Peace Operations and Restorative Justice: Groundwork for Post-conflict

Regeneration

by

Peter Damien Reddy

March 2006

A thesis submitted for the degree of Doctor of Philosophy at
The Australian National University.
Declaration

This thesis is the product of my own work. Where data from other authors has been used, in paraphrase or verbatim, it is acknowledged within the text and in the references. Quotes provided by interviewees have also been included. Except the data from other authors, interview participants and acknowledged documentary sources, all remaining work is my original product.
Acknowledgements

This thesis has been a journey of discovery. Many people have provided support and advice, have assisted with navigation (figuratively and literally), and contributed through interviews and other conversations to what has become the final work presented here.

Particular groups deserve mention. The Australian National University provided most of the funding for fieldwork, as well as a superb academic environment in which to read, plan and think, develop the thesis, and undertake the task of writing. The Regulatory Institutions Network within ANU, my workplace for the last three years, has been a more than stimulating intellectual environs. Academics, administrators and my fellow graduate students have all provided me with invaluable suggestions, feedback and inspiration. The Somali community in Melbourne generously welcomed me into their confidence, and some into their homes, as did many peacekeepers. Somalilanders and Bougainvilleans were no less giving.

I am indebted to more than a few individuals, and especially to each person whom I interviewed. Their willingness to contribute to this research enabled me to glean the key empirical data on which the thesis stands – without them it would not have cohered as it has. Completing this dissertation has been an extensive project with many, often seemingly disparate stages and activities and some people have contributed with a significance that they might not be aware of; hence they deserve particular mention and thanks.

John Braithwaite gave unstinting, timely and honest feedback on drafts, as well as encouraging me to think more broadly than I otherwise might have. Ali Said Haji Aliyow, John Caligari and John Coyne opened doors that could have remained closed. Hilary Charlesworth, Peter Grabosky and Clifford Shearing prompted me to consider aspects of the subject matter and methodology that I had not appreciated. Helen Hakena and John Latu helped me into, around and out of Bougainville. Roger Mortlock provided thorough critique and insightful comments on draft work. To these and many other people, too numerous to be named here, I tender my sincere appreciation.
Abstract

Peacekeeping operations have the potential to do enormous good or they can merely suppress conflict that emerges again later. They can even damage some communities. A purely military, controlled violence perspective that dominates a peace operation can secure negative peace but not much else. Military theory and doctrine has not yet produced thorough principles for peace operations and this limits the contribution that military forces can make to resolving civil war. Sometimes deployments have gone badly wrong. The Somalia intervention is a prime example of this. The Somalia case suggests that insufficiently inducted peacekeepers combined with an orientation to war-fighting are not likely to induce the necessary environment for longer-term peacebuilding. The peace nodes within Somali society were not recognised; this impeded the work of the peace force.

Peace vectors exist even within societies experiencing civil war. These are the influences and people who can be protected and encouraged so that peace emerges from within. The peace force that operated in Bougainville was organised and trained to support local peace workers and the growing movement for peace and reconciliation. The organisational and mission template resonated with peacebuilding that can be described as restorative.

Restorative justice has the capacity to build peace between antagonists and can inform the way relationships are renewed – individually and communally. Restoratively characterised peace operations focus on healing and work towards renewed relationships, providing anchors with which to secure reconciliation. Genuine reconciliation where the past is acknowledged, and provides continuity, can foster soundly based regeneration.
# Table of Contents

Declaration i
Acknowledgements ii
Abstract iii
Table of Contents iv
List of Figures x

1. Introduction 1
   1.1 Aim 1
   1.2 Rationale 2
   1.3 Synopsis 4

2. Methodology 13
   2.1 Introduction 13
   2.2 The Research Philosophy 13
      2.2.1 A Comparative Work 14
   2.3 The Case Studies 15
   2.4 Qualitative Interviews 19
   2.5 Ethical Considerations 27
   2.6 Analysing the Data 29
   2.7 Conclusion 30

3. Responding to Conflict 32
   3.1 Introduction 32
   3.2 The Congruence of Crime, Armed Conflict and Violent Disorder 33
   3.3 Community and Justice 37
   3.4 Alternative Modes of Conflict Resolution 40
   3.5 Mediation 43
3.6 An Overview of Restorative Justice 46
   3.6.1 Restorative Justice Theory 47
   3.6.2 Restorative Justice in Practice 54
   3.6.3 Restorative Justice and Violence 59
   3.6.4 Critiques of Restorative Justice 62
3.7 Peacebuilding 66
3.8 Conclusion 68

4. Peace, Military Doctrine and Peace Operations 71
   4.1 Introduction 71
   4.2 Peace 72
   4.3 Military Doctrines and Military Modes 75
   4.4 Peace Operations 83
      4.4.1 The Role of the International Community 84
      4.4.2 Some Successes, Some failures and Several Stalemates 88
      4.4.3 Conceptualizing Aims and Objectives of Peace Operations 93
      4.4.4 Definitional Issues and Categories 98
      4.4.5 Major Reviews 103
         4.4.5.1 An Agenda for Peace 103
         4.4.5.2 The Brahimi Report 105
         4.4.5.3 The Responsibility to Protect 107
      4.4.6 Consent, Force and Rules of Engagement 109
      4.4.7 In-between Engagements 114
      4.4.8 Skill Gaps 118
   4.5 Conclusion 120

5. Somalia: Collapsed State, Complexity and Muddled Rescue 125
   5.1 Introduction 126
   5.2 A Brief History of Somalia 128
5.3 Somali Society 134
5.4 Customary Dispute Resolution 140
5.5 Land Usage and the Economy 144
5.6 Drought and Famine 149
5.7 Erosion of Traditional Relationships and Social Control 151
5.8 The Conflict 154
5.9 Local Peacemaking 156
5.10 The International Response 168
  5.10.1 UNOSOM 169
  5.10.2 UNITAF 172
  5.10.3 UNOSOM II 181
5.11 Interpreting a Restorative Option 186
5.12 Conclusion 191

6. Bougainville: From Crisis to Concord 195
  6.1 Introduction 196
  6.2 A Brief History of Bougainville 198
    6.2.1 The German Era 200
    6.2.2 The Australian Mandate Period 202
    6.2.3 After World War II 206
  6.3 Society and Land in Bougainville 209
  6.4 Minerals, Land and Conflict 211
  6.5 The Crisis 215
  6.6 Getting to Peace 222
  6.7 Operation Bel Isi 229
    6.7.1 Local Ownership 233
    6.7.2 An Unarmed Force 235
    6.7.3 Responding to Women’s Influence 237
    6.7.4 A Multicultural Force 238
6.7.5 Soldiers and Civilians
6.7.6 Time and Patience
6.8 Reconciliation as Restorative Justice
6.9 Conclusion

7. A Comparative Analysis
7.1 Introduction
7.2 Societal Contexts Compared
  7.2.1 The Settings
  7.2.2 Social and Community Structures
  7.2.3 Ethnic Identities
  7.2.4 Religious Contexts
  7.2.5 The Significance of Women’s Status and Power
  7.2.6 Economics and Governance
7.3 Conflicts Compared
  7.3.1 Causes, Methods, Forces and Fighters
  7.3.2 Human Insecurity
  7.3.3 Local Peace Efforts
7.4 The Peace Operations
  7.4.1 International Awareness
  7.4.2 United Nations Involvement
  7.4.3 Humanitarian Aid
  7.4.4 Intervenors and Intermediaries
  7.4.5 Commitment and Duration
  7.4.6 Focus
  7.4.7 The Character and Conduct of Operations
  7.4.8 Coordination and Cooperation
7.5 Outcomes
7.6 Conclusion
8. A Restorative Architecture for Peace Operations
   8.1 Introduction
   8.2 The Harm Principle
   8.3 Key Stakeholders
      8.3.1 Victims
      8.3.2 Offenders and Oppressors
      8.3.3 Community
   8.4 Incorporating and Adapting Restorative Values for Peace Operations
      8.4.1 Constraining Values
         8.4.1.1 Non-domination
         8.4.1.2 Empowerment
         8.4.1.3 Legally Defined Upper Limits on Sanctions
         8.4.1.4 Respect
         8.4.1.5 Equality of Concern for Stakeholders
         8.4.1.6 Offender Accountability
         8.4.1.7 Human Rights
         8.4.1.8 Safety
      8.4.2 Maximising Values
         8.4.2.1 Property Loss
         8.4.2.2 Functioning Communities
         8.4.2.3 Institutions of Freedom
         8.4.2.4 Untrammelled Peace
         8.4.2.5 Active Citizenship
         8.4.2.6 Capacity for Personal Development
         8.4.2.7 The Preclusion of Further Injustice
      8.4.3 Emergent Values
         8.4.3.1 Remorse
         8.4.3.2 Apology
         8.4.3.3 Censure of the Offending Act
List of Figures

Table 1. Categories and number of interviewees (March 2004 to September 2005) .......................... 21
Table 2. The different approaches of war-fighting and peace operations .................. 122
Table 3. The societal settings in Somalia and Bougainville ........................................... 306
Table 4. The characteristics of the civil wars ............................................................ 307
Table 5. Outcomes from Somalia case study and Bougainville case study peace operations .......................................................... 308
Table 6. Key differences in UNOSOM/UNITAF and Operation Bel Isi 310
Figure 1. Stakeholder relationships in armed civil conflict .................................. 325
Chapter 1 – Introduction

1.1 Aim

Most armed conflicts today are civil wars. It has become the norm that these violent contests are unconventional and asymmetric (Manwaring, 2001 and 2004). Many have significant effects on the international community and there is a substantial body of scholarly opinion that asserts that success with civil war peace agreements is underpinned by third party supervision (Hartzell, 1999:16). Despite this, third party involvement, generally termed peacekeeping, is arguably often too limited in its goals and too narrow in its operational focus (Doyle and Sambanis, 2000).

This thesis is a contribution to the discussion about the way peace operations can be carried out. The primary aim is to produce a conceptual framework that problematizes force of arms as the archetype for peacekeeping, and marries that perspective with an alternative informed by greater recognition of the importance of diverse stakeholders, increased consideration of both the plural causation and the plural kinds of damage caused by civil war, and a longer term perspective on what peace operations are attempting to achieve. That alternative draws on a particular approach to conflict known as restorative justice.

To do this, the question posed throughout the thesis is: Can a restorative justice paradigm be applied to the design and implementation of peace operations? Two case studies – Somalia and Bougainville – provide the prism through which this question is examined.
1.2 Rationale

In the 1990s the ratio of civil to international wars was 5 to 1 (Long and Brecke, 2003:5). The contemporary context of civil violence and international peacekeeping is that while the number of armed conflicts has declined by more than 40% since the early 1990s, there are currently 18 major conflicts\(^1\) underway, and 24 smaller conflicts in progress (Mack, 2005). Today 15 United Nations (UN) peacekeeping operations (UNDPKO, 2006b) and 7 regional coalition military intervention missions are deployed around the world. The UN is second only to the USA in terms of the international deployment of troop numbers, and today peacekeepers total around ninety thousand (Jones, 2006). With a peacekeeping budget of some $5 billion (Jones, 2006) this is a significant investment in attempts to bring peace and stability to warring populations and the international community.

For a variety of reasons many peace operations have failed. Herbst (1996:39) has remarked that ‘the how of intervention is often ignored in the search for grand rules about when to intervene’. Sometimes fatalism paralyses the will to act (Ury, 1999:xvii) and thereby stifles possible creative approaches to conflict. While there is general international agreement on the right, and often on the necessity, of the international community to intervene on behalf of vulnerable populations (Wills, 2004:388), there has been little systematic attention applied ‘to what the intervening armed forces are actually supposed to do, and also what the eventual results of such interventions are supposed to be’ (A. Roberts in Wills, 2004:388).

---

\(^1\) Major armed conflict is defined as political in purpose, involving systematic and sustained armed violence, and resulting in more than 100 conflict-related deaths per year, with more than 1000 conflict-related deaths over the course of the conflict (Mack, 2005).
There have been some genuine attempts at improving the efficacy of UN peace operations since the early 1990s. Of the thirty-eight proposals (Warner, 1995:200–204) for improving the UN response to peace and security threats suggested by international bureaucrats, experienced peacekeepers and academics at the 1994 colloquium on ‘New Dimensions of Peacekeeping’ only nine could be said to be concerned with solving or ameliorating the causes of, and harms caused by, any given conflict. Six suggestions were concerned with legal considerations, nine had a solely military focus and the remaining fourteen, that is, nearly half the recommendations, focussed on the structure and organic processes of the UN itself. Nederveen Pieterse (1997:89) opines that policy makers and military leaders lump their criticisms and needs together under the rubric of lack of resources and inadequate control capacity, compelled by a mismatch between mandates and the resources required to carry them out.

New conflicts emerge often enough. In this context, both experienced peacekeeping contributors and novices grapple with changing technologies and geo-political developments, and adjust as best they can. As does the UN. Yet these changes in the evolution of peace operation modalities have not been matched by different and evolving scholarly analysis (Diehl, Druckman and Wall, 1998:34). Pearson (2001:282) takes this further saying that the lacuna in theoretical development has resulted in a failure to compare outcomes of pre-dispute and crisis management approaches, and that policymakers therefore know little about ‘what works’ in specific types of circumstances.3

---

2 Organized by the Graduate Institute of International Studies and held in Geneva.
3 A somewhat superficial counter view is put by Weiss (2001:422-423) who asserts that this is of little use anyway because ‘Everyone finds comfort in ready-made formulas, but they are unreliable guides for action’. The rejoinder is that a critical application of theory is unlikely to result in a one-size-fits-all solution.
Conceptualizing peacekeeping and its variations is not a dominant theme of the literature. In fact it can be said that there is a paucity of theoretical frameworks available for description and analysis of peacekeeping (Diehl et al. 1998:34). In the analyses that have been carried out, Fetherston (1995:3) writes, there is a prominent absence of:

issues of transformation which go far beyond short-sighted arrangements for re-establishing political authority and [then] look to base activity in war zones on the needs of the people who live there.

She argues further that despite peacekeeping’s ‘accidental provenance’ now that it is a valid and accepted part of the way humanity and the international community respond to the crisis of civil war, we should work purposively to strengthen it, and not allow it to develop by chance (Fetherston, 1994:14). A conspicuous need exists because, for all the uncertainty of war, we know more about what constitutes ‘good practice’ in waging war than about what makes for ‘good practice’ in peacekeeping (Burk, 2000:467). This thesis is an acknowledgement of the importance of peace operations and is based on systematic analysis, a critique of textual and interview data, and a willingness to consider more innovative arguments.

1.3 Synopsis

It has become a somewhat hackneyed assertion that ‘Peacekeeping is not a job for soldiers, but only a soldier can do it’ (Hammarskjöld quoted in Homza, 2004:91, and in Pope, 1994). This assumption and other common sense axioms about peacekeeping are questioned throughout this dissertation. The

---

4 At the outset it is acknowledged that there is certainly one voice in the literature, that of Rolfe (2001), who questions the need for general theorising about peacekeeping. He writes that the literature is replete with ‘cries of insufficient analysis’ and that ‘the hand ringing is almost endless’ (p.38). His view is that the discussion belies an attempt to identify a standard peacekeeping operation formula; this point is taken up in the thesis below.
structure of the research process and methods is outlined in chapter 2, which describes the rationale for a comparative approach and why both the Somalia and Bougainville operations were chosen as vehicles for the investigation. The uniqueness of the two individual cases means that there will be dynamics and attributes unique to each (Thakur, 2002:405) but the commonalities are also drawn on to illustrate why they are useful examples for the present enquiry. The basis for the choice of data gathering through qualitative interviews is discussed, and both the decision to adopt four specific pools of interviewee categories, and the method of selection of over one hundred participants are each considered. The interview frameworks, for peacekeepers and for local Somali and Bougainvillean people, are also discussed. The relevant ethical factors in the data gathering process are then outlined as these incur necessary and almost inevitable limits to the data that can be uncovered.

The input from these informants, who have been actively engaged in the conflicts, peacekeeping and peacebuilding under examination, makes for an assorted base from which to discuss the ways that individuals and groups, and the international community, respond to violent disturbances. This is taken up in the next chapter.

No simple formula can take care of the origin of, and solution to, all wars. In any case, ‘it is impossible to judge every war in terms of criminal aggression and legitimate self-defense’ (Shklar, 1964:178). Chapter 3 offers a description and analysis of a range of processes that have been developed to address human conflict, including violent armed contests. The relevance of petty and major criminal activities to contemporary civil wars is illustrated and responses such as negotiation, mediation and the practice of community justice are explored. Restorative justice, the paradigm that this thesis explores as an alternative, and some criticisms of it, are also presented here. From this
perspective, it will be seen, the stakeholders to conflict, and this includes their communities, are given primacy. The concluding observation then, is that, as restorative justice has subsumed a variety of practices in responding to conflict, the question that follows is, what precludes its application to peace operations and the violence that has spurred these interventions?

The restorative justice approach is very much a ‘grass-roots’ orientation. There is a common tendency on the part of powerful interests to dismiss the potential of community based, bottom up conflict resolution. Kaldor (1999:122) quotes David Owen, a negotiator in the former Yugoslavia as saying ‘citizens can’t make peace’. This is a narrowly conceived, yet recurrent, theme that courses through most conventional methods of dealing with civil war.

Military dominated interventions are the most common form of peacekeeping – Hammarskjöld’s statement above having become axiomatic. Because of this it is necessary, before debating the case studies and eliciting other possibilities, to examine how militaries design and go about their work. So chapter 4 deals with definitions of peace, as the condition aimed at, and military doctrines and operational strategies, as one way of going about that quest, and how the international community and its delegates, the peace forces deployed, view the aims of peace operations. Definitional issues and the major reviews of peacekeeping, with specific discussion on rules of engagement (that is the regulation of the use of force), are analysed. Importantly, the issue of remoteness of purely military skills as opposed to more people-oriented relational or contact skills - much needed in these operations - is introduced.
There is a growing recognition of how crucial peacekeeper skills are. The values frameworks and practical skills employed by most peacekeepers in Somalia fit clearly within the perspective adhered to by a former Australian peacekeeper:

Infantry soldiers can only be deployed to establish the start point for restorative processes. They’re not trained for anything else (Interview 10 August 2004).

The civil war in Somalia, a humanitarian crisis of enormous scale, and the international attempts to render effective succour are analysed in chapter 5. The background to the civil war and its multifarious causes are examined. The erosion of social control mechanisms, the local efforts to re-establish peace, and the wider Somali culture, it is argued, were seriously misunderstood, and this had manifold negative consequences for the chances of successful peacekeeping and peacebuilding. Among others, Hassan (1994:69) was urging during the intervention that Somali peacemaking must come from local people with benevolent intent and that it was ‘up to the world community to nurture signs of goodwill with encouragement and guidance’. This course was in effect largely omitted from consideration. The specific operations, UNOSOM I, UNITAF and UNOSOM II are analysed in detail and this is followed by an alternative critique, where the possibility of a different, a more restorative, option is applied.

Although the Somalia case is a clear example of what can happen when a purely military ‘use of force’ mind set is employed, not all peace operations are conducted with such a focus on coercion. According to Elliott and Cheeseman (2002:50), it is arguable that there are beginning to emerge substantial changes and adaptations by armies engaged more and more in peace operations, so that we have begun to see, in some real sense, the development of ‘cosmopolitan-minded militaries’. This positive re-orientation
was demonstrated clearly in the way the peace force went about its work in Bougainville, the second case study scrutinized here.

The causes of the civil war in Bougainville begin the analysis of chapter 6. This precedes a description of how the multinational, regional peace force was formed and deployed, with a unique combination of women and men, soldiers and civilians, and different nationalities making up the patrol groups of this positively regarded peace force. It will be shown that pre-deployment cultural and linguistic training, combined with a long-term commitment tailored to supporting the local peace vectors of religion, women and elders (Navoko Lui, 2001:133), proved to be one of the keys to Bougainville finding what looks hopeful of becoming a lasting peace.

Drawing on these characteristics and then applying restorative justice theory will establish that this was a conflict, and a peace operation, that was more than amenable to the restorative construct. It emphasises that, not only can the peacemaker come from anywhere, even from within the combatants, but that this needs to be anticipated, and then engaged with, by the peace force. Such opportunities were presented in Somalia, but were only occasionally capitalised on.

The two case studies expose vastly divergent bearings and responses. Chapter 7 illustrates that the origins of conflict were poorly understood in Somalia but comprehensively studied and engaged with for Bougainville. This is significant, and Genest (1996:2) writes that ‘the specific details of a crisis lose their meaning if we do not know what led up to the event and what happened’. The specific events within any conflict, if unresolved, are often the cause of lingering disputation and violence. Like both Somalia and
Bougainville, all contemporary civil wars are complex and therefore require, not simple, but complex responses.

The variations between international perspectives on both conflicts are discussed, as are the preceding negotiations, and the UN positions on each conflict and the need for intervention. The character of the conduct of both operations is contrasted, and finally, the outcomes of each and the current societal and national situation in both countries are explored. These outcomes, it is contended, are a direct result of the ways the peace operations, and specifically their capacity to directly affect reconciliation and societal regeneration, have played out. A more restoratively based design and implementation, it is concluded, could have led to a more solidly founded peace process in Somalia, as occurred in Bougainville.

A framework for restorative peace operations would necessarily apply the principles and values of restorative justice. Chapter 8 outlines the salient features that distinguish restorative approaches from other ways of responding to crime and violent disorder. The importance of focussing on the harm, its effects and the necessity for healing are of paramount importance. The most effective ways to address the harm delivered are predicated on the involvement of the victim, offender and community stakeholders. Braithwaite’s (2002a) set of restorative values is explained and how they might have relevance for peace operations is explored.

Braithwaite (2002a, 2002b) has grouped these values into clusters termed constraining values, maximising values and emergent values. The complete list within the three sets is extensive, and four significant considerations follow from this. The first is that not all of these values can be transported readily, and without qualification, from a theory that centres on conventional
crime to a scenario of civil war and its post-conflict peacebuilding phase. Some values, such as human dignity, harmonious relationships, the restoration of the natural environment, and caring have limited direct relevance for the essential tasks of a peace force. Secondly, in the present context, some values, such as safety and health, have an increased importance and so, from the perspective applied in this thesis, become more important and are allocated to the constraining set of values – those values, as is argued here, that are binding as opposed to options to consider. Third, the fostering of political and national reconciliation is a common element in almost every peace operation mandate. Its pertinence here is emphasised by the emergent values of restorative justice that combine, it is argued, to produce practical and genuine reconciliation. The fourth point is the crucial importance of complexity: in the origins of civil wars; in the way those contests are carried out; and in the layers of interests across, and the dynamics within, the societies moving towards peace. Hence, all these considerations induce the view that the responses require complex, nuanced and customised engagement. Consequently, the need for a more detailed theory, one that contains a wider than usual span of elements, becomes clear.

Any peace force will face daunting challenges. Thus they require deliberatively arrived at, multifaceted and deft, policies, in addition to flexible strategies and ground-level skills that engage effectively with the complex environmental factors that confront them. Almost always, the causes of the conflict and its social dynamics will be a historical miasma to the peacekeepers involved. The motivations and intent of the parties that the peacekeepers meet and interact with can vary momentously. Usually, traumatized people will abound, although not necessarily obviously. Years, sometimes decades of oppression and victimisation, but at least of fear, will have the veil slowly lifted as foreign soldiers, not always welcome, will
appear in local streets and villages. They might be seen as foreign interlopers or as saviours; some even behave as new oppressors. It is this complexity of causation, harm, the extent of necessary rebuilding, and healing - in a physically secure environment - that advocates for a much more extensive enumeration of essential considerations for peace operations. That brief, it is contended here, requires the comprehensive account of restorative justice values as spelled out in chapter 8.

The political dynamics of post-conflict societies are also discussed and linked with the important issue of reintegration of former belligerents. Restorative justice places an emphasis on reintegration that does not destructively shame those who have caused harm, but reintegrates them in a way that reaffirms the offender’s humanity. This has relevance for the regeneration of communities rent by armed strife. Another category of transgressors, too often omitted from the literature, is the peacekeepers who commit crimes against host populations. This exposes again the issue of relevant and well-practiced skills appropriate for peace operations.

But the key concept raised in this chapter is that of regeneration – a notion that builds on reconciliation and the restoration of functioning relationships. Its value lies in accessing the beneficial aspects of individuals and societal values that were in place before the violence erupted. This affirms the positive aspects of the past. It restores a secure harmony and provides some continuity; it adds democratically - or at least deliberatively - arrived at plans and programs for peacebuilding, and means that a validly grounded hope can prevail. It is argued that restorative approaches to peace operations can underpin latent regeneration. Developing the concept of regeneration through the prism of the cases is the theoretical contribution of this thesis to the peacebuilding and restorative justice literature.
What would a restoratively designed peace operation look like? Chapter 9 centres on the argument that the key to successful peace operations requires a vision beyond conflict management. The research question, based on the data analysed, is answered positively and so it is proposed that the military paradigm to be applied to peace operations needs to jettison the principles of war and adopt a proposed set of principles for peace operations. These are based on restorative values reconceived as regeneration, and are broad enough to allow for flexible, nuanced and more subtle operational adaptations during the deployment of a peace force. A hypothetical civil war and its peace operation are each described. This illustrates how a regenerative operation might be designed and implemented in context.

Finally, the limits of doctoral research mean that other, related dimensions will have to be explored elsewhere. Issues around peacekeeper skills, the efficacy of a predominantly military organisation, as opposed to a hybrid, mainly non-military force, and the resolution of peacekeeper deviance, are flagged as areas that need further study. Furthermore, that research might require very different methods from those applied in this thesis.
Chapter 2 – Methodology

2.1 Introduction

The research process for this thesis draws on literature and interview data from broadly two domains – restorative justice and post-Cold War peacekeeping. Although restorative practices, as one component of wider social control systems (Sylvester, 2003:519), have ancient roots (Braithwaite, 2002a:3,5) the label of ‘restorative justice’ and the concomitant development of a corpus of focussed research is less than a few decades old. In a similar vein, although peacekeeping commenced some sixty years ago, comparatively little was written about it prior to the end of the Cold War, after which debate burgeoned. As a result, data gleaned from the literature has been augmented with that provided by two empirical case studies – Somalia and Bougainville – involving qualitative interviews.

In order to explain why and how the research for this thesis has been conducted, this chapter justifies why the case study route has been chosen. The reason for choosing each case is explicated, as is the preference for a qualitative interview process. The target populations, fieldwork experiences and the interview structure are also described, along with the associated issue of confidentiality. Finally, the way the data has been analysed and used is discussed.

2.2 The Research Philosophy

This research is a quest for evidence that will answer the thesis question. From this evidence a grounded theoretical response will be adduced (Gillham, 2000:12). The methodology and the outcome are based on human
experience because both restorative justice and peace operations are essentially about the ways we respond to human conflict - but particularly to conflict that has been instrumental in delivering significant harm to individuals, communities and societies. While many works on peace processes favour the inclusion of ‘blow-by-blow’ accounts of negotiations leading to peace, that is not the orientation of this thesis. The emphasis here is weighted towards ordinary people and peacekeepers.

Empiricism is the idea that all knowledge is based on experience gathered from the senses (Williams and May, 1996:16) - it is ‘eye-witness’ experience. In this thesis it is the knowledge of participants, as aggressor, victim, intervenor or observer that forms much of the empirical basis of the data gathered. There also exists literature on each of the case studies that is rich in interviews and personal stories from soldiers, militia fighters, non-combatants, peacemakers, aid workers and diplomats. In this thesis these textual reports have been enlivened with 105 individual interviews, with people who lived through, that is, who personally experienced, these civil wars, and observed, or participated in, the intervention forces that the wider, international community provided to assist in stemming and repairing the human suffering and harm done.

2.2.1 A Comparative Work

The comparison of violent conflict can be an important sociological and political tool. Crow (1997:2) says that the comparative methodology has three distinct advantages: it reveals wide diversity of social behaviours; it can show both the systematic nature of variations at the same time that it exposes similarities; and comparison can explicate the reasons for differences and similarities.
There are distinctive characteristics to each civil war examined here (and these are explored in detail in chapters 5 and 6). On the one hand, write Manwaring and Fishel (1998:198), because of the ‘world of dangerous uncertainty’ there is no choice but to react at the time on a case-by-case basis and therefore ‘the only criterion for evaluation seems to be nothing more than uniqueness’. At the same time, it can be argued, no situation of conflict is ever truly unique as there are salient analytical commonalities (Manwaring, 2001:34). This means that similarities as well as differences might be pronounced. Chapter 7 compares a range of the factors leading to the deployment of the two peace operations, their methods of implementation, and the outcomes for each of the two societies in question.

2.3 The Case Studies

The case study is a device used to illustrate the characteristics of an event, an instrument to aid in the understanding of an issue. Wieviorka (1992:160) believes that ‘by talking about a case, we propose bringing theory and practice together in a special way’. Gillham (2000:101) says that the meticulous description of a case can have a more profound impact than most other forms of research report because it has a ‘naturalistic’ quality and pays attention to context (White, 1992:83).

Somalia and Bougainville have been chosen because they can be said to lie at each end of a continuum from ‘least effective’ to ‘most effective’ and have been said to represent examples of ‘how not to intervene’ and ‘how to intervene’. Somalia is an example of how not to conduct a peace operation (Fishel, 1998). It is admitted at the outset that each of these cases, indeed every civil war and every third party intervention, has its unique characteristics and is highly contextual.
Hermann (2001:87) warns that, in the study of conflict and peace processes, uniqueness can be unduly valorised. This has a degree of veracity in the present research because the civil wars in Somalia and Bougainville do share certain commonalities and when these are compared, it appears there is a significant similarity in the nature of the conflicts. Yet at the same time, there is an obvious divergence in the modes of international response.

To illustrate the stark differences between the two case studies, and hence why they have been selected, the following factors are relevant: several thousand Somalis and nearly two hundred peacekeepers died directly as a result of that intervention; Bougainville has been at peace since 1997 with very few recurrences of conflict and only one peacekeeper dying (in an accident); Somalia still has, for practical purposes, no functioning government a decade after the UN wound down its involvement; Bougainville, through negotiations, has recently become an autonomous province of Papua New Guinea (PNG) and has held parliamentary elections; violence, lawlessness and anarchy is still common in Somalia5 whereas Bougainville has returned to its condition of being the safest part of the nation, and genuine reconciliation has proven to be something that has worked, and continues across that population. What proved to be a further intriguing distinction, and one that reinforced my perception of their distal characteristics as case studies, is that Somalia seems among the most documented, analysed, discussed and reviewed peace operation in history (see Diehl et al. 1998:34; see also Tripodi, 1999:159). Bougainville among the least.

Each involved a significant Australian Defence Force contingent. Therefore the pool of peacekeepers to be interviewed could be, for the most part,

---

5 The northern area of Somaliland is an important exception, and this will be expanded on in later chapters.
substantially ‘local’. This proved to be the case, but fortuitously several New Zealand and US peacekeepers were also interviewed, as well as a former Papua New Guinea Defence Force (PNGDF) officer who had participated in the conflict in Bougainville. Canberra’s proximity to Bougainville was also a logistic advantage. As was the presence of a sizeable Somali community in Melbourne (approximately 5,000 people).

It needs to be acknowledged that the case studies chosen are also subject to their own joint - and particular - limitations. Together they represent only two of the UN and regional peace operations that have been launched since 1948. At the same time, it would be myopic to see two case studies as simply a quantitative n of two. Two qualitative cases allow many layers of comparison within and between cases across space and time. For example, within the Somalia case we find the comparison between Somalia proper and Somaliland instructive, as are the comparisons between different points in time and different levels of governance. Another limitation common to each is that the interviewed peacekeepers have been, for the reasons outlined, restricted almost totally to Australians who served in each operation. On the other hand the data gathered here can apply a counter balance to the dominance, in peace operations literature, of predominantly northern hemisphere sources. This has salience because the cultural and social lenses through which we observe subjects for analysis can affect our views. The choices of lens here, then is an attempt at multifocal perspectives.

The Somalia case is one where the ongoing strife has meant that fieldwork could only be conducted with safety in the currently peaceful northern part of the country – Somaliland. A further consequence for the research is that, although, as will be made clear in chapter 5, the Somaliland area had experienced a great deal of civil war, it did not experience directly the
international intervention. While the fieldwork conducted there was valuable, in that I was still able to interview several people who had experienced the work of the peacekeepers in the south, and I witnessed free and fair parliamentary elections, the security situation in Somalia proper only allowed for a brief aircraft landing outside the capital city, Mogadishu. The telephone interview with one informant there was cut short due to security concerns on his part. That interview then had to be concluded by email.

Limited access to Somalia produced another effect. Notwithstanding the practical advantage of domestic travel to the bulk of Somali informants, their refugee status meant that they were beneficiaries of Australian assistance; this could have allowed a positive bias towards the efforts of Australian peacekeepers, and then possibly towards the intervention as a whole. Fieldwork in Somaliland was an effort to counter this. Another restriction on the pool of indigenous participants was language. All Somali and Bougainvillean interviewees spoke English, hence each conversation was conducted in English, not in the native tongue of the participant. In one instance though, in Bougainville, a community leader insisted on my employment of an interpreter so that he could speak in TokPisin (Field notes 11 October 2004).

There is also a significant difference between the operation in Somalia and most other peace operations. To a very large extent, the intervention in Somalia was one of peace enforcement. (Although this was not always the case throughout the mix of operations carried out there, and also across the varying concepts of operations of a number of contingents, as will be shown in chapter 5).

One characteristic of the Bougainville operation, and hence its limitation in
terms of contributing to a general theory, is that there was a ‘war weariness’ at the time the peace force arrived. Zartman (1985, 1995) would say that this conflict was ‘ripe for resolution’. Hence those deployed were peace monitors more so than peacemakers or even ‘traditional’ peacekeepers. Although the limitations outlined here are real, as will be seen, the thesis does draw on ample comparative data from the two cases, and the literature further leavens the analysis with references to other operations. The interviews from each case provide the supporting experiential data.

2.4 Qualitative Interviews

The qualitative interview option allows the researcher to ‘get close to the data’ (Williams and May, 1996:8). That is what was required in order to test the veracity of the information available in the literature and provided across the groups of peacekeepers, local people and other interested parties. This method is in essence inferential and assists in understanding the meaning of phenomena and can illuminate issues - as long as it is acknowledged that ‘reality (and the truth) is not tidy’ (Williams and May, 1996:10). In order to gather the necessary data, interviews were conducted in Australia, New Zealand, Papua New Guinea (North Solomons Province),6 and Somalia (the Independent Republic of Somaliland). Fieldwork diaries were maintained and proved useful when reflecting on interview transcripts.

The interviews conducted were semi-structured and often evolved to a research conversation, as opposed to being conducted with identically

---

6 The official name of the region is ‘North Solomons Province’ but both that term and ‘Bougainville’ appear interchangeably in much of the literature. In conversation ‘Bougainville’ is the commonly used name and the name used throughout this work.
worded questions for each encounter. This was to encourage participants to talk about their experiences, and the events and the processes they had been involved in (Mishler, 1986) – that is, to tell their stories. There were clusters of subject matter around which questions were formulated. For peacekeepers, regardless of which operation they were involved in, these clusters were: personal experiences, including ‘highs and lows’; preparation for the mission and knowledge of the causes of the conflict; understanding the aim of the intervention; interactions with the local population with a focus on how disputes were dealt with; and reflection on what could have been done better. For indigenous people the clusters were: personal experiences; attitudes to foreign intervention; divergence, or congruence, of expectations and how the peace operation played out in reality; interactions with the peacekeepers, with a focus on how disputes were dealt with; and reflection on what could have been done better. Each interview was conducted face-to-face, except for five that were conducted by telephone and one (already mentioned) by email. The interview schedules are shown at Appendices 1 and 2.

Four main groups of interview participants, and a fifth smaller group, were recruited. These groups were made up of peacekeepers who participated in the intervention in Somalia and military and civilian personnel who served in Bougainville. Interviews were conducted with Bougainvillean people, in Australia and Bougainville; Somalis were interviewed in Australia and Somalia about their experiences and perceptions. Nine further interviewees,

---

7 Semi-structured qualitative interviews, when administered well, according to Gillham (2000:65), ‘can be the richest single source of data’ because of the way they can grapple with contextual complexity.

8 Most were carried out in Australia, with three weeks spent interviewing on the islands of Bougainville and Buka. Two interviews occurred in New Zealand, and six in Somalia. Venues ranged from defence establishments, office locations, cafes, and homes, to park benches and lush gardens, and some were conducted by candlelight under cover from tropical Melanesian downpours. Several happened amidst the dust of the Horn of Africa. Handwritten notes were recorded from almost all interviews and eight were digitally recorded. Each written and
each with miscellaneous interests and experiences directly relating to the case studies also provided input. Table 1 illustrates the categories and numbers of interviewees.

<table>
<thead>
<tr>
<th>Category</th>
<th>Somalia</th>
<th>Bougainville</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Somalis and Bougainvillians interviewed in country of case</td>
<td>5</td>
<td>24</td>
<td>29</td>
</tr>
<tr>
<td>Somalis and Bougainvillians interviewed in Australia</td>
<td>16</td>
<td>1</td>
<td>17</td>
</tr>
<tr>
<td>Peacekeepers: Australian, New Zealand and US</td>
<td>26</td>
<td>24</td>
<td>50</td>
</tr>
<tr>
<td>NGO Worker</td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Australian Government Officials</td>
<td></td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>UN Aid Workers</td>
<td>2</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>PNGDF</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Peace Activist</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Journalist</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Conflict Resolution Specialist</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>50</td>
<td>55</td>
<td>105</td>
</tr>
</tbody>
</table>

Table 1. Categories and number of interviewees (March 2004 to September 2005).

The interviews were designed primarily to ‘tease out’ what lay behind the more academic narratives found in the literature (Gillham, 2000:7). This provided depth to such accounts. The interviews were conducted to find out each digital interview was reviewed within a few hours of the meeting and usually this information was entered onto computer within several days, with the addition of interpretive memos to myself. Transcription of interviews from Bougainville and Somalia had to be undertaken upon return to Canberra in concentrated periods.
not only exactly what the intervention meant to the peacekeepers, but equally importantly, what was the meaning, of both the conflict itself, and of the arrival and conduct of substantial numbers of foreigners as ‘rescuers’ to stem the violence. This parallels Christie’s (1977) notion of professionals ‘stealing’ the conflict and ‘solving’ the dispute that belongs to the local people.

Several peacekeepers expressed the view that particular books presented less than complete, or even erroneous, accounts of the Bougainville and Somalia operations. These were useful assertions that pointed to the need to maintain a critical perspective while reading the text-based data. After nearly one quarter of the sessions with peacekeepers had been completed this prompted reflection that it would be important, when speaking with local Bougainvillean and Somali people, to find out about how they saw the situation where their peace was being ‘kept’ by outsiders. Hence the choice of target groups was based on an attempt to take different bearings, or effect triangulation (Gillham, 2000:29), that is, to correct for potentially skewed data. As multiple confirmatory and contradictory perspectives arose, this reinforced the importance of being amenable to changing viewpoints as well as the diversity of experiences across informants.

There is an inherent flexibility that makes the interview an attractive mode of data gathering (Bryman, 2001:312). This turned out to be just so, not only from a scheduling point of view, but also because it allowed for exigencies arising from participant circumstances and personalities. Another advantage in interviewing people was that in each of the sample groupings, a number of conversations led to referrals for further interviews. Finding interviews from referrals is sometimes known as ‘snowball sampling’ (Babbie, 1995:287,303). On occasion I requested referrals, but informants also offered them spontaneously. Certainly the majority of interviewees were contacted as a
result of referrals.

There were a few people in each of the four main categories who did not really want a discussion or an interview, but wanted to give their unhindered and ‘definitive’ viewpoint pertaining to that particular case study. I was to be their audience and listen to their (occasionally particularly strident) opinions. Yet this was valuable as it was a reminder that there were some people who remained, years after those events, jaded and bitter. This included ordinary and prominent interviewees.

In each of the main groups of people interviewed, there were some significant military and political leaders and their status meant that what was carried out was, in those cases, elite interviewing (Gillham, 2000:63). This presented no difficulties and in each of these cases I found access easy, rapport comfortable, and an at least ostensible openness. What was interesting was that several of the lower ranking, serving and former, military members were openly concerned about security issues and one even apologised after the interview that he ‘couldn’t be more open’ (Interview 22 Sept 2004). In fact the majority of interviewees were not senior officers. Every peacekeeper who was interviewed though, regardless of rank or status, be they soldier, police or civilian, belonged to a class of peacekeeper that could be described as ‘operational’. That is to say that no logisticians or administrators were interviewed, each had engaged in frequent contact with local Somali or Bougainvillean people, as their role required. Three peacekeepers had served in both Somalia and Bougainville, and those who had served in Bougainville included men and women, military and civilian.

Local Bougainvillean people whom I interviewed were extremely diverse in their experiences and the roles they had played. All of them had participated,
at some time, in the peace process and some had been rebel fighters during the conflict – in opposing factions. They included chiefs, elders and several youth, and a third of those interviewed were women. Each Bougainvillean I interviewed had either participated directly in, or witnessed as a community member, reconciliation ceremonies. Some were non-combatants and the group included pro-rebel, pro-government and neutral islanders. One woman, whose brother was killed at the start of the war, when asked her role during the conflict, unhesitatingly responded: ‘I was a peacemaker’ (Interview 19 Oct 2004).

A further characteristic of the indigenous Bougainvillean group was that they were from towns and villages spread from the north to the south of the province and came from different clans. One area in the south-west of Bougainville, Siwai, was said to have experienced its own almost distinct conflict within the civil war known as ‘the Siwai crisis’ (Interview 6 October 2004) and the fighting there was renowned as being more intractable than in any other area (Interview 10 October 2004). It was valuable to interview several people in that particular area and this is but one example of the diversity of the Bougainvillean participants.

Somali informants also comprised an assortment of backgrounds. All except two had experienced the worst of the civil war and most had experienced the arrival of the peacekeepers. Some had been, and continue to be, involved in attempting to build peace in Somalia. Two had been officers in the Somali army under the dictatorship, one a diplomat for that regime, and one a senior rebel faction leader; some had been imprisoned but all, at some time, had been internally displaced or become refugees. One of the three Somali women interviewed had witnessed a mass killing in Mogadishu at the height of the violence, and gone on to be influential in the peace process in the north of
Somalia (Interview 8 September 2005). One interviewee has always lived, and remains, in the anarchic south of the country, still negotiating travel restrictions with gunmen on an almost daily basis.

The majority of Somali respondents at the time of interview were living in Australia and five were located in Somalia, mostly in the north. Almost all of those interviewed lived, at the time of the civil war and the UN intervention, in the south, the area that was affected most devastatingly by the fighting and the famine. Because of this purposeful geographic weighting of southerners in the sample, almost all were able to comment on the role of peacekeepers.

My previous military history undoubtedly opened doors but I had to often remind myself that I had ‘moved on’ and was no longer an ‘insider’. Yet this of course meant that there was some experiential and conceptual ‘baggage’, so my familiarity with the peacekeepers’ occupational setting, loaded as it is with its preconceptions, its particular values, as well as jargon, sometimes became a ‘double-edged sword’. I was at the same time on the inside and on the outside. Regardless, I had to win the trust of each person whom I interviewed as:

> Trust underlies all social interaction. In the field it is built slowly and comes forth only in particular situations with particular people as the field-worker displays a practical understanding, a partisan stance, and a visible conformance to the forms of conduct by those studied (Van Maanen, 1991:35).

My own ‘partisan stance’ must have seemed apparent to a few at least, as occasionally some interviews included an almost conspiratorial tone. It is more than likely that some secrets would not have been shared had peacekeeper interviewees not been aware of my own service background. This is perhaps an example of how the researcher can not only influence the
Unpleasant people are part of the pool and every fieldworker will probably encounter some (Van Maanen, 1991:36). And this happened. There were indeed times when I found the views expressed by some interviewees highly objectionable. One former peacekeeper commenced the interview abruptly and was annoyed at the implication that anyone could think that peace operations might not always be well conducted (Interview 12 Sept 2004). Nevertheless, although this turned out to be a more difficult and longer than usual interview, it is one from which valuable data has been garnered. Less than a handful of interviews were fraught.

Yet when it came to interviewing the indigenous Bougainvillean people, it was a matter of psychologically and literally, travelling to another country (Gillham, 2000:18). There is a level of residual distrust of Australia among some Bougainvillians (Storm, 2002:61) and it was reported to me by an indigenous NGO worker that local people in various areas were curious, and some were cautious, about my sudden appearance which happened to coincide with the arrival of a team of Australian Federal Police officers (under the Enhanced Cooperation [aid] Program agreed to by Australia and PNG). Yet I believe that, as almost all of the interviewees in Bougainville were recruited through several credible local personalities, and because I was living among, and sharing food with, local people, the acceptance I gained resulted in genuinely sincere and candid input from each participant in all but one interview there.

The interactions with Somali people were initially of a different character to the encounters with Bougainvillean people. The Somali community, those in
Melbourne in particular, are reputedly the most researched group of refugees in Australia (McMichael, 2003). Negotiations with community elders for access to appropriate interviewees, understandably then, took over six months. Yet once interviewing commenced referrals rapidly followed as ‘snowballing’ gained momentum.

In Somaliland no such barriers arose. The first few contacts were made by email to organizations in the Somaliland capital Hargeisa. Upon meeting participants initial tensions were eased immeasurably by the use of some Somali greetings, words and phrases. To communicate effectively as an outsider within this culture, a greater awareness of non-verbal cues was also required (Gorden, 1980:314-335). There is a stricter cultural divide regarding interaction between men and women, hence the interviews with Somali women had to be ‘visible’; there is also a greater propensity for touching between men and so physical distance between male interviewer and male interviewee was not something that presented difficulties. Rapport was generally easy, but there were different culturally based considerations needed when conversing with Somali women.

Interviewing is a demanding process. Whether interviewing peacekeepers, Somali people, Bougainvillean people, ‘senior’ people or others, regardless of location and time of day or night, I had to remain, and appear to remain, interested in both the subject matter and the subject – and show appreciation (Gorden, 1980:333-334). This I believe I did.

2.5 Ethical Considerations

No social science research project is neutral and many can have real consequences (Gillham, 2000), particularly for the researched (Lee, 1999). It is
preferable of course that the research should benefit the population on whom it focuses (McMichael, 2003:47). This consequentialist concern was brought out in stark relief when one informant, a former elite peacekeeper, asked me to ‘be careful’ about what I wrote, because ‘people will read it, and the peace process [in Bougainville] isn’t over yet’ (Interview 28 Sept 2004). That is true to some extent, although that particular peace process has been unarguably successful to date and appears solid enough; two years on, the constitution of the autonomous province of Bougainville is in place, parliamentary elections have been held and the major recalcitrant rebel leader has died. On the other hand, most interviewees across all groups were positive about the possible benefits at a macro-level with some being positively enthusiastic, and asking for copies of the final work. Somali community elders in Melbourne said a number of times that they believe this research could have a beneficial result for their still conflict-ridden home country. It is planned that key findings will be disseminated through journal articles and conferences, and this is underway. The idea, and the occasional mention, of the perceived potential effects of this research was often a reminder of the transactional nature that is at the heart of the relationship between the interviewer and the interviewed.

Another ethical aspect that was encountered related to the sensitivity of some of the information that was shared. In anecdotes within each case study there were reports of various examples of crimes and misconduct that could form what is arguably ‘guilty knowledge’ (Berg, 1989:136). These were usually casually but confidently revealed. For that to occur it meant that a solid relationship of trust had been engendered; and gaining that trust did pay handsome dividends - disturbing although some stories were. It was gaining informed consent and the assurance of confidentiality that underscored the willingness to talk. The result is that in the writing of this research project, while these dark tales are included, the confidentiality agreed to remains and
it will not be possible to identify any interviewee, or anyone referred to in an interview.

2.6 Analysing the Data

The purpose of data analysis is to ‘faithfully reflect in summary and organized form what has been found’ (Gillham, 2000:25). Progressive and simultaneous data collection and analysis commenced when the bulk of the peacekeepers, some NGO workers and several Australian based Bougainvilleans had been interviewed. This oscillating process of interview and progressive analysis remained part of the methodology used throughout, and this is a characteristic of the way grounded theory is transacted (Charmaz, 2004:497). As Morse and Richards (2002:123) note: ‘Not many things in qualitative research are done only once, at one particular stage of the project’. In particular, states Ragin (1987:42), in case-oriented research, it usually happens that a dialogue develops between the investigator’s ideas and the evidence. That occurred here and it will be seen in chapter 8 that the analysis of the admixture of both these empirical findings and the literature-based analysis leads to the formulation of just such a grounded theoretical outcome.

The foundation of theoretical development has to draw on emergent themes in the data. This is ‘the pivotal link between data collection and theory development’ (Charmaz, 2004:506). It was necessary to review the interview transcripts in toto over four times to identify trends harboured in the data. This occurred through thorough reviews of the transcripts so that further questions and recurrent motifs developed, as opposed to being preconceived and then sought. Unique events, similarities and divergences, useful to
highlighting individual human experiences, and thematic unity - necessary for consistency - have emanated from the case study dialogues.

2.7 Conclusion

The methodology employed for the research of this thesis combines data from the literature on restorative justice, conflict resolution, military theory and practice, peacekeeping and peacebuilding, with the literature-based and ‘live’ data gathered from the two peace operation case studies of Somalia and Bougainville.

The empirical framework allows for theorising to be based on historical examples of peacekeeping and the everyday experiences of those involved – peacekeepers and locals. This is important because the nexus of restorative approaches and peace operations is tied inextricably to what happens to people in societies in, or emerging from, conflict. The case studies in this research have been chosen because of the profound differences in the way these civil wars were responded to, and in the outcomes for those societies and the people who live there. This selection was also predicated on some administrative advantages, at the practical level, for the conduct of the research.

A qualitative interviewing strategy has been applied and the greatest utility in this method is that it has allowed the recording of experiences from the perspective of those ‘on the inside’. The choice of the different groupings, that is, of peacekeepers who served in Somalia, local Somalis, peacekeepers who served in Bougainville, local Bougainvilleans, and a smaller sample of peripheral actors means that personal and text based accounts have been not only cross-referenced but also ‘rounded-out’. As will be seen in chapters 5, 6
and 7, many of these accounts will also add colour to the final written product.

Analysis of interview transcripts and fieldwork notes is a process that has been conducted throughout the data collection phase. Such detailed examination has resulted in an explication of the phenomena and events that made up the Somalia and Bougainville civil wars and peace operations; likewise, they provide the grounding for the theory of restorative approaches to peace operations expounded in Chapter 8. These approaches, it is argued, suggest a more comprehensive, a more complex, formula than the other modes of responding to conflict, such as mediation and negotiation – or force.

The next chapter describes the ways in which conflict and violent disputes can be addressed. It will be shown that a compounding of crime, armed conflict and violent disorder has been a common feature in many of the post-Cold War civil wars. These contests are not always met with the exercise of force or imposed order, and alternative dispute responses, community or informal justice practices, have developed into usually well-honed, if sometimes inadequate, response mechanisms. The research on restorative justice, its theory, its practices and its limitations, are outlined.
Chapter 3 – Responding to Conflict

3.1 Introduction

Findings from the fieldwork sketched in the previous chapter confirm accounts in the literature indicating that contemporary civil war and crime can occupy the same sites and share some characteristics. It follows that strategies to deal with both armed violence and criminal behaviour could overlap. In order to consider the possible application of restorative justice values within the realm of intra-state armed conflict and ensuing peace operations and post-conflict societal renewal, it is necessary to understand the theory and practice of restorative justice in the many forms it has taken, and how it has already been applied to similar harms prevalent in violent disturbances. Other examples of conflict resolution responses, such as mediation and community justice have also been applied in societies rent with violent disorder and have achieved a variety of outcomes, but theoretically, thus far, it seems that restorative justice holds some promise of a more effective alternative.

This chapter describes the similarities between crime and intra-state armed conflict, and links the two as suitable for restorative justice strategies. Alternative forms of dispute resolution, such as mediation and community justice are outlined, as is restorative justice across the levels of principle, values and implementation. The advantages and limits of restorative justice are discussed. Research has also revealed that there exists evidence, albeit contested, to support restorative processes as effective when used in some instances of severe and violent crimes - the kinds of crime and harm that are common during civil war scenarios.
Peacebuilding is introduced and discussed as an important phase following the cessation of major hostilities. It is here, when the conflict is tractable, and during which extensive societal reconciliation can take place, that restorative justice can operate. Throughout this chapter, allusion is made to the potential for restorative applications in post-conflict environments, and this theme will be expanded, with particular mention of the regenerative capacity of restorative solutions, as the thesis progresses.

3.2 The Congruence of Crime, Armed Conflict and Violent Disorder

Most of the wars of the late twentieth and early twenty-first centuries are distinguished by their lack of conventional form and the military asymmetry of the antagonists. These highly complex conflicts can give rise to ‘disintegrative cycles’ which are the antithesis of the ‘integrative cycles’ by which states, with their accompanying ‘law and order’ regimes, were formed (Kaldor, 1999:93). They have invariably begun with the breakdown of the usual political processes (Zartman, 1995:5, Doyle and Sambanis, 2000:779-80). They also have a strong element of inequity of distribution (Annan, 1999:8) usually associated with a difference in identity (Zartman, 1995:5). Moreover, with the causes appearing confused and almost Gordian to outsiders, most domestic armed conflicts don’t remain internal for very long (Annan, 1999:7). This can occur as a result of refugee flows, interruption to natural resource access and other commercial considerations, or the disconcerting scale of casualties and human rights abuses.

Developing a similar theme to that of Holsti (1996), with his analysis of ‘wars of the third kind’, Kaldor (1999) terms these complex conflicts ‘New Wars’. She also argues that the novel ways of fighting also tend to avoid open battle, with armed groups preferring to control territory through political
manipulation of the population. It is further contended that while the guerrilla warfare in previous ‘wars of liberation’, espoused and practiced by revolutionaries like Mao Tse-tung and Che Guevara, was designed to capture - through a popular ideology - the ‘hearts and minds’ of local populations, the new post-Cold War kind of fighting is aimed at sowing ‘fear and hatred’ throughout communities (Kaldor, 1999:8; see also Holsti, 1996:36).

Compounding this, the motivation of paramilitary groups is often largely economic. In the civil war in Bosnia in the early 1990s the underground criminal economy was an integral part of the conduct of the war (Kaldor, 1999:55). Vasić (in Kaldor, 1999:53) argues that eighty per cent of the paramilitaries in that conflict were common criminals while twenty per cent were committed nationalists. Mueller (2003:508) generally supports this and uses the term ‘criminal warfare’ to describe many contemporary armed civil conflicts. He goes on to cite Lieven (1998) in asserting that recruits to the Chechnyan national guard comprised numerous criminals.9 Moreover, typical of many of the recent rebellions, insurgencies and secessionist struggles, ‘the enemy is not halfway around the globe; the enemy lives only a village away, or in some instances next door’ (Lederach, 1997:14). Because of this proximity of warring parties and the blurring of who may be ‘legitimately’ targeted by fighters, Kaldor concludes that: ‘The distinctions between external barbarity and domestic civility, between the combatant and the non-combatant, between the soldier or policeman and the criminal, are breaking down’ (Kaldor, 1999:5; see also Holsti, 1996:37).10

---

9 He also concurs with Berkeley (2001:15) that ‘Ethnic conflict in Africa is a form of organised crime [where] warring factions are best understood not as “tribes” but as racketeering enterprises’ (Mueller, 2003:509). Low-intensity wars are then analogous to high-intensity crime (Mueller, 2003:509, n5).

10 Dinnen (1997) makes a similar point in his writing on violence and official responses to crime in Papua New Guinea. Although not in a state of war technically speaking PNG proper has suffered extremely high levels of crime, but particularly violent gang crime, for some
Reacting to these sometimes bewildering and (seemingly) increasingly savage contests\textsuperscript{11} requires considerable adroitness for third parties. An instrumental approach characterises most responses as interventions where, in order to reintroduce stability, internationally sponsored authorities must arrest, try and punish the criminal, while working alongside the intervention force who must disarm, capture or kill the militias. Yet in most instances, neither the causes of the criminal/political, violent and dangerous behaviour, nor the harm to victims individually or communally, have been addressed. The focus and attention, in fact the emphases, are on how the arrests, disarmament and ceasefires are effected and as a follow-up the histories, bestsellers and yearbooks are produced that explain the ways the responses were conducted in terms of the conflict itself. Accordingly, the offences, the war, the wrongdoing, the harm, that constitute the conflict, have been ‘decontextualized’ (Zehr in Calhoun and Borch, 2002:250). Yet the relational aspects of the dispute remain located within the post-conflict social context.

There is a stylized way of thinking about war, and about armed conflict generally. This overrides the way leaders consider security and in fact works mostly to the exclusion of human security. Kaldor (1999:11) posits that the link between war and crime is essentially about human security and that these new wars are a mix of war, crime and human rights violations (see also, twenty years and he states this has often been met with militaristic responses from the national police, army and correctional service and makes the point succinctly that ‘Distinctions between state and non-state violence blur when violence becomes an acceptable, and anticipated response to conflict’ (Dinnen, 1997:245).

\textsuperscript{11} Kalyvas (2001) argues that while contemporary civil wars are indeed characterised by an astonishing level of violence, this is historically nothing new. Moreover, he believes that most of the violence is controlled and focussed, and that there is a rationale to it. He further argues that the apparent novelty of widespread criminal activity associated with ‘new’ wars is also an age-old characteristic of civil wars, and asks ‘do people wage war in order to loot or do they loot in order to wage war?’ (p.104). Collier and Hoeffler (1999:15) believe that there is commonly a blend of altruism to rectify the grievances of a group and a selfish desire to take from others, and that altruism might provide a smokescreen for greed, or looting might be necessary to finance altruistic goals.
Cockell, 2002). Human security issues of food, water, accommodation and medical access become scarce and therefore highly attractive goods particularly as civil conflict develops. They become greatly sought after, and tactically and strategically important to warring factions who are prepared to steal, commandeer and even destroy to deny access, all under the guise of military necessity and with little compunction for the death, destruction and rapine visited upon ordinary citizens. These are extensive injustices perpetrated without any consideration of future redress. Even in societies at peace, criminology has sometimes drawn a parallel between war and crime generally, and Elias put it succinctly in Pepinsky and Quinney’s (1991) *Criminology as Peacemaking*:

> You can’t have peace if you don’t have justice. Injustice is not merely unpeaceful in itself. It’s also the source of further violence and war in any society, and it’s the major source of the kind of violence and war we commonly call crime (Elias, 1991:252).

The description and definition of events that have spurred intervention by the criminal justice system, or military intervention from the international community, have a direct bearing on how such reaction is discussed, framed and implemented. At base these events are usually perceived as breaking domestic law or they are a threat to international peace and security – as broadly as that may be construed. Yet in either case, more often than not, real harm has been inflicted on individuals, groups, or a class of alienated people,

---

12 There is the language of crime and war, and there is the similarity of the phenomena, and the comparability of responses to each. In viewing the purpose of punishment for crime as ‘social defence,’ the Nazis drew consistently on Nietzsche’s dictum that ‘Penal law consists of war measures employed to rid oneself of the enemy’ (Grunberger, 1971:119). But this was an extreme perspective that, when implemented, gave rise to torture and mass murder. Yet it would also be difficult to disagree with Marshall when he says that ‘Criminal justice represents the application of force by society in protection of its members’ (1996:37). As a consequence, organised and pseudo-martial responses have combined with electoral chauvinism to give rise to the idea of a ‘war on crime’, a ‘war on drugs’ and so on. Seemingly paradoxically, then, in attempting to draw a balance, in some jurisdictions the ‘war on crime’ has spawned police officers titled ‘peace officers’ (Elias, 1991:252).
and this is what prompts ‘official’ reaction and intervention. The response occurs because the community - manifested as the organs of government - is offended or even outraged by both the harmful behaviour itself and the damage done, and it is generally agreed that perpetrators/offenders must be located, disabled and punished.

In civil war scenarios it is usually the guerrilla leaders and warlords who are recognised as the offenders/perpetrators. These figures are responsible for the organization, recruitment and funding of militia fighters (Thomas, Kiser and Casebeer, 2005), but culpability can spread across the forces from the top to the lowest echelons. This thesis proposes that exclusive concentration on leaders alone is not the most effective focus. The approach here is that the counter measures of any peace operation are better implemented when a more holistic strategy is taken, thus it might appear that warlords are not included in this work. That is not the case. Leaders do need to be negotiated with and those who have perpetrated injustices brought to account - this too can be done restoratively. Such leaders, however illegitimate their claim to a representative role might be, do have real power and influence, but they also have roots in clan and local community from which they recruit (Thomas et al. 2005:100).

3.3 Community and Justice

Civil wars can often seem hopelessly interminable.\textsuperscript{13} Bailey (cited in Curle, 1971:248) says that most disputes that lead to violence tend to be based on questions of territory or human rights. What can make these contests so

\textsuperscript{13} Indeed the civil wars that incur peacekeeping are accurately termed ‘protracted social conflicts’ by some scholars, such as Azar (1990) and Fetherston (1994).
ungovernable is that, more often than not, ‘longstanding distrust, fear and paranoia are reinforced by the immediate experiences of violence, division and atrocities’ (Lederach, 1997:13). When this occurs the community in turmoil is unlikely to readily produce the attitudes, behaviours and mechanisms needed to solve the crisis without some kind of external assistance. It is not that there are no people of goodwill, or that everyone in that society is committed to violent conquest of the ‘other’ (Lederach, 1997:94); it is more likely that such ‘islands of civility’ (Kaldor, 1999) have been effectively swamped by the intolerant and destructive forces of their wider warring community.

Human communities have long held resources from within to deal with strife. One alternative, then, to the coercive response of state agencies to deviance and disorder is ‘community justice’. An example of this is community sentencing, or ‘reparative’, boards that fulfil the role normally undertaken by a court. Here community members decide on the form and extent of punishment awarded to offenders (Green and Healy, 2003:159).14 While there are commonalities and overlap between restorative justice and community justice processes, such as local people ‘owning’ and resolving the dispute, there can be confusion between the terms ‘community justice’ and ‘restorative justice’. In fact, the power differentials in community justice can be ‘dramatic and dysfunctional’ (Bazemore and Griffiths, 1997). Braithwaite (1997) says that community justice can override rights generally, that it can subject the vulnerable to domination by local powerful elites, subordinate women, and be procedurally unfair, tending to neglect issues that lie in social structures. The ‘people’s courts’ of Soviet Russia, Nazi Germany and Communist China

---

14 Such ‘community sanctioning’, in the US commenced as early as 1920 and was primarily focussed on juvenile crime, although today, particularly in Vermont, non-violent adult offenders are also dealt with (Green and Healy, 2003:159-160).
are examples of more authoritarian forms of community justice. It has been further asserted that ‘community justice can be repressive, retributive, hierarchical, and patriarchal, these values being fundamentally at odds with the defining values of restorative justice and it cannot, therefore, be part of it’ (Morris and Young, 2000:23).

In a comparison of community justice and restorative justice measures, Kurki (2003:306) makes the point that ‘it is unclear how true [community justice] initiatives are to restorative justice values’. Sharpe (1998:38) points out that community justice committee panel members may indeed have a desire to emulate restorative justice goals in their sentencing practices but that this is unlikely to be achieved when decisions are made by people who have no personal connection to the case; the outcomes are more likely to reflect the punitive qualities of retributive justice than the reparative qualities of restorative justice.

Communities are, of course, built on individuals living in relationships, within social structures and cultural contexts (Bottoms, 2003:93). Nevertheless, ‘the proposal that the community should take the lead in deciding what should be done about a criminal incident is highly problematic. Communities, even small, tight-knit communities, are not the homogenous units which many suppose them to be’ (Johnstone, 2002:29). Communities have boundaries and the question of who is inside and who is outside can be problematic with hostility towards, and from, those excluded (Braithwaite and Strang, 2001:8-9). Relative intra community status among the participants is a reality.
3.4 Alternative Modes of Conflict Resolution

Voluntary, or informal, conflict management and dispute resolution, as opposed to legal and procedurally formal processes, is often known as Alternative Dispute Resolution, or ADR. Under this rubric sit negotiation, mediation and arbitration (Kheel, 1999). Ultimately the aim of each of these techniques is for the parties involved to achieve their goals, as nearly as possible, by voluntary and peaceful, if arduously arrived at, agreement.

Negotiation is in reality a commonplace activity for most of us in our daily lives (Kheel, 1999:127; Rees, 2003:120). While familiar and widespread, across social, business and diplomatic relationships, it is not necessarily always effectively carried out. It has also been argued that the habit of resort to force stems from illiteracy about non-violent dispute resolution which is itself the product of an infatuation with violence (Rees, 2003:27-8). Despite a structured approach to peace studies beginning after the Second World War15 (Galtung, Jacobson and Brand-Jacobson, 2002:xv; Stephenson, 1996:551), negotiation and conflict resolution courses were rarely found in university curricula prior to the 1970s. Today such training in schools, business and government is in fact commonplace (Ury, 1999:104) and its ‘real world’ implementation is increasingly so.

Alternative, ‘unofficial’ and voluntary methods of dealing with disputes have been used by community interest groups, parties engaged in industrial disputation (Kheel, 1999), individual litigants, and even within societies divided by armed conflict (Curle, 1971). Across myriad examples of such settlements, the ‘voluntary’ nature of the encounters, the requirement for

---

15 Manchester College in Indiana claims the first structured peace studies curriculum (Manchester, 2005).
clarity and openness, and the ‘non-professional’ character of the intermediaries stand out. It is not that all mediators, negotiators and arbitrators are amateurs and activists, indeed there seems to be an increasing number of conflict resolution specialists, but there is certainly a less formal, more personally engaging tone and demeanour that is employed.

Any genuine attempt at conflict resolution requires communicative boundary spanning and resistance to stereotyping (Rees, 2003:89). It was Israeli politician Simon Peres who said: ‘War is a dialogue with yourself. Peace is a dialogue with the other party’ (in Rees, 2003:119). During professional exchanges most officials view the insistence on hierarchy and displays of respect, often equating to deference, as essential to the maintenance of order (Rees, 2003:46) and upon which a binding decision will be based. Yet:

We need to be sceptical about any idea that experts may discover manna at peace negotiating tables and then deliver plans or contracts to a grateful public. Amateurs for peace can be the best professionals if their commitment challenges entrenched interests and shifts views...Reliance on the freedom of the committed amateur is bolstered by the awareness that experts may have neither the passion nor the expertise to solve the problems which are obstacles to peace (Rees, 2003:45).

Perhaps more importantly, control exercised through hierarchies (structural and intellectual) has a tendency to exert powerful influences on the way people think and the priorities they attach to available choices throughout any negotiation or mediated forum. For those engaged in ‘amateur’ conflict resolution then, a ‘willingness to cross discipline boundaries [can] influence the development of cosmopolitan thinkers who could contribute to peace’ (Rees, 2003:86). It is the cosmopolitan character of viewpoints that Kaldor (1999) argues is essential to the resolution of the increasingly complex ‘new wars’ (see also Habermas in Bellamy, 2004:25).
Irene Santiago, a member of the Philippines Peace Commission for Mindanao asserts that ‘All peace is local…if the local people are not involved in crafting a peace agreement, you will have problems in implementing it’ (in Rees, 2003:133). Perhaps this means that there should be many local, and therefore probably differentiated and nuanced, peace agreements. The responsibility on any third party in assisting communities to negotiate peace is vast, and the procedural journey along the path to a just settlement and resolution will be crucially affected by the reciprocity and trust which a negotiator is able to establish with disputants. ‘Knowing local customs, being known by local people and thereby increasing the chances of being perceived as credible is an indispensable forerunner to achieving trust’ (Rees, 2003:136).

Rees’ view of conflict resolution acknowledges that perhaps there will be times when it is appropriate to walk away and he cites support for this as a negotiation tactic suggested by lawyers (Rees, 2003:138). It is of course possible that some situations of communities undergoing violent upheaval will be overburdened by a culture of fear so that people who are frightened and in danger will need physical protection as a priority. ‘Crises where lives are threatened require a response to human needs and a stand against cruelty’ (Rees, 2003:199, see also Annan, 1999). This may impede the commencement of negotiations or interrupt discussions underway merely delaying the quest for justice. Therefore, says Rees (2003:236) where crises like famines, massacres, oppression or the consequences of natural disasters, are pressing, the question ‘what is just?’ might require delay in favour of an immediate humanitarian response.

---

16. The evidence that efforts towards peace, that exclude local people, are ultimately less effective is growing. Byrne (2001), for example, has shown comprehensively that elite negotiations in Guyana have come to nought in resolving the ethno-political strife there.
3.5 Mediation

Mediation is an accepted and credible method within ADR in the US. Bush and Folger (1994:1) state that it had its genesis in US industrial disputes, and has become widely accepted as a legitimate method for solving neighbourhhood and community disturbances. The earliest community dispute mediations were instigated as a response to disorder in urban centres across the US during the 1960s (Bush and Folger, 1994:50). The efficacy of mediation as an alternative to formal solutions has meant that the practice has since expanded to include consumer/merchant disputes and family issues. Bush and Folger (1994:21) define mediation as ‘an informal process in which a neutral third party with no power to impose a resolution helps the disputing parties try to reach a mutually acceptable settlement’.

Adam Curle, a Quaker mediator of no little experience in Africa, Asia and Bosnia, but especially in the civil war in Nigeria (the Biafran war) of 1967-70, says that reconciliation is a general term ‘implying restoration of friendship’ and can be applied to mediation (Curle, 1986). In fact if reconciliation ensues it is more likely serendipitous than predictable – particularly in something like a commercial mediation mission. Mediation is more often than not used in situations where both sides are convinced of their own point of view and the baseness of the other’s behaviour, and each will probably feel threatened, attacked and victimized by the other (Bush and Folger, 1994:89). While

---

17 These have become known in Britain as Community Group Conferences (Marshall, 1996:30).
18 Mediation has also been used in the criminal justice system and this is discussed in greater detail below, as a form of restorative justice. This is but one example of the similarity and overlapping that exist across the categories of informal dispute management and alternative justice avenues.
reconciliation is possible in mediation, it is not essential and it is not one of its goals.

Mediators are in the middle (Curle, 1986:9). A great deal of the mediation literature places emphasis on the function, types and characteristics of mediators and how the job should be carried out. It is an important role as often in armed conflict situations, or any other where interest groups are represented by leaders, those leaders are, more often than not, isolated and under intense strain, trapped by cycles of events, even suspicious of advisors and the veracity of what they are being told (Curle, 1986:6-7). Private, amateur mediators may lack political ‘saliency’ (Young in Curle, 1986:11), but this can be heavily outweighed by their genuine impartiality and sometimes patent goodwill.

Mediators usually attempt to aim for communication that is devoid of emotion, anger, fear and suspicion (Curle, 1986:9). While ostensibly laudable, this in fact can skew the picture of a conflict so that the intensity of feeling around an issue may not be obvious. To valorise composure over the accuracy of the message being conveyed could lead to seriously inaccurate conclusions being drawn, particularly about levels of commitment. Curle (1986:9) concedes that ultimately, whether the dispute is at the international or interpersonal level, people are subject to their ‘passions, fears, hopes, rage and guilt’ regardless of culture, nationality, religion, ideology or status.20

In much of the mediation literature, the mediator-cum-peacemaker is a third-party outsider who is ‘doing all the work’ and these types of peacemakers

---

20 During the initial peace conferences between the warring parties of Bougainville, held in New Zealand, the release of emotion was essential. This is described by a participant, in chapter 6, and its necessity, as part of the proceedings, was considered a given.
include activists, politicians, mediators, conciliators and educators, often with a supporting caste of specialists (Curle, 1971:182). The work of mediation is described as a ‘demanding intellectual exercise’ (Curle, 1971:191).\footnote{In 1971 Curle wrote about the six components of peacemaking. He describes them as: Research to acquire knowledge of the situation, issues and people in contention; Conciliation where the mediator lays the groundwork for changing perceptions, heightened awareness and the reduction of tensions; Bargaining, distinguished by lack of excessive concessions; Development and restructuring of the relationship between the contestants; Education so the weaker party gains awareness and is empowered towards change; and Confrontation as the weaker side exercises assertion to gain parity, because of a ‘unilateral awakening’ (Curle, 1971:20,203). Curle’s emphasis here is on the purposeful restructuring of relationships. He later refined this and outlined four principal aspects of mediation: Building, maintaining and improving communications – being more than a mere go-between; Providing information – carrying a heavy responsibility for accuracy and the capacity for clarification if necessary; Befriending – where the character of interpersonal relationships with the disputants is of paramount importance; and, Active mediation - requiring the positive removal of obstacles by the intermediary (Curle, 1986:21-9). This enduring concept of mediation, regardless of the context, underscores the emphasis on the role of the individual mediator and echoes Christie’s (1977) idea of the dispute being taken from contestants.} Furthermore, occasionally during ‘transformative’ mediation, mediators adopt a ‘micro-focus’, concentrating on the detail presented, actively encouraging deliberation and choice making, and urging participants to consider the other party’s viewpoint (Bush and Folger, 1994:100-1). It is as if the success or failure of the process rests with the mediator.

One particular variation on mediation is known as ‘med-arb’, or mediation-arbitration. The spectre of the mediator, in the cause of efficiency, can decide to intervene and deliberately impose a settlement, regardless of the wishes of the disputants (Bush and Folger, 1994:41-5). The ‘med-arbiter’ can provide ‘clout’ to move the disputation to conclusion. With such an imposed settlement it could be legitimate to question the satisfaction levels of participants and the prospect for longer-term resolution, let alone the voluntary nature of the outcome.
People do change and develop new perceptions and, through successful conflict resolution, can become transformed as individual human beings (Curle, 1971:242). Bush and Folger (1994) recognize a much wider paradigm shift from individualistic interest perspectives to a more relational social order and orientation. They go on to say that ‘mediation presents a powerful opportunity to express and realise a higher vision of human life’ (pp.3-5). Curiously, Curle says: ‘whereas it may be possible for a husband and wife to be reconciled, both continuing in their previous roles as spouses, this is hardly possible in much larger groups’ (Curle, 1971:197). My field research in Bougainville, however, will call this into question.

