Exploring the links between experiences of injustice and violent conflict

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SPEEDREAD

MAIN MESSAGE
Experiences of injustice increase the risk of driving violent behaviours. Therefore, focused on understanding and addressing people's experiences of injustice, as opposed to merely its dispensation, could have a significant bearing on peace and conflict. Furthermore, thinking of injustice as a multi-stakeholder problem to be solved opens up a vast array of policy and programming options to tailor work on peace and justice issues to each context.

AUDIENCE
Professionals engaged in research, policy and programming in the areas of criminal and social justice, rule of law, governance, economics, human rights, and conflict.

RECOMMENDATIONS
- Thinking about justice as a stand-alone work area rather than inter-connected with other fields (security, rule of law, economics, business, gender, governance, the environment, education, etc.) is unlikely to resolve the complexity of people's day-to-day justice problems.
- More collaboration by diverse actors in the spaces where their fields collide and connect would offer a much richer selection of ways and means to work on peace and justice problems. A selection of these coalitions is provided in section two.
- Providing justice is not the preserve of justice providers. Actors from all fields should avoid policies that contribute to people's experiences of injustice, whether in the form of climate change, unfair trade practices, arms sales, or power imbalances in global governance arrangements. Coherence is crucial.
- Goal 16 provides impetus for peace and justice work, but there is little agreement on 'what works.' So a commitment to experimentation, better coordination and more knowledge sharing ought to be a matter of priority.
- Asking three questions could advance this way of working on justice:
1 What is the justice problem and how is it governed?
2 How is it connected to violence?
3 What changes are needed, and what coalition of actors and fields could offer the most transformative response?

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About the Platform
The Knowledge Platform Security & Rule of Law brings together a network of relevant communities of practice comprising experts, policymakers, practitioners, researchers, and the business sector on the topic of security and rule of law in fragile and conflict-affected contexts. It provides for a meeting space - offline as well as online - and intellectual stimulus grounded in practice for its network to share experiences, exchange lessons learned and discuss novel insights. This way, it strives to contribute to the evidence base of current policies, and the effectiveness of collaboration and programming while simultaneously facilitating the generation of new knowledge. The Secretariat of the Platform is run jointly by the Hague Institute for Global Justice and the Conflict Research Unit of Clingendael Institute.

Introduction

Saferworld's ongoing research has added to the evidence that unresolved experiences of injustice, both real and perceived, are drivers of disaffection and violence. For example, the perceived unfairness and intractability of mass unemployment, stagnant and exploitative economies and pervasive corruption erodes trust in the future and means more people, young people especially, are rejecting the state and are susceptible to alternative narratives, some of which can be confrontational.[1]

There are numerous historical precedents. From the inordinate inequality during the reign of Louis XVI that contributed to the French Revolution, to German foreign policy following the perceived unfairness of the Treaty of Versailles; from America's response to 9/11 and the subsequent cycles of violence; and from Occupy or the Arab Spring and Black Lives Matter, history tells us that human imagination can spontaneously transform *experiences of injustice* into forceful action.[2] This is not to say injustice is the only driver of conflict, and nor does it claim that experiencing injustice legitimises violence in any way. However it does suggest that people are more likely to take steps to change a situation, perhaps through force, if they perceive their day to day experiences to be unfair.

Recognising this raises a flurry of questions that demand more attention. Why is injustice such a powerful motivator of violent behaviours? How does it manifest and how can we prevent it? How could we maximise the potential that the rule of law has to offer? Can fairer environmental, social, and economic policies help address injustices and contribute to peace and development? How can our physical environments promote or reduce violent behaviours? And how do gender roles reinforce or mitigate injustices that contribute to violence? These questions were designed to draw justice work and thinking out of the confines of the rule of law. Whilst rule of law is of central importance, privileging it risks omitting other actors and ways of working on pervasive justice challenges. Instead, if we consider justice as something that is primarily experienced, not dispensed, what is the conflict prevention potential in understanding and addressing those experiences from a wider range of different angles?[3] [4]

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[1] Bennett, W. Saferworld 2015,
http://www.saferworld.org.uk/resources/view-resource/1050-ldquoeverything-can-be-tolerated-ndash-except-injusticerdquo

