

2013

At The Confluence

Where Human Rights and
Conflict Transformation
meet

A selection of content and exercises that explore
working at the confluence of human rights and
conflict transformation



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Zimbabwe Lawyers for Human Rights



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And

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The weaver bird built in our house
And laid its eggs on our only tree
We did not want to send it away
We watched the building of the nest
And supervised the egg-laying.
And the weaver returned in the guise of the owner
Preaching salvation to us that owned the house
They say it came from the west
Where the storms at sea had felled the gulls
And the fishers dried their nets by lantern light
Its sermon is the divination of ourselves
And our new horizons limit at its nest
But we cannot join the prayers and answers of the
communicants.
We look for new homes every day,
For new altars we strive to rebuild
The old shrines defiled by the weaver's excrement.

Kofi Awonoor

Acknowledgements

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Inspiration for the entire learning series was drawn from a collaboration with Michelle Parlevliet who worked with Ghalib Galant and Undine Whande in the late 1990s/early 2000s in South African and continental human rights institutions and later in the context of international development practitioners encountering the nexus between Human Rights and Conflict Transformation as a key fault line to consider in their work. Michelle Parlevliet and Undine Whande facilitated one inaugural workshop on 'Facilitation Skills for Human Rights Practitioners' that contributed to the foundation of this project, process and products.

This publication brings together key insights from the Learning Series and a compilation of the exercises used during the various sessions. We would like to acknowledge that these exercises were based on a 20-year journey of learning of the facilitators, straddling many people

and many sources. We strive to acknowledge all places and persons through whom we have encountered the various exercises and concepts. Many (re)sources in the conflict transformation field are (thankfully) open source and shared widely. Where we have not acknowledged original or failed to identify the correct origins, or have attributed something to later co-creators, this is entirely our making and we apologise, having done our best to acknowledge and valuing all ancestral lineages in this professional field.

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The Learning Series

Between 2011 and 2013 the Centre for the Study of Violence and Reconciliation (ZA) and Zimbabwe Lawyers for Human Rights (Zim) collaborated to conceive and implement a learning series, entitled “*Spinning the Web: Exploring the Nexus between Human Rights and Conflict Transformation*”. This was born out of the identified need for human rights activists and lawyers to develop or deepen their facilitation skills to meet the needs of a changing socio-political environment. There was also a benefit to exploring the intersection between the fields of conflict transformation/peacebuilding and human rights with a view to seeing how they could complement each other in the field. In doing so, it was hoped:

- 1) To contribute to broadening the skills base of practitioners to include facilitative and conversational approaches for legal practitioners
- 2) And to deepen the analytical and intervention capacity of practitioners within ZLHR and HR oriented partners to explore the value of a conflict transformation lens in addition to a human rights lens;
- 3) To make room for exploring the value of human rights based knowledge and practices for peace practitioners; and
- 4) To co-create and strengthen webs of relationships within and among partner organisations and communities as a way of fostering resilience, social cohesion and contextually wise and appropriate engagement for nonviolence and peace, based on a human rights ethos.

The objectives of the Learning Series were that participants would:

- 1) Have a heightened appreciation for the interplay and nexus between human rights and conflict transformation;
- 2) Acquire and deepen analytical and facilitation skills through a conflict transformation lens;
- 3) Understand and explore the application of the approach(es) and skills within their own context;
- 4) Explore nonviolence and nonviolent strategies for social transformation and cohesion
- 5) Explore and deepen skills and approaches to community participation and mobilisation



About the Treasure Trove

This Treasure Trove contains a selection of the important substantive concepts and theoretical underpinnings of the Learning Series. It also contains some of the more important exercises done over the course of the Learning Series.

The Treasure Trove is not intended to be exhaustive. Instead, it is offered as a collection of materials which we hope will be useful in your own work. The content pieces for instance may be used as information sheets or as the basis for inputs on those topics.

The exercises are offered with detailed instructions on how they may be run. They have been drawn from our own experience as facilitators working at the nexus of human rights and conflict transformation. There may also be other ways that are more appropriate in the contexts that you work. Feedback on what works and what could be changed would be greatly appreciated. In that way these exercises might remain living and evolving within different contexts and with different audiences in mind.



Where Human Rights and Conflict meet

Afro-pessimists tell us that Africa is still the “Dark Continent” beset with problems, dripping in human suffering, incurable disease, blood and corruption. As Adekeye Adebajo of the Centre for Conflict Resolution in Cape Town points out, “ethnic crocodiles of the genocidal species have been feeding off the carcass that used to be the Democratic Republic of the Congo; leaders outstay their welcome abound on the continent; more than 50% of the population of the continent survive on less than \$1 per day; territorial disputes can be found in every corner of the continent; the abundant natural resources of the continent provide rich fodder for unscrupulous operators who profit and line their pockets with the proceeds of other people’s misery”.

Further afield, a prisoner of war lies curled up naked in a foetal position whilst his tormentor smiles victoriously for the camera; flies feed hungrily off the mouth of a malnourished baby; demonstrators from all around the world square off to grim-faced police officers and water cannon in wealthy and well-developed streets; international election monitors are deported as they touch down ahead of the next “free and fair” elections; an armoured personnel carrier is menaced by a stone-throwing youth.

Far too close to home a towering shadow reaches up with an outstretched hand while a partner huddles cowering in the shadows; we see the stomping barefooted demands for a better standard of living while a fleet of luxury sedans glide past in air-conditioned comfort on their way to an address by the leader on how to reduce poverty.

Pictures such as these assail us daily in print, on the radio and on television. Conflict, and far too often violent conflict, is a feature of our existence as human beings. In spite of how common they are, they still affect us, still perturb us, and still drive us to seek ways to change the situation. More so if you work in the areas of conflict management, human rights, development or humanitarian assistance.

What we do and how we do might differ tremendously, but we would all say that our aim would be the eradication of violent conflict and putting in place the socio-economic conditions for a sustainable peace.

Faced with the human security needs of a post-conflict situation, in the immediate term, “human rights activists might seek to correct wrongs perpetrated against victims; conflict management practitioners might seek to end the physical violence and get the parties talking with each other in order to find a mutually acceptable solution or process; humanitarian actors would want to attend to the humanitarian needs of the displaced and affected.

If asked what their respective vision of a long-term solution would be, using different words perhaps, they are likely to paint a similar picture of conditions allowing people to live out their potential fully, in a society based on justice, equality and dignity. The human rights actor might emphasise the rule of law, a legitimate system of governance and full expression of individual and group rights. The conflict management practitioner might talk of a just peace where conflict is managed without resorting to violence, underlying causes are addressed and parties’ needs and interests are met. The development worker might replace the humanitarian agent in the long-term, and highlight the establishment of socio-economic conditions that allow human development to take place.

Thus, in different ways these various actors may all work towards a long term objective that could be called ‘sustainable peace’. Locked within this notion are the absence of violence, the presence of healthy relationships, mechanisms to manage conflict constructively, socio-economic and political justice, and conditions for long-term development”ⁱⁱ.

However, often in pursuing their respective and converging goals, very often practitioners find themselves in tension with one another.

One of the oft-cited tensions between human rights activists and conflict management practitioners is the one that exists in post-violence necessities of justice versus peace. Human rights activists will prioritise justice as a means to peace, their efforts focussed on bringing perpetrators to book, restoring the rule of law and putting in place credible, legitimate and democratic institutions. Conflict management practitioners on the other hand would be more concerned with bringing about peace on the road to justice and reconciliation. Their attention will be drawn to facilitate a cessation of violence and hostilities to create a platform for meaningful dialogue and social reconstruction. This might even mean engaging with perpetrators of human rights abuses in order to work towards national reconciliation for instance.

