



L-Università ta' Malta
Centre for the Study &
Practice of Conflict Resolution

Contemporary
Issues in
**CONFLICT
RESOLUTION**

Edited by Omar Grech

December
2018

The Centre for the Study and Practice of Conflict Resolution

The Centre for the Study and Practice of Conflict Resolution is a Centre established within the University of Malta in 2017 with a view to engage in conflict resolution research and practice.

The establishment of the Centre builds upon a long-standing relationship between the University of Malta and George Mason University, USA in the field of conflict resolution. The Centre focuses on the intersection between research and practice within conflict resolution.

The main areas of interest for the Centre include conflict resolution practices, the relationship between conflict and human rights, as well as issues related to environmental conflict, justice and conflict and educational perspectives on conflict resolution. The Centre offers the M.A. in Conflict Resolution and Mediterranean Security together with the School of Conflict Analysis and Resolution (S-CAR). It engages in research on themes related to conflict resolution and organises public lectures, seminars and training workshops.

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Acknowledgements

This collection represents the first in a series of publications by the Centre for the Study and Practice of Conflict Resolution at the University of Malta. In this context thanks are due to the Rector of the University, Professor Alfred J Vella for his foresight and initiative in establishing the Centre. I would also like to thank all the other members of the Board of the Centre, namely Professor Carmen Sammut, Professor Patricia Vella de Fremeaux, Professor Richard Rubenstein, Professor Susan Hirsch and Dr Anna Khakee.

My gratitude to the authors of these essays for contributing in a timely manner thoughtful essays on the diverse issues which face the field of conflict resolution today: Professor Brice Dickson, Professor Susan Hirsch, Dr Monika Wohlfeld, Mr Jack Jasper and Dr Colm Regan. Finally, I would like to express my appreciation to Ms Charlene Cassar for her invaluable assistance in the editorial process and layout of this collection.

Introduction: Reflections on Cosmopolitan Conflict Resolution

Omar Grech

This collection of essays brings together papers presented at a seminar on Contemporary Issues in Conflict Resolution hosted by the Centre for the Study and Practice of Conflict Resolution at the University of Malta in May 2018. The newly-established Centre seeks to promote research and practice in the field of conflict resolution both from Malta as well as in Malta. The Centre's research agenda is driven by a desire to produce and publish studies which provide insights and ideas that will inform the practice of conflict resolution. In fact, this collection is based on practice-oriented research. Briefly, this means that the essays in this collection seek to improve and update the practice of conflict analysis and resolution in four distinct areas: education, human rights, environment and cyber-warfare. In this context, the essays in this collection seek to probe some of the core ideas as well as the practice of conflict analysis and resolution in these four distinct areas. These essays suggest that conflict resolution theory and practice could benefit significantly from greater engagement with these topics in addition to bringing its own particular experience and frameworks to bear on them.

Two key aspects of the conflict resolution field were highlighted throughout the seminar: its diversity and dynamism. The diversity of the discipline has long been recognised and is reiterated in Susan Hirsch's introduction to her paper. As an academic discipline, conflict resolution draws from political science, law, anthropology, security studies, sociology and education amongst others. Because it is a discipline which addresses an inescapable component of the human condition (i.e. conflict), it needs to respond to the constant changes in that human condition; be they technological change, environmental degradation or other developments. The critical question is how best to achieve this adaptability?

If conflict resolution is to flourish as a discipline it must be dynamic in its approaches (and tools) to respond swiftly to new forms of conflict as well as new contexts where conflict may be sited. This adaptability has been identified as the key feature of 'cosmopolitan conflict resolution', the term used by Ramsbotham et al to define the current stage of development of the discipline of conflict resolution. This collection takes as its centre of gravity this definition of cosmopolitan conflict resolution:

To sum this up: human capacity for conflict resolution must learn to be as fast moving, adaptive and resourceful as the hybrid and mutating forces of violence that it seeks to overcome¹.

The four papers included in this collection sit squarely in this context. Cosmopolitan conflict resolution's "hallmark is to draw on the rich heritage of the field in order to rise to these new challenges". This is precisely what these essays do while also "linking conflict resolution to the clusters of other pools of expertise and enterprise"² which, it can be argued, add value to the conflict resolution endeavour.

This linking to other fields of expertise in order to meet the contemporary challenges of conflict resolution is especially evident in Monika Wohlfeld and Jack Jasper's essay on cyberconflict. They argue that developments in cyberspace are transforming relationships between actors and leading to different types of conflict and that the conflict resolution field has not engaged enough with these new phenomena. The authors suggest that increased cooperation with technical experts as well as an adjustment of current models of conflict resolution (or the creation of new models) is required. Essentially, their plea is for the "need to engage with technical experts and innovators, as well as policy formulators to improve understanding of cyberconflict and instil conflict resolution values wherever possible".

The evolving relationship between human rights and conflict resolution is part of the "rich heritage of the field" of conflict resolution referred to earlier. Since the early 2000s the relationship has been the subject of increasing attention and academic scrutiny.³ In his contribution Brice Dickson revisits the relationship between human rights and conflict resolution and provides some pragmatic advice to both human rights advocates and conflict practitioners: take politics out of human rights in conflict resolution. He argues that "within large scale conflict situations ...it is particularly tempting for different political factions to exploit human rights language in order to boost their own particular claims." In Dickson's view, the human rights community (academics and theorists particularly) should make every effort to ensure that the concept of human rights is not "unduly distorted as a result of inappropriate politicisation of the traditional vocabulary of human rights" in conflict situations. This effort is required generally within the human rights community, but even more acutely in conflict situations. The focus here is on "an achievable approach" benefiting the progressive realisation of both human rights and peace.

Colm Regan's argument, as with Wohlfeld and Jasper, also urges cooperation with different disciplines and professions with a specific focus on the vital challenges posed by the environmental perspective to conflict resolution. Arguing that climate change and

its associated environmental crises are both overarching and urgent, he maintains that engaging with environmental conflict is an imperative for the conflict resolution sector while contemporaneously urging cooperation with educationalists and progressive policy-shapers on a large scale. The need for systemic transformation to meet the challenges posed by environmental concerns cannot be met by conflict resolution practitioners alone and yet it must emerge as a core focus in any future re-configuration of the whole discipline. Regan argues that environmental conflict is not incidental to conflict resolution but fundamental to it and identifies research, advocacy and intervention as three areas in which conflict resolution practitioners have much expertise and experience to offer, particularly as regards public awareness, debate and judgement. Such an approach would require enhanced engagement with educational theorists and practitioners.

The theme of education (and educationalists) takes centre stage in Susan Hirsch's contribution. Hirsch reflects on the difficulties inherent in training conflict resolution practitioners within tertiary education. Her reflection draws, specifically, on a 2010 report by graduates in the field of conflict resolution who contended that "graduate level academic institutions are not adequately preparing students for career in international peace and conflict management". Given the variety of theoretical underpinnings and skills-sets that conflict resolution draws upon, the complexity of delivering effective conflict resolution education is self-evident. Hirsch argues that experiential learning may be an effective tool in delivering such complex education, since it provides students with contexts within which the intricacy of conflict resolution is explored, and the most appropriate conflict resolution tools may be best assessed by the students themselves. She concludes by emphasising the importance of placing experiential learning at the centre of conflict curricula but also of connecting such learning to move traditional pedagogies. Hirsch's essay underlines the crucial role of educational approaches in bringing together theory and practice in forming (or helping to form) practitioners who have the adaptability that the field so urgently requires.

In sum, this collection provides reflection, insight and points for further discussion and debate in four areas of conflict resolution: the rise of cyber warfare and the challenges this presents to conflict resolution; how human rights should be understood and contextualised in conflict situations; the environmental challenges which conflict resolution must respond to; and finally, how can we better meet the needs of students of conflict resolution to help form better practitioners of conflict resolution? The common threads running through the four essays are threefold: (i) the need for an ongoing conversation between conflict resolution theorists and practitioners with experts and practitioners in other fields; (ii) the benefits to conflict resolution theory and practice that

such conversations and alliances could nurture and vice-versa; and (iii) the necessity to constantly adapt conflict resolution models, processes and practices to the evermore cosmopolitan world and its natural environment in which we have to live and work. This collection hopefully serves to contribute, in a small yet relevant and timely manner to these directions.

Notes

¹ Oliver Ramsbotham, Tom Woodhouse, Hugh Miall, *Contemporary Conflict Resolution*, 4th edition, Polity Press, 2016 p. 5

² Ibid

³ See for example Julie A Mertus and Jeffrey W Helsing, *Human Rights and Conflict*, United States Institute for Peace, 2006; Michelle Parlevliet, Guy Lamb, and Victoria Maloka (eds.), *Defenders of Human Rights, Managers of Conflict, Builders of Peace? National human rights institutions, conflict management and peacebuilding in Africa*, Centre for Conflict Resolution, Cape Town, 2005; Brice Dickson, *The European Convention on Human Rights and the Conflict in Northern Ireland*, Oxford University Press, 2010

Cyberattacks and Cyber Conflict: Where is Conflict Resolution?

Monika Wohlfeld and Jack Jasper

Introduction

In this paper we analyse cyberattacks and cyber conflict and the challenges they pose to the field of conflict resolution. State and non-state actors alike are conducting cyberattacks in new and sophisticated ways that result in conflicts which are not readily addressed by conflict resolution approaches. Consequently, these developments in cyberspace take place without much input from conflict resolution scholars and practitioners.

We suggest that these developments in cyberspace result in changing relationships between actors, and thus potentially different types of conflict, based around two key problems. First, there is the problem of attribution. Cyberspace is inherently linked with anonymity and attributing a cyberattack with certainty is almost never possible. In addition, it is difficult to distinguish the difference between various types of actors, which include a mixture of states, non-state groups, and individual hackers.

Second, conditions in cyberspace overwhelmingly incentivize offensive strategies as opposed to defensive. Perpetrators can operate with no warning, and target specific weak spots, whereas cyber defences must be constantly monitored and updated to remain effective. It has been argued that timeframes for responding to a cyberattack are shortened, especially in situations that require negotiations.¹ The consequences of a failed attack are few, and the potential rewards are valuable.

With so much potential for conflict stemming from these new developments, one might expect the conflict resolution field to focus on them. And yet, a cursory appraisal of the relevant literature produces almost no results. We suggest that the field needs to address these issues on two fronts. First, it needs to do this through the formulation of new models and adjustment of existing models, for example third party mediation, negotiation, and intervention. Second, conflict resolution must join in the discussion of prevention and

responses to cyberattacks and cyber conflict. Specifically, we envisage engagement with technical experts to better understand current realities and likely developments in the near and short term, as well as instilling conflict resolution values in policy approaches, technical developments, and national and global governance.

This argument will be presented as follows: first, as cyber terminology varies widely across the literature, relevant definitions will be provided. We do not go into detail, though we do point to various sources for further reading. We will then provide a brief outline of how various actors have committed cyberattacks and engaged in cyber conflict. These will underscore the two problems identified above. Next, we highlight the response of certain states and international organizations to the threat of cyberattacks and cyber conflict. In the following section, we link the debate to the field of conflict resolution, focusing on what is and is not currently being done in practice, and make suggestions for urgent action. Finally, we conclude with some brief remarks on what was discussed in this paper and some reflections on the future.

Defining cyberattacks and cyber conflicts:

Arguably, cyberattacks are recorded daily. In addition, coordinated campaigns of cyberattacks conducted by state and non-state actors are resulting in cyber conflicts, which are different from their physical counterparts, but nonetheless have implications beyond cyberspace. The terminology is virtually endless when it comes to cyber-related issues, and we do not wish to be bogged down in the quagmire of definitions. For the purposes of this paper, we adopt roughly the same definition of a *cyberattack* proposed by Hathaway et al., that is, "any action taken to undermine the functions of a computer network for a political or national security purpose."² Cyberattacks may provoke a *cyber conflict*, which Valeriano and Maness define as "the use of computational technologies in cyberspace for malevolent and destructive purposes in order to impact, change, or modify diplomatic and military interactions between entities short of war and away from the battlefield."³ Cyber conflict would thus be differentiated from a cyberattack based on its emphasis on changing the relationship between two or more entities.

Much debate surrounds the prospect of "cyberwars" (which Thomas Rid defines as "potentially lethal, instrumental, and political acts of force conducted through malicious code"⁴) and whether they are currently happening or will happen in the future. Journalistic accounts of the current realities often refer to cyberwar or cyberwarfare when, in fact, they

are discussing cyberattacks and cyber conflict. Scholarly literature occasionally uses interchangeable terms to describe the same events. We acknowledge that there is the potential for such wars occurring, but in this paper largely focus on the experience with cyberattacks and cyber conflicts to date. To avoid speculation, we do not address that part of the debate. Hybrid wars, which will be discussed in the following section, are included in our analysis as they involve the use of cyberattacks alongside conventional military weapons.

New cyber developments to date

This section refers to several new developments related to cyberattacks and cyber conflict. Largely these entail the involvement of non-state actors as both state operatives and as distinctive players in addition to state actors and ultimately the emergence of so-called hybrid wars. These developments present two interconnected problems. The first is attribution, which is inherently difficult to determine because actors in cyberspace operate almost (but arguably not entirely) anonymously.⁵ Some states take advantage of this fact by utilizing non-state actors to further obfuscate their involvement.

