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Brexit and the Northern Ireland peace process: the EU as both agency and structure

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Abstract

After decades of sectarian conflict in the province of Northern Ireland a peace agreement was signed between all parties in 1998. Since then the ongoing embedding of peace and the construction of political arrangements has continued. In June 2016 the UK opted to leave the European Union (EU). However, how it wishes to leave continues to dog political decision-makers in the UK itself. The paper undertakes a systematic analysis of the importance of regional integration in underpinning the Northern Ireland peace process. The EU is rarely considered an important dimension to the consolidation of conflict transformation processes in Northern Ireland. In fact, the EU played a crucial role, which is only now highlighted by the Brexit decision. The EU was both an actor and a structure with respect to the consolidation of peace in Northern Ireland. As an actor, the EU intervened quietly to provide crucial funding for the development of Track Three initiatives across the province and in border counties of the Republic of Ireland. As a structure EU integration served to de-emphasize national boundaries and promote transnational cooperation between all its member states through the single market and customs union. With the Brexit vote, the question now is whether the UK can realistically leave the EU in such a manner as to sustain the structural conditions in which the peace process in Northern Ireland has flourished. The paper analyses the consequences of several Brexit scenarios for the Northern Ireland peace process. It is clear that the structural conditions created by European integration have had a much stronger role in embedding peace than its active support for Track Three initiatives. While the latter has been important, the former is now a crucial variable in Northern Ireland's future prospects as the UK attempts to firm up its post-EU status.

The whole map of Europe has been changed … but as the deluge subsides and the waters fall short we see the dreary steeples of Fermanagh and Tyrone emerging once again.

Winston Churchill, 1922

Introduction & Approach

In 2016 the UK voted to leave the European Union. Despite the ambiguity around the definition of 'leave' the study explores the role of the EU in the Northern Ireland peace process through the prism of a structure-agency dichotomy augmented by the application of the concept of neo-functionalism developed by Haas (1958). While ultimately unsatisfactory as a 'grand theory' of European integration, neo-functionalism nevertheless allows us to consider the specific contribution of 'Europe' as a condition of possibility for the entrenchment of agency centered initiatives to establish a peaceful society.

Neo-functionalism, as elaborated upon by Haas, postulates that as the functional integration of specific policy sectors of the economy in Europe gathers pace, a spillover effect will occur, which will imply additional requirements for integration until a point is reached where political allegiance will transfer from the nation state level to the supra-state/supra-national level (see Weiner & Diez 2009, Ch3). The theory gained marked credibility until the 'empty chair' crisis of the mid 1960s when France essentially stalled the integration process (see also Hoffmann 1966 for critique). A period of 'Euro-sclerosis' set in throughout the late 1960s and 1970s during which time the EEC (as the EU was called then) was viewed as little more than an elaborate trading bloc of subordinate consequence in the face of Cold War priorities, the NATO and Warsaw Pact confrontation and the tail end of decolonization. However, as the pace of integration picked up in the early to mid-1980s Northern Ireland's divided society would be more substantially impacted than when the conflict flared into public view in the late 1960s. While neo-functionalism would not recover as a 'grand theory', it continued to hold considerable theoretical and explanatory clout as the Single Market and expansive functional integration gathered momentum. For our purposes, we stop short of concern with the transfer of loyalties to the supra-national level and consider instead the issue of how functional integration affected the traditional nation state and the relationship between nation states in a changing world. We are concerned, in effect, with the transformative power of European integration through the neo-functionalist lens (see Diez et al 2008, Ch1; Marbry et al 2013; McGarry 2001). Acknowledging Hoffmann's critique of declining nation state relevance (Hoffmann 1966) the core ideas of neo-functionalism help us to approach the emerging conditions in Northern Ireland at the time that the peace process began to take root. The study tries to rebalance the emphasis on actor-centric accounts of the conflict resolution process with a complementary – and undervalued – structural account of conditions that permitted actor innovations in peace making.

Background

The euphemistically named 'Troubles', which broke out in the late 1960s and would be a normalized feature of quotidian life for Northern Ireland, the wider UK and the Republic of Ireland, would continue until the first IRA ceasefire of August 1994 (Aughey 2005). That cessation broke down in February of 1996 and a second ceasefire would not be re-established until the election of the New Labour government under Prime Minister, Tony Blair, in 1997. After protracted negotiations and discussions and direct involvement by the Clinton Administration in the US, an agreement finally emerged in April of 1998, which became known formally as the Belfast Agreement, but informally as the Good Friday Agreement as it was finalized on the Easter holiday (Elliot 2002; Fitzduff 2002). The majority of extant literature, and indeed much of the popular memory of the islands, tends to gravitate towards an actor-centric account of the process: the prime ministers, the key party leaders and prominent Northern Irish political actors, the leaders of the various paramilitary groups and high-profile figures such as US President Clinton and his special advisor for Northern Ireland, Senator George Mitchell (McEvoy 2008, 2015; O'Day 1997, Mowlam 1999; Arthur 2002).

Northern Ireland's status as a devolved administration within the context of the UK is not quite comparable to other regions of Britain such as Wales and Scotland. In the latter regions there are no special arrangements for the execution of government in a deeply divided society. Politics is contested along normalized party-political lines, reflecting the main spectrums of political opinion, including parties mobilized around some form of national self-determination (such as the Scottish National Party in Scotland and Plaid Cymru in Wales). This is not the case in Northern Ireland. Since the partitioning of the island of Ireland in 1921 following the signing of the Anglo-Irish Treaty, Northern Ireland has vacillated between majority devolved rule (1922-1972), direct rule from London (1972-1974), devolved powersharing government (1974), direct rule (1974-2000), devolved powersharing (2000-2002), direct rule from London (2002-2007), devolved powersharing (2007-2017), and finally direct rule (2017-present) (see Bloomfield 2007). The powersharing arrangements in Northern Ireland, a form of consociationalism, establishes a form of rule wherein the permanent majority community (Unionists) and the permanent minority (Nationalists) are obligated to share power through the executive branch with respect to predetermined policy competencies devolved by Westminster (see McGarry 2001; McGarry & O'Leary 2004). The composition of the executive is achieved through the allocation of seats from all main parties on the basis of quota, and the bifurcated First Minister role, the Office of the First Minister and Deputy First Minister (OFMDFM). This ensures that the permanent majority cannot entrench unequal systems that benefit only unionists, that power is shared proportionately and that all voices, including niche parties, have a role in government. These contrivances are designed to mitigate the consequences of a divided society and the legacy of gerrymandered majority-minority dichotomy established through partition (McGarry & O'Leary 2004; McEvoy 2008, 2015).

The Narrative of Agent-centric Peacemaking

The official history and account of peacemaking and peacebuilding in Northern Ireland is a story of daring initiatives, secret negotiations, a litany of gruesome atrocities, political courage, backward steps, ineptitude, intransigence and perseverance (Mallie & McKittrick 1996; O'Kane 2015; Popliokowski & Cull 2009; Power 2011; Arthur 2002). The peace

'process' is portrayed as a process of managing the centrifugal actor network from the locus of Northern Ireland outward to Dublin, London and Washington. Brussels, the metonym for Europe, would only feature in a supporting role, one in which 'Europe' would provide the normative context, an additional key forum for bilateral UK-Irish discussion and, invariably, the money. In fact, the EU (then the EEC) itself conceded that the primary responsibility for the conflict and its resolution lay with the governments of the UK and Ireland. In its March 1984 Haagerup report it concluded that:

> It is the view of this rapporteur that any changes, any reforms and any improvements in the overall political situation in Northern Ireland should be planned and executed by the responsible UK authorities with the consent of the peoples of Northern Ireland and with the fullest possible cooperation with the republic (Haagerup 1984, p72).

And he noted specifically:

> The 'European dimension' of the Northern Ireland problem of which there has been some discussion is already a fact. But it cannot be translated into a political (not to say military) reality which has no basis in the present and likely future shape of the European Community (Ibid, p74).

It was a prescient observation, not least because in early 1984 the UK Prime Minister, Margaret Thatcher, had determined that Northern Ireland's 'troubles' were a matter for Her Majesty's sovereign government alone to deal with as a purely internal affair. Even the Irish perspective (in the form of the Dublin government) was not of paramount concern. Her securitization of the problem narrowed the scope of political options throughout the 1980s. Her signing of the Anglo-Irish Agreement in 1985 was latterly an undoubted a step towards tentative recognition, scarcely a year after she was nearly assassinated by an IRA bomb at the Conservative Party conference in Brighton, that the securitization approach needed additional augmentation through political engagement with constitutional nationalists and the Irish government. Yet it was hardly an admission of a political solution based on Haagerup's conclusions about close bilateral cooperation.

In the event, the EU's most overt initiative as a political actor when the peace process entered its overt stage in the mid-1990s centered on the Track III initiative it undertook in the dying days of the Delors presidency of the European Commission and following the first IRA ceasefire in 1994 (Arthur 2010; Skarlato et al 2016; see also Bush & Houston 2011). Gathering the three Members of the European Parliament to a high-level meeting, Delors once again demonstrated his shrewd acumen through the proposal of an initiative to afford the EU a low-key role in support of the Track I and Track II initiatives already underway. The result was the EU Special Initiative for Peace and Reconciliation on the Island of Ireland, which was a hastily configured grafting of existing regional support funding (through the European Regional Development Fund, the ERDF and INTERREG, an inter-regional funding body) and additional funding aimed at explicitly supporting grassroots interface work (for a detailed accessible examination see Bush & Houston 2012). While it had a haphazard start in late 1995, and was inauspiciously reconsidered following the breakdown of the IRA ceasefire in February 1996, the 'Peace Programs', as they became known, survive until the present day and have thus far contributed around 2 billion Euro in funding to various community projects in Northern Ireland and the border counties of Ireland contiguous to the province (see Bush & Houston 2011).

However, for our purposes, we should consider the establishment of the Peace Programs, while important and very worthy contributions to the wider peace process, as subordinate to the EU's primary contribution to peace-making. In the pantheon of peace 'makers' in Northern Ireland's peace process, the Peace Programs – and the EU – become almost incidental to the great moments of the process; the ceasefires, the summits, the signing of agreements. These EU programs conform to the actor-centric narrative and place the EU as a subordinate, even incidental, dimension to Northern Ireland's peace. What we explore in the next section is the structural dimension, its impact and its fundamental importance (Power 2011).

The Agency-Structure Interplay

From the 1970s, the EU gradually intruded with increasing significance into the Northern Ireland issue. The European Economic Community (EEC), established in 1957, evolved from the embryonic European Coal and Steel Community (ECSC) established in 1951, both of which were premised on the idea of making war between European states impossible. Monnet, the architect of the project in its early phases, drew on Mitrany's 'functionalist' concept of peace by establishing a technocratic body to manage the contentious and formerly zero-sum contest over coal and steel production (Duchene 1994). Operationalizing and applying Mitrany's innovation, the ECSC appropriated less glamourous policy areas such as agriculture and inter-state trade arrangements. By 1973 French objections to the inclusion of the UK were overcome and, along with Denmark, the UK and Ireland acceded to the bloc. Under the leadership of Jacques Delors in the mid-1980s the EEC reinvigorated its neo-functional integration project with the creation of the Single Market through the Single European Act (1986), which became a reality on January 1 1993 (see Crighton 1998; Ludlow 2017). The establishment of the Single Market was a remarkable achievement, not only in light of the very dramatic changes that it would herald for collective European economic development, but also because its architect, EEC Commission President Jacques Delors, managed to secure enthusiastic support for it from none other than the arch EEC sceptic, UK Prime Minister Margaret Thatcher. The failure of PM Thatcher to see the trajectory of Delors' cunning plan is perhaps one of the great unacknowledged mysteries of modern European history. Notwithstanding her Bruges speech (Thatcher 1988) she readily saw the benefits of the Single Market from an economic, specifically neo-liberal, point of view. With the elimination of trade barriers, even borders, and the establishment of the four freedoms of goods, services, capital and people, Thatcher's neo-liberal agenda was satisfied.

What she did not factor into the calculus was the evolving internal logic of this profound shift in economic arrangements. With an increasingly integrated economy came integrated politics and integrated societies. Haas, writing in the 1950s, saw it coming, and referred to the phenomena as 'spillover'. This is the process whereby each functional policy achievement implies more supporting arrangements, culminating (according to Haas at least) in the transfer of political loyalties (and power) from the national to the supra-national level. In the event, the full transfer envisaged by Haas has not (and is unlikely to occur) but there is no denying that two things have occurred along the lines of neo-functionalist theory. First, significant transfer of policy competencies has indeed occurred in sectors that directly impact the all island economy of Ireland and Northern Ireland (for overview of EU governance see Nugent 2010). This now includes, incidentally, the consolidated jurisdiction of the Court of Justice of the European Union (CJEU), whose decisions are superior to national law among all member states (Nugent 2010). Second, the dense latticework of transnational cooperation

has deepened considerably since the establishment of the Single Market. Prior to her departure in 1990, Thatcher lamented that Europe should become 'wider' (meaning actively seeking to admit more members) rather than 'deeper' (accelerating the density of member state integration and interdependence). Delors might not have said it publicly, but he must surely have thought, 'why not wider *and* deeper'. In fact, that's exactly what the EEC/EU succeeded in doing. From six, to nine, to ten (Greece) to twelve, then fifteen, then twenty-five (eastward enlargement), twenty-seven, twenty-eight and now the impending loss of one-member state, Europe has become much wider *and deeper* than perhaps even Delors himself might consider possible.

The widening of the EU through increased membership is not of major concern here. The 'deepening' of the EU is certainly very relevant. The activation of the Single Market in 1993 paralleled very dramatic changes evident in what was then the Eastern Bloc (Warsaw Pact nations) from the late 1980s, culminating in the fall of the Berlin Wall in 1989 and the collapse of the USSR in 1991. Against this backdrop, as he neared the end of his own tenure at the European Commission, Delors now knew he had the appropriate groundwork laid to push on with the European project. Not just widening it, but deepening it too. The negotiations leading up to the finalization of the Maastricht Treaty in 1993 were arguably the most important warning signals for the future Brexit referendum and its aftermath. The new Conservative Leader, John Major, struggled to contain the Eurosceptic wing of the Tory party and ensure ratification of Maastricht by 1994. Northern Ireland's politics were not irrelevant. The parliamentary arithmetic, and the depleted Conservative majority in the House of Commons, meant that the Conservative government depended on the Ulster Unionist Party (UUP) members of parliament to ensure passage of this and other legislation. Major would survive until the 1997 election, but he had to contend with constraints analogous to Theresa May's contemporary dependence on the DUP today, which has become an acutely delicate variable within the context of Brexit negotiations. With the eventual passage of Maastricht in 1994, however, the EU entered a rapid transitional phase which included strengthening of its institutions, multi treaty ratification (including an attempt at constitution making), efforts to build a coherent foreign policy and neighbourhood policy apparatus, preparation for the eastward enlargement and commencing the accession processes of multiple candidate member states.

Quietly, in the background and out of the news headlines of overt events such as the breakup of Yugoslavia, Northern Ireland was enmeshed in two distinct but closely related processes. One was this actor centered process. The second was the crucial intrusion of functional interdependence. First, in the face of increasingly effective and deadly attacks emanating from opposing Republican and Loyalist paramilitaries, including major bombing campaigns by the IRA in the UK, some political and paramilitary leaders were orientating efforts to a resolution of the conflict. This was combined with equally effective containment of the IRA by counter terrorism operations, including the penetration of the IRA itself by British intelligence agents. Northern Ireland had, by the early 1990s, reached its 'hurting stalemate' (Zartmann 2000) and key political figures commenced the process of establishing low key dialogue. Several components of this were simultaneously in play and not necessarily known to each other. From as far back as the early 1970s, for example, Britain's MI6 intelligence agency had an established contact person to relay communication with the upper leadership of the provisional IRA. This was a highly sensitive communication channel, particularly given public pronouncements from the UK government that it would never talk to terrorists. What later came to be referred to as the 'Derry Link' (after the city in the west of the province in which both IRA commander, Martin McGuinness and Link member,

businessman Brendan Duddy, lived) facilitated covert exchanges between senior UK officials and political leaders on the one hand and the IRA leadership on the other. In addition, the leader of the mainstream nationalist Socialist, Democratic and Labour Party (SDLP), John Hume, was working with Sinn Fein (and IRA Council member), Gerry Adams, on a possible formula for a peace process. Although vehemently opposed to talking to terrorist organizations, Unionist politicians (from both UUP and DUP) were participating in Track II initiatives such as Duisburg (see BBC 2017), although these other initiatives did not include paramilitary leaders (O'Kane 2015; Power 2011; BBC 2008).

It was clear that from the point of view of the actors of various tracks there was movement towards transforming the intractable conflict. However, the difficulty remained the issue of final status. If there was to be an end to the violence, what would the status of Northern Ireland be thereafter? The demands of opposing factions in Northern Ireland were clearly incompatible. As intriguing and valuable as the actor-centered perspective is, a second process had arguably just as important a role in squaring this circle (Ludlow 2017; Power 2011). In January 1993 customs posts along the border between Northern Ireland and the Republic of Ireland were removed. Trade between both parts of the island were increasingly liberalized, and the pattern was repeated all across Europe as the Single Market took effect. Structurally, the ground under the feet of the actors was already changing. It was changing slowly and in areas outside the concern of the actors engaged in the resolution process, but the effect was profound nonetheless. In fact, as the secret contacts between the British government and the IRA intensified in the early 1990s, this reality was overtly pointed out at a crucial secret meeting between British intelligence agents and IRA commanders in a house in Derry in 1993, in the presence of two members of the Derry Link. As indicated in Sinn Fein's published account of the meeting (verified by Derry Link member, Brendan Duddy, in the BBC documentary):

> Mayhew [the then Northern Ireland Secretary of State] is now determined. He wants Sinn Fein to play a part not because he likes Sinn Fein but because it cannot work without them. Any settlement not involving all of the people North and South won't work. A North/South settlement that won't frighten unionists. *The final solution is union. It's going to happen anyway. The historical train – Europe – determines that. We are committed to Europe.* Unionists will have to change. *This island will be as one* (Sinn Fein 1994, p20; emphasis added)

It was the 'new Europe' – with its de-emphasized borders, trade harmonization and freedom of movement – that would permit the squaring of the circle between retaining the de jure Unionist link with Britain and de facto re-unification of the island of Ireland through practical transnational and cross-border arrangements. It was a sentiment hinted at publicly in the Downing Street Declaration of December 1993 by UK Prime Minister, John Major, and Irish Taoiseach, Albert Reynolds (Downing Street 1993; Guelke 2017).

> They also consider that the development of Europe will, of itself, require new approaches to serve interests common to both parts of the island of Ireland, and to Ireland and the United Kingdom as partners in the European Union (Downing Street Declaration, Article 3)

With the strengthening of the all island integrated economy, including energy and hydrocarbon supply, the facilitation of crossborder employment arrangements and the pooling of resources from agricultural management to healthcare provision, the erasure of the

practical border while sustaining Unionist identity claims was a singular, and perhaps unintended boon emanating from 'ever closer union'. Since 1993 the transnational nature of life for the people of Northern Ireland and the people living in the border region of Ireland has become pronounced. The two currencies (the Euro and UK sterling) are virtually interchangeable in retail outlets on both sides of the border. Farming and the management of livestock is seamless across the border. The acquisition of Northern Ireland's major agri-food businesses by larger southern Irish counterparts is a little spoken of reality. The net result is accelerated cross border trade and investment.

Facilitating this, in significant part, is the investment by the EU in a fundamental strategic policy objective, one evident at the very beginning of the European project: the de-emphasis of national borders. Through the harmonization of intra-European trade arrangements Europe collectively began taking the sting out of national differences – and with it the salience of national frontiers. In order to consolidate this objective, it also began directing funding towards less developed regions and building connections between regions of different member states with contiguous borders. Two initiatives that pre-date the EU's Peace Programs exemplify this policy trajectory. The European Regional Development Fund (ERDF 2018), established in the mid-1970s (ironically something pushed for by, among others, the UK who received the largest single share of funding), was designed specifically to promote the development of poorer regions through investment in infrastructure and operated on a match funding basis. Underdeveloped regions of member states were granted funding for infrastructure improvement but only when national governments 'matched' the funding proportionately. Augmenting this was the establishment in 1989 (operative since 1990) of the INTERREG program, now referred to as European Territorial Cooperation (ETC). While not specific to Northern Ireland and the Border Region of Ireland, INTERREG/ETC predated the Peace Programs by five years, these programs endeavoured to construct comprehensive cross-border and transnational interactions across Europe with the express aim of de-emphasizing the borders between nation states.

Both of these developments represent the actualization of an overall EU policy objective, the reduction in emphasis of national borders and the enhancement of *intra*-European cooperation. It was never undertaken with primordial identity incompatibilities in mind. By focusing on the practical - even mundane - aspects of day to day living by ordinary Europeans it satisfied mutual self-interest regardless of political or cultural affiliation. It is against this backdrop, and the not inconsiderable success of the various projects, that the decision to leave must be assessed. It is not merely the removal of border infrastructure between member states of the EU that is the most visible verification of European integration. There is also the gradual reduction of the salience of borders themselves through multiple, overlapping and complementary development projects, expressly localized and implemented around ensuring that the mobility and interaction between citizens of various regions, which are bisected by national boundaries, is minimized. It has the net effect of rendering national borders irrelevant to the lives of Europe's citizens within specific geographic space.

The Brexit Decision & Aftermath

All of this is now put into question. In June 2016 the people of the UK voted by 52-48 per cent to leave the European Union. A breakdown of the regional variations of the vote demonstrated two things. While England voted substantially (but not necessarily overwhelmingly) to leave the EU, two regions (Scotland and Northern Ireland) voted to

remain by more than marginal majorities. In the Northern Ireland case the result was intriguing, given that the major political party, the Democratic Unionist Party (DUP) had advocated strongly for a leave result. The fact that the majority of the population of Northern Ireland identify as unionist means that a substantial number of unionist voters opted, along with their nationalist neighbours, to vote to remain in defiance of their DUP public representatives.

The Brexit decision embodies a fundamental quandary for British and (more acutely) Northern Irish politics (Guelke 2017). The province remains deeply divided despite the absence of violence. The number of 'peace walls', which separate nationalist and unionist neighbourhoods in major urban centers in the province, have increased in numbers since the 1998 agreement was signed (Crowley 2015). At the time of writing there is no devolved administration in the province because of the breakdown in the relationship between the majority DUP party and the largest nationalist (Republican) party, Sinn Fein, which precipitated the reintroduction of direct rule from London in 2017. The threat from spoilers, in particular dissident Republican groups opposed to the peace process, lurks in the periphery.