3.6 An Overview of Restorative Justice

Just as ADR describes the (usually) non-judicially mediated option in civil litigation, restorative justice is the name often ascribed to alternative ways of dealing with deviance in the formal criminal justice system. The term ‘restorative justice’ is said to have been first used by Eglash in his 1977 article on Restitution (Van Ness and Heetderks Strong, 1997:24). Yet, while it often can be a substitute for the retributive model, that would be a superficial comparison, for it is in practice much more. It is an holistic approach that can apply to the way lives are led, business is conducted and politics played out (Braithwaite, 2003a:1). The focus in any restorative process is not simply on a

---

22 Some practitioners argue for what is described as a transformative, as opposed to a problem solving, approach to mediation. The conflict itself is viewed predominantly as ‘a potential for growth of human morality’ (Bush and Folger, 1994:81). This involves both self-enhancement and human relational expansion, or empowerment recognition, and success is achieved when the parties are changed for the better as a result of the mediation process (Bush and Folger, 1994:84). So ‘if a party has taken the opportunity to collect herself, examine options, deliberate, and decide on a course of action, empowerment has occurred, regardless of the outcome’ (Bush and Folger, 1994:87).

statute or rule that has been contravened, and the gathering and presentation of evidence to prove a charge, it is more so on the harm that has been visited upon both the victim and the community – the community to which the victim and the offender each belong. It is the operationalizing, at community level, of the old concept of ‘redress of wrongs’ so that the people concerned can return to their usual avocations in peace.

There is a distinct difference between restorative justice and conventional justice at the levels of both outcome and process. Simply put, conventional justice arrives at punishment or liability through a standardised, mostly impersonal and formal process, backed by the ‘force of law’, whereas restorative justice usually produces both reparation for harm done and often some degree of reconciliation\textsuperscript{24} between players by personally engaging and flexible processes. Restorative procedures allow for, indeed require, much more comprehensive and in-depth situational analyses. It can be said that ‘there is no blueprint for how an ideal restorative justice system should work’ (Braithwaite, 2003a:3) so that the specific ways to rebuild bonds ruptured by crime can vary across the variegated methods and processes of restorative justice (Sherman, 2001:47). This adaptability makes it attractive as a catalyst for positive change, and therefore, as will be seen in chapter 8, particularly suitable for the complex rebuilding that is required following armed civil conflict.

3.6.1 Restorative Justice Theory

The idea of justice, even in ordinary usage, can seem nebulous and sometimes

\textsuperscript{24} But neither Braithwaite (2003a:13) nor Zehr (2003:6) believe that reconciliation is an essential part of restorative justice. It will be argued later in this thesis that in fact when the emergent values within restorative justice coalesce, reconciliation does obtain, and this is highly relevant in the context of post-conflict renewal.
ambiguous. Alternative forms of dispute settlement and ways of achieving justice can also appear unclear. Daly’s (2003:220) reference, therefore, to the lacuna in most people’s perception of what restorative justice ‘looks like’ is understandable. Yet there does exist, by now, extensive literature and much legislation that can provide a practical and recognizable image.

There can be difficulty defining restorative justice with precision (Marshall, 1996:35; Daly, 2003a). Zehr (2003) posits that the focus of restorative justice is on the harm suffered by victims of crime and the ensuing obligations to repair that harm. He says that it is ‘a process to involve, to the extent possible, those who have a stake in a specific offence to collectively identify and address harms, needs and obligations in order to heal and put things as right as possible’ (p.40). Accordingly, it is not just the victim’s needs that are addressed. At the same time he questions the value of an absolute definition while conceding the need for principles and benchmarks (p.39). He also describes it as a ‘lens’ (Zehr, 1990) through which to view, conceptualise and consider what is really happening in any criminal justice encounter.

Marshall has formulated a fairly well accepted and succinct definition (see Bazemore and Walgrave, 1999:47, Braithwaite, 2002:11 and Zehr, 2003:39). He says ‘Restorative justice is a process whereby all parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future’ (Marshall, 1996:37). It is arguable that even this definition is inadequate, as a restorative process alone does not of itself equate to a just outcome. Indeed there are enough examples of insincere apology and unfulfilled obligations (Acorn, 25 McLaughlin, Fergusson, Hughes and Westmarland (2003:9) have asserted that ‘Given its diverse roots and far-reaching aspirations as a political project, constructing a formal definition of restorative justice has been highly problematic and controversial.’
2004:73) to show that the benefits of restorative procedures can be undone if the harm is not genuinely repaired. Restorative justice then, while underpinned by its specific approach in responding to harm done, is more than the process (Bazemore and Walgrave, 1999:48, Zehr, 2003).

Bazemore and Walgrave emphasise that mending the harmful consequences of an offence should be the focus of restorative justice and offer the following to render conceptual clarity: ‘Restorative justice is every action that is primarily oriented toward doing justice by repairing harm that has been caused by a crime’ (Bazemore and Walgrave, 1999:48). There is a convergence here with Zehr’s focus on the consequent obligations of offenders to make reparation and work to heal the wounds caused by their actions (Zehr, 1990:43).

Harm perpetrated, and the response to it, are key elements in any restorative justice program. Whereas a retributivist stance views harm from an abstract moral outlook that requires retaliatory harm to the transgressor, and a rehabilitative attitude emphasises that the negative characteristics of the criminal’s personal and social circumstances are to be improved (Bazemore and Walgrave, 1999:49), in contrast, a restorative position considers the victim’s suffering, whatever its form and extent, and places a priority on the commitment and deeds necessary to rectify it. This sits deliberately in stark opposition to conventional criminal justice where the punitive approach, in most cases, as is often argued, is likely to perpetuate conflict (Johnstone, 2002:26).

The issue of precisely who the victim of crime is can provoke complex and contentious considerations. There is the individual victim, and often that person’s family or ‘community of care’ (Braithwaite, 2000:188) as well, who
can be directly or indirectly victimized; sometimes the general community and wider society can be said to have suffered harm.\textsuperscript{26} Importantly, a predominant purpose of bringing the stakeholders together in any restorative justice meeting is to understand the context, including the wider impact, of the offending behaviour (Corrado, Cohen and Odgers, 2003:4).

Restoration of the victim to the \textit{status quo ante} is an established principle in tort law. The idea of repairing harm is fundamental to restorative justice, and the victim’s situation is to be restored to its former standard, to the extent that this is possible. Bazemore and Walgrave (1999:51) argue that some victims can still be restored to their former situation without necessarily meeting face-to-face with the perpetrator, by having their interests represented by surrogates. Although this does occur it is not the main way restorative encounters happen. It is similarly argued that court ordered restitution, community service and such reparative obligations can also be viewed as restorative. A further claim is that sanctions can be restorative in nature when they are carried out with the intent to repair harm, and in a way that maximises the prospect of repair and satisfaction to victims and the community (Bazemore and Walgrave, 1999:51).

Each of the definitions so far has elements in common and areas of overlap. As shown, advocates have differed on exactly what constitutes restorative justice (McCold in Johnstone, 2002:11) and although such dissensus has been described as a controversy (Bazemore and Walgrave, 1999:47) this diversity of perspective has in fact been a dynamic feature of both theory and praxis within the restorative justice field. Regardless of how semantically tidy or otherwise the concept is when expressed, there are values and principles that

\textsuperscript{26} And there is also the notion of ostensibly ‘victimless’ crimes such as vandalism of public structures, fraud against corporations or even drunk driving where no one has been injured.
shape what arises in restorative procedures and methods.27 These values and principles are important in distinguishing restorative processes from punitive and other generally forceful responses to conflict and criminal harm.

Zehr (1990) writes that crime is fundamentally a violation of people and interpersonal relationships and hence damages relationships and is a reflection of damaged relationships. This stimulates a need for restoration of all those relationships, and therefore the victim, the community and the offender become key stakeholders in the conflict (Umbreit, Bradshaw and Coates, 2003:123). Such violations create obligations and restorative processes provide the catalyst for offenders to understand the consequences of their actions and the harm that they have caused. Zehr (1990) further asserts that the community’s obligations are to the victims, offenders and its own members. Sometimes the offender’s needs also require addressing in order to prevent future lapses. This all means that the justice process belongs to the community and that therefore community bonds will be strengthened. Yet some, such as Bazemore and Walgrave (1999), don’t see this as necessary. Overwhelmingly, as in Zehr’s (2003:82-85) paradigm, restorative justice seeks to heal and put right the wrongs in a process where victims have a principal role in defining and directing the terms of the interaction. This highlights a

27 The philosopher Ludwig Wittgenstein (1974:67,77,108) in his Philosophical Investigations, of 1945, introduced the notion of ‘family resemblance’ in concepts and objects that are similar, sometimes identical, in essence but are separated and differentiated by the words we use to describe them; hence understandings and definitional validity can turn on minuscule elements, with enormous effect. The annotative treatment of definitions of restorative justice in this thesis shows extensive diversity across ideas and activities that are in reality very similar in attribute and at core. This is not to downplay the importance of conceptual precision in definitions of what is an expanding response to crime, for it is sometimes a contentious phenomenon. Anything fresh and atypical, but especially something concerned with the emotive issue of law and order - and arguably peacekeeping as well - will likely meet with opposition supported by intense auditing of meaning as those unfamiliar with the proposal will grapple with potential changes, seen as threats, real or otherwise, to the established ways of behaving and conducting human affairs. The point is that a premature settling of definitional questions is of no great virtue.
clear difference between the mediation approach and the restorative justice approach.

Braithwaite propounds the most catholic list of values applicable to restorative justice. He identifies them as ‘constraining’, ‘maximising’ and ‘emergent’ values (Braithwaite, 2003a:13). Although he previously described them as standards useful in the evaluation of any restorative process when viewed as criteria for participants taking part, or evaluators observing restorative justice conferences (Braithwaite, 2002b), they comprehensively describe useful and practical goals for any such meeting.

The constraining values are elemental. That is, they are not optional. Their function is to curb power and shape its exercise. They involve: non-domination of the proceedings by any party; empowerment of participants to tell their story; legally defined upper limits on sanctions and the opportunity for appeal; respectful listening; equality of concern for stakeholders; offender accountability; and respect for basic human rights (Braithwaite, 2002b:569). The maximising values, however, should be actively encouraged, and to that extent ‘sought’, where relevant to the case, but may not in all instances be achieved. They encompass the restoration of: human dignity; property loss; safety and health; harmonious relationships; functioning communities; the natural and physical environment; freedom; caring; untrammelled peace;

---

28 This is an extensive index of elements that make up restorative justice as he sees it, and few other theorists have produced an explanation as capacious as this. In contrast Van Ness (in Bazemore and Walgrave, 1999) outlines three principles of restorative justice: justice requires that we work to heal the victims, the offenders and the communities that have been injured by crime; victims, offenders and communities should have the opportunity for active involvement in the justice process as early and as fully as possible; and we must rethink the relative roles and responsibilities of the government and community. In promoting justice, he states, government is responsible for preserving a just order and the community is responsible for establishing peace.
dutiful citizenship; capacity for personal development; and importantly, the preclusion of further injustice (Braithwaite, 2002b:569). What are harder to reach are the emergent values, and these should not be forced - indeed not even expected - but should be allowed to flourish if participants so choose. They are: remorse;\(^{29}\) apology; censure of the offending act; forgiveness; and mercy (Braithwaite, 2002b:570). Roberts also observes that ‘genuine reconciliation is difficult to foster’ (P. Roberts, 2003:129) and this concurs with Braithwaite’s stance. This thesis posits that when these emergent values are manifest together in any post-crime meeting between victim and offender (as illustrated in chapter 6), reconciliation has been arrived at.\(^{30}\)

On the surface these values might seem ambitious, and even somewhat Pollyannaish.\(^{31}\) Yet the data exist, as will be seen, from evaluation studies and anecdotes, which illustrate that these are achievable - if not always achieved - aims, and that they occur in many instances across a wide spread of restorative processes currently in place.

\(^{29}\) Archbishop Desmond Tutu of South Africa’s Truth and Reconciliation Commission endorsed the legislature’s preference to exclude remorse from the essential requirements of a penitent to receive amnesty, as it was deemed that necessity to show remorse may lead to false displays of emotional contrition or stolid but genuine witnesses not being convincing enough. He says it would have resulted in a ‘no-win situation’ (Tutu, 1999:48).

\(^{30}\) It might be, though that due to circumstances, histories and personalities, not each element will occur and therefore partial reconciliation will have to suffice. Adelman (2004:11) views post-conflict reconciliation as a combination of the acknowledgement of truth, restorative justice, redress and reconstruction, and states that when any of these are only partially present then only partial reconciliation will be reached.

\(^{31}\) An additional theme in restorative justice theory and practice is that of ‘obligation’ (Van Ness and Heetderks Strong, 1997:26). There exists the assumption of the pre-existence of reciprocal social obligations between the three stakeholders. Ultimately the reparative duties of an offender towards the victim can include apology, financial restitution, personal or community services (Corrado, Cohen and Odgers, 2003:3).
3.6.2 Restorative Justice in Practice

Restorative practices, it is arguable, pre-date both restorative justice theory and its contemporary practice by some millennia (Braithwaite, 2002a:3; Consedine, 1995:12; Weitekamp, 1999:93).32 Although there is substantial debate over the degree to which pre-modern societies preferred restorative over punitive practices (Johnstone, 2002:36-43), there is no doubt that some ancient societies included dialogue between victim, offender and community - and restitution - as part of customary law (Van Ness and Heetderks Strong, 1997:7-9). Revenge and blood feud were common but so too was an acknowledgement that without harmony within a community, everyone was worse off, and this would be the inevitable consequence of lingering conflict. As the state developed, Western culture amended and adapted conflict resolution mechanisms and with time these bifurcated, in an increasingly regulated and legal format, to focus on malicious wrongdoers who were to be punished and those who had accidentally transgressed and deserved merely a fine (Van Ness and Heetderks Strong, 1997:39).

Navajo peacemaking is cited as an exemplar of a traditional restorative practice that has been revived and is an effective contemporary crime and conflict response. This is one instance of what has been characterised as a ‘renaissance of native justice traditions’ (Johnstone, 2002:43). Zion (1998:58-61) says that from his observations, and discussions with international leaders, lawyers and scholars who have visited Navajo courts, he concludes that the peacemaking process practiced by the Navajo is genuinely restorative in character.

32 A thorough history of restorative practices is provided by Weitekamp (1999:157-173), who goes so far as to say that ‘humans have used forms of restorative justice for the larger part of their existence’ although this kind of sentiment has been criticised as too optimistic, particularly by Daly (2002).
Modern restorative justice is said to have commenced with court ordered victim and offender reconciliation meetings in Kitchener, Ontario, in 1974 (Peachey, 2003:178-86). The practice was taken up across the border in Elkhart, Indiana four years later (Sharpe, 1998:25). Other variations on the same theme, sometimes known as victim-offender reconciliation programs (VORPs), or even in a less ‘value laden’ way, victim-offender dialogue (Van Ness and Heetderks Strong 1997:69), exist in Britain, Australia, New Zealand, Scandinavia, and the USA (Peachey, 2003:184). In both Australia and Canada police have strongly encouraged family group conferencing (Sharpe, 1998:30) and in New South Wales the prison service encourages victim-offender restorative meetings (Ritchie and O’Connell, 2001:161-2). The victim-offender meeting has become the ‘most widely disseminated, documented and empirically grounded version of restorative justice’ (Umbreit, Bradshaw and Coates, 2003:123). Restorative practices are not restricted to Western societies and span the cultural divide to include Singaporean family group conferencing (Braithwaite and Strang, 2001:4) and juvenile justice measures in Thailand (Ministry of Justice of Thailand, 2005).

On a much broader scale, Archbishop Desmond Tutu has described South Africa’s Truth and Reconciliation Commission, a response to the widespread societal damage caused by the Apartheid system, as a restorative justice process (Tutu, 1998:2, 1999:51-2). Papua New Guinea, as one of the positive outcomes of its war with rebellious Bougainvilleans, has agreed to a constitution for that now semi-autonomous province incorporating restorative justice principles and practices in its provisions for a new criminal justice system.

33 It took about another twenty years for the spread of similar programs and accompanying theorising to popularise, in criminological circles at least, the term ‘restorative justice’.
One prominent example of restorative justice ‘in action’ is the community response to endemic alcohol abuse, and family and sexual violence, that was occurring in the Hollow Water First Nations community in Manitoba. Sexual abuse was previously not discussed and the first disclosure occurred in that community in 1984. A self-awareness program led to the revelation that inter-generational violence, sexual abuse and alcoholism coupled with ultimately ineffective conventional criminal justice sanctions were prolonging widespread misery. A thirteen-step response that protects and heals the victim, confronts and heals the victimisers, and restores balance to the families involved – the Community Holistic Circle Healing - has the support of the formal legal system. Formal law remains as a backup, yet this program has undoubtedly transformed the lives of many individuals and their community (Lajeunesse, 1993).34

Current techniques and programmes of restorative justice take many forms. Despite the variety many practitioners would believe that restorative encounters with which they are involved are conducted with five key purposes: inviting full participation and consensus; attempting to heal what is broken; seeking accountability that is as full and direct as possible; aiming to reunite what has been divided; and seeking to strengthen the community in order to prevent further harms (Sharpe, 1998:7).35

34 Numerous jurisdictions around the world have incorporated restorative processes into their formal systems. Revivified traditional Maori justice processes have also been seen as an effective response to criminal wrongdoing. So much so that in 1989 the New Zealand parliament incorporated restorative justice provisions, specifically family group conferencing (FGC), into its legislative framework with the Children, Young Persons and their Families Act. South Australia introduced a statutory-based conferencing alternative to the prosecution of juvenile offenders in 1993 with its Young Offenders Act. Kurki (2003:298) asserts that the success of some examples of Australian conferencing practices have influenced similar justice options in the United States, Canada and England (see also Van Ness and Heetderks Strong, 1997:73).

35 One particular variation on restorative encounters between offenders and victims is worthy of some mention. These processes involve a selected group of offenders (say, those convicted
Restorative justice can be advantageous because it allows for direct participation of ordinary people in the resolution of problems of crime within their community. It is based on dialogue and consensus as opposed to the open threat of force; although realistically the spectre of force is in the background (Braithwaite, 2002a) - as conventional offenders don’t participate without it. It also seeks concrete solutions to real and immediate problems (Kurki, 2003:309). Without being stifled, and sometimes intimidated, by ‘officials’ and professionals, and allowing for emotional engagement, this direct involvement ‘enables the parties to see that adversaries, like the self, are deeply motivated by shared, human concerns and that, unless these are fulfilled, the violence [of the dispute] will be perpetuated’ (Rothman, 1992:62).

Restorative justice is also, more often than not, a cheaper alternative to conventional crime control not least because it relies heavily on unpaid community input. It is also economical in the application of power (Johnstone, 2002:32). Transporting these notions to peace operations, while costing less has fiscal attractions for countries providing national peacekeeping contingents, economy of power is attractive from a ‘force protection’ perspective as it can retard the possibility of any escalation in

of burglary) and a selected group of victims (say, those whose homes have been burgled), although no one in the victim group has been burgled by anyone in that particular offender group (Van Ness and Heetderks Strong, 1997:94-96). This presents a kind of vicarious restorative outcome where burglars are exposed to the damage and hurt experienced by victims of burglaries other than their own. This process is also used for other categories of crime, such as drink driving (Van Ness and Heetderks Strong, 1997:94-96) and this can also be seen as illustrative of the concept of the wider community as a victim of crime.

36 Sentencing Circles go further than conferencing and victim-offender dialogue, accentuating the direct involvement of local residents in sentencing decisions. This technique was inspired by Native Canadian and American conflict resolution rituals, and, while similar to the community boards mentioned earlier, place a greater emphasis on healing and respect for individuals – victims and offenders alike (Johnson, 2001:8).

37 One disadvantage in this is that it may be seen to be, and felt by victims to be, offering ‘cheap’ or second class justice (Stubbs, 2002:51, see also D. Coker, 1999:85).
violence generally, but probably also violence towards peacekeepers.³⁸

The grass roots enthusiasm for, and increasingly widespread embrace of, restorative justice mean that it can be described as a social movement (Braithwaite, 2002a:8). Restorative practices have moved from the criminal justice sphere to be used in schools and work places on a number of continents (Kurki, 2003; see also McDonald and Moore, 2001:130-148, and Morrison, 2001:195-210). And even though ‘we are still learning how to do restorative justice well’ (Braithwaite, 2002b:565) plainly it has application and support across many cultures and societies, developing and developed, traditional and modern.³⁹ Moreover, its almost worldwide application means that is has indeed become an ‘international phenomenon’ (P. Roberts, 2003:116). Ted Wachtel and Paul McCold, from the International Institute for Restorative Practices, have described its potential thus: ‘RJ is a philosophy not a model, and ought to guide the way we act in all of our dealings’ (Wachtel and McCold, 2001:126).

Conceptually and at the daily operational level, then, it has application across a wide range of circumstances, crimes and conflicts.⁴⁰ Yet even in peaceful societies there will probably always be the need to protect society from the more recalcitrant and persistently violent offenders, but this does not mean that their victims should be denied some chance of restorative closure.

---
³⁸ Also of note is the Rwandan experience where the unaffordability of many thousands of criminal trials prompted the return to local Gacaca tribunals to deal with the overload and return some ownership to aggrieved communities (see Uvin in Huyse, 2003).
³⁹ Cultural appropriateness, it can be safely said, is the norm in restorative practices (Consedine: 1995:106).
⁴⁰ Furthermore, as Braithwaite (2000) believes, restorative approaches have the potential to reduce imprisonment rates and therefore might have a positive bearing on social injustice through minimising by-products of incarceration such as the spread of disease - particularly AIDS, Hepatitis C and tuberculosis, unemployment, rape and suicide.
Although many people do see restorative justice as soft justice (Corrado, Cohen and Odgers, 2003:2), as former Thames Valley Chief Constable, Sir Charles Pollard (2001:166-7), said:

Restorative justice provides the sort of rational, problem-solving response to social conflict that is highly resilient to the demands of different policing situations and promotes more of the human, face-to-face contact with victims and offenders that so many officers intuitively recognise as essential to rebuilding social capital and community confidence.

In fact, conflict resolution professional William Ury would describe the notion of victim, offender and community relationships being restored as more than a ‘win-win’ outcome. It could be termed a ‘triple-win’ (Ury, 1999:14).

The core of this thesis is a consideration of the applicability of restorative justice approaches to communities during and after violent turmoil. It is commonplace that civil wars are more violent than international wars, for a range of reasons, and it is also common that human rights violations in this kind of conflict are massive. What then is known of the success or otherwise of restorative responses to severe and violent crimes?

3.6.3 Restorative Justice and Violence

Corrado, Cohen and Odgers (2003:4) argue that research so far indicates that there are significant hurdles for those who wish restorative justice processes to replace the conventional criminal justice response to serious and violent offenders. They are right in asserting that financial restitution and community service orders alone would be less than satisfactory responses to murder and rape (Corrado et al. 2003:5; see also Johnstone, 2002:26). They further outline the importance of some victims wishing to avoid all contact with their victimizers. This however, is by no means universal, or even widespread.
Restorative justice techniques have in fact been shown to be effective when applied to some crimes of interpersonal violence.

In the broad debates surrounding the appropriateness of restorative justice for violent offences, but particularly gendered violence, there is a shortage of empirical evidence (Daly, 2005:3). The most recent and most comprehensive study of sexual assault is Daly’s (2005) Sexual Assault Archival Study that compared court and conference cases of juvenile offenders in South Australia and indicates that from a victim advocacy perspective, the restorative justice option may be both less victimizing and produce more effective outcomes than the court process. Tellingly, Daly (2005:20) concludes ‘Victims should not assume that the court can vindicate the harms they have suffered’.

Jim Consedine (1995:84-5), a justice campaigner in New Zealand writes of a sexually abused woman who had endured multiple rapes and beatings. The restorative process undertaken for her resulted in the guilty men acknowledging their wrongdoing, making changes in behaviours and attitudes, and providing amends that were monitored to ensure compliance. The woman felt relieved that her suffering had been given credence and was valued by her community, and that there was now some redress of the wrong committed against her. The point is not that restorative justice should be mandated in such instances but that it can work. It must be done scrupulously well, with adequate safeguards, as it is possible that it can ‘back-fire’ and re-victimise the complainant - threats of violence during conferencing for family abuse cases are not unknown (see Dissel and Ngubeni, 2003). Stubbs (2002) raises real concerns about safety, and the potential absence of strong denunciation and accountability when restorative conferencing is used in domestic violence.
Admittedly, the use of restorative justice to address severe and violent crime is not as common as its use in relatively minor property offences. Yet one of the earliest programs using victim-offender mediation for severe and violent crimes began two decades ago in Batavia, New York where the Genesee County Sheriff’s Department co-ordinated meetings for highly traumatized victims and survivors who had chosen to meet with the offenders (Umbreit, Bradshaw and Coates, 2003:127). With highly trained staff, one Canadian program, in Langley, British Columbia, since 1991 has focused on healing for victims and offenders in cases of sexual assault, serial assault, murder and armed robbery (Umbreit, Bradshaw and Coates, 2003:130-131). Experience has shown that these meetings are initiated sometimes by victims and sometimes by offenders. Furthermore, ‘parents of murdered children have expressed their sense of relief after meeting the offender/inmate and sharing their pain as well as being able to reconstruct what actually happened and why’ (Umbreit, Bradshaw and Coates, 2003:137).

A victim’s wish to avoid the victimizer might remain permanent, or it might not. A great deal of reconciliation between victims and offenders occurs many years after the violence of the crime has been perpetrated so it seems that many people still yearn for closure long after the event (Umbreit, Bradshaw and Coates, 2003:125).41

Restorative justice as a policy response to sexual and other identity based, including ethnic and racial, violence, may require enhancement with ‘vigorous social education’ (Hudson, 2003:447). Human rights education is

---

41 This is borne out in the Bougainville case study where reconciliation ceremonies across the province are not over yet, eight years after the cease-fire, with many still in the negotiation and planning phases (Interview 9 Sept 2004). Interestingly this questions the common sense aphorism that ‘justice delayed is justice denied’. 
almost always a part of any United Nations peacebuilding operation. This is not out of the question in post-conflict situations and Braithwaite (2002a) points out that restorative justice subscribes to human rights values as articulated in numerous United Nations conventions, or, as Cunneen (2001:85) puts it: ‘The principles of restorative justice are not foreign to public international law’.

Neither is it unrealistic to apply these principles at the micro-level as preliminary research into victim-offender mediation for severe and violent crime reveals ‘exceptionally high levels of client satisfaction’ (Umbreit, Bradshaw and Coates, 2003:141). Moreover, the New Zealand government has recently endorsed the findings of a restorative justice pilot evaluation that included in its findings increased victim satisfaction levels, along with decreased recidivism rates among adults responsible for violent offences (Te Ara Whakatika, 2005). Thence restorative justice does hold some promise as a counter to serious crime and violent behaviour.

3.6.4 Critiques of Restorative Justice

Just as ADR has been critiqued, so too restorative justice has conducted its own self-examination. This has usually been provided from the disciplinary purviews of law and criminology and it has included practitioner as well as academic viewpoints. Discussion of its limitations covers numerous areas and some of these are now outlined.

It is true that restorative justice practices do not rely on rules of evidence, professional mediators and court officers, although police and trained intermediaries sometimes do facilitate conferences. The most common criticism of this is that the legal rights and guarantees ordinarily provided by
a court might not be available to the offender in the more informal restorative justice settings. Ashworth (2002a:429-430) argues, for example, that conferencing can not deliver an independent and impartial tribunal as is often required constitutionally and by international treaty. Yet some jurisdictions do require legal oversight and curial ratification of restorative justice agreements.

It is also possible that the ‘informality’ of restorative processes can allow domination or subtle psychological intimidation to happen. This is a common element in feminist critiques. Cuneen (2003:187) discusses the potential for informal justice processes to betray the expectation of an equal say between parties, and says that, for instance, ‘There is no a priori reason to assume that restorative justice practices will privilege or indeed give a voice to minority women’. Strang’s (2002:205) view is that any dispute that involves people already known to each other can be characterised by power imbalance be it one of age, gender, race or any other avenue for exercising domination (Strang, 2002:205).

Ashworth (2002b) questions exactly what is meant, in real terms, by ‘restoration of the community’. ‘The problem here [with the influence of community]’ says Cuneen, ‘is that restorative justice can become what it opposes: a practice which closes, limits and excludes individuals, rather than integrating them’ (2003:182). But this is also what court procedures and formal law can do. Umbreit counters with the idea that ‘the most truly ‘restorative’ outcome would be one in which the victim and the offender equally can shed the victim-offender labels and become simply members of the community in which harm has been repaired and right relationship restored’ (in Umbreit, Vos, Coates and Brown, 2003:8. Emphasis added). It is the imprecision of an expression such as ‘right relationship’ that highlights a
particular strand of critique – and that is how nebulous the character of restorative justice can appear to some (see Acorn, 2004, and also Pavlich, 2002).

Daly (2003:234) refers to the ‘Nirvana story’ of restorative justice - that is to say, accounts of the capacity for forgiveness and contrition, the healing of harm and reconciliation - and says this can remind us of what is possible but that it does not necessarily mean that it is realistic.42 This is valid as far as it goes but at the base of every dispute is the human desire for some kind of wrong to be put right. Acorn (2004:78) states candidly that ‘Some scorn for restorative justice is simple anxiety about the sentimental’. Notwithstanding, there is perceived by some academics and practitioners, to be an expectation that victims and offenders reconcile. Yet reconciliation, valuable for its symbolism and utility as it is, can only come willingly, as will be discussed further in chapter 8.

Johnstone (2002:27) implies that without some element of punishment, particularly for serious crime, restorative justice can be argued to trivialize crime and this is therefore a limitation on restorative approaches.43 Cuneen (2001:97-8) also argues that reconciliation cannot occur without justice for, and felt to be experienced by, the victim. Restitution is a well-established remedy in law, and although restoration (which goes further than material reparation,) and reconciliation (which is primarily an intangible benefit,) are not the same, they do share qualities (P. Roberts, 2003:128).

42 In a similar way Lederach (2005:22) concedes that the fields of conflict transformation and peacebuilding ‘are professions afflicted with a proclivity toward the promise of great change’ He goes on to say that not only is rhetoric easily applied, but also that ‘If constructive social change rolled forward as easily as our words and promises pour out, world justice and peace would have surely been attained by now’. He doesn’t leave this hanging, though, he says that it therefore urges more critical reflection.

43 This a corollary of the notion of ‘cheap justice’ referred to above.
The range of values included in Braithwaite’s (2002a, 2002b) formulation of restorative justice has also been cause for criticism. Von Hirsch, Ashworth and Shearing (2003:22-23) see the problems of restorative justice theory residing in ‘multiple and unclear goals’, ‘unspecified means and modalities’, ‘few or no dispositional criteria’ and ‘dangling standards for evaluation’. The theme of their critique is that there are far too many elements and that this impedes certainty and sureness of outcome. This they believe is disconcerting. Yet the capacity for an extensive range of goals, means and standards, this thesis argues, is more useful for complex situations, allowing actors greater flexibility. Hence the application of most of these values occurs here, particularly in chapter 8.

It is conceded that at the ‘ground level’ restorative justice procedures are not always successful (Daly, 2002:72). In reality this mimics most other responses to conflict, particularly the formal and conventional, police, curial and penal or ‘correctional’ antidotes. These imperfections need not deter communities from expanding restorative practices when by and large they are successful and most participants are satisfied with the process and the outcome (Kurki, 2003:293, 295; Latimer, Dowden and Muise, 2001; Umbreit, Bradshaw and Coates, 2003:124). It can be argued that the notion of the ‘Nirvana story’ is more about the way some parts of the discourse are conveyed, as opposed to the mundane, and often comparatively successful, praxis of restorative justice.

---

44 While sceptical of the capacity for, and efficacy of, substantive community involvement in modern (and therefore more atomised) societies, Johnstone concedes that restorative justice will work in communities where there exist strong bonds of community connection, mutual care and unity (Johnstone, 2002:28). The difference, he writes, while real, should be neither exaggerated nor denied.
3.7 Peacebuilding

After any dispute peace needs to be built between the antagonists to reinforce a new relationship and avoid a recurrence of the conflict. Peacebuilding is a term used to describe processes and societal structures put in place with the aim of minimizing the conditions and factors that can lead to, prolong or reignite conflict within a community, be that interpersonal or between groups. It is an integral part of any successful peace operation and can involve humanitarian aid, electoral processes, economic development assistance and human rights education. It has a very public dimension to it and includes addressing issues of justice and political reconciliation. While peace making (agreeing on a settlement), peace enforcement (militarily imposed ceasefires) and peacekeeping (maintaining a settlement or ceasefire with the spectre or threat of armed force) occur after the violence of civil war has peaked, peacebuilding occurs as part of the post-conflict reconstruction. It is here that the opportunity to right past wrongs, attempt reparation for harm done and reconcile with enemies presents itself.

One contemporary example of community building local peace with restorative principles and practices is the Peacemaking and Peacebuilding Forums in South Africa. This project emerged following the violent Apartheid era, and where many communities took control of their own security needs. Shearing (2001:22) has described the typical steps taken by the peace committees in the town of Zwelethemba, as follows:

---

45 Although, strictly speaking, this is not an example of post-conflict peacebuilding in the immediate aftermath of civil war, and the work of the peace committees deals with what could be regarded as everyday crime, nevertheless, a great deal of the environmental influences spawning the offences that this community deals with, could be argued to have their roots in decades of inequity imposed by Apartheid.
1. Meet separately with antagonists in the conflict and explore what happened;
2. Encourage meeting in a peace circle with supporters;
3. Conduct the peace circle with uninterrupted opportunity for anyone who wants to speak to do so;
4. Think about and talk about peaceful resolution;
5. Together devise a plan with clear roles and accountability; and
6. End the meeting with some symbol of reconciliation, such as a prayer or shaking hands.

The emphasis here is on the knowledge and capacity that exists within the people involved to make peace. Shearing (2001:23) says that this is more than a ‘community of care’ as John Braithwaite would term it, but a ‘community of life’ drawn from a shared and lived collectivity. The measure of success of such committees goes much further than many restorative justice conferences in that the yard stick is not set at the restoration of balance, but on peaceful governance for the future, embedded in agreement (Shearing, 2001:26).

If the legacy of the conflict is ignored during the transitional justice phase then it does not bode well for the future harmonious relations between former antagonists. In fact ‘the issue of dealing with the past raises specific due process and criminal justice dilemmas…In peace processes questions of the rights of victims, and in particular the question of compensation, are to the fore in discussions of how to deal with the past’ (Bell, 2000:269). It is in this phase that social justice is on the minds of many; people emerging from war expect life to improve, and ‘punitive justice is a great disabler of social justice…[whereas] restorative justice can enable social justice’ (Braithwaite, 2003a:12). Reconciliation is usually a key factor and regardless of the agreements made by high level leaders:
[T]he process of advancing political negotiation at polished tables in elite hotels, while very difficult and complex in its own right, is both a more formal and a more superficial process than the experience of reconciliation in which former enemies are brought together at the village level (Lederach, 1997:55).

To be relevant, post-conflict peace building must be responsive to the lived personal experiences of those who have experienced trauma (Lederach, 1997:24). A catalyst for reconciliation is needed in traumatized and divided societies (Lederach, 1997:24) and this thesis argues that restorative justice processes might provide such a catalyst.

3.8 Conclusion

There is a clear comparability of, and co-mingling between, modern civil wars and the phenomenon of crime. There is a demonstrated similarity and thus it can be asked:

What is the obvious connection between crime and war? Crime is violence. So is punishment and so is war. People who go to war believe that violence works. So do criminals and people who want criminals punished. All these believe that domination is necessary (Pepinsky, 1991:301).

It is a truism that violence begets violence and this might well be why many have not only rejected conventional, dominating and coercive strategies, but have then developed alternative reactions to crime, violence and armed strife. It has been seen that different kinds of communities around the world make use of informal ways to resolve disputes at the individual, corporate, group, industrial, school and communal level. It has also been shown that restorative justice is in its own when dealing not only with these kinds of discord but also with serious crime and violent disorder. While ADR and mediation are used in overlapping ways it is clear that the role of the mediator is critical.
Broadly speaking, restorative justice does not have the same requirement. Yet even a desultory understanding of the world we live in would include acknowledgement that there is still room for more comprehensive, more synoptic programs of conflict resolution and peacebuilding - responses that can inculcate more enduring outcomes.

It is now well understood that during peace operations there is a pressing need to ‘cohesively engage’ (Bhatia, 2003:95) with local populations. Alternative and community mechanisms to deal with disputation and offending behaviour do have their place and have proved a more cohesive articulation with the interests of many ordinary people than the usual formal litigation and criminal justice processes. Restorative justice, it is maintained here, can deliver not only a more profound engagement, but can cultivate the fertile social soil wherein local capacity already holds the seeds necessary for the regeneration of workable relationships.

The contemporary reality is that established, formal systems do hold sway. Nevertheless the kinds of conflicts that spur intervention are not conventional and predictable, they are complex and ‘occur in the context of the erosion of the monopoly of legitimate organized violence’ (Kaldor, 1999:4). The paradigm of the monopoly of legitimate force is then projected as the

---

46 In fact, it will be seen in chapter 6 that in Bougainville, the local responses to violence - that this thesis argues are essentially restorative justice practices (if not anthropologically labelled so) - are carried out by ordinary people without knowing that there is an overarching theory that explains their actions.

47 Accordingly, Hartzell (1999:3) states that one–fourth of the wars in the second half of the twentieth century have been settled by negotiation. But many of these have not remained permanently settled. Understandably, ‘effective negotiation is not easy in the context of an adversarial relationship. Misperceptions, miscommunication and mistrust often seriously undermine the negotiation efforts’ states Hadjipavlou-Trigeorgis and Trigeorgis (1993:341) when writing of the sporadic conflict that characterises Cyprus.
organising principle for intervention. This principle has a direct bearing on how militaries operate and therefore how peace operations are conceived and implemented, and so warrants examination. There have already been some significant enquiries into the way peacekeeping is conducted and these also require review. Such an examination occurs next.
Chapter 4 – Peace, Military Doctrine, and Peace Operations

4.1 Introduction

For the most part, individuals and groups prefer, and strive for, concord because of the necessity to conduct, with at least minimal risk to physical security, the social relationships, commerce, and usual interactions that enable life and development to continue. As discussed in the previous chapter the methods and processes used to manage, mediate, and negotiate conflict are manifold and are effective to varying degrees. It is ultimately the resolution of conflict that is usually sought in such encounters and this thesis argues that current conventional approaches provide an insufficiently thorough, and in fact an inadequate, pattern. Restoratively conceptualised responses might offer greater efficacy for post-conflict societies in working towards a positive peace where regenerated social relationships and commerce can develop.

This chapter introduces several definitions and versions of peace – the societal condition that is aimed for when the international community intervenes. It also discusses conventional military doctrine, principles and methodologies of war. The role and perspective of the international community, in particular UN and regional peace initiatives, are explored. Some examples of success, failure and stalemate are included. Following these considerations of the way militaries do their work, a range of schools of thought and theoretical approaches that inform peace operations are outlined. Terminology and types of operation are also discussed because how they are understood by peacekeepers affects the way they work; as will be seen, the plethora of tags impedes clarity. The definitional stance taken in this thesis is that fewer typologies would be better. Just as restorative justice practice has a range of manifestations based on common needs and principles, it is argued here that
because the impetus for, and aims of, most interventions are similar (that is there is a ‘family resemblance’) then too strict a system of boundary setting in theory development is nugatory.

There have been some significant reviews of peacekeeping and these have had some influence on trends. The salient features of the four principal reviews are included in the analysis. The requirement or otherwise for consent from host nations, differing perspectives on the use of force, and how intervenors engage with the people whom they are there to assist, are each critically examined. Lastly, the importance of the culture and social dynamics existing within the communities needing assistance, and how peacekeeper skills meet, or do not meet, the demands of those conditions, are highlighted.

In doing so, the conceptual underpinnings of military-dominated peace operations are illuminated, thereby providing the background for a systematic analysis of the two case studies in chapters 5 and 6.

4.2 Peace

As stated in the previous chapter, civil wars erupt (usually) because of long-standing grievances held by a segment of the population (Zartman, 1995; Doyle and Sambanis, 2000). Professor of peace studies Johann Galtung says that cultural violence is used to legitimate and justify structural violence so that these work together as a ‘quiet process’ (in Harris and Lewis, 1999:30). The effects of these underlying factors are felt locally to be outrageous tribulations that justify violent and sometimes genocidal responses.

In these circumstances societies often divide along ethnic, clan, religious or political fault lines. Furthermore, because the conflict is more often than not
conducted by irregular militias and sometimes criminal groupings, and hence lacking in discipline and adherence to accepted rules of warfare, a distinctive level of brutality, and extensive atrocities, are prominent (Miall, 1992; Rothman and Olson, 2001). As a consequence, the international community is shocked into action.

The hypothesis here is that there are key considerations for any sustainable peaceful resolution. These include: the causes of the strife; the polarisation of identity-based parties; an understanding and acknowledgement of the severity of the fighting; a recognition of the damage visited upon individuals, groups and infrastructure; and efforts made to address that damage must be obvious. Without these, the conflict will probably remain unresolved and any peace too fragile to last. Furthermore, peace ‘is unlikely to persist without substantial efforts towards the realisation of liberty and justice’ (Harris and Lewis, 1999:32). I will explore this empirically below.

Peace can be labelled the most sought after human condition (Barash and Webel, 2002:4). Even so, the kinds of peace that obtain from time to time can vary greatly – Pax Romana depended on the subjugation and political repression of the denizens of that empire (Barash and Webel, 2002:6). Curle (1971:1) writes that peace is a situation where, in the aggregate, individuals or groups derive more advantage than disadvantage. Peace by Miller’s definition (2005:55-56) requires ‘a political condition that ensures justice and social stability through formal and informal institutions, practices and norms’, but he admits that it is difficult to achieve. Peace is of course not bereft of some conflict and tension because it is not a static condition, ‘and a stable world of harmony and justice will never be attained’ (Kriesberg, 1989:170-71).

As mentioned in chapter 3, peace studies began in earnest soon after the
Second World War (Barash and Webel, 2004). The corpus of research having grown in scope and sophistication since then, it is now common practice among scholars to take a dyadic perspective when describing and categorizing peace. This means that peace is usually characterised as either ‘negative’ or ‘positive’. Negative peace seems the simpler to describe and is almost always defined as the absence of war or violent conflict (Barash and Webel, 2002:6; Curle, 1971:184; Galtung, 1990:13; Genest, 1996:550; Harris and Lewis, 1999:32; Miller, 2005:56). This absence of violence is necessary but it is only a preliminary stage (Fetherston, 1994:11). The result of aiming for a negative peace is an emphasis on keeping or enforcing peace and in that sense it is conservative and restrictive (Barash and Webel, 2002:8). Therefore the stasis of negative peace needs to be built on to achieve positive peace – a much more complex ideal and a more dynamic condition.

Positive peace is said to combine the absence of war with wider social and economic justice, and political pluralism (Coronel-Ferrer, 1997:9; Galtung, 1990:13; Genest, 1996:550). This is echoed by Harris and Lewis (1999:32) who state that it requires the presence of structures which provide increasing degrees of political liberty and social justice (Harris and Lewis, 1999:32). To work towards these structures, then, positive peace requires a long-term view of conflict and highlights the fact that peace is fundamentally aimed at ‘transformation of the relationships, issues, and causes that undergird the conflict and the…breakdown of trust it has engendered’ (Lederach quoted in Harris and Lewis, 1999:32). Perhaps from a restorative justice perspective it would include a way of living. The rationalist Dutch philosopher Baruch Spinoza (1632-1677) believed that peace required more that the absence of war: ‘it is a virtue, a state of mind, a disposition for benevolence, confidence, justice’ (in Godrej, 2005:82). Hence positive peace establishes processes in societies and between communities that foster ‘constructive human
development and interaction’ (Fetherston, 1994:4); and it builds creative and cooperative associations between groups and nations (Curle, 1971:184).

Just as there is the inertia of negative peace there is the dynamism of positive peace. Building peace, Adekanye (1997) states, involves careful and incremental improvements in: a comprehensive cessation of hostilities (ceasefire, peace agreement and separation of forces); military reorganization (demobilization, disarmament and reintegration); political transition (elections, democratizing the organs of state and political reconciliation); and social and economic reconstruction (community reconciliation, resuscitation of infrastructure and economic growth). These add up to the peace process. Positive peace is more active and energetic and so more difficult both to articulate and achieve (Barash and Webel, 2002:8). Furthermore, ‘unless the inequalities and injustices which have been the source of tension are addressed, new cycles of direct violence are likely to occur’ (Harris and Lewis, 1999:32). This is because no peace agreement will last if it is fundamentally unjust (Thakur, 2002:408). Plato expressed it bluntly some two thousand four hundred years ago: ‘Peace will never come to the victors of a civil war before they stop sentencing men to exile and death and taking revenge on the opposition party’ (in Bards, 1985:212).

4.3 Military Doctrines and Military Modes

In the ‘new wars’ of today the deliberate targeting of any civilians can be seen as an attempt to destroy a community’s social capital (Cairns cited in Azam and Hoeffler, 2002:461). It is usually this massive civilian suffering that prompts humanitarian interventions and peace operations in a variety of forms; and because it is soldiers who form the majority of people deployed to these situations, this section discusses military ways of conceiving operations,
the organising principles applied to those operations, and the strategy and
tactics that form a significant portion of the knowledge bases, doctrines and
habits of military methodology.

The armed forces of any country are formed primarily for the defence of the
state. As one military axiom purports: ‘the best form of defence is offence’ and
because of this, coupled with the need to be prepared to deploy to project the
national interest by force if directed to, military forces have had as their main
purpose in peace, the training for war. Militaries might be called upon from
time to time to carry out other functions, but at base their professional raison
d’être is to focus on forms of violence in the service of the state. This has been
part of human activity throughout history and there exists a great deal of
theory and praxis for modern warriors to draw from.

One of the earliest philosophers of war was the Chinese general Sun Tzu. His
work on military strategy was written in the sixth century BCE and has had a
considerable influence on military planning and operations throughout the
world. Significantly, he advocated the judicious application of force as
opposed to overwhelming domination. Sun Tzu (1994:174) even recognised
the virtue in an adversary converted: ‘Change [the enemy’s] flags and
pennants to ours; intermix and employ them with our own chariots. Treat the
captured soldiers well in order to nurture them [for our own use]. This is
referred to as “conquering the enemy and growing stronger”’. Although he
did not rule out consideration of the application of massive force – ‘If we
attack...with our many, those who we engage in battle will be severely
constrained’ (Sun Tzu, 1994:192) – he was always mindful of the wider
political purpose for fighting a war and summed it up thus:

In general, the method for employing the military is this: Preserving the
[enemy’s] state capital is best, destroying their capital second-best.
Preserving their army is best, destroying their army second-best...Preserving their squads is best, destroying their squads second-best. For this reason attaining one hundred victories in one hundred battles is not the pinnacle of excellence. Subjugating the enemy’s army without fighting is the true pinnacle of excellence (Sun Tzu, 1994:177).

Niccolo Machiavelli was an Italian Renaissance civil servant, who retired from public life to write on politics and statecraft from a realist perspective. He considered warfare to be the most fundamental function of inter-state relations. Pragmatic though he was, he acknowledged the dangers that military forces can pose to both the governing and the governed, and believed it was necessary to consider that the kind of people who were soldiers could greatly influence the way armies behaved. Machiavelli believed that soldiers should be chosen primarily because of proven moral worth and a record of responsible and disciplined behaviour (Machiavelli, 1965:33-35).48

Machiavelli’s *Art of War* exerted a considerable influence on rulers and military leaders throughout Europe during the post-Renaissance centuries. However, it was not until the Prussian general Carl von Clausewitz produced *On War* in 1832 that military theory expanded and led towards the notion and concepts of ‘total war’. His idea that battle includes ‘friction’ which degrades, to a greater or lesser degree, all prior plans and ways of conducting operations, has become common currency in military thinking about armed conflict. He also coined the term ‘the fog of war’ to describe the chaos that can impede clarity of thought and deliberation. But he didn’t see these aspects of war as any great impediment: ‘Although our intellect always longs for clarity

---

48 He went so far as to state: ‘...for surely no one can be called a good man who, in order to support himself, takes up a profession that obliges him at all times to be rapacious, fraudulent and cruel, as of course must be all those – no matter what their rank – who make a trade of war’ (Machiavelli, 1965:14-15).
and certainty, our nature often finds uncertainty fascinating’ (von Clausewitz, 1993:97).

Like both Sun Tzu and Machiavelli, von Clausewitz acknowledged and valued war was an instrument of statecraft. He summarized his view succinctly:

War is thus an act of force to compel our enemy to do our will… *Attached to force are certain self-imposed, imperceptible limitations hardly worth mentioning*, known as international law and custom, *but they scarcely weaken it*. Force – that is, physical force, *for moral force has no existence save as expressed in the state and the law* – is thus the means; to impose our will on the enemy is its object. To secure that object we must render the enemy powerless; and that, in theory, is the true aim of warfare (von Clausewitz, 1993:93. Emphasis added).

This has important ramifications. Redlinger (1996) contends that the Clausewitz theoretical interrelationships of tendencies within war, expressed by a state and its population, have applicability for peace operations. These are: firstly, the ‘blind, natural force of violence, hatred and enmity’ that a home population must have to support its country’s soldiers embarked on an expedition; secondly, the ‘creative spirit’ and license that needs be allowed the commander and the army; and thirdly subordination to the political will of government and its policy stance. Redlinger applies these to the case study of Somalia but ignores the fact that in that instance, the repository of policy oscillated between the US government and UN Security Council (see Zinni and Lorenz, 2000:210-211). He writes that the US military accomplished its mission in Somalia but he also avoids the issue of the disarmament of militias; a measure that nevertheless he correctly states was an integral part of numerous UN Security Council resolutions. From his analysis he concludes that there is strong support for the relevance of Clausewitzian principles in the realm of ‘operations other than war’. Pointedly, he states that the
fundamental needs remain: a clearly articulated political end-state; a military plan with sufficiently broad rules of engagement; and integration of the Clausewitzian Trinity (the state, the army, the people) (Redlinger, 1996:23).

The study of war and the best ways of conceptualizing military matters is an ongoing project for scholars and practitioners alike. Modern principles of war at the strategic level have been described by Johnsen, Johnson, Kievet, Lovelace and Metz (1995:iv) of the US Army’s Strategic Studies Institute, as follows:

- **Objective**: Identify and pursue a clearly defined and attainable goal whose achievement best furthers the national interest(s);
- **Initiative**: Seize, retain, and exploit the initiative;
- **Unity of Effort**: For every objective coordinate all activities to achieve unity of effort;
- **Focus**: Concentrate the elements of national power at the place and time which best furthers pursuit of the primary national objective;
- **Economy of Effort**: Allocate minimum essential resources to subordinate priorities;
- **Orchestration**: Orchestrate the application of resources at the times, places, and in ways that best further the accomplishment of the objective;
- **Clarity**: Prepare clear strategies that do not exceed the abilities of the organizations that will implement them;
- **Surprise**: Accrue disproportionate advantage through action for which an adversary is not prepared; and
- **Security**: Minimize the vulnerability of strategic plans, activities, relationships, and systems to manipulation and interference by opponents’.
Johnsen et al. (1995:35-36) also argue that as war has become so complex then these principles need to be revised. From their perspective an alternative view could distil the strategic principles to two essentials: Take all possible actions to increase effectiveness and efficiency; and take all possible actions to erode an opponent’s effectiveness and efficiency. At the operational level, that is, the local tactical level where soldiers meet and engage with adversaries, Johnsen et al. believe that the following principles of battlecraft apply:

- clarity of objective;
- offensive actions must drive the operation;
- concentration of combat power to critical points;
- economy of force is the judicious employment of combat power;
- manoeuvre keeps the enemy off balance;
- unity of command ensures unity of effort;
- emphasising security never allows an opponent to acquire advantage;
- surprise will maintain momentum; and
- simplicity means that clear, uncomplicated plans and concise orders ensure thorough understanding (Johnsen et al. 1995:31-34).

It is perhaps trite but true to say that all theory and practice of war is, in line with the above, predicated on the application of force. As ‘the logic of force is escalatory’ (Thakur, 2002:410), this is essentially what lies at the base of an arms race. Any race is a competition and this means that comparative advantage in strength of arms is valued above many other factors, hence: ‘One dangerous precept of war mythology is: always negotiate from strength…[yet] to adhere slavishly to this principle is a recipe for continual escalation and the story of most wars is, in fact, one of escalation’ (Curle, 1986:7). Of course not all opponents are evenly matched and contemporary military jargon includes the idea of ‘asymmetrical’ warfare where one side has greater resources with which to inflict greater violence (or, put another way,
the capacity to apply overwhelming force) and the logistic preponderance of the other side is minuscule. It is best remembered that superior force and logistic capacity do not necessarily guarantee victory as the US-led war in Vietnam and the Soviet war in Afghanistan showed.

There are two aspects when considering force. There is force to be applied and there is the prospect of being subjected to force wielded by an opponent. In Gandhi’s words ‘possession of arms implies an element of fear’ (in Rees, 2003:165) and the prime concern of any military commander is the preservation of the assets at his disposal so that ‘force protection’ is also a paramount consideration of commanders at all levels. Operationally, protection of own troops is a greater priority than the protection of civilians and Srebrenica and Rwanda stand out as examples of this (Nederveen Pieterse, 1997:87). With fewer dramatic results, force protection was certainly the focus of peacekeepers in the floundering mission in Haiti in 1994 (Wrage, 2004:42-43). At the political level this dilemma of potential cost and the necessary risks in achieving a mission rests on the fact that states need their soldiers to be prepared to maim and kill, and be prepared to be maimed and killed, and citizens need to accept these risks. A precondition for succeeding in war, says Merom (2003:19) is a balance between two requirements: ‘the readiness to bear the cost of war and the readiness to exact a painful toll from others’.

It might be said that ‘the US military is the most preoccupied with force protection’ (Weiss, 2001:424). What this highlights, though, is that there are degrees of difference across militaries and that some armies will take divergent views of the same threat and will respond in different ways. In Somalia, viewed by some international contingents as war, and by others as humanitarian assistance, some forces did not always consider force the best
response to being shot at. One coalition component, the Italian contingent, were particularly criticised for this and derided as ineffective. Tripodi believes this illustrates that soldiers ‘are trained in different military cultures…soldiers from different military backgrounds, when faced with identical situations and governed by the same rules of engagement, will probably react in very different ways’ (Tripodi, 1999:151).

General Carmine Fiore commanded the Italian contingent of UNOSOM II from September 1993 to March 1994 and he stated that:

the cultural problem is fundamental in particular when rules of engagement have to be employed. The cultural background and approach to the mission is paramount to an understanding of how important is the role of peacekeepers. In peace support operations it is important to have cultural harmony among the multinational military force and cultural affinity with the population involved in the mission (in Tripodi, 1999:161).

Most militaries are conservative in outlook and behaviour, and conservative structures resist change. Weiss (2001:425) maintains, as does Redlinger (1996), that: ‘Humanitarian interventions, and virtually all contemporary peace operations in civil wars, require the same approach as war’. Yet he acknowledges, but does not seem to consider the implications for militaries, that many partner, usually NGO, bodies working in civil war environments have recognized the need to reflect and calculate rather than to react viscerally to changing circumstances (Weiss, 2001:425). What is emerging from this analysis is the disparity in attitudes and concepts underlying different international approaches, and different organisational approaches, to the most common form of military operation today - the peace operation.

Humanitarian intervention, in fact peace operations of any kind, are military operations usually carried out predominantly by armed forces personnel. As
mentioned earlier, it is a truism that the prime object of any state’s military forces is the preparation for, and where it is occasioned, the conduct of war. Understandably, soldiers generally see their vocation this way. The focus of a peace-time army is to train for war (Simpson, 1997:15; Sunga, 1992:57) and this is necessarily the motivation which drives the organisation, equipment procurement, behaviours and attitudes of any military force. One effect of this is that when it comes to operations and deployments which fall short of war they are often seen as ‘evil necessary little duties which have to be done while waiting for the next war…[they are] dirty, messy and more political’ (Zinni, 2004, see also Malone and Thakur, 2001:13). In fact ‘The belief persists in many modern military forces that peacekeeping is for wimps, not for real soldiers, even though the most common form of insecurity today calls for complex peacekeeping objectives as the tool of choice for the international community’ (Malone and Thakur, 2001:13).

Barash and Webel (2002:31) maintain that ‘one of the problems with peace plans [and arguably, by extension, peace operations] is that, almost invariably, they are less specific and detailed – and typically less workable – than a military staff plan for war’. How then does the international community go about intervening with military forces, preoccupied with training for war, who are deployed to foster peace?

4.4 Peace Operations

Between 1945 and 1988 the United Nations conducted thirteen peacekeeping operations and gradually developed its own principles (Lyons and Samatar, 1995:4). Peacekeeping had traditionally been by consent of the warring states, however the cessation of Cold War rivalries meant that the majority of peace operations were no longer concerned with separating warring states, rather
they were concerned with warring communities within states where the centre of political gravity was more uncertain. This meant that new ideational and operational paradigms were needed. Intervention in active civil wars requires a very different approach despite the fact that the potential dangers and risks to peacekeepers - and the local populations – can still be intense. Stedman (in Lyons and Samatar, 1995:6) observes that despite the international legitimacy of UN peacekeepers, the belligerents often still command the asymmetries of civil war; that is, they win by not losing, and their single-minded dedication usually contrasts with time-limited and cost-sensitive commitments from outsiders who have other demands on them as well. It was Henry Kissinger’s view that ‘The guerrilla wins if he does not lose; the conventional army loses if he does not win’ (in Zartman, 1995:9).

4.4.1 The Role of the International Community

Heldt and Wallensteen’s (2005) *Peacekeeping Operations* lists 176 peace operations, mighty and minuscule, between 1948 and 2004. These they categorise as either UN-led (total 59) or non-UN-led (total 117). Non-UN-led missions are often termed ‘subcontracted’ missions but in effect they are mostly delegated or conducted under the auspices of the UN, hence they are not referred to as ‘blue helmet’ UN-led operations (Kelly, 1999:168; Laurenti, 2001:4). But subcontracted missions still need the legitimacy of at least a regional community. Clearly, though, regardless of category, peace operations are a very common activity amongst the community of states. This is most likely because there is often great pressure on governments to ‘do something’ as constituencies around the world are exposed through television, print media and the internet to appalling and immediate suffering (Annan, 1999:7; ICISS, 2001:7) - and indeed ‘vulnerable people cannot wait’ (Rees, 2003:141).
Peacekeeping, therefore, has a ‘legally provisional’ characteristic to it, in that it is an emergency measure (Abi-Saab, 1995:4).

International legitimacy for any intervention is essential. This needs to be so that such military operations are understood by the international community of states to be ultimately peaceful in intent and legal in nature. Furthermore the people in the states receiving the peacekeepers need the psychological comfort that these forces are not invading, conquering armies.

Peacekeeping is authorised under Chapter VI of the UN Charter and has been interpreted to allow for observer missions and placing UN troops between opposing forces. This is under the rubric of ‘peaceful settlement of disputes’. Chapter VII (specifically Article 42) states that ‘the Security Council…may take such action…as may be necessary to maintain or restore international peace and security’. This has been interpreted to enable conventional military expeditions such as the UN forces deployed to the Korean War in 1951 and the Gulf War of 1991, as well as authorizing such peace operations as the intervention in Somalia.

Most interventions in the last decade and a half have been in response to internal disputes and are sometimes derisively referred to as ‘chapter six-and-a-half operations’ (Dandeker and Gow, 1997:333, Mégret and Hoffmann, 2003:326). Chapter VIII of the UN Charter authorises regional (subcontracted) peacekeeping and humanitarian intervention (Galtung, 1980:366, Kernic, 1999:191), but moreover the Security Council can encourage these arrangements provided that they do take place with Security Council authorisation as required by Article 53. Although non-UN-led, usually regional, peace operations seem to proliferate, and ‘the attitudes, strength and resources of interested third parties are often crucial determinants of the
course of [an internal] conflict’ (Deutsch, 1973:376), it is beyond the scope of this thesis to argue the merits or otherwise of a stance that urges the consistent benefits of regional neighbours as peacekeepers in preference to traditional interventions where, in any given operation, the national origins of individuals and troop contingents usually span the globe.\footnote{Other scholars have addressed this issue, see for example comments by James, (1969:314) and Dorn’s (1998) Regional Peacekeeping is Not the Way. Marnika (1996) argues that regional peace interventions play an important role but can not effectively replace extraregional UN operations as proximity does not mean \textit{a priori} that the necessary experience and capacity exist regionally; he argues they can sometimes be a useful complement. Howe (1996), urges caution in the deployment of regional peacekeepers and cites the ECOMOG (Economic Community [of West Africa] Monitoring Group) operation in Liberia (1989-1996) as evidence that a poorly conducted regional intervention can prolong a conflict.}

Despite their frequency and commonplace occurrence on the international scene, not all peace operations are always agreed to by every UN member. Given that international law has generally been viewed as horizontal relations between nations - whereas domestic law comprises a more vertical relationship between citizen and state (Wills, 2004:393) - the comity amongst nations can mean that countries such as China, India and Kenya insist that no peace operation should impinge on national sovereignty regardless of a government’s treatment of its own people; although many, particularly Western states, strongly disagree with such a position (Bellamy and Williams, 2004:5). The four essential elements of international relations, says Otte (1995:3), are power, self-interest, international law and morality, yet those relationships can meet with the ‘intervention puzzle’ where few if any of these intersect. Accordingly, the NATO intervention in Kosovo, which was not authorized by the UN Security Council, has been described as ‘legitimate but not legal’ (Wills, 2004:398).

Governments often do not want ‘outside’ interest to manifest itself in the form
of any kind of intervention because it then means that there is recognition by the wider international community that the grievance of the ‘rebel’ group is credible. This was why the Indonesian government staunchly resisted any UN assistance with mediation in the South Moluccas revolt of 1950 (James, 1969:49). It is also why, as outlined in chapter 6, Papua New Guinea worked assiduously to stave off UN scrutiny of the war on Bougainville. However, in the words of UN Secretary-General Kofi Annan, the purpose of article 2.7 of the UN Charter, is in reality to ‘confine such interventions to cases where the international peace is threatened or broken, and to keep the United Nations from interfering in purely domestic disputes’ (Annan, 1999:5). Significantly though, he acknowledges that ‘even national sovereignty can be set aside if it stands in the way of the Security Council’s overriding duty to preserve international peace and security’ (Annan, 1999:5). Thus foreign intervention has always been controversial. In the alternative, moral suasion has also often succeeded; yet moral authority has to be balanced always with practical considerations (Bhattachariyya, 1994:4) – and that means dealing with the reality of international politics.

There has been a great deal of discussion and literature produced on peace operations but it has included little by way of reflection on global politics or the purpose of peace operations (Bellamy, 2004:17). Consequently most of the discussion does not situate peace operations, particularly doctrine and practice, in anything like a global context (Bellamy, 2004:18). In fact Bellamy’s view is that several normative assumptions about third-party intervention are usually not examined, and these include: international security and peace form a moral good; violent conflict represents a ‘breakdown’ of normal social

---

50 Article 2.7 of the Charter states (in part) that: Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter...
relations; peace is predicated on good governance and democracy as it exists in Western-style statehood, with neo-liberal economics and an active civil society; and that most people prefer peace to war and only need the relevant ‘road map’ (Bellamy, 2004:19).

Today many of the power nodes that pursue their domestic agendas through armed upheaval, including terrorism, are doing so with fragmented forces, individual fighters and spectacularly unconventional methods. ‘Ironically, strategies being developed to protect or further the interests of a number of new players on the international scene are inspired by the dual idea of evading and frustrating superior conventional military force within the global chaos’ (Manwaring, 2001:vii). The reaction is usually within a statist paradigm that is the weltanschung of intervening parties, and this ensures a fundamental incapacity to imagine anything but a state-oriented solution. This is at odds with the fact that in most cases of armed political conflict the state has been one of the biggest problems (Nederveen Pieterse, 1997:86).

4.4.2 Some Successes, Some Failures and Several Stalemates

A cursory examination of most peace operations reveals that there is a mixed record of effective intervention where conflict is resolved, suffering alleviated and peace continues unabated. Although, it has to be acknowledged, that most UN peace missions have eventually been successful (Bertram, 1995:390, see also Doyle and Sambanis, 2000; Heldt and Wallensteen, 2005). The United Nations Emergency Force (UNEF) was one of the earliest and its real accomplishment was not that it kept the peace, but that it assisted Israel and Egypt to main their disposition towards their temporary avoidance of war. It had been there, not to shoot, but to be shot at – and this gave it a certain moral standing (James, 1969:305).
One particular non-UN-led operation, although nondescript at first glance, in fact reveals success in bringing peace to the combative neighbours Ecuador and Peru. It further provided sustained opportunities for local development. This was the coalition operation, known as the Military Observer Mission in Ecuador and Peru (MOMEP) that was deployed from 1995 to 1999. The contributing countries were Argentina, Brazil and Chile, supported by the US who provided a group of 100 peacekeepers. They separated the belligerents, supervised demobilization, created a demilitarized zone, integrated former fighters into the peacekeeping force, and maintained a secure environment so a political solution to the border dispute between Ecuador and Peru could be found. MOMEP, financed by the former belligerents, was not a big operation and included civilians as technical experts (Homza, 2004:99). Immunization against rabies and yellow fever, and housing and sewage control projects were also undertaken for the local inhabitants. Some local orphans were ‘adopted’ by MOMEP, and employment was available to some Shur tribes people. These had positive psychological impacts. Homza (2004) justifiably describes MOMEP as a confidence building measure.

After decades of civil war, genocide, and invasion then withdrawal by Vietnam, it was the role of the United Nations Transitional Authority in Cambodia (UNTAC) not only to provide for a secure and validly conducted national election but to foster a long-term societal consciousness of human rights (Ratner, 1995b:44). It was the Special Representative of the Secretary-General (SRSG) in Cambodia, Yashushi Akashi, from a tradition which values diplomatic discourse and respect for hosts, who ensured that a preference for mediation should dominate relations throughout the life of the mission - although there are others who would describe this as lacking assertiveness and therefore the cause of much of the lack of respect shown towards UNTAC
(Ratner, 1995b:57, 60). A decade on, Cambodia is at relative peace as its multiparty democracy evolves, even if at times that evolution is shaky.\textsuperscript{51}

Arguing that UN peace operations are aimed at reinforcing the global structural collectivity of nation states, Ghosh (1994) believes that the success or otherwise of any UN peace operation ‘appears to depend largely on the barriers between itself and the people of the region where it is located’. At the base of his hypothesis is the necessity for genuine acceptance by the strife-torn community. As Fishel (1998) argues, legitimacy is a matter of perception.\textsuperscript{52}

Ideally the deployment of a peace force needs support from the participating nations and the belligerents, and objectives need to be seen as worthwhile and achievable. The peace force itself needs to be seen as capable and impartial but moreover, the legitimacy of the operation hinges on the perceptions among the people of the operational area (Fishel, 1998:158).

There have been several missions where the requisite community connection was never secured. Some well-publicized failures in peace operations include: the former Yugoslavia, Somalia, Rwanda, Angola and Sierra Leone and these have seriously damaged the reputation of UN peacekeeping operations (Malone and Thakur, 2001:12). There are not only reputations to be considered, there are the consequences for the people in need, and Anderson (1995:278) states:

---

\textsuperscript{51} Jeong (2005:36) might not agree, he writes that unresolved issues in Cambodia generate political repression and human rights violations that are ongoing.

\textsuperscript{52} Sometimes in very weak states the achievement of international recognition by the world community of nations can be a significant determinant of who holds power domestically (Hurrell, 1993:59). In turn, those holding power value the support of, and aid from, the international community who tend to reciprocate as if power itself equated to legitimacy. Perhaps there is reciprocity amongst the elites because they know that representation and leadership are ‘prized political goods’ (Zartman, 1995:22).
In Somalia...one UN official argued that Operation Restore Hope cost a billion dollars and that it would have to be done again in two or three years if the root problem was not solved.

This is the outcome that transpired, as will be explicated through chapter 5.

In January of 1964, during inter-ethnic conflict between the Hutu and Tutsi people of Rwanda when about 35,000 Tutsi people were estimated to have been killed, some observers were even then describing the situation in terms of genocide (James, 1969:71). The only UN response at the time was in relation to provisioning for refugees. It was the lingering tensions and grievances between the two groups that led to the more substantial genocide of the early 1990s, some thirty years later. That genocide, perpetrated while peacekeepers were in Rwanda, remains a singularly abysmal, and probably permanent, stain on the image of the UN. In a similarly appalling, if smaller scale event, US peacekeepers in Haiti, in 1994, were filmed watching, but not intervening, as local police beat to death a demonstrator (Zinni and Lorenz, 2000:230).

Kaldor (1999:113) says that there have been a range of explanations for the failure of peacekeeping operations including the time limited view of politicians, the media’s influence on public opinion, a dearth of effective international coordination and resource issues. She emphasises that ‘the most important explanation is misperception, the persistence of inherited ways of thinking about organized violence’. She goes on to express the view that protection of UN forces (i.e. the military doctrine of ‘force protection’ enunciated earlier) can be a prime impediment to effective peace operations; Her critique is equally applicable to both Rwanda and the former Yugoslavia:

The lives of UN or national personnel are valued over the lives of local people, despite the UN claim to be founded on the principles of humanity. The argument about humanitarian intervention revolves around whether it is acceptable to sacrifice national lives for the sake of a
few people far away. The preference of Western powers, especially the United States, for air strikes, despite the physical and psychological damage caused even with highly accurate munitions, arises from this privileging of nationals or Westerners (Kaldor, 1999:130).

A handful of UN peacekeeping missions have taken on a semi-permanent nature. Some stalemated conflicts have attracted a seemingly permanent peacekeeper presence for the generations of local people who have lived with ‘blue helmets’ as perennial sights at check-points and observation posts. Military observers of UNTSO have been assisting the maintenance of a range of peace agreements between Israel and its Arab neighbours since 1948 and likewise, since 1949, UNMOGIP personnel have maintained a presence along the border between India and Pakistan in the disputed Kashmiri territory. Cyprus has had UN peacekeepers between the Greek-Cypriot and Turkish-Cypriot residents of the island since 1964. UNDOF has overseen the disengagement of Israeli and Syrian forces since 1974 and from 1978 UNIFIL has helped stabilize Lebanon. Both the MINURSO mission in the Western Sahara area of Morocco and the UNOMIG force in the Georgia and Abkhazia region are more than a decade old, having been in place since the early 1990s. Although these missions,53 in themselves providing witness to agreements

---

53 The United Nations Troop Supervision Organization (UNTSO) was the first UN peacekeeping operation established. With over 350 personnel from twenty-three countries it has suffered forty-one fatalities to date. The observer group between India and Pakistan (UNMOGIP) supervises a ceasefire with over 110 personnel from nine contributing countries and since 1949 ten staff have been killed. The peacekeeping force in Cyprus (UNFICYP) maintains a buffer zone between the two warring communities and carries out some humanitarian tasks with nearly one thousand troops, police and civilian staff from fifteen nationalities of whom one hundred and seventy-four have lost their lives since 1964. The disengagement and observer force (UNDOF) that has separated Israeli and Syrian troops in the Golan Heights for over three decades is currently staffed with approximately twelve hundred peacekeepers from six countries; forty-one have died on duty since its deployment in 1974. The UN Interim Force in Lebanon (UNIFIL) assists the Lebanese government to maintain authority with over two thousand troops and four hundred civilian staff from seven international contributors; 250 peacekeepers from this mission have been killed. To the south of Morocco the United Nations Mission for the Referendum in Western Sahara (MINURSO), since 1991, has deployed 460 soldiers, police and civilians to assist in a referendum to decide
between antagonists, can perform as little more than ‘honest brokers’, their presence has contributed to restraint by both sides. The situation in each of these cases seems to have stagnated into an uneasy peace. There is of course the argument that a negative peace, albeit with lingering inequity felt by the parties to the disputes, is better than no peace.

Bratt (1999) writes that the emphasis in peace operations should more pragmatically be to focus on peace than the achievement of justice. His argument centres on the imperative to minimise violence and prevent deaths, worthy enough in itself, but this present thesis posits that there is a lacuna wherein attempts at justice, necessary to avoid a recurrence of violent conflict, are too often negated or ignored. He states that ‘the UN cannot afford to spend its finite resources on future threats to international peace and security. Therefore, its primary objective must be to contain or resolve present threats’ (Bratt, 1999:66). UN operations, he goes on to say, are often confused, and ultimately confounded, by ‘the problem of forcing square policy pegs into round policy holes’. History has shown that this is a reasonable assertion, so an examination of how peace operations are formulated is warranted.

4.4.3 Conceptualizing Aims and Objectives of Peace Operations

In any armed conflict, asserts Dixon (2000:7), the first task of the Security Council is to stop the fighting and not necessarily to either apportion blame or

---

the future of the Saharawi people and this peace force has lost eleven killed. Fighting between Georgia and Abkhazia prompted the deployment of a verification force in 1993. The UN Observer Mission in Georgia (UNMOGIP) is comprised of over six hundred military, police and civilian personnel from twenty-five countries and this force also has suffered casualties. Eight have been killed (UNDPKO, 2005).
side with the more ‘innocent’ party. This impartiality has ostensibly been an essential characteristic of almost every UN peace operation.54

Participation in post-cold war conflicts, for the most part, is unlike traditional military expeditions where stealth, surprise55 and immediate response have been regarded as preferable.56 Throughout the post-World War II period many nations had been on almost constant alert for reaction to an enemy nuclear strike, but this has been replaced by a usually deliberative and optional intervention (Mason, 1995:xi), particularly in peace operations. It has been further argued, by Bellamy and Williams (2004:4), that with calculated and drawn out decision making as a common backdrop nowadays, in a number of places, the ‘principal aims of peace operations [are] not so much about creating spaces for negotiated conflict resolution…but about actively contributing to the construction of liberal polities, economies and societies’.

Despite such an agenda, all interventions are carried out with the ultimate and general goal of achieving peace and security. Though the methods of attempting this can differ markedly. Fetherston (1994:3) states that the overuse of force, for example in Somalia, and the failure to use force when necessary, such as in the former Yugoslavia and Rwanda, reveal a dilemma whose core lies in conflicting conceptual issues.

