst Hannum, *Legal Aspects of Self-Determination*, <https://pesd.princeton.edu/node/511> (Last visited Oct. 28, 2022)

¹⁷³ François Finck, *The State Between Fact and Law: The Role of Recognition and the Conditions Under Which It Is Granted in the Creation of New States*, 36 Polish Y.B. Int'l L. 51 (2016)

¹⁷⁴ Eileen Denza, *European Practice on the Recognition of States*, E.L. Rev. 2011, 36(3), 321-338.

¹⁷⁵ Marc Weller, *The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia Background*, 86 Am. J. Int'l L. 569 (1992)

¹⁷⁶ François Finck, *The State Between Fact and Law: The Role of Recognition and the Conditions Under Which It Is Granted in the Creation of New States*, 36 Polish Y.B. Int'l L. 51 (2016)

1. Historical Background

While Serbs believe that Kosovo is the birthplace of their state, 90% of its population is Albanians.¹⁷⁷ Kosovo was an autonomous province within Serbia until Serbia, in 1974, eliminated this autonomy.¹⁷⁸ Thus, Kosovars in the 90s were seeking either retrieving Serbia's autonomy or independence.¹⁷⁹ The dissolved Provincial Assembly declared Kosovo independent in 1991, which led Serbia to start police and military actions in Kosovo to restore Kosovo as a part of Serbia.¹⁸⁰ Severe human rights violations, specifically ethnic cleansing and displacing hundreds of thousands of the people, were committed by Serbia in response to attacks by the separatist Kosovo Liberation Army.¹⁸¹ Therefore, the U.N. passed 1244 Resolution, which called for an international security presence in Kosovo that would help facilitate self-governance and the need for a final status.¹⁸² In 2001, the Provisional Institutions of Self Government were created, and later in 2005, the only doable solution was found to be independence of Kosovo after many failed attempts of negotiations.¹⁸³ Thus, the Kosovo Parliament, in 2008, declared independence and sovereignty of Kosovo through a unilateral declaration of independence.¹⁸⁴ In 2008, the General Assembly passed a resolution, based on Serbia's request, to consult the International Court of Justice on whether the unilateral declaration of independence of Kosovo adopted in 2008 violated international law.¹⁸⁵ The court in its advisory opinion held that the declaration of independence of Kosovo did not violate international law.¹⁸⁶ However, since 2006, Serbia adopted a constitutional amendment, which recognizes Kosovo as an autonomous province of Serbia.¹⁸⁷

2. Kosovo's Fulfillment of the Classic Criteria

Kosovo seems to meet the first two requirements for statehood in Montevideo, permanent population, and defined territory. However, it seems that Kosovo does not meet the other two requirements, effective government, and the capacity to conduct foreign relations. While having an effective government does not require a state to have a specific form, but a state has at least to meet some standards like having a government that is able to execute its obligations.¹⁸⁸ To be effective, a government has to establish basic institutions, be able to maintain law and order, and be capable of entering into relations with other states.¹⁸⁹

Reports by the U.N. and the European Union(EU) show that there is great progress in the process of institution-building, and that Kosovo succeeded in establishing some institutions that are necessary for a government such as police forces.¹⁹⁰ However, other institutions including law and order and monetary policy have not been established yet and still in the competence of the

¹⁷⁷ Zohar Nevo & Tamar Megiddo, *Lessons from Kosovo the Law of Statehood and Palestinian Unilateral Independence*, 5 J. Int'l L. & Int'l Rel. 89 (2009)

¹⁷⁸ Christopher Borgen, *Kosovo's Declaration of Independence: Self-Determination, Secession and Recognition* (Feb. 2008), https://www.tjssl.edu/slomansonb/2.4_KosSecession.pdf

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ Zohar Nevo & Tamar Megiddo, *Lessons from Kosovo the Law of Statehood and Palestinian Unilateral Independence*, 5 J. Int'l L. & Int'l Rel. 89 (2009)

¹⁸² Christopher Borgen, *Kosovo's Declaration of Independence: Self-Determination, Secession and Recognition* (Feb. 2008), https://www.tjssl.edu/slomansonb/2.4_KosSecession.pdf

¹⁸³ *Id.*

¹⁸⁴ *Id.*

¹⁸⁵ I.C.J., *Accordance with international law of the unilateral declaration of independence in respect of Kosovo*, <https://www.icj-cij.org/en/case/141> (Last visited Oct. 28, 2022)

¹⁸⁶ *Id.*

¹⁸⁷ Hurst Hannum, *Legal Aspects of Self-Determination*, <https://pesd.princeton.edu/node/511> (Last visited Oct. 28, 2022)

¹⁸⁸ Jane Hofbauer, *Sovereignty in the Exercise of the Right to Self-Determination*, 101 (2016)

¹⁸⁹ *Id.*

¹⁹⁰ Zohar Nevo & Tamar Megiddo, *Lessons from Kosovo the Law of Statehood and Palestinian Unilateral Independence*, 5 J. Int'l L. & Int'l Rel. 89 (2009)

international representatives.¹⁹¹ In fact, Kosovo relies on the NATO soldiers and law enforcement personnel.¹⁹² Moreover, Kosovo's capacity to conduct foreign relations seems to be partial, and the final authority of the international security presence in civil and military matters is recognized by the constitution.¹⁹³ Thus, Kosovo does not seem to meet the criteria in Montevideo.

3. The New Criteria in the Current International Practice

Even though Kosovo did not fully meet the classic criteria, it was declared independent and recognized by many countries around the world, including the United Kingdom and the United States of America.¹⁹⁴ Some factors have been seen in the case of Kosovo that supported its claim of statehood. These circumstances are not solely found in the case of Kosovo, but similar ones are found in other cases like the cases of Bangladesh, Bosnia Herzegovina and Timor-Leste.¹⁹⁵ Some scholars argue that factors beyond the classic criteria made Kosovo's claim for statehood meaningful and accepted, leading to its independence.¹⁹⁶ Some of these factors are the human rights violations committed against Kosovars, the collapse of the Socialist Federal Republic of Yugoslavia, failure of negotiations with Serbia, the involvement of the international community in Kosovo. Additional considerations have played a role in Kosovo's independence; a comprehensive framework for independence including having an institution-building plan, and its commitment to the protection of human rights.¹⁹⁷

In fact, Russia used the case of Kosovo to argue for the independence of Abkhazia from Georgia. It relied on similar factors to those in Kosovo's case like human rights violations, international involvement, and the lack of other solutions but independence.¹⁹⁸

4. The New Criteria Applied to the Case of Palestine

Despite the uniqueness of the circumstances in Kosovo's case, there are some similarities that might make Kosovo's experience useful and probably a precedent for Palestine. Kosovo was recognized as a state without fully meeting the criteria in Montevideo. Palestine's statehood should be determined similarly.

One of the similarities between the cases of Palestine and Kosovo is the involvement of the international community. The international community has been involved in the Palestine-Israel conflict for a long time. As a matter of fact, 131 U.N. resolutions have been passed in this regard, some of which recognized Palestine's territory, the right of Palestinians to self-determination, the right of Palestinian refugees to return, and the illegality of Israeli settlements.¹⁹⁹

Second is a recognized right to self-determination. The right of the Palestinian people to self-determination has been widely recognized by the international community. In 1947, the U.N. 181 Resolution called for the partition of Mandate Palestine and recognized the Palestinians' right to self-determination. On the same day the British Mandate expired, Israel unilaterally declared independence, relying on the U.N. 181 Resolution.²⁰⁰ This resolution recognized the right to self-determination for both the Jews and Arabs. Since Israel declared independence unilaterally,

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ Colin Warbrick, *Kosovo: The Declaration of Independence*, I.C.L.Q. 2008, 57(3), 675-690.

¹⁹⁷ Zohar Nevo & Tamar Megiddo, *Lessons from Kosovo the Law of Statehood and Palestinian Unilateral Independence*, 5 J. Int'l L. & Int'l Rel. 89 (2009)

¹⁹⁸ U.N.SCOR, 5969th mtg., U.N. Doc. S/PV.5969 (Aug. 28, 2008)

¹⁹⁹ U.N., The Question of Palestine, <https://www.un.org/unispal/history/> (Last visited Aug. 2, 2022)

²⁰⁰ Michele Pitta, *Statehood and Recognition: The Case of Palestine* (2018), <https://www.semanticscholar.org/paper/Statehood-and-Recognition%3A-the-Case-of-Palestine-Pitta/3a5087a512dd8d59e190d4efe26f074754dbca97>

Palestine should be able to do the same.²⁰¹ Moreover, the U.N. 242²⁰² Resolution called for the withdrawal of Israel from Palestine's territory, recognizing the right to sovereignty over its territory, and Resolution 338²⁰³ reaffirmed that. The right to self-determination is also one of the recognized rights in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, to which Israel is a party.²⁰⁴

Third is human rights violations committed by Israel against Palestinians. Israeli settlements and apartheid wall in the West Bank, the continuous siege on the Gaza Strip, restrictions on movement, and the lack of adjacency between the West Bank, the Gaza Strip, and Jerusalem are examples.²⁰⁵ Although Israel is a state member to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the ICCPR, Palestinian detainees in Israeli jails are exposed to torture and inhuman treatment.²⁰⁶ Several human rights organizations have documented torture and ill-treatment cases committed by Israeli forces during interrogation. Palestinian detainees are subject to being beaten, cursed, threatened, deprived of sleep, placed in painful positions, and imprisoned under inhuman conditions.²⁰⁷ They are denied access to basic health care, family visits, and therapy.²⁰⁸ Besides the denial of their basic human rights, they are also not entitled to due process and fair trial guarantees.²⁰⁹ In addition, administrative detention is lawful and has been used to detain thousands of Palestinians for months or years for security reasons without being tried.²¹⁰

Since 2000, more than forty Palestinian journalists have been killed while doing their job by the Israeli forces.²¹¹ In 2022, Shereen Abu-Aqlah was shot dead by the Israeli forces while covering the news in Jenin camp in the West Bank.²¹² Before the assassination of Shereen, her colleague, Ali Samouri, was shot and injured while also doing his job.²¹³ Both, Shereen and Ali, were wearing their protective gear, which identified them as press workers.²¹⁴ The killing of journalists violates international humanitarian law, most of which have been identified as customary international law.²¹⁵

Amnesty International has reported that Israel is committing a crime against humanity, apartheid, against Palestinians whether they reside in Israel or the Palestinian territory.²¹⁶ Amnesty's investigations show that human rights violations, including unlawful killings, massive seizure of lands and property, denial for citizenship, and restrictions on movement, are committed by Israel, establishing a system of oppression and domination.²¹⁷

Fourth is the deadlocked negotiations. Palestine is committed in good faith to negotiating

²⁰¹ *Id.*

²⁰² S.C. Res. 242, U.N. Doc. S/RES/242 (Nov. 22, 1967)

²⁰³ S.C. Res. 338, U.N. Doc. S/RES/338 (Oct. 22, 1973)

²⁰⁴ U.N., *UN Treat Body Database, Ratification Status for Israel*,

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=84&Lang=EN (Last visited Nov. 2, 2022)

²⁰⁵ U.N. Secretary-General, Human Rights Situation in the Occupied Palestinian Territory, Including East Jerusalem, A/HRC/34/38 (Mar.16, 2017)

²⁰⁶ ADDAMEER, Palestinian Counseling Center, and Mandela Institute, Medical Neglect of Palestinian Women in Israeli Prisons (June, 2008)

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ *Id.*

²¹¹ Press Release, U.N., U.N. Experts Condemn Journalist Killing Amid Rising West Bank Violence (May 13, 2022)

²¹² *Id.*

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ Amnesty Int'l, *Israel's Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity*, AI Index MDE 15/5141/2022 (Feb.1, 2022)

²¹⁷ *Id.*

with Israel, which was emphasized in the 1988 Declaration of Independence and Palestine's application for U.N. membership in 2011.²¹⁸ However, negotiations between Palestine and Israel seem to be out of the question at this point. Grave human rights violations, Trump's plan, keeping Gaza under siege, refusing to apply the fourth Geneva Convention to the occupied territories frustrate any negotiations attempts.

Israel exploits more than 85% of the lands of Mandate Palestine even though Jews could only exploit not more than 6.2% at the time of the Mandate.²¹⁹ Israel plans to annex more than 30% of the West Bank to Israel,²²⁰ while it exploits 76 percent of the lands in Area C.²²¹ Thus, Palestine's president has declared that Palestine is no longer a party to the Oslo Accords.²²² While this declaration was symbolic and very late, negotiations between Palestine and Israel have failed a long time ago, probably since 2010.²²³ In the meantime, Israel continues to violate international law by building more settlements in the West Bank despite the U.N. Security Council 2334 Resolution, which declared the Israeli settlements in the West Bank a "flagrant violation" of international law.²²⁴

Trump's plan frustrated the last hope for negotiations between the two parties. The plan aimed to annex 30 percent of the West Bank to Israel by annexing most of the Israeli settlements to Israel and swapping some lands between Palestine and Israel.²²⁵ This plan was strongly rejected by Palestine and the international community, which has established pre-1967 borders to be the territory of Palestine. Thus, negotiations between Palestine and Israel seem unfeasible anymore.

Moreover, in 2011, Palestine launched a similar plan to Kosovo's by relying on building institutions to establish a de facto Palestinian State. This plan specifically aimed to building enough institutions for a functioning government. A U.N. report stated that the Palestinian government is sufficient for a functioning government.²²⁶ Palestine also ratified many human rights treaties to show its interest in the protection of human rights and willingness to comply with international human rights law.

The case of Kosovo has been seen as a unique case that cannot serve as a precedent, but there are many similar factors between the case of Kosovo and the case of Palestine. If these factors have helped Kosovo become a state and be recognized by western countries, the same countries that refuse to recognize Palestine as state, these factors must also be considered in the case of Palestine. In fact, some scholars have interpreted the case of Kosovo to be a successful example of remedial secession, which is a right that has not been recognized. In the case of Palestine, the right to self-determination, for a people under oppression, is a widely recognized right in international law.

The cases of Kosovo and Bosnia, among others, show that the current international practice seems to indicate that states consider other factors rather than only the classic criteria in Montevideo when determining their recognition and/or support for independence of a new state.

²¹⁸ U.N. Secretary-General, Human Rights Situation in the Occupied Palestinian Territory, Including East Jerusalem, A/HRC/34/38 (Mar.16, 2017)

²¹⁹ Palestinian Cent. Bureau of Statistic, *H.E. Dr. Awad, highlights the Forty-Four Annual Commemoration of Land Day in Statistical Figures* (2020), <https://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=3700>

²²⁰ Palestine News & Info. Agency, *President Abbas Declares End to Agreements With Israel, US; Turns Over Responsibility on Occupied Lands to Israel* (2020), <https://english.wafa.ps/page.aspx?id=vWPVtFa117154132029avWPVtF>

²²¹ Palestinian Cent. Bureau of Statistic, *H.E. Dr. Awad, highlights the Forty-Four Annual Commemoration of Land Day in Statistical Figures* (2020), <https://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=3700>

²²² Palestine News & Info. Agency, *President Abbas Declares End to Agreements With Israel, US; Turns Over Responsibility on Occupied Lands to Israel* (2020), <https://english.wafa.ps/page.aspx?id=vWPVtFa117154132029avWPVtF>

²²³ *Id.*

²²⁴ S.C. Res. 2334, U.N. Doc. S/RES/2334 (Dec.23, 2016)

²²⁵ Palestinian Cent. Bureau of Statistic, *H.E. Dr. Awad, highlights the Forty-Four Annual Commemoration of Land Day in Statistical Figures* (2020), <https://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=3700>

²²⁶ U.N., *The Questions of Palestine*, available at: <https://www.un.org/unispal/document/auto-insert-203115/>

CONCLUSION

There are two common statehood theories under international law: the declaratory and constitutive theories. The declaratory theory uses the criteria in the Montevideo Convention, a permanent population, defined territory, effective government, and the government's ability to conduct foreign relations, to examine whether an entity qualifies to be a state. The constitutive theory, however, uses recognition for such an examination.

Palestine qualifies as a state under the declaratory theory because it has a permanent population that resides on its territory while also having a government that exercises some powers including international relations. Palestine does not fully meet the criteria, but because it is under belligerent occupation, the powers that Palestine can exercise are enough for a statehood status. As for the constitutive theory, Palestine has been recognized by two-thirds of the states, meeting the primary requirement of the constitutive theory.

Montevideo sets criteria for statehood that are, indeed, necessary for a state. However, whether these criteria are applied strictly or broadly, and whether these criteria are valuable without recognition, the declaratory theory is unable to explain the current international practice. The constitutive theory, on the other hand, focuses on recognition without specifying the number of states that need to recognize an entity to be a state or explaining how recognition without effectiveness can establish a state.

Effectiveness and recognition are both, to some degree, needed. However, other considerations, as current international practice shows, can mitigate the lack of fulfillment. States, nowadays, take into consideration factors like human rights violations committed on the territory of the entity, the international involvement in the case, the lack of solutions other than independence, the existence of a statehood strategy implemented by an entity like institution-building, and the entity's commitment to the protection of human rights and willingness to comply with international law.

Because Palestine meets these factors or new criteria, this should mitigate any deficiency of fulfillment required for a statehood status in the case of Palestine. This is especially helpful because of the complexity of the facts and the law in the case of Palestine.

FUNDING

This research paper received no external funding.

CONFLICT OF INTEREST

This research paper was written by a Palestinian author. A sort of bias in favor of the Palestinian people might be found.

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APPENDIX A

A map indicates areas A, B, and C of the West Bank as divided based on the Oslo Accords. From: <https://www.un.org/unispal/west-bank-area-c-ocha-map/>



Just Spying: Defending the Legitimacy of Covert Action as a Means of Diplomacy

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Spying is often referred to as the second oldest profession – yet the lawfulness of the employment of covert actors to achieve diplomatic and foreign policy objectives in a peaceful fashion has received patchwork attention from academia. Under both international and domestic legal frameworks, the covert acts of agents of a State are essentially unregulated, with espionage charges only attaching to the actions of a spy if they are caught, though sanctions may apply if the actions were attributable to their hosting nation. The obvious value of covert action remains the achievement of diplomatic and foreign policy objectives which cannot be secured by conventional means, and for which armed conflict is an unacceptable or unlawful recourse.

This paper will critically examine the international and domestic treatment of three commonly employed forms of covert action by States: information operations, pre-emptive “strikes” and cyberattack or cyberwarfare. The specific methodology of each case study will be examined in detail and compared to both international and legal frameworks which might broadly apply to such conduct. These case studies will be used to present the argument that actions taken on a covert basis in furtherance of peaceful diplomatic or foreign policy should receive broader international and domestic legal protection to incentivize its use over armed conflict.

Keywords: covert action, lawfare, legitimacy, international law, comparative law, spying

Just Spying: Defending the Legitimacy of Covert Action as a Means of Diplomacy

History and experience prove that foreign influence is one of the most baneful foes of republican government...

--President George Washington (Mohan & Wall, 2019, p. 116)

Introduction

Anecdotally, spying is considered the second oldest profession. Sheldon (1997) and Perley (2016) makes convincing arguments that site some of the first acts of organized spying inside the Roman Empire, gathering information and evidence during both the expansion and fall of that mighty empire. Sun Tzu concisely detailed the “five classes of spies” and gave well-explained and considered strategies for their employment for rules in the 16th century (Giles, 2005, p. 86). Machiavelli – in a work published at the same time as Sun Tzu’s and somewhat ironically called *Art of War* – made clear and frank references to the use of spies both in war and peacetime (Evans, 2014). Spying is even suggested to have occurred during the conflicts of the Old Testament (Frolov, 2007).

One of the unifying themes of these early scholars was the notion of individual agents, acting at the behest of a broader regime or government, yet seeking to influence local, regional or strategic outcomes. Often these acts involved brokering agreements, solving disputes or otherwise resolving matters which could not be dealt with using traditional methods of diplomacy between States (Stempel, 2007). Another similarity of these early works was a lack of discrimination between what we might now term individual acts under the umbrella of the term “spying”. Ironically, despite the amount of time that humanity had to perfect the practice, the entire domain of activities we might refer to as falling within the domains of spying appears under-theorised as both a concept of international and domestic law, but also of international and foreign relations (Andrew, 2004).

A more nuanced analysis of the actions that constitute “spying” yields a list of activities that involve different methodologies and tactics, and carry vastly different legal, moral and ethical ramifications for their conduct – consider the significantly divergent treatments and opprobrium associated with acts such as espionage¹, sabotage² and assassination.³ There are also other actions of State agents which do not necessarily involve the application of kinetic or lethal force, or which do not seek to place a State at its own detriment. It is only right and proper therefore that we should start with a more concise definition and typology – one that displaces “spying” and its associations, both positive and negative (Fabre, 2022) – with a more nuanced term.

Collectively then, this “third way” of foreign relations comprises those actions open to a State that lie between, and at the edges of, open warfare and traditional diplomacy (Johnson, 2020; Johnson, 2021). In the literature this third way is described as covert action, a phenomenon which has significant utility in securing peace and resolving diplomatic conflict. Covert action is generally understood as those activities of a State’s agents which influence conditions abroad and where it is intended that the

¹ Defined as “acquiring secrets held by another... in conditions where the person with the secret may go to extreme and often violent means to prevent their secrets being compromised” (Omand and Pythian, 2022, p. 40).

² Defined as “the destruction of property to gain a definite, revolutionary, [or] economic end” (Walker C. Smith, 2004).

³ Defined as “an act of killing a prominent person selectively, intentionally, and for political or religious purposes” (Kasher & Yadlin, 2005, p. 44).

role of the State will neither be apparent nor acknowledged publicly (Johnson 1989, p. 18). Such a definition is enacted in legislation in certain States to provide guidance to the acts of the relevant government agents – this definition of covert action as influencing conditions abroad in a secret or non-attributable manner appears in 50 U.S. Code, §3093e (Warner, 2019, p. 34).

Alternately, covert action may be defined as intervention in the internal affairs of another State or non-State actor in an undetectable or plausibly deniable manner (Cormac, Goodman and Holman, 2016, p. 14). If a covert operation goes undetected then its sponsoring State will not be revealed; however, if the operation fails or is detected, the nature of the action should be such that the sponsoring State still has plausible deniability in respect of that action (Joseph and Poznansky 2018, p. 322). Again, the United States (US) statute books carry a description of utility to this article: the *United States Intelligence Authorization Act 1991* described covert action as activities “...to influence political, economic, or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly” (US. Congress.gov, 2022).

For this article, I intend to approach the inquiry using the definition supplied by Warner (2019, p. 33): “Covert action is the secret supplement to war and diplomacy, employed at the margins of conflict to shift patterns of trust and allegiance”. This definition has a series of benefits – firstly, it acknowledges the secrecy of the conduct, but that it sits alongside and adjunct to traditional methods of warfare and diplomatic negotiation. Secondly, this definition also recognizes and places inquiry on the purpose of covert action, which is to alter concepts like trust and allegiance in ways that are beneficial to the sponsoring State. Thirdly, this definition also enshrines the concept that covert action is relatively target-agnostic; that is, the action may be directed at an individual or a class of individuals, or at a State or non-State actor – what matters is the purpose of that action in shifting patterns of trust and allegiance. Lastly, it removes from the definition of covert action certain conduct which I consider to be unpalatable in the context of diplomacy: that of regime change. Actively seeking to undermine the government in place in a democratic State is – in the author’s view – an indefensible and unlawful act of interference with sovereignty (Enterline & Greig, 2008, p. 885; O’Rourke, 2018, p. 53; O’Rourke, 2020, p. 105) and leads to increased risk of conflict (Peic & Reiter, 2011), thus will not be considered further.