At base, the Brexit decision threatens to negate a fundamental premise of the Belfast/Good Friday Agreement. The squaring of the circle permitted by deepening European integration is substantially undermined by the decision to leave. More than its impact on trade and economic development for the island of Ireland as a whole Brexit represents an unraveling of the understanding articulated by Mayhew to the IRA in 1993's secret meeting. The British, it turns out, were not ultimately committed to Europe. The Island might not be 'as one' any longer if border infrastructure needs to be re-erected after twenty-five years. And the Unionists, it would seem, have not changed.

The Options for Post-Brexit UK-EU Relations

Since the decision, and particularly since the triggering of Article 50 in March 2017, there has been little substantial progress on the question of the only land border the UK has with the EU. The withdrawal agreement being hammered out throughout 2018 could take a number of forms, embodying a fairly narrow spectrum of possible outcomes. These range from the UK completely leaving the EU and the European Economic Area (EEA), which has been labeled the so called 'hard' Brexit all the way across the spectrum to the 'soft' Brexit through staying within the EEA, the customs union and the Single Market. A Hard Brexit necessitates the erection of hard border infrastructure along its only land connection to the EU. Another option is for the UK to remain part of the Single Market and under the jurisdiction of the CJEU but withdrawing from EU institutional decision-making (the EEA, or Norway option). This option would satisfy the UK's obligations to avoid a hard border with Ireland but does not appear to satisfy substantial (or at least vociferous) domestic opinion who have expressed a desire to fully remove the UK from the EU. Staying in the Single Market gives the UK continued access to Europe but severely constrains it from establishing trade deals with non-EU states. It would also be, unavoidably, a 'rule taker' insofar as it would not need to be part of the rule making process in Brussels but in order to continue the trade relationship with the EU it would need to abide by these rules. Leaving the Single Market (and the customs union) means that while the UK is able to strike trade deals with other countries it will face restrictions on trade into the EU.

In more recent elaborations the idea of a Canada-style (Canada+) relationship has been mooted, particularly by pro-Brexit politicians. The drawback with this iteration is that while it allows the UK to strike trade deals with other nations it requires that any land borders with the EU – such as Northern Ireland – sustain the integrity and coherence of the EU Single Market. There is, in short, only one possible compromise: leave Northern Ireland within the customs union of the EU and establish regulatory checks between the province and the rest of the UK. This is exactly what the kingmakers to Theresa May's Conservative government, the DUP, cannot countenance. The establishment of regulatory checks between Northern Ireland and the UK is seen by the DUP as a prelude to the break up of the United Kingdom itself.

How the UK's relationship with Europe would be configured following departure was not conceptualized beyond vaguely expressed ideas on current affairs television shows. During the campaign variations on existing arrangements (Norway, Switzerland) were mooted as templates for the UK-EU future partnership. None, however, were elaborated upon in any depth. The prospects, still less the benefits, of a hard Brexit were not the subject of serious consideration either by politicians or the fissiparous UK media. At the time of writing, a hard Brexit, the UK leaving Europe with no standing arrangements and trading through World Trade Organization rules, is a disturbingly real possibility. What are the implications for Northern Ireland's peace should that occur, assuming that, as the DUP has made clear, there are no arrangements to keep Northern Ireland in the EU's custom's union. In order to secure the integrity of the EU's Single Market the EU must, as a matter of practice, secure the borders of that market in accordance with their obligations under the World Trade Organization (WTO). All of this underscores the dramatic impact of the European integration process in fundamentally altering the relationship between states well beyond the merely economic sphere.

Conclusion: Prognosis for Brexit

Brexit has thrown into relief the fundamental, game changing role that European integration had in creating the conditions of possibility for a sustainable peace in Northern Ireland. The functional dimension of the EU single market and ongoing integration allowed all stakeholders to square the circle of incompatible aspirations by painstakingly reconstructing national borders without barriers. The EU is nothing if not profoundly pragmatic. Contrary to the image cultivated in British tabloid media, the EU solves its problems primarily through consensus seeking and extensive negotiations. The processes of European Union decision making are complex and often opaque, and frequently slow. Notwithstanding the cut off date for the UK to have negotiated its withdrawal agreement from the EU by 29 March, 2019, the practical issues need to be resolved by November 2018 to allow processes to be ratified through various institutions in both the EU and the UK itself. European leaders have often toyed with political brinkmanship in the past: fostering a sense of crisis or talking up negotiating positions ahead of crucial summits, only for a deal to emerge in the small hours of the morning after intense negotiations. The emergent 'deal' or agreed declaration is invariably a fudge, often an example of 'constructive ambiguity', created to appeal to both the necessity of policy decision-making on the one hand and the imperatives of placating national domestic constituencies on the other. Seasoned EU observers rarely have to report on breakdowns in negotiations. Brexit might well be different, however. Unless the UK government can cohere around a domestic consensus and include Northern Ireland much more centrally in the political calculus, there is a real risk that the fundamental premise

underpinning the province's hard-won peace will be undermined, and the circle might end up being 're-squared' once more.

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Constitution of State commission for unreserved classes in Gujarat – India,

A step towards creation of harmonious society

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"Constitution of State commission for unreserved classes in Gujarat–India, A step towards creation of harmonious society"

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Abstract

The Indian constitution provides for reservation in Government jobs and other institutions for the scheduled castes, scheduled tribes and other backward classes.

The reservation policy has beyond all questions uplifted a sizeable number of the hitherto down trodden persons. However, the other side of the coin is that after almost seven decades of reservation policy, the unreserved classes have started feeling that they also need a "Chunk of Cake'' in their quest for justice.

Gujarat is one of the developed and peaceful regions in India. However, a section of the young people who aspire to become either a Government officer or a doctor or a technocrat started feeling that they are deprived of such an opportunity in the absence of a "reserved slot'' for them in the Government Jobs and educational institutions.

They ventilated their grievance in form of agitational programes which resulted into a law and order problem across Gujarat.

The State having been anxious to maintain law and order and also to bring back peace and social harmony; constituted Gujarat State commission for unreserved class.

In this paper; the researcher has tried to drive home a point how constitution of this commission will go a long way in creation of a harmonious society by taking welfare measures for the people belonging to "unreserved classes''

Every Indian can legitimately and logically be proud of the country's glorious past. The ancient India was socially and culturally vibrant and its literature provided light to the entire world as is evident for certain quotes from the oldest Indian scriptures (Vedic literature)

"Vasudhaiva Kutumbakam" (Sanskrit: "वसुधैव कुटुम्बकम." from *"vasudha"*, the earth; *"iva"*, is ; and *"kutumbakam"*, family) is a Sanskrit phrase that means that the whole world is one single family. So here the Vedic sages are saying that the entire world is truly just one family. The world is like a small, tightly knit, nuclear family.

However, with the passage of time the evils permeated in to social milieu of India and the mediaeval India was reduced in to an in cohesive unit full of fiefdoms and mini empires often fighting among themselves. Social evils like casteism and untouchability haunted the society to such an extent that the so called lower caste people had always to be at the receiving end.

The caste ridden India could not jettison its caste based discrimination and continued its internal bickering and social conflicts during its freedom struggle against the British Government which was ruling it prior to the year 1947.

However, social reformers took up cudgels for the down trodden and oppressed people and contributed immensely to bring about transformation in the society and social reform were carried out simultaneously with the freedom struggle.

With the advent of political freedom the framers of the Indian constitution ensured that certain provisions were incorporated in the Indian Constitution to create a cohesive nation free from discrimination on the ground of religion, caste, gender and economic status.

The following salient features of the Indian constitution provide a glimpse of farsightedness of its framers who were anxious to rid the country of class conflict and to make it a cohesive nation.

FUNDAMENTAL RIGHTS

Every Indian Citizen is entitled to enjoy …….
- Right to equality (Articles 14 to 18)
- Right to freedom (Articles 19 to 22)
- Right against exploitation (Articles 23 to 24)
- Right to freedom of religion (Articles 25 to 28)
- Right to cultural and educational rights (Articles 29 to 30)
- Right to constitutional remedies (Article 32)

DIRECTIVE PRINCIPLES OF STATE POLICY

- Article 38 provides that State shall secure social order for promotion of welfare of the people.
- Article 39 states that the State shall regulate ownership and control of the means of production and distribution, prevent concentration of wealth and income, ensure their more equitable distribution and enact laws to protect the interests of the workers.

- Article 39A provides for equal justice and free legal aid.
- Article 40 provides for organization of village Panchayats.
- Article 41 provides for right to work, right to education and right to public assistance in cases of unemployment, old age, sickness and disablement, etc.
- Article 42 provides for just and humane conditions of work and maternity relief.
- Article 43 provides for living wage, conditions of work ensuring the descent standard of life and full enjoyment of leisure, social and culture, opportunities for all workers, agricultural, industrial or otherwise and provision for the promotion of cottage industries in rural areas.
- Article 46 makes the provision for the promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.
- Article 51 provides for promotion of international peace and security.

Fundamental duties

Every Indian citizen duty bound …….

- To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, Linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women [Article 51A(e)]
- To value and preserve the rich heritage of our composite culture. [51A(f)]
- To safeguard public property and to abjure violence. [Article 51A(i)]
- To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement [Article 51A(h)]

The provision for reservation for the "backward class people" in the Government and other services has, of late, become a source of consternation among those people who are not covered under the reservation policy of the state.

Recently, Gujarat, one of the developed regions of India witnessed sporadic incidents of conflict between the young persons and the law enforcing agencies over the issue of extending reservation for those who have been hitherto excluded from this policy.

The state as part of its duty took measures to main law and order. However, social unrest continued and the state having been anxious to satisfy the angry youth; took a decision to setup "*Gujarat State Commission for Unreserved Classes*".

The basic functions of this commission are ………………
(1)   The Commission shall examine the grievances, problems and issues of the unreserved classes of the Gujarat State and recommend the solutions of such grievances, problems and issues of these sections of the society.
(2)   The Commission shall study and survey the socio-economic condition of the marginalized and poor persons and families of the unreserved classes of society and formulate welfare schemes for their advancement and recommend to the Government for its implementation.
(3)   It shall study the existing welfare schemes of the Gujarat State Government and recommend how to implement them in the interest of the unreserved classes of state.
(4)   The commission shall study welfare policies of the other states and union territories also and shall recommend to State Government if any policy is adoptable or not.

(5) The commission shall act as a body to recommend the implementation of the safeguards and protections provided for unreserved classes in the directive principles and other parts of constitution.

(6) The commission shall have power to call necessary information from any government department, government or semi govt. bodies, public sector undertakings and autonomous bodies and to travel in the entire state, whenever it is required for the purpose of this commission and in the interest of the targeted unreserved classes.

(7) The commission shall do any other specific function or duty given by the State Government.

Gujarat State Commission for Unreserved Classes seems to have started its function in right earnest and convened its official meetings times over a period of 1 month.

The state has floated the following welfare schemes for the "unreserved classes".
1. In country educational / study loan scheme
2. Foreign study loan scheme
3. Food bill aid scheme
4. Educational Tuition Fee aid scheme
5. Entrance Tests coaching Fee aid scheme
6. Financial assistance for competitive examinations for premier Government services
7. Self-Employment scheme
8. Bank interest assistance for Medical Practitioners, Advocates and other persons self employed

Table : Segregation – Scheme wise applications

Sr. No.	Nomenclature of Scheme	No. of Applications
1	In country educational / study loan scheme	21
2	Foreign study loan scheme	43
3	Food bill aid scheme	59
4	Educational Tuition Fee aid scheme	79
5	Entrance Tests coaching Fee aid scheme	61
6	Financial assistance for competitive examinations for premier Government services	19
7	Self-Employment scheme	35
8	Bank interest subsidy for Medical Practitioners, Advocates and other persons self employed	0
	Total	**317**

Tentative Data as on 24-10-2018 source: Gujarat Unreserved Educational and Economic Development Corporation.

It is also observed that following constitution of this commission many people have expressed interest in availing benefits of the welfare schemes.

The benefits of these welfare schemes are likely to be provided to the targeted groups in the near future.

Thus the state has taken a positive step towards establishing social harmony and peace by applying soothing balm in form of welfare schemes for the groups who feel that they are neglected despite being part and parcel of a vast Indian Community.

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Human Rights issues in Manipur as a result of Insurgency

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Human Rights issues in Manipur as a result of Insurgency

ABSTRACT

The insurgency in Manipur started around 1960s. The essence of Insurgency took root with the integration of the state to Indian Dominion in 1949. The manner in which the merger was carried out contributed majorly in the uprising of Insurgents which is very prominent even today. Statistically, there are around 70 insurgent groups operating in the state and its neighbors. With the rise of the insurgency, came the political agenda to curb the problem. Hence, the draconian Act called the Armed Forces (Special Powers) Act, 1958 was enacted. The Act brought in a *'tug of war'* between the state and Insurgent groups. As a result of this, the citizens of the state pay the price.

Common folks, activists, lawyers, families seeking justice for unlawful killings are often subjected to threats and harassment by the police or armed personnel. Police personnel manhandling or abusing citizens, students etc. during protests have become a common sight today. Furthermore, citizens are also subjected to extrajudicial killings and fake encounters. It is also imperative to mention that women are subjected to many forms of sexual abuses by the armed personnel.

There has always been a lack of accountability from the state government and armed forces in matters of abuse carried out by armed personnel. Reportedly, the state police failed to take any substantive action such as filing a First Information Report (FIR) against police personnel accused of extrajudicial killing. Instead, they accuse the victims and their families of being militants or being associated with militancy. The State government has always been reluctant and have denied or opposed any form of the investigation against any armed personnel accused of extrajudicial killing or fake encounter. The lack of accountability can be traced from the enactment of Armed Forces (Special Powers) Act, 1958 which provides for immunity from prosecution to the armed personnel.

Introduction

Manipur is one of the northeastern states of India nestled between Nagaland, Assam, Mizoram, and Myanmar[1]. The state was formerly known as Kangleipak and was a princely state during the British administration. The demographics of Manipur majorly consist of Meitei, Nagas, and Muslims. However, there are so various ethnic communities residing in the hills and valley of Manipur for example, Tangkhul, Thadou, Zeliangrong, Mao, Maram, Poumai, Paite etc[2]. These communities tend to follow their customary laws and cultural practices very strictly[3].

With a population of 2.5 million, Manipur is one of the poorest states of India. This is largely contributed by the insurgency and the rather treacherous geography of the region. Being so, the people of the state tend to travel to other parts of India for education, jobs, medical treatment etc. The insurgency in the state took root with the integration of the state to Indian Dominion in 1949. The manner in which the merger was carried out contributed majorly in the uprising of Insurgents which is very prominent even today.

Through this paper, we shall be looking into the birth of and various causes of insurgency and the counterinsurgency tactics involved in the state of Manipur. Further, we shall also delve into the human right abuses as a result of insurgency and counterinsurgency. An insurgency is a form of warfare which thrives mostly in distant areas with the support the people living in the region. In Manipur, the insurgency is contributed mostly by these factors – geography, ethnic disputes, lack of political representation, poor development etc. In order to counter the 'nuisance', the Indian government enacted Armed *Forces (Special Powers) Act, 1958 (AFSPA)* which did more harm then solve the issue. The act has been a reason for several human rights abuse by armed personnel in different occasion. The civilians, in particular, are usually affected by the insurgency and the counterinsurgency measures irrespective of their involvement in the *'tug of war'* between the state and the insurgent groups.

Definitions

[1] Insurgency and Counterinsurgency: Case study of Manipur by Mini Dey, European Journal of Interdisciplinary Studies.
[2] Insurgency and Counterinsurgency: Case study of Manipur by Mini Dey, European Journal of Interdisciplinary Studies.
[3] Insurgency and Counterinsurgency: Case study of Manipur by Mini Dey, European Journal of Interdisciplinary Studies.

Insurgency – Collins Dictionary defines an insurgency as a violent attempt to oppose a country's government carried out by the citizens of that country[4]. This is a form of rebellion against the government or the authority concerned.

Counterinsurgency – Counterinsurgency is the military and political action carried on to defeat an insurgency[5]. They can be also defined as the action taken by a government to counter the activities of rebels, guerrillas etc[6].

History of Manipur

The birth of Insurgency

Earlier, Manipur's government was a monarchy and the king was considered as the representative of God. Law and religion were inseparable at that time. '*Lallup*' was the system adapted for the administration of the country. Under this system, the entire population was classified into '*pannas*' which can be compared to districts in the contemporary state. '*Lallup*' had authority over all state matters. They also handled matters pertaining to economic and cultural development. This system was very efficient and reportedly, there was a total of 107 *pannas*[7].

There were various Anglo - Manipuri treaties and these treaties played a major role in Manipur Administration. The first of which was the Treaty of 1762 followed by treaties in 1833 and 1834. Through these treaties, the British Government began to slowly take control over the administration of Manipur which faced a lot of resistance from the locals[8].

After India was declared independent in 1947, Manipur was never under the administration of the Indian government. Manipur was independent for a brief period but was later absorbed into the Union of India in 1949. During this brief period of independence, there were calls for Naga autonomy by the Naga tribes, however, this movement came to a halt after the assassination of Mahatma Gandhi. Gandhi had assured the independence of Naga and had hoped to visit Kohima to support the Naga movement[9].

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[4] Collins English Dictionary.
[5] Collins English Dictionary.
[6] Collins English Dictionary
[7] Constitutional & Legal History of Manipur by M. Ibohal Singh.
[8] Constitutional & Legal History of Manipur by M. Ibohal Singh.
[9] Insurgency and Counterinsurgency: Case study of Manipur by Mini Dey, European Journal of Interdisciplinary Studies.

Meanwhile, the Union of India had all the intention to absorb Manipur and they successfully did in 1949. Maharaja Bodhachandra Singh, the last ruler of Manipur, was responsible for the establishment of democracy in Manipur[10]. The Maharaja inaugurated the state assembly in 1948, however, the then Governor of Assam had ideas of Manipur's merger with the Union. The Maharaja was proffered with a merger agreement. The Maharaja refused, however, he was later coerced to sign the agreement as he was put under house arrest with Indian army personnel surrounding the premises of his house. He found himself in an inescapable situation which led him to sign it. From that day forth i.e. 21st September 1949, Manipur became a part of the Union of India[11] and a new state assembly was elected on 15th October 1949. Manipur remained a union territory and was granted statehood in 1972.

This move by the Indian government was not well received by the people of Manipur. Many were unsatisfied which led to resistance from the people. Although the rise of United National Liberation Front (UNLF) in 1964 can be seen as the *birth of insurgency* in the state, this was the time when many revolutionary groups began to operate. Revolutionary groups are known as *People's Liberation Army (PLA)* and *People's Revolutionary Party of Kangleipak (PREPAK)* came into being in the 1970s.

Insurgency in Manipur

The insurgency has become somewhat of an identification of Manipur. The state is severely affected by insurgency wherein there are almost forty-two underground groups operating in and around Manipur[12]. The situation of insurgency in Manipur exists both in the hills and the valley. Due to this, there are no shortages of arms and ammunition which depicts the picture of a war-like situation. In my opinion, Manipur is suffering from what I would like to call *'a silent war'*. This is to put into perspective that the situation in parts of Manipur is war-like and the government has failed time and again to acknowledge it. To put in simple terms - the armed personnel or police and insurgent groups have arms and are in conflict, they suspect civilians to be insurgents, assaults or even kill them, however, this personnel are protected by law. Hence, the distinction of good and bad, hero and villain is vexatious for the civilians.

Due to a large number of insurgent groups operating in Manipur and around, the territory of Manipur is only for the government but naturally for the insurgent groups as well. They

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[10] Insurgency and Counterinsurgency: Case study of Manipur by Mini Dey, European Journal of Interdisciplinary Studies.
[11] *Mother, where's my country?* by Anubha Bhonsle.
[12] *Mother, where's my country?* by Anubha Bhonsle.

extort the government and run a parallel 'administration'. The government may exempt people falling under certain categories from paying taxes, however, this is not the same with these groups. Salaried officers are bound to pay about 10% of their income to various groups. They have a network of personnel operating in extorting money from officers [13]. The insurgent groups have a very strong hold over their cadres which run a very effective intelligence network which in turn help these groups with extortion.

Manipur, due to problems of insurgency, has been perceived as uninviting for investors which means that the infrastructure development is poor. This has been the cause of large unemployed youths in the state. The unfortunate part about this that there is an increase in educated youth, however, job opportunities are limited. These youths often get recruited by the insurgent groups [14]. Additionally, the insurgent groups are responsible for numerous bandhs and strikes. This affects daily wage earners, educational institutes, health centers etc [15].

Further, the national highways, NH-39 and NH-53 are the lifelines of the state. These highways are used to transport goods and essential commodities to and from Manipur. Unfortunately, these national highways are under the unauthorized control of the Naga insurgents. They impose a tax on using the roadways and punish those who don't comply with it [16]. Being so, they have the power to halt any goods transport 'strangling' the people of the state. The insurgents usually use this tactic if they want the government to comply with their demands. The kidnapping of children

is also a serious problem caused by the insurgents. These children are brainwashed and trained to use arms. Later, they are recruited as members of the groups [17].

The situation in Manipur has always been tensed. The insurgency in the state is not limited between the state and the insurgent groups, it is an intertwined one. There are many ethnic groups involved. There are many ethnic insurgent groups whose interest conflicts with many. Hence, the insurgency in the state is not only political but also communal, ethical and religious in nature. Being so, ethnic insurgent may find support from the people having the same ethnicity. Portraying the insurgent always in a negative light may not sit well for some

[13] *Mother, where's my country?* by Anubha Bhonsle.

[14] Overview: Insurgency & Peace efforts in Manipur, available at: www.cdpsindia.org/manipur_insurgency.asp

[15] Overview: Insurgency & Peace efforts in Manipur, available at: www.cdpsindia.org/manipur_insurgency.asp

[16] Overview: Insurgency & Peace efforts in Manipur, available at: www.cdpsindia.org/manipur_insurgency.asp

[17] Overview: Insurgency & Peace efforts in Manipur, available at: www.cdpsindia.org/manipur_insurgency.asp

communities. This is because they have more faith in these insurgent groups rather than the government.

This was clearly seen during Muivah's visit to Manipur. Thuingaleng Muivah, the general secretary of NSCN-IM, an insurgent group planned to visit his ancestral home in Ukhrul, Manipur. The government denied his entry as there were chances of untoward incidents and disturbances with this visit. Further, the government also declared curfew under section 144 of Criminal Procedure Code. This decision of the government was not well received with seven Naga Member of Legislative Assembly (MLA) resigning from their post. As a protest to the government's denial of Muivah's entry to the state, various Naga groups called for an economic blockade on NH-39. The blockade stopped the entry of essential commodities, goods, medicine into the state[18].

