

Conflict-escalation, Justice and Intervention

NWO - Conflict programme line

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Interventions as option and as factor

Conflicts are part and parcel of the dynamics at all levels of human interaction, ranging from everyday family life to the politics of international relations. Actually, they can be either constructive or destructive. A constructive effect is that a conflict may shed light on opposing interests, creating awareness of problems and encouraging parties to make choices. Conflicts can also make an important contribution to personal growth, progress and innovation. Having said that, the dominant social experience of conflict tends to be negative. On the whole, people experience conflict as disruptive and a threat to their personal safety and social order. This may largely be explained by the fact that conflicts often escalate to the extent that they result in more or less open violence. Violence of this kind may be either an instrument used by a party to impose its interests or an expression of powerlessness by weaker parties in an attempt to set the scales of what they perceive as justice right again.

Conflicts appear to be linked to divergent notions of justice. Social inequality, such as the unequal distribution of resources or a corrupt political system, may give rise to strong emotions of conflict and legitimise violence. This also applies to people's perceptions, irrespective of the actual situation. Parties to a conflict try to justify their own behaviour on the basis of a whole host of ideas, convictions and arguments. Although legitimacy and justice can also have de-escalating effects, they tend to fuel processes of escalation.

Given the high material, psychological and social costs of escalated conflicts, the identification of a conflict situation almost automatically calls for conflict management through interventions. Interventions, political, military, social and/or economic, may be taken to mean outside interference in a conflict with the aim of regulating the conflict to the extent that its psychological, socio-economic or politically undesirable or unfair aspects can be reduced to manageable and tolerable proportions. On the other hand, non-intervention is often, especially in Western countries, considered undesirable or even unacceptable for a variety of compelling political, humanitarian and moral reasons. In our society 'never again...' is a primary reaction to excessive conflicts. Similarly, more or less institutionalised interventions in conflict situations are common in today's society. These interventions take place at various levels of conflict, by different parties and they may differ in terms of type and content. However, there is normally not much interest in the important question as to whether the desirability of the intervention matches the probability that the aims of the intervention will be achieved.

At an interpersonal level, family guardians and the police may intervene in families' domestic problems. And in the wider living environment such as neighbourhoods or companies, interventions are made by a variety of actors, such as housing corporations, mayors, judges or corporate supervisory boards. At an international level, national governments and international organisations such as the United Nations intervene in civil wars.

The nature of the intervention may vary from coercive and unilateral, such as military ones, to more exploratory and facilitating, such as international statesmen who try to mediate in a conflict between two neighbouring countries. A common feature of interventions, irrespective of their precise nature, is that they are made by actors at a 'higher' level (in cases where they call to order conflicting parties at a 'lower' level). These actors may be an external party, a neutral or independent third party or an ally of one of the parties who may try to resolve the conflict to its own advantage. Furthermore, a party in a certain stage of the conflict may

appear as a third party in a later phase. The distinction between the parties to the conflict and the intervening party is therefore a gradual one.

Interventions are not always tailored to the size of the conflict and it is not always clear what the most effective intervention would be. And even if this *is* clear, it is not always possible – for a variety of reasons – to carry out the intervention successfully, or to carry out the intervention at all. The success of an intervention is therefore far from guaranteed, no matter what its reason.

Against this background, this line of research focuses on two related questions:

How do conflict dynamics - the emergence, escalation or de-escalation and resolution of conflicts - relate to distinct notions of justice and injustice and what are the determinants, characteristics and effects of interventions in conflicts?

This dual question will be addressed from three perspectives: justice and vested interests, conflict dynamics and multi-level influences.

Conflict and interventions in relation to justice and vested interests

The emergence and evolution of conflicts, the success or failure of interventions and the consequences of conflicts are closely linked to issues of legality and legitimacy. Injustice, or the perception of injustice, and clashing normative convictions lie at the root of many conflicts. Parties always regard their own interests and conflict behaviour as just and legitimate and will defend them as such. We need more insight into the tensions that may arise between issues of legality (what may be considered lawful under the existing national and international rule of law?) and legitimacy (what is considered just and acceptable?). This raises the question as to the extent to which perceptions of legitimacy influence processes of escalation and de-escalation. In an international framework, this question may refer to the normative concept of the rule of law: to what extent do international interpretations of the rule of law deviate from national or local interpretations? A pertinent question in this respect is the extent to which normative arrangements such as democracy, i.e. the rule of law are 'exportable'. Comparable questions may also be asked on a national level, for example as to what extent decisions of judges are perceived as legitimate by groups within the population.