Defining Characteristics of “New” Covert Action

For the very reason of its secrecy and deniability, covert action has long been a controversial tool of international relations (Johnson, 2021). But traditional methods of covert action – those perhaps popularized in the Cold War – are no longer fit-for purpose in a digitized environment. Intelligence agencies and their agents are having to adapt to new technologies which offer both new opportunities but also greater risks of detection and compromise. In just two examples, “[t]he proliferation of cell phones with cameras and high-speed Internet to the far corners of the world means that there is always a high risk that evidence [of covert action] will be recorded” (Joseph & Poznansky, 2018, p. 333).

The world has changed. Radsan (2009, p. 487) may have been right to say “[t]he world is so dangerous after 9/11 that it would be irresponsible, perhaps insane, to suggest that our intelligence agencies... should be disbanded. The question is not whether we should engage in covert action, but how often and under what circumstances”. Abstinence is no longer good public policy – in addition, technological change, increased public involvement and scrutiny, and concepts of international law and custom are all things that have contributed to a need not to ban or outlaw, but to rethink how covert action is undertaken and under what circumstances. What then might be said about the “new” covert action?

Covert Action is a Technologically-Sensitive Spectrum

If covert action occupies the “third way” between traditional and overt diplomacy, and armed conflict or warfare (Johnson, 2021), then by its very definition covert action covers a wide swathe of State conduct. Undercover agents producing and delivering propaganda, stealing military or commercial secrets, foreign interference of elected officials, bribery, hacking, sabotage – all the way up to the surgical use of force by special military or paramilitary forces in a deniable fashion may constitute covert action. The US, often one of the most scrutinized jurisdictions in the world of covert action, demonstrate the significant breadth of their position on covert action in their *National Security Directive 10/2 of 18 June 1948* (Andrew, 1995, p. 173), which directed and authorized the Central Intelligence Agency (CIA) to engage in:

...propaganda; economic warfare; preventive direct action, including sabotage, anti-sabotage, demolition and evacuation measures; subversion against hostile states, including assistance to underground resistance movements, guerrillas and refugee liberation groups, and support of indigenous anti-Communist elements in threatened countries of the free world.

Of course, covert action can mean different things to different States. For example, some democratic States (such as the United Kingdom and Australia) consider covert actions undertaken by specialist military forces are in fact “special operations” under the imprimatur of the sponsoring State’s military prerogative. Because they can lack a specific diplomatic need, these States do not consider special operations to qualify as covert action (Urban, 1992; Stoltz, 2022, p. 7). To other States (such as Russia, US and Canada) the use of military forces in a covert or plausibly deniable manner remains covert action within their legislative framework (Kalugin, 1994; Zegart, 2022, p. 173-174). Yet such distinctions seem entirely fluid dependent on circumstances – for example, the US was more than willing to admit that its special forces soldiers killed Osama bin Laden in Pakistan in 2011 (Wall, 2011). That action was neither covert nor plausibly deniable!

Consider an example to which I return later in this article: the covert use of drone strikes. The US – a State with perhaps the heaviest reliance on drones as a plank of foreign policy – recognized relatively early on that the use of drones in the absence of a declaration of war from Congress might be a breach of international law (McNeal, 2009; Wall, 2011, p. 93). Rather than cease the practice, the determination was that effective control of drone strikes would be taken out of the hands of the special forces (as a military operation) and put in the hands of contractors to the CIA (making it an intelligence operation): effectively, relying on a separate legislative authority to engage in the same conduct (p. 485-486). A use of drones for military purposes would also likely trigger the “military” dimensions of jurisdictions like the United Kingdom and Australia, taking the conduct out of the realms of covert action, but staying well in the bounds for other States.

Covert actions are often Legitimate, but not always Lawful

Closely aligned to the nature of covert action as existing along a spectrum of activities, it is apparent that the width and breadth of activities which constitute covert action will inevitably cross boundaries between and over legitimacy and lawfulness. To be clear, an activity is “lawful” if it accords with the provisions of international (and where relevant, municipal) law applying to the activity in question. For example, overt diplomacy is almost always conducted under the imprimatur of legality provided by international instruments such as the Vienna Convention.⁴ States accused of wrongdoing usually have their diplomats expelled or recalled, rather than engaging in uses of force. States cannot act

⁴ *Vienna Convention on Diplomatic Relations*, opened for signature 18 April 1961, 500 UNTS 95 (entered into force 24 April 1964).

contrary to such well-established legal norms or, if they do, they face the almost certainty of retaliation and reprisal. In contrast, an act is illegitimate if – were it to be exposed to public scrutiny, either by other States or the population of the sponsoring State – it would fail to receive popular support. Collectively, covert action “occupies a very murky place in international law that might be characterized as either legal but discouraged, or illegal but not enforced” (Cooke, 2010, p. 609).

If leaders make decisions based on their interpretation of popular support in response to their proposed actions, this includes the taking of covert action against opponents of State interests, even where those opponents are democratic States themselves (Tomz & Weeks, 2013; O’Rourke, 2018; Carnegie, Kertzer & Yarhi-Milo, 2022). In such a way, mass opinion can legitimize the taking of “any steps” which would maintain peace and avoid conflict (Johns & Davies, 2012, p. 5); a position somewhat ill-at-odds with a normative framework where democratic States overtly prioritize respect for their neighbours’ and adversaries’ sovereignty (James & Mitchell, 1995; Kim, 2005; Downes & Lilley, 2010; O’Rourke, 2018).

The trade-off and apparent value in covert action for leaders, and the source of this popular support, is the prospect of achieving results which cannot be reached through diplomacy alone and “for which warfare is unjustifiable or undesirable” (Stoltz, 2022, p. 9). Actions which go undetected or are plausibly deniable offer the ability for States to achieve influence without threat of repercussion or retaliation (Brown, 2014, p. 411). Covert action can also be a force multiplier: States that lack sufficient financial, political or military capital to exert their will can still achieve strategic outcomes in respect of competing and adversarial States (Her Majesty’s Government, 2010). Covert action also allows democratic States – predominantly in the Anglosphere – to undertake influence operations against one another in circumstances where overt actions might be considered diplomatically unacceptable or “distasteful” (Poznansky, 2015, p. 815-818).

Similarly, the nature of modern conflicts in which many democratic States participate necessitates covert action. Non-State actors are rarely interested or invested in long-term or attritional warfare, nor are they parties a State may wish to be seen openly negotiating with (Cormac, Goodman & Holden, 2016, p. 15). Unsurprisingly, this creates both an incentive and prerogative for States to “get ahead of the game” by preventing or disrupting the rise of such non-State actors before they can affect a sponsoring State’s interests.

This legitimacy – the popular support of a State in undertaking a covert action – is of course not to be confused with legality. If State sovereignty is defined as “the monopoly of choice”⁵ (Schmitt, 2005, p. 13), then covert action involving the manipulation or influence where the sponsoring State is hidden will interfere with the target State’s rights of determination and autonomy laid out in art 1 of the International Covenant on Civil and Political Rights,⁶ and breaching the custom of non-intervention outlined in *Nicaragua*⁷ (Schmitt, 2018; Poznansky, 2019). Despite the seemingly irreconcilable natures of covert action and State sovereignty, so-called “clever lawyers” have justified everything from the invasion of Iraq in search of weapons of mass destruction to the use of special forces to kill terrorists in foreign countries (Keohane, 1997; Sanders, 2011; Perina, 2015).

⁵ Otherwise defined as “in regard to a portion of the globe is the right to exercise therein, to the exclusion of any other State, the functions of a State”: *Island of Palmas Case (Netherlands v US) (Awards)* (1928) 2 RIAA 829.

⁶ *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976).

⁷ *Nicaragua v United States of America (Merits)* [1986] ICJ Rep 14.

Covert action is becoming a greater part of public consciousness

The risk of covert action becoming public is also now greater than ever. The public is far more eager to hold governments to account, especially in the domain of covert action and doubly so where the action involves covert use of force (Bovens, Hart & Peters, 2001, p. 21; Carnegie, Kertzer & Yarhi-Milo, 2022). In addition to the greater levels of physical and electronic surveillance in many States, the prevalence of cellphones and high-speed internet increases the likelihood that physical acts of covert action (including planning and preparatory steps) will be recorded and exposed. In fact, empirical studies have linked the likelihood and consequence of exposure of covert action with an increase in the sophistication of the targeted State's telecommunications infrastructure (Joseph & Poznansky, 2018).

Covert action also tends to include broader and more diverse ranges of non-State actors – such as private security contractors – which in turn increases the risk of accidental or deliberate leaks of classified plans, either *ex ante* or *ex post* (Cormac & Aldrich, 2018). Where they do become involved, State actors are often challenged by the new technologies of the worldwide economy (Aldrich & Cormac, 2016, pp. 485-491).

When covert action is revealed (either by scandal or betrayal: Radsan, 2009, p. 521-522), the secrecy attendant with such operations usually allows States to limit both local and global narratives in a way that avoids escalated conflict (Carson, 2016, p. 105). Covert action causes less damage, if leaked, when it is compatible with public opinion (Cormac, Goodman & Holman, 2016). Of course, secrecy of covert action can be something of a double-edged sword – covert action that is disconnected from broader strategic thinking and forms of overt action or those using *ad hoc* and ill-considered approaches, can suffer from criticism and scrutiny at the risk of being labelled “dangerous” or “rogue” foreign policies (Aldrich & Cormac, 2018, p. 18). Further, there is often inadequate consideration of what happens when covert actions become *overt* from the perspective of the sponsor State population as well as of the target State and/or States in a similar position to the country in question (Prados, 2007, p. 290).

The counterpoint to “leaked” covert action ought to be that which is sanctioned by the executive leadership of a State. However, Regan & Poole (2021, pp. 232-248) described how this scrutiny is discharged in two modern democracies by reference to the United Kingdom's (UK) Joint Action Committee (JAC) and the US' National Security Council (NSC), resulting in significant differences. Even between these two trans-Atlantic jurisdictions, the differences are stark: under the UK model, agencies undertaking covert action do not need to notify Parliament, do not need specific legislative authority to undertake their functions and may use special forces “on secondment” without needing to formally transfer military command. Given the significant criticisms of UK's former covert action strategies as being neo-colonialist in nature (Cormac, Walton & van Puyvelde, 2022, p. 124), there is perhaps some ground to reconsider the benefits of scrutiny for covert operations for countries that lack a system with the robustness of the US.

Typologies of “new” covert action

What then, does “new” covert action look like? The answer is not merely *more of the same*, but perhaps more likely to be *same, but different*. Intelligence agencies and (where they are used) their non-State counterparts need to acknowledge and plan for the challenges of emerging technologies, as well as identifying the contours of opportunity that arise from those same technologies. How they may do so will be explained using three case studies of “new” covert action.

Information operations

The term information operations is defined here as “efforts by individuals and groups, including state and non-state actors, to manipulate public opinion and change how people perceive events in the world by intentionally altering the information environment” (Starbird, Arif & Wilson, 2019, p. 2). That definition obviously is amended slightly to take into account the definition of covert action being used in this article, and thus the utility of that methodology to States in seeking to achieve diplomatic or foreign policy outcomes without attribution, or in circumstances of plausible deniability.

The information environment is particularly sensitive to the operations of covert actors: firstly, because of its high reliance upon emerging technologies and systems which allow persons around the world to access and digest online content; and secondly, because of the low cost and ease with which State and non-State actors can establish narratives and counter-narratives which support their broader strategic outcomes. Consider for example the alleged influence in national elections: one analysis of covert actions of the USSR and US between 1946 and 2000 suggests that these two superpowers attempted forms of covert influence on 117 occasions (Levin, 2016, p. 189). This influence is now increasingly being undertaken by sophisticated electronic capabilities on behalf of States and has occurred in at least two Presidential elections, one in the US and one in France (Hansen and Lim, 2019). From a legal perspective, information operations occupy a unique position in the lacuna of international law: where actions are taken that interfere (for example) with elections as a process of democracy, it would seem logical that these actions would constitute an unacceptable violation of the principles of sovereignty and non-intervention. But that legal position is far from easily explainable.

Firstly, the very practice of information operations on a covert basis does not *prima facie* violate any treaty or instrument of international law, save the non-interventionist principles in Article 2(4) of the UN Charter. However, many scholars have concluded that if information operations are unlikely to achieve outcomes consistent with an “armed attack” and permit self-defence under Article 51, then Article 2 likewise provides little protection from the practice (Damrosch, 1989; Williams, 2011; Hamilton, 2017). Some have even suggested States have deliberately excluded these forms of covert statecraft from *jus ad bellum* and international humanitarian law frameworks to tacitly permit their practice (Beard, 2014, pp. 99, 117-118). Arguments that the conduct of information operations engages Article 2 of the *International Covenant on Civil and Political Rights* (which requires States “respect” the privacy of individual privacy globally) or Article 17 (which prevents arbitrary interference with privacy) are equally unconvincing (Ohlin, 2017, p. 1585). Nor are information operations a violation of customary international law – despite *Nicaragua* – where so many States apparently engage in the practice of interference in the governmental operations of their neighbors and adversaries (Baxter, 2013; Ohlin, 2017, p. 1582; Lahmann, 2020).

Secondly, the right of States to perform their “inherently governmental functions” may not qualify for protection and be free of interference, as the nature of the protection is dependent on all the circumstances of the interference. For example, transmission of propaganda may not be unlawful but inciting unrest or transmitting while using territorial waters for passage may be (Schmitt & Vihul, 2017, pp. 24-26). The release of misinformation and disinformation to sway voters in an election may not constitute interference unless it directly corrupted or maladministered the processes of democratic functioning, being the *domaine reserve* of the government in question (Ohlin, 2017, p. 1594). On the other hand, information operations may constitute an interference with the right to self-determination of the victimized State, because it has intruded on the “right of [the people of the State] to determine for themselves their political destiny” (Ohlin, 2017, p. 1596). Further, large democratic States often choose to sell a narrative that their interference in non-democratic States is for the protection of this

same right of self-determination for the oppressed and marginalized – whether that narrative is plausible or not (Coe, 2015).

Thirdly, the very purpose of covert action is to remain either undetectable or plausibly deniable to the sponsoring State. In circumstances where that criterion is met, whom does the international law hold accountable? If information or propaganda is released from a piece of State infrastructure, does that make the State controlling or housing that infrastructure liable for the information or propaganda? Or does the victimized State face the same challenges as with attributing traditional covert actions, with the added difficulty that there may be no physical agent to detain and prosecute (Banks, 2017, p. 1501)?

The solution appears to have been to plug the gaps in international law with domestic or municipal laws which outlaw the conduct of what is broadly referred to as “foreign interference” – the most comprehensive of which was Australia (which passed the *National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018* (Cth); Ross, 2022) but have since been followed by other Commonwealth and EU countries such as France (Couzigou, 2019), Canada (Henderson, 2019), Germany, Israel and India (Haciyakupoglu et al. 2018). For example, the French legislature – which must adhere to European Conventions and Court rulings on human rights legislation – could only outlaw only interference in elections which “objectively false, misleading, and threatens the honesty of upcoming elections... the spread of that information must be artificial or computerized, deliberate, and massive” (Couzigou, 2019, p. 112). Australian law suffers no such limitations, requiring only that the act is undertaken on behalf of a “foreign principal” and the act is intended to influence democratic political rights or duties, support intelligence of the foreign principal or prejudice Australia’s national security (Ross, 2022, p. 11).

Yet significant gaps remain: each municipal and domestic law differs on the terminology used to describe the ingredients of each offence, as well as the nature of criminal responsibility (i.e., recklessness, intention, negligence) which must also be associated with the conduct. Thus, what is proscribed in some jurisdictions will be permitted in others – leading to frustration of attempts to prosecute or extradite (Boister, 2018). Further, attempts to define every typology of information operations leads to States questioning the involvement of their adversaries even when no covert action is occurring – whether through confusion or secrecy, the sponsoring State achieves its aims (Cormac & Alrdich, 2018, pp. 486-487).

There also exists significant incentives for States (and non-State actors on their behalf) to engage in information operations under covert action strategies. Information operations can prevent hostility and defuse conflict by agitating public consciousness in directions amenable to the sponsoring State (Gentry, 2016; Jensen, Valeriano & Maness, 2019). These forms of operations can also be linked to covert military activities which seek to “shape” more favorable precursors for more kinetic forms of covert action, equally for the purposes of avoiding future conflict and defusing threats *ex ante* (Madden et al., 2016, p. 144). Achievement of objectives deemed impossible in overt diplomatic circumstances may be possible with the influence or manipulation of the persons or media within a targeted State. Such covert action is also “preferable to overt coercive diplomacy when the coercing state is structurally constrained in either the international or domestic system to gain ‘legitimate’ approval for the pursuance of coercive measures defined by force against another state”, and even more so “if it is used to coerce a state that able to both make concessions and in a decision frame to do so” (Wittmer, 2013, pp. 18-19 and 65-66).

Pre-emptive strikes

Any discussion of covert action in the literature inevitably invokes the US drone program, during which US military pilots (and later contractors engaged by the CIA) controlled drone missions which entered the airspace of foreign countries and executed “precision strikes” on targets deemed worthy of national scrutiny. In the years following the Bush and Obama administrations, during which the drone programs experienced significant growth in size and scale, arguments have continued about the legality of launching such attacks outside the regulatory frame of armed conflict (Wittes, 2014; Perina, 2015; Fuller, 2017; Sanger, 2017; Kibbe, 2022)

From that context, no matter how selective or surgical applications of pre-emptive lethal force might be, it would be strange to suggest they could lead to increased peace or resolution of intra- and international conflicts. However, Mitt Regan’s (2022) meta-analysis of both quantitative and qualitative studies into drone strikes against Al-Qaeda supports a notion that whilst the strikes did not achieve the US government’s purpose of eliminating Al-Qaeda’s leadership, the strikes did prevent widespread organization and planning, as well as “reduc[ing] violence enough to pursue initiatives that could...include local governance and security reforms, and the creation of meaningful economic opportunities, in order to lessen the appeal of extremism” (p. 2). Empirical studies of public responses to covert actions also supports the idea that “while the public dislikes military intervention against democracies in general, respondents prefer covert missions against democracies to overt ones” (Carnegie, Kertzer & Yarhi-Milo, 2022).

This article should not be viewed as an endorsement of the US policy of drone strikes which, at their peak, arguably resembled a State-sanctioned assassination program (Banka, 2017). The piloting of drones into countries which did not consent to the use of their airspace is at the very least a violation of sovereignty and potentially an act of armed aggression (Williams, 2010; Bradley & Nienaber, 2015, pp. 424-425; Forsgren, 2021). Even where States do consent, the power disparity between actors in that transaction create unsavory conditions for “contingent sovereignty” – voidable in the view and at the insistence of the stronger State (Forsgren, 2021).

The legal basis for the US drone strike program was also alleged to be particularly flimsy. States are broadly required by article 2 of the UN Charter to resolve their disputes without recourse to armed attack, unless acting in self-defence. But this protection of self-defence is qualified – no action should be disproportionate to the attack or involve any act whose purpose is “misaligned to the [UN] Charter”.⁸ Any reliance on the pretext of self-defence under Article 51 of the UN Charter cannot be maintained for 20 years after the “armed attack” of 9/11, especially when compared to the conduct of other members of the United Nations.⁹ Though international law is slowly starting to recognize the idea of accumulated events constituting an armed attack sufficient to trigger self-defence, this concept is far from settled (Bethlehem, 2012; Wilmshurst & Wood, 2013). And although the use of drones may have been lawful under the laws of armed conflict to target individuals in Al-Qaeda during the conflict in Afghanistan, this legality did not then extend to all members of Al-Qaeda everywhere in the world, nor did that protection extend once the US withdrew from Afghanistan, effectively ending the conflict in that place (Saul, 2022). There is also the prohibition against arbitrary interference with the right to life enshrined in the ICCPR (Heyns, 2013, p. 7).

⁸ *Corfu Channel Case (UK v Alb)*, ICJ Rep. 1949, [29]-[35].

⁹ See for example the claims of self-defence by Britain and France in 2015 in response to activities by ISIL in Syria (Delattre, 2015; Rycroft, 2015).

Perhaps unsurprisingly, US domestic law supports a contrary position. Title 50 of the US Code permits the CIA to use lethal force in counterterrorism and it is plainly apparent the CIA has used this permission extensively to undertake strikes on targets of national security interest (Wall, 2011, p. 37). Of course, US President Ronald Reagan famously banned “assassination” by Executive Order 12333 in 1981 – but the more contemporary position is that the application of lethal force as part of operations in self-defence does not and cannot constitute assassination (Bazan, 2002). US municipal and domestic courts also appear unwilling to consider the legitimacy of drone programs where they have been executed under heads of State, arguing that the question is a political and not a legal one (Jurecic, 2017).

There are lessons that can be taken from the US experience with pre-emptive strikes. This article thus suggests that a State seeking to enact a legitimate covert pre-emptive strike program require: a.) a comprehensive grounding and authorization scheme in its municipal or domestic law; b.) clear and concise legal definitions for terms such as “imminence”, “threat” and “national security” in the context of the sponsoring State; c.) clear evidence of the exact assessments undertaken and advice received that left the application of lethal force as the only viable option; and d.) clear reasons for the necessity of the strike being taken as a covert action (as opposed to a military operation).

The starting point for these lessons is that US law at least comprehensively covered the field of providing authorization for pre-emptive strikes, even if the ultimate operational decisions confused whether operations were authorized under US Code Title 10 (military) or Title 50 (CIA) (Wall, 2011). That legislative basis was supported by both a declaration by Congress and executive orders under the hand of the President (Knoops, 2014, p. 44-45). There is no reason – either under international or domestic law – why these authorizations might not be rendered secret and the strikes themselves also conducted in a manner that provides for plausible deniability (Perina, 2015).

Within a legislatively authorized pre-emptive strike program, each individual strike must also comply either with the laws of armed conflict, or the legal requirements to satisfy anticipatory self-defence under Article 51 of the Charter. With respect to the first (laws of armed conflict), each individual strike must avoid civilian casualties, are directed to a specific and articulated military objective which outweighs those possible casualties, and complies with the long-standing principles of necessity, distinction and proportionality (Melzer, 2010, p. 287; Bradley & Nienaber, 2015, p. 428-429). For anticipatory self-defence to apply, there must be an “urgency” in acting on the target as well as a lack of suitable alternatives to avoid the threat to national security the State alleges.¹⁰ This “urgency” or “imminence” is derived from the *Caroline*¹¹ case, and thus a situation must be clearly defined by reference to an “instant, overwhelming, and leaving no choice of means, and no moment for deliberation” (Orr, 2011, p. 740; McDonnell, 2012, p. 243).

As an alternative, in our highly digitized future there may be no need for a covert pre-emptive strike program to cause physical damage; thus, pre-emptive strikes which target infrastructure without applying kinetic force that endangers human beings may become the norm (Silver, 2002; Sanger, 2017). These strikes will be covered by the following section of this article.

¹⁰ The bar is relatively low and may include the mining of a single seagoing vessel: *The Oil Platforms (Iran v. US) (Case)*, 2003 ICJ 189.

¹¹ *Caroline Incident*, 29 B.F.S.P. 1137 -1138.

Cyberattack or cyberwarfare

Cyberattacks – being the “use of information technology, such as computer network attacks or psychological operations, to influence, disrupt, corrupt, usurp, or defend information systems and the infrastructure they support” (Hollis, 2007, p. 1023) – have a very great potential to be the *de jure* of covert actors over the next century. The attraction of the typology to covert actors is perhaps because of its somewhat unique treatment under international and domestic law, which in turn derive from practical difficulties in applying physical precepts to digital concepts.