The insurgency in the Manipur started as a rebellion against the state and the Union of India for the unfair treatment towards the people. However, it has evolved into this multidimensional aspect where peace efforts can barely make a difference. The ones affected are not the government nor the insurgent groups but the people and their rights. It is like cancer with no cure!

Counterinsurgency measures: effective or not?

It is imperative that where there is insurgency there should be counterinsurgency. In Manipur, counterinsurgency measures have caused most harm then eradicate the state of insurgency. These measures have caused various human rights violations. There are still several cases pending in the courts pertaining to human rights violations as a result of counterinsurgency.

Counterinsurgency measure in the state has caused several human rights cases of abuse which include extra-judicial killings, kidnappings, mass rape, detention without trial and infringement of freedom of speech and expression[19]. Human rights abuses in the Manipur are well connoted by how the Armed Forces (Special Powers) Act is implemented. Further, this is one vague legislation that is plagued with loopholes.

Armed Forces (Special Powers) Act, 1958 commonly known as AFSPA was enforced in Manipur and several other states in Northeast India in order to curb the insurgency in the region. The Act shall only be enforced in 'disturbed areas' and Manipur as declared one when

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[18] Overview: Insurgency & Peace efforts in Manipur, available at: www.cdpsindia.org/manipur_insurgency.asp
[19] The other Burma? Conflict, counter-insurgency and human rights in Northeast India by Ben Hayes

the government claimed that all the insurgent groups are illegal. The Act empowers armed personnel to use force even to the *causing of death if they are of the opinion that any person is acting in contravention to the law*[20]. Further, the armed personnel is also authorized *to conduct a search of any premises and arrest any person without a warrant, if they have a reason to believe that any person may be acting in contravention to the law*[21]. Thus, the legislation provides immunity to armed personnel as stated under it – ' *no prosecution, suit or other legal proceedings shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.*[22]'

Activist, lawyers, families of victims are subjected to harassment and torture by the police and armed personnel. This resulted in fear and distrust against the armed and police personnel. The Supreme Court of India, in July 2017, pointed out that the Central Bureau of Investigation (CBI) should scrutinize 98 killing by the armed and police personnel[23]. The court also directed the authorities to discontinue the harassment and cooperate with the investigation, Human Rights Watch reported. Such action by the court is a ray of hope for the victims and their families. This investigation also seeks to look into 1528 killings between 1979 to 2012.

There are cases where the courts have given various statements and clarifications pertaining to AFSPA –

"The Governor is empowered to declare any area of the state as 'disturbed area'. It could not be arbitrary ground of absence of legislative guidelines"; *Inderjit Barua v. the State of Assam*[24].

"Section 3 cannot be construed as conferring a power to issue a declaration without any time limit. There should be a periodic review of the declaration before the expiry of six months"; *Naga People's Movement of Human Right v. Union of India*[25].

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[20] Section 4(a), Armed Forces (Special Powers) Act, 1958
[21] Section 4(c), Section 4(d) Armed Forces (Special Powers) Act, 1958
[22] Section 6, Armed Forces (Special Powers) Act, 1958
[23] India: Manipur Victim Families, Activists Harassed, available at:
https://www.hrw.org/news/2018/04/12/india-manipur-victim-families-activists-harassed
[24] AIR 1983 Del. 514
[25] AIR 1998 SC 431

"The armed forces must act in cooperation with the district administration and not as an independent body. Armed forces could work in harmony when they deployed in disturbed area"; *Luithukia v. Rishang Keishing*[26].

The atrocities caused by AFSPA was seen vividly in the case of Thangjam Manorama Devi. Thangjam Manorama Devi was apprehended by Assam Rifles from her home in the middle of the night. The following day, people from her village found her dead body. It had bullet wounds on her vagina raising suspicion that she was raped and the bullet wounds were to conceal the evidence. Assam Rifles claimed that she was shot while attempting an escape. However, the wounds and the circumstances point otherwise. How could she manage to escape a gang of army men and if so, was it necessary o kill her? This is where the immunity provided AFSPA kicks in. AFSPA is a draconian law that is biased towards the armed personnel. The armed personnel involved that night could not be questioned nor any action could be taken against them. An internal inquiry report found nothing against the armed personnel[27].

Manorama's case led to mass agitation in the State demanding the repeal of the draconian law, AFSPA. In an incident, Manipuri women stood naked in front of the then HQ of Assam Rifles, Kangla Fort with a banner which read "Indian Army Rape Us"[28].

Additionally, the case of Chungkham Sanjit and Rabina Devi was another shocking incident that reflects the atrocities caused by the law. Sanjit had gone to a pharmacy to buy medicine for his ailing uncle. During which, a team of armed Manipur Police came and shot him in cold blood. The incident also include another victim, Rabina Devi a pregnant lady who happen to be at the wrong place at the wrong time! This incident was followed by an outrage and mass protest in Manipur. This was a remarkable example of fake encounters. In this case, as well the community empowered by AFSPA can be applied. Hence, no serious action would be taken against the armed personnel. In a shocking revelation, Herojit, the policemen

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[26] (1988)2 Gau LR 159

[27] Insurgency and Counterinsurgency: Case study of Manipur by Mini Dey, European Journal of Interdisciplinary Studies

[28] Insurgency and Counterinsurgency: Case study of Manipur by Mini Dey, European Journal of Interdisciplinary Studies.

who shot Sanjit claimed that Sanjit was unarmed and confessed he shot him and was simply following the orders of his superior[29].

India has been a party to ICCPR since 1979 which provides for obligations when interpreting an Act. Further, it also provides for rights such as – the right to life (Article 6), the prohibition of torture, cruel, inhuman and degrading treatment (Article 7), the right to liberty and security of the person (Article 9)[30]. Additionally, India is also party to International Convention on the Elimination of All Forms of Racial Discrimination and has signed the Convention against Torture and other cruel, Inhuman or Degrading Treatment or Punishment[31]. However, how well has India implemented these international law is a big question also, are these conventions only an international relations tactic of India?

There has always been a lack of accountability from the state government and armed forces in matters of abuse carried out by armed personnel. The reluctance of the State and the Central governments to act on such incidents are rather frustrating. Throughout the history of Manipur, there have been several cases of fake encounters, extra-judicial killings, kidnapping etc., even then the government has failed to take any serious actions against the armed personnel. Reportedly, the state police failed to take any substantive action such as filing a First Information Report (FIR) against police personnel accused of extrajudicial killing. Instead, they accuse the victims and their families of being militants or being associated with militancy. The State government has always been reluctant and have denied or opposed any form of the investigation against any armed personnel accused of extrajudicial killing or fake encounter. The lack of accountability can be traced from the enactment of AFPSA which provides for immunity from prosecution to the armed personnel.

Naga Peace Accord

Nagaland Peace Accord framework agreement was signed between Government of India and National Socialist Council of Nagalim (NSCN) in August 2015. This was signed in the presence of the Prime Minister Narendra Modi.

The accord shall bring in special rights and land and resources for Naga, however, there shall be no changes in the maps of Assam, Arunachal Pradesh and Manipur as feared earlier. The

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[29] Who killed Rabina: A follow-up to Gaurdian's Report on Manipur's killer cop, Herojit by Samrat Choudhary
[30] Insurgency and Counterinsurgency: Case study of Manipur by Mini Dey, European Journal of Interdisciplinary Studies.
[31] Insurgency and Counterinsurgency: Case study of Manipur by Mini Dey, European Journal of Interdisciplinary Studies.

record was made public for the first time in July 2018. The main agenda for NSCN is to unite the Naga population from Nagaland and its neighboring states Manipur, Assam and Arunachal Pradesh in order to form Greater Nagaland. However, this was not accepted by Manipur, Assam and Arunachal Pradesh who are not willing to compromise their territory. The accord is expected to bring in a ceasefire between the Government of India and the National Socialist Council of Nagalim (NSCN)[32].

Conclusion

The constant use of arms and terror by police and armed personnel is not comforting for the people of Manipur. The human rights abuses at the hand of armed personnel and the reluctance of the government to take any action shows nothing but ignorance of the matter. Relying on the judicial system for justice is a long wait for the victims and their families. The perpetual tug of war between the government and the insurgent groups are not what the people hope for every time a new government is elected. We hope for change, a change for good and peace. Also, this constant tug of war is not what the future generations deserve.

Manipur insurgency and its repercussions have been far felt. Since the day of accession till now, the state has seen a lot of aggression and bloodshed. Moreover, the gross nature of human rights violations has led to the issue being snowballed to something else in toto wherein accountability and objectivity have taken a back seat. It's time that the state recognizes the issues and insurgency is fought not only with military might but also strategic dialogue.

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[32] Naga peace accord could finally be signed this year – but rebel groups may lose out on key demands, available at: https://scroll.in/article/877174/naga-peace-accord-could-finally-be-signed-this-year-but-rebel-groups-may-lose-out-on-key-demands

ARMED FORCES (SPECIAL POWERS) ACT, 1958

1. Short title and extent.—

(1) This Act may be called [The Armed Forces (Special Powers) Act, 1958].

[(2) It extends to the whole of the State of [Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura].

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "armed forces" mean the military forces and the air forces operating as land forces, and includes other armed forces of the Union so operating;

(b) "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area;

(c) all other words and expressions used herein, but not defined and defined in the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950) shall have the meanings respectively to them in those Acts.

3. Power to declare areas to be disturbed areas.—If, in relation to any State or Union territory to which this Act extends, the Governor of that State or the Administrator of that Union territory or the Central Government, in either case, if of the opinion that the whole or any part of such State or Union territory, as the case may be, is in such a disturbed or dangerous condition that the use of armed forces in aid of the civil power is necessary, the Governor of that State or the Administrator of that Union territory or the Central Government, as the case may be, may, by notification in the Official Gazette, declare the whole or such part of such State or Union territory to be a disturbed area.

4. Special Powers of the armed forces.—Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area,—

(a) if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order

for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances;

(b) if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made, or any structure used as a training camp for armed volunteers or utilised as a hide-out by armed gangs or absconders wanted for any offence;

(c) arrest, without warrant, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest;

(d) enter and search without warrant any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises, and may for that purpose use such force as may be necessary. comments

(i) Conferment of power on non-commissioned officers like a Havaldar cannot be said to be bad and unjustified; Inderjit Barua v. State of Assam, AIR 1983 Del 514.

(ii) The armed forces must act in cooperation with the district administration and not as an independent body. Armed forces could work in harmony when they deployed in disturbed area; Luithukla v. Rishang Keishing, (1988) 2 Gau LR 159.

5. Arrested persons to be made over to the police.—Any person arrested and taken into custody under this Act shall be made over to the officer in charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest.

6. Protection to persons acting under Act.—No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act..

7. Repeal and Saving.—[Repealed by Amending and Repealing Act, 1960 (58 of 1960), First Schedule, sec. 2 (26-12-1960)].

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Indonesia's Role in Humanitarian Crisis in Rakhine State of Myanmar (2012-2017)

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Abstract

This paper begins with the question of why does Indonesia consider the humanitarian crisis that occurred in Rakhine State of Myanmar as a very important issue and needs to be taken seriously by conducting soft diplomacy and humanitarian assistance to address the crisis? Indonesia has the rational choice of conducting soft diplomacy in the form of bilateral and multilateral responses, as well as providing humanitarian assistance in the crisis that occurred in Rakhine state. Theoretical discussion of this paper is carried out on the theory by William D Coplin on various factors that influence the process of foreign policy making and also the theory of humanitarian actions as a form of soft power diplomacy in addressing humanitarian crises. In the policy making of Indonesia in responses to Rakhine state crisis, there were several factors that influenced the policy. First the domestic context, with the social ethic and the rise of solidarity of Indonesian civil society that driven by the country's majority Muslim populations. International context, with the position of Indonesia as a good bilateral partner of Myanmar and its position as 'de facto' ASEAN leaders. And third, security context with the interest to protect national security after

By considering various context, Indonesia put forward soft power diplomacy as rational choices. In accordance with the theory of soft diplomacy, a country need to co-opts the other party rather than coerces to achieve the goal of the diplomacy. By using this concept, conflict resolution is not carried out with an approach that leads to military power, embargo, or criticism, but rather in a more persuasive way, such as bilateral and multilateral diplomacy and providing inclusive humanitarian assistance. The study also recommends further research on 'humanitarian diplomacy' and the role of non-state actors, especially religious civil society in international relations.

Keywords: Humanitarian Assistance, Indonesia, Rakhine State Crisis, Soft Power Diplomacy

Rakhine State located in the western part of Myanmar has long been a hotspot for humanitarian crisis issues. As a border area, Rakhine State becomes a multi-ethnic region inhabited by several ethnics originating from different roots. One of the many ethnic groups in the Rakhine States is the Rohingya people. There were an estimated 1 million Rohingyas living in Myanmar before the 2016-17 crisis (Mahmood, Wroe, Fuller, & Leaning, 2017). However, due to the ongoing crisis in the area, hundreds of thousands to millions were displaced and had to leave their homes to flee to neighbouring countries such as Bangladesh. The United Nations (UN) and Human Rights Watch (HRW) even issued a statement that the Rohingyas were one of the most persecuted minorities in the world. They state that the crisis in the Rakhine state of Myanmar is an ethnic cleansing effort in which the 1982 laws "effectively deny to the Rohingya the possibility of acquiring a nationality." Despite being able to trace Rohingya history to the 8th century, Myanmar law does not recognize the ethnic minorities as one of the "national indigenous races" and they are also restricted from freedom of movement, state education, and civil service jobs (Smith, 2013). Not only that, the humanitarian crisis that occurred in Rakhine State with the persecution of Muslim majority Rohigyas also involved military crackdown from the government against the Rohingyas. Amnesty International noted that the Rohingyas had faced military crackdowns in 1978, 1991-1992, 2012, 2015 and 2016-2017.(Médecins Sans Frontières-Holland, 2002)

From the many incidents that occurred in this crisis, the incident in 2012 was the point where the crisis has received widespread international attention. The BBC's news agency noted that the June 2012 conflict was the first and the largest since 1992. In the conflict there were widespread riots and clashes between Rakhine Buddhists and Muslims, largely thought to be Rohingya Muslims, left 200 dead and displaced thousand. It was the rape and murder of a young Buddhist woman which sparked off that deadly chain of events. Not only that, this conflict also triggered subsequent conflicts between 2013 and 2014 where friction between Buddhist Rakhine and Rohingya Muslims caused riots and some casualties.(BBC News, 2018)

The series of conflicts eventually peaked in 2017. Violence broke out in Rakhine state since August 25, 2017. Initially, the Arakan Rohingya Salvation Army (ARSA) militant group attacked dozens of police and killed 12 officers. The attack triggered military actions against many villages inhabited by ethnic Rohingyas in Rakhine. More than 300 people were killed during military operations. The Myanmar Army claimed that hundreds of the dead were the members of the ARSA

militant group. But survivors of the Rohingya alleged that military operations in Rakhine were brutal actions for killing innocent civilians. The Rakhine crisis also caused more than 600,000 civilians fleeing to Bangladesh to escape violence.(Allard & Islam, 2017)

This event triggered various responses from the international community. Countries around the world simultaneously denounced the acts that took place and regarded it as a crime against humanity. Some international political actors even suggested political and economic sanction, and also military action against Myanmar. For example, some US parliament members urged the government of Donald Trump to respond strongly to the Rakhine State's crisis. US parliamentarians also suggested revoking the Nobel prize of Aung San Suu Kyi for failing to do more and help to establish better situation in the state. Ed Royce from the Republican Party declared, "those responsible for this atrocity must be brought to justice. She (Aung San Suu Kyi) and military generals should be put on trial". US Deputy Assistant Secretary of State, Patrick Murphy, at the US House of Representatives Foreign Relations Committee hearing, Oct. 5, 2017 stated, "sanctions against Myanmar and US aid cuts need to be taken to pressure the Burmese government to stop attacks on Rohingya Muslim minorities."(Muhaimin, 2017)

Indonesia's Active Role in Addressing Humanitarian Crisis in Rakhine State.

One of the countries that pay particular attention to the development of crisis handling in Rakhine State is Indonesia. In this case, Indonesia mobilized massive assistance both politically and logistically to assist in the handling of humanitarian crises occurring in the Rakhine State. As of September 16, 2017, Indonesia has sent 54 tons of humanitarian aid in the form of 30 tons of rice, 14,000 blankets, 2,004 ready-to-eat food packages, 20 large tent units, 10 units of flexible water tanks, 900 packets of clothing, and one ton of sugar (Ayu, 2018). What is interesting is that the assistance is not only coming from the Indonesian government formally but also from many Non-Governmental Organizations (NGOs) comprising religious and social organizations such as *Muhammadiyah* and *Nahdlatul Ulama*, as well as Indonesian civilians in general who contributed to provide logistical supports and providing assistances in the form of socio-political supports to the crisis that occurred in Rakhine State. From here arises a pretty interesting question, why is Indonesia so concerned in responding to the issues that occurred in Rakhine State of Myanmar? As a country with the largest Muslim population in ASEAN and also in the world, it is very interesting to see the role of Indonesia in addressing the crisis that occurred in ASEAN member countries, let alone the fact that Indonesia is more preferable to approach through soft diplomacy and

humanitarian action in handling this case rather than conducting political action and economic sanctions against Myanmar

As fellow ASEAN countries, one of the most active countries in giving responses to humanitarian crisis that occurred in Rakhine state is Indonesia. After major riots occurred in 2017, Indonesia actively reacted in the form of bilateral and multilateral responses, as well as providing humanitarian assistance in the crisis that occurred in Rakhine state. On this occasion, Indonesian Foreign Minister Retno Marsudi was sent to Myanmar to urge the government to halt deadly violence against Rohingya Muslims (Al Jazeera, 2017). The Indonesian government also immediately handed over 20 tons of humanitarian aid to Rakhine state refugees scattered in several regions, and in contrast to other parties who also provided assistance, the assistance was received with pleasure and even openly appreciated by the Myanmar government (Kuwado, 2017).

In general, Indonesia puts forward two policy spectrums in addressing humanitarian crisis that occur in Rakhine state, namely diplomacy and humanitarian assistance. The diplomacy spectrum promotes dialogue with the Myanmar government to find the best solution to address the conditions in Rakhine. The humanitarian assistance spectrum takes precedence to mitigate the humanitarian crises. Diplomacy carried out by Indonesia is expected to create conducive atmosphere through a positive response by the Myanmar government. It is expected with the diplomacy effort of Indonesian government, the Myanmar government is willing to open the access for humanitarian assistance from the international community, especially humanitarian assistance from Indonesia to Rakhine state, so other problems such as repatriation of refugees and construction of durable peace in crisis affected areas can be addressed immediately. (Dwitama, 2018)

(i)   Multilateral and Bilateral Diplomatic Role

Indonesia's responses to the immediate problem of the humanitarian crisis that occurred in Rakhine state began in 2009. During the visit of Prime Minister Thein Sein to Indonesia, President Susilo Bambang Yudhoyono at that time gave concern to the status of Rohingya refugees entering Indonesia as a result of the humanitarian crisis that occurred for years in Rakhine state. Bilateral cooperation was also pursued to solve the problem of Rohingya refugees entering Indonesia, as well as cooperation involving the UN Refugee Agency and the International Organization for Migration. In the discussion, Indonesia has promised to extend the humanitarian assistance to 400 Rohingya that stranded in Aceh, until a final solution was found(Loos, 2014).

After the 2012 major riots in Rakhine, Indonesia again gave a bilateral response with the statement of the foreign minister Marty Natalegawa at that time stating that Indonesia was against the discriminatory treatment of anyone anywhere. He said that Indonesia cannot tolerate the action

and were asking the Myanmar government to manage this issue as Myanmar moved forward toward democratization. He also stated that he would bring the issue to the OIC summit in Mecca, Saudi Arabia, on 14 and 15 August 2012 (Boot, 2012). Concern on the issue in Rakhine state was then delivered directly by President Susilo Bambang Yudhoyono in 2013 during his visit to Myanmar to meet President Thein Sein. During the visit, he urged Myanmar's leaders to address Buddhist-led violence against Muslims that could cause problems for Muslims population in the region(Jason Szep & O'Callaghan, 2013). The concern was also accompanied by Indonesian pressure to address the citizenship status of Rohingya Muslims so they could have access to the same legal rights as "the rest of their countrymen." Multilateral pressure was also taken by Indonesia in 2013 through the OIC Contact Group on Rohingya Minority Muslims where at the ministerial meeting in Jeddah, the forum was condemning the spread of anti-Muslim violence in Myanmar, including atrocities committed against Rohingyas, and calling upon the government to ensure Buddhist extremists to end the use of force and violence(Global Centre for the Responsibility to Protect, 2016).

Post 2014 until 2017, despite the change of government in Indonesia with the election of Joko Widodo as the new president, Indonesia's attention and role in alleviating the humanitarian crisis in Rakhine state has not diminished. This is also accompanied by an increasing number of refugees who enter the Indonesian region and also pressure from within and outside the country that expect Indonesia to play a bigger role to address this crisis. In 2016, Indonesian Vice President Jusuf Kalla conveyed deep concern with regard to Rohingya migration to his country. He also stated that even though the Rohingya issue was Myanmar's domestic problem, Indonesia would give suggestions and advices to address the situation (Sen, 2016). Indonesia was the first country to respond to the riots in October 2016. The response was also followed up directly with the visit of Indonesian foreign minister Retno Marsudi to Myanmar to meet Aung San Suu Kyi as the de facto leader of the Myanmar government. On this occasion Retno and Suu Kyi openly discussed the developments in Rakhine state. The Indonesian foreign minister emphasized how important it was for security and stability to be achieved so that efforts in inclusive development could continue in Rakhine state (Salim, 2016).

After the humanitarian crisis in the form of a major riot which happened again in 2017 in Rakhine state, Indonesia once again became the most active country in reacting with the direct visit of Indonesian foreign minister for urgent talks with Myanmar regarding the latest developments in Rakhine state(Ismail & Dolan-Evans, 2017). The Indonesian foreign minister immediately conducted marathon diplomacy to Singapore, Yangon, Nay Pyi Taw, Bangkok and Dhaka to meet officials in the countries to request humanitarian assistance and help resolve the crisis in Rakhine state. One thing that needs to be highlighted by the Indonesian foreign minister's diplomacy effort is

the "4 + 1 proposal" as an effort to solve the humanitarian crisis in Rakhine state. The 4 + 1 proposal contains 4 points, namely restoring security stability, refraining from using violence, protecting the community regardless of ethnicity and religion, and providing access to humanitarian assistance. While the "+1" element is the implementation of the recommendations of the Advisory Commission on Rakhine State report led by Kofi Annann. (Dwitama, 2018)

Indonesia also continues to provide its diplomatic role at the global level by continuing to call on the international community to contribute to problem solving processes in Rakhine. This was conveyed by the Indonesian foreign minister at an interlocutory meeting of the Organization of Islamic Cooperation Contact Group on Rohingya during the 72nd General Assembly of the UN meeting in New York. Furthermore, in line with Indonesia's 4 + 1 formula, the UN Secretary General also stressed the three steps that the Myanmar government needed to take immediately, namely ending military operations, opening access to humanitarian assistance, and returning Rohingya refugees in Bangladesh to Myanmar (Dwitama, 2018). The role of Indonesian diplomacy both bilaterally and multilaterally has also been conveyed and specifically appreciated by the UN Secretary General Antonio Guterres. The UN itself, through its secretary general, requested that Indonesia continued to work to resolve the conflict that befell Rohingya citizens in Rakhine State. The request was conveyed via telephone lines directly between the Indonesian foreign minister and the UN Secretary General on September 1, 2017(Hasan, 2017). In all its diplomatic actions, Indonesia emphasizes efforts to deal with the crisis as soon as possible and the development of inclusive and sustainable peace in overcoming the humanitarian crisis in Rakhine state of Myanmar.