[2] Robert Shiller, NYT, May 2016, Listen Carefully for Hints of the Next Global Recession

[3] Mercy Corps, 2015, Youth consequences report

[4] Bennett, W. Saferworld 2015, Making peace and justice a common cause,
http://www.saferworld.org.uk/news-and-views/comment/162-making-peace-and-justice-a-common-cause-justice-as-prevention

To begin discussions around how to grapple with the full breadth of injustices that people experience, and involve a much wider array of actors in our responses, Saferworld and the Knowledge Platform launched an expert peace and security blog series. To date these have focused on the links between injustice, violence and: the rule of law; architecture; climate change; gender; violent extremism; and the Sustainable Development Goals (SDGs). More will follow, looking at injustice, violence and: youth; peacekeeping; policing; the media; and economic inequality.

To continue these discussions in person, we organised a day long expert roundtable in The Hague with 30 participants spanning the fields of behavioural science, economics, the private sector, human rights, development, security, justice, the media, peace keeping, governance, rule of law, peacebuilding, youth, gender, urban planning, climate change, and more.
The meeting took place during a time of growing global insecurity and injustice. Violent conflict is spreading and intensifying, economic inequality is widening, and the natural ecology on which human life depends is in jeopardy.[5] The world's poorest people bear the brunt. Fatalities from violent conflict have risen threefold since 2008 to a post-Cold War high of 180,000 in 2014.[6] Refugee flows are on the increase, governments are shifting to the right, and the global progress towards democratisation and freedom seen in the 2000s is being reversed.

The preferred responses have often made matters worse, characterised by a series of military interventions, retaliations, and corresponding restrictions of civil liberties that have chipped away at people's human security.[7]

Cognisant of this situation and the resulting injustices, we tried to think about more creative ways to respond – and to do so at a time that seized on the global momentum to work on peace and justice offered by the sustainable development goals. Goal 16, which strives to 'Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels,'[8] offers a particular opportunity to take forward this work. In the process of the discussions we acknowledged some important 'knowns:'

- The importance of thinking and working politically
- The need to be conflict sensitive
- The benefits of working with rather than circumventing human rights
- The necessity of being context specific and flexible
- The challenge of balancing peace and justice priorities
- That rule of law institutions provide the necessary regulatory foundations for justice, but that justice also requires the cooperation and coordination of actors from across society to satisfy people's daily justice needs.

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[5] http://www.un.org/sg/pdf/HIPPO_Report_1_June_2015.pdf

[6] Pettersson, T. & Wallensteen, P., 2015. 'Armed conflicts: 1946-2014'. Journal of Peace Research, 52(4), pp. 536-550.

[7] Ammerdown Group – Rethinking Security, 2016, http://rethinkingsecurity.org.uk/files/Rethinking_Security_full_report.pdf

[8] https://sustainabledevelopment.un.org/sdg16

With these 'knowns' in mind we hoped to move beyond much of the traditional security and justice discourse and have a frank exchange – avoiding the euphemisms that shroud the real unfairness, violence and systemic exploitation inherent in injustice, and moving into the realm of what's necessary and possible.

Including more actors in our responses to injustice: "whoever can, should"[9]

If peace is to hold, or if conflicts are to be avoided in the first place, as much as we need to continue to construct justice institutions that focus on quality service delivery, we also need to engage on the much more significant agenda of building just and fair societies. This is because justice is not something that is merely *dispensed* through the criminal justice system, but *experienced* either positively or negatively through the quality of relationships, transactions and behaviours between different sections of a society – each of which have a significant bearing on conflict dynamics.

How to do that is not easily answered. There is no global agent of justice and the story of justice, of laws, equality, norms, liberty, and opportunity is not singularly understood. It is, as we know, a source of conflict in itself.

However, if we treat injustice as a multi-stakeholder problem to be solved, we can increase our understanding of how it is caused, experienced, and relates to conflict dynamics in every context. This might then offer ways to work on peace and justice issues that connect global norms with people's actual needs and capacities in a locally appropriate and sensitive manner. Thinking like this, and identifying how different agencies and specialisations may be able to address problems would make justice much more of a central, forward looking, preventative endeavour as opposed to a retroactive, punitive one.