Some insight into different frameworks for peace operations can be gleaned from several perspectives in the literature. James (1969) says that there are three categories of peacekeeping operations. ‘Patching up’ is where the UN

---

54 Intervention in the Congo against the rebellious forces of the province of Katanga and UNOSOM II’s pursuit of Mohamed Farah Aideed (see chapter 6) are two notable exceptions to this principle.
56 Admittedly the rapid deployment of the International Force in East Timor (INTERFET) is a prominent exception.
assists in the implementation of an agreement between disputants. This is about encouraging the manifestation of a settlement between the interested parties – for example the supervision of troop withdrawals from Egypt following the Suez war of 1956. The ‘prophylactic’ approach is where a dangerous and volatile situation is held in check, such as Kashmir since 1949 and Cyprus since 1963. Thirdly ‘proselytism’ is where the international community regards a situation as beyond the pale and ‘It may be that a country gives offence only on account of a single strand of its foreign or domestic policy, but one so outrageous and so closely associated with the ruling group as to justify, in the UN’s eyes, the encouragement of that regime’s overthrow’ (James, 1969:9). He realises, though, that the UN efforts ‘do not always slot neatly into this threefold framework’ (James, 1969:9), and a mission may move from one type to another as the situation changes. In fact the Congo commenced as ‘patching-up’, moved to ‘prophylactic’ and the role then became one of ‘proselytism’. It comes as no surprise then, that peace operations are prone to goal displacement (Burk, 2000:472).57

Dandeker and Gow (1997) propose a model of peacekeeping that rests on six principles. First, consent from warring parties is less crucial than UN Security Council authorization. Second, the purpose is to ‘dampen the conflict and its negative humanitarian effects’ while diplomatic and political negotiations continue. Third, a mix of coercive and non-coercive measures will be applied so that aid and enforcement are delivered simultaneously. Fourth, personnel numbers, equipment and military capabilities are at a level that allows for responses by peacekeepers that go well beyond self-defence. Fifth, these operations will be complex and multifunctional, involving a diverse range of

57 This can be brought into stark relief for peacekeepers because, as Diehl et al. (1998:38-39) state, ‘mission change and adaptation may occur very rapidly on a micro level during performance of a specific operation’.

- 95 -
actors such as military and police from various national contingents, NGOs, UN agencies, political parties and not least the media. Sixth, the commander of the operation will need increased autonomy in comparison to the degree of independence traditionally allowed a UN peace force commander. They then emphasise that the key challenge in ‘strategic peacekeeping’ is the internal coordination and cooperation of the organisations brought together to address the conflict. But once again this focus views the cause of the conflict itself and the key stakeholders as having only peripheral, if any, relevance. They conclude that strategic peacekeeping serves diplomacy and of itself does not guarantee success.

If strategy and organising principles are by virtue of circumstances somewhat uncertain then perhaps it probably also begs the question as to by whom, how, and with what skills these important endeavours should be carried out. ‘Peacekeeping is not soldiering’ says Stiehm (1995:565), and moreover, ‘if peacekeepers feel that an operation is not providing [them] sufficient opportunities for professional achievement in which they have some control over events, their morale and commitment to the operation will be fragile (Dandeker and Gow, 1997:339). For Dandeker and Gow the focus is on the peace force not the conflict or its stakeholders. They take the view that neutrality by peacekeepers reduces them ‘to a humiliating role of passive observer’ (Dandeker and Gow, 1997:341). Military sensibilities aside, Annan (1999:8) states ’and yet the most effective interventions are not military. It is much better, from every point of view, if action can be taken to resolve or manage a conflict before it reaches the military stage’ (see also Heldt and Wallensteen: 2005:35).

There have been fairly solid distinctions made between peacekeeping and peacemaking and Kaldor (1999:124) states that these emerge from common
perceptions about the nature of war. Whatever the theoretical distinctions, as a PNGDF officer observed in the first year of the war on Bougainville:

To a villager, a soldier clad in battle gear is a terrifying sight, especially if it is the villager’s first contact with the military (Liria, 1993:27).

The comment by a peacekeeper veteran of Somalia reinforces this:

People anywhere don’t like seeing soldiers in camouflage uniforms with guns walking their streets (Interview 15 June 2004).

Attitudes, perceptions and values held about expeditionary operations and deployments vary throughout the range of missions, and across – and within - military organisations. When Australian soldiers heard of their impending mission in Somalia it was greeted with wild enthusiasm and many of the infantrymen and cavalrymen hoped the operation would ‘give them the opportunity to be tested in combat’ (Breen, 1998:33). This is an indication of the motivation that drives military training and exists within the often robust and adventurous outlook inherent in many a soldier’s approach to almost any overseas deployment. From interviews with Australian soldiers in Somalia, Breen observed: ‘They wanted to hunt bandits down and bring them to justice. If the bandits chose to fight, then so be it – bandits, dead or alive, would be their trophies’ (Breen, 1998:155). The bandits were real and dangerous individuals but:

Warlord armies and massed formations were not part of the scene and this was realised early on – in fact the Australian intervention force evolved into a police force (Interview 24 March 2004).

Philosopher Bertrand Russell (1995:70) once commented: ‘Many people, especially while they are young, welcome a spice of dangerous adventure, and may even find relief in war as an escape from humdrum safety’. This carries with it real risks for peace operations as the following interview data attests:
[You need to] watch your soldiers because when they go on operations they think the rules don’t apply any more (Interview 19 July 2004).

A similar but more expansive recollection came from another peacekeeper:

Sometimes, some soldiers go on operations and their idea of accountability changes and it becomes ‘I’m not accountable here, I can kill and I can get away with it’. But everyone is accountable to someone and you are not above the law, but somewhere along the way I think that soldiers and junior NCOs lose track of their accountability. And the section commander says ‘I can kill, I am now the boss and I am out of hearing range of anyone else and I’m calling the shots here.’ Things like ‘we’ll rape this girl and it will be her word against ours’. It becomes a football pack mentality and groupthink takes over – that’s a powerful thing. One bloke starts and no one says anything, the next one does it and no one says anything. And then they start thinking ‘what can we get away with?’ But at some point someone has to say stop, and if no one says stop it will escalate (Interview 21 July 2004).

To say, as Bhatia (2003:3) does, that ‘the terror imposed by bands of militias, whether Serbian Tiger, Rwandan Interahamwe, Indonesian Aitarak, or Haitian Tonton Macoute, has prompted a distorted estimation of their capabilities against a trained and formidable military intervention’ may be partially true; however, it completely understates the significance in human terms of the damage caused and lingering harm that can only be exacerbated by the delay to the re-establishment of civil society if nothing other than formidable military intervention is applied. He does go on to suggest that from the outset of any intervention a comprehensive strategy should include political, economic and social responses to ‘silently undermine the armed competitor, and institute a sustainable peace’. It is in these last-mentioned measures especially, but not exclusively, that restorative approaches can be located.

4.4.4 Definitional Issues and Categories

The variety of situations that have prompted international peace operations is
perhaps part of the reason why conceptual clarity seems elusive. This has led, says Bhatia (2003) to a ‘definitional haze’ that has spawned the jargon in terminology which encompasses police actions, operations other than war, expeditionary operations, small-scale contingency operations, stability and support operations, ground deployments short of major theatre war, peacekeeping and second-generation peacekeeping. To borrow from Diehl, Druckman and Wall (1998:53) we now have a ‘morass of semantic muddles’.

By way of illustration, the research for this thesis has revealed the following array of terms: Aggravated peacekeeping (Cappelli, 1998:11); Chapter six-and-a-half operations (Dandeker and Gow, 1997:333, Mégret and Hoffmann, 2003:326); Complex emergencies/complex peace operations (Last, 1997a:11); Confidence building measures (Homza, 2004:93, Heldt and Wallensteen, 2004); Enhanced peacekeeping (Cappelli, 1998:11); Grey area operations (Wills, 2004:398); Humanitarian intervention (Nederveen Pieterse, 1997); Multidimensional peacekeeping (Laurenti, 2001; Pouligny, 1999:403, see also Mégret and Hoffmann, 2003); New peacekeeping (Ratner, 1995a, in Diehl et al. 1998:35); Operations other than war (Bhatia, 2003, Krulak, 1999); Order restoring (Cappelli, 1998:11); Peacekeeping with muscle (Cappelli, 1998:11; see also Dandeker and Gow, 1997:334); Peacekeeping-plus (Cappelli, 1998:11); Peace enforcement operations (Dobbie, 1994; Manwaring and Fishel, 1998:203-205); Peace enforcing without force (Cappelli, 1998:11); Peace support operations (Cappelli, 1998:11; Dandeker and Gow, 1997; Kernic, 1999:209; Wills, 2004); Peace restoration operations (Dandeker and Gow, 1997:335); Peace-preserving (Cappelli, 1998:11); Peace-pushing (Cappelli, 1998:11); Peace-stabilizing (Cappelli, 1998:11); Prickly-peacekeeping (Cappelli, 1998:11); Second generation peacekeeping (Dobbie, 1994; Kernic, 1999:187); Second generation multinational operations (Mackinlay and Chopra in Cappelli, 1998:12); Strategic peacekeeping (Burk, 2000:468; Dandeker, 1999:125-127;

Throughout this thesis the generic noun ‘peace operations’ is applied, and ‘peacekeeping’ is used as the gerund. Accordingly, peace operations here applies to UN-authorized and regional third-party deployments into zones of civil war, or buffer zones between warring nations, where the force entails some military element.\(^{58}\) Peacekeeping applies to roles often separately categorised as peace enforcement, peacekeeping and peace monitoring. (The Somalia and Bougainville cases each fit within this range.) For this analysis, the operationalization of peacekeeping roles includes peacebuilding tasks. Two points need to be made regarding this definition: first, it is intended that restorative values and processes do have relevance across the gamut of peace operations and circumstances into which peacekeepers might be deployed; and second, this perspective excludes making war, regardless of the motivation behind such an activity, as the principles, values and techniques required to wage war are not compatible with restorative justice.

One clear example of how terminology can conflate war and peace operations is to be found in Diehl et al’s (1998:39-40) twelve categories of peace operations. These are listed as: traditional peacekeeping, observation, collective enforcement, election supervision, humanitarian assistance during conflict, state/nation building, pacification, preventive deployment, arms control verification, protective services, intervention in support of democracy and sanctions enforcement. In the category of collective enforcement Diehl et

---

\(^{58}\) Although, as foreshadowed in chapter 9, future peace forces might not necessarily involve military components. The Bougainville case shows that hybrid organizations with a relatively minimalist military operational stance can be very effective in some circumstances.
al. cite the Korean War of the 1950s and the Gulf War of 1991. Yet clearly these were both conventional wars, and peacekeeping, by any stretch of the imagination, was not part of the strategy. Similarly, even though intervention in support of democracy was the ostensible reason for the US invasion of Panama in 1989, this is another example where it would be fanciful to describe it as peacekeeping.\textsuperscript{59} Neither can the US naval blockade of Cuba in 1962 – an example cited by Diehl et al. of sanctions enforcement – be regarded as a peace operation.

Dobbie (1994:143) posits that it is an illusory logic that describes peace operations as sitting somewhere along a common scale on a single spectrum. Despite this he maintains that there is a manifest difference between peacekeeping, with a range of priorities and modalities, all based on consent (see also Dandeker and Gow, 1997:328), and peace enforcement where consent is not a pre-requisite for intervention. He believes that there has not in fact been a general trend in peace operations away from traditional kinds of peacekeeping, more ‘a developing emphasis of features that have always been part of peacekeeping’. He continues: ‘When examined closely, the essential characteristics of contemporary [post-Cold War] wider peacekeeping operations differ little from the characteristics of those that went before’ (Dobbie, 1994:129-30). He argues that consent is the point of departure when deciding to deploy forces with either a peacekeeping role or peace enforcement mission. He then asserts that ‘peacekeeping and peace-enforcement are thus separate and mutually exclusive activities that cannot be mixed, and therefore need to be directed and handled in a consistent manner’

\textsuperscript{59} ‘The US invasion of Panama on 20 December 1989, was an act of war, a surprise attack from the air, sea and land on a sovereign state. It killed and wounded thousands of civilians, flattened their homes and caused wide-spread commercial ruin from three days of unhampered looting’ (Gellhorn, 1993:338).
It is argued in this thesis is that such a distinction is of little, if any, value.

Dandeker (1999:125-127) says that ‘strategic peacekeeping’ is peacekeeping that is located between peace enforcement and the more usual forms of peacekeeping, and is characterised by: less consent than that usually required of the belligerents; an objective that suffices to ‘dampen’ and facilitate peace at the diplomatic and political levels; a mixture of coercive and non-coercive actions; the need for troops to be able to respond with force that does more than ensure self-protection but less than enforce peace; close multilateral cooperation with a variety of non-military players; and operational autonomy of the force commander.

Mackinlay and Chopra (1992) categorise peace operations according to function, and level of coercion and force required, while Segal, Wiseman, Väyrynen and Morphet each separately classify the evolution of peace operations by periods in history, as do Weiss, Forsyth and Coate (in Cappelli, 1998:16). Diehl et al. (1998:35) write that peacekeeping interventions are often categorised on a continuum of levels of risk that peacekeepers are exposed to. Cappelli (1998:16) summarizes with: ‘The reality of peace operations is too quarrelsome to be constrained in a rigid scheme...Trying to force the peace operations phenomenon into categories creates weak classifications unable to survive the “ground test” and almost automatically, produces new hybrids’. Probably most significantly, Diehl et al. (1998:36) point out that most classification schemes fail to accommodate the multiple and shifting aims that characterise many peace operations.

Bellamy (2004) argues that not only is there an historically inaccurate ‘generational’ approach in the discourse, but that there is also the self-
referential nature of such an approach that takes peacekeeping as its starting-point. He argues against having a taxonomic approach at all. Nevertheless, Scin and Dugone (2001) state that the most internationally accepted classification is that outlined by Boutros-Ghali in his *Agenda for Peace*: preventive diplomacy, peacemaking, peacekeeping and peace building. That report was written in 1992 while Boutros-Ghali was UN Secretary-General and was the first significant review of peacekeeping by the UN. A brief analysis of this work and several other similar reports follows.

4.4.5 Major Reviews

Of the nearly ninety armed conflicts that have erupted since 1989, over eighty have been internal, domestic conflicts and the UN has been directly or indirectly involved in over half of these (Lorenz, 1999:103). There has evolved from this history an understandable impetus for the international community and its major representative body to engage in systematic self-examination of its regular invocation of authority under chapters VI, VII and VIII of the Charter.

4.4.5.1 An Agenda for Peace

UN Secretary-General Boutros Boutros-Ghali’s 1992 *Agenda for Peace* (A/47/277 – S/24111), says Bhatia (2003:11), obfuscates the distinctions across the range of types of peace operations and preventive diplomacy. In addressing preventive diplomacy in this report, confidence building measures, fact-finding, early warning, preventive deployment of UN peacekeepers and demilitarized zones are included in a mix of measures to pre-empt large-scale conflict within and between states. Agreement between hostile parties and respect for state sovereignty are stressed. In elaborating peacemaking the
approach is very much an elite level, or top-down perspective, where ‘distinguished statesmen...bring personal prestige’ to mediation and negotiation (para. 37). It also recommends an expanded resort to the International Court of Justice. In addition, the ‘carrot and stick’ approach of assistance and sanctions is invoked before urging the establishment of ‘on call’ international armed forces, as authorized by Article 43 of the Charter. These would be coordinated by the UN Military Staff Committee and used only to enforce peace under the authority of Chapter VII of the UN Charter; they would not be deployed for peacekeeping. He argues that these would be necessarily heavily armed and be termed ‘peace-enforcement units’.

Peacekeeping, says Boutros-Ghali ‘can be rightly called the invention of the United Nations [and] it has brought a degree of stability to numerous areas of tension around the world’ (para. 46). He maintains that the ‘basic conditions for success’ in peacekeeping remain: a clear and practicable mandate; cooperation amongst contributors; support of the Security Council; willingness of member states to contribute; effective UN command; and adequate logistics and financial support. He pleads for timely financial support and information from member states on the status of their committed capacities; significantly, he then flags the increased requirement for non-military components of peacekeeping missions and here briefly mentions the requirement for multiple language skills for peacekeepers. He further outlines the need for increased efforts to go towards post-conflict peacebuilding, where the confidence and well-being of the people in the afflicted zone are consolidated through: demobilization of combatants; return of refugees; enhancement of respect for human rights; institutional reform; and democratization. He sees preventive diplomacy as ongoing, peace making as followed by peacekeeping which then allows for post-conflict peacebuilding reinforced with more diplomacy that overlays a material improvement in the
lives of local people. He does imply a connection between, and some overlap across, these processes. Lastly, he encourages the use of regional and other cooperative arrangements (the subcontracted operations referred to above) to harness their potential for peace operations and to complement strictly UN activities. The effect of the report was to inspire high expectations of the UN in brokering peace and managing armed conflict around the world, and even though it was revised and updated in 1995 (A/50/60 – S/1995/1) this was not to be realised (Zinni and Lorenz, 2000:205).

4.4.5.2 The Brahimi Report

Five years after the revised Agenda for Peace, and in the lead up to the UN Millennium Summit of September 2000, Secretary-General Kofi Annan commissioned former Algerian Foreign Minister Lakhdar Brahimi to convene a high-level Panel to undertake the next review of UN peacekeeping operations. The Panel concluded their review and published the findings, known as the Brahimi Report (A/55/305 – S/2000/809) – in mid-August 2000.

The generic term ‘peace operation’ appears regularly throughout this report and is often qualified as ‘complex’. The ‘bedrock principles’ of peacekeeping are listed as: consent; impartiality by the peace force toward belligerent parties; and the use of force only in self-defence (p.ix). Significantly, and as a foil to the mandate-grounded disasters of Rwanda and Srebrenica, protection and defence of civilians from aggressors is from this point on to be assumed to be a responsibility of the peace force (p.x).

The report states clearly that peace operations entail three principal activities: conflict prevention and peace making, peacekeeping and peace building (p.1). In defining conflict prevention, it is described as heavily reliant on official or
'track I’ diplomacy. Peace making, however, is said to include diplomacy and mediation, but significantly, here, unofficial and NGO groups and prominent individuals are included as valuable options – in reality ‘track II’ diplomacy. Peacekeeping is accurately said to have evolved rapidly to ‘incorporate a complex model of many elements, military and civilian, working together to build peace in the dangerous aftermath of civil wars (pp.2-3). The meaning of peace building is expanded from that used by Boutros-Ghali in Agenda for Peace to include as essential components: anti-corruption; demining projects; and HIV/AIDS, and other disease, education (p.3). Brahimi observes that traditional peacekeeping has no built-in exit strategy and treats the symptoms rather than sources of conflict. The report states forthrightly that: ‘History has taught that peacekeepers and peacebuilders are inseparable partners in complex operations: while the peacebuilders may not be able to function without the peacekeepers’ support, the peacekeepers have no exit without the peacebuilders’ work’ (p.5).

A doctrinal shift towards an emphasis on civilian police and rule of law elements is also urged (p.ix), as is ‘a hybrid of political and development

---

60 There is a persistent reliance on traditional statist, or ‘track I’ diplomacy. This remains despite its inadequacies and substantial limitations in responding to contemporary civil wars (Lederach, 1997:16). Yet these deficiencies have in fact motivated alternative attempts at diplomacy. Unofficial diplomacy that does not involve formal representation between states is sometimes called ‘encounter group’ diplomacy or ‘track II’ diplomacy (Barash and Webel, 2002:278). Here people from antagonistic groupings are brought together usually by a third-party, a disinterested negotiator for the purposes of achieving some common ground and establishing interpersonal relationships that might alleviate tensions when representing their ‘home’ groups. The Camp David meetings hosted by US President Jimmy Carter, between Egypt’s Anwar Sadat and Israel’s Menachim Begin in 1977 are often touted as the most dramatic example (Barash and Webel, 2002:278) – but were more accurately a mix of track I and track II. There was no demanding media, no agenda, no protocols or rigid negotiating postures. This informal retreat did result in a cooling of some Middle East tensions, if not permanently. Perhaps where it fell down was that it was confined to elite persons and did not involve middle and lower ranking emissaries who could reinforce the aims of the meeting from a personal perspective. Braithwaite (2002a:69) describes these talks as only partially successful because in fact they did not include the Palestinians.
activities targeted at the source of conflict’ (p.8). Brahimi is a comprehensive report that urges a wide-ranging conceptual and operational overhaul of UN peace operations, as well as a logistic, financial and internal structural re-think.

4.4.5.3 The Responsibility to Protect

One year after Brahimi was produced The International Commission on Intervention and State Sovereignty (ICISS), a Canadian Government initiative, released The Responsibility to Protect (ICISS, 2001). It was in fact a response to the ideas in, and recommendations of, Brahimi (ICISS, 2001:81). Two significant shifts in emphasis become apparent throughout Responsibility to Protect. The first is the priority accorded ‘human security’ and the second is the validity of international military intervention without the consent of the state or belligerent parties to be subjected to such intervention. The adjective ‘humanitarian’ is also specifically excluded when describing intervention (ICISS, 2001:9) and this stance is taken for rhetorical reasons, respecting the views of humanitarian agencies, organizations and workers who decry any militarization of the term (ICISS, 2001:9).

Throughout, the ‘responsibility to protect’ replaces the precept of the ‘right to intervene’ in international relations and this then requires: an assessment of the situation from the perspective of those seeking or needing support; acknowledgement of the duty of the international community to assist if the

---

61 The ICISS was funded by the Canadian Government but was also assisted financially by the Carnegie Corporation, the William and Flora Hewlett Foundation, the John D. and Catherine T. MacArthur Foundation, the Rockefeller Foundation and the Simons Foundation. The UK and Swiss governments also provided in-kind support (ICISS, 2001:85).

62 Human security is defined as ‘the security of people – their physical safety, their economic and social well-being, respect for their dignity and worth as human beings, and the protection of their human rights and fundamental freedoms’ (ICISS, 2001:15).
state in question is unable or unwilling to protect its citizens; and it is further argued that there is also both a ‘responsibility to prevent’ as well as a ‘responsibility to rebuild’. To do these things well, there is a concomitant need to address the root causes of conflict; this is regarded as so important that it is described as a basic objective (ICISS, 2001:11,19). Responsibility to Protect is the only review that makes reference to ‘force protection’ and in doing so argues for a substantial change in thinking, stating that there is a need for ‘acceptance that force protection cannot become the principle objective at the operational level’ (ICISS, 2001:xiii). This requires a fundamental shift in attitude.

Too often in the past, the report concludes, the responsibility to rebuild, and thereby cement enduring peace building, has been hampered by a desire to extricate peace forces prematurely. This has left some fragile countries continuing to ‘wrestle with the underlying problems that produced the original intervention action’ (ICISS, 2001:39). In fact it has been stated that ‘When peacekeepers leave a country, it falls off the radar screen of the Security Council’ (UN, 2004:68).

In a later report on global and international security titled A more secure world: Our shared responsibility – a report of the Secretary-General’s High-level Panel on Threats, Challenges and Change, produced in 2004,63 the distinction between Chapter VI operations and Chapter VII operations is brought into question (UN, 2004:68). It is by now becoming apparent that because of the diversity of missions and the complexity of circumstances that characterise communities in turmoil, strict definitions of categories of peace operation and the delineation of civil war and post-conflict societies are more and more

---

63 This document is a broad discussion of international security predominantly in the context of international terrorism and therefore pays little attention to peace operations. It is not a review of peacekeeping per se.
otiose. My interpretation of these four major reviews of peace operations is that there is an inherent and unavoidable, if not clearly articulated, acknowledgement that distinct types of, and phases within, peace operations are more artificial than real. This perspective will be illustrated by the Somalia and Bougainville cases in this thesis.

Each of these reviews has influenced UN Security Council mandates, military doctrines, training regimes in peacekeeping training centres, and deployments on the ground. Ultimately, the notion of ‘complex operations’ is probably the closest to the truth that any label can come. A challenging aspect of this complexity, and especially in light of the normative responsibility to protect vulnerable people, are the concepts of intervention and the use of force where these are not necessarily agreed to by belligerents.

4.4.6 Consent, Force and Rules of Engagement

Writing a decade before the idea of a responsibility to protect Dobbie (1994) relies on the firm segregation of peacemaking and peace keeping. Certainly An Agenda for Peace required consent for peacekeeping (Bellamy, 2004:20). Dobbie believes that: ‘Denying consent its status as [a] fundamental criterion of what is possible, and its key role as [a] determinant of operational activity spawns doctrine that fails to recognise where the sensible limits of peacekeeping activity lie’ (1994:144). Still, this is vague and relies on the notion that such ‘sensible limits’ are self-evident.

Consent or its absence, says Dobbie (1994:145), should determine the choice of either peacekeeping or peace enforcement because the strategies for each are mutually exclusive. He adds that the principles of peacekeeping (established in 1956 as a response to the Suez crisis [Fetherston, 1994:4]) are impartiality,
minimum force and credibility\textsuperscript{64} and that a solid consensual framework for the operation will marginalise opposition. Furthermore, he states, Ch VII mandates do not mean that force \textit{must} be used, more so that they \textit{permit} the use of force while strategies and behaviours that address the perceptions and attitudes of local populations and factions will likely support the intervention. He concludes by urging an avoidance of a ‘middle spectrum-based’ doctrine.

There is another perspective on the necessity for consent. Findlay (2002:25) is of the view that from the outset, with the UNEF deployment onto Egyptian territory, consent to UN peacekeeping has often been tentative at best. This is probably because of the inadequacy of many peace agreements upon which consent is predicated.\textsuperscript{65} Peace agreements usually precede peace operations, although this is not always the case. It is also arguable that ‘peace agreements are typically the product of least-possible agreement and occur when international pressure is at its peak’ (Bhatia, 2003:80). Moreover:

In conflicts where issues of community and identity are highly salient, the use of traditional interest based power-politics analyses leads, at best, to coercive negotiation strategies to manage such disputes and can provide only temporary remedies...Such analyses and procedures...may even intensify or set the stage for future conflict by forcing compromises over interest-based disputes without also addressing the underlying needs-based problems (Rothman, 1992:40).

On the other hand, there can be immediate, if short-lived, improvements because ‘prompt deployment of peacekeeping forces following peace agreements often coincides with general support for the ceasefire and the presence of peacekeepers’ (Knight and Özerdem, 2004:504). Dandeker and Gow (1997) opine that despite the utility of consent, it is not paramount and it

\textsuperscript{64} Sometimes referred to as the ‘holy trinity’ of peacekeeping doctrine (Bellamy and Williams, 2004:3).

\textsuperscript{65} The peace agreement in Rwanda had, for all intents and purposes, evaporated before the first peacekeepers arrived (Zinni and Lorenz, 2000:212).
is more legitimacy that counts. But the ideas of consent or otherwise, and legitimacy, which can itself be ‘fragile’ (Patrick, 2000:63), are important because foreign, usually armed soldiers, will probably soon appear, and arms imply at least the potential use of force by the intervenors.

Findlay (2002:18) states that the implication of a deterrent effect of peacekeeping is puzzling. He questions the arming of peacekeepers if it is not intended that their weapons be used, because ‘If consent is obtained and impartiality maintained as it should be, there should be no need for weapons at all, even in self-defence…’ There is, he says, an implicit uncertainty about the threat of force in the deployment of armed troops and whether or not, and under what circumstances, they will use the weaponry and munitions they have available (Findlay, 2002:18). It could be argued that this might well be because any resort to force means that in essence power has failed in its application to influence the course of events (Otte, 1995:6-7). Nonetheless, the risks to peacekeepers are real, so if force is to be used, how then is it authorised and what are the limitations?

Rules of Engagement (ROE) are directives issued by military commanders that control the use of military force (Zinni and Lorenz, 2000:223). They explain when and how to use force, are applicable not only in peacekeeping, but across the gamut of military operations. ROE originated during the Cold War in response to the development of technology and weapon systems of increasing lethality (Zinni and Lorenz, 223). Crucially, ‘peace operations are characterized by restraint in the use of force [and] ROE for peace operations

66 This is supported by the words of one infantry officer peacekeeper from Somalia: Having a group of soldiers deployed is like a caged tiger – it’s very energetic and it wants to be aggressive (Interview 10August 2004).
are therefore arguably even more important than they are in war’ (Findlay, 2002:369).

ROE are written directives and usually issued to soldiers in portable card form so that immediate reference to the policy can be made. They usually authorise the use of force in self-defence, and impliedly defence of unarmed and vulnerable civilians, defence of other UN elements under attack, and defence of ‘the mandate’ (Zinni and Lorenz, 2000).67

Soldiers need to be trained before deployment to apply them accurately under stress. Herein can lie one particularly fraught operational difficulty with ROE. Both UN and subcontracted peace operations are multinational and each national military has its own philosophy towards them. ‘Hostile acts’ are viewed differently and some nations’ ROE are an integral part of crisis management where the firing of a weapon is considered very much to be a last resort. Then again, some armies appreciate conflict in a less complex way and therefore the justification for aggressive reaction is more readily available. This reinforces General Carmine Fiore’s comments earlier and,

This is not a question of being ‘trigger happy’, or excessively nervous in the face of danger, but is rather the result of training in a different military culture – for example, one that does not expect military men to react in too sophisticated a way when lives are at risk, or where the sole doctrine is winning at any cost (Palin, 1995:34).

Although joint training in the use of ROE is not common, before and during the UNMIH mission in Haiti, it did occur and was well planned, well resourced and competently delivered (Zinni and Lorenz, 2000:240). This ‘paid

67 Zinni and Lorenz (2000:232, 241) recommend that ‘defence of mandate’ should be omitted from ROE because it is simply too vague and indeterminate, and therefore open to too broad an interpretation.
dividends in avoiding the use of force’ (Findlay, 2002:370). The multinational nature of peace operations means that:

In an ideal peace operations world all states contributing troops to each mission should commit themselves to common objectives in using force and be involved in drafting common ROE. Even the best ROE will, however, still leave room for ambiguity and will not cover every imaginable situation – which is where training becomes essential. An enduring lesson of UN peace operations is that the ROE should be issued before an operation commences and training must begin as soon as possible in advance to ensure that soldiers truly understand the application of the ROE and not just memorize them (Findlay, 2002:373).

Of paramount importance, says Dworkin (1994:33), is ensuring that soldiers do not confuse ROE with other guidelines and understand that ROE take precedence over all other rules governing the use of force. This is crucial because peacekeepers are often placed in stressful positions where situations are fast moving and there are calls for quick judgement (Zinni and Lorenz, 2000:223). Therefore, for peacekeepers:

Even in self-defence, force may only be used as a last resort...Force should not be initiated, except possibly after continuous harassment, when it may become necessary to restore a situation so that the UN can fulfil its responsibilities. Force should not be used to punish or retaliate for previous incidents. The principal tools of the peacekeeper are negotiation and persuasion, not the use of force (Findlay, 2002:14).

The tools of the peacekeeper are a major aspect of issues surrounding peace operations, and one that has received comparatively scant attention in the literature. If weapon handling and fire control skills are important, as they undoubtedly are, particularly in battle or combat-like situations, where are negotiation and persuasion to be used? They are needed in those

68 This early success with multi-national training for ROE still needs to be seen in the broader context of, to date, five UN missions to Haiti: UNMIH, 1993-1996; UNSMIH, 1996-1997; UNTMIH, 1997; MINOPUH 1997-2000; and MINUSTAH, 2004 and ongoing at the time of writing.
69 Fetherston’s (1993, 1994 and 1995) works are the most prominent exceptions.
circumstances and confrontations that are the most common occurrences for peacekeepers.

4.4.7 In-between Engagements

Kaldor (1999:10) says that humanitarian interventions of the 1990s have been shackled with outmoded kinds of mandates and a practice of viewing these wars as essentially the same as previous wars. This is exacerbated by efforts to find elite political solutions, where warlords are given precedence at the negotiating table, and the compromises are then based on exclusivist assumptions. The media also focus on leaders and this reinforces the perspectives of the politicians of troop contributing countries and of the peace force leaders themselves (Nederveen Pieterse, 1997:88). Hence ‘a continuing misconception of the international community is that peace can be forged only by grand gesture, high level negotiation and the exchange and signing of documents’ (Wehner, 2001:xv). Success in peace operations, it is often contended, by peacekeepers themselves as well as scholars, is dependent on the ‘ground truth’ of the situation in theatre (Bertram, 1995:405).

Just as most police spend their energies on social conflict such as nuisance and disorder tasks as opposed to ‘catching criminals’ (Home Office cited in Pollard, 2001:165) research has shown that most peacekeepers spend a great deal of time involved in seemingly ‘petty’ dispute resolution as opposed to purely military tactical operational tasks (see for example Last, 1997a; also Last and Eyre, 1997). One crucial aspect of this is that peacekeepers are deployed usually in dispersed small groupings throughout fragmented societies (Pouligny, 1999:403). What is crucial, then is

Understanding what happens ‘in between’ – in the various exchanges among the actors, in the mediation between the micro- and macro-levels,
between the small grassroots organizations and the NGOs, the political scene, and daily life – [this] is probably one of the most important challenges for a peace process (Pouligny, 1999:404).

This is because real diversity remains inside every society where peacekeepers are deployed (Pouligny, 1999:405).

This diversity among local social actors is worthy of emphasis – not simply because it has ‘survived’. NGOs, for example, local and international, are often connected to factions, and even mainstream political players, yet they should not be regarded as either ‘a global and homogenous reality or in a distinct sphere from the political one’ (Pouligny, 1999:409).

Sometimes within a peace force there will be ‘a preoccupation with avoiding problems with the population...however, one cannot ignore that such issues as land tenure and violence are central in most of the situations concerned’ (Pouligny, 1999:414). They can present the most decisive obstacles in the peacebuilding process. Just as some local people did in Cambodia, in Haiti some peasant groups actively tried to involve UN members in the resolution of their disputes, mainly connected to land tenure, but also substantially involving theft of goods (Pouligny, 1999). Similarly, ONUSAL in El Salvador was often called on to intervene in matters of criminality, and trade unions

---

70 The following extract from an interview with a Somalia peacekeeper platoon leader provides one such sample:

There was very little interaction with the women, although later that changed. Mostly they were pretty well in the background, and some were locked up by their husbands. We had to free one of them, she wanted a divorce, he didn’t want that so he locked her in the house. He was off doing something else and we happened to be doing a search just north of Baidoa. One of the diggers [private soldiers] was kicking in a door and so I said ‘What the hell are you doing?’ He said that there was a woman calling out and the other people confirmed that she wanted a divorce and her husband didn’t. So we freed her and she scarpered and we didn’t see her again. There were a few incidents like that where we had to free women who had been locked up. No-one interfered with us because they knew that we were armed and had the power (Interview 8 July 2004).
attempted to involve the force in social issues (Pouligny, 1999:414). This, says Pouligny, means that prerequisites and conditions for success of any peace operation are to be found in the mundane and petty ongoing activities in any community – that is, in their own ‘ground truths’.

The impression held by many intervening forces is that the societies in need are thoroughly chaotic and anarchic - but this is not universally so (Pouligny, 1999:411). Furthermore, local social actors are organised and not passive toward UN missions (Pouligny, 1999:414). Pouligny highlights the ongoing societal and political activities that continue to bubble away amidst any intervention. In Kosovo and East Timor international involvement reached down to district and local levels (Bhatia, 2003:92) so that administration of rule of law issues was at the micro-level. Domestic violence became of concern to peacekeepers on patrol. Peacekeepers are regularly reminded that the dynamic tensions that exist in any society are there in full measure while they go about their work. Life and commerce do not stand still during a peace operation, so social inter-relations are probably even more essential to consider in war-torn contexts.

The population of any community emerging from conflict is a complex set of social networks (Rietjens, de Boer and Voordijk, 2004:110). Pouligny (1999:415) describes the situation in Somalia:

…outsiders seem to have faced great difficulties in assessing the nature of the linkages between warlords and other actors, more specifically those (such as elders) who hold a traditional status in the community. Indeed, these individuals were supposed to represent an alternative way of reconciliation and reconstruction, from the bottom up. In reality, most Somalia specialists emphasize the complex nature of relationships between Somali elders, factional politicians, and militia leaders – who compete or cooperate according to the circumstances…In this context, elders can neither be simply considered as marginalized nor regarded as puppets in the hands of the warlords. On the contrary, they have to be
considered as occupying positions as go-betweens within complex and fluid networks of solidarity. This may help to explain the kind of support different Somali leaders have been able to gain from the population, including support in mobilizing against outsiders.

Pouligny is not arguing about whether it is more important to consider ‘top-down’ or ‘bottom-up’ dynamics, rather that it is the ‘in-between’ and interstitial that is of greater consequence. Any failure to account for pluralities at different levels can have serious effects. Misinterpretations and neglect of crucial aspects in peacebuilding can ensue and it is imperative not to miss ‘unexpected processes of reconstruction’ (Pouligny, 1999:418) that can be clouded by an intervenor’s limited perspectives.

As previously stated, there is a widespread belief that societies that are experiencing civil war, or are emerging from it, are disorganized and their structures are anarchic, constituting almost monolithic obstacles to peace and democracy (Pouligny, 1999:418). This perspective remains despite the fact that the processes of demilitarization and disarmament mean that the combatants are actually forging a new social contract (Knight and Özerdem, 2004:506). Yet it is also the reality that few post-conflict societies are without their enemies (Adekanye, 1997:364), or ‘spoilers’ and ‘rejectionists’ (Lorenz, 1999:91; Stedman, 1997). And although the recourse to arms is less the cause than a symptom (Adekanye, 1997:363) such forces effectively threatened peace in Cambodia, returned Angola and Sierra Leone to civil war, and effected genocide in Rwanda (Brahimi in A/55/305 – S/2000/809:4). These points of recalcitrant discontent can themselves be made vulnerable to effective counter influences that they hold to be legitimate, and can be found in the ‘gaps’ within their community. Support for this stance can be found in some growing recognition of the necessity for multifaceted approaches in forging peace. Lederach’s (1997) notion of the importance of middle level players is
echoed by Ibrahim (2004:174) who cites the Somali Wajir Women for Peace\textsuperscript{71} who are ideally placed to function as connecting points, serving as bridges both vertically and horizontally in Somali society. Recognising and supporting these women’s groups is important in helping to build sustainable peace in Somali communities.

To identify and support positive local community processes fomenting within the society the peacekeepers are there to help could be a daunting prospect for most soldiers - no matter how well trained in ROE. Therefore, because what occurs in the daily life of a mission impacts upon the whole process ‘this calls for a drastic shift in how mission personnel are trained’ (Pouligny, 1999:419).

4.4.8 Skill Gaps

It used to be acknowledged that there was a clear distinction between the civil and military roles in peace operations, but this separation has become less definitive (Cockell, 2002:484). In the Bougainville data they are radically blurred. Today, at a mission and an individual level, contemporary peacekeepers may not only confront, but have to deal with: refugee return, distribution of food aid, internecine violence, transnational criminal activities, war criminals, disarmament processes and distraught and traumatized local people (Bhatia, 2003:31). Stiehm (1995:564) describes the evolving conundrum thus:

Peacekeeping is a peculiar hybrid. Most participants are military personnel, but they are not deployed for the purpose of fighting, let alone of winning; they are not even supposed to be (explicitly)

\textsuperscript{71} Wajir is in Northern Kenya and inhabited by numerous Somali clans; the fighting in Somalia often spills into neighbouring Kenya (Lederach, 2005:11).
threatening. Many of their activities are activities advocated and practiced by peace action groups.

Empirical support for the need for militaries to have a broader repertoire of skills is emerging. Canadian peacekeepers, across the strata of junior soldiers and NCOs as well as officers involved in operations in Croatia and Bosnia reported a significant level of involvement in negotiations with local people (Last and Eyre, 1997:8-9). Fetherston (1993) argues that the underlying military role of any peacekeeping operation is as a third party that relies on contact skills predominantly over combat skills. In peace operations, at ground-level, there is empirical evidence that, for the mission to succeed, interpersonal contact skills trump combat skills. As with any organisation, so it is with a peace force, that skills incompatibilities can lead to debilitating structural impediments.

But there are attitudinal shifts developing in some militaries. In fact Kernic (1999:188) asks if there is a silent revolution occurring in peacekeeping. He writes that traditional peacekeeping has been about ‘diplomats in uniform’ whereas more contemporary operations require either a ‘global policeman’ or a ‘warrior for peace’; he also surveyed some Austrian soldiers, veterans of a number of peacekeeping missions, who believe that peacekeepers are ‘special people’ or ‘special soldiers’, and even ‘post-modern warriors’ (1999:194).

Fetherston (1995:8) discusses the difficulties inherent in the transformation required to re-skill and re-socialize victory-oriented soldiers to peace-oriented service personnel:

…socialization does tend to limit the range of alternative actions in and reactions to circumstances and the number of abuses by peacekeepers clearly demonstrates that many soldiers are not able to adjust. If, however, soldiers have been created through rigorous training and
adherence to particular assumptions and codes, so, too, can peacekeepers.

Echoing this view Scin and Dugone (2001) maintain that while only ‘good’ soldiers can become ‘good’ peacekeepers, the combat skills of soldiers are inadequate and need to be enhanced with peace operation skills that are fundamentally at odds with the more common tasks that most peacekeepers are trained in. Furthermore, they assert, ‘the most important factor for the success of a peacekeeping operation is the individual soldier’. There already exists a substantial body of work in theory and practice on the training and education of police and others in the skills required for restorative processes and procedures. It is not unrealistic to include relevant elements of this in the curricula that peacekeepers are exposed to.

4.5 Conclusion

The negative peace that is achieved by imposing order can only ever be regarded as a temporary adjunct to peace building. At the extreme, ‘acts of war are not conducive to a peaceful settlement, even when they bring an eventual end to fighting through the utter defeat of one side’ (Curle, 1971:250). When peace operations are centred on enforcement it is probable that residual fear for security will imperil adherence to the terms of any negotiated agreements (Hartzell, 1999:6) – regardless of the legitimacy or otherwise of the negotiators.

Praxis is revealing that conventional military, and political, theories and modalities have a decreasing role to play in peace operations around the world. Scholars, practitioners and reviews such as Agenda for Peace, Brahimi and Responsibility to Protect are increasingly articulating that better ways need
to be constructed for dealing with the emergencies and physically and psychologically damaged populations that UN and other coalitions are required to engage with. The UN now classifies most of its interventions as ‘complex emergencies’ that are major humanitarian crises. These kinds of crises require responses which are a combination of peacekeeping, humanitarian aid, conflict resolution and institution building; they all have one common element though – armed conflict (Prendergast, 1997:10). Having to deal with the possibility of armed conflict is one reason militaries have been so numerous deployed on peace operations.72

Peacekeepers are not supposed to have enemies (Barash and Webel, 2002:358) so peace operations are not usually directed against an enemy (Wills, 2004:399). Yet when the philosophical foundations of military doctrines require a focus on defeating opponents, when the most valued resource is power, and the essential skills of soldiers are oriented toward the training for war, this brings into question the applicability of traditional military paradigms as the best ideational cornerstone and knowledge base from which to work in reforming peace operations.

The following table illustrates the difference in approaches that have developed as militaries that have been oriented to win battles are exposed more and more to operations meant to nurture peaceful coexistence:

---

72 Fetherston (1995:8) makes the point that military forces are the usual choice for implementing peace operations because of their capacity to provide human and logistic resources at short notice.
Table 2. The different approaches of war-fighting and peace operations. (Adapted from Farrell, 1995:203-204).

Some evident contradictions have emerged, as Table 2 depicts. Resolve and clarity of mission are typical military virtues but they are not the sole preserve of armies. They can equally apply in other organizational settings. What needs to be qualified is that if they are regarded as sacrosanct, this can deplete the capacity for responsiveness and adaptation that has been shown to be invaluable for navigating the knotty decision-making forks that appear regularly in peacekeeping work. It is possible that up-skilled and ‘post modern warriors’ could be developed into the ‘networked warriors’ and ‘strategic corporals’ that are described in chapter 8. That is into peacekeepers with the resolve, patience and fortitude to confidently endure uncertainty and persist in assisting shattered communities to rebuild relationships.
The orientation inherent in a stance predicated on the threat of force constricts operational options. Security is important – to peacekeepers and to local people alike – in fact it is essential, and the islands of civility in particular need protecting, but if that is the main focus, it follows that strategies and resources to improve the situation and move towards the dynamics of a positive peace will receive much less priority. Peacekeeping and peacbuilding therefore, need to do more than co-operate, they need to merge, as happened in Bougainville, but not in Somalia.

Effective peacebuilding is needed to secure any post-war peace and build a future. This requires that confidence be established between antagonists, communication cultivated and new social and economic relationships developed (Harris and Lewis, 1999:34). Necessary though it is to understand ‘what peacekeepers actually do and to think instrumentally about how they might do it better, this should not constitute the limit of theoretical engagement with peace operations as it has tended to do ’ (Bellamy, 2004:21). In reality what is required is a profound reorientation (Nederveen Pieterse, 1997:89).

The kind of reorientation required, this thesis contends, is one that draws on Pouligny’s (1999) orientation toward the interstitial. The in-between spaces that she elaborates are often overlooked in the tumult of emotions, identities, interests, priorities and engagements that glut the operational areas of most peace forces. These social sites, it is argued, could be locations receptive to restorative processes, processes that engage with, rather than distance local people and their concerns. Dobbie (1994:128) writes that according to Oxfam, the alienation of the local Somali population, the impediment to political reconciliation and the hampering of humanitarian aid work, was placed squarely at the feet of the UN propensity for domination and excessive force
US Major-General William Garrison, who commanded most US forces in Somalia, might even agree. He reported on the ‘Blackhawk Down’ battle in Mogadishu, and stated to the Senate Armed Services Committee: ‘If we had put one more ounce of lead on south Mogadishu on the night of 3 and 4 October, I believe it would have sunk’ (in Dobbie, 1994:127).

The next chapter examines in detail both the UN, and subcontracted US-led, peace operations in Somalia. It is revealed, through the words of Somalis and peacekeepers alike, that there was much more to the disaster than the need to distribute food, dealing with warlords and bandits, and the application of overwhelming force.
Amina was looking into the distance, to the south, to Mogadishu, from where we sat, with the scent of cardamom and ginger lingering above cups of Somali tea. It was my second day in Hargeisa, the capital of Somaliland, and already the dust had swallowed the short rain of the morning. She was voluble, and with shining white teeth and bright eyes set in gloss black skin, from the sanctuary of a dazzling orange, red, yellow and purple hijab, she told of the war. This was a woman who, over a decade ago, with others had publicly thrown off their headscarves and taunted the militia men with ‘Why don’t you kill us?’ - successfully shaming the fighters into peace talks convened by the elders. Then when agreement seemed to be stalling, they threatened to stone the meeting. It had worked and she was proud of it. But not all of her story was as buoyant. With some sadness she recalled: ‘Our family lived in the south of Mogadishu, I had been to university there and my husband was a school teacher. It was the area of the clan of my husband, and Aideed and Ali Mahdi quarrelled. The fighting started at four in the morning. We heard a woman shouting for help near Ali Yussuf school, we helped her but then the militias forced us to hand her over. They took her from our house and raped her. That night me and my husband heard her calls so my husband threatened the militias with a gun – he did not know how to use a gun – he was a school teacher. My husband refused to leave our house and two days later the militias brought many people, one hundred and twenty I think, to the school and kept them on the top floor. Then the elders came to tell the young militias to stop but they began to execute people. I had to go into the schoolyard to collect our goat. Blood was flowing down the stairs. I saw a pile of red and asked ‘What is this?’ – it was pile of dead bodies. One hundred and nineteen. Only one little boy had survived.’ She paused, then, ‘Here in the north,’ she said, ‘we respect our elders.’

(Field notes and Interview 8 September 2005)
5.1 Introduction

The devastation wrought by famine and civil war in Somalia shocked not only Amina and most of her fellow Somalis, but the international community generally. The Horn of Africa was experiencing the worst effects of drought and armed conflict combined with a state that was no longer functioning. Somalis were in a dire situation that called not only for food and medical aid but protection from local predatory outlaws. The supervening UN intervention in Somalia, in particular the US led multinational Operation ‘Restore Hope’, was proffered at the time as an example of how a ‘new world order’ would unfold.73

This chapter examines the UN-led and US-led missions in Somalia.74 As a starting point, the societal context of Somalia, its history, anthropology, politics, land use and economy, and dispute resolution processes are discussed. This is followed by an exploration of the country’s slide into civil war, often laid simplistically at the feet of a drought whose effects were

---

73 U.S. President George H. Bush, in a speech to a joint session of Congress on 6 March 1991, proclaimed that the era of a ‘new world order’ had begun (Diamond, 1992:25). In essence this meant that, the Soviet Union having crumbled, and as there was then only one superpower, the US had become the only state capable of exercising leadership, power and influence globally to intervene in conflicts and extend, by force if necessary, democracy and liberal governance. It was implicit that respect for human rights and the rule of law was part of this vision (see Cook, 2004:119). The role of the US as ‘world policeman’ had been reasserted.

74 From the end of the Cold War, and leading up to the intervention in Somalia, the UN had commenced seven new peace operations, in addition to the four already in place for some years. The UN had also authorised the successful coalition invasion of Iraq in the Gulf War of 1990–1991 where Iraq was ousted from Kuwait. At the time of the demise of the Soviet Union the international community was already supporting UNTSO in the Middle East, UNDOF between Israeli and Syrian forces, UNIFIL in Lebanon and the long-standing UNFICYP mission in Cyprus. Probably because there was no longer any self-interested strategic reason for Security Council members to block interventions, the UN was free to embark on a further seven peacekeeping operations between 1988 and 1991. These were UNGOMAP separating Afghanistan and Pakistan, UNIMOG observing the truce between Iran and Iraq, UNAVEM I in Angola, UNIKOM separating Iraq and Kuwait, UNAVEM II, ONUSAL in El Salvador and MINURSO in Morocco’s Western Sahara region.
exacerbated by ‘ancestral clan hatreds’ (Besteman, 1999:3). Another factor often ignored, the erosion of traditional social control mechanisms, is also discussed. Worldwide exposure to anarchy and famine seems to have prompted an unprecedented international peace operation and therefore it is important to examine differing arguments put forward for the motivation to intervene. The deployment and implementation of the first United Nations Operation in Somalia (UNOSOM I), the ‘rescue’ by the Unified Task Force (UNITAF) and the revamped UN mission (UNOSOM II) are analysed and, while these stages of the overall humanitarian mission were connected by one ambitious humanitarian goal, it will be seen that both UNITAF and UNOSOM II consisted of a variety of contributing national contingents with a range of missions and (sometimes vastly differing) operational approaches. The work of international NGOs in attempting to alleviate the widespread suffering had preceded the arrival of peacekeepers. Some NGOs stayed until they could no longer work in safety, some closed never to return, while a few worked closely with peacekeepers, and still others remained as the UN forces withdrew and the country returned to lawlessness.

It will be seen that the prevailing outside view of Somalia at the time of intervention – that of a society that had reverted to ‘the dark ages’ where internecine clan loyalties were the cause of an insoluble conflict across a population incapable of making peace - was a substantial oversimplification. Most of the accounts in the literature do not distinguish between obvious, superficial characteristics and the more subtle, complex underlying causes of the strife. It will be further argued that the origins and characteristics of the conflict, not well understood at the time, spurred an international rescue mission that was organised on flawed assumptions and therefore, for the most part, less than appropriate strategies. This includes both the strategic level and local tactical level aversion to engagement with conciliators and
peacemakers. Such people not only existed in Somalia but were actively working for peace through peaceful means. Protection, encouragement and support of these nodes could have produced a more positive and lasting environment in which peace could have been sustained.

A brief analysis of the operation through a restorative justice lens is also conducted. It can be seen that for the peacekeepers’ parts there were pockets of success and failure, instances of effective peacekeeping and examples of disastrous war-making. Ultimately, though, this series of arguably noble and occasionally grand expeditions left little positive residue in its wake. They truly made up a ‘crisis of expectations’ (Thakur and Thayer, 1995).

5.2 A Brief History of Somalia

The Somali people were well established in the Horn of Africa by around 1000 CE (Kelly, 1999:4).75 Largely isolated from contact with the Western powers, Somali society and culture evolved in the harsh climate and terrain of the Horn relying on Islam as the major belief system (Fage, 2002:113).76 Although Portuguese ships began intercepting coastal trade in the 1500s (Kassim, 1995:32; see also Laitin, 1977:43), it was not until the 1850s that explorers, such as Britain’s Sir Richard Burton, began to expose this part of the world to the colonial designs of the European empires in any substantial way.77

There have been five colonial experiences to which the Somali people have been subjected. The British were the first to colonise Somali people in what

75 From the seventh to the tenth century Persian and Arab trading posts existed along the coast of Somalia (Fage, 2002:116) while nomadic tribes travelled through the inland. In fact the southern Somali coast has revealed finds of Hellenistic, Roman, Byzantine and Persian coins from the period between the third century BCE and the fourth century (Fage, 2002:122).
76 For a comprehensive treatment of Islam in Somali society, see Mukhtar (1995).
77 Burton (1856) famously described Somalis as ‘A fierce and turbulent race of Republicans’. 
was to become Somaliland – in the mid-nineteenth century agreements had been signed with various clan leaders so that in effect, in return for guaranteed food supplies for British settlements in nearby Yemen (across the Red Sea), the area became a British protectorate. The French then moved into what has since become Djibouti, at first buying concessions, and then claiming sovereignty over the area (Fage, 2002:378). To the west, the Ethiopian Emperor Menelik, during the closing decade of the nineteenth century, extended his rule eastwards to the Ogadeen area in which lived the predominantly Darood clan of the Somalis (Lyons and A. Samatar, 1995:11). Italy exploited the Indian Ocean coastlands of Somalia from 1889 onwards until their defeat by the British in the Second World War (Fage, 2002:377). Bordering the fertile south was Kenya, a British colony that also included several hundred thousand Somali people.

Colonialism had not been mildly accepted by all Somalis. Sayyid Mohamed Abdille Hassan, dubbed ‘the Mad Mullah’ by the British (McMullen, 1993:430), mobilized Somalis against the infidel Christian Ethiopian, British, French and Italian powers between 1900 and 1921.

---

78 Additionally, several decades earlier, the Egyptians had established limited rule over some of the northern coastal strip of the Horn of Africa, but had departed before a more extensive British presence arrived.

79 Simons (1995:36) says that this war had five significant consequences. First, the systematic documentation of clan loyalties and betrayals by colonial authorities, designed to keep alliances straight but in reality ignoring the fluidity of such relationships (see also Laitin, 1977:23) gave a permanent historic record to these differences. Local British allies were then armed against their enemies. Second, war gave the aura of martyrdom to Hassan – a military poet (Laitin, 1977:35, 37, 95) - and helped form the beginnings of a Somali national identity. Third, population and animal stocks, particularly in the north were devastated. Fourth, the northern concentration of the war both assisted the practice of importing arms from suppliers in Djibouti (which has continued to the present day) and it accentuated a north-south difference in Somalia. Fifth, it directly and with some rapidity drew large numbers of Somalis from pastoralism to service in the military. It is also of note, historically, that this war saw in 1920 the first occasion of aerial bombardment in Africa. It was carried out by the British (Ali, 1995:76; McMullen, 1993:430).
World War 2 witnessed a brief struggle between Britain and Italy in the Horn of Africa, and with the defeat of the Italian Fascist forces in 1941, Britain was now overseeing the Somali people in Kenya, Ethiopia, Italian Somaliland and British Somaliland (Laitin, 1977:75). This was the first time in history that the Somali people as a whole had been brought together under one administration (Simons, 1995:37; Kusow, 1995:83). Fledgling independence movements such as the Somali Youth League and the Somali National League emerged. This arrangement only endured until 1950 when the UN placed southern Somalia, the former Italian Somaliland, under the trusteeship of that former colonial power in preparation for independence and potential unity with British Somaliland.

Somalia was born of the union of British Somaliland and Italian Somaliland on 1 July 1960 and experienced nine years of substantial peace and parliamentary democracy, during which time civil society groupings such as the Somali Women’s Movement developed. In fact, twenty-one political parties competed in the 1964 elections and sixty-three in the 1969 poll (Contini, 1969:21; see also Cahill in Kelly, 1998:8). Moreover, ‘Two peaceful changes in government occurred, with the losing presidential candidate assuming the role of loyal opposition in both instances’ (Laitin, 1977:122). A clan-based pastoral people had become relatively unified on independence but it is arguable that the state itself was, at that time, a concept alien to the decentralised, internally focussed social structure. Nevertheless, the Somali people enthusiastically embraced democracy, building on their twin traditions of community participation and individualism (Kelly, 1998:8).

---

80 Save for those living in the relatively small French holding at Djibouti (Laitin, 1977:75).
81 This occurred despite public opposition and demonstrations led by the Somali Youth League (Laitin, 1977:63).
It is true that a nascent Somali national identity had developed during colonial rule. Yet laudable and logical as this would have been to realise at independence, where the UN went wrong, in the heyday of African decolonisation, was to simply abide by previous colonial notions of territory, and peoples, divided by arbitrary allocation of state boundaries (Breen, 1998:7). Symbols are important in any nation and the Somali flag depicts an uncomfortable modern history. Its blue background (the same hue as that of the UN flag) is superimposed with a white five-pointed star, the points standing for: British Somaliland, Italian Somaliland, the Somali people in Kenya, Somalis in Ethiopia and those in Djibouti (Contini, 1969:50; Laitin, 1977:28). This was a public statement to the world that Somalis felt that they wanted and needed to be one nation-state.

In October 1969 a soldier from a rival clan assassinated the Somali president. A hiatus of six days followed. Major General Mohamad Siad Barre, a former police officer turned ambitious career army officer, then carried out a coup.

---

82 These artificial divisions of the Somali people led the independent Somalia to foment Somali chauvinism in neighbouring states, sometimes encouraged by Egypt (Laitin, 1977:28-29,49). This drained valuable resources from internal nation building (Breen, 1998:8). By 1966 banditry in northern Kenya, carried out by predominantly Somali brigands known as shifitas, created such disruption and killing that Kenya believed these were the works of an irredentist government in Mogadishu. Fears by Somalia’s neighbours of a united and expansionist Somalia were not without foundation as the ‘dream of greater Somalia’ was a genuine theme in Somali politics (Omar, 2002:139). La Grande Somalia was common rhetoric used by the Fascist colonial administration of the 1920s and 1930s (Hess, 1966:149). In 1962 the Somali population dwelling in Kenya had been canvassed by an international commission to hear their views on where they and their territory should belong. These people had overwhelmingly opted for unity with Somalia but their wishes were overridden in the interests of appeasing the recently independent Kenya and the strategic interests of the colonial powers (Hess, 1966:138-39; Laitin, 1977:75). (What goes without mention in the mainstream literature is that the Indian Ocean island of Socotra was given by Britain to [South] Yemen, seven years after Somalia’s independence. Socotra lies 150 miles from Somalia, with smaller islands in between, and is some hundreds of miles from Yemen (Hess, 1966:139)).

83 Indeed, the Constitution of the Republic of Somalia stated that: ‘The Somali Republic shall promote, by legal and peaceful means, the union of Somali territories’ (in Contini, 1969:50, see also Laitin, 1977:129).
and dissolved the democratic government; it is said that there was some general relief about this end to indecision and also an expectation that stability would now be the rule (Ahmed, 1995:145; Simons, 1995:45).

Barre reorganised Somali society and the economy along the lines of his version of ‘Scientific Socialism’ where equality, along with economic independence and growth were the main principles (Besteman, 1999:12).84 With the backing of the Soviet Union he commenced building up the nation’s armed forces. Clan-based affiliation was denounced, political parties banned and customary diya compensation payments were abolished85 – ‘tribalism’ became a political crime (Gardner and El Bushra, 2004:228–29). By the 1970s and 1980s though, with clan segmentation seemingly waning, its vestiges were being overlaid with broader political considerations.

This provides some background to the feeling of desperation about politics in Somalia that was conveyed to me by four of the twenty-one Somali interviewees. One of them said:

The brutal dictatorship kept disputes under control. Before this there was weak government and before this tribal society. The parliament of nine years is why we are suffering now because the tribes became politicised...Now we have a situation where the political leaders want to use the tribal system. They want to be a state and use tribalism as well – it didn’t work before and won’t work in the future. You can’t have both (Interview 16 February 2005).

Another man claimed:

We [Somalis] can solve lots of traditional issues - but not politics (Interview 18 February 2005).

84 One of the earliest discussions of the concept of ‘Scientific Socialism’ was in Friedrich Engels’ work Socialism: Utopian and Scientific of 1892; a century later in A. Collier’s book it is described as socialism structured on a critique of its antithesis, capitalism, that has been scientifically analysed and rejected - see both Engels (1970) and A. Collier (1990).
85 Diya means ‘blood compensation.’
This was echoed with finality by a woman who said:

Somalis can’t fix political problems (Interview 18 February 2005).

In 1972 a Somali script was introduced for the first time, followed soon after by a nation-wide literacy program. The position of women was improved by legislation governing inheritance rights and workplace equality, but this was not welcomed by everyone. As one refugee woman told me:

Barre decided that men and women are equal and there was a demonstration against this, because it contradicts the Koran, and he shot them all. If the Koran says we’re different there must be a reason for it (Interview 18 February 2005).

As the country was recovering from a severe drought in 1974 to 1975, all land was decreed state owned and this allowed some women to purchase property. Partly to divert attention from growing internal dissent and to attempt a realisation of ‘Greater Somalia’, in 1977 Barre launched an invasion of Ethiopia’s eastern region, home to the mainly Ogadeen clan-family Somalis (from which his mother came). For strategic reasons the Soviet Union switched support almost immediately to Ethiopia and Somalia was decisively defeated.

By the early 1980s disaffection in the north-west was intense and atrocities by government forces grew to become commonplace by the end of the decade. The most significant of these being the bombing of the cities of Hargeisa and Burco, forcing some 600,000 refugees to flee to Ethiopia (Gardner and El

86 Yet it is also of note that women voted in the poll held in the Italian protectorate of southern Somalia in 1959 (Contini, 1969:2).
87 An unsuccessful coup attempt followed and armed opposition to the dictatorship grew (McMullen, 1993:424). As over half a million refugees from the Ogadeen were resettled in the north, their own armed militias were being established by the government, and repression of the central regions of Somalia increased in response to opposition guerrilla campaigns there (Gardner and El Bushra, 2004:230; A. Samatar, 1989:117).
Bushra, 2004:5,231; McMullen, 1993:425). Barre was soon facing severe international criticism for human rights abuses and international assistance, military and economic, began to dry up.

By 1988 discontent with the regime was widespread and armed opposition was common, so that most of Somalia was experiencing civil war and the economy was in tatters (Cassanelli, 1996:23; see also Gardner and El Bushra, 2004:123).88 Whilst some clan groupings had aligned with Barre many had united to overthrow the regime and in August 1990 the Somali National Movement (SNM), the Somali Patriotic Movement (SPM) and the United Somali Congress (USC) joined forces to oust him (Gardner and El Bushra, 2004:232). In early 1991, as Barre and his family and supporters fled south to exile in Kenya and beyond, the Somali state collapsed.

5.3 Somali Society

Somalia is usually depicted as a culturally homogenous society with one common language, religion and heritage (Lewis, 1980).89 But this ostensible homogeneity is rent with cleavages of status, history and even language (Cassanelli, 1996:14). There is often little attention paid to the differences in the Somali population in favour of a tendency to depict an ethnically, linguistically and religiously uniform and consistent society. Even its local histories form a ‘patchwork’ (Simons, 1995:32). Along with Cassanelli (1996),

---

88 The capital was not immune and during July 1989 government troops killed 450 demonstrators following Friday prayers in Mogadishu. In an effort to appease opponents the laws protecting women’s inheritance rights were revoked, as was the banning of political parties.

89 The notion of a ‘homogeneous’ society is a recurring theme in almost all the literature on Somalia (see for example Kelly, 1998; Lewis, 1980; and McDonald, 2001) but this is somewhat misleading as Besteman and Simons explain (see below). It is convenient for outsiders to hold to a stereotype; simplicity is easier to deal with and complexity takes time and effort to understand.
both Besteman (1996a, 1996b and 1999) and Simons (1995) are in a distinct minority among Western Somalist scholars in addressing the variegations across the Somali ethnographic makeup and giving due weight to them in attempting to explain the complexity of that country’s recent past.

Somali society is agnatic, that is, individuals are recognised (and recognise themselves) as part of a blood line of male heritage. Anthropologist Ioan Lewis, writing in 1961, said:

By reference to his ancestors, a man’s relations with others are defined, and his position in Somali society as a whole determined. Thus an understanding of the political relations between groups requires a knowledge of their genealogical relationships. As Somali themselves put it, what a person’s address is in Europe, his genealogy is in Somaliland. By virtue of his genealogy of birth, each individual has an exact place in society and within a very wide range of agnatic kinship it is possible for each person to trace his precise connection with everyone else. Somali political philosophy is thus an evaluation of agnatic connection (Lewis, 1961:2).

Clan and lineage are the organising principles of Somali society (Gardner and El Bushra, 2004:3).90 Somali clan lineage – abtirsiinyo - is described as ‘segmentary’ and this means that clans are further divided into sub clans, septs and families. Each of these ‘segments’ constitutes the social focus and provides a normative reference point for loyalty and allocation of interest (Holy, 1979).91 It has been stated that every child is taught their lineage and can recite the names of their forefathers back to the founder of their clan (Kelly, 1999:4, Mukhtar, 1995:17; see also Laitin, 1997:51). In the words of one Somali woman: ‘That’s how it is in our culture: you belong to you father’s

---

90 Laitin (1997:23) states that ‘Before clans were outlawed, the question most Somalis asked when they encountered a stranger was Tol ma tahay? (‘What is your agnatic line?’) because it was always assumed that his genealogy would greatly influence the ensuing relationship’.

91 There is nothing inherently conflictual about clan or ethnic differences. They lead to strife only when they are politicised, and it is usually the elites who politicise such differences in their quest for power and political support (Ake, 1991:34).
family. You take you father’s given name, and his father’s given name, so you
don’t lose your history…You belong very little to your mother’s side’ (in
Barnes and Boddy, 1994:22).

There are six major Somali clan families: Isaaq, Darood, Hawiye, Dir, Digil
and Rahanwayn. A number, sometimes more than a dozen, of diya-paying
groups make up a clan, and a number of these make up each of the six clan
families. The diya-paying group is also the body corporate through which
compensation is disbursed when a member is injured or killed by an
outsider.\textsuperscript{92} Each person, and that person’s immediate family, belongs to a diya-
paying group, which can total more than a thousand people and shares in
culpability when a member wrongs someone from another group.\textsuperscript{93} But
despite clan differences, local disputes and wars over territory, these social
groupings and their segments had shared a history of relative peace together
(Lorenz, 1999:103; Menkhaus, 1997:59).\textsuperscript{94}

One informant, in notes he had prepared, referred to ‘The chess board of
Somali society with its distinct sub-cultures and the fluid nature of clanism.’
In his writing he went on to say:

\textsuperscript{92} Some authorities have stated that in the past it had been the custom for the tribe of a killer
to turn over the offender to the victim’s tribe and that this was eventually replaced with the
payment of blood money (Contini, 1969:66-67).

\textsuperscript{93} This principle was reinforced as custom by the colonial courts. For example, in Yusuf Abdi v
Gilaid Samater it was held that ‘no man receives or pays compensation individually’
(Subordinate Court of Appeal, Civil Revision Case No. 3 of 1957; in Contini, 1969:67).

\textsuperscript{94} Lewis (1961:2) further asserts:
Few societies can so conspicuously lack those judicial, administrative, and political
procedures which lie at the heart of the western conception of government…Men are
divided amongst political units without any administrative hierarchy of officials and
with no instituted positions of leadership to direct their affairs. Yet, although they thus
lack to a remarkable degree all the machinery of centralised government, they are not
without government or political institutions (Emphasis added).
Somalis have constructed their clan identity by defining it as a static, timeless feature of Somali life and [also] as a reality that has remained untouched by social change since ancient times. The communal identity prevalent in contemporary Somalia, that of clan, has become a compelling reality for all Somali people, for it is one in whose name people have been killed. Even individuals and groups who have spent their lives resisting it have found this identity forced upon them (Written communication at interview 19 February 2005).

In a different vein, another informant advised that she was unaware of her clan until she was a teenager and the civil war erupted in her neighbourhood of Mogadishu. It was then, she said, that people began to rally around their family (Interview 19 February 2005). Diasporic communities are known for clinging to the motifs of their culture and I experienced in the Somali community in Melbourne a range of activities such as community celebration, café conversations and hospitality in several homes. In one family I was surprised then, to hear a twelve-year-old ask her mother:

What does clan mean? (at interview 18 February 2004).

Another question for many Somalis is how far the span of clan should reach and therefore who to include or exclude (Simons, 1995:137). Belonging is ‘emotional and emotive’ – a matter of feeling - and in times of physical threats individuals cohere for dependence ‘because they know they can, not because they think they should’ (Simons, 1995:141-42). Clan affiliation, then, is important to many people, but not everyone, and in some circumstances, but not all.

---

95 In a similar way, belonging to one’s diya-paying group was not necessarily unchangeable either. In a case involving the question of liability for diya, where a man had disowned his group, and after a lengthy discursive treatment of Somali custom and diya, the Full Bench of the Somali Supreme Court held that a person is free to leave the diya-paying group, that this may be done by an explicit declaration and that thereafter the diya-paying group is no longer liable after such separation (Akil Gulaid Jama v Abdullahi Ali, Supreme Court Full Bench, Civil Appeal No. 25 of 1964, Judgement of June 16, 1965, in Contini, 1969:71-72).
Simons says that the politicization of clans can be traced to the establishment of coastal protectorates by the colonial powers (Simons, 1995:39). The prevailing view of the recent past though, is that Siad Barre skilfully manipulated clan loyalties; yet at other times class or ideology may have been the cause of a particular dispute and clan difference understandably was read into the issue by the disenfranchised party (Simons, 1995:52). This even impacted upon the development of, and access to, education across Somali society (Simons, 1995:133).

Lewis (1980:115) says that the most prized part of Somali heritage is their language and one’s ability to compose verse in one or more of its several forms enhances one’s status. ‘Somali oral verse is central to Somali life’ (S. Samatar, 1991), so much so that poetry plays a significant part in political discourse and conciliation (Laitin, 1997:37). It is arguably one of Somalia’s major means of communication. Somali bards have used their talents to unify Somalis in time of war.97

One example of prominent ethnic and linguistic difference within Somali society is the inter-riverine people sometimes described as Bantu (Contini, 1969:53), and whose origins are uncertain (Simons, 1995:32). They are distinguished by looks, language and custom and practice a sedentary

96 That Barre remained in power by a strategy of ‘divide and rule’ is a commonly held view and a recurring theme in the literature on his time as president (see Sahnoun, 1994:5). Although he also positioned members of his own Marehan sub clan in most of the key positions across the engine of state this did not stop him persecuting some in his own wider Darood clan family relatives. One informant, a Darood man, had been suddenly imprisoned without trial for five years and to this day does not know what the reason could have been (Interview 18 February 2005).

97 Sayyid Hassan used verse when leading the Somali Dervish Movement, to unite the people against the British in the early decades of the twentieth century (Laitin, 1977:37).
agricultural lifestyle; they have always suffered discrimination (Prendergast, 1997:106).98

Some Western expatriates in Somalia thought ‘they [the Somalis] even sounded as though they believed themselves to be superior’ to other peoples (Simons, 1995:14). Laitin (2001:33) describes Somalis as ‘egregiously xenophobic’ but that stands in contrast to the picture of a tolerant society as painted by a Somali man who recalled:

We have inherited from our ancestors two things: hospitality and respect...We had various minority religions such as Hindu, Jewish, Buddhist and Christian. On Friday people would pray in the mosques and on Sunday Christians would got to church (Interview 19 February 2005).99

It is also an historical fact that in 1956, under Italian tutelage, the southern region elected a Territorial Assembly of seventy deputies, ten of whom represented the Italian, Arab, Indian and Pakistani minority communities (Contini, 1969:2).

But perceptions are important in the emotionally charged circumstances of peace operations (Breen, 1998:107) and, if as Simons says, Somalis appear argumentative to others and speak in commands, then it is consistent that research conducted for this thesis explores some impressions of Somalis as ‘arrogant xenophobes’ (Simons, 1995:14). This is illustrated in the recollection of one black peacekeeper:

98 Af-maay, the language of the southern inter-riverine area, has one dozen dialects and is substantially different from Af-maxaad – the official Somali language – the tongue that was used when the Latin orthography was adopted in 1972 (Besteman and Cassanelli, 1996:17). And so for the remainder, mostly nomadic pastoralists, ‘for whom there is a near-universality of spoken Somali...it is a matter of accent and select vocabulary, and not language, that serves as an available marker’ (Simons, 1995:141).

99 Yet this image has to be qualified as Article 29 of the Constitution of the Somali Republic stated, albeit under the rubric of ‘Freedom of Religion,’ ‘...However, it shall not be permissible to spread or propagandize any religion other than the religion of Islam’ (in Contini, 1969:58).
We were told they were warm hearted but we found them arrogant and they looked down their noses at our dark soldiers; and we had a few in our unit. There was a fight between one of our soldiers and a Somali because the Somali man called our soldier, who was originally from Zimbabwe, a nigger (Interview 10 July 2004). During Barre’s reign the learning of Somali by expatriates had been subtly discouraged and could lead to deportation (Simons, 1995:7). That few foreigners could speak the language impacted negatively on the later humanitarian intervention particularly when there were so few interpreters available and more often than not local interpreters were not trusted – over half the peacekeepers interviewed made mention of language difficulties and the quality of communication as being significantly detrimental to their operational effectiveness.

But more so than a homogeneous society, it may be that a homogenized view of Somali society has emerged (Simons, 1995:99). It was probably this view that formed the dominant perspective that most peacekeepers took to Somalia.

5.4 Customary Dispute Resolution

Networks of connection are of supreme importance to Somalis (Simons, 1995). It is this principle of where an individual fits, within which groupings and communities, and how far the span of obligation extends, that have played a central part in their customary dispute resolution practices. Overall, it can be said that Somali culture has/had a complex and intricate system of ethical

100 US Army Colonel Lawrence E. Casper (2001:18-19) believed that: many Somalis suffered from a fundamental, insidious ailment – racism…The racist distinction is not predicated on colour of skin, but rather on texture of hair and ancestry…With discrimination left over from a system of slavery that had ended a century earlier, the ‘soft hairs,’ through business, political factions and military might, dominate those who have the hard curls of a sub-Saharan African.
norms and rules to regulate interaction which both sprang from and reinforced the requirements of the common pastoral and subsistence lifestyle (Lyons and A. Samatar, 1995:7). Within that context, elders and priests have been the prime mediators.

The customary law governing obligation, similar to a Western concept of contract, is known as xeer. It is unwritten, as would be expected in a culture with a distinctly oral tradition (Ahmed, 1995:2), and Simons (1995:43) describes its purpose thus:

Xeer provides the pastoralists’ counterbalance to segmentation...It is a set of norms and laws, like contract, formally agreed to by adult males who may or may not be closely related, designed to ensure peace and prevent bloodshed within the group they self-define. It is purposely designed to override lineage differences and is critical to preserving order among those who mutually seek it.