For example, does a State’s use of a computer to infiltrate the information system of a neighboring or adversarial State trigger infringements of sovereignty? If an attack involves infrastructure owned by or located in the geography of a State, then sovereignty may be infringed (Schmitt & Vihul, 2017). However, what if the infrastructure of a State is being used by a second State to attack the infrastructure of a third? The answer is not clear cut and becomes a torturous working of customary international law. Margulies (2013) suggests that neither the Tallinn Manual nor the Tribunal’s findings in *Tadic*¹² are fit-for-purpose in determining sovereignty issues in cyberspace, whilst Jensen (2015) suggests that the jurisprudence of international law has not sufficiently matured to provide a suitable regulatory mechanism.

That is not to say that the international law has no application in the cyber domain. For example, taking precautions in attack and removing civilians from the vicinity of objectives require relatively little amendment to apply in the context of cyberattacks (Massingham & McKenzie, 2021). Protection of civilians and civilian objects are likewise considered by the international community to be protected from cyberattack (Kilovaty, 2016, p. 127), and impose both passive and active obligations on military commanders to honour those obligations (Khawaja, 2022). The International Committee of the Red Cross (ICRC) also considers that all binding international instruments and customary international law will regulate online activity, including cyberattacks (ICRC, 2019).

At the level of domestic law, there was an early view that cyberattacks could constitute war crimes, where those countries enacted domestic legislation to ratify the Rome Statute (Graham, 1999; Silver, 2002). However, more recent developments internationally – including the 2001 Council of Europe Convention on Cybercrime (also known as the Budapest Convention) – has led to these attacks being regulated under criminal offences which outlaw unauthorized interference, destruction, tampering or theft of electronic data (Hathaway et al., 2012). Perhaps unsurprisingly, States which have enacted laws prohibiting these offences leave open the defences for those acting under “lawful government authority” such as agents of national governments, intelligence agencies and their covert actors (Hollis, 2007; Hathaway et al., 2012). The mechanisms of this “lawful government authority” differ between jurisdictions, but generally provide an exemption from prosecution for covert actors¹³ or allow senior political or judicial officers to grant warrants authorizing the conduct, even where those warrants affect computers outside their host jurisdiction (Warren, Mann & Molnar, 2020).¹⁴

¹² Establishing that acts of individuals are attributable to a State if the State exercised “effective control” over those individuals: *Prosecutor v Tadić* (International Criminal Tribunal for the Former Yugoslavia, Appeals Chamber, Case No IT-94-1-A, 15 July 1999).

¹³ Such as countries like Australia (*Criminal Code* (Cth), ss 474.6(7) and 92.11) and Germany (*Strafgesetzbuch*, §§202a and 303a) criminalise only “unauthorized” computer offences, i.e., those conducted by an officer of the State.

¹⁴ Both the US and UK prohibit computer offences, but render the conduct of those operating under warrants lawful (see for example *Computer Misuse Act 1990* (UK), ss 1-3ZA cf. *Intelligence Services Act 1994* (UK, s 5(1)).

Given the significant grey area regulating the conduct of cyberattacks, it can be hardly surprising that States have sought out these capabilities and begun using them in the “grey zone” of legal regulation. There are other motivations: the first being non-attribution (a key characteristic of covert action). The most widely published attack – involving the Stuxnet computer attack on Iranian nuclear centrifuges – was largely considered to be a joint US-Israeli covert action but was never actually formally attributed (Lindsay, 2013). The WannaCry and Petya/NotPetya ransomware attacks of 2016 and 2017 were also widely popularized as attacks by hacking groups “The Shadow Brokers” who were allegedly funded by Russia and “Lazarus”, allegedly funded by North Korea. Whilst some States issued formal statements attributing the attacks to those sponsoring States, there was no public repercussions or punishment (Watney, 2019).

The second benefit of cyberattacks in a covert action setting is greater control of proportionality. Unlike a drone or missile strike, a cyberattack does not have to cause physical damage or apply kinetic force to its target. Though Stuxnet clearly caused infrastructure damage to Iran’s nuclear program, there were no reported fatalities – a far cry from the predictions associated with earlier plans to conduct covert airstrikes (Lindsay, 2013, p. 379). And although the ransomware attacks of 2016 and 2017 may have caused some casualties because of lack of access to critical data in health settings, this was not its intended purpose (Watney, 2019). Cyberattacks offer a potential for covert actions to “be dialed up and dialed back... the level of damage is, theoretically, much easier to control” (Sanger, 2017, p. 71). The ability for cyberattacks to be remediated or “fixed” is also far greater. Theoretically once ransomware is “unlocked” by its key, the data remains untouched: a State could use ransomware to achieve its diplomatic or foreign policy goals, before providing the key once the targeted State accedes to its demands (Peters, 2017).

A third benefit for cyberattacks in a covert action program is the ability for the sponsoring State to create conditions allowing the action to be attributed to a third party – the perfect plausible deniability characteristic. After all, the concept of attribution for many cyberattacks is “largely a solved problem” in that the source of an attack can be forensically derived, and many States now possess advanced capabilities not just of identification, but retaliation (Alperovitch, 2018). However, there is a significant difference between attribution of individual attacks and attribution of State sponsorship of those attacks, leaving a gap which is yet to be filled either by international or domestic legal mechanisms (Rid & Buchanan, 2015; Egloff & Smeets, 2021).

Cyberattacks are not a panacea. There is evidence from empirical and case studies that without proper and robust diplomatic and foreign policy measures being undertaken in conjunction with cyberattacks, the benefits of cyberattacks are short-lived and the repercussions often disastrous (Iasiello, 2013; Gomez, 2016; Jacobsen, 2021; Sallinen, 2021). In that way, they are functionally no different to other forms of covert action, which require *overt* action to be truly successful (Radsan, 2009; Cormac, Goodman & Holman, 2016; Gomez, 2018; Cormac, & Aldrich, 2018). There are also broader concerns that the tools of developed States might, like weapons of mass destruction before them, end up in the hands of unprincipled, dangerous or criminal non-State actors with no intention of maintaining peaceful resolution of State conflicts (Sanger, 2017, p.73):

From a keyboard in Moscow or Shanghai, Pyongyang or Tehran, the world is borderless, and information travels nearly instantaneously. No local crews are needed to maintain the weapon or refuel it. If adjustments need to be made to the weapon, the work can be done from half a world away... All cyber war can be distant, yet its effects can be local.

Conclusion

Speaking on the history of the CIA, Weiner (2007, p. 11) described the works of the agency as being a dichotomy between espionage and covert action, where “[e]spionage seeks to know the world...Covert action seeks to change the world”. This article has sought to identify a place for covert action in the achievement of peace and resolution of conflict, and to describe the new typologies of covert action through the lens of legality and legitimacy.

In broad strokes, covert action will continue to be a significant tool in the foreign policy arsenal of States, potentially irrespective of whether international or domestic law outlaws individual practices. This summarises the first area of future research which this article calls for: more concise and inclusive regulatory frameworks at both international and domestic levels. Unfortunately, at the international level it is unlikely that frameworks will be enacted which either address covert action as a broad concept or the individual typologies discussed herein. Given the lack of movement towards an instrument regulating covert action in the decades during which it has been used, States appear comfortable operating without the safety net of an international legal instrument.

Therefore, States need to ensure that their domestic legal frameworks are clear and unambiguous about how, when and where (and against who) covert action may be undertaken. Intelligence agencies and their covert actors may need to obtain a warrant from a senior political, diplomatic or judicial officer, satisfying them as to the necessity and circumstances of the covert action (Caparini, 2016). Domestic legislatures may instead provide areas within which a covert agency may undertake its own actions but be subject to a form of oversight by an appropriately security cleared ombudsman or commissioner (Bochel, Defty & Kirkpatrick, 2014). These actions might still remain secret and unreleased to members of the community; however, in the event that the action is revealed or detected, there exists a strong ground for the action to be legitimized by reference to the sponsoring State’s national law.

States also need to confront the emerging paradigm that covert action is an increasing part of international diplomacy and conflict resolution. The lower costs to entry for the typologies for new covert action and the benefits for those activities mean that the landscape will now be populated by more than just the two superpowers of the Cold War. Not only do States need to ensure the proper legitimacy of their covert actions abroad, but that their internal laws (and those charged with enforcing those laws) are properly equipped to confront new covert action typologies. Again, domestic laws are appropriate for the purpose and should “expand the reach of domestic law abroad and develop a system for utilizing limited countermeasures” to covert actions (Hathaway et al., 2012, p. 885).

Of course, these actions will be fragmented and patchwork as they are enacted by individual States, influenced by all the traditional impacts on their domestic judicatures. What will eventually be needed in some uncomfortable conversations in the international community about what is deemed acceptable in the shadowed world of covert action. States will need to be candid in this at least and take the conversation beyond “we and our friends merely gather information; you and your type violate sovereignty” (Pun, 2017, p. 355). Whilst an international treaty that regulates espionage, spying and covert action is unlikely to be realized, the absence of *anything* is unlikely to constrain or discourage States in seeking every tool to pursue this third way of diplomacy.

Acknowledgments

I would like to thank the T.C. Beirne School of Law at The University of Queensland for providing the funding for travel to attend the PCRC 2022.

Funding

This research received no external funding.

Conflict of interest

Author declares no conflict of interest.

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Peace Activism: Forging Change in a Complicated World Case Study Focus: Israel/Palestine and Myanmar

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ABSTRACT

In May 2022, I was invited to be a participant in an international professional exchange program (IPEP) in Israel. Its specific focus was Peace Studies. Over the course of two weeks, I joined with two other participants from Spain and Taiwan, staying in the homes of both Israeli Jews and Arab Palestinians¹, attending professional work visits across different parts of Israel including East Jerusalem and joining workshops focusing on peace activism in Wahat Al-Salam~Neve Shalom village. Both in the week prior to the start of the IPEP and for one week after, I had opportunity to also stay and visit different projects in Bethlehem, Palestine on the West Bank. This paper has a twofold purpose: to share my learning from this exchange experience and apply it to my main area of research interest based in Myanmar.

In the direst of conflict, peace spaces can be found whereby peace activism can achieve pockets of peace. Leshem and Halparin's [1] recent research which surveyed 500 each of Jewish Israelis and Arab Palestinians relating to the long-standing Israeli-Palestinian conflict, introduced a new concept for considering possible peace negotiation and activism – *Lay Theories of Peace*. They argue that this theory enables an examination of how people understand "what peace is" rather than the values of peace used as the basis of most international and national peace talks and agreements interpreted as "what peace should be". Contemporaneously with this understanding is the inner will to see a different outcome. Vogel [2] speaks to this as "At the heart of civil society activism and civil resistance lies its ability to imagine and contribute to an alternative social order and political change" (p. 441).

Applying the theoretical concepts of "cultural wisdom" [3] and "dialogic approach to communication" [4], this paper explores peacebuilding activities in the current conflicts in Israel and Palestine where my peace study took place, and Myanmar where my current research interests lie.

KEYWORDS: Peace Activism, Israel/Palestine, Myanmar, cultural wisdom, dialogic communication.

¹ The terms Arab and Palestinian are used interchangeably in this paper.

1 INTRODUCTION

“Since wars begin in the minds of men [women], it is in the minds of men [women] that the defenses of peace must be constructed” [5].

This article is not the result of any formal research. Rather, it has been borne out of lived experience when in May 2022, the author participated in the Council of International Fellowship (CIF) Israel’s international professional exchange program (IPEP), the focus of which was its second Peace Project. The learning I gained in this IPEP caused me to make comparisons with the current situation in Myanmar since the military junta staged its coup d’état in February 2021. The decades long Israel-Palestinian conflict since 1948 mirrors, in many aspects, the equally decades long civil conflict in Myanmar since independence. As a lecturer in the international Master and Undergraduate degrees in social science where the majority of our students are from Myanmar, and previously, since 2007, working as a volunteer educator in refugee and migrant programs on the Thai-Burma border, I am very aware of the impact of war on civilian populations. However, the focus of my different research relating to refugees and migrants from Myanmar over these years has negated to explore the positive outcomes of “everyday peace” that Roger MacGinty [6] describes as “small acts of peace ... that have the capacity to disrupt conflict” (p. 2). This paper shares the beginnings of my exploration into this area.

In this way, as a social researcher, the focus of this paper reflects an action research paradigm defined by Reason and Bradbury as,

A participatory, democratic process concerned with developing practical knowing in the pursuit of worthwhile human purposes, grounded in a participatory worldview which we believe is emerging at this historical moment. It seeks to bring together action and reflection, theory and practice, in participation with others, in the pursuit of practical solutions to issues of pressing concern to people (p. 1) [7].

Further, it acknowledges the principal values guiding action research, being the abiding respect for people’s knowledge and the notion that human systems can be best understood and changed if it involves the members involved in those systems [8].

2 RESEARCH QUESTION, OBJECTIVES AND THESIS STATEMENT

2.1 Research Question:

- How can peace activism create positive change in our turbulent world?
- What constitutes peace activism?

2.2 Research Objectives:

- To promote a culture of peace whereby individuals will actively engage to be agents of change in their divided societies.
- To understand the diversity of how peace is enacted in violent conflicts.

2.3 Thesis Statement:

In the direst of conflict, peace spaces can be found whereby peace activism can achieve pockets of peace.

3 LITERATURE REVIEW

In response to the continuance of wars and inequality situations in our world, a wide range of literature focusing on peace exists. This literature review first focuses on definitions and progresses to examine literature in peace studies.

3.1 The difference faces of Peace

Peace is a difficult word to define because of people's different viewpoints, religion, politics and social position. Herath highlights this by naming several different ideas people have about peace meaning,

Peace is the normal, non-warring condition of a nation, group of nations, or the world", "Peace is an agreement or treaty between warring or antagonistic nations, groups, etc., to end hostilities and abstain from further fighting or antagonism", "Peace is a state of mutual harmony between people or groups, especially in personal relations: Try to live in peace with your neighbours", "Peace is the normal freedom from civil commotion and violence of a community; public order and security:", "Peace is the freedom of the mind from annoyance, distraction, an anxiety, an obsession, etc.; tranquillity; serenity (p. 104) [9].

What is evident here is these ideas can be separated into three main types which are recognized in scholarly literature: Negative peace, Positive Peace, and Structural Peace. These terms were defined by Johan Galtung [10] in his seminal work, *Violence, Peace and Peace Research*. They can be summarised as follows:

Negative Peace: Peace as the absence of bloodshed and war achieved when there is a negation of overt violence.

Positive Peace: Characterized by friendship, cooperation, solidarity, and harmony.

Structural Peace: A socio-political order where equality and justice prevails ([1] pp. 18378-18379).

Leshem and Halparin's recent research which surveyed 500 each of Jewish Israelis and Arab Palestinians relating to the long-standing Israeli-Palestinian conflict introduced a new concept of peace – *Lay Theories of Peace* – which they define as how people define and understand what peace is. In so doing, their theory entwines all three of Galtung's peace types, with the difference being that it enables an examination of how people understand "what peace is" rather than the values of peace used as the basis of most international and national peace talks and agreements interpreted as "what peace should be". They go on to explain,

Although participators from both disadvantaged and advantaged groups may have deep aspirations for peace, those from the disadvantaged group might be thinking about a completely different kind of peace than participators from the advantaged group (p. 13789) [1].

Oliver Richmond's discussion of *hybrid peace* bears similarities to Leshem and Halperin's work. He contends that negotiations involving both negative and positive peace aspirations face several dilemmas for realistic outcomes. Firstly, he states that,

a hybrid peace cannot emerge without hybrid politics and some sort of basic order following an encounter between local and international agencies (p. 60).

He further raises the issue of power and how a *hybrid peace* needs to work within a framework in which “power circulates between its constituent actors” (p. 62). Here we can see the dilemma of equal inclusion of both advantaged and disadvantaged actors. Richmond concludes that the legacy of colonialism in many conflict situations today pose a great dilemma in achieving a hybrid peace framework citing countries such as Afghanistan, Timor-Leste, Guatemala, Liberia and Sierra Leone as examples where peace ...

... does not merely rest on building a liberal state or reconciling diverse identity groupings to liberal peace, but also on addressing customary processes and historical political organization, as well as local and international inequality (p. 64) [11].

Roger MacGinty adds to these faces of peace when he coined the term “everyday peace” which he defines as,

A series of actions and modes of thinking that people utilize to navigate through life in deeply divided and conflict-affected societies (p. 8).

Everyday peace is a bottom-up approach that aligns with Galtung’s typology of positive peace, in that it is guided by core concepts of sociality, reciprocity, and solidarity. Adopting a hyper-local approach, MacGinty advocates that,

“Peace acts and thinking can be conceptualized as micro-circuits that occur in larger circuits disrupting dominant conflict narratives ... consitut[ing] the glue that prevents fragile societies from slipping over the edge” (p. 6) [6].

Ware et al add that these micro-circuits can be sites of active resistance requiring a social imaginary, leading people and communities to exercise their agency to bring about positive change to conflict situations overshadowing their existence (p. 292) [12].

3.2 Peace Spaces

Peace space or peace activism – which comes first? It’s a bit like the chicken and the egg riddle. Some would argue that space first needs to be created for peace activists to be active; others would say that people first need to conceive a desire for peace and then they will find the spaces to be active. Birte Vogel contends that the study of “peace spaces” is neglected in the scholarly literature to the detriment of a proper understanding of what motivates peace activists and/or what goals and objectives they are aiming to and/or can achieve. He defines “peace spaces” as:

... spaces where the subaltern voice, in this case the marginalized voice of peace, can find or create a space in which to evolve and challenge hegemonic discourses of (ethno-)nationalism or violence prevalent in (post-)conflict societies (p. 432) [2].

He refers to Busteed (2005) highlighting how “peace spaces” are created in “terms of their perceived differences, a narrative of historical community” (p. 435). Vogel agrees with Busteed that “peace spaces” can be both spaces created first by virtue of history and culture raising the “will” of the marginalised to “forge political unity in the face of the ‘other’” (p. 435) [2]. However, he again refers to Busteed (2005), that “resistance creates its own geographies” (p.435) whereby peace activists utilize various tactics (thus creating peace spaces) to make their voice heard and effect change. Taken together, peace spaces are spaces of civil resistance against the hegemony of conflict and violence overall.

3.3 Peace Activism across different arenas

“At the heart of civil society activism and civil resistance lies its ability to imagine and contribute to an alternative social order and political change” (p. 441) [2].

I love this quote. It speaks to the heart of peace activism. First, people need to be able to *imagine* a different order; that the situation they are embroiled in can be different. Once the mind and the heart imagine a different order, then their whole body can recruit and or join with others – to contribute to what they imagine the social order needs to be.

In response to situations of violence and inequality, Bowman & Pickard highlight how peace is a “powerful conceptual tool for making sense of the complex relationship between emotions, community, support and the exploration of positionalities” (p. 505) [13]. In essence, peace activism aims to bring about social change – to make the world (or the space one is living in) a better place. Perhaps one of the most memorable peace activist movements of the last century was the Civil Rights Movement in USA led by Rev. Dr. Martin Luther King Jr. motivated by his “I have a Dream” speech, an excerpt below:

With this faith, we will be able to hew out of the mountain of despair a stone of hope. With this faith, we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith, we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day [14].

3.3.1 Typologies of Peace Activists

Peace activism takes place in many forms and many arenas – from national rights movements such as people of colour in the USA in the 1960s to small communities advocating safe play places for their children and many situations in between. Those who take part in peace activism have been classified in the literature as belonging to two types – “accidental activists” and “lifelong activists”.

Accidental Activists: These are people who, “had life dealt a different hand”, most unlikely would ever have become involved in activism. Mostly, they have never had any experience in political matters or attended any specific training. Most often “they are thrown in” to activism by the events affecting them. Even so, Ollis’s research found that, spurred on by the event motivating them to take action, “accidental activists” are rapid learners, learning quickly from the experiences and training of “lifelong activists” either through media and/or through garnering the support of such people for their cause [15].

Lifelong Activists: As the adjective implies, these are people who have grown up in a culture of “seeking good for all humanity” and/or have made active choices in their youth “to work to make the world a better place”. They gain in experience through intentional education, seeking out like-minded people, learning from well-known activists, actively engaging in campaigns and immersing themselves in a wide variety of networks, community groups, NGOs, and social movements [15].

Of course, it stands to reason that those who begin their activist lives through accidental or single purpose circumstances, may progress on to lifelong activism. An apt example of this is of ethnic women in Burma who joined ethnic women’s organizations such as the Karenni Women’s Organization or the Karen Women’s Organization to seek justice for human rights abuses within their own ethnic communities, some without even any elementary school education. There are numerous examples of some of these women who have progressed on to hold committee positions in the Women’s League of Burma to draft recommendations to the NLD Government for legislation based on CEDAW principles [16].

In common, are the motivations to activism of both types – accidental and lifelong. Working alongside like-minded people, they are motivated by values they hold, a sense of duty to those affected by whatever it is they are seeking to change, and a conviction that their actions will make a positive difference. History and current times have shown the

importance of these activists in achieving positive and structural peace at community, regional, national, and even international levels.

3.3.2 Peace Education – A Tool for Peace Activist Learning

“Peace education promotes the knowledge, skills and attitudes to help people prevent conflict occurring, resolve conflicts peacefully, or create conditions for peace” [17]

The *Peace Insight* website is a great website to explore how the above definition is carried out in real life situations globally. While peace education has been a tool for promoting peace for decades (maybe even centuries), it gained global importance when the United Nations Assembly proclaimed 2001-2010 as International Decade for Culture of Peace and Non-Violence for World's Children [18]. Concurrent with this proclamation, the 72 member countries of the Hague Appeal for Peace Organizing and Coordinating Committee together with affiliated INGO's, ratified the “Hague Agenda for Peace and Justice for the 21st Century” in 2000 at their Conference in 1999. This Agenda is premised on four (4) strands:

1. Root Causes of War / Culture of Peace.
2. International Humanitarian and Human Rights Law and Institutions
3. Prevention, Resolution and Transformation of Violent Conflict and
4. Disarmament and Human Security [19].

Under the first strand – *Root Causes of War/Culture of Peace* – the first point “Education for Peace, Human Rights and Democracy” was named as an essential tool to promote peace from childhood to “empower people at all levels with the peace-making skills of mediation, conflict transformation, consensus-building and non-violent social change” with the following means to implement:

- i. Insist that peace education be made compulsory at all levels of the education system.
- ii. Demand that education ministries systematically implement peace education initiatives at a local and national level.
- iii. Call on development assistance agencies to promote peace education as a component of their teacher training and materials production [19].

The Hague Agenda's aim could be seen as having global impact with John Page writing a decade later that “Peace education is now accepted as an important part of educational endeavour” (p. 850) [20]. In his article, he highlighted how peace education has come to be recognized as “*a right*” that empowers the idea of a “*culture of peace*”. However, he tempers this optimism by saying how much of education institutions' curricula focuses heavily on “negative peace” of “educating students to reject war, militarism and arms races” while neglecting aspects of positive and structural peace that would educate young people “towards personal fulfilment and the creation of a cooperative society” (p. 850) [20].

Schools of Peace also exist in many global locations operated largely by non-governmental organizations such as the School for Peace in Wahat-Salam-Neve Shalom, Israel attended by the author in May 2022. This school has more than a 40-year history of delivering peace education courses to individuals, community organizations and university students [21].

4. Theoretical Concepts and Conceptual Framework

Two conceptual tools to be effective in peace activism are Cultural Wisdom and Dialogic Approach to Communication.