(i) The Attribution Problem:

The reliance of some states on non-state actors as conduits of their national security strategies in cyberspace best exemplifies the attribution problem. Even if a state government is believed to be responsible for orchestrating a cyberattack, there is almost no way for that to be proven in a timely manner, if at all.⁶ In the event that attribution is eventually determined, the use of non-state actors affords states plausible deniability. As an example, Russia has been implicated in recent cyberattacks in Estonia, Kyrgyzstan, Lithuania, and Georgia, as well as alleged election meddling in the United States and a number of European Union member states⁷ and denies having done so. Such activity is made possible by incorporating so called *hacktivists* into the national security strategy, a policy which some suggest is followed by Russia, but also China, North Korea, Iran and other states.⁸

So-called hacktivists are hackers that operate in cyber space with a political motive; they do not always work in conjunction with state officials. When hacktivists do work under the direction of state officials, they typically are organized in a collective, which is referred to by some as a cybermilitia.⁹ The obvious advantage to utilizing cybermilitias is that it further removes state officials from responsibility. However, their use of non-state actors is not without its drawbacks. The overarching strategy or objective may be handed down from

state officials, but the implementation of the cyberattack falls on the hacktivists themselves, who are not accountable to a government, and are essentially free to determine the means of meeting their objective. If a cyberattack were to go too far, thus eliciting a response from the target state, suspicion may be enough to warrant a military response. Escalating conflict may be an unintended consequence. The section below on responses to cyberattacks and cyber conflict addresses this further.

Hybrid wars are characterized by the “[incorporation of] a range of different modes of warfare, including conventional capabilities, irregular tactics and formations, terrorist acts including indiscriminate violence and coercion, and criminal disorder”¹⁰ in pursuit of the achievement of political objectives. Jacobs and Lasconjarias argue that “hybrid warfare most often involves non-state actors such as militias, transnational criminal groups, or terrorist networks. These non-state actors are in many cases backed by one or several states, in a kind of sponsor-client or proxy relationship.”¹¹ The cyber aspect of hybrid wars has become much more sophisticated since the concept of such wars was first developed in the early 2000s.¹²

To provide an example, the Kosovo conflict of the late 1990s has been labelled as the first “Internet War” due to tactics adopted by a pro-Serbian group known as the Black Hand. NATO, the United States, and the United Kingdom were all subjected to distributed denial of service (DDoS) attacks, which overwhelm networks with massive amounts of requests, as well as receiving malware-infected emails of various strains.¹³ The result was not overly severe – NATO’s website was intermittently down for a few weeks – but the trend towards hybrid wars has continued.¹⁴

Much literature has been devoted to the study of violent non-state actors in recent years, a category that includes transnational criminal organizations, terrorist groups, insurgency and guerrilla movements, and paramilitary groups, among others. Typically, these groups will form in states that lack legitimacy and the capacity to enforce its authority over its entire territory.¹⁵ Cyberspace presents a new domain through which violent non-state actors can extend their reach beyond the borders of the states in which they operate.

Though its physical presence appears to be on a decline since a peak in 2014 and 2015, it is reported that ISIS has now shifted its approach to focus on cyber capabilities.¹⁶ Under the new banner of the “United Cyber Caliphate,” ISIS is able to pursue a strategy of online

recruitment and cyberattacks. Though unconfirmed, ISIS is thought to be making use of hacking tool kits that have themselves been stolen via a hack of Equation Group, a subcontractor for the US National Security Agency.¹⁷ Once these sorts of tools are purchased or stolen, they become available to anyone on the web who knows where to look and with the means to purchase them.

(ii) The Incentivization of Offensive Strategies:

The second problem is that such an environment incentivizes offensive strategies over defensive ones. Attribution plays a role, as some have argued that when it is difficult to determine the perpetrator of a cyberattack in general, the magnitude of retaliation (or threat of retaliation) must be correspondingly high for effective deterrence.¹⁸

Offence is also significantly easier than defence. Indeed, in 2018, the President of the German internal security agency (Verfassungsschutz) opined that Germany is subject to cyber sabotage efforts by other countries, which aim to place specific programs in critical infrastructure to be ready for offense. In this view, Germany thus has no option but to use preventive offensive actions and must be ready to damage the enemy before an attack takes place.¹⁹ Because cyber defences will always have vulnerabilities, they are constantly in need of maintenance and updates, which is a costly expenditure. Richard Andres argues that this further incentivizes pre-emptive offensive attacks, as cyber defences will constantly be probed in order to determine new vulnerabilities.²⁰ These offensive probes are relatively cheaper than maintaining cyber defences.²¹ The result is a modern manifestation of the classic security dilemma in which technological developments occur at a rapid pace.

Responses to cyberattacks and cyber conflict

Responses of states and international organizations to the above developments have varied, but virtually all have sought to acknowledge the threat of cyberattacks and cyber conflict within their respective security strategies. States have unsurprisingly developed specialized agencies and devoted resources to expand their capacity to operate in cyberspace. In 2014, the International Telecommunication Union, as a specialized agency of the United Nations (UN), presented the Global Cybersecurity Index, which aimed to measure the commitment of states to cybersecurity.²² In the 2017 edition, the index found that only 38 percent of states had a formalized cybersecurity strategy, while 12 percent were in the process of developing one.²³ This section lays out a small number of examples of how states and international

organizations grapple with the issue. We argue that, among those states that seek to formulate responses to cyberattacks and cyber conflicts, some have taken steps towards a cooperative approach and considering de-escalation possibilities, but most securitize the issue and focus on steps that can be understood to escalate conflict further.

The U.S. Administration released the new National Cyber Strategy in September 2018, which has been characterized as “more aggressive” than previous iterations.²⁴ Federal agencies are now authorized to conduct offensive cyber operations as part of a broader deterrence strategy. Cyber threats were identified as the top priority in the Director of National Intelligence’s Global Threat Assessment of 2018. In addition, some argue that in the 2018 Nuclear Posture Review, the U.S. Administration has laid out a strategy of deterrence that could potentially be used in addressing cyberattacks:²⁵

The United States would only consider the employment of nuclear weapons in extreme circumstances to defend the vital interests of the United States, its allies, and partners. Extreme circumstances could include significant non-nuclear strategic attacks. Significant non-nuclear strategic attacks include, but are not limited to, attacks on the U.S., allied, or partner civilian population or infrastructure, and attacks on U.S. or allied nuclear forces, their command and control, or warning and attack assessment capabilities.²⁶

The United Kingdom recently released its National Cyber Security Strategy 2016-2021, which identifies cyberattacks as an issue of national security. The UK strategy established a new institution, the National Cyber Security Centre, which acts as the government’s cybersecurity hub and as a nexus between government and private corporations. With its emphasis on defence, deterrence, and cybersecurity development, this effort has been lauded by some in the security community as a model for other states.²⁷

The EU’s collective cybersecurity strategy is centred around the EU Agency for Network and Information Security, which is mandated to support EU members states in the development and implementation of their individual national security strategies.²⁸ In addition to urging member states to develop their own cybersecurity plans, the EU is seeking to coordinate a policy for collective response to cyberattacks against its institutions. This was formalized in the creation of the Computer Emergency Response Team (CERT-EU) in 2017, whose mission statement includes responding to cyberattacks. The mission statement does not clarify how

responses will be conducted, though it does mention that CERT-EU will operate based on the value of ethical integrity.²⁹

The North Atlantic Treaty Organization (NATO) established the Cooperative Cyber Defence Centre of Excellence (CCDCOE) in 2008. Based in Tallinn, Estonia, the CCDCOE marks NATO's acknowledgement that cyberspace is another frontier within which military campaigns are fought. It has published the Tallinn Manual 2.0 on how international law is applicable to cyberspace, and conducts military exercises such as Locked Shields, which simulates cyberattacks and integrates non-technical elements, effectively mimicking what a cyber war would look like.³⁰ The CCDCOE also hosts CyCon, which conducted its tenth edition in 2018. CyCon brings together technical, legal, policy, and military experts on cyber conflict issues, and its focus is on maximizing security in cyberspace.³¹ In 2018, NATO also established its Cyber Operations Centre to coordinate and integrate member states' cyber capabilities into the rest of the Alliance's military strategies. These moves indicate NATO member states' perspectives on the severity of the threat posed by cyberattacks; despite framing the new Centre's creation around cyber defence,³² some believe that it is more likely to be used as an offensive response mechanism in the event of a cyberattack. Rizwan Ali, who writes for Foreign Policy, states: "This is a marked departure from NATO's historical stance of using cyber only defensively, mainly to ward off incursions against its own networks. The more aggressive approach was intended as a strong message, primarily to Russia, that NATO intends to use the cyber capabilities of its members to deter attacks in the same way it uses land, sea, and air weaponry."³³

The United Nations (UN), perhaps the best suited forum in which cyberattacks and conflict may be addressed by the international community as a whole, has made some progress towards a more cooperative approach. Issues of global governance are discussed in the UN, but there is little movement, likely because states are emerging as the key players in cyberspace. In 2004, the UN established the Group of Governmental Experts (GGE) to study and strengthen security in cyberspace at the global level. The GGE determined early on that international law does apply to cyberspace but has suffered setbacks in recent years due to disagreement among its 25 members on certain key issues, such as self-defence and the application of international humanitarian law.³⁴ It is unclear at this time whether the GGE will continue its work following the breakdown over these disagreements. Maurer and Taylor have outlined three potential paths forward. These include: a continuation of the GGE process with adjustments, such as opening the group up to all member states; a more

ambitious attempt at global cybersecurity governance such as Microsoft's proposal for a Digital Geneva Convention; or a narrowing of focus away from governance and towards bilateral (as opposed to multilateral) cybersecurity and economic cooperation.³⁵ While it appears that the UN has failed thus far to foster agreement at the international level, this is perhaps the perfect opportunity for the field of conflict resolution to influence the discussion.

Conflict resolution: cyberattacks and cyber conflict

In simple terms, the field of conflict resolution has greatly contributed to our understanding of how to address various types of conflict. In most cases, it is desirable to know the underlying grievances that conflicting actors harbour towards one another. Once those have been identified, any number of suggestions can be made that will meet the needs of the relevant parties, with the broader aim of eliminating the current conflict (negative peace) and transforming the relationship so that the possibility of future conflicts is minimized (positive peace).³⁶

As conflict resolution has evolved, it has incorporated new approaches to conflict-producing situations. Ramsbotham labels the current iteration as a *cosmopolitan conflict resolution*, which is focused on the transnational nature of contemporary conflicts.³⁷ Transnational conflicts are characterized by global-local connectors including the flow of people, capital, ideas, weapons, and criminal networks, that bring global issues to the local, and local issues to the global.³⁸ Cosmopolitan conflict resolution aims to address the drivers of these conflicts, and to proactively promote conflict resolution values globally to mitigate violence before it occurs.

Practices such as mediation³⁹ and negotiation⁴⁰ have proven successful processes for managing and resolving conflict between individuals, groups, and even states, often with the intervention of a third party. Referred to by some as *interactive conflict resolution*,⁴¹ these practices are contingent on the participation of representatives from each side. However, the problems posed by cyberattacks and cyber conflict pose a potential threat to these conflict resolution approaches, including cosmopolitan conflict resolution and interactive conflict resolution, one that has not yet been coherently addressed by the field.

The purpose of identifying the threat posed by such actions in cyberspace is not an exercise in fearmongering. Cyberattacks conducted by a mix of states and non-state actors, the risks posed by hybrid conflicts, and the movement into cyberspace of violent non-state actors

are realities, but they do not yet represent an inevitable future. Thus far, conflict resolution has advocated for the adoption of new technologies to augment traditional theory and practice, though it has been argued that the field has typically been slow to do so.⁴² As such, this paper suggests that conflict resolution theorists and practitioners should focus more on what role their field can play in a new cyber landscape.

As we perceive it, there are two fronts that need to be addressed, corresponding (more or less) with practice and with theory. First, there is the inherently different nature posed by cyber conflicts as described in the preceding section. Of perhaps greatest import is the attribution problem – how do current conflict resolution tactics hold up when the perpetrator is unidentifiable or beyond the reach of conflict resolution advocates? At the very least the relationship between perpetrator and victim is highly asymmetrical, where the former wields almost all the power. To avoid becoming irrelevant as it relates to cyber conflict, mediation, negotiation and other conflict resolution models may need serious adjustments in this capacity. Some first input may be provided by literature on addressing cyberattacks by hackers such as Moty Cristal's article in *Wired* on negotiating with hackers.⁴³

Secondly, and perhaps of a more urgent nature, is the need for conflict resolution to become engaged in the development of new technologies and discussions surrounding their governance at both the national and global level. Given the advantage of offensive strategies over defensive ones in responding to cyberattacks and cyber conflict, we argue that an emphasis should be placed on promoting conflict resolution values of peace and cooperation in the development of national cybersecurity strategies. This might include the training of technical engineers and software developers, similar to the scholar-entrepreneur-policy maker triad suggested by Miklian and Hoelscher,⁴⁴ as well as making policy suggestions to national governments and international organizations, such as the UN. The securitized response to terrorism following 9/11 and its consequences may provide an adequate analogy in this case. Conflict resolution should capitalize on this opportunity to insert itself in the cyberspace conversation early and loudly, rather than wait until unfortunate events take control away.

As Ramsbotham et al have noted, "technologies will transform the field of conflict resolution in ways that will make it unrecognizable to the founders and those who have worked in the field as academics and practitioners over the past fifty years."⁴⁵ Some fascinating work is

being done by various groups utilizing new communications technology,⁴⁶ which marks an important step for reconceptualizing conflict resolution practice.

Conclusion

In this paper, we have analysed the recent developments of cyberattacks and cyber conflict, which present new problems to be addressed by the field of conflict resolution. Some states have adopted a policy of coordination with non-state actors in the execution of cyberattacks. This corresponds with the emergence of hybrid wars in which cyberattacks are used alongside more conventional military tactics and involve a variety of state and non-state actors. Non-state actors also use cyberattacks in the pursuit of their own agendas, exemplified in the transition of ISIS from a quasi-state to a “cyber caliphate.”