Blood compensation for harm done, diya, has already been explained and its importance cannot be underestimated. Lewis (1980) says that ‘an injury done by or to any member of the group implicates all those who are a party to its treaty. Thus if a man of one group is killed by a man of another, the first group will collectively claim the damages due from the second’ (Lewis, 1980:11). On some occasions, particularly when the extent of damage was beyond acceptable limits, inter-communal marriage was seen as an acceptable solution. Therefore part of the system for compensation payment and peacebuilding was the giving of young men and women in marriage to strengthen bonds between clans that had made peace. As one interviewee explained it:

No intervention from outside [was] necessary, under the tree101 was the traditional way of mediating. We had a thousand years of doing this. If there had been a big fight between tribes it would be fifty boys from this tribe and fifty girls from that tribe, they would marry and there would

101 ‘Mukay – like [Indian poet] Tagore’s famous Banyan – is a type of tree in Somalia under whose shade Somali elders (usually men) sit to adjudicate cases’ (Ahmed, 1995:142).
be a big celebration and this would end the fighting (Interview 17 February 2005).

Lewis’s analysis of Somali conflict emphasises physical violence as both a mode of disputation and almost a ‘preferred option’ - one that would follow naturally in a society of warriors (Casper, 2001:18). He says that feud and war are everyday realities of Somali power politics and serve to determine status (Lewis, 1961:242). Dissensions and friction between *diya*-paying groups, and even between clans, can readily be held in abeyance to confront an ‘outside’ enemy (Lewis, 1961:243). He is convinced of a Somali propensity for violence and therefore ‘the threat of physical force is the dominant sanction in the relations between groups and individuals’ (Lewis, 1961:256). He also says: ‘Frequently quarrels and struggles between Somali lineages took a similar course to that which they follow today. Moreover, in settling disputes, as now, superior strength was decisive and blood-compensation could only be exacted by the threat of force’ (Lewis, 1961:16-17). This negates any sense that agreed solutions would be respected essentially because they had been agreed to.

Lewis’s views are those of an experienced and highly influential anthropologist and foster a construction of Somali dispute resolution based on a preference for violence.

The *akils*, or elders, were the men who formed the *Guurti* or council of elders (Farah, 2001:138). The system of authority was based on the elders, who were the senior men of a clan community and who commanded respect by virtue of their age, demonstrated competence and wisdom (Kelly, 1999:8; Lewis,

---

102 Lewis (1961:245) also says that compensation itself might not settle the issue.
As one Somali puts it: ‘We have the best country...Elder people teach you how to behave well and how to respect others’ (in Barnes and Boddy, 1994:65). In this society the elders have always been central to conflict resolution and dispute settlement and both rural and urban councils of elders, as mediators and arbitrators, were usually the first rung on the ‘judicial’ ladder (Prendergast, 1997:98-99). This was put succinctly at an interview:

Somali people are clan based and when they fight the elders would talk and make peace without intervention being needed (Interview 14 February 2005).

The efficacy of the role of the elders was recalled, albeit with some nostalgia, by three Somali refugees:

In the old days there was a system of coming together under the tree, because we didn't have big buildings, to resolve the problems genuinely. If two men fight and one is killed, the two clans come together and solve the problem in a lasting way. The old system was good, it didn't require police and courts, it required genuinely wanting to solve the problem (Interview 16 February 2005).

And:

The elders [used to] have patience, we don’t have it now...If I have looted and I want reconciliation between tribal groups, our elders would get together, they would investigate and pay a moral compensation. So that it doesn’t happen in the future there is a blood debt; that is the way it is meant to work (Interview 17 February 2005).

Also:

Decisions are repeated for similar situations, just like the English common law, we have a common law in our culture. If these two families [had] fought before, the elders will say what was the solution and the penalty (Interview 19 February 2005).
Islam and Sharia law also played a part in traditional problem solving in Somali society. Religious office holders often performed the role of judge or mediator in dispute resolution and their role ‘exempted’ them from adopting a martial approach. They were expected to be peacemakers. ‘Wadaaads, [religious men], by definition if not always in practice, are excluded from direct participation in fighting. Ideally their task is to reconcile rivalries and to mediate in disputes between warriors [or waraanle] to whom their functions are complimentary’ (Lewis, 1961:28, 197). In this strongly religious culture the Kaddi, or Islamic judge has also been an important figure in Somali dispute resolution.

Somalis will also hold community, or ‘lineage’ meetings known as Shir. These are gatherings where every adult man has a right to speak and be heard, they are much larger than the Guurti and decisions are made by consensus (Lewis, 1961:176). These meetings may result in treaties, or even ‘constitutional rulings’ for the community, are orally agreed to and regarded as binding. They begin and end with prayers (Lewis, 1961:176). Lewis cites a report of some Shir contracts, based on xeer law being written and lodged with the custodian of a saint’s shrine (Lewis, 1961:176).

Customary dispute resolution often displayed some restorative characteristics such as a return of harmony between the communities involved and undominated dialogue, especially at Shir. It seems, however, that the innumerable complex vectors introduced by central government and influences from the wider world overwhelmed indigenous capacity to cope.

---

103 Laitin (1977:54) asserts that ‘To a large extent the Somalis have taken the forms of the religion and moulded it to suit their purposes and institutions’.
5.5 Land Usage and the Economy

Somalia’s economy was primary industry based and the meagre mineral deposits have never been exploited. Over half the population were pastoral nomads who raised animals for a living until the collapse of the Barre regime (Diri and Miller, 1998:29; Mansur, 1995: 108). Banana and livestock exports formed the bulk of foreign earnings as well as wages sent home by émigré workers (Besteman and Cassanelli, 1996). More than 80% of export income was from livestock exports alone (Little, 1996:94). Some coastal communities engaged in fishing and these minority clan families were marginalised as they didn’t fit the national stereotype of the Somali pastoralist.

Land was a resource that held tracts for grazing and water holes and as such it wasn’t property to be held by title (Lewis, 1980:9). For pastoral nomads permission to travel across territories always had to be negotiated (Simons, 1995:40). Boundary keepers then have existed in Somalia for centuries. Perhaps when gunmen today demand payment for passage through the area of their warlord or municipality, it is a modern version, slightly varied, of centuries old custom.

---

104 Writing only six years after Barre’s downfall, Besteman (1995:43), whose fieldwork in Somalia was undertaken during the 1980s, disputes this, saying that ‘Somalia can no longer be represented as a “nation of nomads” or a “pastoral democracy” since the majority of contemporary Somalis have settled into the relatively sedentary lifestyles of farming or urban dwelling’.

105 Somalia’s geography is predominantly semi-desert and rangelands. There are also some low mountain ranges in the north-west of Somalia – today’s Somaliland. The centrality of resource use has been a pre-eminent consideration and a life-driving force for generations in rural Somali history (Besteman and Cassanelli, 1996:12). Different zones have different modes of land use and boundaries are not always fixed. In fact conflict over resources has been a neglected factor in the literature analysing Somalia’s internal violence (Cassanelli, 1996:24).

106 While pasturage is not considered to belong to any particular group or individual, nevertheless, Lewis holds: ‘Particularistic clan rivalries and jealousies rooted in the exigencies of the eternal struggle for access to pasture and water were too strongly entrenched to admit of the possibility of widespread cooperation’ (Lewis, 1980:82).
Pastoralism was and remains more than a survival strategy (Simons, 1995:27). The pastoral idyll, the ‘true calling of a Somali’ forms part of the nostalgia that urbanized Somalis feel when the strictures and uncertainties of city life threaten (Simons, 1995). Yet the unpredictable nature of the Somali climate and regular drought both fostered hardihood in most of the rural population, and was something that led to a gradual exodus of people to the villages and urban centres (Simons, 1995).

Other nomads were also not necessarily friendly and any territorial intrusion understandably could lead to friction and tension over grazing and water rights. Simons points to the contradiction of rhetoric about Somali rural generosity and hospitality, as against the habit, of necessity, of regarding strangers suspiciously (Simons, 1995:105). Camel raids were also not an exceptional part of life among nomads (Mansur, 1995:109).

There are significant differences between Somalis who view themselves as pastoralists and others. The dominant pastoralist view is that the farmers who

107 At the same time that city dwellers saw the bush as somewhere they had escaped from, it was also seen as a place of refuge in time of unrest (Simons, 1995). When life in the bush was good there was prosperity – barwaqo, yet life was always difficult in the dry season – jilaal. Water was always sought and this meant searching on foot, constantly on the lookout for the danger of lions and hyenas – and the occasional brush with bandits – the shifita.

108 Somalia is said to have the world’s largest camel herds (Simons, 1995:29). The status of the camel is indisputable and an aid worker who assisted refugees in Northern Kenya recounted the following:

There was a Somali aphorism that: ‘first comes your camel, then your donkey, then your wife.’ The thing is, it was true (Interview 14 May 2004).

The importance of both camel and wife, however, were said to be equal in a interview with a Somali elder (Interview 19 February 2005). The camel, then, was the single most important possession for any rural Somali family (Kelly, 1999:5). It provided meat and milk and was a symbol of real wealth. It was a fungible commodity and could be given as payment of diya, of bride price, or in charity – qaaraan. (The qaaraan-giving group is the same as the diya-paying group) (Simons, 1995:120). Routine and personal development was linked to this animal for many in Somalia’s rangelands. The tending of camels was part of the work of nomadic men whereas the shepherding of goats and sheep was the duty of women and younger children. Smaller animals were not herded simultaneously with camels as greater distances are needed to be travelled by the larger animals (Simons, 1995:109).
occupy the (usually) fertile inter-riverine area of the south are slaves or descendents of slaves, and, combined with their Bantu appearance, this is used to justify discrimination against them (Besteman and Cassanelli, 1996:10).109 Somalia’s best land for farming, the fertile south, had throughout history been occupied by these minority groups and the civil war has highlighted elements of ethnic and class conflict that are more complex than the usual clan-based explanations (Besteman and Cassanelli, 1996).

Mandatory land title registration was legislated in Somalia in 1975 under the Barre regime (Besteman, 1996a:29). This requirement meant that farmers who failed to register for a fifty-year leasehold title had no claim to it regardless of personal or family possessory history. This of course disrupted tenure and usage particularly in the agricultural areas of the river basins. These reforms even included the building of concrete water tanks on the rangelands. State courts were also authorised to adjudicate on family succession and inheritance disputes, something that had previously been managed locally. As a result, land and water rights, previously issues requiring decentralised and dispersed resolution mechanisms, were moved to a national level arena of policy and programs (Cassanelli, 1996:18-21).110

These land use stresses, resource inaccessibility and the distortion of distributive rights were accentuated by the central administration’s

109 Slaves had been used in this area (Fage, 2002:298), and their manual labour, in occupations such as smithing, hunting and tanning, was viewed as ‘dirty work’ and therefore demeaning (Ahmed, 1995:148; Mansur, 1995:113; Mukhtar, 1995:17).

110 Some families lost land as a result of this system (Cassanelli, 1996:43). Although some aggrieved farmers approached local councils of elders and some tried to appeal to Ministry of Agriculture officials, in the main their efforts amounted to little. This only reinforced the historic record of neglect of this region by central government and reminded local people of the remoteness and inaccessibility of that authority (Cassanelli, 1996:44). The other side of this is that marginalization and isolation had for many decades engendered a tendency for the people here to be self-reliant in resolving resource-related disputes using their own dispute resolution mechanisms. (Besteman and Cassanelli, 1996:11).
implementation of ‘Scientific Socialism’. The effects were described by one informant:

Somalis are naturally socialistic and up until 1969 there were no rich and no poor. The regime destroyed social heritage and people became disoriented and confused (Interview 17 February 2005).

Most inter-riverine people would allow strangers to settle among them, usually ‘adopting’ the newcomers. This tendency being possibly attributable to their own ‘more African’ roots and one that was also generally derided among wider Somali society (Helander, 1996:49). Generally speaking, the inter-riverine peoples only played a minor role in national Somali politics yet they endured disproportionate suffering (Besteman, 1995:56; Helander, 1996:49).

Within the Somali national stereotype, as with any generalisation, there exist nuanced variations and some of these are described by Simons:

...for Somali pastoralists there are dialect but not language differences, differences within clothing style but not in what parts of the body are clothed, differences in degree of religiousness but not in religion, differences in local culture but not in Culture as it defines Somalis by their pastoral practices (1995:114).

It is the seemingly trivial differences that are manipulated to produce barriers or opportunities, depending on mutual and shifting needs and obligations (Simons, 1995:114). This difference in the way farmers are viewed could be argued to be one of the reasons that these more peaceful people of the south were so viciously treated throughout the civil war (Besteman, 1995:44) - and remain so today. One informant advised me:

---

111 The people of this area had also been subject to labour conscription by colonial authorities (Besteman, 1995:51-2; Declich, 1995:195; Laitin, 1977:64). The ‘forages’ that were undertaken to forcefully recruit farm labourers from the Baidoa and Buurhakaba areas to work on the Italian farms (kolonya) were still remembered and resented sixty years later (Lewis, 1980:95).
There is slavery [today] in the Lower Shabelle area as land was taken from the owners and these people are now working for the new owners (Interview 17 February 2005).

Mogadishu had grown from fifty thousand inhabitants in 1960 to over one million in the space of twenty-five years (Cassanelli, 1996:22). This had occurred mainly through internal migration. Not only had speculators bought title to many blocks but massive dislocation was a part of the civil war.\textsuperscript{112}

Against this complex background fighting intensified throughout Somalia. In mid-1992, world-wide media attention highlighted the plight of the inter-riverine clans and agro-pastoralists when it became apparent that they had been especially hard hit by the Somali civil war. Famine had wiped out entire villages and boiled grass and bark were the only food for some. Due to security fears, such as fighting between competing militias and land mines, relief organizations concentrated their efforts on the major population centres in the south, ‘in the hope that people from more remote areas would eventually find their way there’ (Helander, 1996:47).

5.6 Drought and Famine

Famine had occurred before in Somalia. In the late 1930s the Italian colonial government expropriated land and moved entire villages to provide labour for banana plantations. Subsistence farming had been replaced by agricultural work for wages and the result was food shortages followed by famine that

\textsuperscript{112} Three classes of land claims began to appear: original claims of those owners who had remained unregistered, the claims by outsiders who had bought into the area and claims by more recent people who gained possession as a function of the conflict when they occupied ‘vacant’ land (Cassanelli, 1996, 45). Yet as one Somali woman told me:

There are good people. I know some people who were urged to take a house and said ‘The man who lives here is away and we will not take and occupy this man’s house’ (Interview 19 February 2005).
lasted until 1942 (Besteman, 1999:182). Drought had also visited Somalia regularly and the years 1962–1963, 1964–1965 and 1974–1975 were periods remembered for severe lack of rain and hard times (Besteman, 1999:89). Drought had also visited Somalia regularly and the years 1962–1963, 1964–1965 and 1974–1975 were periods remembered for severe lack of rain and hard times (Besteman, 1999:89). The ongoing drought of the late 1980s, one of the most severe in memory, combined with internecine fighting, put paid to any hope of self-sufficiency for the Somali people. The entire agricultural system was destroyed; the crops and fields, the production as well as the distribution and marketing system were also incapable of functioning (DiPrizio, 2002:45). The proliferation of weapons also meant that looting and extortion, particularly of food aid being managed by NGOs, was rife (DiPrizio, 2000:45).

In the closing years of the 1980s violent strife was not restricted to specific areas. Farmers were forced from their land and the effects of drought on food production were therefore magnified. The militias opposing Barre and the government forces themselves looted animal stock, seeds, tools and grain, and destroyed water resources. This was a scorched earth policy with predictable results. During 1991 to 1992 mortality rates from warfare and famine soared and by the middle of 1992 most of the Jubba river valley population were dead or had fled (Besteman, 1999:18).

But there were rare instances of insular and self-contained communities who

---

113 Some 55,000 pastoralists had been relocated to Dujuuma by government decree as part of the official response to the drought of 1974–1975, and others to relief centres and state agricultural or fishing ventures (Besteman, 1996a:46,200).

114 It is widely accepted that the origins of the famine were more political than climatic or seasonal. Confiscation and nationalisation of land by the Barre regime, as occurred in the south, meant that the usual pastoral management routines were severely disrupted. In the 1980s land had been acquired by threat, bribery, purchase and violent seizure (Prendergast, 1997:8). Refugees fleeing oppression and conflict were no longer able to provide the labour to raise crops (Prendergast, 1997:4). There developed an economy of plunder where the criminal gangs or mooryaan robbed the local people and the warlords ‘taxed’ food aid (Prendergast, 1997:94). It has been estimated that about 50–80% of aid supplies were being looted (Natsios in Kelly, 1998:11).
could provide for themselves as ‘pockets of relative calm…where activities beyond emergency relief can take place’ (Moore, 1996:23). One peacekeeper described what he saw when he arrived at a remote village in March 1993:

They had their own legal system, grew their own food, carrots and peanuts; they had role models, jobs. The view of the three village leaders, the chiefs, was to protect this one big family. Some of them had some military experience, they protected their water bores by covering them with heavy guns. The whole village was secure and fed. They could negotiate with others because their primary needs were already met. The aid workers told us that this wasn’t one of the aggressive villages (Interview 21 July 2004).

From November 1991 to March 1992, Mogadishu was almost destroyed and an estimated 50,000 non-combatants were killed (Natsios in Kelly, 1998:11). The remains of the metropolis had been divided into two by a ‘Green Line’ so that warlords held armed political sway over their areas, directing criminal and political gangs who engaged each other in nightly gun-battles (Breen, 1998:3).115 By early 1993 two years of civil war had all but destroyed Somali infrastructure, the economy and any semblance of a functioning state.

5.7 **Erosion of Traditional Relationships and Social Control**

Upon arrival in Somalia the colonial powers had soon begun to chip away at local structures. Colonial officials attempted to avoid pastoral disputes by proclaiming which grazing lands ‘belonged’ to which clans (Kusow, 1995:84; Simons, 1995:33). The almost immediate implementation of measures to minimise local disputes was always a priority of imperial administrations throughout the world, and official and regulated social control was a feature of British, French and Italian colonialism that remained until independence.

---

115 At about this time it was estimated that some three hundred thousand people had starved to death, half a million were homeless, and the capital Mogadishu, to where many had fled, had become a death trap because of warring factions (Cassanelli, 1996:13).
The parliamentary democracy, as noted earlier, was short lived. One of the first measures of Barre’s new government, the Supreme Revolutionary Council, was to introduce the death penalty as an alternative to the local blood feuds. What started as ‘Scientific Socialism,’ which did include an attempt at reaching decisions by consensus, simply degenerated into dictatorship. Here torture and midnight arrests of dissidents eventually became common. Barre’s primary means of maintaining power had been to capitalise on clan interests and exploit clan and sub clan animosities by preferring usually his own and marginalising others (Heinrich, 1997:xiii). It was a classic ‘divide and rule’ approach.\(^{116}\)

Just as the traditional leaders in Somali society had been manipulated and wooed by colonial powers, they were again subjected to blandishments by the Barre regime. Often effective, these rewards for loyalty to the government and disloyalty towards other, perhaps formerly allied kin groups, diminished the standing of such leaders in their communities. Barre’s divisive political tactics effectively undermined the capacity to settle local disputes and keep the peace (Farah, 2001:139). As one informant commented:

> The old, the tribal system was genuine, but the parliamentary system corrupted the tribal system. The dictatorship manipulated leaders and created new chiefs – he divided the tribes and they became corrupt. There is little respect for the elders and we can’t go back to the old days and ways (Interview 16 February 2005).

\(^{116}\) State collapse in Somalia was not however a sudden phenomenon; it was more a gradual loss of authority in various dispersed regions of the country (Lyons and A. Samatar, 1995:1). As resources from international sponsorship decreased, (the Barre administration had all along been highly subsidised by foreign donors [Heinrich, 1997:xviii]), the regime, unable to satisfy various demand-bearing groups (Lyons and A. Samatar, 1995) turned to more reactionary methods such as the establishment of the dictator’s own Darood clan based elite security service, the Duub Cas or ‘Red Beret,’ who became renowned for their massacres and torture of out-of-favour clans and sub clans (Reddy, 2005:103).
Significantly, the regime abolished the system of *diya*, and reference to one’s clan or lineage was thoroughly discouraged (Farah, 2001:139). Local headmen in receipt of government stipends were replaced with elders titled ‘peaceseekers’ (Lewis, 1980:208-9). The adjudication of disputes and the supervision of the consequential collective *diya* obligations had been key traditional judicial responsibilities – a role reserved for the elders. The Barre regime claimed by the mid-1970s that clanism had thereby been eradicated throughout the country (Farah, 2001:139). The ethics and mores which had sustained the pastoral subsistence culture progressively collapsed under the weight of the forces of centralised administration and a predatory statist dictatorship. The loss of recourse to once established, familiar and trusted responses to conflict is illustrated in this statement:

This was also about injustice and the distribution of natural resources to some specific families. There was lack of freedom to talk. There was also lack of respect for the rule of law, and this was caused by inequity. The military regime was in power for twenty-one years and it was ruling with an iron hand – it was a dictatorship. People got confused, then frustrated, then they exploded (Interview 18 February 2005).

The effect of Barre’s Darood clan holding so many positions of power and influence, a phenomenon alien to Somali experience, was to catastrophically disrupt relations across society, as evidenced by the following:

The previous tribal system meant that fighting could be solved with apologies and compensation given; but when it is about power and who is to rule is something they [the Somali people] don’t know how to deal with. Tribal leaders were respected. Now warlords rule by force, not respect, and say to people ‘if you support me, you will be the dominant tribe, otherwise, that tribe will rule over you’ (Interview 16 February 2005).

A sense of desperation was expressed by another remembering the seemingly intractable chaos:
The elders wanted Australia to stay for a long time. They wanted them [the peacekeepers] to teach us how to restore stability (Interview 16 February 2005).

And again:

We are a short vision society – there is no one who can look beyond the horizon. The elders [used to] have patience, we don't have it now (Interview 17 February 2005).

With apparently little authority and scarce remaining capacity for indigenous peacebuilding to draw on, extensive violence prevailed:

In Mogadishu – to see ununiformed people with guns killing people – each tribe had a group like the USC – they were killing and looting systematically. To loot, to kill, to rape, it really shocked me. There were some intellectuals, religious people and elders who tried to stop it, but it was out of control. It became an aggravated situation and the peacekeepers had to come in (Interview 16 February 2005).

5.8 The Conflict

Armed insurrection had been steadily growing through the 1980s. The violence increased markedly with the June 1988 uprising by Isaaq people in northern Somalia led by the opposition United Somali Movement (Sahnoun, 1994:5). Some 5,000 civilians were killed in June alone (Sahnoun, 1994:4).117 There had been both intention and attempts by Barre to exterminate both the northern Isaaq and the Rahanwayn of the south.118 Clan tensions had been brewing for more than a year with Hawiye clan members calling for the expulsion of the Majerteen and Ogadeni from the capital (Simons, 1995:71).

---

117 As mentioned earlier, on July 14 1989 the regime’s troops opened fire on worshippers leaving a mosque after Friday prayers in Mogadishu. This was followed by two days of street fighting, looting, rapes and massacres (Simons, 1995:79).

118 The intent was evidenced in two ‘Death Letters’ of 1987 but his genocidal assaults were interrupted by the general chaos (Kelly, 1999:12-13, n45).
The conflict was sporadic, varied in intensity and appeared anarchic. The increasing violence seemed spontaneous and contagious but it was not necessarily as random as it may have appeared to outsiders (Cassanelli, 1996:14). Certainly some peacekeepers saw it as ‘unreasoned’ (McDonald, 2001).119 Besteman believes that it was ‘informed by a particular logic and sense of purpose’ (1999:8). Among the myriad factors and complexities of this war, significant elements such as disruption and adaptation, and the deterioration of trust are prominent (Besteman and Cassanelli, 1996:6). Simons concludes that tribal and clan cleavages alone do not present a cause of the dissolution (1995:197), and Menkhaus and Craven (1996:175) state that government planners’ disregard for the interests of local communities and parasitic profiteering by politico-military groups help explain to a great extent subsequent behaviour by militias and factional leaders during the famine and civil war.

In January 1991, the Siad Barre regime in Somalia was finally ousted by an opposition coalition, the USC, which consisted of fifteen armed political factions. These groups subsequently polarised, each hoping to succeed Siad Barre to the presidency. The two opposing camps, one headed by Ali Mahdi Mohamed, who became ‘interim president’, and the other, promoting General Mohamed Farah Aideed, Chairman of the Somali Congress, had defeated Siad Barre’s forces, and then did battle amongst themselves.

The fighting existed on two levels. The clan-based militias fought with each other in an attempt to secure political power, territory and resources. The

---

119 McDonald follows this with the simplistic assertion that:

The reality was that whilst happy to be fed Somalia wasn’t prepared to have a reconciliation imposed by foreigners, against its own historical and clan-driven imperatives. The result: first joy at salvation, then resentment and lastly manipulation and outright hostility…the responsibility lies…with a nation that so adamantly refused to be led forward into the light (2001:iv-v. Emphasis added).
other level was that of looting and banditry which was conducted mainly by
gangs of armed youths who pillaged the rural and urban areas and who held
no particular political allegiance. This second grouping equipped themselves
with stolen vehicles and often mounted machine-guns on them calling them
‘technicals’ (Lyons and A. Samatar, 1995:22).

The UN Security Council adopted its first resolution on Somalia, Resolution
733, in January of 1992, by which time 300,000 people had already died of
hunger and disease and thousands more had been killed in fighting
(Sahnoun, 1994:16). Half a million people were in refugee camps in Djibouti,
Ethiopia and Kenya, and in Somalia an estimated 3,000 were dying daily from
starvation (Sahnoun, 1994:16).

5.9 Local Peacemaking

Not everyone in Somalia was convinced that violence and the anarchy it
sustained held any answer to the country’s ongoing woes. While the practice
of customary dispute resolution processes such as Shir, and respect for the
authoritative figures of elder, holy man and poet had declined substantially
during the Barre years - and were further eroded by the widespread armed
strife of civil war - in fact traditional responses to conflict were being
resurrected, albeit with mixed results, across the country. Menkhaus (2000)
provides a comprehensive account and analysis of local peacemaking efforts
and how these were both supported and ignored, and coopted and impeded,
by a range of international and local players. Ultimately, though, it is
undeniable that Somalis in the breakaway entity of Somaliland owned and
engineered their own peace, without international intervention; it is also
undeniable that nascent indigenous peace processes of the south were, for the
most part, left to wither without effective reinforcement.
The Swedish based NGO Life and Peace Institute (LPI) with its Horn of Africa Program (HAP) began work to assist in reconciliation in Somalia as an adjunct to, and in close cooperation with, the UN. Its first meeting was held in Uppsala in 1992 with non-Somali scholars who recommended that peace needed to come from within Somali society, that it was unwise to focus on the warlords as the key players and that peacemakers could take different forms in different parts of Somalia (Paffenholz, 2003:29). This was followed, in October of 1992 by a conference held in the Seychelles. After extensive fieldwork in Somalia to identify potential local participants the Special Representative of the Secretary-General (SRSG), Mohamed Sahnoun, together with assistance from LPI convened this gathering of local Somali people (Sahnoun, 1994:40). Despite clan differences, the meeting reinforced the conclusions from the Uppsala gathering, particularly the need to marginalise the warlords. Significantly the minutes of that meeting record the recommendation that peacebuilding should concentrate on ‘zones of reconciliation’ in Somalia (Paffenholz, 2003:29).

On the last day of the Seychelles meeting, 26 October 1992, Mohamed Sahnoun was terminated from his position for political reasons, including his unorthodox approach of attempting peacemaking via local and therefore ‘unofficial’ avenues. As Paffenholz puts it: ‘The UN was interested in a quick solution of the Somali conflict, which was linked for most UN officials with negotiations with the warlords’ (2003:30).

---

120 This is a post established at the commencement of every UN peace operation and is occupied by the senior UN official, invariably a civilian, who is responsible for the operation.
121 Or, as Kaldor (1999) would term them, ‘islands of civility’.
122 For a personal account of the events leading to his dismissal see Sahnoun (1994:40-41).
The years 1992 to 1995 saw dozens of local and national peace conferences both ‘bottom-up’ and ‘top-down’ that in the main can be characterised as ‘reactive, crisis-driven and ad hoc policymaking’ (Menkhaus, 1997:54). Menkhaus’s 1997 typology and analysis of reconciliation in Somalia is instructive; he uses three criteria of: national-level vis a vis regional/local level; faction based as against community focused; and sponsorship by international neighbours, or the UN and UNITAF, or NGO/local players:

1) The national-level, faction based, and UN sponsored peace conferences were the least successful. These stressed the prominence of warlords as legitimate representatives of Somali society to serve on a transitional national council as the repository of Somali sovereignty. General Aideed insisted that only those leaders of factions who had participated in the armed ouster of the dictatorship should have credence, yet the UNOSOM mandate was to facilitate reconciliation processes ‘through broad participation by all sectors of Somali society’. At the meeting held in January 1993 in Addis Ababa, as a concession, community leaders were eventually admitted as observers. None of the accords agreed to by the militia leaders were adhered to. National level meetings were held again: in Ethiopia (December 1993); in Nairobi (March 1994) where the initial purpose was to address the conflict around the southern port city of Kismayu but evolved to encompass national reconciliation; numerous meetings were held to arrange a conference in Mogadishu that was postponed then abandoned (April to September 1994); and several meetings of the Hawiye clan factions that transformed into a national-level meeting. By mid-1994 UNOSOM was brokering a meeting between the dominant warlords, Ali Mahdi and Aideed, who would announce a transitional national authority absent any national reconciliation. The militias and their leaders had profited handsomely from these meetings for which they received hundreds of thousands of dollars for conference
expenses\textsuperscript{123} and emerged with greater confidence in their positions as internationally recognised leaders - if not always within their clan and country (Menkhaus, 1997:45–46).

2) There were also national-level, faction based and foreign state sponsored peace initiatives. Horn of Africa neighbours attempted to broker peace talks between the warlords. Djibouti hosted talks in May and July of 1991 supported by Egypt, Italy and Saudi Arabia but disputes over leadership and representation derailed these efforts. The public embrace of, and the peace plan declared by, Ali-Mahdi and Aideed in the first few weeks of the UNITAF intervention in Mogadishu were a sham. Ethiopia and Eritrea combined to bring warring parties together in late 1993 as the US began espousing ‘African solutions to African problems’ as a prelude to its withdrawal. Ethiopia eventually became seen as pro-Aideed and effectively undermined its own role as mediator. Egypt also sponsored an unsuccessful conference in Cairo in January 1994 for a pro-Ali Mahdi grouping. The efforts of the neighbouring states came to nothing (Menkhaus, 1997:47–48).

3) There was one national-level and faction based peace conference initiated by Somalis. General Aideed hosted a ‘conference of national reconciliation’ in late 1994, in recognition of the international community’s frustration. This was overwhelmingly about unity in his own alliance of factions and ultimately it was so disruptive that after several weeks of discord Aideed himself was in a politically weaker position. A faction established the so-called Mogadishu Peace Committee

\footnote{\textsuperscript{123} UNOSOM in fact became a cash cow for the armed factions who benefited from sub-contracting security services, from rental agreements, direct employment and other benefits, and in the words of one Somali elder: ‘UNOSOM came to save us from the warlords; and ended up aligning with them’ (Prendergast, 1997:105).}
whose main purpose was control of the airport and seaport (Menkhaus, 1997:48).

4) Some national-level community based consultations and workshops were conducted with some promise and had been supported by NGOs. LPI and the US based Mennonite Central Committee combined to promote national peacebuilding networks, in particular the already mentioned Seychelles meeting with the UN SRSG Mahomed Sahnoun. One of its aims was to support the Somali ‘peace constituency’. This was a genuine attempt at track II diplomacy. General Aideed threatened clan members of his clan who wished to attend. It was clear to many that once the UN, and UNITAF in particular, were, on the whole not interested in disarming militias, then the threats against local peacemakers were real (Menkhaus, 1997:48–49).

5) Regional/local-level, faction based peace conferences were sponsored by UNOSOM. A renewed outbreak of hostilities in the south in and around Kismayu prompted the UN to encourage an accord between the leading militia figures in the south, central and north-east sectors of Somalia. An agreement between these faction leaders was signed in Nairobi in May 1994 prompting the senior UN representative Ambassador Lansana Kouyate to announce that ‘The warlords are now peacelords’. None of the pledges in the agreement materialised (Menkhaus, 1997:53).

6) UNOSOM did support some regional/local, community based reconciliation initiatives from May 1993 through to February 1994 and several proved to be relatively durable. UN and US officials had begun to look to clan elders and other significant personages to nurture reconciliation. These discussions did not absolutely exclude factions, although the recalcitrant General Hersi Morgan was banned, but not his deputies. One of these conferences, in August 1993, attempted to resolve the most volatile conflict in the country – the fighting around the Jubba
river. Some community leaders openly broke with their own clan militia commanders at great personal risk. With nearly two hundred attendees and very little UNOSOM financing there was no pressure for a rapid conclusion and an openness to allow for more measured consultations. Helicopter transport was occasionally provided to facilitate discussions with constituents some distance from the urban venue. Elders controlled the plenaries while smaller rump meetings allowed for inclusion of women’s delegates and intellectuals. A number of ‘peace feasts’ were held. As a result relative calm in the Jubbaland area lasted until February 1994. Yet some minority clans had felt underrepresented and larger ones maintained their suspicions of each other and UNOSOM. Those people with historically valid claims to the area resented, and felt threatened by, the more powerful clans and militias who were comparative newcomers (Menkhaus, 1997:50–52).

7) One regional/local, faction based and locally sponsored peace conference did show some promise, by default. This was organised by General Aideed for the north central area of Mudug (see Daze and Fishel, 1998:159), but his motivation, to divide a particular alliance there, became obvious to UNOSOM who eschewed the meeting. An angry Aideed convened the conference and agreed to a truce with his rival in the area, on June 4 1993. The following day in Mogadishu his militia ambushed Pakistani peacekeepers. This ceasefire, within the regional centre of Galkayo, held – reputedly because of strong pressure from local businesses and pastoralists (Menkhaus, 1997:52–53).

8) The most successful peace process occurred in the north of the country and can be described as **regional/local, community based, NGO- and locally sponsored.** Commencing in 1991 simmering clan disputes were addressed by resolution of a number of Guurti and for four months in early 1993 groups of clan elders came together and agreed on a peace
charter and secession for the area - to become Somaliland. Later that year another conference – essentially a series of grassroots meetings and Shir - was held in Erigavo to settle clan rivalries, and this too produced relative peace across the north-east. The north realised its own peace, through its own substantially traditional, and for the most part ‘bottom-up’, processes with virtually no UN involvement and some minimal NGO facilitation (Menkhaus, 1997:49).

Locally conducted peacemaking initiatives in Somalia drew on customary processes familiar to people from all clans and factions. In the north in particular, these bottom-up processes were adopted so successfully that Somaliland was formed as a breakaway independent state, able to manage its own conflicts and agree on a form of democratic governance (Farah, 2001:139). The north of Somalia was more amenable to local peacemaking. Menkhaus believes that in the south traditional leaders faced heavily armed gangs of youth who were really answerable to no-one and militia leaders who did not accept their authority. This was overlaid with whole areas occupied by clans who had only recently arrived (Menkhaus, 1997:49). The north had relied on Guurti in the organisation of defence against Barre’s assaults from the late 1980s and included in the constitution for Somaliland a bicameral assembly where the upper house is the ‘Council of Elders’ on whom is incumbent the promotion of peace and xeer throughout their territory (Menkhaus, 2000:189).  

124 Several flare-ups in fighting have occurred in Somaliland and Menkhaus (1997:61, n12) states that some of this tension in 1994 had been prompted by UNOSOM providing finance to one particular northern political figure. These were resolved drawing on local capacity but the Borama conference in 1993 was assisted with financial support from LPI (Interview 8 September 2005). Notwithstanding several border clashes with the neighbouring Somali region of Puntland to the east, internal peace has prevailed in Somaliland since 1997. During fieldwork in 2005 I witnessed first-hand, as an accredited International Election Observer, a peaceful, free and fair House of Representatives election campaign, poll and ballot counting – Somaliland’s fourth expression of democracy in the last five years. It was the role of the
Northern peacemakers were thorough and effective in the resolution of their differences. The following is the text of ‘Regulations agreed to at a Special Conference Between Warsangeli and Eastern Habar Yoonis [clans] at Shimbirale during 8 to 18 November 1992’:

1. ‘With effect from 18 August 1992 any property stolen or looted should be returned immediately;
2. Anybody who suffers injury cannot take revenge on the tribe of the criminal but will seek payment from the individual responsible or from his immediate sub clan;
3. Those who suffer casualties should take no retributive measures themselves but inform the standing committee on peace. If they take steps by way of revenge, they will be treated as bandits;
4. The standing committee on peace will use the services of the peace forces when needed;
5. Anyone killed or injured while involved in acts of banditry will be treated as a dead donkey [sic] and should be denied any rights; and
6. Any sub clan engaging in acts of banditry that cause death or material loss should pay for whatever damages they have caused. In addition, they will pay a bond of 100 female camels. This bond will be made over to the joint administration of the two sides, for common use’ (Farah, 2001:141).

In northern Somalia the local peace committees were the key to the restoration of stability. They were empowered to implement decisions of the elders and had begun their work as early as 1991 following interclan reconciliation conferences. It was not only elders, but other traditional peacemakers such as poets and sheiks and the wadaads who were crucial to the peace process (Farah, ____________

Upper House, the _Guurti_, throughout the campaign, to remind people in every electoral region, that the election was to be a peaceful affair (Field notes September 2006).
2001:141). In fact ‘independent delegations of renowned holy men have taken part in all major peace initiatives between previously hostile clans in Somaliland’ (Farah, 2001:142).125

The November 1992 peace conference illustrates the authority and competence of these local approaches. The 400 delegates from major clans in the area agreed that each clan, with its own local committees would be responsible for the maintenance of law and order in their own areas. Significantly, it was agreed that if an area received more rain than a nearby area and a community was attracted to move there to take advantage of better pasturage, then the guest community would be responsible for the safety and security of property of the host community (Farah, 2001:140). The Eastern Alliance Elders who met at Garadag, in Somaliland, in 1992 were opposed to a unilateral UN intervention in their region without full agreement of the local Guurti (Farah, 2001:140-41). Agreements were reached that the duty of *diya* would be restricted, in the case of recalcitrant offenders, to the more immediate family – so that brothers and fathers shouldered a greater burden for the wrongdoings of immediate relatives.126

During fieldwork one very old man explained how Somaliland has achieved and maintained peace:

The north has retained traditional conflict resolution and it has democratization. The south is becoming more complicated, and their problems more compounded as time goes on. We [here in Somaliland]

---

125 Here the position and status of the clan elders had been strengthened. This occurred partly through their leadership of the militias that fought against the Barre regime, organised along clan and sub clan lines within the SNM (Farah, 2001:139). In addition, the secular political office of sultan re-emerged as part of governance structures – importantly sanctioned by religious leaders (Farah, 2001:139). The Guurti of Somaliland have since become both legislature and executive across much of the north-west of Somalia (Farah, 2001:140).

126 The clan elders began to deal more with the crimes of juvenile offenders and in some cases offenders had to be executed by their own kin (Farah, 2001:141).
have peaceful dialogue and we have shunned force in favour of traditional conflict resolution mechanisms. We use community dialogue. We use, as much as possible, committees of mediation. We appoint balanced committees and sometimes people independent of the issues involved. We use various methods, mechanisms and procedures – both indigenous and modern methods – sometimes such committees will have elders and lawyers. It depends on the gravity and complexity of the situation. We [in the 1990s] established dialogue and peaceful change. These two processes: peaceful conflict resolution with traditional and modern institutions, and democratization with institution building – they guaranteed peace and security, and stability (Interview 14 September 2005).

Peacemaking was also happening in the south although with less success. During early January 1993 a conference was convened in the Ethiopian capital, Addis Ababa, where all southern factions and armed cohorts attended but as Lyons and A. Samatar (1995:46) point out ‘no thought was given as to whether these groups or individuals had the greatest potential to sustain a new order’. At the same time, one of the warlords General Mohamed Abshir Musse proposed that any national conference should be as broadly inclusive as possible to instil legitimacy in the eyes of the people and in his words ‘No one group should be excluded or diminished’ (in Lyons and A. Samatar, 1995:46). These were uncommon words from a warlord and are evidence that even amongst this class of people the Somali practice of local dispute resolution gatherings, shir, with franchise for every man, was embedded as a cultural more. It had even been suggested at the same conference by Ali Mahdi, General Aideed’s chief competitor, that the conference should include women’s groups and intellectuals (Lyons and A. Samatar, 1995).

The role of women in peacemaking in Somaliland can easily be overlooked in this traditional Sunni Muslim society. In fact women who had married into another clan became particularly important as they would bear the brunt of
the suffering when related to casualties in both warring clans. This was articulated by one refugee in Melbourne:

The women are victims always – my brother wanted to kill my husband, my brother wanted to kill my son and my son wanted to kill my brother. The women are trying to protect everyone and the men are trying to hurt everyone. But there are also women in Mogadishu who urged killing and revenge (Interview 19 February 2005).

Women took on the role of ambassadors between clans – a traditional role in Somali society – often providing the only means of communication between warring parties (Farah, 2001:142). There is a distinct parallel here with the war in Bougainville where women were key players in the peace process. While many Somali women were active in trying to stem the violence it remains an ineluctable fact that Somali society was, and remains both patrilineal and patriarchal. Neither was there any serious effort on the part of the international community and the intervening forces to encourage or exploit Somali women’s peacemaking capacity.

One particular peacemaker and his efforts in Mogadishu came to light during interviews with Somali refugees:

Elman Electronics was operating before the civil war – it was like RACV.127 He used to say: ‘Put down the gun and take up the pen’. He took the young men to trade school and taught them carpentry and electronics. He was very influential and when he recruited the youngsters, the warlords didn’t like it, so he was targeted by them and killed (Interview 16 February 2005).

Time magazine reported his assassination on March 25 1996:

Elman Ali Ahmed, 42, Somali peace activist and prominent critic of the country’s warlords; by three gunmen; in Mogadishu. Zooming around in a converted dune buggy with his dreadlocks flying, eschewing the safety of an armed escort, Ahmed cut a dramatic figure in the coastal

127 Royal Automobile Club of Victoria – a motorists’ member association that provides automotive breakdown support and other related trade skill based services.
city. With earnings from his family’s electronics businesses, Ahmed organised a rehabilitation centre where young gunmen learned to make a living in exchange for giving up their AK-47s and drugs. Only weeks before Ahmed claimed his life was in danger after a run-in with security officials in Mohammed Farah Aideed’s self-proclaimed government (Time, 1996:77).

The story of Elman is not to be found in any of the literature reviewed for this thesis (except the above). Elman was revealed in my research during interviews of Somali expatriates and he was always spoken of with enthusiasm and admiration. An internet search shows that there are now Somali sporting clubs and more than one peacebuilding NGO named after him. Today he is fondly remembered by many and one Somali poet, who currently manages an indigenous NGO in Mogadishu, said of him:

    Elman was a Somali hero who actively campaigned for peace and human rights in Somalia, particularly Mogadishu and surrounding areas. Elman was a candle in the wind. May Allah rest his soul in peace (Email correspondence 26 March 2005).

Elman plainly not only garnered the respect of many ordinary people but also fatally endured the wrath of those who will stop at little to retain power through arms in Mogadishu. Nor was he the only case of an individual prepared to work against the rising tide of inhumanity. A fellow-traveller was the woman from Mogadishu who told me:

    In my house we hid boys from another clan when gunmen came looking for them to kill them (Interview 19 February 2005).

It was the LPI work and support for local reconciliation that prompted the UNOSOM policy of establishing regional and district councils throughout southern and central Somalia from March 1993. After two years this program was having such beneficial outcomes that the warlords felt challenged by these locally owned structures and the militias conveyed their displeasure to UNOSOM. The UN acceded to this pressure and withdrew support for the
program so that agreements could be made with the warlords and an exit from Somalia justified (Paffenholz, 2003).\footnote{Moore (1996:13) describes efforts to stimulate these local organs of governance as ‘spotty and for the most part short-lived’ (see also Heinrich, 1997:xix).} A core strategy of the work of LPI had been to support local, ‘bottom-up’ reconciliation processes not just in the north, where they were having obvious success, but throughout Somalia.

5.10 The International Response

NGOs in Somalia included CARE, World Vision, CONCERN, Médecins Sans Frontières, International Medical Corps, the International Committee of the Red Cross, GOAL Ireland, and Save the Children. They probably numbered about three hundred personnel.\footnote{Davis, Hosek, Tate, Perry, Hepler, and Steinberg (1996:55 n4) claim that there were over sixty NGOs or other humanitarian relief organisations in Somalia at that time.} With limited means ‘their goodwill and courage were admirable’ (Sahnoun, 1994:17). In addition there were six main UN organizations providing relief work throughout the country: the Food and Agriculture Organization of the UN (FAO), the UN Development Programme (UNDP), the children’s fund (UNICEF), the UN’s refugee agency (UNHCR), the World Food Program (WFP) and the World Health organization (WHO). It is not as if international goodwill was lacking.

The prime advocate for armed international intervention in Somalia had been a former UN Assistant Secretary-General, Peter Hanson. He urged a ‘comprehensive program of action covering humanitarian relief, the cessation of hostilities, reduction of organised and unorganised violence and national reconciliation’ (Breen, 1998:14). By late in 1992 humanitarian operations in Mogadishu were under enormous pressure as vehicles were hijacked and employees were robbed. Aircraft and ships delivering aid were fired on and looted. It was Somali security guards, employed to protect NGO operations,
who were often engaged in theft and looting (Breen, 1998:17).

5.10.1 UNOSOM

The warlords had agreed, however superficially, to the deployment of UN peacekeepers.\footnote{One significant drawback of the focus on prominent militia figures was that the other armed factions, who had in fact remained neutral in the fighting over sectors of Mogadishu but were active in other parts of the country, were sidelined and therefore felt marginalized (Lyons and A. Samatar, 1995:30). Not only did it seem that SRSG Mohamed Sahnoun had indeed established credibility and respect with many significant personages in Somalia, but he also realised that political reconciliation was an indispensable element in any successful intervention. While the ceasefire was important for securing routes through which humanitarian deliveries could be made, the disadvantage on focusing there was that it elevated the pre-eminent warlords to the status of political leaders – this was noticed and resented by many Somalis. Thus, as division across society increased, so did the costs of reconciliation (Lyons and A. Samatar, 1995:31).} The UN Security Council, with resolution 751, in April 1992, authorised fifty unarmed military observers to monitor the agreed ceasefire; it was not until five months later, in September, that 500 Pakistani soldiers arrived in Mogadishu to provide security for the observers. The United Nations Operation in Somalia – UNOSOM - was off to a faltering start. The delay had done immense damage to the work of the aid agencies, not to mention the credibility of the UN and the international community’s bonne fides generally.

UNOSOM was established to monitor the ceasefire in Mogadishu and to provide protection and security for United Nations personnel, equipment and supplies, at the seaports and airports in Mogadishu. It was also deployed to escort deliveries of humanitarian supplies from the capital to distribution centres around the city and its immediate environs. On 28 August 1992, UNOSOM’s mandate and strength were expanded by resolution 775 to enable it to protect humanitarian convoys and distribution centres throughout
Somalia. To achieve this, troops with a range of roles were allocated by: Australia, Austria, Bangladesh, Belgium, Canada, Czechoslovakia, Egypt, Fiji, Finland, Indonesia, Jordan, Morocco, New Zealand, Norway, Pakistan and Zimbabwe. This was a start. Although it was, in reality says Sahnoun (1994:25), agreements among local elders, more so than agreements between the major warlords, that helped reduce the level of fighting and assisted in the distribution of food into the interior of the country.

The UN and the warring factions had agreed in February 1992 that food and medical aid could be delivered unhindered, and in March all the warlords\(^{131}\) had agreed, at least in principle, to UN mediated reconciliation and the deployment of UN troops (Sahnoun, 1994:25).\(^{132}\) Yet this has to be qualified:

It should be emphasised that some faction leaders did not hesitate to condone banditry and looting to retain their authority. Even Aideed, considered the strongest of the militia leaders, had trouble controlling his fighters and ensuring public safety in areas he controlled. He occasionally covered up or condoned looting undertaken by his allies (Lyons and A. Samatar, 1995).

As a result of the less than effective truce, by June 1992 fifty-five hospitals had closed, and cattle and livestock were also dying in their thousands (Lyons and A. Samatar, 1995:19). The International Committee of the Red Cross was operating 400 kitchens for 600,000 people in Mogadishu and surrounding towns (Lyons and A. Samatar, 1995:20).

\(^{131}\) There is argument about whether this appellative is appropriate as on the one hand it conveys negative images of ruthlessness and violence, which these figures wanted to disdain in the eyes of the international community, yet on the other hand it also connotes the idea of status and being a ‘force to be reckoned with’ therefore implying some degree of legitimacy. During the UNITAF phase of the intervention some began to refer to the warlords as ‘politicians’ (Lyons and A. Samatar, 1995:52).

\(^{132}\) Nigeria’s President Ibrahim Babangida had been instrumental in brokering talks to persuade General Aideed to cooperate with the UN (Malik and Dorman, 1995:166).
The leadership in the north-east were pledged to work cooperatively with the UN. Sahnoun says that by October 1992 all the political and clan leaders from all regions of Somalia had agreed to a conference to discuss national reconciliation and this was supported by the heads of state of nearby Ethiopia, Eritrea, Djibouti, Kenya and Sudan (Sahnoun, 1994:27). This meeting was to be followed by local community representatives ‘untutored by faction leaders’ who would work out how to implement such reconciliation (Sahnoun, 1994:27). The importance of this was emphasised by one informant:

In order to reconcile, if it doesn’t happen between the tribes, between the elders, between the communities, it will not be successful – because this crisis has gone deep, deep, deep into the families (Interview 17 February 2005).

UNOSOM suffered from a centralizing approach that not only failed to capitalize on local attempts to resolve issues but positively impeded them (Sahnoun, 1994:37). There was also a reluctance on the part of aid agencies to co-ordinate with UNOSOM (Sahnoun, 1994:37) - although this was not confined to the early stages of the intervention. Extortion by bandits also made this difficult, looting of food aid, at this point, was estimated at 15 percent by the WFP (Sahnoun, 1994:38).

The military observers of UNOSOM I were getting involved in local peacemaking between militias, something well beyond their mandate (Sahnoun, 1994:38). But as has been seen in chapter 4, this is often the reality in peace operations. In late 1992 an extra 3,000 UN troops were mandated for Somalia and announced without any consultation of local elders and community leaders (Sahnoun, 1994:39). The vast majority of these troops never arrived. By the time the US-led coalition moved in to rescue the operation six peacekeepers had died and the total cost had been $42.9 million
Simultaneously, the following was underway in the north of the country:

We have had thirty-three [peace conferences]. We have had them at village, district, regional and national levels. No one was talking about government but about peace – and then we moved to discussions on governance. In 1993 after six months’ discussion at Erigavo, 5,000 houses were turned back to their owners. Before a national [Somaliland] charter there was a peace charter and that included that everyone has a right to go back to their own property. Then we moved to a national charter. We do not need international experts, our experts are the people who are eighty and a hundred years old. We didn’t give warlords the chance because of our peace conferences. We didn’t call them peace conferences in our language, we called them Shir and everybody takes part, and it takes as long as you need. In the early days everyone brought their own food, and money and provisions. So we were serious. These were Shir, not conferences. We were literally sitting under the tree. The others [from the south] in hotels in Addis and Nairobi were tourists (Interview 14 September 2005).

5.10.2 UNITAF

On 3 December 1992, after the situation in Somalia had further deteriorated, and at the urging of the USA, the Security Council, by its resolution 794 authorized member states to form the Unified Task Force (UNITAF) to establish a safe environment for the delivery of humanitarian assistance. UNITAF, a multinational coalition led by the US, remained deployed on ‘Operation Restore Hope’ from December 1992 to May 1993. Southern Somalia was divided outside Mogadishu into seven Humanitarian Relief Sectors (HRS) allocated to different national contingents (Londey, 2004:184).

Adibe (1995:24) asserts that the catalyst for international intervention was the media’s exposure of waste in the relief efforts underway combined with the Secretary- General’s shaming of the West for being preoccupied with the ‘rich man’s war’ in Yugoslavia at the expense of Somalia’s plight. In support of this
notion, one UN aid worker who had been working with Somali refugees remembered:

The Somalis were furious because they heard what sort of support the Bosnian refugees were receiving and they were very, very bitter. They saw it as racial preferencing (Interview 14 May 2004).

DiPrizio (2002) discusses the dominant motivation for the outgoing President George. H. Bush to have embarked on the expedition. After canvassing the more commonly claimed reasons such as: pressure from international NGOs, which did include some direct lobbying and some indirect persuasion through the media; the ‘CNN effect,’ which did not in reality produce substantial public outcry; the idea that the US military was ‘looking for something to do’; and that it was a ‘last hurrah’ by the President, what seems to be the only credible explanation is that the media images and NGO pressuring reinforced George H. Bush’s own genuine desire to alleviate the suffering of the Somali people (DiPrizio, 2002:54-60). Noble sentiment and aspiration is one thing but effectively dealing with a complex crisis is quite another.

There was initially little enthusiasm within the US defence establishment to lead a humanitarian intervention in Somalia. Nevertheless the Pentagon dutifully drew up plans, and designed and equipped an expeditionary force. The dominant US military paradigm of the time, a reflection of the success of the war against Iraq in 1990-1991 was the ‘Weinberger-Powell Doctrine,’ with its three pillars of the application of overwhelming force, minimal US casualties and as brief a deployment as possible (DiPrizio, 2002:51, see also Boot, 2002:319).

133 After the successful Operation Desert Storm a year or so earlier, against the Baathist regime in Iraq, there was certainly no need for him to shore up his historical legacy.
The goal was to stabilize the military situation (Malik and Dorman, 1995:168). Breen (1998:14) goes further to say ‘Western-style democratic institutions were going to be forced on the Somalis under the guns of foreign military units’. Lieutenant Colonel P. Retter (quoted in Breen, 1998:22) from the Australian force’s Operational Study Team recalled: ‘From the beginning we understood that the Americans planned to kick the door down in Somalia and, to use US Marine parlance “take down” Mogadishu and the major regional towns...The Americans did not plan to stick around’. The US Defence Secretary Dick Cheney had decided that the best way to approach Somalis was from a position of dominance, promoting fear in the hearts of locals. This was the rationale behind television images of heavily armed soldiers from the 10th Mountain Division and 1st US Marine Division preparing to deploy (Breen, 1998:24).

UNITAF’s operation consisted of four phases: first was the initial occupation of the sea port and airport at Mogadishu, then the expansion of physical security into rural areas to facilitate relief aid distribution, next securing the towns of Kismayu and Bardera and the maintenance of secure routes linking them, finally handing control over to the UN and withdrawal (DiPrizio, 2002:46). At the height of the UNITAF operation there were more than 38,000 troops from over 20 countries (Kelly, 1999:14). Nearly 30,000 of these were US forces and the remainder came from Australia, Belgium, Botswana, Canada, Egypt, France, Germany, Greece, India, Italy, Kuwait, Morocco, New Zealand, Nigeria, Norway, Pakistan, Saudi Arabia, Sweden, Tunisia, Turkey, United Arab Emirates, United Kingdom and Zimbabwe.

---

134 Breen (1998:326) writes that: Senior United States government officials, like Mr Dick Cheney, the Secretary of Defence, made no secret of their intention to take over southern Somalia, save the lives of thousands of beleaguered Somalis and blow anyone out of the saddle who opposed them (Breen, 1998:326).
Prior to the arrival of the Australian force in the Bay region with its major town Baidoa, the US Marines who had ‘secured’ the area had in fact fostered a degree of enmity amongst the populace. According to Loxton Morrissey from Care Australia, they had not cooperated well with aid NGOs and had been heavy-handed with local Somalis, in particular alienating some trusted Somali aid workers (in Breen, 1998:59). NGO assets had been searched without any consultation (Breen, 1998:59). The Marines gained a physical and psychological supremacy with an attitude that they were there to ‘kick Somali butt’ probably because they were trained as shock troops and not as police (Breen, 1998:72). The Marines began to take casualties from armed youths using hit and run tactics and random bursts of machine-gun fire. This prompted airmobile assaults and rigorous searches of homes. There was a violent departure by the ‘Hammer Heads’ of the 3rd/9th Battalion before handing over to the Australian contingent and this had angered homeowners and businesses, aggravated the local criminals and seriously alienated the NGO staff of Baidoa (Breen, 1998:73). Many Somalis viewed the departing Americans with hatred in their eyes (Breen, 1998:74).

The Australian expedition would last seventeen weeks, no more and no less (Breen, 1998:25). This is an indication that at least one of the determining factors in what could be achieved, and therefore how the task was to be approached, was not the essence of the civil war, but domestic Australian government priorities. Such an outlook places the emphasis elsewhere instead of on the problem itself. What could be achieved was uncertain:

I don’t think we were there long enough. Seventeen weeks wasn’t enough to do anything except to give them a sense of false hope maybe, and then leave and let it all go south again (Interview 1 June 2004).
It was also the intention of President Bush to have the US troops returned home in time for the inauguration of President Clinton on 20 January 1993 (Kelly, 1999:16).

Breen’s (1998) observations in his Little Bit of Hope state that against a genuinely altruistic attitude towards the plight of suffering Somalis, the approach held by many Australian soldiers to militia and bandits was one of ‘find ‘em and fight ‘em’ (Breen, 1998:70, 102). One Australian army officer, an infantryman, believed that the force should have been employed in doing what they were trained for. This training, he later wrote, was ‘in contrast to creating police forces and judicial systems that had no basis in regional, social or cultural values’ (in Breen, 1998:103). In fact, many of the officers and soldiers of this particular intervention force ‘longed for the opportunity to fight as infantry against an armed enemy’ (Breen, 1998:105). As one young peacekeeper said of his attitude while in Somalia:

We wanted to go out and kill bad guys (Interview 10 July 2004).

Still another recounted:

Towards the end of our time there was some rivalry between some of our groups about who had seen the most action and one group, knowing they had not fired a shot yet, encountered an armed Somali at night, as they were looking through their night vision equipment. He was no threat to anyone really but one of the snipers shot him dead with no valid cause. That should never have happened (Interview 13 July 2004).

However, there were other instances conveyed by participants who told of restraint and discipline. One in particular stands out:

It was about ten minutes before the end of the patrol and I was walking beside a wall and looking down this alley. Through the night vision goggles I saw a door opening and a man about to come out carrying a weapon. I raised my rifle, so I said ‘Stop, hands up,’ in Somali, and he looked at me, holding the weapon as he looked at me momentarily, and I thought ‘This is it’. But he dropped the weapon and ran. But he was an
enemy, a known enemy. He’s been armed, he’s now fleeing. Who’s to say he hasn’t got another weapon stuck in his belt? My clear orders, my clear SOPs were to engage him and shoot him. To kill him. I got chewed out by the corporal for not shooting him because I’d had him in my sights for five seconds. I talked my way out of it, but I couldn’t work out why I’d let him go. I had a great feeling of solace come over me then…In my moral values it just wasn’t worth taking a life. He wasn’t a true risk to anyone at that time…I know this is not typical military thinking but it was more powerful to me to give someone a life than to take it (Interview 21 July 2004).

Observers at the time realised, and objected to, the allocation of an inappropriate level of legitimacy to the major warlords (Lyons and A. Samatar, 1995:40). The traumatized and powerless local people in the southern city of Kismayu were disenfranchised as Robert Oakley, the Special Envoy of the US President, and other international players publicly recognised the local warlord, Ogadeni leader Colonel Omar Jess, as the natural representative of Somali interests in that area (Lyons and A. Samatar, 1995:41). Such deference to the warlords was based on pragmatic, and obviously short-term, power politics. The real nodes of power in many societies are not overtly displayed, are more subtly positioned and take patience and keen analysis to uncover. Sometimes they operate in the ‘gaps’ of Pouligny’s analysis referred to in chapter 4. And from a conventional military perspective the gaps might not always be obvious:

There was a lot of local communication, almost the ‘jungle drum.’ We had posted two snipers at night in what we thought were absolutely concealed positions, and when an old shepherd came to report an unrelated incident, in describing the location of the event - he said it was just near where the two snipers were hidden. So we just pulled them back in (Interview 16 April 2004).

---

135 This is an example of Lederach’s (2005:113) ‘Serendipity – the gift of accidental sagacity’.
136 Lyons and Samatar suggest that ‘the real division in Somalia was the armed and powerful versus the unarmed and vulnerable’ (1995:46).
Efforts were made to re-establish the judiciary, police and prison system but such efforts by the twenty-one troop-contributing nations varied in extent and quality. Grappling with which law should apply was a challenge. The US force, the largest national component, had removed the civil affairs and military police training components from their authorized strength and initially handed the training of police to the warlords (Clarke and Herbst, 1997:9). This aspect of the intervention did remain past UNITAF’s deployment but ultimately failed. By October 1993 UNOSOM had 700 people in detention without any charges laid against them and no prospect of trial (Kelly, 1999:80).

In the Bay region Australian officers did meet daily with the Security Committee, and also with the NGO Committee and Elders of Baidoa Committee several times each week. In fact the Australian commander in Baidoa went out of his way to see that as much as possible the elders of the community were consulted and kept informed (Kelly, 1999:36). In addition the weekly meetings of the Regional Relief Committee were also attended. (Breen, 1998:59). The composition and frequency of these meetings are evidence of the necessity and value placed on negotiation and discussion by all the players involved – local people from across the community, NGO aid workers and some of the military intervention forces. (Although not

137 Kelly(1999:48) describes the legal regime that UNITAF was attempting to resurrect:
In discussing the re-establishment of the judiciary, one of the key elements in the negotiations was the acceptance that the system would continue to operate on the basis of the 1962 Somali Penal Code. Somali criminal law was based on the Italian penal code of 1931 known as the ‘Rocco Code’ after Professor Arturo Rocco who chaired the Italian commission which drafted it. The Somali version also included some elements of Islamic law and Somali custom. The Somali Criminal Procedure Code of 1963 was based upon an amalgamation of the pre-independence Italian Criminal Procedure Code of 1935, the British Criminal Procedure Ordinance of 1956, and the Indian Evidence Act of 1872 which in turn is derived mostly from British criminal procedure. This reflected the amalgamation of the British and Italian colonial territories. The civil laws were based on Egyptian civil law (see also Contini, 1969).
questioned specifically about national contingents, six Somali interviewees volunteered positive comments about Australian peacekeepers; the remainder made no comment.) Discourse and deliberation was regularly preferred over immediate action and force. Plainly the circumstances were believed by all concerned to warrant deliberation and it was thought that military might should be held in reserve for intractable violence. Nonetheless, the degree of flexibility did vary significantly across the intervention, as one refugee from Mogadishu described:

They missed a big opportunity to mediate with people in the conflict. They said: ‘We are here only to give humanitarian aid’. They trusted the power of their guns. They failed to continue negotiating. Mohamed Sahnoun thought they should continue negotiating more (Interview 14 February 2005).

In DiPrizio’s view, ‘the American decision to limit UNITAF’s operational objectives to the protection of humanitarian relief operations sheltered it from the more complicated issues of conflict resolution and nation building’ (DiPrizio, 2002:47). Bhatia says that the UNITAF intervention in Somalia signalled the end rather than the beginning of community reconciliation in Somalia (2003:95). The UN Secretary-General Boutros Boutros-Ghali had argued that the UN could foster national reconciliation and reconstruction but only in circumstances that were ‘permissive,’ that is, circumstances where disarmament had been effected (DiPrizio, 2002).

The UN Secretary-General stated at the time that the peacekeeping presence was a short-term police action and that the successful re-establishment of police and justice systems would mean that the UN presence would be redundant (Lalande, 1995:91). Some 3,000 Somali police gathered of their own initiative, and asked for assistance to re-establish ordinary police operations
(Kelly, 1999:26). This process, however, was derailed as the UN authority established a committee that was politically divided (Kelly, 1999). A senior US officer recalled:

Former policemen came out with their old uniforms and started directing traffic. We were a little concerned about this and so we asked the locals. They said the cops were not part of Barre’s forces and were good to have. The UN Special Representative, Khitani, resisted the use of local police, but eventually he relented. His compromise was that the chief of police could not be Somali. I became the Chief of Police and I still have my Somali police hat (Interview 25 March 2004).

A meeting of former judicial officers was called for March 3 and this group was plainly well educated and non-partisan when it came to interpreting the law (Kelly, 1999:27). They were united by their profession and believed that they were better qualified to deliberate on the future of Somali society than warlords (Kelly, 1999). Yet across UNOSOM and UNITAF there was little support for the re-establishment of an independent judiciary; it was considered ‘beyond the mission’ and in fact the idea incurred ‘mild scepticism’ (Kelly, 1999:27).

The following cameo gives some insight into the state of affairs for some soldiers gathered in Mogadishu to depart Somalia at the end of UNITAF’s deployment:

I had a pair of sunglasses on as I was driving, with a pistol on the dash board; this car pulled in front of me...and as soon as I stopped, a kid...he would have been eighteen or seventeen, I didn’t see him coming, and I got a big blow on the head, the top of the nose. My sunglasses were pulled off my face and he went running into the crowd. I had some soldiers in the back, one of them jumped off, started chasing

---

138 The Somali police service had been a respected group that were effective in enforcing the penal code and had not been politicised or rife with clan division. Neither had it been a part of Barre’s security apparatus (Kelly, 1999:26). This view was not held by all and one Somali interviewee provided a different perspective, saying forthrightly:

The judges weren’t independent and the police were corrupt (Interview 16 February 2005).
after him, because all he’d seen was this guy hit me. I had blood running down my face and immediately I thought ‘This is a big set up, this car in front of me has hemmed us in so the kid could steal my glasses’. So I got out, with my pistol and dragged these two guys out of the front of their car, and had them kneeling on the ground, and was yelling to my guys to get an interpreter or someone who spoke Somali. These two on the ground thought that I was going to ‘top’ them and a couple of Zimbabwean soldiers arrived and looked after it. At that stage I really hated Somalis. We would have liked to stay a bit longer to do the job well but at that stage we’d started to hate them. They were greedy, they didn’t really want us to be there (Interview 15 August 2004).

UNITAF forces withdrew from Somalia in May 1993 and a new phase of UN commitment ensued. The United States retained a much smaller ‘quick reaction force’ in Mogadishu that was to become prominent in the now fabled ‘Blackhawk Down’ battle later that year (see Casper, 2001). UNOSOM II got underway with a much broader role than its predecessor UNOSOM I.

5.10.3 UNOSOM II

UNOSOM II, known as ‘Operation Continue Hope’, commenced on 4 May 1993. As outlined in Security Council Resolution 814, it aimed at the following goals: keep the peace, achieve disarmament, facilitate economic rehabilitation, and rebuild Somali civil society (Anderson, 1995:269). The UN had therefore been tasked to carry out a much more wide-ranging project but with fewer resources than UNITAF (Casper, 2001:251; DiPrizio, 2002:48). It was stated by US Permanent Representative to the UN, Madeleine Albright, that with the authority of UN Security Council Resolution 814:

we will embark on an unprecedented enterprise aimed at nothing less than the restoration of an entire country as a proud, functioning and viable member of the community of nations (in Kelly, 1999:17).

This was therefore inherently a nation-building mandate (Kelly, 1999:67). Its aims and scope were not lost on those charged with its implementation:
The aims of UNOSOM II are predominantly to assist the humanitarian relief effort and to assist the reconciliation of competing factions within Somalia, so that a national government can be formed (Diary entry of chief military spokesman UNOSOM II, 19 July 1994, in McDonald, 2001).

UNOSOM II had been warned against a strategy of marginalising the warlord Mohammed Farrah Aideed, by the outgoing UNITAF staff. These missions had different agendas and priorities, and Somali leaders and groups changed strategies in response to the changing international emphases and the munificence of the UN and NGOs (Lyons and A. Samatar, 1995:36).

On 2 July 1993 three Italian soldiers were killed by an angry Somali mob (Breen, 1998:317). The Italian commander in Somalia, General Bruno Loi, urged restraint to the point that the UN Under Secretary for Peacekeeping recommended termination of his appointment (Malik and Dorman, 1995:169).139 Some weeks later several truckloads of Pakistani soldiers were attacked by Aideed’s fighters and twenty-four of the peacekeepers were killed, with over fifty wounded. Within days the UN Security Council passed resolution 837 authorising the arrest of Aideed and any others responsible for the attack (Breen, 1998:316).140 This meant, Malik and Dorman (1995:169) state, that any possibility of a negotiated settlement was gone.

Despite the advice, a dual strategy of excluding Aideed from any political processes and also targeting him militarily was pursued. He had already been demonized by Madeleine Albright when she publicly branded him a ‘thug’

139 The Italian contingent commander, and the Italian government, were critical of the US and UN policies and their practice of reprisals (see Daze and Fishel, 1998:160). They saw this orientation as being at odds with the nature and conduct of a humanitarian mission and believed it was part of the UN becoming a belligerent party (Tripodi, 1999).
140 A UN-US reprisal took place on 12 June where Spectre aircraft and Cobra helicopter gunships were used. This sparked a demonstration on 13 June and ‘to disperse the crowd, Pakistani soldiers opened fire, killing dozens of civilians, amongst whom were women and children’ (Tripodi, 1999:149).
(Lyons and A. Samatar, 1995:58). This added to the complications because, as outlined earlier, Somali society places almost no importance on personal culpability for transgressions, but assumes a clan responsibility. US General Anthony Zinni would later say publicly that the $25,000 reward on General Aideed was in effect a declaration of war on the Habir Gedir family clan (Zinni, 2004).\footnote{It is not as if this had never happened before as Said Barre had posted a six million shilling reward for the identity of a supposed assassin of Mogadishu’s Catholic bishop in July 1989. (Simons, 1995:85). The difference, though, is that this reward was for a particular named and identified individual who not only belonged to a clan, but was one of its leaders and commanded a substantial following. As one informant put to me, he had been told, as one who lived abroad since the start of the civil war, You weren’t here during the conflict, the warlords protected us (Interview 15 February 2005).} Hence local Somalis were both perplexed and frustrated by this approach of the foreign military forces, and so anti-UN sentiment amongst the Mogadishu population in particular increased. Zinni also asserts that in retrospect ‘a better understanding of Somali culture might have avoided such problems’ (in Anderson, 1995:271). Even ordinary soldiers can appreciate this outlook, and as one junior peacekeeper who had been in Somalia, put it:

If you’re going into another country you have to know the local culture and mores; if you don’t, you’ll end up in hot water (Interview 21 July 2004).

One of the most tragic blunders of the international intervention occurred at the height of the hunt for General Aideed. Acting under UN Security Council Resolution 837, a US-led force launched a helicopter missile assault on the warlord’s headquarters killing tens ‘if not hundreds’ (DiPrizio, 2002:49) of Somalis. The casualty list included a group of elders who had come together to discuss more meaningful communication strategies with the foreign intervention forces in their country (Prendergast, 1997:117). UNOSOM II never spoke with General Aideed and never entered into any peace process
with him, instead they went to war with his faction, and lost, withdrawing the warrant for his arrest, freeing his supporters who then returned to their banditry, and ceased the disarmament program in Mogadishu (Lalande, 1995:95). The ‘wanted – dead or alive’ approach only escalated the conflict and culminated in the disastrous fighting of October 1993 when eighteen US soldiers and ‘more than a thousand Somalis’ (Lalande, 1995) died in a protracted battle that grew from an attempt to rescue a downed US aircrew.

The bombing and strafing of Mogadishu only ensured animosity between the already benighted Somali people and international forces. At a colloquium on UN peacekeeping it was naively, or more likely facetiously, asked: ‘Are precision air strikes and ground actions going beyond the strict re-establishment of law and order?’ (Peck, 1995:189). A former resident of Mogadishu summed it up:

In Mogadishu...It became an aggravated situation and the peacekeepers had to come in. I was very, very, very optimistic. I expected to see in a few months, peace and stability as before the war, but it didn't happen...I believe that those international peacekeepers who came to help did not know the Somali culture and custom. You have to know the sensibilities, what’s acceptable and what’s not acceptable...Many countries sent troops...[they] focussed on Aideed’s tribe...This lack of impartiality was the main reason for failure by UN peacekeepers (Interview 16 February 2005).

Yet another Somali man, who had been a volunteer aid worker, then an assistant to a less prominent warlord and finally an aid advisor to several international NGOs, took this view:

The US arrived with camouflage all over their faces. They didn’t study the culture and traditions of the people. The fact finders made the wrong assessments because they didn’t meet the real people, only those with guns, so they didn’t get the right information...Before you go anywhere

---

142 Aideed’s radio station countered with the offer of a $1 million prize for anyone who would capture SRSG Admiral Howe – dead or alive (Shay, 2005:81).
with peacekeepers you have to study and understand the situation...those [Somalis] who helped in disarming were targeted after the UN left (Interview 16 February 2005).

It does have to be conceded, though, that the political affairs unit within UNISOM II did achieve the beginnings of national reconciliation by bringing together political parties, women’s groups, NGOs and significant elders as well as the re-formation of, by early 1994, most of the district, and larger regional, councils (Lalande, 1995:82 – 83). This statement largely gives an impression that there had been no such progress before the arrival of UNOSOM. As shown, there clearly had been positive results achieved earlier, particularly in the north. One former UNOSOM II director of police believes that a more locally relevant approach and a commitment to sustained support could have made a greater impact:

The idea is never to impose our ways on other people but to find out what their standards and customs are...The way ahead is to get down to basics at the village level...In Somalia all the international effort fell away because there was not the will to see it through (Interview 15 June 2004).

UNOSOM withdrew from Somalia in mid-1995 leaving a handful of staff to operate the United Nations Political Office for Somalia (UNPOS). Contributors of military and civilian police personnel to UNOSOM II were: Australia, Bangladesh, Belgium, Botswana, Canada, Egypt, France, Germany, Ghana, Greece, India, Indonesia, Ireland, Italy, Kuwait, Malaysia, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Republic of Korea, Romania, Saudi Arabia, Sweden, Tunisia, Turkey, United Arab Emirates, United States, Zambia and Zimbabwe. One hundred and fifty-one peacekeepers died as well as an uncertain number of Somalis, and the intervention cost $1.6 billion (UN, 2005b). Although it is arguable that the intervention can claim some success ‘in that it did enable NGOs to save
thousands of lives’ (Farrell, 1995:199, see also Bratt, 1999:71; Mazarr, 1993:161), a decade later the situation in the central and southern areas of Somalia, as detailed in chapter 7, is almost unchanged.