4.1 Cultural Wisdom

Alfaro (2005 cited in Aldás, 2015, p. 81) provides a definition of cultural wisdom as being “a process that starts from an ‘illusion to be informed’” [3]. Merriam Webster Dictionary define the word “illusion” as “something that deceives or misleads intellectually”. The roots to violent and conflict situations within local, regional, and inter-regional levels frequently can be sourced to a lack of cultural wisdom and an unwillingness to seek to acquire it. In the least, this leads to stereotyping, demonizing of and segregation from “the other”; at worst, it leads to ethnic cleansing and genocide. Aldás continues to highlight the essentiality of motivating those seeking to create positive change in conflict situations to begin from a premise of actively seeking to be knowledgeable of all the different cultures involved – not only in content terms, but also in terms of emotions and feelings different groups are experiencing. In this way, *cultural wisdom* is developed – an essential precursor to empowerment communication – as a basis for “facing, fighting, transforming and eradicating inequality and injustice” (p. 81) [3].

Navarro-Castro and Nario-Galace add to this understanding of the necessity to develop cultural wisdom to be effectual in any peace movement. They define it as a “holistic understanding derived from ethical, cultural and historical roots” (p. 25) stating later that “throughout the world, indigenous communities have contributed their wisdom towards peace” (p. 57) [4].

4.1.1 Some cultural wisdoms relating to peace to learn from

Many countries who have faced or are facing violent conflict situations have multi-ethnic populations within a hegemonic power system. Varied scholars have researched the value of cultural wisdom in deescalating or transforming the violence – some on a national scale, others achieving peaceful change within communities and institutions such as schools.

Indonesia: Supriyanto, Asstuti and Saputra wrote that “peace in the the behavior of a peaceful life in family, community, nation and Their research into peace education in high schools in Indonesia showed how these two Javanese cultural characters – Semar Punakawan and Bagang Punakawan – have been enrolled into helping to reduce gang fighting that has resulted in serious injuries including death in schools. Local wisdom says that these two characters “arouse human willingness to build harmony in society ... [and] seek the value of difference” (p. 179) [22].

Asian countries with high Chinese populations: Hyeyoung Bang’s research highlighted how a resurgence of Confucius wisdom is being incorporated into peace education curriculum in schools aiming at eliminating student-student and student-teacher conflicts. Bang cited Lin, Culham and Oxford (2016, p. 143) to show how the cultivation system core to Confucian belief “links individuals with the world and the universe, and aims at transformation of one’s body, mind, heart, soul, and spirit for the common good, and peace and harmony of the world”. Her findings show that peace education curricula with a focus on “student self-cultivation” is having positive results in promoting a culture of peace in schools (p. 104) [23].

South Africa: Professor James Ogude in a BBC Reel discussed the philosophy of “Ubuntu”, an ancient cultural wisdom that translates,

“I am because you are. You are because we are” (representing values of cooperation, compassion, forgiveness, and care for others).

Post-apartheid, Bishop Desmond Tutu promoted programs based on an *Ubuntu* wisdom philosophy to regenerate post-apartheid South African society to achieve positive and structural peace values of restorative justice, forgiveness, and healing [24].

individual shapes world” (p. 179).



Figure 1: Semar and Bagang Punakawans known for their wisdom (p. 179)

An apt closing to this exploration of the theoretical concept of “cultural wisdom” as a necessary precursor to effective peace activism is a universal indigenous wisdom,
 Do not strive to cause your neighbor’s undoing, for as you strive for your own good treatment, so render it to others [4].

4.1.2 Structured Dialogic Approach to Communication

This concept has its roots in Habermas’s (1984) argumentation discourse whereby,
 Participants put forward “validity claims” and supply reasons either supporting or critical of them [25] (p. 94).

Not to be confused with “discussion”, dialogue is aimed at building “communicative reciprocity” enabling dynamic and deep insight into the issue [26] (p. 8). O’Rourke et al refer to Bangerter and Clarke (2003, p. 196) to explain that “people create dialogue *in the service* of the basic joint activities they all engage in” and they proceed to state that the purpose is to accomplish a joint aim that all participants recognize and endorse, even if they don’t respect each other (p. 97) [25].

Walton 2010 (p. 1) cited in O’Rourke et al (p. 101) list 7 basic types of dialogue (Table 1).

Table 1: Seven Basic Types of Dialogue (Source, Walton, 2010, p. 1 cited in O’Rourke et al, 2021, p. 101) [25].

Type of Dialogue	Initial Situation	Participant’s Goal	Goal of Dialogue
<i>Persuasion</i>	Conflict of opinions	Persuade other party	Resolve or clarify issue
<i>Inquiry</i>	Need to have proof	Find and verify evidence	Prove (disprove) hypothesis
<i>Discovery</i>	Need to find an explanation of facts	Find and defend a suitable hypothesis	Choose best hypothesis for testing
<i>Negotiation</i>	Conflict of interests	Get what you most want	Reasonable Settlement both can live with
<i>Information seeking</i>	Need information	Acquire or give information	Exchange information
<i>Deliberation</i>	Dilemma or practical choice	Coordinate goals and actions	Decide best available course of action
<i>Eristic</i>	Personal conflict	Verbally hit out at opponent	Reveal deeper basis of conflict

Dialogue specifically related to issues of conflict and inequality can embrace all of these types in a critical and structured approach. Two definitions are relevant here:

1. Critical intergroup dialogue approach: An approach that advocates explicit focus on power relations during a structured contact situation. It places power dynamics “on the table” at the heart of the encounter. [27]
2. Structured dialogue: Talking together in an engaged way enabling participants to collectively discover aspects of the issue together that might have been previously unknown and/or unappreciated [26] (p. 8).

Key elements in both definitions are:

1. Interaction occurs between participants who are both speaker and listener
2. The joint communicative activity enables people to reason together, establish closer relations to work towards collective goals [25] (p. 97).

Relating this theory to Peace Education and Activism, in common, is that dialogue is essential to peace education and peace activism. Chabbra’s research showed how one person

who “transfer[s] the internal essential dialogue between the ‘internal other’ to the ‘self as observer’” is key to changing the dynamic of conflict with external others. The author explains that encounters of deeply opposed beliefs involve the interplay between two others that exist within each of us as persons – “the internal other” who internalizes the view of another person or persons as a source of fear, anxiety and resistance – and the “self as observer” who is a “judicious impartial spectator”, the latter being the source of possible transformation [28].

Bajaj and Vlad refer to the “empowering praxis” of peace education stating that the dialogue learning participants gain in peace education cultivates their transformative agency, empowered to be agents of peace, human rights and justice [29].

In conclusion, recent comparative research by Magda Cárdenas (2022) exploring women’s peacebuilding activities in Georgia (Europe) and Myanmar concurred that dialoguing “across divides e.g., multi-ethnic or multi-religious, allows participants to both challenge and gain understanding of the other’s narrative,

“They all have experienced war and no matter what side, they all have the same aspirations such as education and economic possibilities ... If you think you can solve at least one practical question, then you need to talk to them” (p. 7) [30].

Refer to the following conceptual framework (Figure 2):

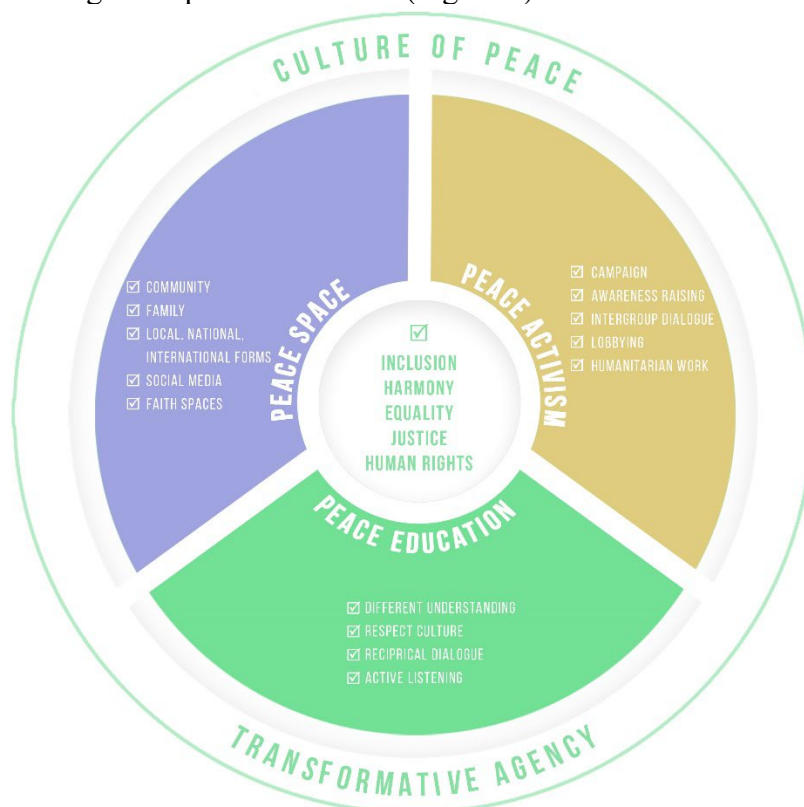


Figure 2: Conceptual Framework showing the value of cultural wisdom and dialogue to achieve a culture of peace (created by author, designed by Brang Ja, 2022).

5. COMPARISON OF PEACE ACTIVISM – ISRAEL/PALESTINE and MYANMAR

While each of these countries have very different histories of conflict since 1948, there are many commonalities in how bottom-up peace activism is forging positive change in

the midst of overwhelming and seemingly intractable conflict situations. For the purposes of this paper, the author focuses on the current time based on her experiences and learning during the time spent at Wahat Al-Salam~Neve Shalom (WASNS) as part of the CIF-Israel IPEP program coupled with her time spent on the West Bank, and her experiences of liaison and support of Myanmar citizens impacted by the current violence since the 2021 coup d'état.

Wahat Al-Salam~Neve Shalom (WASNS): Located midway between Tel-Aviv and Jerusalem, WASNS is a one-of-a-kind type of place. Beginning as a vision by Father Bruno Hussar of the Latrun Monastery in the 1960s, he gathered young Jewish and Palestinian followers who shared his vision of creating a place where Jews and Palestinians would intentionally live and strive together for equality, justice, and peace; to intentionally challenge racism, discrimination, and the conflict prevalent in their divided land. In 1970, on land first leased and later donated by the Latrun Monastery, they created the village Wahat Al-Salam~Neve Shalom (meaning Oasis of Peace in Arabic and Hebrew languages). From its humble beginnings of no paved roads, electricity or running water, this village remains unique in Israel with some of the original citizens plus others numbering more than 70 families with plans in progress to extend to 150 families in the next decade [31].

Education has long been recognized as a tool for peace [20]. Concurrent with establishing housing, Father Bruno and the original inhabitants of WASNS step by step established the first binational and bilingual nursery, kindergarten and primary school in Israel. At time of writing, the primary school hosts 270 children in Grades 1-6 who include those living in the village and others who travel daily from a radius of 30 kilometers. While following the national approved curriculum, the primary school adds a unique module – “Culture and Tradition” which aims to give space for both Arab and Jewish students to experience and learn together each other’s language, cultural and religious traditions.

In 1979, the School for Peace (SFP) was established in WASNS as

“... the first educational institution in Israel promoting ... change towards peace and more humane, egalitarian and just relations between Palestinians and Jews” [32].

In its more than 40-year history, SFP works towards its goal through workshops, training programs and special projects with university students and Jewish and Palestinian professional groups employing methods of “cultural wisdom” and “critical intergroup dialogic approach” that places power dynamics “on the table” and expands critical thinking and identities to include “the other” [27].

As a final vision of Father Bruno’s to be realized, the Pluralistic Educational Center was inaugurated in 2000 – four years after his death. This Center hosts film screenings, spiritual and cultural activities creating a space for learning and searching for peace both within personally and between people.

Over four days, staying in the hotel on site, the author and the two other IPEP participants had the privilege of “living the WASNS vision”. We joined “Culture and Tradition” classes in the primary school which focused through film and art on the meaning of the recently remembered Nakba Day (May 15th) – the catastrophe for Palestinians resulting from Israel independence in 1948. The principal and teachers shared with us the vision and accomplishments of the school and a new annual program to be held on May 31st – the Festival of Hope – where the whole community celebrated a hope for peace and a better future for their country.

We attended the School for Peace to understand its vision, methods, and activities. The Projects Director, Dr. Roi Silberberg, shared the various programs of the school. He shared with us how these programs are achieving “everyday peace” in communities across both Israel and Palestine which in many instances are resulting in “structural peace” as trainees

and workshop participants realize their vision for peace in specific projects in areas where they live.

Wi'Am Palestinian Conflict Resolution and Transformation Center, Bethlehem, Palestine: Separate to the IPEP program, the author had opportunity to spend time in Bethlehem and visit with the staff of Wi'Am (Agape in Greek, Peace in English). Established in 1994, its founder and Director, Zoughbi Alzoughbi shared Wi'am's many programs aiming to mitigate the overt oppression and vulnerability of Palestinians living under occupation. Through Wi'am's programs, Zoughbi and his staff utilize *Sulha*, an Arab tradition of reconciliation to create spaces of 'everyday peace' [33].

Civil Resistance to Myanmar's military junta coup d'état since February 2021: The people of Myanmar are no strangers to military rule that caused deprivation and hardship, especially for people living in the ethnic states, for decades. While protests and demonstrations occurred sporadically, they were short-lived with the resultant junta crackdowns. However, the response nationally to the latest coup has been very different from any time previous in the history of Myanmar. Its people had experienced 11 years of a democracy for the first time since independence and, across the country, they were prepared to fight to regain it. Beginning with country-wide demonstrations with an expectation of international intervention that did not materialize, and which were met with fierce retribution by the junta, rather than weakening as in previous times, the resistance has grown in strength taking many forms across the country [34, 35].

At the time of writing, the junta regime has wielded its power over the nation for 21 months. And for 21 months, the everyday people of the nation have resisted this power despite the junta's violent retributory response that has resulted in gross human rights abuses. From the structural to the everyday levels, resistance to the regime has grown in strength. At the structural level, within weeks of the coup, political survivors of the junta's purge, in exile or in hiding, had formed the National Unity Government (NUG) that has gained the people's support globally. It is acting as a government, albeit in exile, with ministerial portfolios and developing policies for a realistic federalism. Alongside ethnic armed groups that had been actively fighting a civil war since independence, a new military style armed force emerged. Determined young people from all strata of Myanmar's society, across all areas of Myanmar, formed People's Defense Forces (PDF), procured training and arms, and are actively resisting by force to regain the democracy that has been stripped away from the country. Immediately after the coup, the civil defense movement (CDM) emerged that continues, whereby people across the country have refused to work in any junta-controlled employment including both government and private sectors [35].

Among other factors, the involvement of all strata of Myanmar's society in opposing the coup has resulted in a significant outcome, in that many people from the urban regions and some in majority ethnic regions now understand for the first time, how incorrect has been their unquestioning acceptance of the hegemonic narrative that the ethnic people of the rural areas including the Rohingya who had been fighting for their human rights for decades were "enemies of the state". From the structural level of the NUG, to the everyday level through social media, apologies have been given with assurances of a more inclusive society to be realized when democracy is restored [34].

The question arises, can this resistance be categorized as peace activism. Many scholars are in agreement that resistance is a necessary precursor to achieving peace. Roger MacGinty [36] stresses that agency is required at both individual and group levels for peace to be achieved and that this can include active resistance (p. 555). Birte Vogel [2] and Anthony Ware and his colleagues [12] support MacGinty stating that people need first to

have a group “social imaginary” opposing dominant conflict narratives, to then exercise agency that can involve active resistance to establish positive peace outcomes.

6. CONCLUSION

This paper opened with a quote from UNESCO’s Constitution “Since wars begin in the minds of men [women], it is in the minds of men [women] that the defences of peace must be constructed” [5]. The “defences of peace” to which the Constitution refers are the subject matter of this paper.

The case studies of Wahat Al’Salam~Neve Shalom in Israel, Wi’am in Palestine and the current situation in Myanmar in response to the 2021 coup d’état each highlight both the diversity of peace activism and its commonalities. In WASNS, live an intentional community of Israeli Jewish and Palestinians who demonstrate the core components of ‘everyday peace’ of ‘sociality, reciprocity and solidarity’ [31]. In this way, the residents and the organizations operating in this village including the elementary school and the School for Peace are achieving the wider typologies of peace, being ‘positive’ and ‘structural’ peace. The residents project their ‘everyday peace’ life of the village to their study and workplaces outside, exemplifying an alternative viewpoint of the Israeli nationalistic, hegemonic narrative.

Socio-politically, both the elementary school and the School for Peace advocate for structural peace to be achieved in their country through their programs. For example, through representation and negotiation at both District and State levels, the unique ‘Culture and Tradition’ curriculum developed by the school is now being considered for inclusion in the curriculum of some state schools in the wider district. In its more than 40-year history, the School for Peace has documented and published many positive outcomes in both Israel and Palestine of its flagship activity of “Change Agents” programs. The empowering praxis of education as a tool to cultivate transformative agency for peace [29] can be seen in the programs of both these schools.

The regulatory barriers controlling identity and movement of Palestinians’ forcible location to the West Bank restrict, though not entirely, Wi’am’s ability to work for ‘structural peace’. Through global connections, they are a voice advocating for essential human rights of their people to be recognized. A staff member stated to the author that while the nine-meter-high physical wall very visible outside his office that separates Bethlehem and Jerusalem bars the way to physically lobby for Palestinian human rights at the Knesset², the internet enables far more reaching avenues for lobbying. On the ground, their many programs with men, women, youth, and children are examples of activities working for positive peace outcomes in their community.

The junta’s violent retributive response to the agency of the Myanmar people to rise up and oppose military rule has resulted in countless number of people killed, upwards of one million internally displaced, more than 10,000 unjustly detained and a conservative estimate of 30,000 fled the country [37]. However, the people’s response nationally within and those living outside the country remains stalwart in their resistance to the regime. At the structural level, the NUG is utilizing critical structural dialogue for international recognition of their legitimacy as a representative government of the people of Myanmar. Their acts of peace are evidenced through the ministerial portfolios they have created. In consultation with civil society organizations (also in exile), they are writing policy and reviewing the Constitution to enable an orderly transition to democratic government in the conviction that the military regime will be defeated. Acts of positive peace are evident in the different strata of Myanmar society, from rural villagers and internally displaced collaboratively sharing scant

² The Knesset is the Hebrew word for Israel’s parliament located in Jerusalem (<https://www.jewishvirtuallibrary.org/history-and-overview-of-the-knesset>)

resources, to CDMers, both internally displaced and those living as refugees in neighbouring countries using social media to foster solidarity. Hyper-locally, these peace acts are what MacGinty describes as micro-circuits that are informing larger circuits [6] of their intention and will to live peaceful existences, significantly disrupting the military regime's power and claim as rulers of their country.

An important point in common to both the Israel/Palestine and Myanmar case studies is the development of cultural wisdom. In the case studies of WASNS and Wi'am, it is seen how communal living and programs intentionally seek to change dominant narratives of "the other" (Palestinian). In the current situation in Myanmar, many native Burmans across the country and majority ethnics in some states have publicly through social media and formal statements acknowledged the falsehood of the many decades' dominant narrative that the ethnic people opposing the different regimes labelled as "enemies of the state" that has led at its worse to ethnic cleansing [34, 35]. These are significant steps forward in nation-wide development of cultural wisdom which Aldás states is essential in achieving both structural and positive peace [3].

To conclude, bringing the subject matter of this paper to the personal level, having a desire and will to enact peace must begin in our minds – to have a real desire "to be informed" – to understand "the other" that so often has been misinformed through media reports, accounts passed down generationally and word of mouth. From the mind, there needs to be a change of heart in how we view "the other" which in turn, will lead to intentional action of the hands – a millennia old philosophy coined by Aristotle – *logos*, *pathos* and *ethos* – the three elements that can achieve positive change in so many spheres of life [38].

While it is unlikely that "negative peace – the absence of wars" – will ever be achieved globally, within entrenched conflict situations, it is possible to achieve both "positive and structural peace", to challenge dominant conflict narratives, in the places where we are. The tools are in our hands – developing cultural wisdom, and with that wisdom, enter into critical structural dialogue. From this, transformative agency can accomplish much needed change in the midst of conflict.

"Learn peace – Teach Peace – Share Peace" [39].

ACKNOWLEDGEMENTS: The President and members of the Council of International Fellowship (CIF)-Israel are to be highly commended for their vision of first creating, and secondly hosting its second international professional exchange program (IPEP) focusing as a Project of Peace – of having the tenacity and will to rise above the travel and day to day restrictions caused by the COVID-19 pandemic that enabled the author and two other participants to have the experience of a lifetime.

FUNDING:

The author is grateful for a travel grant from her Department of Social Science and Sustainable Development, Faculty of Social Sciences, Chiang Mai University that facilitated her participation in CIF-Israel's IPEP-Project of Peace.

CONFLICT OF INTEREST: Author declares no conflict of interest.

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10.1080/01436597.2021.2022469

Peacekeeping: International Media Coverage of Cyprus

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ABSTRACT

One of the world's longest-running ethnic and political disputes is centered on the Mediterranean island of Cyprus, the only divided nation in Europe. While the genuine number of deaths compared to other conflicts has been low, the percentage of loss-to-people ratio is one of the highest since the Second World War (Veli, 2013). The Cyprus conflict, a more than 60- year-old problem, has captured headlines of the media worldwide. This study examines how three international media organizations located in the United States and the United Kingdom framed the peacekeeping initiative within the last five years. The selected news media are the *New York Times*, the *Associated Press (AP)*, and the *British Broadcasting Corporation (BBC)*. Specifically, this study explores through the lens of a peace journalism framework how the international media in the last five-year wrote about peace initiatives in Cyprus. The study employed Robert Entman's framing theory to assess the coverage. Using a qualitative content analysis approach, researchers coded using five frames: peace journalism, conflict journalism, cultural identities, economics, and health & safety. A total of 552 news articles were analyzed. Research findings show that these international media are not playing a significant role in promoting peace in Cyprus. Additionally, researchers discovered that most often western foreign news agencies report violence and conflict more saliently than other news stories from developing and other countries. The primary conclusion, newspaper coverage in international media have the opportunity to focus more on framing to facilitate peace rather than conflict.

KEYWORDS: Peacebuilding, Conflict, International Media, Cyprus, Greece, Turkey

Introduction

One of the world's longest-running ethnic and political disputes is centered on the Mediterranean island of Cyprus, the only divided nation in Europe. Cypriots and the rest of the world have watched the never-ending negotiations to solve the Cyprus conflict continue without resolution for over four decades (Ozgur, 2017). A snake-shaped brick wall stretches through the island through the border city of Nicosia. On a typical day residents and tourists leave the streets lined with restaurants, boutiques and specialty shops to walk across the border and into the northern Turkish half of the island. The green line, the area known as the buffer zone is guarded and protected with United Nations soldiers. This visual of residences and churches just along the buffer zone watched over by armed soldiers is a continual reminder that the nation is still conceptually and physically divided (Hall, 2014). The Rutter's report noted that Greek and Turkish Cypriot communities saw an increase in hostility after the island gained its independence from Britain in 1960, eventually exploding into political conflicts and violence in 1963. In 1974, the tensions increased when Turkey intervened militarily in response to a coup attempt by the pro-Greek Cyprus National Guard. Along the line of the cease-fire, the island was split in half, and it remains that way.

However, in 2017 hopes for a resolution were heightened when prominent political leaders gathered in Switzerland. This incident triggered other kinds of protests, as longtime opponents from the two competing communities came together for the first time to fight for a shared cause: peace and unity (UNCT, 2017). Unite Cyprus Now (UCN), is a "multi-communal grassroots non-party movement of Cypriots encouraging actions in support of peace and the unity of the island through a peaceful resolution."