Human rights activists might be more adversarial in their quest for redress for past human rights abuses asserting legal or international standards against which to measure the breaches and ways to avoid/prevent future abuses. Conflict management practitioners might focus more on facilitating a process wherein everyone participates.

Similarly aid workers might find themselves unwittingly adding to the conflict and even becoming targets of the antagonists in the armed conflict as they provide aid and assistance to the wounded and displaced in the conflict. There is some evidence to suggest that in unstable and violent situations, aid and development programmes can actually escalate the violence and the conflict as new resources come into the situation and potentially change the balance of power.

It is easy to identify the tension that arises when rights have been breached – should the law be upheld (with potentially a hardening of positions and an exacerbation of the conflict) or should a constructive solution that meets both parties' interests be found. When would one choose one over the other? Does one even have a choice in the matter?

These are just some of the challenges of working in the field, at the confluence of different actors from different disciplines pursuing a similar goal but from different perspectives.

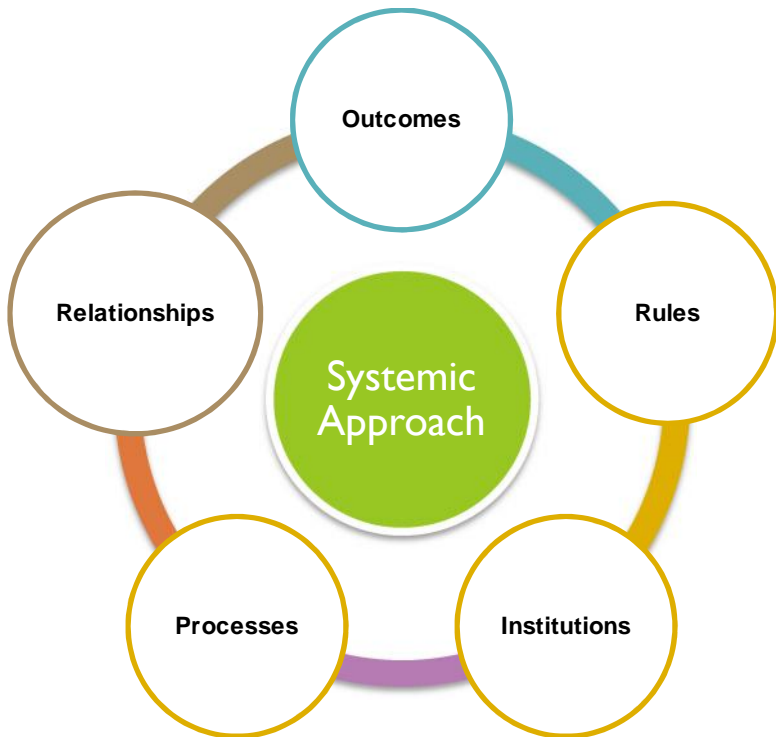
This treasure trove offers some thoughts and exercises on how they might work together in the achievement of those goals. Instead of getting in each other's way, how might we even leverage off the perspectives that we bring respectively?

A Framework for Integrating Human Rights & Conflict Transformationⁱⁱⁱ

Working at the nexus of conflict transformation and human rights seeks to bring coherence to the efforts of actors all pursuing durable solutions and sustainable peace. This means seeking to ensure that there is synergy between the efforts of human rights actors, conflict transformation practitioners and development agents.

Five areas bear scrutiny:

- ✚ **RULES:** ensuring that a rights framework that recognise rules of universal application is in place (and implemented)
- ✚ **INSTITUTIONS:** building competent, effective institutions that implement the rules (without fear or favour and outside interference)
- ✚ **PROCESSES:** these are processes within institutions (broadly understood) that serve to entrench the universal application of the rules (fostering faith in the rule of law etc.)
- ✚ **RELATIONSHIPS:** sound, healthy relationships among individuals, groups and even institutions are necessary for the overall faith in the system.
- ✚ **TANGIBLE OUTCOMES:** without tangible outcomes (economic, social, psychological) the system also breaks down as people do not see a difference in their conditions or continue to have unfulfilled needs.



This 'model' provides a framework for operationalizing human rights in a concrete context by highlighting four dimensions of human rights, which are all based on human rights values. Reflecting how the presence or absence of rights may take shape in people's lived experience; this framework seeks to provide guidance on integrating human rights meaningfully into conflict transformation thinking and

practice. Each of these dimensions must be carefully considered in efforts to transform conflict. This multi-dimensional understanding of human rights reflects also how aspirations such as ‘building a just peace,’ ‘building a culture of human rights’ or ‘establishing the rule of law’ goes beyond legislation, policies, and public institutions; they embody the desire that rights become a living reality for all in society.

Human Rights as Rules:

This dimension refers to the legal aspect of human rights: the standards that outlaw certain behaviour and actions and demand others, as contained in international instruments and domestic legislation. It highlights the need to legally recognise human rights and institutionalise respect for human rights through the adoption, implementation and enforcement of relevant legislation. This dimension thus relates to the formal entitlements of rights-holders and duties of duty-bearers and captures the importance of a systematic orientation towards human rights standards (as emphasised in the HRBA). It points to the need to (a) identify and take into account the substantive rights of all conflict parties - individuals, groups and communities in conflict transformation processes; (b) ensure that all are familiar with the rights standards and their practical implications; and (c) design conflict transformation interventions that abide by human rights standards.

Human Rights as Structures and Institutions:

This dimension relates (a) to the structural division of power, resources and opportunities in society (what has been referred to earlier as ‘structural conditions’) and (b) the absence or presence of effective and legitimate mechanisms to handle conflict in society and between individuals or groups. It thus emphasises the need to address underlying causes of conflict and to support the development

of legitimate, capable and independent institutions that can support the realisation of rights and/or provide redress to individuals and groups. (This dimension thus relates, amongst other things, to the capacity-building element of the HRBA, especially in relation to the state.)

Human Rights as Relationships:

This dimension relates to the relevance of human rights for organising and governing the interaction between state and citizens and amongst individuals and groups in society so that these are constructive, geared towards non-violence, and allow for the recognition of the humanity and dignity of others. It points to the need to review the (patterns of) interaction and communication that exist both vertically (between the state and citizens) and horizontally (between individuals and groups) – by, amongst other things, addressing both the structural concerns that negatively affect such relations and the attitudes, perceptions and behaviour. As such, this dimension highlights the importance of helping parties and communities, as well as state and non-state actors, develop an appreciation of their interdependence and an understanding of their responsibilities towards themselves, their context and others. This dimension relates to two aspects of the HRBA:

- 1) First, to build capacities of both rights-holders (voice) and duty-bearers (response) at the same time (increasing “**voice**” without strengthening “**response**” might even contribute to rising tension); and
- 2) Second, to strengthen the relationship between both in order to create lasting avenues for constructive, non-violent dialogue.