5.11 Interpreting a Restorative Option

Braithwaite’s principles, in particular his concept of constraining values, as cited earlier in chapter 3, can be a useful tool in a preliminary shaping of any potential restorative justice option. These values can be seen to have been both negated and applied throughout the intervention in Somalia in the examples that follow. Non-domination of interactions and the empowerment of participants to tell their story were features often absent throughout the generally ‘top down’ approach taken by the intervening forces. The preference for dealing with warlords highlights this and was expressed, with some resignation, by one experienced UNITAF officer as being almost doctrinaire:

One self-defeating aspect of such interventions is that we have to deal with power and what constitutes a ‘secure environment’ is in the eye of the beholder. Picking winners is part of the peace operations process (Interview 24 March 2004).

Yet it has to be conceded that even some conservative elements within Somali society were also amenable to such an approach. One peacekeeper witnessed an example of this when elders in a local community were affronted by UN insistence that women and youth should also be included in the rejuvenated community council; they objected, telling peacekeepers:

---

143 Moore (1996:12) states that an estimated quarter million lives were saved through humanitarian relief efforts in Somalia, although he provides no reckoning or source data for the assertion.
Those who mock the old, mock God (Interview 30 Jun 2004).

There were also contrasting instances of junior soldiers making a real effort to engage and assist without domination in numerous mundane disputes. One corporal peacekeeper recalled:

A dispute that I remember in one remote village, when we were on a long range patrol, was about an accusation of theft of cattle. The village was evenly divided between the two men arguing and as we arrived they put it onto us to settle. Luckily for us we had an interpreter and we got the chief elder involved, we put our point of view but we didn’t want to butt in at all – if we’d really interfered it could have been a lot worse. There was a decision by the elder to compromise and split the cattle evenly – and this settled the matter and everyone dispersed (Interview 21 July 2004).

Empowering people to have their say was severely hampered by the language barrier, as referred to earlier. One frustrated infantry officer put it this way:

In Somalia the civil/military function became all consuming but one of the biggest disadvantages was a lack of being able to communicate, we were unsure whether we were getting the ‘right oil’ from interpreters – really fully understanding what was being said was a problem. It was like trying to catch hay in the wind (Interview 10 August 2004).

Legally defined upper limits on sanctions and the opportunity for appeal to another level of authority are values that could have some application in the anarchic circumstances of peace operations. At the ‘law meets citizen’ juncture when soldiers are reacting to requests from local people or reports of disturbances, (‘Initially we were the law’ - Interview 10 July 2004,) peacekeepers have to know how to deal with such situations and to be acutely aware of the limit of their own powers. This is very much a policing role and one that more than a few soldiers interviewed were very uncomfortable with; conversely, some others were confident in that role and their abilities. Contrasting recollections include:
To start behaving in a police role is not our role…We had to restore order at bayonet point and we are good at that…The softly, softly approach is the way you lose control…We should have had more aggressive patrolling – our job was to ferret out the bad guys, hunt them down and kill them (Interview 10 August 2004).

And:

It was trial and error with this police and law and order and justice thing, but I think it worked in our area because we were willing to make it work, and the locals wanted to make it work (Interview 1 June 2004).

Equality of concern for stakeholders, however, did not seem to be evident at the higher levels of UNOSOM I, UNITAF or UNOSOM II. This can be inferred from the orientation towards the powerful and dangerous - this to the exclusion of civil society groups as Menkaus (1997) has described (see earlier in this chapter). This is not to say that there was no concern or genuine compassion for suffering Somalis in the attitudes of many peacekeepers; indeed the interview data are replete with examples of this. Yet it is a reality that this approach did not permeate the intervention so that all stakeholders were equally treated.

The need for offender accountability was seldom far from the thinking of the peacekeepers interviewed. It probably sprang from the obvious plight of ordinary, usually powerless and desperate, Somalis. This is an aspect of the restorative approach that needs further examination and is dealt with in greater depth in chapter 8. In the specific context of Somalia it suffices for the moment to remember that there has been a tradition of collective accountability. In such circumstances then, it may be challenging to expect that even ‘restorative peacekeeping’ could promote a willingness to accept personal culpability for harm done.
Respect for basic human rights as another constraining value does fit with the UN concept of peacekeeping and one UN police officer put it this way:

In peace operations generally, and I’ve been in Cambodia, Cyprus twice, and East Timor, as far as law and order goes we draw on the human rights charter, but we can’t impose our law or our views (Interview 6 July 2004).

Yet it was a contradictory attitude that allowed Canadian peacekeepers in their area of responsibility to ignore the rights of suspects, and torture and murder Somalis whom they considered to be the enemy (Friedland, 1996). In fact commissions of enquiry were established in the USA, Canada, Belgium and Italy to investigate allegations of torture carried out by contingents from each those countries (see Razack, 2004:51; Tomaševski, 1998).144

It also needs to be said that restorative type processes do not preclude the spectre of force hovering in the background when needed (Braithwaite, 2002a). An example of this was given by a UNITAF officer in the Bay region who had to negotiate the release of hostages held by militias:

On one occasion we heard that MSF Holland were bringing in a considerable consignment of cash in US dollars to pay their workers. We

---

144 Razack (2004) details the abuse, torture, sodomy and rape by Belgian, Canadian, Italian and US troops – often committed against Somali children – and she interprets this as based substantially in a contemporary ‘white man’s burden’ view held by the contingents involved. But an African Rights report describes exemplary, professional and effective humanitarian peacekeeping carried out by the Botswanan contingent:

The Botswanan soldiers were consistently courteous and considerate to the local population. They travelled everywhere with interpreters. They mixed socially with the Somali townspeople. They drove slowly and carefully, especially in town. They worked hard escorting humanitarian convoys: the relief agencies in Bardere estimated that the Botswanans on average escorted twice as many convoys as the US marines they replaced – despite the fact that there were three times as many marines, with far more equipment, including air support...The view put forward by some Western journalists and some UNOSOM military commanders that Somali people are inherently aggressive and respect only superior force, is shown to be nonsense by the Botswanans’ remarkable demonstration of the possibility of conducting a ‘hearts and minds’ campaign (in Razack, 2004:54).
operated a sort of bank for the NGOs because the NGOs were a regular target for robbery by bandits. Often we would escort money being transported. So we heard that a large amount of money was being delivered and in fact the security guards took the money and held the NGO workers hostage. We intervened and negotiated with these security guards who were then disarmed, and in fact they ended up escaping. We could only have negotiated the release of the NGO workers as long as we had the threat of force in the background. We showed them that we had a well armed reaction team ready to be used if they didn’t cooperate (Interview 23 June 2004).

The country was in chaos. Russell was playing his part in the great coalition adventure to build a new world order. He was a thirty-year-old career soldier sent to Somalia, in 1993, to help secure the distribution of food and medicine for desperate people who were being preyed on by gangs of thugs – mooryaan - and political and clan militias.

After nearly three months of peacekeeping duty, and constantly on edge – enduring the glares and spit of local men, the taunts of children and the sullen faces of Somali women, and seeing people trample each other for food aid - Russell said he truly detested these people.

He blurted out: “When we got there I felt sorry for them, but after a while I had no more compassion left. The men were lazy and violent, and the women were treated like pack animals. These bandits, their own people, would demand money from them at the water holes even in the drought and famine. I thought ‘It’s their problem. If they can’t sort it out, well that’s tough!’ They had gone back to the dark ages and I just wanted to go home.”

Then Russell’s face lit up: “But I’ll tell you one thing!” and he stopped. Slowly he started again: “My squad was patrolling through Baidoa’s main square. And most Somalis by now called this place ‘the city of death.’ Even so there were people everywhere in this square. Big crowds. It was a really hot day. You really sweat under those flak jackets and all that gear you carry – and you stink. Well, everybody there stank! I called a stop where a guy had a wheelbarrow with ice and cold drinks in it. I could never figure out where he got the ice from, there was no electricity for fridges. I bought a drink with a fifty-dollar note. Nobody selling anything there carried much money because you couldn’t trust anyone else. It was too risky. But this one had a skinny little boy with him, his runner, I suppose, and he told him to go back to his shop and fetch
my change. After one beautiful mouthful of coke our radio squawked at us and we had to get across town in a hurry to catch a militia group who were attacking a family. ‘Bloody Somalis,’ I thought, I just wanted a bit of a break and a cool drink.”

“So I dumped the drink, quickly briefed the squad, said goodbye to my change – that was gone for good - and we trotted off. We arrived about twenty minutes later at a road intersection on the edge of town. A small truck was overturned and an old man was dying underneath it. There was a lot of blood around and some bullet holes in the doors. I think two women there had been raped. A girl and three teenage boys were shouting at us as a few other people came out of the nearby bushes. We didn't understand a word of Somali, we felt a bit helpless, I suppose. All we could do was call for an ambulance and listen to the shouting and wailing. It was a nasty scene and I just thought ‘Damn these Somalis. There’s no hope.’ We searched that area for a few days to find who did it but we couldn’t catch anyone.”

“About a week later we were back patrolling the town centre again. That morning we had heard a couple of shots fired, a few blocks away, so we were a bit jumpy, bracing at any sudden movement or noise. Above the voices of the crowd I heard a shout ‘Hey Aussie!’ But I couldn’t tell where it was coming from. We heard it again, closer this time, and we went to ground in a defensive circle with our rifles pointing out, the robes and dresses around us scattering and shouting. We knew something was up. ‘Hey, soldier!’ It got closer and to my right I saw a figure coming at us, with his hand out.”

“It was the runner. He’d recognised me and he had my change – to the last cent.”

(Interview 19 July 2004)

5.12 Conclusion

Peacekeeping is hard work. Russell and his patrol knew that and plainly so did some of the people they were helping out. Good intentions were not the sole preserve of the rescuers, the wretched of Somalia drew on them as well. The UN intervention in Somalia had been a concentrated and ardent project intended to bring practical relief, security and a measure of positive prospect
to a fraught society. Except that it was itself fraught, laden with misconceptions and dogged by misunderstanding. Rigid, hierarchical perspectives and behaviours had not connected with an age-old culture of individual independence and complex interrelationships.

Somalia’s history is one of a people who have valued a republican way of organising their societal structures and processes. The decentralised and fragmented nature of Somali society ensured that colonial powers had difficulty imposing a uniform administration. The unification of Somalia, then, was bound to be fraught with significant challenges. Somalia as an entity, formed through the union of two ‘colonial creations’, Simons (1995:4) says, has never really existed long enough to be examined through a lens of historic continuity.

The demanding geographic and climatic environments mean that self-sufficiency and regulation of individual and communal disputes have evolved over millennia into well hewn, tailored customs. Established processes such as shir, diya and xeer have long been effective in dealing with the tensions that are part of life where clans and family groups share usage of common resources such as rangelands and limited arable areas. They present complex phenomena that are not easy for the uninitiated to come to terms with.

The short-lived democracy was an era of statehood that allowed Somalia’s entry into the international community. The dictatorship’s corrosive repression was bound to spur armed opposition and then drought and famine combined with violent resistance to exacerbate long-standing inequalities so that cleavages within Somali society erupted catastrophically. The devastation
that followed was the fillip for worldwide sympathy and an unprecedented humanitarian and peacekeeping intervention. The responses by UNOSOM and UNITAF, however, were informed by the assumptions of Realpolitik. The intervention was organised and implemented around conventional Western approaches to conflict and an orientation towards those with political and military power, regardless of their obvious lack of legitimacy. This was a macro-approach implemented very much at the expense of the micro-local level. Even when the Somali processes and structures were seen to be effective – as was conspicuous across the north – these were avoided. They did not fit the prevailing paradigm. Lyons and A. Samatar (1995) argue that the strategies that were adopted by the international forces throughout the Somali intervention could be classified as either ‘Accommodate Existing Forces’ or ‘Encourage New institutions.’ Prendergast (1997:110) says that to pander to authoritarian structures ensures a recipe for disaster, just as the authoritarian rule of Siad Barre’s regime had done. A similar view is taken by Kelly (1995:86) who says that there was simultaneously an effort to encourage and build on a groundswell of democratic tendencies and potential yet focussing on the warlords who embodied the antithesis of these tendencies. Kelly concludes that where there is a choice between ‘bottom up’ or ‘top down’ strategies it is always preferable to opt for the ‘bottom up’ approach.

Interviews with peacekeepers and Somali people, and sources in the literature have attested to the real presence of islands of civility throughout Somalia. Indigenous capacity and institutions were on the whole ignored and marginalized by the UN mission in Somalia (Prendergast, 1997:106). So it is that Somalia’s calculus of opportunities has been seriously limited in dealing with its conflict by an aversion to those ways which give precedent to time
dependent, face-to-face communal and trusted modes of conciliation and problem solving. It need not have been so:

The ultimate goal of the intervention in Somalia… should have been to create a safe political space in which civil society might have the opportunity to implement traditional Somali problem solving procedures…In retrospect, the most disappointing aspect of this outcome is that the international community never truly engaged the basic political dynamic of Somali society. The world did not need to fail in Somalia (Clarke and Gosende in Bhatia, 2003).

This stands in contrast to the situation in Bougainville where the peacekeepers worked closely with local ordinary people, their leaders and community groups. It will be seen in the next chapter that a significantly different kind of mission and force were pragmatic and effective enablers for local reconciliation, yet within the context of a similarly fractured and brutalised society.
I didn’t, I couldn’t, ask any more questions.
Near Buin, in south Bougainville, this was an uncomfortable afternoon and the sweat moved in rivulets down my arm and onto the interview notes. We were seated on the compact veranda of a half-timber, half-sago-palm hut, next to a small thatched kaikaihaus, or outdoor kitchen. Jacob, a lean and terse man, had spoken first, looking directly at me as he said ‘You’re going to hear what I have to say.’

He told me how he had fought as a rebel for two years before the government forces captured him and held him as a prisoner, for several more years, on mainland Papua New Guinea. He agreed with his captors not to rejoin the insurgents and so was sent back to his family, in an army controlled ‘care centre,’ a kind of makeshift ‘loyalist’ community. During this time he was once allowed to walk to a nearby village, with a couple of adults, and several local teenagers and children, taking their traditional musical instruments, to meet for a small social gathering. About halfway along the jungle track, he told me, some soldiers and their local allies ambushed them and all of the children were cut down by machine-gun fire. Jacob escaped and then rejoined his old guerrilla group. ‘How could they kill children?’ - he almost pleaded with me.

At this point in the conversation, which had really become a monologue, Jacob calmed as he told me that at the close of the war, he and his family, and the friends who had been ambushed, found the killers and their two villages had reconciled. He said firmly ‘I have forgiven them for what they did.’

We soon ended and shortly I was interviewing his much younger wife, Christine. She told me they had met in the ‘care centre’ about the time of the ambush. She told me her story of the war, of the deprivation and violence, and also mentioned the incident of the ambush that Jacob had spoken about. She said he had been travelling to the neighbouring village with these young musicians, six, eight and ten years old. And they were his children.

He had forgiven the people whom he had seen murder his children.
6.1 Introduction

The capacity for reconciliation and peacemaking in Bougainville can seem extraordinary to the outsider. Yet it is a well-established feature of that society (Fairbrother and Lewis, 2003), and one that played a significant part in the peace process – so much so that it was a fundamental consideration in the decision to establish the international peace monitoring force. In contrast, the international community’s intervention in Somalia, as seen in the previous chapter, failed to recognise, and effectively engage with, local peace-oriented practices. A more restorative approach to the conflict, as has been the case on Bougainville, might have greatly increased the chances of success.

This chapter explores the case of the Bougainville crisis and the international response, where the intervention was tailored to capitalise on reconciliatory features that had already emerged in indigenous efforts to stem the violence (see Rolfe, 2001). As the case of Somalia indicates, to understand the conflict and the response to it, it is necessary to survey some of the history and anthropology of the society in turmoil. Land ownership in Bougainville is an important element in the genesis of the crisis, particularly as there is an inextricable link between the establishment of the Panguna copper mine and the social and environmental disruption that ensued. Like Somalia, indeed like most other civil wars, while there may be one apparent major reason for the conflict, in Bougainville that being the Panguna copper mine (see Okole, 1990:23; Filer, 1990:81,n9; McMillan, 1998:2; Weber, 1994:24), causation is always much more complex than the obvious catalyst. The other contributing factors are also discussed in this chapter.
The conduct of the rebellion, and the response by PNG also feature, along with the peace efforts that occurred throughout the turmoil. The peace talks hosted by New Zealand finally produced a peace agreement that included a peacekeeping force unique in its design and implementation. The structure and operations of the initial Truce Monitoring Group (TMG) and its successor the Peace Monitoring Group (PMG) are analysed, but particularly, the direct support to indigenous reconciliation, the fact that the force was unarmed, the recognition of the role of women in peacemaking, the force’s multicultural composition, its civilian/military mix, and the commitment to an indefinite time-frame. Such a customized approach has resulted in one of the world’s most successful peace processes (Regan, 2000a:9). It is argued here that this was undoubtedly dependent upon a peace operation responsive to local conditions.

Customary dispute resolution is also discussed. Melanesian ways of making peace are said to be culturally embedded across the region (Dinnen, Jowitt and Newton Cain, 2003; Sirivi, 2004:176)145 and the Bougainvillean approach is

---

145 Lest this position be seen as a parallel to what Daly (2003) refers to as the ‘Nirvana story’ of restorative justice (referred to earlier in chapter 3), it is instructive to consider Filer’s (1990:84-85) sceptical view:

The myth of Melanesian communism is the story of a village which exists everywhere and nowhere, whose traditions were manufactured at the moment of their own destruction, and whose institutions are encapsulated in a national identity which cannot be distinguished from a hundred other national identities created by the same colonial experience. Once upon a time there was a community whose members lived in complete harmony with each other and with their natural environment, who jointly owned the land to which they had a mystical attachment, who chose their leaders by consensus, settled arguments by compromise, and redistributed the products of their labour to ensure that everyone enjoyed the same condition of subsistence affluence...And so, with a bit of luck, they would all live happily ever after...This vision of the Papua New Guinean or Melanesian village in the sky is not only a source of comfort and inspiration to members of the national political elite; it has also been seen by all sorts of expatriates for as long as expatriates have been around to see it. Enlightened colonial administrators, romantic anthropologists, syncretizing Christian missionaries, fly-by-night consultants, and a host of other characters, including the
illustrated. It is also true that this kind of conflict had not been experienced before, hence traditional social control mechanisms came under extreme pressure as examples here show. Bougainvilleans were acutely aware of the sustained and seemingly interminable damage that the conflict was reaping and recognised that traditional ways, necessarily supported with appropriate outside assistance, would probably result in a return to conditions that would allow for the political processes to be the conduit for addressing their grievances. The interview data included here support this argument.

The importance of reconciliation is emphasised. A typical reconciliatory process is described and the parallels with restorative justice principles and procedures can be seen. A balanced critique of this operation includes some of its flaws, but overall, as will be shown, its implementation has been essential to ongoing peace in Bougainville.

6.2 A Brief History of Bougainville

Bougainville has been inhabited for nearly thirty thousand years (Oliver, 1991:1). The main islands - Buka Island, and half a kilometre to its south, the much larger Bougainville Island (together referred to here as Bougainville) - remained isolated from other Oceanic peoples until about 1200 BCE, when an influx of people from the north-west spread through the area and out into Polynesia (Oliver, 1991:3). Trade and interaction with other, more distant, peoples was limited, largely because the perennially verdant, and mostly fecund, landscape yielded ample food and other necessities, as did the coastal

effectives of mining companies, have all helped to construct this image of ‘traditional Melanesian society’. And they had no great trouble doing so, because it is the image of a communist Utopia which Europeans had invented long before they came to Melanesia. Only in the villages themselves, the real ones on the ground, does it appear to be what it really is: a dream of something radically different from the present and the past.
waters.\textsuperscript{146} Trade with outlying atolls, and within the Solomon Islands, in which Bougainville is geologically situated, was common for items such as pigs, fish, some varieties of vegetables and lime for betel nut chewing (Oliver, 1991:18).\textsuperscript{147}

The first recorded meeting with Europeans occurred in 1768.\textsuperscript{148} It is estimated that about 45,000 people lived on Bougainville at that time and interaction with merchant and naval ships became common after several more decades. Throughout the nineteenth century whites visited as whalers seeking supplies, as traders interested in coconuts and copra, as explorers from England and Germany, and, in the later decades, as labour recruiters for the infamous and brutal ‘blackbirding’ trade in bonded labourers for the expanding agricultural industries of Queensland, Fiji, Samoa and New Britain (M. Havini, 1990b:18; Mamak and Bedford, 1974:2; Oliver, 1991:18-27; West, 1972:110). Some individual Bougainvilleans also travelled as crew on British, French and American ships and many were employed across New Guinea as guards and police (Griffin, 1990:5). Bougainville was gradually opening up to exotic influences.\textsuperscript{149} But the kinds of experiences with Europeans, and the quality of those relationships, varied greatly as Oliver (1991:29) explains:

For every white who viewed the indigenes with intellectual curiosity and treated them with some degree of fairness and humanity, there were

\textsuperscript{146} This is not to say that here ‘anything can be made to grow’ (an erroneous and relatively common assertion), and indeed some of the soil types in various parts of Bougainville preclude economically feasible agriculture (Oliver, 1991:13).

\textsuperscript{147} The importance of betel nut, particularly as a lubricant for social interaction, will be included in the later description of reconciliation processes.

\textsuperscript{148} Buka Island had been sighted in 1767 by the British ship \textit{Swallow} and the following year a French naval expedition commanded by Louis de Bougainville made contact with some local men in canoes off the coast of Bougainville Island. But it was not until 1792 that the first recorded landing of Europeans occurred when d’Entrecasteaux’s sailors bartered cloth for bows and arrows on the western shore of Buka Island (Oliver, 1991:16-18).

\textsuperscript{149} This was a slow process and in fact Denoon (2000:12) says that some Nasioi people of the south-eastern highlands of Bougainville did not meet Westerners until as late as the 1930s and 1940s.
many others who considered them to be subhuman and handled them fraudulently and brutally.  

Bougainvilleans also killed whites; Europeans were mostly regarded with suspicion, often with outright dislike, and were assumed to be kidnappers for the plantation labour trade (Mamak and Bedford, 1974:5; Oliver, 1991:29). For many Bougainvilleans this animosity eventually developed into an organised anti-European cultism that Griffin (1990:5) says can be dated to about 1913.

When different cultures meet the most immediate challenge is practical communication. Prior to European contact there existed nineteen languages and thirty-five dialects (Dorney, 1998:39). In 1938 these languages were still spoken on Bougainville, including Buka Island and the atolls, and by 1972 TokPisin (Pidgin) had become an almost universally used lingua franca (Cooper, 1992:2; Mamak and Bedford, 1974:2; Oliver, 1973:38). Today English is also used, although less commonly than TokPisin. It needs to be acknowledged, though, that language differences per se have never presented a point of friction for Bougainvilleans.

6.2.1 The German Era

Colonial powers began to stamp ownership on Melanesia in the late 1800s. In 1884 Germany annexed New Guinea, prompting Britain, through its colony Queensland, to lay claim to Papua. An exchange of notes between Germany and Britain in 1886 meant that Bougainville and Buka were allocated as part

---

150 West (1972:113) describes the exploits of a particularly well known Queensland 'blackbirder': Dr James Patrick Murray kidnapped 80 Bougainville men after sinking their canoes with scrap iron and small cannons tied to lengths of rope. When the captives tried to escape from the ship by lighting coconut fibre, Murray and his shipmates fired into the hold, killing at least 70 natives, while Murray sang 'Marching through Georgia' – followed by prayers (see also M. Havini, 1990a).

- 200 -
of the German sphere of influence (M. Havini, 1990a:34). These islands were officially declared German possessions in 1899 (Oliver, 1991:28). The period from 1899 to World War I can be described as ‘The German Era.’ The official policy was that Bougainville was economically a source of raw materials and labour, and politically an imperial outpost, but more than that: ‘[This official] policy…reflected the widespread European view of that era, that the best thing one could do for ‘primitives’ everywhere was to inculcate them into waitman’s habits of work, thrift, civic orderliness, sexual morality, hygiene, religion, etc’ (Oliver, 1991:31).

Villages were soon required to pay head tax. For those communities whose menfolk were not engaged elsewhere as indentured labour, compulsory and uncompensated work on public projects, for four weeks per year, was required of them (Oliver, 1991:32). While this was aimed at developing infrastructure such as roads and bridges, it often meant upgrading the dwellings and other private assets of government officials and commercial interests. Further intrusions into the life of individuals and the social structure of their communities came in the form of delegation of authority to a local luluai who was to ensure the collection of taxes and act as a liaison point for government and commercial travellers. They were also to oversee the

151 As Moses Havini (1990b:18) says, Bougainvilleans still feel bitter about their society and land being traded in an exchange of ‘human chattels’ and furthermore, at no time did Bougainvilleans cede sovereignty to any foreign power, as some other pacific countries had, such as Fiji in 1874.

152 There was some attempt to regulate private employment. Contracts for service were loosely administered by the authorities and it was expected that labourers would be fed, housed and provided with basic medical care. But employers were also licensed to discipline labourers physically, usually by flogging; men who absconded from work were forcibly returned by police (Oliver, 1991:31). Despite an ostensible German rule of Bougainville, Mamak and Bedford (1974:3) assert that colonial influence never really extended beyond the coastal areas (see also West, 1972:113).
resolution of minor disputes (Oliver, 1991:33). Usually a respected member of the community, the incumbent was assisted by a *tultul*, or interpreter, and a *doctorboy*, to dispense bandages and rudimentary medicines, and enforce sanitation standards.

Another influence, more pervasive and longer lasting than government and civic administration, appeared in this period. French and German Catholic missionaries arrived. The mission at Tobori, on Bougainville’s east coast had been established in 1902 as the first permanent European settlement (Oliver, 1991:35). By 1914 more mission stations had been constructed at Buin, Koromira, Torokina and Buka and significantly, the headquarters of the bishop had been transferred from the Solomon Islands to Kieta, on Bougainville proper (Oliver, 1991:39). Methodist proselytising, based in the Solomon Islands, also began in the south around Siwai in 1916.

At the beginning of World War I, Australia despatched troops to numerous German South Pacific colonies. On 9 December 1914 several companies of soldiers landed at Kieta and accepted the German surrender and pledge of neutrality for the duration of the war (Oliver, 1991:40). At the close of the war the League of Nations declared Bougainville a mandated territory under Australian administration.

6.2.2 The Australian Mandate Period

For the most part, the laws of the former German administration were maintained (Oliver, 1991). The position of *kukera* was instituted in each community and it was the duty of these ‘hatmen’ (who were issued with western-style police hats) to maintain law and order. The *tultul*, became known as the *bossboy*. All these posts were appointed by the Australian
Administration officer or *kiap*, and usually some effort was made to conform with a popular choice (Oliver, 1991). But it was little more than a nuanced version of the German imposed structure of delegated authority (Mamak and Bedford, 1974:5). All indigenous appointees were exempt for the purposes of the head tax and records of births, deaths, arrivals and departures were now required to be kept. Control over the lives of ordinary Bougainvilleans increased - but with no discernable benefits.

The enforced porterage for European officials and commercial agents was much resented, as was the construction of rest houses for these travellers. Furthermore, the League of Nations often complained, to noavail, about the Australian labour contracting system across the whole of its trusteeship (West, 1972:111). White and Chinese planters, retailers and traders began to settle in increasing numbers and by the mid-1930s about 160 were living mainly around Buka. There were also 130 indigenes from other parts of Australia’s New Guinea mandate who had been brought in as labourers. ‘By 1941 every part of Bougainville-Buka had been visited by Administration officials and declared to be under control’ (Oliver, 1991:48). Almost 30,000 hectares of land had been alienated for agriculture but there was no official encouragement of local cash-cropping (Oliver, 1991:55).

By the advent of World War II Christianity was firmly entrenched in Bougainville. In a population of some 50,000, just over half could be considered Catholic and nine thousand were Methodist; although the Seventh Day Adventist church had established itself in 1924, it numbered less than one hundred adherents (Oliver, 1991). Education of children in the mission

---

153 In 1928 the limits of Christian tolerance were tested when violence erupted between Catholic and Methodist missionaries, and their followers in south-west Bougainville (Mamak and Bedford, 1974:6); chapels were burnt down in Siawai. The disturbance could only be
schools was also mixed with student-labour for the church-owned plantations.

The material wellbeing and prosperity of whites, including the missionaries, inspired the beginning of a number of *kago* (cargo) cults during the 1920s and 1930s. Several charismatic indigenous leaders convinced followers that Bougainvilleans could, and would, achieve prosperity and equality with Europeans through their leadership and adaptation of Christian rituals and local magic. These leaders were usually exiled by the authorities (Oliver, 1991).

Such indigenous efforts were at odds with those of the colonial authorities who viewed that Bougainvilleans would benefit from an imposed administration. Oliver (1991:58) provides an insightful analysis of the effects of the Australian mandate between the wars, on Bougainvilleans:

> It is possible, but difficult to document, that the Bougainvilleans improved somewhat in physical health as a result of their twenty-year wardship. For example, all obvious cases of leprosy, tuberculosis, meningitis, etc. were hospitalized, and both Administration and mission agents conducted campaigns against yaws. Also, a term of years spent on plantations seems to have had a generally good effect upon the indigenous labourers, in terms of physical well-being at least. On the other hand, little progress appears to have been made in eradicating such major killers as malaria and pulmonary diseases. As for mental health, although there is no evidence of increase in extreme forms of mental illness, the period spent under mandate rule can only have increased the psychological stresses occasioned by subordination to incomprehensible authorities and ways of life.

The calamity of the war between the Japanese and the Allies had grave consequences for Bougainville (M. Havini, 1990a:34). Many local people were quelled with government intervention and a subsequent judicial enquiry (Oliver, 1991:64; see also Griffin, 1990:6).
startled by the rapid evacuation of the ‘invincible’ whites and were welcoming of the Japanese (Griffin, 1990:5), who encouraged the indigenous ancestor worship so disdained by Christianity (Rimoldi and Rimoldi, 1992:25). In fact one band of coastal villagers, calling themselves ‘Black Dogs’ carried out raids on villages of ‘neutral’ communities and hunted down fugitive Europeans and Chinese (Oliver, 1973:130; West, 1972:113). The Japanese invaders generally treated Bougainvilleans as brothers and sisters liberated from Western domination (Rimoldi and Rimoldi, 1992:24), although some local people did fight against them (Denoon, 2000:18).

The massive resources of Nippon were obvious, and when US forces arrived to drive them out, again the lavish material disposition of foreign peoples gave credence to lingering notions of kago. There were, at one point, 65,000 Japanese and 30,000 Allied soldiers on Bougainville and the savage fighting was ultimately of little strategic value (Griffin, 1990:7). The Japanese did execute some Bougainvilleans (Griffin, 1990:6; Rimoldi and Rimoldi, 1992:24), but then, so did the Australian guerrilla ‘coastwatchers’ when they thought their security was threatened (Oliver, 1991). Moses Havini (1990a:34) states that eventually ‘thousands of Bougainvilleans lost their lives in direct and indirect confrontation with the Japanese.’ The experiences of 1942 to 1945 left nagging questions in the minds of many indigenes. Most Japanese, American and ordinary Australian soldiers had treated Bougainvilleans with respect and friendship154 and this was in contrast to the relationships with pre-war administrators, merchants, traders and missionaries that were, on the whole, centred on subordination, dependence and patronization. A confidence began to be asserted while anti-colonialist notions were being articulated around the

154 Rimoldi and Rimoldi (1992:25) claim that ‘The Japanese camps were thrown open to visitors and the blacks sat at the same table as the soldiers. This was new indeed’. West (1972:113) says he was told that the Japanese were well liked and behaved themselves – evidenced by the scarcity of anyone of mixed Japanese and Bougainvillean ancestry.
globe; this was occurring as the Australian Administration and others returned - to continue on as before (Oliver, 1991:84).

6.2.3 After World War II

During the post-war decades life for most Bougainvilleans improved only marginally. The system of Administration-appointed officials was phased out from 1949 and replaced with local councils that only started to become a reality in the late 1950s. By 1961 the population was reckoned at 54,000 (Oliver, 1991:80). An effective malaria eradication program in the early 1960s drastically curtailed the infant mortality rate so that the population began to surge (Oliver, 1991:86).

Some Bougainvillean communities initiated positive measures to improve their lot. The Hahalis Welfare Society was established on Buka Island in the mid-1950s (Mamak and Bedford, 1974:6; see also Rimoldi and Rimoldi, 1992). Its rationale was that through cooperative economic development, and a return to indigenous values and beliefs, garnished with some elements of a cargo-cult orientation, material wellbeing would follow.155 This movement eventually numbered some 5,000 people, about half the population of Buka, and was prosperous and financially responsible. Where it fell out of favour with authorities was its advocacy of abstention from taxation, seen to be imposed by a remote and unhelpful government (M. Havini, 1990b:19), and its practice of ‘free love’ where trial marriages in the ‘Baby Garden’ were promoted (Rimoldi and Rimoldi, 1992:118). It also espoused that Christianity was not necessarily essential for Bougainvilleans to achieve their individual or

155 For a comprehensive treatment of the movement’s origin, history, activities and politics, including its millenarian leanings, see Rimoldi and Rimoldi (1992).
communal goals (Oliver, 1991).\textsuperscript{156} Church and government officials sensed that they were losing control. Ultimately unrest grew as the taxation measures were enforced.\textsuperscript{157} Eventually, during February 1962, Administration officials - and over 500 police - were flown in from other districts of PNG (Rimoldi and Rimoldi, 1992:114-117).

At this confrontation, where the overwhelming majority of demonstrators behaved peacefully (Rimoldi and Rimoldi, 1992:115), several hundred women formed the main group who advanced towards the police line. The police responded with batons. Perhaps unaware of the position and power of women in Bougainville, the Assistant Administrator interpreted the women’s initiative as an orchestrated tactic by the central organisers: ‘It was a cowardly practice’ and more police were ordered in ‘to protect the women’ (in Rimoldi and Rimoldi, 1992:113).\textsuperscript{158} The Rimoldis (1992:119) go on to say:

> By standing between the government police force and their own sons, husbands and brothers, the Hahalis women, by their own account, made a powerful statement of the primacy of women as the bearers of men, and of personal relationships over state control.

Another expression of Bougainvilleans’ deeply felt disaffection with Australian administration occurred in April 1962 when a United Nations mission visited Kieta. One thousand people complained that they were ‘treated like dogs’ by Australian officials, and stated that they wished

\textsuperscript{156} West (1972:114) relates the local response to the Christian Churches’ objections: ‘When the missionaries protested, Buka young men and girls would fornicate in front of the mission house.’

\textsuperscript{157} Moses Havini (1990b:19) quotes one of the leaders of the Hahalis movement as saying: ‘I fought for my rights and have been imprisoned successively by the Germans, the Japanese and the Australians. How long shall we fight for our rights? Let us break away from PNG.’

\textsuperscript{158} Hundreds of Hahalis members were arrested and 256 were sentenced to prison terms of several months although they were later released as a result of successful court appeals (Oliver, 1991). Yet this is not the view of Rimoldi and Rimoldi (1992:121) who provide an analysis of the charges, sentences and appeals, and who believe that in total, ‘they must have served over sixty man-years in gaol.’
Bougainville to be placed under American administration (Griffin, 1982:115; Griffin, 1990:8; Mamak and Bedford, 1974:7; Oliver, 1991:90; West, 1972:114; see also Cooper, 1992:4; M. Havini, 1990b:18). However, this was not to be.

Elections were held for representatives in the PNG parliament in 1964. In 1970 there were seven local government councils (Mamak and Bedford, 1974:5) and these were to be based on ‘traditional authority’. Coupled with this were also issues of secession from PNG. Soon, about 40 community governments were formed across Bougainville although these were sometimes viewed as undermining chiefly authority (Regan, 2000b). Furthermore, remnants of Animism and a strong desire for ancestral spirits to be involved in community affairs remained into the 1970s (Mamak and Bedford, 1974:25). Politically, then, the 1970s were a tumultuous time on Bougainville (Regan, 2000b:293).

By June 1971 the population of Bougainville was reckoned at 90,400 with a non-Indigenous component of 6,000, with Europeans being the bulk of these (Mamak and Bedford, 1974:2). Outsiders now appeared in significant numbers and social tensions were increasing. Many villages posted i tambu (entry forbidden) signs at their entrances, and calls for the expulsion of unemployed foreigners were made (Mamak and Bedford, 1974:11-12; Oliver, 1991:140; West, 1972:116). Bougainvilleans had long distinguished themselves by the deep black pigment of their skin and referred to lighter skinned Papua New Guineans as ‘redskins’ (Griffin, 1990:9, see also Kemelfield, 1990:70).159

---

159 Over half the urban population of the main townships around central Bougainville were now ‘redskins’ (Griffin, 1990:9).
6.3 Society and Land in Bougainville

Bougainville society has been, and remains, predominantly matrilineal. Every Bougainvillean, traditionally, has become at birth, a member of her or his mother’s clan (Oliver, 1991:6). Over almost all of Bougainville, women are the custodians of land. Oliver (1991:106) says that much land was owned ‘by universal consent.’ On rare occasions a matrilineage might alienate a plot, perhaps exchanging it for shell money; or it might be given as a gift (Oliver, 1991:109-10). Cooper (1992:8) describes land ownership succinctly:

There is no such thing as wholly free, unowned land. Among the Nasioi people, traditionally, it is inherited through the women, even though men take responsibility for administering it...there is no traditional concept of sale. The concept of acquiring land from a particular date, common with Europeans, is foreign to Bougainvilleans.

This means that almost all economically valuable land is corporately owned and passed from generation to generation via matrilineal ties (Oliver, 1973:68). Significantly, in times of crisis the matrilineal links were the relationships that proved most reliable for garnering support and allies (Oliver, 1973:74).

Regan (2000b:292) puts lineage on Bougainville into context:

In Bougainville no individual stands alone in relationship to the community. The individual is connected through the landholding clan lineages...Relations within and between communities are based on principles of reciprocity. So a ‘wrong’ committed against another person disturbs the balance between the lineages of the wrongdoer and the person wronged. Consequently, responsibility for the wrong often extends to the wrongdoer’s lineage. To restore balance, the wrongdoer might be ordered to pay compensation to the wronged person (or even the wronged person’s lineage). The amount of compensation involved is usually beyond the means of the individual wrongdoer, his or her lineage being expected to contribute. Outcomes include both
strengthening of lineage solidarity and the integration of individual members.

Sirivi (2004:176) also supports this account: ‘All members carry the responsibility of being part of a clan. Individuals know that the clan will be held accountable for their actions. Bougainville society has a strong concept of collective responsibility.’ As in Somali society, lineages informed social control.¹⁶⁰

Within this network of ties, social boundaries and roles were clearly delineated. Traditionally men’s gathering houses were strictly off limits to any females and transgression of such a custom could even end in the offending woman being killed (Oliver, 1973:46). Public displays of generosity by men, a praiseworthy and prestigious activity, were indications of leadership and the ability to influence larger groups than the immediate family. Political prestige, to be sure, remained the domain of men (Oliver, 1973:74-5). Feast-giving, not military prowess or a reputation for courage, was the quality that would attract followers who would then do battle on the leader’s behalf (Oliver, 1973:107).

There had been hostility particularly between coastal dwellers and inland people (Mamak and Bedford, 1974:5). No area was completely free from warfare and it was conducted as raids and skirmishes. Ambush was also a favoured method and solitary individuals would often fall prey to these tactics. Victims were those presented as opportunities and included men and women and children (Oliver, 1973:72). Nonetheless, writing in 1929, English

¹⁶⁰ Liria (1993:182) describes a hierarchy of allegiance for the Papua New Guinean (here he includes the Bougainvillean) commencing with loyalty to parents, then immediate relatives, followed by the clan, the village, the tribe, the district and region, then occupational identity, such as the defence force, and lastly the country of PNG.
anthropologist Beatrice Blackwood (in Oliver, 1973:64) observed that although the people of each district were almost constantly in a state of war with neighbours, there was also an increasing desire for peace as individuals from different tribes mixed and worked as plantation labourers. Armed conflict became effectively outlawed by colonial administrations; such control was aimed at ensuring a stable workforce, and reinforced by chiefs appointed by the administration (Oliver, 1973:67).

Under colonial administration maintenance of law and order was the preserve of the village chief - just as it had been before the coming of the white man (Oliver, 1973). Colonial administrations imposed another level of authority between each village and the administration by creating groupings of villages whose chiefs were subordinated to an appointed ‘Number One’. Village chiefs were now expected to charge those accused of lawlessness and bring them to an administration run court to be dealt with ‘according to law’ (Oliver, 1973:101). In fact many indigenous officials resolved disputes and punished unlawful behaviour ‘with or without the tacit consent of European officials’ (Oliver, 1973:101). Blackwood (1935:458) tells of the theft of a pig on the island of Buka. The thief was made to pay back a pig which was then killed and eaten by the thief and his victim, with the effect that the victim was no longer angry at the thief.

6.4 Minerals, Land and Conflict

The first mining prospectors appeared in the Panguna valley in 1964. The area was found to be rich in mineral concentrates of copper, gold and silver (Mamak and Bedford, 1974:3). Because the prospectors reported that the

\[^{161}\text{Such traces had indeed been known of since the 1930s (Cooper, 1992:5; West, 1972:115).}\]
land was not inhabited, it was assumed that it was not owned by anyone (Oliver, 1973:162). It was the men whom the colonial administration had dealt with (Dorney, 1998:41), not understanding the implications of traditional matrilineal title, and the mining company, Con-zinc Rio Tinto Australia (CRA) was no different. Furthermore in 1965, in response to a land dispute, a local court ruled in favour of CRA, and told the landowners that what existed above ground they owned, but that what existed underneath belonged to the administration (Liria, 1993:63). This dumbfounded a people who had buried ancestors there to protect their land.

Panguna was to become the world’s largest open-cut copper mine (Oliver, 1973:4; Cooper, 1992:1) and a Rio Tinto Zinc prospectus for Bougainville in 1971 stated that copper reserves were about 900 million tonnes – more than the entire copper belt of Zambia (West, 1972:109). The mine brought rapid and dramatic population growth. The nearby population increased from 750 in 1966 to over 14,000 in 1971 (Mamak and Bedford, 1974:3). In fact within a period of twenty years, 1969 to 1989, the entire population of Bougainville had doubled (Cooper: 1992:2).

With economic growth came disaffection. Smouldering discontent was accurately interpreted as more anti-administration than anti-mine (Mamak and Bedford, 1974:8, West, 1972:117). On 27 April 1969, around 1,700

---

162 West (1972:109) also presciently observed that disputes over mine ownership ‘could cause political strife, even civil war’.

163 Illustrative of this is the township of Kieta, constructed to support the mine, where the number of licensed motor vehicle drivers in 1966 stood at 45 and in 1970 was 3,953. The peak of the mine construction period, 1970-71 saw 9,000 construction workers arrive – almost all foreign. One substantial, negative impact of development can be seen in the fact that although there were some 16 road accidents related to construction work, a further 40 people died as a result of drunk driving around the nearby towns of Kieta and Arawa (West, 1972:123).

164 At a public meeting of the year-old Bougainville Special Political Committee at Arawa in 1974 it was lamented that the overwhelming majority of schools in Bougainville were
villagers gathered to object to the way land was being leased – again secession from PNG was raised as a possible solution (Mamak and Bedford, 1974:9). Several months later an association named Napidakoe Navitu\textsuperscript{165} was formed and sponsored an ultimately unsuccessful referendum on secession. Secession, it has to be said, was more popular over the main island of Bougainville but had little support on Buka (Mamak and Bedford, 1974:10); although at times, northern support increased and waned (Griffin, 1990:10).

As plans for the mine were being drawn up it was realised that villagers would have to be resettled. A scheme to buy suitable coastal land from the Rorovana people north of Arawa was put in place. The Rorovanas didn’t want to sell their land and in August 1969 the women of that area stood in front of the mining company’s bulldozers and police had to be used to remove them:

...a major confrontation took place between the bulldozers with lines of riot police carrying batons, shields, rifles and respirators, facing a group of about 65 women and some children, unarmed and quite defenceless. They ignored the instruction to move [from their land], then refused an attempt to shepherd them out of the way. When a barrage of 150 tear-gas shells was fired at them, they stood firm. Then the riot police charged with their batons. The villagers gave way and retreated to the Rorovana village – overwhelmed, defeated, and apparently alone. (Cooper, 1992:23; see also Oliver, 1973:165).

One interviewee referred to this confrontation as a defining moment in grievances over the mine (Interview 6 April 2004). An expatriate Australian observed at the time: ‘[People here] see the women as the source of life and of the land’ (in West, 1972:117).

\textsuperscript{165} Griffin (1982) provides a thorough treatment of this protest movement’s origins, aims, key players and programs.
A political awareness seminar was held in 1972, sponsored by the Mungkas\textsuperscript{166} student' group. The participants included Hahalis and Napidakoe Navitu representatives (Griffin, 1982:135). The Panguna Mungkas Association was then formed in April 1973 and it made credible claims to representing any Bougainvillean, regardless of district origin, in any dispute with the mine (Mamak and Bedford, 1974:15). At that time Bougainvilleans formed only 36 percent of the Panguna workforce (Mamak and Bedford, 1974:17).\textsuperscript{167} A sense of solidarity was growing, particularly around the theme of self-determination. On 1 September 1975, at a large ceremony at Arawa, a new flag was raised for the first time, and the Republic of the North Solomons was declared (Griffin, 1990:10). A similar ceremony was held at Wakunai (M. Havini, 1990b:22).

The Panguna Landowners Association (PLA) was formed in 1979 by schoolteacher Michael Pariu (Okole, 1990:17). It included people from all the areas leased by the mining company and within a year they had successfully negotiated a land use compensation agreement with the mining company – the Australian company Bougainville Copper Limited (BCL). Most of the active members were men over forty (Oliver, 1991) but women such as Perpetua Serero, a prominent Bougainville landowner who became the chair of the PLA, began to play stronger leadership roles, making further demands on the company (Okole, 1990:20-21). Internal divisions and member discontent are said to have been an important factor in more ‘radical’ elements surfacing in the association (Lawson, 1992:14; Okole, 1990).

\textsuperscript{166} ‘Mungkas’ means ‘black skin’ in the Buin language and this was a badge of pride for the Bougainvillean university students’ association formed several years before in Port Moresby. At the time, this group called for a referendum on secession (Griffin, 1982:121, see also Oliver, 1973:176).

\textsuperscript{167} Oliver (1991:121) says that across the nearly two-decade life of the mine, the average number of people employed was about four thousand, of whom 80 percent were (non-Bougainvillean) Papua New Guineans.
1988 several hundred association landowners marched in protest with a petition demanding better basic services, more local employment, and greater control of the environmental effects that they perceived to be threatening their livelihood and health. BCL then used the report of a geological consultancy firm to refute claims that the mine was responsible for a range of ecological problems and human illnesses (Filer, 1990:95, n28). At a public meeting with BCL, PLA leader Francis Ona denounced the environmental inquiry and walked out of the meeting. Many followed and soon, with stolen explosives, they shut down the mine. In the following weeks of December 1988, more Panguna installations were destroyed in a ‘wave of sabotage’ (Filer, 1990:83, n12) with the assistance of Sam Kauona, an Australian-trained explosives expert, until then a Bougainvillean officer in the Papua New Guinea Defence Force (PNGDF). The embryonic Bougainville Revolutionary Army (BRA) was nearing birth.

6.5 The Crisis

The civil war on Bougainville is more often than not referred to as ‘the crisis’ (Fairbrother and Lewis 2003). Sometimes, particularly in the early stages of the war, it was unclear who the militants really were – disgruntled landowners with a secessionist bent, cult members or raskol gangs of petty criminals (May, 2004:279). Initially the BRA ideology was substantially

---

168 The Panguna mine had been operating for seventeen years. The four areas leased by BCL ‘contain[ed] a significant proportion of the provincial population’ (Filer, 1990:73) and over two hundred households had been moved because of the mine, some of these twice over; many who did not have to move lost gardening land anyway (Oliver, 1991:138-9). The mine site was now a massive, 400 hectare, bare hole in the ground (Filer, 1990:79; Griffin, 1990:13). Perpetua Serero said at the time: ‘Land is marriage – land is history – land is everything. If our land is ruined our life is finished’ (in May, 2004:273). She was to die within a few months.

169 The sabotage was so effective that the mine soon closed (Rolfe, 2001:42).
directed against the educated and the wealthy (Regan, 2000b:294; Interview 6 October 2004). The PNG parliament declared a state of emergency on Bougainville from 26 June 1989. This authorised the PNGDF to find a necessarily military solution. Yauka Liria (1993:35-36), a PNGDF officer serving on Bougainville at the time, recalled that the military leadership ‘blindly and arrogantly’ supported resolution by force, and at the same time both underestimated and overestimated the strength and commitment of the rebels. Brigadier Jerry Singirok (in Dorney, 1998:134), Commander of the PNGDF, said before a 1997 PNG government commission of inquiry: ‘Unfortunately our politicians seem to relate success with dead bodies.’

The Royal Papua New Guinea Constabulary (RPNGC) mobile squads and the PNGDF responded to the rebellion with the burning of villages to flush out insurgents (Rolfe, 2001:43). Attempts to herd homeless villagers into ‘safe’ compounds followed (Rimoldi and Rimoldi, 1992:17). Due to historical factors and their brutality, says Kemelfield (1990:71), the security forces were seen by many as ‘yet another foreign invading force’.

Not only were Bougainvilleans fighting against the PNG army and police, but the conflict soon became internecine. A small breakaway group on Buka, partial to the PNGDF, was formed in response to abuses by, and differences within, the BRA. At first known as the Buka Liberation Front (BLF) (Rimoldi and Rimoldi, 1992:18), these militia considered themselves to be ‘resistants’ in opposition to the BRA and renamed themselves the Bougainville Resistance Forces (the BRF, or the Resistance). The BRF had local units across Bougainville, as did the BRA and so, much of the fighting was between Bougainvillean guerrillas of opposing allegiance. There were also less formalised and more criminal groups, some of whom would form temporary and shifting alliances with the antagonists of the BRA and BRF (Regan,
Regan (2001a:6) contends that some groups of fighters from both BRA and BRF were in reality *raskol* criminal gangs. These armed criminal elements were so confident that they rejected control by almost anyone (Regan, 2000b:294). It wasn’t only that the younger ‘loose canons’ in the BRA were difficult to control (Kauona, 2001:86,92; Mortlock, 2001:76), as a number of people also used the crisis to settle old scores - some of these dating back to World War II (Rimoldi and Rimoldi, 1992:18). Furthermore, there was also the ‘local conflict’ within south Bougainville (Regan, 2001a:15). Around Siwai, a war within a war had developed between several Bougainville clans with the PNGDF supporting one side against the other (Atkinson, 1993:3,5).

Many of the PNGDF had been trained by Australia (Londey, 2004:218). Australian supplied weapons, helicopters and patrol boats were used in battles against Bougainvillean rebels and in atrocities against civilians (Atkinson, 1993:6; see also M. Havini, 1990a; May, 1990). In the early 1990s the PNGDF used Australian donated helicopters to dump the bodies of suspected insurgents at sea (Forrest, 2001:49; Spriggs, 1990:30).\(^{170}\)

Border tensions with the Solomon Islands were also part of the crisis. Many Bougainvilleans, particularly those in the south, and Solomon Islanders have an affinity with each other (Griffin, 1990:4), and as internal displacement was widespread, some 2,000 people sought sanctuary there. The office of an NGO supporting these refugees was firebombed (Interview 6 April 2004). In September 1992 two people were killed when a PNGDF raiding party landed,\(^{170}\) One particular occasion, 14 February 1990, saw PNG security forces execute a number of rebels and then jettison their bodies from these helicopters – this was to become known as the St Valentine’s Day Massacre (Dorney, 1998:240). Among the victims, in this deeply religious society, was a Uniting Church minister (May, 2004:281, see also Atkinson, 1993:4).
wounding several others and taking one captive (Atkinson, 1993:4). In April 1993 a PNGDF patrol landed 50 kilometres inside Solomon’s territory and were fought off by police, only to return two days later (Atkinson, 1993:4; see also McMillan, 1998:3).

In an attempt to starve the rebel movement of outside support, PNG had imposed a maritime blockade in May 1990. This not only limited outside contact but denied medical necessities and other services to a vulnerable populace (May, 2004:283). In response to the blockade, the pre-eminent rebel leader, Francis Ona, announced a Unilateral Declaration of Independence on 17 May (Spriggs and May, 1990:113). He also appointed the Bougainville Interim Government (BIG), yet this body effected little control over either the BRA or armed criminal groups (Dorney, 1998:46). Neither was the breakaway administration able to provide essential services to the people (Regan, 2000b:294; McMillan, 1998); malaria, tuberculosis and other diseases became rife again due to the lack of medicines (Atkinson, 1993:2). Until the destruction wrought by the rebellion and the accompanying withdrawal of services, combined with the blockade, Bougainville had been the most competently administered, richest and most orderly province of PNG (Dorney, 1998:46; May, 1990:57).

Oliver (1973:204) believed that social cohesion and controls on delinquency were deteriorating at about the time the mine got underway and that there were few indications that things would get better unless ‘some genuinely democratic and mainly indigenous form of government for the island evolves.’ During the years of ‘the crisis’, however, there was little democracy or traditional governance in evidence. Many BRA commanders were relishing new found power and status, unwilling to accept chiefly authority (Regan, 2000b:294). This impeded attempts at peacemaking. One woman who spent
many years living in bush camps throughout the conflict recalled the shattered relationship between young fighters and traditional authority:

The youth believed that the PNGDF had sent the chiefs [to placate them] and said to them: ‘We are the ones fighting for independence.’ I saw the youth beat up the chiefs and send them back to the care centres (Interview 14 October 2004).

Dorney (1998:37) estimates that by 1995 some 5% of the island’s population of 160,000 had been killed either violently or from lack of medical treatment attributable to the crisis. Reckoning the toll varies widely, and while some Australian official sources claim deaths might have reached 6,000 (Interview 18 March 2004), figures in the range of 15,000 to 20,000 have also been asserted by Bougainvilleans (Regan, 2001a:5; Interview 6 April 2004). There are other claims in between these two but the reality is that with nearly one in ten dead, directly or indirectly attributable to the crisis, this remains a seriously damaged society. Seven years after the fighting ceased, one woman said:

Now, people are still traumatized and reconciliation has a long way to go (Interview 19 October 2004).

The violence that was part of this war was, as is the case with civil wars generally, at a level of savagery and brutality that is difficult to comprehend.

**As well as casualties among fighters, attacks on civilians, assassination and**

---

171 Londey (2004:219) puts the figure somewhat imprecisely as ‘several thousands’.

172 One report from the United Nations Development Programme (UNDP) (number PNG/98/002) states that ‘An accurate accounting of the numbers of casualties is unavailable but it is believed that death and injury caused is proportionately among the highest in the world’ (UNDP, 1998:3).

173 Yet, psychiatrist Victor Storm, who conducted a series of mental health workshops in Bougainville in October 1999, wrote:

Several leaders said that a number of counsellors...had over emphasised the issue of posttraumatic stress disorder. They added that the crisis had been tragic, but that most were not suffering from PTSD (Storm, 2002:62).
murder, the razing of villages, rape\textsuperscript{174} and torture were part of the tactics employed by all factions to dominate, punish and control the opposition. Some of this was described by one local man:

People have seen other people being killed regularly, initially it was shocking but people became used to it. During the crisis so many people had weapons and these would make it easier to rape women (Interview 9 October 2004).

It seemed that Sir Julius Chan, as Prime Minister of PNG, had a strong personal desire to make his mark in history. He wanted to be seen as the national leader who solved the problem of the rebellion on Bougainville and, making that his priority (Dorney, 2000:135), he had tried direct negotiation in 1994. Furthermore, he had established the Bougainville Transitional Government (BTG) in 1995 - but then returned to the use of military force in 1996 (Regan, 1997:52). A number of PNG parliamentarians were still adamant that the BRA were an intractable foe and so a military solution appeared the only option (Dorney, 1998:109). The failure of the PNGDF’s Operation High Speed II, the Kangu Beach massacre (where the local BRF turned on their PNGDF allies to avenge a number of rapes), and the murder of BTG Premier Theodore Miriung,\textsuperscript{175} all within the space of five months (June to October 1996), increased the desperation felt by many. The parliamentary opposition was calling for ‘all-out-war’ (in Dorney, 1998:155). From the PNG government’s perspective the rebels on Bougainville were decried as criminals who were, in the words of Prime Minister Sir Julius Chan: ‘facing the full force of the law’ (in Dorney, 1998:109). Such bleak prospects spurred

\textsuperscript{174} In 1973 anthropologist Douglas Oliver (p.201) had observed that ‘Wife-beating and rape were probably never very common, and are not so today.’ Nash’s (1992) study of domestic violence among the Nagovisi clan of central Bougainville, conducted during the early\textsuperscript{1970s}, also revealed that physical violence was extremely rare and rape almost unheard of. But the civil war changed this.

\textsuperscript{175} A coronial inquest determined that Miriung had been assassinated by members of the PNGDF and a Bougainvillean who had become disenchanted with the BRA (Dorney, 2000:131).
receptive responses, by senior PNG government and defence force officials, to overtures being made by the private military company Sandline International. When this became public knowledge the results were explosive – not only did the PNGDF revolt, but this caused many in the BRA, and other Bougainvilleans, to reconsider their opinions of the PNGDF (Regan, 1997).

Peter Barter was the PNG government minister who had been appointed in mid-1996, before the approaches of Sandline, to be responsible for administration in Bougainville. Throughout the development of a possible answer to the crisis, he emphasised that a military solution was not possible. The final document outlining the policy, produced in early 1997, stressed that reliance on military force was not viable and that both a negotiated settlement and reconciliation among Bougainvilleans should be pursued simultaneously (Regan, 1997:66). After Chan’s election defeat as a result of the ‘Sandline affair’ this was endorsed by the government of Prime Minister Bill Skate in August 1997.

There was widespread fatigue with the war by 1997. This gave rise to pressure from ordinary Bougainvilleans that a different way of expressing their grievances be sought – one that involved the wider international community (Semoso, 2001:95). Neither was there, in other parts of PNG, solid support for a continuation of the war effort. In fact, ‘during the crisis it was not as if there was continuous hatred and fighting. It was sporadic. [PNGDF] Troops always had the feeling that the people they were fighting were fellow citizens’ (Semoso, 2001:97).

---

176 Concerned by what he saw as the PNG government’s less than committed approach to a peaceful and negotiated resolution of the crisis, he worked hard to include players across the PNG government and administration as well as people with direct responsibility for Bougainville; and he included churches and key donors (Regan, 1997:64).
The fighting had lasted nearly ten years. The real cause of the conflict was neither the mine nor independence from PNG, ‘but the right of people to be treated justly and fairly and not abused by their own government’ (Atkinson, 1993:5). The struggle to be heard had led to a conflict that had fed off itself and the cost, it seemed to most, had become inordinate. It was also thought that militarily a stalemate had been reached (Regan, 2001a:9). The rebels believed that that they had fought the PNGDF to a standstill and that this meant that they had to be listened to (Kauona, 2001:85). It was time to talk.

6.6 Getting to Peace

From the outset the prosecution of an armed rebellion had not been universally supported across Bougainville. Numerous individuals and groups counselled non-violence throughout the crisis. The Port Moresby-based Foundation for Community Development assisted mountain communities to raise awareness of the alternatives to adversarial strategies (Weber, 1994). One Quaker Service Australia facilitator, on his return to Australia in the early 1990s, reported:

The greatest need now is to establish in the local communities appropriate skills and understanding that will allow the people who have been ‘out on a limb’ for what they believe in, and who may have been responsible for killing and intimidation, to be re-incorporated into the normal life of the villages. There was much discussion on the nature of justice in this context…Preaching does not bring about [forgiveness]. Forgiveness happens when people talk about and understand what has been done (Weber, 1994:24).

177 Zartman (1995:11,18) writes that ‘hurting stalemates’ are based on narrowed possibilities for negotiation combined with lost faith in the chances of winning. This is linked to his concept of ‘ripeness’ (see Zartman:1985) where the level of pain, from a cost–benefit perspective, increases for a party to the conflict if no change in military strategy is possible and current activities are maintained (Zartman, 2001:8).
This was echoed by a man who had been held prisoner by the BRA:

Peace is when you and I talk and I know how you think and feel, and you know how I think and feel. Peace was never brought with a gun, it’s about what’s in your heart and what’s in my heart (Interview 6 October 2004).

The Papua New Guinean NGO Foundation for Law, Order and Justice, founded in 1989 by government minister Bernard Narakobi, had been conducting conflict resolution training in Bougainville throughout the civil war (Dorney, 1998:157). One of the trainers, a Buka man, told me:

Our foundation was delivering courses in Buin and three of our trainers were murdered. It was hard for us doing these courses because the PNGDF were suspicious of us. They didn’t allow us to go to various areas (Interview 6 October 2004).

Undoubtedly these peacemaking efforts were seen as a threat by the interest groups determined to wage war. They offered alternative mechanisms and diminished the commitment to violence.

Kemelfield (1990:66-67) describes several other peace initiatives, one a regional ‘breaking of spears’ ceremony, another a joint mediation attempt by the Catholic Church and the national government. Each of these was ultimately unsuccessful, having certainly been laid to rest by the PNGDF’s intermittent offensives. A further joint appeal to the insurgents’ leadership by the University of Papua New Guinea’s Bougainville campus and the provincial government emphasised the plight of non-combatants. This showed promise when, after initial letters were not rejected by the BRA leadership, a think-tank including Professor Peter Wallensteen of Uppsala University held various meetings with BRA, community and government leaders (Kemelfield, 1990). The time seemed right for a ceasefire, and this was

178 Now known as Peace Foundation Melanesia.
agreed to. International observers arrived and, in the absence of the PNGDF (temporarily withdrawn as part of the blockade), security was provided by the militants (Kemelfield, 1990:69). A few weapons were handed in with a small ceremony. However, criminal activity and lawlessness increased (Kemelfield, 1990). This is explained by Kemelfield (1990) who says that it was due in large measure to younger guerrillas, who had been either fighting or preparing for battle over a sustained period, and with a lull in hostilities were lacking purpose and any effective authority structures to constrain them. They ‘suddenly found themselves in a ceasefire with almost unlimited power’ (Kemelfield, 1990:69). This initiative, then, also failed.

In mid-1990 New Zealand encouraged peace talks and in August hosted discussions between leaders from PNG, and the BIG, aboard HMNZS Endeavour. Despite the presence of Sir Michael Somare (who was at that time a former Prime Minister of PNG), the rebel leader Francis Ona did not attend. Nevertheless an agreement was reached, known as the Endeavour Accord. Ona in fact repudiated the agreement and thus increased the insecurity felt by the PNG administrators who had been tasked to restore services to Bougainville (Dorney, 1998:47). The Solomon Islands hosted a further peace conference in January 1991, in the capital Honiara. This also resulted in a ceasefire agreement, known as the Honiara Declaration, which, like those before, failed. Spriggs (1994:19) states that both the August 1990 Endeavour Accord and the January 1991 Honiara Declaration were unsuccessful because each was followed by a ‘communications vacuum.’

It was another four years before the next ceasefire talks could take place, again in Honiara, in September 1994. These led to a pan-Bougainville conference in October 1994, which was held in the former capital of Arawa. Security for the conference was provided by the South Pacific Peacekeeping
Force (SPPKF) comprised of soldiers from Fiji, Tonga and Vanuatu (Regan, 2001b:22). The organisation and logistics for both the force and the conference were organised by Australia, apparently ‘with a take-it-or-leave-it attitude’ (Spriggs, 1994:21). New Zealand also contributed (Rolfe, 2001:45). These talks were boycotted by senior rebel figures Francis Ona, Joseph Kabui and Sam Kaouna,\(^{179}\) and so no binding agreement was achieved (Regan, 1997:53). It may have been that peace agreements in Northern Ireland and Palestine at about this time had helped show that a degree of recognition for the BRA was needed (Spriggs, 1994:20). In reality, though, the BRA had been excluded from the Status of Forces Agreement, signed between the participating parties and the troop contributing countries, and so its leadership had felt snubbed (Spriggs, 1994).\(^{180}\)

Nonetheless, the conference did take place and by day three almost 1200 people were in attendance (Weeks, 1994:25). It became apparent, at this meeting at least, that independence was not a priority (Weeks, 1994:25). The conference, it appeared, was pushed along with ‘unMelanesian haste…[hence] none of the delegates seriously expected that a final peace agreement would be reached over five days of talks’ (Spriggs, 1994:21). The rebel leaders were spoken with by radio, but it was the interpersonal exchanges that appear to have been more valuable, among Bougainvilleans – and with the peacekeepers. Significantly, those local leaders who attended the gathering reputedly retained positive impressions of the SPPKF (Regan,

\(^{179}\) They cited fears for their safety as the reason for not attending (Rolfe, 2001:45).

\(^{180}\) It is also possible that the BRA were thinking that a ‘bankrupt’ and demoralized PNGDF would withdraw anyway (Spriggs, 1994). There was an unfounded rumour of a possible UN vote on Bougainville’s independence that may have boosted confidence in not having to risk capture or death en route to the conference (Spriggs, 1994). As it happened, the PNGDF were also extremely unsupportive of the deployment of the SPPKF and in fact there were numerous ceasefire violations by both the PNGDF and the BRA during the conference (Spriggs, 1994:22). There was also deep suspicion of Australia by the BRA.
It was also at this gathering that women’s voices were prominent, with Agnes Titus, President of the North Solomon’s Women’s Council emphasising that communities had been divided, and that ‘we are going to have to learn to heal these wounds’ (in Weeks, 1994:25).

The role of women in working for peace in Bougainville was pivotal to the process. As outlined earlier, women’s status and influence stems largely from their role as custodians of the land in each of the matrilineal clan areas. As one man, an elder in the central region, recalling the Arawa conference, said:

I think that we would have eventually had our peace process but…The women were the most important…they said ‘Enough is enough!’ (Interview 11 October 2004).

The significance of women’s opinions in this society was poignantly illustrated when a former guerrilla platoon leader recounted how he was urged by his sister to participate in the peace process. He told me:

In our culture, you are supposed to listen to your sister. If she gives you advice you are supposed to take it (Interview 10 October 2004).

Certainly for Bougainvilleans, the civil war was unprecedented in its brutality and scale. It is arguable that it was the intensity of such savagery that startled a people who had previously known when to limit their violence and conflicts. This is a culture where people realise that the rhythms of life have to be restored after any conflict. As one very old man explained:

181 For a detailed and wide-ranging account of the role of women in the peace process see J. Sirivi and Marilyn Taleo Havini’s book As Mothers of the Land (2004) in which a dozen first hand accounts of the war and the peace process outline the difficulties faced by women and their families, and the determination which they brought to accentuate the need for reconciliation. This work also shows the depth of religious conviction that permeated many local responses to the crisis.

182 ‘Brothers and sisters [in central Bougainville] are responsible for one another’s good behaviour’ (Nash, 1992:105).
In our customary way we do go to war, we do have tribal wars, but after a while we get together and decide on opening claims for people hurt during the tribal war. This way was already in our custom. It was a system that existed even before colonists came in. Our fights never lasted long. I heard from my grandfather if three or four people were killed we would have a ceasefire. This is our custom. Even today those who went to the other side live among us, still a part of the community (Interview 18 October 2004).

Despite the intensity of fighting in 1996, which included the murder of BTG Premier Theodore Miriung and the Kangu Beach massacre, the rebel leadership was still open to peace negotiations of the kind that suited the modalities of indigenous peacemaking (Kabui, 2001:35).

Yet after numerous failed attempts at peace talks, and eight years of bloodshed, the local and regional will to work towards peace was still alive (Forrest, 2001:45). Circumstances then, seemed ripe in 1997 for the warring parties to accept New Zealand’s offer to host peace talks at the Burnham military camp near Christchurch, NZ, in July. Despite PNG being a party to the conflict, the first round of talks, known as ‘Burnham I’, did not include the PNGDF (McMillan, 1998:4); these discussions were between the BRA and the BRF, with BIG representatives as well, and the resulting declaration emphasised the need for reconciliation amongst Bougainvilleans.

Here at Burnham the two warring sides confronted each other. One delegate described it:

'Burnham I’ didn’t involve PNG at all and it lasted 10 days. We had the Tarout or vomiting session.\(^{183}\) There were no specific procedures – we

\(^{183}\) Tarout or ‘vomiting’ is where unrestrained emotional outpourings are allowed to happen. Here anything that any relevant party feels needs to be said, shouted or cried out is expressed. As with physical vomiting, where toxins are purged, this verbal equivalent gives vent to internal emotional and psychological poisons. But in either case some movement along the path to feeling better has commenced. (Recall the Somali Shir).
went into the room with NZDF in between our factions - we were ready to throw punches. The vomiting session united us and from then on we stood back as one. The BRA and the BIG were housed together, but separate from the Resistance. There was real enmity. It was really very difficult. Someone would shout to another person ‘You shot my brother, you murdered my brother.’ And they would jump across to do violence but the NZ military were in between. This went on until nothing was left inside. The women played a very important role, they would say ‘Look, I am here, there is my son over there, and over there is my other son. And all of you, you are all our sons.’ During this time there was no agenda and it was so important to vomit it all out (Interview 13 July 2004).

This was followed several months later, in October 1997, by follow-up talks known as ‘Burnham II’. These included representatives from the BRA/BIG leadership and junior cadres, senior PNG government officials including PNGDF officers, and leaders and local commanders of the Resistance. One of the reasons this was possible was the thaw in relations all round provided by almost unanimous rejection of the proposed use of the Sandline mercenaries (Regan, 1997:70). Again the need for reconciliation was acknowledged, and as one prominent rebel leader described it:

The people realised that you couldn’t get to autonomy – and that was always a part of the conflict – until you get to peace with your opponent. Our desire for reconciliation at Burnham was the bedrock (Interview 13 July 2004).

The two ceasefire declarations, ‘Burnham I’ and ‘Burnham II’, were followed with a formal peace agreement known as the Lincoln Agreement and again reconciliation was stressed. Throughout the Burnham and Lincoln talks it was emphasised that a neutral, international peace force was essential to support the peace process. The Lincoln compact formalised the decision that gave rise to a six-year deployment of peace monitors, and a peace process that is still unfolding - regularly reinforced by indigenous restorative processes.
The next section illustrates that the peace process and the peace operation itself were interdependent. Restorative practices, regardless of how they were identified or described, were recognised as intrinsically valuable to keeping the peace. They were purposefully fostered by the intervening force.

6.7 Operation Bel Isi

Agreeing on a non-violent alternative and the need for reconciliation is one thing. How to operationalize it is quite another. During the middle of the war Spriggs (1994:23) argued that the human rights abuses committed thus far by the BRA and the PNGDF precluded the possibility of free elections without a neutral force deployed to supervise them. The Bougainvillean parties to the conflict well understood this and at Burnham a neutral international peacekeeping force was decided on (Regan, 2001b:23). This was reflected formally in the Burnham II truce agreement.

The BIG had been lobbying for UN recognition and involvement for a number of years. One prominent Bougainvillean representative stated that their efforts resulted in five human rights resolutions at the UN (Interview 13 July 2004). Numerous discussions about, and decisions on, the situation in Bougainville did take place across several UN bodies such as the Office of the High Commissioner for Human Rights (see for example E/CN.4/1995/176), and the Committee on the Elimination of Racial Discrimination (see for example A/50/18:pp.15-16). In reality though, these had little practical effect, and there were no such resolutions at the General Assembly or Security Council levels.184 Moreover, the PNG government had always, successfully as it

---

184 This is not to dismiss the UN interest or contribution. In 1994 UN Secretary-General Boutros Boutros Ghali had sent Hiroko Miyamura to observe the peace conference in Arawa (Dorney, 2000:136) and the Special Rapporteur on Extrajudicial, Summary and Arbitrary
transpired, worked against a UN mandate because this would enhance the internationalising efforts of the rebels. The BIG and BRA ultimately settled for UN acknowledgement, due to the difficulties and time frame involved in working for an official mandate (Regan, 2001b:24-25). This meant that the Lincoln Agreement and the peace operation were given the encouragement of the UN Security Council, and so the President of the Security Council issued a statement to that effect (S/PRST/1998/10). The statement noted the desire of the rebels for UN involvement and asked the Secretary-General to consider it, but went no further than that.

New Zealand’s role in fostering the peace talks had been a crucial contribution (Regan, 2001a:8). Australia had also worked for a resolution, as had the Solomon Islands earlier, and following agreement at Burnham, Australia, Fiji, New Zealand and Vanuatu consented to contribute personnel. The UN established a modest presence in the form of an office and several staff. Wilson-Roberts (2001:31) sums it up:

“The truce monitoring group proved to be a bold new initiative in conflict resolution by outside states faced with a civil war in their own region. Their strong concerns about regional stability were put aside for the simple goal of helping the participants in a brutal conflict continue to resolve their differences peacefully and between themselves.”

The peace force was known as the Truce Monitoring Group (TMG) and was established on 28 November 1997. It was led by a New Zealand army officer. Because of a patent mistrust of Australia by local people, Australian peace
monitors were initially not to be a prominent part of the TMG.\textsuperscript{185} One peace monitor who arrived with the first deployment was brought face-to-face with this:

There was nowhere that we went that people didn’t tell us the most appalling stories. For example I remember one old man told me that he forgave me for being Australian because the PNGDF had arrived at his village one day in an Australian supplied helicopter, they took his son into the chopper, went up 3,000 feet and threw him out. Yeah, he forgave me for being Australian (Interview 10 June 2004).

The force mandate was to monitor and report on truce violations, instil confidence in the peace process through good offices, presence and local interaction with the community, and educate people about the process (Regan, 2001b:31). Adams (2001:10) says that the TMG was not designed along the lines of any existing template for peace operations.

The effects of the intervention were immediate. The TMG presence meant that a young warrior could no longer slaughter someone with impunity. While being there kept the fighters apart physically, it also brought them to a place where they could communicate (Semoso, 2001:98-99). The force then quickly evolved from having a mission that was focussed on monitoring a truce, to having an expanded mission observing a peace and encouraging a space in which life could begin to return to normal. Hence, five months after the initial deployment, on 1 May 1998, the force became the Peace Monitoring Group (PMG). From then on, it was commanded by an Australian officer.\textsuperscript{186}

\textsuperscript{185} One New Zealand interviewee explained a little publicised aspect of the overall NZ approach:

Part of the strategy was that Bougainvilleans had to realise that Australia was really ok and they had to be reintroduced to the idea of the ‘decent Australian’. It was part of our job to facilitate this (Interview 28 September 2004).