We have suggested that these developments are characterized by two key problems. Attribution of cyberattacks to a perpetrator is difficult because cyberspace allows such actors to operate anonymously and with no warning. In turn, this incentivizes offensive responses to pre-empt cyberattacks. States and international organizations are thus increasingly developing security strategies that identify cyberattacks as a significant threat. While some have sought a cooperative approach, others have used more aggressive language to deter would be attackers.

Given the development of securitized responses, we argue that the field of conflict resolution needs to become more engaged in the discussion surrounding cyberattacks and cyber conflict. To date, there has not yet been a coherent approach adopted by the field. Two fronts should be addressed. First is the adjustment of current conflict resolution models and the development of new models to adequately respond to the realities of cyber conflict. Second, the field needs to engage with technical experts and innovators, as well as policy formulators, to improve understanding of cyber conflict and instil conflict resolution values wherever possible. The model of researcher-entrepreneur-policy maker triad provides a good starting point.⁴⁷

Some efforts have been made to incorporate new technologies in conflict resolution practice; however, these have mostly focused on mass mobilization and communication to promote a global peace agenda. This is, of course, commendable, but it does not address the ways in which cyberattacks and cyber conflict appear to be altering conflicts. We distinguish between the adoption of technology on one hand, and the addressing of

conflicts related to these developments on the other. Accomplishing the latter will no doubt involve re-conceptualizing conflict resolution theory, conducting research related to the implications of cyberattacks and the way in which they are being carried out, and the subsequent adjustment of conflict resolution practices.

Healy presents five possible futures of cyber conflict and cooperation, with the ideal future represented in his “paradise” model. His hypothesis envisages a future in which cyber defence is prioritized and cyber actors, including states, are constrained from threatening the stability of cyberspace.⁴⁸ If conflict resolution scholars and practitioners wish to support such a future, then they must address the threat of cyberattacks and cyber conflict today.

Notes

¹ Moty Cristal, How to negotiate when hackers are holding you to ransom, *Wired*, 15 May 2017. <https://www.wired.co.uk/article/cyber-attacks-hackers-ransoms>

² Oona Hathaway and Rebecca Crootof, The Law of Cyber-Attack, *Faculty Scholarship Series*, Paper 3852, 2012, p. 826. http://digitalcommons.law.yale.edu/fss_papers/3852

³ Brandon Valeriano and Ryan Maness, The dynamics of cyber conflict between rival antagonists, 2001-11, *Journal of Peace Research*, vol. 51, iss. 3, 2014, p. 348.

⁴ Thomas Rid attempts to reconcile the classical understanding of war with the addition of cyber elements, and determines that a cyber war would require, aside from an instrumental purpose and political motive, an element of (lethal) violence or force. Thomas Rid, Cyber War Will Not Take Place, *Journal of Strategic Studies*, vol.35, iss. 1, 5 October 2011, p. 29.

⁵ See: Jon Lindsay, Tipping the scales: the attribution problem and the feasibility of deterrence against cyberattack, *Journal of Cybersecurity*, vol. 1, iss. 1, 2015.

⁶ *Ibid.*, p. 56.

⁷ Scott Applegate, Cybermilitias and Political Hackers: Use of Irregular Forces in Cyberwarfare, *IEEE Security and Privacy Magazine*, September 2011, p. 18.

⁸ *Ibid.*, p. 18.

⁹ *Ibid.*, p. 18.

¹⁰ Frank Hoffman, *Conflict in the 21st Century: The Rise of Hybrid Wars*, Potomac Institute for Policy Studies, Arlington, Virginia, 2007, p. 14.

¹¹ Andreas Jacobs and Guillaume Lasconjarias, NATO's Hybrid Flanks Handling Unconventional Warfare in the South and the East, *NATO Research Paper*, no. 112, Research Division – NATO Defence College, Rome, 20 April 2015, p. 2.

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⁴⁶ Games for Peace uses virtual worlds within popular games to facilitate interaction between adults and children from conflict regions. Currently only operating in Israel/Palestine, Games for Peace uses software to instantly translate chat messages from Hebrew, Arabic, and English to whatever language the listener speaks. Games for Peace website: <http://gamesforpeace.org/about-us/vision/>

Perspective is a proprietary technology that uses artificial intelligence to rate a sentence or paragraph based on how it might be perceived by others, with the aim of reducing the use of toxic language to prevent the development of online echo-chambers. Users can test the potential impact that their posts may have online and adapt accordingly. Currently the software analyses conversations surrounding climate change, Brexit, and the US elections.

Perspective website, <https://www.perspectiveapi.com/#/>

Online Dispute Resolution has existed for some time, and makes use of online communication to both speed up dispute processes and to simultaneously require more thoughtful responses, since they must be typed rather than immediately articulated responses. Newer models seek to incorporate blockchain technology, currently popular for its use in cryptocurrencies like Bitcoin, to create incorruptible logs of dispute processes to ensure compliance.

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Taking the politics out of human rights in conflict resolution: Northern Ireland and beyond

Brice Dickson

Introduction

Although supporters of human rights are sometimes reluctant to admit it, the very concept of human rights is a contested one. People reasonably differ as to what qualifies as a human right and as to why that is the case. Consensus on these issues is reached within different societies, or at the international level, only through processes of political deliberation and negotiation. In recent years all sorts of claims have been wrapped up in human rights language in an attempt to make them more acceptable to voters and to candidates who seek those votes when standing for political office. Within large-scale conflict situations, such as have occurred in Northern Ireland, South Africa, the Balkans and Turkey, it is particularly tempting for different political factions to exploit human rights language in order to boost their own political claims. The challenge for human rights academics and theorists is to try to prevent the concept of human rights from being unduly distorted as a result of inappropriate politicisation of the traditional vocabulary used in this context.

Of course, there are many theorists who already hold that the current orthodoxy regarding human rights – as represented by the nine ‘core’ human rights treaties adopted by the United Nations – is already politically biased. Marxists view those treaties as propping up capitalism, feminists as underpinning patriarchy, and environmentalists as prioritising the needs of humans over the sustainability of the planet. But even within the limits of the current orthodoxy there are substantial differences as exactly how certain human rights should be protected. China, for example, even though it now engages enthusiastically in international trade, still denies its residents the rights to free speech, unrestricted access to the internet or fair and free elections. Likewise, countries which designate themselves as Islamic have a very different position from that adopted in Western Europe as regards the rights of women and of people who are gay. Time and again national governments of all persuasions ratify human rights treaties only after depositing reservations or declarations qualifying their acceptance of some of the terms of those treaties.¹ Fourteen states have still not signed, let alone ratified, the earliest

global treaty on human rights – the UN Convention on the Elimination of All Forms of Racial Discrimination (1966).

In this short article I will suggest how human rights activism can thrive without at the same time being over-politicised.

Human rights as a political construct

Many people become supporters of human rights without giving much thought as to what sorts of claims deserve to be given that label. Those who were first attracted to the area, as I was, by the work of Amnesty International will know that that organisation was founded in 1961 in order to address the plight of 'prisoners of conscience', people who were deprived of their liberty simply because of what they believed in, whether their beliefs were religious, philosophical or political. It was only after four decades of campaigning that Amnesty International decided to expand its mandate to allow it to work on the protection of 'all of the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments'.²

Today, generally speaking, it is the United Nations which determines what is a human right. This is because the UN is the nearest thing we have to a world government and human rights, by definition, are rights which every human being should be entitled to regardless of what part of the world they live in. But groups of countries around the world, especially in Europe and the Americas, have chosen to develop their own regional approach to human rights, thereby leading to some divergence between their standards and the UN's standards.³ They have added rights to those guaranteed at the UN level and created more effective mechanisms for ensuring that victims of abuses of human rights can have their rights vindicated in a regional Court of Human Rights, something which does not yet exist on the global stage, although a campaign to create a World Court has been prominent for at least 10 years.⁴ In a sense, therefore, there is already a significant degree of relativity in what is meant to be a uniform and universal set of human rights protections.

These differences have arisen as a result of political manoeuvring. Even at the time when the Universal Declaration was agreed only 48 of the then 58 member-states of the UN approved it. Eight states abstained and two did not take part in the vote at all. Of the eight which abstained six were run by communist governments,⁵ one was an Islamic state (Saudi Arabia) and one was a state which explicitly supported racial dominance (South Africa). Attempts to turn the non-binding Declaration into a binding treaty took 18 years and was eventually possible only because the UN agreed to convert it into not one treaty

but two – one on civil and political rights and another on economic, social and cultural rights. 'First World' countries were eager to ratify the former, while 'Second World' countries were keener to ratify the latter.⁶

Today the Cold War era may be over, but many other differences continue to exist between nations. In addition, the power of individuals has increased dramatically, especially when it is exercised collectively through social media. Hence there has been an exponential growth in lobbying around 'new' human rights claims. This is perhaps best illustrated by the way in which the claim that people who are gay have the human right to marry has gained phenomenal support. At the time of writing 25 nations allow gay couples to marry, even though the European Court of Human Rights has not yet held that there is a right to same-sex marriage under the ECHR and no UN treaty-monitoring body has asserted that there is such a right under UN standards.⁷ 'Populism' – in the sense of pressure to meet the concerns of ordinary people – is thus another form of political manipulation and while it can often have negative consequences it can at times be beneficial as regards the protection of human rights.

Human rights and conflict resolution

Given the political nature of human rights it is to be expected that when serious political conflicts arise, either within or between states, the various sides to the conflict will be inclined to mould the concept of human rights so as to make it fit with their political ideology. The scope for doing so is enhanced by the fact that virtually every human right so far recognized at the international level is not considered to be an absolute right – only the rights not to be tortured, not to be subjected to slavery and the right to freedom of thought are rights which no state is ever permitted to violate whatever the alleged justification. Every other right *can* be qualified, the commonest grounds for qualification being the protection of morality, public order or national security, the maintenance of health or welfare and, the catch-all limitation, 'the protection of the rights and freedoms of others'.

If we consider some of the most intractable conflicts of recent decades we can see how the language of human rights has been invoked to support suggested solutions to them. This is to be expected – and applauded – in situations where the very reason for the conflict is the denial of human rights to categories of people living in the country in question. The South African conflict arose out of the abhorrent treatment of black people, who in several respects were treated as second class citizens in their own country, with limited or no rights to vote, no right to seek a remedy for discrimination and no right to

claim social and economic rights. In Northern Ireland, likewise, the conflict developed out of repressive measures taken by successive unionist governments which resulted in people from the 'nationalist' community, who were mainly Catholics and supporters of the re-unification of Ireland, being deprived of equality of rights with their Protestant neighbours. In Turkey a major conflict has been raging for decades over the so-called Kurdish question, a terrible euphemism for the widespread denial of rights to people who would prefer to celebrate a Kurdish identity rather than a Turkish one. In the conflicts which ensued in the 1990s after the fragmentation of the former Yugoslavia the common factor energising the combatants was the refusal of majority populations to accept the civil, political and cultural rights of minority populations in the same country.

The peace settlements in South Africa and Northern Ireland, epitomised by the former's Constitution of 1996 and the latter's Belfast (Good Friday) Agreement of 1998, were firmly founded on ensuring that in the future the human rights of everyone in those countries would be equally protected. The Dayton Agreement of 1995 helped to put an end to the terrible conflict in Bosnia-Herzegovina, one of bloodiest conflicts in the Balkans during the 1990s. It focused on restructuring the country into different entities but said little about human rights as such. Bosnia and Herzegovina formally ratified the UN's Covenant on Civil and Political Rights in 1993, just a year after declaring its independence, but it did not ratify the European Convention on Human Rights until 2002. The conflict in Turkey, alas, is far from resolved and even though some concessions have been made to Kurdish demands relating to broadcasting rights there are still severe restrictions on the use of the Kurdish language more generally. In addition, the right to free speech is more limited in Turkey than in any other European state.⁸

One of the difficulties facing individuals and groups who find themselves trapped in states where their very identity feels threatened is that the international human rights 'pantheon' does not yet include some of the rights which these individuals and groups are campaigning for. The corpus of human rights includes the right to free and fair elections, but it says nothing about how governments should be formed, whether those governments need to share power if they are governing deeply divided societies and what protections should be in place to ensure that majoritarian rule does not make members of minorities feel disrespected or, worse, disadvantaged. Even when the European Court of Human Rights condemns certain political agreements as undermining equality rights, the judgment can easily be ignored by the government in question.⁹

'Language rights' are a particularly under-developed sub-set of human rights, as speakers of Irish in Northern Ireland or of Kurdish in Turkey know to their costs. The problem in Northern Ireland is all the greater because there is no-one there who speaks

only Irish – all such speakers can speak English as well – while there are many immigrants whose need for help in making themselves understood is much greater than that of Irish speakers.

International human rights law is also inadequate in the context of conflict resolution in two other important respects. Firstly, it says little about the rights of 'ex-combatants', people who were prepared to use force in furtherance of their political goals but who have now given up that philosophy and are attempting to contribute to the peace process in their society. To what extent should they still be held accountable for their earlier violent actions and should they be allowed equal access to all the rights which other people in the society enjoy if they are still not prepared to accept that their previous use of violence was wrong, especially if it resulted in other people suffering their own grievous human rights abuses? Article 17 of the European Convention provides that no group or person has the right 'to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein', so does that mean that states are violating the Convention if they turned a blind eye to such activities or acts? When, if at all, can a state grant an amnesty to politically-motivated offenders without at the same time denying the right of access to justice to those who are victims of those offenders?