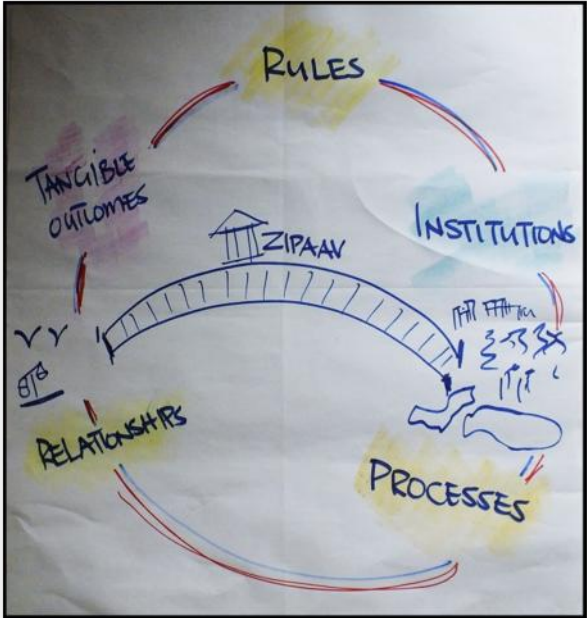
Human Rights as Processes:

This dimension highlights the need to give meaning to fundamental human rights values and principles by integrating them into conflict transformation processes at various levels of society. It reflects the fourth element of the HRBA, which concerns the implementation of human rights principles in development processes (non-discrimination and equality of opportunities; participation and empowerment; transparency and accountability.)

Giving effect to human rights values through the process of implementation used in conflict transformation and/or development projects/programs can help parties to develop a practical understanding of human rights (for example, the importance of respecting diversity; the need to include weaker or marginalised parties to ensure that their voices are heard, etc.)

Human Rights as Tangible Outcomes:

An additional dimension of Human Rights that speaks most directly to developmental imperatives is that of tangible outcomes. These may be economic, psychological or physical; they speak though to a felt “real difference” in the lives of people. The recent economic downturn has seen a rise in social activism where service delivery and the ability to satisfy one’s needs have diminished. This has happened even in a context where there is a framework of rules, with competent institutions, due process and working relationships. Ensuring that people feel the tangible difference in their lives goes a long way to shoring up the other parts of the system: respect for rule of law, respect for the institutions, trust in the processes and the willingness to enter into healthy relationships.



Why is an iceberg like conflict? ^{iv}

The metaphor of an iceberg can illustrate the notion that human rights violations can be both causes and consequences of violent conflict. The top of the iceberg, above the waterline, represents human rights violations as consequences (or symptoms) of violent conflict. Like the top, these violations are usually highly visible (summary executions; disappearances; no access to health-care and education due to destruction of clinics and schools, etc.)

The bottom of the iceberg below the waterline symbolises violations of human rights as cause of conflict. It represents situations where denial of human rights is embedded in the structures of society and governance, in terms of how the state is organised, how institutions operate and society functions. For example, a country's laws and policy framework may be biased against certain identity groups resulting in their political exclusion and social and economic marginalisation.

The relative size of the iceberg above and below the waterline reflects that it is more important to focus on the structural, underlying causes of conflict than only on the manifestations, or symptoms/consequences of conflict....

The diagram [below] is a schematic illustration of the iceberg, which illustrates the dynamic interaction that exists between human rights violations as causes and symptoms/consequences of violent conflict. Denial of human rights as a cause of conflict gives rise to human rights violations as symptoms and consequences of conflict (**arrow on the right**).

Yet, if a pattern of (symptomatic) abuses continues for a long period of time, it can gradually become a structural condition in and of its own right that fuels further conflict. This can happen with systematic torture, extensive and indiscriminate killings, destruction of livelihoods and widespread impunity (**arrow on the left**).

(Adjusted from diagram previously published in Parlevliet, M. 2009.)
“Rethinking Conflict Transformation from a Human Rights Perspective”, in: Fischer, M. and Schmelzle, B. (eds.), Berghof Handbook for Conflict Transformation, Berlin: Berghof Conflict Research, p6, at



http://www.berghofhandbook.net/uploads/download/parlevliet_handbook.pdf

Fundamental Human Needs^v

The Chilean economist **Manfred Max-Neef** also proposes nine universal human needs, through which he argues that we can achieve human development and peaceful societies. Max-Neef defines his main proposal **Human Scale Development**, as "focused and based on the satisfaction of fundamental human needs, on the generation of growing levels of self-reliance, and on the construction of organic articulations of people with nature and technology, of global processes with local activity, of the personal with the social, of planning with autonomy, and of civil society with the state." Like Burton and Rosenberg, Max-Neef agrees that no need is superior to other, and that they are all complementary and essential to human life.

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One of the main contributions that Max-Neef makes to the understanding of needs is the distinction made between **needs** and **satisfiers**. Human needs are seen as few, finite and classifiable (as distinct from the conventional notion that "wants" are infinite and insatiable). Not only this, they are constant through all human cultures and across historical time periods. What changes over time and between cultures is the way these needs are satisfied. It is important that human needs are understood as a system - i.e. they are interrelated and interactive. There is no hierarchy of needs (apart from the basic need for subsistence or survival) as postulated by Western psychologists such as Maslow, rather, simultaneity, complementarity, and trade-offs are features of the process of needs satisfaction.

Satisfiers also have different characteristics: they can be violators or destroyers, pseudo satisfiers, inhibiting satisfiers, singular satisfiers, or synergic satisfiers. Max-Neef shows that certain satisfiers, promoted as satisfying a particular need, in fact inhibit or destroy the possibility of satisfying other needs: e.g., the arms race, while ostensibly satisfying the need for protection, in fact then destroys subsistence, participation, affection and freedom; formal democracy, which is supposed to meet the need for participation often disempowers and alienates; commercial television, while used to satisfy the need for recreation, interferes with understanding, creativity and identity - the examples are everywhere.



Synergic satisfiers, on the other hand, not only satisfy one particular need, but also lead to satisfaction in other areas: some examples are breast-feeding; self-managed production; popular education; democratic community organisations; preventative medicine; meditation; educational games.



This model provides a useful approach that meets the requirements of small group, community-based processes that have the effect of allowing deep reflection about one's individual and community situation, leading to critical awareness and, possibly, action at the local economic level.

FUNDAMENTAL
HUMAN NEED

SATISFERS

	BEING (QUALITIES)	HAVING (THINGS)	DOING (ACTIONS)	INTERACTING (SETTINGS)
FREEDOM	Autonomy, passion, self- esteem, open- mindedness	Equal rights	Dissent, choose, run risks, develop awareness	anywhere
IDENTITY	Sense of belonging, self- esteem, consistency	Language, religions, work, customs, values, norms	Get to know oneself, grow, commit oneself	Places one belongs to, everyday settings
LEISURE	Imagination, tranquility, spontaneity	Games, parties, sport, peace of mind	Day-dream, remember, relax, have fun	Landscapes, intimate spaces, places to be alone
SUBSISTENCE	Physical and mental health	Food, shelter, work, clothes	Feed, clothe, rest, work	Living environment, social setting
AFFECTION	Respect, sense of humour, generosity, sensuality	Friendships, family, relationships with nature	Share, take care of, make love, express emotions and feelings	Privacy, intimate spaces of togetherness
CREATION	Imagination, boldness, inventiveness, curiosity	Abilities, skills, work, techniques	Invent, build, design, work, compose, interpret	Spaces for expression, workshops, audiences

FUNDAMENTAL
HUMAN NEED

SATISFIERS

BEING
(QUALITIES)

HAVING
(THINGS)

DOING
(ACTIONS)

INTERACTING
(SETTINGS)

UNDERSTANDING

Critical
capacity,
curiosity,
intuition

Literature,
teachers,
policies,
education

Analyse, study,
meditate,
investigate

Schools, families,
universities,
community

PROTECTION

Care,
adaptability,
autonomy

Social security,
health systems,
work

Cooperate,
plan, take
care of, help

Social
environment,
dwelling

PARTICIPATION

Receptiveness,
dedication,
sense of
humour

Responsibilities,
duties, work,
rights

Cooperate,
dissent,
express
opinions

Associations,
parties, churches,
neighbourhoods

Roles & Strategies

What role do you play in a conflict situation? Actors and intervenors take on a whole range of roles in a conflict situation:

Explorer	:	Carries messages between parties and reassures them about the room for negotiation and notes areas of common ground
Convenor	:	Initiates the resolution process by encouraging parties to take part. Works at removing obstacles which impede peacemaking and peacebuilding efforts
Analyser	:	Performs political, social or economic analysis of the conflict to assist other intervenors in determining the causes of conflict and courses of action
Designer	:	Helps parties and intervenors in creating a resolution process which will appropriately and effectively address the conflict issues
Communicator	:	Serves as the communication interface between parties involved in the process and those outside of it (e.g. the media, general public and international community)
Decoupler	:	Finds ways for external parties who have become involved in the conflict to disengage while saving face and attempts to engage other external actors who can play a less biased role in endorsing the process or encouraging parties to participate

Enskiller	:	Empowers parties with the skills required to negotiate, communicate interests, analyse scenarios and research aspects of the conflict
Educator	:	Provides expert opinion or technical information to parties about aspects of the situation
Envisioner	:	Helps parties think about the conflict in new ways
Evaluator	:	Helps the parties assess possible solutions and their impact on the resolution of conflict
Legitimiser	:	Encourages parties to accept the process by giving their moral, political or financial approval
Facilitator	:	Assist the parties in communication with one another by creating a safe process for discussion. S/he would frame and reframe the issues and parties' understanding. S/he would foster a forum for effective listening and problem-solving.
Enforcer	:	Monitors agreements and codes of conduct so that momentum for the process can be sustained
Reconciler	:	Prepares parties for long-term relationship building activities which are designed to reduce patterns of negative behaviours, destructive stereotyping and miscommunication

Some more specific human rights roles can include:

Advocate	: Propagate certain issues or values. S/he may speak in favour of or on behalf of a certain party, and makes sure that specific concerns are set out. Often s/he speaks in terms of positions.
Monitor	: Monitors situations, events and the behaviour of parties w.r.t. the extent to which human rights are protected and the extent of compliance with international instruments
Lobbyist	: Argues strongly in the public arena in favour of particular parties, activities, policies or approaches and makes an effort to influence decision-makers in this regard
Investigator	: Examines allegations of abuse, gathers evidence about human rights violations and interviews possible witnesses with a view to influence decision-makers in this regard
Fact finder	: Gathers information about the state of human rights in a particular country, situation or context with a view to making recommendations about ensuring proper protection and promotion of human rights
Reporter	: Disseminates information on human rights in a particular situation to the general public or to specialised audiences
Educator	: Promotes human rights by building people's understanding and knowledge of human rights issues, concerns and instruments.

Role definition and fudging

What is the problem with taking sides?

In some cases, humanitarian agencies have been faced with a dilemma of providing aid to the needy and displaced, and finding that some of the chief protagonists have been among the recipients of that aid. The dilemma was whether they should continue in their primary role of providing aid to victims of the violence, or whether to withdraw so as not to be seen to be aiding one of the belligerent parties.

Similarly, in the case of an oppressive regime reneging on its obligation to feed its population, ***should international aid programmes step in and in so doing cause such a regime to continue?***

How does one deal with insurgent groups? Does one accord them the same status as the government they are wishing to overthrow? How will one's decision affect the progress or outcome of any potential peace talks? Also importantly, how will one be viewed by both parties?

How does one tackle clear breaches of international conventions or resolutions and still hold out the hope of a sustainable peace for all?

One certainly is in ensuring that you maintain what some people have called 'role integrity'. This is the notion that even though we are called upon to play different roles, we should try to ensure that those roles are not compromised. Some roles are inherently contradictory.

For example, one of the characteristics of third-party facilitators is impartiality. If the facilitator is also seen to be an advocate or patron for one of the parties, the other parties may feel that the process is biased. Similarly, being an enforcer (e.g. arbitrator or judge) may compromise one's role as a party advocate.



THE ILLUSION OF NEUTRALITY

By Ron Kraybill^{vi}

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"Keep your opinions to yourself .What the parties decide to do is their responsibility. You should be entirely neutral at all times" - (Advice from a labour mediator to a student intern)

"The duty of the churches is to be agents of reconciliation. That means we must avoid taking sides and be neutral." (Statement by a church leader about a community conflict)

"Yes, I am aware that one side has launched most of the attacks against the other side. But we are trying to make peace here and that means we must maintain our neutrality". - (Mediator responding to concerns raised by community leaders about violence initiated by one party in an ongoing mediation).

Is "neutrality" ever a constructive goal in conflict? I believe the answer is No. Were I able to, I would remove the word "neutrality" from the English Language, for it has caused much injury to the cause of peacemaking. It confuses many mediators with a false understanding of their task; it blocks many sincere leaders from acting on their own deeply-held principles of justice; it damages the credibility of the entire enterprise of peacemaking in the larger community.

People who try to be "neutral" do so, I believe, because they think that if they want to work for peace they have no alternative. After all, who enjoys trying to act, as one wag put it, "like a recently arrive amoral eunuch from Mars"? Good news for the "neutrals". There are

alternatives and we shall propose several. But first, consider two objections to the concept of neutrality.

Problems with neutrality

Neutrality is an illusion; there is no such thing as a detached or objective observer. Natural social scientists have in recent years come to recognise this as a given. Even if I sit in a corner in complete silence while two people fight, I communicate assumptions or values which influence the situation, such as "screaming is acceptable" or "this conflict and the things being agreed upon here are of no concern to other", etc.

Rather than pretend to have no values or to be neutral, people seeking to be a constructive presence in any conflict should learn to be reflective about what values motivate them and be open about those values with others.

Another objection to neutrality is that in the words of Fr. Albert Nolan of the Institute for Contextual Theology in Johannesburg, "it makes reconciliation an absolute principle that must be applied in all cases of conflict." Neutrality, says Nolan, assumes that all conflicts are based on misunderstandings, that blame lies equally on both sides, and that all that is needed is to bring the two parties together and the misunderstanding will be rectified. In truth, Nolan points out these assumptions are wrong in some conflicts. Sometimes one side is right and the other wrong. One side is being unjust and oppressive and the other is suffering injustice and oppression. In such a case not taking sides would be quite wrong."

Alternatives to neutrality

Rather than hiding our values, peacemakers can be explicit about them. After all, we are the ones who call for unusual responses from others. We more than anyone else need to be clear and articulate about what motivates us and what others must do if they are to participate in the peace we seek to support.

In a seminal essay in 1975 American conflict practitioners, James Laue and Gerald Cormick, suggest that a social intervention should be guided by core values of freedom, justice and empowerment. Of these criteria, justice is the primary one, since freedom and empowerment are actually pathway values leading to the creation of justice. For Laue and Cormick, "the single ethical question that must be asked of every intervenor in community disputes at every decision-making point in the intervention is: Does the intervention contribute to the ability of relatively powerless individuals and groups in the situation to determine their own destinies to the greatest extent consistent with the common good?" Thus intervenors must first analyse the conflict in its context, and then choose an appropriate response. Laue and Cormick identify five roles commonly played by intervenors:

1. **The activist** works closely with the powerless or non-establishment party in a conflict. He or she is usually either a member of the non-establishment group or is so closely aligned that he or she "fully merges his or her identity with the powerless party." Activist's skills usually include organising, public speaking, devising strategy, and the ability to rally a following.
2. **The advocate** plays a similar role to the activist in the sense that he or she promotes the interests of a particular side. But

the advocate functions from a more detached standpoint, serving as an advisor or consultant to the group, rather than identifying personally with the group he or she serves. The typical advocate for the establishment party is the management consultant; while the community organiser is the most frequent type of out-party advocate. A negotiator representing any of the parties also exemplifies this role type."