\textsuperscript{186} The usual arrangement within a UN peace operation is that the senior person is the Special Representative of the Secretary-General, the SRSG. There is naturally a senior military officer, and this person reports to the SRSG. This is not the case with regional, or other, coalition intervention forces and the rather blunt comment of one PMG commander is notable:
Certainly the biggest contribution in personnel, equipment and finance was provided by Australia but it was firmly recognised that the peace was owned by the Bougainvilleans. The intervention was aptly named Operation ‘Bel Isi’ or ‘easy stomach’ in TokPisin. Of significance is the fact that the term means much more than the literal translation: when two people are of ‘wan bel’ they share one good feeling and ‘Bel Isi’ can be more properly translated as feeling good or content, having an inner peace about that relationship (Interview 14 October 2004).

The peace monitors, when viewed through the ‘peacekeeping’ lens were fulfilling the traditional peacekeeper’s role of observing and monitoring ceasefire violations. But there were also important differences in how they did it and who they were. They were all unarmed and included civilian monitors. One senior military officer described it:

The peace operation lasted from 1997–2003 and was made up of military, civilian, women and men who were unarmed; all of them commanded by an army officer and from a range of countries and cultures. This is a unique combination for a peace force and its multinational nature and cultural diversity were its strengths (Osborn, 2001:56).

Monitoring the ceasefire, educating people about the peace process, instilling confidence and fostering reconciliation were essential elements of the PMG’s role. For practical purposes this meant logistically supporting reconciliation ceremonies, with some peacekeepers occasionally acting as go-betweens. Some humanitarian aid work was carried out and the peacekeepers began to move only gradually towards containment of weapons.\footnote{The phased surrender of weapons can be said to be linked to the constitutional negotiations. It occurred as a ‘principled delay’ in the sequence of these negotiations in part because...} Almost all the

\footnote{The phased surrender of weapons can be said to be linked to the constitutional negotiations. It occurred as a ‘principled delay’ in the sequence of these negotiations in part because...}
peacekeepers interviewed attended reconciliation ceremonies. One Australian officer recalled:

Credibility was reinforced by us attending each and every reconciliation ceremony. I attended about half a dozen while I was there. Eventually the UN would fund the purchase of gifts because it was thought that time was running out. The geography of Bougainville mitigated against easy communications and travel. I knew of one person who had to spend almost three days walking twenty kilometres [to a ceremony]. The logistic capacity of the PMG really enhanced the reconciliation process (Interview 9 June 2004).

Most Bougainvilleans who were interviewed said the peace monitors were necessary, providing a presence as third party witnesses, from the wider international community. The local people knew that the peace monitors were there to assist as facilitators for the peace process. As one Bougainvillean woman said:

The PMG were necessary to bring people together. We wanted peace but didn’t know how to go about it. We needed these foreign people to help parties come together. They provided a safe space for people to meet. It needed someone who didn’t have any interest and to be the middleman…When the PMG arrived the peace process really moved along. We didn’t have the means to move it along (Interview 6 October 2004).

6.7.1 Local Ownership

The people of Bougainville owned their conflict and owned their peace – and they knew it. This is one of the outstanding features of the peace process. It was common to secessionists and integrationists, and those with no formal allegiance. It was felt by political and military leaders, villagers and militia fighters. Fairbrother and Lewis (2003) refer to it as ‘organic consensus.’ So ordinary people, for a range of reasons, including simply ‘needing to know,’

because of the possibility of independence and the need for a base on which to build any defence force for the new nation.
had a psychological need to witness the arrival of the peacekeepers (Forrest, 2001:51). The following is recounted by a TMG officer:

One of the roles of the peace monitoring force was to dispel rumour. We had agreed to help repair the [Aropa] runway and provided earthmoving equipment that was being flown in. As I waited with the local rebel commander I noticed he was very uneasy. I asked him why and he told me that the rumour was that the plane we could see approaching would be full of armed Australian and New Zealand soldiers. I had to allay his fears and he was relieved when he saw that it was only earthmoving equipment that was being unloaded (Interview 28 September 2004).

Ceasefire violations did happen. At the local level the truce agreement itself contained provisions for BRA, BRF, village chiefs and the PNGDF to come together and consult in response to any incident that put the truce at risk (Regan, 2001b:24). Local initiatives were a large part of the response. Because of the need to maintain law and order, former combatants from the BRA and BRF worked with the PNG police to form the Joint Bougainville Law Enforcement Body (JBLEB); and it worked well enough (Navoko Lui, 2001:134).\(^{188}\)

The peace monitors and the Bougainville people, it appears, were a very good combination. ‘The TMG provided some very gentle guidance, and [the local people] provided the will. Overall it was done their way – the Melanesian way’ (Castell, 2001:124). The peace monitors knew that the Bougainvilleans had a great need to talk, and debate what was happening around them (Shirley, 2001:58), and it was important to allow for that expressive space. Adams (2001:10) states that the force and the process were mutually supporting, and that the strength of the peace force came from what local

\(^{188}\) This is not to say that it always worked smoothly, as one PMG commander recalled:

While I was there, some of the local law and order service, or JBLEB got drunk and disagreed amongst themselves. They had a ‘high noon’ style gunfight which caused people to flee (Interview 22 July 2004).
people believed they needed for peace to obtain. This is reinforced by the commander of the BRA, General Sam Kauona (2001:94), who wrote:

Overall the TMG – Bougainville relationship was excellent. We felt responsible because we had ownership of the peace process and we invited them to the island as our guests...They consulted with the people, and the leaders, and it worked perfectly.

6.7.2 **An Unarmed Force**

Individual military observers on UN peace missions are often unarmed. Until Bougainville national contingents deployed on peacekeeping operations had always been armed. This is a consequence of the perceived threat. The threat level is carefully assessed and every military commander holds ‘force protection’ as the uppermost consideration (Knollmayer, 2004:222). This is the way military officers are trained and it is seldom absent from any commander’s concept of operations – be they senior, middle-ranking or junior (see Casper, 2001:255). One Force Commander put it this way:

It was emphasised to me [in orders] that the welfare and safety of the PMG was to be my prime responsibility (Interview 15 April 2004).

This was doubly significant in Operation Bel Isi because the antagonists in the conflict remained armed.\(^{189}\) Disarmament was not a big priority, and it was acknowledged that if and when it was to occur, it had to be even-handed in application and there had to be some incentive for it to occur (Puddicombe, 2001:145). In fact it has taken, so far, seven years for most of the weapons to be surrendered up and contained.

\(^{189}\) This also meant that the role of some monitors was in fact intelligence gathering, as one private soldier stated:

My job was more concerned with force protection, a sort of liaison and collection of information role (Interview 22 September 2004).

One civilian patrol member, however, provided an alternative perspective:

Force protection is important for the army, but it makes you risk averse and it makes you misjudge the risks (Interview 17 August 2004).
Initially there was some uneasiness that disarmament of the BRA and BRF was not something to be demanded or enforced immediately (Londey, 2004:221). How then, was the force to go about its task in these circumstances? The states that were participating in the peace force simply had to be content with the commitment by the opposing factions that they would protect the international unarmed monitors on the ground (Storey, 2001:61). Therefore genuine cooperation was required and Itta (2001:55) describes one situation: ‘Together we worked out ways to settle these unarmed monitors into the Arawa environment – an environment which was at the time infested with armed and often intoxicated combatants.’

Indeed the fact that the peacekeepers were unarmed had a reciprocal effect on the factions. Hakena (2001:67) states that the very presence of an unarmed peace force was a reminder that ‘trying to solve conflict with the barrel of a gun is not the answer. The best that can be delivered by armed battle is temporary peace, only bringing more suffering and death down the track.’

Joseph Kabui (2001:42), former rebel leader and current head of the Bougainville provincial government, believes that had the peace monitors been armed this would have certainly aroused suspicions that the rebels were to be fought with, their political leaders killed and the mine re-opened. In short, it would have inflamed the situation. So the crucial element, it seems, was trust. Semoso, (2001:99) states that ‘Trust was pivotal’ and continues with perhaps some hyperbole: ‘We have all seen in other parts of the world that

---

190 Breen (2001:44) writes, with some understatement, that ‘The adjustment to being deployed into harm’s way without weapons was a challenge for most military personnel’.

191 It was intended that the unarmed PMG would be an example to young fighters that professional soldiers could work without weapons (Rolfe, 2001:49).
when peace forces have been armed they have been shot and killed’. All the same, this view is reinforced by a senior official in the rebel movement who said:

When the PMG were here on the ground we looked after them and the UN. In other countries peacekeepers get killed, on Bougainville it is different, we look after them properly (Interview 11 October 2004).

6.7.3 Responding to Women’s Influence

As stated earlier, land-related issues had been a fillip to the insurgency, particularly the disenfranchisement of the customary women owners. Castell (2001:122) states that the men had fought for the re-establishment of the decision-making authority of the women and hence women felt some responsibility for the conflict and its resolution. The arrival of the peacekeepers also meant that women could emerge from hiding and reassert their traditional roles. There had been substantial societal turmoil during the crisis, and Jaintong (2001:103) states that many of the rebels were initially not comfortable with this reminder of women’s influence. To them it indicated a further loosening of their control and indeed some were uneasy with the potential of ‘women power.’

It was stressed throughout the peace process and the intervention, though, that the role and input of women in this society was essential to the significant decisions made in communities – at the micro- and at the macro-levels. One senior PMG officer described this pragmatically:

We didn’t play favourites and we worked constructively with a number of women’s groups who were working hard to engage opposing factions in dialogue (Interview 22 June 2004).

Another, an Australian peacekeeper, described how important the contribution of women was to his patrol’s effectiveness:
We had no women members at our site and we realised that we really had little influence with the local women so we flew some women peace monitors in to support us. The local women were important in the whole process because we could tell that they were truly sick and tired of losing family members to the conflict. So when we had with us a woman from AusAID, one from DFAT,\textsuperscript{192} and also an army nurse things improved on that score (Interview 10 June 2004).

It can be seen from the above that the peacekeepers recognised the importance of women’s roles and input - moreover, they positively engaged with women as ‘key players’ in the peace process. But this was not always the case and the following from an Australian peacekeeper sheds a more circumspect light on this facet:

The PMG categorised the people with whom we had to deal into three tiers. Tier One included Francis Ona, John Momis and Joseph Kabui. These were the ‘key players’. All the ‘key players’, so allocated, in this matrilineal society were all men. None of the significant women in Bougainville were considered to be of Tier One importance. About 80% of Tier One personalities were in Buka. Tier Two were considered less important though somewhat influential and this did include people such as Josephine Kabui, Joe’s wife, and Agnes Titus. I don’t think that the PMG gave these people credit for their influence. Tier Three people were mostly ordinary people with whom the peace monitors predominantly dealt with.

6.7.4 A Multicultural Force

A multicultural, regional composition of the force was insisted on by the Bougainvilleans at the Burnham and Lincoln negotiations, and other discussions; the multicultural nature of the force, then, was crucial to the design of the intervention. On another level, this also indicates agency on the part of the collapsed society – usually the community in conflict has to accept

\textsuperscript{192} AusAID is the Australian Agency for International Development and DFAT is the (Australian government’s) Department of Foreign Affairs and Trade.
the troops who are provided by the international community, regardless of affinity or social distance. Not so with Bougainville.

The PMG was dominated by Australians. Yet one commander of the group informed me that he always introduced himself as the ‘multiforce’ Commander and not the Australian Force Commander (Interview 9 June 2004). Bougainvilleans referred to indigenous peacekeepers from each of the four contributing countries as wantok (or ‘same language’ in a figurative sense). They therefore felt related to each other as cultural brothers and sisters. Many peacekeepers recounted how the cultural affinity of the wantoks was the difference between a mere presence and effective interaction. In the words of an Australian civilian peace monitor:

I was with a patrol commander, a medic, a civilian monitor and one or two ni-Vanuatu and Fijian peace monitors. They were so much better than we were at picking up the vibe in a village. For example when we would fly in these people could tell us fairly quickly if there had been something that had happened since the last visit. They had a much quicker rapport with the locals than what we did. This was crucial in finding out the mood of a village (Interview 17 June 2004).

Another peacekeeper, a soldier, put it this way:

The ni-Vanuatu and Fijian peace monitors were very good because they understood the culture, they were wantoks. The biggest thing is you have to understand the culture in conflict (Interview 12 September 2004).

Yet another expressed the value of cross-cultural communication:

We definitely needed the peace monitors from Fiji and Vanuatu, they were much more relaxed, they could make a connection much more easily. In any village they were trusted. They knew the culture and would find out things that we Australians couldn’t (Interview 17 August 2004).

It was evident that there was a greater ease of communication between the Melanesian, particularly ni-Vanuatu peacekeepers, and the Bougainvillean
people, than with the non-Melanesian contingents in the force (Navoko Lui, 2001:132). Bougainvilleans rapidly also found an easy rapport with New Zealand peacekeepers as they regarded Maori as almost fellow Melanesians:

The Kiwis showed a willingness to accept local conditions and local variants of democracy – pure sensibilities based on strict Westminster democratic standards do not fit in well in Melanesia. While the rebel movement may have been illegal and democratically inconsistent, the Kiwis did not shun it. They acknowledged it as a reflection of local conditions and as a reality (Semoso, 2001:97).

6.7.5 Soldiers and Civilians

Although the PMG was comprised mainly of military personnel, an integrated civilian component to the peace force was insisted on at Burnham (Interview 13 July 2004). The civilians came predominantly from the Australian Public Service and operated both in headquarters and from dispersed sites, small bases from which rigorous foot patrols were conducted as part of integrated military and civilian teams (Knollmayer, 2004:221). Australian and ni-Vanuatu police officers also served as civilian monitors and brought valuable understanding of, and expertise in, crime and public order matters. The presence of civilian monitors significantly boosted the capability of the PMG, applying much needed analytical experience to policy, economic and cultural areas (Fairbrother and Lewis, 2003). Although Londey (2004:221) writes that ‘nobody knew where the civilians fitted in, he also says that ‘The village meetings [were] generally led by the civilian monitors’.

Although the PMG Commander was always a military officer, the Chief Negotiator was always a civilian. In fact all the members of the negotiation cell were civilians. The civilian element allowed for a much greater

---

[193] The exception to this is that, during the initial TMG period, New Zealand allocated a military officer to this role (Email correspondence 1 August 2005).
engagement with elders, local teachers and women who had ‘an understandable wariness of military personnel in a post-conflict environment’ (Fairbrother and Lewis, 2003). Many soldiers in the PMG had an orientation towards engagement with militias and former combatants, sometimes privileging military/paramilitary voices over local civilian input, thereby inadvertently reinforcing the role of ex-combatants (Interview 17 July 2004). As former combatants were not always a reliable conduit through which to disseminate news about the peace process, direct civilian to non-combatant communication was invaluable (Fairbrother and Lewis, 2003).

Only two Bougainvillean interviewees mentioned the contribution of the civilian component. One said it ‘really complemented the military side’ (Interview 8 October 2004) while the other did not see any significance in it (Interview 8 October 2004). This could illustrate how effective, how seamless, the integration appeared. In the opinion of one Australian police officer:

I think that one of the biggest success stories of the PMG was the civilian/military mix of peace monitors – it was very successful. If it had been purely military it wouldn’t have worked (Interview 24 June 2004).

On the other hand, there were understandable tensions within the integrated peace force. One civilian peace monitor was critical and stated with some residual frustration:

The military/civilian mix provided two completely different approaches. I think that it’s a real problem having the military involved in peace monitoring operations. In this situation the army is there to support the civilian element. The way the power is distributed is crucial and the military controlled the resources (Interview 14 July 2004).

Another peace monitor, a junior soldier, was appreciative of the civilian role:

Any peacekeeping operation should have a mix of military and civilian personnel as well as various different nationalities. This brings a different point of view and even adds a level of accountability to what you’re doing (22 September 2004).
Knollmayer (2004) has carried out a thorough analysis of the civilian/military mix. He concludes that although there were some organisational strains and personal tensions, they were the exception rather than the rule, and that this particular aspect of the design of the force was not only appropriate but successful.

6.7.6 Time and Patience

Another distinctive feature of the operation was the adoption of a long-term perspective. This was essential because reconciliation between former opposing combatants necessarily requires sustained effort as a long-term project and is crucial to any viable peace process (M.T. Havini, 2004:137).

Since 1998, negotiations between the political leaders of Bougainville and PNG have been ongoing. In late 2004 the PNG parliament approved the long-awaited constitution for Bougainville, providing for a significant measure of autonomy for the people of the province; from here there will be held, in about ten years’ time or longer if needed, as has been agreed, a referendum on either further autonomy or complete independence. This has been a sustained process often supported practically by the PMG. An Australian government aid official said of the peace process:

    I think that one of the reasons that it has worked in Bougainville is that there was an initial acceptance and recognition that this would take a long time (Interview 16 June 2004).

Political and societal reconciliation has been a key feature of post-conflict Bougainville and this necessarily takes time. ‘Reconciliation in traditional practice is a deliberately slow practice…These traditional processes represent a holistic approach for conflict resolution, restorative justice and reconciliation’ (Sirivi, 2004:176).
The operational approach in ‘Bel Isi’ stands in stark contrast to most peace operations. There is often an urgency and artificial end dates that ultimately do not allow for effective peace building to occur. One peacekeeper, a police officer involved in many grassroots discussions with Bougainvilleans to promote the peace process, described the approach at a ‘village’ level:

We, the PMG members, would sit down between two groups to help them sort out their differences...These discussions eventually worked, they were very, very time consuming. Any dispute would always take a number of sessions and there would have to be some negotiation and some compromise (Interview 28 June 2004).

At the strategic level, one commander of the PMG explained the approach that was to be taken:

[The Australian] Foreign Minister Alexander Downer said that ‘oodles of patience’ were required and not to have a purely traditional military outlook towards the situation (Interview 15 April 2004).

This temporal appreciation permeated the perspective of all the national contingents involved and fieldwork revealed that it was willingly adopted by almost every peacekeeper interviewed. It can be seen, then, that a long-term view of the operation was essential to allow for the roots of peacebuilding and reconciliation to grow and nourish the peace process of post-conflict life in Bougainville.

6.8 Reconciliation as Restorative Justice

It is estimated that probably half the villages in Bougainville have taken part in reconciliation ceremonies, according to a PNG government official (Interview 10 November 2004). This is a massive phenomenon for a post-conflict society. The structure of reconciliation illustrates that it has the hallmarks of restorative justice as can be seen in the following description of how reconciliation is carried out.
First, deliberative and patient discussion and negotiation take place before any meeting to reconcile occurs between victims and offenders. This is usually carried out by community members, like the Seventh Day Adventist (SDA) pastor who told me that he had been negotiating for some years, on behalf of a village:

I am involved in a reconciliation that is ongoing. In 1994 four Resistance fighters from my village were on a night patrol, by boat, and they intercepted a boat coming from the Solomons, with Bougainville people in it. They shot three people, killing two who were from the village next to ours. People from my village are SDA and those killed were SDA, so it was brother killing brother. It all came out and people were not happy. A few years later people approached my village for compensation. It didn’t happen. I am a regular visitor to that other village who lost the young men and I was asked: ‘Can you facilitate reconciliation between our villages?’ I contacted several people to see if people wanted to reconcile. I came back and my people wanted to establish dialogue. The other village told me they wanted reconciliation. I organised a meeting of the two villages under UN auspices. I asked for a facilitator, a neutral venue and logistics – they were very supportive. Everything went well. I arranged for the two parties, the UN and the village chiefs to meet. We came up with an MOU of the amount... Now the reconciliation ceremony is to take place in November (Interview 8 October 2004).

The harm to be repaired can range from wounding, theft and looting, to destruction of homes, rape and killing. Time is taken to allow the offenders to purchase shell money or make other gifts to be used as compensation. Sometimes it may take months to grow food for a reconciliation feast and prepare a pig for slaughter. The importance of a gift was put to me this way:

The other party gives a gift first. This means: ‘let’s put our weapons down, let’s calm down and discuss it. I want you to understand why we did it’ (Interview 14 October 2004).

The offenders come to the victim and their community at the agreed time and this might be on the victim’s home ground, or it could occur on neutral
territory. Betel nut is shared and chewed – this is the quintessential greeting ritual that occurs whenever people meet for any social purpose; it is not restricted to reconciliation and is a custom that is indicative of amicable relations between the parties. It helps establish ‘wan bel’. Although some reconciliations do occur at the individual to individual level, ceremonies are most commonly community activities that include immediate family, extended family and perhaps others who happen to be nearby. Often some bows and arrows, traditional weapons, will be broken to indicate that the violence, the fighting and the aggression, have finished.

*Tarout* or ‘vomiting’ occurs. As described earlier, this was the first thing that happened at the Burnham talks in New Zealand and lasted many hours (Interview 13 July 2004). Next, admission of responsibility and explanations of the events that happened are given. An apology is made. Gifts and compensation are given to the survivors or the victim’s relatives. Forgiveness will be granted because here, when forgiveness has been asked for, it is customary that it is rarely, if ever, refused. In some areas one wooden pole is held at the same time by the main participants as they apologise and forgive (Interview 19 October 2004). People will shake hands and embrace and this can mean offenders having to shake hands with perhaps hundreds of people (Interview 9 June 2004).

At some ceremonies a rock will be buried to symbolise the departure of the weight of sorrow and bad experience that is now over (Interview 19 October 2004). In other areas a tree might be planted to symbolise a new future (Interview 10 October 2004). Invariably there is some singing and dancing, and a feast will conclude the ceremony. Often, at some point prayers may be included; this is not universal but it is common. The discussions leading up to
the ceremony will have included the format and this can vary. Although the procedure is flexible, in the main it approximates the process described here.

There is a finality about these reconciliations. The custom is that once a matter is concluded it should never be raised again. Each Bougainvillean interviewed attested to the permanent nature of reconciliation. Very rarely some ‘phoney’ or ‘fake’ reconciliation has occurred. No specific examples of this were given in interviews, but it was twice adverted to as a possibility (Interviews 8 and 19 October 2004). Older people told me that if relationships broke down again or if the matter was raised by an aggrieved party, the elders would be most concerned and an attempt would be made to again solve the problem. Except, there would be no third time. As one senior peacekeeper observed:

The reconciliation ceremonies held absolutely (Interview 15 April 2004).

What is also of note, from a comparative perspective, is that procedurally any compensation or restitution is negotiated beforehand. This is unlike Western Victim Offender Mediation sessions where the last issue at a conference is discussion about what has to happen from there. On some occasions in Bougainville a document attesting closure will be signed (Interview 7 October 2004). Overwhelmingly, reconciliation is final and the routines of daily living are restored.

In all of these ceremonies telling what happened is necessary. It is raw, and an undominated exchange occurs (see Jackson, 2002). Whatever needs to be said is said or ‘vomited out’ and everyone listens respectfully. The process is not ‘professionalised’ and it is the people themselves, victims, offenders and their communities of care who carry out these restorative ceremonies.
Repairing the harm occurs to the extent that it can – given the circumstances. It is understood that naturally no one can bring back a dead husband or wife, son or daughter, friend or relative. Reconciliation has to suffice. Sometimes returning the bones of a victim who has been killed occurs (Interview 19 October 2004). There have also been occasions where ex-fighters have rebuilt buildings that they have destroyed (Field notes 14 October 2004).

Restoration of relationships and communal harmony, one of the planks of restorative justice (Umbreit, Vos, Coates and Brown, 2003:8), is of incalculable importance in this society. The following is from an old man who lived in the jungle as a non-combatant, but who also helped the dispersed communities by serving on their ‘good order’ committees throughout the crisis:

If someone hurts me then my sons, my daughters, my uncles and aunts are hurt too (Interview 8 October 2004).

This is something that most families anywhere, would probably acknowledge, if only at a rational level, but on Bougainville it is a given, an indisputable reality of the way people there live. Relationships are set right again through reconciliation and the following is a quote describing what occurred at a spontaneous reconciliation – from a man who had been tortured. He said:

I met the man who tortured me, and he was afraid of me, I could have had him killed. I called him over and forgave him; I said: ‘Friend, I forgive you, but I will not forget – it is a scar on my heart’. He apologised to me, this was three years after he had done this thing and he was crying. Today this man is my brother and I have reconciled with him. He comes here [to this town] to sell cocoa…(Interview 6 October 2004).

There is always an eye to the future with reconciliation in Bougainville. This is encapsulated in the words of a woman who had endured horrendous losses during the war. She described herself naturally and without pretence as being, throughout the conflict, a peacemaker. She said of reconciliation:
In my own village there was a big fight between by brother and another man, the other man had cut my brother and nearly killed him. I initiated the reconciliation after talking with my brothers and sisters so that our community was happy to do this. Although this was individual to individual, when two people are fighting the whole community is disturbed. I opened with a prayer and said ‘Today is a special day for coming together to shake hands.’ The burying of the stone and chewing betel nut is a sign that the issue will not be brought up again and we will never talk about this thing from the past. We had food to mark the event and people became new again. We do it to protect our future generations, so they grow up innocent. The children witnessed the fight and they must witness the reconciliation. In reconciliation, the parties admit, accept and forgive – it is where the past, present and future come together (Interview 19 October 2004).

Whereas some restorative justice theory and literature discusses the idea that reconciliation, and indeed forgiveness, may not always be necessary for a restorative outcome (Braithwaite, 2003a:13; Zehr, 2003:6), when this notion of justice without reconciliation and forgiveness was put to some Bougainvilleans, it was greeted with bemusement and almost derision. It was certainly rejected. A former BRA platoon commander who had killed people and had lost a number of his friends in battle said:

When we reconcile I am the first person to say: ‘I caused the problem, I have done this and I am sorry’. The other person then says: ‘I accept your apology and I forgive you. I won’t take revenge on you’. During the ceremony we would sign a piece of paper saying we are now reconciled (Interview 7 October 2004).

The classic essential stakeholders in restorative justice – victim, offender and community (Umbreit, Bradshaw and Coates, 2003:123) - are almost invariably part of reconciliation ceremonies in Bougainville. The three parties are shown equal respect. In one situation of reconciliation, with its attendant reintegration into the community, I interviewed a man who was now in a business partnership with a former enemy. He recalled a battle where they had both been trying to shoot each other (Interview 14 October 2004). They
now accepted each other, and their communities accepted the unison of these former antagonists.

Many interviewees spoke using the terms ‘restorative justice’ and ‘reconciliation’ interchangeably (see also Sirivi, 2004:176). Moreover, developments at the political level of the peace process are illustrative of the melding of these principles and practices. Although the term ‘restorative justice’ is not specifically used in the province’s new constitution, the principles and practices have been incorporated as fundamental to the new criminal justice system for Bougainville. The Report of the Bougainville Constitutional Commission - the group who prepared and drafted the final legislation - does however, make numerous specific references to restorative justice *per se* in the text. It emphasises the importance of restorative justice as part of the custom and heritage of the people of Bougainville. The report includes the following:

One aspect of the origins of the Bougainville conflict was the sense that the PNG law and justice system had failed to protect Bougainvilleans. This feeling has provoked a strong belief that the Bougainville police, courts and other parts of the law and justice system must be different...it is important to acknowledge that the overall system of administration of justice in Bougainville must recognise the importance of *kastomary* restorative justice...In a post-conflict Bougainville, the process of rebuilding must not be seen merely as involving infrastructure, [but] also the rebuilding of trust, of relationships and of human dignity (BCC Report, 2004:188).

This goal has been made one of Bougainville’s Objectives and Directive Principles under sub-clause 13(4) of the Constitution. That the indigenous culture of Bougainville is one where restorative practices are deeply ingrained stands out in the literature and the interviews conducted – almost every Bougainvilean interviewed spoke candidly of the importance of reconciliation, as did one PNGDF general (Interview 24 August 2004).
Furthermore, twenty-three of the twenty-five peacekeepers interviewed acknowledged its positive contribution to the peace process, recognising the proactive support for reconciliation provided by the peace operation.

Individually and communally, at the micro- and macro-political levels, in the national, provincial and regional relationships, reconciliation and the healing of harms caused by the crisis have been given the standing and moment that they warrant. Had Operation Bel Isi not focussed on supporting reconciliation then peacebuilding might well not be ongoing, as indeed it necessarily is.

I was staying in a sparsely furnished share house in Arawa with my local guide and three other Bougainville men. One of them was George, a reticent, but not unpleasant man of about thirty-three. I tried some brief exchanges with him, but he seemed to be self-contained, and as I didn’t want to intrude, I would withdraw to my work. Any conversation seemed a mutual burden.

I was told that George was someone who had been a local guerrilla commander and that I would do well to interview him. I was surprised that he accepted my invitation. With the opportunity to tell his story, he loosened up. On a humid evening, by the light of a kerosene lantern, sitting on unsteady chairs, and with the occasional cockroach scurrying across our table, George told me about some of his experiences.

He told me that his opportunity to attend teachers’ college had been upset by the crisis. Because of his relatively high education level he was appointed as a platoon leader in the BRA and spent the next eight years fighting occasionally against the PNG soldiers, but mostly against their local allies, the Resistance, many of whom he knew. Eventually he had become tired of losing his friends and comrades, and of seeing no end to the misery of the civilian population. He’d also realised that the time for peace was approaching and that there had to be a great deal of reconciliation across Bougainville if a better future was to be made.

He recounted his tale in a straightforward way, but he also seemed more friendly, and open to a variety of questions. He was now lively and his story was interesting. It told of many battles and a pride in fighting with discipline, for the right reasons and with at least a modicum of compassion. At one part he told me: ‘My party
had killed three people from the village of Koko in 1993. I was the one who had found them in the bush and we brought them to our camp. We questioned them. I killed one of them, and another guy killed the remaining two. I was the commander, so I was responsible for this. We reconciled with their people in 1998’. He was proud of this and said: ‘My west coast group was the first of all the fighting groups to make reconciliation’. We talked until the lantern wick burnt down. I felt I knew George now, and there couldn’t be much more for him to tell. We then turned in for the night and I felt satisfied about my ability as a competent researcher.

After breakfast next day while the sun lit a cool morning I met George about nine-thirty as he was leaving the share house. As we were now friends, and I was feeling good, I greeted him and asked if he was heading off to a day’s work. He paused, and with only a slight smile that plainly took immense effort, he looked at me and calmly, without pretence, replied: ‘Oh, today? I am just going to dig up my brother’s remains and then take them back to our village. He died in the crisis and I have to organise a reconciliation with his killers.’

(Field notes and interview 7 and 8 October 2004)

6.9 Conclusion

Reconciliation has become somewhat of a slogan in many peace agreements around the world, yet it seems that it is seldom achieved. Harris (1999c:70-71) states that for peace to genuinely take root after violent conflict it is essential that the human traumas of the bereaved and the displaced are attended to and grounded in social reality. The evidence from Bougainville, as has been shown, is that there they are. Reconciliation is genuine, never used as rhetoric, and moreover, it has been integral to the peace process.

Violence, chaos and instability had been endemic for almost a decade and the peace process was a transformative event (Regan, 2000a:10). As Puddicombe (2001:142) wrote when reflecting on his time as Chief Negotiator:
Finally there was a forum on the island where the parties could regularly sit at the same table and make their allegations – and hear the other side’s explanations – under the safety blanket of the PMG. It was a development that could not have taken place if the Monitoring Group hadn’t been there to bring the parties together.

The TMG and PMG’s tailored approach enabled and supported local peacebuilding. It would have been, more likely than not, less effective had it done otherwise. It needs to be remembered that, as Marilyn Taleo Havini (2004:137) states:

If post-conflict reconstruction is carried out without looking for the root causes of conflict, recovery will only be superficial. Reconciliation is important to heal spiritual and psychological wounds, prevent hatred, distrust and warmongering, and to encourage forgiveness and unity.

Somalia and Bougainville are clearly contrasting experiences. A genuine, if misguided attempt was made to provide assistance and security to the people of Somalia, but it failed. The peace force on Bougainville connected with the influences and people in that society that were working for peace. This allowed confidence to build throughout the islands and this ensured ongoing support for peacebuilding. The differences between the two cases are pronounced and the following chapter articulates the key differences, and the factors that illustrate why one foundered and one prospered.
Chapter 7 - A Comparative Analysis

7.1 Introduction

The preceding two chapters exhibit the intrinsic divergence of the two case studies. Somalia and Bougainville present as peace operations at either end of the spectrum. The UNOSOM and UNITAF interventions, and Operation Bel Isi are written about, and recalled by many, in vastly different ways. Intriguingly, the conflicts in each of these societies, rent with violent disputation, were similar in many respects; the ways the responses to them were carried out were vastly different.

This chapter compares the backgrounds to each of the conflicts and the anatomy of the two disputes. Similarities in historical contexts, anthropology, economics and governance are identified. The characteristics of each civil war are examined, such as the causes and trigger points, the opposing parties and their forces, the ostensible goals of the antagonists and both the military results and wider societal effects. Furthermore, the local peacemaking efforts within these violent environments are compared. The international responses, and their consequences, are also dealt with and this highlights how contradistinctive the two case studies are. Each case’s international profile is described, the role of international aid and the nature of the two operations, that is, intervention as against an intermediary role, and the pronounced difference in the style and character of the operations are examined. The contrast in commitment, short as against sustained, and the differing approaches to support for local peace processes are analysed. Finally, the outcomes are discussed including residual violence, aspects of human security, economic development, current political arrangements and the state of ongoing peacebuilding.
The chapter culminates with a discussion of the main strategic differences and their relevance to developing the restorative option that this thesis proposes. These key concepts are: the focus on a conventional power orientation that contrasts with an emphasis on widespread networks of lower and mid-level peace advocacy; reliance on the formal strictures of an aggressive military philosophy as against more productive and engaging tactical possibilities; and the imposition of coercion from outside as opposed to mobilization of local capacity in finding reconciliation and the roots of societal renewal.

7.2 Societal Contexts Compared

Both Bougainville and Somalia were created as political entities by the withdrawing colonial powers. National identity was therefore subordinated to the national interests of the former territorial masters. Societal similarities are evident although some significant cultural differences stand out. The historical antecedents to each conflict are the starting point.

7.2.1 The Settings

There are several historical parallels between Somalia and Bougainville. Each of these peoples had at times both acquiesced in, and resisted - in their own ways - domination by colonial powers. The inequities imposed on them emerged to later spark the eruption of civil war. They had earlier provided the battlefields for contests between larger powers – and suffered because of it. Frustration at growing repression and failed irredentism had pushed many Somalis to internal rebellion (Gardner and El Bushra, 2004:230), and the indigenous political and religious movements of Bougainville had often espoused the self-determination that became a rallying cry for the BRA
Colonial authorities had also disrupted the traditional roles of the stabilising forces in each society, particularly the roles played by elders and the customary mechanisms for dispute settlement. Such administrations had been bent on preventing conflict in Somalia (Simons, 1995:33) just as the missionaries and *kiaps* had been in Bougainville (Oliver, 1973:67).

This is not to say that colonialism was the sole determinant in the decent into civil war in each case. As Laitin (1997:43) has put it: While the Somali lands were being ‘sold piece by piece without our knowledge’, the political and cultural implications of these sales did not, for the Somalis, necessarily signal the ‘last days of the world’. What is clear though, is the link between an imposed national structure and subsequent dysfunctional governance with attendant unresolved social tensions. Thus in Somalia from 1978 civil war was intermittent (Gardner and El Bushra, 2004:230), and in Bougainville from the late 1960s it was predictable (Jackson, 2002; West, 1972:109).

7.2.2 Social and Community Structures

Lineage and clan distinction is made much of in the literature on Somalia – to the extent that it appears to be the leading ‘fault line’ running through Somali society. It is certainly a hallmark (Compagnon, 1998; Gardner and El Bushra, 2004; McMullen, 1993:423). While the Somalis objected to the division of their traditional lands to separate them from fellow-Somalis in Kenya and Ethiopia, and to some extent Djibouti, many Bougainvilleans resented not only being included in Papua New Guinea but also having an artificial barrier drawn between south Bougainville and the nearest of the Solomon Islands (M. Havini, 1990b; see also Londey, 2004:215).

In fact, when the maps are consulted, each of these ‘countries’ had been a different place in the minds of the people who lived there - with very different boundaries from the ones arbitrarily allotted by their former colonial masters (see Gardner and El Bushra, 2004:2; Lawson, 1992:19; McMullen, 1993:423). While the Somalis objected to the division of their traditional lands to separate them from fellow-Somalis in Kenya and Ethiopia, and to some extent Djibouti, many Bougainvilleans resented not only being included in Papua New Guinea but also having an artificial barrier drawn between south Bougainville and the nearest of the Solomon Islands (M. Havini, 1990b; see also Londey, 2004:215).

This is unsurprising as the suppression of disputes has always been one of the immediate priorities of colonial governments (Mair, 1962:52; see also Migdal, 1988:127).
Similarly, the ten clans of Bougainville, with their mainly matrilineal system of social organization, are a significant feature in the island province (Interview 11 October 2004). Furthermore, in both Somali and Bougainvillean societies, because the corporate nature of liability for harm caused by clan members is so pervasive (Lewis, 1961:245; Regan, 2000b:292) these structures form effective loci of control in limiting inter-communal damage. With the dual characteristics of haven and regulator then, these consociations form, in effect, what amount to ‘communities of care’ within those societies (Braithwaite and Parker, 1999:110). They could be essential elements in any restorative construct.

The marked difference lies in the agnatic ties of the Somali and the matrilineal linkages within Bougainville. Yet although this is an important divergence, and the status of women within the two societies is also distinctly different, nevertheless women actively worked for peace in both the Horn of Africa (Gardner and El Bushra, 2004) and Melanesian (Sirivi and M.T. Havini, 2004) cases.

7.2.3 Ethnic Identities

A substantial commonality in ethnic identity prevailed within Somalia and across Bougainville. Although Besteman (1996a, 1996b and 1999) convincingly argues for a more nuanced representation of Somali society than the prevailing ‘one ethnicity fits all’ approach, it is also arguable that the majority of people there identified themselves, nominally at least, as Somali (Laitin, 1977:22-21). Just as there are very few, if any, ethnically homogenous states

---

196 While affinal allegiance is strong in both cases, these relationships and groupings are not so much the direct causes of strife, as they are sanctuaries and safe harbours during times of danger, as both Simons (1995:141-42) and Oliver (1973:74) have acknowledged.
anywhere (Lawson, 1992:6), minority communities did live in Somalia (Besteman, 1996a, 1996b and 1999; Cassanelli, 1996; Contini, 1969; Simons, 1995) and Bougainville (Griffin, 1990; Kemelfield, 1990). Yet in both locales differences became accentuated as tensions grew and these minorities became increasingly targeted as the civil wars erupted. Ethnic difference in Bougainville, however, was not based on an internal clan or ethnic fragmentation, but on the ‘obvious’ difference between autochthonous *Mungkas* and ‘Redskin’ outsiders (Londey, 2004:215).

7.2.4 Religious Contexts

Both the Somalis and the Bougainvilleans are deeply religious peoples. Somalia’s religious ethics are based on the principles and practices of Sunni Islam (Laitin, 1977:53) and Bougainville’s dominant strand of Christianity is Catholicism (Oliver, 1991). One significance element lies in Christianity’s ethos of forgiveness, and in particular, Catholicism’s propensity for reconciliation, with its sacramental routine of confession and penance to assuage guilt. One Bougainvillean who had lost two brothers in the war put it directly:

> The Christian influence means that people have learned to forgive; Christianity came here before it reached the rest of PNG and people had learnt about forgiveness before the war happened… Christianity has had a big impact and it is a big source of reconciliation (Interview 9 September 2004).

Religion and Church influence was mentioned by seven indigenous interviewees as being an important element in finding peace on Bougainville. This was acknowledged by peacekeepers and, as an illustration, the policy of one PMG Commander was to direct all peace monitors to attend local church gatherings regularly (Londey, 2004:224; Interview 28 June 2004).
Alternatively, one anecdote from the Somalia case study told of armed peacekeepers entering a mosque to the initial consternation of local people (Interview 8 July 2004). This can (perhaps too readily) be explained by an affinity between the ‘Christian’ PMG and Bougainvilleans, contrasted with a religious divide between these Western peacekeepers and their Somali Muslim charges.

Then again, the Bangladeshi, Egyptian, Indonesian, Jordanian, Pakistani, Moroccan, Kuwaiti, Saudi Arabian, Tunisian and Turkish soldiers, like the Malaysians and Emirate forces, and many Nigerians, shared with Somalis the Muslim faith. Over half the troop-contributing States, therefore, were Islamic countries. Yet the majority of peacekeepers were Western. Furthermore, ‘religious preference didn’t discourage [20-year-old Nigerian soldier Umar Shantali’s] captors from dislocating his ankles so that he wouldn’t escape. In the first weeks of Shantali’s captivity the SNA\textsuperscript{197} [militia] had kept him chained to a chair, naked and locked in a dark room, forcing him to eat and sleep in his own excrement’ (Casper, 2001:41). It appears that religious affinity amongst some peacekeepers, in this instance at least, counted for little.

7.2.5 The Significance of Women’s Status and Power

While there are similarities in these cultures there are also stark differences between them. Somali society is a patriarchal society.\textsuperscript{198} Gardner and El Bushra’s (2004) work is replete with instances of the subjugation of women in Somalia and with anecdotes of violence towards women and girls. This does not mean, though, that all Somali women have passively accepted social

\textsuperscript{197} The SNA was the Somali National Alliance – Aideed’s faction.

\textsuperscript{198} The birth of a boy is celebrated with the slaughter of two animals whereas that of a girl is celebrated with one, if at all (Gardner and El Bushra, 2004:9). \textit{Diya} compensation is also paid at a differential of twice, or half, based on the gender of the victim.
oppression and nor does it mean that all Somali men behaved violently towards women (Gardner and El Bushra, 2004; see also Barnes and Boddy, 1995; see also Diri and Miller, 1998; Diri and d’Haem, 2002).

Although their informal contribution to political discussion is often welcomed and respected, Somali women are unable to represent clans and are therefore excluded from public political decision-making and influence (Gardner and El Bushra, 2004:17). Some Somali women had fought as guerrillas against the Barre regime to liberate north-west Somalia (Somaliland) from the yoke of the dictatorship. Casper (2001:78) numbers Somali women, and children, among those Somalis fighting against US forces in Mogadishu in the battle of 3 and 4 October 1993. Similarly Shay (2005:83) cites women and children as fighting against UN forces earlier in September 1993. Occasionally some groups of women urged their menfolk to battle more effectively against other clans (Gardner and El Bushra, 2004). But Gardner and El Bushra’s work is also a testimony to the peacemaking efforts of Somali women.

Almost all of Bougainvillean society is matrilineal. It is not matriarchal (Rolfe, 2001:41). Bougainvillean women were often partisan throughout the crisis (Regan, 2001a:6), but generally understood that one purpose of the rebellion was to restore the matrilineal structure of their society (Castell, 2001:122). I found no evidence in literature or fieldwork interviews of Bougainvillean women urging violence or taking part directly in armed combat. On the contrary, the most consistent and voluble work for peace, throughout the crisis, was done by women.

199 Despite this, the current, very influential and relatively high profile Foreign Minister of Somaliland is Edna Adan, a woman of immense influence domestically and internationally.
Some congruence can be seen in the economic factors contributing to the armed turmoil that engulfed each people. The Somali experience was one of a steadily disappearing pastoral idyll, which had reigned over Bantu, riverine and other settled communities. But, like these ‘lesser’ groups, the nomads too had to contend with the consequences of an imposed ‘scientific socialism’ (Omar, 2002:13) and the accompanying anomie of urbanization (Besteman and Cassanelli, 1996; Besteman, 1999). In a similar way the Bougainvilleans experienced a gradual separation from the land that was part of their identity. Although subsistence farming was never threatened, large tracts had been appropriated for plantations, and an alien-owned, and largely imposed, mining venture meant that rapid development, and the complications of escalating urbanization, brought with them real disruptions to the social fabric (Cooper, 1992; Griffin, 1990; Oliver, 1991).

Both societies had economies in the early stages of development where most of the material benefits were inequitably distributed. Underdevelopment was the norm and disaffected populations resented the advancement of elites and the enrichment of remote overlords. The absentee landlords of southern Somalia (Besteman and Cassanelli, 1996), and the inaccessible dictatorship, were, for Bougainvilleans, akin to the commercial body - the owner of the Panguna mine leases - and the unsympathetic government in remote Port Moresby (M. Havini, 1990b). Each of these situations became intolerable for the ordinary people who lived in Somalia and Bougainville.

There is both divergence and similarity in each society’s experience of self-government. Somalia’s democracy was short-lived and this was followed by a dictatorship lasting for twenty-one years. This had far-reaching effects for
Somalis and fostered the gradual disenfranchisement of both civil society and the traditional nodes of social control. Alienation and disempowerment drove violent and sporadic rebellions in parts of Somalia eventually turning into widespread, armed opposition in the late 1980s. This differs from the Bougainvillean experience in that the period of independence from 1975 was peaceful overall, with incremental improvements in the delivery of services such as education and healthcare. The similarity, however, lies in the erosion of traditional social structures, and a growing frustration with the central government. Simmering discontent among Bougainvilleans, related to both the mine and self-determination, meant that these frustrations, like those of the Somali people, ultimately exploded in violent conflict and anarchy. The response, by each national government, was similarly brutal military and police repression. In Somalia and Bougainville this was the recipe for a more dogged and intense insurgency.

7.3 Conflicts Compared

The causes of each dispute were grounded in inequitable treatment by remote and powerful interests. Significant trigger points then ignited conflict. The goals of warring factions in Somalia were ostensibly politically based but often driven by more immediate material interests, whereas Bougainvillean rebels subscribed to an ideology but sometimes fought for other reasons. The forces in both conflicts, except the PNGDF, were irregular militias. Each of these wars was, and Somalia’s remains, sustained over an extended and bloody period. Yet despite the widespread brutality, local peacemaking efforts were underway – albeit with different results.
7.3.1 **Causes, Methods, Forces and Fighters**

The heated disputes within Somali and Bougainvillean polities bubbled, simmered and finally boiled over into civil war. As shown in chapter 5, two decades of repression and division culminated in the Isaaq rebellion in the north of Somalia. For most of that period in that region there had been a keenly felt inequity in the return of benefits from surplus livestock that had produced the largest share of national export earnings (A. Samatar, 1989:147-151). Their rebellion incurred a prodigious military assault that cost tens of thousands of lives (McMullen, 1993:425). This stimulated further resistance and as the fighting spread, consuming more of the resources of a military turned on its own populace; the dictatorship fell, and, despite pretenders to the presidency, a real power vacuum appeared (see Omar, 2002:9,145). This triggered chaos and energized the segmentation of clans, thereby fomenting political division and violence. It further provided licence for criminal opportunists.

The clan system and a corresponding interpretation of the war drove the international response (Bradbury, 1997). Yet this was not the cause of the war, which ‘lie[s] in a complex set of issues relating to distribution of resources and power, Somalia’s economic marginalisation in the world economy, long-term corruption and exploitation, oppression and uneven development’ (Gardner and El Bushra, 2004:3). Rapid urban growth, with its concomitant social disruption, was a feature of both Somalia (Gardner and El Bushra, 2004:8) and Bougainville (see Cooper, 1992; Mamack and Bedford, 1974; West, 1972) in the lead up to war.

---

200 The people of the north-west resented being the ‘cash cow’ for the central government to both develop other parts of the country and fund an increasingly repressive military and security service from what they believed was the result of their region’s industry. Nationally, their products formed the dominant foreign exchange earner (Samatar, 1989:121).
In like fashion, for decades in Bougainville, discontent had expressed itself through indigenous political and religious activities. Throughout, Bougainvilleans had felt ignored by the central government who had used violence to evict landowners and to alienate land, and who had acquiesced in environmental degradation, allowing foreign dominated interests to reap the benefits from the Bougainvilleans’ landed heritage (Londey, 2004:216; see also UNDP, 1998:3). These factors, coupled with frustration about the destabilising influences of so many foreign workers, led to the sabotage of the mine infrastructure (McMillan, 1998:3). Just as the Barre dictatorship in Somalia had launched assaults on militias and innocents alike, so the PNG government delivered the RPNGC mobile squads who inflicted savage damage on armed insurgents and civilians with little compunction (see M.T. Havini, 1996). They then augmented their force with the PNGDF and because of its lack of discipline, brutality and record of human rights abuses (M. Havini, 1990a:31-37) the PNGDF soon became demonized in BRA mythology (Regan, 1997:69). The rebels then operated with their own ferocity (McMillan, 1998:3).

In Somalia, all factions were, initially at least, generally united in their desire for liberation from a repressive dictatorship (Compagnon, 1998:76), the maintenance of national unity and upholding the integrity of the Somali state (Omar, 2002:1-8). Assuming the presidency rapidly became the goal of the two major warlords Ali Mahdi Mohamed and Mohamed Farah Aideed (Omar, 2002:9), and naturally their followers supported their grab for power (Omar, 2002:12). One Somali elder recalled:

---

201 But in reality this apparent unity was fragile and soon unravelled (Tripodi, 1999:138). The political parties were, by the time of Barre’s ousting, usually conglomerates of clans and sub clans (Compagnon, 1998) and at the lower levels of the militias, sheer survival became a strong motivator.
This [conflict] was about political and material interests – nothing more (Interview 18 February 2005).

The criminal elements and their political ’brothers in arms’ had the opportunity to plunder both war-torn communities and aid; as discussed in chapter 5, the inter-riverine people in particular, along with the coastal minorities, were victimised more so than most. Old clan rivalries were revived and pressed into service (Compagnon, 1998), just as was happening in some parts of Bougainville (Rimoldi and Rimoldi, 1992:18).

The stated aim of the BRA was independence from the larger and foreign entity of PNG, as well as the closure of the Panguna mine. Like most violent insurrections the civil war on Bougainville developed a life of its own. Hence the goals of some of the BRA fighters varied throughout the movement, particularly in the ‘mini-crisis’ of the south (Atkinson, 1993:3,5; Regan, 2001a:15); old enmities from decades before re-emerged, as criminal elements plundered with impunity, all adding to the violent chaos. It has to be said though, that the rebels’ policy, as articulated to most of their fighters was fourfold, and a former BIG cabinet minister put it this way:

When we planned to fight against PNG we fought for four principles: Land and environment, culture and tradition, future generations and independence (Interview 11 October 2004).

In Bougainville, as in Somalia, initially there was apparent unity of purpose, but the evidence, outlined earlier in chapters 5 and 6, is that this was fractured in both cases.

Membership of Somali militias was organised along predominantly clan-based lines. Compagnon (1998:83) says this is because it has been a tradition of pastoral society that ‘a fighting force can be recruited only through clan affiliation’. Not only did Somalis draw on the idea of a ‘warrior culture’,
(Lewis, 1961) but as there was many a man who had been trained by, and had served in, the country’s defence forces, this was a substantially militarised society:

[The peacekeepers] underestimated that all Somalis were soldiers, everybody was trained as a soldier and could use all kinds of weapons (Interview 17 February 2005).

The distinction between militias and bandits was rarely clear (Compagnon, 1998:79).

The rebels on Bougainville had a similarly ‘loose’ organisation. There was a great deal of local autonomy throughout the BRA and it could hardly be said that they were a coordinated and disciplined fighting force (see Rolfe, 2001:43). Yet one Bougainvillean described the insurgents’ structure thus:

We didn’t have warlords but we did have a general to command our BRA. We had companies and they had commanders (Interview 13 July 2004).

But although there was some attempt at a uniform organisation, command and control of the BRA was always tenuous, particularly by the BIG (see Dorney, 2000:133). The BRF was provided with limited logistic support by the PNGDF – who, it has to be said, had administrative difficulties of their own to contend with (Dorney, 2000:179-184). Some guerrillas in the BRA and BRF had pre-crisis experience serving with the PNGDF, but these were few, and the war-like practices of previous generations were long gone. The criminal opportunists who emerged were similarly disorganised and changeful in their allegiance. There is a similarity in that the fighters in Bougainville belonged to autonomous groups with intermittent, and (often for extended periods), little
or no regular direction and support from a higher headquarters. In Somalia many young men still drew on the national myth of a warrior culture.

The other category of gunmen who exacerbated the anarchy in Somalia was the *mooryaan*. These gangs of armed youth were subject to no authority but their own – or occasionally that of the proximate warlord. Such teenagers were, and many have remained, cut off from the usual constraints of family and ordered community. The use of the mild stimulant (Samatar, 1989:139) *qat* was not confined to the *mooryaan*. It is a common and readily attainable drug that reputedly led to addiction and a heightened tension in its users (Casper, 2001:78).

Bougainville’s armed and lawless youngsters were the *raskols*. Like the criminal gangs of youth in Somalia, the *raskols* posed a real threat to any attempts to reinstate order and their loyalties were fickle. The confusion and absence of authority gave them free reign to rape and rob. ‘Home brew’ or ‘jungle juice’ was their drug of choice that exacerbated violent propensities. A UN report at the start of Operation Bel Isi stated that on Bougainville ‘there are large numbers of dysfunctional youths...and many have been psychologically scarred by the conflict’ (UNDP, 1998:3-4). It is clear that the pronounced mix of crime was in evidence in the ‘new wars’ of both Somalia and Bougainville.

---

202 In his work on warlordism Rich (1999:7-8) notes that during the civil war in Mozambique, the South African backed RENAMO rebels, who were usually part of a hierarchical organisation, sometimes had local cadres who would ally themselves to local cults such as Shona spirit mediums.

203 It has been seized on as an important factor leading to violence (Gardner and El Bushra, 2004:1) but there is little solid evidence that *qat* was of any significance among the factors promoting widespread societal disruption (see Warsame, 2004:125).
7.3.2 Human Insecurity

Somalia was awash with weapons both small and large (Adekanye, 1997:360). Weapons had been generously supplied to Barre’s regime by both the Soviets and the US during the Cold War (Casper 2001:18, Shay, 2005:66). Many households had their own more dated guns and some people legitimately acquired them for self and family protection as the armed violence increased (see Gardner and El Bushra, 2004:185). UN Security Council Resolution 733, adopted in January 1992, imposed a comprehensive arms embargo against Somalia, but this was of little effect. One of the enduring television images of the civil war in Somalia is the scene of heavily armed commercial utility vehicles - ‘technicals’ – careening through the streets of Mogadishu and beyond (Casper, 2001:18; Londey, 2004: 182; Omar, 2002:26). Disarmament then became a thorny issue for the intervening forces – expected by the civilians, resisted by the militias, and avoided, in the main, by the peacekeepers. This is an issue that dogged UNOSOM I, UNITAF and UNOSOM II.

Many Bougainvilleans were overwhelmed by how conspicuous guns had become in their communities. The sources of weapons and ammunition across the factions in Bougainville were: leftover Allied and Japanese supplies from

---

204 General Bruno Loi, commanding the Italian peacekeepers, estimated that by the end of 1992 there were some 500,000 weapons available and the quantity was increasing (in Tripodi, 1999:138).
205 For more than a decade rebels had been armed by neighbouring countries, particularly Ethiopia who feared a stable and potentially strong Somalia (Markakis, 1998:132, Olcansky, 1993:314).
206 Famine and a dearth of material goods, including weapons, do not necessarily go hand in hand of course; nevertheless, one US soldier wrote of the Somalis that ‘for a nation of starving people, they sure do have a lot of tanks and guns’ (in Casper, 2001:26). Nederveen Pieterse (1997:81) says that ‘the Cold War political game left Somalia rich in armaments but poor in everything else’.
World War II (Londey, 2004:219); home made weaponry (Dorney, 2000:146); arms that had been captured, stolen or bought from the PNGDF (Londey, 2004:219); and munitions supplied directly by the PNGDF to their BRF allies. One frustrated Bougainvillean weapons disposal worker said:

I would say to Australia, the US and Japan: ‘Come back and clean up your own weapons [from World War II] so that we can be weapons free’ (Interview 14 October 2004).

The proliferation of weapons was widely regarded as an inherent danger and a risk to the peace process. This is evidenced by the following statement from one Bougainvillean woman:

We had a meeting here, and the mothers of Buka, in the north, guaranteed the safety of the women from the south, the no-go zone. We said: ‘We want the guns to be destroyed, not stored, that is to be our Christmas present’. The men did that. That was their present to their mothers and sisters (Interview 6 October 2004).

At the time of intervention Somali society was devastated by widespread famine and starvation. The local Somali medical infrastructure had been completely destroyed (Davis et al. 1996:55) and the militias killed and looted with impunity.207 As in Bougainville, disorganised groups and individuals were openly carrying and using weapons, and without qualm intimidated and silenced the population. Most ordinary people found it impossible to speak up about the wanton killing and pillage by the militias. One woman from Mogadishu said:

They will kill you if you speak up [sic] against the killings (Interview 18 February 2005).

This was expanded by another Somali refugee:

The people had different ideas about the warlords and the warlords failed to negotiate and compromise – and people really had no choice

---

207 The NGO-operated emergency units were often coerced into giving priority to wounded fighters no matter how slight their needs (Interview 14 February 2005).
but to support the warlords – you would be killed if you didn’t. People disagreed with the warlords but could not say it publicly. Even the intellectual people and others who had been government officials were silenced (Interview 14 February 2005).

Throughout the island province of Bougainville services were shut down for nearly a decade (see UNDP, 1998:4). Although there was no famine in Bougainville, the war years were years of deprivation (see Laura, 1995:5). The hospital in Arawa – which had reputedly been the best equipped and most competently staffed hospital in Melanesia - was progressively destroyed (UNDP, 1998:6). Today it remains overgrown and forlorn. The blockade by the PNGDF had the same effect on aid there as the looting by Somali gunmen did in Somalia. Proportionally the displacement and refugee effects were similar to those of Somalia, and approximately 50,000 people were internally relocated to ‘care centres’ on Bougainville (McMillan, 1998:4; UNDP, 1998:3). Communication became severely restricted because of the danger of travel and the intimidation of arms carried by all militias, criminals and the PNGDF. Rape was used as a weapon of subjugation in both Somalia (see Gardner and El Bushra, 2004) and Bougainville (see M.T. Havini, 1996; Sirivi and M.T. Havini, 2004). Bougainvillean civilians were as cowed as the Somali populace.

Somalia and Bougainville suffered wholesale, and near complete, deterioration of established authority and process. In the communities of people who huddled together for protection and mutual support, some of them clan-based, some of mixed-clan associations, people had to cooperate within the context of a minimum array of rules. In Somalia, it is not as if xeer had been eradicated or that elders no longer existed, like the village referred to in chapter 5 who had their own legal system, role models and jobs, and whose chiefs viewed their role as protection of the extended family (Interview 21 July 2004).
Bougainvilleans who had fled to live in the jungle also devised their own structures that drew on accustomed norms of behaviour. These minimised the consequences of destructive interpersonal disputes, gave effect to familiar routines and promoted amity. One chief told of his experience:

I lived in the bush throughout the conflict – we had our own good order committee and I was the secretary for about twenty-one villages, say fifteen thousand people. Sometimes we would spend a few days out of our village, visiting others to make sure that we had no other disputes other than the big conflict. In the church we had church groups working on this as well. We did marriage preparation courses, confirmations and weddings – all the things that make life normal (Interview 11 October 2004).

Like some pockets of Somalis, some people in Bougainville could still fashion a modicum of order amidst chaos.

The military outcomes of the fighting in each case were also similar. Neither in Somalia nor in Bougainville was there victory or defeat, a clear winner or a clear loser – although much of the rhetoric of different factions would have the outsider believe otherwise. Somalia’s factions remained at loggerheads but certainly persistent militia violence did ensure the withdrawal of all peacekeepers after a period of three years (Compagnon, 1998). 208

Similarly, neither the BRA nor the BRF could claim a real victory in their crisis. Nor could the PNGDF. Nevertheless, the BRA believed that this was a kind of victory as they now had to be negotiated with (Kauona, 2001:84). Regardless of interpretation, following Burnham, a genuine ceasefire

208 None of the warlords could claim broad general legitimacy and most material and economic development stagnated. Southern Somalia is still an uncertain and often dangerous place (Gardner and El Bushra, 2004:2) and only limited NGO and UN assistance has occurred since 1995.
prevailed and peace talks proved productive; although the population remained somewhat divided in their political aspirations and raskols still posed a threat to the peace process.

7.3.3 Local Peace Efforts

Throughout their wars both Somalis and Bougainvilleans had their ‘islands of civility’ (Kaldor, 1999). These people, despite threats and personal danger, worked at ending violent conflict and offered alternatives to the destructiveness offered by force of arms. For Elman in Mogadishu the divide of clan, regional origin, language, ancestry and status were of no import when a social catastrophe was unravelling all around; and before him the voices of reason amongst intellectuals, poets and elders, and a range of women’s groups, had worked towards peace through dialogue – however unsuccessful they ultimately were. The Life and Peace Institute, with its Horn of Africa Programme, was also working diligently to support peacebuilding throughout the country (see Paffenholz, 2003) – achieving sustained progress only in the north.

Numerous Bougainvilleans, as has been shown in chapter 6, were active peacemakers among their people. NGOs such as the Peace Foundation Melanesia, many chiefs and clergy – but particularly the networked women of Bougainville - argued for non-violence and encouraged dialogue (Sirivi and M.T. Havini, 2004). Throughout the war, talk of the need for reconciliation never disappeared. Here, as in Somalia, local peacemakers were targeted and intimidated, with some being silenced - and some killed. The peacebuilders on Bougainville, like those of northern Somalia, eventually achieved dialogue that led to non-violent efforts to both address the causes of their civil wars and begin work towards some reconciliation to heal the harms of their recent
past. Turning now to the peace operations and the outcomes achieved, this is where the almost common trajectory of the two case studies clearly bifurcates.

7.4 The Peace Operations

Somalia and Bougainville were peace operations of an entirely different structure and implementation. Force composition, international and local legitimacy, and duration differed substantially, but the most significant difference was in the character and motivating influences of the implementation.

7.4.1 International Awareness

Somalia’s anarchy and famine received almost worldwide news media coverage whereas Bougainville’s crisis was barely reported outside the region. This coverage, a media blitz (Casper, 2001:10), no doubt played a part in the response by the international community and coloured their perception in, it is arguable, a simplistic way. In Italy, movie star Sophia Loren, having made a brief visit to Somalia, publicly urged intervention, as did Pope John Paul II (Tripodi, 1999:138).

While the war in Bougainville stimulated grave concern in neighbouring countries, there was little interest shown by the wider global community.209 Bougainville had previously been of no interest to the superpowers and so it remained. This is not to say that Bougainville was unheard of, in fact one key

---

209 Interest peaked when the ‘Sandline Affair’ drew attention to the area and the constitutional crisis that it caused in PNG gave it added spice (see Dorney, 2000; O’Callaghan, 1999), though still not much.
peace broker, New Zealand, was often approached with offers of conciliation and mediation by international experts (McMillan, 1998).210

7.4.2 United Nations Involvement

The international community responded to the plight of Somalia with the despatch of fifty UN military observers.211 Their mission was to oversee a truce between the main warlords and their militias. Little else was done to secure the chaotic situation, which continued to deteriorate, until UNITAF arrived to enforce peace, and facilitate the distribution of humanitarian aid.212 UNITAF, as seen in chapter 5 was a coalition of national contingents whose motivations and methods were often at odds. Incredibly, disarmament was not taken to be part of their task. This was despite not only the clear need and the authority for it, but also the urgings of the UN to do so (Davis et al. 1996:52). With the withdrawal of UNITAF in May 1993, UNOSOM II remained with an expanded role but neither staffed nor equipped to restore security, disarm militias and promote national reconciliation. The US contribution to UNOSOM II was in the form of a Quick Reaction Force to respond to threats that the UNOSOM II peacekeepers were ill equipped to handle.213 Casper (2001:31) says that it was following the 5 June 1993 killing of twenty-four Pakistani soldiers (that prompted Security Council Resolution 837), that ‘US and UN troops stopped being peacekeepers and became warring parties.’ In contrast, the literature and interview data indicate that

---

210 As it happened, New Zealand declined all the offers ‘believing that the two sides had to settle their differences themselves’ (McMillan, 1998:7).


213 As a separate US force Task Force Ranger was also provided specifically to capture Aideed and ‘Its mode of operation involved a heavily armed, lightening-fast strike from both air and ground: the intended result was complete surprise coupled with overwhelming force’ (Casper, 2001:33).
this had been the situation from the commencement of the deployment of UNITAF.

On the other hand, the internationalisation of the civil war on Bougainville was heavily resisted by PNG (Regan, 2001a). Nevertheless, despite comparatively little headway at the UN,214 the Bougainvilleans’ regional neighbours, as shown in chapter 6, were regularly encouraging dialogue between the factions and PNG. These neighbours ultimately provided, at the behest of the warring parties, a UN acknowledged peace force (S/PRST/1998/10) customised to fit with the prevailing cultural context, and complementing local peacebuilding efforts. This was a coalition with a similar, albeit less dramatic and less urgent, humanitarian motive to the intervention in Somalia. It also deployed a manifestly different approach. Its mission was to encourage reconciliation, provide education about the peace process and boost confidence (Londey, 2004:220).215

7.4.3 Humanitarian Aid

A massive humanitarian crisis spurred the international assistance to the Somali people. The provision and distribution of food and medical aid was the main reason for the substantial UN and NGO presence. The violent disruption to aid carried out by the militias and bandits required an armed response and became the defining referent for how the peacekeepers were to carry out their mission. Militias also ‘taxed’ food aid and demanded fees from aid vehicles at roadblocks (Londey, 2004:180). That militias doubled as

---

214 The direct involvement of the United Nations was something that even neighbouring Australian had opposed (Londey, 2004:217).
215 The UN did however provide a five-member observer mission to monitor the peace process (Londey, 2004:223).
security guards for many NGOs did blur the lines between who was to be dealt with as friendly and as enemy (Londey, 2004:185,187) and also how particular NGOs should be dealt with.

The aid issue was not as prominent in the peace operation in Bougainville. Admittedly the desire for the restoration of normal services, such as hospitals and education, was an important driver in the decision of the Bougainvillean people and their leaders to seek peace, but it was not uppermost in the motivation of the international community. After the transition from TMG to PMG the peace force’s role did include ‘assistance in restoration and development, and the establishment and training of a police force’ although ‘the PMG scrupulously avoided being drawn into the provision of aid...although transport and medical aid was provided’ (Londey, 2004:222-223). Aid provided by the international community, as opposed to that provided by NGOs, was usually dependent on the progress of the weapons decommissioning program.216

7.4.4 Intervenors and Intermediaries

The UN and UNITAF forces were deployed to Somalia on the basis of international concern, even outrage. Initially there was ostensible consent by the more prominent warlords, Aideed and Ali Mahdi; the latter had at times even called for UN peacekeepers to be deployed (Londey, 2004:180-181) - this was the condition that allowed for the deployment of the initial cease-fire observers. Half of the Somalis interviewed said that many ordinary Somalis at first welcomed these external players and some villagers even treated

216 Aid NGOs moved back into Bougainville with the commencement of the peace process but there is no reported disruption to their work by the armed factions. Yet development aid was used as a ‘carrot’ by the UN and Australia and New Zealand to encourage disarmament.
peacekeepers to dances of gratitude (Londey, 2004:190). But relations soured from the initial UNOSOM presence and the coalition UNITAF and UNOSOM operations can only be characterised as a series of overlapping interventions. There were no more requests by any Somalis and subsequent Security Council resolutions were taken on the basis of outside assessment. From that perspective the international intervention was, in reality, imposed.

The TMG and PMG that deployed to Bougainville had been requested at Burnham. Their role was one of support to a peace process and so they were more intermediaries than intervenors. Kabui (2001:43) states that ‘the TMG lifted the spirit of [the township of] Arawa’ when they arrived.217 For many Bougainvilleans there was also a sense of reciprocity and even responsibility towards the peace monitors. It was the warring factions who set the general security conditions of the operation and for the most part they abided by their commitment (Kabui, 2001). There will almost always be some spoilers, and this was the case in Bougainville, but with a joint commitment by host communities and peace force, the chance of success was enhanced exponentially.

7.4.5 Commitment and Duration

The duration of commitment to Somalia was short-lived. The urgency of the situation, particularly the media-driven nature of the perceptions, led to imperatives that were the antithesis of deliberative decisions and plans. The implementation reflected such determined obligation. With UNITAF the Bush administration had formed ‘an intervention policy and strategy based on

---

217 Even those local people who were hesitant about the presence of foreigners, and the presence of Australians in particular (Londey, 2004:220), accepted the deployment because their communities had done so.
what turned out to be unrealistic expectations of a quick resolution...[President Bush] assured the American people that the troops would be out by the 20 January inauguration of President-elect Clinton – a promise that could not be kept’ (Casper, 2001:10; see also Daze and Fishel, 1998:164). UNITAF’s three-month commitment to securing the distribution of food and medicine was not likely to induce any enduring change. The Australian contingent, for example, knew from the outset that seventeen weeks was the time period allotted (Londey, 2004:183). While the security situation was stabilised in some areas during that period, it was acknowledged then, and later during UNOSOM II, that the few benefits produced by the intervention would eventually be overturned (Casper, 2001). That is exactly what happened.

The commitment to deployment on Bougainville was considerably different. The Melanesian approach to peace making, which includes an emphasis on reconciliation, is inherently time consuming. This was recognised by the peace monitoring force. At Burnham, an initial three-year period was envisaged, but the need for a more ‘open-ended process’ was soon acknowledged (Regan, 2001b:24). This was also accepted by New Zealand and by the other Melanesian contributors, Fiji and Vanuatu. PMG commanders and lower ranking peace monitors all stressed the utility of such an approach and it was a part of their induction training. Londey (2004:221) says that:

218 The ‘Weinberger-Powell doctrine’ which drove the US-led coalition’s concept of operations included as one of its principles a minimum time in country approach to deployment (DiPrizio, 2002:51). This inevitably led to an aversion to any programs and actions that might require sustained engagement with local communities and processes.

219 This is evidenced by Australian Foreign Minister Alexander Downer’s statement, earlier cited, urging the need for ‘oodles of time’ (Interview 15 April 2004).

220 It is acknowledged that the short-term rotation of personnel could have had some disadvantages but it is arguable that these were countered by a regular influx of fresh people and ideas.
The village meetings...could extend for hours; it was vital to adapt to a Melanesian pace of discussion. At first the emphasis was on visiting as many villages as possible; as time went on, the importance of taking the time to build deeper relationships became more apparent.

The literature features extensive discussions of the UN sponsored peace talks that were each driven by an unseemly haste to conclude discussion and agree on peace. Part of the reason for this was the need to be seen to be not paying for extended perquisites (Ahmed, 1995). This could have been avoided with a commitment to extended and sustained negotiations that did not need to be held in expensive international hotels. On the other hand, McMillan (1998:7) states that the Burnham talks were not pressured and that there was not a timetable imposed or specific outcomes expected of the parties. The Somaliland ‘model’ also illustrates the efficacy of extended and locally meaningful processes, not what Realpolitik track I diplomats might advocate. The ‘end date’ took precedent over any notion of an ‘end state.’ Withdrawal and exit became an overriding consideration in day-to-day operations, to the extent that, largely, disengagement became the norm.

The peace process in Bougainville has had a longevity that is, while not unique, certainly rare. The time line for elections and then a later referendum on political status will span some decades. One NGO worker recalled the importance of taking time in this culture and reported that when he advised a group of Bougainvillean leaders that his aid organisation might be in Bougainville for several years, this was met with:

So, why are you not committed to us for a hundred years? Why is there not a hundred years plan to right all the wrongs and put in place all the things that should be? (Interview 10 August 2004).

Operation Bel Isi was initially tailored with an open end date so that sustained engagement was evident to the militant factions and the civilian
population. This persistent application of professional goodwill helped engender widespread confidence in the durability of the peace process. Here it was a sustained period of genuine peace that allowed for re-building efforts to flourish and support a positive peace.

7.4.6 Focus

As discussed earlier, the orientation of the intervening forces in Somalia was towards the warlords and their militias. This stemmed from a traditional statist or Realpolitik approach to power and the power brokers. This was classic track I diplomacy that, in the absence of state power, was adapted to the nearest ostensible power nodes (Paffenholz, 2003).

Warlords oscillated between being potential statesmen, outlaws and enemy commanders. This meant, for example, that when a group of elders met in Mogadishu, to consider how to work on the ever worsening situation of its relations with UNOSOM and UNITAF – in essence one in the same to the local people – they were considered at the time to be a ‘war cabinet’ and were bombed accordingly (DiPrizzio, 2002; Prendergast, 1997). Another example of this unbalanced perspective is to be found in the recollections of US Colonel Lawrence Casper (2001:132), who commanded the Quick Reaction Force for UNOSOM II and later wrote:

  Late one afternoon we had to launch observation and attack helicopters to search for an overdue civil affairs team, which was visiting a clan elder some 20 miles north of Mogadishu. [The officer in charge of the team] had no business being that far from the city. It was not part of our plan, and turned out to be an unsanctioned mission that involved clansmen of
little political consequence. After that episode no civil affairs mission was conducted without my personal approval (Emphasis added).221

This anecdote paints a clear picture of the unease held by one commander about even civil affairs personnel dealing with anyone who was ‘of little political consequence’.

The warlords were, for all practical purposes, the only class of Somalis deemed worthy of serious communication (Daze and Fishel, 1998:161). This seems to have undermined attempts at officially brokered peace. Among the warlords and factions, to emphasise Aideed and Ali Mahdi as the most representative, and hence deserving of the most attention, as happened, was ‘far-fetched’ (Tripodi, 1999:146). While the killing of peacekeepers was to be abhorred and justice should follow, it was taken by most in UNOSOM that UN Security Council resolution 837 was a ‘wanted dead or alive’ warrant for Aideed. Hence a very personal vendetta became part of a peace operation.222 To be so intent on one recalcitrant warlord was a distraction from the main game. And this probably also led to a weighting of resources to Mogadishu.

Nevertheless, this was the focus, so communication efforts, most liaison and even direct commercial interaction for some service provision were towards warlords or their militia as clients or service providers (Prendergast, 1997:105). The warlords became preferred clients and enemies at the same time. The international forces both wooed and demonized them – this was a dual approach that was inherently contradictory. The result was a privileging

221 Curiously, this recollection appears among numerous examples of sage military advice about letting junior commanders ‘get on with the job’ and operate without the intermeddling of superior officers (see Casper, 2001).

222 Aideed was even given the code name ‘Elvis’ perhaps because of his elusiveness and apparent capacity for (political, at least) reincarnation (Casper, 2001:24).
of the powerful and a further marginalising of the disenfranchised. The peacemakers and NGOs were, in contrast with the militias and gangs, sidelined. Warlords were the wrong people to be allowed to control the processes and votes at peace and reconciliation conferences. Their immediate interests, and wealth and power were at stake. Tripodi (1999:158) describes the UNOSOM orientation as ‘ambiguous’ and ‘schizophrenic’.