(ii)   Humanitarian Assistance

In addition to bilateral and multilateral diplomacy responses, one of the highlights of Indonesia's role in handling the humanitarian crisis in Rakhine state of Myanmar is the provision of humanitarian assistance to those affected by the humanitarian crisis in Rakhine state. After the crisis that occurred in 2017, Indonesia acted as the first humanitarian responder by sending eight aircraft containing humanitarian assistance directly to Rakhine state or through Cox's Bazaar where the Rohingya refugee camp in Bangladesh. The assistance included ready-to-eat food, food for toddlers and pregnant women, tents, water tanks, sarong and medicines. Indonesia also established school development projects in Rakhine, two schools in Minbya Township and one each in Maungdaw Township and Buthidaung Township as Indonesia's commitment to build sustainable peace in Rakhine state of Myanmar(Dwitama, 2018). In addition, the step that has been widely appreciated by the international community was the construction of hospitals in Myaung Bwe, Rakhine State, Myanmar as a form of Indonesian society's contribution to the people of Rakhine. The construction of this hospital cost 1.8 million US dollars. The expense was provided by the Indonesian

Government in collaboration with the Indonesian people including Indonesian Red Cross, various NGOs and the private sector (Kompas.com, 2017).

What is interesting about Indonesia's humanitarian assistance to the humanitarian crisis in Rakhine state is the involvement of not only the government, but all elements of society. In fact, it also includes the Indonesian civil society at large and Indonesian NGOs. In addition to intergovernmental efforts, Indonesia also formed the *Aliansi Kemanusiaan Indonesia untuk Myanmar* (AKIM) or Indonesian Humanitarian Alliance for Myanmar. The alliance consists of eleven humanitarian organizations, including Nahdlatul Ulama, Muhammadiyah, PKPU, Dompet Dhuafa, Rumah Zakat, Dompet Perduli Ummat – Daarut Tauhiid, LAZIS Wahdah, Laznas LMI, Aksi Cepat Tanggap, Lazis Dewan Da'wah Islamiyah Indonesia, and Social Trust Fund – UIN Jakarta. This alliance has synergized with the Myanmar government and international organizations to form the Humanitarian Assistance for Sustainable Community in Myanmar (HASCO) program which focuses on capacity building cooperation, improvement of experts, settlement situations and recovery services. AKIM also helped raise broader supports to the construction of educational facilities, establish markets, and conduct training for medical and health personnel. The role of the alliance shows the importance of synergy between the government and NGOs in accordance with recommendations issued by the Advisory Commission on Rakhine state (Dwitama, 2018).

Not only encouraging and providing humanitarian assistance from the people of Indonesia, the Indonesian government also encourages ASEAN's active role at the regional level in providing humanitarian assistance to the humanitarian crisis in Rakhine state. On October 14, 2017 ASEAN Coordinating Center for Humanitarian Assistance on Disaster Management, or AHA Center, distributed aid in the form of 80 tonnes of relief items for displaced communities in Rakhine State through Yangon, Myanmar. The items consisted of family tents, family kits, personal hygiene kits, kitchen sets, aluminum boats, and generators, among others. The relief items were shipped in two batches, with the first plane arriving on Friday the 13th October, and the second plane arriving on Sunday the 15th October 2017(AHA Centre, 2017).

The provision of assistance to the humanitarian crisis in Rakhine state is not a new thing for Indonesia. Since the era of President Susilo Bambang Yudhoyono, Indonesia has gradually provided assistance to the ongoing crisis in Rakhine. At that time after the 2012 riots, President Susilo Bambang Yudhoyono appointed Jusuf Kalla to be Special Envoy and appointed Indonesian Red Cross as the coordinating agency to distribute US $ 1 million in aid. Indonesia also provided assistance to the Government of Myanmar through the sharing of expertise method by facilitating the visit of Myanmar delegates to Aceh, and contributing to the advancement of Myanmar's

economy by sending Indonesian state owned company to invest in Myanmar, as well as forming *the Blue Books on Indonesia-Myanmar Capacity Building Partnership.* (Ardani, 2015)

What needs to be highlighted in the provision of humanitarian assistance from Indonesia to the humanitarian crisis in Rakhine state is that Indonesia has never discriminated the recipients of the humanitarian aid. All parties affected by the humanitarian crisis in Rakhine state, both Rohingya and Buddhist-Rakhine communities, are entitled to receive humanitarian assistance from Indonesia. In the construction of schools in Rakhine, for example, Indonesia established half of the schools in Muslim Rohingya residential areas and the other half in Rakhine Buddhist residential areas. In general, Indonesia has never considered that the humanitarian conflict in Rakhine only targeted one particular party, but Indonesia considered that this crisis was caused by widespread conflict which then took its toll on all parties. This is what makes Indonesia get easy access from the Myanmar government in distributing humanitarian aid to Rakhine state when other countries and many international NGOs are restricted in access, especially in the period after the major riots in August 2017. In addition, the relationship between Indonesia and Myanmar, and the trust of the Myanmar government that Indonesia does not have a hidden agenda in providing humanitarian assistance is considered to be the key to easy access for Indonesia to provide humanitarian assistance to the Rakhine state of Myanmar (Murthias, 2018).

Analyses the various interests and considerations of Indonesian diplomacy

There are many factors that influence the various interests and considerations of Indonesian diplomacy and foreign policy in responding to the humanitarian crisis in Myanmar. As a sum of official external relations conducted by an independent actor in international relations, there are various factors both internal domestic factors and external factors that will influence the policy making (Hill, 2003). The policy was designed with the aim of achieving complex domestic and international agendas. Regarding this topic, Coplin explains that any given foreign policy can be seen as a result of three categories of considerations that affect the foreign policy of the decision-making countries. The first domestic politics in the policy decision making process of the country. The second is the economic and military capacity of the state. The third is the international context of the particular position in which the country finds its identity, especially regarding its relationship with other countries in a system (Coplin, 1980).

Indonesia was in a strategic position to play an important role in the Rakhine state crisis. Domestically, Indonesia has an ethics of state that is in line with Indonesia's role in the crisis in Rakhine state. Not only that, the the ethical values that developed in Indonesian society broadly demanded that Indonesia could play a bigger role in international issues such as those in Rakhine state. Indonesia's position as a country with the largest Muslim population in the world also gives

influence both domestically and internationally. Domestically, the ethical values that grew out of civil society dominated by the Islamic population were very influential in Indonesia's attitudes and policies in the crisis in Rakhine state. Internationally, other countries, especially Islamic countries, have high expectations for Indonesia as the country with the largest Muslim population in the world to play a major role in the handling of the crisis in Rakhine state because this case is closely related to the life of many Muslim Rohingya as one of the main victim of this crisis.

Another international consideration is Indonesia's position that generally accepted as the de-facto leader of ASEAN that expected to play a great role in addressing humanitarian cases in the Southeast Asia region so that the crisis does not affect regional stability. Then the history of very well established bilateral relations between the governments of Indonesia and Myanmar so far has also become one of the important considerations in the role of Indonesia in Rakhine state crisis.

Domestic political conditions are one of the most influential factor for Indonesia's foreign policy in the Rakhine state crisis. K.J. Holsti defines, foreign policy as the analysis of decisions of a state toward the external environment and the domestic conditions under which these actions are formulated (Holsti, 1970). Furthermore, Mark R. Amstutz, defines foreign policy as the explicit and implicit actions of the governmental officials designed to promote national interests beyond a country's territorial boundaries(Amstutz, 2013). From that definition we must see that Indonesia's foreign policy including the policies taken in the Rakhine crisis case are the manifestations of the desires and values adopted by all Indonesian people in domestic situation to be represented in the form of foreign policy to promote the national interest beyond the national boundaries.

With the development of the process of democratization in the country, especially in the post-New Order era, the importance of public opinion in the process of policy formulation is increasingly developed, including in the field of foreign policy. Foreign policy can no longer be regarded as the exclusive domain of policy-making elites. As a democratic country, Indonesia's foreign policy must also reflect broad public aspirations.

As a democratic country with a high degree of accountability, domestic political influence is very large because the public will truly oversee and encourage the government to take foreign policy that can channel ethical values from the community itself. (Dura, 1995). Therefore, Indonesia's foreign policy must be able to accommodate all influential stakeholders in the country, such as the House of Representatives (DPR) and the People's Consultative Assembly (MPR), community leaders, religious leaders, business people, community organizations and civil society in Indonesia broadly to realize the creation of a united power in the country as domestic power.

In the strategic policies related to Indonesia's foreign policy, the President of the Republic of Indonesia specifically includes the roles, aspirations and interests of the people, as well as

enhancing the global role of Indonesia as a selective regional middle power with the value of democracy and moderate Islam as a country that upholds world peace as the agenda of Indonesia's main foreign policy. Therefore, in the domestic political condition discussion related to Indonesia's role in Rakhine crisis, we will focus on the role of community aspirations and the ethical values contained in the society; democratic values; moderate Islamic values as the country with the largest Muslim population in the world; and values as a country that upholds and promotes the world peace.

The international context is the next important factor that influences and encourages Indonesia's role in the humanitarian crisis in Rakhine state of Myanmar. In accordance with the theoretical framework proposed by Coplin, the combination of the characteristic of international context and state relationship determined how the state reacts toward some international issues. He also added that International condition is a product of foreign policy of states in the past, present, or even future that might be or be anticipated (Coplin, 1980). In the area of foreign policy, because it is difficult to act effectively internationally if policies lack domestic acceptability, political decision-makers assess domestic sentiment along with the international situation. Barbara Farnham argues that to produce effective policies, rational political decision-makers try to balance the domestic and international imperatives and they will consult internationally, as well as domestic public opinion (Farnham, 2004).

From this argument we can see that Indonesia must consider several International contexts which include the existing international pressure, as well as the public opinion that is formed, before determining policies or roles in a particular case. In the case of Rakhine state crisis, the international environment strongly supported Indonesia to be more concerned and took special action to the humanitarian crisis at Rakhine State. Firstly, as a good bilateral partner, Indonesia certainly wanted to maintain this good relationship with Myanmar. Indonesia as the largest country and the de facto leader of ASEAN is required to play an active role in maintaining peace and stability of the region including paying more attention to humanitarian cases that occurred in Rakhine State. As an ASEAN member country, Indonesia is required to maintain stability as a fellow ASEAN country by upholding ASEAN Way and non-intervention principle. In addition, Indonesia as the country with the largest Muslim population in the world and member of the Organisation of Islamic Cooperation (OIC) are required to campaign for justice and human rights for Muslims worldwide on the case of humanity in this Rakhine State crisis.

Indonesia was showing his intention to meet the international obligations especially the humanitarian related obligations as well as the obligation as a good bilateral partner of Myanmar, as a Muslim majority country, and as the de facto leader of ASEAN. The action of Indonesia was

intended to create better image of Indonesia in international community as world's peacekeeping country. Therefore, it was expected that the international community, especially Myanmar, would trust Indonesia as a reliable partner in international relation.

Soft Power Diplomacy and Humanitarian Assistance as Rational Choice

With a variety of domestic and international considerations affecting Indonesia's foreign policy, the approach in the form of soft diplomacy by prioritizing constructive engagement and upholding the concept of non-interference was considered the most appropriate choice by the Indonesian government in helping to resolve the humanitarian crisis in Rakhine state. The approach taken by Indonesia so far has been successful with regard to Indonesia as the only country that was still trusted by Myanmar as a strategic partner in helping resolve cases in Rohingya, which was evidenced by the acceptance of Foreign Minister Retno Marsudi by Aung San Suu Kyi who served as State Counselor, at 4 September 2017, shortly after the August 2017 crisis occurred (Affan, 2017).

In accordance with Nye's explanation about soft diplomacy, a country need to co-opts the other party rather than coerces them to getting others to want the outcomes you want. By using this concept, conflict resolution is not carried out with an approach that leads to military power, embargo, or criticism, but rather in a more persuasive way, such as bilateral and multilateral diplomacy and providing inclusive humanitarian assistance to the Rakhine state crisis. (Nye, 2004)

Through Nye's explanation, we can analyze Indonesian foreign policy rationality in choosing to use soft power in addressing Rakhine state crisis. In this matter, Indonesia chooses to co-opt with Myanmar in adressing Rakhine state crisis. Through various diplomatic and constructive engagement efforts conducted by Indonesia, the Myanmar government, civil society in Rakhine, the international community, and also civil society in Indonesia itself can admire the values of Indonesian foreign policy interest, emulating its example, aspiring to its level of prosperity and openness, thus changing their views and committed to jointly solve the humanitarian crisis in Rakhine.

Apart from that, in handling the humanitarian crisis in Rakhine state of Myanmar, Indonesia also have the aim to instil the values of human rights enforcement and democratization. When referring to Nye's argument, we can conclude that what was done by Indonesia was an attempt to instil these values in the Myanmar government and civil society in Rakhine state, so that when the humanitarian crisis could be overcome, the durable peace in Rakhine state can be achieved. Therefore, Indonesia rationally puts forward soft power diplomacy in the hope that these values will be able to be understood and applied in real terms by the parties concerned, because if Indonesia

relied on coercive efforts, what could happen was a compulsion rather that settlement arises from the running application of these values.

Therefore, in its efforts to play a role in the Rakhine state crisis, Indonesia actively undertook soft diplomacy efforts by conducting bilateral dialogues with the Myanmar government, as well as multilaterally with the international community to find conflict resolution. Although there were many criticisms both from within and outside the country who considered that with soft diplomacy efforts Indonesia cannot act decisively so that the humanitarian crisis in Rakhine state cannot be resolved immediately, but taking into account domestic, international, and security context, soft diplomacy was considered the most appropriate to be carried out by the Indonesian government. This was by considering the concept of non-interference which was upheld by Indonesia as an ASEAN member, and the desire of Indonesia to instil ethical values from its people to be understood by Myanmar that could only be achieved by a persuasive approach through soft diplomacy.

This Indonesian diplomacy effort called Sarong Diplomacy promoted the 4 + 1 proposal containing 4 points, namely restoring security stability, refraining from using violence, protecting the community regardless of ethnicity and religion, and providing access to humanitarian assistance; and +1 point with the implementation of the recommendations of the Advisory Commission on Rakhine State. The proposal was directed to the Myanmar government as a persuasive effort to immediately resolve the humanitarian crisis in Rakhine state. This diplomatic support also contained humanitarian assistance from the Indonesian people which was channelled through the government and also several NGOs as a tangible form of solidarity of the Indonesian people themselves.

Humanitarian Assistance of Indonesia

Humanitarian assistance was considered as the most tangible role of Indonesia in the Rakhine state crisis of Myanmar. It is because although it had not been able to resolve the crisis as a whole, the benefits can be widely felt by the Rakhine community and gave a good impression to the Government of Myanmar and the people affected by the crisis. In addition, humanitarian assistance provided an opportunity not only for the Indonesian government elites, but for Indonesian society at large including NGOs to give a real role in the Rakhine state crisis of Myanmar.

To provide a real and sustainable role in the Rakhine state of Myanmar, Indonesia delivered humanitarian assistance in the form of goods, money, and humanitarian missions to the Rakhine state of Myanmar. Humanitarian assistance is defined as efforts to to provide a needs-based emergency response aimed at preserving life, preventing and alleviating human suffering and maintaining human dignity wherever the need arises if governments and local actors are

overwhelmed, unable or unwilling to act (Billing, 2010). Humanitarian assistance is needed in responses to man-made crises and to natural disasters. In the provision of humanitarian assistance, it is aimed at providing assistance, relief and protection; securing access with actions aimed at facilitating or obtaining access to people in need and the free flow of assistance as reaching vulnerable people; and enhancing disaster preparedness and disaster risk reduction by developing capacities for local actors to prevent and mitigate the impact of disasters and enabling communities to increase their resilience to emergencies. Humanitarian assistance generally considered a fundamental expression of the universal value of solidarity between people and a moral imperative (EUPHRA, 2013).

Indonesia's role in Rakhine state crisis through humanitarian assistance was a form of what so called humanitarian diplomacy carried out by the Indonesian government, as well as Indonesian NGOs to channel the solidarity of Indonesian civil society. It was a fundamental part of soft diplomacy carried out by Indonesia. Indonesian humanitarian diplomacy in Rakhine state comprised such efforts as arranging for the presence of humanitarian organizations in a given country, negotiating access to civilian populations in need of assistance and protection, monitoring assistance programs, promoting respect for international law and norms, supporting indigenous individuals and institutions, and engaging in advocacy at a variety of levels in support of humanitarian objectives. The object of the humanitarian diplomacy action is persuading decision-makers and opinion leaders to act, at all times, in the interests of vulnerable people, and with full respect for the fundamental principles (Régnier, 2011).

The provision of Indonesian assistance to the Rakhine state of Myanmar was carried out through two channels. The first was through the government pathways, and the second was humanitarian diplomacy through independent pathways mobilized mainly by religious based NGOs. Indonesian people were not only dependent on the government, but the role of religious-based NGOs was also very important in the humanitarian assistance provided by Indonesia. In sending the humanitarian assistance, Indonesia put forward inclusiveness by involving as many parties as possible in this assistance, including the involvement of religious-based NGOs that had the interest to channel solidarity from their respective followers.

Religious based NGOs were much easier in building community solidarity and had their own particular funding sources to prepare the humanitarian aid. For donors and members, the religious based NGO were seen to have credibility, expertise and networks that governments cannot provide so they have access to approach closer to civil society than from the government itself. The magnitude of the role of NGOs in channelling the solidarity of the Indonesian people through humanitarian assistance was a great encouragement for the Indonesian government to form AKIM

as an alliance of Indonesian NGOs that conducted humanitarian assistance. Indonesian government realized that they still lacked in the legal mechanism to collect public donations and disseminate them in the form of overseas aid, so they needed to collaborate with NGOs who had more experience in the structure of fundraising and distribution of humanitarian aid. In addition, with the formation of the AKIM, the government could show its intention to accommodate all parties because within the alliance itself there were several organizations affiliated with conservative Islamic groups that were considered to be in opposition to the government. The government also needed to maintain the accountability of Indonesian NGOs in carrying out the provision of assistance so that the funds raised from the solidarity of the Indonesian people could be used properly for the sake of achieving sustainable peace in Rakhine state and not for matters that could endanger national interest such as to finance radicalism(Institute for Policy Analysis of Conflict, 2018).

Large religious organizations such as Muhammadiyah which had a very developed fundraising structure and mechanism for channelling humanitarian assistance as a result of their experience in humanitarian action could encourage other organizations and the government to provide humanitarian assistance in the Rakhine state crisis. Its role that had provided assistance to victims of the Rakhine state crisis long before the Indonesian government gave encouragement to the government to form AKIM as a form of the government's desire to help victims of the humanitarian crisis in Rakhine state in a tangible form. On the other hand, the willingness of Muhammadiyah to cooperate with the government in AKIM could be an example for other organizations that the provision of assistance is structured and prioritizes cooperation with all parties so that the main goal of channelling the solidarity of the Indonesian people to the victims of the humanitarian crisis and to help achieve sustainable peace can be achieved(Rahmawati Hussein from Muhammadiyah Disaster Management Center, 2018).

Conclusion

The role of Indonesia in addressing Rakhine state of Myanmar is not only aimed at stopping the humanitarian crisis, but Indonesia wants to create sustainable peace by instilling human values that are sourced from the Indonesian people at large. Soft power diplomacy that promotes dialogue and collaboration is considered more effective in the process of planting these values than through coercion or military sanctions. Soft power diplomacy provides an opportunity to provide assistance inclusive so that it involves many parties who are expected to achieve sustainable peace, moreover considering the immense solidarity of the Indonesian people to the victims of the humanitarian crisis in Rakhine state.

Until the end of 2017 and the beginning of 2018, Indonesian government could be said to be quite good at playing its role in responding to the Rakhine state crisis of Myanmar. Although it had not been able to completely resolve the crisis, the Indonesian government, which actively conducted diplomatic actions both bilaterally and multilaterally, and actively pursued humanitarian assistance for victims of the humanitarian crisis in Rakhine State, was able to provide answers to pressures both from the domestic context and internal context which giving big expectations to Indonesia to be able to play a more role in Rakhine state crisis of Myanmar. Although it was considered a bit late by some circles, the government's move to cooperate with religious based NGOs in the provision of humanitarian assistance was effective enough to accommodate the massive amount of solidarity of the Indonesian community and manifested in the form of humanitarian assistance.

However, it must be considered that all forms of soft diplomacy including humanitarian diplomacy tend to work indirectly by shaping the environment for policy, and sometimes takes years to produce the desired outcomes (Nye, 2004). For this reason, it requires the consistency, caution and perseverance in its implementation. Especially in the case of humanitarian diplomacy, consistency to continue to help and resolve humanitarian issues that occur is necessary so that soft diplomacy can truly leave a good impression and instill values as the main goal. This is because the soft diplomacy effort which is not accompanied by consistency, caution and perseverance can be a back fire by leaving a bad impression which results in refusal to invest in values as the main objective of soft diplomacy.

To achieve the goal of building sustainable peace in Rakhine state, what Indonesia needed to show was the consistency, caution and perseverance of the Indonesian government in providing humanitarian assistance. Moreover, the pressure to play a significant role in the Rakhine state crisis was not as great as when the crisis escalation occurred in Rakhine in 2017. At that time, all eyes were focusing on the Rakhine issue with the massive blow-up from the media that raised the attention of all parties including the Indonesian civil society. Even though there had been a shift in the issues faced, the Indonesian Government must be able to continue its soft diplomacy efforts by making diplomatic efforts bilaterally and multilaterally to put pressure on the Myanmar Government's policy, as well as providing supervision and support for the provision of humanitarian assistance which is now handled more by religious based NGOs in the form of AKIM.