3. **Mediators** "do not have their base in any of the disputing parties and thus have a more general, less party-parochial view of the conflict." The mediator is also "acceptable at some level of confidence to all of the disputing parties".
4. **The researcher** may be "a social scientist, a policy analyst, a media representative, or a trained lay observer, who provides an independent evaluation of a given conflict situation. The researcher perceives the conflict in its broadest context and is able to empathise with all positions".
5. **The enforcer** brings formal coercive power to the conflict. The enforcer is often "a formal agency of social control in the larger system within which the conflict is set - the police or the courts - or perhaps ... a funding agency or an arbitrator." Though elements of this role appear in many conflicts, one rarely sees it in pure form. "The web of issues and parties is usually so complex that no single person or agency has an appropriate base to command allegiance to an imposed solution..."

The challenge from this perspective is to choose the role most likely to lead to justice, freedom, and empowerment. Mediation may often be the role needed, but in some situations a greater need exists for an activist or advocate. Laue and Cormick observe that people performing other roles often call themselves "mediators", thus

perpetuating the widespread misperception that mediation is the only useful intervention role.

Quite the opposite of being neutral then, intervenors must at all times make decisions and undertake actions which reflect a clear set of values. If intervenors are not clear about their own values or self-critical in assessing what values their actions actually support in a situation, they are vulnerable to being used by the more powerful party to serve unjust purposes. The goal is not to be neutral, but rather to be ethical: to be conscious of one's own values and the likely outcome of one's action so that the intervenor can make appropriate choices.



Advocacy as an alternative to neutrality

Another alternative to neutrality begins by broadening the definition of advocacy and recognising that we are advocates of something all of

the time, whether we are conscious of it or not. The question is not if we are advocates, but rather of what. From this perspective we can identify at least four kinds of advocacy:

1. **A party advocate** takes the side of one party and pushes loyally for its advantage. "My country/ my party/ my friends - right or wrong." This is what most people have in mind when they think of advocacy. But other kinds of advocacy exist.
2. **An outcome advocate** works for an outcome he or she deems desirable, without regard to who happens to benefit from this outcome.
3. **A process advocate** promotes neither party nor outcome, but rather a particular way of deciding things or getting things done.
4. **A values advocate** champions concepts or principles: democracy, fair play, the rule of law, human rights etc.

Thus giving up neutrality does not mean that peacemakers merely jump in and take sides (though in Laue and Cormick's framework that may indeed be called for in some situations). Peacemakers can choose forms of advocacy that enable them to define a clear perspective without falling into the blind partisanship of party advocacy.

The mediator as process and values advocate

I believe mediators should view themselves as passionate process advocates. This enables us to avoid parochial side-taking, yet still root ourselves deeply in values that will guide us in making principled decisions about our role and in interpreting our work for others.

As process advocates, we should be clear within ourselves and articulate in describing to others the nature of the processes we facilitate. We should be prepared to walk away decisively, if necessary, from any situation which does not support the values we stand for. Our commitment to justice, freedom and empowerment will enable us to take a clear and explicit stand on a variety of principles regarding any process which we facilitate:

- ✚ **Conduct of participants:** Negotiations should take place in ways that respect the dignity and equality of all persons in the negotiations as well as those affected by the negotiations.
- ✚ **Parties represented at the table:** No negotiations should proceed if serious effort has not been made to involve all parties with a legitimate interest at stake.
- ✚ **Negotiator mandates:** Negotiators must hold a genuine mandate to negotiate on behalf of the people they claim to represent.
- ✚ **Access of constituencies to decision-making:** Negotiations must place final decision-making power in the hands of the people most affected by decisions taken at the mediation table, either by direct involvement in decision-making processes or through legitimate forms of representation.
- ✚ **Power:** Power must be relatively equal if conflicts are to be genuinely resolved rather than merely temporarily suppressed. Mediators must acknowledge the realities of power and recognise that power is a relative and constantly changing phenomenon deriving from many sources.

(Sometimes, for example, apparently "powerless" groups actually have a great deal of power.) Mediators should analyse carefully the timing of their efforts so as to ensure relatively equal power. They should also recognise and support the necessary role of activists and advocates and be ready to decline to mediate if power imbalances are too high.

- ✚ **Problem-solving approaches:** Mediators should be articulate and persuasive in advocating processes of negotiation and decision-making that shift the dynamics of interaction between the parties from simple positional power manoeuvring (which only postpone real resolution) to genuine grappling with the legitimate needs of each side. For example, the mediator can guide the parties through analytical exercises, which raise the issues of the basic human needs that underlie most social and political conflicts, and which enable the parts to reflect on the long-term consequences of not meeting these needs.
- ✚ **Information:** All parties should have equal access to critical information.
- ✚ **Accountability:** A mediator should hold all parties accountable: to other parties at the table in living up to agreements and in being honest about the extent to which they can make binding commitments; also to their own constituencies in accurately and competently representing constituency concerns and interests, and in keeping constituencies informed and appropriately involved in the decision-making process.

The challenge for all mature human beings and peacemakers in particular is to stand for something; to have opinions and goals, and to work constructively for their implementation. We are not "neutral". But then what are we? Impartial, fair, principled, committed to the legitimate needs of all.

Many words will do, but let us never accept a description that robs us of the heart of our humanity: our identity and our values.



Conflict and Change^{vii}

Both conflict and change are a normal part of human life. Conflict is continuously present in human relationships, and the fabric of these relationships is constantly adapting and changing. Before discussing practical approaches to conflict transformation, it is important to better understand the link between conflict and change

There are four central modes in which conflict impacts situations and changes things:

- the personal,
- the relational,
- the structural, and
- the cultural

In addition, we can think about these changes in response to two questions. First, from a descriptive view, what does conflict change? And second, from the standpoint of responding to conflict as it arises, what kind of changes do we seek? In the first arena, we are simply acknowledging the common patterns and impact of social conflict. In the second, we recognize the need to identify what our values and intentions may be as we actively seek to respond, intervene, and create change.

The personal dimension refers to changes effected in and desired for the individual. This includes the cognitive, emotional, perceptual, and spiritual aspects of human experience over the course of conflict. From a descriptive perspective, transformation suggests that individuals are affected by conflict in both negative and positive ways. For example, conflict affects our physical well-being, self-esteem, emotional stability, capacity to perceive accurately, and spiritual integrity. Prescriptively, (i.e., relating to what one *should* do)

transformation represents deliberate intervention to *minimize* the destructive effects of social conflict and *maximize* its potential for individual growth at physical, emotional, and spiritual levels.

The relational dimension depicts the changes affected in and desired for the face-to-face relationships. Here issues of emotions, power, and interdependence, and the communicative and interactive aspects of conflict are central. Descriptively, transformation refers to how the *patterns* of communication and interaction in relationships are affected by conflict. It looks beyond visible issues to the underlying changes produced by conflict in how people perceive, what they pursue, and how they structure their relationships. Most significantly, social conflict makes explicit how close or distant people wish to be, how they will use and share power, what they perceive of themselves and each other, and what patterns of interaction they wish to have. Prescriptively, transformation represents intentional intervention to minimize poorly functioning communication and maximize mutual understanding. This includes efforts to bring to the surface in a more explicit manner the relational fears, hopes and goals of the people involved.