This attitude was fatal to efforts in working towards peace and was completely at odds with the corporate nature of Somali society. The focus on the leaders completely ignored the concept of collective responsibility and the loyalties that go with it (see Compagnon, 1998). There is no doubt that the villainy of the warlords had to be corralled and then neutralized – but this could have been but one aspect of the strategy, not the dominant theme. Admittedly some effort was made to institute local councils (Breen, 1998; Paffenholz, 2003), but too little effort over too short a time was devoted to this attempt to revitalise opportunities for indigenous authority and processes to re-assert themselves. The UN did begin to see the value of broadening its scope but this was ‘too little too late’ as by then the damage was done.

In Bougainville the foci of the PMG were multilayered and broad, but generally consistent. Of course political leaders were engaged, they always have to be, but local chiefs and elders were also included in the process and there was a comprehensive and effective patrolling and communication program at the grass-roots level as well. There was a reaching out to remote communities (see Wehner and Denoon, 2001) so that education about the peace process was being undertaken regularly by ordinary men and women, wantoks and others, from a range of countries. This was registered by Bougainvilleans and became part of their understanding of the peace process.
The days of the PNG government seeking vengeance on the BRA ‘criminals’ (Dorney, 1998) and their leadership were over. The rebel leaders were part of the peace process and supportive of local reconciliation; this was essential to the way Operation Bel Isi was conducted. This meant that proportionally far less attention needed to be paid to the rebel leadership. The BRA/BIG leadership also had to expend energy bringing the people along with them and remaining credible so that they would have some prospects at least, in the unfolding political reconciliation and any future electoral processes.

One important reason for this broad engagement can be attributed to an acknowledgement by the PMG that Bougainvilleans knew that they owned the peace process. It was well understood that there had been a groundswell movement for the peace process, bottom up, endorsed by the leaders, and then put into place across Bougainvillean society. A broad engagement, as opposed to a narrow focus, enhanced the legitimacy of the operation (Kaouna, 2001:90). The spread of effort ensured that the population at large remained the most important grouping – because they were in possession of the peace process. Ordinary people, middle level community leaders and the elders, as well as political figures were all integral to the process. As seen in chapter 6, even children were actively involved in the reconciliation process. This positive engagement with grass-roots actors also sent a message of trust, and reinforced the belief that there needed to be ‘all round’ a confidence in local capacities (Kabui, 2001:43). In short, it ensured that no one was disenfranchised during the peace process.223

223 No geographic area within Bougainville, except the no-go zone, the heartland of the rebellion, was excluded from the educative efforts of Operation Bel Isi. But word of the success of the mission did reach inside that quarantined locale. And communication also occasionally flowed from Francis Ona’s ‘no-go zone’ (Interview 10 August 2004).
Of course not everyone always agreed. In the early stages of the deployment of the TMG, BRA General Sam Kauona was ambushed by some disenchanted rebel fighters (Kauona, 2001:92). Numerous ceasefire violations did occur (Kabui, 2001) but there was no overreaction to them. The PMG monitored but seldom became involved.

Sometimes the orientation of individual Force Commanders varied and a conventional power orientation would prevail (but only until a change of personnel). One Force Commander insisted that peace was made in the seat of government in Port Moresby and that whatever happened with local people was largely peripheral to this. His view of the situation was predominantly negative:

I think it was a Hobbesian environment. I believe that because the authority structures of the church, government and the mine had broken down then personal and family interests asserted themselves and there was a default to prehistoric norms. Look at the depredations that occurred during the conflict, by all parties…I didn’t bother to learn Pidgin, I didn’t bother to get to know the Bougainvilleans as people, not emotionally. I talked with the leaders and my view was that the solution lay in Port Moresby. I was quite tough but engaging [sic] (Interview 29 June 2004).

But this kind of attitude was an aberration amongst the peace monitors interviewed. It was also something that the longevity of the deployment had been able to absorb as successive rotations of personnel brought fresh attitudes and ideas (Knollmayer, 2004).

As shown in chapter 6, Force Commanders and lower ranking peace monitors

---

224 Often, where individual rebels or their leaders were recalcitrant, local mechanisms would be mobilized to curtail the obstreperous behaviour. One peace monitor told of a persistent ‘spoiler’ being killed by local people (Interview 15 April 2004). Sometimes these instances were not restorative by any means. But a few local Bougainvilleans believed that stubborn obstacles to the possibility for reconciliation and lasting peace had to be overcome regardless. (Recall the similarly drastic measures implemented in Somaliland, mentioned in chapter 5).
often attended reconciliation ceremonies and had many discussions, and other interactions, with people who were not necessarily ‘important’ in the ostensible political terrain of Bougainville. This feature of the operation, that is, how its efforts permeated society, was enmeshed with the appreciation for wide communication. It needed time for ordinary people to take in the significance of what they knew of the process, and it also took time to discuss the implications with friends, neighbours and relatives. Indirectly, these ‘absent actors’ were then communicated with - this was understood by the peace monitors and was factored into operational considerations (Londey, 2004). Such thorough communication was appreciated by one peace monitor who recalled the efficacy of local conduits:

One thing that struck me was that the traditional social structures had not collapsed completely and neither had the bush telegraph. Their systems of communication, and in fact the command and control [elements] of the fighting factions could still talk about the peace process in a coordinated way (Interview 5 July 2004).

7.4.7 The Character and Conduct of Operations

At the beginning the UN operation in Somalia was low-key and provided a passive truce monitoring group. With time, however, the need for armed soldiers to secure humanitarian routes became apparent and UNITAF was created. As stated, the UNITAF coalition was predominantly a US operation and although disarmament of militias was avoided (Casper, 2001), the

---

225 The allocation of people to the three tiers of importance was a pragmatic and hierarchical, if sometimes skewed, method of making sense of the different nodes of power in Bougainville society. Occasionally there were resource implications for the support given to local peacebuilding activities when they were viewed through this lens (Interview 14 July 2004). It was a hierarchical and military organisation that dispensed the resources, although, on the whole the PMG engaged effectively with groups and at an individual level, across society (Kabui, 2001).
operation was laden with a war-fighting accent. The Civil-Military Cooperation team and military police elements were scaled down in the US force before deployment so that the organization was heavy with combat specific units including armoured vehicles and attack helicopters.

Force protection was understandably part of any commander’s outlook but this was often taken too far. The Canadian airborne regiment tortured and killed Somali youth (Friedland, 1996). One peacekeeper who served in the Bay region recalled that:

The Moroccan peacekeepers were charging a toll to use the main road (Interview 19 July 2004).

Some Australian soldiers reputedly committed several unlawful killings well outside their rules of engagement as one peacekeeper recalled:

I think that the infantry soldiers were expecting to fight [the Vietnam War battle of] Long Tan all over again, and in some cases they went out of their way to get into conflict. There were a few murders and assaults. They were geared up to fight a war and there wasn’t a war (Interview 19 July 2004).

French troops are said to have thrown hand grenades at pesky children (Interview 21 July 2004). Peacekeepers are not immune from either...

---

226 There is no doubt that the militias presented a dangerous risk. They were plainly a threat to peacekeepers, Somalis and NGOs, and with ‘overwhelming force’ disarmament could have been achieved; still, US Secretary of Defence Dick Cheney stated that active disarmament was not within the role of UNITAF (in Tripodi, 1999:142). In the HRS of the Bay region, a licensing system was put in place so that a reasonably effective regulation of weapons occurred (Breen, 1998). This was peace enforcement yet it is hard to comprehend how peace could be enforced with almost unfettered access to, and carriage of, weapons by militia and mooryaan over most of Somalia.

227 The Weinberger-Powell doctrine included one precondition of deployment as the application of overwhelming force, so that the US Air Force deployed AC-130 Spectre gunship aircraft (Daze and Fishel, 1998:164) that ‘can reach out of the sky and touch an enemy with deadly accuracy using its 105mm howitzer, 40mm cannon, or 20mm Gatling gun’ (Casper, 2001:99). UNITAF, with its twenty-one national contingents comprising 37,000 soldiers was also ‘supported offshore by the [aircraft] carrier battle group USS Ranger and later by the USS Kitty Hawk’ (Casper, 2001:11).
patronising attitudes or racism and Casper (2001:78) describes, and to be fair, decries, the racist stereotyping by some of his soldiers. Another officer had been concerned about the difference in attitudes of some national contingents:

In fact the French whom we were handing over to had a very different attitude; they were coming down from Djibouti and they thought that the people in Djibouti were worse of than the Somali people in our area, and they said ‘What do these people want? They are better off here than in Djibouti’ (Interview 30 June 2004).

It has also been argued that ‘UN officials expected Somalis to be grateful and passive recipients of aid and the dictates that went with it’ (Salih and Wohlgemuth, 1994:7). When UNITAF had vacated Somalia and the contingents returned home, four coalition member country parliaments conducted official enquiries into misconduct by their troops (Tomaševski, 1998). The fact that UNOSOM II began life with a new chapter VII mandate, the war-making mandate, is a testimony to UNITAF’s unsuccessful efforts to secure the country.

But negative attitudes did not apply to every soldier, every commander and every contingent. Standards of behaviour varied enormously. In fact some contingents were ineffective and passive in their approach to peacekeeping. One Somali refugee recalled his own experiences of an array of international contingents:

I was pleased about the intervention and came back to Somalia from Ethiopia…the Australians, they didn’t humiliate, they respected people. They were in one of the worst areas and they restored peace…They were strict…They were very straight forward and were hard workers…Some of the peacekeepers from other countries did nothing over there. The French did well but there was some bad treatment of people, they were not professional, they were like mercenaries. Once I saw a big truck coming from Ethiopia, they threw all the household belongings from the truck – it was very poor treatment of people. They were not hard working or friendly. The Indians were very conservative and weak –
they didn’t care and stayed in their camps not going after bandits (Interview 16 February 2005).

Still another man, a refugee who fled Mogadishu, believes:

The European and American armies came together to Somalia but they challenged each other – especially the Italians. The Italian soldiers and nearly twenty other armies did not accept following American orders. In the Italian sector in Mogadishu, the Italians paid money to the [militia] leaders for peace, and they left and the Nigerians took over. Somalis demanded money for peace and the Nigerians said ‘No’. So the fighting started again (Interview 14 February 2005).

This was a ‘combat heavy’ deployment and the common approach was that there was a war to be fought (Casper, 2001). One particular US general arrived in Mogadishu ‘ready for a fight’ and believed that it was time to ‘retake the city’ (Casper, 2001:105,116). There were some occasional tactical successes such as the 21 September capture of Aideed’s deputy Osman Hassan Ali (Casper, 2001:37). There were also blunders such as ‘the 30 August [1993] assault on the Lig-Ligato house [in Mogadishu] that captured eight suspects who turned out to be working for the UN Development Program…’ (Casper, 2001:37). The warlords took centre stage and the peacemakers within Somali society were avoided. These were the less politically significant who were working to secure disarmament and a return to stable governance and were, to varying extents, targeted by the militias, as was Elman (refer chapter 5). At the same time they were ignored by the very forces to whom many Somalis had been looking for protection.228

228 As mentioned earlier, a gathering of Somali elders was bombed based on faulty intelligence. One of the results of this debacle, along with the deaths of 50 Somalis, many of whom were not involved in the meeting, was that after the gunships had done this, on 12 July four journalists were lynched by an enraged crowd (Tripodi, 1999:154). After that confrontation, a massive force build-up ensued and this included the navy aircraft carrier USS America battle group and the helicopter carrier USS New Orleans (Casper, 2001:93). Several months later, after the famed ‘Black Hawk Down’ battle in which eighteen American soldiers were killed, one US casualty said: ‘Wait a minute you know…it’s not supposed to work like this. We’re Americans. We’re the ones dictating the game here’ (in Casper, 2001:39).
On 2 July Italian soldiers were attacked while trying to reoccupy checkpoints that had been taken over by militia. The Italians did not return fire because snipers were hiding among civilians. Instead they tried to retake the checkpoints by negotiation with the clan leaders in the area. This difference in approach prompted both Kofi Annan and American SRSG Admiral Jonathan Howe to request that Italy dismiss the Italian commander, General Loi.\(^2\) As Italian tanks moved slowly forward, the barricades were dismantled. Later that evening the elders in the area went to the Italian headquarters and apologised. A mediation process began and a week later the Italian soldiers peacefully reoccupied the main checkpoint, as they had been directed by UNOSOM headquarters (Daze and Fishel, 1998:162; Tripodi, 1999:152-3).

The following extract from Colonel Casper’s memoir is indicative of the approach to military command taken by some in Somalia:

But we still considered every movement outside of a secure area a combat operation. It didn’t make any difference if you were the chaplain delivering mail or the support platoon leader hauling water...I gave the Headquarters Company soldiers a routine pitch: ‘When you leave the sanctity of the compound, I want you to think that everyone outside wants a piece of you. Always remain alert, point your weapon at chest level – not in the air or toward the ground – and never look away from the stares of the Somali people. I don’t care if they are six or sixty, you don’t talk, you don’t smile, you don’t wave; you show no compassion. You look them straight in the eye like you’re going to reach into their chest and rip out their heart (Casper, 2001:108-9. Emphasis added).

It was obvious to many peacekeepers that the intervention was doomed to

\(^2\) Loi later said that ‘when we spotted a sniper we did not hesitate to shoot him with any gun available, but we did not feel we could shoot at civilians...Although we were outraged and furious we never felt that killing civilians would have solved anything’ (in Tripodi, 1999:153).
fail. Casper (2001:263:137) stated: ‘in my heart I knew our efforts were in vain. I knew that in a matter of months these people would be suffering again’. This was a commonly held view among many peacekeepers and a sense of resignation pervaded many interviews, such as:

When we got there it was busy but by the end of our time it had quietened right down. The baddies had just moved to other areas. You feel sorry that you can’t see it through to the end, but that might take ten years (Interview 16 April 2004).

Another remembered with frustration:

Initially we were the law and then we started to get pissed off with being lied to so we were less tolerant and less compassionate. By the time we had to leave our people were sick of the place and the whole situation (Interview 10 July 2004).

One New Zealand officer, recalling the latter days of UNOSOM II, summed it up bleakly:

To me Somalia was a lost cause (Interview 28 September 2004).

The nature, the tone, of Operation Bel Isi was entirely different to that of the UNOSOM and UNITAF operations. Notwithstanding, Knollmayer (2004:222) asserts that ‘the complexities of the TMG/PMG have been much greater than a traditional peacekeeping operation of belligerent separation’. This operation was premised on an agreed truce between the warring parties. The truce, and shortly after that, the peace agreement, were springboards for both the deployment of the peace monitors and an ongoing, if painstakingly iterative, peace process. As argued in chapter 6, the peace monitors were unarmed, a mix of civilian and military, men and women, and integrated as a multicultural team, and this paid dividends. The training was tailored and developed with regular evaluations and improvements, at least in the early years of the operation (Breen, 2001; Knollmayer, 2004).
The PMG was focussed on a detailed peace agreement and support for reconciliation. This meant that logistic and administrative support was provided for many a reconciliation process. Transport, communications, shelter and medical support were provided on a number of occasions for particularly large gatherings. Importantly, the peace monitors knew that they were there specifically to actively engage with the peace process and the people (Knollmayer, 2004:221). The role of the monitors ‘was to win trust and create confidence’ (Breen, 2001:47). The desire of Bougainvilleans to have outsiders act as ‘witnesses’ was not lost on the PMG. The patrols to villages and the interaction between the peace monitors and local people, regardless of the individual’s or the community’s ideological partisanship, promoted wider knowledge of, and a confidence in, the peace process (Breen, 2001:47).

A momentum for peace grew and this was embodied in the name of the newsletter distributed to villages, *Nius Bilong Peace* (News of Peace), along with the slogan ‘*No ken stop pem peace*’ (The peace process cannot be stopped).230

The intervention in Somalia was an agglomeration of disparate military actions and activities. Operation Bel Isi, on the other hand, was a focussed, unified and militarily efficient operation. The mechanics of implementation at

---

230 Whereas such media was used to great effect here, along with music (Breen, 2001:48), it was the medium of radio in Somalia that was used to great effect by the warlords, especially Radio Mogadishu (Omar, 2002:280). Broadcasts were often designed to create loathing towards the intervenors (Daze and Fishel, 1998:160; Shay, 2005:82). One peacekeeper in the Bay region of Somalia recounted:

I remember that some of my troops were conducting a roadblock check-point and there happened to be a lot of local people there talking with the soldiers. Everyone was calm and cheerful and between about four and five p.m. the crowd dispersed and went home for the evening meal. Later that evening people came back but the mood was very different. There was a lot of aggro and abuse and people began to throw stones at the soldiers. After some enquiries it became obvious that over their meals people had listened to radio broadcasts urging Somalis to expel all the foreigners and let them have their country back (Interview 16 April 2004).
times created internal tensions (Breen, 2001) but the accent was on a positive humanitarian engagement with local players. While medical aid was part of the operation in Somalia, and was not specifically part of the PMG’s mandate (Foster, 2001:121), in practical reality, it was part of the work in Bougainville (Breen, 2001:47). Still, ‘the issue [was] not cut and dried’ (Foster, 2001:121). There was some inconsistency in its application as one interviewee, an NGO worker who spent several years on Bougainville, illustrated:

I was in town once, talking with a Red Cross nurse and a military ambulance drove up. We were told, ‘Just outside of town we passed a woman who looks injured – we thought that we’d come and tell you.’ Their mandate was that they didn’t pick up those cases, but the impression of everyone seeing an ambulance driving by and somebody left lying there would have an effect. They don’t care about your mandate, they don’t understand about the mandate which you’re working under. If you’re going out all along preaching that you’re here to help the people, why aren’t you helping? Why didn’t you at least stop and check on this person? Everybody sees those things. Everybody sees it and the bush telegraph is very big (Interview 10 August 2004).

Foster (2001:121) says aid ‘was a continual thorn in our [the PMG’s] side’. Yet the NGOs were accepted by the PMG as part of the peace building process. Infrastructure development, while in part tied to progress in disarmament, was acknowledged as necessary for peace to grow and development to return to the province.

This operation (mostly) displayed a respect for the ordinary people in Bougainville. These were the people for whom reconciliation was important. These were the people who would pick up weapons again and return to fighting if the peace process didn’t work. Just as in Somalia, the majority of fighters belonged to relatively small, disparate groups without a formidable ‘central command structure’. In civil wars these are the people who fight or decide not to fight and on Bougainville, the cultural setting that supported
them was recognised and respected by the PMG.\textsuperscript{231} Work was continuing to be done at the higher, political and diplomatic levels, but none of this would have worked without the substantial ‘grass roots’ work being done as well.

There was a ‘restorative’ character to the way in which Operation Bel Isi was organised and conducted. It purposefully tapped into those vectors in Bougainvillean society that were both ready for, and already working towards, an extended process where the peace was owned by the local people. There was no intention or perception that this mission itself was going to bring peace to Bougainville. It would foster, support, publicise, witness and enhance the peace process that Bougainvilleans were developing – in any way that it practically could. As against the mostly belligerent nature of operations in Somalia, the urgency of ‘winning’ was not part of the concept of operations in Bougainville. Time was acknowledged by the PMG as a resource that had a particular local application and the flexibility required to respect that need was fundamental to the mission (Wehner and Denoon, 2001). That the operation was carried out in a way that for the most part neither dominated nor threatened local people was inherent to this success. One former PMG Force Commander put it this way:

We had been well prepared and realised that the usual insatiable desire to succeed must be mixed with tolerance... The decision-making in these circumstances is not about instinctive obedience. What was required was lateral dexterity – intellectually and physically. Flexibility and dexterity are essential for complex environments, because of cultural and linguistic considerations. The stakeholder matrix was profoundly

\textsuperscript{231} There were in fact many ceasefire violations while the PMG were deployed – this can be concluded from the interview data. Some peace monitors were placed in threatening situations, and on rare occasions some were caught in cross fires (see Cremin, 2001), or aircraft were shot at. But none of these instances resulted in flare-ups of political violence and there was no retaliation by the PMG. Their behaviour, for the most part, won, and kept, the trust of Bougainvilleans (see Wehner and Denoon, 2001).
complex and included inhabitants and aid agencies (Interview 15 April 2004).

This was very much a people-oriented approach that modified the usual military paradigm of operational deployments. Many Bougainvillians interviewed spoke positively of this attitude and the consequent contribution made by the PMG:

The PMG’s approach was interesting, they used a lot of diplomacy, their attitude, in my opinion, was admirable. They were coming into a conflict and not carrying guns. They wanted to listen and they were interested in the people (Interview 8 October 2004).

Succeeding ‘rotations’ of peace monitors built on previous tours of duty and the relationship between the PMG and Bougainvillians grew with a few familiar faces sprinkled throughout and returning from time to time. That the force could become ‘part of the furniture’ as has happened in Cyprus is not necessarily disadvantageous. It was a matter of the demands on the predominantly Australian component of the force (such as deployments to Afghanistan, East Timor and Iraq) as well as the demonstrable improvements in the political situation in Bougainville, all the while nourished with reconciliation throughout society, that brought to a close the peace monitoring force’s duties in December 2003. Operation Bel Isi had been in place for six years.

7.4.8 Coordination and Cooperation

Within and between UNOSOM and UNITAF there was not a prevailing method of operations. Operational approaches were uneven and disparate; sometimes there were crucial differences in the way national contingents interpreted the mandate and then conducted their missions (Tripodi, 1999:141,160). There was tension between UNOSOM and UNITAF so that
friction often occurred at the command levels and at the ground level. For example, as mentioned, a weapon licensing system was used in the Bay HRS, so when these soldiers worked in other areas, where such a system was not in place, difficulties arose over who could carry weapons and who could not (Interview 30 June 2004). As outlined earlier, the UNOSOM commitment was impatient in its dealings around peace conferences and the UNITAF commitment was of a strictly limited duration. UNOSOM was led by a civilian whereas UNITAF was commanded by a military officer. The UNITAF coalition consisted of 21 troop contributing countries of varying cultural and linguistic backgrounds and there were also vast differences in training standards and expertise levels (see Casper, 2001). This obtained not only for UNITAF but UNOSOM as well (Daze and Fishel, 1998:164). Casper (2001:251) states:

Command and control in Somalia was further aggravated by the refusal of too many countries, including the United States, to accept a unified UN command...Additionally the UNOSOM forces were fractured, with some contributing states cutting deals with Somali factions on their own.

Even within the US force component there were difficulties from time to time with unity of command (Casper, 2001:35).

Tripodi’s (1999) account highlights the difficulties between US and particularly French and Italian forces. He also concludes that generally, Commonwealth and European armies tended to take a less aggressive approach to operations and relied more on fostering local support for UN objectives (Tripodi, 1999:150; see also Dobbie, 1994:127). He in fact makes the distinction that the problem for US forces was how to use justifiable force in an anticipatory context, whereas most other forces were concerned with how

---

232 Compagnon (1998:87,n22) says that the French Foreign Legion troops also successfully employed such a system in the Bay sector. The system was in place when they took over and is one of the few ‘success stories’ of the intervention.
to respond if attacked (1999:151). Sometimes Italian forces would not return fire as they believed this would lead to an escalation in the confrontation (Tripodi, 1999:153).

Sometimes Italian forces would not return fire as they believed this would lead to an escalation in the confrontation (Tripodi, 1999:153).

One signal feature of Somalia, but not unique among UN interventions, was the involvement of national headquarters and governments in operational, in-theatre, decision-making. Casper (2001:44) writes that:

Military commanders receiving direction from their [national] capitals was commonplace…As one frustrated senior UN official commented, ‘You can’t have 30 different hands on the tiller. You can’t have directions coming from capitals saying do this, don’t do that. You have to have a commander with authority to command his units.’ It was not the way to prosecute war and certainly had no place on the battlefield.

This is a salient difference between the Somalia and Bougainville case studies. It is indisputable that the TMG/PMG was a genuinely unified force. Unity of purpose was, therefore, both easier to instil and to sustain. There was by and large one organisational culture that fitted with the organisational purpose or mission. Internally, as Knollmayer (2004) and others in Wehner and Denoon (2001) have pointed out, there were some frictions as civilian and military cultures mixed, men and women had to adapt to working in teams, and a variety of standards and procedures across military personnel and their usual operating procedures melded.

What would appear on the face of it to be the obvious and organisationally

---

233 Italy, as the former colonial power in southern Somalia, believed it should take a prominent role in the intervention. Many Somali factions had openly opposed any involvement by Italy as that country had continued to send aid to the Barre regime long after other countries had cancelled such assistance – they stated it would be seen as an ‘act of war’ (Tripodi, 1999:143). Yet Italy did provide soldiers and General Loi, their commanding officer, insisted that Italian peacekeepers ‘always showed determination and kindness’ and the aim in their sector was to have no one carrying weapons (Tripodi, 1999:144).
challenging point of friction would likely have been the change from the New Zealand commanded TMG to the Australian led PMG. In effect this was seamless, the name of the operation remained the same and Australian command of the activity was then consistently maintained. The mission, procedures and organisational culture were strategically reliable across the area of operations and the deployment from start to finish. There did occasionally appear to be some attitudinal differences between the PMG and the UN presence, but these did not diminish the work of the mission in any major way.234 There was a different NGO ‘scene’ on Bougainville, to that in Somalia, principally because of the absence of famine. Certainly, while there was not a substantial level of interaction between the NGO aid bodies and the PMG, there was only what appears to have been, in the main, cooperation.

7.5 Outcomes

Today the situations in Somali and Bougainville are clear points of differentiation. Southern Somalia remains anarchic and dangerous whereas Bougainville has enjoyed peace for the past eight years. Somaliland enjoys some measure of economic improvement whereas the south remains dependent on remittances from the diaspora (Gardner and El Bushra, 2004). Development is occurring in Bougainville, even if it is somewhat tardy and only piecemeal. The major obstacles that war puts in the way of development – from disruption of trade to the suspension of education - have ended, and combined with societal and political reconciliation, a solid undergirding for future development is in place.

---

234 The UN political office and the PMG did work together, and the UN was regarded by Bougainvilleans as an essential player in the peace process (Regan, 2001b), particularly as administrators of the disarmament process - upon which UN recommendations for provincial autonomous government elections depended.
The civil war in Somalia has continued to erupt sporadically. There have been three variations in the intensity of continuing armed conflict across the country. In the north-west, that is Somaliland, a comparatively stable situation has prevailed since the establishment of the Republic of Somaliland in 1991 – save for a period of violent internal conflict during 1994 to 1996 that was solved by indigenous peacemaking efforts (Gardner and El Bushra, 2004:234). In the north-east, the autonomous Puntland State of Somalia has, since July 1998 (Gardner and El Bushra, 2004:5), experienced some violence and clashes over a disputed area with Somaliland, but there too, local peacemaking has prevailed. In the south, however, violence and anarchy have regularly flared and abated. In late 2004 conflict in the inter-riverine area became so intense that warlord Hersi Morgan (Siad Barre’s son-in-law) massed his troops and artillery for an assault on Kismayo.235

Skirmishes by opposing militias in the area bordering Kenya have also occurred, as has substantial fighting around Baidoa during early 2005. This was followed in June 2005 by the hijack of a World Food Program (WFP) ship loaded with food aid. WFP have suspended its relief operations to Somalia. Mogadishu remains divided by warlords whose fighters operate roadblocks to earn revenue, although these are temporarily removed from time to time. Westerners have been targets of hostage taking and a prominent BBC journalist was murdered in 2005 as she stepped outside from a meeting of MPs. While conducting field interviews in Melbourne, I was informed by a

---

235 A peacekeeping force has been offered by the African Union to enable the new Somali government to conduct its business in safety. However, this has been strongly rejected by many Somalis. What has been of particular concern to the population, is the notion of peacekeepers from neighbouring Djibouti, Ethiopia and Kenya, the so-called ‘frontline states’ whom many Somalis suspect of having a history of encouraging conflict within Somalia (Markakis, 1998; Ofcansky, 1993; Shay, 2005). This has spurred the greatest objection and has produced heated debate and public protests in Somalia.
Somali man that his father had been shot and killed in Mogadishu the day before (Field notes 17 February 2005).

Somalia as an entity is now regarded by the US as an Al Qaeda terrorist haven (Gardner and El Bushra, 2004). It has been asserted, by one suspect in the August 1998 US Embassy bombing in Nairobi, that Osama bin Laden had been providing funds to Aideed (Casper, 2001:49, see also Gardner and El Bushra, 2004:186).236 Shay (2005:63-99) claims that a range of radical Islamic groups operate in Somalia and some have done so since the early 1990s as the Barre regime collapsed.237 In the middle of March 2006 fighting in Mogadishu erupted between secular and Islamic militias killing dozens and wounding hundreds of civilians, as mortar bombs rained on residential areas (Hiiraan Online, 2006). The security situation in Somalia fluctuates.

The situation in Bougainville is vastly different. There have been very few politically motivated killings or violent conflicts in the province since the end of 1997. During fieldwork I encountered two anecdotes by peace monitors of instances where staunch opponents to the peace process had been killed because of their recalcitrance. There were also several anecdotes of outbreaks of violence usually as a result of alcohol abuse. Even during the political election campaign in mid-2005, and despite the remaining rebel leader, Francis Ona, emerging from the ‘no-go zone’ to act as a ‘spoiler’, there was no return to violence. Francis Ona has since died and a State funeral was even mooted for him.

236 Shay (2005:80) states that the terrorist leader visited Somalia several times during the UN intervention.

237 During fieldwork an Al Qaeda group originally from Mogadishu engaged in a gun battle with Somaliland police in Hargeisa, having been found preparing to disrupt the parliamentary elections of September 2005 (Field notes 23 September 2005).
On several occasions during interviews in Bougainville it was stated that domestic violence and rape are now more common than prior to the crisis. Disputes, including those where police are called to attend, are often dealt with by restorative justice processes (see Bougainville Provincial Administration, 2001), but where they do occur, the more serious crimes such as sexual assault must be dealt with by the formal court processes. It is arguable that since the crisis, and because of the way restorative justice training and reconciliation have intertwined, there is an even greater, and more widespread awareness and appreciation of peaceful responses to harm. Some people mentioned a growing law and order problem although there was no obvious evidence of any lawlessness during my fieldwork. Most weapons have been contained as part of the peace process (Interview 14 October 2004), although one informant flatly refuted that (Interview 10 October 2004). Bougainville has been included in the Enhanced Cooperation Program of governance assistance provided by Australia to PNG – but it has to be said that while the Australian police officers in mainland PNG were armed, those serving in Bougainville were not.

There have been, over the past decade since UNOSOM withdrew, a range of transitional governments agreed to in Somalia. A fourteenth attempt to re-establish government since 1991 is currently underway (Gardner and El Bushra, 2004:6; Interview 18 February 2005). But an interim administration that has just relocated to Somalia from Kenya is riven by factional rivalry, squabbling over where to locate, and openly making threats of violence (Hiiraan Online, 2005).238

---

238 Yet it should be acknowledged that the make up of seats in the parliament seems at face value to be relatively inclusive and takes into consideration the views and representation of the previously disenfranchised minorities, particularly the inter-riverine and coastal town minority people (Interview 18 February 2005).
The Intergovernmental Authority on Development (IGAD), which is made up of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda, sponsored two years of talks between the various Somali clans and factions that culminated in the establishment of the Transitional Federal Government in Nairobi in October 2004 (Hiiraan Online, 2005). The immediate past president of Puntland, Abdullahi Yusuf Ahmed, is the current Transitional President of Somalia. It was reported to me by one Somali elder in Melbourne, with regular links to Somali politics, that, each cabinet member of the new government is in fact a warlord (Interview 18 February 2005). There is also considerable disunity about the location for the seat of government, the interim constitution stating that Mogadishu must be the capital. The President, and some Members of Parliament refuse to sit in that city because of fears for their personal safety. This is an issue that seems to be an ongoing problem, but one that will need resolution by Somalis themselves as Kenya has refused to continue hosting their parliamentary meetings.

Not surprisingly, Bougainville has made steady and ongoing political progress since the war. Political reconciliation has been a real part of the peace process in Bougainville. Patient and considered development of a provincial constitution, based on consultations and discussions within PNG and Bougainville have finally produced a workable law acceptable to both the PNG parliament and the people of Bougainville. Compromises occurred on both sides. The UN played a role in monitoring, as a neutral representative of the international community, the weapons decommissioning process which has been a precondition for negotiations on Bougainville’s political future. Parliamentary elections have been conducted and have been declared by international observers to have been free and fair. Some ten to fifteen years from now, the issue of independence will be put to a referendum.
In Somalia famine occurs from time to time and there has been little economic development since the UN withdrew. Medical services are rare although some NGOs still operate there. Employment in the conventional sense of the term is scarce. There are unresolved property disputes and warlords still hold sway in most of the south. This is a scenario that has meant that for many young people, there has been no educational experiences in their lives and no other kind of existence than survival through the use of force. It is also a fact that members of the diaspora do return from time to time to visit for family or for humanitarian reasons.

Despite its impoverishment, one area of the Somali economy that has developed apace is telecommunications. There is widespread mobile telephone and internet coverage throughout Somalia, even out into desert and rangelands areas. There are three burgeoning telecommunications companies that provide very effective coverage throughout the south. This is probably not so surprising ‘given the strong oral tradition in Somalia’ (Farrell, 1995:201). Yet although there are some entrepreneurs who are reaping the rewards of a completely free market economy with no regulation other than that of social bonds and xeer, it is arguable that a ‘harsh economy’ has emerged, as the overwhelming majority of the population is destitute. Personal security is something that travellers have to pay for, so that ‘fixers’ are usually paid about $250 USD per day. Somali shillings are used as currency, but similarly USD are readily used. Trade to and from the more stable areas is impeded by the refusal of the UN, and to date any country, to give official recognition to the ‘Republic of Somaliland’. Maritime trade is regularly subjected to piracy (Alertnet, 2005). Taxation by warlords produces

---

Doornbos and Markakis (1994:29) predicted that political reconciliation would not occur in Somalia until there had been sustained and meaningful efforts made to address issues of land, water access, pasturage and urban property.
little other than funds for the militia, although some communities are governing themselves. Somaliland does have a taxation system in place with which public services and basic infrastructure are funded. Tourism occurs on a limited scale in the north and a visa is required for entry to Somaliland. Much funding is remitted by diaspora communities. Gardner and El Bushra (2004) in fact describe it as a ‘remittance economy’.

On Bougainville, human security is at a much higher level than that of Somalia. Certainly water and food have never been in serious shortage in Bougainville. Most people grow at least some of their food in home garden plots and in addition, food is plentiful at local markets - regional centres have several shops that sell canned and other processed food. Even some ‘luxury items’ are available, as are the more discretionary purchase items. Some cafes operate, as do private transportation services but unemployment remains at a very high rate. Although the vocational education centre at Moma, a private institution near Buin in the south, is functioning, there seems little prospect that the skills acquired by its students – many of whom are teenage or adult former fighters struggling with school requirements for the first time in their lives – will result in gainful employment anytime soon (Field notes 13 October 2004).

Education in Bougainville, along with the rest of Papua New Guinea’s educational system, has recently been revamped. The university campus on Buka is functioning effectively (Field notes 20 October 2004). Education in Somalia is extremely limited. But with some international assistance Mogadishu University is open, albeit on a very restricted scale (Email correspondence 24 July 2005). Basic education is limited to a few secular

---

240 Some in the diaspora do nevertheless resent the expectations on them to send money to their homeland (Interview 16 February 2005).
schools and an increasing number of Quranic schools (see Shay, 2005:92) that are teaching students in the Arabic language only. Gardner and El Bushra (2004:11) outline one particular consequence:

Lacking education, and especially Arabic comprehension, Somali women tend not to be well versed in Islam and Islamic Sharia law. In communities where there has been a rise in Islamic fundamentalism since the war it is increasingly common for religious references to be used by members of the community to exert control over women.

Travel around Bougainville is, with one exception, unimpeded. ‘Redskins’ and other outsiders have been almost universally denied access to the no-go zone around the Panguna mine area (Field notes 6 October 2004). This area has not received any aid, or development assistance for a decade and a half. However there is a sense that life is much better than it was during the crisis even though this is sometimes juxtaposed with a sense of frustration that infrastructure is still seriously inadequate. Public infrastructure is still below par with the rest of PNG and telecommunications in particular are underdeveloped. During fieldwork I discovered that the only public telephones that I could locate were in Buka town, and of these five, not one worked (Field notes 19 October 2004). Some government offices, a few NGOs, and several businesses in Buka do have internet access, however. This is the outstanding difference between Somalia and Bougainville’s post peace operation development. Despite the obstacles to personal development in Somalia, an unregulated telecommunications sector has grown enormously. Mobile telephone coverage and internet access are common.

During the intervention in Somalia, says Tripodi (1999:158), some elementary peacebuilding measures were ignored: neither electricity nor water supply was re-established, most debris was not removed and markets were not reorganised. Italy’s General Loi observed that as a consequence of the UN
attitude Somalis’ expectations were frustrated: ‘they just could not understand what the UN had come to do in their country’ (Tripodi, 1999:158). Many who had welcomed the foreign peacekeepers felt betrayed (Gardner and El Bushra, 2004:186).

From observations during fieldwork, medical facilities in Bougainville are still at a minimal level of service provision. Yet a new hospital has been built in Buka town and Arawa has some privately provided medical and dental services. Hence to some extent peace on Bougainville can be described as a negative peace in that, although the fighting has stopped, there is little development, particularly employment opportunities, flowing. Most of the creeks and rivers that cut across the main road along Bougainville’s east coast are difficult to traverse because there are very few bridges. Most of the road surfaces throughout the province are unsealed. This includes feeder roads, so that, what little produce that is being harvested is not, with any convenience, brought to the three million dollar wharf provided by AusAID, as a reward for peace, at the site of the Kangu Beach massacre.

UNOSOM’s political and military attempts both to end hostilities and engender processes of national reconciliation had failed (Gardner and El Bushra, 2004;187). Despite current resurgent calamities, peacebuilding in Somalia does struggle along. There do exist human rights organisations in Somalia now, where none existed before the war (Gardner and El Bushra, 2004:xii).

Peacebuilding in Bougainville is ongoing. The mainstay, as has been outlined earlier, is reconciliation. Many people interviewed said that reconciliation will be part of the political process for a long time to come. This is despite the fact that I was advised, during fieldwork, by a district manager, that financial
support for reconciliation ceremonies would finish at the end of 2004 (Field notes 6 October 2004). Yet the work of the Peace Foundation Melanesia continues unabated. There also seems to be an acceptance and forgiveness of Australia as this peacebuilding is occurring. What lingering frustration remains does not erupt in violence on any scale. Trauma counselling by Caritas New Zealand is ongoing and this goes some way in healing the harm done. Because reconciliation on Bougainville has a permanence to it (see Jackson, 2002), peacebuilding, slow and partial as it is, progresses successfully so far.

7.6 Conclusion

It has been shown that there were extensive similarities in historical contexts and societal conditions, such as colonial influences and the importance of clan and religion. The relational distance between most ordinary people and the central government can be seen to have some parallels. There were also similarities in the way the civil wars were fought – paralleling most ‘new wars’. It has also been shown that the propensity for reconciliation in Bougainville had a greater hold across society there, and this was a core difference that had important implications for the structure and implementation of Operation Bel Isi. Social comparisons are shown in Table 3.

The way each war was conducted can also be compared and contrasted. The configuration of armed grouping was similar, as was the relative autonomy of small groups of fighters, including criminal and youth elements. The goals of the militias differed yet each society had its people and NGOs who were working for peaceful resolution. Table 4 outlines the similarities and differences within each civil war.
<table>
<thead>
<tr>
<th>Aspect</th>
<th>Somalia</th>
<th>Bougainville</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anthropology</td>
<td>• Clan based, segmentary lineage – <em>diya</em> paying</td>
<td>• Clan based – strong collective liability traditions</td>
</tr>
<tr>
<td>Economics</td>
<td>• Mainly pastoral/agro-pastoral/agricultural with increasing urbanisation. • ‘Scientific socialism’</td>
<td>• Subsistence with returns from the mine</td>
</tr>
<tr>
<td>Education</td>
<td>• Mostly illiterate, an educated elite</td>
<td>• Education was common, of a high standard and valued</td>
</tr>
<tr>
<td>Ethnic mix</td>
<td>• 80% homogenous, numerous minorities</td>
<td>• 95% homogenous</td>
</tr>
<tr>
<td>Governance</td>
<td>• Dictatorship for 21 years with sporadic armed opposition/civil war since 1978</td>
<td>• Democracy - a province of state (with simmering discontent over indep. and mine)</td>
</tr>
</tbody>
</table>
| Historical setting | • Post colonial and cold war  
|                  |      • Ethnically inapt borders               | • Post colonial                            |
|                  |                                               | • Ethnically inapt border                   |
| Linguistics     | • Somali with dialects.                      | • 19 languages + dialects. *Lingua francas* of TokPisin and English |
| Marriage        | • Mostly exogamous with some endogamous on the coast | • Mostly exogamous                          |
| Religion        | • Mostly Sunni Muslim, some minority religions | • Christian (1% animist)                    |
| Succession      | • Patrilineal                                 | • Matrilineal 9 out of 10 clans             |

Table 3. The societal settings in Somalia and Bougainville.
<table>
<thead>
<tr>
<th>Aspect</th>
<th>Somalia</th>
<th>Bougainville</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antagonists</td>
<td>• Indigenous v indigenous, then v UN</td>
<td>• Indigenous v ‘Redskins’, then indigenous v indigenous</td>
</tr>
<tr>
<td>Human Rights abuses</td>
<td>• Intense and consistent</td>
<td>• Intense but sporadic</td>
</tr>
<tr>
<td>Drugs</td>
<td>• Qat</td>
<td>• Home brew/Jungle juice</td>
</tr>
<tr>
<td>Forces</td>
<td>• Militias, political and clan, loyal to a ‘warlord’</td>
<td>• Structured BRA and BRF with a great deal of local autonomy</td>
</tr>
<tr>
<td></td>
<td>• Bandits</td>
<td>• Criminal groups</td>
</tr>
<tr>
<td>Goals</td>
<td>• Multiple – political interests, power, survival</td>
<td>• Fairly consistent - independence/autonomy, expulsion of outsiders</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>• Almost completely destroyed</td>
<td>• Almost completely destroyed</td>
</tr>
<tr>
<td>Law and order</td>
<td>• Lawlessness, some self-governing communities</td>
<td>• General lawlessness, some ‘good order’ committees</td>
</tr>
<tr>
<td>Military result</td>
<td>• No clear winners, ongoing violence</td>
<td>• Stalemate – interpreted by many rebels as victory</td>
</tr>
<tr>
<td>Human security</td>
<td>• Widespread starvation, minimal medical aid, significant refugee flows,</td>
<td>• No famine or starvation – medical services and supply minimal due to</td>
</tr>
<tr>
<td></td>
<td>camps esp. Kenya</td>
<td>PNGDF blockade, widespread displacement, some refugees to Solomons.</td>
</tr>
<tr>
<td></td>
<td>• Widespread starvation, minimal medical aid, significant refugee flows,</td>
<td>‘Care centres’.</td>
</tr>
<tr>
<td></td>
<td>camps esp. Kenya</td>
<td></td>
</tr>
<tr>
<td>Peacemaking - grassroots</td>
<td>• Local and NGO</td>
<td>• Local and NGO</td>
</tr>
<tr>
<td>Trigger for civil war</td>
<td>• Power vacuum – preceded by Isaaq victory in north.</td>
<td>• Panguna mine</td>
</tr>
<tr>
<td>Weapons</td>
<td>• ‘Awash’ - heavy weapons, armed vehicles</td>
<td>• Mostly light arms, incl some WW2 and home-made</td>
</tr>
<tr>
<td>Youth</td>
<td>• Mooryaan gangs</td>
<td>• Raskol gangs</td>
</tr>
</tbody>
</table>

Table 4. The characteristics of the civil wars.
The international responses to the civil wars, it has been seen, were strikingly different. Somalia had a much higher profile than did Bougainville. The cases can not be regarded as homologous as the relationship of the peace operation to the civil war in each case does not align – one peace force was predominantly interventionist whereas the other was facilitative. Another clear difference was in the way the two operations were approached by their respective lead and contributing nations. The Weinberger-Powell doctrine, based on the application of overwhelming force, was shown to be inadequate when coupled with humanitarian intervention. Operation Bel Isi, on the other hand, was successfully organised and conducted so that local reconciliatory capacities were supported and complemented. These differences had significant implications for the outcomes of each operation and the societies they were meant to assist. These are summarised in Table 5.

<table>
<thead>
<tr>
<th>Outcomes</th>
<th>Somalia</th>
<th>Bougainville</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clan Capability for Maintaining Order</td>
<td>• Remains captured by warlords</td>
<td>• Preserved</td>
</tr>
<tr>
<td>Peace</td>
<td>• Intermittent violence and warfare</td>
<td>• Peaceful coexistence</td>
</tr>
<tr>
<td></td>
<td>• Piracy</td>
<td>• Minimal violent crime</td>
</tr>
<tr>
<td></td>
<td>• Hostage taking</td>
<td></td>
</tr>
<tr>
<td>Human Security</td>
<td>• In rare pockets</td>
<td>• Incremental development</td>
</tr>
<tr>
<td></td>
<td>• Famine</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Land disputes</td>
<td></td>
</tr>
<tr>
<td>Economic</td>
<td>• Significant private investment in telecoms</td>
<td>• Negligible investment</td>
</tr>
<tr>
<td></td>
<td>• Tardy improvements in infrastructure</td>
<td></td>
</tr>
<tr>
<td>Disarmament</td>
<td>• Weapon purchases continue</td>
<td>• Near complete</td>
</tr>
<tr>
<td></td>
<td>• Militias common</td>
<td>• ‘Mecamui Defence Force’ in ‘No go’ zone</td>
</tr>
<tr>
<td>Peacebuilding</td>
<td>• At few sites</td>
<td>• Ongoing and thorough</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------</td>
<td>----------------------</td>
</tr>
</tbody>
</table>
| Refugees      | • Diaspora from south remain  
• Returning to Somaliland | • Care centres closed  
• Most returned to home locale |
| Social Reconciliation | • No | • Widespread - 50%+ |
| Traditional and Restorative Practices | • Debilitated in south  
• Re-emerged in north | • Preserved and enhanced with modern training |
| Political Reconciliation | • No effective polity  
• Transitional Federal Government dysfunctional | • Multiparty, free and fair elections held  
• Referendum to be held  
• No-go zone the exception |
| Rule of Law | • Disintegrated | • Re-establishing |
| Societal Regeneration | • Minimal | • Education increasing  
• Infrastructure being re-built  
• Custom affirmed |
| Trauma Counselling | • Limited | • Extensive |

Table 5. Outcomes from Somalia case study and Bougainville case study peace operations.

These outcomes, it is averred here, rest on several key explanatory footings and these criteria are listed in Table 6. Bel Isi mobilised local knowledge and capacity to ensure that ownership and the governance of the peace process remained firmly in control of Bougainvilleans. It was an integrated operation where networks within the force and the wider host society were acknowledged, understood and maximised in fostering local inclination and competences. This was a peace operation attuned to the local situation and people, and it contrasts explicitly with the war-making direction of the forces
in Somalia. Hence, UNOSOM and UNITAF achieved the opposite, in the aggregate ever distancing themselves from Somalis, reinforcing the idea that Somalis were not capable of resolving their own differences, consigning them to ‘the dark ages’ so that the ongoing anarchy was conveniently viewed by the

<table>
<thead>
<tr>
<th>Explanatory Criteria</th>
<th>Somalia</th>
<th>Bougainville</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peace Force Orientation</td>
<td>• Domination</td>
<td>• Cooperation</td>
</tr>
<tr>
<td></td>
<td>• 80/20% War/Humanitarian</td>
<td>• Mobilized local peace work capacity</td>
</tr>
<tr>
<td></td>
<td>• Intervention</td>
<td>• Intermediaries/facilitators</td>
</tr>
<tr>
<td></td>
<td>• Mission dissensus leading to disparate efforts</td>
<td>• Mission consensus leading to integrated efforts</td>
</tr>
<tr>
<td></td>
<td>• Use of weapons - unparsimonious</td>
<td>• Unarmed - parsimonious</td>
</tr>
<tr>
<td>Peacekeeper Behaviour</td>
<td>• Role ambiguity</td>
<td>• Role clarity</td>
</tr>
<tr>
<td></td>
<td>• Some cases of significant criminality</td>
<td>• No documented cases of peacekeeper crime</td>
</tr>
<tr>
<td>Key Decisions on Nature of Peace Operation</td>
<td>• Made by UN and US</td>
<td>• Made by Bougainvilleans</td>
</tr>
<tr>
<td>Level of Focus</td>
<td>• Negotiation was elite oriented</td>
<td>• Lower, middle and elite engagement</td>
</tr>
<tr>
<td></td>
<td>• Application of force – all levels</td>
<td>• Networked</td>
</tr>
<tr>
<td></td>
<td>• Clan as referent</td>
<td></td>
</tr>
<tr>
<td>Commitment and Duration</td>
<td>• Intense</td>
<td>• Patient</td>
</tr>
<tr>
<td></td>
<td>• Time-bound</td>
<td>• Enduring</td>
</tr>
<tr>
<td>Role of Women</td>
<td>• Near total exclusion</td>
<td>• Essential, powerful, sometimes excluded</td>
</tr>
</tbody>
</table>

Table 6. Key differences in UNOSOM/UNITAF and Operation Bel Isi.

- 310 -
outside world as a self-fulfilling prophecy and ‘nothing more could be done’. Locally, Somaliland has given the lie to that perspective.

Somali warlords attracted disproportionate and almost exclusive attention. This further alienated most Somalis and eroded the hard work being done by many peacekeepers, NGOs – and Somalis - at the mundane level. The use of conventional power perspectives did not work. Each clan was seen almost as a monolith among many others but the authentic role and character of clan for Somalis was never understood, and therefore exploited. Conversely the peace monitors of Bel Isi knew that influence and decision making in Bougainville society was more subtle and complex than standard interpretations would have. This was a complex force for a complex operation. The role of women was significantly different between the cases. In Somalia women were dominated and largely excluded from the peace process in the south. In Somaliland their presence and contribution to peacemaking was more pronounced. The leadership and peacemaking capacity of women in Bougainville was one of the key elements in finding peace.

Bel Isi was intended to stay the course. It engaged with the people and their way of deliberation, all the while accepting that time was a requirement that had to be respected and patience was a resource that had to be developed and maintained. It would have been impractical to be expedient. UNOSOM and UNITAF sought a quick fix and it didn’t work.

Local peacebuilding processes were without effective support in Somalia. They emerged, eventually to be successful in Somaliland. They were energised in Bougainville. It has to be said that the peace work undertaken in each of these societies, and in Bel Isi, while often restorative in nature, did not necessarily adhere to any particular restorative justice model. In order to
argue for this kind of operational concept and structure to be applied to peacekeeping, it is necessary to explicate how restorative justice theory might fit with the exigencies of a conflict and society looking for a peaceful resolution and rebuilding. Chapter 8 elaborates restorative justice theory and reveals how it can be placed in peace operations.
Chapter 8 – A Restorative Architecture for Peace Operations

8.1 Introduction

Drawing on the lessons of both Somalia and Bougainville, this chapter examines how a restorative justice paradigm could improve the ways that peace operations are conducted. Diehl et al. (1998) already argue for a theoretical framework for peace operations under the rubric of conflict management and resolution. Their approach is based on empirical evidence that illustrates an evolution from missions that were originally seen as conflict control measures to interventions that are multifaceted and dependent on peacebuilding activities. They point out stark conceptual differences between the original approaches to peacekeeping and the more complex contemporary strategies that sometimes take into account comprehensively the causes and cultural contexts of each conflict. Hence these missions are much more explicitly committed to, and engaged in, conflict resolution. Their perspective provides a valuable basis within a conflict management orientation but could be more effective when situated within a restorative justice architecture. This chapter explains how.

As outlined in chapter 3 the focus of restorative justice is on repairing harm. This is arrived at through the deliberation of victim, offender and community. In post-conflict settings the importance of those stakeholders is magnified and their roles are discussed here – particularly the concept of community from a local, national and international perspective.

The empirical evidence (see for example Bertram, 1995; Doyle and Sambanis, 2000; Heldt and Wallensteen, 2005) shows that more than a ‘ceasefire, guns down’ approach is required to sustain post-conflict peace and development. A
much more comprehensive strategy than an enforced peace is required. This is why the complexity of a reconfigured, restorative approach to peace operations is apposite. The standards of restorative justice might seem numerous and intricate but they can provide the necessary value underpinnings for what are complex responses to complex problems. They are vital because a simple approach will not sustain peace. Therefore how each of the constraining, maximising and emergent values of restorative justice can play a role in peace operations is examined. Not every value, however is as germane to the work of peacekeepers as others, hence some of the specific maximising values are not afforded discussion.

Importantly, reconciliation as a by-product of restorative approaches is posited as a foundation for more successful social and political processes following conflict. A holistic reintegration of former combatants is shown to fit within the reintegrative nature of restorative processes and the thorny issue of peacekeeper deviance is also included as a possible occasion for more restorative responses. A way of summarising the outcomes in Table 3 is that in Bougainville they were holistically reconciliatory in the way commended by restorative justice theory. In Somalia they were not. This is followed through to enunciate key implications for the training and education of peacekeepers. The conceptual thread running through this chapter leads to the conclusion that what is really needed for improved peace operations, particularly given the intensity and longevity of many of today’s ‘new wars’ is that what can be achieved, and normatively should be aimed for, is something more than restoration. It is individual and communal ‘regenerative reconciliation’ that peace operations can work towards.

The promise of regeneration is that it provides some continuity and recognisable bases from which to move forward. Dynamic lives and
relationships existed before the descent into civil war and it is not as if history starts with that turmoil or the arrival of a peace force – this can be the misguided perception of outsiders who arrive with good intentions to assist in building a better future. Regeneration involves recognising strengths of the past that can be roots for growing new and more robust institutions of peace, development and governance. Those roots need to have their societal soil restored so that they can thrive in fertile conditions. To achieve that sort of environment requires the noxious and persistent influences of unrepaired harm to be ameliorated.

8.2 The Harm Principle

As described in chapter 3, one of the main principles of restorative justice theory and praxis is that the harm caused by the deviance, violence, or conflict in question needs to be addressed so that a workable harmony can be restored to stakeholder relationships. It is a given that this needs to occur at an individual and community level – within the enveloping ‘community of care’ (Braithwaite, 2000:188).241 Admittedly this concept, particularly as an operational priority, could be a significant challenge for international actors, for a conventional peace force hierarchy, and for some peacekeepers on the ground – and even the groups themselves who are in conflict. This is not to say that it is impossible to integrate such a consideration as an important part of peace operations.

Because of the scale and nature of armed conflict there is a proximal relationship between the originating factors and the ensuing harm, destruction and suffering. However difficult, causes need to be revisited and

---

241 Also described as a ‘community of interest’ (Morris and Young, 2000:23).
neutralised. Restorative approaches will often, although not always, consider causation – even if this manifests itself as nothing more than an anguished victim asking ‘Why?’ As causation is part of the wider context in which the offending act or series of transgressions is situated, what this means for peace operations is that the causative factors of the conflict need to be identified and analysed; this can also serve to prevent the emergence of new conflict dynamics (Jeong, 2005:4). Such identification and analysis of the stimuli to armed violence, essential to clarifying the turmoil, is possible to be carried out even before the arrival of a peace force. Certainly, there may be the requirement for a rapid deployment to keep belligerents separate and enforce a peace (Rees, 2003:141) hence the international and public insistence across the wider world to ‘do something’.242 This does not mean that there has been no warning time that might allow for background research, intelligence gathering and planning. Preceding most conflicts are refugee flows, and neighbouring countries usually have been taking a keen interest in developments in a collapsing neighbour. NGOs have often been ‘on the ground’ for a considerable period prior to any mooted intervention (see Cockell, 2002:485; also Pouligny, 1999). Such a broad knowledge base can be scanned to provide foreign forces with the foundational causative data needed for a restoratively designed peace operation.

When applying the harm principle in response to a civil war it is often the case that some of the harm to be healed has happened well before the eruption of armed conflict (see Adekanye, 1997:363). The disregard for injustices perpetrated during the lead-up period, which may cover decades, is often a significant factor in the outbreak of violence. Unresolved injuries and

---

242 In fact a counterpoint to Rees’ statement is made by Moore (1996:3) who states that the ‘don’t just stand there, do something’ political psychology brings pressure and urgency to bear, ‘but not necessarily gravity to the response’.
disaffection feel as if they are interminable and consequently they seldom, if ever, subside to the satisfaction of all concerned (see Fetherston, 1995:2).\textsuperscript{243} Harm that is not healed lingers, so that, for example:

The Bosnian, Mozambican and Cambodian women who experienced and witnessed repeated rape, beatings and torture carry the warzone with them beyond the ceasefire, beyond the implementation of peace agreements and beyond the ‘vote’ (Fetherston, 1995:4).

If enduring peace is the aim, then financial, physical, political, psychological and territorial harms will need to be repaired, as thoroughly, as efficaciously, as early, and as extensively as possible.

Mandates, mission statements, logistics, and operational conduct can be organised accordingly. This might appear to be outside the normal functioning of military operations but as most of these deployments are in the form of international policing, then it is not far fetched to overlay these operations with a police service role – almost a community or participatory peacekeeping function.\textsuperscript{244} Moreover, civilian police and civilian UN volunteers are increasing in numbers and proportion of force total as a common feature across a greater number of UN deployments.\textsuperscript{245} Military medical services are already well experienced in servicing sick, wounded and malnourished

\textsuperscript{243} James (1969:306) writes that, of itself, time alone is no more of a healer in international or intra-national relations than it is at the personal level. Even Zartman (1985:237), when he says that ‘Only time resolves conflicts’ qualifies this with ‘but time needs some help’. It is maintained in this thesis that ‘time heals all’ is a common sense fallacy that has no part in supporting the rectification of root cause injustices and harm inflicted – especially following a period of armed conflict.

\textsuperscript{244} Proença (2000:2,21) argues that much of what is delivered through peace operations can accurately be described as ‘alien-community’ policing or ‘multicultural policing’. Kaldor (1999) refers extensively to her concept of ‘cosmopolitan law enforcement’ where the idea of a human rights ethos and values are infused throughout the keeping of order in the host society.

\textsuperscript{245} In 1998 more civilian NGO workers died during peace operation interventions than did peacekeepers (C. Coker in Elliott and Cheeseman, 2002:51). This may be in part because, as Weiss (2001:425) asserts: ‘Ironically, civilian humanitarians and journalists expose themselves to dangers in today’s war zones in ways that soldiers do not’.
casualties in civil war zones, and increasingly in response to natural disasters that require massive international health and medical resources.

It is victims, perpetrators and their communities who can most adequately heal the harms occasioned by internecine war. This is as it should be, because, barring newly acknowledged territories based on ‘ethnic cleansing’, they will certainly be expected to co-exist in a post-conflict society (Fetherston, 1995). There have been enough truth and reconciliation processes following internal violent conflicts to support the view that these can be, in the aggregate, effective mechanisms fundamental to successful peacebuilding (see Hayner, 2002; Long and Brecke, 2003). Without such public acknowledgement social relationships remain contaminated by the ‘corrupt practices of denial and secrecy’ (Herman, 2001:243). It would be unrealistic to expect that the international community or a peace force per se has the responsibility, or the capacity, to themselves be the healers for a damaged society; notwithstanding that psychological services are often provided by international NGOs in many post-conflict societies. Regardless, they can be enablers and facilitators for restorative processes that promote healing, as the peace force in Bougainville amply demonstrated.

Repairing harm can take time. This has political and logistic implications for intervention forces and contributing countries – but a sound and thorough investment at the stage of intervention, as opposed to an investment of one or two

246 Hayner’s (2002) work Unspeakable Truths: Facing the Challenge of Truth Commissions is the locus classicus on the subject of these enquiries.

247 Although, in Kelsall’s (2005) observations of the Truth and Reconciliation Commission following Sierra Leone’s ten-year civil war, he writes that complete and honest revelation might not always be necessary, or desirable. He says that the Sierra Leonean culture is not prone to public exposure of ‘the unspeakable’ and although a great deal of secrecy, denial and obfuscation was displayed at the hearings he witnessed, reconciliation was achieved rather through the ritual of the reconciliation ceremony held at the end of the proceedings, than through candid testimony.
two years (Fetherston, 1998) could mean that a wasted effort is avoided so that returns to violence, such as occurred in Haiti, Liberia, Sierra Leone and Somalia, don’t require re-intervention. Here the concept of the harm principle and the notion of an ‘end-state’ to be considered for the mission, and by the peace force, can converge. It may be enough to say that some tangible, substantive and progressive repair of harm is in evidence before the intervention can be incrementally scaled down.

Atrocity in civil war for a range of reasons is very often recursive (Reddy, 2005:104). Restorative justice operates with a specific approach in responding to harm and provides much more than simply a process (Bazemore and Walgrave, 1999; Zehr, 2003). One of its effects is to provide a brake on offending behaviour. To this end it is an apt values framework for peace operations. This is because the sooner the beginnings of healing take hold, the sooner the desire for vengeance between belligerents will dissipate, and consequentially, the safer the peacekeepers will be. The belligerents, the conflictual stakeholders, are essential parties in any efforts to form and maintain ongoing peacebuilding.

8.3 Key Stakeholders

Restorative justice places a priority on processes that include outcomes determined by victims, perpetrators and their relevant communities. These are the key stakeholders in any offence, in any conflict that has a public dimension to it, and in any peacebuilding efforts where positive changes are expected to be enduring.

Political leaders, generals and warlords are far from irrelevant. They have to be dealt with, and are usually the players who have most interaction with the
international diplomatic community. But they mostly do not play a part in the ‘gaps’ that Pouligny (1999) speaks of (see chapter 4).248 As seen in the two case studies, elite control of much of the day-to-day activity of militias was intermittent. It is the gunmen and thugs, the embittered and biased populations, who are more numerous and who directly carry out - and in turn also suffer from - the violence and savagery of civil wars. Just as Bazemore and Griffiths (1997) call for victims, offenders and communities to have new roles as both clients and co-participants in the justice process, so too victims, offenders and communities are the key collateral parties in peacebuilding.

8.3.1 Victims

At the broadest level, the nation itself, or society generally, can be the victim of protracted social conflict (see Herman, 2001). The state and its structures, a country’s institutions, can implode, with ‘collapsed’ and ‘failing’ states being a common lexical feature of the discourse surrounding the ‘new wars’.

At the close of the American Civil War Abraham Lincoln spoke at Gettysburg of how all Americans had been victims of the system of slavery that had culminated in both North and South suffering the devastation of four years of war. He urged that the nation needed to be reborn from a Union rent by slavery (in Braithwaite, 2002a:206). The South African parliament realised that the rifts in South Africa from decades of Apartheid, and the violent actions and reactions that system caused, permeated all segments of the country’s

248 Clearly this will vary. In the insurrections that have plagued Burma, for example, the ruling junta are key actors. Also, Jeong (2005:32) states that where community reconciliation is sought, and ethnic hatred has been a feature of the conflict, it will not be effective unless national elites cooperate in mitigating the underlying bigotry.
society and institutions.249 After such catastrophes reform needs to be widespread and pervade not only government but ‘neutral’ institutions as well.250 Today when UN peacebuilding following civil strife is underway, it aims to address the root causes of civil war and in reality constitutes nation building (Bertram, 1995).

Entire communities, villages, clans and ethnic groupings within a populace can be victims. A sense of shared victimisation is therefore common. This is most obvious when ethnic or religious divisions have been bolstered to justify the expulsion of particular minorities. The Balkan wars of the early 1990s and Rwanda are the most obvious examples of this.251 By then, as discussed in chapter 5, Siad Barre had already attempted the genocide of the Isaaq clan in northern Somalia which led to massive refugee flows into Ethiopia.

It is clear that individual people make up the majority of victims and survivors in any post-conflict society.252 The society and its constituent minorities and communities are all made up of individuals, and individuals

249 They announced that ‘the oppressed and the oppressors were imprisoned by the chains of Apartheid’ (Brooks, 1999:445).
250 Brooks (1999:444) states that Apartheid been overthrown by violent means, revenge might have been sought through trials and retributive processes, negating truth-telling and uncovering the more systematic aspects of the racist regime; furthermore, there would have been no reconciliation, ‘just unconditional surrender and the constant threat of insurgency’.
251 The extent of individual trauma has been calculated in the aftermath of the wars engulfing the former Yugoslavia. At a human rights and mental health conference held in Sarajevo in July 1997, when legal and medical professionals collated their case and treatment statistics, it was concluded that across a total population of four million Bosnian, Croatian and Serbian people who had experienced the three-and-a-half year war, a total of one million had undergone torture and other similar maltreatment (Maran, 1998:228). Two years before this colloquium a discrete epidemiological study carried out for the International Rehabilitation Council for Torture Victims, in the Zagreb area of Croatia had found that 24 per cent of 1,926 local Bosnian war refugees surveyed had been tortured and were in need of treatment (Maran, 1998:228).
252 Community healing is necessary, ‘though individuals suffer most from the intense psychological trauma…and repressing intense psychological pain is damaging’ (Hayner, 2001:133-134).
have multiple identities and organic linkages, be they through affinal connections, occupational sodalities or religious and clan or ethnic ties. Madriz’ (1997:50) idea of ‘altruistic fear’ can be applied and extended to the ‘altruistic suffering’ of the family and friends of victims of civil war. These people can span the identities of victims and survivors themselves, and they also form Braithwaite’s (2000:118) immediate ‘communities of care’, or Morris and Young’s (2000:23) ‘communities of interest’.

8.3.2 Offenders and Oppressors

During civil wars, or wars generally for that matter, offenders or perpetrators can come from any faction or force – and sometimes from none. Republican and loyalist fighters, and British soldiers, have all been convicted of atrocities and other crimes in Northern Ireland. As a result of the wars in the former Yugoslavia, the International Criminal Tribunal for the former Yugoslavia (ICTY) has tried and convicted Croatian, Serbian, Christian and Muslim war criminals (ICTY, 2006). On another level, in the less visible spaces of a conflict, irregular fighters, insurgents, militia members and government forces can, as a matter of course, be viewed as aggressors by neutral civilians and opponents alike. It may also be that non-military supporters are included through acquiescence or guilt by association. It is possible that widespread movements, and Galtung’s (in Harris and Lewis, 1999:30) structural violence, can combine so that anyone implicated as a fellow traveller might be seen by victims as an oppressor.

This is part of what makes these emergencies ‘complex’. In Bougainville, many reconciliation ceremonies have been carried out where the perpetrator had legitimately killed fellow Bougainvilleans in the context of an ambush or battle – no conventional curial system would ordinarily consider these acts as
crimes in the statutory sense, and therefore these fighters are not ‘the accused’ or even ‘suspects’ from a legal perspective. Still, they have offended, they have devastatingly damaged, the community of those they killed - regardless of how justifiable or legitimate their acts were. What is of paramount importance for this community is that the harm has to be healed, as far as it can be, through reconciliation.

In peacebuilding the offenders are key participants, at the formal court level – international, or national – and at the inter-communal and informal level. One clear and challenging onus on any peace force is to adhere to impartiality regardless of which side or faction they might empathise with, and treat all offenders with due respect and according to law.

8.3.3 Community

It is rare that an internal war is purely internal (Zartman, 1995:4; see also Byrne, 2001:327). This phenomenon is usually revealed through refugee flows, regional economic disruption and diasporic tensions in adjoining constituencies, and followed by both affective and Realpolitik responses from the international community. Even when conflicts occur on relatively isolated islands regional actors are drawn into the conflict as participant or broker, as has been the case in Ireland, Cyprus and Sri Lanka (Pearson, 2001:279) – and Bougainville. The role of the wider community is illustrated concisely by Kelman and Hamilton’s (1989:46) treatment of ‘crimes of obedience’:

A crime of obedience is an act performed in response to orders from [internally legal] authority that is considered illegal or immoral by the larger community. Both ‘crime’ and ‘larger community’ need to be thought of loosely...For example, in Nazi Germany, the prototypical arena of crimes of obedience, many thousands of employees and soldiers carried out instructions and orders that resulted in an unprecedented destruction of innocent life...In this case, the rest of the world serves as
the larger community, and its judgment creates the crime (Kelman and Hamilton, 1989:46).

Hence Responsibility to Protect (ICISS, 2001:13), as noted in chapter 4, remarks that state sovereignty includes the notion that ‘the national political authorities are responsible to the citizens internally and to the international community through the UN’.253

The notion of ‘community’ operates across a range of relationships and interactions. There exists an ‘economy of affection’ (Hyden, 1983) through which physical transactions are conducted between kith, kin and those in physical proximity,254 (but Madriz’ [1997] idea of altruistic concern towards those emotionally close to us requires no geographic minimum distance). During a civil war community ties can be severely damaged by betrayal or worse; friends, sometimes even family, and neighbours might become enemies (see Lederach, 1997:14). Communities are complex polities and include oppressors, survivors, victims and other parties linked in varying degrees to those other roles; as well, there are the often vulnerable moderates (Kaldor, 1999; Nederveen Pieterse, 1997:90) who stand outside the conflict. Despite severed relationships the connection that remains intact is that they are all stakeholders.

In keeping with Kelman and Hamilton’s (1989) more loosely configured concept of the ‘larger community’, when the international and cosmopolitan community is called upon for peacekeeping, it can be a reaffirmation of our sense of self. We are stakeholders because it is confirmation that we are

253 Reinforcing this sense of global community is the fact that it is increasingly common for national truth commissions to include foreign panel or tribunal members (Hayner, 2001:253).
254 James asserts that ‘the kith and kin argument is powerful in all contexts’ be they peaceful or violent (James, 1969:74–75).
empathetic, that we are generous, that we will protect and support the vulnerable, and will assist in making sure that each side in a conflict receives a fair opportunity, and some support, in setting things right again. Figure 1. displays the tiered and interconnected nature of these stakeholder relationships.

Figure 1. Stakeholder relationships in armed civil conflict.

---

255 These occasions might also involve the kind of process that have the potential to exhibit ‘moments that reframe macro-community’ (Braithwaite, 2002a:69).
8.4 Incorporating and Adapting Restorative Values for Peace Operations

War is the state of existence that is the antithesis of restorative values. War is about domination, the disempowerment of those who do not have the most powerful weapons, the unconstrained punishment of adversaries, disrespect for the other, a privileging of those bearing arms, a release from the usual accountabilities concerning violence and force, and a cavalier disregard for human rights. Restorative justice is the values orientation of peace. Peace is not merely the absence of shooting, it is a state of mind grounded in a different values framework. Restorative justice points towards a path for value reclamation in transitions from war to peace. Restorative justice is a practice that exploits repulsion for excesses of domination and disrespect to flip the value orientation of a society towards non-domination and respect. South African Leaders like Desmond Tutu and Nelson Mandela can be viewed as master practitioners of such shock and shift and the new South African Constitution can similarly be seen as an institutionalisation of that value regeneration, particularly in its inspirational preamble.256

Building on the principles of repair of harm and stakeholder participation, the restorative values described in chapter 3 can have direct application for peace operations from design through to, and throughout, implementation—however challenging and however prolonged that might be. Not each of these values by which restorative processes can be assessed or evaluated, will be suitable for every aspect of a peace operation. While some can be criticised as vague, they are meant to be broad in concept and applicability so as to avoid an overly legalistic application (Braithwaite, 2002a:15). This is compatible

---

256 The post-war German constitution can also be viewed in a similar light of institutionalising value regeneration.
with the operational requirements of peacekeeping as restrictive definitions might confuse and limit inaptly soldiers, police and civilian peacekeepers who need the latitude to apply flexible responses to the multifarious encounters they are drawn into.

8.4.1 Constraining Values

As Braithwaite (2002a, 2002b) has articulated, these constraining values are those that place limits on participants, processes and outcomes of restorative activities. In this thesis they are also conceived of as essential; this is pertinent for peace operations because the social scenario is characterised by lack of trust and is exacerbated by rumour, to which is added the presence of a foreign, third-party peace force. Therefore the psychological obstacles to peace are often greater than the substantive obstacles (Curle, 1986:8), these constraints can provide reassurance for stakeholders that the intervention has an inherently benign integrity.

8.4.1.1 Non-domination

The most common means of domination during armed conflict is violence – direct or threatened. King (1967:61) describes some of its effects thus: ‘[Violence] deepens the brutality of the oppressor and increases the bitterness of the oppressed. Violence is the antithesis of creativity and wholeness. It destroys community and it makes brotherhood impossible’. Violent domination is exactly what a peace force is there to counter.257

257 It is not asserted here that force is never to be used by peacekeepers. Sometimes either the threat of force or the direct application of force is necessary as a deterrent particularly in the protection of non-combatants - it is obvious that forceful intervention could have avoided the disasters of Rwanda and Srebrenica. While restorative justice theory accepts that violence is in extraordinary circumstances sometimes needed to prevent violence, it is constrained to be
It is arguable that non-domination of the proceedings by any party is essential to effective and inclusive peace processes. Related to this, and particularly relevant to peacekeeping, is consent by the majority of the host population, so that there is the least possible perception of imposition of processes, the importing of authority, or the co-opting of warlords and their subsequent transformation into political leaders. This can reinforce, across all factions, and non-aligned others, the acceptance of the peace force. Dobbie (1994:133) states that:

> consent will be further promoted if the parties to a conflict can be endowed with vested interests in resolving their own disputes. If the belligerents [at all levels] can somehow be made shareholders of the peace process, then their motivation to cooperate will be greatly increased.

This is because restorative approaches democratise conflict resolution and peacemaking processes by shifting the power and expertise from professionals to the ordinary people involved (Wachtel and McCold, 2001:114).

It is one thing to foster ‘bottom-up’ representation and participation, but it is another thing to ensure the opportunity for input that is not commandeered by powerful personalities. It is even possible that a participatory search for justice might allow increased and unfair dominance by a determined and persistent oppressor (Braithwaite, 1989; Christie, 1981; see also Huyse, 2003:112). This is something that peacekeepers need to anticipate. One key factor in this involves a flexible approach to time. Naturally some people will have more to say than others and this must be respected. Whether peacekeepers have been called to a dispute between neighbours, whether it is used in ways that are lawful in terms of international human rights law, and with parsimony. Peacekeepers, it is argued here, should therefore avoid where possible the military propensity to violently dominate terrain and situations – and people.
the convening of re-established local councils, or whether it involves negotiations to dismantle roadblocks, patience – not time - is of the essence. This allows space for the more pensive, and those less assertive, to contribute to a solution knowing that the peacekeeper is there in a witnessing and support role, and knowing also that this third party will ensure, by their impartial presence, an opportunity to speak unhindered. A focus on non-domination of proceedings can even induce micro-level empowerment.