Secondly, international human rights law is silent about a number of other issues that often need to be addressed in a post-conflict situation. Is there a duty on the state to ensure that illegally held weapons are somehow decommissioned? Should individuals who are in the middle of a long prison sentence for crimes they have committed have the right to early release from prison as an element of the peace-making process? What right inheres in ordinary residents of the country, people who took no side in the conflict and abhorred the abuses committed on all sides, to have active measures taken to promote reconciliation in the country and to ensure that the abuses which occurred will not be repeated and there will be no regression on steps taken to uphold human rights and equality? Maybe the next generation of rights will address these sorts of question but at the moment they remain purely political claims, not legal or human rights ones.

Human rights and dealing with the past

Ensuring that human rights are protected in the future is difficult enough, but deciding how human rights should be respected when dealing with the past is even more problematic. This is currently a major stumbling block in the peace process in Northern Ireland. That process took a major leap forward in 1998 when most of the political parties

in Northern Ireland reached what is called the Belfast or Good Friday Agreement. This provided for a power-sharing government, the early release of people serving prison sentences for conflict-related offences and the de-commissioning of weapons held by illegal paramilitary groups. Following the Agreement there was a reduction in the level of politically-motivated violence in Northern Ireland, but some 150 people have nevertheless been killed in such violence during the intervening 20 years. The Agreement postponed the reform of policing and of the criminal justice system more generally, but subsequent commissions ensured that those reforms were mostly in place by the end of 2001.¹⁰

What the Agreement was largely silent about was how the residue of the past should be dealt with. Apart from saying that anyone subsequently convicted of a conflict-related offence committed before the Belfast Agreement would have to serve a maximum of just two years in prison, even if the offence in question was murder, there was no amnesty in the sense that no promise was made to exempt individuals from being prosecuted for such crimes. There was only an amnesty in the sense that long prison sentences would not have to be served. The Agreement was strongly endorsed by referenda in both Northern Ireland and the Republic of Ireland, although many people held their nose while doing so because the thought of thugs and gangsters being allowed out of prison so soon after committing very serious offences was repugnant to them. It was the price that many people were prepared to pay in order to secure peace and reconciliation. They were not asked to vote on any mechanism for dealing with the past, such as a truth commission, a statute of limitations (allowing prosecutions to take place only up to a certain number of years after the offence was committed) or a pension for all victims, whether the bereaved or the living injured.

It was only in 2014, in the Stormont House Agreement,¹¹ that the political parties (including the largest unionist party, the Democratic Unionist Party (DUP), which had been opposed to the Belfast Agreement) reached consensus on how to deal more broadly with the past. Unfortunately, that Stormont House Agreement has not yet been implemented. There was no political momentum for it in the immediate aftermath of the negotiations and since January 2017 the biggest nationalist political party, Sinn Féin, has been unwilling to serve in a power-sharing government with the DUP unless the latter agrees to certain other reforms such a stand-alone Act protecting the rights of Irish speakers. By the end of August 2018 Northern Ireland was still without a government and there was no immediate prospect of one being formed.

Amongst the proposals contained in the Stormont House Agreement are the creation of a new Historical Investigations Unit to take responsibility for investigating all conflict-

related deaths not yet 'resolved' (which number more than 1,400). This would remove that responsibility from the Police Service of Northern Ireland, which has found it very difficult to police the present effectively while spending so much time and effort investigating crimes committed up to 50 years ago. The Agreement also provides for an Independent Commission on Information Retrieval, which would allow anyone who has information about a conflict-related death to make it available to families of victims without being worried that the information could be used against the informant in subsequent legal proceedings. Again, no amnesty is promised, so an informant could still be prosecuted if evidence implicating him or her were to come to light in other ways. The Stormont House Agreement also envisages an Oral History Archive, where the recollections of anyone who lived through the conflict could be recorded for posterity.

Whether these ideas will be realised, and whether they will work or not, are moot points. What I want to stress here is that on such a vital issue as how to deal with the past international human rights law does not have much to say. It does require effective investigations of killings and of incidents of ill-treatment, but as yet it does not require prosecutions or mandate particular punishments. It seems rather intolerant of laws prohibiting people from being prosecuted for serious offences, though much depends on the exact wording of that law.¹² There is, as yet, no generally recognized 'right to truth' and to the extent that it does exist there is little consensus as to how it can be enforced and what remedies should exist if it is violated. In 2006 the Office of the UN High Commissioner for Human Rights published a study which concluded that there was an inalienable and autonomous right to the truth about gross human rights violations and serious violations of human rights law; it found that the right is closely linked with other rights, that it has both an individual and a societal dimension and that it should be considered as non-derogable and not subject to limitations.¹³ Unfortunately no definition is provided of what qualifies as a gross or serious human rights violation in this context. Would a single sectarian murder be enough?

Bills of Rights as sites of conflict

In many peace processes a suggestion is made that a Bill of Rights should be put in place to help reassure all people of the area that in future the rights of everyone will be guaranteed equally. There can be little doubt that the Bill of Rights contained in South Africa's Constitution of 1996 has been at the root of many positive developments in that nation in later years. We must remember, however, that much of the credit for those developments should go to South Africa's Constitutional Court rather than to the text of the Bill because in many cases it is the interpretation placed on the Bill that has ensured

the positive developments. The Constitution does not explicitly outlaw the death penalty, require the universal provision of anti-retroviral drugs for those who are HIV positive, or confer the right to marry on same-sex couples, but the Court has enthusiastically read all of those consequences into the text. On the other hand, the Court has arguably been less progressive when it comes to protecting the right to water,¹⁴ and although it has sought to protect the right to housing its efforts in that regard have been thwarted by recalcitrant governments.¹⁵

In the same year as the Belfast Agreement Northern Ireland obtained a Bill of Rights of sorts – the Human Rights Act 1998. This allows all domestic courts in the UK to uphold most of the rights set out in the European Convention on Human Rights and its impact on UK law has been almost as fundamental as that of the Bill of Rights on South African law.¹⁶ Commendably the Belfast Agreement envisaged (but did not promise) a Northern Ireland Bill of Rights that would supplement the rights protected in the Human Rights Act, provided they related to the particular circumstances of Northern Ireland. To date, unfortunately, the UK government (and unionist parties in Northern Ireland) have not been persuaded that such supplementary rights deserve to be enshrined in law, despite the best campaigning efforts of the Northern Ireland Human Rights Commission and many others during the past two decades. The issue has become a highly politicised one, as Omar Grech has ably pointed out in his excellent analysis of the role of human rights before, during and after the Northern Ireland conflict.¹⁷

As a result, attention has regrettably been diverted away from the particular rights that deserve to be protected in Northern Ireland and has focused instead on the nature of the legal mechanism that should be used to provide such protection. Things have got to the stage where the very phrase 'Bill of Rights' is provocative, associated as it is in some minds with overly-aggressive demands for a document that would eclipse not just South Africa's Bill of Rights but all other national Bills the world over. The chance has been missed to produce a relatively short and snappy supplement to the Human Rights Act, encapsulating Northern Ireland-specific rights such as the right to be free from sectarianism, the right of children (whether born into Protestant or Catholic families) to have an integrated education, the right of persons suspected of terrorist offences to have a trial by jury, the right of victims of the conflict to be provided with an account of what precisely happened to cause their victimhood, and the right of women and gays to the same standard of human rights protection as they enjoy both in the rest of the UK and in the Republic of Ireland.

To de-politicise the question of whether there should be a Bill of Rights for Northern Ireland the proposed content of any such Bill should be broken down into small chunks

and separate campaigns should be waged to get as many as possible of those chunks transposed into law. In addition, human rights activists should take advantage of what was allegedly agreed on a Bill of Rights in the inter-party talks which for other reasons failed in February 2018: a leaked document suggests that the two main parties were content for an ad hoc Assembly Committee to be established 'to consider the creation of a Bill of Rights that is faithful to the stated intention of the 1998 Agreement'.¹⁸ This is code for a narrower, more NI-specific, Bill of Rights than the Northern Ireland Human Rights Commission and others have been campaigning for, but such a Bill would be better than no Bill at all, especially as efforts can be made to enhance the Bill once it is in place.

The limits of human rights

Those of us who are supporters of ensuring that human rights should be protected by law can easily be deluded into thinking, first, that law is the only way in which human rights can be effectively protected and, second, that the best way of getting the law changed on any issue is to label it a human rights issue. We tend to forget that, while the concept of human rights is immensely powerful in our eyes, there are often other interests at play which mean that human rights cannot be prioritised quite as much as we might have hoped. Senior judges are often very aware of these competing calls on their attention, the more so if they are not sitting in a court which processes only human rights claims. Two decisions of South Africa's Constitutional Court illustrate this point quite markedly. In *Soobramoney v Minister of Health, KwaZulu-Natal* the Court made it clear that the constitutional right to have access to health care services did not mean that the claimant in that case who was in need of kidney dialysis was entitled to receive it: unfortunately there was not enough money available to provide it, given the competing needs of so many other patients.¹⁹ And in *Azanian Peoples Organization v President of the Republic of South Africa* the Court rejected a claim that the family of the murdered black consciousness leader Steve Biko were entitled to have his killer tried in a court of law because, an amnesty having been granted to the killer by the Truth and Reconciliation Commission, the country's needs for reconciliation had to take a higher priority than the family's right to see justice done.²⁰

In addition, many rights can legitimately be limited if it is reasonable to do so, and reasonable people can reasonably disagree over when such a denial is indeed reasonable. Article 6 of the ECHR confers on both civil litigants and criminal defendants the right to a fair and public hearing 'within a reasonable time'. Under Article 12 of the UN Convention Against Torture states have a duty to conduct a prompt and impartial

investigation 'wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction'. Article 7 of the UN Covenant on Economic, Social and Cultural Rights guarantees everyone 'reasonable limitation of working hours'. It would be wrong to assume that whatever a governing political party deems to be 'reasonable' in these contexts should be accepted as such, but so long as an independent court can be asked to check whether a limitation is reasonable there can be little to complain about as far as human rights are concerned. Judges can often use their skills to develop criteria of reasonableness which, grounded as they are in the rule of law, are subtly different from those adopted by the government.

Sadly, it has to be conceded as well that it is not politically feasible to insist that once a state has agreed to protect a human right at a certain level it cannot at some later time reduce that level of protection. National and economic disasters, not to mention wars and terrorism, can bring untold suffering in terms of lives and livelihoods. It is only to be expected, therefore, that UN, European and American human rights treaties all permit states to 'derogate' from their human rights obligations in times of grave emergencies.²¹ One might wish it to be otherwise, but when really bad things happen in people's lives their first priority is not necessarily the full protection of all their human rights. An all-embracing principle of non-regression is just not feasible in human rights law.

Conclusion

David Kennedy provided a useful service when he pointed out in 2002 that sometimes the international human rights movement might, 'on balance, and acknowledging its enormous achievement, be more part of the problem in today's world than part of the solution'.²² He rightly warned us that 'it is often tempting (for those within and without the movement) to set pragmatic concerns aside, to treat human rights as an object of devotion rather than calculation'.²³ Kennedy's article was a genuine attempt to inject a healthy dose of pragmatism into the veins of human rights activists, a treatment that is all the more essential whenever the protection of human rights is being considered in the context of conflict resolution. Likewise, if Bismarck was correct to proclaim that 'politics is the art of the possible, the attainable – the art of the next best', his adage should surely be extended to the drawing of lines around the protection of 'human rights', which is itself an aspect of politics. This is by no means a prompt to sacrifice human rights on the altar of compromise but rather an honest plea for an achievable approach to their effective realisation.

Notes

¹ E.g. when signing Protocol 1 to the ECHR the UK declared that it accepted the principle in Art 2 that it must respect the right of parents to ensure education and training for their children in conformity with their own religious and philosophical convictions, but 'only so far as it is compatible with the provision of efficient instruction and training, and the avoidance of unreasonable public expenditure'.

² Statute of Amnesty International, para 1. The change to the Statute was made at the organisation's International Council Meeting in 2001.

³ Africa has a Charter on Human and People's Rights too, but it is still relatively under-developed.

⁴ See Manfred Nowak, 'The Need for a World Court of Human Rights' (2007) 7 *Human Rights LR* 251 and the draft Statute for such a court drafted by Nowak and Julia Kozma, available at <https://www.eui.eu/Documents/DepartmentsCentres/AcademyofEuropeanLaw/CourseMaterialsHR/HR2009/Scheinin/ScheininClassReading2.pdf>.

⁵ Byelorussian SSR, Czechoslovakia, Poland, the Soviet Union, the Ukrainian SSR and Yugoslavia.

⁶ See the history of ratifications of the Covenants on (1) Civil and Political Rights and (2) Economic, Social and Cultural Rights at https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx.

⁷ But the Inter-American Court of Human Rights has said in an Advisory Opinion that states must extend the right to marry to same-sex couples: Opinion 24/17, judgment of 9 January 2018.

⁸ See, eg, Y Akdeniz and K Altıparmak, *Turkey: Freedom of Expression in Jeopardy – Violations of the Rights of Authors, Publishers and Academics under the State of Emergency* (London, PEN, 2018), available online. In January 2018 Reporters Without Borders ranked Turkey 154th in their World Press Freedom Index.

⁹ That has been the fate of the Grand Chamber's judgment in *Sejdić and Finzi v Bosnia and Herzegovina* App Nos 27996/06 and 34836/06, judgment of 22 December 2009. The judgment was heavily criticised in C McCrudden and B O'Leary, *Courts and Consociations: Human Rights versus Power-Sharing* (Oxford UP, 2013).

¹⁰ Policing reform was effected via the Police (Northern Ireland) Act 2000 and the Police (Northern Ireland) Act 2003 while criminal justice reform was effected via the Justice (Northern Ireland) Act 2002 and the Justice (Northern Ireland) Act 2004.