To test this theory, this policy brief identifies the role that seventeen different fields might play in addressing three prevailing justice problems.[10] These problems are: Disempowerment; Unfair resource allocation and political economies; and Inaccessible, exclusive and unresponsive institutions.

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[9] Michael Walzer, p.5, Global and Local Justice, STRAUS INSTITUTE WORKING PAPER, 2008, http://www.law.nyu.edu/sites/default/files/siwp/WP8Walzer.pdf

[10] Behavioural science, economics, the private sector, human rights, development, security, social justice, the media, peace keeping, governance, rule of law, peacebuilding, youth, gender, education, architecture/urban planning, and climate change

DISEMPOWERMENT

- Media representatives could be engaged to challenge power imbalances, correct false narratives, educate people on their rights, and amplify marginalised voices.
- Governments and donors could leverage political capital to encourage better governance and policy at the national level, and follow up with states to ensure progress. They could also provide strategic funding to address disempowerment at multiple levels.
- Youth experts could offer employment schemes in partnership with the private sector, as well as psychosocial support to particularly vulnerable youth.
- NGOs could be supported to create the political space for people to talk through challenges and find mutually beneficial solutions. They could also be used to provide iterative analysis of situations to direct other work areas.
- Town planners and architects could advise on the geography and accessibility of public spaces, ensuring they were inclusive and conducive to peaceful interactions. Architects could also be consulted in contested spaces to facilitate participatory design exercises so that our growing built up environments will reflect our needs, avoid being overly securitised, and help prevent future conflicts.
- The peace building and peacekeeping fields could be used to advise on the conflict sensitivities involved in the highly political empowerment work.
- Behavioural economists could be engaged to understand some of the behaviours contributing to disempowerment, and plan how to encourage the types of changes required across different sections of society for there to be more equal levels of empowerment.
- Educational experts could be tasked with encouraging more inclusive schooling and curricula that teach human rights, civic duties, and balanced histories.
- Ongoing rule of law improvements along the entire criminal justice chain remain imperative to ensure people are able to seek redress for unlawful disempowerment. The question guiding reform should be *what is the justice problem and what functions (as opposed to forms) are needed*, thus avoiding the pitfalls of isomorphic mimicry.[11]

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[11] Andrews, Pritchett & Woolcock, Escaping Capability Traps through Problem-Driven Iterative Adaptation (PDIA) - Working Paper 299, The Center for Global Development, 2012, http://www.cgdev.org/publication/escaping-capability-traps-through-problem-driven-iterative-adaptation-pdia-working-paper

UNFAIR RESOURCE ALLOCATION AND POLITICAL ECONOMIES

- The peace and conflict field could offer quality conflict and power analyses to direct multi-stakeholder interventions.
- Governments and donors could work bilaterally to insist on more equal, ecological, and fair resource use and allocation.
- Human rights programmes at the local level by NGOs could help create public pressure for better conduct, transparency and accountability. This could be supported and amplified by ongoing media messaging.
- Support by UN agencies, NGOs and legal reform experts could provide technical programmes explicitly aimed at increasing the transparency, efficacy and quality of rule of law instruments, processes and outcomes. This will help build people's trust that the rule of law will challenge rather than facilitate unfair practice - as is, sadly, often the case.
- Education and livelihoods programmes in marginalised areas are likely to be needed to support communities that have been affected by structural inequalities.
- Finally, donors and governments could be encouraged to take an honest look at their (our) own practices – how reflective are we? How willing are we to accept and change the extent to which we contribute to experiences of injustice elsewhere, whether in the form of climate change, unfair trade practices, arms sales, and power imbalances in global governance arrangements?

INACCESSIBLE, EXCLUXIVE AND UNRESPONSIVE INSTITUTIONS

- Governments and donors could use political levers to exert pressure on governments to reform their institutions, and their convening power and technical knowledge to offer ongoing support. Furthermore, committing to long term support for NGOs working on justice institution reforms would permit far more realistic, sustainable, and politically sensitive programming.
- Peace builders and gender experts could help bring the public into the reform conversations that will shape the way institutional reforms look, and also provide technical advice on the conflict sensitivity, mediation and platform building involved in institutional change processes.
- NGOs could be supported to mobilise civil society to the cause and ensure reforms reflect needs and don't just become a far less transformative process of technocratic tinkering or elite bargaining.
- Media could be engaged to express public concerns, help convey challenges and improvements, and hold officials publically accountable.