8.4.1.2 Empowerment

Empowerment of all participants to tell their story would likely promote a wider ownership of peacemaking and peacebuilding. This enables greater engagement with those ‘in-between’ dynamics that Pouligny (1999) writes of, and the intermediate levels in Lederach’s (1997) work. Kaldor (1999:61) observes that ‘those [more often] engaged in negotiations make the point that those who make the war are the only ones who can stop it and therefore there are no alternatives to talks between the warring parties’. But this almost always means limiting participation to an elite, and as an operating principle this has been shown to be erroneous. Elite peacemaking is in fact ‘fragile’ as Northern Ireland’s Good Friday Agreement and ensuing events have shown (Byrne, 2001:328). It rightly played only a very small part in Bougainville. As a major strategy in Somalia it was a failure.258

258 Emphasis is better placed on protecting and mobilizing peace brokers as opposed to privileging the powerbrokers. The idea that parties to a dispute have responsibility as the decision makers is resonant with the precepts of the Gandhian ideal where those in conflict take personal responsibility for the negotiation as opposed to placing it in the hands of professional advocates. This allows for personal growth and some degree of transformation probably because it requires deep self-reflection (Weber, 2001:507).
An ethos of local empowerment within a peace operation would parallel Barton’s (2003) model of restorative justice conferencing. Specifically avoided would be any sense that the professionals from outside would pre-determine dispute outcomes thereby disempowering participants. Disempowerment is repugnant to restorative justice. A supportive and empowering mediatory role for peacekeepers is already underpinned by two elements of the peacekeeping ‘trinity’, namely impartiality and neutrality (Bellamy and Williams, 2004:3).

Empowering previously silenced individuals and groups would expand the information lode and options available. This example from Somaliland illustrates how positive change can come from increased participation by women in a traditionally conservative Islamic society, where women had previously been denied public roles in conflict resolution,

At Borama, Ghedi [a politician] was listened to, but women were not welcomed because they had been working across clans. The elders did not respond to our letter asking to participate, so ten women delegates arrived anyway. The elders were shocked and said: ‘Oh, no! Why are these women here?’ We [women] were successful in getting to make two speeches, one woman from Borama, and I. I took the main speech. I said: ‘I heard a lot of you murmuring, saying ‘Why are these ladies here in front of two thousand men?’ So I said: ‘What do you think? Why do we need to wear clothes? Why do we need umbrellas? - To protect us from the sun and the rain. You are also our protection and our protection has gone.’ They were uneasy and I said: ‘We are always afraid of inter-clan conflict. You drove us from Mogadishu, you drove us to refugee camps and you are going to drive us from Hargeisa. So we want you to stop, we want you to make peace.’ The men said: ‘If we knew that you would give us such a good argument, we would have listened to you from the start.’ This resulted in President Egal appointing a woman minister to the cabinet (Interview 8 September 2005).
8.4.1.3 Legally Defined Upper Limits on Sanctions

It is important that at the immediate, personal level, the community or national justice level, and even the level of international tribunals (when those fora do have a part to play), that limits are placed on the awarding of sanctions. This would include a prohibition on capital punishment – one of the three ‘ultimate’ punishments (Sheleff, 1987:55)\textsuperscript{259} and one that could not have any place in restorative proceedings (Braithwaite, 2002a:14). In circumstances where violence, force and coercion have been commonplace over a sustained period, and emotions can trigger immediate, passionate and severe responses of retribution, it is important to have legally defined upper limits on how justice can be delivered. In these kinds of circumstances it might be that some feel they should have ‘unfettered discretion to bully, hector, harass and traumatize’ (Roche, 2003:228). The idea and practice of restorative justice is to heal harm, and to do so it must avoid being drawn into the vortex of retributive sanctions. Fair punishment can in fact be accommodated as part of a restorative justice framework (Braithwaite, 2002a:16), but unlimited punishment is vengeance and this works against reconciliation which is invariably one of the overriding aims in contemporary peace operations.

There are two other facets to this standard. The opportunity for appeal and, somewhat tangentially, limits on the use of force. The opportunity for appeal must be built into formal legal processes. This still needs to be balanced with local customary practices, such as judgements by elders in situations where it is usually accepted that such rulings are final. There might well be no counter

\textsuperscript{259} Sheleff (1987) writes that capital punishment, life imprisonment and torture are the three ultimate penalties that courts and communities have imposed.
to this other than the limitations imposed by a human rights framework (see below at 8.4.1.7).

The second facet concerns the limitation placed on the use of force allowed by peacekeepers. In particular rules of engagement have to be specific in their licence of the use of deadly force. While it can be frustrating and increase the feeling of vulnerability for peacekeepers to be in dangerous situations, despite having no specific enemy and being ordered to avoid fighting, under provocation the peacekeeper still has to show discipline and restraint and carry out tasks with persuasion, tact, example and calm and, if possible, never using force (Findlay, 2002:30-31). Conforming with such a limitation will not only enhance the standing and credibility of the peacekeepers but will also underpin the value of the peace process as a journey worth continuing.

8.4.1.4 Respect

Restorative justice mechanisms focus on ‘respectful listening’ as a requirement that should be honoured in any valid restorative encounter (Braithwaite, 2002a:15). Restraint and patience are required for respectful listening. And as restorative justice encounters are non-trivial events, then it means that such respectful listening is active listening rather than merely hearing. It was active, respectful listening that enabled the peacekeepers in Bougainville to do their job well, so that: ‘The PMG did not directly take part in negotiations between the parties, but it did facilitate them by providing a mixture, in Osborne’s words, of ‘ideas, information, communications and transport’’ (Londey, 2004:223). They listened respectfully so that they could contribute appropriately.
This also facilitates deliberation. Braithwaite (1997) says that it suffices for a restorative procedural requirement that stakeholders talk until they feel that harmony has been restored on the basis of revelation and dialogue regarding all the injustices relevant to their conflict. The people of Somaliland insisted that the UN forces did not become involved and they took their time in a way that was diametrically opposed to the rushed orientation of the UN administered peace talks. The statist view that negotiations must always be conducted in a set way that has been accepted by Europeans for several centuries was manifestly ineffective. Hurried decisions are less than truly deliberative and the outcomes of such ‘agreements’ are probably not a reliable basis for lasting compacts.

The LPI organisation was able to patiently facilitate stakeholders in Somaliland and assist in negotiations that were based on the indigenous, the relatively democratic, the culturally suitable, and the locally legitimate processes that assisted in producing lasting results. Admittedly there are some differences between the situation in the north and the south of Somalia, but it is true that the peacemaking negotiations in the south were both structured and conducted in a way that was alien to the Somali participants. Shir and Guurti were the basis for the peace councils of Somaliland and these were part of the cultural terrain where the deliberations were accepted by factions and fighters with a range of allegiances and interests (Heinrich, 1997:xviii). The clear conclusion is that the conferences of the south, held under strictures that were inappropriate, and with unrealistic timelines – insisted on by non-Somalis - were ineffective.

260 A ‘measured and patient strategy’, write Lyons and Samatar (1995:75), would have been more recognisable to most Somalis.
The argument in this thesis expands the notion of respectful listening to a wider concept of ‘respectful interactions’ regardless of circumstances. Respect is ideally a part of interactions between antagonists but if it is lacking it can be displayed by the peacekeepers present – as moral exemplars of respect. This can be displayed in a dispute in the marketplace or facilitating weapon surrender negotiations. Respect for the customs and mores of the society being assisted needs to be infused throughout pre-deployment training (see below). The disrespect inherent in racist attitudes would not be part of a restorative peace operation. It is important that the outsiders who arrive to promote peace are not imbued with any notions of superiority, or no matter how dire the circumstances,²⁶¹ that they are deploying to a society that they believe ‘has reverted to the dark ages’ (Breen, 1998); or that they imagine the people emerging from the civil war have been living in ‘a Hobbesian environment’, as one peacekeeper quoted earlier said of the Bougainvilleans (Interview 29 June 2004).

8.4.1.5 Equality of Concern for Stakeholders

Equality of concern for stakeholders, during peace operations, can be most closely translated as impartiality. Dobbie (1994:135) states that peacekeepers will probably never perfect this but should never deliberately disregard it. It does not mean, however, treating local people with an objectivity that maintains an ‘otherness’ and justifies not engaging or not rendering help – as was recounted in chapter 7 by the NGO worker in Bougainville who witnessed the ambulance crew report a casualty they did not assist (Interview 10 August 2004).

²⁶¹ Some peacekeepers thought that Somali society was too dysfunctional for the necessary cooperation that is required for national reconciliation, that it was characterised by a ‘dog-eat-dog’ approach to human relations (Breen, 1998:220).
This means that peacekeepers need to display concern for each faction, grouping and class of people. It is easy to demonize one or more factions within a civil war – and certainly some leaders and their militias do need to be contained – but regardless of their orientation and allegiances, the fighters and supporters of each side do believe, rightly or wrongly, that they have some genuine grievance, or valid interest, that is being expressed through their violence. Clearly also, local NGOs and civil society groups deserve the same level of respect and inclusion – even though they are not armed. It is the focus on, and favouring of, armed groupings that distorts perceptions about local power centres and can legitimise warlords when they don’t represent local community interests.

8.4.1.6 Offender Accountability

Appeasement of aggressors is not part of the schema of this thesis. In fact the deliberative accountability of restorative justice is predicated on perpetrator culpability (see Acorn, 2004:3; see also Roche, 2003). As Eglash (supra) noted in his 1977 work on retributive and rehabilitative responses to crime, conventional criminal justice measures mean that the offender is in an essentially passive and receptive mode whereas restorative justice requires active engagement by the party who has committed the harm (Van Ness and Heetderks Strong, 1997:24) – a particularly germane characteristic in post-conflict societies where maximum societal engagement is needed to achieve extensive peacebuilding.262

It is not necessarily the place of a peace force to pro-actively seek offender accountability. Yet it is common enough that peace forces are charged with

---

262 Hayner (2001:253) states that many victims in Sierra Leone say that they are willing to forgive if perpetrators acknowledge what they have done (see also Kelsall, 2005).
assisting to rebuild local policing and judicial capacity. This is needed so that transitional justice might begin; it is crucial to commence the bringing to account those whose actions, if not exposed and resolved, will remain an impediment to peace. More recently the arrest of selected felons has been included in UN mandated missions. As At a broad international level, though, tribunals attempt to achieve this – with varying degrees of success. One example, the International Criminal Tribunal for Rwanda (ICTR), can hardly be seen by many survivors in that country to have much relevance. It is located in neighbouring Tanzania, has unfamiliar processes and delivers few verdicts. In fact the Tribunal’s first convict, Jean-Paul Akayesu, replied when the guilty verdict was delivered: ‘Although the decision of my guilt has already been taken, I am sure in my heart that I am not guilty’ (Roberts, 2003:125). The retributive message of the tribunal for this genocidaire has hardly been effective. This was not a mechanism through which he might engage with any process of reconciliation.

Restorative justice acknowledges that non-restorative solutions are sometimes

---

263 One extant example of this is UN Security Council Resolution 1638 of 11 November 2005. This amends the mandate of the United Nations Mission in Liberia (UNMIL) to include the apprehension and detention of former President Charles Taylor so that he can be prosecuted before the Special Court for Sierra Leone, and to further keep the Liberian government, the Sierra Leonean government and the Security Council informed of progress towards this goal (S/RES/1638/2005).

264 Roberts (2003:125) goes as far as to say that most Rwandans would not have heard of the ICTR.

265 Rwanda has attempted to overcome the unsatisfactory aspects of this court by establishing the more customary Gacaca tribunals that take place in the community where the offence has been committed (Uvin in Huyse, 2003:117). Here, those accused who both confess and ask for forgiveness can receive reductions in penalties. The sentences are usually a mix of community service and jail, the community service element only being available to those who have confessed publicly. The aim of this more traditional process is twofold: to speed up the processing of thousands of alleged war criminals and also to involve the community so that a more binding reconciliation can ensue (Uvin in Huyse, 2003:118). Time will tell how restorative the Gacaca option has been. Uvin (in Huyse, 2003:118) states that, amongst other shortcomings, widespread denunciation of others has accompanied confessions, and these have put in motion social dynamics that are unexpected and possibly violent.
needed to stem wrongdoing, so ‘deterrent approaches are needed when restorative justice repeatedly fails and incapacitation is needed when deterrence fails’ (Braithwaite and Strang, 2000:210). We can still be open to the position that ‘punishment is the best strategy when goodwill is wanting’ (Braithwaite, 1989:130). It remains though, that this does need to be done with care and as a last resort.

Criminal courts explore individual guilt whereas truth and reconciliation enquiries explore collective responsibility (Bloomfield, Barnes and Huyse, 2003:68). This means that organizations like professional bodies and religious institutions, as well as state structures, can be brought to account. If in fact restorative justice procedures, as informal law, are ‘more pervasive and more powerful than [remote] formal law’ (Trubek quoted in Van Ness and Heetderks Strong, 1997:80), then it would likely be a more optimific kind of control in a society emerging from turmoil than would be a sustained coercive order. This can lead to immanent reform in the values and behaviour of previous belligerents and this is needed to ensure the ongoing respect of the rights of others.

8.4.1.7 Human Rights

Respect for basic human rights, as argued by Braithwaite (2002a, 2002b), is an important element in restorative responses to crime. As such, international human rights treaties that can be said to articulate restorative values include: the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the United Nations Declaration on the Elimination of Violence Against Women, and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Braithwaite, 2002a:14).
There is further synchronicity between the other major human rights conventions and their restorative elements when applied to peace operations.\textsuperscript{266} The International Convention on the Elimination of All Forms of Racial Discrimination stresses equality between people regardless of race and ethnicity. In the aftermath of inter-ethnic conflict, then, this agreement has particular resonance in reinforcing the restorative standards of non-domination, empowerment, respect and equality of concern. The same applies, in terms of gender, with the Convention on the Elimination of All Forms of Discrimination against Women. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ordains a prohibition on these forms of behaviour, by belligerents or peacekeepers; behaviours that can only be described as anathema to restorative values and principles. This convention, at Article 14, also includes the entitlement of the deceased torture victim’s dependents to compensation. From a restorative justice perspective, this is a clear affirmation that such a crime has harmful effects beyond those inflicted on the immediate victim, so recognising the devastation experienced by that victim’s community of care.

The Convention on the Rights of the Child maintains that as a general principle the interests of the child are paramount in any legal or administrative proceedings. Article 38 goes further and adds that in the context of war, children need to be protected from recruitment to take part in hostilities, and also that there is a positive duty to ‘ensure protection and care of children who are affected by an armed conflict’. This is especially pertinent considering the number of child soldiers, as well as non-combatant children

\textsuperscript{266} Arguably a human rights perspective on peace operations goes to the essence of how peacekeeping is conducted because ‘from a purist human rights point of view, based as it is in respect for human life and wellbeing, the use of force is in itself a violation of human rights’ (Doswald-Beck and Vite, 1993:105).
who are adversely affected by armed conflict. Any restoratively designed and implemented peace operation would pay especial attention to the reintegration of child-soldiers, into their ‘wider webs of community ties and support’ (Braithwaite and Mugford, 1994:139), and the rehabilitation of children generally in the conflict zone.

These are emphatic considerations in the context of post-conflict societies because human rights abuses have often been part of the causes – and conduct - of civil wars. Furthermore, the nature and extent of past brutalities and human rights abuses will often inform the human rights discourse which follows the conflict (Bell, 2000:302) – and they could inform the peace operation itself. The views of Elliott and Cheeseman (2002:6) coincide with Kaldor’s (1999) position that today’s ‘cosmopolitan militaries’ are being called upon increasingly to intervene and uphold universal moral principles such as human rights – values and ideals that transcend mere patriotism.

The crime and armed conflict nexus being what it is (see chapter 3), Elias’ (1991:252) assertion that crime control can be successful only by taking human rights enforcement seriously is relevant. In fact Brahimi (A/55/305 – S/2000/809:4) emphasises that addressing past human rights violations is an essential step on the path to national reconciliation. M.T. Havini (2004:136)

---

267 What further complicates the matter is that children forced to fight become both victims and perpetrators (Hayner, 2001:253).
268 The human rights violations which are invariably a significant component in the lead up to, and throughout the conduct of the conflict, are rarely addressed at the time of the intervention and often never, the exception being the International Criminal Tribunal for the former Yugoslavia established during the fighting in the Balkans (ICTY) (Prendergast, 1997:11).
269 Although, Elliot and Cheeseman (2002) then proffer that there are arguments against this kind of ‘moral crutch’ for such missions saying that this is too abstract a notion and that such a broad view ignores the all too concrete and humanizing role of identity politics.
goes further than the peace operation when she applies the same principle to Bougainville’s emergence from civil war, stating that there is a significant need to apply international standards of human rights to indigenous cultural practices and modern societal development so as to enable not only future healing, but survival itself.

8.4.1.8 Safety

Braithwaite (2002a) does not regard as foundational, that is as non-optional, a focus on safety and health in conventional restorative processes. He regards this more so as a maximising value. This is because the bulk of restorative justice theory and practice, so far, has been restricted to a discourse surrounding the Western criminal justice system. It needs to be remembered that in the context of societies needing international peacekeepers, safety and health are fundamental (see Herman, 2001:241, see also Jeong, 2005:3). Because of this they are included in this thesis as constraining values; that is, the peacekeepers are constrained to ensure the protection of all in their area of operations. Jeong (2005:3) states that ‘the needs of victims of violence…and their role in development and social rehabilitation’ need to be accounted for when constructing peace. In post-conflict circumstances, safety and health do more than enhance the situation, they are essential for progress.

There is often a need for urgent armed protection, and sometimes the use of force (Bertram, 1995:397), and it is crucial to limit the danger of renewed violence and terror (Huyse, 2003:97). Furthermore, the logic of polarized conflict is to ignore the middle ground, and, in fact to at least silence, if not kill, the moderates (Nederveen Pieterse, 1997:79). Insecurity breeds mistrust and this is seized on by elites who are often more extreme than the mass of their constituents (Byrne, 2001). At the mundane level, part of responding to
the issue of recursive violence means dealing with spoilers. The spoiler is in reality a recalcitrant stakeholder – but he is still a stakeholder.

Safety and health are understandably paramount concerns of people who have recently experienced a violent and dangerously uncertain environment. These two aspects should be uppermost in the priorities of any peace force and so should not only determine, but also constrain or limit their activities. As with Ayres and Braithwaite’s (1992) responsive regulation, it is not about whether to use force or dialogue, but when to use force or dialogue. This standard would need to be clearly articulated in any mandate or mission statement, and the rules of engagement.

Not only do warring parties need to abide by any armistice, but peacekeepers also need to foster, and avoid impairing, even the most meagre local attempts at improving safety and health. In fragile social arenas peacekeeper behaviour is crucial: Dahabo Isse, a Somali woman who managed a kitchen for the starving in Mogadishu, talks of US forces kicking her cookhouse doors in (Gardner and El Bushra, 2004:184). Peacekeepers with varying levels of disciplined or undisciplined conduct can foster or impair a community’s sense of safety. Arguing that a culture of violence within a traumatized society will only be reinforced or exacerbated by a dominating and possibly violent UN intervention, Fetherston (1995) asks:

If military peacekeepers use the demonstration of force by carrying guns, threats or actual use of force as a means of control, what message does this send if troops are meant to represent peaceful means? What damage is done if some of those peacekeepers continue the abuse of those people?

Dobbie’s (1994:137) stance is in accord with this when he states that peacekeeping doctrine should specify a philosophy towards the use of force that takes account of its long-term affects. Safety, and related health issues
combined, are together a singularly important question for any post-conflict society. 270

8.4.2 Maximising Values

The maximising marks of restorative justice, says Braithwaite (2002b), are those that should be sought to the fullest extent possible. There is no constraint, however, that morally obliges us to achieve them at a certain level. They would certainly enhance any restorative process or encounter, but when applied as a criterion for establishing the restorative quality of an activity, they are not mandated at a minimum level. Nevertheless, to aim for them as possibilities in augmenting the resolution of conflict and addressing harm done could only be worthwhile.

8.4.2.1 Property Loss

During civil war, security of life and property, probably for most people, has usually been in turmoil, sometimes for decades. Once peace has returned, the resettlement of refugees and the return of fighters can expose dispossession, theft, and looting, the proceeds of which could have become, for many, an unchallenged and established fact. At the same time, ‘the minimum that people expect from peaceful relations is security of life and property’ (Mair, 1962:36). Outside of the purview of peace making or peacekeeping, but

---

270 Given that the recovery of communities can only occur effectively when focus and efforts are not distracted by security concerns, and that the corporeal capacity and effort to rebuild requires an absence of widespread and debilitating disease, these aspects are canonical in peacebuilding. Without these concerns as a priority then the plight of the desperate may well continue unabated and hope remain impaired.
certainly part of peacebuilding, is the restoration of property interests. This includes personal as well as real property.

One characteristic of many post-conflict societies is property disputes, particularly land disputes. The origin of such disputes might go back only a few years or generations. In the case of Bougainville, the dispossession of landholders to make way for a mine became the impetus for the rebellion. It has already been seen that local people in Cambodia and Haiti expected the peace forces there to assist with the resolution of property disputation and theft of goods (Pouligny, 1999). In El Salvador, land disputes threatened to derail the ceasefire that the United Nations Observer Mission in El Salvador (ONUSAL) had been deployed to assist with (T. Adams, 1994:297). In now peaceful northern Somalia – Somaliland - land title registration has helped to consolidate peace (Field notes 28 September 2005). In the south of that country, however, land ownership disputes continue to fuel violence (Interview 17 February 2005).

8.4.2.2 Functioning Communities

Functioning communities epitomize the antithesis of a ‘collapsed’ state. It was probably dysfunctional inter-relationships that resulted in, and then in turn were prolonged by, a resort to arms. The peacebuilding phase is where intense support for this standard can occur. To borrow from Morrison’s (2001:202) account of restorative approaches to education as a capacity building boost to civil society: ‘Thoughtful development of institutional design that aims to construct a web of productive social relationships’ is required in post-conflict societies (see also Lederach, 2005:80). This can be fostered at even the lowest community level because the neighbourhood is fundamentally the most crucial social unit for the transactions of everyday life
(Mair, 1962:92). It surely requires solid purchase at a grass-roots level as institution building is a long term process (Skaperdas, 2002:445).

In the rebuilding of communities it needs to be remembered that the strength of restorative justice responses in coming to terms with the past, lies not so much in a rejection of retribution, but in the empowerment of communities who are the best placed to address both the causes and the consequences of the behaviour that has sundered their relationships (Barton, 2000:55). And it is from the bottom up, says Cordero (2001:161), that sustainable peace has to be built. Furthermore,

> While grand gesture is important, peace is made (and unmade) in villages, in the rebuilding of relations between men and women, in songs, dancing and food, and when peace monitors invest as much energy in small communities as [they do in] political leaders and representatives (Wehner, 2001:xv).

8.4.2.3 Institutions of Freedom

Restorative approaches can also influence the political dynamics that need to be successfully played out as states and communities rebuild. Discussing Bougainville, Spriggs astutely notes that ‘peace cannot be considered outside of a political framework of governance’ (1994:23) and one crucial component in any operation dealing with ‘new wars’ is the need to develop competent domestic governments (Mueller, 2003:507). There also needs to be agreement on the future use of coercive force by legitimate authority, understanding about the distribution of economic resources, and unity on the sharing of political power (Hartzell, 1999:11). Until consensus on such issues is reached, uncertainty might mean that Curle’s (1971:11) ‘conditions of unpeace’ will tarry. Still, Hayes and McAllister (2001:901) refer to a commonly held assumption that once a political agreement has been reached, related violence
will irrevocably and swiftly disappear. This is not always the case, but social reconciliation increases the chances of political reconciliation.\textsuperscript{271}

To move beyond such conditions, this thesis maintains, a restoratively conducted peace operation, that is, one that gives primacy to the constraining values of restorative justice, and actively promotes its maximising values while creating opportunities for the emergent values, is more likely to stimulate reconciliatory possibilities – one of the goals of most peace operation mandates.

8.4.2.4 \textbf{Untrammelled Peace}

As a standard for a peace operation the restoration of negative peace is a *sine qua non*. To aim at a dynamic peace, it has to be said, is a greater challenge, but not one to be shied away from. An untrammelled peace is characterised by both an absence of intimidation and fear, and a confidence about the measure of safety available. The benchmark for ‘victory’ in a peace operation, states Last (1997b:154), is where violence has abated and trust has been restored between enemies and neighbours. Respect for the rule of law, by local people, by the revamped state institutions and agencies, and by the peace forces themselves, is essential in allowing for more space in which truly democratic values can flourish. It is likely that an enabling peace was absent before the period of civil war and therefore, like freedom, needs cultivating so that it takes root; and then finding further nourishment in fertile – trusting – communities, rich with individuals and a burgeoning civil society eager to express dominion over themselves.

\textsuperscript{271} Jeong (2005:1) writes that ‘In the long run, stability can not be achieved without the participation of former adversaries in a democratic political process and socioeconomic reform’.
8.4.2.5 **Active Citizenship**

Successful self-government depends, among other things, upon the possibility ofconcerting the behaviour of large numbers of people in matters of public concern (Banfield, 1958:7).

Although Banfield was writing from anthropological field research in post-Fascist Italy, the application of this assertion suits the present subject considering the stultifying effects of civil war. The notion and practice of a vibrant civil society, politically informed and educated to the point of exercising democratic practices, with associations that work effectively for constituent interests, take time to develop.\(^{272}\) This involves reciprocity of trust among citizens, public officials and the institutions that respond positively to active civic engagement. Perhaps the major advantage of an active development of dutiful citizenship is that the inculcation of norms of democratic behaviour, accountability and good governance can pressure both elites and spoilers into adhering to continued peaceful development (Stedman, 1997:13).

8.4.2.6 **Capacity for Personal Development**

Social reconstruction and the opportunity for individual potential to thrive is a major task for peacebuilding. Personal development requires a supportive environment and infrastructure. A human rights perspective can liberate from restrictive norms and systems and would allow, for example, educational opportunities for girls and women where that has previously been denied.

\(^{272}\) Electoral education is a key plank in this and one that is today a relatively common feature of peace operations. UN electoral assistance has evolved over time. During the 1990s, the UN missions organized or observed elections and popular consultations in Cambodia, East Timor, El Salvador, Mozambique and South Africa. More recently, the UN has provided technical assistance in elections and referenda in countries including Afghanistan and Burundi (UNDPA, 2006).
Afghanistan is a contemporary and prominent case where teachers are not only threatened, but murdered, and schools are burnt by gunmen (Voice of America News, 2006). This is an example of minimal peace force protection being afforded to education as part of peacebuilding.

To reinvigorate an educational system is necessarily a longitudinal project. This is where the work of NGOs and agencies such as UNESCO and UNICEF can be crucial. Apart from engineering support in the reestablishment of physical facilities, the military role is not as substantial or as enduring in this aspect of the fashioning of positive futures – but it can be central to providing security for their work. Organisations such as Save the Children, CARE, International Rescue Committee, Concern and the Agha Khan Foundation each deliver educational services in conflict-ridden and post-conflict countries. Right to Play is an NGO that fosters sporting activities in developing, including post-conflict, societies, most prominently in Uganda (Right to Play, 2006). Peace force support for these kinds of agencies and their aims would have advantages for children and importantly, former combatants, who invariably have been denied educational, training and developmental life chances by armed conflict.

---

273 The United Nations Children’s Fund (UNICEF) has projects to improve the health and education of children in Burundi, Democratic Republic of the Congo, Haiti, Liberia, Sierra Leone, Sudan and Uganda and works alongside peacekeepers in those countries (UNICEF, 2006).

274 Nevertheless, one peacekeeper who had served in Somalia had this to say:

Because of the briefings, and not understanding the full situation, it meant that our logistics didn’t really align with the situation. We could have taken less stores of particular kinds, for example less ammunition, and more equipment to provide aid for the locals, for example more generators…Physical infrastructure work was very important. It was important to help the locals but it was also important to remind the troops of why we were there. When my soldiers weren’t out doing security tasks, I would have them working on fixing things at say, the schools. It is easy to lose sight if you are only patrolling; the focus can be forgotten – it wasn’t just about military operations, it was about helping the locals (Interview 16 April 2004).
8.4.2.7 The Preclusion of Further Injustice

Braithwaite’s (2002a) classification of the preclusion of further injustice as a maximising goal of restorative processes has a direct bearing on peace operations. The ‘new wars’ of today are so-called in large part because they are ‘distinguished as criminal, rather than political, phenomena’ (Kalyvas, 2001:99). While the question of whether fighters wage war to loot or loot to wage (political) war is still open to debate, there is almost everywhere in these conflicts, widespread abuse visited upon civil populations with little or no recourse for just resolution of the iniquities suffered. As shown in chapter 5 and chapter 6, Somalia and Bougainville each had their share of violence rooted in revenge and ‘pay-back’. As argued throughout this thesis, restorative justice has the capacity to lay past injustices to rest, frequently obviating their recurrence.

Anticipating and debarring new injustices also requires attention. Macro-level restorative processes, such as many truth and reconciliation commissions have proven to be, do have the capacity to deter some future injustices. They can enable ‘prevention not only by inducing reconciliation, but more widely by inducing analysis of problems that are swept out from under the carpet’ (Braithwaite, 2005:287). Hence, because of their capacity to reveal structural violence and other forms of embedded injustice, they can impel institutional reform, even soliciting change in how justice is done in the society of survivors. Because ‘restorative justice is about struggling against injustice in the most restorative way we can manage’ (Braithwaite, 2003a:1), it has even been suggested that the punitive justice system itself could be ‘restoratively modified’ to include a requirement for obligations fulfilled as community service or restitution (Bazemore and Walgrave, 1999:47), as has occurred with Rwanda’s Gacaca tribunals. This might be suitable for post-conflict situations
where better ways of dealing with conflict, and the need to cement more positive and more legitimate structures and systems, are essential for both authentic reconciliation and equitable community relationships to burgeon. Applying restorative justice systems will more likely than not minimise the recurrence of the kind of injustices that have characterised the conflict. That can be a major factor in how peace will cohere.

It is also worth noting that each of the traditions of the case studies have their own paths to justice and along with this, deterrence. The elder-controlled Shir, and the diya systems, of Somalia have traditionally worked well enough in that society. There have been calls in Somaliland for a truth commission style of enquiry into the atrocities committed by the Barre regime but there has also been debate about both the need for such an investigation and the efficacy of traditional processes of reconciliation (Radio Somaliland, 2006). In Bougainville, the local reconciliation processes at village level seem so far to have sufficed as mechanisms for determining accountability, reconciling and precluding repetition of those acts. As shown in chapter 6 these are thoroughly revealing processes. Bougainvilleans want to deal with grieving, truth and reconciliation in their own traditional ways (Regan in JSC, 1999:147). The idea of a truth and reconciliation commission was not mentioned by any Bougainvillean informant or peacekeeper.

8.4.3 Emergent Values

According to restorative justice theory, those emergent criteria by which a process can be judged as restorative, might flourish given the right circumstances – but they cannot be engineered or demanded (Braithwaite, 2000b:570-571). This thesis, however, posits that in the context of recovery from civil war, such values take on a deeper importance. These values are
noteworthy because of the generally more serious nature and the usually more widespread effects of armed conflict. It is not contended that their pursuit be included in the peacekeepers’ remit; rather it would be advantageous all round for the peace force to be aware of their importance, and acknowledge and respect their significance when encountered. These standards are emotive and must be both felt and believed by each stakeholder to have integrity when they are expressed. Wherever they occur they can be regarded as earnest elements that might contribute to reconciliation.

8.4.3.1 Remorse

Remorse is a human trait that manifests as a combination of guilt and sorrow. It involves taking responsibility and a remorseful person is obligated to account for his actions (Tudor, 2001:1). It might be tinged with compassion, but even without this, it enhances the constraining value of offender accountability. When an offender delivers a confession it is an opportunity to display remorse, even though the level of remorse might be so great that the injurious act is felt to be ‘unspeakable’ (see Kelsall, 2005). Remorse involves an inner discourse, and without it there could be no valid apology.

8.4.3.2 Apology

Apology is of immense social import. It is vital because it has the capacity to move and restore (Tavuchis, 1991:119). A socially valid recitation of apology entails admission of ‘wilful violation of a mutually binding norm that defines those affected as members of a moral community’ (Tavuchis, 1991:120). Rees (2003:51) states that apology, particularly when given by those in positions of power, is an exercise of mental courage that demonstrates not only contrition but also a shared understanding by former opponents. It would be naïve to
think that apology is automatically a panacea for social conflicts, but it certainly emboldens the offended and the wider community to confidently censure the offending behaviour.

8.4.3.3 Censure of the Offending Act

Impugning the individual offender’s action that has caused the harm, or the institutional structures and values that have fostered injustice, is an important strand in the preclusion of further injustices – and in the vindication of victims. It is a public castigation of the acts that have caused injury to the victim and the community. It seems that there is always a place for censure in formal judicial proceedings and in more traditional customary tribunals, no matter how ‘informal’ they might appear. It would be uncontentious to say that when the ‘dark side’ of human practice emerges, particularly in the savagery of violent civil conflict, it has to be censured (Sumner, 1996:1). Reproving the act could make forgiving the actor easier.

8.4.3.4 Forgiveness

Forgiveness has an inimitable quality to it, and that is partly why it is so elusive. The propensity to forgive, in the Northern Ireland context, so McLernon, Cairns, Hewstone and Smith (2004) found, can be influenced by many variables, such as the perceived severity of harm, the passage of time since the injury was received, the perceived likelihood of renewed violence, and personality. Drawing on Tajfel (1978), McLernon et al. (2004) also revealed that factors such as individual and group identity can play a part in willingness to participate in intergroup forgiveness. Albert Camus, intensely concerned with the post-war treatment of French people who had collaborated with the Nazi regime, argued that the right to forgive lies with
victims, and not with the state or society as a whole (in Govier, 2002:29). In some places that might be the case, but in Bougainville, and in others no doubt, the wider community, such as village or clan, is a party to the act of forgiving. Again, this is not a role for peacekeepers, but they do need to respect it, indeed, they can help create spaces where it is possible. One peacekeeper interviewed, expressed his encounter with forgiveness this way:

I witnessed three or four relatively large reconciliation ceremonies. One village chief forgave the other side who had killed his wife and raped his daughters and he genuinely forgave the people who had done this. I thought: ‘you’re a better man than me to be doing this’ (Interview 10 June 2004).

8.4.3.5 Mercy

Mercy seasons justice, says Portia in Shakespeare’s Merchant of Venice. It is also generally accepted that mercy is not something that is ever owed. It is optional, it is a gift and so it can not be mandated. It means cogently treating a wrongdoer less harshly than one otherwise would (Murphy, 1988). At the same time, a surfeit of mercy can mean injustice, and that is why it cannot replace, but can only temper, justice.

Cesare Beccaria, writing in 1764 his seminal work On Crimes and Punishments, argued that a sufficiently just penal regime would have no need for mercy (Walker and Padfield, 1996:68). Historically though, mercy and power do not fit together well. In restorative encounters there is an element of power in the unity of victim and community as stakeholders. If mercy is to be a part of a

---

275 Govier’s (2002) work on forgiveness includes discussion of the contentious issue of those acts that are considered as unforgivable by some people. She cites in particular Mark Goulden’s contribution to the late Nazi hunter, Simon Wiesenthal’s work, The Sunflower, wherein he reminds readers that the Nazis gassed 960,000 children. He then concludes that ‘the deeds were monstrous, so the people who committed them were moral monsters, and moral monsters should never be forgiven’ (in Govier, 2002:103). This was a common view held by many in Govier’s book - but a number did hold views to the contrary.
successful restorative outcome, it would need to come from the victim and their supporters as a manifestation of generosity, and it would need to be felt as such by the former enemy. Due to the social distance of peacekeepers relative to the host population, it would suffice that mercy is something deserving of respect.

8.5 Reconciliation

Reconciliation is not necessarily regarded as essential to restorative practices (Braithwaite, 2003a:13; Zehr, 2003:6), hence it is not included in either the constraining, maximising or emergent values. One particularly thorough study by Long and Brecke (2003:3), though, has shown that, in regard to civil armed conflicts, reconciliation events have a positive lasting effect on social order. This is most apparent when they are part of a forgiveness process that entails truth telling, redefining the identity of former antagonists, ‘partial justice’ and embarking on new stakeholder relationships.276

When the emergent restorative values of remorse, apology, censure of the offending act, forgiveness and mercy combine, this thesis asserts, therein is constituted reconciliation. Reconciliation emerges in the holistic unity of the other values in a mentality of just peace. This regenerative holism is emotionally palpable in post-war Bougainville. These emergent values can aggregate to produce reconciliation and in the aftermath of civil war this is of paramount significance. Engagement with past wrongs and their effects is a

276 Their study covered 108 internal conflicts and examined the effects of those wars that had incorporated national reconciliation as part of their peace processes – those in Argentina, 1984; Chad, 1992; Chile, 1991; Colombia, 1957; El Salvador, 1992; Honduras, 1993; Mozambique, 1992; South Africa, 1993; Uruguay, 1985; and Yemen, 1970. Of these, only Chad, Colombia and Yemen experienced a relapse into armed conflict (Long and Brecke, 2003:159-162). Their research shows that of the ten countries that had deliberately attempted reconciliation across their populations, seven were successful at achieving sustained peace.
part of reconciliation. Reconciliation can be carried out across society and its forms can be official and formal, occurring between groups, and among individuals. Despite this, sometimes a society may wish to avoid such formalities, as was the case in Spain following decades of dictatorship (Huyse, 2003:106), and has so far been the case in Cambodia’s coming to terms with ‘the killing fields’ of Pol Pot’s Khmer Rouge regime (Govier, 2002:143). On the other hand, at the in-theatre level, reconciliation can occur even before peacekeepers arrive – as was happening in Bougainville. But reconciliatory processes need not be suspended there, or ignored, and regarded as something separate or peripheral to the peace process, or to the peace operation itself; on the contrary, it is better regarded as integral and therefore could be capitalized on, and supported by, a peace force.277

No force can impose the reconciliation of two parties. What can happen, however, is that peacekeepers can go about their work so that physical harms, when identified, are attended to and so that part of the mission is to be facilitative of the bringing together - in secure circumstances - of foes who are prepared to begin the road toward the recovery of damaged relationships. The emergent values of restorative justice, ably supported, can generate reconciliation.

8.6 Reintegration

One of the seminal works that has influenced the development of restorative justice theory and usage has been Braithwaite’s (1989) *Crime, Shame and

---

277 The combination of emergent values as elements in reconciliation forms a phenomenon not unlike Assefa’s (2001:340) notion that when reconciliation is part of a conflict handling mechanism it entails: honest acknowledgement of harm inflicted; sincere regrets and remorse; apology, readiness to let go of anger and bitterness, commitment to not repeat the injury; redress and compensation; and entering into a new and mutually enriching relationship.
Reintegration. Braithwaite argues that while more often than not it is stigmatizing shame that we employ in punitive responses to crime and injustice, a more integrative form of shaming, where the predatory behaviour, as opposed to the transgressor himself, is censured, would predict a more successful reintegration of that offender into the community. It reaffirms the human dignity of the perpetrator, or, when applied in a civil war setting, of the oppressor. Significantly, the reintegration of demobilised combatants is a key factor in post-conflict peacebuilding (Lewis, Harris and dos Santos, 1999:130). More widely, social reintegration that involves the re-establishment of family and community ties plays a significant role in the success of reintegration programmes (Knight and Özerdem, 2004:502).278

A restoratively designed peace operation would ensure that military disengagement, disarmament, demobilization and return of combatants would aim to include support for a thoroughly reintegrative element as part of the bringing to account of offenders – as happened in Bougainville. This is also a form of effective social control with a moralizing based on community norms. And as Braithwaite (1989:18) believes, without such effectual constraints, a vacuum can be created that will attract brutal and repressive policing - the opposite of what is required in societies moving away from violence.

278 It follows then that, Successful long-term reintegration can make a major contribution to national conflict resolution and to the restoration of social capital. Conversely failure to achieve reintegration can lead to considerable insecurity at the societal and individual levels, including rent-seeking behaviour through the barrel of a gun (Colletta, Kostner and Wiederhoffer, 1996:18).
8.7 Dealing with Peacekeeper Crime

Where a wounded and still vulnerable society encounters peacekeepers who display significantly role-discrepant values and behaviours it is unlikely that rapport will be effected. As is often the case in the spiralling chaos of internal conflicts, the security forces that are brought in to quell the violence can become part of the anarchic problem (May, 2004:280). As Pouligny (1999:406) points out, the effects of mingling UN peacekeepers with local societies ‘are diverse and contradictory; and the dynamics are extremely heterogenous’. Bratt (1999:72-73) argues that a sudden and massive influx of peacekeepers and other UN workers can have a long-term deleterious effect on the target country from a crime and misconduct, and an inflationary perspective. As examples he cites skinny-dipping US soldiers in Somalia as offending Islamic sensibilities, Dutch peacekeepers in Bosnia using local children as mine detectors, and the Bulgarian UNTAC soldiers in Cambodia operating as pimps and smugglers. Perhaps for many soldiers there is a distinct unfamiliarity about the role of a beneficent third party (Dobbie, 1994:141).

Dorn (1998:1) writes that the ECOMOG\textsuperscript{279} foray into Liberia was a ‘bloody intervention that did not do justice to the term peacekeeping’ (see also Howe, 1996). Working in Liberia at the time, a civilian UN staff member wrote the following report to headquarters in New York:

There is an area in the south where a Nigerian [peacekeeping] contingent was deployed…They were in the habit of encouraging very young Liberian girls from the nearby displaced persons camp to visit and seducing them with rice and a little money…Then a Ghanaian [peacekeeping] contingent established a camp nearby. The Ghanaians were more gentle and generous with the girls…so the girls started frequenting the Ghanaian camp more than the Nigerian. One day dead little girls started appearing on the path from the displaced persons

\textsuperscript{279} The Economic Community (of West Africa) Monitoring Group.
camp to the Ghanaian camp – but not on the path to the Nigerians. The girls had been decapitated and their heads inserted inside their…genitals. In the opinion of the investigating officer, this was a message from the Nigerians that it wouldn’t be worth it to frequent the Ghanaians for the sake of a little extra rice (in Cain, Postlewait and Thomson, 2004:256-257).

This is but one instance where the brutality of some peacekeepers brought significant suffering to the people whom they had been sent to help. Human rights violations and other abuses by peacekeepers have marred numerous operations, and Peacekeeping Watch reports that violations against civilians, but in particular against women and girls, have been documented in: Angola, Bosnia and Herzegovina, Cambodia, Democratic Republic of the Congo, East Timor, Kosovo, Liberia, Mozambique, Sierra Leone and Somalia (Peacekeeping Watch, 2005). There are also allegations of abuse by peacekeepers in Burundi, Cote d’Ivoire, Eritrea and Haiti. The kinds of transgressions involving violence include, enforced prostitution, extortion, murder, organised paedophilia, rape, sex trafficking and torture. In 2005 the UN found it necessary to conduct an audit of each peacekeeping operation to monitor allegations of abuse and reinforce the prohibition on misconduct for peacekeepers. Even Operation Bel Isi was not without peacekeepers who had to be sent home for comparatively minor misconduct. (Interview 15 April 2004).

Restorative justice might well be applicable in responding to peacekeeper deviance. Admittedly, in these situations, the dynamics of the relational distance between the foreign offender and local victim might pose a challenge for restorative encounters (see Bogardus, 1950). Yet as has been argued earlier in this chapter, the peacekeepers belong to the same, wider community of humanity as the host population, so the different nationalities of perpetrator and survivor are not necessarily a barrier.
8.8 Implications for Peacekeeper Training

To move towards deployment of a restoratively designed peace operation clearly has implications for the skill sets of the peacekeepers involved. There is enough empirical evidence to show that a shift in emphasis for pre-deployment training is needed for most military peacekeepers. Cockell (2002:488) writes that by mid-2000 the commander of the NATO peace force in Kosovo had realised that the main security threats for the community were ongoing ethnic conflict and organized crime – ‘challenges his soldiers were not trained to confront’. In East Timor, soldiers of all ranks were often involved in mediation or negotiation with a range of parties hence this area of contact skills was then identified as warranting an increased emphasis in Australian military training and development programmes (Liddy, 2005:143).

Militaries are generally re-thinking how they will organise for the future. In fact a new term has entered the military idiom that is not confined to peace operations: the ‘strategic corporal’. It is sometimes used to describe the devolution of command responsibility to lower rank levels in an era of instant communications - and pervasive media images (Liddy, 2005:139). The idea of the ‘networked warrior’ is also gaining currency. This conceives of soldiers who can operate in combat and other stressful and chaotic situations, such as peace operations, with a humanitarian cosmopolitanism and cultural empathy, transparency of decision-making and empowerment of individuals - all within a force characterised by high levels of interdependence (Warne, Ali, Bopping, Hart and Pascoe, 2004).

Nunciari (2003:75) conducted empirical research across a number of militaries and lists peacekeeper characteristics as: determination, empathy, expertise, ability to easily make friends, cooperativeness, having mental strength, being
open-minded and taking responsibility. This mix of qualities and skills sits positively when considering the type of person who might facilitate, or at the very least value, and display overt respect for, restorative type practices as part of the dynamics of the social environment and peacebuilding into which peace operations deploy. During peace operations, soldiers often have to deal with events and crises that necessitate a restraint in the use of force, an inhibition of violence (Moelker, 2005:197), an impartiality of action and even resolution of the incident by mediation. As one UNPROFOR\textsuperscript{280} officer reported, in that operation:

The resolving of or attempted mediation in local and national inter-ethnic disputes was a major part of the battalion group’s efforts...The conduct of negotiation...required enormous restraint and patience’ (in Dobbie, 1994:126).

To attain the relevant skills might require a new balance between training and education that transcends merely competency-based tests in favour of more educational and cognitive problem-solving skills (Liddy, 2005:144). Furthermore, the interpersonal skills needed by almost every peacekeeper, to address the ‘gaps’ (Pouligny, 1999), include at a minimum, the ability to exchange greetings with host populations and an awareness of indigenous cultural courtesies (Liddy, 2005:143).

The dilemma of focussing on ‘core business’ and peace operation skill sets remains for some militaries. Several studies of peacekeeping have found that not only are troops trained for combat more disposed to the use of force for conflict resolution, than are soldiers trained in the support branches, but that such personnel display a culture of resistance to change (Highgate, 2005:327-

\textsuperscript{280} The United Nations Protection Force was in place in Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Former Yugoslav Republic of Macedonia from February 1992 to March 1995.
328). Moelker (2005:197) refers to the ‘paradox of the warrior-peacekeeper’ and Fetherston (1995:5) highlights the associated challenge:

There is no switch inside a blue helmet that automatically turns a soldier trained for war-fighting into an individual prepared to work non-violently and with cultural sensitivity in a highly militarised environment.

Education in restorative justice theory and techniques is surely not beyond the ken of the ‘networked warrior’ or the ‘post-modern peacekeeper’.

8.9 Conclusion

The impact of third party intervention in any conflict should not be downplayed (Fisher and Keashley in Fetherston, 1994:10) and peacekeeping really is intended to be a peaceful third party activity (Fetherston, 1994). It is also meant to be a generous act of assistance from other members of the international community. How peacemaking, peacekeeping and peacebuilding are done, then, and how the stakeholders come together to repair the damage of civil war is crucial to effecting longevity of peace and development. Stakeholder agreement – part of which is consent to a peace operation – is important. In reality, posits Dobbie (1994:124-5), it is a general tolerance towards the presence of a peacekeeping force, that represents a ‘quorum of cooperation’. Absent such cooperation, the broader tasks within the peace operation ‘are unlikely to prove relevant to the root-causes of the conflict’. He adds that ‘forcible pacification...cannot in practical terms represent an effective long-term method of addressing wider peacekeeping tasks’. Restorative approaches to conflict and repair of harm encourage genuine stakeholder participation where ownership can influence greater prospects of success. Who assists in peacemaking, peacekeeping and peacebuilding becomes crucial.
As mentioned in chapter 3, Fetherston (1995:8) points out that, while military forces are the first option for peace operations, this is because of their comparative wealth in human and logistic resources. She goes on to say that the international community needs to begin exploring institutional alternatives to the military:

The appropriateness of military action as a contribution to peace and security should be judged in terms of its relation to conversion. Does the contemplated action contribute to redefining the role of the armed forces, that is, to the awareness of war as a moribund institution like chattel slavery, duelling, blood vengeance, or human sacrifice? Or does the contemplated action add to the prestige of the armed forces in their traditional role by adding ‘peace-making’ to ‘war-making’ or even by blurring the distinction between the two? (Fetherston, 1995:9).

But it is of course more than likely that militaries will remain the primary contributors to most peace operations for some time to come. This means that their peacekeeper skills are of paramount importance. As stated in chapter 3, because the professionalisation of conflict takes disputes out of the hands of the key stakeholders, criminologist Nils Christie (1977) believes that conflicts have become a form of property. This could just as easily be applied to peacekeeping operations that allow the conflict to be resolved at the political (and probably professional) level only. Unless these processes are imbued with the aim of devolving the conflict resolution processes back to the people most affected by the conflict, then there is little chance of genuine reconciliation and sustainable peaceful coexistence.

The elite and state structure orientation in the conventional approaches to making and building peace operate at one particular level. But it is being more widely realised that this is not necessarily the most important stratum during civil war and post-conflict work. In fact Bell (2000:34) writes that there is recognition that the state no longer comprises the only, or even the primary,
international actor and this has led to attempts to subject power to human rights standards. There is congruence here with restorative justice as embodying the values within the major human rights instruments.

But it is not only the healing of harm by stakeholders and the mere rebuilding of what had been in place before that is required. The outstanding feature of a society that is emerging from civil war is that there needs to be something more than restoration, there needs to be something new. The constraining, maximising and emergent values of restorative approaches provide the appropriate architecture to heal and reconcile and pave the way for new relationships. It had been the previous conditions and relationships that had fuelled the conflict of civil war, so therefore there needs to be less a restoration and more a regeneration.

This is not just a semantic trifle. As has been outlined in preceding chapters, the idea and practice of restorative processes, and their outcomes, include some measure of justly putting things aright, as far as they can be. They are, in that sense, a partial return to the past. What needs to be acknowledged, however, is that some parts of the past, particularly in what had been unequal and divided societies, need to be left there. Probably every country’s heritage has some characteristics that are better not fostered today, but they sit alongside characteristics that positively contribute to a social vibrancy and valuable cultural magma. Some laws and customs of pre-conflict societies must have had some value otherwise those societies could not have been able to function at all. This is why the Hague regulations applicable to occupying powers, and arguably those involved in many peace operations, require that local laws must be respected and retained as far as possible (Kelly, 1999:169). Regeneration involves rebuilding with the positive and advantageous elements from the previous entity, or polity, and adding improved, and some
novel, components that will counter and eventually replace negative aspects of the former situation. The way traditional Bougainvillean restorative justice was revitalised by more modern restorative justice training techniques of the Peace Foundation Melanesia is a good example.

At an individual level, not every aspect of the behaviour, and of the character, of every perpetrator is reprehensible. Perhaps almost everyone, given the right circumstances, support and opportunity, is capable of reintegration – reconciliation ceremonies in Bougainville bear some testimony to this. As cited earlier, reconciliation ‘is where the past, present and future come together’ (Interview 19 October 2004). Offenders and perpetrators, and their communities of care, then, for the most part, have some skills or attributes that can be tapped in the peacebuilding process. What is being aimed for in peace operations is more than restoration of the status quo; it is the regeneration of communities and nations. It is the central hypothesis of this work that in peace operations it is facilitation of, and support for, restorative processes that can lead to truly regenerative outcomes. The importance of this alternative agenda is supported by the words of one interviewee, a retired US general:

There are so many of these [peace operation] missions now but still so many of the military personnel resist them. It can be done if economists and political scientists etc are included with the first [soldier’s] boot on the ground. Restorative justice and alternative conflict resolution has not had enough study and should be part of peace operations. These other ways do not receive enough emphasis (Interview 25 March 2004).
Chapter 9 – Conclusion

9.1 Introduction

The constraining, maximising and emergent values of a restorative architecture for peace operations, as argued by this thesis, can engage the stakeholders in a way that is likely to cultivate a more wholly reconciled and regenerated post-conflict society.

This chapter provides a conspectus of the data and the argument so far, and then reconceptualises the need for a set of normative goals for peace operations. This is followed by the relevant amendments to military doctrine, in the form of principles for the conduct of these operations. A transformed and restorative architecture for peace operations is illustrated through the depiction of a hypothetical civil war, peace force deployment and peacebuilding, based on restorative processes with a regenerative mentality. Lastly, several issues that remain form an agenda for further research.

9.2 Summary

The ways to address social conflict, as discussed in chapter 3, are assorted and sometimes disparate. Interest-based negotiation is the most common form of settlement between elite representatives, both internationally and intra-nationally. As Rees (2003:152) has noted, success at maintaining negotiated ceasefire agreements depends on those elites keeping their word – even when interests are slipping from reach (see also Jeong, 2005:5). Rothman and Olson (2001:290) argue that the relatively poor record of sustained peace after negotiated settlement of civil wars is due to the propensity for traditional interest-based discussions to obfuscate, and thereby avoid, the underlying issues that foster conflicts. They cite the Kosovo war as a re-emergence of the
Bosnia conflict that had been ‘settled’ by the Dayton Peace Accords. Instances of the failure of such negotiations are myriad and, in reality says Zartman (1995:18), very few internal wars are solved by negotiation. Thus, for the most part, negotiated settlements to civil wars have not held.

Mediation requires a re-alignment of roles for stakeholders so that the mediator becomes the linch-pin. This in itself holds the possibility of disempowerment and, in the context of recovery from civil war, is hardly likely to grow lasting fruit. As noted earlier, Adam Curle took part in mediating the civil war in Nigeria and he later wrote that ‘Few wars have ended so gracefully’ (Curle, 1971:263). Although it was clearly the collapse of the resistance and not mediated interchange that ended the conflict. Furthermore, the economic ‘punishment’ of the former Biafra and its populace could hardly be described as graceful (see Ekwe-Ekwe, 1990:115-125).

Mediation holds about the same prospects as negotiation. Negotiation, mediation, arbitration and coercion are all conventional methods of conflict resolution. Rothman and Olson (2001:290-291) note that these kinds of conflict resolution are ineffective for civil wars because they do not deal with the structural inequalities of the system or the deprivation of human security needs, focusing instead on symptoms.

The coercion inherent in military-heavy peace operations stems from military doctrine, theories of war, and an organisational culture that focuses on the professional use of violence. A remedy can be found in the crucible of the Bougainville experience: a regenerative mentality among peacekeepers. Chapter 4 shows that peace forces and host population stakeholders have struggled with this as a conceptual keystone in shoring up negative peace at ground level. Inspiration and implementation have often diverged and examples in the literature and the case studies point to this regular mismatch
of values. Despite Agenda for Peace, Brahimi and Responsibility to Protect, only slow progress has been made towards more far-reaching operations that thoroughly address the complex social, transactional apertures across the stakeholder levels of elite, middle range leaders, and the local community or individual. The skill gaps for many military peacekeepers have been shown to be commonplace and cavernous. Equally lacking, this thesis argues, is any theoretical treatment of peace operations that encompasses: causation and its harmful sequelae; comprehensive conceptualisation of relevant stakeholders; and the need for a focus on genuine and regenerative reconciliation across social and political strata.

The case studies in chapters 5 and 6 point to peace operations with approaches at extreme ends of the spectrum. The Somalia case illustrates that the indigenous peace processes and ‘bottom up’ peacebuilding was subsumed by elite negotiations and the application of excessive force. Across most of the UNITAF and UNOSOM peacekeeping contingents engagement with local people was mostly shunned – to the detriment of the mandate and mission. Conversely, the design and implementation of Operation Bel Isi in Bougainville was emmeshed with the vectors for peace in Bougainvillean society - the importance of reconciliation being acknowledged by almost every Bougainvillean and peacekeeper interviewed, as noted in chapter 6. This was enabled at local level by the skill sets of the peace monitors. The peace process there, including the peace operation, can be validly characterised as restorative in nature.

Today the situations in Somalia and Bougainville are clear points of differentiation, as the comparison in chapter 7 illustrates. Southern Somalia remains at war with itself, on and off, whereas Bougainville has enjoyed peace for the past eight-and-a-half years. The northern region of Somaliland, where
local peace processes prevailed, enjoys some measure of economic and democratic regeneration, whereas the south, with its dysfunctional cabinet of warlords remains dependent on remittances from the diaspora (Gardner and El Bushra, 2004). Development is occurring in Bougainville, even if it is somewhat tardy and piecemeal, but societal and political reconciliation is well underway, and this undergirds economic, political and social progress. Here, restorative processes have prevailed. Within and between the cases, however, there is both division and convergence. Admittedly the cases make up a sample of two from over 176 (see Heldt and Wallenstein, 2005). Yet with these two cases, the within- and between-case qualitative evidence supports the conclusion that where there is reconciliation this promotes peace, and where there is no reconciliation peace is held back.

Chapter 8 outlined the need to attend to the harm principle and the efficacy gained in acknowledging and including the victim, the offender and the wider community when addressing that harm, and attempting to limit further damaging behaviour. Building on these premises, the constraining, maximizing and emergent values of Braithwaite’s theory of restorative justice were then outlined in their application to peace operations. Importantly, it was argued that the emergent values collectively display reconciliation. Political realities and the reintegration of former combatants were discussed as necessary elements to combine with reconciliation and bring about a regenerative post-conflict solution. Peacekeeper deviance, it has also been suggested, can be addressed through restorative responses and, significantly, it is this deviance that is probably caused by a skills deficit amongst the soldiers, police and civilians involved. The conclusion of this discussion is that there is an obvious need to go further than mere conflict management in peace operations.
9.3 Beyond Countering Conflict

Mortlock (2001:82) says that peace operations bring hope, but that by itself, hope is insufficient. This is because the complexity of contemporary civil wars can present a conundrum exacerbated by the longevity of conflict. Azar (1990:17) has argued that protracted social conflicts generate, and are generated by: deterioration of physical security; institutional deformity where socio-economic and political institutions cease to operate and families collapse; psychological ossification blocks meaningful communication; and, there appears increased dependency leading to decision making roles moving to outsiders. He adds that ‘the apparent intractability of such conflicts suggests conventional approaches are too narrowly conceived’. When this is overlayed with forceful intervention, this imposed and coercive control ‘deprecates local knowledge and capacity’ (Shearing, 2001:30). Yet it is such local knowledge and capacity that is the source of regenerative reconciliation.

Just as the harm of conflict in a conventional criminal situation needs to be healed, at least commencing to heal the harm of civil war is an important early step in peace processes. Jeong (2005:2) cites specific examples: the return of authoritarian rule in Zimbabwe, political intimidation and murder by the ruling party in Cambodia and the ongoing influence of elites accused of massacres in Guatemala and El Salvador; he says these are examples of peacebuilding that has been oriented towards restoration of the status quo following civil war - and negation of the need to address injury and injustice.281 Therefore this could be a sound hypothesis from which to work in the study of future cases if the accompanying interventions are to be realistically aimed at sustainable, positive peace.

281 Such a focus also ‘ignores imbalances between groups in existing political and economic structures’ (Jeong, 2005:2-3).
9.4 Transforming Military Models

Manwaring (2001:34) states that the lessons from over a half-century of bitter international experience with guerrilla wars, and similar global destabilizers, illustrate that most interventions fall short of achieving an ongoing peace. This, he asserts, is because short-, mid-, and long-term objectives are unclear, the ‘end-game’ is undefined and inconsistent across contributors, and the operation is neither adequately supported nor coordinated. There is little consensus, or unity of purpose spanning military and civilian players. Accordingly, if militaries remain the dominant means of delivery for peace operations, then clarity of mission, doctrine, organization, and soldiers’ skills and capacities require adjustment.

Some shifts in military mentalities are needed to achieve consistently successful peace operations. One part of this could mean drawing on stories from peace operations that have secured and facilitated real and dynamic stability and development. Through training and education, the adoption by soldiers of attitudes oriented towards their role and identity as agents of regeneration could lead to much enhanced relationships with host populations, including with militias. Military folklore could thus become imbued with narratives of individual peacekeepers and units predisposed towards assisting local reconciliation and diligently focussing on their role, almost as partners, in societal regeneration.

Elliott and Cheeseman (2002:42) believe that peace operations are a form of global policing where success is calibrated with lives saved and individuals protected (i.e. harm minimized), as opposed to a classical military yardstick of an enemy ‘body count’ or minimum own casualties (i.e. a force protection orientation). Under this ‘post-modern military’ scenario (Moskos, Williams
and Segal, 2000), Elliott and Cheeseman (2002:42) argue that ‘the ultimate goal of military doctrine is reconciliation’.

If that is so, it is Principles of Peace Operations, as opposed to Principles of War, that need to be developed and applied. Prototype Principles for the Conduct of Peace Operations, based on restorative values, could look like:

- **Objective**: Identify and pursue a clearly defined and attainable goal whose achievement best furthers regeneration of the host society;

- **Patience**: Make deliberative responses based on consistent and even-handed consideration of stakeholder views and interests, and adopt a preparedness to work for long-term outcomes;

- **Unity of Approach**: Restorative values need to underlie military, police and civilian peacekeeper behaviour;

- **Respect the Host Population**: The peace force is a benign guest of, and a powerful assistant for, the recovering state and its people;

- **Focus**: Allocate the most competent security elements to the protection and support of local peace and reconciliation figures and groups;

- **Protect the Vulnerable from Violence**: Active protection of unarmed civilians from violence by any party is mandatory;

- **Seek Local Advice and Intelligence**: Peacekeepers will maximise intelligence gathering when patient observation and active listening are carried out amongst local communities, in an inclusive and an empowering mode;

- **Exercise Restraint**: Deploy only disciplined units with a verified competence in the contact skills and security skills required. Allow only the judicious application of force. Rules of engagement must be clear, practised, and verified as understood by every armed peacekeeper. Ongoing in-theatre training is essential;
• *Medical Aid and Health Assistance*: Maximise local goodwill and entice belligerent sympathies by providing first aid, and other relevant humanitarian assistance, equitably to affected individuals;

• *Take Responsibility for Consequences*: Where harm is caused by peacekeepers, negotiated and appropriate compensation is necessary, as is apology; and

• *Cooperate with Goodwill*: Local stakeholders, peace force agencies and other foreign third parties building peace are deserving of cooperation and goodwill.

9.5 ‘Operation Regeneration’

The research question of this thesis is: can a restorative justice values approach be applied to the design and implementation of peace operations? The research conducted leads to an affirmative answer - contingent upon the facts and nuances of any given conflict that will incur a greater or lesser emphasis on particular values. The following application to a theoretical civil war serves as a heuristic.

Mangovia is situated on the west coast of the continent. Udubia lies to the north, Somer to the east, and Aegeriland is its southern neighbour. Mangovia has relinquished any territorial claims a decade ago following a particularly ferocious eighteen-month war of secession from Aegeriland. Its twelve million people are governed by an especially repressive one-party regime. Now, an aggrieved Aegeri minority, after eight years of armed strife characterised by human rights abuses on both sides, has fought the Mangovian army to a tactical standstill; some renegade Mangovian army elements intermittently remain in control of the forested areas along the Udubian border, forcing Udubian men and boys, and some local Mangovians,
to work in logging operations. The valuable wood, sold to fund proxy dissenting militias among the Aegeri minority, has been marketed in Somer where most Mangovian and Aegerian refugees have fled. Local peace activists have been intimidated by the murder of several of their number and their families, and although some medical, development and educational NGOs have remained in Mangovia throughout the fighting, many have left the country.

The Continental Union and the UN have been conducting diplomatic negotiations and have achieved six unsustained ceasefires and two failed peace accords over the eight-year strife. The Mangovian government and the Aegeri minority leadership have recently agreed in principle to the deployment of an international peace force whose mandate is: to protect civil society peace advocates; to provide security for the disarmament, demobilisation and reintegration of Aegeri militias and most Mangovian government soldiers; to assist in the re-establishment of infrastructure, with an emphasis on schools and hospitals; to educate about, and advocate for, the peace process; to encourage and support reconciliation at local, regional and national levels; to assist the UN Political Office in Mangovia in the conduct of democratic multiparty elections, two years from the arrival of the peace force; to advise, and assist if requested, local authority in the maintenance of order; to monitor the human rights situation; and to protect unarmed civilians, and minorities, from violence.

The peace force, the United Nations Intermediary Mission in Mangovia (UNIMIM), arrived after two weeks of contact skills training including basic language instruction and cultural education. The force included not only security personnel but specialist engineering units and civilian technical officers including educators, political scientists, economists, nutritionists,
agronomists, lawyers, health workers, police trainers, anthropologists and human rights officers. All these peacekeepers, civilian, police and military, had undergone the tailored two weeks training course before arrival in Mangovia.

International elite diplomacy was augmented by track II efforts before, and since deployment of, the peace operation. Six battalion groups of blue helmet infantry soldiers are separately located around Mangovia and engage in patrols of communities where there are heightened levels of fear and insecurity. The main mission of these soldiers is not to dominate the area but to maintain a visible presence, to defuse tension, negotiate weapons surrender and protect unarmed civilians. Each patrol team includes a paramedic or nurse, and a conflict resolution specialist. The rules of engagement permit the use of deadly force to protect vulnerable local people, other members of the mission, and themselves – if circumstances preclude negotiation. Ten to twelve light armoured vehicles and some heavy weaponry are held in reserve in each battalion headquarters location.

The day-to-day activities of the peace force centre on displaying impartial good offices, mixing proactively with local people in ways appropriate to the host culture and seeking out and supporting peace advocates. Breaches of the peace are to be monitored and where possible, negotiated and mediated with the participants so that antagonists realise that the peacekeepers are deployed as a resource to assist in keeping, monitoring and building the peace. All dealings with Mangovians are informed by the constraining values of restorative justice. This means that in encounters at meetings, regardless of venue, where significant armed violence is not underway, and even in some circumstances where the violence is minimal, peacekeepers act as patient and impartial facilitators. Safety is paramount and empowerment of those clearly
less powerful is fostered. Persuasion and negotiation are preferred over dominating interactions and coercing cooperation. With the continued deployment of the peace force, monitoring and upgrading of their knowledge base and contact skills occurs at planned intervals. At patrol or team level, the mix of military and civilian, male and female personnel, their skill sets and combination of national backgrounds, are evaluated and adjusted as the mission and ongoing peace building is consolidated.

Coordination between NGO, UN agency and UNIMIM activities is enhanced by regular briefings by and for all groups concerned – including local Mangovian stakeholder representatives. If an area contains militia and government force units, then all forces are to be equally included. The activities more engaged with building civil society – drawing on the maximizing values of restorative justice – would be effectuated initially from this platform.

Peace conferences are encouraged and supported – and where necessary secured – throughout the peace operation. Where the emergent values of restorative justice appear and reconciliation is undertaken across Mangovian society and between any Udubian, Somerian and Aegerilanders concerned, then this is supported by the peace force. Reconciliation of any issue in the conflict, and of any from the previous war of secession, is to be included. This would have to include the bringing to account, through restorative processes measured against the relevant constraining, maximising and emergent values, of those who had perpetrated serious crime and human rights violations. How this would happen is, for the most part, up to Mangovian society to resolve.
The peace force would only be scaled down incrementally upon the declaration of a free and fair poll in Mangovia, and improvements being witnessed in infrastructure development. In addition, a measurable decrease in the harmful effects of the civil war, including the reintegration of combatants, particularly child soldiers attending school, would need to be in evidence. Regeneration would have to have taken hold and visible signs, such as the beginnings of functioning communities of former belligerents, would be underway.

9.6 Remaining Issues

The training deficit, particularly in interpersonal contact skills, has been mentioned throughout this thesis. Although the specificities of peacekeeper training curricula are outside the remit of this thesis, the issue begs the question of levels of competence. Given that the authority to deploy most peace operations is a UN or a regional alliance responsibility, it might be germane to require internationally agreed standards. This could be done through international certification at the individual and organizational level, similar to a quality standards approach. A licensing regime for peacekeepers and their units is not an unrealistic option. Law Enforcement Accreditation, as one example of a self-regulatory strategy, has meant that some accredited US police departments advertise themselves as ‘an internationally accredited law enforcement agency’ (Braithwaite, 2003b:11). One appeal of accreditation from a restorative justice perspective is that it creates international spaces where restorative values can be allowed into the regulatory conversation around peacekeeping standards; and spaces for conversation, as opposed to instruments of coercion, are the preferred approaches of a politics of regeneration.
Currently the peacekeepers who are deployed on UN missions come from any country prepared to send peacekeepers. For some poorer countries there is very much an economic incentive to this, as the UN pays for the operations. Standards of training and operational effectiveness could instead be the discerning criteria. There are several dozen peacekeeping training centres around the world with a well established professional association (IAPTC, 2006), and it is possible to implement a regulatory or licensing system – perhaps one of professional self-regulation - that monitors and certifies skill levels for national militaries and individuals prior to deployment. Novel, but not impossible.

A peace operatives corps might be an alternative to military peacekeepers inculcated with the culture of violence. Perhaps an innovative, or even ‘hybrid’ organisation is required that is neither military nor police, but is equipped with skills that range from protective and security tasks through negotiation, language, mediation and conflict de-escalation skills. One with a worldview that is not determined by predominantly martial priorities and perspectives. As shown here, the peace force on Bougainville used a workable mix of military, civilian, police, men and women, from different nationalities at the most basic of levels – the small patrol groups. What is suggested in this thesis is an outright rejection of one of the key assumptions - the half-century old axiom that ‘peacekeeping is not a job for soldiers but only soldiers can do it’. As stated earlier, in reality, increasing numbers of civilian police, civilian staff and UN volunteers make up peacekeepers worldwide. Development of this concept would need further research and modelling.

Traditional, military-dominated and elite-oriented methods of peacekeeping can miss the opportunities for peace that do exist in every war-torn society, as they so often have. A peace force imbued with the importance of repairing
harm and facilitating peace through all relevant stakeholders, and with the skills to facilitate restorative processes in a secure environment, can be instrumental in bringing about a regenerative process that could obviate the need for further interventions - building a dynamic peace where internal violent conflict belongs to a fading past, and future conflict is dealt with as restoratively as possible.
Appendix 1

Sample Questions for Peacekeepers and Other Non-local Actors

1. Tell me about your role in the peace operation.
2. What was the strategic purpose of the intervention?
3. To what extent do you think that the causes of the conflict were understood at the time of the intervention?
4. How do you think ‘outside intervention’ was received by the local people with whom you dealt?
5. Describe the ‘situation specific’ training you received. Did it suffice?
6. What were the significant differences, if any, between what you expected the priority concerns to be and what transpired?
7. How were issues of disorder dealt with during your contribution?
8. How effective and how adequate were these responses?
9. Tell me about some of your interactions with local people.
10. To what extent were local community resources and processes part of the overall strategy?
11. How did you rate the success of the intervention during your involvement?
12. What, if anything, do you think could have been done differently to achieve a more durable stability?
Appendix 2

Sample Questions for Somali and Bougainvillean People

1. What were some of your experiences during the civil war, and the peace operation?
2. Tell me about your interactions with the peacekeepers.
3. How did you feel about the intervention of foreign soldiers?
4. Do you think that foreign intervention was necessary? If ‘yes’ – tell me why, if no - tell me ‘why not’.
5. To what extent do you think that the causes of the conflict were understood by the peacekeepers?
6. How do you think ‘outside intervention’ was received by the other local people?
7. Tell me about the way the peacekeepers behaved towards local people?
8. What were the significant differences, if any, between what you expected and what happened?
9. How effectively were rule of law and other local disputes handled by the peacekeepers?
10. To what extent were local community resources and processes included in the overall strategy of the peacekeepers?
11. What could have been done better?
12. What is life like now in your country?
References


Bougainville Provincial Administration, (2001), *Village courts training project Siwai, Wakanai and Buin districts: a final report*, NZODA funded, Bougainville, PNG.


Crow, G., (1997), Comparative Sociology and Social Theory: Beyond the Three Worlds, New York, NY, St Martin’s Press.


Dorn, W., (1998), Regional Peacekeeping is Not the Way, Peacekeeping & International Relations, Vol. 27, No. 4-5, July to October, Double Issue, 1998.


Elliott, L. and Cheeseman, G., (2002), Cosmopolitan theory, militaries and the deployment of force, Working Paper 2002/8, Department of International Relations, Research School of Pacific and Asian Studies, Canberra, ACT, the Australian National University.


Green, R. and Healy, K., (2003), Tough on Kids: Rethinking Approaches to Youth Justice, Saskatoon, Canada, Purich Publishing.


Griffin, J., (1990), ‘Bougainville is a special case’, in R. May and M. Spriggs, (eds), The Bougainville Crisis, Bathurst, NSW, Crawford House Press.


Harris, G., (1999c), ‘Recovery from Armed Conflict: The Main Tasks’, in G. Harris, N. Ahai and R. Spence, (eds), Building Peace in Bougainville,

Harris, G., Ahai, N. and Spence, R., (eds), (1999), Building Peace in Bougainville, Armidale, NSW, Centre for Peace Studies, University of New England and the National Research Institute, Papua New Guinea.


Herman, J., (2001), *Trauma and Recovery: From Domestic Abuse to Political Terror*, London, UK, Pandora.


Holy, L., (ed), (1979), Segmentary Lineage Systems Reconsidered, Belfast, UK, The Queen’s University of Belfast.


Knight, M. and Özerdem, A., (2004), Guns, Camps and Cash: Disarmament, Demobilization and Reinsertion of Former Combatants in


Liria, Y., (1993), Bougainville Campaign Diary, Eltham North, VIC, Indra Publishing.


Ministry of Justice of Thailand, (2005), *Successful Stories of Family and Community Group Conferencing (FCGC) in Thailand*, Bangkok, Department of Juvenile Observation and Protection.


(ed), *New Directions in Military Sociology*, Whitby, ON, de Sitter Publications.


Patrick, S., (2000), The Check is in the Mail: Improving the Delivery and Coordination of Postconflict Assistance, Global Governance, Vol. 6, No. 1, Jan-Mar, pp.61-94.


Pepinsky, H. and Quinney, R., (eds), (1991), Criminology as Peacemaking, Bloomington IN, Indiana University Press.


Ratner, S., (1995a), The new UN peacekeeping: Building peace in lands of conflict after the Cold War, New York, NY, St Martin’s.


Sahnoun, M., (1994), Somalia, the Missed Opportunities, Washington DC, United States Institute of Peace.


Ury, W., (1999), Getting to Peace: Transforming Conflict at Home, at Work, and in the World, New York, NY, Viking.