Again, the Cyprus conflict is a more than 60 year-old problem, which has attracted intense media coverage worldwide (Heraclides, 2011). Through agenda-setting, media can change minds and shape community values. For example, if the media highlights nonstop an issue negatively, people's minds change on the subject due to media impact and the conflict escalates. On contrary, conflict can be de-escalated by continuous positive news reports. This study explores how international media presents the Cyprus problem to the audiences, mainly focusing on how world-leading media, the British Broadcasting Corporation (BBC), framed the last five-year peace initiatives as seen through the lens of a peace journalism framework. The key aim of the paper is to evaluate the use of Peace Journalism, in international media coverage by analyzing news stories published from July 21, 2017 to July 21, 2022. This article also observes how the media represents the Cyprus problem to increase conflict and/or promote peace initiatives. The paper addresses the below research questions:

1. To what extent does international media help in the peacebuilding process in Cyprus?
2. Which media frame was frequently used by the international print media in their coverage of the Cyprus conflict?
3. What are the significant differences among the international newspapers using Peace Journalism approaches in covering the Cyprus conflict?
4. To what extent did international newspapers use 'escalating' or 'de-escalating' oriented headlines in covering the Cyprus conflict?

Literature Review

The history of Cyprus can be divided into four distinct periods: the British Colony's dominance (1878–1959); the unification of the Turkish Cypriot (TC) and Greek Cypriot (GC) populations under the Republic of Cyprus (1960–1963); the beginning of hostilities between the two-communities (1963–1974); and the failed integration efforts under a federal government effort (1974–present); (Yontucu et al., 2022). This paper analyzes a more recent five-year period during the integration period. According to a few scholars, the causes of the Cyprus conflict are described differently by the two communities of Greek Cypriots (GC) and Turkish Cypriots (TC). Greek Cypriots state that the Cyprus issue is a global one caused by Turkey's invasion of an independent state in 1974. However, according to Turkish Cypriots, the dispute is between the two communities, and they accuse Greek Cypriots of starting the racial tensions in the 1960s. (Calotychos, 2021; Lacher & Kaymak, 2005; Papadakis, 1998). Also, Neil Hall (2014) explained in his reports that in 1974 things escalated when Turkey intervened militarily in response to a revolution attempt by the pro-Greek Cyprus National Guard.

The Republic of Cyprus (ROC) is still run by Greek Cypriots in the south of the island, while Turkish Cypriots created their nation, the Turkish Republic of Northern Cyprus (TRNC), in the island's north in 1983. The Turkish Republic has recognition from the global community, and faces financial sanctions, except for Turkey. As a result, North Cyprus is now more economically and militarily dependent on Turkey (Şahin, 2014). Although peace and the conflict have not officially ended, there is no longer any open hostility between the two communities, except for brief arguments between political figures. The leaders have discussed several historic agreements with the intercommunal dialogue regarding a bicomunal constitution and bi-zonal area from 1968 to the present. However, a resolution has not been found, and the negotiation talks have not started again since 2017 (Yontucu et al., 2022).

Framing the news

A frame is a procedure of telling and understanding an incident. According to Robert Entman, "Framing essentially involves selection and salience. To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and treatment recommendation for the item described" (Entman, 1993, p. 52). However, the chosen conflict framing may operate differently depending on the circumstances. De Vreese et al., (2001) further explain that the readership may accept the news event or element positively, negatively, or neutrally.

Nonetheless, applying the ideas of peace journalism is often difficult for journalists. One of the concerns is defining news. Different events will have different news values that decide whether they are newsworthy. Because these kinds of news frames are at the forefront of news ideals, journalists choose negative, sensational, and exaggerated news frames, mainly when covering news regarding ethnic conflicts (Bar-Siman-Tov, 2004). Yaacov Bar-Siman-Tov highlights that news frames that can encourage assistance and resolution should be chosen over negative frames.

Reporting the peace

The frames of conventional journalism and peace journalism are in contradiction regarding how the media covers war and conflict. Peace conflict, truth, people, and solutions are the four primary practices and linguistic aspects of the concept of peace journalism. On the other hand, war journalism emphasizes the violence, deception, elites, and success of the conflict. Johan Galtung, a Norwegian sociologist, developed the idea of peace journalism in 1965, moving away from conventional methodological ideas to the intersection of war and media. (Hussain & Siraj, 2019).

Reporters must first admit the existence of conflict before examining conflict structures by characterizing the parties, goals, and issues involved. Galtung's categorization of peace journalism describes it as both peace and conflict-oriented. Because they provide a voice to all parties involved, peace journalists promote sympathy and empathy by being aware of the conflict's historical and cultural roots. A peace reporter uses ethical, rigorous, and active peace journalism practices to promote an environment for learning and pursuing practical conflict resolution strategies. (Galtung 1986, 1998),

Following that, Lynch and McGoldrick (2007) added a variety of peace journalism styles to Galtung's paradigm to cover every potential conflict. They described peace journalism as an approach to reporting on an event that is more sympathetic, thorough, rational, acceptable, and conclusive, all while also shedding light on the reality of dealing with conflict and change (Lynch & McGoldrick, 2007). Furthermore, by broadcasting with greater fairness about all parties concerned, media coverage promotes the possibility of stability (Lynch, 2015).

Over the years, several inquiries about the beliefs and methodology of peace journalists have been answered. Jake Lynch (2014), a peace journalism expert, responds to the accusation by stating that media coverage is more proficient and effective than outright campaigning for peace. Furthermore, a peace journalist is supposed to examine every aspect of the conflict rather than relying only on the elites. The desire of the journalist to help those impacted by conflict is another prerequisite for peace journalism. "In other words, peace journalism is when editors and reporters make decisions about what to publish and how to present it, giving society the chance to think about and value non-violent conflict resolution (Lynch, & McGoldrick, 2007. p.256).

Methods and Results

The three news media organizations with wide readership and standard influence in their respective countries were purposively selected. Due to language and resource constraints, this study focused primarily on three international English-language media. Again, researchers reviewed the last five years news coverage of the Cyprus conflict was chosen to analyze the latest peace initiatives. Samples were collected from July 21, 2017, to July 21, 2022. One selected United States media organization is *The New York Times*, the national paper of record and has a worldwide readership. Another, the Associated Press (AP), a nonprofit 24-hour news organization, is the oldest and most prominent in the United States and has long been the biggest and most prestigious news organization in the entire globe. Regarding listener size, language variety, and reception area, the BBC World Service is the most significant external broadcaster globally. In more than 40 languages, it transmits radio news, speeches, and discussions to various world regions.

Sample collection and selection

New stories from the media were retrieved using LexisNexis. We used the “*Cyprus in peace*” search to get the news about the Cyprus conflict and peace initiatives. Therefore, we only collected the report’s headline and the first five paragraphs of the news for the qualitative content analysis. Primarily all the headlines and five-paragraph news articles were copied into a Microsoft Excel file with a serial number. The number of final selected stories for analysis stood at 268 with The New York Times at 29, AP at 69, and BBC at 170. We then expanded our search to key words “Cypriot AND Conflict AND Cyprus,” and retrieved a total of 284 news articles. In total, we retrieved 552 news reports with 169 of those directly relevant to the research topic, and other news articles were related to peace and conflict but in other regions. (see, Table 1).

Table 1: Country, Newspaper and frequency:

Country	Newspaper	Search term	
		Cyprus in peace	Cypriot AND Conflict AND Cyprus
United States	The New York Times	29	34
	The Associated Press	69	70
United Kingdom	BBC	170	180
	Total	268	284
	Grand total	552	

Data presentation, Analysis, and Discussion

Again, a codebook was developed based on a qualitative analysis of 552 news reports. Initially, basic information about the articles, such as the newspapers’ country, newspapers’ names, and length of the articles, was coded. The study identified five mainframes based on Semetko and Valkenburg’s (2000) categorization of crisis frame: Peace journalism frame, conflict journalism frame, cultural identities frame, economic frame, health and safety frame, and other region frames (see Table 2). The Unit of analysis is the headline and first five-paragraph of the news; after analysis, the cultural identities frame and health & safety frame were removed as news organizations have not used them. Also, another region frame not directly relevant to this research topic was removed.

Table2: Dominant frames in each newspaper:

Type of Frame	Newspapers						Grand Total
	The New York Times		The Associated Press		BBC: International		
	Story	%	Story	%	Story	%	
PJ Frame	4	26.66	20	42.44	43	40.10	67(40%)
CJ Frame	7	46.67	22	46.80	52	48.59	81(48%)
Economic Frame	4	26.66	5	10.63	12	11.21	21 (12%)
N (%)	15 (100)		47 (100)		107(100)		169 (100)

Disseminating Conflict

Framing is evident in conflict journalism. As the public trusts on media to learn about a conflict, media can influence public view and the nature of the argument related to the conflict, subsequently influencing the peace-building process (Myint, 2017). In conflict reporting, a journalist may highlight violent aspects of the conflict while overpowering peacebuilding aspects. Wolfsfeld (2004) also states that media can play a negative or positive role in peace processes according to which news frame they adopt in conflict reporting.

In our study, the media predominantly uses the conflict frame when the issue involves disagreements between various nations. Reports on the visible effects of war/conflict casualties, damage to property, and death tolls. Elite orientation over-reliance upon elite military, government officials, and interest groups as actors and sources of information. However, the primary focus here is on covering only the conflict's critical, breaking news aspects with very little background information or historical context. Showing bias toward one side by creating distinctive sharp divides among groups. The story includes debates from both sides and voices from both sides. But the reports offer very little insight of those positioned in the middle of the conflict.

The analysis of three media organizations' coverage of the Cyprus conflict reveals that it has framed the conflict by employing general conflict frames. Out of 169 (100%) of the stories, 81 (48%) used the conflict frame. In the media analysis, it has been shown that, though no statistically significant differences, media from the USA use conflict frames less (46%) than media from the UK (48%). This supports previous findings that 43 Western or foreign media tend to attention on violence and conflict when reporting stories in developing countries (Lee, 2010). However, the media often fail to contribute to the peace-building process. Lee & Maslog (2005) states that war journalism is a primary way of framing conflicts. Wolfsfeld (2004) explained why it is hard for the media to promote peace development. Peace building and news reporting often contrast by nature. There is a profound tension between the two processes. The news media traditionally value reporting on urgency, immediacy, threats, and violence. Promoting peace procedures necessitates patience, nurturing, and calmness which are not always considered.

Research findings explore that many articles written under the conflict frame, which appeared as international news, were headlined. For instance, the headline from the New York Times is "Rising Tensions Between Turkey and Greece Divide E.U." and "Turkey and Greece, trash-talking their way to conflict?" Other headlines in The Associated Press can escalate the conflict between two communities. For example, "Turkey says the 2-state solution is the only option for divided Cyprus" and "Greece to buy new planes, frigates amid Turkey tensions." A headline from BBC is "Turkish Cypriot leader blames Greek Cypriots for embargoes" in this news (July 20, 2017) The president of the Turkish Republic of Northern Cyprus (TRNC) Mustafa Akinci, said, "It is not fair that Turkish Cypriot people live under embargoes due to the Greek Cypriot side's unwillingness." He said a Greek Cypriot demand for "zero troops and zero guarantees" could not be accepted. A piece of news from The New York Times quotes Foreign Minister Heiko Maas of Germany, "Fire is being played with, and any small spark could lead to catastrophe." This kind of news could help to increase conflict. Among the three media

organizations, BBC used the highest 48 percent conflict frame, while The New York Times and The Associated Press used a conflict frame in 46 percent of news.

Promoting Peace

Peace Journalism keeps the same core principles of objective journalism, namely reality, accuracy, independence, fairness, impartiality, and humanity; in the same way, traditional methods of war reporting embrace the fundamental values of truth and objectivity (Myint, 2017). In Galtung's view, however, journalists should take an active and self-conscious role in preventing conflicts and promoting peace (Galtung, 1986). Moreover, the Peace Journalism frame is used by the media mostly when the issue involves people-oriented focusing on civilians and ordinary people as primary actors and sources of information. Reports on deeper causes and consequences of the conflict by providing historical background and context. This frame shows that journalists are not biased toward one side in the conflict when they talk about the debates from both sides they also give voices to both communities. Additionally, our review indicates that journalists do not identify good or bad guys and are solution-oriented.

The news analysis of the three media organizations shows that the Peace Journalism frame was used less frequently than the conflict frame. As the Cyprus problem is long-term ethnic conflict, this research aims to see the international media's role in peacebuilding in Cyprus. But data analysis shows that global media not playing a significant role. Among the 169 (100%) of the stories, 67 (40%) of them used the Peace Journalism (PJ) frame. Even out of the 169 news articles from five years, no special news was found that made for peacebuilding. For example, among the 15, only 4 reports of The New York time used the PJ frame, The Associate Press 20 out of 47, and BBC 47 news out of 107 used the PJ frame. Most of the news conveys daily/event activities.

However, many articles written under the PJ frame were headlined. For example, "Pope Travels to Cyprus In Quest to Aid Migrants," and "Jordan, Cyprus, Greece leaders probe means to boost ties," and "Erdogan's Visit to Northern Cyprus Stokes Decades-Long Dispute."

According to a news of The Associate Press (April 28, 2021), "Cyprus" rival leaders remained opposites to what is needed for a peace deal on reunifying the ethnically divided island nation as U.N. Secretary-General Antonio Guterres continued trying to get dormant negotiations restarted."

Talking Economics

The media mainly use the economic frame when the issue involves the costs, benefits, or monetary/financial implications of the subject to an individual, family, community, or the economy. The analysis shows that fewer stories were told using an economic frame. Out of 169 (100%) of the stories, only 21 (12%) used the economic frame. Out of the 21 news articles, only four news stories were published in The New York Time, The Associated Press published five, and BBC published 12 news stories.

Most of the news of 12 percent that used the economic frame mainly focused on energy. According to a news in The New York Times (July 15, 2019), "Turkey's relationship with the West suffered fresh blow when the European Union decided to suspend contacts between high-level officials, as well as to pull financial aid, in response to Turkey's gas exploration in Cypriot

national waters.” Some news also focused on the economy and financial issues. For example, A report by BBC (January 15, 2019) describes, “We Cannot Continue to Live in This Way,” laments the failure of the Turkish Cypriot community to solve their economic and social problems in 2018 and notes that the financial crisis and the delay in the transfer of funds from Turkey made the Turkish Cypriots suffer. It urges the administration and the people to work hard to increase production and solve the economic and financial problems in 2019 and notes: We must avoid hurting each other in useless disputes. We must work in unity to quickly draw up plans for economic development.”

Discussion

According to Robert Entman’s framing theory, selective newspapers from two countries make the Cyprus conflict a relevant issue. Three newspapers from two countries covered this international issue with emphasis. Results showed no statistically significant difference between war versus peace journalism framing among all two countries. In other words, media outlets from each country produced more war journalism stories than peace journalism stories. The majority, or roughly 48 percent, of news published in the UK, was classified as conflict journalism. There was no large difference in the distribution of overall conflict/peace journalism framing in newspapers. As reported in Table 2, results suggest that the coverage of the conflict by BBC was dominated by conflict journalism more so than other newspapers. In news coverage, BBC emphasized the Cyprus issue rather than the New York Times and the Associated Press. Table 1 suggested that among the direct coverage of Cyprus problem news, 169 BBC covered 81, and it was 350 for overall conflict coverage by using our two different search terms. All the little focus is on the economic issue, but no interest is shown in cultural, health, and safety issues.

This study found a positive correlation between conflict journalism framing and the length of a conflict. According to Lee (2010), longer conflicts tend to be framed as conflict journalism than peace journalism. Furthermore, more intense conflicts are associated with higher use of conflict journalism frames, and less intense battles are associated with higher use of peace journalism frames. Therefore, it is not surprising to find the most vigorous conflict journalism framing in the coverage of the Cyprus problem, as this conflict has been embroiled for more than six decades (Lee, 2010). It is of no surprise that war/peace journalism framing closely mirrors developments in peace negotiations. Journalists depend heavily on official sources that they perceive to be authoritative, knowledgeable, and influential (e.g., McLeod & Hertog, 1998; Paletz & Entman, 1981; Sigal, 1973; Tuchman, 1978). Including ordinary people is a significant step forward under the peace journalism approach, but it still does not take the story significantly beyond “reporting the facts.” This particular finding fits into the first step, “de-escalation-oriented war coverage,” of Kempf’s (2003) two-step model of peace journalism, in that peace journalism’s focus at this initial stage is to maintain neutrality in reporting and a distance from the parties involved, rather than to seek solutions to end the conflict actively. Thus, objectivity is a precondition to peace journalism. It is disappointing that the pattern of salient indicators supporting the peace journalism frame falls short of Galtung’s conceptualization of peace journalism as an advocacy and interpretive approach oriented toward peace-conflict, people, truth, and solution. But journalism is changing rapidly, as seen in the decline of newspapers.

Conclusion

After analyzing the content of three international newspapers by applying Robert Entman's framing theory, it shows that often times western media emphasizes and focuses on conflict rather than peace journalism. Country and newspaper-based interests are different. For example, the *New York Times* and the *Associate press* used the same percentage (46%), but BBC used more than 48 percent. On the other hand, the *associate media* used peace journalism frame 42 percent. All the papers focused on the economic frame very little. The findings of this research clearly outline the challenges traditional news writing norms pose to peace journalism. One logical implication is that journalists need to rethink the notions of complex news values and the inverted pyramid formula for reporting war and conflict. Western foreign news agencies report violence and conflict more saliently than other news stories from developing countries. So, the study suggested that newspaper coverage still needs to focus on peace journalism rather than conflict.

This study makes an essential contribution to the developing body of peace journalism literature by providing an analysis of Cyprus's new and developing peace journalism perspective. The original concepts proposed by Galtung (1986, 1998) have been operationalized to criteria that include definitions of, for example, peace conflicts, people, truth, and solution orientation (Fahmy & Eakin, 2013; Lee, 2010; Lee & Maslog, 2005). Research results raised new challenges to improve peace journalism and objective and factual reporting. Realistically, it would be impossible to completely eliminate sensationalist war journalism in the news media industry. As previous findings indicate, there always has been and will always be a market for it (Myint, 2017). However, the study's conclusions will be beneficial to guide similar studies of the ongoing conflicts in Cyprus. But to enlighten journalists and new media organizations on the pitfalls of covering such conflicts. Perhaps the most immediate direction for future studies is investigating the underlying roots of war journalism frames in Cyprus. Are regional and local media using different frames when compared with international western media organizations? Future studies should also consider war/peace journalism framing in other legacy media, such as broadcast television and radio. Similar work can be done to compare local and foreign coverage of this specific conflict across newspapers, television, and radio.

Finally, the limitation of this study is that the three newspapers examined here do not represent the views of all news media in the respective countries. The three newspapers were explicitly chosen for their wide circulation and readership, but even so, they could not provide a sufficient basis for determining whether conflict/peace frames are standard in each country's coverage of this conflict.

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FUNDING: This research reserved to external funding.

CONFLICT OF INTEREST: Authors declare no conflict of interest.

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**Why Should “True Democracy” Fight Back on Equal Terms?
Orienting policymaking towards “lobbying for peace” and social justice
through citizenship education**

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ABSTRACT

Peace, justice, and democracy, very few words strike as impactfully as these three concepts in the international arena; they are put on a pedestal in such a manner that we envision them as standards impossible to achieve, idealized but ill-treated. In the quest for peace, we have been focusing on war, conflict, and violence, instead of exploring peacebuilding by peaceful means, with as much intensity.

Within this context, alarming voter turnout trends show high abstention rates and an apparent democracy backslide. We avowedly condemn autocracies, but we also need to question the state of democracy where it is “taken for granted.” Scholars, observers, and experts forewarn the “lack of democratic representations” and “social equity,” making education, supposedly a common good, a place for injustice instead of fulfilling its role of a social gap closer. Calls for a “renewed social contract” strike in various international organizations’ reports and speeches, supplemented by a pressing need and calls for immediate action emanating from civil society and non-governmental stakeholders.

Covid-19 widened the gap even further, hurdling the 2030 Agenda for sustainable development, battenning a polycrisis worldview already struggling with alarming climate change, wars, conflicts, and forced displacements, making education to international solidarity henceforth a necessity. The growing distrust in political systems is a grave threat to peacebuilding and needs to be taken seriously. Thus, education as a peacebuilding practice is a marginal aspect of how we view our institutions; however, if a structural change is to be foreseen, peace implementation ought to be addressed on both micro and macro levels.

Young people, mainly, explains Kotkin Joel, are threatened by social upheavals. A recent study by the Federal Reserve Bank of Saint Louis warns that “millennials are in danger of becoming a “lost generation” in terms of wealth accumulation. To make matters worse, over half of all young people, in a survey of ten countries, think the world is doomed by climate change.” If technology is necessary for scientific advancements, it has also created unsolvable problems. It is crucial to inspect the digital spheres as an extension instead of considering them as “unattended and unruly no-man’s-lands.” Skyrocketing numbers of access to social media platforms during the lockdowns are only proof of the extent of the territory that needs to be seized and how critical thinking should be a significant 21st-century skill. (+62% for *FB*, 44% for *TikTok* and 315% for *LiveMe*). As these issues should be addressed multidimensionally, education plays a major part. In this regard, what policymaking strategies and levers can genuinely make education, beyond literacy, an agent of social change and advancement?

Leaning on interactions with International Organizations’ leaders, this paper will focus on potential solutions for institutionalizing peace and rekindling a genuine sense of democracy. We should be delivering policymaking/planning recommendations in view of building a sustainable peace polity rooted in a fair and just social system, “bandwagoned” by education. This work will also develop the concept of “Peace Proximity” as a stepping stone for better-implemented policies. We shall also examine the theoretical framework within peace and conflict studies.

KEYWORDS: peacebuilding, citizenship, education, democracy, policymaking, lobbying, critical peace, critical democracy, peace proximity

1 INTRODUCTION

Peace, justice, and democracy, few words strike as impactfully as these three concepts in the international arena. They are put on a pedestal in such a manner that we envision them as standards impossible to achieve, idealized but ill-treated. Indeed, in the quest for peace, we have focused on war, conflict, and violence instead of exploring peacebuilding with as much intensity.

“The peace quest” has long been ensconced as an institutional prerogative, as a component of the international arena, caught in a “cross-fire” of diplomatic efforts, ruled by self-interest. If diplomacy and international machinery are essential, they cannot achieve peace without the membership and co-agency of civil society. Furthermore, conversely, civil society needs not only to be proactive in its demands but choose peace-committed leaders, make beneficial use of comprehensive democratic tools, and never take democracy and peace for granted.

Although far from being a uniform block, civil society endeavors were somehow seen as the baseline of a hierarchical “trickle-down- effect” where citizens undergo policies, “sparsely contributing to peace,” whereas citizens can be a vibrant engine of peace. This idea echoes the philosopher Alain, who stated: “Do not think that the bad guys are the ones fighting wars, while the “good guys” stare in horror. Men who make war are the same ones who love peace.”

Although highly relevant, the philosophical debate of peace vs. war is way too broad to summarize in this paper. We shall tackle the interweaving of peace as a practical notion and its dovetailing in our institutions to make it a tangible reality through collective efforts prompted by citizenship education.

Indeed, Antonio Guterres declared before the Security Council last August, amid the Ukraine-Russian war, that “dialogue and diplomacy are needed to save succeeding generations from the scourge of war.” According to the UN Secretary-General, in the midst of divides, conflict, and instability, from military coups to inter-state conflicts, invasions, and “wars that stretch on” for years, “today’s collective security system is being tested like never before.” He drew attention to lingering differences between the world’s great powers, including at the Council, which continues to limit a collective response. The Secretary-General spotlighted humanitarian assistance stretched to the breaking point, human rights under assault, and a lack of trust. He declared that “many of the systems established decades ago are now facing challenges (...) unimaginable to our predecessors - cyberwarfare, terrorism, and lethal autonomous weapons,” adding that “the nuclear risk has climbed to its highest point in decades.”