Similar questions should be addressed with respect to interventions. Interventions in small-scale conflicts are often justified by saying that their aim is to reduce suffering and damage. In other words: to ward off an acute crisis; to make an effort to control the conflict in order to offer a possible basis for a solution. In the international arena we see that interventions, often by Western countries outside their own region, tend to be motivated by a combination of moral and ethical reasons and their own vested interests. In the public debate, however, arguments used to justify interventions focus primarily on the promotion of democracy, peace, freedom, development and humanity. These concepts and terms are designed to meet the need to legitimise interventions, both towards the national community, which is expected to make sacrifices, and towards the parties to the conflict who need to accept or undergo the intervention. So, irrespective of the nature of the intervention and of the intervening party, any intervention is always justified by argumentation strategies used by the interveners themselves, by the party at whose request an intervention is made, or by the party in whose interest the intervention is made. These legitimisation strategies could also be seen as influencing strategies aimed at the parties that are directly involved, the general public and

even at possible victims. What is the effect of different intervention strategies? In which cases is it best to legitimise choices by referring to rules and procedures, by making an emotional appeal, by underlining one's own expertise and reliability or by using logic and providing evidence? And to what extent does this depend on the level of conflict, the timing of the intervention and the cultural background of the parties involved?

Another question one should address is whether the intervener is in a position to intervene. Which vested interests does the intervening party have? An important question at the international level, for example, is the extent to which interventions contribute to the realisation of goals formulated by politicians themselves. A peacekeeping force that is sent to a conflict area in Africa may be seen as an 'occupying force' by some, and it would then seem to be in the intervener's self-interest to disrupt the peace process by intervening. Under which circumstances are parties more inclined to interpret an intervention in terms of the intervener's own vested interests? And how would this interpretation affect the parties to a conflict, the conflict process and the intervention?

Yet another question relates to the legitimacy of the intervention itself. Here, we should distinguish between the procedure that needs to be followed (procedural justice), the interpersonal relations (interactional justice) and the results and criteria on which the intervention is based (distributive justice). To what extent does the effectiveness of an intervention depend on the degree to which the intervention meets the criteria of the various modes of justice? How do these *distinct modes of justice* affect each other in the legitimisation processes? To what extent is this culturally determined?

This also raises the question as to the extent to which and the way in which social values contribute to the success of interventions. Which measures are relevant when evaluating the outcomes of interventions in terms of values? Under which circumstances do interventions contribute to the development and confirmation of values? Do unsuccessful interventions harm social values, for example because they deprive the parties involved of their responsibilities? Not only is justice a reason why conflicts emerge and not only does it influence the evolution of conflicts, whether or not through interventions, but it also plays a role in the post conflict phase of social reconstruction and peace building.

Interventions and conflict level

Interpersonal conflicts are not directly comparable to interstate conflicts. Nevertheless, it is clear that conflict processes at one level influence conflicts at other levels. In recent years, for example, clashes between the police and individual civilians in Dutch cities such as Den Bosch, Amsterdam and Utrecht have unleashed riots and violence between different groups of ethnic minorities and the police.

We also see that religious fanaticism and political radicalism resulting from the globalisation of political participation far beyond one's country or region of origin can lead to conflict. This may seriously put to the test the relationships within migrant communities and those between migrant communities and their host society. The Israeli-Palestinian conflict, for example, has led to discrimination and skirmishes on Dutch school playgrounds, and the call for *jihad* relating to developments in Iraq and Afghanistan is having serious repercussions in the Netherlands. The heritage of the Netherlands' colonial past also lingers on in a variety of ways. Whereas the Moluccan struggle for freedom has caused violence in the Netherlands, the Moluccan community in the Netherlands has actively sought crisis intervention in the recent

flare-up of the conflict between Muslims and Christians in the Moluccas themselves. In other words, conflicts at one level have implications for conflicts at other levels, and this is equally true for interventions. How do the conflicting parties formulate and reformulate their efforts to the extent that they see themselves as part of a wider conflict? How does this affect the context of an intervention?

Conflict processes at the level of the social relationships within which people shape their lives occur at the interface between the personal and the collective. At this level, concepts such as neighbourliness and citizenship acquire meaning, and identification with broader units takes place. People may have feelings of solidarity with their neighbourhood, village, city or their social class, or they may have feelings of religious or political affiliation. Identity-determining loyalties of this kind may be driven by shared interests (such as a desire for peace and quiet, stability through negotiations or feelings of nationalism). More often than not, however, we see that there are opposing interests that lead to conflict. In these cases it is interesting to examine which arsenal people draw on when entering into conflict: do they fight for public attention (either verbal or violent), politicise the conflict or draw the conflict into the legal realm, or do they take the conflict into the realm of ideology and go in search of allies at a higher level or mobilise supporters at a lower level?