¹¹ The Stormont House Agreement is available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/706293/Stormont_House_Agreement.pdf.

¹² In *Marguš v Croatia* (2016) 62 EHRR 17, judgment of 27 May 2014, the Grand Chamber of the European Court of Human Rights recognized the growing tendency in international law to reject the granting of amnesties in respect of grave breaches of human rights and in this case held that in prosecuting the applicant for war crimes against civilians Croatia was complying with Arts 2 and 3 of the ECHR and with the recommendations of various international bodies.

¹³ UN Commission on Human Rights, *Study on the Right to Truth*, E/CN.4/2006/91, 8 February 2006.

¹⁴ *Mazibuko v City of Johannesburg* 2010 (4) SA 1 (CC).

¹⁵ *Republic of South Africa v Grootboom* 2000 (1) SA 46 (CC).

¹⁶ See P de Vos and W Freedman (eds), *South African Constitutional Law in Context* (2015), Chaps 9-16.

¹⁷ O Grech, *Human Rights and the Northern Ireland Conflict* (Routledge, 2017), especially Chap 8.

¹⁸ See the text of the leaked documents at <http://eamonnmallie.com/2018/02/stormont-exclusive-draft-agreement-text-eamonn-mallie-brian-rowan/>.

¹⁹ 1998 (1) SA 765 (CC).

²⁰ 1996 (4) SA 672 (CC).

²¹ See Art 4(1) of the UN Covenant on Civil and Political Rights, Art 15 of the ECHR and Art 27(1) of the American Convention on Human Rights.

²² D Kennedy, 'International Human Rights Movement: Part of the Problem?' (2002) 15 *Harv Hum Rts J* 101.

²³ *Ibid*, 102.

How many shoes...? Reflections on Conflict, Conflict Resolution and Environment

Colm Regan

Introduction

Posing the question *'How many pairs of shoes do you have?'* in any group setting, educational or otherwise routinely generates a number of responses - guilt being one of the most common as the style and branding of shoes has become a status symbol in many societies. Guilt also because so many of us have more shoes than we can possibly wear and because they then represent that other characteristic of society (especially in the West) - waste. A simple survey of the volume of water required to manufacture a pair of shoes (7,000 litres per pair of leather shoes¹) reveals another dimension of that culture: continuing waste of key resources. If the initial question on shoes is extended to include daily behaviours based on waste (e.g. water, food, energy, clothes etc.), then the discussion moves up a notch. Why is waste such a core feature of our lives and why do we engage in it so readily and habitually? Is waste simply a matter of personal responsibility or does it have systemic relevance and meaning? Where does personal responsibility and culpability begin and end and how do we mediate the conflicts that arise accordingly? In what ways does our embrace of waste represent a deeper malaise or challenge in the context of climate change, environmental degradation and a globalisation based increasingly on inequality? In what ways are the resource or environment conflicts of today different or more urgent than those of previous colonial and imperial eras? Such questions and the debates they generate represent a fundamental challenge to both the theory and practice of conflict resolution, one that the discipline simply must address.

This paper briefly explores some of the core conflicts such questions pose, identifying some key implications, especially in the context of climate change and the emergence of the Anthropocene; it briefly introduces a number of challenges for the field of conflict resolution theory and practice and explores the importance of research, intervention and advocacy in such a scenario.

Environmental Conflict Explored

Environment related conflict has long been the focus of analysis, debate and intervention at a variety of levels (as summarised by Attfield²); he highlights many of the fundamental tensions and conflicts between and around anthropocentrism (human beings are *the* central or most significant entities in the world), sentientism (all perceptive and feeling beings have moral value), biocentrism (biology is the central driving force of the universe) and ecocentrism (nature centred view of the world). The core issue in such debates is the question of the place of 'intrinsic value' in such perspectives. In his review of the genesis of environmental conflict, Attfield identifies a number of contributory factors – population growth, affluence, technology, capitalism, the absence of 'markets', patriarchy, growth and religion. Summarising the general scientific and philosophical consensus since the emergence of 'environmental ethics' in the 1970's (forged from its historical roots), Attfield notes:

*The global commons should be considered the common heritage of humankind, since humanity as a whole inherits them as a trust, subject to their being managed for universal (and not only human) benefit.*³

With increased focus on the urgent challenge of climate change, the debate has deepened and has become more entrenched. Despite incorporating a diverse spectrum of ideas, politics and economics (as well as prescriptions), many international organisations and analysts argue that environmental concerns and imperatives (including climate change) can be accommodated within current models of economic growth and its associated impacts with varying degrees of significant or more fundamental change. For organisations such as the World Bank and the IMF, the need to develop more robust 'environmental safeguards' while continuing to expand global growth remains the core model⁴. For others such as Columbia University Earth Institute Professor Jeffrey Sachs, the focus needs to be on agreeing a sustainable development model that makes sense of the interactions of three core systems - the world economy, the global society, and the Earth's physical environment. His argument requires a far more radical re-alignment of current growth models seeking synergy between technology, global governance and environmental constraints yet the growth model remains⁵.

In stark contrast to such views are the perspectives of a growing body of scientists, environmental activists and social movements who argue that in the era of transnational corporate globalisation and power, systemic and increasing inequality, the ecological

challenge has now become an extreme form of insecurity to people and planet. For many scientists such as James Hansen⁶ and Vandana Shiva⁷, activists such as Bill McKibben⁸ and Australian Aboriginal Senator Patrick Dodson⁹ we have long surpassed planetary boundaries and sustainable development is no longer possible pursuing current economic growth models. For Indian biologist Shiva, the debate on the environment represents nothing short of a 'paradigm war' (and, in practice, a war on the planet) which (in the context of water), she characterises as follows:

Paradigm wars over water are taking place in every society, East and West, North and South. In this sense, water wars are global wars, with diverse cultures and ecosystems, sharing the universal ethic of water as an ecological necessity, pitted against a corporate culture of privatisation, greed, and enclosures of the water commons. On the one side of these ecological contests and paradigm wars are millions of species and billions of people seeking enough water for sustenance. On the other side are a handful of global corporations...assisted by global institutions like the World Bank, the World Trade Organisation (WTO), the International Monetary Fund (IMF), and G-7 governments.¹⁰

At the core of the debate between these two fundamentally opposing world views is the argument that our exploitation of resources is expanding faster than nature can renew them, that we have reached a crisis point (as evidenced by climate change) and that the brunt of the crisis is being borne by the world's poorest and most vulnerable and consequently further growth is simply not sustainable ethically or environmentally.

Understanding Environmental Conflict and its Implications

In 2008, the Geological Society in London proposed describing the current geological epoch as the Anthropocene – to follow the Holocene, the interglacial span of stable climate which supported the rapid evolution of agriculture and urban civilisation. This new epoch marked the significant impact of anthropogenic climate change, especially since the 'great acceleration' of such change since 1944. The epoch is characterised by a significant build-up of greenhouse gases, deep landscape transformation; 'ominous' acidification of oceans, relentless destruction of biota; a 'new age' without close parallel in the last several million years defined by an increasing heating trend and by 'radical instability' of future environments. The society cautioned that:

...the combination of extinctions, global species migrations and the widespread replacement of natural vegetation with agricultural monocultures is producing a distinctive contemporary bio-stratigraphic signal. These effects are permanent, as future evolution will take place from surviving (and frequently anthropogenically relocated) stocks¹¹.

For the Society (and for those scientific bodies debating the issue since led primarily by the International Panel on Climate Change), evolution itself is being forced by human agency into a new trajectory.

Despite ongoing attempts by a very small but powerful lobby of commercial and political interests to deny the reality of climate change, the science remains firm. As noted in 2005, by 11 international science academies:

Climate change is real. There will always be uncertainty in understanding a system as complex as the world's climate. However there is now strong evidence that significant global warming is occurring. The evidence comes from direct measurements of rising surface air temperatures and subsurface ocean temperatures and from phenomena such as increases in average global sea levels, retreating glaciers, and changes to many physical and biological systems. It is likely that most of the warming in recent decades can be attributed to human activities.¹²

The urgent implication of this analysis has been brilliantly captured by James Hansen (reputed to have brought global warming to public attention in the 1980's) in his *Storms of My Grandchildren* reminding us of the '*remarkable world*' we inherited and of our obligation to preserve the planet and pass it on in reasonable condition to future generations reminding us en route that Earth and creation are intergenerational 'commons', '*...the fruits and benefits of which should be accessible to ever member of every generation*'.¹³

The implications of such an analysis for conflict resolution theory and practice are little short of transformative. University of Chicago historian Dipesh Chakrabarty¹⁴ has enumerated many of these:

- Anthropogenic explanations of climate change spell the collapse of the age - old humanist distinction between natural history and human history accepting that nature itself has its own history
- It challenges the Hobbesian idea that we, humans, could only have proper knowledge of civil and political institutions while nature remained God's work and was therefore ultimately inscrutable

- Environmental history has recognised humans as biological agents and climate scientists now argue that humans have much more than simple biological agents, humans now wield geological force. Through the cutting down of so many trees, the burning so many billions of tons of fossil fuels etc., we have indeed become geological agents

For analysts such as Chakrabarty, Smail¹⁵ and Weisman¹⁶ the environmental conflicts we face over the 'long march of history' include those between recorded history and 'deep history'; the planetary and the global and, most importantly species thinking and critiques of anthropocentrism. It represents nothing short of a fundamental retelling of the human story, those of the universe and of other species, the conflicts between rich and poor, the West and the rest and the entire idea of 'developed and developing' regions and their associated worldviews¹⁷.

This now represents the backdrop for considering environmental conflict and our responses to it across society including the academy. Climate Change has now become the defining human development issue of our times.

Describing Environmental Conflict

The traditional linkage between environment and conflict has been as the struggle for economically valuable resources or for scarce natural resources; these have provided much of the driving force for colonialism and imperialism and now for a significant element of transnational corporate agendas. The list of such resources is almost endless from cotton and cocoa to spices and rubber, timber and minerals and, of course, oil. While many of these resources continue to fuel conflict (e.g. timber, water, oil and 'conflict minerals'), a range of 'newer' resources have become a focus for conflict e.g. 'land grabs', seed banks, intellectual property and patents. Apart altogether from conflicts over access to and 'ownership' of resources, we are also now witnessing conflict and violence around those individuals and movements seeking to defend their environment and its resources against destruction, pollution, forced privatisation and general degradation¹⁸.

Traditional conceptions and issues of environmental conflict have included biodiversity (e.g. conflict over wildlife and biodiversity, conservation, fair trade, patenting rights, indigenous knowledge, genetically modified crops and land clearances); air quality, pollutants and their impact on health and those around water resources (between communities and the state or

between states and now increasingly over the privatisation of water resources - 'water wars'). They have included conflicts over coastal zone and sea resources due to overdevelopment, overfishing and marine ecology degradation. Environmental conflict literature¹⁹ also highlights the vulnerability of women in the broader sense (physically, economically, socially and politically) who bear a disproportionate brunt of the effects of environmental conflicts and stress.

However, the defining environmental conflict has now become climate change – a conflict that not only involves individuals, households and communities but also regional, national, corporate global interests and agendas. It is also one that challenges the entire basis of our global 'development' agenda, the rights and entitlements of future generations and of other species and, indeed of creation itself. Given the changed nature of this conflict, the implication for conflict resolution agendas is immense.

At the core of such a conception of environmental conflict is the recognition of the central importance of the concepts of ecosystem and environmental change and the dangers of destabilisation in the equilibrium of such an ecosystem. Overall environmental degradation (human-made environmental change) leading to negative impact on human society and on nature itself has become central to the debate. Such degradation implies one or more of the following - overuse of renewable resources; overuse or exhaustion of the environment's 'sink capacity' (pollution) and ongoing impoverishment of our (and other species) living space.

In such a context, it is possible to identify four key conflicts:

- Direct environmental conflict – fuelled by individual and collective behaviour, the millions of everyday actions and inactions by all of us individually and collectively that impact negatively on nature and on the planet. This conflict pivots around the infinite variety of consumer goods and behaviours that have environmental impact, many of which we are unaware of or which we choose to routinely ignore or even deny. The issues surrounding car use, air travel, cruise liners, air conditioners, heating options etc. exacerbate the challenge considerably. Energy and food waste highlights the challenge even further.

- Indirect conflict mediated by inequality etc. – as illustrated by global footprint data broken down by region and country, the poor of the world maintain a light footprint whereas the rich have an altogether heavier impact and the super-rich a mega footprint. Much of ‘western’ consumer choices and behaviours, many of our jobs, much of our energy and food consumption, many of our pensions and investments have global and environmental reach. Through them, we routinely externalise costs to poorer countries and the planet while retaining value and benefit ourselves. Environmental insecurity has now been added to previous (and continuing) economic and political vulnerability.
- Systemic conflict via an economic system based heavily on over-consumption and waste, on disregard for nature and its value. For example, one direct link between the dominant financial system and the environment is the effect that recessions (and boom and bust cycles) have on environmental regulation and investment in the long term. In a recession it is common to hear the argument that costs to businesses are too high due to regulations which are represented as onerous, and that the relaxation of these regulations would allow businesses to recover with positive results for the ‘economy’ but not necessarily for the environment. In this context, the conflict is pitched as that between the economy (or a particular model of economy) and the environment.
- Intergenerational conflict – presently, our economic system externalises the costs of environmental degradation and social injustice; part of that externalisation is to future generations. Despite a growing awareness of the need to begin to recognise the rights of future generations in the legal system, citizens of the future have no rights as regards what occurs today and the legacy they will inherit. Realising such rights in any meaningful way means passing on a world that has not been irreparably damaged or one that has been repaired (or one with the capacity to repair). Society today places very considerable emphasis on the right to choose while simultaneously reducing the choices future generations will have²⁰.