This impactful speech, addressed as a last warning to the international community, only emphasizes the importance of reviewing peace paradigms as climate change, pandemics, and forced displacements continue inching. As the UN Secretary-General pointed out, the tools which have prevented another catastrophic world war “are more important than ever; however, they need updating for today’s rapidly deteriorating international peace and security environment.” A much-needed international consensus must be rooted in solid national foundations to nurture and distill the culture of peace.

“Lobbying for peace,” this term that might sound provocative and even deemed pejorative, underlines the need to upgrade peace endeavors and rekindle ailing democracies and public institutions, which tend to widen social gaps instead of reducing divides.

Education is a central public institution regarding the expression of democracy, even though it is side-lined in terms of public peace. Education allows operating on a multidimensional level by purportedly enacting the values leading to a better “living together.”

Thus, education as a peacebuilding practice is a marginal aspect of how we view our institutions. However, if a structural change is foreseen, peace implementation should be addressed on both micro and macro levels.

Peace, as explained by Johan Galtung, the father of peace studies (within the framework of the “positive peace” approach) cannot be reduced to the absence of conflict. It implies the refusal to resort to hostilities for conflict resolution, conflicts that inevitably arise from the divergence of interests. We shall refer to this concept as “peacebuilding by peaceful means,” based on the assumption that compassion, empathy, and solidarity should be thought. Peace education might be known under different labels depending on parts of the world; however, the goals remain the same.

Lobbying for peace and demanding policies in favor of peaceful environments is not only an essential peace endeavor but a step forward to “advance” latent, stagnant, and only moderately efficient peace work.

There are numerous examples of civil society actions making a change and shaping laws and policies. Mahatma Gandhi, Martin Luther King, Mother Theresa, and many other renowned figures made the impossible possible, and they had one pillar they agreed on: the role of education.

Within a context of multiplied social spheres and the multiplicity of threats, under what Zygmunt Baumann refers to as “liquid times,” what policymaking strategies and levers can genuinely make education, beyond literacy, an agent of social change and advancement of peace?

In this paper, first, we shall focus on the notion of building a common good constructed on peace and social justice. Then we shall tackle how citizenship education can bridge peace for more robust democratic systems, exploring critical democracy afterward as a means of enforcing ethics.

2 EDUCATING FOR PEACE AS A COMMON GOOD

The common good as a philosophical concept appeared as early as the 13th century through the writings of Thomas Aquinas. Aquinas examines “Politics,” in which Aristotle affirms that the city underlines “the existence of a common good (...). Just as the whole is more important than the part and takes priority (...), the city takes priority over the individual (...).”

During the World Forum for a Responsible Economy, two broad concepts of the “general interest” were outlined. The Anglo-Saxon approach “postulates that the general interest results from the sum of the interests of each.” The French-style republican vision assumes that “the general interest is understood as an objective which exceeds the sum of individual interests.”

Alain Giffard’s definition of the common good as a shared common interest goes even beyond, highlighting the necessity of active membership to fulfill this notion:

“The common good (...) implies more than the respect of the law in expressing the general interest. It requires a commitment from everyone as an operating condition of the rule. The common good is not a norm; it is not defined by convention; nevertheless, there is the object of discussion among the people involved.”

This vision implies that citizens deliberately develop the common good, as explained by Chrystèle Basin: “Being a citizen is less about one’s duties in exchange for the guarantee of one’s rights than about participating in a society through the contribution of one’s intelligence, time, and skills, and in being able to decide the nature of one’s contribution.”

For Hubert Allier, the question would be: what do we want to build together? Furthermore, how do we decide what a common interest is? According to Allier, “it is less a matter of seeking a definition than identifying objectives.” He defines three axes of work for common good building purposes that should be part of education strategic planning for peace purposes:

- The guarantee of personal fulfillment
- The conditions of collective well-being
- The responsibility toward future generations - a roadmap for genuinely sustainable development

We interviewed Ms. Giannini, Assistant Director-General for Education at UNESCO, about the relevance of peace education. Ms. Giannini explained that discussing peace education is not novel. She clarified that the new dimension is the urgency to transform education in a way that can bring out not only the first mission of education, which is giving learners skills and competencies in specific subjects but bring out the role of education as “the fundamental tool to disseminate better knowledge of the many complex challenges that are around us.” Education would allow better awareness of the complexity, generating new behaviors and attitudes. According to Ms. Giannini, education should be a “big part of the solution;” it should be the tool to build what we refer to as “positive peace.”

When it comes to bolstering peace education as part of the common good, it is also relevant to root policies in solid backgrounds, applying the “the law of proximity” (*Loi de proximité*). There is a strong belief that the more distant an element is, the less likely it is to draw attention. The goal does not imply concealing broad scopes but focusing on tangible effects and deconstructing various levels of action for more substantial citizens’ membership, emphasizing peace proximity as a priority in implementing peace.

Prof. Dr. Anantha Duraiappah, Director of the UNESCO Mahatma Gandhi Institute of Education for Peace and Sustainable development (MGIEP) explained the importance of achieving peace through the capital factor of implementing peace in all layers of society starting from within. Indeed, he rightly pointed out “how one can find peace with others when fighting demons within themselves.” This idea highlights the importance of integrating the notion of everyday peace within, or what we shall call “proximity peace,” as part of critical peace education. According to Teachers without Borders, Critical peace education is the result of applying critical pedagogy to realms and issues concerning peace development or degradation. Although the academic discourse in the field has not been widespread, several notable scholars have contributed to the theory.

Descaling and reframing the approach to peace education supports putting efforts in perspective and “plays down” the need for action, recentring “responsible citizenship” endeavors as shown by the staircase model, displaying how peace can be implemented in a macro/micro and even mezzo approach:

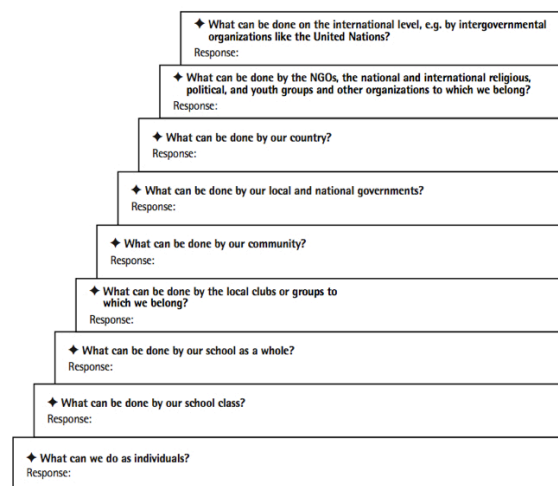


Figure 1 The Staircase Model for Critical Peace Education

In these terms, it would be possible to

- Understand the value of social responsibility
- Gain skills in devising and proposing alternative solutions to problems
- Enrich knowledge of practical possibilities

This model is one of the multiple potentials to distill peace through peaceful means, on the condition of creating spaces within and outside the educational system, in the forms of third spaces for educational purposes, associations, and multistakeholder networks.

Even if the role of citizenship education is highly-debated and not formally acknowledged, there is a shift in discourse as reflected in the UN Secretary-General’s “Our Common Agenda” report, mentioning 51 times the word “education” and its derivative in an 86-page report.

Leveling peace to a common good standard through active citizenship will allow learners to be active peacemakers, peace advocates, and peace lobbyists through project-based learning and learning by doing. If advocacy is an umbrella term used for any activity that involves influencing individuals or groups to achieve an objective, “lobbying” is a specific type of advocacy that is carried out alongside policymakers (i.e., government officials) and lawmakers (i.e., parliamentarians). This component can be included within the framework of peace education, part of active citizenship. Mainstreaming peace in theory and practice in education relies on fully integrating this notion through policy design and reformed curricula.

In this regard, Prof. Dr. Duraiappah points out that mainstreaming is why mathematics and science have done well when focusing on numeracy and literacy. Right now, there is a need to focus on social and emotional competencies, which are particularly important for individual well-being and collective peace.

If there is a belief that education “cannot do it all,” citizens’ empowerment needs to be triggered in a virtuous circle and nurtured by policies in favor of social justice. Citizenship education can be a tool for balancing citizens’ rights and duties designed for consolidating a most needed critical democracy.

2.1 Lobbying for Social Justice through Education

Lobbying as a means to influence and inform governments has been part of democracy for at least two centuries and remains a legitimate tool for influencing public policies. However, it conveys risks of undue influence. Lobbying in the 21st century has also become increasingly complex, including new tools for prompting governments, such as social media, and a wide range of actors, such as NGOs, think tanks, and foreign governments. Lobbying can also represent valid interests that inform decisions in the public interest. If used wisely and integrated as a democratic tool, lobbying can be readdressed, making young or lifelong learners aware of “hidden hierarchies” within what Michel Beaud refers to as “*Système National/Mondial Hiérarchisé*” (Hierarchical National/Global System). Ethical lobbying allows a reevaluation of capitalism and analysis of influence hierarchies. Indeed, being aware of hidden hierarchies and the necessity of addressing factors challenging authentic democracy contributes to owning tools that guarantee a broader adhesion, reclaiming territories of public influence by cultivating critical thinking.

Education is a significant contributor to peace and appears in two of the 24 indicators in the Positive Peace Index (PPI) produced by the Institute for Economics and Peace. Education can lead to peace and be a part of ‘building back better’ by “supporting the transformation of the security situation, political institutions, economic regeneration, and social development.” However, education policies can also play a role in “the escalation of conflict if they are poorly designed or implemented” and should be carefully implemented, assessed, and monitored. Although education is not part of the GPI (Global Peace Index), it is incorporated into the PPI. It does feature in the report produced by the Institute for Economics and Peace (IEP) as “a composite measurement of attitudes, institutions, and structures which create and sustain peaceful societies, support the optimum environment for human potential to flourish, and enhance resilience.”

Considering thus citizens as actors of peace and international relations is relatively new territory, sending back to the quintessence of the act of citizenship, that needs to direct attention to citizens as individuals and as part of neighborhoods, communities, and states before even considering the global scale.

Research has proved that the development of unequal conditions of citizenship creates mechanisms of reproducing social inequalities duplicated in schools. Being the right place to start, education is a conducive and a “*bandwagoning*” means to “increase individual mobilization and responsibility to participate in claiming social and political rights and roles.” According to UNESCO, Education towards citizenship from a civic perspective is the leading way to “invest” in all the main types of learning outcomes, namely: cognitive (knowledge, understanding, and critical thinking); socioemotional (sense of belonging and sharing responsibilities) and behavioral (acting effectively and responsibly, motivation to act).

Policymakers in this regard ought to be aware of the common but differentiated responsibilities (CBDR), a principle of international environmental law, initially establishing that all states are responsible for addressing global environmental destruction yet not equally responsible. Manifolding this concept to a local, national, and regional scale may help assign inclusive and active roles to citizens and communities, whether in peacebuilding, peacemaking, or peacekeeping.

Enhancing evidence-based policy and research backed by narratives transmission and local actors means focusing on grassroots lobbying and bringing special issues to daylight. An open policy design needs to rely on freedom of speech, among other democratic tools, greasing the wheels of heavy but most needed machinery by keeping access to information open and up to date.

Access to plural and reliable information is critical in the Information Age. Chambers calls “deliberative democracy,” referring to “deliberative systems” taking place at the level of the public space; in other words, Chambers refers to “the set of social and institutional elements which, within a given regime, are supposed to promote informed, fair and adversarial deliberation.”

Deliberative democracy requires that “citizens have access to political information, that the press and media be able to contribute to public debate in a free and independent manner,” and that “civil society be able to act as a conduit between the public space and the political space itself.” Deliberative democracy calls for “members of the political community to have adequate education and training to participate fully in deliberation.”

2.2 Peace Education and Education for Peace

According to OECD and UNESCO data, less than 15% of the world's population is illiterate today. Adam Szirmai, the author of 'The Dynamics of Socio-Economic Development,' explains that "global literacy rates began to improve during the second half of the 20th century when the right to education became a global priority". This notion, known as "basic education," responded and still responds to a need that has undoubtedly evolved, where education needs to act as the "gap closer" and the empowerment driver it should be. Such an ambition needs to be accompanied by the appropriate training resources to empower educational systems, which need to be enforced by resilient policies, ensuring regular improvement.

This critical lens is the prism that not only refers to the critical theory framework as an approach to international relations but also keeps stock, believing that there is no perfect system, and no fair system can stand to sustain on its own. Critical peace education—as a field of scholarship and practice, in this regard interrogates taken-for-granted notions and assumptions about peace and peace education.

In this sense, a qualitative case study from Cyprus attempted to reclaim a form of "critical peace education" that acknowledges the complex and diverse manifestations of peace education in different contexts but also explored "local understandings of how participants can cultivate a sense of transformative agency." This study assumed that "recent interdisciplinary developments critically reassess the ongoing postulation that modern world diplomacy is only reserved for the work of diplomats representing sovereign states" and drew attention instead to the everyday conduct of diplomacy by "non-elite actors." Critical peace education enhances "the forms of diplomatic activity important to everyday life" and how they "inform people's modes of acting and behaving." The study argues that "teachers' strategies to address the concerns of those around them towards peace education may constitute a form of everyday diplomacy," meaning "a set of people-to-people activities" attempting to "move a society towards "peace formation."

According to the author of this study, the "local turn" (or the "everyday turn") has emerged very recently in social theory, especially in the last decade or so, highlighting "local ownership and participation in peacebuilding efforts and a peace process that is an everyday type." It is "a process entailing ideas and practices that appear mundane, yet they can be significant and political in promoting or creating obstacles towards peace." Nurturing these efforts is, in many ways, lobbying for peace.

In this analysis of "everyday peace," quoted in the study, Roger Mac Ginty suggests that the conceptualization of such methods rests on three premises, that are also relevant to peace education as "an everyday form of practice," and that are worthwhile bearing in mind as policymaking pillars:

First, the fluidity in the social world makes peace education possible at some periods and impossible or unimaginable at others. This highlights the fluidity of individuals, collectives, ideas, and practices. Also, to keep in mind, **the heterogeneity of groups, often seen as homogeneous**, meaning that flagging and gathering all those "who may react negatively to a peace education intervention into a single category of "rejectionists" is not productive. Mac Ginty explains that it is more prudent to "conceive groups as containing a wide range of intensity of affiliation, opinions and affects," acknowledging the complex character of a multifaceted approach to peace.

The importance of the locality in which individuals and groups will engage with a peace education intervention is also capital; for instance, says Mac Ginty, if the conflict between rival communities is still open and there are unsolved political issues, those involved in peace education interventions “must negotiate a way through a complex range of social norms, practices, and aspirations that shape their inter- and intra-communal experience. This facet reflects the “variety in the intensity of affiliation, opinions and affects likely to pertain within a group.” We can only observe why it is crucial to explore “how everyday diplomatic skills may be used in different situations.”

3 CRITICAL PEACE EDUCATION

The term peace education is comprehensive of a broad range of definitions. We shall in this paper tackle “peace education” as follows, according to the international charity Peace Direct: Peace education refers to activities that “promote the knowledge, skills, and attitudes that will help people to prevent the occurrence of conflict, resolve conflicts peacefully, or create social conditions conducive to peace.”

As we mentioned earlier, education and training, to quote Kenya’s Ministry of Education Science and Technology, “may not offer immediate remedies to the local and global challenges that face human kind” but “it has a crucial socialization function through the shaping of personal and collective identities, the formation of responsible citizenship and the promotion of critical social participation,” leaning on “principles of respect for life, human dignity, and cultural diversity.” This framework underlines how much conflict-sensitive education needs strong policies to sustain the core values of nonviolence and social justice, which are central to peace education.

It is a constant, collective, and transformative action to keep education for peace purposes from “sitting on its laurels,” maintaining all linkages and channels of dialogue. Such an approach to implementing reforms and policies relies as much on “down-top” as “top-down” agency (and much likely variable geometrics) to ensure practical in-field work, as well as qualitative and quantitative feedback. Such an approach also avoids the perverse effect of piling up policies, taking the necessary resources to “unplug” outdated and inefficient policies regarding the well-being of educators, managers, and administrators, making peace not only a goal but also a means.

Researchers from the University of Umeå explained that “the meaning of peace beyond the absence of war is not well understood or conceptualized. they pointed to the “fluid” character of peace as a concept intertwined with “all sorts of laudable goals and embedded in visions of a good society.” Indeed, many scholars believe peace and conflict studies focus more on conflict than peace. Johan Galtung has introduced the distinction between negative and positive; however, these two categories of peace employed in the field, according to the researchers from the University of Umeå, “need for a more nuanced conceptualization of peace, that can capture the many real-world situations that exist between the ideal-typical negative and positive peace categories.” This debate is based on the reflection that peacebuilding in France, for example, does not bear the same paradigms as in China or Peru. Understanding how to operate peace, setting goals, and subscribing strategies within regional, national, and local settings - powered by international organizations’ expertise pooling and research-based recommendations - will allow proper lobbying for implementing the right policies.

Critical peace education needs a particular setting to thrive, meaning one that favors most forms of “deliberative democracies.” Deliberative democracy, as mentioned above, is a “school of thought in political theory” claiming that “political decisions should be the product of fair and reasonable discussion and debate among citizens.”

In deliberation, citizens “exchange arguments and consider different claims designed to secure the public good,” Henceforth, citizens can agree on actions or policies best likely to produce public good. Deliberation is a necessary precondition for the legitimacy of democratic political decisions and can therefore favor ethical forms of lobbying for “peace as a common good.” Deliberative democracy claims that “citizens should arrive at political decisions through reason and the collection of competing arguments and viewpoints.” Citizens’ preferences should be shaped by deliberation, in advance of decision-making rather than self-interest, in line with the notion of lobbying for peace as a common good, as developed in this paper.

Critical peace education, as much as peace, needs ethical lobbying to remain active, resilient, and forward-looking. Within this framework, there is undoubtedly a need to value “education to the historical truth” and reflect on past achievements and failures, but also build a fertile ground for farsighted, sustainable policies as global progress deteriorates. According to the UN, development has indeed declined in 9 out of 10 countries worldwide, urging the UN to move the Summit of the Future to 2024.

3.1 The 2030 Agenda for Sustainable Development

Peacebuilding and conflict management need to lean on social, economic, and political pillars of security, even more so to promote peacebuilding and reconciliation. Such a project requires learning institutions to ensure sustained peace, reinforced by the “inculcation of a culture of peace as a means of preventing and resolving conflicts.” Peace is one of the five pillars of the 2030 Agenda, along with People, Planet, Prosperity, and Partnership.

The 2030 Agenda for the Sustainable Development Goals (commonly referred to as SDGs) is a comprehensive stakeholder universal policy plan comprised in the form of 17 goals aiming to “end poverty, protect the planet and improve the lives and prospects of everyone, everywhere.” The “Decade of Action” to deliver the Sustainable Development Goals is in motion, making the clock tick critically, especially since the “precipitous spread of the novel coronavirus turned a public health emergency into one of the worst international crises of our lifetimes, changing the world as we know it,” making the urgency to shift from talk to action even more critical.

The SDGs offer the possibility to tackle local and global issues in a cross-disciplinary approach, taking ownership of SDG 16, aiming at achieving “**peace, justice, and stronger institutions.**” and SDG 4, devoted to “**quality education,**” and even other SDGs as the 17 targets are heavily connected. Even if the challenges are global, decision-makers must embed policies just as well locally; some might use the word “*glocal*,” a neologism attempting to bridge the two opposites but not necessarily opposed scales. Policies need to be transparent, tangible, and measurable. It is furthermore necessary to demand a level of ethics and accountability to keep the wheels of democracy running unhindered. It is a relentless collective and individual focus that needs to be instilled, from a noticeably early age, through citizenship education.

This vision of national social growth needs to be enacted in various forms of advocacy, activism, and lobbying, but it does not imply solely spectacular or viral action. Community work, group discussions, school councils, and all actions addressing racism, gender discrimination, human rights, politics, environment, and animal rights can play a part. It might be even more relevant to inculcate and value forms of “ordinary citizenship,” as Catherine Neveu states, opening possibilities of active citizenship for an even broader range of citizens, not only to “confirmed activists.”

A study conducted in the city of Rio De Janeiro on citizenship education in 2020 identified three levels of action that give a probing scaling:

- Citizenship in and beyond the nation-state in a context of interdependence
- The contexts of citizenship: institutions, intergovernmental organizations, governance, accountability, and citizen participation.
- The city as a laboratory and pacer of citizenship.

These levels and fields of action, where all 17 SDGs can apply, show how citizens and the institutions are co-dependant and can mutually benefit from co-agency, supporting resilient, long-rung collective efforts. There are still two dimensions to consider, less static, the first being the crucial role of “informal” education and knowledge, families, friends, and cultural heritage. The second is political terms and agendas that can create as much uncertainty as disruption. Thereby, lobbying for “peace as a common good” needs to be effortlessly activated to be integrated into national constitutions, under “the principle of inalienability,” protecting a fundamental human right, making the well-being and fair access to quality public services a clear goal. The assimilation of this idea can only take shape in the mind of young people, citizens, advocates, and leaders in the making.

Educating for a peaceful future requires enrolling in principles associated with real-life contexts and situations. Stephen Stetter declares that “policy-makers tend to discuss peace education mainly in relation to political conflicts,” whereas “the ambition and intellectual grounding of peace education are much wider in scope: it appeals to the general ambition to strive for peaceful (...) and non-violent conflict resolution in everyday life also outside the conflict zones of international politics.” Bearing this in mind, peace education tools and decision-making need to be a core feature of educational policies, just as much in societies outside conflict zones.

Mr. LIM Hyun Mook, Director of the Asia-Pacific Centre of Education for International Understanding, one of the leading UNESCO centers in favor of citizenship education, explains that political and economic arrangements alone cannot secure lasting peace. We need more intellectual and moral solidarity to enhance mutual understanding between people. According to Mr. Lim, this concept of mutual understanding is crucial to UNESCO. This interest took shape through Education for International Understanding. (EIU) starting the 1990s. This conception has evolved into Global Citizenship Education (GCED), a term gaining prominence over the last two decades, with several relative terms (depending on the geographical setting) and debates over the global dimension inter alia. The UNESCO’s concept of GCED, which the OECD developed under the global competencies’ framework, carries the merits of providing a repertoire of turnkey recommendations that need to be implemented locally, considering cultural and social standards in addition to constructions around “peace as a common good.”

3.2 Peace as a Standard Social Reference

Social upheavals particularly threaten young people. A recent study by the Federal Reserve Bank of Saint Louis warns that “millennials are in danger of becoming a “lost generation” in terms of wealth accumulation. To make matters worse, over half of all young people, in a survey of ten countries, think the world is doomed by climate change.” Not to mention the loud resonance of the platformization of the web toppling societal ecosystems into a “liquid identity effect.” If technology is necessary for advancements in science, it has also created unsolvable problems amplified by the “megaphone effect” on phenomena such as bullying, to name one. Digital spaces moving from arenas of equitable access to free speech and democracy to jungles of hate speech are governed by imperfect algorithms, confirming, even more, the necessity to educate and implement genuine advocacy for peace and social justice through policies in favor of peace lobbying. It is essential to inspect the digital spheres as an extension instead of considering them as “unattended and unruly no-man’s-lands.” Skyrocketing numbers of access to social media platforms during the lockdowns are only proof of the extent of the territory that needs to be seized and how critical thinking should be a significant 21st-century skill (+62% for FB, 44% for TikTok, and 315% for LiveMe). As these issues should be addressed multidimensionally, education plays a major part through digital pedagogies and digital humanities.