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International Institutions and Conflict Prevention:

The role of ASEAN in the Rohingya Crisis in Myanmar

Robin Ramcharan

Abstract

What role has the Association of Southeast Asian Nations (ASEAN) played in the multidimensional tragedy that has unfolded in Myanmar since August 2017? This paper addresses the inadequate response by ASEAN to the process of ethnic cleansing begun by Aung San Suu Kyi's government in response to the ARSA attacks in August 2017. Such ASEAN 'responsibility' for the crisis is premised on the assumption that power projection by ASEAN can have an impact on the destructive behaviour, domestically and internationally, of one of its members. The exercise of power by States and Institutions can play a role in resolving or preventing conflicts. ASEAN's failure in this instance stands in sharp contrast to its reputation as a security governance mechanism and as a security community. This paper explores the multi-faceted reasons - institutional, geopolitical, economic - for ASEAN's inaction. Such inaction exposes the tragic weakness of ASEAN in protecting its citizenry.

Keywords: Rohingya crisis, ASEAN, ethnic cleansing, conflict prevention in Southeast Asia, Myanmar

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Introduction

This paper tracks ASEAN's role, and indirect 'responsibility' for the overall crisis Myanmar, in that it has not adequately responded in a timely, concerted and vigorous manner to the process of ethnic cleansing begun by Aung San Suu Kyi's government in response to the ARSA attacks in August 2017. This paper investigates the various reasons why ASEAN's responses to the crisis did not live up to the expectations of human rights advocates and analysts in response to the "ethnic cleansing" that unfolded since August 2017. These reasons include the decision-making process in ASEAN, the economic interests of its member states and the geopolitical dynamics of the region.

After a brief examination of the potential of international institutions to affect the behaviour of States, notably to resolve or prevent conflicts, the paper then reviews ASEAN's positions on the crisis since August 2017, analyses the main reasons for ASEAN"s apparent inaction and offers potential pathways to overcome the causes of institutional inaction.

I. **The Responsibility of Institutions for Conflict Prevention/Resolution of Humanitarian**

This question of responsibility paper is premised on two assumptions. Firstly, that power projection by international institutions, ASEAN in this instance, can have an impact on the destructive behaviour, domestically and internationally, of one of its members. ASEAN's inaction in this instance stands in sharp contrast to its reputation as a security governance mechanism and as a security community.[1] Secondly, ASEAN's own pillars - AEC and ASC - and its Charter of 2007 have signalled its intent to respect, promote and protect the human rights of its citizens.

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[1] Amitav Acharya, *Constructing a Security Community in Southeast Asia and the Problem of Regional Order.* Third Ed. (Routledge, 2014).

On the first, the exercise of power by States and Institutions can play a role in resolving or preventing conflicts. Whereas many international relations analysts from a realist perspective, discount the power of institutions - universal or regional - to do so there is sufficient evidence that this view is no longer tenable. International Relations scholars, notably Barnett and Duvall have argued convincingly about the power wielded by international institutions.[2]

There are sufficient examples around the world that show the positive impact on security governance of the UN and regional organizations, in both inter-state and intra-state conflicts. A few examples suffice:

- UN Secretary General U Thant's role in defusing the Cuban Missile Crisis in 1962,

- The UN's role in de-fusing looming civil conflict in the lead up to elections in South Africa in 1994,

- The UN Security Council's role in preventing the outbreak of war between Eritrea and Ethiopia in the early 1990s,[3]

- ECOWAS role in preventing civil war in the Gambia after the electoral defeat of President Yahya Jammeh in 2017 through deployment of 7000 troops from troops from Senegal, Ghana, Nigeria, and other states, under the banner of the Economic Community of West African Nations (ECOWAS),[4]

- The OSCE's role in diffusing tensions between Russian and non-Russian communities in newly formed states after the break up of the Soviet Union,

- The European Union's appeal / power has influenced its members towards more cooperative and non-violent behaviour since its origins in the European Community

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[2] Michael Barnett and Rayong Duvall (2001). *Power in Global Governance.* Cambridge University Press.
[3] B.G. Ramcharan (2002?) *Conflict Prevention in Practice.* Brill, 2005
[4] ECOWAS intervened in Sierra Leone in 1998 in a bid to return Ahmad Tejan Kabbah to power, which was a decision approved by the Security Council *ex post facto.*

in 1957. It intervened resolutely, though arguably ineffectively, in the Bosnia conflict in the early 1990s.

On the second, ASEAN's responsibility is to be gauged in relation to its Charter of 2007, which announced the adoption of new regional norms of good governance, rule of law and the protection of human rights. These were followed by the creation of a human rights mechanism in 2009 and the ASEAN Declaration of Human Rights (AHRD) in 2012.[5]

II.   ASEAN's responses to the crisis.

Consistent calls have been made from the international community and civil society actors for ASEAN to respond vigorously to the crisis in Rakhine State, however, the regional body has been largely silent on the matter. ASEAN's and its individual members' responses have not been stellar, starting with the reluctance to accommodate Rohingya refugees in 2015.[6] Rohingya people died at sea due to the reluctance of ASEAN states to host them. The following UNHCR map shows how many have died at Sea in 2015.

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[5] Gomez, James, and Robin Ramcharan (2014), "Evaluating Competing "Democratic" Discourses: The Impact on Human Rights Protection in Southeast Asia," in *Journal of Current Southeast Asian Affairs*, 33, 3, 49–77.

[6] In May 2015, both Thai and Malaysian authorities found mass graves, believed to be of Rohingya, at abandoned human trafficking camps along their shared border. This led members of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (which has 45 state members) to acknowledge the need for an urgent and collective response on such issues. Richa Shivakoti (2017) ASEAN's role in the Rohingya refugee crisis, Forced Migration. FMR 56. October

Refugees and migrants abandoned at sea in South-East Asia in May 2015
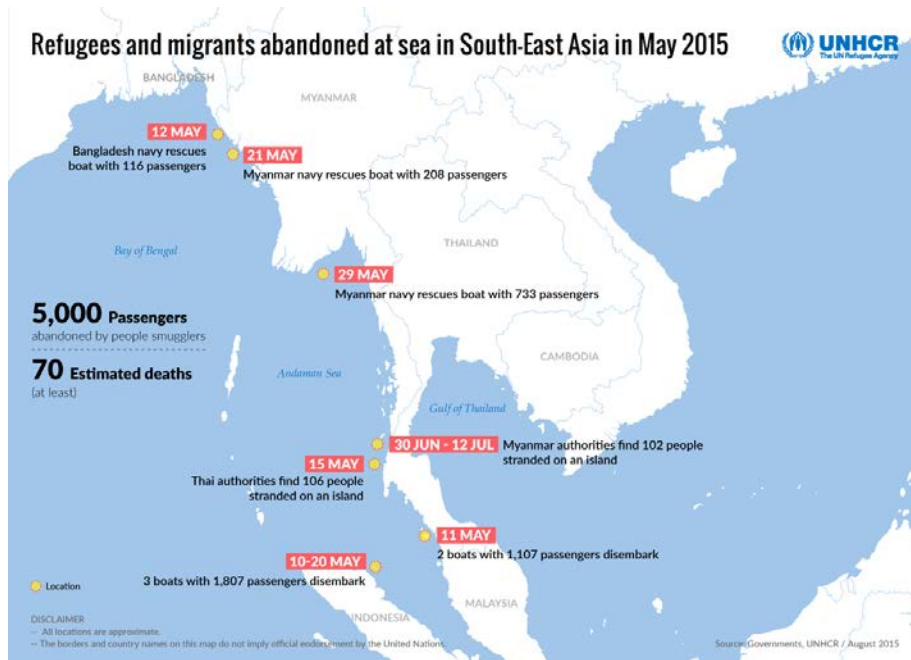
Actions that were called for include the holding of an emergency ASEAN summit in accordance with ARticles 20(4) and ARticle 7(2)(d) of the ASEAN Charter to discuss with the Government "immediate ways" to: end the violence and human rights violations, ensure access to all humanitarian agencies, ensure voluntary return of Rohingya refugees to Myanmar, address the root causes of the crisis such as entrenched discrimination and segregation; support a fact-finding commission of the UN Human Rights Council; and impose a comprehensive arms embargo on Myanmar that covers all forms of supply of weapons.[7] In NOvember 2017, echoing similar calls worldwide, Amnesty International urged the entire international community to use "all political and diplomatic tools" to pressure Myanmar authorities into compliance with their human rights obligations and to exercise universal jurisdiction in investigating any person under jurisdictions who may reasonably be

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[7] See Amnesty International (A) (2018), "OPen Letter: ASEAN Must Address Dramatic Deterioration of Human Rights Situation in Myanmar," 12 March. Insert Link ... See also AI (2017a) "Recommendations to the Association of Southeast ASian Nations (ASEAN)," 18 September; "Myanmar: 'My World is Finished'. Rohingya Targeted in Crimes against Humanity," 18 October; AI (2017b), "Open Letter: ASEAN Must Address Human Rights Violations around the Myanmar Rakhine Crisis," 6 October; AI (2017c), "We are at a breaking point" Rohingya: Persecuted in Myanmar, Neglected in Bangladesh." 19 December.

suspected of committing crimes against humanity or other crimes under international law who may be within their jurisdiction.[8] The latter is particularly poignant at the present time given Special Rapporteur Yanhee Lee's suggestion recently that democracy icon Aung San Suu Kyi may be liable to such charges[9]

The misery of the refugees prompted calls by ASEAN Parliamentarians for Human Rights (APHR) in January 2018 for urgent action.[10] Current and former legislators from Indonesia, Malaysia, Singapore, and Thailand, traveled to Dhaka and Cox's Bazar from 21 to 24 January. Malaysian MP, Charles Santiago noted that "Visiting the camps and speaking directly with refugees provided an important window into what they want and need. The harrowing stories we heard only bolstered our collective resolve as regional lawmakers to speak out and promote accountability and justice for the undeniable atrocities perpetrated against them."[11] In their report they noted the "disproportionate response by Myanmar security forces following attacks on police and military outposts by the Arakan Rohingya Salvation Army (ARSA) on 25 August 2017." Such response had "resulted in grave human rights violations, including widespread killings, arbitrary arrests, mass arson, and sexual violence, all of which have been extensively documented by international human rights organizations."[12] They expressed dismay that the Government of Myanmar had decided to block all access to international human rights investigators, including the Independent International Fact-Finding Mission on Myanmar and the UN Special Rapporteur on the situation of human rights in Myanmar, Ms. Yanghee Lee, from entering Myanmar to fulfill their mandates. They comiserated over the fact that "ASEAN as a regional bloc has remained largely silent on the Rohingya crisis and has failed to take any serious action aimed at

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[8] AI (2017c), op.cit, note 3.
[9] Yanhee Lee...
[10] APHR, https://aseanmp.org/tag/rohingya/
[11] APHR (2018). Past, Present and Future. Summary Report of Findings from Fact-Finding Mission to Bangladesh 21-24 January 2018. APHR.
[12] Ibid., p. 2.

addressing the issue."[13] They recommended the following actions for ASEAN:

- Increase diplomatic pressure to encourage the Myanmar government to adopt and implement the above mentioned recommendations;

- Raise the question of Rohingya refugees, as well as the root causes that led them to flee from Myanmar, at regional meetings, including future ASEAN Summits;

- Open up meaningful dialogue with the Myanmar government and military to push for the abolishment of discriminatory policies and practices that inhibit a resolution of the crisis, and to ensure that the Myanmar government and military work to resolve the root causes of the crisis in a genuine and timely manner;

- Take unified action to support the Myanmar government to implement the recommendations of the Advisory Commission on Rakhine State, including those related to citizenship, freedom of movement, and assurance of basic human rights; and

- For those member states that have not yet done so, ratify the 1951 Refugee Convention and its 1967 Protocol.

No decisive action has thus far been taken by ASEAN that was aimed at halting the humanitarian tragedy and ethnic cleansing in Myanmar over the past two years. Weak and ineffective statements were made by the Organziation and by some leaders of its membership. This has taken place despite warnings in early 2017 that ASEAN could not ignore this crisis as it has security implications for the region.[14] At the ASEAN Summit in April 2017, by which time significant levels of violence against Rohingya were being noted by the UN OHCHR, the Rohingya issue had not made it onto the ASEAN agenda.[15]

Lone voices in ASEAN stood out by then, that of PM Najib of Malaysia and that of

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[13] Ibid., p. 7
[14] Jera Lego (2017), **Why ASEAN Can't Ignore the Rohingya Crisis," The Diplomat, 17 May**
[15] Ibid.

President Jokowi. On December 4, 2016, PM Jajib led a rally protesting "genocide" of the Rohingya. In a meeting of ASEAN foreign ministers on December 19, 2016, Malaysian Foreign Minister Anifah Aman said that the situation of Rohingya Muslims was now "of a regional concern and should be resolved together." On the margins of the 2017 ASEAN summit, President Joko "Jokowi" Widodo broached the Rohingya crisis Aung San Suu Kyi. He is said to have raised the security implicatons for Myanmar and for the region, which included warnings by the International Crisis Group about a new Muslim insurgent group known as Harakah al-Yaqin (Faith Movement, HaY) seeking an end to persecution of the Rohingya and recognition of their rights as Myanmar citizens.[16] Whatever the motivations of thse two leaders, these episodes reveal significant "significant concern for the plight of the Rohingya, at least in Muslim-majority Malaysia and Indonesia."[17]

Pressure from Malaysia led Aung San Suu Kyi to call for a special informal meeting with ASEAN foreign ministers in Yangon in December 2016 to discuss international concerns over the situation. Suu Kyi said that Myanmar would provide regular updates on the crisis to fellow ASEAN members and possibly work with them to coordinate aid efforts. The Government of Myanmar also allowed several pre-approved media members to visit Maungdaw, one of the main sites of the conflict. Suu Kyi also established an Advisory Commission on Rakhine State, chaired by Kofi Annan and including six national and three international members. In its final report, published in August 2017, the Advisory Commission recommended several ways in which to improve accountability and find long-term solutions to the protracted statelessness of the Muslim community in Rakhine State. Aung San Suu Kyi appointed a former Thai Foreign Minister, Surakiart Sathirathai, o advise her on ways to implement recommendations made by the Commission. However, she has ignored the latter.

[16] Ibid.
[17] Ibid.

At the ASEAN Summit in Manila in November 2017, the Rohingya did not make it onto the agenda again. A communique drafted by the Philippines did not address the issue beyond the need for humanitarian assistance. The situation in Rakhine state was not mentioned and the term Rohingya was not mentioned.[18]

Following the ARSA attacks on Myanmar military in August 2017, Malaysia (Sep 24) said it "would like to disassociate itself" from a statement issued by the Association of Southeast Asian Nations (ASEAN) on the situation in Myanmar's Rakhine state. The Statement,[19] issued on the sidelines of the UN General assembly in New York on September 23, condemned the armed attack and the loss of military and civilian life. While Malaysia also condemned the Aug 25 attacks, "subsequent 'clearance operations' efforts by Myanmar authorities was disproportionate" and that these had led to the deaths of innocent civilians and had caused more than 400,000 Rohingya to be displaced. [20]

At the ASEAN - Australia Summit in March 2018, Aung San Suu Kyi was pressed about the Rohingya crisis at an ASEAN summit in Sydney Sunday (Mar 18), but the regional bloc stressed it could not intervene and "force an outcome".   PM Lee, Chair of ASEAN, noted that "It is of concern for all ASEAN countries, and yet ASEAN is not able to intervene and to force an outcome," Lee said alongside Turnbull.

Malaysia's leader Najib Razak increased the pressure on Suu Kyi at the Australia Summit, saying the Rohingya issue could threaten regional security as he warned those affected could fall prey to extremist groups like Islamic State.[21]

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[18] REuters (2017), "Southeast Asia summit draft statement skips over Rohingya crisis," REuters, 13 November.

[19] ASEAN Chairman's Statement, 24 September 2017.

[20] Channel News Aisa, https://www.channelnewsasia.com/news/asiapacific/malaysia-disassociates-itself-from-asean-statement-on-myanmar-s-9246494

[21] Channel News Asia, https://www.channelnewsasia.com/news/asiapacific/myanmar-s-suu-kyi-pressed-on-rohingya-crisis-at-asean-summit-10054104

III.   Explaining ASEAN's inaction

The inaction of ASEAN is explained by the following factors: non-interference, face saving, decision-making, no normative consensus on human rights values, regression in democratic governance, economic interests and geopolitical considerations.

Non-interference

The starting point is the norm of non-interference which has been a bedrock of the ASEAN security community since 1967.[22] As the ASEAN Chair noted at the Summit in Australia in March 2018, the group did not want to intervene to embarass Myanmar.

Face saving

Related to this is the 'ASEAN Way' of not embarrassing each other in public.[23] The emphasis on face saving is rooted in a regional cultural trait that is defined in Indonesia as *musjawara mufakat* (deliberation and consensus). Some ASEAN diplomats, especially Kishore Mahbubani, have suggested that it is the ASEAN way and socialization of Myanmar that contributed to democratic change leading to the election in November 2016.

Decision-making

ASEAN operates by consensus, effectively negating placing the Rohingya issue on the agenda. This does not allow for progressive and rapid movement in crisis situations. It has meant that ASEAN's brand of conflict resolution and prevention is a gradual and slow process. It has been capable of taking bold decisions at key moments in its history, especially when faced with major geopolitical turns (reunification of Vietnam, end of the Cold War) and demands for being more responsive to its peoples aspirations (adoption of the ASEAN Charter). Suggestions have been made for issue-based decision making by smaller groups

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[22] Robin Ramcharan (2000), "ASEAN and Non-Interference: A Principle Maintained," *Contemporary Southeast Asia*, Vol… No…
[23] See Michael Antoli (1987?) *Diplomacy of Accommodation*.

directly impacted. This has an aspiration at present.

No normative consensus on human rights values

Despite the adoption of the ASEAN Inter-Governmental Commission of Human Rights (2009) and the ASEAN Human Rights Declaration (2012) there is a deep divide in ASEAN over human rights norms. The push for an ASEAN rights mechanism proved to be the most divisive issue in ASEAN's history, with the CLMV countries resisting vigorously the creation of an ASEAN body, while IPT pushed very hard for one. Ultimately, among the compromises was the decision to not move to majority decision making in return for the creation of a purely promotional AICHR and an AHRD that protects states. They are supposed to work towards a convention.

Regression in democratic governance in ASEAN

Myanmar's military could effectively take advantage of a regression in democracy in Southeast Asia, most notably in the Philippines and Thailand which had been the shining democratic stars over the past 20 years. Cambodia has moved to one party state much like Singapore. Malaysia is mired in corruption scandals and an increasinlgy repressive regime led by PM Najib.

Economic Considerations

ASEAN aspires to the creation of an ASEAN Economic Community (AEC), inclusive of Myanmar, offering opportunities in the form of a huge market of US$2.6 trillion and over 622 million people. [24]

Myanmar is increasingly a destination for ASEAN investment. Ten years after its admission to ASEAN, the latter was already the largest source of foreign investment to

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[24] ASEAN Secretariat (2018) http://asean.org/asean-economic-community/. See ASEAN Economic Community 2025 Consolidated Strategic Action Plan See also http://asean.org/storage/2017/11/AEIB_2nd-edition.pdf

Myanmar compared with other regions.[25]

Host Country	Source Country	2014	2015	2016
Myanmar	Total Intra-ASEAN	683.62	2,230.65	1,682.89
Myanmar	Brunei Darussalam [BN]	0.00	8.20	16.48
Myanmar	Cambodia [KH]	0.00	0.00	0.00
Myanmar	Indonesia [ID]	0.00	0.24	0.06
Myanmar	Lao PDR [LA]	0.00	0.00	0.00
Myanmar	Malaysia [MY]	0.00	3.88	46.17
Myanmar	Philippines [PH]	0.00	0.00	0.00
Myanmar	Singapore [SG]	578.52	1,562.60	1,541.18
Myanmar	Thailand [TH]	82.35	537.78	70.07
Myanmar	Viet Nam [VN]	22.75	117.95	8.94

Source : ASEAN Sectretariat - ASEAN FDI Database as of 31 October 2017
Notes : 2016 data is preliminary

Relations between Myanmar and Thailand in particular have deepened. In 2012, the two countries agreed to forge ahead on a multi-billion-dollar deep sea port project and to open new border crossings. Their cooperation includes a memorandum of understanding on the development of a special economic zone for Dawei. Thailand agreed to provide assistance in areas including security, infrastructure and logistics. Another project is the Laem Chabang deep-sea port on Thailand's Gulf Coast, which was to be connected by road to Dawei, shortening the current sea route around the Malay Peninsula.

Geopolitical considerations.

Concern over China's rise in power and presence in Southeast ASia was a key reason for admitting Myanmar as a Member of ASEAN in 1997, over the vehement objections of the international community, notbaly the EU and the USA. By then, Myanmar no longer viewed ASEAN as an imperialist tool that would run counter to Myanmar's "non-aligned" foreign

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[25] See Thandar Khine (2008), Foreign Direct Investment Relations between Myanmar and ASEAN, IDE Discussion Paper 149. Institute of Developing Economies   (IDE-JETRO)

policy" as did General New Win in 1967 when then Burma was asked to join ASEAN.[26]

ASEAN is effectively divided by China's political and economic influence in the region, notably in the CLMV countries. In Myanmar, China has strategic interests straddling energy supplies - that require pipelines running through Rakhine State - and access to the Indian Ocean.   ASEAN also confronts Beijing in the South China Sea dispute. It needs its membership to present a united front against China's expansive claims to the entire maritime area. Beijing's ability to divide the group was evident when Cambodia obstructed a united stance at the ASEAN Summit in Phnom Penh in 2016.[27]

IV.   Towards a More effective Crisis Response Mechanism

A more effective response by ASEAN requires that its members comply with international norms on the protection of refugees - notably by all members ratifying the 1951 refugee convention.

It also requires that they live up to their adopted norms under the ASEAN Charter and that they recognize the linkage between internal civil strife and external/regional security. As this author has argued elsewhere there is a link between internal security and regional security, which was noted by the current ASEAN Chair, PM Lee Hsien Loong of Singapore, at a recent summit. This should not be difficult ASEAN was from its start in 1967 a conflict resolution mechanism that recognised the linkages between internal nation building challenges and regional security.

Finally, it requires that ASEAN move beyond consensus towards majority decision making to address crises such as ethnic cleansing in Myanmar. Moves towards such majority

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[26] Kavi Chongkittavorn (2017), " Myanmar-ASEAN ties at 20: still a work in progress," *Myanmar Times*, 8 August.
[27] Reuters,"ASEAN deadlocked on South China Sea, Cambodia blocks statement," 25 July 2016. https://www.reuters.com/article/us-southchinasea-ruling-asean-idUSKCN1050F6?

decision making were sacrificed in the process of establishing an ASEAN human rights body, which was a very contentious process.