Challenges to conflict resolution theory and practice

Climate change is different from other problems facing humanity (in its scale, depth, consequences and universality) and the conflicts it generates; this has clear implications for conflict resolution theory and practice. Climate change challenges us to think about what it means to live as part of an ecologically interdependent human community and, in this sense, it requires a systemic approach as discussed by Rubenstein²¹. In his analysis of violence producing systems, he cautions on a key danger – that of using conflict resolution insights and practices to maintain the system (co-option of the approach – in environmental terms the danger of ‘greenwashing’ and related approaches) as against system reform and system transformation. A key point Rubenstein raises is that our theory and practice now needs to be guided by a structuralist understanding of the obstacles to and the possibilities for serious systemic change. This observation is fundamental in the context of environmental conflict where all too often the emphasis is simply placed on individual behaviour change and not on the systemic. At the heart of all significant analysis of issues such as climate change is the recognition of its systemic nature and the need for resolution strategies that address it as such. This view has been forcefully stated by fifteen international economists noting that *‘...in the face of the sheer scale of the overlapping crises we face, we need systems-level thinking²²’*.

For Rubenstein (as for others), one important outcome of such a view of conflict (as systemic and structural) is the need for a ‘new politics’; a recognition that conflict resolution practitioners cannot ignore the reality that political activity is unavoidable. So too is the need to embrace lessons and learning from other disciplines (and, for this author, those from educational theory and practice in particular) and to develop and offer real alternatives as a prerequisite for challenging and ultimately changing public attitudes and behaviours. For commentators such as Avruch²³ this implies the imperative of multi-level structural change and the inevitable tension between pragmatists and structuralists. In many ways, this parallels the history of the discipline from dispute and conflict mediation and resolution to conflict prevention and to systemic transformation (it parallels also the history of much analysis and action on environmental issues since the 1970s).

While climate change and related issues has dramatically focused analysis on the systemic, responsibility for action (and inaction) principally on government and transnational corporations, responsibility continues also to extend to individuals, households and

communities and, in this context, the role of conflict theory and practice remains both traditional and central.

Climate change in an increasingly fragmented and unequal world dominated by the agendas and interests of corporate and private capital is already leading to conflict, conflict that will inevitably increase unless it is addressed fundamentally. In such a context, real change will require the renegotiation of multiple social relationships involving the environment, whether it's oceans, water, forestation or vegetation or open space. With an increase in the severity and speed of climate change, the needs and interests of different groups will change and generate conflict. The challenge for conflict resolution study and practice is how to engage effectively with such conflict and to intervene to build not just public awareness and engagement but also public judgement that reinforces more positive social and environmental relationships rather than allowing it to degenerate into further violence – political, economic or social.

Engaging Environmental Conflict

With reference to engaging with issues such as climate change and environmental conflict, Rubenstein²⁴ has emphasised the pivotal need for public education on a large scale and in this much can be gained from systematic engagement with educational theory and practice, especially that around public engagement and public understanding²⁵. There is also a need to take account of the work of Haidt²⁶ on the emotional dimension of coming to judgement on issues such as environment and personal responsibility. Much of this research sits well with theory and practice in conflict resolution where the need to research and understand the perspectives and motivations of antagonists is important. On this, there is also much to be gained from engaging with public survey research and methodologies around issues such as conflict etc. Inspiration from multiple sources is needed.

One of the core issues faced with reference to environmental conflict (and many related matters) is the complexity of public attitudes and responses. A key starting point is the generally accepted reality that the gap between the science underpinning the issue and public perceptions and attitudes remains wide. While public attitude surveys suggest that citizens across Europe, the US and Australia recognise the challenge of climate change, many do not trust the evidence of scientists or the prescriptions of government – they simply do not trust those 'leading' on the issue. There is also some (limited) evidence that the public

place greater trusts in 'outside' institutions (thus, as Pidgeon and Lorenzi suggest offering an opportunity for conflict resolution practitioners).

Knowledge of the issue remains unsurprisingly limited; the links to everyday human activity vague (alongside local relevance) and, most importantly the evidence suggests a lack of knowledge of effective alternatives. In short, as Pidgeon and Lorenzi ²⁷ also argue the challenge revolves around three key issues - agency, trust and responsibility. Overall, the largest gap remains that between a general and rather vague concern for the environment and the willingness and/or knowledge to link it to personal behaviour, systemic issues and the need for individual and collective action. The challenge of environmental conflict is seen to be one essentially for government and for corporates with limited opportunity for citizens to impact on either. In addition, climate change is generally considered less important than other personal, social or political issues. Interestingly, research suggests that many people derive their assessment of environmental conflict from their general political perspective and this directly influences their immediate or possible response²⁸.

The brief arguments above suggest that conflict resolution approaches could productively focus on three key areas:

- Research – as part of the broader effort to build a conversation around environmental conflict and public perception (of relevance, trust, agency and responsibility), practitioners need to study and proactively engage with a broad range of 'publics' (across all demographics and contexts), collate and process the results of public perceptions, concerns, fears and reservations and, as a result, make recommendations. Research could also be undertaken on the issue of alternatives and how they could be configured locally and regionally. All of this by way of building a public conversation, expanding the list of alternatives and, crucially, building trust and a greater sense of agency. In undertaking such work, alliances can readily be forged with educationalists, researchers engaged in participatory research methodologies (including those engaged in international development at community level) and 'sectoral interests' (universities, churches, trade unions, women's groups etc.).
- Intervention – conflict resolution practitioners can take a lead alongside educators and progressive public communication personnel (such as those engaged in

advocacy around social issues – minority rights, environment etc.) in significantly expanding and deepening public education on the issue. Such interventions are already well underway in, for example, work on the SDGs and on women’s rights; in formal sector education around sustainability; in research on the emotional and psychological dimensions of public judgement etc. These contexts offer considerable opportunities to conflict resolution theory and practice. As Rubenstein²⁹ points out, as a result of this, national and international conversations could be convened aimed at imagining and implementing systems designed to produce positive outcomes for people and planet and to challenge the system generated violence. He also suggests that such dialogues could take place locally in connection with more narrowly defined conflicts in order to demonstrate general usefulness and scalability.

- Advocacy – generating a sense of the broad range of alternatives already possible and of the potential of ‘everyday activism’ is a key component of building a new story around environmental conflict (such as the Fairtrade, Forest Stewardship Council or ‘degrowth’ agendas, the ethical food, consumer or investment/disinvestment movements etc.). It has become an indispensable element of the ‘dreaming’ that is now ‘the new practicality’³⁰. Constructing conflict resolution initiatives and projects around the ‘multiple millions of everyday acts’ is a realistic and necessary component of advocacy work as is identifying and elaborating what the alternative means in practice³¹.

While educational interventions in environmental conflicts are vital and a sine qua non for more engaged involvement, they are clearly not enough. Our economic system and its environmental consequences need a complete transformation. This requires work at multiple levels; building public awareness and judgement must revolve around the key areas of relevance, trust, agency, responsibility and resistance.

Notes

¹ See <https://www.footprintnetwork.org/>

² Attfeld Robert, *Environmental Ethics*, London, 2014, Polity Press, pp1-69

³ *Ibid.* p.198

⁴ World Bank, *Environmental and Social Framework*, 2018 available at <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework>

⁵ Jeffrey Sachs, *The Age of Sustainability*, 2015, New York, University of Columbia Press

⁶ James Hansen, *Storms of My Grandchildren*, 2009, London, Bloomsbury

⁷ Vandana Shiva, *Earth Democracy: Justice, Sustainability and Peace*, 2005, South End Press

⁸ Bill McKibben, *Global Warming's Terrifying New Math*, 2012, Rolling Stone available at

⁹ Patrick Dodson, *In Search of Change: Robed in Justice*, City of Sydney Peace Prize Lecture, 2008 available at

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¹¹ See J. Zalasiewicz et al, 'Are we living in the Anthropocene?', 2008, *Geological Society of America*, Vol. 18, No.2, p.6

¹² Global Science Academies Statement *Global response to Climate Change*, <http://nationalacademies.org/onpi/06072005.pdf>

¹³ James Hansen, *op.cit.*, p.270

¹⁴ Dipesh Chakrabarty, *The Climate of History: Four Theses*, 2009, Eurozine available at <https://www.eurozine.com/the-climate-of-history-four-theses/>

¹⁵ Daniel Lord Smail, *On Deep History and the Brain*, 2008, University of California Press

¹⁶ Alan Wiseman, *The World Without Us*, 2007, New York, Thomas Dunne

¹⁷ Jason Hickel, *The Divide: A Brief Guide to Social Inequality and its Solutions*, 2017, London, Heinemann

¹⁸ Global Witness, *At What Cost? Irresponsible Business and the Murder of Land Defenders in 2017, 2018*, London

¹⁹ See for example, Barnett, J. and W.N. Adger 2007. Climate change, human security and violent conflict. *Political Geography*, 26, pp. 639–655; Intergovernmental Panel on Climate Change (IPCC) 2007. IPCC Fourth Assessment Report – Working Group 111 Report 'Mitigation of Climate Change'. Available from: <<http://www.ipcc.ch/ipccreports/ar4-wg3.htm>> and Fletcher A.J. (2018) More than Women and Men: A Framework for Gender and Intersectionality Research on Environmental Crisis and Conflict. In: Fröhlich C., Gioli G., Cremades R., Myrntinen H. (eds) *Water Security Across the Gender Divide. Water Security in a New World*. Springer

²⁰ Nicolas Stern et al., *The Economics of Climate Change: The Stern Review*, 2006, Cambridge, Cambridge University Press

²¹ Richard E Rubenstein, *Resolving Structural Conflicts: How Violent Systems Can Be Transformed*, 2017, London, Routledge

²² The Guardian, *Buzzwords and tortuous impact studies won't fix a broken aid system*, 2018 available at <https://www.theguardian.com/global-development/2018/jul/16/buzzwords-crazes-broken-aid-system-poverty>

²³ Kevin Avruch, *Taking Stock of the Field: Past, Present and Future*, *International Journal of Conflict Engagement and Resolution*, 2013, Vol.1 No.1

²⁴ Richard E Rubenstein, *op.cit.*

²⁵ Daniel Yankelovich, *Coming to Public Judgment: Making Democracy Work in a Complex World*, 1991, Syracuse University Press

²⁶ Richard Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religion*, 2013, New York, Random House

²⁷ Irene Lorenzi and Nick Pidgeon, 'Public Views on Climate Change: European and USA perspectives, 2006, *Climate Change* Vol.77 No.1, pp.73-95

²⁸ Pew Research Centre, *The Politics of Climate*, 2016 available at <http://www.pewinternet.org/2016/10/04/the-politics-of-climate/> <http://www.pewinternet.org/2016/10/04/everyday-environmentalism/>

²⁹ Richard E Rubenstein, *op.cit.*

³⁰ *Ibid.*

³¹ Michael Doorley et al., *Everyday Activism*, 2015, Dublin, Concern Worldwide

Experiential Learning in Conflict Analysis and Resolution Education: An Overview

Susan F Hirsch

Introduction

Across higher education institutions, the study of conflict and its resolution takes place under many programmatic and departmental labels. These include, among others, Conflict Analysis and Resolution (CAR), Peace Studies, Peace and Conflict Studies, Social Justice Studies, and Dispute Resolution as well as Anthropology, International Relations, Political Science, Legal Studies, Psychology, Sociology, and other traditional disciplines. The variety of institutional homes helps to account for what is a widely diverse set of approaches to teaching about conflict. Relatedly, conflict pedagogy is shaped by other aspects of institutional histories. For example, the current School for Peace & Conflict Studies at Kent State University in Ohio (USA) traces its origins to an infamous event in 1971, when four students who were peacefully protesting on the campus were killed by Ohio National Guard troops. The Kent State program's long-standing curricular emphasis on peaceful forms of change reflects the institutional commitment made in response to the campus (and national) tragedy. Trends in conflict education can also follow from broader priorities, such as the post-9/11 proliferation of courses focused on preventing terrorism and countering violent extremism, and the new programs of study in social justice and human rights that take up longstanding concerns of the conflict field, such as structural violence, discrimination, identity conflicts, and inequality.

Notwithstanding the different origins of degree programs, a number of institutions share a commitment to the interdisciplinary study of conflict analysis and resolution, referred to herein as CAR. Over the past decade, the CAR field's development has yielded a wealth of teaching material in the form of theoretical treatises, case studies, textbooks, and handbooks. A distinguishing feature of some CAR programs is the attention in the curriculum to activities that aim to teach students how to engage in conflict resolution practice, such as negotiation, mediation at interpersonal, community, or international levels, diplomacy and diplomatic communication, organizational conflict resolution, problem-solving workshops with civil society leaders, grassroots peacebuilding, narrative mediation, and community dialogue among many others.

Although courses on mediation and negotiation are offered in many CAR programs,¹ the ratio between those classes that emphasize CAR theory and research and those that focus on practice differs across programs and is frequently a site of tension and disagreement. To use an example from my own institution, at the School for Conflict Analysis and Resolution at George Mason University in Virginia (USA), students often request more courses that provide the opportunity to learn and practice conflict resolution techniques. In 2010, several alumni of our graduate programs published a high profile report asserting that conflict resolution education had not prepared them to be effective conflict resolution practitioners because the practice element received only limited attention.² Their study polled employers and found a large gap between what employers wanted graduates to know how to do and what graduates of conflict programs had actually been taught. Their report contains the bold statement: "Graduate-level academic institutions are not adequately preparing students for careers in international peace and conflict management."³ Their point got my attention and raised a key question: Were we teaching too much theory? Or, as I have come to believe, did our conflict pedagogy need to make better links between the theory students were being taught and the practice they hoped to do as professionals?