The structural dimension highlights the underlying causes of conflict, and stresses the ways in which social structures, organizations, and institutions are built, sustained, and changed by conflict. It is about the ways people build and organize social, economic, and institutional relationships to meet basic human needs and provide access to resources and decision-making. At the descriptive level transformation refers to the analysis of social conditions that give rise to conflict and the way that conflict affects social structural change in existing social, political and economic institutions.

At a prescriptive level, transformation represents efforts to provide insight into underlying causes and social conditions that create and foster violent expressions of conflict, and to promote nonviolent mechanisms that reduce adversarial interaction and minimize violence. Pursuit of this change fosters structures that meet basic human needs (**substantive justice**) and maximize people's participation in decisions that affect them (**procedural justice**).

The cultural dimension refers to the ways that conflict changes the patterns of group life as well as the ways that culture affects the development of processes to handle and respond to conflict. At a descriptive level, transformation seeks to understand how conflict affects and changes cultural patterns of a group, and how those accumulated and shared patterns affect the way people in a given context understand and respond to conflict. Prescriptively, transformation seeks to uncover the cultural patterns that contribute to violence in a given context, and to identify and build on existing cultural resources and mechanisms for handling conflict.

Change Goals in Conflict Transformation:

Transformation understands social conflict as evolving from, and producing changes in, the personal, relational, structural and cultural dimensions of human experience. It seeks to promote constructive processes within each of these dimensions.

- Personal: Minimize destructive effects of social conflict and maximize the potential for personal growth at physical, emotional and spiritual levels.
- Relational: Minimize poorly functioning communication and maximize understanding.
- Structural: Understand and address root causes of violent conflict; promote nonviolent mechanisms; minimize violence; foster structures that meet basic human needs and maximize public participation.
- Cultural: Identify and understand the cultural patterns that contribute to the rise of violent expressions of conflict; identify cultural resources for constructively handling conflict.

Dimensions of Conflict ^{viii}

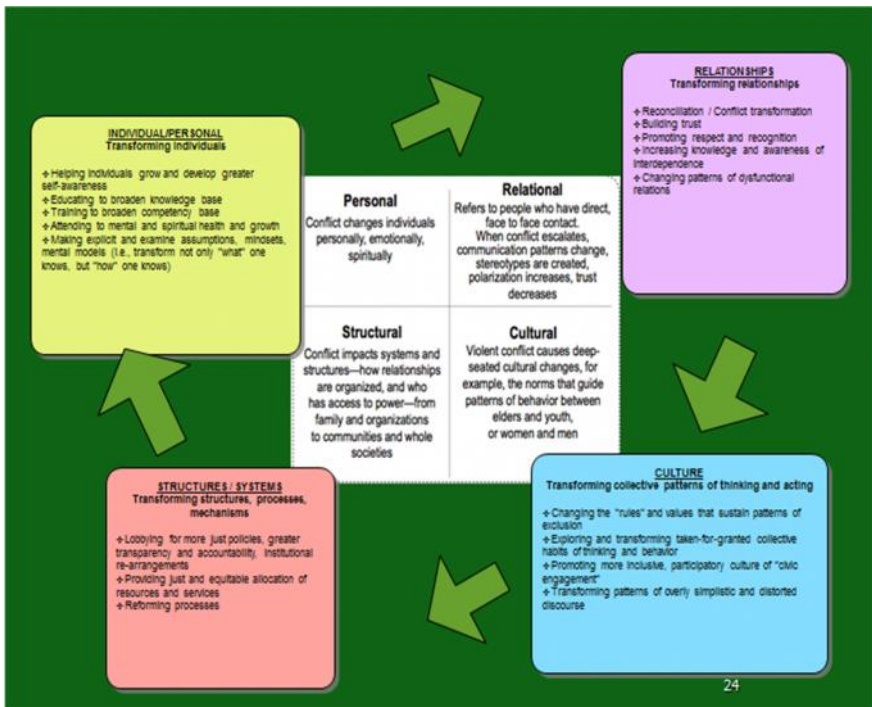


FIGURE I GRAPHIC DEVELOPED BY CHRIS SPIES

Reconciliation: Balancing Truth, Mercy, Peace and Justice

A useful way of considering these issues stems from John Paul Lederach, a scholar and practitioner of peacebuilding who has been working in this area for more than thirty years. He suggests that there are a number of key elements that should be taken into account when thinking about rebuilding a society that has been affected by violence. These are *truth, mercy, peace and justice*. He suggests that reconciliation consists of finding a balance between these four allows for reconciliation, and that it is both a process and a goal in itself. The appeal of his framework is that it is relatively simple, but highlights the complexity involved in dealing with a legacy of violence. After all, people have different interpretations of any of these four concepts. In addition, different people might prioritise these four elements in different ways, and so too, can communities or societies differ on the relative weight they attach to each of these four. Moreover, there are different ways of implementing these various concepts, and each society needs to establish for itself what balance between truth, mercy, peace and justice, is most appropriate in the local circumstances, and this can best be implemented.^{ix}

Truth is the first sacrifice we make in order to belong to any exclusive group.

Sam Keen, *Faces of the Enemy*.

Truth – what do we mean by truth, and whose truth are we talking about? Often, when people talk of ‘truth’ in relation to past human rights violations, they speak in terms of ‘telling the truth,’ or ‘bringing truth to light,’ as if ‘truth’ is merely lying under a carpet waiting to be uncovered. However, truth is invariably contested, certainly in a situation where people have fought one another. ‘Truth’ in the context of past violence may especially relate to longing for acknowledgement of wrong, the validation of experiences, clarity about what happened and the need for dialogue and transparency as a fundamental basis for a new society.

Mercy – many people think of forgiveness when speaking of mercy, highlighting the need for acceptance, letting go, and a new beginning. Related to past violations, ‘mercy’ is sometimes taken to refer to amnesty, or pardon, letting perpetrators get off. However, mercy can also be seen to go beyond that, at to refer to people’s ability and/or willingness to cultivate a respect for a common humanity and to agree that it is possible to co-exist. It is suggested that mercy depends on people’s willingness to show compassion, to overcome violence, and to support a concept of justice that is not mostly about revenge.



Justice – ‘punishment’ is often what comes first to mind when people speak of justice in the context of past abuses. ‘Justice’ is then seen as related to a prosecutorial process: holding people accountable for their actions in court, rectifying the wrong. Over time, however, through the work of various bodies such as the South African Truth and Reconciliation Commission, the notion of ‘restorative’ justice has also come up. This is less focused on

punishment and more on healing social relationships, reintegrating those responsible for violence into society, and building a type of society that reflects values of those who suffered. Yet, discussions earlier in this section also highlighted that justice is not only looking back towards the past, but is as much concerned with looking forward to the future. In that sense, ‘justice’ also relates to making things right by structural reform, to restitution, to respect for individual and group rights. Thus, justice encompasses both individual and social justice and highlights the responsibilities of the state and citizens.

Peace – notions of peace are covered in the Conflict Transformation section of the Treasure Trove. In the context of past human rights

violations, peace relates to unity, to well-being, to a society where conflict is dealt with in non-violent ways, and where security and respect are embedded.



'A nation divided during a repressive regime does not suddenly emerge united when the time of repression has passed. The human rights criminals are fellow citizens, living alongside everyone else, and they may be very powerful and dangerous.

If the army and police have been the agencies of terror, the soldiers and cops aren't going to turn overnight into paragons of respect for human rights. ...If they are treated too harshly, or if the net is cast too widely, there may be a backlash that plays into their hands. But their victims cannot simply forgive and forget....'