The required innovations needed for addressing such a crisis situation was not on display at the 32nd ASEAN Summit in Singapore in April 2018. Addressing the Myanmar tragedy, the Chairman's statement noted that they had discussed and received a briefing from Myanmar "on the "humanitarian situation in Rakhine State." The leaders "expressed continued support for Myanmar's humanitarian relief programme in Rakhine State and welcomed the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA). The statement continued:

> We welcomed the Arrangement on Return of Displaced Persons from Rakhine State between Myanmar and Bangladesh signed on 23 November 2017. We also looked forward to the expeditious commencement of the voluntary return of displaced persons to Myanmar in a safe, secure and dignified way without undue delay, and stressed the need to find a comprehensive and durable solution to address the root causes of the conflict and to create a conducive environment so that the affected communities can rebuild their lives. We urged Myanmar to continue to implement the recommendations of the final report of the Advisory Commission on Rakhine State and welcomed the establishment of the Advisory Board for the implementation of the recommendations on Rakhine State led in his individual capacity by Prof. Dr. Surakiart Sathirathai, former Deputy Prime Minister and Minister of Foreign Affairs of Thailand. We expressed our support for the Myanmar Government in its efforts to bring peace, stability, the rule of law, to promote harmony and reconciliation among the various communities, as well as to ensure sustainable and equitable development in Rakhine State.[28]

Adherence to non-interference was on full display.

At minimum, ASEAN members must individually and collectively support the international community's efforts, including current initiatives by the International Criminal Court, to seek accountability for those who have committed crimes during the crisis.

Conclusion

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[28] ASEAN Secretariat, Chairman's STatement, 32nd ASEAN Summit, 28 April 2018. http://asean.org/storage/2018/04/Chairmans-Statement-of-the-32nd-ASEAN-Summit.pdf

While the primary responsibility for the Rohingya crisis falls squarely on the shoulders of the Myanmar Government and its military, the case has been advanced that ASEAN's inaction is an indirect contributory factor the ongoing crisis in Myanmar. The absence of political will on the part of its Members belies their own adoption of good governance, the rule of law and the protection of human rights as a regional norm. Beyond, lofty words at ASEAN meetings, it still remains to be proven whether ASEAN has the required clout in Naypidaw to compel or convince them to halt the violence against the Rohingya.

The Hand that Riled the World?
George H.W. Bush and the US role in the demise of the USSR

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A popular myth in Russia is that Gorbachev destroyed the Soviet Union with the help of the United States. Putin at the Valdai Discussion Club in Sochi on October 24, 2014 arguably played upon that myth when he said that the United States declared itself the winner of the Cold War and, instead of signing a proper peace treaty, decided, "To reshape the world to suit their own needs and interests".

Gorbachev himself contributes to this myth. It is widely believed in Russia that he admitted in a speech delivered abroad in 1999 that the aim of his whole life was destruction of Communism. Although I have failed to find indisputable proof of such a speech, Gorbachev himself did not deny it in response to a direct question at a TV-show with Vladimir Pozner on June 29, 2009. Instead, he equivocated for quite a while and then said that he had always been a Social Democrat and remained one. He repeated this claim later in an interview given to Mary Dejevsky on June 7, 2010.

Interestingly, many Soviet people back in 1990-1991believed that Gorbachev in 1991 was too much of a Communist and they rallied against him exactly because of that. They supported Yeltsin as an alternative to Gorbachev and voted for direct popular elections of the Russian President as an alternative to what they perceived as bureaucracy imposed by the Communist Party. Thus, it was the popular feeling that rejected Communism and eventually dismantled the Soviet Union.

Moreover, it was the hatred to Communism – and people of the Soviet Union saw Gorbachev at that time as an authoritarian Communist, inefficient and full of longwinded but empty speeches – that united different groups against Communist hardliners who organized the August coup in Moscow. Defeat of the plotters became the end of the Soviet Union, the end of the Communist Party, and the end of Gorbachev as politician.

In my presentation, I am also going to argue that – contrary to the widespread beliefs in Russia – George H.W. Bush did not have plans to destroy the Soviet Union in 1990-1991. He and his administration tried hard to preserve the Soviet Union, prevent its demise, and supported centralized Soviet government rather than local movements for independence from Moscow. Bush kept supporting Mikhail Gorbachev, rather than Boris Yeltsin up until the end of 1991. It is worth emphasizing that the former was a Communist apparatchik maneuvered into power by Yu. Andropov who had been the Head of KGB before becoming the leader of the Soviet Union in 1983-1984. Besides, in 1990-1991 Gorbachev insisted on preserving the Soviet Union and the Communist regime. On the other hand, Yeltsin was democratically elected by the people, bitterly opposed the Communist Party, and fought for independence of Republics from Moscow.

Several factors influenced the choice of George H.W. Bush to support Gorbachev rather than Yeltsin. In my presentation, I would argue that the most important one was the perception that Gorbachev had already made significant concessions and commitments favorable for the USA while Bush saw Yeltsin as an unpredictable populist.

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Toward a Post-Liberal Approach to Transitional Justice Policy Development: Lessons Learned from Uganda

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Abstract:

My research problematises the state-led Transitional Justice (TJ) policy development process in Uganda by demonstrating how the National Transitional Justice Policy (NTJP) was shaped by the "mainstream" approach to TJ that has come to dominate policy and strategy development. The mainstream's teleological assumptions about the nature of problems in post-conflict societies – which are rooted in western liberal ideology – often limit its ability to sufficiently address the contextual needs of diverse "transitioning" environments. Uganda's NTJP is emblematic of the mainstream approaches' limitations as it worked to prevent local policymakers from sufficiently addressing four general challenges to problem-formulation in the policy development process that are of significant interest to affected communities. My central research question then asks, if a more complex, contextual approach to TJ was implemented in Uganda, what would TJ look like? To answer this question, I draw on constructivist grounded theory, soft systems methodology, and indigenous knowledge systems to propose an alternative contextually grounded approach that speaks to Uganda's problem-formulation challenges. The methodology I propose contributes to timely debates in TJ and in related fields like human rights, peacebuilding, and development, where critical scholars continue to emphasise the need to develop more contextualised approaches to strategy development.

Corresponding conference theme(s): Reconciliation and Transition, International Law and Justice, Peace and Development.

Key words: transitional justice, Uganda, problem-formulation, post-liberal, policy development.

TRANSFORMATION: LEADING PEACE THROUGH SELF, OTHERS, AND THE COMMUNITY

Dr Andrew Campbell

"*We all want peace – don't we?"* (Gareth Fitzgerald, Prime Minister of Ireland, 1981–1987)

SPOTLIGHT: GEORGE W. BUSH AND SADDAM HUSSEIN

A clearer understanding of one's adversaries is a wise strategy in international conflict resolution."[1] Thus, the different personality characteristics of national leaders, their attitudes, and mechanisms toward accomplishing personal and national interests' goals will determine their effectiveness in relating to other countries. To illustrate, a personality leadership comparison of US President George W. Bush and Iraq President Saddam Hussein demonstrates that self-leadership determines the initiation and resolution of conflict. The personality characteristics of Saddam and Bush influenced both the internal and external policies and relations with other countries. Giacomello, Ferrari & Amadori state that international leaders, "by the force of their personalities and the decisions they made, have enduring effects on history."[2] Saddam's personality characteristic of paranoia, narcissistic, aggressive impulses, depressive anxieties, distrust and anti-social behavior prohibited conflict prevention and reconciliation with regional and international power brokers. Coolidge and Segal state that there was "little world leaders could not have done to temper Hussein's sadistic personality disorder tendencies …. [and] …. submitting to negotiations makes antisocial individuals unwilling and hostile".[3] In contrast, Bush's personality characteristics of humor, information-centric, gathering analytical data, listens to various points of view, instinctive, and the need for power-affiliation shaped his decision-making process and the outcome of the conflict.[4] Goldfield[5] suggests that emotionally significant events shape the decision-making process that influences the perception of situations, non-verbal behavior, coping strategies, and leadership behavior. In other words, international leaders who develop a self-awareness of their personality characteristics are better prepared not only to lead others toward confidence-building measures in conflict-affected areas but also influence peace development within the international system.

Introduction

Within the international community, one can expect conflict among nations with certainty. Violent interstate and intrastate conflict is due to a clash of political, religious, ethnic-social ideologies and cultures among nations, communities, individuals. Many of the root causes of violence, such as disintegration in the legitimacy of national instruments of power, socioeconomic inequalities, repression, corruption, intercommunal conflict, racial disparity, competition over natural resources, and religious tension are central concerns for conflict resolution practitioners.[6] Researchers state that conflict prevention means "addressing the sources of conflict in poverty, marginalization, injustice, and building the domestic, regional and international capacity to manage conflict".[7] A violent discourse that spans across transregional boundaries, encompassing multifunctional approaches, and deploying multi-domain capabilities creates an environment where transnational criminal organizations, radicalization, and violent extremist organizations flourish. Additionally, driven by a clash of political wills between state and non-state leaders, it frequently contributes to an ideological crisis that produces hostility among intercommunal actors. In other words, the most important ingredient in understanding interstate and intrastate conflict is that violence operates across many different contexts.

There is an epistemological gap in the literature addressing the complex relationship between the theoretical and application leadership constructs and conflict resolution and peace development frameworks. A comprehensive literature review reflected four articles and two books addressing the role of leadership in the peace development process. As a result, there are no theoretical or application models addressing a leader's role in conflict resolution for practitioners to draw upon. Given that the global environment is characterized by regional instability, failed states, increased weapons proliferation, and global terrorism the need has never been more urgent for greater glocalized leadership – in particular, the transformative mindset of building bridges in resolving intergroup ideological discourse. Current business leadership models do not address the complex requirements of international relations and peace development.[8] Nevertheless, there is a relationship between leadership, conflict resolution, and peace development constructs and frameworks. History shows that changes in leadership may precipitate the change in protracted interstate or intrastate conflict. Basically, nation-state leaders are responsible for the political, economic, and human security of the nation, institutions, and citizenry.[9] Lieberman[10] argues that domestic governmental leaders, non-state actors, civil society leaders, and communal

leaders shape the peacemaking, peacekeeping, and peace-building operational environment toward sustainable peace and stability.

Peace actors must lead key stakeholders toward activities responsible for protecting civilians, humanitarian assistance, promoting human rights, organizing social services, and reconstructing governance institutions. *The 2014 Rethinking Peacebuilding: Transforming the UN Approach*[11] argues that:

> *peace was no longer only about ending wars and withdrawing belligerent armies to ceasefire lines. Now, peace incorporated all aspects of human life from the right to security to democratic rights; access to justice; protection of human rights; the delivery of health, education, and other basic services; and the provision of social and economic opportunities. Peace meant helping overcome old ethnic, religious, and social divisions.*

Fukayama[12] noted that state weakness and failure is the single most critical threat to international security. The peace actor needs to understand the root cause contributing to the vulnerability of societal instability. This understanding is important as peace developers seek an environment that transforms the national and intercommunal political, ethical, religious ideological narrative toward sustainable peace and stability. Noteworthy, stabilization and reconstruction in a post-conflict environment rest with the domestic leader's relationship with the governed elite, belligerents, and the governed to resolve the religious and ethnic ideological tensions among intercommunal parties.

This chapter proceeds in three sections. First, an in-depth discussion linking the failed state framework with peace development activities. This analysis undergirds our understanding of the dynamic nature of moving a country from a failed state to peace and stability. Second, an innovative framework that examines the role of emotional intelligence in leading self and others toward leading intercommunal tension in reconciling ideological worldviews in developing long-term sustainable peace, will be discussed. Peace development actors are global change agents that "empower people to create change themselves and participate in innovation during the transformation process".[13] Third, critical transformative issues for further glocalized leadership research will be addressed as peace development actors lead reconstruction and stabilization of confidence-building measures.

Failed state framework

History shows that internal and external conflict among states also occurs as nation-states rise and fall. Figure 4.1 illustrates the complexity as states transition from a failed state to stabilization and reconstructing the political, socio-economic, and human security institutions toward sustained peace. The failed state framework links national, local, civil society and tribal leadership across a whole range of deterrence as well as stabilization and reconstruction activities needed to end intrastate and interstate conflict. These activities require leadership.

However, "we are currently experiencing a global leadership crisis".[14] Given that leadership is an important element of statecraft, understanding sources and character conflict underpins the complexity that characterizes failed, failing and recovering states.[15]
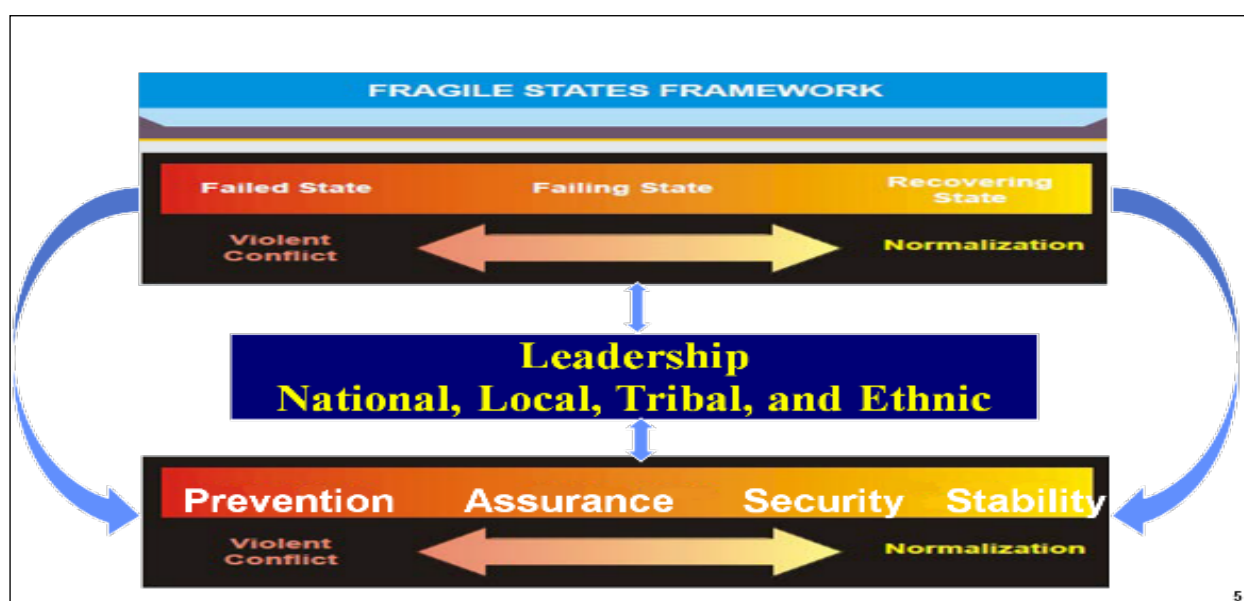

Figure 4.1: Fragile States Framework

Failed State

Scholars suggest the structural characteristics of a failed state cover a broad spectrum across the country's political, economic, human security, rule of law, and territorial integrity domains.[16] A 'failed state' or 'collapsed state' is characterized by conflict at the interstate and intrastate level. The contributing root cause derived from the socio-disparities, ethnic and religious ideological tensions, conflict over natural resources, and elite corruption.[17] "In most failed states, regimes prey on their own constituents. Driven by ethnic or other intercommunal hostility, or by governing elite's insecurities, they victimize their own citizens

or some subset of the whole that is regarded as hostile."[18] The characteristic of a failed state is that it lacks the capability, capacity, and the authority to employ instruments of national power to protect and govern the population, provide essential services, prevent human rights violations, and foster an environment for ethnic and intercommunity confidence-building activities.

The initiator of peace from structural violence, armed violence, cultural violence, and psychological violence is the peacemaking leader that negotiates and mediates peace agreements, ceasefires, and protective measures for human security.[19] Scholars contend that the aim of "peacemaking is moving toward a settlement of the armed conflict, where conflict parties are induced to reach an agreement voluntarily … aims to change the attitudes of the protagonist".[20] Peacemaking scholar-practitioners postulate that it takes strategic leadership to know when and "whether to address the core issues in the conflict, which tend to be the most difficult or to concentrate on the peripheral issues in the hope of making early agreements and establishing momentum".[21] In fact, it never is an easy thing to move forward the conditions of conflict transformation from unofficial peace agreements to formal peace accords. The reason is the lack of trust, and the fact that relationships among warring parties and peacemakers are strained and frequently polarized within the negative peace and positive peace process. As a result, the vulnerability of violent resurgent and other low-level acts of violence commonly break out when parties break agreements, and when misunderstandings and miscommunication occur. Thus, peacemakers need strategic leadership competencies such as diplomacy, political savvy, intercultural awareness, and external awareness to structurally end violence and restore peace. In doing so, examining and transforming one's own's ideological values and beliefs as a peace development actor shapes the environment of conflict resolution and peace development. In a groundbreaking book Dan Millman[22] states that in forming peace "there are different interpretations of the past and many ways to change the present, there is any number of possible futures".

Failing state

A failing state describes nation-states suffering from weak national instruments of power that are serious enough to threaten the effectiveness and legitimacy of governing institutional structures. On the one hand, transitional authorities are challenged with prioritizing and resourcing instruments of power. For example, the prioritization of human security, providing essential services, and accountability of human rights violations challenge the political stability of transitional authorities. On the other hand, transitional authorities that fail to contain the spread of spoilers and antagonists who seek to exploit ethnic, religious, or other intercommunal tensions, threaten the integrity of peace accords as well as stable governance.[23] The main characteristics of a failed state are:

1. lacks the capability or political will to meet human security and physiological needs
2. fails to protect the territorial integrity of the state
3. comprises of civil wars, genocides, forced evictions and other violent actions
4. corruption of political elite
5. violence and human rights violations by spoilers
6. lack of legitimacy of political, economic, security, rule of law, and governance institutions.

Knodell[24] postulated that peacekeeping processes enable failing states to maintain order and stability by creating the political stability, physical security, rule of law and governance structures as transitional leaders comply with negotiated ceasefires and peace agreements by peacemakers. Peacekeeping initiatives do not address the underlying core issues of societal conflict. However, peacekeeping does address the strategic means to resolve state discourse while in a permissive and non-permissive environment.[25] According to the Brahimi Report, peacekeeping is a multi-dimensional operation that seeks the protection of civilians, monitors ceasefires, conducts security sector reform (SSR) and disarmament, demobilization and reintegration (DDR) activities, protects human rights, and respects the rule of law.[26] As de-escalation of conflict takes hold, peacemakers and peacekeepers build relationships and lead key stakeholders toward not only a shared understanding of resolving socio-political, ethnic, and ideological beliefs but also confident prevention and confidence-building measures. Basically, the multidimensional complexity of peacekeeping operations requires leaders and actors with the strategic foresight to navigate the balance of hard power (armed conflict) and soft power (diplomacy) to create space in which conflict resolution strategies can be built.[27]

Recovering state

As a nation transitions from a failed and fragile state toward stability, it remains vulnerable to spoilers that use violence to reach political objectives. Under extreme circumstances, human security, ceasing conflict, re-establishing the rule of law, and installing a national transitional authority are pre-requisites for establishing a recovering state in a post-conflict environment. Researchers point out that recovery of the state depends on the interaction of political, military, economic, social, infrastructure development, and strategic communication elements.[28] Therefore, to deter war-torn states from the reoccurrence and continuation of armed, structural, cultural, and psychological violence, leaders must look beyond quick solutions toward addressing the root causes of state fragility and shape the stabilization and reconstruction activities within conflict-affected environments.[29] As a result, the characteristics of a recovering state include:

1. a high level of human security from political, ethnic, and criminal violence
2. the civil populace perception of the government as the legitimate authority
3. the ability to offer basic essential services to its citizenry
4. an accountability to the rule of law
5. a stable institutional governance structure
6. economic and infrastructure development
7. a reintegration of ex-combatants into society.

The recovery of conflict-affected states rests with peacebuilding frameworks that integrate not only human security, human rights, and human development processes but also the political dynamics impacting conflict transformation toward sustainable peace. Figure 1 illustrates that linking leadership within the governing dynamics on the local, national, and regional level necessitates peacebuilding frameworks to stabilize post-conflict affected areas toward sustainable peace. Peacebuilding processes are inherently political with an end-state of institutional legitimacy and leadership systems that can peaceably manage conflict and prevent a resurgence of violence.[30] According to United Nations Support Office[31], the UN Secretary-General's Policy Committee conceptually agreed to define peacebuilding as:

> *a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management and to lay the foundations for sustainable peace and development. Peacebuilding strategies must be coherent and tailored to specific needs of the country concerned, based on national ownership, and should comprise a carefully prioritized, sequenced, and therefore a relatively narrow set of activities aimed at achieving the above objectives.*

Effective peacebuilding involves strategic leaders with the ability to navigate the complexity of unilateral or multilateral negotiations, the political savvy to sequence transformational reforms, and the business acumen to mobilize the necessary resources.[32] Basically, sustainable peacebuilding relies on the cohesive human security, governance, and rule of law approach as well as a structural leadership and relational change at the national and intercommunal level.