Partly as a response to the concerns raised by students and partly out of our own interests, my colleague Agnieszka Paczynska and I responded to these questions. From 2010 to 2015, we directed a large research project on curricular innovation in the CAR field called Linking Theory to Practice: Experiential Learning in the Conflict Field.⁴ Our aims were to expand experiential learning in the CAR curriculum and assess the effects on students. The project team developed and tested ten experiential learning activities to be used in classrooms and also created several models of field-based courses to be delivered in conflict zones.⁵ We conducted research on the learning activities and the field-based courses and, as general finding, concluded that experiential learning can be an excellent means of improving the ability of CAR students to connect theory to practice. Drawing on that research and additional literature, this article highlights some of the approaches to and effects of experiential learning in the CAR field. These include increased student engagement with CAR material and CAR courses generally and student learning outcomes that are deeper, broader, and more attuned to the connection between theory and practice.

As the following section describes, experiential learning is on the rise in higher education generally, and the conflict field is poised to take advantage of, and contribute to, this

pedagogical trend. Two subsequent sections highlight key forms of experiential learning that enhance the CAR curriculum, namely classroom-based experiential learning activities and field-based courses. The examples and recommendations herein are focused primarily on programs in U.S. institutions. The conclusion makes the point that the substantial benefits of experiential learning for both students and instructors can be enhanced by “centering” it in the conflict curriculum, that is, by connecting experiential learning—be it in the classroom, the field, or in extracurricular activities—to more conventional pedagogy, such as classroom lectures and discussions.

Approaches to Experiential Learning and CAR Pedagogy

Experiential learning as a pedagogical approach has its roots in John Dewey’s emphasis on “learning by doing”⁶ and Paulo Freire’s development of critical pedagogy, which emphasizes the need to make learning relevant to the context in which learners are located.⁷ In scholarship from the mid-1980s, education psychologist David Kolb began providing the psychological rationale for experiential learning by asserting that students learn best when they engage in a learning process that includes a sequence of experience, reflection on that experience, opportunity to generalize, and finally application of their new-found knowledge.^{8 9} A robust body of research establishes that experiential education increases student engagement and deepens the learning gained from a particular course.¹⁰ The emphasis by Kolb and others on learning by reflecting on experience parallels the model of conflict resolution known as reflective practice, whereby practitioners improve their practice by intentionally reflecting on and learning from the experience of engaging in conflict resolution practice.¹¹

Individual students learn in different ways. Some love the “sage on the stage” who delivers a powerful and entertaining lecture; others excel at hands-on, visual, or on-line learning. Given this diversity in student learning styles, it stands to reason that more students have a likelihood of performing well in higher education when a mix of pedagogical approaches is offered in any one class, course, or degree program. Research shows that students who have been exposed to one or two forays into experiential learning are more likely to finish their degree.¹² In the last decade, education scholars and policy-makers have embraced “High Impact” forms of learning and teaching that emphasize experiential approaches, such as inquiry- and project-based activities, service learning, field-based courses, and global

learning in the forms of study abroad and cross-national electronic classrooms. Given its prohibitive costs, High Impact learning is not always sought after or achieved for all students.

The CAR field has long provided students with experiential learning opportunities in courses focused on learning conflict resolution practice skills, such as negotiation and mediation. For instance, students might practice their mediation skills in a classroom setting through simulations, in a clinical setting through supervised experiences with clients, or in various extramural contexts where local partners participate in determining the nature of the intervention. These and other curricular and co-curricular activities open up opportunities for students to connect the theory taught in classes to the experience of CAR practice. Yet how and how often those connections are made depends on the approach to pedagogy of individual CAR faculty, courses, and degree programs. As the next two sections show, in our research project we created and studied two types of experiential pedagogy--in-class activities and field-based courses—with the aim of increasing the connection between theory and practice for CAR students.

Linking Theory to Practice in the Conflict Classroom

In a classic text for the CAR field, Roger Fisher describes an activity known as “The Orange Negotiation,” which is designed to acquaint students of conflict with concepts and processes such as interests, needs, negotiation, and compromise.¹³ In this experiential exercise students are divided into two groups and alerted that they will be negotiating over an orange. Each group is told confidentially about their interest in the orange: one group wants it for the thirst-quenching juice, while the other wants only the peel for the purpose of baking a cake. When the groups first encounter one another, the orange is almost invariably seized by one party, and the ensuing confrontation takes dramatic twists and turns until, in most instances, the underlying interests are revealed and a compromise reached. The exercise is lively, provocative, and ubiquitous in CAR classrooms. Students who have participated in the Orange Negotiation remember it fondly as a lesson in how initial assumptions can stand in the way of compromise.

Experiential learning activities created through the previously-mentioned Linking Theory to Practice project were designed to accomplish multiple aims, namely: helping students to comprehend CAR concepts and theories (e.g., mediator neutrality, conflict styles, and the dynamics of conflict escalation) and offering them training and practice in particular CAR

skills. Table One (see page 53) summarizes the exercises created through the project, the activities included, and the central learning outcomes. These exercises are available for free, with guides that demonstrate how to use them.¹⁴ One exercise engages students first in planning and running a focus group centered on questions about conflict and second in analyzing results to inform future practice or research.¹⁵ In two other exercises students conduct a conflict assessment using materials provided about an actual Liberian community and design an intervention based on their findings.¹⁶ In the exercises students apply theories of conflict to practical interventions in contexts where they must weigh the utility and ethics of their actions. Each exercise highlights theories relevant to the CAR field, such as intersectional identity, conflict escalation, and structural violence.

The Linking Theory to Practice project tested the 10 experiential learning activities in over 50 classrooms, reaching over 1500 students in US-based and international higher education institutions. Our research demonstrates that these activities succeed in deepening student engagement, which means that students are more attentive to, interested in, and curious about the content of the course material. Methods of assessing student engagement included analysis of pre- and post-test surveys, course assignments, instructor observations and debriefings, and students' reflections and debriefings. Substantial increases in learning were evident in students' ability to apply theory to practice, to better grasp the geographical contexts and conflict dynamics, and to understand particular concepts, theories, and substantive issues. Our research was limited in that the learning outcomes of students who engaged in experiential learning activities were not compared with students who did not engage in such activities.

One activity designed through Linking Theory to Practice illustrates the many learning opportunities provided by an experiential learning scenario. The activity, called "Adding Fuel to the Fire," is a two-day, multi-session simulation focused on a real-world conflict over oil and gas drilling in the eastern Mediterranean.¹⁷ The students take on roles (see Table Two at page 54) and engage in an unscripted United Nations (UN) summit that seeks to prevent interstate conflict over many issues, including who owns the resources and how they should be exploited, if at all. The bulk of the role play takes place through two formal meetings during which students present brief, pre-prepared Opening Statements and Position Statements. Any party who objects to elements of a Statement is given an opportunity to voice the objection during an allotted time period. Although controlled by mediators, the formal discussion can involve passionate objections and rebuttals, as the parties challenge

one another and attempt to expose underlying aims, strategies, and value commitments. Less formal encounters, such as brainstorming and problem-solving sessions, also take place, as well as attempts to mediate the immediate conflicts that flare up between parties who become frustrated with one another. The UN mediators draw on all of these interactions to create an agenda of issues for a negotiation that they facilitate toward the end of the summit. In most instances a summit document emerges from the negotiation and can vary from a low-bar agreement to engage in future negotiations to a treaty that resolves specific issues between two or more parties. More rarely, the summit document proposes a resolution to all the issues in the conflict as a whole. Although admirable, this unrealistic result is strongly discouraged by instructors. A reception caps off the role-play portion of the activity, and a debriefing follows.

Through Adding Fuel to the Fire, students become acquainted with a complex conflict over resources that takes place amidst longstanding and sometimes virulent inter- and intra-national political conflict (e.g., between Turkey and Greece, Israel and Lebanon, the Republic of Cyprus and opponents from the Turkish Cypriot community, among other adversarial relationships). It also requires some mastery of difficult technical issues, such as the economy and technology of commercial resource exploitation, the science of environmental impacts, and the legal framing of each party's position. Participation requires thorough preparation, and in the process students learn quite a bit about the conflict and the context.

Because the actual conflict is ongoing, students must react to current developments reported in the news media. The experience is even richer when run in Malta with students in our dual Master's program. In the Mediterranean context, students sense the issues as more immediate and real, and the role of the Maltese government, as host to the summit, can generate innovative applications of theory to practice. Our research on Adding Fuel to the Fire confirms high levels of student engagement, better understanding of key concepts, and an increase in students' ability to link theory to practice.¹⁸ Given the richness and complexity of experiential learning activities, students frequently learn in ways unanticipated when the activities were originally created. In reflecting on Adding Fuel to the Fire, colleagues and I realized that the activity might be teaching students theories of global complexity, such as the nesting of local and global systems and their interconnection and co-evolution. We argue that by engaging in the activity many students come to more nuanced understandings of themselves as positioned within intersecting global and local processes.¹⁹ We conclude: "Activities like Adding Fuel to the Fire are not only useful in

helping students to identify these overlapping sets of social structures, networks, and individual actors but also to consider what ethical and effective action may look like in a conflict resolution context."²⁰

Not all students enjoy role plays. The more contrived the scenario, the harder it is for some students to stay "in role" and thus for everyone to be engaged in the activity.²¹ The term "bad actors" takes on new meaning in conflict role plays where student overdramatize, break role, or check out entirely. Among the other liabilities of role play is that it can reinforce stereotypes especially when students mimic accents or demeanor. At the same time, taking the role of another person provides an excellent opportunity to cultivate empathy, particularly for students whose own perspective differs from that of the role play character.²² Another liability is that CAR students typically "outsmart" simple role plays. When presented with a role play centered on a conflict, students seek to resolve it quickly using conflict resolution skills that most parties to a conflict would not realistically deploy. Counteracting this tendency requires coaching students to appreciate the complexity of motivations and depth of feeling of conflict parties and writing role plays in which compromise is not an easy option.

The shortcomings of role play and other experiential learning activities can be addressed during debriefings, when participants talk about what they learned.²³ Problems that emerged in the activity (e.g., uncooperative participants) can be explored to reveal similar problems in conflict resolution practice. Debriefings open space for in-depth discussion of the ethical challenges of conflict resolution practice. Although debriefings serve to cement learning, all too often instructors skip them, or abbreviate them, citing time constraints. Yet instructors need to appreciate that debriefings are a key element of experiential learning activities, where students make sense of the activity. Engaging in a debriefing can also prompt and guide students to continue to reflect on their own engagement with the process and with the target issues, theories, and concepts.

Transformative Learning through Field-based Courses in Conflict Zones

Study elsewhere is an enormously popular form of experiential learning, and courses mounted in conflict and post-conflict zones are on the increase. Many CAR programs encourage their students to pursue such courses. The Kroc Institute Masters in International Peace Studies program at Notre Dame requires a six-month field project in such contexts as

Nairobi and Colombia. At the School for Conflict Analysis and Resolution at George Mason University, field-based courses are mounted in a wide range of contexts, including Israel/Palestine, Indonesia, Bosnia, Turkey, Liberia, Malta, and several places in the United States. Among the many challenges of courses taught in conflict and post-conflict zones are security risks and ethical dilemmas related to the potential of exploiting vulnerable populations or intervening unintentionally in the conflict. Such a complex environment ensures that the experience can be invaluable for CAR students, especially for future employment and their own engaged practice. Student reports affirm that field-based courses are nothing short of transformative, and research confirms that they can improve intergroup relations and foster peacebuilding.²⁴

When the classroom is the field, the application of theory to practice is almost inevitable. A student's preconceived notions are confronted with realities in the form of people, organizations, practices, and outcomes. When well-planned and taught, field-based courses can help students to overcome the tendency to feel confused and overwhelmed in a conflict context, where complex reality calls into question tidy theoretical notions about causes, consequences, and other elements of conflict. As an example, in a short course taught to American students in Belfast, Northern Ireland, the concepts of "security" and "peace" are the focus of students' engagements with local NGOs, parties to the still simmering conflict, and even the built and created environment surrounding them.²⁵ The interrogation of these concepts *in situ* demonstrates to students how the "rubber" of theory meets the "road" of conflict and challenges them to develop their ideas about the potential effects on policy. As another example, The Olive Tree Initiative (OTI) brings a group of U.S.-based university students to Israel/Palestine as one component of a course focused on that longstanding conflict.²⁶ Diversity, in two senses, is central to the experiential pedagogy and contributes. First, through meetings with many people on all sides of the conflict, students are confronted with a range of perspectives and encouraged, through facilitated discussions, to develop a nuanced understanding of the conflict. Second, because the OTI intentionally chooses a diverse group of students, including some with strong views, those on the trip gain significant practice in dialogue and facilitation skills as they reflect together on what are emotionally and politically demanding experiences.

Through Linking Theory to Practice my colleagues and I devised an approach to short-term field-based courses in conflict zones that includes practice activities conducted with local partners who assist in the planning and delivery of aspects of the field-based component.