Today’s digital divide is not only a matter of access to technological resources, which is another imperative debate. The social digital divide question must consider all aspects of a social environment, meaning the acknowledgment of uncharted territory in regulation and policymaking.

In this regard, we must reconsider the “culture of performance” as our sole purpose and look forward to “building social and emotional learning for education,” making schools, the first social spheres in the life of children, safer places, and aiming for a safer internet, creating, and growing virtuous circles.

François Taddei studied the creation and continuation of these virtuous circles. The answer, as simple as it sounds, makes sense: “We start by allowing those who are already doing things differently to continue to do so, and we invite those who are willing to dare to do likewise,” explains Taddei, “then we evaluate their work and spread it. From here, virtuous cycles can emerge”. This implies “believing in the innovative capacity of teams and high-quality initial teacher training and continuing professional development for teachers.”

Lobbying for peace requires mastering peace as a social subject, and thus, a thorough knowledge of peace mechanisms and stakes. This means starting by laying grounds for creative, ethical, accountable, and transparent systems, restoring historical truth, and creating spaces for free speech and critical thinking. This also means applying these mechanisms in both virtual and physical spaces, using role modeling (leading by example), budding from immediate environments, with families, educators, and school staff to politicians on national and international levels.

Peace-sensitive policies also need the strong commitment of the youth. Countless discussions about their future do not systematically include them. Full youth membership demonstrates that commitment and involvement are not only a “like button” on social media (*slacktivism*) but taking a stand and speaking up against injustice; signing a petition might already be a step forward.

Acting against and even condemning injustices and issues such as forms of bullying can be an act of lobbying for peace. Bringing these questions to school principals, national deputies, or even heads of state, casting the spotlight, is a first step to demanding policies in favor of peace. Acting on a multilevel approach means that anyone and everyone can be a peace lobbyist, contributing to implementing relevant measures to institutionalize peace.

4 ETHICS, ADVOCACY, AND DEMOCRACY

Caring needs to be taught and learned. If such a statement seems opposed to the educational landscape today, oriented toward academic performance, the rising interest in neurosciences proved the benefits of learning through a social-emotional approach, what can be referred to as the emotional quotient (EQ). This idea is gaining significant prominence in work environments but much less in educational milieus. UNESCO's Mahatma Gandhi Institute of Education for Peace and Sustainable Development (MGIEP) advocates for "building kinder brains" employing education through "a whole-brain learner-centric approach" aimed at "strengthening the interconnectedness of cognition and the social-emotional domains, which is essential for human flourishing."

This method carries numerous returns that require educators' training and a more fluid school-family relationship. Building peace-sensitive environments mutually benefit trends and tendencies of ethics, advocacy, and democratic expression. An approach that can help understand and dissect subjects that need to be tackled within a given educational ecosystem, not only patching issues for trend effects. This approach based on communication and dialogue where students are not only "brains to fill," gives more accurate indicators on what motivates young people, for example, to commit to causes and which causes they are most likely to embrace.

According to MGIEP, the "whole-brain" approach also requires "supporting and strengthening school-community partnerships to promote more localized, place-based curricula to link learning to real-world problems learners face daily." Moreover, "learner agency should be promoted by shifting from passive to active learning, where each learner actively engages in, and experiments with information and the environment" as "the relationship between teacher and student is bi-directional," fostering the generalization of healthier mutual social relations.

Nevertheless, why would ethics, advocacy, and democracy be meaningful for society? It is about aiming for the highest standards and civic requirements to achieve a peaceful living, resorting to democratic tools for a better living. This could be achieved by designing policies in favor of citizenship education. The definition of citizenship education is a set of methods and approaches to "develop knowledge, skills, and understanding that pupils need to play a full part in society as active and responsible citizens. Pupils learn about democracy, politics, parliament, voting, human rights, justice, media literacy, the law, and the economy." The close ties and gateways between the foundations of a peaceful society and citizenship education are theoretically aligned, even if situational specificities need to be addressed. Indeed, democracy does not mean "an ideal state of peace," as democracy does not prevent conflict, but democratic systems of governance guarantee counter-powers to hold the equilibrium.

On the international level, explains Anna Jarstad, “Even if democracy is no guarantee of peace,” it “offers institutions and regulations a peaceful way of handling antagonisms. This approach makes democracy desirable and an important part of peace-making.” The correlation between peace and democracy is intricate, as stated by Jarstad, “if democracies do not tend to go to war with each other, the road to democracy is often violent.”

Peace is affected by a range of factors, among which Anna Jarstad names international initiatives such as mediation and aid. She points out that the UN has generally “failed in achieving democracy through international interventions after wars, as “only three out of the 27 countries where the most extensive peace missions have taken place are democracies today. This statement underlines how much peace endeavors need to “spring from the inside,” from civil society and national institutions, making a multidimensional approach reality on both micro and macro levels, hence the necessity of lobbying for peace and making every action and every actor count.

4.1 Engaging Democracy in Social Spheres

“Democracy in the twenty-first century requires that the rule of law cease being the rule of power (...). The rule of law must incorporate human dignity into the equation and enable people power, self-determination, and referenda. The rule of law must evolve into the rule of social justice.” These words by Alfred De Zayas emphasize the urgent need for “giving power to the people,” not only by making citizens an accessory of a “window democracy,” but by acknowledging the role of “the citizen” as an actor of social change and international relations transformation.

It is capital to consider these new paradigms of social change and social situational parameters of the “citizen’s environment, viewing the public space as an arena for social interaction. The fragmentation of the public space needs to be tackled within the framework of a multipart analysis, beyond the national/international dichotomy. This process of fragmentation of the public space is accompanied by the “fragmentation of the discussion communities.” The public space supposed to “represent a common place for discussion” often resembles a “superposition of acoustic chambers, each with its codes and shared opinions that are taken for granted by those who are part of it.” Take Facebook as an example, or in our social and political engagements in general, we tend to “communicate only with those who are like us.”

In this sense, democratic conditions and social vulnerability should be addressed since the objective is to foster citizenship awareness, as revealed by the study we mentioned above, conducted in the urban setting of Rio de Janeiro. A citizenship education process thus “needs to develop democratic conditions and contributes to the prevention of social vulnerability and the segregation effects revealed, (...) promoting the development of participatory citizenship dynamics”. In these conditions, students can challenge the “spatial division between the private and public spheres, where a conceptual barrier is usually placed, hampering people to enable a horizontal (link from individual to individual and from individual to collectivity) and a vertical (individual-participatory instances/political system-state) citizenship.” Therefore, this observation proves that citizenship education must be bolstered for stronger social cohesion as a powerful means to reduce inequalities and increase social mobility.

Reclaiming public space as individuals or as collectives means gaining ownership of the digital space as a social space, evolving with minimal regulation. The most meaningful symptoms dwell in the product of algorithms in the shape of echo chambers and filter bubbles, “potent metaphors that encapsulate widespread public fear that the use of social media may limit the information that users encounter or consume online, thus failing to promote a shared experience of free-flowing information.” These social media algorithms combined with tendencies to “interact with like-minded other (...) create an environment that predominantly exposes users to congenial, opinion-reinforcing content to the exclusion of more diverse, opinion-challenging content.”

A wide gap in policymaking needs to be addressed, allowing citizenship education to stem from a more robust framework, guaranteeing a plurality of opinions and favoring peace through dialogue and international solidarity.

Data flows also needs to break the silo in which education is constrained. It is essential to reframe fields of action to allow adaptable and reliable actors’ networks. As Stephen Stetter points out, education as a peace driver needs to be much more included in the political components and further steps of peace and conflict transformation as a part of peace agreements and peace processes. Education must be considered an element contributing to equality and justice for all conflict parties involved. There are concrete examples, adds Stetter, including peace education elements in peace agreements and peace processes, namely Northern Ireland, Bosnia and Herzegovina as well as Northern Macedonia; the procedures have been “a crucial component in improving the pervasiveness and societal reach of these agreements.”

Precisely, to respond effectively to conflict, conflict resolution theorists and practitioners underscore the importance of “cooperative, non-adversarial processes for problem-solving and relationship building, which are often conducted with an external third party or mediator.” Breathing appeasement and favoring peacebuilding through dialogue, taking various forms, art, culture, and sport, allowing to advance peace, directly or indirectly, opens numerous opportunities for democratic expression in different social spheres.

These processes nuance the space between conflict and peace and “direct attention to underlying interests and human needs (e.g., security, identity, bonding, control, development) beneath superficial positions and demands, and highlight the significance of culture in human interactions.” They do indeed “affirm the importance of empathy, creativity, and shared positive power (power with rather than power over”) in all conflict resolution processes, whether between individuals, groups, or states.” It is also essential to underscore the “potentially positive role of non-official processes of dialogue and engagement in today’s major international conflicts, acknowledging the character of multichannel peace endeavors and communication, maintaining peace actors’ perceptive and forewarning.

4.2 Critical Democracy and Everyday Peace

Considering peace as a “big-picture,” a screenshot of a precise moment will conceal fundamental dimensions of peace. Working in-depth and considering time, space, and endogenous and exogenous factors is key. These dimensions are capital to avoid the cure becoming worse than the disease. Planning a conflict-sensitive education can avoid the indirect accentuation or mitigation of conflict by “creating or entrenching socio-economic divisions, through processes of political inclusion and exclusion, as well as through accommodation of cultural diversity. It is important to recognize that “policy decisions have consequences for peacebuilding” as “educational content, how it is delivered and how the overall education system is organized can lead to peace or return societies to conflict.” UNESCO advises that “when planning education policies, governments should consider long-standing rivalries and partially resolved disputes between groups and regions.” Stetter specifies that conflict-sensitive education interventions must ‘do no harm and “ensure that they do not reinforce inequalities or further fuel divisions. Programs must remain flexible to best respond to fluctuating contexts” with “improved feedback loops” that “can help monitor outcomes and effectiveness.” Also, “collaboration between education specialists, peacebuilding specialists, and the broader development field in a system thinking approach to achieving sustainable, long-term change.” This implicates “an everyday peace effort” and a critical approach to peace and democracy, as a safeguard against the misuse of education, as an ideological propaganda tool for example.

It is also interesting to consider the genesis of the concept of peace education for a better understanding of the ramifications that have been formally institutionalized in various policy decisions. The 1998 UN Resolution on the Culture of Peace defines “peace education” as an “encompassing policy that starts in school education - to turn the individual classroom into a small peace culture but should reach out to society as a whole.” According to the UN, peace education is based on an “integral approach to preventing violence and violent conflicts, and an alternative to the culture of war and violence” based on “the promotion of sustainable economic and social development, respect for human rights, equality between woman and men, democratic participation, tolerance, the free flow of information and disarmament.”

Mainstreaming peace education means that we need a whole new mindset over our approach to peace, from decision-making to the in-field level. Incorporating and rooting peace education in school curricula does not mean adding or overlapping tasks risking “choking” the educational system and overloading educators, already swamped with very demanding tasks, but the underwriting and converging of various societal mechanisms, even outside strategic education planning, enforced by partnership and associative networks.

Dr. Maria Montessori is considered the founder of peace education as a discipline. She called for “ethical, empathetic, and social educational practices that did not exist in the typical public school” in view of “creating the suitable environment for each child to enjoy harmonious interactions that nourish and love” and that would “ultimately contribute to peace: in the family, at the workplace, within the nation – and between adversaries in violent inter-group conflicts.” The pivotal point of setting peace and social justice as a norm, fully inserted in everyday decorum, is applying the values we hold as “moral goals,” making the goal the means. Starting from within by guaranteeing fair access to resources and creating a just atmosphere of trust. Citizenship education and solidarity can help trigger incentives for peace, chasing away violence, but also understanding the causes behind the conflict, in a sensitive approach, based on historical truth and duty of remembrance.

Nathan C. Funk explains that peacemaking “is not only an effort to end war, remove structural violence, or establish the presence of external value conditions. It is also a profoundly internal process, in which the transformation of the individual becomes a metaphor for and instrument of broader changes.” This backs the idea that “peaceful behavior is learned behavior. Everyone is a potential and needed contributor to a culture of peace.” This idea should be the guideline of policymaking, and each one of us must lobby for the achievement of this vision through actions to sustain transformation and positive change in our societies, making peace an everyday effort and an everyday reality.

Democracy might be a perfectible system that should evolve just as much as peace paradigms continue to evolve, but it is still a political means for citizen expression. Peace needs to be supported by citizenship education as a flexible tool to fit and answer the challenges of the 21st century. Lobbying for peace and pressing for a change that has been too long expected is a goal we can all aspire to.

CONCLUSION

Peace and democracy share the fact that they cannot sustain without everyday work efforts, rail guards, and collective intelligence. Citizenship education is one of the defenses of peace and democracy that needs to be guarded and strengthened, but also critically reviewed, to answer the requirements of the cohesion of social fabrics.

Education can create peaceful societies by enforcing the teaching and understanding of shared knowledge, values, and attitudes, enabling individuals to live together in diverse environments.

There are many benefits to citizenship education in terms of peace implementation. One of the first symptoms of the fulfillment of social equity is guaranteeing fair access to quality education for all, an additional signal of how society’s transformation lies in its most elementary institutions.

One should remember that the best tool in favor of authentic democracy is participation; dropping voter turnouts, for example, are symptomatic of democratic backslide, risking the erosion of pillar institutions such as education. There is a direct connection between education and democratic values, in democratic societies, educational content and practices support behaviors of democratic governance.

Citizenship education, and education in general, is vital in a democracy to maintain the dynamics of evolving forms of government that “demand independent thinking by the citizenry. The opportunity for positive social and political change rests in citizens' hands.”

Education systems should be valued and constitute a subject of resource devotion, supporting and defending individuals as citizens, part of the social fabric. Aware citizens are in a better position to improve their democracy and not only undergo social contracts. Policymakers must consider procedures to encourage students to develop reasonable arguments, based on careful research and a clear understanding of history, and not be threatened by youth commitment and advocacy.

Citizenship education policy is about how decision-makers must set their priorities on the kind of society they aim to build. Citizens' responsibility and membership are capital; it is about what truly matters, what values we need to defend as humans and citizens, and what legacy we shall leave for future generations. We have the political leaders we choose, so let us choose wisely.

Being a peace lobbyist is taking part in any aspect to advance the state of peace, from civic engagement to the duty of remembrance, keeping and renewing the sense of democracy, participation, and membership. This implicates the necessity to recognize the political and affective complexities at play in forming visions about peace and peace education, learning lessons from the past.

The plurality of actors in all social spheres guarantees citizens access to the necessary sources of information to capture an accurate picture of political information. Pitseys John declares that “political information (...) produced by the various holders of public power is not enough to guarantee impartiality.” He argues that “both the transmission and reception of the message are influenced by the context in which they take place, as well as by the opinions, perceptions, and prejudices of the receiver.” Democratic deliberation cannot sustain without public information, which needs to be processed and discussed, contradictory and collectively. Such a process requires, inter alia, “places of discussion and public responsibility, a lively mediation of civil society, a quality press, and mass media with the means to exercise their function of counter-power.” In other words, “an education system that provides future citizens with the necessary tools to engage in public debate.”

Ensuring effective policymaking for peacebuilding purposes through education needs to empower citizens and closely monitor policies in the field. To this day, no data is available in this area, information facts that would be relevant for assessing actions, their dissemination, and pooling of efficient resources, bridging even more actors network of peace advocates and peace lobbyists. After all, citizenship education choices are highly relevant in understanding political agendas and priorities set for populations, orientation either national or international, that should be closely monitored by aware citizens.

Peace needs patience and perseverance, whereas conflict does not bear poise. The best yet is to avoid sparking conflicts and build peace by peaceful means. Mobilizing all peace stakeholders will allow a 360° approach that might contribute to healing the polycrisis world we are experiencing.

We shall end this paper with a quote by Alfred De Zayas worth reflecting upon, “Civilization does not simply require society to have a set of laws and powerful police to inform them. Civilization means ensuring the real welfare of people, creating the conditions necessary for their pursuit of happiness.” De Zayas continues by stating that “the true indicators of civilization are not an expanding Gross Domestic Product, ever-growing consumption, and aggressive exploitation of natural resources – but rather respect for human and animal life, sustainable management of the environment, local, regional, and international solidarity, social justice, and a culture of peace.”

ACKNOWLEDGEMENTS: I would like to sincerely thank Ms. Giannini, Assistant-Director General for education, Mr. LIM Hyun Mook, Director of the UNESCO Asia-Pacific Centre of Education for International Understanding (APCEIU), and Prof. Dr. Anantha Duraiappah, Director of the UNESCO Mahatma Gandhi Institute of Education for Peace and Sustainable development (MGIEP) for kindly taking the time for interviews within the framework of my Ph.D. thesis and contributing to my research through their expertise and knowledge.

FUNDING: This research received no external funding

CONFLICT OF INTEREST: The author declares no conflict of interest.

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Wicked Problems: Threats and Opportunities

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ABSTRACT

Wicked Problems also known as irregular conflicts are defined by “contradictory and changing requirements, multiple stakeholders, many interdependencies, and problems that keep evolving.” (Kramer 2011)

Conflict contexts are by their very nature complex and require comprehensive analysis to understand, design and implement responsive interventions. These interventions which should ideally aim at addressing the root causes of violent conflict are best carried out by those who live within the context, who through hard work and various confidence building measures, have gained trust and credibility with the different “sides” of the conflict.

However, because irregular conflicts are so dynamic, it is necessary to adapt to their pace by not only understanding the conflict but keeping up with changing forces and factors that affect the conflict. This therefore means that both threats and opportunities exist which can be identified and utilised to make a difference.

The process of identifying the threats as well as opportunities to transform these irregular conflicts into more productive rather than destructive states may seem like a tall order in the heat of episodes of violence; but the approach of multi-track diplomacy, inclusive and bottom-up approaches has been shown to bring about more productive outcomes and sustainable cultures of peace in conflict affected communities.

With the exponential increase of wicked problems all over the world at every level, this presentation aims not only to highlight the challenges and threats they present but also how we can leverage evolving opportunities even within the most complex conflict contexts.

KEYWORDS: conflict, problems, violence, complexity, diplomacy, threats, peacebuilding

1 INTRODUCTION

If there is anything that is certain, it is conflict. Conflict is not in itself a bad thing, infact, it is natural, and it is productive – when it doesn't lead to violence. Conflict has many definitions, can be productive or destructive and in its simplistic forms, it can be said to be a difference of positions or opinions or needs.

“Some present conflict as a natural phenomenon, others as an alien or abnormal happening in social life, and yet others consider it as a necessary condition for the development and growth of individuals and societies.” [Council of Europe-European Union 2013]

Galtung (1969) defines conflict as “a dynamic process in which structure, attitudes and behaviours are constantly changing and influencing one another,” which very well describes the concept of irregular conflict or wicked problems.

Tjosvold and Van de Vliert [1994] share that “conflict is understood as incompatible activities which occur within co-operative as well as competitive contexts.” Which highlights the possibility that conflict can result in either positive or negative outcomes as well as the fact that conflict can happen within co-operative and healthy relationships.

Simply put, if you have you ever been faced with a situation that seemed to have no resolution, no end and keeps getting worse with time, then you are facing an irregular conflict or wicked problem.

For the purpose of this paper, the terms “Irregular Conflict” is also referred to as “Wicked Problems” and both terms are used inter-changeably.

“A wicked problem is a social or cultural problem that's difficult or impossible to solve because of its complex and interconnected nature. Wicked problems lack clarity in both their aims and solutions and are subject to real-world constraints which hinder risk-free attempts to find a solution.” [Interaction Design Foundation n.d]

In addition,

“Irregular conflicts generally will merit the description of a wicked problem. Such conflicts are often multicausal, unstable, and present problems that keep evolving. They are socially complex, involving multiple stakeholders and many interdependencies. They often have no clear solution, and, in any event, solutions often are not right or wrong but rather better or worse or good enough. Frequently, solutions require changing behavior, where it is necessary to motivate individuals, and attempts to generate solutions can lead to unforeseen consequences. Finally, it is hardly ever the responsibility of one organisation to provide solutions.” [Kramer 2011 p. 83 - 84]

Key identifiers of wicked problems that we want to explore further in this paper are:

- That they are extremely complex and involve numerous interacting influencing factors, every changing dynamics and actors.
- That extensive analysis and multi-track diplomacy are good approaches to understanding and addressing wicked problems.

- Wicked problems are unique and provide opportunities to learn and adapt.

Infamous protracted violent conflicts around the world have the tendency to leave the situation locked in a continuous cycle of violence. Unfortunately, too many examples of such conflict exist including in Afghanistan, Civil War in Myanmar, Palestine and Israel, Syria, and Yemen, to mention a few.

Lots of more recent violent conflict are occurring like the Ukraine-Russia, Tigray- Ethiopia, Nigeria, Haiti, Central African Republic, Democratic Republic of Congo, Kurdish Groups - Turkey, Civil War in South Sudan, Somalia - Al Shabab to mention as few.

As a matter of fact, the Centre for Preventive Action lists 27 ongoing active conflicts around the world as of October 2022.

This does not include numerous volatile local conflicts situations and violent events including kidnappings, banditry, drug cartel violence, land disputes, coups and instability due to violent extremism.

Wicked problems tend to become more complex with time especially when actors take unpredictable actions that exacerbate the conflict.

We want to take a closer look at the key identifiers of wicked problems as mentioned in the introduction above, bearing in mind that the list is not exhaustive, but can illustrate some of the most relevant threats and opportunities.

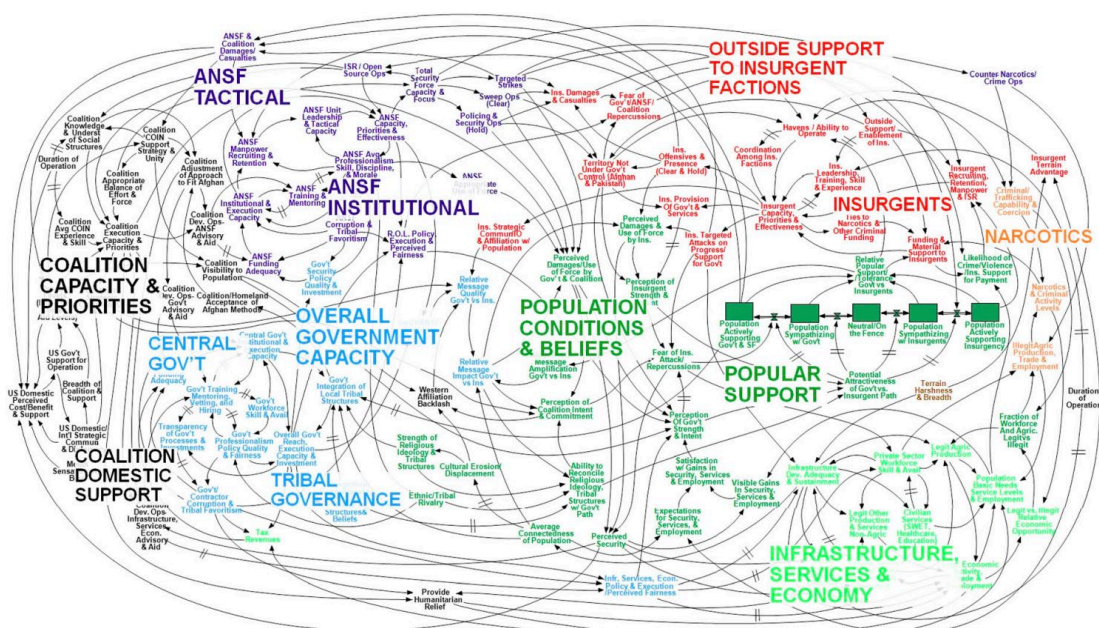
2 WICKED PROBLEMS AND COMPLEXITY

One of the most aggravating factors of wicked problems is the fact that they grow in complexity over periods of time and recognising this is key. Sometimes the time within which this happens is not even far spaced and changes can happen over a period of hours or days. It is therefore helpful to approach wicked problems conflict using systems thinking. This makes the conflict analysis flexible to better understand the complexity of the conflict.