The next section introduces the concept of peace leadership. The understanding of self-leadership as a peacemaker, peacekeeper, and facilitator of peacebuilding activities provides the underpinning of how peace leaders lead others toward the relational transformation of intercommunal tension as well as reconciliation and sustainable peace.
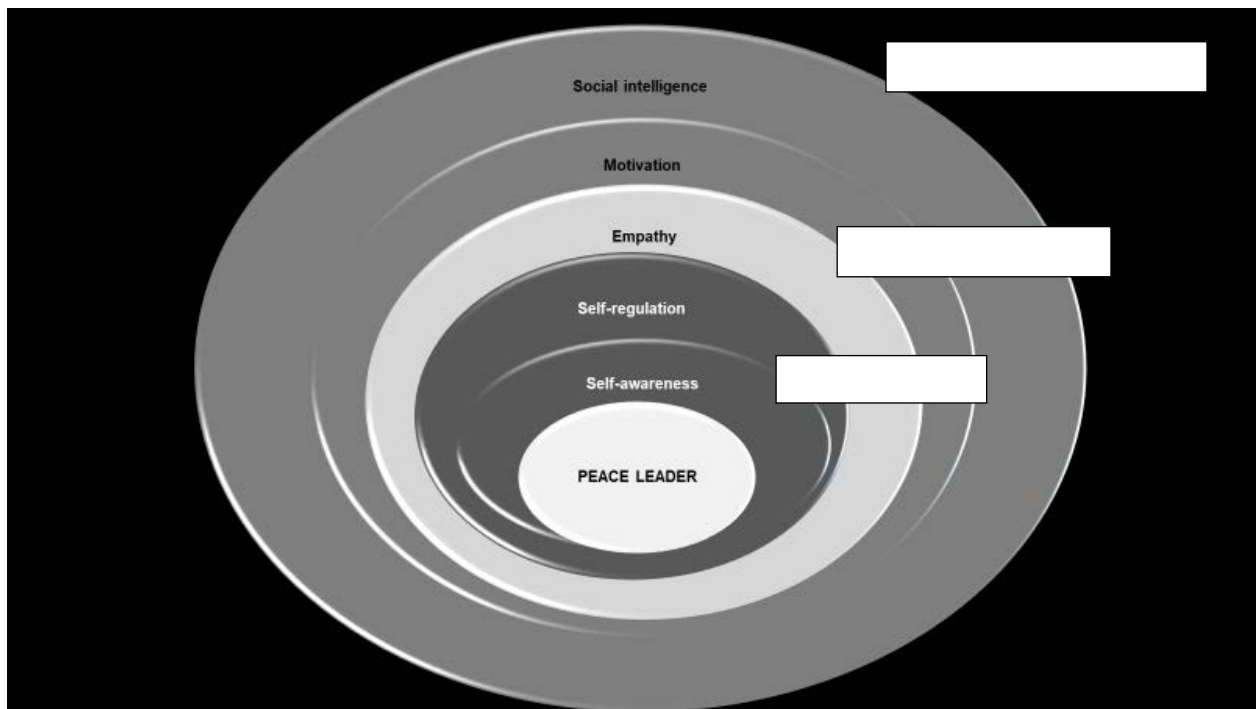
Peace leadership

Peace development organizations need leaders with the strategic foresight, emotional intelligence, and intercultural awareness capabilities to create key stakeholder networks with a mix of cross-boundary institutional and organizational capabilities in response to a post-conflict environment.[33] Therefore, conceptual definitions of global leadership and global mindset underpin not only the conceptual definition of peace leadership but also the understanding of leading self and its influence in leading others toward establishing sustainable intercommunal peace and stability. Campbell[34] presented global leadership as "a person that builds alliances and coalitions to shape shared values through cross-cultural communication; develops mutual economic, diplomatic, political, and security relationships; and balances corporate, national and international interests". In this context, peace leadership is defined as:

> an individual with the guiding vision and responsibility to lead in multidimensional and multilayered peacemaking, peacekeeping and peacebuilding, a humanitarian operational institution or organization to adapt to the complexity of an uncertain and unambiguous environment by strategically navigating through periods of change, to engage in state conflict prevention and reduction, political and humanitarian crisis management, and stabilization and reconstruction practices, and to have the emotional and social intelligence, global mindset, business acumen, intercultural awareness, and strategic foresight to transform and reassemble the foundations of communal or state political, human security, legal, financial, and socio-economic institutions toward laying the groundwork for sustainable peace and development.

In the remainder of this chapter, the discussion will focus on emotional intelligence as one of the foundational ingredients to peace leadership. In the field of leadership much has already been researched and studied about emotional intelligence (also see chapter 2 where emotional intelligence was discussed as an important building block for peace leadership). However, there is a very limited examination of the theoretical application and implication of emotional intelligence within the peace development domain. Examining the interrelationship reflects a foundational shift for conflict resolution and peace development practitioners from the conventional focus on cross-cutting principles of stabilization and reconstruction to understanding the impact of a leader's emotional intelligence as an additive component of peace development.

Figure 4.2 illustrates an alignment of emotional intelligence components and **expands the discussion of chapters two and three (see chapter 2 where important building blocks for peace leadership were discussed and chapter 3 where a self-transformation model of peace, based on lead self, lead with others and lead community, were discussed)**, as a foundational leadership concept. Peace leader as a central actor shapes conflict prevention, resolution, and peacebuilding processes by leading oneself and others toward leading intercommunal peace. Leadership scholars suggest that emotional intelligence components such as self-awareness, emotional self-regulation, empathy, motivation, and social skills can be developed.[35] Wright and Wright[36] suggest that "no matter what an individual's life circumstances, it's clearly never too late to start" to transform your life and circumstances. Self-leaders influence more through who they are than what they do. Self-change management requires introspection, self-reflection, and meditation. The reason is that the effectiveness of peace leaders cannot rise above the level of their self-leadership. That said, the challenge of leadership frequently overlooked is the ability to lead oneself. Zeilinska[37] writes:

> *The hardest person you will ever have to lead is yourself. When you can lead yourself through the challenges and difficulties, you will find that leading others becomes relatively straightforward. By being authentic and true to your beliefs, you can unite people around a common purpose and a set of values and empower them to step up and lead.*

Figure 4.2: Transforming the self to lead others within the community through emotional intelligence

Nevertheless, effective peace leaders in today's complex and uncertain environment, draw on their personal source of ideological knowledge, values, and beliefs to guide leadership decisions and actions. The central question that many peace leaders ask is: 'What kind of peace leader does one want to be'? What is my personal vision and purpose as a peace leader? In other words, what kind of person do I want to be as a peace leader? Scholars suggest that self-leadership in the context of peace development reflects:

1. a positive self-regard for one's strengths and weaknesses with humility
2. the courage to protect the integrity of internalized values and beliefs once challenged by adversaries
3. a defined personal vision and purpose
4. a willingness to accept the personal consequences of difficult decisions
5. the courage to face challenges as opportunities and failures as learning experiences
6. a personal transformation
7. the trust and credibility to adhere to a high set of ethical standards of internalized values and beliefs.[38]

Therefore, emotional intelligence is an important individual leadership skill for peace leaders executing peacemaking, peacekeeping, and peacebuilding activities. Leading self, leading others and leading community will be discussed next. **(The discussion below should be seen as an extension of chapter 3 where lead self, lead with others and lead community, as part of the self-transformation model to peace [see Figure 3.1] were discussed).**

Leading self

Self-awareness

Figure 4.2 shows that the foundational platform of emotional intelligence is self-leadership through self-awareness and self-regulation. Walton suggests that self-awareness is "about understanding ourselves and knowing what pushes our buttons and why. More importantly, it also determines the way we act and the effect we have on others."[39] Developing self-awareness is important for leading self as a peace leader. The reason is that one's inner thoughts, feelings, values and beliefs, and emotional trigger points influence one's behavior and actions.[40] That said, developing a healthy self-awareness requires a sustained personal choice to understand and heal from one's traumatic life events as well as one's emotional trigger points. Leadership research on self-awareness shows that "while much, if not most, typical leadership development takes place in seminars, during a weekend or maybe even over a week of off-site training, that time frame hardly begins the process."[41] Therefore, the peace leader with a healthy self-awareness and attunement to their inner emotional triggers is better equipped to constructively navigate through personal frustration and anger during track-one, track-two, and track-three diplomacy processes as well as mediating and resolving intergroup turf wars. In other words, peace leaders with high self-awareness know their capabilities and emotional trigger points in order to constructively respond to wicked problems without succumbing toward political pressure in resolving key issues.

A peace leader with an unhealthy self-awareness may not have the absorptive capacity for sensemaking or meaningmaking or sense the nature of antagonism and emotional tags between conflictual parties during the diplomacy process. Second, a leader with an unhealthy self-awareness may not be able to recognize hidden agendas or be hypersensitive to others' perception of self and the team. Third, the leader may overtly respond with frustration over the uncooperative nature of conflictual parties in resolving key issues. Finally, when the leader is not self-aware of their inner emotional triggers during intense peace negotiations, frequently response measures may be irrational and demanding,

e.g. reacting rashly and blaming others. Effective leaders must not only face but also heal their own demons in order to lead others in resolving intergroup and peace conflict. Bottom line is that with the courage to examine one's self-belief system the emotional self-awareness and self-regulation to authentically lead others with integrity and conviction will develop.

Neuroscience

Emerging research shows that neuroscience is an effective means not only of understanding how an individual leader's values, beliefs, and thought processes are shaped, but also of developing a healthy self-awareness. One could argue that incorporating the development of neuroscience into leadership development programs is a paradigm shift. Leadership development programs are designed for leadership behavioral changes at the cognitive level with often short-term outcomes. However, the nexus of leadership and neuroscience provides a scientific tool for self-examination of innate values, belief system, and emotional structures at the unconscious level, often with permanent outcomes. Wilder[42] postulates that a leader can re-program their value-based belief structure, automatic emotional response architecture, and habits in response to new situations or changes in their environment. In the groundbreaking book *Transformed! The science of spectacular living*, Wright and Wright[43] argue that "we can literally change our brains and our minds, and what we believe, who we are, and how we live. We can transform." They continue arguing that:

> *not only are we called to transform, but neuroscience research today definitively demonstrates that we are also uniquely designed to transform, to fulfill our potential. Deep within us, both in our hearts and in our minds, reside the drivers for transformation.*[44]

In the context of peace development, the groundbreaking research for "*Neuroscience for the Peacebuilder*", Fitzduff[45] argues that "intuitive/emotional thinking versus cognitive reasoning … is particularly evident and automatic in situations where fear is a factor, which is an emotion that is very present in many of the contexts we deal with as peacebuilder". Hence, integrating neuroscience into the conflict resolution and peace practitioner's toolkit will not only enable the leader to understand and manage the emotional triggering events but also transform how to self-lead with authenticity. In essence, self-leadership is possible when a leader chooses to accept the challenge of investing in the hard work of taking charge of developing their own self-awareness and emotional maturity.

Brain researchers suggest that neuroplasticity "enables transformative brain change via the right insights and training, which translates into new behaviors".[46] For example, the left brain cognitively processes information logically, rationally, analyzes issues sequentially and is solution-focused when solving problems. Within the diplomatic approaches with track one and track two, left-brain leaders tend to not only strategically compartmentalize peace development negotiations on specific individual issues but are also perceptually opinioned when presented with factual details.[47] Leaders who operate from the left brain are relationally disconnected and are fixated on problem-solving at all costs. The result is the tendency to lose trust of others and maintain coalitions built among conflictual parties. The right brain, on the other hand, unconsciously tends to globally examine the interconnectedness of issues and its impact on others within the community, as well as presents problem-solving solutions from a relational and emotional value-based lens. Leaders operating from the right brain are connected to the sensemaking and meaningmaking toward social movements for peaceful change within societal instruments. The problem is that the right brain operates faster than the left brain. Thus, the proverbial saying "we say things and react to situations without thinking and later regret" is alive and well. In essence, peace developers who are self-aware of their own right/left brain dynamics are better able to lead from their core personality and strategically transform their response to emotional triggers during intense track one and track two diplomatic processes.

Self-regulation

Figure 4.2 shows that another foundational element of self-leadership for peace development actors and leaders is self-regulation. Scholars note that self-regulation "refers to the ability to understand and control one's emotions, thoughts, and behaviors to achieve the desired outcomes through self-directed influence."[48] Goleman[49] states that "the signs of emotional self-regulation, therefore, are easy to see: a propensity for reflection and thoughtfulness; comfort with ambiguity and change; and an ability to say no to impulsive urges." Self-regulation is important for effective self-leadership as peace actors in order to control the overt display of inner emotional triggers and inner feelings of frustration in intense situations during track one and track two diplomatic processes. In fact, the leader's lack of emotional control over their impulses frequently prevents or damages the integrative bargaining process in developing joint agreements toward resolving the underlying causes of conflict. The challenge is that leaders' intense desire to act on emotional impulses at the moment is difficult to control not only within the track one and track two processes but also in day-to-day organizational operation. For that reason, peace leaders need the capacity to

self-lower the inner emotional intensity of frustration, anger, and manage one's emotional triggers during track one and track two processes. Basically, leading self requires the self-regulation to control one's temperament as well as manage emotional triggers when parties break cooperative peace agreements and peace development outcomes are not achieved.

Mindfulness

Not only does the research note that neuroscience builds the peace leader's self-awareness capability, some literature suggests that mindfulness manages the leader's self-regulation capabilities. "Mindfulness is the skill of being able to be completely present with your actions, your environment or your companions and it makes other skills such as listening and collaboration so much easier."[50] Scientific research reveals that consistent practice of mindfulness strengthens the self-regulation and the sensory awareness of physical messages from emotional triggering events associated with intense situations from challenges associated with an organizational crisis or an intergroup conflict.[51] Furthermore, the practice of mindfulness re-programs the areas of the brain by silencing negative self-talk as well as redirecting one's thoughts from wandering, which transforms the mind into learning how to emotionally control oneself in the heat of the moment. Thus, the consistent practice of mindfulness is a critical tool for self-regulation among peace development actors and organizational leaders. The reason is that without self-regulation the ability for self-control in the heat of intense emotional negotiations or arbitration situations is compromised. Therefore, mindfulness techniques equip the peace leader's capacity, when emotions are running high, to unconsciously self-control their response and calmly and rationally lower the temperature for parties to address the contentious issues associated with stabilization and reconstruction activities. Jha[52] makes a strong case that leaders subscribing to mindfulness encounter fewer performance errors, are more attentive to active listening, and less reactionary to emotionally intense situations. In fact, incorporating mindfulness not only quiets the mind and reduces leadership stressors through self-regulation but also strengthens the peace practitioner's inner resilience to adversity and setbacks. Mindfulness transforms the self-leadership capacity of peace practitioners at the unconscious level by reprogramming the neural pathways that will change not only the long-term leadership behavior but also our lives.

There is a supportive relationship between neuroscience and mindfulness. Incorporating the tools of neuroscience and mindfulness increases not only the peace leader's capacity for self-leadership but also one's sensemaking and meaningmaking skills. Goleman[53] points out that "the key to knowing others' emotional terrain is an intimate familiarity with your own."

Personal transformation is at the heart of self-leadership. In fact, an emotionally healthy leader will have the skills to not only listen for hidden meanings and communicate authentically toward a shared understanding but also endure a calm demeanor in the heat of the moment. Note that integrating neuroscience to develop self-awareness and mindfulness that builds self-regulation of one's emotions provides the authenticity, empathy, and motivation to bring discourse parties together in order to understand and address shared concerns and interests. Nevertheless, neuroscience and mindfulness development will strengthen the emotional intelligence rather than transform the personality of peace leaders. In fact, scholars suggest that self-awareness with emotional control lays the groundwork to lead others in understanding the social influence of sensemaking as a function of leadership.[54] That said, if a peace actor or leader cannot lead themselves, how can they lead others?

Leading Others

Figure 4.1 displays leading others as the linchpin in transforming an emerging failed state towards stabilization. Effective peace leaders, driven by their self-awareness and self-management, have the sensemaking and meaningmaking capability to lead others during the conflict resolution and peace development process. Peace development actors recognize that diplomatic leadership is central toward leading others. Figure 2 shows that self-leadership is foundational to leading others. The reason is that self-awareness and emotional regulation enable leaders with empathy to effectively lead others through the complex dynamics of conflict resolution. Bass and Bass[55] state that "empathetic leaders can manage conflict with supportive, friendly, obliging, compromising, and integrative efforts to move the parties from a competitive to a cooperative stance." Hence, empathetic leaders transform intergroup dynamics that not only correct misperceptions and develop shared interests but also address the resolution of intra-party conflicts.[56] In essence, the conflict management and resolution necessitate leaders with the empathy to untangle the difficult relationships, conflicting interests, and conflicting ideological worldviews.

Empathy and forgiveness

Research studies show that empathy is an important global leadership competency for peace development actors. Scholars postulate that "sensing what others feel without their saying so captures the essence of empathy."[57] Empathetic peace development actors will sense the potential bottlenecks and seek to circumvent the protracted ideological differences by changing the narrative and reframing issue-specific areas between parties. This includes identifying harm, ideological trauma, and socio-ethnic injustice experienced by victims. That said, peace leaders with empathy sense, read, and attune to another's emotional state

during peace negotiations, alternative dispute resolution, and mediation activities. Listening, attuning, and asking questions by civil society leaders and intercommunal leaders will lead others toward understanding the ideological assumptions and beliefs that created instability among identity groups. In fragile states transitioning from conflict to peace, empathetic peace workers sense windows of opportunities to address ethnic, religious, and social divisions with tribal, local, and intercommunal leaders. Thus, leading others with empathy strengthens the evolutionary adaptation to sense points of discourse within the intergroup relationships and diplomatically reduce outer group aggression.[58] In the end, empathy gives peace leaders the diplomacy to reduce the acts of aggression and reintegrate ex-combatants who committed structural acts of violence, human rights violations, and communal genocide back into the community.

Frequently, leaders think they demonstrate empathy in their leadership repertoire. However, empathy is determined by the recipient, not the leader. Therefore, when a leader lacks empathy they are not able to:

1. sense others' emotional cues and perspectives
2. show sensitivity, understand and respond to other people's needs and feelings
3. listen and attune for hidden meaning and messages of others' body language
4. gain the trust of others
5. facilitate forgiveness and reconciliation
6. develop the capacity for building trust[59].

Leaders with a lack of empathy "are inconsistent with sustained political leadership … [and] … when it does occur in the ranks of political figures, it could have catastrophic consequences."[60] Bearing this in mind, it becomes clear that peace leaders without empathy will lack the ability to understand how key stakeholders feel and think during track one and track two negotiations. Also, peace leaders will lack the ability to read the subtle signals between opponents during peace-supporting activities. In other words, peace leaders who lack empathy are unable to build trust, understand diverse worldviews and ones political awareness to influence others toward peace development.

Leadership scholars suggest that a peace practitioner "transforms conflict from a force that can be destructive and divisive into one that is healing and connecting."[61] In fact, Campbell and Johnson[62] agree that empathy creates an interconnective healing environment that restores relationships through forgiveness and reconciliation in a post-conflict environment. Note Campbell, Ferch, Johnson[63] who agree that the most powerful weapon to fight against

evil and develop sustainable peace rests with forgiveness. Yergler[64] defines forgiveness as "the act of releasing another from the guilt, shame, or deserved retribution they have merited through their own intentional or unintentional actions directed at another which have resulted in hurt, anger, animosity and relational polarization." Thus, introducing forgiveness as a pathway toward individual and national healing is a paradigm shift within the conflict resolution and peace discipline. In other words, sustainable peace relies on individual healing from the emotional and physical trauma experienced by victims in conflict-affected areas.

Forgiveness is a strategic enabler of statecraft in a post-conflict environment. However, peace development actors and leaders rarely address leading others toward individual forgiveness against perpetrators committing human rights violations. Victims find it difficult to emotionally let go, forgive, and move on from traumatic experiences such as gross human rights violations, ethnic cleansing, and acts of aggression. On the one hand, forgiveness is an internal process of individual courage that cognitively, emotionally, and spiritually transforms the meaning of the traumatic event as well as release of rooted transgression by the perpetrator to wipe the slate clean and restore a cooperative relationship. On the other hand, empathetic peace leaders need to resolve and emotionally heal from traumatic events in their own life in order to lead others toward emotional forgiveness. Emotional forgiveness releases the desire for retributive justice models and builds the restorative justice models toward sustainable peacebuilding frameworks. According to Fehr and Gelfand,[65] "restorative justice values can provide a strong foundation for forgiveness climate post conflict by emphasizing the importance of bringing all parties into the conflict resoution process." Basically, research shows that empathy leading others toward forgiveness is a critical peace leadership ingredient and opens the way for both sides to live together in peace." [66]

Leading the Community

Social Intelligence

In today's environment, peace development actors and leaders with social intelligence are equipped to lead others through complex intercommunal ideological challenges of forgiveness, reconciliation, and healing.[67] The dual development of self-leadership and leading others builds the peace leader's capability to lead the community through social intelligence. Social intelligence is referred to as a social awareness of personal interactions, empathy in understanding and sensing another's thoughts and feelings, and the ability to listen and attune to another person's concerns.[68] The peace leader's social intelligence

provides the relational leadership skills for diplomacy, negotiation, mediation, and conflict resolution. That said, emotionally healthy peace leaders have the social intelligence to mediate conflicting parties from merely coexisting to understanding each other as political elites seek to resolve wicked problems associated with state fragility.

Leadership is more about who you are than the formal reins of intercommunal positions. Sustainable intercommunal peace depends on simultaneous economic development and security. Social intelligence of peace leaders acts as a catalyst of positive change toward resolving wicked problems associated with balancing economic service-delivery programs with security from genocide, ethnic cleansing, or gross violations of human rights. Societies moving away from violence need peace leaders with the relational leadership that builds trust through understanding tribal, local, and intercommunal leaders' experiences and perceptions to facilitate confidence-building measures. Researchers [69] suggests that emotionally significant events shape the decision-making process that influences the perception of situations, non-verbal behavior, coping strategies, and leadership behavior. Therefore, neuroscience and mindfulness develop the peace leaders' ability to influence the social cognition of tribal, local, and intercommunal leadership interactions. One of the prime leadership influences of peace leaders in preventing repeated cycles of violence is opening a dialogue toward intercommunal reconciliation. On the one hand, forgiveness is an individual endeavor. Reconciliation, on the other hand, is an intercommunal process. Reconciliation breaks the cycles of repeated intercommunal violence. Individuals can have forgiveness without reconciliation but cannot have intercommunal reconciliation without individual forgiveness. The problem is that reconciliation has emerged as a specific strategic goal of many peace development programs without peace leaders having the relational foundation to lead intercommunal peace-building activities. Peace leaders need the relational leadership skills to hold dialogues with key stakeholders as well as relationship building with key political tribal, local, and communal leaders to equip peace leaders to facilitate reconciliation through truth telling and memorialization activities. In other words, what distinguishes good peace leaders from great peace leader's rests on the ability to understand one's own emotional dynamics, accurately attune to others' perceptions and beliefs, and move conflict parties toward a shared direction of conflict resolution and peace.[70]

Future trends

The challenge global leadership researchers wrestle with is expanding the theoretical leadership aperture that shapes leader competence-based development, characteristic traits, knowledge, and practical skill sets to meet global challenges outside the business environment. The structural, as well as personal and group transformation to resolve conflict-afflicted areas, are the biggest global challenge for the international community. There is a lack of empirical research on emotional intelligence within the peace development practice. For example, how do peace leaders develop the personal transformation to lead themselves toward a group transformation that leads others in addressing the root cause and preventing a resurgence of conflict?

Second, more work is urgently needed to further develop a standardized peace leadership definition and an empirical application model to prepare peace workers for the volatile, complex, uncertain and ambiguous peace development environment. The reason is that leaders in a peaceful development organization frequently lead organizations and operations by trial and error. Therefore, a standardized definition of peace leadership can be used by researchers to create peace leadership profiles that address the complexities of glocalized ideological political, religious, ethnic, and socio-cultural differences in executing peace operations.

Third, further research is urgently needed to empirically examine the application of theoretical leadership constructs within the international relations and conflict-resolution disciplines. That said, educational institutions and peace organizations need to integrate theoretical leadership models and competencies into training programs. The reason is that they lack leadership application models for peace workers executing the United States Institute of Peace Stabilization and Reconstruction Framework and other peace development models in conflict-afflicted areas.