During the unrest in Oosterparkwijk in the city of Groningen (2001) and the Ondiep neighbourhood in Utrecht (2007), structural social problems were reformulated in response to administrative impotence. Whereas the safety of the residents of these neighbourhoods was briefly at risk, they were against a conflict intervention designed to restore public order, precisely because the intervening authorities were not seen as arbitrators but as the opposing party. Residents of the Diamantwijk neighbourhood in Amsterdam (2005) *did* however demand police intervention from the local authorities when they felt persistently threatened by migrant youths. In order to reinforce their demands, they took the conflict to a higher level – that of national government immigration policy – in their argumentation. Which factors contribute to a redefinition of the conflict at a higher level of conflict? And is the call for intervention stronger at a higher level of conflict?

Interventions in the international arena, such as peacekeeping missions, also span multiple levels. Responses manifest themselves at the local level at which the struggle takes place, at the national level where they are politically driven and at the international level where nations may oppose a peacekeeping force for a variety of reasons. In what way, at which level and with which effects do ‘victims’ or other parties involved resist unwelcome interventions? How do processes at various levels influence each other?

Conflict dynamics and interventions

Conflicts do not stand alone – they develop in a specific social and/or political environment during the course of time. Interactions between parties may either weaken conflicts or further escalate them. In other words, conflicts are dynamic and longitudinal by nature: they may smoulder for any length of time and then flare up. Interventions tend to become more prominent when a conflict escalates, which may in turn give new dimensions to a conflict. The influence of interventions on the evolution of a conflict depends in part on the characteristics of the parties involved and on how they relate to one another. Has the intervention taken place at the request of both parties to the conflict, at the request of one of the parties or at the initiative of the intervener? How do the characteristics of the parties involved and their interrelationships (constellation) influence the outcome of an intervention?

A question that needs to be addressed is how the development phase of a conflict affects the need and potential for intervention and the possible effects. At the same time, we need to examine how interventions influence the dynamics of a conflict through their timing, the choice of goals and resources, the legitimacy of the intervention and the attribution of interests by third parties. These dynamics are often disregarded in decision-making – political or otherwise – about possible interventions. And whereas the dynamics of a conflict affect the feasibility of an intervention, decision-making processes of this kind tend to focus on normative considerations. The tension between the normative need for interventions and their actual feasibility is apparent in various levels and domains, such as in international relations, in the public and the economic realm and in family situations. The need to intervene in families where children are at risk of heading down the wrong path, for example, is currently a matter of debate.

This also raises the question as to the best phase in which to intervene in the process. In conflicts between individuals and within groups, there appears to be a tendency to intervene at an ever earlier stage and to take preventive action to prevent conflicts from escalating. For example, interventions are taking place earlier and earlier among children with educational problems. Local authorities, too, are assuming more and more powers to intervene at an earlier stage in families that are causing a nuisance. The police and the judiciary have been given greater powers to protect neighbourhood safety and to intervene if its safety is at risk. It remains to be seen, however, whether these interventions actually have a positive effect. Sometimes it seems as though the remedy is worse than the disease. This question may be approached either from a legal perspective (i.e. to what extent this results in such stretching of legislation that individual freedoms come to be at stake) or from the perspective of effectiveness. In fact, decision-making on interventions tends to focus on their goals and resources, whilst neglecting or providing only a cursory discussion concerning their specific effectiveness. Does the intervention freeze the conflict (the Balkans)? Or have the intervention forces become a part of the problem (Iraq, Afghanistan)? Do interventions by the criminal law system result in less criminal behaviour? To what extent have interventions in families produced the desired results?

There are also questions about the means of intervention. National governments, for example, use various legal instruments designed to prevent or resolve conflicts between population groups. Rules and regulations are used to set standards for the way in which different groups should interact in a multicultural society. These include non-discrimination laws and restrictions to the freedom of speech that makes offensive speech and incitement to hatred a criminal offence. Whereas these instruments are designed to promote basic human rights by protecting civilians, they may at the same time restrict the freedom of others. The threat of conflict escalation between population groups has become more and more real in recent years. This has increased the use of legal instruments and feeds the discussion whether certain actions in the public domain such as speech that offends, subverts or sows hatred should be prohibited.

More insight is needed into the effectiveness of legal instruments in managing differences between population groups and into conflicting values in international law, in particular with respect to human rights. The ways in which countries are trying to improve the position of minorities with the aid of legal instruments differ in terms of how they view the possibility of imposing tolerance by governments and of preventing conflicts from emerging. At the same time, international law may have a harmonising effect. The effectiveness of these instruments

has not yet been proven; some suggest that they are even counterproductive. It would therefore be worth including traditional procedures (criminal law and civil law) in 'effectiveness tests' in addition to more contemporary intervention mechanisms. This question is not restricted to issues related to collective violence within and between states, but also applies to interpersonal and intragroup conflict processes in primary living environments.