M Frankel, *Out of the Shadows of the Night: the struggle for international human rights*

Exercises

Pop goes my Identity!^x

The objectives of this exercise are to explore the interplay between human dignity, values and identity and to explore how insecurity, protection and violence may relate to each other.



For this exercise you will need: *some multi coloured balloons (two per group) and some markers.*

The Process:

1. Divide people up in groups (of 4-5 people). Indicate that they are a family. As a family, they must come up with:
 - *A name for their family*
 - *A slogan for their family that indicates what they stand for*
 - *The values/principles they believe in or hold dear or stand for, etc.*
2. Each group will get two balloons. On the one, have them write down their **name and slogan**; on the other, their **values**. Groups are also asked to prepare how they will present themselves to the plenary. Emphasise that the balloons now represent their identity and dignity as a family

(10-15 mins)

3. Feedback in plenary. Make sure that you, as facilitator, create a positive, celebratory atmosphere: applauding, cheering, affirming, etc. Again, make sure that the balloons form part of this – they have to be seen as the identity and dignity of each group – highlight their preciousness, that they have to be taken care of, etc.

(15-20 mins)

4. Indicate that, later, there will be a **2 minute** period in which they may be called upon to protect their balloons, i.e. their identity and dignity. Suggest that they take some time to discuss strategies for protecting their balloons – ***‘because you never know who you can trust.’***
(Put in a comment like that to sow degree of suspicion, but make sure that you do not tell people that they must or will attack other groups’ balloons.)

5. The groups then have a chance to prepare themselves so that they know how to protect their balloons when/if necessary).
6. As facilitator, observe the body language of the participants and how this starts changing

(7 mins)

7. Then, indicate that the 2 minute period is fast approaching. Given that identity and dignity is so important, participants must make sure that their balloons stay intact/ survive this period, so they must protect their balloons. **Also indicate that those whose balloons will be intact, will be winners.**
8. Open the time.

(2 mins)

NB: *Again, emphasise 'protection' and that **the balloons stay intact/ that nothing happens to them.** Do NOT mention attack or anything of the sort.) Also, if people ask you what they must do – just let things unfold. If necessary, remind them that it's important that their balloons stay protected, and that those whose balloons are intact will be winners/ will win.*

9. As facilitator, observe what happens in this 2 minute period. How do people interact? Do people attack? If so, what is the dynamic (often it only has to start with one person before all hell breaks loose); what are the different strategies you see, etc. Is there any concern for the values people proclaimed earlier?



Debrief

(25 mins)

- ✚ What happened? Why?
- ✚ Did anyone plan to attack as a strategy of protection? (Usually it is not the case that an attack was intentionally planned)? If not, why did this still happen?
- ✚ If they changed strategies, why did they do that and how did they decide?
- ✚ What happens to people's values in a crisis situation?

In your debrief you may want to focus on the following aspects:

- ✚ perception of threat, and how it makes us do certain things without much rational consideration;

- ✚ how we draw conclusions on basis of certain statements ('you may be called upon to protect your balloons' planted a seed of mistrust);
- ✚ How we interpret certain terms – for instance, does the term 'winning' mean that per definition there must be some 'losers'?).
- ✚ Explore too the instinctive reaction of defending one's identity and dignity by attacking those of others (at perceived threat). How does this translate into real life? What do people draw from the exercise?

Note down any key words that surface in the discussion/ comments from participants (for example, suspicion/ rumour/ threat/ enemy)

Highlight that we all have habits and behaviours that we're used to using in particular situations → those behaviours can be constructive or destructive. We can do lots of planning, reflection, strategizing (as people did in contemplating strategies for defending balloons), but that is of no value unless it changes the way we react or behave in a crisis situation.

A key learning is that with practice we can unlearn old habits and learn new ones. By consistently choosing to practice a different way (such as consciously choosing a nonviolent approach) new attitudes become internalised and are ultimately reflected in new – and different – behaviours

Positions v Interests^{xi}



The objective of this exercise is to explore the value of working with underlying interests rather than only stated positions.

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For this exercise you will need: the prepared briefs for the two parties

The Process:

1. Divide the participants into pairs.
2. Hand out the briefs to the two

parties (or brief all Dr Mkhizes together and then all of the Dr Khalfes together)

(5 mins)

3. **Brief for Dr Khalfes:**

You are the Research and Development Director for a small niche IT Company. You are currently working on a new coating for digital storage media that will revolutionise the computer industry. You have discovered and are patenting a coating made from a unique ingredient found rather rarely in the egg-shells of the horny viper snake. You are on your way to the location of a clutch of these valuable eggs, which you need to complete the final phase of your research. You have a mandate to pay between 75,000 and 250,000 to secure the entire clutch.

4. **Brief for Dr Mkhize:**

You are the Head of Research at Kwame Nkrumah Research Hospital where you are working on a ground breaking and urgently needed cure for Necrotising Fasciitis caused by a flesh-eating bacterium. Your research has had positive results from working with the egg-yolks of a rather rare horny viper snake.

You need the yolks from one more clutch this season to conclude this phase of your research and to start clinical trials. You have been mandated to find and bring back the eggs and are able to pay between 50,000 and 100,000 for them.

5. Then instruct the pairs as follows:

We will now do a role-play in which each of you will negotiate a situation with one other person. Both of you are noted scientists and you are working for big firms. Both companies have sent you to obtain a certain quantity of the eggs of a particular snake. Your companies both need these eggs, and your job depends on whether you get those eggs. You are now sitting on a plane on your way to get these eggs. You are sitting next to one another, have been talking for some time. You are now at a point that both you realize that each of you need the exact same eggs.

Start your negotiations to find a solution.

6. Walk around between groups and see whether any interesting solutions come up.
(15 mins)

Debrief

- ✚ How did it go? What, if anything did you find difficult?
- ✚ Did any of you Khalfe's decide to turn over the eggs when you found out that Mhkize wanted to use the eggs for an AIDS medicine?
- ✚ Who won? Who got everything they wanted?

Provide a definition of “position’ and “interest”.



Positions are the stated positions in relation to a particular issue that a party reveals. Much like a tree, the position is the visible part of the tree above the ground. Interests on the other hand are the invisible issues that influence a party to adopt a particular position. In the case of the tree, these would be the roots that sustain and anchor the rest of the tree.

Dr Mkhize’s position: He was prepared to pay 50,000 – 100,000 to secure the eggs for a cure for HIV

Dr Khalfé’s position: He was prepared to pay 75,000 – 250,000 to secure the eggs for the manufacture of high density optical discs for data storage.

The interests of the parties range from environmental concerns to personal and organisational image to moral values or economic interests in securing their job.






Why do we look at interests?

Interests inform our positions. By looking at the underlying interests, we can find potential common ground. While interests may be reconciled, positions rarely can.

Priority; rarely are all interests of the same value to parties. Many times parties do not consider all interests in determining their position (for example, ongoing relationship). Identifying each of them helps us make better decisions about what we are really seeking in the negotiation – and value that parties attach to them may help us to reconcile those interests




Realizing this,

-  *What did you do that was conducive to negotiations?*
-  *What did you do that wasn't?*
-  *What would you do differently next time?*

How does one move parties from Positions to Interests?

- **Ask why** position is important to party
- Separate person from problem
- Create **general principles** to guide development of proposals
- Identify areas of **common ground**
- **Use objective criteria** to set the framework
- **Educate** parties on their interests!!