Fourth, future research is needed to empirically examine the validity of forgiveness as a peace leadership competence. There is a growing body of knowledge recognizing the value of restorative justice and critical elements of forgiveness and reconciliation. Thus, the need for conducting research on how forgiveness as an individual and collective competency would assist peace leaders in their understanding of best practices that shape restorative justice and intercommunal reconciliation.

The final issue for further research: How does a peace leader influence the actions of a non-state actor or leader (a terrorist organization) toward peace within the border of another nation state? More importantly, how does a peace development worker lead a peace operation when they have no authority and the multiple parties involved do not want to cooperate? An in-depth theoretical exploration and research linking the role leadership plays within conflict resolution, peacemaking, peacekeeping, and peacebuilding are critical as peace practitioners bring peace to conflict-afflicted societies. This is one of the greatest political and economic challenges with national security implications.

Concluding remarks

This chapter presented the role of leadership within peacemaking, peacekeeping, and peacebuilding activities aligned in a failed state framework. This analysis undergirds our understanding of the dynamic nature of moving a country from a failed state to peace and stability. Sustainable peace is a matter of emotional and physical recovery from experiential trauma or human rights violations in the aftermath of conflict. An innovative framework of leading self, leading others, and leading the community toward sustainable peace rests with the emotional intelligence of peace leaders. In other words, emotional intelligence shapes not only the capabilities of peace leaders' organizational and operational peacemaking, peacekeeping, and peacebuilding activities but also the facilitation of conflict-resolution processes and confidence-building measures. Basically, the emotional intelligence transformation of a peace leader builds the internal leadership capability toward leading others and shapes the intercommunal long-term sustainable peace.

Endnotes

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6. Campbell, 2013; Rotberg, 2011.
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8. See endnote 25; Fukyama, 2004; Lieberfeld, 2016.
9. Baylis, Smith, & Owens, 2008; See endnote 23.
10. Lieberman, 2016.
11. Schulenburg, 2014, p. 5.
12. Fukayama, 2004.
13. Paruk, 2017, p. 537.
14. Salicru, 2016, p. 4.
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[56] Cohen & Insko, 2008.
[57] Goleman, 1998, p. 135.
[58] Ibid.
[59] Campbell, 2018; Brooks, 2015; Walton, 2012.
[60] Coolidge & Segal, 2007, p. 290.
[61] Gerzon, 2006, p. 50.
[62] Campbell, 2017; Johnson, 2009.
[63] Campbell, 2016; Ferch, 2012; Johnson, 2009, p. 119.
[64] Yergler, 2005, para. 10.
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Use of Violence as a Tool to Deter Schooling:
Evidence from Pakistan

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Abstract

We test the impact of the onset of conflict, and the ban on female education implemented with it by militants, on district level gross enrolment rates in Pakistan. By y using a difference-in-difference estimation for enrolment periods from 2005 till 2011, along with instrumenting for the endogeneity of conflict, we find that conflict caused enrolment rates to decrease at middle level, with districts experiencing conflict witnessing a decline in overall enrolment rates by 4.8 per cent compared to districts that remained peaceful. Gender differential responses show that reduction in enrolment rates for girls at middle level was the contributing factor behind the decrease in overall enrolment rates. Additionally, by using a difference-in-difference-in-difference estimation, we test whether the use of violence to implement the ban on female schooling was successful in reducing enrolment rates for girls compared to boys. We find that the policy of banning female education resulted in enrolment rates for girls at middle level to fall by 8.0 per cent compared to boys in districts that experienced conflict.

You Should Be Interested in War:
A Rational Choice Approach to Conflict and Peace in the International System

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You might not be interested in war, but war is interested in you. Or at least so does the saying go. Unfortunately, it has not been atypical to ignore this advice in international relations. The destructive component of the concept leads it to stand apart from other tools of statecraft. This is rightfully so, as to paraphrase Colin Gray, war is always a tragedy. However, one needs to understand war and how it fits into foreign policy formulation in order to both offer reliable policy advice and to work on the prevention of undesirable armed conflicts. This paper proposes to take a critical look at use of force in a foreign policy context. The core of the paper focuses on proposing a more dispassionate approach to war, reliant on rational choice and the careful study of national interests and potential policy avenues, instead of the instinctive dismissal of use of force that has secured a presence in existing literature. The paper relies on a predominantly realist theoretical framework, albeit highlighting certain limitations. While it is tempting to dismiss such an approach as the domain of armchair generals and warmongering, it is important to note that, while realism might offer a more cynical approach to international relations, this alone does not prevent it from contributing to peace. Understanding the rational calculations that might lead a country to war can be turned around to analyse key points where effective policy can be used to alter these calculations. This paper seeks to demonstrate just that.

The Heavily-Armed Elephant in the Room

To paraphrase Colin Gray (2009), war is always a tragedy. This unavoidable maxim has often affected our approach to the study of war and peace. The study of international security is predominantly concerned with the prevention and mitigation of war, and rightfully so. However, a consequence of this approach is the diminishment of the study of war as an entity. In foreign policy analysis war -or the use of force - is ever so often relegated to the position of an ill-defined other. It is an option that is there primarily to demonstrate the importance of other avenues, not as a potential foreign policy avenue of its own. War often does not have an identity beyond being a synonym for failure in international relations, treated as almost separate from foreign policy altogether. To self-admittedly study war as a course of foreign policy often brings immediate negative connotations, usually followed by being labelled a warmonger and dismissed as a relic of a less enlightened age. Unfortunately, the argument can be made that our focus on peace undermines our understanding of war, an understanding critical to the realization of said peace.

This paper proposes the argument that the study of peace should be – or at the very least legitimately could be – approached through the study of war. Understanding war as an aspect of statecraft, rather than a failure of statecraft, can provide insights that can significantly contribute to the creation of sustainable peace. In this quest this paper will draw on a realist approach to international relations, regularly maligned – often unfairly – and dismissed as an aggressive theoretical approach prone to warmongering. It is the aim of this paper to show through the adoption of a rational approach to the study of war to demonstrate the nuance of the theoretical approach and to highlight the importance of understanding war as a component of foreign policy, however morally questionable such a proposition might be.

Structural Realism and Bounded Rationality

Structural realism offers a key contribution to understanding interstate relations by divorcing state behaviour from its questionable roots in individual behaviour as presented by Hobbs or Morgenthau. In the original *Politics Among Nations*, Morgenthau (1948) made the argument that states' drive for power can be explained by each individual's own innate drive to dominate, which is suppressed in a domestic environment and channelled into the state's foreign policy. A Hobbesian idea in nature, attributing interstate behaviour to such human instincts falls short of persuasive: it treats humans as undifferentiated units obeying the same biological programming. The idea that a Chinese factory worker in Shenzen and a Swedish biology professor in Stockholm not only experiences the same drive for domination, but both push their country to adopt a domineering foreign policy seems reductionist.

Structural realism articulates an explanation for interstate relations independent from the actual units of analysis: structural forces affect the behaviour of states. The anarchic nature of the system affects how states behave, limiting the potential courses of action. In an anarchic system survival becomes a key concern and the same systemic anarchy limits the number of potential successful strategies that can achieve it. (Waltz, 1979) This is often misinterpreted as the theory being deterministic, offering a single path to survival and security. A more accurate approach would be to view anarchy as a force similar to gravity: it is inescapable, and it limits one's options, but it does not normally put one on a singular path. A simple example would be to consider the (purposefully simplified) problem of jumping over a chasm. In the absence of gravity as a factor, one's options are limitless and can range from as

simple as jumping over as to the construction of intricate structures. If gravity is introduced as a factor the options become more limited. The feasibility of jumping is determined by distance and acceleration. The construction of structures becomes limited by weight and structural soundness. This does not mean that one is left with a singular path, but the set of feasible paths is greatly reduced.

A key reason for the interpretation of structural realism as a determinist school of thought is a neglect for its normative components, even by some of its proponents. The recognition of how anarchy acts as a structural component is based on an explanatory study, meaning that it is based on observations of how the system has operated in the past. However, the component of the theory that prescribes a successful strategy for operating in this system – whether offensive or defensive – is a normative argument, even if it based on historical precedents. And as a normative argument it is inherently affected by the observer. It is one potential interpretation of what would constitute successful behaviour under such structural constraints based on both observations of past behaviour and the perspective of the agent making the recommendation.

Much of this nuance is lost in structural realism's reductionist approach to the state. The theory deliberately 'black-boxes' the state in order to highlight the structural conditions that affect its behaviour. (Waltz, 1979) However, divorcing state action from its identity-based context limits the validity of the theory's normative components. It assumes that all states will respond to the same systemic stimuli in the same manner, regardless of identity, culture or past experiences. Just as it would seem counterintuitive that a Chinese factory worker and a Swedish biology professor would experience the same drive to dominate, which limited the validity of classical realism, it is equally counterintuitive that the People's Republic of China, with its long history of foreign interference and identity based around national humiliation and perseverance, would respond in the same manner to the international system as a highly liberal Sweden.

Alexander Wendt (1992) has been critical of such determinism when articulating for a constructivist approach to international relations. He highlighted that the response to the structural stimuli of anarchy is not predetermined but is influenced by the state's identity. Unfortunately, constructivism is ever so often taken to its logical extremes, arguing that the structural limitations themselves are constructed and can be overcome through the shifting of state identities. The idea that by shifting our interpretation of gravity we could escape its powers would be one leading to a lot of broken bodies at the bottom of our metaphorical chasm. Unless the structural conditions of anarchy change, the dangers foreseen by structural realists cannot be wished away.

A marriage between the two approaches is needed, taking the explanatory merits of structural realism, but incorporating the nuance of constructivism into its normative conclusions. While this increases the complexity of the model used to understand reality, such increase in complexity could greatly benefit the accuracy, and thus the predictive power of the model. After all, from a foreign policy formulation perspective, the predictive power of the model is the vitally important question. We formulate foreign policy today to address the challenges of tomorrow, however uncertain they may be. A foreign policy that seeks to explain how to deal with the problems of yesterday is of little value, however accurate it can be in hindsight.

This leads one to the logical question of where the predictive power of structural realism arises from. A central tenet of structural realism is that states are rational actors. Rationality in this context means that the state's behaviour is based on the analysis of costs and benefits, primarily in a utility maximizing manner. Rationality is often conflated with a moral judgment to mean that the agent behaves in a way we consider 'smart' or 'sane', but this is not inherently the case. If an agent is rational, then its thought process can be understood. And if its thought process can be understood then its behaviour can be predicted.

However, we are inherently talking about a bounded rationality here: the though process of the agent is bound to its identity, and the two cannot be divorced. A critical failure common to the application of predictive models based on rationality is the substitution of the observer's though process to the agent's. To put it simply, predictions are often produced on 'what I would do' instead of a meticulous understanding of the agent's own thought processes. This critical failure is often present in structural realist analysis. Trying to predict China's behaviour based on the U.S.'s distinctively ideological approach to security, instead of the PRC's highly territorial vision, would inevitably result in inaccurate results.

When applying rational choice to the problems of foreign policy, it has to be applied as a bounded rational choice based on agent identity and divorced from our own preconceptions and moral and/or ideological preferences. While one can offer normative recommendations based on their own theoretical leanings, such a solid basis – inspiring to objectivity – is needed to offer of any pragmatic merit.

The Rational Choice to Go to War

The idea of use of force is an uncomfortable one for international relations. To go to war is clearly morally objectionable. It is a great source of human misery and showcases some of the worst of the depravity of the human mind. Yet, despite this recognition, wars continue to occur. Despite the best efforts of scholars, activists and statesmen countries march on each other, unleashing the destructive potential of thousands of years of scientific innovation.

Colin Gray (2009) offers the argument that, while war is always a tragedy, it is also a necessary component of international relations. This can be a particularly challenging concept. Teaching a course on war, students often instinctively reject the idea of military power constituting a component of statecraft, instead of war being a failure of statecraft. But understanding war as a failure of statecraft is not a particularly useful analytical avenue. The idea that war is a result of irrationality or moral failures prevents a meticulous analysis of why it occurs, as well as skews threat perceptions towards countries whose identity or rhetoric appears alien or objectionable, instead of countries that have a vested interest in securing some interests at all costs. However objectionable it might appear, one needs to consider war to be a valid tool of statecraft. This is not a moral endorsement of foreign policy through force, nor is it an attempt to legitimize war from an international legal perspective. But rather it is a recognition that military power continues to be an important component of statecraft and that the decision to go to war is a result of a rational choice on the part of statesmen, and not a sign of moral depravity.

Based on the section above, if war is treated as a rational activity, then one can take advantage of the predictive powers of a rational choice analysis to incorporate the possibility of war into one's own foreign policy formulation:

At the core of a rational choice analysis to determine the best possible course of action based on a set of conditions. It is based on two primary components: (a) a feasibility analysis and (b) a cost-benefit-risk analysis. It can be used either to determine one's own course of action or to anticipate the behaviour of others.

Establishing the feasibility set is the first stage of the process: this will determine the particular options that will be subjected to closer analysis. Determining feasibility is not a simple question of 'can it be done?'. To propose a purposefully absurd example, the possibility of the People's Liberation Army Navy relying on trained giant octopuses to overtake the South China Sea can be dismissed without substantial analysis. However, this does not really constitute the kind of feasibility analysis necessary for a nuanced use of the rational choice model. Rather feasibility testing is an analysis on whether a particular option is possible to be pursued within the confines of rational behaviour.

If one would aim to test the feasibility of a military power-based course of foreign policy action, one potential avenue for feasibility testing would be to examine whether the initiator has sufficient military power to pursue such an avenue. The realist concept of balance of power can be a useful indicator of whether military action is possible. However, in foreign policy analysis it can be too broad to be analytically useful. A key problem is the concept's focus on overall military might, instead of a more situational analysis, as well as the rejection of limited war scenarios as a result. 'Could China win a war against Japan?' is a simple enough question as the PRC possesses a significant military advantage against Japan when one examines the overall balance of power as the former maintains one of the largest military forces on the planet. 'Could China take the Senkaku/Diaoyu Islands from Japan through force?' is a much more difficult question to answer. The composition of the People's Liberation Army means that even if it has an overall balance of power advantage over the Japanese Self-Defence Forces, in the maritime realm it suffers critical weaknesses (Szanto, 2017). Looking at a more situation analysis, in a naval war the PLA-N suffers a significant weakness compared to the Maritime Self-Defence Forces. But this assumes that one is talking about a total mobilization of naval power, which ignores the possibility of a limited war. On a unit-to-unit basis the PLA-N possesses the necessary capabilities to overcome the MSDF, even if it does not have the reserves to sustain a military engagement. One needs to carefully construct a nuanced understanding of the demands of the military engagement considered before the feasibility of such a course of action can be established; and it needs to take into account not only the hard facts of the distribution of military capabilities but the willingness of each side to commit to the conflict. Such nuance is not captured by the overall balance of power analysis which can skew the rational choice calculations and lead the observer astray.

Similarly, when examining competing non-military options, one has to be careful not to skew the feasibility testing through one's own theoretical preferences. It is a commonly made argument that bilateral negotiations could offer an avenue to escape the dilemma of the Senkaku/Diaoyu Islands. However, closer analysis demonstrates that, while China has successfully settled many of its outstanding territorial disputes in this manner (Fravel, 2005), the feasibility of this approach remains questionable at best in this particular scenario. Japan refuses to recognize the dispute (Ministry of Foreign Affairs of Japan, 2012), which renders the option pragmatically impossible, and it has very little incentive to depart from this policy. At the same time, reaching a compromise necessary for the successful conclusion of the process offers insurmountable difficulties as the PRC has little to gain from such a

compromise and the territory in question is of too high value to settle the dispute out of convenience.

Critical engagement of what actually is feasible, instead of normative arguments of what should be done, is absolutely crucial to effective foreign policy formulation, yet it is ever so often lost in the analysis. And this recognition also leads us to the uncomfortable knowledge that there are interstate disputes that seem resistant to peaceful resolution options for one reason or another. If such a scenario to occur the state has two options: it can either compromise its national interests – including potential survival interests – in favour of international peace or it can pursue its interests potentially through military means despite its costs. Under such conditions it would not be appropriate to dismiss the decision to go to war as a failure of statecraft or a moral evil committed by flawed, ignorant and/or greedy statemen. It is a rational consequence of the constellation of circumstances within the international system.

It is not peace that is difficult to achieve in the international system, but rather the challenge is the creation of a peace one is willing to live with. If the diminishment of war is the ultimate objective, then appeasement offers a convenient avenue to resolve disputes. If what is demanded is freely given, then there is no need for arms. However, such a peace would likely violate our own key national and individual interests, which we find vital for our existence.

One should not take this argument as an endorsement of the other logical extreme. Recognizing the role of war in statecraft does not mean that one should resort to war at any given opportunity. Such an approach would equally violate the principles of rationality. Whether use of force should be pursue or not (if it was conlcuded to be feasible) needs to be determined through a careful cost-benefit-risk (CBR) analysis.

A CBR analysis – as the name suggests – would compare and contrast alternate feasible foreign policy avenues based on what it offers to accomplish, what its drawbacks are, and what the possibility of failure or unintended consequences are. On the benefits side one needs to determine how the particular course of action could further national interests. But one also needs to determine how valuable these gains are based on the identity of the agent to remain within the confines of bounded rationality. From an outside perspective, gaining control over small reefs on the East and South China Seas is of limited value. Their ability to claim economic zones under the United Nations Convention on the Law of the Sea is questionable at best and they have limited capacity to support a military presence, a military presence that would be a stationary target. However, from a Chinese perspective such a move is essential as the garrisoning of these islands fits into overall Chinese military doctrine that has traditionally been weak when it comes to naval engagements in order to control a key avenue of attack that has contributed to the subjugation of the Chinese Empire. So, while an American might be baffled by China's willingness to suffer costs in securing these territories, if one examines the identity of China, its focus on a territorial definition of security, and the historical significance of the South China Sea in its patriotic narrative, the calculations become much clearer. What costs and risks are rational for what benefit is inherently bounded to who makes the choice, and any attempt to force one's own perspective on it will result in a flawed analysis.

Thus, if we are willing to entertain the notion that use of force is the result of rational calculations, we can gain valuable insights into when and where to expect military

confrontations – regardless of the sabre-rattling rhetoric of the parties involved or the sensational headlines of the news proclaiming the arrival of World War III. However, our analysis needs to be nuanced: while realism offers a valuable starting point, its rigidness on accepting a singular perspective limits is predictive usefulness. Even as a structural realist one needs to gain a deep understanding of the players involved rather than relying on the power of anarchy alone to determine the likely course of action of states.

Diverting Calculations

Accepting war as a rational component of statecraft is a depressing proposition. However, if war is to be considered a rational activity, then the calculations leading up to the outbreak of conflict can be altered, and thus the foreign policy course diverted. The key to creating peace through rational calculations is to identify weak points in the calculations of potential belligerents and devise strategies that exert pressure on a rational mind to seek an alternate course of action.

At its simplest form one can consider deterrence to be such a manoeuvre. Deterrence aims to increase the cost calculations of certain actions by leveraging threats. It is a well-documented foreign policy practice frequently employed by major powers. However, to reduce the potential of rational choice calculations to mere deterrence would be simplistic. A simple question to ponder would be the scenario in which one wishes to alter the course of a state in achieving a survival interest. One has to ask whether it is possible to deter a nation from that through attempting to imposing further costs. One real world scenario would be North Korea which has identified the acquisition of nuclear weapons as a survival interest. The United States has attempted a coercive approach with a strong military deterrent component to divert Pyongyang from this course. However, North Korea already identifies the U.S. as an existential threat, which is deeply ingrained in its identity. Attempts at deterrence have only reinforced this identity, leading to defiance from Pyongyang and to an overall inefficient foreign policy.

A rational choice approach to foreign policy cannot be limited to military deterrence, but it needs to take into account how to incentivize the pursuit of other policy avenues. Increasing the feasibility of certain options and/or positively affecting the cost-benefit balance of certain options can be just as powerful as deterrence, and in many scenarios it could prove to be more effective, depending on the conflict in question and the agent's identity.

One can consider the example of the Senkaku/Diaoyu Islands. The current situation is highly complicated. China has a lot of major interests attached to the islands, meaning that a long-term retreat from the conflict is not possible. At the same time non-military conflict resolution options are not attractive from a rational choice perspective. Arbitration or adjudication is out of the question as China does not have a strong enough case for sovereignty to have a realistic chance for success. Third-party non-binding options are equally problematic as they go against Chinese foreign policy practices and the processes would lack a mutually acceptable third party. Bilateral negotiations are barred by Japanese policy on the islands. (Szanto, 2017) This means that in the long-term one cannot discount the possibility of a military resolution to the dispute based on China's rational choice calculations, especially if the country's power continues to rise. From a Japanese perspective

there are multiple avenues to respond. The most straightforward is to pursue deterrence, which seems to be the favoured solution of the Abe Administration. This would increase the cost component of military action, further pushing China to pursue delaying. However, this would also create a classical arms race and destabilize the region in the long-run, putting a heavy burden on Japan to maintain pace with a China with more latent power. Alternatively, identifying weak points in the calculations, Japan could attempt to divert China towards a more diplomatic approach by increasing the feasibility of bilateral negotiations through altering its own policies concerning the dispute. This would certainly impose political costs on Japan, but could provide a foundation for confidence building and the long-term reshaping of the relationship between China and Japan that could potentially avert an armed confrontation between the two.

The application of rational choice will affect such policy conundrums in two ways: First, one can utilize the predictive powers of the rational choice approach to anticipate the moves made by the opponent. Second, one can use a rational choice approach to chart a course on how to respond to these moves.

Limitations

This approach to foreign policy formulation and analysis is not without its limitations. Anyone claiming to be able to predict the future with certainty is most certainly a charlatan. The accuracy of the analysis will always be affected by imperfect information limiting both one's understanding of the facts of a situation and one's ability to utilize the perspectives of another. These are inherent limitations that cannot be overcome, only acknowledged.

Some would argue that in light of such limitations the pragmatic value of conducting such an analysis is insignificant. However, such criticism ignores the fact that these foreign policy decisions need to be made, whether based on meticulous analysis or not, today. One cannot wait for the benefit of hindsight to wait for confirmation whether a particular avenue would have been better than another. Imperfect information limits accuracy, but under the conditions, limited accuracy is preferable to guesswork or policy formulation based on a purely theoretical basis.

Conclusion

The paper demonstrates a rational choice approach to the study of war as a form of statecraft. While not an endorsement of use of force, the fact remains that military power-based resolution options remain a tangible part of the international arena. Thus, a meticulous study of the decision to go to war is needed, based on a rational understanding of the phenomena. Such an approach can help to identify weak-points in the calculations of belligerents to divert their policy calculations into less destructive courses.

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