The primary aim of these courses, called Service Learning Intensives (SLIs), is for students to experience the sorts of logistical, conceptual, and ethical dilemmas routinely faced by practitioners in conflict zones. Using a reciprocal learning model, instructors combine formal study with learning by doing and in concert with local NGOs, universities, or other institutions.²⁷ In one SLI run in Liberia local partners asked the student group to mediate a longstanding land dispute. In West Virginia, USA, students used focus group methodology to determine patterns of conflict among youth living at a government-run training facility. What students learned from the focus groups informed their design and delivery of a conflict resolution skills training activity designed to prevent conflict. During these courses the direct engagement with partners raises ethical issues that students are expected to tackle. For aspiring practitioners such invaluable experience is difficult to obtain in other contexts, such as traditional classrooms. As another dimension of ethics in such courses, faculty must always ensure that no harm is done—to partners, students, or anyone else--through the interventions undertaken.²⁸

I used the SLI model to design a course called Bridging Differences: Migration and Integration in the Mediterranean. The course brings two faculty and up to 15 students from the United States to Malta to carry out a week of practice activities with local partners. The course readings acquaint students with relevant areas of theory and policy related to migration, integration, and the politics of culture and identity. The projects with partners have included, among others, a spatial ethnography of integration in a Maltese village, focus groups to assess the utility of mounting campus dialogues on controversial issues, and facilitated discussions with NGOs on topics related to integration and inter-and intra-group conflict. Figure 1 (see page 54) depicts a workshop for a Maltese NGO called LIBICO that engaged participants in learning, discussing, and practicing conflict resolution skills. In Figure 2 (see page 55), the U.S.-based students are using a role play to teach a class on mediation to law students at the University of Malta; they then engaged the class in small group facilitated discussions about whether holding campus dialogues about migration would be a constructive activity. In course assignments, our students demonstrated their increased knowledge of key conceptual areas and also affirmed a growing confidence in their ability to deploy skills, such as facilitation, mediation, and various research techniques in practice work.

Field-based courses engage students intellectually and emotionally while offering opportunities to link theory to practice. Students gain direct experience by engaging in practice, reflection, and responding to partners' needs. Perhaps differently and more concerted than most other pedagogical approaches in the CAR field, field-based courses force a consideration of the ethical dilemmas inherent in all practice. The range of ethical concerns encountered on such courses goes well beyond challenges, such as "staying neutral" or being "culturally sensitive," that are typically taught in theories of practice. Depending on the context students can encounter new ethical imperatives, such as the need to acknowledge and bridge, if possible, the differences of power and privilege that distinguish them from local partners or parties in the field-based setting. It is easy for students to fall into inappropriate roles, such as naïve helper, empathetic conflict tourist, or eager consumer rather than seeking out more authentic and unpretentious relationships.²⁹ To counteract these tendencies, instructors must model appropriate relationships and rely on pedagogy that will foster them.

Conclusion: Centering Engaged Learning in the CAR Curriculum

Critics of experiential learning assert that classroom exercises and field-based courses sometimes amount to little more than interesting one-off activities that are seemingly unrelated to course curriculum. The criticism is fair when an instructor uses an exercise solely to change the pace of class or to replace a lecture s/he does not feel like giving. Similarly, students who choose a field-based course for the scenery rather than after careful consideration of how the subject matter relates to their studies risks having a diminished learning experience. These risks can be addressed by expanding the opportunities for experiential learning in CAR curricula and placing them prominently in the center of the curriculum. For instance, including classroom-based experiential learning exercises in required courses, including theory courses, is one way of telegraphing to students that these activities are valued learning experiences. Relatedly, requiring field-based courses while making them financially accessible indicates to students that their classroom-based learning will be directly enhanced by a field experience. Making connections between traditional and experiential teaching techniques and between topics addressed through each approach helps students to appreciate all forms of pedagogy and to experience learning more deeply and effectively.

Centering experiential learning in the curriculum faces obstacles. Curricular change, especially when it involves innovative pedagogy, requires considerable energy from faculty, who are often pressed with other duties, such as publication deadlines, committee assignments, student advising, etc. In truth, it is not possible to center engagement, experience, and practice in the CAR curriculum without concerted, extensive changes to teaching methods. Making such changes requires administrative and faculty leadership and also concrete support for instructors so that they can gain the capacity to revamp pedagogy. For some faculty, the expanded use of experiential pedagogy in our teaching is not a burden. In my own case the process of incorporating more experiential methods has encouraged me to view my teaching as a form of conflict resolution practice, as experiential approaches offer me the chance to foreground attention to ethics, values, cultural awareness, and inclusivity in my classes and to cultivate empathy and reflection in my students.

In conclusion let me admit: I love to lecture. I love to be in front of and in charge of the class. In my view collective listening is an undervalued skill. However, my foray into the projects described in this article has convinced me absolutely that experiential learning opportunities can result in exceptional student learning. As my colleague Agnieszka Paczynska and I conclude in an edited volume on experiential learning in the conflict field: "It is not easy to quantify the transformative learning generated by the challenges--ethical, emotional, and analytical--that students face and overcome when pushed out of their comfort zones. Yet it is the experience of grappling with these challenges—whether students manage to succeed or fail on any one occasion--that makes experiential learning so valuable for educating students to be more skilled, confident, and self-reflective researchers and practitioners."³⁰

Table One

Exercise Title	Key Learning Outcomes
Community at Odds in Voinjama, Liberia (Parts 1 and 2): Introduction to Conflict Mapping	<ul style="list-style-type: none"> • Understand the relationship between theory and practice • Link the data collection to conflict analysis • Practice presenting findings to an audience • Link conflict dynamics to intervention strategies • Explore collaborations and tensions that result from intervention • Learn to work as a team • Explore the ethical implications of interventions
Mediated Perceptions: An Introduction to Frame Analysis	<ul style="list-style-type: none"> • Understand the concepts of text, framing and Frame Analysis • Appreciate the impact of framing on the interpretation of texts • Analyze a text using Frame Analysis • Evaluate the role of context in framing images or other texts • Assess the influence of media narratives and rhetoric on perceptions • Collaborate with fellow students
Analyzing Conflict through Film: Applying Analytic Models	<ul style="list-style-type: none"> • Recognize and distinguish among several models for analyzing conflict • Evaluate the relative utility of diverse analytic models • Identify the elements of a conflict • Analyze a complex conflict using appropriate analytic tools • Present a conflict analysis orally and visually • Collaborate with fellow students
Can We Drink the Water?: Simulating Conflict Dynamics in an Appalachian Mining Community	<ul style="list-style-type: none"> • Apply conflict theory to practice • Understand a community conflict (parties, history, interests, issues, etc.) • Identify the roles, positions, and interests of conflict stakeholders • Experience the intractable nature of an environmental conflict • Gain awareness of interpersonal and group dynamics • Take the perspective of diverse individuals and groups
The Last Resort: Envisioning Change in an Appalachian Mining Town	<ul style="list-style-type: none"> • Understand a community conflict (parties, history, interests, issues, etc.) • Identify the roles, positions, and interests of conflict stakeholders • Experience the intractable nature of an environmental conflict • Gain awareness of interpersonal and group dynamics • Take the perspective of diverse individuals and groups who are different • Apply theories, concepts, and frameworks presented in the course to the conflict dynamics that emerge in simulated meetings
Adding Fuel to the Fire: A Resource-based International Negotiation Role Play	<ul style="list-style-type: none"> • Appreciate the complex interdependence of global economic and political systems • Understand multiple approaches to international negotiation • Investigate conflict dynamics • Practice preparing and presenting position papers in public • Devise negotiation strategies in complex multi-party settings.
Engaging Students through Focus Group Methodology	<ul style="list-style-type: none"> • Appreciate the uses and limitations of focus groups for research • Understand informed consent and research ethics • Engage in research design, data collection, and data analysis • Organize and facilitate a group discussion • Apply theory and research findings to real world problems • Present research findings orally and audiovisually • Collaborate with fellow students

<p>From Theory to Practice: Intervening in Interpersonal Conflict</p>	<ul style="list-style-type: none"> • Apply theory to practice • Plan an intervention using concepts, theories, and techniques learned in class • Experience the challenges of intervening in interpersonal conflicts • Understand the dynamics of interpersonal conflict • Take the perspective of diverse individuals • Reflect on conflict resolution practice to improve skills
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Table Two. Roles for Adding Fuel to the Fire

1. UN Mediators
2. Republic of Cyprus
3. Turkish Cypriot Administration/Turkish Republic of Northern Cyprus
4. Turkey
5. Israel
6. European Union (EU)
7. Greece
8. Lebanon
9. Energy Industry representatives
10. Environmental Advocacy Organizations
11. Host Country

Figure One



Figure Two



Notes

¹ In some instances students have the option to pursue government-recognized certification as part their program of study, or as a parallel activity, thus earning the credential to practice as a mediator upon graduation.

² Nike Carstarphen et al., *Graduate Education and Professional Practice in International Peace and Conflict* (Washington, D.C.: U.S. Institute of Peace, 2010).

³ Ibid., 1.

⁴ "Experiential Learning Program," The School for Conflict Analysis and Resolution, accessed 2018. https://scar.gmu.edu/impact/programs-and-projects/experiential-learning-program_files/15157/experiential-learning-program.html.

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⁶ John Dewey, *Experience and Education* (New York: Kappa Delta Pi, 1938).

⁷ Paulo Freire, "The 'Banking' Concept of Education," in *Ways of Reading*, ed. David Bartholomae and Anthony Petrosky (Boston: Bedford-St. Martins, 2008).

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¹¹ Sandra Cheldelin, Wallace Warfield, and January Makamba, "Reflections on Reflective Practice," in *Research Frontiers in Conflict Analysis and Resolution* (Fairfax, VA: Institute for Conflict Analysis and Resolution, George Mason University, 2004). Gina Cerasani and Rj Nickels, "When Context and Pretext Collide Reflective Practice as an Ethical Framework for Field-Based Learning Gina M. Cerasani and Rj Nickels," in *Conflict Zone, Comfort Zone: Ethics, Pedagogy, and Effecting Change in Field-Based Courses*, ed. Agnieszka Paczynska and Susan F. Hirsch (Athens, Ohio: Ohio University Press, 2019).

¹² George D. Kuh, *Excerpt from High-Impact Educational Practices: What They Are, Who Has Access to Them, and Why They Matter* (Association of American Colleges and Universities, 2008), <http://www.cuny.edu/about/administration/offices/ue/cue/KuhHighImpactPractices2008.pdf>.

¹³ Roger Fisher and William Ury, *Getting to Yes: Negotiating Agreement without Giving In* (New York, N.Y: Penguin Books, 1983). "Negotiation and Conflict Resolution Activities - Worksmart," *WorkSMART: Tips for a happier, more engaged workplace*, 2012, accessed, <http://blog.trainerswarehouse.com/negotiation-and-conflict-resolution-activities/>

[files/15137/negotiation-and-conflict-resolution-activities.html](https://scar.gmu.edu/impact/programs-and-projects/experiential-learning-program/experiential-learning-activities-elas_files/15137/negotiation-and-conflict-resolution-activities.html).

¹⁴ Hirsch and Paczynska, https://scar.gmu.edu/impact/programs-and-projects/experiential-learning-program/experiential-learning-activities-elas_files/15129/experiential-learning-activities-elas.html.

¹⁵ Susan F. Hirsch et al., "Pursuing Research through Focus Groups: A Capstone Experience Meets Disciplinary, General Education Goals," *Council on Undergraduate Research Quarterly* 33, no. 4 (2013 Summer 2013), accessed 2014/07/19/19:02:16,

<http://mutex.gmu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=ehh&AN=88433068&site=ehost-live>.

¹⁶ Agnieszka Paczynska, "15. Teaching Conflict and Conflict Resolution," *Handbook on Teaching and Learning in Political Science and International Relations* (2015).

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¹⁹ Ibid.

²⁰ Ibid., 273.

²¹ See, e.g., Nadja Alexander and Michelle LeBaron, "Death of the Role-Play," in *Rethinking Negotiation Teaching: Innovations for Context and Culture*, ed. Honeyman Christopher, Coben James, and Palo Giuseppe De (Saint Paul, MN: DRI Press, 2009); Nadja Alexander and Michelle LeBaron, "Embodied Conflict Resolution: Resurrecting Roleplay-Based Curricula through Dance," in *Educating Negotiators for a Connected World: Volume 4 in the Rethinking Negotiation Teaching Series*, ed. Christopher Honeyman, James R. Coben, and Andrew Wei-Min Lee (Saint Paul, MN: DRI Press, 2013).

²² Gina Cerasani, "Moments of Connection: Cultivating Empathy between Parties in Conflict Using Role Play" (Doctoral Dissertation, George Mason University, 2015).

²³ Margot Pearson and David Smith, "Debriefing in Experience-Based Learning," in *Reflection: Turning Experience into Learning*, ed. David Boud, Rosemary Keogh, and David Walker (New York: RoutledgeFalmer, 1985).

²⁴ Alexander Cromwell, "Cultivating Transformation in Field-Based Courses," in *Conflict Zone, Comfort Zone: Ethics, Pedagogy, and Effecting Change in Field-Based Courses*, ed. Agnieszka Paczynska and Susan F. Hirsch (Athens, Ohio: Ohio University Press, 2019).

²⁵ Jennifer M. Ramos, "Windows and Mirrors in the Wall Experiential Learning in Northern Ireland," in *Conflict Zone, Comfort Zone: Ethics, Pedagogy, and Effecting Change in Field-Based Courses*, ed. Agnieszka Paczynska and Susan F. Hirsch (Athens, Ohio: Ohio University Press, 2019).

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²⁸ See, e.g., Wallace Warfield, "Is This the Right Thing to Do?," in *A Handbook of International Peacebuilding*, ed. John Paul Lederach and Janice Moomaw Jenner (San Francisco: Jossey-Baass, 2002).

²⁹ Ibid.

³⁰ Agnieszka Paczynska and Susan F. Hirsch, *Conflict Zone, Comfort Zone: Ethics, Pedagogy, and Effecting Change in Field-Based Courses* (Athens: Ohio University Press, 2019).

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