Key Learnings include:

-  **Positions get us stuck, Interests get us moving**
-  **Process is important**
-  **What lies beneath creates movement**

Truth Justice Peace & Mercy^{xii}

The objectives of this exercise are:

- To explore the meaning and importance of truth, justice, mercy (compassion) and peace in a transitional situation
- To enhance insight in the challenge of balancing different moral, legal, and political imperatives in a transitional situation
- To create a safe space for discussing real questions of truth, justice, mercy (compassion) and peace in a particular case

Process

(1hr 45 mins)

The Interview

- 1) Put up four placards on the walls of the training venue, each stating one of the following four concepts: **truth, justice, peace, and mercy**. Also prepare a name tag or badge for each concept that can be used by a representative.
- 2) Explain that this exercise is meant to explore the challenges inherent to ending a civil war and moving forward as a country with a violent past. Indicate that in a transitional situation, questions of truth, mercy (compassion – as in: *forgive and coexist with former enemies/ adversaries, etc.*), justice, and peace are present – what do they mean? What has priority? How do these concepts relate to one another
- 3) Indicate that we're looking at a situation where a (violent) intra-state conflict has taken place, and where progress has been made towards ending the conflict. Yet the situation is still volatile –fighting may have stopped, but there is no

guarantee of a permanent end to violence nor have the actual causes of conflict have been addressed as yet. Ask participants, individually, to reflect on what they find most important in that situation: truth, justice, mercy/compassion, or peace. Once they have chosen one of the four, ask them to take their chair and go to where the corresponding notice is on the wall. (In this way, four groups will form).

Facilitator's Note: try to get some people for each of the four concepts. If there's no one for mercy/compassion at first for instance, ask whether anyone would like to work on that nevertheless

- 4) Ask participants in their groups to discuss the following questions:
 - a. *What do you understand by the concept/notion? What does it mean for you?*
 - b. *Why is it so/the most important to you?*
 - c. *If this is pursued, what does it contribute to a transitional situation and post-conflict reconciliation? (i.e. what does it contribute that the other three concepts cannot provide/offer?)*
- 5) Give participants **20 – 30 mins** for this part of the exercise; adjust time as necessary. As time progresses, ask each group to choose one person to act as representative.
- 6) Get all groups back to plenary. Explain the process that will follow: each group will get a chance to present their views, why they are the most important; and after each presentation, people from other groups can ask questions to that concept.

- 7) Get one group to volunteer on reporting back. Have their representative sit in the chair up front (other chairs set up in U shape), put up their name tag ('truth', justice, mercy, peace).

Conduct an interview of approximately 4 minutes with each of Mr/Ms Truth/Justice/ Peace/Compassion as if in front of a TV camera. Focus on the specific contribution the representative thinks he/she will make towards reconciliation and the representative's perceived priority. Allow members of the audience to pose questions to the interviewee.

An alternative : Human Sculpture

As alternative to the 4-minute interview or television panel discussion above, consider creating a human sculpture:

- 1) Using a country preferably different from the home country of the participants, create a human sculpture by positioning the four representatives (reflecting truth, justice, peace and mercy) in a way that depicts how the four relate to one another in that country's peace process, and their relative priorities.
- 2) Discuss.
- 3) Ask a volunteer from the group to create a human sculpture with the four representatives, which reflects his/her perspective on the relative balance between the four.
- 4) Once the volunteer has made the sculpture, ask him/her to explain to the rest of the group why s/he has placed the various concepts in that position/order.
- 8) Repeat step 3— let other volunteers build a sculpture with the four representatives, based on their own situation.
- 5) NB: it is useful if you get people from different communities to depict their situation; but also different people from the same context/district (which highlights how different people

from the same country or community may assess the priorities very differently.)

Debrief

(30 mins)

- ✚ What does this exercise teaches us?
- ✚ What does this mean for them?

Highlight how a post-conflict situation requires a balance between all four, and how different people from the same context may prioritize the four very differently; how our assessment of the relative priority of each of the four concepts is very individual; and how the situation differs from case to case. In other words, each case requires its own careful balancing act and we cannot just impose a solution from one case onto another. Moreover, each of these four is not straightforward/ simple

- ✚ What does this exercise highlight about ‘reconciliation’?



Key learnings from this exercise include:

- In a transitional situation various imperatives need to be balance. This generally requires finding a balance between the desire for justice and truth and the need for peace and compassion.
- There is no one right balance. It depends on the context of a given situation.
- Finding the balance must involve all stakeholders and their respective priorities too.
- Each of these concepts is relatively complex in itself with many competing definitions for each concept.

Possible questions to the four concepts:

- ✦ **Truth:** *Is there one truth? Does not everybody have their own truth (subjectivity)? Whose truth will prevail? Is 'telling truth' a second best, or soft option by exposing what happened but not holding people accountable? Will truth telling bring more hatred, violence, and pain?*
- ✦ **Justice:** *how strong, independent and legitimate is the judicial system (i.e. – does it really hold people accountable and if so, the right people?)? How about a possible need your community/ country may have for using people responsible for violations for the administration and management of the country? Also, prosecutions are an adversarial process → is there a risk of jeopardizing a fragile political situation? Is justice always retributive? How do we pay attention to relationships in the context of justice?*
- ✦ **Mercy** – *is forgiveness equal across the board? Or are some people expected to forgive more than others? Is there a risk of glossing over wrongs, and just pretending that all is fine? Also, if mercy means amnesty, will this enhance impunity?*
- ✦ **Peace** – *are you just looking at a lack of fighting/ violence? Does that necessarily mean an end to a conflict? How do we ensure abuse does not happen again? Can there be peace without justice/ truth?*

Endnotes

ⁱ Dr Adekeye Adebajo is Executive Director at the Centre for Conflict Resolution in Cape Town. This was from an address to a TechniSem for National Human Rights Institutions, Cape Town December 2004

ⁱⁱ Ghalib Galant & Michelle Parlevliet, *Valuing Synergy! Using Rights to Address Conflict* in Gready P and Ensor J (eds) **Reinventing Development? Translating rights-based approaches from theory to practice** 2005 Zed Books, London & New York

ⁱⁱⁱ Adapted from (Parlevliet, 2009 “*Icebergs and the Impossible: Human Rights and Conflict Resolution in Post-Settlement Peacebuilding*,” in Babbitt, E. and Lutz, E. (eds), *Human Rights and Conflict Resolution in Context*; Syracuse University Press, pp. 248-288.)

^{iv} Parlevliet, M. 2009. “Rethinking Conflict Transformation from a Human Rights Perspective”, in: Fischer, M. and Schmelzle, B. (eds.), *Berghof Handbook for Conflict Transformation*, Berlin: Berghof Conflict Research, p6, Find in http://www.berghofhandbook.net/uploads/download/parlevliet_handbook.pdf

^v Adapted slightly from <http://www.rainforestinfo.org.au/background/maxneef.htm>

^{vi} First appeared in **Track Two** vol1 no 3, November 1992 Centre for Conflict Resolution

^{vii} For more on this topic see www.beyondintractability.org/essay/transformation

^{viii} Graphic developed by Chris Spies

^{ix} Lederach (1997): 29-34; Fisher et al (2002):

^x Exercise developed by Michelle Parlevliet as part of the Human Rights & Conflict Management Programme, Centre for Conflict Resolution

^{xi} Exercise developed by Michelle Parlevliet as part of the Human Rights and Conflict Management Programme, Centre for Conflict Resolution

^{xii} Exercise adapted by Michelle Parlevliet and Andries Odendaal as part of Human Rights and Conflict Management Programme, Centre for Conflict Resolution.