What arises from this exercise in collaboration is the suggestion that we may need to see justice as far more complex, contingent and contextual than we habitually do.[12] Injustice permeates the everyday lives of individual people,[13] and it's that individual unit of engagement where we would do well to pay more attention – people understand, perceive, receive, experience and accomplish it subjectively, and as such their justice needs differ too.

Therefore forming coalitions able to address the root causes of injustices from multiple angles (working on Walzer's principle of 'whoever can, should'[14]), might be a useful way to approach the complexity.

This approach opens up space for innovative approaches, and the potential to harness the right blend of different actors from different sectors. Tackling injustice from so many different angles requires the courage to innovate. But it may well be important to question our default tendency to privilege addressing "crimes" and instead focus on prevention, addressing the genuine and interlinked justice problems driving violent conflict.

Asking three questions could advance this way of working on justice:
1   What is the justice problem and how is it governed?[15]
2   How is it connected to violence?
3   What changes are needed, and what coalition of actors and fields could offer the most transformative response?

To answer these questions we need a different taxonomy of what the most serious justice challenges really are. But seeing as there is little agreement on 'what works,' and that all justice work is highly contextual and complex, a commitment to more experimentation, coordination and knowledge sharing between multiple actors and fields would appear a sensible step.

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[12] Michelle Parlevliet, Saferworld & The Platform, 2016

[13] Merry 1990; Greenhouse, Yngvesson, & Engel 1994; Ewick & Silbey 1998; Sarat & Kearns 2009

[14] Michael Walzer, p.5, Global and Local Justice, STRAUS INSTITUTE WORKING PAPER, 2008, http://www.law.nyu.edu/sites/default/files/siwp/WP8Walzer.pdf

[15] Deborah Isser, Beyond Deficit and Dysfunction, 2014

Conclusion

To advance justice we need to define it more broadly, understand it in context, and abandon our tendency to work in policy silos.[16] In place of this, more collaboration by diverse actors in the spaces where their fields collide and connect would offer a much richer selection of ways and means to work on peace and justice problems.

As a field we need to ask how change happens more often. Justice programmes tend to assume that change can be achieved through technical processes – forgetting the vital importance of social and political processes in determining how people and institutions behave.[17] [18] Overtly technical approaches are likely to be insufficient to address the real day-to-day drivers of injustice and conflict.[19]

At the same time, defining justice too broadly poses challenges as well, particularly around management and workability. But in some ways there are parallels with the security arguments in the 1990s that started in confusion and ended with the concept of human security - a conversation that explicitly redefined what it meant to be secure.[20] It may be prudent to take justice down a similar route. As Goal 16 is implemented there is a policy debate to be had about what constitutes 'justice' work aside from rule of law and other criminal justice programmes.

Justice ties together so many more work areas than is currently acknowledged, and yet donors and implementers typically consider addressing problems from multiple angles too unworkable or demanding. This must be overcome. Funding and organisational constraints must not stand in the way of efforts to find effective answers to the big questions on such a fundamental aspect of human well-being. A sweet-spot between being too narrow/technical and too all-encompassing and unwieldy can surely be found.

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[16] Independent Commission for Aid Impact review on Security & Justice, 2015, http://icai.independent.gov.uk/wp-content/uploads/ICAI-Report-UK-Development-Assistance-for-Security-and-Justice..pdf

[17] Carothers, 'The Problem of Knowledge', 2015,

[18] Cohen, Taylor, Fandl and Kessaris, 2011, Truth and Consequences in Rule of Law: Inferences, Attribution and Evaluation

[19] Hickey et. al. 'Exploring the Politics of Inclusive Development: Towards a New Consensual Approach', 2014

[20] UNDP Human Development Report 1994

This will certainly require the bravery to remove barriers to justice, including climate change, unfair trade practices, arms sales, or power imbalances that manifest in people's experiences of injustice. If justice is a metaphor for 'the whole vast mystery of how we are going to live together fairly and peacefully,'[21] then we need to find bigger, better answers – starting today.

[21] Thomas Frank, 2016, Salon, in discussion about his forthcoming book, Listen, Liberal: Or, What Ever Happened to the Party of the People

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