“Systems thinking often involves moving from observing events or data, to identifying patterns of behavior overtime, to surfacing the underlying structures that drive those events and patterns. By understanding and changing structures that are not serving us well (including our mental models and perceptions), we can expand the choices available to us and create more satisfying, long-term solutions to chronic problems.” [Goodman 1997]

As is expected for every conflict management and peacebuilding practitioner or organisation, a good understanding of the conflict context is needed for any kind of meaningful intervention to happen. Even for problems that are not “wicked,” there is a need for a deep analysis and zooming in on contextual factors to facilitate understanding of the situation. There are many tools for conflict analysis which became a strong concept in the peacebuilding space after World War II, when the field of conflict resolution started to emerge in the 1950s/60s.

Applying systems thinking means we are recognising that the problem is intractable, important, familiar, yet unfamiliar and other approaches have been applied without success. Systems thinking therefore acknowledges complexity and can be a very helpful tool not only in the analysis of a wicked problem but also as a monitoring approach to keep up with the changing dynamics of the conflict. If one was to take a systems approach to understanding the conflict in Afghanistan in 2010 for example, this is what a systems map could look like.



Visual One: A Dynamic Systems Model of the Afghanistan Conflict
 (The New York Times, 26 April 2010 - Wiley Online Library)

There are multiple detailed, diverse tools to support conflict analysis which include but are not limited to the onion (positions, interests and needs), force field analysis (driving forces-positive forces for change, restraining forces-obstacles to change), actors and community mapping, conflict tree, iceberg, gender generator analysis etc. These tools help us to get a holistic view that can only go so far, and must be integrated with systems thinking i.e., relationships, patterns, underlying and even historical dynamics. We must avoid the tendency to oversimplify conflicts and take the more convenient route of linear and simplistic thinking which suffocates the ability to see the conflict from its many sides, types, levels and dimensions.

For example, a simplistic way of thinking of a conflict could be that there are only two sides of a conflict, which in itself is such as limited view when in fact multiple actors are involved. Additionally, we may see an episode of violence as the cause of a wicked problem without examining the deeper and multiple cultural or structural violence manifestations or causes related to that episode. For example, a suicide bombing Is an episode while there are deeply rooted issues of land occupation and human rights abuses (structural violence).

In wicked problems, complexity must be fully embraced as one of the very essences of that problem. Nothing should be taken at face value and the inter-relatedness of actors and their actions taken into account.

While complexity of the wicked problem may seem more like an aggravating factor, it actually provides an opportunity for certain possibilities. These possibilities include a representation of diverse and even converging mindsets on different sides of the conflict.

For example, as the visual illustrates below, it is possible that people on different sides of the conflict share the same views, even though they vocalise different positions influenced by their identity groups.



Visual Two: Intersection of Needs-Different Positions and Identities. (Ibn Garba 2022)

Complexity in wicked problems must be accepted and leveraged to collate converging views or better still needs, as these are the deepest levels of motivations for the positions we take and interests we voice on conflict issues. A key mistake would be to deny such complexity exists and deny the ever-changing dynamics of the conflict situation.

A good way to think about complexity is an international team working for a corporation. Having staff working both remotely and onsite from multiple countries surfaces a beauty in diversity that is good for business. For example, different products can be customised to different audiences and customers, promotional items and service announcements can be produced in different languages and multi-national creativity can be utilised to develop innovative ideas.

Another aspect of complexity within wicked problems is the way the relationships, intra and inter-group dynamics play out. Key questions to always consider are what is happening within the conflict groups and between the conflict groups. How are decisions being made within (intra-group)? How much support do leaders and influencers have? Are there dissenting voices? Is it a case of blind obedience to authority? Chosen trauma?

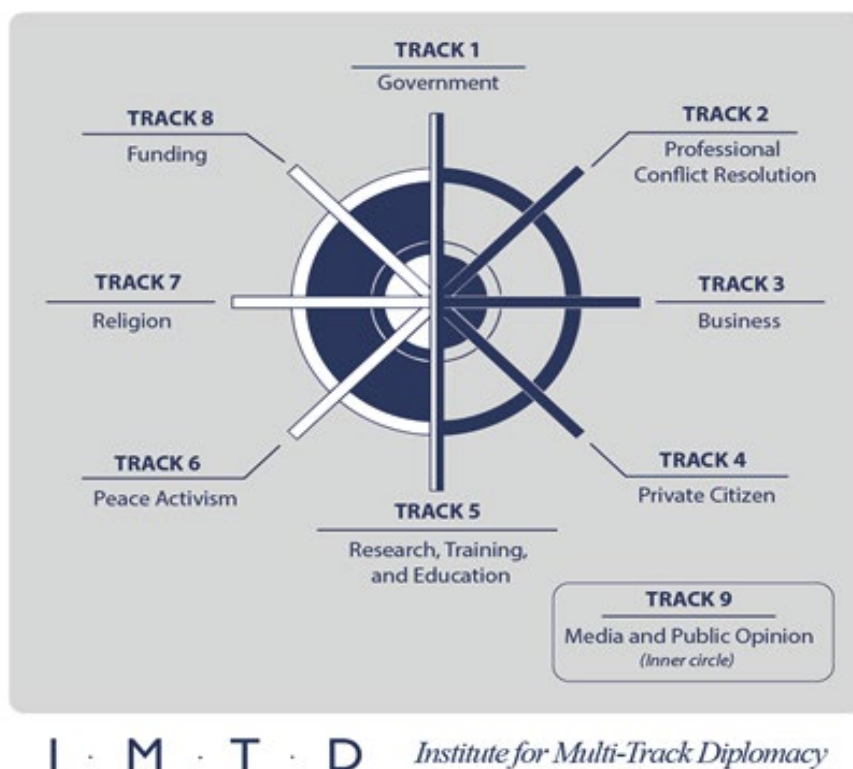
What happens when the different groups come together (inter-group dynamics)? How do actions like the misuse of media, hate and harmful speech, invasion of territory, use of cyber warfare, torture of prisoners of war, sexual violence as a weapon of war, use of high-tech un-manned war technology etc. serve to fuel the wicked problem? Are there any kinds of insights or common ground that emerge when the groups come together? Is there any chance of moderates on each side agreeing to dialogue? What happens when people share different identities from different groups (as identity is a dynamic concept) for example, a youth whose mother is a member of civil society from the example above?

Complexity is another reason why wicked problems are best addressed by those directly affected by the problem. Not only because they are the experts on the issue (local knowledge and expertise while making allowances for biases), affected directly by the effects of the wicked problem, but also because they themselves are part of the changing dynamics of the wicked problem. Their actions and reactions all feed into the ever-changing nature of the wicked problem and awareness of how their actions are increasing the wicked problem might be an effective way of getting them to at least take a step back and reflect.

The place of diplomacy in wicked problems cannot be overemphasised in its ability to transform the nature of wicked problems.

McGlinchey defines diplomacy “as a process between actors (diplomats, usually representing a state) who exist within a system (international relations) and engage in private and public dialogue (diplomacy) to pursue their objectives in a peaceful manner.” [McGlinchey 2017].

While there are many models of diplomacy tracks, we would like to focus on Track Four and Six of the nine track Institute of Multi-Track Diplomacy [IMTD] model as shown below.



Visual Three: Nine Tracks of Multi-Track Diplomacy (IMTD)

Introducing multi-track diplomacy into the complexity of a wicked problems allows for inclusion of vulnerable groups and utilising bottom-up approaches for effective analysis and action planning.

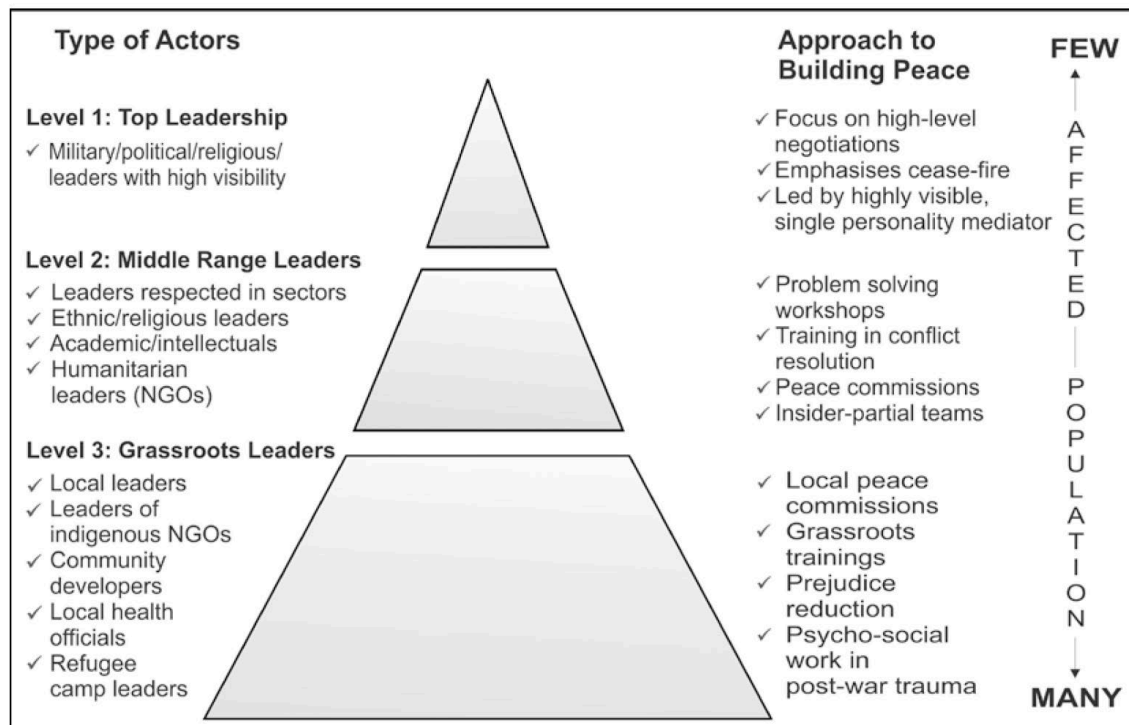
While more vocal and visible groups also lend their voices into the dialogue, the intention of diplomacy is to ensure that those who have influence can use their influence at their various levels, even if that means influencing oneself. Multi-track diplomacy contributes to addressing the conflict by bringing in unique perspectives and wisdom from lived experiences. Tracks Four and Six are particularly useful in the context of wicked problems and are described below:

- Track Four – Private Citizen, or Peacemaking through Personal Involvement. This includes the various ways that individual citizens become involved in peace and development activities through citizen diplomacy, exchange programmes, private voluntary organisations, non-governmental organisations, and special-interest groups; and
- Track Six – Activism, or Peacemaking through Advocacy. This track covers the field of peace and environmental activism on such issues as disarmament, human rights, social and economic justice, and advocacy of special-interest groups regarding specific governmental policies.

Leveraging on diplomacy as part of the system of the wicked problem could bring even more clarity and options for action.

Lederach another “father of peacebuilding” also augmented the call for applying multi-track diplomacy in light of the need for holistic approaches that includes levels of and interrelationships between conflict actors.

This is illustrated by the below visual of the Peacebuilding Pyramid.



Visual Four: “Peace-Building Pyramid” from Lederach J. P., Building Peace: Sustainable Reconciliation in Divided Societies, United States Institute of Peace Press, Washington, DC, 1997, p. 39.

All in all, embracing complexity and being open to diverse tools and methods to understand and intervene in wicked problems is essential.

This can help us surface not only the threats, but opportunities wicked problems present.

3 WICKED PROBLEMS AND LEARNING FOR ADAPTATION

While we undertake conflict analysis, systems thinking and multiple tools to better understand the wicked problem, what comes out of all that work? I would argue that we learn.

Simply put, learning is when knowledge acquired through being taught or experience. It is a process that enables change to happen due to new insights and worldviews. Learning does not just happen within the four walls of a classroom but is part of our everyday experiences, consciously and unconsciously.

Learning is “a process that leads to change, which occurs as a result of experience and increases the potential for improved performance and future learning” [Ambrose et al, 2010, p.3]

It is important to know that learning can result not only in changes in knowledge but also attitudes and behaviours which are the key desired outcomes of peacebuilding. Through learning, we can see things differently and shape new narratives that can lead to peaceful outcomes.

Many learning theories exist, like constructivism, behaviourism, cognitive, humanism and connectivism but for this section, we would want to focus on a model rather than a theory. A model that is pertinent to adaptation since we have already acknowledged that wicked problems cannot be addressed in a linear manner.

Scholarly literature defines two major two main organisational learning levels which are adaptable to the context of wicked problems: single and double loop learning.

“Single-loop learning is one of the problem-solving processes. Individuals usually examine the environment, compare data with the norm, and then initiate an appropriate action. Individuals look at what options they have and fix the problem. They respond to changes internally or externally by discovering and amending mistakes to maintain the features of the organisational norm. On the other hand, double-loop learning is the process of comparing the situation with the norm, questioning whether the norm is appropriate and justifying whether this is the best means of doing things. The current organisational norms will be questioned to, may be, establish a new set of norms. The organisation is involved in questioning and modification of an organisation’s underlying norms, procedures, policies, and objectives. The process involves changing the knowledge-base or firm-specific competences or routines. Double loop learning is shown to be more suitable for undertaking the existing turbulence and invariable change in the environment.”
[P. Kantamara and V. V. Ractham 2014 p. 54]

These approaches are easily transposed unto the system of a wicked problem and key differences to take note of are that double loop learning involves continuous inquiry, modification and building competencies to meet up with the changing context. This approach is recommended for ever-changing and complex problems that cannot be addressed linearly.

“Behavioral double-loop learning entails changes in values and frames governing how people interact. For example, rather than suppressing or avoiding conflict, people may learn to surface and resolve conflict. Rather than assuming their own or their group’s point of view should prevail and strategising to make that happen, they may learn to invite other perspectives. Rather than leaving difficult or embarrassing issues unspoken, they may learn to raise them. This kind of double-loop learning increases the learning capability of an organisation (*for the purpose of this paper- a system*). It makes it more likely that assumptions underlying current ways of dealing with technical, instrumental, and policy issues will be identified and questioned.” [Putnam 2014]

Cartwright applies the analogy a thermostat to further explain single and double loop learning:

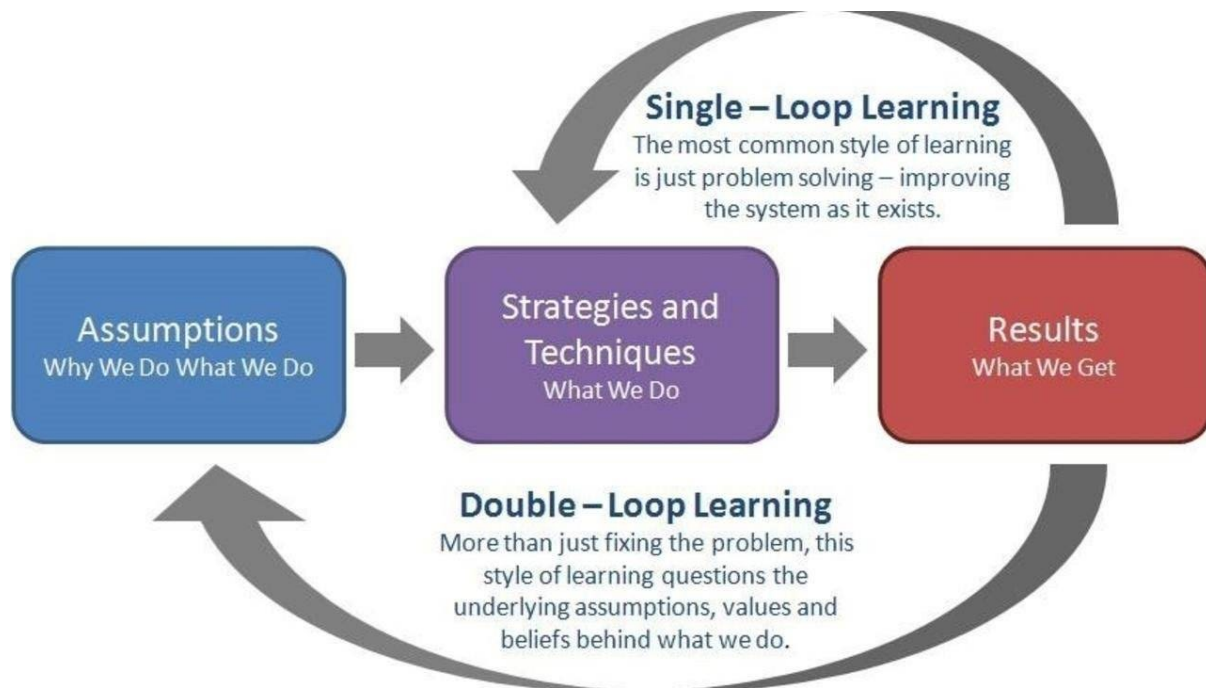
“Single-loop learning is about achieving a given temperature--like a thermostat set to 68 degrees that turns up the heat whenever the temperature drops below 68 (the objective). Double loop learning calls for changing the objective itself. Indeed, double-loop learning is not only about changing the objective, but involves questioning the assumptions about that objective, the ways of discovering and inventing new alternatives, objectives, and perceptions, as well as ways of approaching problems.” [Cartwright 2002]

Lannom states that single loop learning does little more than a provide a “band aid” solution to symptoms of problems and “it will never “step outside the box,” take a long look into all the organisational intangibles; and does not consider the interdependency of the organisation’s systems.” [Lannom 2016]

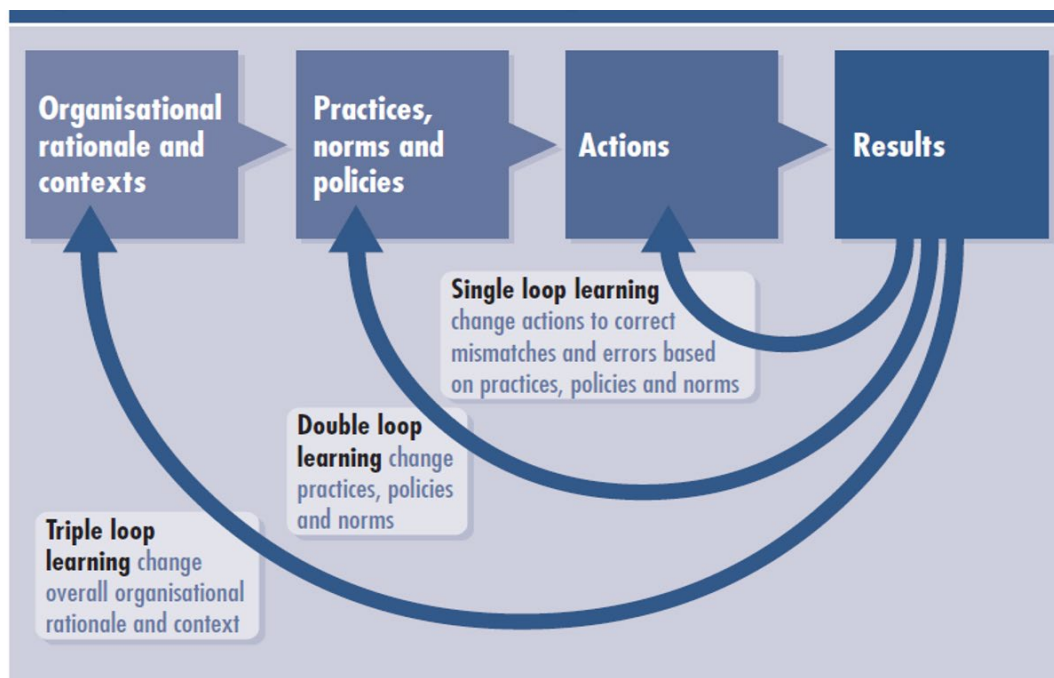
Positive discuss on the approach of double loop learning are numerous.

“Double-loop learning helps people acquire and integrate new information and develop new skills, to question and possibly discard familiar and perhaps dysfunctional ways of thinking, feeling, and acting.” [Cartwright 2002]

The visuals below illustrate models of single, double and even triple loop learning to show the iterative process and how each element feeds into one another. We may or may not be able to apply triple loop learning especially if we do not have the authority to overhaul entire systems and sense of being (which only actors in the conflict can and even so only within their own spheres of influence). Therefore, double loop learning is a great way to approach learning and adaptation in complex systems like wicked problems.



Visual Five: Double Loop Learning & Leadership Development
 (Invista Performance Solutions 2016)



Visual Six: Argyris, [1977](#); Argyris and Schön [1992](#); Sinek, [2009](#); Ramalingam et al. [2009](#); Roche, [2010](#); Ørnermark, [2015](#); Prieto Martin et al. [2017](#); Cabaj, [2019](#)

Finally, what is the practical application of double loop learning to enable continuous learning and adaption in the context of wicked problems? What kind of questions does double-loop learning help us ask? Let us look at some examples.

- What have we been assuming about this problem?
- What have we been assuming about the people involved?
- What have we been assuming about what our leaders do and say?
- What have we been assuming about the environment, resources and assets?
- What have we been assuming about our own responsibility or the part we are playing?
- What kinds of questions should we be asking?
- Are we afraid or trying something new? If yes/no why?
- What new things can we try?
- What are the risks involved?
- How can we mitigate risks?
- Are there any other people we want to get involved?

To end this section, we highlight that learning and adapting through wicked problems can surface threats as well as opportunities, but that they can lead to changes in dynamics, attitudes and behaviours.

4 CONCLUSION

In conclusion, we can make certain assertions from our brief exploration of wicked problems and the threats and opportunities they bring our way. These include that:

- “Wicked Problems” are also known as “Irregular Conflicts” refer to difficult conflict contexts where the context is continually changing, involve contradictory and changing requirements, consist of multiple stakeholders, many interdependencies, and problems that keep evolving in terms of relationships, actors and dynamics between them.
- Complexity is an essential element of wicked problems and should be embraced and leveraged. Wicked problems give us the opportunity to embrace complexity and discard linear and rigid ways of seeing our world.
- Wicked problems are greatly affected by actions of the involved actors and external factors so must be continually monitored.
- Analysis is key to understanding current and ever-changing contexts of wicked problems. We should not take for granted and assume we are familiar with the contexts of wicked problems; and therefore, get comfortable thinking we know the solutions to everything.
- It is pertinent to apply multiple approaches and tools to better understand wicked problems as this facilitates the possibility of making relevant interventions.
- Multi-track diplomacy and ensuring vulnerable and all groups are included in analysis, dialogue processes as well as actions is a good way of approaching addressing wicked problems.
- There is no one-size-fits-all-right answer to wicked problems, infact, every wicked problem could be said to have its own unique response and transformation possibilities.
- Double-loop learning is a good approach for analysis of wicked problems enabling us to question our assumptions and prepare us to try new ways of doing things.
- Wicked problems give us the opportunity learn and adapt.

In light of the above, we will conclude by acknowledging the existence of wicked problems and while they present real and tangible threats, can also be opportunities for learning, new attitudes and behaviours.

FUNDING: This paper received no external funding.

CONFLICT OF INTEREST: The author declares no conflict of interest.

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PEACE AND CONFLICT RESOLUTION CONFERENCE 2022
5-7 NOVEMBER 2022
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ISBN 978-86-87043-84-8
